

November 20, 1972
Minute Book 58 - Page 74

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 20, 1972, at 2:00 o'clock p.m., in the Council Chamber, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Finley, Ross and Royal present.

ABSENT: Commissioners Jolly, Kratt, Moss and Turner.

* * * * *

INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the minutes of the meetings on November 6th and November 13, 1972, were approved as submitted.

PLAQUE PRESENTED TO GEORGE L. SIBLEY FOR SERVICES ON THE PLANNING COMMISSION.

Mr. Allan Tate, Chairman of the Charlotte-Mecklenburg Planning Commission, recognized Mr. George L. Sibley, and presented him with a Plaque for distinguished services to Charlotte-Mecklenburg for serving as a member of the Charlotte-Mecklenburg Planning Commission from 1953 until 1972, and as Chairman from 1958 until 1967.

HEARING ON PETITION NO. 72-54 BY BARRON R. PHILLIPS FOR A CHANGE IN ZONING FROM R-6MF AND R-9 TO R-9MF OF 3.681 ACRES OF LAND AT THE NORTHEAST CORNER OF SHAMROCK DRIVE AND MAYWOOD DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the request is for a combination of R-6MF and R-9 to R-9MF on property located on the north side of Shamrock Drive, at Briar Creek and is vacant property; it is adjoined to the west towards the Plaza by a large area of duplexes; to the north and east of the property across Maywood Drive is single family residential uses; diagonally across and on the east side of Briar Creek is the Shamrock Gardens Elementary School; a church fronts on Globe Court; beyond that is a series of various types of retail and commercial activities.

He stated basically Briar Creek divides the multi-family zoning to the west from the single family zoning to the east. To the west is the R-6MF zoning occupied predominately by the duplexes; to the east is the single family zoning coming over to Globe Court; at Globe Court is B-1 zoning; to the south of Shamrock is predominately single family zoning to a point near Briar Creek and then begins another pattern of business zoning along the south side of Shamrock Drive.

Mr. Ralph Howie, speaking to the petition, stated the land is presently zoned R-6MF and R-9. That they can do a better job of utilizing the property by building duplexes and apartments by having it all zoned the same. The land itself is a problem with the creek flowing through, and there is no way more than 15-20 percent of the land can be utilized due to the creek.

November 20, 1972
Minute Book 58 - Page 75

Mr. Howie stated the creek is a good size running through the property, and the land planning that will have to be done will probably require duplexes along Maywood. He stated they will have to determine the flooding of the property after they get through as some of the property is subject to flooding.

Mayor Belk stated he would like to make it a stipulation if this is approved that the flooding problems will be taken care of. Mr. Bryant replied this is one of the considerations that will have to be determined. Mr. Howie stated some of the land along Maywood will support duplexes if they have a good plan, and this is why they are asking for the rezoning. Mayor Belk asked Mr. Howie if he will be willing to work with the city on the flooding of the creek? Mr. Howie replied they will; that they have always been glad to work with the city; and they have never been guilty of building on land that is too low.

Councilman McDuffie asked what can we do about the fact he says he will build duplexes along Maywood and the zoning will allow apartments. Duplexes give the appearance of being single family with two entrances and usually just two families; probably the neighborhood would stay more characteristic of single family if that is true. That Mr. Howie says it, but we cannot hold him to it. Mr. Bryant replied there is no way that it could be held to the duplex use. But any use on this property of multi-family, whether it be duplexes or apartments, will have to be through the site plan review process. At that point it would prohibit the building of any units in the flood plain; but it would not be able to say definitely that it would be duplexes versus the other type of multi-family uses.

Councilman McDuffie asked if we are going to get to that kind of factor in the future? Mr. Bryant replied yes. That it has been discussed before the advantage of having some district that would accommodate principally duplex type use, and preclude more intensive building.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-55 BY SIMPSON ELECTRIC COMPANY, INC. FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT 75' X 275' AT 5609 MONROE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this consists of one residential lot facing Monroe Road; it has a house on the property; and there is principally single family uses around the property in the immediate vicinity. To the east is an area of vacant property with a single family residence immediately adjacent to the subject property.

Mr. Bryant stated there is O-6 zoning to the west of the property; other than that there is a solid pattern of R-9 zoning to the north, east and across Monroe Road to the south. The business zoning begins at Sharon-Amity Road.

Ms. Sandra Townsend, representing the petitioner, stated they would like to build an office building on this property. Since there is residential zoning behind the property and beyond it, they plan an office building of traditional design and it will be in keeping with any houses remaining as residential. The property at 5517 Monroe Road is already being used as a real-estate office. That the property at 5507-09-11 has been sold and an office complex is planned for that property. The property will be much better used as office space because of the busy street. Very few families want to live in a home on a street that is as busy as this.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

November 20, 1972
Minute Book 58 - Page 76

HEARING ON PETITION NO. 72-56 BY HARRY W. KOLE FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A PARCEL OF LAND 44' X 297' AT THE NORTHWEST CORNER OF INTERSTATE HIGHWAY 77 AND BLAIRHILL ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a triangular shaped parcel of land located on Interstate 77, south of Clanton Road interchange. The property is vacant and much of the surrounding property is vacant; the nearest single family homes are located along Bowman Road; to the north beyond and north of Clanton Road is a motel under construction; and then scattered single family residences on the front portion of Blairhill Road. This is a minor change in the zoning pattern of a very small parcel of land.

He stated there is B-1 zoning all around the interchange of I-77 and Clanton Road coming right down to the subject property. There is B-1 zoning immediately to the east which is connected to a broad pattern of business which goes all the way back to Clanton Road. To the south of Blairhill Road is the beginning of a pattern of R-6MF; to the west of I-77 is business zoning at Clanton Road and a large area of industrial zoning beginning at that point and extending to the south and west from that point.

Mr. Bryant stated Blairhill Road has never been opened in the vicinity of the subject property; it was originally dedicated all the way through; but a portion of it has never been opened, and when I-77 was constructed, it cut it off permanently. Mr. Bryant stated to develop the subject property, it would have to be tied back in to some of the existing property coming back to Clanton Road; there is no way it can be developed satisfactorily by itself.

Mr. David Reule, Realtor, stated some months ago they applied for a rezoning on a portion of property in the area; at that time they were trying to obtain some additional property. He stated they have purchased the subject property from the State Highway Department, and they would like to tie it in so they can use that section of the property. He stated he has a rendering of the motel which they plan to build.

Councilman Whittington asked if the motel would come from Clanton Road, down and over to Blairhill Road intersection? Mr. Reule replied that is right.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-57 BY HOWARD S. AND GLADYS K. HELMS ESTEP FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A PARCEL OF LAND 100' X 438' ON THE SOUTH SIDE OF CLANTON ROAD BETWEEN SOUTH TRYON STREET AND INTERSTATE HIGHWAY 77.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is the related petition to the previous petition; it actually fronts on Clanton Road and extends all the way through to Blairhill Road. The property has on it a house on Clanton Road; other than that the Clanton Road frontage on each side is vacant; most of the houses in the area have been torn down. There is vacant property across Clanton Road. To the east is the business usage clustered around the intersection of Clanton Road and South Tryon Street.

This zoning would help complete the closing of a little gap that now exists between business zoning, which begins just west of the property and extending all the way over to I-77, and industrial zoning which begins one lot east of the subject property, and extends all the way over to South Tryon Street. This would be a minor extension of existing business zoning.

November 20, 1972
Minute Book 58 - Page 77

Mr. David Reule, Realtor, stated there are only two lots between the present business zoning and the industrial zoning. That he contacted these property owners; it is in an estate and there are three sisters and the only reason they did not join in the petition was they were afraid the property would be revalued for tax purposes, and they did not feel they could bear the load at this time.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

Councilman McDuffie asked if the Planning Commission is preparing something for Council regulating billboards as they would affect I-77? This petition would be on I-77, and we need to know if there is anything that can be done about billboards? Mr. Bryant replied billboards would not be permitted on this property as this is a B-1 zoning.

Councilman McDuffie stated we need to do something about all the skeleton posts appearing on I-77. Mr. Bryant replied this is the whole area of sign regulations which have been dealt with a great many years; that this is an area that we would want some guidance from Council before entering into exhaustive studies to further restrict billboards.

HEARING ON PETITION NO. 72-58 BY CHARLOTTE PIPE AND FOUNDRY COMPANY TO GRANT CONDITIONAL OFF-STREET PARKING FOR FIVE LOTS AT 2104, 2108, 2112, 2116 AND 2120 VAIL AVENUE, IN AN R-6MF ZONE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Vail Avenue, between Chase Avenue and Durham Drive, and is vacant. It is adjoined on the Mercy Hospital side by a single family residence; there is a solid pattern of single family residences across the street; in the next block going toward Laurel begins a solid pattern of single family uses. To the rear of the property is the Randolph Road frontage that is vacant. Randolph Road is in the process of a very rapid change. With the Randolph Road exception, the other land uses in the area, particularly along Vail Avenue, are single family residential uses.

There is an extensive pattern of office zoning along Randolph Road out to Laurel Avenue. Coming down Vail Avenue office zoning is now in existence from Caswell Road down to Chase Street; there begins a pattern of multi-family zoning which extends the remaining way down Vail and down all the other streets. The subject property has multi-family zoning on three sides and office zoning of Randolph Road on the one side.

Mr. Bryant stated this is a request for conditional parking approval and not for a zoning change. Councilman McDuffie asked if the Traffic Engineering Department can tell them where the entrances and exits must be? Mr. Bryant replied this is a conditional approval process and the site plan can be part of the approved process. They can be restricted in any way. The ordinance does not actually require a site plan; but it strongly implied it by the nature of the conditions imposed. In this case a site plan has been submitted.

Mr. Frank Dowd stated he is associated with Charlotte Pipe and Foundry Company, the petitioner. In 1969 they began to acquire property fronting on Randolph Road to construct an office building for their administrative and executive staff. It was and is now their desire to construct a very handsome structure to be in keeping with the neighborhood and to enhance the neighborhood. He presented an architectural rendering of the building to be located on Randolph Road which will be a Williamsburg type structure. The necessary space for their parking requirements could have been obtained by just purchasing the three lots directly behind Randolph Road. However, they wanted a parking area which would be in keeping with the neighborhood and in keeping with the residential design of their building. Therefore, they acquired all the lots in the 2100 block behind. There are five lots in this particular petition; but since the petition was filed they have acquired the lot on the corner. The property on which they are petitioning conditional parking is presently zoned R-6MF and they need approval for any change to permit conditional parking.

November 20, 1972
Minute Book 58 - Page 78

Mr. Dowd stated the area on Vail Avenue will be used only to accommodate the parking for a single tenant office building - Charlotte Pipe and Foundry Company. There will be very little traffic flow in and out of this parking area. They propose to control access to it with a magnetic card type gate. They have gone to great lengths since they obtained the first piece of property in 1969 to preserve every tree and every shrub on the property. The front three lots on Randolph Road have been maintained in a park-like setting, planted and not one tree has been disturbed. He stated the building has been located to preserve the major large oak tree on the front property. They have retained the services of Mr. Jack McNeary, a professional tree man, to help protect and to insure against the damage of any trees during the construction phase, and to help with the additional shrubbery planting after construction is completed. In keeping with Mr. McNeary's recommendations, every tree in the proposed Vail Avenue parking area will be surrounded by a planted area so that parking will be dispersed throughout the entire area. The proposed parking on Vail is from 4 1/2 to 7 feet above the center line of Vail Avenue. They are advised the elevation of this property together with the plantings, the shrubbery and trees, will render the parking area practically unnoticeable to those living across the street on Vail as well as by motorists traveling along the street.

Mr. Dowd stated they have consulted personally every resident across the street in this block, and to his knowledge none of these residents are opposed to their plan. He stated every reasonable effort will be made to insure that the neighborhood is not damaged or harmed, but is enhanced by the proposed conditional use of the subject property.

Councilman Short asked what is planned for the one remaining lot, and Mr. Dowd replied they have just acquired it in the last couple of weeks, and they have not made any plans. There is such a nice house there they do not know whether they will tear it down or just what. It will not be used for anything other than what it is being used right now, a residence, or it will be a part of the green area parking lot.

Councilman McDuffie asked about a small fence in the parking lot area. He asked if there will be an entrance on Vail Avenue? Mr. Dowd replied they have shown a proposed entrance on Vail Avenue in the plans, but they will be happy to be guided by whatever the Council says on it. They will submit to anything the Council says in terms of the entrance on Vail Avenue whether they are bound by the statutes or not. He stated they propose to plant the back of the parking lot on Vail Avenue in a complete shrubbery screen.

No opposition was expressed to the proposed conditional parking.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-59 BY JACK D. FARR FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A PARCEL OF LAND AT THE SOUTHWEST CORNER OF THE PLAZA AND BLACKWOOD AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject petition is a tract of land located on The Plaza and Blackwood Avenue. The property is vacant; the surrounding land uses are all single family residentially used. The nearest non-residential usage is located in the vicinity of the Eastway-Plaza intersection. There is the beginning of commercial uses down near Commercial Avenue and the intersection of the Old Sugar Creek Road.

Mr. Bryant stated there is multi-family zoning along a stretch of the Plaza extending from down between Commercial and Weldon Avenues with multi-family zoning extending up past Blackwood Avenue. There is business zoning around the intersection of The Plaza and Eastway and that is buffered by office zoning. To the rear of the property along Weldon Avenue and along Blackwood is single family residential zoning.

November 20, 1972
Minute Book 58 - Page 79

Councilman Short asked how far the median strip runs along The Plaza, and if it runs along this property? Mr. Bryant replied it does not; the median would be short of the intersection of Blackwood and The Plaza.

Mr. Sam Williams, Attorney for the petitioner, passed around photographs and presented a rendering of a proposed building for Jack Farr. He stated Mr. Farr has owned this 60,000 square foot parcel of vacant land since July, 1961. That Mr. Farr feels the time has come to develop this property to its highest and best use which he considers to be office; it is now zoned R-6MF and approximately 29 apartments could be built on it if it were developed in that fashion. Mr. Farr does not think such dense multi-family development is appropriate either for Charlotte or the neighbors, all of whom have been advised of the hearing.

Mr. Williams stated Mr. Farr has retained the services of Benton-Hopson Architectural firm to design a structure which would not only serve the office use of the area but also preserve the character of the neighborhood. He stated office zoning will be highly advantageous to the remaining single family neighborhood around it. He stated their plan preserves all but three major trees, many of which are over 100 years old. The trees will not only complement the fine office structure proposed, but will also preserve the integrity of the neighborhood. The parking does not abut the adjoining homes, but is set back by trees and buffered. Office use is not night time use and will preserve the evening tranquility of the adjacent residential area. With the Norfolk-Southern Railroad trains going through every night it is not a conducive residential area. He stated they are on the immediate fringe of a changing area. While there are single family structures on The Plaza, many of them are non-conforming uses at this time. He stated what they proposed is really a protective measure. Even though they petitioned for Office-6, the plan is capable of being O-15. He stated this office use would be very beneficial to the area and will preserve the value and charm of the houses that are now there.

Councilman McDuffie asked if he is saying they can get by with an O-15 zoning, and Mr. Williams replied that is correct. Councilman McDuffie stated Council does not have a definite authority to regulate entrances to O-15 or O-6. Mr. Bryant replied not as far as zoning is concerned; there is a Traffic Engineer regulation that would come into play at the time they apply for a building permit; but this is not dealing with a plan approval process under this zoning classification. Councilman McDuffie stated we cannot do anything about it on this one, but it is something we need to get to. You did not get to approve the entrances to Shamrock Drive Apartments, where the Traffic Engineer recommended it not be, so this could occur on a busy street like The Plaza in relationship to Blackwood and the other streets.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

RESOLUTION PROVIDING FOR PUBLIC ZONING HEARINGS ON MONDAY, DECEMBER 18, 1972.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted providing for public hearings on Monday, December 18, 1972, on Petitions Nos. 72-60 and 72-61.

The resolution is recorded in full in Resolutions Book 8, at Page 476.

AMENDMENT TO CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES FOR OPERATION OF NIGHT MEDICAL SERVICES/PRESCRIPTIONS, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject amendment to contract for Technical or Professional Services between the City of Charlotte-Model Cities Department and Eckerd's Drugs for operation of Night Medical Services/Prescriptions, increasing the budget by \$8,040.00.

November 20, 1972
Minute Book 58 - Page 80

ORDINANCE NO. 672-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE CREATING AN ADDITIONAL CLERK TYPIST I POSITION IN THE PURCHASING DEPARTMENT AND APPROPRIATING FUNDS FROM THE GENERAL FUND CONTINGENCY.

Councilman Jordan moved adoption of subject ordinance amending the Budget Ordinance creating an additional Clerk-Typist I position in the Purchasing Department and appropriating \$4,061 from the General Fund Contingency. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 359.

During the discussion, Councilman McDuffie asked that in the future the salary range be included in the information when additional positions are requested.

CONSIDERATION OF AN A-95 HOUSING PROJECT APPLICATION FOR FOX FIRE APARTMENTS.

Councilman Whittington moved that Council instruct its representative to COG that Council is opposed to the A-95 Housing Project Application for Fox Fire Apartments to be constructed under the 221(d) FHA-HUD Below Market Interest Program. The motion was seconded by Councilman Withrow, and carried by the following vote:

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

NAYS: Councilman Alexander.

Councilman McDuffie stated Council has a list of other projects to be considered. Councilman Short stated he requested that the list be given to Council today just as a list of the other things from Mecklenburg County that will be considered by COG the early part of January in the event any members of Council are interested. That it happens to include Gaston County too. Councilman McDuffie stated he would hope the other areas are going to build some of these houses; that hopefully they will be spread around. If the purpose of COG is to try to get the eight counties to build a certain number of low income units and hopefully that Charlotte-Mecklenburg will not draw an overly portion of low income people, and on the basis of other communities do not have enough, he can vote that we do not particularly need this project in Charlotte-Mecklenburg. But if other counties look at this and say they do not want any either, then we will end up in a dilemma and not build any.

Councilman Alexander stated he voted no because he cannot continue to sit here and say "yes, we don't want any more of this type housing" regardless of where it is and yet we do not make any provisions to do anything about it to the contrary. If we were establishing provisions whereby we could set apart areas or come up with alternate solutions perhaps he would be willing to vote affirmatively when these type matters come up. But he cannot see us castrate the opportunity of this type of housing and make no provisions for it anywhere at all when we are not relieving the existing housing situation. He does not buy the fact that not having this type of housing would keep low income people from coming to Charlotte when they come into Charlotte every day by every bus that stops. If we are going to take this attitude we will have to be more positive and speed up some arrangements where we can have some alternate proposals to offer. This he voted no because we do not come up with any alternate proposals of a better policy.

Councilman Withrow asked when George Selden is coming forward with his report? That it was due a year ago and we keep putting it off month by month. The City Manager replied it was started a year ago when the funds were approved to get it underway. The census information held it up. He stated they will request Mr. Selden to come to the next meeting and give Council some information on the progress.

November 20, 1972
Minute Book 58 - Page 81

Councilman Alexander stated we have to be realistic about the entire approach to housing. We use this procedure here; we constantly vote down zoning provisions where there is a possibility of low income housing. That he says we are putting ourselves out of the market for any possible low income housing, and yet we are not doing anything about the problem that exists. Councilman McDuffie stated what COG stands for is beneficial, and if we turn them down as we did today, and he can see this on the west side where there are a number of low income units that it probably should not be there. The argument was presented a while back that maybe we should not have more than 25 units in a development, then you will not flood a neighborhood and overload the parks and schools. Then you have the plight of the people in the close proximity. Councilman Alexander stated he maintains the only thing we are doing is cutting our opportunities for low income housing; we are not doing a thing positive to make it possible for low income housing, and we have the need for it.

Following was a discussion between Councilman Alexander and Councilman McDuffie on the need for housing.

Mayor Belk stated he does not think we should ever allow City Council to get caught in the action of the wheels of decision making on COG. If we do allow them to take this responsibility away from the City Council, we are going to lose more than we are going to gain by talking from a whole COG viewpoint. They should not put the responsibility on Council as far as the location of this type of construction. He would hate to see Council make a decision back to COG on a particular location. They should allow us to make the decisions where we want the housing, and not have COG to decide the location for the City of Charlotte. This is bad, even though this is in the county; it is a bad approach or precedent for the City Council to take against COG; otherwise they are going to start telling you wherever you go. This should be a responsibility of this group, and not for somebody from Hickory or Salisbury or Concord. That he is only saying that ^{we} should not set a precedent so that COG will tell us every location.

Councilman Withrow stated until George Selden comes forth with his plan, then COG should hold up. That we are in our rights to hold it up until this plan is presented. Then we can tell which way to go.

Mayor Belk stated if you allow a larger group to take this responsibility the people from Cabarrus County do not care, the people from Concord do not care, nor the people from Monroe or Union County. They really have no responsibility on where you will put it. That when they start telling you a particular location, like Council voted down here, it is a very dangerous thing. That he does not think somebody who is not interested in this should speak to the location. That they should decide on the number of housing units and tell the City this is the allotment. Councilman McDuffie stated the Mayor is saying COG should be planning and not doing.

Councilman Alexander stated he raised the point sometime back about the authority or power that COG has, and he has not seen anything to the contrary. That from the information he has received, COG has the right to put final yeses and noes on situations like this. This is where he questions having this kind of authority, and these are the things that disturb him when it gets down to some of the close community problems that affect us on urban levels that can be vetoed through a COG decision. That decision is considered and recognized by the federal bureaucracy. If COG is so established that this can take place from a federal level. There is more to it than just what appears on the surface in some areas and the extent of it is the thing we need to peruse and understand.

November 20, 1972
Minute Book 58 - Page 82

Councilman Short stated the alternative to this sort of arrangement of the regional group of some 30 people is not quite clear to him. The alternatives have not been suggested here, and alternatives that may have existed in the past have not been particularly good. One was the so-called Green Amendment which in some instances sought to give a greater power to local government but apparently was not practical. What is going to happen if there is not some local input of some sort is there will be in effect virtual dictating from Washington, from HUD employees, and from the Third Deputy Acting Undersecretary as to what will be done with federal money in this part of the country. The present arrangement is one of bouncing these programs off of not the smallest conceivable local unit, which in some situations would be something like the City Council of Mount Holly, but rather bouncing it off the smaller unit that the Feds feel they can practically deal with. This is a regional body. COG is accepting this responsibility and does not intend to pass it on and force some sort of decision upon the Charlotte City Council, or any of the local governments. However, if someone in a local governing body wishes to bring up some COG matter and instructs the COG delegate this is recognized and honored by the COG. In fact there is a tradition that overrides any policy that we might have if we can get an instruction from the governing body that has jurisdiction, or that is within the same county as would be the case here, that it is virtually considered an order to the COG and the COG is going along with the resolution about something that is this close to the City of Charlotte and when that resolution comes from the Charlotte City Council.

Councilman Alexander asked if it is not a fact that COG does have the authority to veto this type of decision when it gets before them; and is it not a fact that the federal government will recognize such veto? Councilman Short replied he thinks the answer to that is "no". Technically, the COG does not have any kind of veto. The federal government asks for opinions from the COG and they may or may not recognize these opinions. In any event the COG is not going to express an adverse opinion against the expressed wishes of its sponsor, which is the Charlotte City Council. Councilman Alexander asked what difference it makes to any other town, hamlet or what have you, as to where we put apartment complexes in the City of Charlotte. That he feels this is the entire responsibility of this local community. That he does not see where we need to be bound by what Belmont or any other town says about where we should put an apartment complex here in the City of Charlotte. That he sees no reason for this matter to be referred to COG. This is the full authority of this Council, and our authority is abdicated when we hand our powers to some organization composed of entities that are not connected with our own local existence. Councilman Short replied the Feds wish to deal in such matters with a group somewhat smaller than a state; on the other hand they do not wish to deal with the full range of some 80,000 local governments in America. The group that seems to them practical and proper in size for getting local input into the use of federal funds is a regional group. So it is a practical matter with them. Councilman Alexander stated he is opposed to the federal bureaucracy hamstringing local government in this fashion. These are his determined feelings about it, and he still holds it and will always vote no to transfer his authority as an elected official by the Citizens of Charlotte to somebody else when it comes to these type matters. That he can easily see the practicality and wisdom when we get to systems like water systems and the bearing they can have from that type of development; but when it gets to a thing such as determining where apartment complexes should be placed, then he says that is our full responsibility delegated to us by the voters of the City of Charlotte; that he does not agree to the transferring of that responsibility. That he takes opposition to the federal bureaucracy philosophy in attempting to offset local authorities in that fashion.

Councilman Short stated Centralina has been selected by the North Carolina Housing Corporation, a state non-profit organization, to conduct a pilot program of site preparation and construction loans and permanent loans for the building of low income housing in this 8 county region. This is a pilot program within this state. This program will not directly be administered by Centralina, which does planning and not administration. However, Centralina's activities will be obstetrical in the sense that Centralina will arrange the creating of a non-profit corporation to actually administer this program within this 8 county region. It is proper to say that something is being done within this region to help low income needs.

November 20, 1972
Minute Book 58 - Page 83

Mayor Belk stated he does not think it is the function of COG to run the City Council, and anytime they decide on the locations in the City of Charlotte then he thinks Charlotte should take a stand on this; that he thinks COG should implement the City Council and not hinder it. In his opinion, what COG is doing here is hindering the Council on its functions because the responsibility is right here and not on COG.

Councilman Whittington stated Mr. Short asked the Council to give him their recommendations on this particular project, and that was the purpose of the resolution so he could know the feelings of this body as a representative to the COG. It is his understanding, and he does not agree with this, that COG is supposed to tell the Feds what they recommend on this project and others.

Councilman Whittington stated this Council should instruct the City Manager to confer with the staff of COG and attend these COG meetings and make recommendations to this Council whether we should get in or get out. Then we will know where we stand. Whether we should get in COG and stay in COG or get out of it, and then Council will make these decisions without the benefit of this agency. He stated Council should make that decision after the City Manager and his staff give Council some recommendations; then Council can make a decision on its own. That he does not know how we got into COG to start with, but we are in it. The Chairman of the Board of County Commissioners, and one of our Councilmembers has been Chairman of COG. That he agrees with some of the things Mr. Alexander has said. That he does not want anybody telling him how to vote or how he should vote; but he does not take this Item No. 12 on the Agenda today in that light. Before he wants to talk about COG any more he wants the City Manager to make some recommendations to this Council.

Mayor Belk stated he does not see how you can get out of COG because this is the way the structure is set up. What he is talking about is how COG functions here. That we should decide where our problems are. If COG wants to hand down that we get so many units in housing or so many things for the police department, or any other thing they are going to pass on, then they should allow local government, elected to that responsibility, and not a bunch of people from a whole regional area not elected for that responsibility, to function. They should implement all the programs the city has and not to hinder it. On this particular item, it seems to him that Council is taking the rap for COG. To him this is bad as far as City Council leadership. That it is a bad approach to allow them to suggest a location. That he cannot see why we should get out of COG just because of the approach we are doing when we are not fulfilling our responsibilities.

Councilman Withrow stated if Council should reaffirm the stand it has taken on housing, and instruct COG and then it will know how Council stands and how it feels. Councilman Alexander stated the implementation of the COG philosophy ends up doing just what it is doing - taking authority away from local government, and we have to make a challenge to an amendment to the COG regulations that takes them out of local authority in some levels. This means you have to have some talk with your congressman and your delegation to Raleigh so someone can voice our opinions as regards the strangle hold this federal bureaucratic philosophy is gradually putting around the throats of the legislative forces here through local levels. Councilman Withrow stated he agrees, but he is just saying until we get the wheels stopped, if COG wants to know how Council feels do they want us to reaffirm the position of city council? The Mayor advised they are aware of the Council's decision of 1969. Councilman Withrow stated then they should not even ask as they know Council's decision. Councilman Short stated COG does know but this case did not squarely fit those decisions of 1969 and that policy statement. This is not completely low income housing; that is one reason for the question.

November 20, 1972
Minute Book 58 - Page 84

Councilman Short stated the motto of regional organizations all over the country is "Regionalism is local power". If it were not for the so-called A-95 process that is implemented through regional organization we would not be voting on this matter at all. This is actually slightly beyond the city limits of the City of Charlotte; zoning is not involved even if it were actually within the city as it is already zoned satisfactorily. Therefore the Council would have no grip on this matter at all if it were not for the existence of the COG and the A-95 process; and in a sense would be helpless in the face of the federal government pouring funds into Charlotte. That he would like to take a little bit of exception to the use of the word strangle hold used in connection with Centralina COG. Certainly it is not the intention of this organization to have any strangle hold and it would like to devote itself purely to regional consideration, and does classify these projects as to local and regional and it certainly gives its judgement primarily to the regional ones. However, the Feds, who are the source of the money here, have declared that all such projects shall be passed through the COG. That is purely a matter of reaction with the COG. This is something that is just presented to them and they have to handle it. For that reason he does not think it is entirely accurate to use a term such as handed down as if COG had handed down a statement as to how many housing units could be placed. This is merely something that came along from private sources. Some developer out in Indiana got an option on this land and decided he wanted to put this project there. It is merely a matter of COG being glad to have advice from the Council as to what it would like to have in this community.

Councilman Withrow stated he thinks Mr. Short should be commended for bringing this to City Council at Council's instructions.

Councilwoman Easterling stated as she understands it Council is asked to make a recommendation to our delegate to COG on what City Council recommends in this connection. If Council does not make a recommendation COG would have the authority to go ahead and approve this; but if Council does make a recommendation against it, then they almost have to abide by Council's wishes. Councilman Short replied that is right. Councilwoman Easterling stated she does not understand in turning this down that Council is turning down all public housing or low rent housing for Charlotte. She stated for her to evaluate the whole thing, she needs to know what Charlotte already has in low rent housing so that she can evaluate in turning this down if actually it is a bad thing.

Mayor Belk advised this has already been voted on; but it is a bad precedent.

STATEMENT BY CHARLES K. MAXWELL, DISTRICT HIGHWAY COMMISSIONER.

Mr. Charles K. Maxwell, District Highway Commissioner, stated he would like to thank the Mayor and City Council for allowing him to appear this afternoon for the purpose of announcing four improvements for the City of Charlotte and Mecklenburg County. All are needed; two of which are of great importance to our transportation needs.

He stated three and half years ago, when he became the Highway Commissioner, he felt it necessary to tour all of the highway facilities in his district, talking with engineers and other personnel about their thinking, and their problems in regards to meeting our highway needs and getting the job done. Out of these visits he realized that one of our needs was to listen to and seek the advice of these people, especially the engineers.

November 20, 1972
Minute Book 58 - Page 85

One of the most immediate things that came from this was the hiring of over sixty work release prisoners to learn to become machine operators, or work in other jobs requiring skills. The reason for doing this was that during a period over two years prior to this time very few people applied for work at the district highway office because the City of Charlotte's beginning wage was higher than the State Highway Departments'. Not only have these prisoners filled the needs, but they have helped rehabilitate themselves, paid for their keep and provided for their families back home.

Mr. Maxwell stated instead of taking 15-20 days to answer a citizen's legitimate request for maintenance, they have been able to honor these requests that very day or within the next 48 hours.

He stated his next step was to hold announced township meetings throughout his district, inviting all of the people in that area to come to voice their suggestions for highway improvements and give any suggestions that would benefit their areas in traffic needs. He, along with his division engineer, district engineer, assistant district engineer and other highway personnel were present to listen to and record the requests of these citizens. Two thousand and seven hundred people attended these meetings, and over 500 maintenance requests were honored during that time. As a result of these meetings he recently allocated more money in one year than had been previously allocated in the past five to ten years for traffic categories such as bridges, paving secondary roads, and resurfacing over 90 miles of road that were in bad need of repairing.

He stated the third and one of the most important steps he took in the beginning was to meet with the City of Charlotte traffic personnel, and with each of the other 16 municipalities in this district. At these meetings he asked for their priorities, the things they needed most and their order of needs first, second, third and so forth. With these suggested priorities he then went back to his engineers to evaluate which of these many needs could be accomplished during this administration, always keeping in mind the costs of the different projects, and how much he was able to get from his discretionary funds, statewide and unappropriated surplus funds, or any other source that was available.

He stated an unbelievable amount of these priorities throughout his district have been funded and approved by the State Highway Commission during this administration. He would like to thank Governor Scott because he has always been sensitive to our needs in this the largest urban area in North Carolina, and who has honored every request that he has made to him for funds from the unappropriated highway surplus involving the City of Charlotte.

Mr. Maxwell stated he would like to publicly thank the key engineers in his district and other highway personnel. He would like to thank the Mayor and the City Council for their patience along with Mr. Herman Hoose, who represented the city, for his valuable knowledge and understanding which enabled him to better represent the City as its highway commission.

He then requested Mr. Hoose to announce the four projects being announced this afternoon for Mecklenburg County.

Mr. Hoose stated the first project is the Tyvola Road project which starts at South Boulevard (U.S. 521) and connects over to the Sleepy Hollow Interchange. This is 3/4 miles in length; it will involve the railroad bridge and go under the railroad; there will be two crossings at grade; it will be built on a 100 foot right of way with two 24 foot paved lanes and 16 foot median for future development.

November 20, 1972
Minute Book 58 - Page 86

He stated a detailed survey was made and this has been on the priority list for the city since 1966. It is No. 6 on the priority list submitted to Council and accepted by Council in May of this year. The total project of 3/4 miles will cost \$1.0 million; it has been funded by Mr. Maxwell; the engineering drawings are being prepared by consultants under the engineering division of the Public Works Department. The plans will probably be ready by the first of the year. All the right of way has either been donated or purchased with the exception of a few small parcels. The city has the right of way, the plans and the environmental impact study completed. These will be presented to the highway commission and with the funding of the project, it becomes a state wide project. The funds should be allocated for the remainder of this project in July, 1973, at which time construction could start. This is the first phase of the project. This was in the recent issue and it was the responsibility of the City to construct the project. Mr. Maxwell took it up after the bond issue failed and appealed back to the State. With the work the city had done, he felt this project was worthy of completion.

Mr. Hoose stated the second project is the resurfacing of Graham Street, from Morehead Street to Dalton Avenue at a cost of \$38,000. This will take place as soon as the weather permits which will probably be in the spring.

He stated the third project is parallel to this project. It deals with the traffic and safety hazards that exist. What they are going to do is to raise the catchbasins along the area and along Providence Road at a cost of \$30,000.00. The catchbasins will be raised under a contract similar to the way they were raised on South Boulevard.

The fourth project which Mr. Maxwell funded out of state funds in the amount of \$36,000 is to update and add additional features to signal equipment now in operation on state-maintained roads. This is at 56 locations and they will add special features which in traffic engineering terms are "green" extensions and other units to these particular signals in order to cut down on accidents and speed up or add to the progression. These are signals they can do between the period when money will be available under Topics for the complete system. This is to fill in the gap until the time we can move up to improve these signals in the next couple of years. What they are doing with the \$36,000 can be used and will be used into any system it is put in.

Mr. Hoose stated we held up with our signal system under the federal program due to the Philadelphia plan and because of our sub-zones that lead out. Most of these are not in a Topics program. With the green extension units on these areas and the other up-dating of the signal equipment they feel they will be able to improve and move traffic through the particular area.

He then explained the green extension which is a series of loops usually used at isolated intersections or groups of intersections that are not inner-connected, to get some progression. It is a very simple method of installing two sets of loops - one 300 foot in one area and one 150 foot piece of equipment is placed in the original controller regardless of what type of controller and if traffic moves in faster speeds than set, and he does not have time to stop, this will extend the green so he can go on through.

Mr. Hoose stated he would like to thank Commissioner Maxwell; it has been a pleasure to work with him and in being associated with him and his highway engineers.

CHARLES K. MAXWELL, STATE HIGHWAY COMMISSIONER, MADE KNIGHT OF THE QUEEN CITY.

Mayor Belk presented Mr. Charles K. Maxwell, State Highway Commissioner, with a Scroll making him a Knight of the Queen City for his services to the city.

November 20, 1972
Minute Book 58 - Page 87

ORDINANCE NO. 673-X TRANSFERRING FUNDS FROM THE CAPITAL IMPROVEMENT BUDGET TO PROVIDE FOR THE FINAL PAYMENT OF PHASE II OF THE BRIAR CREEK OUTFALL PROJECT.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted transferring \$30,000 from the Capital Improvement Budget to provide for the final payment of Phase II of the Briar Creek Outfall Project.

The ordinance is recorded in full in Ordinance Book 19, at Page 360.

ORDINANCE NO. 674-X AMENDING ORDINANCE NO. 620-X, THE 1972-73 BUDGET ORDINANCE TRANSFERRING FUNDS TO ESTABLISH A WILMORE NEIGHBORHOOD IMPROVEMENT PROJECT BUDGET AND TO ADD FOUR AND ^{ONE}HALF INSPECTORS TO THE CITY BUILDING INSPECTION STAFF.

After discussion, motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance transferring \$70,000 to cover the cost of adding four and ^{ONE}half inspectors to the City Building Inspection Staff as Housing Inspectors in the Wilmore Neighborhood Improvement Project No. N. C. E-9, with the full cost of the inspectors to be fully reimbursable from federal sources.

The ordinance is recorded in full in Ordinance Book 19, at Page 361.

ORDINANCE NO. 675 AMENDING CHAPTER 11, ARTICLE II, SECTION 11-18, OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO THE LICENSE TAX SCHEDULE BY ADDITION OF A NEW SECTION ON PROMOTIONS, EXHIBITS AND SHOWS.

Councilman Whittington moved adoption of the subject ordinance amending the privilege license code by the addition of a new section on promotions, exhibits or shows. The motion was seconded by Councilman Short, and after discussion, the vote was taken and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 362.

GRANT AWARD CONTRACT BETWEEN THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES DIVISION OF LAW AND ORDER FOR THE OPERATION OF THE PIEDMONT CRIMINAL INTELLIGENCE COUNCIL PROJECT, AND ORDINANCE NO. 676-X, AMENDING ORDINANCE NO. 620-X, THE 1972-73 BUDGET ORDINANCE TO PROVIDE FUNDS FOR THE PROJECT AND INCREASE THE AUTHORIZED STRENGTH OF THE POLICE DEPARTMENT.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject contract in the amount of \$15,107.00 was authorized and the ordinance providing \$15,107.00 as an appropriation for the operation and increase in the authorized strength of the Police Department, was approved.

The ordinance is recorded in full in Ordinance Book 19, at Page 363.

CONTRACT BETWEEN THE CITY AND INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC. FOR STUDY TO ESTABLISH PRESENT NEEDS FOR POLICE AND FIRE, TRAINING PROGRESS AND FACILITY UTILIZATION.

The City Manager stated the City received a grant and City Council has approved a grant to work out a contract between the International Association of Chiefs of Police and the City to make a study to determine what kind and where a joint facility should be located for the police and fire training center.

He requested Council to approve the formal agreement between the City and the International Association of Chiefs of Police, Inc. to conduct the study.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, authorizing the contract as recommended.

November 20, 1972
Minute Book 58 - Page 88

DISCUSSION OF USE OF OFF-DUTY POLICE OFFICERS TO GUARD BANKS.

Councilman McDuffie stated in reference to the article in the newspaper recently about banks planning to use off-duty police officers, he does not think it would be good for the city's off-duty police officers to be involved in an almost full time activity of helping guard banks. That he does not like to restrict police officers from working their off-duty hours. At present you see a large number around McDonalds, and some industrial plants, and in the stores at Christmas time. But for a full time basis that it would require guarding banks, it appears to him working a 12-hour shift would be detrimental to both the citizens and the police officers. Most people cannot give 100% on their job when they work 12 hours. That he wonders if Council would like to offer some suggestions that the banks not employ our police officers on this kind of regular basis.

Councilman Whittington stated he read in the news where they are only allowed to work four hours on moon-lighting; he asked if this is right? Chief Goodman replied that is right. Councilman Whittington stated if they were working at a bank, they could not work there but four hours, and then go to another off-duty job for another four hours? Chief Goodman replied they can only work the four hours off-duty each day.

Chief Goodman stated this was in the newspapers, but it would be impossible to implement as there are too many banks, too many 7-11's, department stores and McDonalds; that this is strictly volunteer with the officers. All officers do not work on their off-hours; that they discourage this as much as possible. That their salaries are now getting up to where they do not have to do this.

Councilman Alexander stated last week he called attention of Council to the existing problem that affects us in the city of the robberies. What we are attempting to discuss now are some of the things he is certain would come up if we had a conference with the police department. He stated he also stated that it should be left up to the legal department on how we could approach such a meeting, realizing there would be some techniques or discussions the police department would not care to reveal. He stated he hopes we can still do this, and he thinks it is necessary even if it means we would have to establish a committee of councilmembers to meet with the Police Chief and others to arrive at some understanding.

Chief Goodman replied they are well aware of the problems, and they are in the process of beefing up the department. Mr. Burkhalter, City Manager, stated the meeting is being scheduled.

Councilman McDuffie stated he would like for the council members to express their feelings before the banks put all their dependence on the off-duty police officers for curtailing the robberies. That their problem is much more long range - it is involved with where they build their banks and where they have one entrance and a receptionist viewing the people that come in.

Councilman Jordan stated he has been talking to some of the bankers during the past weekend and they were bringing up such questions. That they are getting a lot of calls and inquiries about what the banks are going to do regarding policemen and other safety, and they are not interested in letting the public know just what their plans are.

Councilman Alexander stated he would not like for Council to get tied up in discussions and suggestions on this prior to the conference session he has requested. Mr. Burkhalter stated discussions have been going on; the banks, through their representatives, have called him and offered to conform to any reasonable requests the city can make or suggest to them. He stated our police are working with them. That Council will meet with the Chief and his staff to discuss this overall problem.

Chief Goodman stated they are aware of the problem; they have been meeting with the bank people, the FBI and others on this, and they hope the picture will change.

November 20, 1972
Minute Book 58 - Page 89

CONTRACT AUTHORIZED WITH ARNOLD THOMPSON ASSOCIATES, INC. TO PREPARE A TRAFFIC AND EARNING REPORT FOR AIRPORT FOR RENEWAL OF AIRLINE CONTRACTS, AND ORDINANCE NO. 677-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO PROVIDE FUNDS TO COVER THE CONTRACT WITH ARNOLD THOMPSON ASSOCIATES, INC.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the contract with Arnold Thompson Associates, Inc., in the amount of \$18,000.00, and adopting the ordinance transferring the \$18,000 from the Unappropriated balance of the airport fund for the subject contract.

The ordinance is recorded in full in Ordinance Book 19, at Page 364.

CITY MANAGER, AIRPORT MANAGER AND COUNCILMAN WITHROW TO MEET WITH REPRESENTATIVES OF COUNTY REGARDING FUNDS FOR CIVIL AIR PATROL UNITS AT DOUGLAS MUNICIPAL AIRPORT.

Mayor Belk stated representatives of the CAP came in to see him today, and he requested Council to give someone authority to work out their problem. They have a building at the airport and the city has postponed the demolition of the building one time. Councilman Withrow stated he called Mr. Birmingham, Airport Manager, and asked him to extend the time; that they are in a building that is in the way of the new runway. Now they need another building and Council needs to get a building out there for the CAP to move into. He asked if this is possible? Mr. Birmingham replied it is; that he thinks we will have to construct a building of some type for them. They are in an old World War II building and they are dilapidated and do not meet the requirements. He stated they will be glad to work with them on this. That they have not forced them to leave; time has been extended a number of times at their request.

Councilman Whittington suggested that the City Manager, Mr. Birmingham and Councilman Withrow have a conference with the County and make recommendations to Council on what we can do together. This is an agency everyone wants to help and the State is paying some \$36,000 a year to support it, and perhaps we should participate. He stated in talking to representatives as he came in today, it will only cost about \$3600 in addition to what the State gives them to get into another place.

Councilman Withrow moved that Councilman Whittington's suggestion be carried out. The motion was seconded by Councilman Whittington, and after further discussion, the vote was taken, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 20' x 736.73' of easement at 1730 Sharon Road West, from City Properties, at \$1.00, for sanitary sewer to serve Sharon South.
- (b) Acquisition of 25' x 227' of easement at 2000 block of Barclay Downs Drive, from James J. Harris and wife, Angelia M., at \$227.00, for a 24" water line in Woodlawn Road, Selwyn Road and Barclay Downs Drive area.
- (c) Acquisition of 15' x 1,184.51' of easement at 4250 Pompano Road, from Variety Enterprises for a sanitary sewer trunk to Chesapeake Drive.

November 20, 1972
Minute Book 58 - Page 90

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS, APPROVED.

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

- (a) Contract with Garrett & Garrett Construction Company for the construction of 1,135 feet of trunk and main, beginning at the existing trunk southwest of Arrowhead Road in the Wellington Hall Apartment Complex, thence in a northeast direction to North Tryon Street, outside the city, at an estimated cost of \$13,033.00. The applicant has deposited 100% of the estimated cost and will be refunded as per the agreement.
- (b) Contract with Mr. W. L. Peterson for the construction of 2,355 linear feet of sewer trunk north of Craighead Road, outside the city, at an estimated cost of \$37,000.00. The applicant has deposited \$6,400.00, which represents 10% of the estimated construction cost, plus the estimated cost of right of way. Bids are to be taken, and refund is as per agreement.
- (c) Contract with Red Lobster Inns of America for the construction of 8-inch sanitary sewer main in Freedom Drive, inside the city, at an estimated cost of \$2,150.00. The applicant has deposited 100% of the estimated cost. City forces are to construct, and this money will be refunded as per agreement.

QUITCLAIM DEED BETWEEN THE CITY OF CHARLOTTE AND GEORGE E. JAMES AND WIFE, LAVERT G. JAMES, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, subject quitclaim deed was approved between the City of Charlotte and George E. James and wife, Lavert G., deeding property at 1900 "C" Avenue, East, back to the Jameses which was acquired on January 4, 1972, for a sanitary sewer line in the amount of \$2,000.00.

ACQUISITION OF PROPERTY FROM GEORGE E. JAMES AND WIFE, LAVERT G. FOR SANITARY SEWER RELOCATION AT INTERSTATE 77.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, authorizing the acquisition of 25' x 1,648.66' of easement at 1900 "C" Avenue, East, from George E. James and wife, Lavert G., in the amount of \$100.00, for sanitary sewer relocation at Interstate 77.

SPECIAL OFFICER PERMIT, APPROVED.

Councilman Jordan moved approval of the issuance of a Special Officer Permit to John Martin Tully, for use on the premises of Charlotte Park and Recreation Commission, for a period of one year. The motion was seconded by Councilman Whittington, and carried unanimously.

EXTRA DAY GRANTED TO CITY EMPLOYEES IN OBSERVANCE OF CHRISTMAS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, an extra day's holiday, on Tuesday, December 26th, was granted to city employees to coordinate the Christmas holidays for both city and county employees.

November 20, 1972
Minute Book 58 - Page 91

CONTRACT AWARDED BEN B. PROPST FOR SANITARY SEWER FACILITIES TO SERVE WICA CHEMICAL COMPANY.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding contract to Ben B. Propst, in the amount of \$47,147.00, on a unit price basis, for sanitary sewer facilities to serve Wica Chemical Company.

The following bids were received:

Sanders Brothers, Inc.	\$43,836.00	160 days
Thomas Structure Co.	46,446.00	150 days
Ben B. Propst	47,147.00	90 days
Crowder Construction Co.	53,936.00	120 days

STREET DEPARTMENT REQUESTED TO WASH EAST TRADE STREET IN BLOCK OF CIVIC CENTER ON FRIDAY NIGHT, DECEMBER 1, 1972.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, requesting the street department to wash down the Civic Center block on East Trade Street on Friday, December 1, 1972.

CITY ATTORNEY REQUESTED TO PREPARE A RESOLUTION IN MEMORY OF LONNIE SIDES.

Councilman Jordan stated Mr. Lonnie Sides who passed away last week was a former Chairman of the Park and Recreation Commission and a former Councilmember. He requested the City Attorney to draw a resolution in Mr. Sides' memory to be presented to the family.

RESIGNATION OF DR. LIONEL NEWSOM FROM CIVIL SERVICE BOARD, ACCEPTED, AND LETTER OF COMMENDATION FOR SERVICES RENDERED REQUESTED SUBMITTED.

Councilman Alexander stated the Mayor and City Council have received a letter from Dr. Lionel H. Newsom, resigning from the Civil Service Board, and he moved that the letter be made a part of the minutes, and that the resignation be accepted. The motion was seconded by Councilman Short, and carried unanimously.

"October 9, 1972

The Honorable John M. Belk, Mayor
City of Charlotte
City Hall
600 East Trade Street
Charlotte, North Carolina

Attention: Miss Ruth Armstrong, City Clerk

This letter is being sent as my formal resignation from the Civil Service Board. I deeply regret that I shall no longer be able to serve the Board by virtue of my change in abode. I tender this resignation with all the reluctance possible; but I have no choice, so please accept it with my sincere best wishes for continued growth in this area of our beloved nation.

My deep personal affection and respect for you and my colleagues are herewith enclosed.

Sincerely yours,

Lionel H. Newsom"

November 20, 1972
Minute Book 58 - Page 92

Councilman Alexander moved that a letter of commendation for services rendered be submitted to Dr. Newsom. The motion was seconded by Councilman Whittington, and carried unanimously.

APPOINTMENT OF C. D. RIPPY TO CIVIL SERVICE BOARD FOR UNEXPIRED TERM.

Councilman Alexander placed in nomination the name of Mr. C. D. Rippy. He stated Mr. Rippy is an Associate Professor of Sociology at Johnson C. Smith University. That Mr. Rippy has served for several years on the draft board in Mecklenburg County, and has done a commendable job.

No other nominations were received.

Councilman Alexander moved the appointment of Mr. C. D. Rippy to the Civil Service Board for an unexpired term to expire on May 15, 1974. The motion was seconded by Councilman Whittington, and carried unanimously.

REQUEST THAT CITY MANAGER INVESTIGATE THE REASON FOR ISSUING TRAFFIC TICKETS TO CARS PARKED ON KELLER AVENUE, EAST OF BEATTIES FORD ROAD.

Councilman Alexander stated one day last week, traffic tickets were issued to cars parked on the block of Keller Avenue, east of Beatties Ford Road, starting at Beatties Ford Road for one block. That no one seems to know why; the street is not marked for "no parking", and he has not been able to get any answers for it. He requested the City Manager to have someone investigate this and report back to him.

DISCUSSION OF BOND MONIES FOR WATER AND SEWER AND USE OF REVENUE SHARING FUNDS, AND COUNCIL ADVISED A CONFERENCE SESSION IS SCHEDULED ON FURTHER BOND REFERENDUM AND POWELL BILL FUNDS.

Councilman Short stated the bond fund monies now available for water and sewer purposes must add up to \$30.0 million; that he is referring to the local money only. These are the bonds passed in the recent bond issue, plus the certain amount of bond authorization inherited from the County and perhaps some items left over from 1969. In addition to that we are getting something like \$4.0 or \$5.0 million out of the State Clean Water Bond Issue. So we have somewhere in the range of \$30.0 million of water and sewer funds available to us. Added to this is the federal fund he is sure could be captured with all of this and it must get up into the range of \$35.0 to \$40.0 million. This is a very large percentage of what we have acquired in our entire previous history.

Councilman Short asked what planning is being done for the use of these funds. Usually when we have had a successful bond referendum we have immediately heard from the Planning Commission scheduling the expenditures for all the various purposes. Up to now we have heard nothing. He asked if some suggestions are being prepared along this line? The City Manager replied Staff is required by Council to give a plan each year and this the Council has each year in the capital improvement budget. In the future it will be slightly different because this has been combined with the county system. He stated the bond money the county passed is not considered as ours because the city cannot issue it nor spend it; it is being done under the county's contractual obligations. That limits the city down to the \$20.0 plus million. Every bit of the city's extension is planned. He stated Council has not received this because of three things. One is the amount of work and time it takes in going into it in the area of planning and design. Two, we are running against a very, very close schedule. Most of this money is to be spent in the proposed annexed area. Annexation takes place on July 1, and we must have all of this under contract by the following July 1. We are running into considerable road blocks at the state and federal level. There are three different departments involved in the recent clean water bond, and if things do not improve at this level, he does not think any of this money will be spent during this whole thing. They are still handing down administrative procedures; they are still making them up. Third, we are busy trying to staff up our department, which has never been completely staffed, and trying to hire the people required to perform the technical services we hope to perform.

November 20, 1972
Minute Book 58 - Page 93

Mr. Burkhalter stated we do not propose to issue any of these bonds in the very near future.

Councilman Short stated he brings this up, not in an effort to hasten anything, but somewhat in the opposite attitude. We are required by the annexation law to provide mains and outfalls within a fairly prompt period of time; we are required to have them under contract within one year, and you would assume they would be promptly built thereafter. Also we are required by the bond laws to sell the bonds within five years. We have both of these time limitations which may have seemed wise to those writing the annexation law and the bond law. But it may have been they were thinking in terms of some small annexation of a thousand people. If we actually meet these requirements within the one year contracting period as required by the annexation law or within the five year period as required by the bond law, and we actually spend \$40.0 million for water and sewer in this community, within those time limitations, he thinks this would be most unwise. That he thinks this would engender development that we could not possibly assimilate. That we would have a tremendous surge forward in development and in population growth and we are now extended trying to get enough space on the paved roads for all the cars, and assimilating development has been a problem in this community. He stated he is not trying to stop growth but he is just saying it appears to him that if we add almost half again to the water and sewer facilities within the time limits laid out by these two laws, we are liable to wind up with an explosion of growth and sprawl here in this community; that he sees it as a problem, and he wants to bring this up as something to think about.

Mr. Burkhalter replied he does not think he has too much to worry about in this case, as we cannot annex until it is urban; so it is reasonably developed before we take it in. Councilman Short stated they call it urban if it is two per square acre, and if we get this degree of development spread out into the area beyond the City of Charlotte, we will have a lot more than two per acre pretty soon. That he thinks this is something we should consider.

Councilman Whittington asked Mr. Burkhalter to speak to what his plans are for revenue sharing along this line. Mr. Burkhalter replied the first revenue sharing will be recommended to be used for annexation to get it started. The remainder of the revenue sharing for this current year will be discussed with Council when the bond program is brought back. Staff would like for Council to take this information and make the decision as to what bonds it would like brought up, and to determine then if Council wants to use revenue sharing as a budget item which staff proposes to suggest to a degree for capital improvements and for some operating improvements.

Mr. Burkhalter stated the amount of revenue sharing we hope to get is approximately the amount of increase of our budget each year.

Mayor Belk stated the federal government as well as the state government in talking about revenue sharing says just ask your local government. What they are doing is hitting us in the back of the head saying that all the money is ours, and we do not have any money. This is a point he thinks we will have to straighten out with the State and this is one reason he wants to meet with our delegates as soon as possible. He would like for them to understand that all we are receiving in revenue sharing is strictly the increase; we are not having all these big federal grants they have been talking about for us to accept. He stated he would like the City Manager to discuss this particular phase of revenue sharing.

Mr. Burkhalter replied before jumping to conclusions about revenue sharing you should know what you are getting and a place for it and how it can be used. Number two, you should recognize the fact of human psychology. That when they appeared before them last week with the Sugar Creek project, they asked why the city did not use the revenue sharing for this. He stated he suspects that every time we approach any federal agency from now on, they will ask why we do not use the revenue sharing. He thinks we are going to lose many of our sources of revenue that we have because they all say you now have revenue sharing. He stated he is going to suggest a very conservative approach to the use of this money. That he hopes we will be able to use most of it in the area of capital improvements. He stated he has scheduled a conference session with council on this very soon and it will cover the bonds and powell funds.

November 20, 1972
Minute Book 58 - Page 94

Councilman Short stated in his comments about the many millions of funds that would be available to us for water and sewer, and the fact that we have to spend this cautiously to avoid too much growth, he is not in any way attempting to slow down the annexation, nor to slow down the right of anyone within the annexed area to get reasonable water and sewer service from the municipal system. And he thinks we should pursue that to the utmost, and he does not want anyone to be mistaken about his feelings. But the amount of money we have with everyone wanting to be of help - we tried to help ourselves, the state tried to help us and the feds have programs - we cannot only service those areas but we could just go around the entire perimeter and even the areas that are far beyond the 32 miles to be annexed, and we could be a little too energetic and not space this out with good planning, and we could wind up with the problems of growth and sprawl that would be very difficult for us.

RECOMMENDATIONS REQUESTED FROM PUBLIC WORKS AND TRAFFIC ENGINEERING DIRECTORS ON COMPLETION OF WIDENING OF SHARON AMITY ROAD, CONSTRUCTION OF BRIDGE OVER SUGAR CREEK ROAD AT RAILROAD AND BRIDGE AT NORTH TRYON STREET, AT ATANDO AVENUE, AND RECOMMENDATIONS ON TRAFFIC BOTTLENECK AT SHARON VIEW ROAD AND SHARON ROAD IN MORNINGS AND AFTERNOONS; REQUEST THAT CITY MOVE FORWARD ON THE REPORT ON BUSSING, BUS TRANSFERS AND DOWNTOWN TRANSPORTATION SYSTEM.

Councilman Whittington stated on the 24th of October we talked about annexation and how well thought out, organized and planned this was, and what a tremendous decision it was in the right direction. That the City Manager has said here today to crank this up we can use a portion of the revenue sharing to do that with. He stated the second thing is the bond issue, and the City Manager has said here today that he is going to bring that back to Council in the very near future.

Councilman Whittington stated he would like to suggest to Council that we get on with this Ponte-Travers, Wolfe report as it relates to the problem of bussing, bus transfers and our transportation system downtown. He stated he has assumed for a good while that Mr. Smith had studied this, and we have all his origin and destination surveys; we have his parking surveys and recommendations, and we also have the Ponte-Travers, Wolfe report. That it seems to him we should do something about this report, and let our Planning Commission, along with the information from Hammer, Siler and Green have already given us, and along with the consultants, to bring this to Council with some recommendations about what we can do.

He stated also along that line in the Powell Bill Conference Agenda, he would like for the Manager to include some recommendations of what the City Manager, Mr. Hopson and Mr. Hoose can tell Council on how it can go about the completion of the widening of Sharon Amity Road, and The Plaza. To tell Council where we stand if we can do this with Powell Bill money; and, if we can, will we be able to do a mile this year or a mile in 1973, and a mile in 1974, and hopefully somewhere along the line the bond issue will come back and perhaps we will get some help from the state to do the remainder of it. He stated we cannot wait and do nothing about problems we know exists. This has to be done.

He stated also he would like for Council to discuss as soon as possible a recommendation from Mr. Hoose and Mr. Hopson on how we can build a bridge across Sugar Creek Road at the railroad track and across the railroad track at North Tryon Street, between Atando Avenue and Speas Vinegar Company. He stated both of these are the largest bottlenecks in this county. Councilman Whittington stated he has discussed this briefly with the city people, but we need to get this on the planning board and find out how much it will cost, who will help pay for it and when it can be done. Until we have something to go on we do not know where we stand. That he would hope Council would agree these things should be brought back to Council as soon as possible so we can have something to make decisions on and get on with it.

Councilman Whittington stated at Sharon View Road and Sharon Road, there is a bottleneck from a traffic standpoint in the mornings and afternoons. He requested the City Manager to have Mr. Hopson and Mr. Hoose to give Council recommendations on what can be done out there to move that traffic at a better pace.

November 20, 1972
Minute Book 58 - Page 95

REQUEST THAT PARKING METER CHARGES BE INVESTIGATED AND CHANGES MADE IN CITATIONS.

Councilman Withrow stated sometime ago parking meters on the street were discussed, and it was decided this would go to the Legislature as they regulate the amount of money that can be collected on the meters. Mr. Underhill, City Attorney, replied it was increased in 1971 from five to ten cents. Councilman Withrow stated he thinks this should be increased to five cents for 12-1/2 minutes and 25 cents for an hour. That when a person stays over the one hour they receive a dollar citation and can stay the entire day for the dollar. He requested that this be looked into also and if the man stays over the one hour that he be given a citation for each hour over he spends. That this will stop people from staying in the one parking meter all day.

CITY MANAGER TO INVESTIGATE COMPLAINTS OF CITIZENS ABOUT GETTING ONTO BELHAVEN BOULEVARD AT "T" INTERSECTION WITH NORTHWEST EXPRESSWAY.

Councilman McDuffie stated he has received a number of calls about Belhaven Boulevard and the new expressway. The people say they are having difficulty in getting on to Belhaven Boulevard off the Interstate. Mr. Burkhalter, City Manager, stated the State is going to give a left turn lane as you come off the ramp. Councilman McDuffie stated apparently people are having trouble getting on to the ramp off old Belhaven Boulevard as it makes its "T" intersection into the new Northwest Expressway. There is room for two cars and there is a stop sign, and they are not able to get out. Mr. Burkhalter stated he would have this looked into.

PLANNING COMMISSION REQUESTED TO GIVE RECOMMENDATIONS ON PROHIBITING ADVERTISING SIGNS ON EXPRESSWAYS.

Councilman McDuffie stated there are a number of skeleton poles for signs on the Northwest Expressway anticipating putting up advertising signs. He asked what the city's jurisdiction is on prohibiting signs along the Expressway. That he thought the federal regulations had something to do about what could be placed along these roads. Mr. Burkhalter stated if he read the story correctly, and this is where he got his information, the reason they were allowed to do this was because it is within the local jurisdiction. He stated this is up to the City Council. Mayor Belk stated it depends on the zoning of the property also.

Councilman McDuffie asked what the City is going to do; there are no billboards out there now, but there are poles placed to hold them, and in some cases nothing but the poles and the names of the sign companies. The City Attorney advised it is now a non-conforming use. Councilman McDuffie stated then we were derelict in our duties and we should have been onto this. He stated he does not think we should junk up the roads with these signs.

The City Manager stated the best sign control that has ever been used was in the State of New York. On the New York Freeway that runs up the Hudson River there are no signs at all. Every time anyone placed a sign, Robert Moses, a great planner, would transport a great 30-40 foot tree and plant it in front of the sign board. They had adequate right of way to start with, and he would just plant all kinds of trees and shrubs, and finally the sign companies gave up.

Mr. Burkhalter stated Council should ask the Planning Commission to see what effect this has, and to come back with some recommendations on how the Council can control it. Councilman McDuffie stated he would like for the Planning Commission to give Council a recommendation on this.

November 20, 1972
Minute Book 58 - Page 96

Councilman McDuffie stated he noticed at East Morehead Street there was a great big steel skeleton and that is probably some other kind of zoning. But out on the Northwest Expressway where green grass is planted and there is no industrial or business at all we should be able to do something about it.

CITY MANAGER AND CITY ATTORNEY REQUESTED TO WRITE MEMO EXPLAINING WHY THE DRIVEWAY TO THE APARTMENT COMPLEX ON SHAMROCK DRIVE IS ALLOWED AT A SPECIFIC LOCATION AGAINST THE WISHES OF THE TRAFFIC ENGINEERING DEPARTMENT.

Councilman McDuffie stated Council needs to do something about the driveways in zoning classifications for apartment houses and offices; this should be under the Traffic Engineer's jurisdiction to tell them where to go and not that he consult with them and perhaps agrees. He stated that is the function of traffic engineering to establish definitely where the driveways can be located. Councilman Short replied he does consult with the builders; a building permit cannot be issued until the driveways are approved by the traffic engineering department. Councilman McDuffie stated it was pointed out on Channel 9, WSOC TV, that the apartment complex on Shamrock Drive is on a curve and the driveway is right on the curve. That Mr. Corbett in Traffic Engineering was asked why it was to be there, and he replied the Traffic Engineering Department had recommended that it not be located where it is; that Traffic Engineering did not have the authority to dictate where the driveway would go. Mr. Underhill, City Attorney, replied in some cases that is true. In most instances that type of thing could not have been done; but there is some problem with the interpretation of the ordinance. Councilman McDuffie requested the City Attorney to check the ordinance and to close up the loop-hole. He asked the City Manager and City Attorney to write him a memo explaining why they are allowed to put the driveway at that location on Shamrock Drive.

STATEMENT ON DIFFERENCE IN AMUSEMENT TAX FOR NORTH AND SOUTH CAROLINA.

Councilman McDuffie stated it was mentioned the other day that South Carolina has a ten percent amusement tax and North Carolina has a three percent amusement tax, and with Carowinds opening there seems to be quite a discrepancy in the amount of money that South Carolina will collect for amusement tax and North Carolina will get very little, if any. That most of the people will be going in from the North Carolina side. He stated they are asking for \$500,000 for the roads and we should let the State know that we are interested in an amusement tax that will earn the \$500,000.00.

WRITTEN UP-DATE REPORT ON WENDOVER ROAD WIDENING REQUESTED.

Councilman McDuffie requested the City Manager to give Council a written up-date on exactly where the Wendover Road widening stands, and the possibilities of completion of the widening.

The City Attorney advised that all work on Wendover Road was enjoined except those properties that were under process and negotiation until the environmental impact statement was filed with the court, and that has not been done.

COUNCIL ADVISED OF SCHEDULED MEETINGS.

Mr. Burkhalter, City Manager, advised a breakfast meeting is scheduled with the State Delegation on November 24, 1972, at 8:00 A.M. at the East Boulevard Ramada Inn.

November 20, 1972
Minute Book 58 - Page 97

Mr. Burkhalter advised the Council will meet on Thursday, December 14, at 11:00 o'clock A.M., to tour the Civic Center.

Mr. Burkhalter advised the hearing on annexation is scheduled for December 1, at 2:00 o'clock P.M., in the Council Chamber.

Mayor Belk stated he would like to volunteer his services to any neighborhood groups who would like to have him appear to discuss annexation, and how the services will be phased to them on water and sewer and roads and other services.

AMENDMENT AUTHORIZED TO AGREEMENTS ACQUIRING CERTAIN WATER AND SEWER OPERATIONS WITHIN AREA PROPOSED FOR ANNEXATION, RELATING TO RATE CHARGES.

Mr. Burkhalter, City Manager, stated the city has processed and taken over two or three sewer and water operations from private contractors, and it involves a change in rates, some of which become effective today, some next month and some when they are served. This is creating a problem for us; these are in the proposed annexed areas. The City is acquiring them because of annexation, and because of this there will be a rate change before annexation. In preparing the contracts which Council has already approved, this was not caught.

He requested the Council to authorize the Mayor to enter into an agreement to amend these contracts so that the existing rates on the utilities in effect when the City takes them over will continue until the annexation date of June 30. Then if anything happens and they do not come into the City, their rates would be the outside the city rates. If they do come into the city, then they will have city rates. He stated it seems a reasonably fair thing to do not to get the people upset by changing their rates today, and then lowering them on June 30.

Councilman Whittington moved approval of the recommendation of the City Manager to amend the contracts, upon approval of the City Attorney. The motion was seconded by Councilman Withrow.

Mr. Burkhalter stated he is asking Council to amend contracts, the condition of the sale of the sewer plant is contingent upon the fact that the city rates go into effect on the 30th day of June; so it is not changing anyone's rates.

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

REPORT ON TRAFFIC HAZARDS AT BEATTIES FORD ROAD AND NEW HIGHWAY MAILED TO COUNCIL TODAY.

Councilman Alexander asked the City Manager if he has an answer to his question of last week about traffic coming off the new highway at Beatties Ford Road, and going into the highway from Beatties Ford Road? The City Manager replied he mailed a report to Council today. That it includes the fact the State will give it more study to see if they can solve the problem. He stated the answer he received did not give him an answer to the problem, but they are working on the problem.

EXCELSIOR CLUB, 921 BEATTIES FORD ROAD, REQUESTED INCLUDED ON LIST OF NIGHT CLUBS AND LOUNGES WITHIN 400 FEET OF RESIDENTIAL STRUCTURES.

Councilman Alexander stated Council has before it a list of the night clubs, and lounges located within 400 feet of a residential structure, and the Excelsior Club at 921 Beatties Ford Road is not included. He asked why it is not? Councilman Short replied Council has the information on the Excelsior Club. The City Manager stated they are all supposed to be on the list and if it is left out it is just in error. Councilman Short stated the Excelsior Club is approximately 175 feet from a house diagonally across the road.

November 20, 1972
Minute Book 58 - Page 98

After discussion, Councilman Withrow moved that each Councilmember include the Excelsior Club, 921 Beatties Ford Road, on their list. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk