

July 12, 1971
Minute Book 55 - Page 417

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, July 12, 1971, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend E. E. Newberry, Minister of Brandon United Presbyterian Church.

MINUTES APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the Minutes of the last meeting, on June 28, 1971, as submitted.

AMA CERTIFICATES AWARDED TO CITY EMPLOYEES IN RECOGNITION OF SUCCESSFUL COMPLETION OF SUPERVISORY MANAGEMENT COURSE UNIT I - MANAGEMENT PRINCIPLES.

Mayor Belk and Council recognized the following city employees and presented each with the AMA Certificate in recognition of successful completion of supervisory Management Course Unit I - Management Principles:

L. W. Brown	John R. Broome
W. L. Cuthbertson	Robert Caldwell
James F. Farrell	Odis Cole
Billy W. Greene	Clarence Davidson, Jr.
J. R. Hall	Ed Dill
Gerald Helms	John C. Gardner
D. W. Long	Carlton Hamrick
Ed Sizer	George Jarrett
G. C. Thompson	Fred J. Rogers
B. S. Treadaway	Roy W. Simpson
Steve Watts	J. Sam Smith
Clyde Blanton	H. S. Thompson
	H. W. Kerr

Later in the meeting, District Fire Chief L. W. (Buck) Brown stated he holds in his hand something that he is very proud of; that he only wishes he could have gotten it 30 years ago as it would have been helpful. He stated he appreciates having the opportunity to attend a course such as this.

Chief Brown stated during the period he has gone through in losing his wife in an accident, he knows he works with some of the finest people in the world. The citizens of Charlotte should be proud of the employees of the City of Charlotte. He stated tomorrow he will have completed 34 years in the Fire Department. Knowing the City of Charlotte as he has known it and knowing its people, he is proud to have been a part of it.

Mayor Belk replied he and Council appreciate very much the comments Chief Brown has made. He stated Charlotte is the only city that has taken the American Management Course. That he and Council appreciate the fine service that people such as Chief Brown have rendered to the City.

July 12, 1971
 Minute Book 55 - Page 418

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATION OF LEONARD E. CRUMP FOR THE ISSUANCE OF ONE CERTIFICATE FORMERLY HELD BY CLAUD BROWN BOSTIAN, NOW DECEASED.

The public hearing was held on petition of Leonard E. Crump for the issuance of one taxicab certificate formerly held by Claud Brown Bostian, now deceased. Council was advised that the request has been investigated by the Taxicab Inspector who recommends the issuance of the certificate.

Mr. Henry Strickland, Attorney for the petitioner, stated the certificate was formerly owned by Brown Bostian who is deceased, and Mr. Crump is asking that this certificate be transferred to him to be operated under the name of Victory Cab.

No opposition was expressed to the request.

Councilman Jordan moved adoption of the resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Leonard E. Crump for the issuance of one certificate formerly held by Claud Brown Bostian, now deceased. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 391.

OPPOSITION EXPRESSED TO THE SELLING OF REVOLUTION PARK.

Mr. Alan Wells stated he was rather disturbed when he picked up the paper and read there was a possibility that the City might sell or would even consider selling Revolution Park and the swimming pool and the golf course due to the fact that it sometimes loses money. He stated he is sure that all city parks lose money. That he lives within one block of a little park which he is sure produces no revenue and could be sold for a substantial sum of money. Recently an act was passed so that cities and states could sell recreational facilities if they did not produce revenue.

Mr. Wells stated he would like to go on record and ask that this Council do some studying of Councilman Withrow's suggestion that they sell this park or any park. Tennis Courts, swimming pools and recreational facilities will never produce revenue to the point which they will make money for the city. The same is true of a lot of other departments - the garbage department does not produce revenue. That he would like to see that some study is made that would see that our recreational facilities can be expanded, rather than decreased. We stand some 10th or 11th in the State as far as parks. In area, Revolution is one of the larger parks in the City of Charlotte.

He stated if the City wants to produce some money, there is quite a substantial amount of land in Charlotte which the City owns and is in the 700 block of Providence Road. It has laid dormant for some 30 years that he knows of. If the City wants to produce revenue, this is prime business property and it is zoned as such.

BLACK SOLIDARITY COMMITTEE REQUESTS THE CITY COUNCIL TO INTERCEDE TO ASSURE THAT IN THE IMMEDIATE FUTURE BLACKS WILL HOLD RESPONSIBLE POSITIONS THROUGHOUT THE POLICE DEPARTMENT AND THROUGHOUT ALL AREAS OF THE CITY EMPLOYMENT.

Reverend E. E. Newberry, Minister of Brandon United Presbyterian Church in the Greenville Community, stated he would like to read a statement from the Black Solidarity Committee regarding the minority police upgrading.

"Of the over 225 job classifications for employment with the City of Charlotte, black citizens are represented in only 53 of these categories. And even in the limited categories where the city does employ black citizens, 61 percent of these black employees hold the lowest, most elementary, least-paying jobs. In a

July 12, 1971
Minute Book 55 - Page 419

day when the citizens of this community will be asked to approve an expenditure of over \$18.0 million for public education; in a day when more black citizens are finishing high school and colleges than ever before, it is inconceivable and intolerable that Charlotte would be so wasteful of its human talents and resources and persist in perpetuating grossly unfair, unjust and discriminatory hiring and promotion practices.

One has but to look at one department of city government to illustrate how blatantly discriminatory and undemocratic are the personnel practices of this city. The Police Department: No. 1. Out of a force of over 500 men, only 21 are black. No. 2. Other than as patrolmen, a safety patrol officer, a community relations officer, one criminal investigating officer, one youth bureau officer, no blacks are in any other job classification in the police department, although our estimate is there are over 20 other type job classifications. No. 3. There is not one black policeman above the rank of patrolman. Yet there are blacks on the force with 15 or 24 years of experience. Some are college graduates. If education does not qualify one for promotion, surely experience of 18 to 20 years ought to mean something. But apparently in Charlotte, North Carolina, neither is meaning a thing. Yet the white community expects the black community to love Charlotte; respect and uphold its laws and be moral citizens. But what is the white community through its delegated representatives doing to warrant the love and respect of its black citizens. Respect and love is earned by practice, not by due right.

In the Police Department, there are black men who have served this community with dignity, devotion and dedication for ten to 24 years of their lives. But not one has been officially promoted beyond the rank of tender foot; not one is considered mature enough or experienced enough to supervise other men; not one is considered qualified to dispatch police equipment in reference to complaints; to work in internal affairs; to look up a record in police files; to head a vice squad raid or to fly and maintain the recently purchased helicopter. Yet, you and I know that somewhere in the ranks of the black policeman, or somewhere in the black community, there are men who amply qualify for these jobs.

It appears to us, Mr. Mayor, that Charlotte, North Carolina in 1971 is still not ready to accept, or even acknowledge the humaneness and the personhood of black people. While Charlotteans continue to talk about brotherhood and equality they do not mean black folk. And the crucial question, /^{every} black citizen of this community must continually seek an answer to is: 'How can I live and find some reasonable sense of happiness and accomplishment in a town which defines and treats me as a non-person, no matter what my educational background; no matter what my technical skills, or experience; no matter what the dimensions of my devotion and loyalty to my job are, the highest I can rise or be promoted to will always be the white man's floor?'

Mr. Mayor, the response of the Chief of Police to the recent indictment by Mr. Robert Brown of promotion practices and hiring practices of the Charlotte Police Department is not a satisfactory one to the Black Solidarity Committee. In fact, no words will suffice. Action will. We therefore urge intercession by this Body to assure that in the immediate future, blacks will hold responsible positions through the police department and throughout all areas of the city employment to the accomplishment of this goal. You can be assured that the Black Solidarity Committee will be thoroughly and completely committed."

PETITION BY RESIDENTS OF MARVIN ROAD REQUESTING REPLACEMENT OF STREET LIGHT.

Councilman Alexander stated he has just received a petition signed by residents of Marvin Road requesting that a street light on Marvin Road be replaced. He requested the City Manager to have the Traffic Engineering Department look into the request and have the street light replaced.

PETITION NO. 71-46 BY W. K. GLADDEN FOR CHANGE IN ZONING OF LAND ON WEST SIDE OF RACINE AVENUE, NORTH OF PICKWAY DRIVE, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning

July 12, 1971

Minute Book 55 - Page 420

from R-12 to I-2 be denied as recommended by the Planning Commission, and on which a protest petition sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and Council in order to rezone the property has been filed. The motion was seconded by Councilman Calhoun, and carried by the following vote:

YEAS: Mayor Belk, Councilmen Whittington, Calhoun, Alexander, Jordan, McDuffie, Short and Withrow.

NAYS: None.

ORDINANCE NO. 164-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 ARROWOOD ROAD, WEST OF IRWIN CREEK.

Motion was made by Councilman Short, and seconded by Councilman Alexander to adopt the subject ordinance changing the zoning of property from R-9MF to R-12 as recommended by the Planning Commission, and on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and Council in order to rezone the property.

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

YEAS: Mayor Belk, Councilmen Short, Alexander, Calhoun, Jordan, McDuffie and Withrow.

NAYS: Councilman Whittington.

Councilman Whittington stated when this was voted on before, many of the Councilmen who voted to change this today, voted to make it R-9MF.

Councilman McDuffie stated he has reservations about this kind of rezoning. Where people rezone their neighbors and in effect the city is rezoning. This question came up before he came on Council and now it is being put back. That he has some reservations although he will concur and allow the other Councilmen to put it back where it was. He stated this should not be any indication of a pattern of his feelings because in the future, he will look very strongly at these things; the value of the land changes drastically with the change in zoning and there should be some legal questions as to whether this thing can legally be done, and how much effect it has on the taxpayer paying at a higher tax rate because it was zoned what they asked for and we have rezoned property in the neighborhood since then. There are a lot of things involved.

Councilman Whittington stated the record should show the property owners came before Council two or three months ago and asked for it to be changed to R-9MF and it was changed; then on a question of Mr. Withrow at the following meeting, it was delayed and then it was reheard again. The objectors here today to changing it back to R-12 are the people who own the property and Council originally rezoned it to R-9MF for them. It seems to him that this Council is not consistent.

The ordinance is recorded in full in Ordinance Book 18, at Page 242.

Later in the meeting, Councilman Whittington requested Mr. Bryant, Assistant Planning Director, to start at I-77 and Arrowood Road and tell Council the zoning on Arrowood Road to Highway 49 and Arrowood Road.

Mr. Bryant replied beginning at I-77 and Arrowood Road, near the intersection of I-77 and Arrowood Road, there is industrial zoning on the south side of Arrowood Road from Irwin Creek out to the interchange itself. On the north side and also east of Irwin Creek there is a small area of B-2. From that point at Irwin Creek to York Road it is a pattern of single family zoning. With the area just changed from R-9MF to R-12 it has now reverted to a solid pattern of R-12 zoning. On the other side of the street, there is I-1 zoning beginning 300 feet south of Arrowood Road and continuing into the Arrowood Industrial Park area. At York Road there is a business area on the north side of Arrowood Road; then along York Road itself, north of Arrowood Road, there is a multi-family zoning area.

July 12, 1971
Minute Book 55 - Page 421

ORDINANCE NO. 165-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE INTERSECTION OF ARCHDALE DRIVE AND I-77.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from O-15 to O-6 and B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

Councilman McDuffie stated when the public hearing is held Council usually does not ask questions with the idea that they will view the property and hear everyone's side and in the process is making a determination. There is usually very little discussion and the public does not know one way or the other how Council arrived at its decision. It would appear in some cases that Council should be giving some indication at the hearing or at the decision so that it is not all open and closed. He stated there is no question that the Ervin Company in this kind of zoning will control most of the land and the presentation was outstanding and there is no question of the zoning. But some of the other things that come up, the public just has no way of knowing how Council arrived at its decision. That he would hope in the future Council would have discussions

Councilman Short stated the idea of the public knowing something about the thought process is good. That he would suggest that this be done after the hearing because zoning in actuality is somewhat of a judicial process.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Pages 255-256.

ORDINANCE NO. 166-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 220 WEST 10TH STREET.

Upon motion of Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, the subject ordinance was adopted changing the zoning of one lot from R-1.0MF to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 244.

Councilman McDuffie stated a report was requested from the Planning Commission on rezoning the whole neighborhood. Mayor Belk replied he asked for the report as he feels there will be a lot more of this type of rezoning. One thing on zoning that gets him is not planning for a whole block or an intersection with all the new interstates coming in now. All the intersections will change the whole neighborhood.

Mr. Bryant, Assistant Planning Director, stated the Planning Commission has noted this request and is in the process of making the larger study of the neighborhood. In addition, Councilman Whittington asked for a report on the number of dwellings still in the area. In the area which they studied, which is the area bounded by Graham Street, 11th Street, Church and Sixth Streets, there are still 69 residential structures. That they have not yet broken that down into the number of dwelling units, but a number of them are multi-family or apartment buildings.

ORDINANCE NO. 167-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF TWO PARCELS OF LAND ON THE NORTH SIDE OF ARROWOOD ROAD, EAST OF KINGS BRANCH.

Councilman Whittington moved that the subject ordinance be adopted changing the zoning from R-9 to R-12MF. The motion was seconded by Councilman Jordan.

Councilman Whittington stated there is R-20MF zoning near this land which is the highest multi-family classification down there, and in his opinion, that is too high.

July 12, 1971
Minute Book 55 - Page 422

Councilman Withrow stated he cannot vote on this petition and he will abstain from the vote.

Councilman McDuffie asked the density of R-12MF, and Mr. Bryant, Assistant Planning Director, replied it is about 12 1/2 units per acre.

Mayor Belk asked the City Attorney if it meets with the ordinance to change the zoning to R-12MF rather than the requested R-9MF, and Mr. Underhill, replied it does.

Councilman Whittington stated most of the property in the area is zoned R-6MF and there is one section of R-20MF; this would be a compromise between the R-6MF and R-20MF; his thought is to do what Council can to protect the people who now have property zoned R-20MF. He stated it should be zoned R-12MF or higher.

Councilman Calhoun asked if the R-15MF zoning would be acceptable. Councilman Short stated this would give about 11 units per acre. Councilman Whittington stated he would accept that.

Councilman Whittington amended his motion to change the zoning from R-9 to R-15MF which amendment was accepted by Councilman Jordan who seconded the motion.

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

YEAS: Councilmen Whittington, Jordan, Alexander, Calhoun, McDuffie and Short.
NAYS: None.

Councilman Withrow abstained from voting.

The ordinance is recorded in full in Ordinance Book 18, at Page 245.

Councilman Short stated this particular area is in a confused pattern right here; within a block or so there must be at least six zones just pushed in together. It would be good if Mr. Bryant could sort it out and try to straighten it out in keeping with the Mayor's comment about doing these things comprehensively.

PETITION NO. 71-49 BY L. J. BUMGARNER FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE NORTH SIDE OF TYVOLA ROAD, EAST OF THE CENTERLINE OF SOUTH BOULEVARD, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, the subject petition for a change in zoning from R-9 to O-6, was denied as recommended by the Planning Commission.

ORDINANCE NO. 168-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND ON THE SOUTHWEST SIDE OF EAST STONEWALL STREET, BETWEEN BREVARD STREET AND SOUTHERN RAILROAD.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance changing the zoning from I-1 to B-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 246.

ORDINANCE NO. 169-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND EXTENDING FROM MOUNT HOLLY ROAD TO OLD MOUNT HOLLY ROAD IN FRONT OF MCCLURE LUMBER COMPANY.

Councilman Withrow moved adoption of the subject ordinance changing the zoning from I-1 to I-2 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 247.

July 12, 1971
Minute Book 55 - Page 423

RESOLUTIONS AUTHORIZING REFUND OF TAXES COLLECTED THROUGH ILLEGAL LEVY.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting the following resolutions authorizing refund of taxes collected through illegal levy:

- (a) Resolution authorizing the refund of \$86.71 collected against three tax accounts.
- (b) Resolution authorizing the refund of \$345.00 collected against Dudley Garland & Jenson, Inc. as the business was discontinued on November 24, 1969.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 392.

RESOLUTION ACCEPTING RESPONSIBILITY FOR OPERATING THE MODEL CITIES NEIGHBORHOOD IMPROVEMENT COORDINATION PROJECT WITHIN THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT.

Council was advised the subject project will establish a Neighborhood Improvement Coordinator position within the Public Works Department for the purpose of expediting the various neighborhood improvement projects within the Model Cities area; that the \$17,032 required to finance this activity will be provided from re-programmed federal Model Cities Funds.

Mr. Burkhalter, City Manager, advised this is 100% federally funded and the position will be terminated if the federal funds are discontinued.

Councilman Alexander asked if the \$17,032 is the salary proposed for the control officer? Mr. Carstarphen, Assistant City Manager, replied no, this includes supplies, transportation, and a small amount of office space. The position appears in the city's pay plan. Mr. Hopson, Public Works Director, stated this falls in about the \$11 to \$12,000 range; it is equivalent to a Civil Engineer II position.

Councilman Whittington stated the report says the Project Control Officer will have the responsibility of helping in the selection of architects and engineers for the projects. He asked if the architect has not already been selected for the Belmont-Villa Heights facility? Mr. Hopson replied yes; but this is talking about any future selections. Councilman Whittington asked if it is not unusual for an individual to be selecting architects; that he thought that was the responsibility of City Council? Mr. Hopson replied it would have to come back to Council for approval; this is merely to help them in getting the right people to do the work so they can recommend them to Council for approval or disapproval. Councilman Whittington stated he does not want this man to recommend an architect to the Council nor an engineer, he wants the Council to select the architect. Mr. Hopson replied Council has the ultimate selection on this.

Councilman Whittington stated as far as he is concerned, he does not want the Public Works Department recommending an architect to City Council. The Model Cities has already engaged the services of McDowell & Brackett to design the facilities in Belmont-Villa Heights. Mr. Hopson stated normally the administration tries to pick the people that will be best in that field and the Council makes the decision as to whether they want those people or not.

Councilman Alexander asked where we will stand against the philosophy of citizens in the Model Neighborhood area passing upon an architect for a particular center in that area? Mr. Carstarphen replied the responsibility for administering the Model Cities program rests with the City of Charlotte, ultimately the Charlotte City Council. Decision on selecting an architect in an instance like this rests with Council as well. Part of the Model Cities progress is to determine from the people what type of facility they think they

July 12, 1971
Minute Book 55 - Page 424

need, and obviously if the architect who is chosen is one who is aware of this and appreciates this and works with the neighborhood these are the things taken into consideration in recommending approval of an architect for Council's selection. The final decision to employ or not to employ an architect, and the final decision to contract or not contract the services, facilities or anything else rests with the Charlotte City Council.

Councilman Whittington stated Council has been through all of this. We went to all their meetings in the churches on Parkwood Avenue, and they have been here with their plans. That has all been done; he agrees with what Mr. Carstarphen is saying. He stated he just wants to get the point over that it rests with the City Council.

Mr. Carstarphen stated the only two architects which have been let for neighborhood centers are both with the firm of McDowell Bracket and Associates. One is the Greenville Neighborhood Center and one is the regional or First Ward facility. There are two other centers yet to be located and designed for which architects will be required; there are also a series of parks yet to be designed for which some architectural services will be required.

Councilman Alexander stated he has reached the stage where he would like to see consideration given to an architect who comes up with the best design, rather than someone's idea about wanting a particular man.

Councilman Alexander moved adoption of the resolution accepting responsibility for operating the Model Cities Neighborhood Improvement Coordination Project within the Engineering Division of the Public Works Department. The motion was seconded by Councilman Whittington.

Councilman McDuffie stated he would not like to leave anyone out in considering an architectural firm. Considering that they do not recommend someone specific but still have talked to three or four for Council to select from, then it does not hang all on who knows who. Mr. Hopson replied he agrees with Mr. McDuffie. That he has recently prepared a list for the City Manager of the various architects and engineers that the City has hired and retained in the last five years; it is a tremendously large list. It is close to 40 people. Because of the schools and everything considered, it is a large list. That we are distributing it and we want the best man for the job.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 394.

CONTRACTS BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND VARIOUS AGENCIES AUTHORIZED.

Councilman Alexander moved approval of the extension of contract with Legal Aid Society of Mecklenburg County in an amount not to exceed \$5,000.00 in order to bring the project to a halt as of July 2, 1971. The motion was seconded by Councilman Short.

Councilman Alexander stated this has nothing to do with what we have been reading in the newspapers. This is winding up an already existing program. Mr. Carstarphen, Assistant City Manager, stated the action recommended for Council is the amendment to an existing contract that was approved by City Council with the Legal Aid Society in May, 1970. That contract had attached to it a budget which was made a part of the contract. The budget was designed for a 12-month project; there was no date of termination mentioned in the contract. As a consequence, the contractor, in this case, the Legal Aid Society, expended monies and carried out activities in good faith past the point in time in which the actual budget had been designed for. He stated the administration is recommending that the contract be amended to allow them to complete the project which they were contracted to do, and to meet the obligations which they incurred in good faith prior to considering any future contracts.

The vote was taken on the motion and carried unanimously.

July 12, 1971
Minute Book 55 - Page 425

Motion was made by Councilman Short authorizing a second action year contract with Mecklenburg County Health Department for the Model Neighborhood Based Health Support Unit, extending the contract from January 1, 1971 through December 31, 1971 which involves expenditure of Model Cities supplementary funds in the amount of \$150,284.00. The motion was seconded by Councilman Whittington, and carried unanimously.

Upon motion of Councilman Short, seconded by Councilman Alexander and unanimously carried, contract was authorized with Home Assurance, Incorporated, in the amount of \$46,215 in Model Cities Supplementary funds, which funds are the required matching local share of an LEAA Grant in the amount of \$138,646.00.

Councilman Short moved approval of a contract with Computer Generation, Incorporated in an amount not to exceed \$9,212 to convert the 2,148 interviews of the recent Model Neighborhood survey to a statistical form suitable for use in planning and evaluation. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTIONS TO REALIGN NANNIE PRICE ROAD AS REQUESTED BY THE FEDERAL AVIATION ADMINISTRATION TO CLEAR THE OBSTRUCTION OF RUNWAY 5.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting two resolutions to realign Nannie Price Road which now protrudes into the 7 to 1 transition area of Runway 5 at Douglas Municipal Airport, as follows:

- (a) Resolution authorizing use of a parcel of land for public road purposes for the realignment of Nannie Price Road at Douglas Municipal Airport.
- (b) Resolution petitioning the Mecklenburg County Board of Commissioners to request the North Carolina State Highway Commission to abandon a portion of Nannie Price Road and to accept for maintenance a relocated portion of Nannie Price Road.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 395.

RESOLUTION AUTHORIZING THE AIRPORT DEPARTMENT TO TERMINATE THE LEASEHOLD INTEREST OF ATLANTIC SYNTHETIC MACHINERY, INC. IN AIRPORT BUILDING NO. 289.

Councilman Jordan moved adoption of the resolution authorizing the Airport Department to terminate the leasehold interest of Atlantic Synthetic Machinery Inc. in Airport Building No. 289. The motion was seconded by Councilman Withrow and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 398.

CONTRACTS FOR EXTENSION OF SANITARY SEWER MAINS AND TRUNKS, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Calhoun and unanimously carried, contracts for the extension of sanitary sewer mains and trunks, were authorized, as follows:

- (a) Contract with A. G. Boone Company for the extension of 180 lineal feet of 8-inch main in South Clarkson Street, inside the city, at an estimated cost of \$1,882.21. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will not be refunded as per terms of the agreement.

July 12, 1971
Minute Book 55 - Page 427

Councilman Jordan stated the main objection was that Mr. Hoose felt the people trying to get across Independence Boulevard would create a catastrophe unless you could put a tunnel under Independence Boulevard. Mr. Newcombe stated Mr. Hoose was not too much against it at first, but everyone in the Police Traffic Department was really against it.

Councilman McDuffie stated with Independence and Eastway construction to take place shortly that the street beside Ovens and Pease Building should be opened to Commonwealth. If we had parking on that side of Independence it would throw the traffic north that now goes north, and a lot of people park behind the Pease Building which has about 115 spaces. He stated he understands the Authority has been offered that for parking, and we ought to be spending some money to open up the street to eliminate the traffic hazards that are going to be there at the present rate of construction probably for a year or so with no other cross-over from Sharon Amity down to Briar Creek Road. Where is the traffic going to go? If there is a possibility of getting the school board property of 14 acres there; if we do not know the price of the land; we do not know how many people would park on the north side if we had an overhead walkway. There are hundreds of people who go across the street every night for every event that is out there. That he imagines there have been five or six people who have been hit because there is no overhead walkway. If we did not build any parking across the street, there should be an overhead walkway there now.

That in the program for the last two or three years, there was supposed to be some funds to build an overhead walkway somewhere in the vicinity. Councilman Jordan asked if he thinks it is advisable to try to get parking across Independence Boulevard when this property is available right beside the coliseum? Councilman McDuffie stated we have been there for 15 years, and already a number of us park across the street because it is easier to get in and out and you do not have all the traffic flowing out of one direction to go on Independence. If the Commonwealth intersection of that street was open, and he understands the city owns some property on Commonwealth, and somewhere down the line they plan to eventually open the street in front of the TV station. When there is an event that is a sell-out, people park for blocks around there. That he envisions the possibility of a satellite office building on that school board property with a vast parking area that could be used in the daytime for something else, rather than to keep building parking spaces at a \$1,000 a slot.

Councilman Jordan stated he thinks it would be shortsighted, when you have property available right next to the property we have now, not to take advantage of it. Councilman McDuffie stated he is saying there is a broader picture, and 300 slots will not cure the problem if Phillips lot is not available. From the audience Mr. Paul Buck stated it is available for 24 more years.

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

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

Councilman Whittington asked if Mr. Hoose has ever stated he was opposed to a pedestrian walkway across Independence? Mr. Corbett replied not to his knowledge. Mr. Buck stated in 1954 the City Government was opposed to putting a bridge or a tunnel across the road. Councilman McDuffie stated 1954 is a long time ago and safety and construction and traffic has increased and he thinks we should look into the possibility.

Councilman McDuffie asked if the City will have the right to renew the contract with Phillips for 24 years? Mr. Buck stated we have had three contracts with Mr. Phillips; and they are on a 30-year basis; that they are to run from 1962 to 1965 for 30 years.

Councilman McDuffie asked the balance of funds after the \$85,000 is taken out from the Coliseum funds? Mr. Newcombe stated this is treading on dangerous ground with the pending suit; that it is all open record in the annual statement which shows exactly how much they have. Councilman McDuffie asked if it is not possible for one of the management people to answer the question? Councilman Calhoun stated it seems the question is out of order at this time, and he agrees. Councilman McDuffie stated the transfer of \$85,000 from the

July 12, 1971
Minute Book 55 - Page 428

coliseum funds to purchase property is out of order; that the funds by city charter were supposed to have been paid into the bond retirement fund. He asked the City Attorney if this is not true? He stated he has given each Council Member a copy of a letter he received from the Attorney General's office that to him is very clear; that it states in their opinion the coliseum authority is an administrative department of the city and subject to the same fiscal controls as other departments of the city. He stated somewhere down the line Council will be given the opportunity to say that they turned down the chance to put that kind of reasoning into action, and that they declined to do it. He stated he would move that they be required to have a budget and operate under the fiscal control act as the rest of the departments of the city as stated in the letter from the attorney general. The motion did not receive a second.

Councilman Alexander stated we need to get an interpretation from the attorney general as to where this Council stands and where Mr. McDuffie stands on it by virtue of the fact that he filed suit as a citizen against the city, and he is now a part of the action. He stated Council sits in a position where the person who filed suit is now a part of the action by being a member of the City Council. That in some kind of way Council is in a peculiar position, and does not know when to talk and when not to talk.

Mr. Underhill, City Attorney, stated the city charter provides that the net proceeds from the operation of the authority shall be used to pay the interest and retirement on the bonded debt of the City of Charlotte incurred in connection with the auditorium-coliseum, unless approved by City Council for other uses of the authority. He stated he would take Council's action today as authorizing the auditorium-coliseum authority to use these specific funds, the \$85,000, for use other than that. His understanding from the litigation filed that Council has in the past authorized the Auditorium-Coliseum Civic Center Authority (new name) to utilize the proceeds derived from the operation of the auditorium-coliseum to be put back in the facility to continue its operation rather than to apply the same against the bonded indebtedness of the bonds used to construct the auditorium-coliseum. In reference to the \$85,000 which is the purchase price of this property, Council's action today authorized the auditorium-coliseum authority to use those funds for the purchase of the lot, and action is legal in all respect.

Councilman McDuffie referred to the accumulation of funds from year to year not used except to draw interest and asked if the City Attorney's interpretation is that is a use rather than applying it yearly to pay principal interest? Councilman Alexander stated again he is not clear what our position is in light of this suit, and he would like to hear Mr. Underhill answer that question. That he does not know what bearing it would have on this suit. Councilman Jordan stated from what Mr. Underhill has just said, Council's action is legal and he sees no other reason that we should do anything but what we have already done. That he sees no other point in this discussion. Councilman Alexander stated he is sincere when he says at this point that he objects to Mr. Underhill answering any further questions as it pertains to this matter because of the fact that we are in litigation on this same subject; that he does not know what bearing his answer would have on the litigation.

Councilman Short stated to put this kind of extremely unique question to Mr. Underhill at this time, just catching him in a sudden situation, and to put to any lawyer that kind of question where ^{he} is sure this factor has never been duplicated anywhere else, is not fair to him. That he would suggest that Council let him study this matter and write or telephone Mr. McDuffie for the answer he has asked.

Councilman Withrow moved that Council move on to the next item. The motion was seconded by Councilman Whittington, and carried unanimously.

July 12, 1971
Minute Book 55 - Page 429

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the acquisition of property, as follows:

- (a) Acquisition of 8' x 45' of construction easement at 4912 Murrayhill Road, from Hoyle Durwood Hill and wife, Georgia R., at \$100.00, for the Murrayhill Road culvert.
- (b) Acquisition of 10' x 3,171.88' of easement at 5400 Monroe Road, from Providence Memorial Association, Inc., at \$3,520.00, for trunk to serve Monroe Road and Yardley Place.
- (c) Acquisition of 10' x 189.08' of easement at 1118 Northwood Drive, from William Trotter Company, at \$1.00, for sanitary sewer extension to serve Northwood Park II.
- (d) Acquisition of 20' x 145' of easement at 5000 Wilkinson Boulevard from Furr's Inc., at \$145.00, for distribution system 24 inch and 16 inch water mains - Westway Drive to Wilkinson Boulevard.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY ON PARKER DRIVE, FROM OLLIE PARKER FOR SANITARY SEWER TO SERVE SINGLETON ASSOCIATES WAREHOUSE.

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

The resolution is recorded in full in Resolutions Book 7, at Page 399.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject ordinances were adopted as follows:

- (a) Ordinance No. 170-X ordering the removal of weeds and grass adjacent to 1905 Washington Avenue.
- (b) Ordinance No. 171-X ordering the removal of weeds and grass adjacent to 205 Center Street.
- (c) Ordinance No. 172-X ordering the removal of weeds and grass adjacent to 2327 Celia Avenue.
- (d) Ordinance No. 173-X ordering the removal of weeds and grass adjacent to 3020 Florida Avenue.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 248.

ORDINANCES AUTHORIZING THE TRANSFER OF FUNDS.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting two ordinances authorizing the transfer of funds, as follows:

- (a) Ordinance No. 174-X authorizing the transfer of \$1,461,640 from the several unappropriated surplus and reserve accounts in the Airport Fund to pay for the runway strengthening project.
- (b) Ordinance No. 175-X authorizing the transfer of \$4,425,000 from the June 8, 1971 Sale of Bonds to fund approved projects.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 252.

July 12, 1971
Minute Book 55 - Page 430

CHANGE ORDER NO. G-4 IN CONTRACT WITH LAXTON CONSTRUCTION COMPANY, INC. FOR GENERAL CONSTRUCTION OF STORAGE FACILITIES AREA AT THE WATERWORKS SHOP.

Councilman Short moved approval of the subject change order decreasing the contract price by \$239.60. The motion was seconded by Councilman Calhoun, and carried unanimously.

NOMINATIONS TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Whittington placed in nomination the name of Mr. Crutcher Ross to the Charlotte-Mecklenburg Planning Commission. He stated Mr. Ross is the architect that has done so much work in the Sugar Creek Project as well as the Blue Heaven project. That he is an architect and would be taking the place of an architect who asked not to be reappointed, Mr. Walter Toy.

Councilman Short placed in nomination the name of Mr. John G. Newitt, Jr. He stated Mr. Newitt is a life-long resident; he is a lawyer, his father before him was a lawyer and almost a life-long resident; he knows the entire city and would be a valuable man on this board; his office is located in an office building uptown and he lives on Norton Road.

Councilman McDuffie stated it would be good to have a summary of the background of the nominees to the Boards and Commissions. He asked that this be included in the agenda.

CITY MANAGER REQUESTED TO WRITE WALTER TOY A LETTER OF APPRECIATION.

Mayor Belk requested the City Manager to write Mr. Walter Toy a letter of appreciation from the Council thanking him for his services on the Charlotte-Mecklenburg Planning Commission.

SPECIAL OFFICER PERMIT APPROVED TO MARK P. PRYOR.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the renewal of a special officer permit to Mr. Mark P. Pryor for use on the premises of the Park and Recreation Commission for one year.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Miss Sarah L. Thompson and Mrs. Mollie E. Brown for Graves No. 1 and 2, in Lot No. 748, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with H. B. Klouse for Graves No. 3 and No. 4, in Lot No. 705, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mrs. Jane Drummond Steven for Graves No. 3 and No. 4, in Lot No. 743, Section 6, Evergreen Cemetery, at \$160.00.

CLAIM FILED BY M. H. PARKER, 238 SOUTH CROMER STREET, FOR PROPERTY DAMAGES, DENIED.

Councilman Whittington moved that the subject claim in the amount of \$500, be denied, as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

July 12, 1971
Minute Book 55 - Page 431

CONTRACT AWARDED BEN B. PROPST FOR SANITARY SEWER CONSTRUCTION IN MCMULLEN CREEK OUTFALL.

Councilman Jordan moved award of contract to the low bidder, Ben B. Propst, in the amount of \$227,131.50, on a unit price basis, subject to final approval by the State Department of Water and Air Resources and the Environmental Protection Agency, for sanitary sewer construction in McMullen Creek Outfall. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Ben B. Propst	\$227,131.50
Blythe Brothers Company	237,724.65
Rand Construction Co., Inc.	251,017.50
Sanders Brothers, Inc.	270,776.10
Thomas Structure Company	292,801.00
Crowder Construction Company	311,808.38

CONTRACT AWARDED HIGH POINT ELECTRONIC CARD COMPANY FOR DATA PROCESSING CARDS.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, High Point Electronic Card Company, in the amount of \$6,842.40, on a unit price basis, for data processing cards.

The following bids were received:

High Point Electronic Card Co.	\$ 6,842.40
Globe Ticket Co., Inc.	7,636.90
Business Supplies Corp.	7,670.50

CONTRACT AWARDED A. Z. PRICE & ASSOCIATES, INC. FOR AIR CONDITIONING WATER DEPARTMENT'S NEW OFFICES.

Councilman Jordan moved award of contract to the low bidder, A. Z. Price & Associates, Inc., in the amount of \$11,977.00, for air conditioning the Water Department's new offices. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

A. Z. Price & Assoc., Inc.	\$ 11,977.00
Ross & Witmer, Inc.	12,270.00
Air Masters, Inc.	12,347.00
Climate Conditioning of Charlotte, Inc.	12,430.00
P. C. Godfrey, Inc.	12,700.00
Mechanical Contractors, Inc.	14,389.00
Shanklin Air-Conditioning	14,400.00

CONTRACT FOR TWO TRUCKS (MAXI WAGONS) FOR POLICE DEPARTMENT, DEFERRED.

Council was advised that the only bidder for two trucks (maxi wagons) for the Police Department is Dodge Country, Inc., in the amount of \$9,061.52.

Councilman Whittington stated everyone who knows him knows that he does all the work he can for the young people, but he just cannot approve the expenditure of \$9,000 by federal agencies to move children back and forth to play baseball. He stated we have all these cars and all these trucks and buses that can be used, and he just thinks this is a step in the wrong direction. That it is stated that they will be used by the Police Athletic League to carry ball players to and from games.

July 12, 1971
Minute Book 55 - Page 432

Mr. Bobo, Assistant City Manager, stated they can be used for other purposes. That they can be used for transporting recruits to and from the training center, and when they need a number of men in an area they can transport them in these wagons.

Councilman Whittington moved that the contract be denied. The motion was seconded by Councilman Calhoun.

Councilman McDuffie stated rather than denying it, he would like for the Police Department to tell Council how it will be used.

Councilman Jordan made a substitute motion to postpone action for further information from the Police Department. The motion was seconded by Councilman Short, and carried unanimously.

REQUEST THAT AGENDA INDICATE WHETHER OR NOT THE FIRMS RECEIVING CONTRACTS ARE EQUAL EMPLOYMENT OPPORTUNITY OPERATORS.

Councilman Alexander asked that in the future on award of contracts that the agenda show whether or not the firms receiving the contract are equal employment opportunity operators.

MAYOR BELK LEAVES MEETING AND MAYOR PRO TEM ALEXANDER PRESIDES.

Mayor Belk left the meeting during the following discussion and Mayor pro tem Alexander presided for the remainder of the session.

LETTER FROM AUDITORIUM-COLISEUM AUTHORITY RECEIVED AND FILED.

Councilman McDuffie stated Council has received a letter from Mr. Arthur Newcombe, Chairman of the Auditorium-Coliseum Authority, stating if Council is interested in seeing their operations and discussing their budget, then they should come to the Coliseum. He stated he would object to going to the Coliseum and he would hope they could come here.

Councilman Whittington asked if the City Council requested the Auditorium-Coliseum Authority to appear before it for the purpose of discussing their budget? Mr. Burkhalter, City Manager, replied at the end of a previous meeting, Councilman McDuffie brought up the question, and stated he was going to introduce a resolution to ask that this be done. That there was nothing to the contrary from Council so he simply asked them to do this. Councilman Whittington stated he does not think that Council voted to do this. That Mr. McDuffie is suing the City and he is now a member of the City Council so he is a part of the suit. He stated until someone tells him where he stands, or where the Coliseum Authority stands, as it relates to Mr. McDuffie's suit, he does not want the Coliseum Authority coming up here answering questions that Mr. McDuffie makes as it pertains to finances and bookkeeping. He stated he would question whether Mr. McDuffie, as a Councilman, should be suing a government agency of the city government and other members of the City Council. That until all of this is resolved, the Coliseum Authority should be left alone.

Councilman McDuffie stated he just wants the processes of the budget to be implemented; if Council wants to, it can just let it lay until it goes to court. Somewhere down the line, there has to be a case that other cities and other citizens can look at and not have to go through this process. The same thing is true on the public information section of the law suit. There needs to be some clarification so that when the questions are asked, they can be answered. Citizens should not have to bring law suits to get information. It seems clear to him and he thinks the attorney general's office made it real clear that it is public information; that this is an administrative arm of the City of Charlotte and they are supposed to account. For fifteen years back, by lack of anybody's initiative, they have been left without accounting, which has not been good for the city. That he believes the taxpayers will benefit from this suit. That he does not like the hell he goes through to try to get the questions answered.

July 12, 1971
Minute Book 55 - Page 433

Councilman Jordan moved that Council table this letter from the attorney general and also the one from Mr. Newcombe until the litigation is resolved.

Mr. Burkhalter stated an easier thing to do would be to instruct the Clerk to file the letters which have been received. He stated he has been in conversation with these people and he thought it was the instruction of the Council to write them, and he wrote Mr. Newcombe to be assured it was in the record to ask them to express their reaction to this request. He stated he had a conference with Mr. Newcombe and the Authority's attorney, and another member of the Board. Since that time, he has talked to them again and he suggested they write this letter to Council so that Council would understand why they did not appear as their attorney had advised them not to do this.

Councilman Jordan stated these remarks are very helpful, and the Council is not trying to fight the Manager, Mr. McDuffie or the Authority. That Council just wants clarification on how it stands as Mr. McDuffie is a part of this general body. Mr. Burkhalter replied he agrees and he does not think that Council should discuss this matter at all, and the letters should be filed.

Mayor pro tem Alexander stated the City Manager has carried out the responsibility assigned him by action of Council; the only thing before Council is in response to what he has done at Council's instruction.

Councilman Whittington stated the City Manager is suggesting that the motion be amended to note that Council received the letters, which have been filed.

Councilman Jordan amended his motion to read that the letters have been received and filed by Council. The motion was seconded by Councilman Whittington, and carried by the following vote:

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

STATUS REPORT ON PRESENT STANDING OF PUBLIC HOUSING REQUESTED.

Councilman Short asked if we still have the housing halt as report in the press back in the fall and winter when Council stopped action on public housing other than one or two projects which had gotten down the road to the point they could not be stopped according to advice given Council by Mr. Veeder, then City Manager.

He stated now the workable program has been approved and in addition, a part of the housing halt was related to the fact that HUD did not have its budget approved in Congress. He asked if we still have the housing halt; that he has never heard if it was eliminated.

Mayor pro tem Alexander replied at present Council has voted funds for a housing survey. Whether there is to be any more construction of public housing before the survey was completed, he does not know. That he does know Council will not hear anything from the survey for about six months. Whether that means that the public housing authority does not move forward with any more public housing, he does not know.

Councilman Short stated this is a subject that he has inquiries on all along and insufficient knowledge on. That he does not know what the Housing Authority is doing; that he does not know what HUD allows Council to do; that he does not know what Mr. Selden is doing. That he just does not have any answers that he can give anyone. People call him and talk about the Hickory Grove Project; and they call him about the Independence Project and various others.

He requested brief but definite information on just what is being done and is planned, and is on the tract for doing with reference to the various housing projects.

July 12, 1971
Minute Book 55 - Page 434

CONSIDERATION OF APPOINTMENTS TO HOUSING APPEALS BOARD REQUESTED PLACED ON AGENDA IN THE NEAR FUTURE.

Councilman Short stated Council should now get into appointing the Housing Appeals Board. The workable program has been approved, and he thinks Council should show good faith and follow up on this matter by appointing the Housing Appeals Board which is made up of a number of categories of people. He requested the City Manager to put this on an agenda for sometime in the near future.

Mayor pro tem Alexander asked that this be held until Council receives the status report on public housing which Mr. Short has just requested.

DISCUSSION OF SETTING UP FOUNDATION OR TRUST FUND TO RECEIVE CONTRIBUTIONS MADE TO CITY.

Councilman Short stated he has mentioned publicly from time to time how wonderful it would be if we could have some sort of foundation to which persons could make contributions for capital improvements in Charlotte. That a man in Detroit set up a foundation 32 years ago and it is now producing \$10.0 million a year to be applied onto their city budget and some city budgets in towns nearby. That he does not know how much was put into this originally, but after 32 years it is a bonanza for them. He stated he wants to continue to push this matter.

He asked the City Attorney whether contributions made to a foundation or a trust set up for the benefit of the city and used for municipal capital improvements would be deductible income tax-wise and would funds placed in such a foundation in wills have any special assistance tax-wise.

Councilman Jordan stated one of the projects in Detroit was the symphony building and another was a part of a highway there. Councilman Short stated he is referring to the Mott Foundation set up 32 years ago, and now makes contributions of \$10.0 million a year to the cities in the area. He stated he wrote them about the possibility of getting in on this but they wrote that they confine it to that area.

Mr. Burkhalter, City Manager, stated the professional organizations of Community Chest, United Funds and United Service groups are continually working on this type of thing, and they will help a city promote this. That Mr. Short can contact the group in Charlotte and the Director will send him one or two copies of a proposed charter or trust that would do this very thing. That they like this because if people die and leave money to the community chest they have to spend it; but if they leave it to a trust fund, that trust fund can give continually to this. They have the machinery for a trust and you can go anyway you want to with it.

Mr. Underhill, City Attorney, stated the city was left some money in a will for which the city will probably be receiving benefits in the near future as soon as the litigation is cleared up. It was left the City by Mr. Cannon, who was acquainted with Cannon Aircraft, who left a trust to the City of Charlotte to use for airport purposes specifically. The funds were to be used by his wife during her lifetime and upon her death, the trust would be split in three different ways - two charities and the city. The litigation is a friendly litigation. Regardless of which way the question is resolved, the city will receive some funds from a trust that was established by Mr. Cannon's will for airport purposes.

Councilman Short stated he hears about trust or foundation funds being used for a wide variety of purposes; that last week he was reading about George Essar who went to Europe at the expense of the Ford Foundation to study what someone is doing about something over there. That foundations are used for all kinds of efforts to help the disadvantaged; that he would like to see one that would provide money for brick and mortar right here in the City of Charlotte. For via-ducts, street widening, buildings and things that are needed and cannot get off the property tax.

July 12, 1971
Minute Book 55 - Page 435

REQUEST THAT PEOPLE BE NOTIFIED THROUGH THE PRESS OR SOME OTHER WAY THAT ONLY TRUCKS THAT ARE COVERED ARE ALLOWED TO DUMP AT THE LANDFILL.

Councilman Jordan stated the City should let the public know about the situation at the landfill. People are going to the trouble of renting trucks and carrying old furniture that would not need a tarpaulin cover to the city dump and when they get out there, they are turned around and told they cannot unload these things.

He stated he is a firm believer in trucks being covered; that many times in Council meetings he has called attention to the trucks littering the streets with old trash and paper, and he thinks these should be covered.

He stated he has been making a study and a tour all over the city about the garbage and hauling this trash to the dumps. That the people should be told that they cannot carry anything out there unless it is covered, or they can carry things such as old furniture or old limbs where a tree has been cut down. That they think they are doing the city a service by carrying it out there and not asking the city to carry it off. Then they get out there and they are told they cannot unload it. That this is a bad situation and someday, through the press or otherwise, we should let these people know they cannot take anything out there or specify some thing they can take.

The City Manager stated so that Council and the administration will know what is involved, he will ask the man in charge for the individual's names and the number of trucks that are turned back. Then we can be the judge of the situation. That he is sure Council's idea on this was that people were hauling trash and in the process were scattering the trash. That this was not meant to involve the man who goes out once a year or once very six months.

Councilman Whittington stated rather than saying it is not necessary to put the cover on the truck, that the man at the landfill should be the judge about whether the trash could be scattered everywhere.

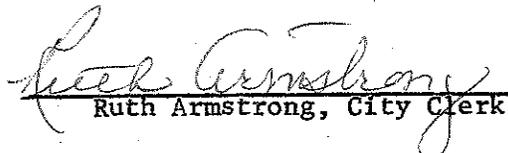
Councilman McDuffie suggested the City Manager direct Mr. Hopson to let them dump and then take their names and if they come back the second time, then they will get a ticket. That obviously, a refrigerator will not blow off, and yet they would not let him in without a cover.

CITY ATTORNEY REQUESTED TO GET RULING FROM ATTORNEY GENERAL ON CITY'S POSITION IN THE CIVIL SERVICE SITUATION.

Mayor pro tem Alexander requested the City Attorney to ask the Attorney General for a ruling on the position of the City in the Civil Service situation and the regulation that exists.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk