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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 8, 1971, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Milton Short.

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INVOCATION.

The invocation was given by Reverend John H. Bowden, Minister of Oakhurst Baptist Church.

MINUTES APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, approving the Minutes of the last regular meeting on Monday, March 1, 1971, as submitted.

WEDDING GIFT PRESENTED TO MAYOR ON BEHALF OF COUNCIL.

Mayor pro tem Whittington stated when Council learned that the Mayor and the Judge were to get married, they had a secret meeting with the press while the Mayor was away to figure out what they could do for the Mayor and the Judge as a wedding present.

On behalf of the City Council, Mayor pro tem Whittington presented the Mayor with a caricature drawing by Eugene Payne of the Mayor and his bride coming down the church aisle.

Mayor Belk expressed his appreciation to the Council for the gift.

SUGGESTION OF AMENDMENTS TO HOUSING ORDINANCE TO REGULATE THE RENTAL OF UNFIT HOUSING.

Mr. Tom Pulliam, Jr., with the Legal Aid Society, stated he would like to present for Council's consideration a proposed ordinance affecting the rental of substandard housing.

Mr. Pulliam stated he will try to answer the five following questions on the ordinance: (1) What is it? (2) What would it do? (3) Why do we need it? (4) How would it work? and (5) Has it been fully discussed?

What is it? It is a proposed ordinance to try to provide a workable solution to one of the complex housing problems faced by this city and other cities. It is not designed to replace the Housing Code; it is designed to compliment the housing code so that this ordinance and the housing code might more effectively improve the quality of living in the city.

What would it do? This ordinance would simply assure tenants that they would receive a decent home to move into. The ordinance would require that certain dwelling units - those which we believe to be substandard - be certified by the Housing Division of the Building Inspection Department as standard before they could be rented to new tenants. This would help to assure tenants of receiving a decent home in which to live, and would minimize the number of individuals and families now living in substandard housing. This would reduce the cost to the city and taxpayers who now bear the burden of paying for some of the problems arising from substandard living conditions.

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Why do we need it? In general it is desirable government to provide decent housing for every citizen of the community. In minimizing the number of individuals and families living in substandard housing it might save the city and the community a substantial amount of money in meeting the other problems. There are approximately 18,000 individuals and families in this city living in substandard housing. In addition, figures from the housing division department show that the problem is not getting better, it is getting worse; that units which have been found to have been substandard in the past are being repaired only at a rate of one half of that of units now being found substandard. This situation is principally the result of the neglect of many landlords who have failed to implement effective programs of maintenance or rehabilitation. The tenant cannot bargain with the landlord as he has no economic power. The private market is not able to meet this problem. The Housing Code was enacted in 1962 to provide solutions for this type problems. The Housing Code has not proven effective in dealing with this problem. Two principal conclusions found by the Mayor's Committee on Community Relations in a survey in 1968 were (1) that the Housing Code has been successful in demolishing houses but it has not been successful in rehabilitating housing. (2) That the principal responsibility for the conditions of a dwelling unit rest with the owner, not with the tenant, at least at the initial state, and that an owner should not be permitted to rent his property unless he brings it up to standard.

He stated this ordinance will do precisely what the Mayor's Committee suggested in 1968. It would prevent owners from renting substandard housing.

One of the other problems of the Housing Code is that it depends upon the housing inspectors to act as "policemen" to catch up with the violators and then take them through a series of tedious administrative procedure before finally bringing the Council a recommendation for action. That this process takes from four to ten months and has been known to stand as long as four years.

This need for occupancy standards has been emphasized by HUD in its consideration of the city's workable program. In addition, the most recent amendment which in effect enacted a new housing code in December of this past year, imposed upon the tenants the responsibility for maintaining their units in good condition. This seems unfair to expect that of tenants unless you also expect the landlords to give tenants property in good condition to begin with.

How would it work? There are two alternatives. The first alternative is that the ordinance would apply to any dwelling unit which had been found substandard in the five years immediately preceding the rental to any tenant. The second alternative is that the ordinance would apply to any dwelling unit which has ever been found substandard subsequent to the enactment of the current housing code in December. Regardless of which alternative is selected, this ordinance would place initial responsibility, for bringing property up to standards before it is rented, upon the property owners and would relieve the housing inspectors of their policeman duties to a large extent. The penalties would be sufficiently fair to encourage implementation of an effective program of regular property maintenance. A permit fee of \$10.00 would be charged. Based upon data he has received from the Housing Division, this would be enough to defray the cost so that no additional costs would be borne by the taxpayers.

Has it been fully discussed? This is the first time it has been brought before Council. In the memorandum he sent to each Councilman, he listed the numbers of groups and various organizations which have discussed the ordinance since it was drafted in the winter of 1969.

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Mr. Pulliam stated the ordinance is not revolutionary; there are approximately 18 and at least two cities in this state who have laws doing essentially the same thing. Charlotte has a serious housing shortage and a problem with the rental of substandard housing. He asked the Council to give the ordinance very consideration.

Councilman Alexander referred to Page 3 of the suggested ordinance, Section 13.44-4, Number 1, and stated this says that a permit would be required of a house that has been declared unfit for rental. If the house is repaired and a permit is granted stating it is okay for rental, does the permit last for a five year period? Mr. Pulliam replied it would last for two months, or as long as the property is occupied by the tenant. It only applies when you change tenants.

Councilman Alexander asked if every time you change tenants you would have to submit the house for re-inspection in the five year period? Mr. Pulliam stated not unless you change tenants within two months following the issuance of the permit. The permit is valid for two months unless another inspection has been made and the house has been unfit.

Councilman Alexander asked who requests the inspection? Mr. Pulliam replied the owner has the responsibility for asking for an inspection, not the tenant. Councilman Tuttle stated if you change tenants five times, you have to get five more permits? Mr. Pulliam replied it depends upon when the changes are made; it is possible this could happen.

Councilman Alexander asked what is in the proposed ordinance to keep the tenants from being a nuisance under the ordinance; that perhaps there is a tenant that makes a habit of doing this; moving in and staying the statutory time and then another tenant moves in; you have a series of tenants who do this type of thing to inconvenience the owner? Mr. Pulliam replied there is nothing in the ordinance to prevent this; that he would regard this as highly unlikely as most people like to have a home they can call a home and stay there. Councilman Alexander stated he only raised this question because it does happen; that you do get the nuisance situation which is just to aggravate the owner. Mr. Pulliam replied there are no provisions in the ordinance for that type of nuisance; if it could be demonstrated that this was a serious problem, and it could be covered in the ordinance without weakening it, he thinks something should be included.

Mr. Dave Berryhill stated on behalf of the Charlotte Board of Realtors and the Charlotte Property Management Association, he would request that Council defer any action on this proposed ordinance until they have had a chance to study it and to present their views to Council.

Mr. Bill Allan, representing the Property Management Association, stated Charlotte has made great stride under its present unfit housing ordinance. He referred to the Sunday Observer of September, 1961 which gives an indication of how housing was in Charlotte ten years ago. He stated he was the assistant to the Enforcement Director of Unfit Housing in the years 1949 through 1952. That he remembers sub-standard housing; that he knows what it used to be, and he knows what the standards used to be. He stated the Secretary of Commerce stated last week that in 1950, 35% of the houses in this country lacked all plumbing facilities deemed necessary. In 1960, that figure had dropped to 17%; in 1970, the figure was 7%. In the City of Charlotte, it is one percent. 840 houses out of 40,000 in the City of Charlotte lack all the plumbing facilities. This means that 99% of the houses inside the City of Charlotte have all the required plumbing facilities.

He quoted from HCVI-35 North Carolina advanced report General Housing Characteristics. In 1960, 13% of the houses were occupied by more than one person per room. In 1970, 92% of the dwelling units have an occupancy of one or less person per room; 6% have an occupancy between one and one-half persons per room. Less than 2% of the housing units in the City of Charlotte have an occupancy greater than one and a half persons per room.

He stated in the 1960 census figures there were 3,419 dilapidated houses; 8,819 deteriorating houses for a total of 12,238 dilapidated and deteriorating houses or 20% of the total housing units in Charlotte at that time. Also, 5,334 houses at that time lacked all the plumbing facilities. By the Legal Aid Society's own figures, 18,000 people now live in substandard housing, which figure they question. But even using those figures and dividing by the census average density figure of 2.7 people per dwelling unit, that shows the number of substandard units in Charlotte to be 6,667 units, or roughly half the total in 1960. Yet the Legal Aid Society is here to say the situation is getting worse every day; that this is not the case. He stated he does not know how many substandard houses are in Charlotte, and the Building Inspection Department does not know, and no one else knows by 1970 standards what a substandard house is. That what he is here to represent is that by 1940 standards, there are no substandard houses; by 1950 standards there are only a handful; by 1960 standards, there are less than 2,000 substandard houses in the City of Charlotte.

Mr. Allan stated they feel this method of obtaining compliance with the law lends itself to great abuse in the hands of a vindictive tenant. Notice can be sent to an owner to fix up his house and he can conscientiously do a very good job; but if he gets a tenant in who wants to rip a screen or cause some other minor damage, it is almost impossible to convict a tenant of destroying property; the only thing you can do is to bring a civil suit and in the Courts of North Carolina civil judgement is virtually worthless.

Mr. Allan stated Property Management Association is not opposed to the enforcement of the Housing Code; however, they think the shoe should be on the other foot. He stated they suggest an alternative procedure in which once the house has been found substandard then Council would direct the Building Inspector to go back and examine the house once every five years. That it could take up to five inspections per year or a total of 25 inspections over the five year period.

He stated there is a law suit in the Courts now whereas the Legal Aid Society is trying to establish a proprietary interest in the owner's property by certain tenants; they are trying to say that Council, as a legislative body, intended, by passing this legislation, to prevent what is called a retaliatory eviction of a tenant. He stated they, as owners and agents, say this was not Council's intent and would like for it to be cleared up. They are trying to say that anytime you go to evict someone who may or may not have complained, that they can go into court and say this is a retaliatory eviction and therefore illegal.

Mr. Allan stated they would like for Council to clear this up by adopting the following amendment to the Housing Code: "That nothing in this ordinance shall in any way limit, restrict, or forbid any owner or agent thereof to sue for and recover possession of his premises upon breach of lease by the tenant or proper expiration of said lease." He stated there is a move afoot to give the tenant proprietary interest in property that is not his, and under this law to keep him on the hook for five years to where he cannot be evicted and where he will not have to pay rent as long as the property is declared substandard. He can keep it substandard for the entire five years by simply ripping a screen, or pulling a hot water heater out. Mr. Allan stated there is a better way to handle this than has been presented by Mr. Pulliam.

REPORT ON FEASIBILITY STUDY ON PROPOSED ALTERNATE ROUTING TO SHARON LANE.

Mr. R. C. Birmingham, Jr., Assistant Public Works Director, stated a feasibility study has been made on the proposed alternate routing to Sharon Lane. The route has been suggested as an alternate to the Sharon Lane improvements. This alternate would by today's standards require an 80-foot right-of-way with

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roadway widths varying from 52 to 64 feet. In order that the cost estimates be evaluated equally, they have estimated the alternate on the same basis as Sharon Lane; that is within a 60-foot right-of-way and a 48-foot roadway.

Mr. Birmingham referred to the map and stated Sharon Amity Road extends at the top of the map and goes around crossing the Seaboard Coastline Railway adjacent to the Sharon Cemetery onto Independence Boulevard. It extends across to Providence Road. He stated Sharon Lane from Providence Road to Sharon Road, a distance of approximately 5,500 feet was funded on December 12, 1969 in the bond referendum; the portion of Sharon Amity from Providence Road back all the way to Independence Boulevard was constructed in two phases in 1965 and 1966. The alternate route has been aligned as near as reasonable possible with the suggested route in order to provide a facility to accommodate anticipated volumes and speed. Beginning at a point half way between Sharon Lane and Colony Road, the proposed alternate route would extend across new right of way to its intersection with Foxcroft Road and Sedley Road; it would then extend along the right of way of Sedley Road to its end; it would enter the city limits; it would extend across by the Cloisters between the subdivision and McMullen Creek onto Providence Road at McMullen Creek. It would then extend across new right-of-way to a street right of way known as Wilhaven Drive; it would extend along the approximately 400-500 feet of Wilhaven Drive and parallel with McMullen Creek across Randolph Road extending along Shasta Lane to a point approximately at its junction with the Sherwood Forest Area. At this point it would make a right turn and cross new right of way, cross Robinhood Road and Addison Drive and extend up Blairmore Drive, crossing onto new right of way back into Sharon Amity Road.

He stated Section A is designated on the map from Sharon Road to Providence Road and has been estimated to cost \$1,003,500.00 with right of way \$163,500 and construction \$840,000. This alignment would take approximately two houses.

Section B would extend from Providence Road, crossing all the way back to new right of way of Wilhaven and Shasta, Blairmore and back into Sharon Amity near Tangle Drive. This is estimated at \$1,061,500, with the right of way estimated at \$287,500 and construction at \$774,000.00. Along this route there are approximately five houses or buildings that would have to be displaced. The total cost of this project, from Sharon Road back into Sharon Amity would be approximately \$2,065,000.00.

Mr. Birmingham stated he feels these estimates are conservative because they were developed without benefit of field surveys or soil studies. The right of way estimates were based primarily on the present county property valuation without benefit of appraisal, which could be low. He stated there would be a considerable amount of trees to be taken.

Mr. Herman Hoose, Director of Traffic Engineering, stated in reference to the traffic, it was suggested that the alternate would relieve some of the traffic on Sharon Lane. The present traffic volume on Sharon Lane is 19,300 for a 24-hour period in two directions on a two lane street. The alternate route on this particular section would siphon approximately 6,000 cars from the Independence-Randolph Road area along with the Sharon Road area which would reduce the traffic on Sharon Lane to about 13,500 cars. They feel that any of the alternate routes proposed further on would have very little effect upon the traffic already within the area. At the intersection of Sharon Road and Providence Road today there are 24,509 cars in two directions. It was also suggested that this was to be more than five lane or up to six lanes. The only five lane treatment will be at intersections where left turn slots will be constructed. In reference to the sidewalks and telephone poles or lighting poles, that it has been a Traffic Engineering and an engineering policy for some years to construct the utility poles at the rear of the curb in the strip behind the sidewalk, but within the right of way.

Tests by the Federal Highway Administration have shown the utility poles at the curb do not provide for pedestrian safety; the same tests showed that poles at the rear would provide better protection for the pedestrian as it opens up the site distance, better protection in reference to backing out of the drives, and it presents better aesthetics. He stated building of any alternate route would not reduce the traffic on Sharon Lane to a point where the remaining traffic would be large enough to not warrant the improvement of Sharon Lane.

Mr. Whiteford Blakeney stated despite the study given the matter by the Engineering Department, there are one or two things that occurred to him as he listened to the report. He stated they are comparing the Sharon Lane distance with a far greater distance. The Sharon Lane distance is to be compared only with that part of the alternate route which would be roughly parallel with the Sharon Lane part. That would go only from Sharon Road to Providence Road. These gentlemen are discussing and giving comments upon a distance far above Providence Road. It is true that he mentioned the area beyond Providence Road when he was before Council last, but it seems the comparison is not appropriate on money cost and the like except in roughly coordinate distances. Also they did not address themselves to the other alternate which is the extension of Fairview. They say there would be as many trees cut down and more on the alternate route. That he would agree that crossing unused, vacant land you may cut down more trees, but saplings. There are no trees of any significant number to be cut down on the alternate route of any size. That he does not know what the two buildings that must go down could be; that he knows that the width in most places of the route along McMullen Creek is great; it is 500 feet; it is 1,000 feet in places and it is more. There may be some spots that he did not appreciate the distance narrowing to the point there would have to be the removal of buildings. All that can be looked into more closely. The route he suggested in the area does not necessarily travel along Sedley Road; it is to the side of Sedley Road; the area of Sedley Road is quite wide; and you would not necessarily travel down Sedley Road to its end.

Mr. Blakeney stated the Engineers do not address themselves to Sharon Lane being a one-way road; what about putting curbs in and improving and making it smoother and its contours better and let the traffic flow one way; then another way on another street. It would serve a tremendous volume moving in one way. That far more traffic would be served by two roads, each having its traffic moving one way, then could possibly be served by widening Sharon Lane. They did not address themselves to the subject of what is going to happen to the better part of the year that Sharon Lane would be closed. If there is no alternate opened and you move ahead, and Sharon Lane is closed for the better part of a year, what happens to the traffic then? Is it not better to try to do something about an alternate before you shut Sharon Lane down for six to eight months or more? This will be a real barrier to traffic in the whole area.

He stated the engineers have not weighed this matter from any point except an engineering point. That is not all that enters into it. Just as truly as serving the interest of traffic is the Council's responsibility equally is the preservation of beauty in this city; the preservation of an attractive environment.

Mr. Blakeney stated if Sharon Lane is widened and the oak trees are cut down, commercialization will begin there. Those trees are the assurance against the area becoming commercialized. That cannot be left out of the consideration. Once you go out and make this move, it cannot be undone. It makes it inevitable that the area will deteriorate; it makes it inevitable that the environmental and aesthetic values of the city will have been lessened. In time, other areas will have to do down too; cement and pavement will spread and commercialized projects will likewise spread. He stated they do not believe that this administration wants to take that major step with the whole trend towards preserving environment.

Mrs. Payton (Jean) Warley stated she is not a resident of Sharon Lane. She stated she does not want her children and grandchildren to grow up in a Charlotte that is asphalt and cement; and that is what is happening. When God created man he supposedly created an animal with a superior intelligence. You do not see any of the so-called lower animals out destroying the beautiful, natural habitat, and that is what we are doing. She asked the Council to please not cut the trees.

Mrs. Warley filed a petition with the City Clerk requesting Council to reconsider the widening of Sharon Lane because in widening Sharon Lane, many trees which have taken years to grow, will have to be removed.

Mr. Chip Hunter stated he and Mr. Rip Stone of the Unitarian Youth Forum are not residents of Sharon Lane but in the past few weeks they have been working to gather a petition, and they have something over 3,045 signatures on the petition opposing the destruction of the large oak trees along Sharon Lane. Mr. Hunter stated there is one alternative that has not been pointed out - that is to do nothing about the situation. Granted there are 19,000 cars within a 24-hour period, but the oak trees have been standing for well over a hundred years. That you have to make a value judgement. Is a 15 minute wait that important to justify the destruction of these oak trees?

Mrs. Margaret Martin suggested that the road remain as it is with two lanes moving south, one turning in one direction on Sharon Road and the other lane turning in the other direction. Instead of cutting the trees, leave the lanes as they are and run a feeder road all the way up to Foxcroft Road. That this would be up to the people on Sharon Lane as to whether or not it is more important to save the trees or give a little more right of way for the feeder road.

Mr. Blakeney asked if the City has completed the search of the title on the subject of right of way? Mr. Underhill, City Attorney, replied 65% is in; the city does not have some of the property on the north side of Sharon Lane completed; we have most of the title examination and some of the report on the right of way on the south side but very few on the north. Mr. Blakeney stated this has a most important bearing on the comparative costs that Mr. Birmingham mentioned; when they fixed the figure of \$400,000 for Sharon Lane, they are not allowing anything for the acquisition of additional rights of way there; they are assuming the City has a 60-foot right of way. That according to his search this is an incorrect assumption. There are several competent attorneys interested in the properties involved who have looked into this and their conclusion is definitely that the city has no rights of way on the south side of Sharon Lane for the most of its length beyond what is now actually in use. If that is a correct opinion, then the city is going to have to come forward with vastly more than the \$400,000 investment. That this is a legal question. The state of titles on the north side of Sharon Lane is at best dubious; it may be that it will turn out that the city does have right of way there.

Councilman Whittington asked Mr. Blakeney to comment on the suggestion of Mrs. Martin. Mr. Blakeney replied her suggestion is that in part Sharon Lane be maintained at its present width for part of its distance; and at that distance where it is maintained as it now is, leave both lanes of oak trees standing, and come on the other side of the lane and make that the other lane of new traffic. He stated it is a possibility. The difficulty that the engineers will see is that it will produce a situation of two lanes, a row of trees in the middle and two lanes on the other side. That as these two lanes separated move on down, they merge and you will have a merging situation and a dividing situation which the engineers might not like.

Mr. Birmingham stated they have considered a proposal on this based on the cost of acquisition, and feel it would not be economically feasible. On the south side of Sharon Lane there would be 6 or 7 homes that would have to give

an additional 30 feet of right of way which would bring the road in a closer proximity to their homes. That the City has already gone on record that it would be happy to reevaluate this if there is reason to believe the property owners would donate the right of way.

Mr. Phillip Small, a resident of Sharon Lane, stated no matter what section of the country you are in, whenever you put a four lane highway through, or a belt way through, in three or four years, you have commercialization. Speaking for a great many residents of Sharon Lane, he stated it is of paramount importance for Council to weigh the fact that the whole area will deteriorate and it will be a commercial area.

Mayor Belk thanked everyone for being present and bringing their views to Council.

COUNCILMAN THROWER ABSENT FROM MEETING.

Councilman Thrower left the meeting at this time and was absent for the remainder of the session.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE SALE OF LAND TO FAIRFAX ENTERPRISES, INC. IN REDEVELOPMENT PROJECT NO. N. C. R-37.

Councilman Jordan moved adoption of the subject resolution approving the sale of 638,587 square feet of land at a total purchase price of \$1,288,522.34 to be used as an office motel center. The motion was seconded by Councilman Whittington.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated the land is located in Project No. 3 on the east side of McDowell Street, between Third Street and Independence Boulevard, and is bounded on the east by the Northwest Expressway.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 263.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO DUNCAN PRINTMAKERS, INC. IN REDEVELOPMENT PROJECT NO. N. C. R-60.

Mr. Sawyer, Executive Director of the Redevelopment Commission, stated Parcels 8A, B, C and D are located on South McDowell Street at the southern boundary of the project and the Independence Expressway. A cul-de-sac is planned to serve all four parcels. Parcel A has frontage on both the cul-de-sac which is the extension of Baxter Street, and McDowell Street and is directly behind the Addison Apartments which fronts on Morehead Street. That parcel is going for \$1.50 per square foot. There is a ditch that runs parallel to the project boundary and parallel to the cul-de-sac going on into Project 4 and a culvert is being put in. That creates an easement on part of this property; also the property is very low with an abrupt change of elevation in that the property fronts on Morehead Street and goes back to the project boundaries behind. It is being filled to bring it up to the highest grade they can within the amount of fill they are able to bring in from other places within the project. The easement does devalue the land. He stated they are in the process of filling the land.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution approving the sale of 58,537 square feet of land at a total purchase price of \$88,000.00, to be used as an operations building for Duncan Printmakers, Inc.

The resolution is recorded in full in Resolutions Book 7, at Page 264.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE SALE OF LAND TO WEINSTEIN, STURGES, ODOM AND BIGGER IN REDEVELOPMENT PROJECT NO. N. C. R-60.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated this parcel is the furthest back and the lowest land and has a drainage easement and a sanitary sewer easement running parallel in the back. It was appraised by two real estate appraisers, and the price represents the average of the two appraisals. The bid was \$0.65 a square foot. This is being filled also. The fill from McDowell Street and Independence is being brought to this site.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted approving the sale of 42,301 square feet of land at a total purchase price of \$27,601.40 to be used as law offices.

The resolution is recorded in full in Resolutions Book 7, at Page 265.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO MILLER H. NEWTON IN REDEVELOPMENT PROJECT NO. N. C. R-60.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated this bid came in covering two parcels on the north side of the cul-de-sac and backing up to the expressway right of way. The parcel has frontage on McDowell Street and the cul-de-sac; it was plotted as two separate parcels and they had two separate prices. One was \$0.75 a square foot and the other was \$1.32 per square foot. The land will be used for small office buildings.

Councilman Jordan moved adoption of the subject resolution approving the sale of 197,849 square feet of land at a total purchase price of \$214,512.70 to be used as four single story office buildings. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 266.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO DR. GEORGE A. LOWE, DR. CHARLES WARREN WILLIAMS, DR. HAROLD S. PRIDE, DR. RALEIGH W. BYNUM, DR. JOSEPH L. BUTLER, DR. TELEZEE L. FOSTER, DR. CHARLES G. JAMES AND J. LEVONNE CHAMBERS IN REDEVELOPMENT PROJECT NO. N. C. R-60.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated this land is going for \$1.70 per square foot; it is higher land with good exposure and has more frontage on McDowell Street. It is located on Independence Boulevard at McDowell Street, between McDowell and the corner of Alexander Street which is now being constructed as a cul-de-sac street.

Motion was made by Councilman Alexander to adopt the subject resolution approving the sale of 259,533 square feet of land at a total purchase price of \$454,182.80 to be used as an office and professional building. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 267.

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COMMENTS ON PRESERVING TREES IN PROJECT 5.

Councilman Alexander asked in the sale of these parcels in Project 5, if there was any discussion to save as many of the trees as possible? Mr. Sawyer, Executive Director of the Redevelopment Commission, replied yes. He referred to one site and stated it is being graded and all of the trees that could be saved are marked. The other site has trees on both ends. The developer, Fairfax Enterprises has promised to preserve as many trees as possible.

Mr. Bob Percival, Fairfax's real estate representative, stated the architects laid the property out and a topographical survey was made and all the major trees on it were marked. That they cannot preserve 100% of the trees but they have made a great effort in laying out the parking lots to put parking islands in where the better and more prominent trees are located. He stated at one end there are some beautiful big trees, and they were a major point of consideration in locating the motor inn.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING PURCHASE OF LAND IN DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated this is the block on which the civic center is to be located. The block is bounded by the Southern Railroad right of way, East Fourth Street, College Street and East Trade Street. This parcel contains 131,955 square feet.

Councilman Whittington moved adoption of the subject resolution approving the purchase of 131,955 square feet of land in Downtown Urban Renewal Area, Project No. N. C. A-3, at a total purchase price of \$1,315,591.35, to be used as the site of the Civic Center. The motion was seconded by Councilman Tuttle.

Councilman Tuttle asked if it turns out the City cannot use the land for the civic center, what position will the city be in? Mr. Sawyer replied normally in a sale to a private enterprise, the Redevelopment Commission has a sales contract which they enter into. This contract has a reverter clause in case the developer defaults by not completing the improvements as planned, then the Commission gets the land back. He stated they are not proposing a contract today with the City but they intended as soon as possible as one is required even with a public redeveloper. Before the property is deeded, they will recommend that the City enter into a sales contract for the development of the property, and if you cannot fulfill the contract, then the land will revert.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 269.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, ACCEPTING DEDICATION OF LAND TO THE CITY OF CHARLOTTE IN THE DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted accepting dedication of 18,417 square feet in the Downtown Urban Renewal Area to be used in connection with the widening of East Fourth, South College and East Trade Streets around the Civic Center block.

The resolution is recorded in full in Resolutions Book 7, at Page 270.

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RESOLUTION EXTENDING CURRENT OPERATING CONTRACTS BETWEEN THE CITY OF CHARLOTTE/MODEL CITIES AGENCY AND OTHER AGENCIES THROUGH MARCH 31, 1971.

The subject resolution extending current operating contracts between Model Cities Agency and the following agencies and/or public bodies through March 31, 1971, was presented for Council's consideration:

- (1) Charlotte Area Fund, Incorporated.
- (2) Charlotte City Coach Lines, Incorporated.
- (3) Charlotte-Mecklenburg Board of Education.
- (4) Community Health Association, Incorporated.
- (5) Health Services Research Center.
- (6) Legal Aid Society of Mecklenburg County, North Carolina.
- (7) Mecklenburg County Health Department.
- (8) MOTION, Inc.
- (9) North Carolina Blue Cross-Blue Shield, Incorporated.
- (10) Opportunities Industrialization Center, Charlotte Bureau Training Programs, Incorporated.

Councilman Alexander asked if there are any houses leased to the Public Housing Authority which they are renting under the public housing authority regulations? Mr. Carstarphen, Assistant City Manager, replied the Housing Authority leases a very few scattered site units; that with the exception of one unit in the Belmont-Villa Heights area, he does not believe any of the others are located in the Model Cities Neighborhood.

Motion was made by Councilman Tuttle, and seconded by Councilman Whittington, to adopt the subject resolution.

Councilman Tuttle referred to Item 2, which is the extension of the contract with Charlotte City Coach Lines. That he has said something about this several times and each time they have been present and have nodded their heads that they concur and would look into it. He is still not convinced that in some of these very populated areas such as Starmount, Montclair and such, that the bus service cannot be improved by going to the people and asking them. Make a door to door canvass, asking if they run a bus down through the area at 8:00 o'clock in the morning, will they participate? That he does not know how you can operate a bus system without such a survey of the attitude of the people.

Mr. Bobo, Acting City Manager, stated he would be glad to talk to the bus company about this suggestion.

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

The resolution is recorded in full in Resolutions Book 7, at Page 271.

CONTRACT WITH MRAZ, AYCOCK AND CASSTEVENS TO PERFORM LEGAL SERVICES FOR THE MODEL CITIES DEPARTMENT, APPROVED.

Councilman Alexander stated one of the purposes of the Model Cities Program is to make possible and expand the field in employment opportunities. He asked if the law firm of Mraz, Aycock and Casstevens has any Negroes employed in its activities? Mr. Underhill, City Attorney, replied there are no blacks in this law firm. Councilman Alexander stated he is not going to make a motion to hold this contract up; but in the future, Model Cities should be certain to show some reflection as to whether or not there is any black employment in the firms in leasing these contracts.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the subject contract with the law firm to perform legal services for the Model Cities Department with the services to consist of drawing contracts to be executed with public and private agencies based on a fee of \$35.00 per hour, at a maximum amount of \$10,000.00.

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MAYOR BELK ABSENT FROM MEETING.

Mayor Belk left the meeting at this time and Mayor pro tem Whittington presided during his absence.

PUBLIC HEARING SET FOR MONDAY, MARCH 29, 1971 TO DETERMINE WHETHER THE PUBLIC NECESSITY AND CONVENIENCE WOULD BE SERVED BY OFF-STREET PARKING FACILITIES.

Councilman Withrow asked if both priorities will be discussed at the subject hearing? Mr. Bobo, Acting City Manager, advised the main thing to be discussed is the justification of the need for such a facility. This hearing will pertain to Site A only at College and Trade Streets.

Councilman Tuttle moved that a public hearing be set for Monday, March 29, 1971, to determine whether the public necessity and convenience would be served by off-street parking facilities. The motion was seconded by Councilman Jordan.

Councilman Withrow stated he talked with some people at lunch today who thought there should be another study to determine whether we even want this site? Mr. Bobo stated Site A was the most advantageous site according to the report in that it would be more self-sustaining and would support revenue bonds at this time; this is the reason that Council arrived at the point authorizing the staff to look into the possibilities of developing Site A.

Mayor pro tem Whittington stated this is a public hearing for those for and against this one site; the second site which is the corner of College and Fourth down to Third will be considered at another date because of what is going on there; that you cannot consider both of them at the same time because of economic reasons.

The vote was taken on the motion and carried unanimously.

ADVERTISEMENT OF SALE OF CITY-OWNED RESIDUE PROPERTIES ON EAST THIRD AND EAST FOURTH STREETS CONNECTORS, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, the subject property was authorized advertised for sale.

CONSTRUCTION OF SANITARY SEWER TO SERVE LINCOLNSHIRE SUBDIVISION, APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving the request of Rea Construction Company for the construction of 1,490 lineal feet of sanitary sewer to serve Lincolnshire Subdivision, inside the city, at an estimated cost of \$13,194.06, with all cost of the 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.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Councilman Jordan moved that the following streets be taken over for continuous maintenance by the City. The motion was seconded by Councilman Withrow and carried unanimously.

- (a) Delham Drive, from Covecreek Drive to 80 feet east of Covecreek Drive.
- (b) Covecreek Drive, from 125 feet north of Delham Drive to 380 feet south of Delham Drive.

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- (c) Cardigan Avenue, from 290 feet west of Marden Court to 690 feet west of Marden Court.
- (d) Barrington Drive, from Lanecrest Drive to Milton Road.

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject encroachment agreement was approved with the State Highway Commission permitting the City to construct a 36-inch sanitary sewer line within the right of way of the Matthews-Pineville Road to serve McMullen Creek Outfall.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with James L. Varnadore for appraisal of three parcels of land at the corner of Eighth Street and Church Street, at fees of \$125.00 and \$150.00 for Fire Station No. 4.
- (b) Contract with B. Brevard Brookshire for appraisal of three parcels of land at the corner of Eighth Street and Church Street, at fees of \$125.00 and \$150.00 for Fire Station No. 4.
- (c) Contract with Wallace D. Gibbs, Jr. for appraisal of three parcels of land at fees ranging from \$300.00 to \$500.00 for McDowell Street and Morehead Street Intersection.
- (d) Contract with Harry G. Brown for appraisal of three parcels of land at fees ranging from \$300.00 to \$500.00, for McDowell Street and Morehead Street Intersection.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Jordan moved approval of the following property transactions. The motion was seconded by Councilman Tuttle, and carried unanimously.

- (a) Acquisition of easement 2,516.95' x 30.00' on undeveloped acreage beginning at the end of Cross Gate Road, from E. C. Griffith Company, at \$2,517.00, for McMullen Creek Outfall.
- (b) Acquisition of easement 10' x 213.49' at 1218 Erinshire Road, from Mario M. Dell Amico and wife, Raquel M., at \$214.00, for sanitary sewer to serve Monroe Road and Yardley Place.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, the following three ordinances were adopted ordering the demolition and removal of dwellings pursuant to the Housing Code of the City and Article 15, Chapter 160, of the General Statutes of North Carolina:

- (a) Ordinance No. 43-X ordering the demolition and removal of dwelling at 4200 Morris Field Drive.

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- (b) Ordinance No. 44-X ordering the demolition and removal of dwelling at 117 West 12th Street.
- (c) Ordinance No. 45-X ordering the demolition and removal of dwelling at 2625 Hemphill Street.

Council was advised that the property owners would not contest the demolitions. The ordinances are recorded in full in Ordinance Book 18, beginning on Page 109.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving the issuance of Special Officer Permits for a period of one year, as follows:

- (a) Issuance of permit to Willie Frank Gaddy for use on the premises of Park Fairfax Apartments.
- (b) Issuance of permit to Marshall Lee Coble for use on the premises of Park Fairfax Apartments.

MAYOR RETURNS TO MEETING.

Mayor Belk returned to the meeting at this time and presided for the remainder of the Session.

CONTRACT AWARDED KOPPERS COMPANY, INC., EARCO PRODUCTS DEPARTMENT FOR EMULSIFIED ASPHALT.

Councilman Withrow moved award of contract on the only bid received, Koppers Company, Inc., Earco Products Department, for emulsified asphalt, in the amount of \$88,201.96, on a unit price basis. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACT AWARDED DEWEY BROTHERS, INC. FOR CATCH BASIN FRAMES AND GRATES.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Dewey Brothers, Inc., in the amount of \$11,597.85, on a unit price basis, for catch basin frames and grates.

The following bids were received:

Dewey Bros., Inc.	\$11,597.85
Sumter Machinery Co.	11,681.00
Neenah Foundry Co.	19,940.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR DOWNTOWN STREET IMPROVEMENTS ON COLLEGE STREET, SECOND STREET AND THIRD STREET.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to Crowder Construction Company, in the negotiated amount of \$1,184,293.37, on a unit price basis, for Downtown Street Improvements on College Street, Second Street and Third Street.

The following bids were received:

Crowder Construction Co. (Negotiated Bid)	\$1,184,293.37
Crowder Construction Co. (Original Bid)	1,217,956.77
Blythe Brothers Co.	1,305,371.65
Rea Construction Co.	1,363,871.10

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NOMINATIONS TO PARK AND RECREATION COMMISSION.

Councilman Tuttle placed in nomination the name of Mr. A. Eugene Warren for re-appointment to the Park and Recreation Commission for a five year term.

Councilman Withrow placed in nomination the name of Mr. John Black to succeed Mr. Daniel Martin on the Park and Recreation Commission for a five year term.

The Mayor advised the nomination will remain open for one week.

CITY MANAGER REQUESTED TO REPORT TO COUNCIL ON TYPE OF INFORMATION IN THE MUNICIPAL INFORMATION SYSTEM PROGRAM.

Councilman Tuttle stated in connection with the Municipal Information System Program and with the flack from Washington about punching a button and someone's case history comes up that he does not think the City needs that type of information on any individual. He asked the Acting City Manager to look closely as to what type of information is going into this machine and give Council a report at an early date.

Mr. Bobo replied this is scheduled for a conference session soon.

STAFF AUTHORIZED TO PROCEED WITH THE IMPLEMENTATION OF THE NEIGHBORHOOD CENTERS SYSTEM.

Councilman Alexander stated last week at the Conference Session, Council approved the authorization of the Staff to proceed with the implementation of the program on the Neighborhood Centers throughout the Model Cities area, but did not formalize the action.

Councilman Alexander moved that the Staff proceed with the implementation of the Neighborhood Centers System as presented in last week's Conference Session. The motion was seconded by Councilman Whittington, and carried unanimously.

REPORT ON NUMBER OF NEGRO EMPLOYEES IN CITY GOVERNMENT REQUESTED.

Councilman Alexander asked if the report on the number of Negro employees in city government will be available soon? Mr. Bobo, Acting City Manager, replied this is being worked on; that he will check to see the status of the report.

CITY ATTORNEY REQUESTED TO LOOK INTO SUGGESTION OF LICENSING ENTERTAINERS.

Councilman Alexander stated he has a letter suggesting that Council look into the licensing areas of entertainers. He asked the City Attorney to look into this and bring a report to Council.

COUNCILMAN SHORT ABSENT FROM COUNCIL MEETING DUE TO CONFLICT WITH ANOTHER MEETING.

Mayor Belk advised that Councilman Milton Short requested to be excused from today's Council Meeting as he had another meeting.

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REPORT THAT NOTICES WERE INCLUDED IN WATER BILLS REMINDING CITIZENS OF THE NEW SANITATION ORDINANCE REGULATIONS.

Councilman Whittington asked Mr. Hopson, Director of Public Works, if he is following up on notifying people of the new sanitation ordinance that is now in effect? Mr. Hopson replied there is a notification in this month's water bills; also there has been some discussion with the newspapers. As soon as they can meet with Mr. Jordan's Committee, they will be more effectual in this operation.

INVESTIGATION REQUESTED ON NEED TO REPAIR METAL STRIP COVERING DRAIN ACROSS SIDEWALK ON WEST FOURTH STREET.

Councilman Alexander stated on West Fourth Street there is a building with a blue tile front, between College and Poplar Street; their drain runs across the sidewalk and the metal strip that crosses needs to be repaired as you can get your foot caught in it. Just below it is a city water meter that is at least three inches below the level of the sidewalk.

REVISIONS IN THE DEVELOPMENT PLAN FOR PROVIDENCE SQUARE COMMERCIAL CENTER, APPROVED.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request from the Ervin Company to consider some changes in the plan for the development of Providence Square commercial area. The changes are principally in the nature of reflecting refinements in the plan. He referred to the Plan and pointed out the plan as it is now approved. He stated the plan consisted of a lake area, a green mall and two rows of buildings on each side; these were solid buildings without any opening access between them or through them. There is a total of 7.4 acres involved in the business area with six acres being commercial space and parking and 1.4 acres of lake and landscape.

He stated now that the plan has progressed to the point of working plans there have been some changes in the plan. The plan as now proposed still maintains the basic configuration of the buildings with the principal effects of the changes being as follows: (1) The food store, with access onto the mall, as well as two sides on the parking lot has been re-oriented to the point where its access is to the parking lot and a row of small shops have been introduced along the mall area. (2) The opening in the mall has been tightened up and this has been compensated for by the creation of a second green area. (3) The restaurant has now been moved to the other side of the mall and put into a separated building by itself and gives a more pleasant relationship to the lake. The most significant change deals with the allocation of space itself. There is no change in the amount of open space; there is still 1.4 acres of open space and water area. There has been a reduction of approximately 1,500 square feet in the total building area. The original approval was for 91,000 square feet of total area and this has now been reduced to 89,585 square feet. There has been a shift within the space between commercial and office space to the extent that the amount of office space has been reduced and the commercial space increased. The breakdown is now 76,000 square feet of shops and stores and 13,280 square feet of office space.

Mr. Bryant stated the Planning Staff landscape architect has gone over the plan and finds it to be a more acceptable pattern of usage.

Motion was made by Councilman Alexander, seconded by Councilman Withrow and unanimously carried, approving the revisions in the Plan as recommended.

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RESOLUTION IN MEMORIAM OF JOHN C. ERWIN.

Mayor Belk presented the following resolution:

"WHEREAS, it was with deep regret that the City Council learned of the death of John C. Erwin on Saturday, March 6, 1971; and

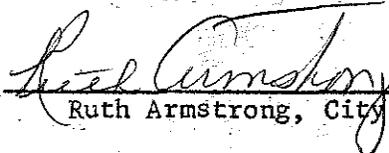
WHEREAS, John C. Erwin was a faithful and conscientious member of the Aviation Advisory Commission from 1942 until the time of his death, during which time Douglas Municipal Airport experienced its greatest growth, and his talents, interest and efforts were extremely valuable during the construction of the present Airport Terminal Building; and

WHEREAS, John Erwin contributed much to the growth of Charlotte through his imagination and energy, having served on the building committees of Presbyterian Hospital, Covenant Presbyterian Church, and Queens College and the Mint Museum during their expansion.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Charlotte do, by this resolution and public record, recognize his significant contribution to the Aviation Advisory Commission, and recognize further that his death is a distinct loss to the City in which he worked and won deep respect.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Council and a copy thereof be sent to the family of Mr. Erwin in recognition of his respected place in this community."

Councilman Tuttle moved adoption of the resolution by standing for a moment of silent prayer and adjourning the meeting. The motion was seconded by Councilman Whittington, and carried unanimously.


Ruth Armstrong, City Clerk