

July 2, 1973

Minute Book 59 - Page 75

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, July 2, 1973, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem Fred D. Alexander presiding, and Councilmembers Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

INVOCATION.

The invocation was given by Councilman James B. Whittington.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, the minutes of the last regular meeting on June 14, and the recessed meeting on June 25, 1973 were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO POLICE CAPTAIN WILLIAM A. MCCALL.

Mayor pro tem Alexander recognized Mr. William A. McCall, Police Captain of the Charlotte Police Department, and presented him the City of Charlotte Employee Plaque for his services from March 25, 1935 until his retirement June 29, 1973.

RESOLUTION PRESENTED TO MEMBERS OF THE DAR PROCLAIMING JULY 4, 1973 AT 2:00 O'CLOCK IN THE AFTERNOON AS THE DAY TO RING BELLS THROUGHOUT THE CITY FOR FOUR MINUTES IN COMMEMORATION OF THE SIGNING OF THE DECLARATION OF INDEPENDENCE.

Mayor pro tem Alexander recognized Miss Lula Faye Clegg, Mrs. Howard Starrette and Mrs. J. C. Goldsboro.

Mrs. Goldsboro stated she is a member of the local Mecklenburg Chapter of the Daughters of the American Revolution, has served as the State Regent of the DAR, and has just completed serving as the Vice President General of the National Society.

She stated the City Council is to be commended for its desire to re-enact the ringing of the Liberty Bell as it was done in 1776 to proclaim freedom, by asking the people of Charlotte to ring all the bells on July 4, 1973.

Mrs. Goldsboro stated two years ago DAR's attention was called to the fact that the second floor of Independence Hall had not been opened to the public for approximately 20 years because the entire floor had not been restored or refurbished. The National Society of DAR accepted the challenge to furnish the Governor's Council Chamber and the Committee Assembly Room as it was in 1776. It was her privilege to attend the dedication ceremony last July 4 and witness the cutting of the ribbon across the stairway to the second floor by the DAR President General, the Mayor of Philadelphia, and the President of the National Park Restoration Committee. That day, more than 26,000 people climbed the stairs for the first time in 20 years. There they saw the gift to the nation as presented by the Daughters of the American Revolution. The old cracked liberty bell has been located on the first floor near the stairway for many years; but the bell of the tower rang long and loud to remind us of our freedom on July 4, 1972.

July 2, 1973
Minute Book 59 - Page 76

Mrs. Goldsboro expressed appreciation to the Council for recognizing the efforts of the DAR in their patriotic endeavors and for electing the public to the bi-centennial of 1976 of the founding of our Country and Independence.

Mayor pro tem Alexander then presented a proclamation to Mrs. Goldsboro, Miss Clegg and Mrs. Howard Starrette asking that bells throughout the City of Charlotte ring in continuous harmony for four minutes beginning at 2:00 o'clock in the afternoon July 4, 1973 in commemoration of the signing of the Declaration of Independence.

PORTION OF INTERIM REPORT OF THE CITIZENS COMMITTEE ON SHORT RANGE TRANSIT NEEDS.

Mayor pro tem Alexander stated in the Conference Session today, Council heard a portion of the report from the Citizens Committee on Short Range Transit Needs as given by Mr. Paul Braswell, Chairman of the Committee. Because the time ran out, they suggested that he continue the report in the formal session.

Councilman Short moved that Mr. Braswell continue with his report. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Braswell stated that Mr. Hoose, Director of Traffic Engineering, has been active in looking into the problems that relate to bus signs, and he has developed a type and has placed three or four out in the community at bus stops of some of the markings.

Mr. Hoose then held up several signs and explained them. One with the route number is out in the community showing the route number for the bus stop; another one shows the location of the stop and gives the time schedule from the Square. One of the signs would run about \$3.50 a piece; some they would be doing in the city's shop. He stated the signs would not be located at every corner but would be at the loading and unloading points.

Councilman Short asked if he has an estimate on the amount of money needed? Mr. Hoose replied it involves a little better than 4,000 signs; that he does not have an estimate on the total cost of the project.

Councilman McDuffie asked if there would be any federal money available, and Mr. Hoose replied there could be.

Mr. Braswell continued with his report stating to this point they have discussed signs, turn outs and schedules and they are very important. However they feel there is something else the Committee has thought about and worked on for a while. One of the major sources of irritation in the transit system, from the standpoint of the bus rider, the shopper, the merchant and the motorist alike, is the practice of transferring at the Square. A large number of riders must stand in a congested area, sometimes for as long as forty-five minutes, unprotected from the weather. The shopper must fight his way through a milling throng to reach the store of his choice, and the merchants in the vicinity have complained about their loss of business. The motorist is hampered by traffic which, at peak hours, is frequently backed up for blocks by standing buses.

He stated on the other hand, Charlotte City Coach Lines is adamant in its position that the elimination of a central transfer point would be financially disastrous, and would inevitably result in its bankruptcy and the taking over of the transit system by the city. He stated we are left with an intolerable situation at the Square caused by conflicting interest and intensified by recent construction activities.

Mr. Braswell stated they offer the following solution: Under this plan, the City would purchase a tract of land within one or two blocks of the Square. It would then construct on this property a bus terminal, which building, properly designed, could be built for approximately \$30.00 per square foot. The total cost of land, building, and site improvements should be approximately \$1.0 million, of which two-thirds would be available under the Urban Mass Transit Act of 1964. The building would be heated, and air

July 2, 1973
Minute Book 59 - Page 77

conditioned and would include adequate and comfortable seating; it would devote a large amount of wall space to bus route schedules and other information; it would provide covered walkways to the various bus positions; it would have adequate restrooms and public telephones; and it would be cleaned regularly and protected by a policeman during all hours of operations.

He stated riders could wait for their buses in comfort, protected from rain, snow and heat. The riders would be concentrated near those merchants which contend that their business depends upon such riders, and away from those who do not. Traffic flow could improve, particularly since they suggest, as part of the plan, parking be eliminated on Trade and Tryon and this space reserved exclusively for bus lanes. Along with other proposals of the committee, this plan should offer an inducement to ride the buses, thus helping to assure a viable transit operation. He stated Charlotte City Coach Lines has endorsed this idea. The proposed facility could serve as the initial phase of a transit center that could be expanded to serve rapid rail transit connecting cities of the Piedmont to Charlotte.

Mr. Braswell stated assuming this proposal is acceptable to City Council, they urge it be implemented with all deliberate speed, at present conditions cannot be allowed to continue.

Mr. Braswell referred to a sketch and stated it is made to illustrate basically an idea that our surface transit, our buses, mini-buses and regular buses would come into a sheltered area, with the upper level having provisions for rapid transit connecting with this building in the future; to separate the pedestrian from the bus traffic and yet provide an environment of comfort for those waiting for the buses.

He stated portions of the cost of capital improvements would be available through federal grants if the conditions of the Urban Mass Transportation Act of 1964, as amended through October 15, 1970, are met. The cost of the recommended operational improvements would not be eligible for a federal matching share grant. Bus terminals, bus stop shelters, markings, turnouts, supervisory mobile units, and bus replacements are among the capital improvement items eligible for federal funding.

The federal government will, upon approval, grant 70% of the net cost of the program. The remaining cost is to be supplied by other than federal funds; grants for land may be limited to 50%.

The Committee recommends and requests that City Council ask Mr. Vince Connerat, Coordinator of City-County Governmental Programs, to assist in developing financial studies to accommodate recommendations made in the report.

Mr. Braswell stated the Committee trusts that the City Council, Charlotte City Coach Lines, Inc., and the public will review their recommendations at this time and give it careful thought. These are the Committee's interim recommendations. Depending on the Council's advice and consent the Committee will continue in its efforts in the areas they have outlined today, plus pursuing other aspects of the study.

Mayor pro tem Alexander asked if the Committee discussed the feasibility of tying in with an extended system to cover county and city, bearing in mind there is much talk of not having enough revenue to make the operation of the bus system profitable? Mr. Braswell replied they have discussed this. There are certain instances where this is done such as out to the University and a few other routes. That this will probably come up later in the long range planning encumbering the entire county from the city's consultants. They have not explored this in depth; but they did touch on it and intend to look into it further. There is also a relationship in the distances the bus has to travel and the number of passengers you can put on. He stated one of their great concerns is putting riders on the bus. If they can get the riders, it will help not only the transit system, but help the expansion and widening of streets, and pollution and other environmental problems. That they feel this is not an either/or system; they are talking about a balanced system of buses, service vehicles and rapid transit.

July 2, 1973
Minute Book 59 - Page 78

During the discussion that followed, Mr. Braswell stated the Committee would like to see everything done as quickly as possible; in the report they touched on those things they feel is in the reach and grasp and possibility of Council at this time to start doing some of this, and moving in the direction of others. The Committee intends to work fully and closely with Traffic Engineering, with Mr. Connerat and any department that needs their assistance, and to give Council further recommendations in the future. He stated there are things in the interim report that he thinks Council could move on immediately. But he thinks there should be a coordinated program, a comprehensive program, request for funding through the Urban Mass Transit Act. What this committee would like to see would be a commitment from Council to the transit needs of the community first; and second, to start taking these items, item by item, and having the departments of the city to start formulating plans towards implementing these recommendations.

He stated the Committee's recommendations in many ways correspond to Wilbur Smith while others may differ. He would recommend that Council compare the committee's recommendations where they may differ with Wilbur Smith. The Committee has its reasons and he is sure Wilbur Smith had its reasons. The thrust of the Committee's recommendations and the Wilbur Smith report are somewhat similar. They probably should be studied in conjunction with each other.

Mr. Braswell stated the Committee requests some guidance, some advice, as to the areas in which they move. The areas in which they anticipate further study is in the area of public versus private ownership; the advantages and disadvantages; the alternatives. They will look in the areas of perimeter commuter parking lots; with transit in from the perimeters of the city; encouraging the commuter to use the lots and take special buses in from the perimeter of the city. They will look further at the fare structure recommendations that Wilbur Smith has. If there are any other suggestions from Council they will be happy to entertain them.

Councilman Whittington stated he hopes the Committee will think about some alternatives to recommend to the local government about when people come to work and go home from work. The car is here to stay; every time a road is completed, it is 20 years out of date and that situation is not going to improve. Probably the worse intersection in Mecklenburg County today is Belhaven Boulevard and I-85. The State has put three lanes in to allow you to get off I-85 into Belhaven; but if you want to turn to the left, unless you have a police officer to help you, it cannot be done. He stated through all of this, traffic is going to get worse. He thinks the traffic engineer, the engineering department, Council and this Committee has to give some alternatives in this area.

Councilman Whittington stated he has worked with this Committee as an observer and as an advisor. That he does not know of any committee we have, now or in the past, that is any more important to local government as this committee. Whatever it takes, he thinks we have to move in the direction of their recommendations, with the cooperation of Mr. Connerat, Mr. Hoose, and the Engineering Department. He stated he is not going to make any motion today, but in two weeks he is going to be prepared to make a motion that Council begin to implement these recommendations.

Councilman McDuffie stated he would like to know if the signing and the turnouts are supposed to be city functions rather than the bus company. That the schedule printing is the bus company. Mr. Braswell replied the one Mr. Hoose had on the schedule for posting is the city's responsibility. Councilman McDuffie stated it seems to him Council could ask the City Manager what he suggests that Mr. Connerat start checking with the Department of Transportation. Councilman Whittington stated as he understands it, Council should approve the interim report, and then Mr. Connerat will have to know what to ask for in his request to the federal government. He stated he would like to study this report, and he is sure other Councilmembers would like to study it. That he hopes Council will be able to make a decision on these things at the next council meeting. Councilman McDuffie stated he hopes the City Manager will give Council his report on implementing parts of this program.

July 2, 1973
Minute Book 59 - Page 79

Speaking on the transportation problems were Mrs. Goldie Chernoff, 4630 Kipling Drive, a member of the Association for Better Public Transportation, and Mrs. Sarah Spencer, 520 East Kingston Avenue, also a member of the Association.

Mrs. Chernoff stated she is a bus rider, and as such she questions the quality of the bus service the people are subjected to. The attitude of the City Council is that only poor people ride the bus. Complaints are ignored and passed along the line. That she wrote Councilman McDuffie on June 5, 1972 a letter of complaint and he passed her letter on to City Manager Burkhalter, who in turn referred her to Superintendent of the Charlotte City Coach Lines. That her letter to the Superintendent dated June 26, 1972 remains unanswered to this day. Last year an excellent report with recommendations was presented to the City Council by Wilbur Smith and Associates; the urgency of the report has not been recognized by City Council. Other cities have recognized the need for public transportation, and are acting systematically. That Mr. Braswell's report presents a realism that must be dealt with by City Council. The Association for Better Public Transportation wants no more expensive studies of Charlotte's needs for better public transportation. They want action and implementation. Decent and humane public transportation is the only solution to relieving Charlotte of traffic and air pollution problems.

Mrs. Spencer stated they are a group of people who in the past have talked about the needs for better transportation, and in the last two weeks have come together united to do whatever they can to express their needs and to urge Council to take what action it can.

She stated the Association passed a resolution which she read:

"We the residents and taxpayers united as an Association for Better Public Transportation resolve to appear before the Charlotte City Council on July 2, 1973 in order to seek from the Council a motion to establish a Transportation Committee composed of government officials and interested citizens, which will plan and implement a public transportation system that will meet the needs of Charlotte-Mecklenburg."

She stated three points are important. The first is the point of a public transportation system which is included in the Wilbur Smith report and in Mr. Braswell's report. Transportation is a very important part of the community, and is a large problem to deal with, and there needs to be a complete governmental body to deal with it entirely. Not only for the City Council but for the citizens to have a way of getting in touch. They feel this Commission would have citizens and bus riders. They feel very strongly that the bus riders should be included as they know the most about the day to day ongoing of the bus service; and they believe in this way they can improve the quality of life in Charlotte-Mecklenburg. They believe what Council can do today is to appoint this Committee.

Mayor pro tem Alexander stated this is the first time he has seen this report and he would like to digest it and see what it includes. Also he would like to be able to vote on whatever action is taken regarding transportation, and he cannot do that today. That he would suggest that any motions be withheld at this meeting as he would like for the record to show how he thinks on it.

Councilman Whittington stated he will abide by the Mayor pro tem's wishes; but his point was going to be that Council accept this report; and the motion was going to be to instruct the Committee on what directions they can take in the future, and they named three areas they wanted to continue to study. All of this is vitally important, Councilman Whittington stated he added another that he thinks is important. Then Council would have two weeks to study this report, and then he was going to make a motion that the city manager, the engineering department, and traffic engineering department tell Council how to implement the recommendations in this report.

July 2, 1973
Minute Book 59 - Page 80

Mayor pro tem Alexander stated Council has no desire to discontinue the services of this Committee at this point. He asked if it would not be within the providence of the Committee's authority as originally constituted to proceed with whatever findings they desire, and submit to Council whatever they care to submit from time to time? Mr. Burkhalter replied this is an interim report, and it would seem the Committee expects to continue with their business. The original charge to this committee was to study the transportation reports as they are turned out by Wilbur Smith, and they can give advice to Council on the Committee's interpretation of it.

Councilman McDuffie stated he would not like to see Council wait for two weeks when it could be doing something about marking the bus system that is already there. That the buses may not come very often, and the people do not know where they are. He thinks Council should get on with those two things, and that the City Manager get with the departments in the next two weeks, and give Council this information at the next meeting. Mr. Burkhalter stated if Mr. Hoose has this much information today, he is sure he will be able to give the cost figures at that time. He called attention to the fact that Council is taking some steps here away from any of its policies and procedures of the past, and Council must be prepared to make that kind of decision as to whether or not it wants to buy these signs for this purpose. Councilman McDuffie stated he understands there is something in the franchise that it is the city's responsibility to put up the markings.

Councilman Short stated he thinks the City Manager understands that Council wants him to advise them as quickly as possible on the cost and the feasibility of the city doing the things suggested by Mr. Braswell.

Councilman Whittington stated he is going to wait two weeks. This committee has worked for five months, and at every meeting they worked with the city's professional people, and this committee is composed of all professional people. There is nothing in this city any more critical and that needs any more help than transportation does. At the request of the Mayor pro tem he will not make his motion today; but he will be back in two weeks with a motion.

Mayor pro tem Alexander stated Council appreciates the report the Committee made today, and accept it as a progress report. He thanked Mr. Braswell and the Committee for the job they have done and the one they will continue to do. He stated the report will be given much consideration, and Council will be ready to place more enlightenment on the subject when it meets two weeks from today. He asked that the Committee not feel its services had been terminated, or that the work is anywhere near ended.

PETITION NO. 73-20 FOR CHANGE IN ZONING OF PROPERTY AT 425 AND 427 PECAN AND AT 1940, 1942 AND 1944 EAST EIGHTH STREET DEFERRED FOR TWO WEEKS.

Decision on Petition No. 73-20 for a change in zoning of property at 425 and 427 Pecan Avenue and at 1940, 1942 and 1944 East Eight Street was presented for Council's Consideration. Council was advised the Planning Commission recommends the two lots fronting on Pecan Avenue be approved for office zoning, and that the one lot fronting on Eighth Street be denied.

Councilman Whittington moved adoption of the subject ordinance changing the zoning of two lots fronting on Pecan Avenue from R-6MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Withrow.

Mr. Bryant, Assistant Planning Director, stated this change is being recommended with the expectation that office zoning eventually will be carried over to the one remaining residentially zoned lot, and there will be business zoning at the corner of Pecan Avenue and Seventh Street, and then office zoning for the remainder of the block down to Eighth Street.

July 2, 1973
Minute Book 59 - Page 81

Councilman Short stated these petitioners failed to show up at the hearing, and he realizes that in the abstract land use at its highest and best is what we are seeking; but in reality why should Council vote for such an arrangement as this if they do not even show up to tell Council what they have in mind? Mr. Bryant replied from a planning standpoint, the fact is a request was filed and considered at a public session. In examining it from a planning view the feeling was with the non-conforming land use situation in the immediate area, with the presence of the water tank tower across the road, that residential uses of this portion of lots was not too realistic; therefore it was felt it did create a legitimate and logical zoning pattern to carry the office zoning on down to Eighth Street.

Councilman Short stated this area is exceedingly well maintained residentially for its age, and he would like to consider it further. In view of the fact the petitioners did not even come in and explain or make any plea at all, and it would wind up with a very unusual pattern of zoning, he made a substitute motion to defer action until the next meeting. The motion was seconded by Councilman Jordan.

Councilman McDuffie asked if there is not some commercial zoning in there? Mr. Bryant replied there are some commercial uses and it is non-conforming, but is not zoned for commercial.

Councilman Whittington stated this property is at the corner of Pecan and Eighth Street behind Stanley Drug, Roy White Florist and the shopping area. That Moore's Sheet and Metal Company has been in there for 30 years in a non-conforming situation. The Planning Commission is recommending the property facing Pecan Avenue be rezoned to O-6 and the property behind it be denied. He asked if this property behind it is Moore's present facility? Mr. Bryant replied the one behind it is the Moore's present facility; the reason the recommendation of denial was made was because the change from residential to office would have no benefit or no relationship to that business use; it would remain a non-conforming use. Also it was felt in getting back to the nature of the area as a whole that the office zoning or no type of residential zoning could be even started down Eighth Street away from Pecan.

Councilman Short stated it is a little difficult for him to explain why he would deny it for Moore's lot there, and yet grant some rezoning on the other lots. Mr. Bryant replied he would agree if it would do any good for Moore; but the change from residential to office will do absolutely no good to eliminate the non-conformance as he actually has a light industrial use there.

The vote was taken on the substitute motion to defer for two weeks, and carried unanimously.

PETITION NO. 73-21 BY HERMAN E. WILLIS FOR A CHANGE IN ZONING FROM R-9 AND O-6 OF A LOT 50' X 190' AT 3217 COMMONWEALTH AVENUE, DENIED.

Motion was made by Councilman McDuffie, seconded by Councilman Whittington, and unanimously carried, to deny the subject petition as recommended by the Planning Commission.

PETITION NO. 73-15 BY MALIE O. BURGESS FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF APPROXIMATELY 3.3 ACRES FRONTING 325' ON THE NORTHEASTERLY SIDE OF SHADY LANE SOUTHEAST OF WILMOUNT ROAD, DENIED.

Councilman Whittington moved to deny the subject petition as recommended by the Planning Commission, which motion was seconded by Councilman Withrow.

Councilman McDuffie stated this is one of those cases Council got into by changing the zoning against the property owners wish. At the time, he said he would have to consider strongly anyone who brought their petition back to get it back to what it was. Granted there is a lot of apartment zoning out there, and it probably should be R-15 or some type of apartments. This was one of the positions Council put itself in by starting a precedent in the North Charlotte area, and then in a couple of other cases.

July 2, 1973
Minute Book 59 - Page 82

Councilman Short stated he gave his view on this earlier; and he still feels the way he stated earlier; but it is obvious what Council would like to do, and he wants to be cooperative with Council.

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

YEAS: Councilmembers Whittington, Withrow, Easterling, Jordan and Short.
NAYS: Councilman McDuffie.

PETITION NO. 73-18 BY CHARLOTTE-MECKLENBURG UTILITIES DEPARTMENT FOR A CHANGE IN ZONING OF PROPERTY BOUNDED BY WILMONT ROAD, SOUTHERN RAILROAD CROSSLINES, IRWIN CREEK, REID PARK AND A LINE 200 FEET SOUTH OF AMAY JAMES SCHOOL PROPERTY REFERRED BACK TO THE PLANNING COMMISSION FOR FURTHER RECOMMENDATION.

Councilman Whittington moved adoption of an ordinance changing the zoning of the property as recommended by the Planning Commission. The motion was seconded by Councilman Jordan.

Mr. Bryant, Assistant Planning Director, stated the Utility Department is asking the Planning Commission to reconsider its recommendation based on additional information which they secured relative to the entrance road location. The reason becomes of some importance as Planning Commission's recommendation was that only a 100 foot strip be zoned industrial fronting on Wilmont Road in order to provide for the location of the driveway. The place it was recommended to come out on Wilmont Road was adjacent to the Railroad, which the Planning Commission thought was the appropriate place for it.

Councilman Short made a substitute motion to refer the petition back to the Planning Commission as suggested. The motion was seconded by Councilman Jordan, and carried unanimously.

Mayor pro tem Alexander stated one could accept the explanation on the Agenda to mean of little moment or it could have grave consequence. That in some fashion there could be additional wordage to better inform Council the intent.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE USE OF PROCLAIMER CERTIFICATES.

Motion was made by Councilman Short, seconded by Councilwoman Easterling, and unanimously carried, adopting the subject resolution of the City Council authorizing the use of Proclaimer Certificates.

The resolution is recorded in full in Resolutions Book 9, beginning on Page 196.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, JULY 30, 1973 ON AMENDMENT NO. 2, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-78, GREENVILLE URBAN RENEWAL AREA.

Councilman Jordan moved adoption of the resolution calling for a public hearing on Monday, July 30, 1973 on Amendment No. 2, Redevelopment Plan for Project No. N. C. R-78, Greenville Urban Renewal Area. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 197.

BOND ORDERS AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS PURSUANT TO THE TWO-THIRD PROVISION OF THE NORTH CAROLINA CONSTITUTION IN THE AMOUNT OF \$3,100,000, INTRODUCED AND PASSED FIRST READING.

Mr. Fred Bryant, Assistant Planning Director, stated this involves a proposal for the issuance of general obligation bonds based on a section of the North Carolina statutory regulations which make it possible for a municipality to issue bonds without a vote of the people, or a referendum, related to two

July 2, 1973
Minute Book 59 - Page 83

thirds of the amount of bonded indebtedness that was retired in the previous year. He stated perhaps for the first time ever, this has become of some significance in terms of the dollar amount involved. It is possible now for the City of Charlotte to consider the issuance of \$3.1 million in bonds.

What is before Council today is a proposal prepared by the staff involving about four items which is recommended for the expenditure of these funds.

Mr. Underhill, City Attorney, stated this law is a part of the North Carolina Constitution, and has been on the books probably 50 or 60 years. Numerous other cities in North Carolina have utilized this provision to approve and issue bonds. It is not that unusual a type of legal action to be taken by a North Carolina Municipality; it is probably unusual for the City of Charlotte to do so because in the eight years he has been with the city, we have never been in a position to utilize this type of procedure.

Mr. Underhill then explained the procedure to be followed. The issuance of general obligation bonds pursuant to this two-thirds provision of the Constitution is something we in Charlotte have not been faced with; coupled with that is some changes in the North Carolina Fiscal Control Act which took effect July 1, 1973. To be correct procedurally, after explanation, Council should have a member of Council introduce the four orders. After they are introduced the Finance Director will present to the Council the Statement of Debt of the City, to be handed to the City Clerk. Then the four orders should be approved at first reading. The orders have to be passed at two separate readings of the City Council. After being passed on the first reading, Council must hold a public hearing on the bonds. (That is not just for these bonds, but any other general obligation bonds the city proposes to issue in the future will be subject to a public hearing.) The public hearing as proposed in the schedule will take place on July 16; and after the public hearing the Council will consider whether they wish to approve the bonds on the second and final reading. If they are approved on the second and final reading on the 16th, the bond orders will be published in accordance with the statutory provisions, and 30 days from the date of publication, the bond orders become effective. You can then issue and sell these bonds. The publications are scheduled for July 19, which would mean the bond orders would become effective on August 20, and at that time, the bonds could be issued and sold. He stated, if Council approves, it is important to follow this schedule, and sell these bonds prior to selling any other bonds that have been previously approved and are unsold. This has to be done in order to retain this two-thirds exemption. By selling these bonds on August 20, it would permit the finance director to schedule a date of sale for the other approved general obligation bonds which are now remaining unsold. In particular, the water and sewer bonds which were approved in September. A large number of those projects are critical; plans have been prepared and they are ready to go; but we cannot sell those bonds until some action is taken on this proposed bond issue. The schedule is necessarily tight; it will allow us to finance these projects through the issuance of these bonds, and at the same time do it in a rather expedient manner, and permit the early sale of the other unsold bonds previously approved. The only action Council is taking today is to approve at first reading these orders. They are subject to a public hearing, and subject to final approval on the second reading on the 16th.

During the discussion, Councilman McDuffie stated if Council approves this today, and after a public hearing, he might be in favor of money to buy land for the police and fire building, but not the construction of the building. He wants to know what effects his vote today will have on the action on the 16th? Mr. Underhill replied after the public hearing on the 16th, the Council then considers passing the same bond orders in final form at a second reading. The Council may pass the orders as introduced or as amended. The law says no amendment may increase the amount of bonds, nor substantially change the purpose of the issue. That you cannot authorize using \$800,000 for street land projects, as that was not one of the uses originally introduced; nor could you increase the \$800,000 for street land projects, as that was not one of the uses originally introduced; nor could you increase the \$800,000 as presently designated for recreation facilities bond to a larger amount.

July 2, 1973
Minute Book 59 - Page 84

Councilman McDuffie stated what he wants to be able to do is to have the hearing, and after the hearing if he wants to say he is in favor of \$300,000 to buy land with and put the rest to a public vote about what kind of facilities to build, and the remaining part of the \$1.3 million, then he would like to be able to do that. Mr. Underhill replied if that is the change he is talking about, then they would have to start the procedure all over again. The order as presently written and being considered, talks about \$1.3 million for public building bonds, not land acquisition; it includes land acquisition, but the primary thrust of this order is to construct a facility, and with that acquire the land necessary for such construction. If Council wished to trim that particular order so that it would encumberance nothing but the purchase of land, you would have to start the process over.

Councilman Withrow stated he does not think the \$1.3 million order should be included as it is a regional matter or a State matter. He would like for that item to be taken out all together. That he only found out about this when he read it in the paper; that he does not mind voting on the public hearing, but on this item he thinks it should be in COG or in the State.

Mayor pro tem Alexander stated he understands this is not approving anything other than the orders as they come on the first reading and setting the public hearing; this does not obligate the Council to vote for them in the final adjudication. Mr. Underhill replied that is correct; anything that is done today can be undone or not do on the 16th.

Mayor pro tem Alexander asked the meaning of the phrase "an order authorizing \$1.3 million public bonds to be used with any other available funds for acquiring land, constructing and providing facilities for use in training personnel of the police and fire departments etc?" That would mean this order also includes the acquiring of land for this facility. Councilman Whittington stated Mr. Varner said this facility would cost \$1.9 million and the land is not included, and this talks about \$1.3 million.

Mr. Burkhalter, City Manager, stated each of these items has been approved by Council, and asked the staff to do, and that they be put on bond issues. Mr. Underhill has explained why it had to come on short notice. These items were selected because they are the urgent ones and are needed in this area. If a single bond had been issued prior to yesterday, Council could not do any of these. Today, Staff is asking Council to approve these items; they will have two weeks in which to get answers to their questions. If Council does not want to do any of these, they can omit it; but they cannot change it to something else. There is \$300,000 in the budget to acquire land for this facility. Staff has not proposed any building plans; this was a very general sketch presented in the conference session. Something will have to be built for police and fire to train in. They may want to build a regional one, and if they do, they will have to add to the facility, or the city may not have to build quite as much of it. The \$1.3 million will build the kind of facility we have talked about starting with. Councilman McDuffie stated he has to decide today to put it in or leave it out. The basic use of the facility means you cannot put it close to the airport because of the fire and smoke. That there is a great deal of land out there that will not be used for anything because of the fly-over. It would be desirable to have a facility for police use in the vicinity of the airport, and locate the fire some place else.

Mayor pro tem Alexander asked if he is wrong in saying that Council will still have an opportunity to change whatever it finds necessary? Mr. Burkhalter replied Council can only cut out.

Councilman Short stated Council has a unique moment here - it can be called a unique opportunity, or a unique situation regardless of how you feel about the projects. Council has a duty to give the citizens of this town an opportunity to appear here on the 16th and see what they would like to do about this opportunity that he does not believe the City has had in 20 years. That he thinks Council should proceed with all of this today.

Councilman Jordan introduced the following orders authorizing bonds:

- (1) Order authorizing \$1,300,000 Public Building Bonds.
- (2) Order authorizing \$800,000 Recreation Facilities Bonds.
- (3) Order authorizing \$750,000 Storm Drainage System Bonds.
- (4) Order authorizing \$250,000 Sidewalk Bonds.

Thereupon, on motion by Councilman Jordan, seconded by Councilman Short, and unanimously carried, the City Council designated the Finance Director as the officer to make and file with the Clerk the sworn statement of debt of the City as required by The Local Government Bond Act.

Thereupon, the Finance Director filed with the Clerk, in the presence of the City Council, the sworn statement of debt as required.

Councilman Short asked Mr. Fennell, if proceeding with this will increase the 25 cent allocation for debt service? Mr. Fennell replied it will not as they anticipated this.

Thereupon, upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$800,000 RECREATION FACILITIES BOND" was passed on the first reading.

Thereupon, upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$1,300,000 PUBLIC BUILDING BONDS" was passed on the first reading.

Thereupon, on motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$750,000 STORM DRAINAGE SYSTEM BONDS" was passed on the first reading.

Councilman Short stated he has been advised that Congressman Martin was on the telephone earlier today, and very handsomely offered the services of his office in connection with this item, the flood control and drainage of the creeks and soforth. This is in reference to obtaining federal funds that would go along with this.

Thereupon, upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the order entitled: "ORDER AUTHORIZING \$250,000 SIDEWALK BONDS" was passed on the first reading.

Councilman Withrow stated he is voting for these for the public hearing only.

On motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the City Council fixed 2 o'clock p.m., July 16, 1973, as the hour and the day for the public hearing upon the foregoing orders.

On motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the City Council directed the Clerk to publish each of the said orders, together with the appended note as required by The Local Government Bond Act, as amended, in The Charlotte Observer, not later than the sixth day before said date.

The orders are recorded in full in Ordinance Book 20, beginning at Page 138 and ending at Page 141.

Councilman McDuffie stated as the time table is close, it seems that Council should have some information from the police and fire department about what will be presented on the 16th. That he would like to review what was presented today in the conference session, and what was proposed for the fire training. That he would like to know the availability of land at the airport, and about separating the two facilities. That he wants the facility to be available, and he is sure it will get a lot of use as it is the kind of facility that can be used more. Mr. Burkhalter replied he thinks Council should hear about this and whether or not it can be used in conjunction with a regional facility. But a regional facility will not satisfy all. Councilman McDuffie stated he is not satisfied that it has to be joint as it will limit the use.

July 2, 1973
Minute Book 59 - Page 86

Chief Lee stated the fire department does not prohibit it from burning at the facility even if it is located somewhere in the vicinity of the airport; but there are certain restrictions relative to in and out patterns. But they are not totally excluded from burning in that area. There are properties available in that section of the city on which burning would be tolerable. Councilman McDuffie stated if this land is not used for something - the rifle range use to be out there and was moved, people are living in houses with the airplanes flying above them, and the noise is terrible, we are going to have vacant land or we will use it for something like this facility.

Mr. Burkhalter stated Chief Dowdy and teams of people have been looking at locations for this for two or three months trying to find land that meets all the things we need. That a report session on this will be helpful, and he will arrange a breakfast meeting on it.

ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE, FOR THE OPERATION OF CITY GOVERNMENT AND ITS ACTIVITIES, FOR THE FISCAL YEAR BEGINNING JULY 1, 1973 AND ENDING JUNE 30, 1974.

Motion was made by Councilman Short to adopt the 1973-74 Budget Ordinance for the operation of city government and its activities for the fiscal year beginning July 1, 1973 and ending June 30, 1974, and setting the tax rate at \$1.69. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, on Page 142.

MOTIONS INCREASING SALARY OF CITY MANAGER, INCOMING COUNCILMEMBERS AND MAYOR.

Councilman Whittington moved that the City Manager's salary be increased to \$35,750.00 annually. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Withrow stated there is a lot of talk about people running for city council; that the council session is not the only meeting the members attend but there are so many more that the councilmembers have to attend, and it takes a lot of time.

Councilman Withrow moved that the council's salary be raised to \$4,500 a year to become effective in November with the next Council. The motion was seconded by Councilman Whittington, and carried unanimously. Councilman Short moved that the Mayor's salary be set at \$11,000 a year to become effective to the Mayor to be elected in November. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION AMENDING THE PAY PLAN AND PERSONNEL RULES AND REGULATIONS AS NECESSARY TO INCORPORATE CHANGES RECOMMENDED IN CONJUNCTION WITH THE 1973-74 BUDGETARY PROCESS.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution amending the Pay Plan and Personnel Rules and Regulations as necessary to incorporate changes recommended in conjunction with the 1973-74 Budgetary Process.

The resolution is recorded in full in Resolutions Book 9, at Page 202.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE ADVERTISEMENT FOR LEASE OF CERTAIN PROPERTY OWNED BY THE CITY TO AN INVESTOR, TOGETHER WITH AUTHORIZATION TO SOLICIT PROPOSALS TO DESIGN, CONSTRUCT AND LEASE AN OPERATIONS CENTER FOR THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.

Mr. Bobo, Assistant City Manager, stated this is a new procedure that became effective July 1 whereby the city, with the approval of the Local Government Commission, can enter into a lease-purchase arrangement with a private

July 2, 1973
Minute Book 59 - Page 87

developer. The city will solicit competitive bids from developers to build a building on city owned property. After evaluation, it would come back to Council for approval. Then it must be submitted to the Local Government Commission for approval. After these approvals, the city can enter into an agreement whereby the city would pay an annual rental for the building, and at the end of 25 years, the building would be owned by the city. Also the city would have the option to purchase the building outright during that period of time. He stated this is a good pilot project on a small scale to determine if it is feasible. That we know it is feasible from a legal standpoint, but we do not know whether it is feasible from an economic standpoint.

Councilman Whittington stated he thinks this is an excellent idea, and it may prove that other projects can be done this way.

Councilman Jordan moved adoption of the subject resolution, which motion was seconded by Councilman Whittington, and after further discussion, the vote was taken and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 227.

During the discussion, Mr. Underhill, City Attorney, advised this is only authorizing the solicitation of bids and offering a piece of city property for lease for the purpose of constructing the operations center. Once the bids are in and reviewed, then they must be brought back to City Council for authority for staff to reject or accept the best bid. Following that, it goes to the Local Government Commission who reviews the city's financial capabilities of issuing bonds, and they use principally the same guidelines in reviewing the city's application to do this as they would in reviewing the application to submit G. O. bonds to the voters.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENTS TO A CONTRACT WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AMENDMENTS TO SUBCONTRACTS WITH SYSTEMS DEVELOPMENT CORPORATION AND THE UNIVERSITY OF NORTH CAROLINA.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing the Mayor to execute amendments to a contract with the U. S. Department of Housing and Urban Development and amendments to subcontracts with Systems Development Corporation and the University of North Carolina.

The Resolution is recorded in full in Resolutions Book 9, at Page 228.

FORMAL ACCEPTANCE OF THE ON-SITE ASSISTANCE "SUMMARY AND RECOMMENDATIONS" AND THE "ACTION PLAN".

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, to formally accept the On-Site Assistance "Summary and Recommendations" and the "Action Plan" which was presented to Council by Mr. David Britt, State Civil Defense Director, at the Council Meeting on June 18, 1973.

CONTRACTS FOR CONSTRUCTION OF WATER MAINS AND SANITARY SEWER EXTENSIONS, APPROVED.

Councilman Withrow moved approval of the following contracts for construction of water mains and sanitary sewer extensions, which motion was seconded by Councilman Jordan, and carried unanimously:

- (a) Contract with Providence Utilities, Inc. (successors to the American Investment Company), for construction of approximately 2,845 feet of 8", 6" and 2" water mains and three (3) fire hydrants, to serve Candlewyck Subdivision, outside the city, at an estimated cost of \$15,050.00. The applicant has requested the honoring of an existing agreement, dated November 15, 1965, wherein the applicant will construct at his expense and secure approval for plans, specifications for location, workmanship and materials, and the City will inspect the work. The City will maintain and operate the lines and will retain all revenue

derived therefrom under its rules and regulations. If and when the area in which these lines are located is annexed to the City, said lines will become the property of the City without further cost to the City.

- (b) Contract with Walnut Properties (Joint Venture) for construction of approximately 2,980 feet of 8" and 6" C. I. water main and two (2) fire hydrants, to serve Phase II-A of the Walnut Creek Subdivision, outside the city, at an estimated cost of \$12,800.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (c) Contract with Walnut Properties (Joint Venture) for construction of approximately 3,830 feet of 8" and 6" C. I. water main and one (1) fire hydrant to serve the Walnut Creek Subdivision on Johnstone Road, outside the city, at an estimated cost of \$19,500.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (d) Contract with Walnut Properties (Joint Venture) for construction of approximately 1,990 feet of 6" and 2" water mains and two (2) fire hydrants to serve a portion of Walnut Creek Subdivision, Phase I-A, outside the city, at an estimated cost of \$8,600.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (e) Contract with Walnut Properties (Joint Venture) for construction of approximately 1,300 feet of 12" and 8" C. I. water main and one (1) fire hydrant, to serve Walnut Creek Subdivision on Carmel Road, outside the city, at an estimated cost of \$14,600.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (f) Contract with Kenway Corporation for construction of approximately 3,050 feet of 8", 6" and 2" and 1-1/2" water main and three (3) fire hydrants to serve a portion of the Woodbridge Subdivision, outside the city, at an estimated cost of \$14,200.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (g) Contract with John Crosland Company for construction of approximately 670 feet of 6" C. I. water main and one (1) fire hydrant to serve the Meadows at Foxcroft II Subdivision, outside the city, at an estimated cost of \$3,500.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (h) Contract with The Ervin Company for construction of approximately 790 feet of 6" C. I. water main and one (1) fire hydrant to serve Olde Providence East Subdivision, Addition No. 1, outside the city, at an estimated cost of \$3,900.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (i) Contract with The Howey Company for construction of approximately 2,145 feet of 6" C. I. water main and three (3) fire hydrants to serve the Olde Georgetown Subdivision, Phase III-A, outside the city, at an estimated cost of \$10,600.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (j) Contract with The Ed Griffin Company for construction of approximately 5,008 linear feet of 8" trunks and sewer mains to serve Cross Winds Subdivision, on Idlewild Road, adjacent to McAlpine Creek, outside the city, at an estimated cost of \$71,432.00. The applicant has deposited 10% of the estimated cost of the project and the remainder of the cost is to be deposited upon receiving bids. No money is needed from the city to finance this project and refund is as per agreement.

- (k) Contract with Autopair, Inc. for construction of approximately 215 linear feet of 8" sewer main to serve 5120 South Boulevard, inside the city, at an estimated cost of \$1,576.00. The applicant has deposited 100% of the estimated cost and city forces are to construct. Refund is as per agreement. No money is needed from the city.
- (l) Contract with Key Homes of Charlotte for construction of approximately 5,975 linear feet of 8" trunk and mains, to serve Marlwood Forest Subdivision, off Lawyers Road, adjacent to McAlpine Creek, outside the city, at an estimated cost of \$50,000.00. The applicant is to construct the entire project at his expense. There will be no cost to the City. Upon completion of the project, the City will own, operate and receive all revenue from same.
- (m) Contract with John Crosland Company from construction of approximately 665 linear feet of 8-inch sewer trunk to serve the Meadows at Foxcroft II, adjacent to Valencia Terrace in Governor's Square, outside the city, at an estimated cost of \$6,000.00. The applicant is to construct and finance the entire project. The City will own and maintain and receive all revenue from same at no cost to the city.

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject Encroachment Agreement with the State Highway Commission was approved, permitting the city to construct an 8-inch C. I. water main 8,500 feet in length, along the westerly right-of-way of Rea Road (SR 3624).

SETTLEMENT IN THE CASE OF MRS. FRANCES T. ARBUCKLE FOR PERSONAL INJURY.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, authorizing settlement, in the amount of \$500.00, to Howard B. Arbuckle, Jr., attorney on behalf of Mrs. Frances T. Arbuckle, 2400 Richardson Drive, for personal injury, as recommended by the City Attorney.

CLAIM BY BART W. SHUSTER ON BEHALF OF ISSAC CAMPS, FOR PROPERTY DAMAGE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject claim on behalf of Issac Camps, 2711 Capital Drive, was denied as recommended by the City Attorney.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS, RUBBISH AND TRASH, 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.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinances ordering the removal of weeds and grass, rubbish and trash at the following locations:

- (a) Ordinance No. 830-X ordering removal of weeds and grass at 1301 West Boulevard;
- (b) Ordinance No. 831-X ordering removal of weeds and grass at 1143 Bethel Road;
- (c) Ordinance No. 832-X ordering removal of weeds and grass at 1718 West Boulevard;
- (d) Ordinance No. 833-X ordering removal of weeds and grass in the 2700 block of West Boulevard;
- (e) Ordinance No. 834-X ordering removal of weeds and grass at the Corner of West Boulevard and Holabird Lane;

July 2, 1973
Minute Book 59 - Page 90

- (f) Ordinance No. 835-X ordering removal of weeds and grass at West Boulevard and Ridge Avenue;
- (g) Ordinance No. 836-X ordering removal of weeds and grass at Dalton Village Drive and West Boulevard;
- (h) Ordinance No. 837-X ordering removal of weeds and grass adjacent to 1600 Ranch Road;
- (i) Ordinance No. 838-X ordering removal of weeds and grass adjacent to 4001 Bearwood Avenue;
- (j) Ordinance No. 839-X ordering removal of weeds and grass adjacent to 1821 Umstead Street;
- (k) Ordinance No. 840-X ordering removal of weeds and grass at 851 Woodside Avenue;
- (l) Ordinance No. 841-X ordering removal of weeds and grass at 317 West Boulevard;
- (m) Ordinance No. 842-X ordering removal of weeds and grass at Westbury and Crosby Road;
- (n) Ordinance No. 843-X ordering removal of weeds and grass on a vacant lot adjacent to 1936 St. Mark Street;
- (o) Ordinance No. 844-X ordering removal of weeds and grass on a vacant lot at 2000 block of Summey Avenue;
- (p) Ordinance No. 845-X ordering removal of weeds and grass on a vacant lot adjacent and rear of 608 Louise Avenue;
- (q) Ordinance No. 846-X ordering removal of weeds and grass across street from 601 Patterson Street;
- (r) Ordinance No. 847-X ordering removal of weeds and grass on a vacant lot adjacent and rear of 2530-32 The Plaza;
- (s) Ordinance No. 848-X ordering removal of weeds and grass at 603 Dobson Drive;
- (t) Ordinance No. 849-X ordering removal of weeds and grass at the corner of Crestridge and Scottsdale Avenue and property adjacent to 1209 Scottsdale Avenue;
- (u) Ordinance No. 850-X ordering removal of weeds and grass at 3800 Champaign Street.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 149.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT, ADOPTED.

The following ordinances declared unfit for human habitation were presented for Council's consideration:

- (a) Ordinance No. 851-X ordering the demolition and removal of the dwelling at 1608 Baxter Street;
- (b) Ordinance No. 852-X ordering the dwelling at 109 West Liddell Street to be vacated and closed;
- (c) Ordinance No. 853-X ordering the dwelling 829-31 Belmont Avenue to be vacated and closed;
- (d) Ordinance No. 854-X ordering the dwelling at 428 East Kingston Avenue to be vacated and closed.
- (e) Ordinance No. 855-X ordering the dwelling at 530-32 Campus Street to be vacated and closed.
- (f) Ordinance No. 855-X ordering the demolition and removal of dwelling at 1704 North Davidson Street.

Council was advised that the property owner of the dwelling at 1704 North Davidson Street indicated he would protest the order.

Pictures of all the properties were viewed by the Councilmembers.

Mr. Clarence Dees, owner of the property at 829-31 Belmont Avenue, stated he would like to get a building permit to repair this building. That the Inspection Department has refused to give him a permit as it has been turned over to the Council. That he has notified the tenants to move so that he can repair it.

July 2, 1973

Minute Book 59 - Page 91

Mr. Jamison, Superintendent of the Inspection Department, stated for the past two years his department has been trying to get the house brought into compliance with the minimum standards of the housing code. Today it does not comply. They started in May, 1971 working with Mr. Dees in trying to persuade him it was necessary; the hearing and the findings of facts and orders all went out to him. They did not succeed in getting the work done. In December past, a new complaint, notice and order went out to him trying to regenerate some action with him. This has not succeeded. The house is unfit for human habitation and has been so over the years.

Mr. Jamison stated he can cite several more incidents where the Department went the same route with Mr. Dees. One was on North ^{Pine} Tryon Street at 513 and they came to Council a year ago with an ordinance to vacate and close. He asked for a permit to do the repairs on it, and the permit was issued. Today the house is still not in compliance, and the house was so bad the people moved out. Another case was at 327 West Ninth Street, where a permit was issued over a year ago. They went the same route with him, and the house was leaking badly at that point, and is still leaking. The windows are out and the screens and a number of other items are out. That he does not think issuing a permit means anything. That he thinks they will just have another one on their hands.

Corrected
7-16-73
M.B. 59-
Page 102

Mayor pro tem Alexander asked Mr. Jamison to look at the pictures and tell Council whether or not this is the condition of the house today. Mr. Jamison looked at the pictures and replied yes it is, and he would recommend strongly that the ordinance be approved to vacate and close the dwelling.

Mr. Jamison stated he only cited two or three incidents; and he has several pages he could cite.

Motion was made by Councilman McDuffie to adopt the above ordinances, (a) through (f) which motion was seconded by Councilwoman Easterling and carried unanimously:

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 170.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

- (a) Option on 12.24' x 148.10' x 3.52' x 150' of property at 317-329 Kings Drive from Essantee Theatres, Inc., et al, at \$15,306.00, for Topics - Kings Drive and Independence Boulevard.
- (b) Acquisition of 15' x 43.92' x 30.0' of easement at 208-214 Arrowood Road from The Ervin Company, at \$1.00, for Sanitary Sewer Relocation Foxboro #1 (Addn.2).
- (c) Acquisition of 79.28' x 23.71' x 66.28' x 31.11' of easement at 8001 Wilkinson Boulevard, from James Paul Kaperonis and wife, Nancy Kaperonis, at \$1.00, for 12-inch water main in Tuckaseegee Road and Wilkinson Boulevard.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HENRY G. NASH, JR. AND WIFE, ROSA S. NASH, LOCATED AT THE SOUTHEASTERN INTERSECTION OF NATIONS FORD ROAD AND HEBRON STREET, IN THE CITY OF CHARLOTTE, FOR THE KINGS BRANCH OUTFALL SANITARY SEWER CONSTRUCTION PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the resolution authorizing condemnation proceedings for the acquisition of property belonging to Henry G. Nash, Jr. and wife, Rosa S. Nash, located at the southeastern intersection of Nations Ford Road and Hebron Street, in the City of Charlotte, for the Kings Branch Outfall Sanitary Sewer Construction Project.

The resolution is recorded in full in Resolutions Book 9, at Page 229.

July 2, 1973
Minute Book 59 - Page 92

SPECIAL OFFICER PERMITS AUTHORIZED.

Councilman Withrow moved approval of the following Special Officer Permits for a period of one year each, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Renewal of permit to Mark P. Pryor for use on the premises of Park & Recreation Commission, 310 Kings Drive North.
- (b) Renewal of permit to John H. Gaston for use on the premises of Morris Speizman Company, Inc., 508 West Fifth Street.

CONTRACT AWARDED INTERSTATE ROOFING COMPANY FOR REROOFING OF CITY-OWNED BUILDINGS.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Interstate Roofing Company, in the amount of \$16,813.97, for reroofing of city-owned buildings.

The following bids were received:

Interstate Roofing Co.	\$16,813.97
Stewart & Ramseur, Inc.	17,759.00

CONTRACT AWARDED CHARLOTTE TANK LINING COMPANY FOR CLEANING AND PAINTING ONE WATER TANK LOCATED ON PECAN AND EAST EIGHTH STREET.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Charlotte Tank Lining Company, in the amount of \$9,300.00, to furnish all necessary labor, materials and equipment for cleaning and painting one water tank located on Pecan and East Eighth Street.

The following bids were received:

Charlotte Tank Lining Co.	\$ 9,300.00
Statsco Service Co.	14,420.00

CONTRACT AWARDED OSHKOSH B'GOSH, INC. FOR ESTIMATED YEARLY REQUIREMENT OF WORK CLOTHING.

Councilman McDuffie moved award of contract to the only bidder meeting a specifications, Oshkosh B'Gosh, Inc., in the amount of \$76,275.73, on a unit price basis, for estimated yearly requirement of work clothing. The motion was seconded by Councilman Short, and carried unanimously

CONTRACT AWARDED FLIGEL'S UNIFORM COMPANY FOR ESTIMATED YEARLY REQUIREMENT OF WINTER COATS, INSULATED WITH HOODS.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Fligel's Uniform Company, in the amount of \$10,811.84, on a unit price basis, for estimated yearly requirement of winter coats, insulated with hoods.

The following bids were received:

Fligel's Uniform Co.	\$10,811.84
Sears Roebuck & Co.	11,334.40
The Hub Uniform Co.	12,136.64

July 2, 1973
Minute Book 59 - Page 93

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR THE CONSTRUCTION OF THE KINGS BRANCH OUTFALL SEWER CONTRACT NO. 1.

Motion was made by Councilman Jordan, seconded by Councilman McDuffie, and unanimously carried, awarding contract to the low bidder, Thomas Structure Company, in the amount of \$309,000.00, on a unit price basis, for the construction of the Kings Branch Outfall Sewer Contract No. 1.

The following bids were received:

Thomas Structure Co.	\$309,000.00
Noll Construction Co.	321,018.00
Rand Construction Co., Inc.	340,815.00
Sanders Brothers, Inc.	345,550.00
Blythe Brothers Const.	353,000.00

CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR TRAFFIC SIGNAL CONTROLLER FOR INTERSECTION OF MOREHEAD STREET AND KENILWORTH AVENUE.

Councilman Jordan moved award of contract to the low bidder, Rosenblatt & Associates, in the amount of \$8,798.00, for traffic signal controller for intersection of Morehead Street and Kenilworth Avenue. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Rosenblatt & Associates	\$ 8,798.00
Southeastern Safety Supplies	9,785.00
Eagle Signal	11,660.26
Econolite Corporation	12,711.72

MAURICE WEINSTEIN REAPPOINTED TO THE HOUSING APPEALS BOARD FOR THREE YEAR TERM.

Councilman Short moved the reappointment of Mr. Maurice Weinstein to the Housing Appeals Board for a term of three years representing the qualification of Tenant-Occupant (no limit). The motion was seconded by Councilwoman Easterling, and carried unanimously.

CITIZEN REQUESTING TO SPEAK TO COUNCIL DID NOT RESPOND WHEN CALLED UPON BY MAYOR PRO TEM.

Mayor pro tem Alexander stated Mr. W. R. Sinclair has requested to appear before Council to talk about the illegal entrapment of small animals. He asked if Mr. Sinclair was present, and Mr. Sinclair did not respond to the request to speak.

RESOLUTION FILED BY MECKLENBURG COUNTY REPUBLICAN EXECUTIVE COMMITTEE SUPPORTING PARTISAN ELECTIONS FOR CITY COUNCIL.

Mr. Henry R. Wilmer, Chairman of Mecklenburg County Republican Executive Committee, stated he is present to speak on partisan city elections.

Their Executive Committee met on Wednesday, June 20 at which time it passed the following resolution:

"The Mecklenburg Republican Party supports the concept of partisan elections for members of the City Council, beginning with the city elections in November, 1973.

The Mecklenburg Republican Party hereby directs its leadership to immediately petition the City Council to implement the appropriate city ordinance, pursuant to the authority given under General Assembly Statute 160A-101, to provide partisan elections for members of the City Council, beginning with the November, 1973 elections.

July 2, 1973
Minute Book 59 - Page 94

Regardless of what action, the present City Council takes with respect to partisan elections, the Mecklenburg Republican Party will support qualified Republican candidates for City Council in the elections to be held in November, 1973, so long as said candidates agree to support the implementation of partisan elections for members of the City Council in the event the present City Council or State Legislature fails to adopt a partisan elections bill."

Mr. Wilmer stated only the second part of the resolution actually pertains to his presence here today. That he would suggest in introducing this resolution that they are presenting a petition, signed by the majority of the leadership of the Mecklenburg Republican Party requesting Council to take the appropriate action under General Statute No. 160A-101 to implement partisan elections for the elections to be held in the fall of 1973.

He stated in their considered opinion, there are several benefits that will accrue from such an action. The competition between the major political parties will make it incumbent upon them to bring forth the best possible candidates for the office. Number two - a lively discussion of the issues by the opposing slates and the articulate exposition of each candidate's position on the issues will bring to the public more adequate information. As the voter goes to the polls, the voter will have more information on which to make his voting decision. Number three - since councilmen elected by this process would have had a broad base of identifiable support, their actions would require greater responsiveness as well as accountability. Number four - by using a party structure, there is more opportunity to encourage persons to run from various geographical areas, as well as the encouragement for candidates who might not have the personal means to offer for election and yet in themselves are most capable of responsible incumbency.

Mr. Wilmer stated they urge Council to take action on this petition as they feel a more progressive, responsible and responsive city government will be accomplished.

Mayor pro tem Alexander requested the City Attorney to give Council a legal opinion on an amendment to the city charter in reference to the request that is submitted.

Mr. Underhill stated there is clear legislative authority to make such an amendment as suggested by Mr. Wilmer. There is a provision in the same article of the general statutes referred to that requires any amendment that affects the election of city officers to be finally adopted and approved at least 90 days before the first election for mayor and Councilmembers held thereunder. Taking as a time table set out in municipal elections law, if the change were made in the charter in order to affect the November 1973 Council and Mayor election, there does not exist the required 90 days in order to make such an amendment to affect that election. There are certain legal steps you must go through. You must adopt a resolution and that has to be published; you must hold a public hearing, no sooner than 10 days after the date of resolution of intent is originally adopted, and then you have to finally adopt the ordinance which has to be done at least 7 days after the public hearing. As he calculates it, that would leave 56 days between the final adoption of the ordinance and the proposed date of the primary which under a partisan city election would be on September 24. Under the present system on a non-partisan election procedure the date of the primary is October 9. He stated legally there is no way that City Council can accept any amendment to its election process in time to meet the 90 day requirements that must be met in order to make any change in the November, 1973 election.

Mayor pro tem Alexander asked what happens to the Independents in an election such as this? What is their position in a situation like this? It looks to him as though this would cut them out. Councilman Whittington stated in Mecklenburg County there are 5,027 people registered as Independents; if one of those people under Mr. Wilmer's proposal wish to run for the City Council, he would have to get a petition with 16,000 people's names signed before he would be able to run as an Independent candidate under the partisan election. Mr. Underhill stated that is essentially right; that G.S. 163-296 requires that a city that conducts partisan elections, if a qualified voter seeks to run as an independent or a non-partisan candidate, he must file not later

July 2, 1973
Minute Book 59 - Page 95

than 21 days before the election a petition signed by at least 15% of the qualified voters of the city in order to be placed on the ballot as an Independent, or non-partisan.

Mr. Wilmer stated this is basically correct, but he wonders how many Independents run for public office. He stated the general statute has been on the books since the previous session of the general assembly; our local delegation introduced a local bill calling for partisan elections; it is his understanding that certain influences were used by certain public incumbent to have that local bill postponed at least until next year. The concern he has is for the general legislature to turn down a local bill coming from a delegation and this is highly irregular. That he understands there is a feeling in the democratic party that partisan elections would be a good thing. If legally, time schedule wise, it cannot be done, then so be it; but he suggests that Council has had ample opportunity to implement under its own authority by the statutes; since it had not taken action and the legislative delegation saw fit to do so, he would suggest that Council strongly consider supporting a partisan type of election and support the bill that has been postponed when it comes up next session.

Copy of the signed petition was filed with the City Clerk.

REQUEST THAT SUGAR CREEK, FROM PRINCETON TO ARCHDALE BE DREDGED AS ORIGINALLY PLANNED, AND THAT RETAINING WALL BE CONSTRUCTED AT 3920 SELWYN AVENUE TO PROTECT PROPERTY OF MRS. PERRY.

Mrs. Violette D. Perry, 3920 Selwyn Avenue, stated she is present for the sole purpose of reemphasizing the seriousness of the flooding of Sugar Creek, the damage and eroding that it has done to her property as well as to many others, particularly from Princeton Avenue to Archdale Drive. She stated she has had many expenses with the flooding; but most particularly on Friday afternoon, June 15. That she stood at her window watching water rise seven to eight feet above the creek level in her backyard. That her garden, shrubs and trees were inundated. She stated as the water recedes, it rushes through her property leaving all the debris in her yard, and all this has to be picked out by hand.

Mrs. Perry stated she thinks it is time the city did something for her as a citizen and a taxpayer, and it is a must, or she will not have a place to live. She urged the Council to dredge the original proposed section, from Princeton Avenue to Archdale, and in particular to build her a retaining wall, and fill in all the land she has lost. That it is matter of must and now. The flooding of Charlotte creeks, Sugar and Briar, has been serious.

INTEGRATED TRANSPORTATION FACILITY REPORT TO BE FILED BY FREEMAN-MCCLINTOCK REALTY FIRM BY LABOR DAY.

Mr. McAlister Carson stated he is an associate with the realty firm of Freeman-McClintock and they are currently working on a project which has to do with Mr. Paul Braswell's report. He stated that report had many things which Council will want to consider; it will not answer all the problems, but together they hope they can answer most of the problems we have in our transportation situation.

Mr. Carson stated presently they are working with Mr. Hammer and Wilbur Smith, and they have been in touch with Mr. McIntyre, Mr. Hoose, and they are working through Mr. Joe Robinson's Committee of the Chamber of Commerce, which is a task force on Transportation. All of these are working towards the resolution of transportation and the traffic in downtown. He stated because they have been so conscious of trying to cover themselves they have not made an announcement of their efforts publicly. He stated they are still meeting with Wilbur Smith and others to try to integrate their proposal into the plans that have been suggested to Council already, and to the plans for the future. That Mr. Hammer is to examine the economic feasibility of the proposal and they will need that evaluation before it is presented to Council.

July 2, 1973
Minute Book 59 - Page 96

Mr. Carson stated they hope before Labor Day of this year to bring to Council in a formal proposal on the Agenda a presentation of the concept they are trying to work for the city. It involves, basically, an integrated transportation facility, utilizing all known modes of transportation. He stated they wanted Council to know that they plan to bring a report that will be somewhat longer in range in its application. He urged Council to allow them the opportunity of bringing such a proposal, and they plan to do so in this process.

DISCUSSION OF DRAINAGE PROBLEMS ALONG BRIAR CREEK ON SCOTLAND AVENUE.

Mr. Robert C. Stephens, 1613 Scotland Avenue, stated the residents on Scotland Avenue have the same problem as Mrs. Perry on Selwyn Avenue does, except their problem comes from Briar Creek.

He stated in reference to Item 9 on the agenda, that it would seem unfortunate to do this piecemeal - to do the dredging of Sugar Creek and provide for the proper drainage - without dealing with the other creeks also. That June 15 was a bad day for Scotland Avenue, and he thinks for the residents along Briar Creek from city limit to city limit.

Mr. Stephens stated they ask that Council, before submitting this proposal for a public hearing on July 16, consider modifying it to include not only Sugar Creek but also Briar Creek, and the other areas that require proper drainage.

Councilman Short stated he thinks Briar Creek is already covered under a program that is underway. Mr. Bobo, Assistant City Manager, stated this is a two phase program. Sugar Creek, from Archdale Avenue to Princeton Avenue, will be the first phase; the second phase of the Corps of Engineers project will be Briar Creek, from Sugar Creek to Randolph Road; it does include a portion of Briar Creek. First Sugar Creek has to be cleared in order to make any changes in Briar Creek as Briar Creek feeds into Sugar Creek.

Councilman McDuffie asked what they can tell people on the other end of Briar Creek about how we can help their problem? Mr. Bobo replied we will have to come up with a local project to do what the Corps of Engineers is not doing. Councilman McDuffie asked if these people wanted to petition the Council for a bond issue to do more than what is going on at the south end, could they? Mr. Bobo replied yes and Council should; it does not do any good to do the top part until you do the lower part because you still have the restrictions in the lower part. There is no reason why we cannot go ahead and transplant; when this lower part is completed, then we can move right into the other phase.

Mr. Bobo stated this dredging project is a joint city-county project with the Corps of Engineers. That they have had recent contact about renewing this project, and that some of their staff has agreed to participate in it.

FIVE NAMES PLACED IN NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATIONS COMMISSION.

Mayor pro tem Alexander stated sometime ago the Council established a Historic Preservations Commission, and by statute the county was authorized to appoint five members and the city five members.

Councilman Whittington moved the nomination of Mrs. Charles Crawford as a member of this committee for Historic Preservations. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short moved the nomination of Mr. Tom Storrs. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Withrow moved the nomination of Mr. Michael Robinson. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Jordan moved the nomination of Mrs. Mildred P. Aldridge. The motion was seconded by Councilman Short, and carried unanimously.

July 2, 1973
Minute Book 59 - Page 97

Councilwoman Easterling moved the nomination of Mrs. Barbara Casstevens. The motion was seconded by Councilman Whittington, and carried unanimously.

NOMINATION OF MRS. HOWARD (PAT) LOCK TO FILL EXPIRED TERM ON AUDITORIUM COLISEUM-CIVIC CENTER AUTHORITY.

Councilwoman Easterling stated she has been giving a great deal of thought to people appointed to commissions, boards and authorities. There are several up for appointment that Council has been considering. One in particular has given her great concern, and has caused her to study appointments from various angles, and is one of appointments to vacancies now existing on the Auditorium-Coliseum-Civic Center Authority. Many people have called and made recommendations to her and several names have been mentioned.

She stated she has thought of the whole situation from the angle of what is more important to the city as we think about all the needs of citizens. Is experience the most important thing, or is a broader outlook as important; basic qualifications of a devoted and intelligent, interested citizen, and intelligent persons; or the benefit of brand new ideas coming into an authority or a commission. That she has had a number of women from various organizations approach her to nominate a woman for the vacancy. That she believes the city as a whole would benefit greatly from the services of a woman who has had experience in decision making, not necessarily in sporting events or such things as are involved in the Coliseum, but a person who has been involved in decision making, who has been involved in the mechanics of getting things done, and her name has been suggested by numerous organizations.

Councilwoman Easterling placed in nomination the name of Mrs. Howard (Pat) Lock to fill the expired term of Mr. Larry Tomlinson on the Auditorium-Coliseum-Civic Center Authority.

Councilwoman Easterling stated Mrs. Lock has proved her devotion to the city, and has a record of accomplishments in many areas of city activities.

Mayor pro tem Alexander stated Mrs. Lock's name is placed in nomination for a full term on the Auditorium-Coliseum-Civic Center Authority.

CITY MANAGER TO GET REPORT ON STRAIGHTENING OF INTERSECTION AT INDEPENDENCE, WATERMAN AVENUE AND COLISEUM DRIVE, AND COST OF RENTAL PAID ON THE PARKING LOT.

Councilman McDuffie stated several weeks ago Mr. Hoose sent out an item which listed the ten intersections that have the most traffic accidents. That it seemed that two or three were close to the coliseum. He was surprised to see Waterman Avenue by the Holiday Inn listed, or Coliseum Drive. He stated sometime ago there was a proposal to straighten that intersection. What is really needed is an overhead walkway.

He requested the City Manager to ask Mr. Hoose if he has any recommendations about whether we should straighten that intersection and as it is on Independence there should be state or federal funds available; also with the idea of allowing the parking area, where we are now paying rent, to be closer to the building.

Also he would like for the Manager to tell Council how much rent is paid on the parking lot. Also he would like to know if Mr. Hoose has any other recommendations for the streets in that neighborhood.

Councilman Short stated this matter was brought up by the Holiday Inn people three or four years ago, and they wanted wider opportunity for the U-turns, and the ensuing results were that all U-turns were prohibited. This matter was investigated at that time about straightening the intersection, and there is a creek that flows under that intersection, so that it was somewhat of an

July 2, 1973
Minute Book 59 - Page 98

engineering decision. Councilman McDuffie replied he understood that the intersection should be straighten because of the accidents and because of the use of the building. You cannot make a U-turn there at all. Getting in and out is a hazard even when police officers are there. Good engineering would dictate that it should be corrected. That we need to get on with what is needed and what it will cost.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE NUMBER OF ITEMS AND REPORT BACK TO COUNCIL.

Councilman McDuffie stated he would like to compliment Mr. Hoose on the design of the new yield signs which have been placed around the city.

Councilman McDuffie requested that Mr. Hoose check with the State Highway about marking the down ramp on the Northwest Expressway leading to I-77. That there is only one sign that says 40 MPH exit speed, and you are already doing 60 when you come across it. There should be a blinking light that comes on for speed too fast for a curve.

Councilman McDuffie requested that Mr. Hoose check with the State Highway about how we can get emergency telephones such as now installed on the expressway near Raleigh. That he came across an accident with a motorcycle rider lying in the street and there were no people in the area. That anywhere near Charlotte we should see if we can get emergency telephones along the highway.

REPORT REQUESTED ON CITY VEHICLES BEING DRIVEN HOME AT NIGHT BY CITY PERSONNEL.

Councilman Withrow stated about a year ago he asked for a list of all departments' vehicles being driven home at night by people not on call. That he has received about 15 calls recently of trucks being driven home, even up as far as Lake Norman, and other vehicles of people who are not on call at all. That he brings this up because of the gasoline shortage. That he is convinced if a man has not been on call for at least two times in the last year, he does not know whether we should furnish a vehicle to drive home at night. That he is concerned about this, and he thinks Council needs to know the numbers of all these vehicles and who is driving them.

Councilman Withrow stated he asked for this report a year ago, and still has not received it.

REQUEST THAT EVALUATOR BE FOUND AS SOON AS POSSIBLE.

Councilman Whittington stated prior to the budget, two or three months ago, the City Manager asked Council to allow him to find an evaluator for the federal programs to that he would be able to make recommendations from his reports on federal programs that Council will continue. That he thinks Council should state to the City Manager that this person should be found as soon as possible because by budget time 1974, all these decisions about where will be continued and what will be cut out is going to take a long time and a lot of deliberations. That he would encourage the Manager to try to get this information together as soon as possible.

The City Manager replied they have been desperately trying to get this set up. This is for all programs. That a six months evaluation has been promised to Council of the entire budget document to show whether or not we have come up with this sort of thing. It will be worked all the way across the board.

CITY MANAGER REQUESTED TO REPORT ON COMMUNITY GARDENS AT NEXT COUNCIL MEETING.

Councilman Whittington stated in the Sunday Charlotte Observer on Page 21A is an article he would like to share with members of Council and Mr. Burkhalter. It is a story about gardening becoming more popular. "Soaring food prices have caused many Americans to return to growing their own food as a means of combating the high cost of living, particularly food prices. The Gallup Poll, in a survey in the late spring of this year, revealed that the number of

July 2, 1973

Minute Book 59 - Page 99

vegetable gardens in this country could increase by as many as three million with over 27 million households with a garden last year. Reflecting the economic aspects of vegetable gardening the survey found that nearly half the nation's non-gardners would have a vegetable garden if it could be proven that by doing so, they could save between \$200 and \$300 per year. Considerable interest exist among U.S. adults in community gardening." Councilman Whittington stated he believes the same interest is here with people who live in Charlotte. He stated the City owns several hundred parcels of vacant land where we had urban renewal programs, NIP programs, highway programs, not to mention all the vacant land we now have at the airport; the portion of the landfill on York Road that has been completed and is now under planting with trees and grass, and soon may be a recreation area. All of this land could be productive for people's community gardening needs.

Councilman Whittington stated there are several cities in the country doing this now, and right here in our backyards down at River Hill they allocated certain vacant land for the people who live down there; they have worked out a system where they allocate a small parcel to families living in one block. The City has the equipment to cultivate this land and has the land. Even though it is late for planting, it is not late for peas, late corn, and collards. This is a unique idea and something we can do something about if we move now. Not only this year, but in years to come.

He requested the City Manager to give Council a report on this at its next meeting.

Councilman Withrow asked what type of liability would the City have to assume? The City attorney replied that would have to be looked into. All of our property is covered under liability insurance. That this will be looked into as part of the report.

TRAFFIC ENGINEER REQUESTED TO REPORT ON TRAFFIC SIGNAL AT STARBROOK, OLD PINEVILLE ROAD, SOUTH BOULEVARD AND RAILROAD.

Councilman Whittington requested that Mr. Hoose give Council a report on what he is going to do about the traffic signal at Starbrook, Old Pineville Road, South Boulevard and the railroad. He stated this request was made six months ago by the people who live out there.

ITEM REQUESTED INCLUDED IN LEGISLATIVE PACKAGE REQUIRING ANNUAL CAR INSPECTION TO INCLUDE TESTING OF EXHAUST EMISSION.

Councilman Short requested the City Attorney to put a reference note in our file of items that we will consider for our legislative package for the legislative session in January, a suggestion to the delegation that the annual automobile test, required by North Carolina law, include testing of exhaust emissions to make sure they do not exceed the maximum allowable pollution of EPA.

CITY ATTORNEY TO MAKE RECOMMENDATIONS ON AMENDMENTS TO CITY CODE ON RE-HEARING ZONING PETITIONS THAT HAVE BEEN TURNED DOWN BY COUNTY IN RECENT MONTHS.

Councilman Short asked if it is true that after annexation, any party in the annexed area who has had zoning handled in that area by the county could immediately petition to have it reconsidered by the City Council? Mr. Underhill, City Attorney, replied yes they could. Councilman Short stated then the two year rule would not apply and the nature of the law is such these people could all come right back again and seek another handling of all zoning matters. Mr. Underhill replied yes because it would be before a different jurisdiction.

July 2, 1973
Minute Book 59 - Page 100

Councilman Short stated that leads him to suggest the City Attorney also include as a reference note in the legislative file some possibility of looking into this situation. Mr. Underhill replied he believes it could be done by an amendment to the local zoning ordinance. Councilman Short requested that he look into this as soon as possible, and let Council have something on this matter about what revisions of the ordinance would be made. That he thinks Council should let people know now, if we are able to handle this matter at all within our own efforts, that we are not going to take on everything that has been handled by the County in the last period of time.

Mr. Underhill stated if he came to Council and asked that his property be changed and it was approved, and then his next door neighbor or any person could come back the very next month and ask Council to reconsider the rezoning of that property. Councilman Short stated he thinks Council should go ahead and hem up the situation of those that have been denied. That Council does not want a long series of these that have happened in the past few months.

REQUEST THAT COUNCIL COMMITTEE BE APPOINTED TO CONSIDER WATER AND SEWER EXTENSIONS POLICIES TO BE CONSIDERED AFTER CONSULTANT'S REPORT IS MADE.

Councilman Short suggested that Mr. Alexander, as Mayor pro tem, appoint a Council Committee to take a look at our water and sewer extension policies in the light of our impending annexation and that this Committee would convene and discuss and consider this matter and would touch base and work with the Community Facilities Committee. This is the way these studies and these matters have been approached over all the years he has been down here. Our policies have been aimed at developers and we want to produce and have good policies for developers, but we need to look at the situation that concerns unserved owner-occupied homes. He stated he would be the first to agree that we have to have policies that are feasible within the fact that we finance our water operations from the rates of all users; but within this perimeter, something may be possible and he thinks we should have a Council Committee that would have the green light from this Council to look into this situation, and report back to Council.

Mr. Bobo, Assistant City Manager, stated a consultant is now studying and evaluating our system according to the agreement with the county, and this will be one of the things he will bring to Council. Mr. Burkhalter, City Manager, stated consultants have been employed and they are working at this right now, and it might be a little premature for Council to get involved. This report should be out very soon; then Council can decide whether or not to do something about it. That they should be very careful at this time about changing any policies because Staff is coming to Council with a number of contracts to install water and sewer lines - this will be in the next 12 months and we are ready to spend about \$30.0 million. Everything that has been planned to this point has been on the existing policy.

Councilman Short stated he would still like for this request to stand. That he believes this is a very sensitive matter which is not out of order to have a certain Council input in the consideration of it. Council is faced with the realities of things and people in connection with this annexation; there is a political matter here, and he is going to let his request stand.

Mayor pro tem Alexander asked if the consultants will include in their report the thinking that Mr. Short has proposed? Mr. Bobo replied it will evaluate and make recommendations as it pertains to our present extension policies, along with the other operational aspects of the whole operation. Mayor pro tem Alexander asked if it will carry any reflections on annexation, and problems that may grow out of annexation? Mr. Bobo replied he is sure the consultants will take this into consideration in evaluating this, and will address itself to the particular problem Mr. Short is thinking of; that is our extension policy mainly now serves a developer and not an individual.

Councilman Short asked how this all came about; that he does not recall being involved in the employment of this consultant firm? Mr. Bobo replied this is all a part of the consolidated agreement with the county; the agreement states that a consultant would be employed to evaluate the utilities operations, and make an annual report to Council, CFC and the County Commissioners.

July 2, 1973
Minute Book 59 - Page 101

Mayor pro tem Alexander stated he thinks we should wait and hear from the professionals paid to do this report, and then if Council wants to appoint the Committee, he will second Mr. Short's motion to establish this committee.

COMMENTS ON MATTERS BEING BROUGHT TO COUNCIL MEETING THAT SHOULD BE HANDLED PRIOR TO MEETING, AND SANITATION DEPARTMENT CONGRATULATED ON GOOD JOB IN PICKING UP LIMBS AND TREES.

Councilman Jordan stated he thought Council had an agreement that a lot of these things being brought up would be taken up with the City Manager and Department Heads before the meeting so Council would not have to spend so much time on these items. He stated he has taken up his items with Mr. Bobo, Mr. Beaver and Mr. Hopson. That he would like to congratulate the Sanitation Department for the good work they have been doing in picking up all these limbs and trees.

COMMENTS ON ARTICLE APPEARING IN CHRISTIAN SCIENCE MONITOR CONCERNING CHARLOTTE POLICE DEPARTMENT.

Councilman Alexander stated he read an article in the Christian Science Monitor about crime, and this article commended Charlotte's Police Department. That we hear so much about the Police Department and its bad side; that he was pleased to see that across the country someone thought the department was doing a good job. That he thinks this should be brought out that Charlotte was mentioned as one of the few police departments in the country that was making an improvement on training and such, and could stand as a model on what could be done. Councilman Whittington stated one of the quotes in the article was from the new FBI Director. Mr. Burkhalter, City Manager, stated this is one of four articles that will appear in the Christian Science Monitor.

MATT SNORTON APPOINTED TO AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY FOR TERM TO EXPIRE APRIL 25, 1974.

Mayor pro tem Alexander stated on April 2, he placed in nomination the name of Mr. Matt Snorton to fill the unexpired term of Mr. Tom Little on the Auditorium-Coliseum-Civic Center Authority. He asked that some member of Council move his appointment.

Councilman Short moved the appointment of Mr. Matt Snorton to the Auditorium-Coliseum-Civic Center Authority for an unexpired term to end on April 25, 1974. The motion was seconded by Councilman Whittington and carried unanimously.

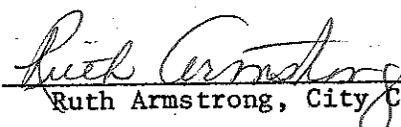
REVEREND PAUL DRUMMOND NOMINATED TO FILL EXPIRED TERM ON CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Mayor pro tem Alexander requested some member of Council to place in nomination the name of Reverend Paul Drummond for appointment to the Planning Commission to fill the expired term of Mr. Claude Albea.

Councilman Whittington placed in nomination the name of Reverend Paul Drummond for appointment to the Planning Commission to fill the expired term of Mr. Claude Albea.

ADJOURNMENT.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adjourning the meeting.


Ruth Armstrong, City Clerk