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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, on Monday, March 6, 1972, at 3:00 o'clock p.m. with Mayor pro tem Fred D. Alexander presiding, and Councilmen Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

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INVOCATION.

The invocation was given by Reverend Paul W. Drummond, Minister of St. Paul Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting on February 28, 1972 were approved as submitted.

PETITION NO. 72-7 BY W. T. COZART AND JAMES W. COGDELL FOR A CHANGE IN ZONING OF TRACT OF LAND ON THE NORTHEAST SIDE OF RANDOLPH ROAD, BEGINNING AT WENDWOOD LANE AND EXTENDING IN THE DIRECTION OF BILLINGSLEY ROAD, DEFERRED FOR TWO WEEKS.

Councilman Short stated the Board of the Alcoholic Hospital has asked that the subject petition not be decided today. They present some good reasons why they would like for Council to decide this a week or so later.

Councilman Short moved that decision on the subject petition be deferred for two weeks. The motion was seconded by Councilman Whittington, and carried unanimously.

PETITION NO. 72-8 BY T. W. SAMONDS, JR. FOR A CHANGE IN ZONING OF A PARCEL OF LAND BEGINNING WEST OF SHARON ROAD AT A POINT OPPOSITE COLTSGATE ROAD, DEFERRED FOR ONE WEEK.

Mr. Robert Perry, Attorney for the Petitioner, requested permission to speak on the petition. Mr. Underhill, City Attorney, advised that once a public hearing has been held, generally no further discussion is permitted except in response to questions that Council might have. In effect you run the risk of the possibility of re-opening the public hearing which has already been held. Giving one side the opportunity to be heard in turn leads to the problem of giving those who may be, in this case, opposed the same right to be heard. Normally you do not allow any further discussion of rezoning petitions after the public hearing.

Mayor pro tem Alexander stated Council can hear what Mr. Perry is trying to get before Council to see if it is permissible. Mr. Underhill stated Council can hear this as long as he does not get into the merits of the case.

Mr. Perry stated they have looked into the City Code and the City Charter and find that it will take four affirmative votes for them to succeed in this zoning; they also find that Mr. Alexander as mayor pro tem is not able to vote, and they submit this is a very, very important matter, not only to the petitioners but also to the opponents and to the City. That they think justice would be served, and the interest of the city would be served by deferral of the petition until a higher percentage of people are present. That the proponents have an uphill battle anyway because they have to produce four votes even with a missing councilman; now they have the mayor missing. They feel they have virtually no chance. He stated present with him today is Mr. Bradshaw, President of Hardee's, who will answer any questions Council might like to ask.

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Councilman Short stated Mr. Perry makes a point. The ranks have been thinned out, and he thinks it would be a point of fairness to wait.

Councilman Short moved that the petition be deferred for one week. The motion was seconded by Councilman Whittington.

Councilman McDuffie stated he wonders when Mayor Belk is back if his sitting in the Chair would have any conflict. That it is a small chance of conflict as SouthPark is a neighbor; that he probably has a preference that it be approved or disapproved. That he just wonders when the Mayor is present if he will sit in the Chair. Mr. Underhill replied the Mayor would not have a vote in this situation as the 3/4 Rule is not in effect except in the event of a tie. The only situation in which the Mayor could conceivably have a conflict would be if a tie vote resulted, and he was called upon to break the tie.

The vote was taken on the motion and carried unanimously.

RESOLUTION RECOGNIZING AND SPONSORING THE HISTORICAL SIGNIFICANCE OF AND MEMORIALIZING THE SITE OF THE SIGNING OF THE MECKLENBURG DECLARATION OF INDEPENDENCE.

Mr. J. A. Stenhouse, Chairman of the Committee appointed by the Redevelopment Commission, stated he is interested in the historical significance of the Signing of the Mecklenburg Declaration of Independence as it was a great event in American History. These men of Mecklenburg should be honored. There has been much debate about the Mecklenburg Declaration over the years. That he thinks it really started with Archives and History being largely political, and the eastern part of the State controlled politics and they could not believe that anybody from the west did anything worthwhile. It has come down through the years and Archives and History still does not recognize it. But it was recognized by the Congress of the United States.

Mr. Stenhouse stated that Archives and History say they cannot find the document. That if the document is produced they will believe it. He stated that is ridiculous. That he presumes they do not believe in the Mayflower Compact. We do not know where that document is. He stated there are certain indisputable facts that prove it to him. At Wachovia, the Museum at Winston-Salem, there is a diary that was written in 1775 and that diary says - "In this year, the men of Mecklenburg declared themselves free and independent." He stated that is good enough for him.

Councilman Whittington moved adoption of the resolution entitled: "Resolution Recognizing and Sponsoring the Historical Significance of, and Memorializing the Site of the Signing of the Mecklenburg Declaration of Independence". The motion was seconded by Councilman Short.

At the request of Mayor pro tem Alexander, the resolution was read by the Clerk.

Councilman Withrow asked if the resolution has the approval of the Redevelopment Commission? Mr. Vernon Sawyer, Executive Director, replied the concept of the Square Park has been included in their urban renewal plan now for two years, and will, they hope, be carried over into the third year for completion. Up until this time, they have not had the opportunity to formally dedicate the land and make any improvements there. It is their plan to go ahead and include in the project for next year the money with which to create the park for the historic site, and then dedicate it to the City. This is the same they are doing in Project 4 in Brooklyn in the Blue Heaven area where they have created a park and will dedicate the land, and will completely furnish the park and turn it over as a turnkey job.

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Councilman McDuffie asked if this land is the same as the NCNB site? Mr. Sawyer replied no; they are negotiating the portion that should be devoted to this park out of the proposal; they are perfectly agreeable to this; it will be right on the corner. The NCNB building will lie between this park and the Home Federal Building along Tryon Street. Mr. Sawyer stated the Kress building occupies all of the land this park will occupy; the park will not be that large; it will possibly be that wide on Tryon Street. He stated they are talking about approximately 5,000 square feet of land; it was proposed as a much larger area in the master plan for downtown created by Odell and Associates in 1966; since then it has been made a part of the urban renewal plans.

Councilman McDuffie asked if it is reasonable to ask the value of the land? Mr. Sawyer replied they do not know at present; this land takes on the same value, approximately, as the land they are negotiating now with Independence Square Associates, the joint venture formed by North Carolina National Bank and Crowe, Carter. He stated he would not like to reveal the figure they have in mind as it is being negotiated.

Councilman McDuffie stated they bought Pritchard Baptist Church property at a minimum bid on land, and he assumes there is a minimum bid. In effect they would establish the least amount they would place on urban renewal land according to standards and they will come up with (X) dollars. The figures will come out sooner or later, and we in effect are giving NCNB a little park area on the Square, which is fine and it is all for the good of the community. But it is worth (X) dollars. Mr. Sawyer replied we are doing this for the City of Charlotte, not NCNB; they would like to buy the whole corner, and they have said so. But they will recognize this. Mr. Sawyer stated he is not withholding anything from Council; he is simply asking Council if they will allow them to continue to negotiate the price. Councilman McDuffie replied that will be fine. The public will see that, in his opinion, as the City developing the corner at the Square for whoever builds the building; it is worth a certain amount of money, and in effect it will blend right in with their development. That he does not know whether that is good or bad. But the fact that the Council and the urban renewal people want to do this commemoration is okay. But it is going to cost the public a certain amount of money. That is all he wanted to know if they had a figure in mind. If it is not proper for Council to know that right now, then he will take Mr. Sawyer's word for it. That he can see this if it is being negotiated.

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

The resolution is recorded in full in Resolutions Book 8, beginning at Page 77.

ORDINANCE NO. 392-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS TO PAY THE CITY'S SHARE OF COSTS FOR THE CHARLOTTE AMBULANCE SERVICE THROUGH THE END OF THE CURRENT FISCAL YEAR.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted, authorizing the transfer of \$6,000 to pay the city's share of costs for the Charlotte Ambulance Service through the end of the current fiscal year.

The ordinance is recorded in full in Ordinance Book 19, at Page 1.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH ERROR AND ILLEGAL LEVY AGAINST 27 TAX ACCOUNTS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the amount of \$3,354.42, which were collected through error and illegal levy against 27 tax accounts.

The resolution is recorded in full in Resolutions Book 8, at Page 80.

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SUPPLEMENT AGREEMENT WITH RALPH WHITEHEAD AND ASSOCIATES FOR ENGINEERING WORK ON THE CLANTON ROAD EXTENSION, APPROVED.

Councilman Whittington moved approval of a supplemental agreement with Ralph Whitehead and Associates, increasing the maximum fee payable to that company for engineering work on the Clanton Road Extension from \$30,000 to \$37,800. The motion was seconded by Councilman Jordan.

Councilman Whittington asked how far along they are on this engineering? Mr. Hopson, Public Works Director, replied this engineering request, slightly more than they originally intended, will finish the planning. They should complete the planning in about 60 days.

Councilman Whittington asked if the City did not have bond money to complete this road? Mr. Hopson replied yes, but we will run short of money and will have to include some, either in current revenue or bond money. They will go right ahead and will not lose any time. The moment the planning is completed, they will go to land acquisition, and that will meet the schedule for this summer.

Councilman Short asked the change in the scope of the work? Mr. Hopson replied the scope of the work as far as the consultant is concerned is some re-alignment and some extra surveying. They are going from just past Sargeant Drive on up to and past West Boulevard.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH ABRAMS AERIAL SURVEY CORPORATION FOR AERIAL PHOTOGRAPHY AND CERTAIN GROUND CONTROL WORK, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject contract with Abrams Aerial Survey Corporation for the aerial photography and certain ground control work necessary for topographic maps for use by the City in the amount of \$9,905 was approved.

ORDINANCE NO. 393 AMENDING CHAPTER 10, ARTICLE I, SECTION 9 OF THE CODE OF THE CITY OF CHARLOTTE, UNLAWFUL ACCUMULATION OF TRASH, WEEDS AND REFUSE.

Motion was made by Councilman Short and seconded by Councilman Whittington, to adopt the subject ordinance amending Chapter 10, Article I, Section 9, of the Code of the City of Charlotte, unlawful accumulation of trash, weeds and refuse.

Councilman Withrow stated on a lot of vacant lots people stop by and unload their trash. This is happening not only on private lots but city lots also. That he has noticed the trash is still on the city lots. He asked what is done about the city owned lots with trash piled on them? Mr. Hopson, Public Works Department, replied if they will let the public works department know about the lots, they will be cleaned up. That the City wants to be the prime example in the community. That they keep after the Southern Railway all the time to have their property cleaned up. It does take time as some of them are long areas and large lots. Mayor pro tem Alexander asked if periodical inspections are made on city owned lots? Mr. Hopson replied they keep a pretty good survey of them; they do follow routine procedures and if anyone knows of certain lots, they will be happy to clean them off.

Mayor pro tem Alexander asked if someone is caught dumping on someone's property is there any ordinance under which they can be prosecuted? Mr. Underhill, City Attorney, replied there is plenty of existing legislation under state and city to cover this. Anyone observing the actual dumping taking place can take out a warrant.

Councilman McDuffie stated it would be good when the Public Works Department receives some of these calls if they could refer them to a source to pick up a sign stating that violators will be prosecuted if trash is dumped.

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The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 2.

ORDINANCE NO. 394-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE ESTABLISHING AN INTERIM BUDGET FOR THE CITY-COUNTY UTILITY DEPARTMENT TO COVER EXPENDITURES FROM JANUARY 17, 1972 THROUGH JUNE 30, 1972.

Councilman Jordan moved adoption of the subject ordinance establishing an interim budget for the City-County Utility Department to cover expenditures from January 17, 1972 through June 30, 1972 in the amount of \$361,000. The motion was seconded by Councilman Withrow.

Councilman Short asked if this represents any change from our long standing policy that this operation will be self-sustaining from its own revenues? Will this represent a subsidy of tax funds put into the water and sewer department? Mr. Burkhalter, City Manager, replied it will not; the funds that are coming in today are not sufficient; we are anticipating additional funds in this budget.

Councilman Short asked if this is authorizing the subsidy of this operation with tax funds? Mr. Burkhalter replied it is not.

Councilman McDuffie asked when Council will receive information about water rates? Mr. Burkhalter replied Council should have received it before now; but all the personnel working on the rates had to be pulled off to work on the study for the city-county revenue study. Mr. Fennell, Finance Director, stated it will be within the next two weeks; that it may be in one week. Mr. Burkhalter stated it will be cleared before the Community Facilities Committee. That the new agreement requires a hearing, and we will get some advice from the Community Facilities Committee first, and then it will be brought to Council. There will be a public hearing as required by the agreement. Councilman McDuffie asked if any information that Mr. Fennell might bring to Council before the hearing will be properly advertised; that some people want to be knowledgeable so that when a hearing comes up they will have access to the information.

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

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 3.

MAYOR REQUESTED TO DISCUSS WITH CHAIRMAN OF COUNTY COMMISSION THE WATER AND SEWER ACCOUNT THAT HAS BEEN IN DISAGREEMENT BETWEEN THE CITY AND COUNTY SINCE APPROXIMATELY 1968.

Councilman Short moved that Council ask the Mayor to discuss with the Chairman of the County Commission the water and sewer account that has been in disagreement between the city and county since approximately 1968, and include in this that the Mayor would offer to submit this disagreement to mediation by the CFC or by some joint committee, or in some reasonable way offer to bring this disagreement to a conclusion. The motion was seconded by Councilman Whittington.

Councilman Short stated he thinks this is the appropriate time to get this out of the way. There was a lot of sentiment on the part of some of the county people to include this in the recent consolidation negotiations that went on, but Mr. Calhoun and he were of the opinion that it should not be discussed at that time as it constituted sort of a danger and an impediment to those delicate negotiations. That now we should go ahead and get this matter out of the way; there is considerable money involved and there has been a long standing argument. Councilman Short stated this disagreement comes from some misunderstanding about the master meter on York Road and the fact that a certain amount of water was conveyed or delivered to customers of the county through another line.

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

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COUNCILMAN JORDAN LEAVES MEETING.

Councilman Jordan left the meeting at this time and was absent for the vote on the next item.

RIGHT OF WAY AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF WATER MAINS IN STATE ROAD 2665 AND 2467.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject right of way agreement was approved with the North Carolina State Highway Commission for the construction of 16" and 12" diameter water mains in State Road 2665 and 2467.

COUNCILMAN JORDAN RETURNS TO MEETING.

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

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington and seconded by Councilman Short authorizing the following property transactions:

- (a) Acquisition of 10' x 882.30' of easement at 510-518 Ashley Circle, from Alfred Thomas Withrow and wife, Clara Lee, at \$1.00, for Airport sanitary sewer relocation.
- (b) Acquisition of 10' x 466.40' of easement at 4801 Eleanor Drive, from Earl Calvin Withrow and wife, Eleanor C., at \$1.00, for Airport sanitary sewer relocation.
- (c) Acquisition of 20' x 117.33' of easement at 504 Lakewood Avenue, from C. A. Butler, Sr. and wife, Annie S., at \$120.00, for Parkway Avenue trunk sanitary sewer construction.
- (d) Acquisition of 20' x 202.10' of easement at 2946 Ravencroft Drive, from John H. Wynne, Jr., and wife Mary L. Wynne, at \$200.00, for Parkway Avenue trunk sanitary sewer construction.
- (e) Acquisition of 25' x 1,021.82' of easement at 701 Briar Creek Road, from Charlotte-Mecklenburg Board of Education, at \$1,020 for Upper Briar Creek Interceptor sanitary sewer construction.
- (f) Acquisition of 10' x 424.93' of easement at 4016 Langley Drive, from First Union National Bank of N. C., Trustee under Will of Nathaniel Alexander and Eloise A. Deyton and husband, Arleigh B. Deyton, N. S. Alexander and wife, Mary B. Alexander, Ida Moore Alexander (single) at \$425.00, for sanitary sewer to serve Barrington Oaks Apartments.

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

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

Councilman Withrow abstained from voting.

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CONSTRUCTION OF SANITARY SEWER MAIN TO SERVE EASTBROOK WOODS, VIII,
APPROVED.

Councilman Short moved approval of the request of William Trotter Development Company for the extension of 1,932 lineal feet of 8-inch sanitary sewer main to serve Eastbrook Woods VIII, outside the city, at an estimated cost of \$14,369.85, with all cost of construction to be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED BURRIS CHEMICALS, INC. FOR ALUMINUM SULPHATE.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, Burris Chemicals, Inc., in the amount of \$30,222.00, on a unit price basis, for aluminum sulphate.

The following bids were received:

Burris Chemicals, Inc.	\$30,222.00
Allied Chemical Corp.	30,240.00
American Cyanamid Co.	34,672.50

CONTRACT AWARDED MORELAND CHEMICAL COMPANY, INC. FOR HYDRATED LIME.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding the subject contract to the low bidder, Moreland Chemical Co., Inc., in the amount of \$18,270.00, on a unit price basis, for hydrated lime.

The following bids were received:

Moreland Chemical Co., Inc.	\$18,270.00
Asher-Moore Company	19,926.00

CONTRACT AWARDED BURRIS CHEMICALS FOR ACTIVATED CARBON.

Councilman Whittington moved award of contract to the only bidder, Burris Chemicals, in the amount of \$9,816.00, on a unit price basis, for activated carbon. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED USS AGRI-CHEMICALS FOR ANHYDROUS AMMONIA.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject contract was awarded the low bidder, USS Agri-Chemicals, in the amount of \$4,370.00, on a unit price basis, for anhydrous ammonia.

The following bids were received:

USS Agri-Chemicals	\$4,370.00
Moreland Chemical Co., Inc.	4,446.00
Taylor Salt & Chem. Co., Inc.	4,465.00
Jones Chemicals, Inc.	4,465.00
Burris Chemicals, Inc.	5,320.00
Hamler Industries	5,399.80

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CONTRACT AWARDED JONES CHEMICALS, INC. FOR LIQUID CHLORINE.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Jones Chemicals, Inc., in the amount of \$30,015.00, on a unit price basis, for liquid chlorine.

The following bids were received:

Jones Chemicals, Inc.	\$30,015.00
Burriss Chemicals, Inc.	31,500.00
Moreland Chemical Co., Inc.	31,500.00

CONTRACT AWARDED CITIES SERVICE COMPANY FOR SODIUM SILICOFLUORIDE.

Councilman Whittington moved award of contract to the low bidder, Cities Service Company, in the amount of \$19,260.00, on a unit price basis, for sodium silicofluoride. The motion was seconded by Councilman Short, and unanimously carried.

The following bids were received:

Cities Service Company	\$19,260.00
Axton-Cross Company	19,386.00
Moreland Chem. Co., Inc.	20,016.00
Burriss Chemicals, Inc.	21,456.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS IN THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Motion was made by Councilman Jordan, and seconded by Councilman Whittington, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$720,805.00, on a unit price basis, for street improvements in the Belmont Neighborhood Improvement Project.

Councilman Whittington asked when Council approves this project, and the street improvements, and sidewalks are completed, does it complete the NIP program in the Belmont-Villa Heights Section? Mr. Hopson, Public Works Director, replied as far as they are concerned it does; this is a long needed improvement; this is the last contract.

Councilman Whittington asked if there were some plans that North Caldwell Street and North Davidson Street were supposed to be widened in this NIP Program to supplement the Northwest Expressway and the one way pairs of traffic running from downtown to the north and north in town - that he is talking about Brevard, Caldwell and Davidson Streets? Mr. Bobo, Assistant City Manager, replied that is part of the Redevelopment program; not the NIP program. Councilman Whittington asked if this will become a reality or will they stay as little narrow two-lane streets? Mr. Bobo replied in time they hope it will become a reality.

Councilman Jordan stated in the last few days he has noticed that one of the TV stations had a film on the Sugar Creek Road. He asked if there is anything the city can do to help those people? Mr. Bobo replied the Traffic Engineer met today with the contractor and has worked out a partial solution, and he is now meeting with the State Highway to see if they will agree to the proposal.

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Councilman McDuffie asked if this is like opening Tom Hunter Road into I-85? Mr. Bobo replied they are hoping to open a part of Sugar Creek Road to traffic. Councilman McDuffie stated that will take care of the North Tryon Street end, but if they do not open Tom Hunter Road into I-85 to allow people to get off I-85, other than going by Derita Road or going on up to North 29, they will end up in court. Those people called him Friday, and they have their lawyer working on an injunction. Mr. Bobo stated this is a state project. Councilman McDuffie replied he has heard that, but the fact about a traffic light and signs pointing out the detour is not a state project. If we only give them Derita Road to get off the Interstate and no traffic light, it is not satisfactory, and if they do not get relief voluntarily they will get it through the court. Councilman McDuffie asked if someone will give Council a written report as he does not have any idea what the city is working on.

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

The following bids were received:

Crowder Construction Company	\$720,805.00
Blythe Brothers Company	759,304.25
Rea Construction Company, Inc.	808,826.50

U. CHESTER WHELCHER REAPPOINTED TO THE PARK AND RECREATION COMMISSION FOR A FIVE YEAR TERM.

Councilman Jordan moved the reappointment of Mr. U. Chester Whelchel to the Park and Recreation Commission for a five year term. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION APPROVING THIRD YEAR ACTION PROGRAM AND AUTHORIZING AMENDMENT TO GRANT AGREEMENT (MODEL CITIES).

Mayor pro tem Alexander stated Council has before it a resolution to approve the Model Cities Third Year Contract. The contract has now been funded by HUD and is before Council for final approval.

Councilman Whittington moved adoption of a resolution entitled: "Resolution approving Third Year Action Program and Authorizing Amendment to the Grant Agreement". The motion was seconded by Councilman Short.

Councilman McDuffie stated when this program ends through December 31, 1972, that is half of the city's budget year; he asked will the city have received all the money it is going to receive? Mr. Burkhalter, City Manager replied we are operating in this budget now; that we hope this will not be all the money we receive on Model Cities.

Mr. Wilson, Director of the Model Cities Program, advised at this point it is a five year program; that may change. That he is going to Washington tomorrow to see about this. That technically we are supposed to be held harmless, not folded into the community development, until the end of five years. Councilman McDuffie stated the point he wants to raise if December 31 comes and this budget runs out, will we have to pick it up? Mr. Burkhalter replied we will not do that. That Model Cities is one thing, and the operation of a community facility where you have a physical building to operate is another; model cities money is spent through contractual obligations and they all expire in connection with the year; we would not renew them, and you simply would not have the program if you did not fund it.

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Councilman McDuffie asked if there would be money in the budget? Mr. Burkhalter replied we will anticipate money from the federal government to pay it. In July we will anticipate according to information we have which we hope will be good enough then to know what is going to happen. That we do not think that Congress will suddenly cut off the financing; they will say as of the next fiscal year or such.

Mr. Wilson stated as far as the money is concerned, if model cities for any reason winds up folded into community development, the allocation as far as dollars are concerned will still be there; then it will be strictly up to Council to decide whether or not it wants to put that money back into programs that have been operating. Mr. Burkhalter stated this is a new ball of wax. Mr. Wilson is talking about revenue sharing; that Congress has not now decided to put model cities into this community development program, but should they do so, and should they give you a lump sum of money for this type of program, which they have not said is part of it today, but if they do, and the chances are good that they will, then Council will have to decide whether or not it is going to put it into this program or some other program. That bridge is not here yet, and he does not think we should worry about it.

Mr. Burkhalter stated this is a great problem we have with federal projects, and the thing most of us are talking about across the country. Federal government decides that cities needed help. So they came out and said if you have so much money here is a program. Everything we did we had to add money to. If you were in real bad shape, the only way you could participate in some of these programs was to cough up some more money to match the money they were talking about. Most cities did that. Charlotte did. The real bad part is that if cities really needed this money to do these programs, how are they going to do them when they stop them. We have not seen that point yet.

Councilman McDuffie stated that comes back to doing some revenue raising besides property taxes, or if property taxes are what they should be. Some cities do not have proper revenue.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 81.

CREATION OF ADVISORY ENVIRONMENTAL QUALITY COUNCIL OF CHARLOTTE-MECKLENBURG APPROVED, AND MAYOR AND CHAIRMAN OF COUNTY COMMISSION REQUESTED TO APPOINT AND ESTABLISH THE COUNCIL.

Councilman Short stated about two weeks ago, it was suggested that an Environmental Council of local citizens and officials be appointed. The purpose of this council would be to further the purposes and policies of the North Carolina Environmental Policy Act of 1971, and it was suggested that as a specific, this Council consider whether the City and County should require environmental impact statements as a prerequisite to obtaining some building permits for larger projects, and a number of other very fine purposes related to protecting the environment.

Council did not do anything at that time pending referring the matter to the County. He stated he is glad to report the County has considered this matter, and this morning they officially endorsed the ideas. That he is advised by Chairman Peterson he would like very much to proceed, and in fact, they have already officially endorsed the idea of a City-County Environmental Council.

Councilman Short moved that the City Council match the County's effort of this morning and approve the creating of an Advisory Environmental Quality Council of Charlotte-Mecklenburg, and request the Mayor and Chairman Peterson to appoint and establish this Council. The motion was seconded by Councilman Withrow.

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Councilman McDuffie stated he wonders if somehow the County Commissioners and the City Council members themselves could not be involved if only technically, so they would be members of these agencies and eligible to go to the meetings if they so desired. That he does not have the knowledge, nor the interest or time to be active in this particular one. But somehow, we delegate our authority away and do not involve getting into the problem. There have been times that people could have had some input that would have been meaningful; but we are supposed to stand around and not meddle or participate. If somehow we can incorporate the members of the Boards that appoint these people - especially when they are advisory - and we could go to meetings and be officially ex-officio members entitled to be there and listen and to say a word if possible without appearing like you are out of step.

Councilman Short replied he agrees; that he had meant to say this would be a council of local citizens and officials. The membership is to be 27 people, and a number of people have been suggested for this by the Junior League. The final membership would be subject to the approval of the Mayor and the Chairman. That he^{is} sure it is envisioned that local officials would be on it, and they would be delighted to have them as members as well as visitors.

Mayor pro tem Alexander stated he was under the impression that any committees involving city and county matters as referred to here, that any member of city council and the board of county commissioners could attend without any question. Councilman McDuffie replied you might be able to attend, but he wonders if you are welcome. Councilman Withrow stated he thinks most of them would welcome a council member and would like for the members to come.

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

Mrs. Bruce Rinehart stated on behalf of the Ecology Committee of the Junior League and on behalf of MECA she would like to thank the Council members for their interest. That they are most enthusiastic about this Council and believe it will help keep Charlotte in all of its growth a beautiful and environmental healthy place to live. They hope the Council will represent many parts of the community, and the government, and they welcome, and hope the governments will participate in this Council, and that it will dedicate itself in promoting public understanding and participation in plans and in projects affecting our environment.

MOTION TO HOLD EXECUTIVE SESSION OF CITY COUNCIL, ADOPTED.

Councilman Short stated he believes it is necessary for Council to discuss further the selection of someone to replace Councilman Calhoun.

Councilman Short moved that Council hold an executive session on Wednesday evening, March 8, at 9:30 o'clock p.m., in the Mayor's office for the purpose of discussing a personnel matter in accordance with G. S. 143-318.3, (b). The motion was seconded by Councilman Whittington and carried unanimously.

Councilman McDuffie stated if he has received an answer from the Attorney General by that time, he will know whether he can attend the meeting or not.

CITY MANAGER REQUESTED TO INVESTIGATE DIFFERENT MATTERS THAT HAVE BEEN PENDING AND PLACE THEM ON THE AGENDA OR CONFERENCE SESSION FOR COUNCIL.

Councilman Whittington asked the City Manager if he will make an effort to get an answer to the the following: From the Redevelopment Commission about the status of the Blue Heaven Park; about the Governmental Plaza Commission which he suggested some time ago that the Mayor appoint a new Commission; the Redevelopment Commission's plans for the development of the historical

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park between the Board of Education building and the County office building; the zoning on Eastway Drive; and the sign ordinance. He stated he is sure there are many other things, but all of these have been hanging fire for a long time.

Councilman Whittington requested that these matters be placed on the agenda or be set up for a conference session so that Council can receive all the facts at one time.

The City Manager stated progress reports can be made on two of the matters. That Mr. Carstarphen can give Council a report on the Blue Heaven Park. That the plans for the Governmental Plaza are going along every day. That he had talked with the Planning Commission about the sign ordinance, and as of this week they have no report. Councilman Short stated he has talked to Mr. Zeke Ford in connection with the sign ordinance, and the sign industry wanted some input into this replanning of the ordinance. That about a week ago Mr. Ford told him there was some difference of opinion, but he is working on it, and indicated they would be back to Council before too long.

Mayor pro tem Alexander requested the City Manager to look into each of these matters and to bring a report back to Council.

Councilman Whittington stated it has been a long time since anything has been said about the extension of the Northwest Expressway from where it now stops, or where there is no construction going on in the neighborhood of 5th and 6th Streets, continuing that on to Independence Boulevard. There has been some mention of the updated Independence Boulevard Expressway. According to the newspapers while he was in the hospital, Mr. Hoose said Pearl Park problem is now out of the way.

He stated nothing has been said or done about the Northwest Expressway in a good while. It is the end of an administration and if there is anything that can be done about it, we should move on it now with the Highway Commission.

Councilman Whittington stated he would like to ask again the status of Plaza Road widening as it relates to roads, and some answer to the affirmative about what has been said about the Independence Boulevard Expressway.

Mr. Burkhalter replied the City has agreed to do the planning for the Plaza Road widening, and it is moving along.

Councilman Whittington stated he will have some names at the next meeting, which he hopes Council will consider, for the Transit Committee that he mentioned to Council back in October or November. That at that time, he hopes this Committee can be activated and be ready to go to work as soon as the Wilbur Smith report is received.

COUNCIL ADVISED THAT TREE COMMITTEE IS MEETING IN COUNCIL CHAMBER TUESDAY NIGHT AT 7:30 P.M.

Councilman Withrow advised that the Tree Committee is meeting Tuesday Night at 7:30 P.M. in the Council Chamber; they will have an ecologist, an expert arborist, and the head of their Park and Recreation Commission from Atlanta.

He stated the Committee suggests that all members of Council who can attend this meeting. That this will be a very informative meeting. That they would like for members of Council to attend every meeting, but specifically this meeting tomorrow night.

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INTERIM REPORT ON SOLID WASTE STUDY REQUESTED FROM HENNINGSON, DURHAM AND RICHARDSON.

Councilman Withrow stated more than two years ago, Council approved a solid waste study for Mecklenburg County. In August of 1970, 18 months ago, Council was advised that a contract for the study was being let with the firm of Henningson, Durham and Richardson. Since then we have heard nothing further. That he would like to know when this study will be completed; and if Council can get an interim report. That he is concerned that this study may have gotten off the ground in the wrong direction. Eighteen months ago we were thinking entirely of landfills, plus there was some conversation about hauling garbage and trash to another part of the country by train. Now the picture has changed. Many towns are building the new electro-static incinerator plants that do not pollute the air.

Councilman Withrow stated after seeing what he saw in Vienna and Munich and reading about the plants that have been built in Chicago, Franklin, Ohio, and St. Louis and other places, he thinks this is the way that Charlotte should go. These new plants burn garbage without smoke and in addition they allow for the recycling of metal and glass and so forth. Also they produce steam which can be used to heat or cool other buildings. He understands it is possible to heat and cool the new city-county office buildings being planned, using steam produced in an incinerator located somewhere in the area where the building will be built, or the new hospital when it is built might also be heated in this way. That it is important that the HDR people come in for discussion on this matter and let Council confer with them on the way to handle the solid waste program.

Councilman Withrow requested the City Manager to look into this request.

Mr. Burkhalter stated HDR has about finished their study. That he is afraid we will have to start a new one, as he does not think they can start it over and go in another direction. They will have it ready for a report shortly.

Councilman McDuffie stated they will probably include this in the report they are making. Mr. Burkhalter stated he is sure they have studied incineration, but he does not think they will recommend it.

Councilman Withrow stated he thinks we are going to have to take some action on the study of incineration for Charlotte; that we talk about it but nothing is ever done. That he thinks a lot of the people who are in the business would give us a study free of charge. Councilman Short stated when the report was initiated everyone spoke of it as a landfill type study; that is the way everyone was thinking at the time; that he hopes they have not just stayed with the idea that we can buy more and more landfill here in this county.

Mr. Burkhalter stated St. Louis and one of the power companies are experimenting with this very type thing now. They did not visit that one but they have been to two other cities to view all types of incineration.

Councilman Jordan stated we all know about the trip we took to Europe and the cities in this country that are going to incineration. That is the thing we should do, but finding the money for the incineration plant is the problem. Councilman McDuffie stated one of the things COG is working on is about cooperation between counties in building one so they can get more use of it.

Mayor pro tem Alexander stated he understood that Duke Power Company was working with the St. Louis outfit to see how it worked out there and Council was to get a report. Mr. Burkhalter stated he does not know that Duke Power is working with them, but they are keeping in touch.

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Councilman Withrow stated the County is talking about building a new facility. If we have a chance to build this then we have to do it when we build a new facility if we are going to use this steam to heat the buildings, or if we build a new hospital. If we do not have any study, and do not know anything about it, he wonders where we will be when the contract is let on the buildings. Mr. Burkhalter stated there is no question about it; it is beautiful if this is what you want; that he has not found anyone in this country willing to pay for it; the cost is extremely high.

Mayor pro tem Alexander stated he could not generate any interest in developing a cold water plant to do the same thing and furnish refrigeration and heat for municipal buildings. No one thought it was feasible or had any use for it. Yet right in the middle of Brooklyn they are building all these big buildings that could use such facility.

Councilman Jordan asked if there are any ideas of the government participating in a pilot plan in reference to pollution and ecology? Mr. Burkhalter replied he thinks they would; he does not know of any they have done so far. That some seven years ago he signed the first major contract between a City and a private agency for a compost contract. That it was done on a five year basis; he was very disappointed to know that last year it closed at the end of five years, and the federal government has said to all cities in the country that composting is great; it works and we can prove it; but no one can afford it. After five years with the Public Health Service, TVA and the City jointly working out to dispose of all their garbage, all their waste and all their sewage, by composting, they could not take its place. Councilman Jordan stated Charlotte was looking into that also, and the City Manager went to Jamaica to view the plant.

Councilman Jordan asked the City Manager to have someone investigate the possibility of getting some funds from the federal government for a pilot plan. Mr. Burkhalter replied he will start inquiring on it directly.

Mayor pro tem Alexander stated all the time he talks about studying all these government programs to see how we can tie one into another, and benefit in that fashion. That is what they did in San Antonio. They started off with their urban redevelopment program and got this plan on urban redevelopment land and tied it in with the canal. That he says we need to do a little more studying.

Councilman Short stated Council received a report from Mr. Hopson that he had conferred at length with Mr. Bill Lee and Mr. Franklin Jackson at Duke Power Company about whether they would be interested in generating power by burning garbage, and they were not interested, and were saying it would be more expensive, and they did not want their power users to have to pay this added expense. He stated it seems to him that what is suggested here is a different thing entirely. We have the duty of disposing of the garbage and trash anyway. The suggestion is not that Duke Power Company use this to generate electricity but rather that it be used for the power, heating and cooling of governmental buildings. It seems you could deduct from the cost of heating and cooling the buildings by this method, the money we will owe to buy landfills. This is a savings we can make that Duke Power cannot.

After further discussion, Mr. Burkhalter stated we should have the study soon.

SUGGESTION THAT COUNCIL MAKE MORE USE OF EDUCATIONAL TV AND GO OUT INTO THE NEIGHBORHOODS TO HOLD COUNCIL MEETINGS.

Councilman McDuffie stated in reference to Dr. Warner Hall's report to Council at the conference session, it bothers him that reports that take numerous hours and manpower and are brought to this group are wasted compared to the exposure they desire if we do not use educational TV or some other method of allowing these kinds of reports to get to the public. We will never get the job done on informing the people.

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He stated there was a report on Channel 3 last night on why consolidation failed; this was a good example of knowledgeable people who could not answer one question on what the charter proposed. That we are being derelict in our duty by refusing, or not pursuing the use of educational TV. It is an obligation we have and if we do not use it we are saying to the public that we do not want you to know what we do at City Council; we do not want you to have these reports; we want you to stay uninformed. There is an opportunity to use this medium, if sparingly, once a month, once every two months, but it is available and should be used.

That this report of Dr. Hall's should have been on educational TV so that every interested citizen in the community could have benefit of the suggestions and the problems they point out. That it touched on parks, zoning, lack of open spaces and hand guns. All of these things will get a little play in the newspaper but having heard it first hand would have been most important.

Councilman McDuffie suggested Council should meet at Myers Park and West Charlotte and Garinger so that people can ask about a traffic light at Colony Road and let Mr. Hoose explain it in person as to his theory as to why they do not get it. We put government where it belongs, closer to the people.

Councilman Jordan stated he is sure Dr. Hall would be glad to go on the educational station and give the same report to the public that he gave to Council today. That he does not know how many times Council has gone on the TV station and gone out into the neighborhoods at the schools and held council meetings. That outside of half a dozen people, there was no one there but the city staff. That he thinks this is a waste of time. That the meetings were publicized day in and day out.

Councilman McDuffie stated it is his opinion that government should go to the people; that he would hope when Mr. Wheeler's office makes suggestions about meetings that we cooperate with him and be available.

Councilman McDuffie stated the point made on the TV program last night was that the public did not understand and was not involved.

Councilman Jordan stated he has been here a long time and these meetings have not been attended; that he would not care to vote to have any night meetings. That he does not think they are profitable and people will not attend them.

WRITTEN REPORTS REQUESTED ON MATTERS RELATING TO HIDDEN VALLEY AND SUGAR CREEK ROAD CLOSING.

Councilman McDuffie stated he would like an answer in writing to the following matters from the traffic department. That the people in Hidden Valley are at their rope's end, especially with the closing of the bridge which took place last week:

- (1) Traffic light at North Tryon Street and Bennett Lane.
- (2) Re-mark the pavement at Wellingford and North Tryon Street to allow left turns off Tryon Street.
- (3) Open Sugar Creek Road from North Tryon to Cinderella Lane if the pavement is completed.
- (4) Re-install the temporary traffic light at Softly Road and Craighead that was there on the previous detour.
- (5) Traffic light at North Graham Street and I-85 to allow traffic to get off I-85 since that is the only street at the moment they can get off without going out almost to the University.
- (6) Open Tom Hunter Road for right turns off I-85 at Sugar Creek, which will mean going under the bridge and putting in a culvert.

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STEPS OUTLINED IN CONFERENCE SESSION BY ASSISTANT CITY MANAGER FOR NIP PROGRAM IN DILWORTH, NORTH CAROLINA AND WILMORE AREAS APPROVED, AND COMMITTEE OF COUNCIL TO BE MADE A PART OF THE PLANNING PROCESS.

Councilman Whittington moved that Council approve the steps as outlined by Mr. Carstarphen, Assistant City Manager, for the NIP program in the Dilworth, North Charlotte and Wilmore areas, and that a committee of Council be a part of the planning process as outlined by Mr. Carstarphen. The motion was seconded by Councilman Short, and carried unanimously.

CITY MANAGER REQUESTED TO PUSH THE REPORT ON THE ACTUARIAL STUDY FOR RETIRED FIREMEN.

Councilman Short requested the City Manager to also push the actuarial study needed in connection with the cost of living feature of the firemen's pensions. That we are really subject to the possibility of misunderstanding by the public and some criticism if we do not get into this matter. Some of the hardship cases he knows personally deserve attention. The Legislature has given Council the power specifically to do this, and we must have the actuarial study.

Councilman McDuffie asked if there is any way to incorporate the amount of income the fireman has now. Some of them have social security and others do not. Councilman Short stated what is being considered is healing this problem once and for all; it would be some sort of special assistance, one time deal, for those already retired, plus putting the present actives, if possible, on some sort of actuarial plan that would take this into account.

Mr. Bobo, Assistant City Manager, stated Tillinghast and Bowles have been asked to make this actuarial study; but in getting into the study they found what is being proposed by the Trustees exceeds the statutory limits, so they will have to make a more comprehensive study than was first intended. That this company will recommend to the Trustees several alternatives, and then the report will come to Council. He stated they are shooting for March 31.

CONFERENCE SESSION REQUESTED SET UP TO MEET WITH MOTION INCORPORATED, THE LAST MONDAY IN MARCH.

Mayor pro tem Alexander requested the City Manager to arrange a conference session to meet with MOTION, Inc., the housing corporation of the model cities program. That he would suggest that it be the only item on the conference agenda as soon as it can be arranged. That he would like for them to give Council a report on where they are now with the housing corporation, and what they are planning to do, and things they have done.

After discussion, Mr. Bobo, Assistant City Manager, stated it will be scheduled for the Conference Agenda on March 27.

ASSISTANT CITY MANAGER CARSTARPHEN REQUESTED TO HAVE MEETINGS OF MODEL CITIES NEIGHBORHOOD ADVISORY COMMISSION FIXED AT TIME SO STAFF CAN SET UP MINUTES OF THE MEETING AND COPIES BE SENT TO CITY COUNCIL FOR PERUSAL PRIOR TO ACTION ON THE FOLLOWING MONDAY.

Mayor pro tem Alexander stated Council has the authority of approving the actions of the Neighborhood Advisory Commission of the Model Cities program. The Neighborhood Advisory Commission passes on to Council the recommendations that come from the model cities program. That usually this Commission meets on a Thursday. But in meeting on a Thursday, this does not give staff an

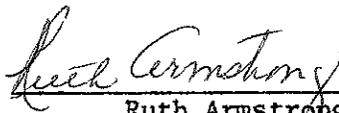
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opportunity to set up the minutes of that meeting to have them referred to City Council for Council action on the following Monday. He requested Mr. Carstarphen, Assistant City Manager, to see that the necessary information is established where Council can get the reports of the Model Neighborhood Commission's meeting so that Council can have them for the following Monday. That gives an opportunity for Councilmen to have them in their hands so they can peruse them.

Mayor pro tem Alexander stated he would suggest these minutes be sent to Council as soon as they are out, and not wait to send them out with the Council agenda.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk