

November 23, 1970  
Minute Book 54 - Page 376

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 23, 1970, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle and Joe D. Withrow present.

ABSENT: Mayor John M. Belk and Councilman John Thrower.

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#### INVOCATION.

The invocation was given by Reverend James L. Johnson, Minister of The Little Church on the Lane.

#### MINUTES APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Short and unanimously carried, approving the minutes of the last council meeting on November 16, 1970, as submitted.

#### CITY OF CHARLOTTE EMPLOYEE AWARD PRESENTED TO FRANK POTTS ON HIS RETIREMENT.

Mayor pro tem Whittington recognized Mr. Frank Potts, Laborer I, Street Maintenance Division of Public Works Department, who was employed by the City on August 21, 1951 and retired November 1, 1970. He presented him with the City of Charlotte Employee Plaque.

#### ADOPTION OF NEW HOUSING CODE REQUESTED POSTPONED BY MRS. MIRIAM DUNBAR.

Mrs. Miriam Dunbar asked Council to postpone voting on the Housing Code one week to give her time to send Council a letter outlining various areas where she feels an improvement in wording would make for a better code. That Mr. Connerat's office has indicated there is no time limit set wherein the code has to be anywhere at any particular time.

Mayor pro tem Whittington asked Mrs. Dunbar if she attended either of the meetings held by Mr. George Selden's Committee? Mrs. Dunbar replied she did not as she was tied up with other matters; that she was informed by Mr. Selden this would be the last opportunity to speak before Council and if you did not make the other meetings you would always have an opportunity to speak to Council at its meeting. She stated she has been in touch with the members of the committee and has discussed this with them personally.

Councilman Jordan stated he understood the Real Estate Board and the builders have approved the code. He asked Mrs. Dunbar if she is aware they have approved it? Mrs. Dunbar replied she is not speaking for the real estate interest. She has heard Council talk about the landlords, the tenants, real estate people and the builders, but no one has been looking out for the ordinary homeowners taxpayer and that is the person forgotten in this ordinance; this is the person whose interest she had in mind when she studied the ordinance and where she saw necessary revisions were needed because they are in the majority in Mecklenburg County.

November 23, 1970  
Minute Book 54 - Page 377

Mrs. Dunbar stated the Housing Appeals Board is one of the redeeming features of the ordinance and the fact you can question the constitutionality of it in another paragraph. This entire document puts into the hands of one person, the superintendent, the authority to make all the decisions. If you do not like that one person's decision, you can go straight to the Appeals Board. She stated the Appeals Board is made up of five people: a contractor, a realtor, a low income person whose income is under \$6,000, a high income person whose income is over \$6,000 and someone in the Public Health field. The average taxpayer is not represented. No one in this group is going to argue with the Inspector as they are in the same category. She stated one of the tenant places could be filled by a regular taxpayer without special interest. Also to overrule the Superintendent you have to have four votes out of five; a majority should be sufficient.

That on Page 24 and Page 3 of the proposed ordinance are two places where the Superintendent has a lot of authority. On page 3 he is the one who decides what the value of a house is. He is not a real estate broker and she doubts there is anyone in his employment who knows the Market Value of a house, but he can run over to the Tax Records and say this house in on the tax records at a certain figure and that is the value of the house. If it costs you more than 50% to put it into shape as it should be, you cannot do it.

Councilman Short asked if this is not already in the law, and Mrs. Dunbar replied yes, this is what bothers her; that because it is already in the law Council assumes it is a perfectly good regulation. That the current housing code is not a perfect code; this is the opportunity to bring it up to date and correct the items which were included which should not have been there. If you have the money and you are willing to bring the house up to standards to meet the housing code, it is your money and it is your house and it would meet the housing code, he can still tell you no.

Mrs. Dunbar stated on Page 24 the superintendent determines whether you have a deteriorated dwelling or if it does not meet the housing code. In other words, if you do not have enough electrical outlets, if you need another coat of paint on the outside, any of these things, he may issue an order to direct and require the owner to vacate and close such dwelling or dwelling units until the repairs or alterations are improved. That there should be some consideration in there where you could still operate until it has been determined by the Appeals Board that he made an accurate decision.

Councilman Alexander asked if she means every decision should go to the Appeals Board and Mrs. Dunbar replied she means in most of the cases she hopes the people do go to the Appeals Board. That this draft is written now so that the Appeals Board is going to be a very busy body; that it can go from the Appeals Board to the Superior Court and anybody with money will take it to Superior Court. It is only the people who do not have the money and know how that are the ones who are having to comply.

Mr. Underhill, City Attorney, stated as he understands this if the Superintendent's decision is appealed to the Housing Appeals Board, then that order is stayed; you do not have to comply with that order until it is heard. That this is on the bottom of Page 26.

Mrs. Dunbar replied this depends on what is wrong with the house or what the action was. In some cases, you do not have to, but Page 23 refers to the cases where you do have to do what he says until you have proved yourself innocent.

November 23, 1970  
Minute Book 54 - Page 378

She stated on Page 4, "infestation" means any insect will constitute a menace to the health, safety and welfare. This is debatable that one insect could be considered a menace to the mental welfare of some people. On Page 20, it says free of infestation by rodents. This means it depends on which one of these sections they want to show to the owner as to how they enforce it. That she does not object to the intent behind this; she objects to the legality of the way it has been written and what could happen to this instrument.

Mrs. Dunbar stated on Page 19, it says all of the outside surfaces have to be painted with a protective coat of paint and treated. That there was a picture in the paper the other day of a mill built in 1873 that did not have a dab of anything on it and it was still being used. That she knows of homes in the country that have never had a primer, they are still being lived in, they are 40 years old and she would like to know how this could affect a person's health, safety and welfare.

Mrs. Dunbar stated loose siding, sagging sills, and 6-foot extension cords can declare any house non-habitable. In fact on Page 15, it says you cannot use a 6-foot extension cord. That should be for permanent use.

She stated Page 13 refers to the heating system. You have to have an adequate heating system that will heat every room, including the bedrooms at 70 degrees when it is 20 degrees outside. That many low-income people close off bedrooms when it is real cold. Many people do not have heating systems that will heat their bedrooms; they heat their living room, dining room, kitchen and bath, which is enough for health, safety and welfare.

That Mr. Jamison told her last week that he knows of an old woman who lives in an old house which does not meet the housing code, but they let her stay there. We are saying right now that we are writing a Code which we do not plan to enforce. It will only be enforced when, where and how we want to. It is impossible to enforce it the way it is written down - you do not have the people and if anybody complains, you are stuck in court from now to doom's day.

Page 11 refers to access to bathrooms. A few years back the Council decreed that every house had to have indoor toilets. People were permitted to put their bathrooms on the back porch as long as it was enclosed; they were allowed to tack them on; they could open into other rooms - this passed the Building Inspections Office. They did everything in good faith. Now you come back and say they cannot live in that house because it does not meet the current housing code and a bathroom now has to be reached without passing through a bedroom and except where every bathroom has direct access to a toilet room. Access provided through living rooms, kitchens, and bedrooms without passing through a bedroom. This eliminates all of your four-square houses, even though they are in good condition. You have decided how people are going to arrange their homes, you have decided how many people can live in a bedroom, you are telling them how to spend their money; they have no freedom left.

Councilman Short asked if this is in the present Code, and the City Attorney replied it was in the original code and Mr. Alexander requested that it be included in the proposed ordinance.

November 23, 1970  
Minute Book 54 - Page 379

Mrs. Dunbar stated none of the houses built back even after the war would meet this housing code. On Page 23 if five residents get mad because a dog barks at night, they can come over and say there are too many people sleeping in one bedroom or the room is too small and file a complaint. If the Building Inspector does not want to enforce this, according to the way it is written it would probably stay that way for ten years. But if some other person files a complaint it could all be followed up on the next day.

She stated there should be something included that when a complaint is filed, the Inspector has only a certain amount of time before he takes action.

Mrs. Dunbar stated on Page 10 it tells you how many people can live in a bedroom. She would like to know how you intend to enforce this unless you go around and check at night. The fact that there are two beds in that room does not prove that the people are sleeping in it. If you cannot enforce it, why put it into the rules? Except to use as a harrassment angle. She stated we are assuming that the purpose as stated on the front of the document is in order to protect the health, safety and welfare. That if we keep that in mind, we would have a good housing code. But in item (g) it states for two people in a room you must have 120 square feet. If you are renting a room and two people are in it you can get by with 105 square feet. That she sees no difference in a person's health and welfare in these two places. This can be corrected if you would like to add an age limit here just as you did in the other place.

She stated item (b) on Page 10 states a habitable room has to be 6 feet 6 inches wide in at least one part and it goes on and gives a minimum for all the rooms - the minimum in any room has to be 70 square feet. That she went out yesterday and measured a house which she built 18 years ago with an FHA loan because she was worried about one of those bedrooms. Fortunately the third bedroom, built to the specifications of the family that wanted it measured 7 and 1/2 feet by 9'3". Had that room been 9' x 7 1/2', it would not have been a habitable room. Fortunately, they had three girls and a boy with the boy sleeping in that room. If they had had two boys, they would not have been allowed to put bunk beds in there. If Council wants to say 70 square feet fine, but she objects to Council saying how it has to be arranged.

Mrs. Dunbar stated Council seems to feel that just because these things are in the Code, no one is going to enforce them. If she had not had experience where these things have been enforced, she would not be here; she would agree with Council. She would say OK; let us forget it as no one is going to be that ridiculous. But you get it down to a point by point basis, and she can document where these things are happening and she does not see why you have to say how many feet this way and that way if you have the right number of square feet. A grandfather clause would take care of all of this. All Council needs to do is to say houses built after a certain date have to comply with this. That she does not see how Council can go back, when people built houses in good faith under existing regulations and now tell them they have to go out and spend a thousand dollars to bring it up to code.

Mrs. Dunbar stated this proposal states if you appeal, the Inspection Department makes the records they have available to the Appeals Board. It should be added here that the records which are turned over to the Appeals Board should also be made available to the person who they are filing the complaint against. The building inspector can build a file

November 23, 1970  
Minute Book 54 - Page 380

from anything he wants to; he can give it to Council and Council can make decisions on it whereas the person who is talking and trying to protect their own interest not knowing what is in the file, cannot give you the facts. It is only fair that Council make decisions when a person knows what is in their own file.

#### APPOINTMENT OF A COMMITTEE TO STUDY LICENSING ACT REQUESTED BY TOM SYKES.

Mr. Tom Sykes stated he has made a study of the licensing acts for the City of Charlotte and would like for Council to appoint a committee to review the entire licensing booklet, to levy, assess and improve privilege licenses on those who do not now pay privilege license.

He stated he would like to add from 3 to 25 million dollars to the coffers of the City of Charlotte by such acts. That accountants are exempt by the State Revenue Act. He stated this booklet is full of people who are exempt - oculists, optometrists, clairvoyants are prohibited by law and Civil Engineers are exempt by State Revenue Laws.

Mr. Sykes stated this should be gone over completely by a committee other than doctors, accountants, lawyers and optometrists; a committee composed of people who will see to it that we get the licenses to the various businesses and income brackets that need and demand them the most. He stated he has mentioned this on several occasions. That he has made a complete study of it and if this license booklet can be brought to the legislature with the necessary changes, there might be a possibility that Council will not have to go up on the property taxes next year to take care of the debts of the city.

He stated in the annual budget, there is an allowance for licenses in that and asked Mr. Veeder to give him the amount in the budget for this. That there are many categories in the booklet that are not covered - doctors, lawyers, accountants, stockbrokers and national banks are exempt.

Mr. Sykes stated on every page of the booklet there is one or more that is exempt. If Council should appoint a Committee to study this, they should not use people who are exempt already; this would be a fallacy, the job should be given someone who can make a complete and thorough study. That he made his study approximately 18 months ago, and there were somewhere in the neighborhood of 180 classifications that were not covered; that national banks are exempt from the licensing act.

Councilman Short stated he would certainly agree with what is being said and it is certainly incumbent upon all citizens and Council to try to help this situation. That he would like to suggest that Mr. Sykes either call, write or visit Herman Moore, right here in Charlotte, who is the Chairman of the Tax Study Commission of the Legislature; that he can bear more on this situation than anyone in the State. Mr. Sykes replied this would be wonderful if he could get any action out of Mr. Moore; that Mr. Moore has been in the Legislature and probably on the Tax Study Commission for quite some time and he has not seen any changes forthcoming from his past efforts. He stated there is talk about a liaison legislative assistant. If we study the thing here at home ourselves, we would not need the liaison.

Mr. Veeder, City Manager, stated with regard to the question earlier the amount is \$670,000; that the general subject of changes in the application of licensing is something the cities of this state, through the League of Municipalities, over a period of many years, have professed a similar type of interest. He stated this is something that requires statewide legislation. It is not local legislation, it just relates to the City of Charlotte. He stated this has been studied and everyone has heard of Schedule B which is the schedule of the laws which relate to this in the General Statutes.

November 23, 1970  
Minute Book 54 - Page 381

He stated Mr. Short is completely correct in that this is not something the Council of the City of Charlotte can propose anything realistically. It is something that has to apply statewide. That the proper form is the General Assembly of North Carolina.

Mr. Sykes replied that is his purpose for being here. He recognizes and realizes we must go through the Legislature to get this action and that now is the time to begin working on it. That here national banks are exempt; on another page, civil engineers are exempt; on another page insurance companies are exempt. That you can go right through here and find something like 282 categories that are not covered and should be covered in this booklet somewhere.

Mayor pro tem Whittington stated if Mr. Sykes will endeavor to get in touch with Senator Moore and make this presentation to him, then Council will make the same request to the delegation of Mecklenburg County.

Mr. Sykes asked if there was any chance of getting a study committee appointed by Council and Mayor pro tem Whittington replied this question should properly be put to the Mayor when he returns.

Councilman Tuttle stated on many of these items, the State has pre-empted the City, just as the federal government pre-empts the State. Insurance is taxed by the state on a premium basis. Mr. Sykes stated he understands this, but not in the particular cities where they need the revenues also; that he is tired of taking the money out of the pockets of taxpayers and individual citizens where these dollars should be coming from other sources.

Mr. Albert Pearson stated this group of citizens is trying to get the City Council to set the initiative as they did, on the sales tax. You can take three or four coke machines in this town, or you can take one coke machine in this town and pay more license on it than Odell pays on his architects. This example is just to show how unfair this is.

He stated another example is the Charlotte Newspapers. They pay a maximum of \$400 or \$450 on their volume and then a Department Store probably pays \$10,000 for a license on the same type of deal - why should the newspaper be exempt on this. There is a whole lot of good Council can do rather than this group going to Senator Moore.

Later in the meeting Mayor pro tem Whittington stated Council had indicated today they are interested in what Mr. Sykes proposed; that while Mr. Veeder is correct in that it should go to the legislature as the proper body it will not get to the legislature unless the City Council attempts to get it there. That Council might consider appointing a committee of citizens to help with this. He requested the City Manager to discuss it with the Mayor and then put it on the Conference Agenda to discuss with Council next Monday.

Councilman Alexander asked what happened when this was brought up several years ago? The City Attorney replied this has been a part of the city's legislative program for the last ten years. Mr. Veeder stated a Study Committee was appointed on this at the State level; the State thinks this is within its purview and not within the purview of the city. That it is the State's responsibility to do any explaining to the Citizens on this.

November 23, 1970  
Minute Book 54 - Page 382

CITIZEN REQUESTS ACTION BE TAKEN AND PUBLICIZED REGARDING FOUL ODOR IN NEIGHBORHOOD OF SUGAR CREEK DISPOSAL PLANT.

Mr. Bill Fesperman, 2120 Wensley Drive, stated he is here today to represent several hundred people who presented a petition erroneously to the Health Department last week and a copy was sent to Council regarding the foul odors emanating from the Sugar Creek Disposal Plant.

He stated he also represents thousands of people who did not even know the petition was going around as it was only circulated by Mrs. Beatty in a certain area and did not get to all of the people on that side of the plant and did not get to anyone on the side of the plant where he lives.

Mr. Fesperman stated for years he has been talking to people and calling certain people, trying to get some action taken to stop that foul odor which, after talking to some engineers, there is no real reason that it cannot be stopped.

He stated he has always gotten the run-around. People say there is no odor; that they cannot smell a thing. The second answer he has been receiving is that it is not coming from the sewer plant. That the odor is there, but it is not coming from the sewer plant. Another answer is something is being done on it and then the last answer is that they are phasing our Sugar Creek plant anyway. That he got this answer five years ago and it is still growing. He understands it will be eight or ten years before it is phased out.

Mr. Fesperman stated he has been awakened by the odor in the winter when every window in his house was closed tightly in the middle of the night. He stated it is not just a stench - it is sickening and very acrid. It is probably very heavy as it is close to the floor - it is heavier than air - so it is probably a sulphur compound which is extremely dangerous as air pollution. That the sulphur is a problem and is dangerous.

He stated an example of one of the surveys was when they sent out an engineer and he checked to see what gases were there. He stuck his probe down the manhole and found sewer gas which is what is expected in a sewer manhole. That what they are complaining about is up in the air and out of the sewer. He stated the engineer making the survey made the statement that it was coming from the outfall lines going into the sewer. He stated he cannot buy that because it is within a few lines from the sewer and emanating back to a central point.

Mr. Fesperman stated it could be from the flame they are burning and in this case, they are burning the hydrogen-sulphide (sewer gas) and generating sulphur dioxide which can be scrubbed out with the proper equipment. That he does not know if any equipment would be involved if this was operated properly.

He stated from his experience that in at least 19 out of 20 experiences, when this has been so bad, it is after 5 or 6 o'clock in the afternoon. In other words, during the second or third shift's operation. That he worked in a plant one time and it was learned that all the foul-ups and damages occurred in the second and third shifts because they did not have the daytime supervision. Probably just the backing up of the operation might help. Regardless of cost, the City should set a good example and do something about one of the worst offenses in the City of Charlotte. Even if it is not hazardous, he feels it definitely is, because of the sulphur compounds in the air along with the odor, something should be done.

That Council talked about a housing code today which would require a fellow to paint his house. This would mean the people living close to this would have to paint their houses much more often as this odor is very deteriorating to the paint on the houses in this area.

He stated the city should set a good example regarding air pollution by not being the worst offender in this case. That they are asking for the following:

- (1) That somebody in the City Engineering Department should admit that the problem exists.
- (2) Direct the Engineering Department to determine the cause - which the Health Department will tell you exists as they agree the problem is there - where it is coming from, and how it can be stopped and eliminate it.
- (3) Give them a time schedule and tell them what is being done and when it is going to be done.

Mayor pro tem Whittington thanked Mr. Fesperman for bringing this to Council.

Mr. Veeder, City Manager, stated much of what Mr. Fesperman says he agrees with and his closing comments on the three things should be done. First, the problem does exist. If it has not been acknowledged before, it is high time it was acknowledged.

Second, to determine what should be done about it, this is exactly what is in process. As recently as this morning, he talked with consultants to try to help the city to determine the cause. Within a very few weeks, we will have a program to follow toward the end of eliminating the causes. That the city is trying to pull together the best brains to determine the cause. Once the cause has been determined, we can do something about it.

Thirdly, the wheels are in motion to try to determine what the solution is and to do something about it.

Mr. Fesperman asked that the findings of this group be publicized so the people will know something is being done. For many years, they have been getting the runaround.

Mayor pro tem Whittington suggested that Mr. Woodward get this information to the people who signed this petition.

Councilman Tuttle stated he is in agreement that Mr. Woodward help with this information but since Mrs. Beatty secured the names on the petition, that Mr. Veeder write Mrs. Beatty and say to her what he essentially said to Mr. Fesperman today.

PETITION NO. 70-129 BY RICHARD B. LINTON, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON THE SOUTHWEST SIDE OF EAST SEVENTH STREET EXTENDING FROM 2312 THROUGH 2500 EAST SEVENTH STREET, DENIED.

Councilman Tuttle moved that the subject petition for a change in zoning from R-6MF to O-6 be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

November 23, 1970  
Minute Book 54 - Page 384

ORDINANCE NO. 940-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PARCEL OF LAND SOUTHWEST OF INDEPENDENCE BOULEVARD AND EAST OF ASHMORE DRIVE.

Motion was made by Councilman Jordan to adopt the subject ordinance changing the zoning from O-6 to B-2 as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 463.

ORDINANCE NO. 941-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD, FROM CLOVER ROAD TO A POINT NORTHEAST OF ROBIN ROAD.

Councilman Tuttle moved adoption of the subject ordinance changing the zoning from R-12MF to O-15 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 464.

DECISION ON PETITION NO. 70-128 BY WILLIAM T. MINOR, JR. FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF PROPERTY ON THE WEST SIDE OF EASTWAY DRIVE, EXTENDING FROM NORFOLK SOUTHERN RAILROAD TO COMMERCIAL AVENUE, DEFERRED.

Councilman Short stated the industrial zoning along this area of Eastway Drive is out of order entirely and we need to consider more than just Mr. Minor's lot.

Councilman Short moved that Council ask the Planning Staff to prepare a petition for Council's approval to rezone all the vacant and undeveloped I-1 land along both sides of Eastway Drive in this area to B-1, and the I-1 land, which is already developed, be rezoned from I-1 to the most restrictive use which will not create a non-conforming use. As to the depth back from Eastway Drive on the north side, it would be the entire depth of the industrial zoning which is apparently 175 to 200 feet and on the other side, which is the south side, that it be the same depth as Mr. Minor's land which is now zoned office; also, that no decision be made on Mr. Minor's Petition No. 70-128 until Council decides on the new petition. The motion was seconded by Councilman Withrow.

Councilman Short stated the purpose of the motion is to get the industrial zoning off Eastway Drive, and then consider Mr. Minor's petition in the light of this new zoning picture.

Councilman Tuttle asked how this B-1 zoning would affect Mr. Minor's B-2 request? Councilman Short replied Mr. Minor has asked for B-2 but he feels Council should get this industrial zoning off the belt road. It is out of order and something Council should have done something about previously.

Councilman Tuttle asked if B-1 would be objectionable to Mr. Minor and Mr. Stoever replied they would change their request to B-1.

Councilman Short stated he has not gone over this with Mr. Stoever but the nature of his comments to him indicate that he would not be opposed to this kind of approach. Councilman Tuttle asked if Council can go ahead and give Mr. Stoever the B-1, if he does not object to B-1, and then we would not delay him.

Mr. Fred Bryant, Assistant Planning Director, stated he would agree that industrial zoning here would be out of place regarding the desirable uses along Eastway Drive. There are only two uses along there that would require continuation of industrial zoning. Westinghouse has their property which is

November 23, 1970  
Minute Book 54 - Page 385

already occupied for industrial purposes all the way out to Eastway and there is also an upholstery shop on the east side of the road which would require it. The rest is either vacant or occupied by B-1 - type usage. As to the intent of removing industrial zoning along Eastway, his personal reaction would be that this would be highly desirable.

Councilman Tuttle asked what the delay would do to Mr. Minor's plans and Mr. Stoever replied it would just delay their plans for the usage but they would like to know about how long this study will take. Mr. Bryant replied certainly not more than a month.

Councilman Short stated he is not asking Mr. Bryant to prepare a study, he is asking him to prepare the motion because he feels Council knows what they want to do. Mr. Bryant replied he could have the motion ready by next Monday but it would be at least three weeks before a hearing could be held.

Councilman Alexander asked the difference in going on and passing on No. 6 now as we have already discussed Mr. Short's proposal and are in agreement? Councilman Short replied the difference is in whether we actually do it or indicate some interest in it and give others a chance to come in and speak if they do not like what Council is interested in doing.

Mr. Bryant stated the Planning Commission, in its deliberation and discussion of this, did rely to a certain extent in making their decision on the fact that this property was adjacent to an industrial zone as it fronts on Eastway Drive. If this property had been zoned business instead of industrial, it is possible there could have been some slight difference in the direction of their thinking on it.

After discussion, Councilman Tuttle made a substitute motion to adopt an ordinance to change the zoning from O-6 to B-1. The motion was seconded by Councilman Jordan. The vote was taken on the motion and failed to carry for the lack of four affirmative votes as follows:

YEAS: Councilmen Tuttle, Jordan and Alexander.  
NAYS: Councilman Short and Withrow.

The vote was taken on the original motion and failed to carry for the lack of four affirmative votes, as follows:

YEAS: Councilmen Short and Withrow.  
NAYS: Councilmen Alexander, Jordan and Tuttle.

The City Attorney advised the petition is neither approved or disapproved as it failed to get the sufficient number of votes and it will automatically appear on the docket next week unless some other action is taken.

After more discussion, Councilman Tuttle moved that Council reconsider Item No. 6 on the agenda. The motion was seconded by Councilman Jordan.

Councilman Short moved that the meeting be recessed for five minutes. The motion did not receive a second.

Councilman Jordan made a substitute motion to defer decision on the petition for one week. The motion was seconded by Councilman Alexander and carried unanimously.

ORDINANCE NO. 942-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF PINEVILLE ROAD, ALONG BOTH SIDES OF STATE ROAD NO. 3658, SOUTH OF STARVALLEY DRIVE AND NORTH OF LARRY SMITH CHEVROLET, INC. B-2 FOR THE DEPTH OF 650 FEET.

Councilman Withrow moved adoption of subject ordinance changing the zoning to B-2 for a depth of 650 feet and denying the request for a change in zoning

November 23, 1970  
Minute Book 54 - Page 386

of the remainder of the property, all as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 465.

PETITION NO. 70-131 BY JAMES J. HARRIS FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE EAST SIDE OF SHARON ROAD APPROXIMATELY 750 FEET NORTH OF COLTSGATE ROAD, DEFERRED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, deferring decision on the subject petition pending further study by the Planning Commission.

PETITION NO. 70-132 BY COKESBURY METHODIST CHURCH FOR A CHANGE IN ZONING OF A PARCEL OF LAND FRONTING ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD AND ON THE NORTHWEST SIDE OF HOLBROOK DRIVE, DEFERRED ONE WEEK.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject petition for a change in zoning was deferred for one week.

ORDINANCE NO. 943 AMENDING CHAPTER 23, OF THE CITY CODE AMENDING THE TEXT OF THE ZONING ORDINANCE TO ESTABLISH A CONDITIONAL MOBILE HOME DISTRICT AND TO PRESCRIBE STANDARDS AND PROCEDURES FOR LOCATING AND CONSTRUCTING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

Councilman Withrow moved adoption of the subject ordinance establishing a conditional mobile home district as recommended by the Planning Commission. The motion was seconded by Councilman Alexander.

Councilman Short stated he has a letter from the City Attorney which states that he does not have a conflict of interest in this situation and is required to vote on the matter.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, beginning at Page 466.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, DECEMBER 21, 1970 ON PETITIONS NO. 70-134 THROUGH 70-139 FOR ZONING CHANGES.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, a resolution was adopted setting date of public hearing on Monday, December 21, on Petitions No. 70-134 through 70-139 for zoning changes.

The resolution is recorded in full in Resolutions Book 7, at Page 166.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, DECEMBER 21, ON PETITION OF THE VECTOR COMPANY, INC. TO CLOSE PORTIONS OF NORTH PINE STREET, NORTH POPLAR STREET, WEST 29TH STREET AND WEST 31ST STREET.

Councilman Tuttle moved adoption of the resolution fixing date of public hearing on Monday, December 21, 1970, on petition of The Vector Company, Inc. to close portions of North Pine Street, North Poplar Street, West 29th Street and West 31st Street. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 167.

November 23, 1970  
Minute Book 54 - Page 387

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, DECEMBER 14, 1970 ON AMENDMENT NO. 1 TO REDEVELOPMENT PLAN FOR SECTION NO. 5, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-60.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, adopting the resolution calling for a public hearing on Monday, December 14, 1970, on Amendment No. 1 to Redevelopment Plan for Redevelopment Section No. 5, Brooklyn Urban Renewal Area, Project No. N. C. R-60.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 168.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, adopting a resolution authorizing the refund of certain taxes in the total amount of \$365.00 which were levied and collected through clerical error against Sherwin Williams Company.

The resolution is recorded in full in Resolutions Book 7, at Page 172.

RESOLUTIONS AUTHORIZING THE ISSUANCE OF \$10.0 MILLION CITY OF CHARLOTTE BONDS.

Councilman Tuttle asked what the \$725,000 for public buildings will be used for, and Mr. Veeder replied \$225,000 will go with the \$350,000 already authorized for the governmental center project, \$500,000 goes to Model Cities centers.

Mayor pro tem Whittington asked what streets will be affected by the \$1,175,000 bonds? Mr. Veeder replied the projects included \$315,000 to Sharon Lane; \$380,000 for Central Avenue at Kilborne Drive; \$235,000 to Civic Center streets; \$50,000 to TOPICS Program and \$195,000 to Belmont Code Enforcement Project.

Councilman Jordan introduced a resolution entitled: Resolution Providing for the issuance of \$4,475,000 Sanitary Sewer Bonds, Series B. Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$4,475,000 Sanitary Sewer Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Tuttle introduced a resolution entitled: Resolution Providing for the Issuance of \$1,800,000 Redevelopment Bonds. Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,800,000 Redevelopment Bonds, was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Jordan introduced a resolution entitled: Resolution Providing for the Issuance of \$1,175,000 Street Widening, Extension and Improvement Bonds, Series B. Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,175,000 Street Widening, Extension and Improvement Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

November 23, 1970  
Minute Book 54 - Page 388

Thereupon, Councilman Alexander introduced a resolution entitled: Resolution Providing for the Issuance of \$1,125,000 Water Bonds, Series B. Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,125,000 Water Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Short introduced a resolution entitled: Resolution Providing for the Issuance of \$725,000 Public Building Bonds, Series B. Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the foregoing resolution entitled: "Resolution Providing for the Issuance of \$725,000 Public Building Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Jordan introduced a resolution entitled: Resolution Providing for the Issuance of \$500,000 Recreation Facilities Bonds, Series B. Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$500,000 Recreation Facilities Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Alexander introduced a resolution entitled: Resolution Providing for the Issuance of \$200,000 Street Land Bonds Series B. Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$200,000 Street Land Bonds, Series B" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

Thereupon, Councilman Jordan introduced a resolution entitled: Resolution Fixing the Form and Manner of Execution of \$4,475,000 Sanitary Sewer Bonds, Series B, \$1,800,000 Redevelopment Bonds, \$1,175,000 Street Widening, Extension and Improvement Bonds, Series B; \$1,125,000 Water Bonds, Series B; \$725,000 Public Building Bonds, Series B; \$500,000 Recreation Facilities Bonds, Series B; and \$200,000 Street Land Bonds, Series B, to be issued under date of December 1, 1970, Providing for the Registration Thereof, Ratifying Application to the Local Government Commission for the Advertisement and Sale of said Bonds and Ratifying Action of Local Government Commission in Asking for Sealed Bids for Said Bonds. Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the resolution entitled: "Resolution Fixing the Form and Manner of Execution of \$4,475,000 Sanitary Sewer Bonds, Series B; \$1,800,000 Redevelopment Bonds; \$1,175,000 Street Widening, Extension and Improvement Bonds, Series B; \$1,125,000 Water Bonds, Series B; \$725,000 Public Building Bonds, Series B; \$500,000 Recreation Facilities Bonds, Series B; and \$200,000 Street Land Bonds, Series B, to be issued under date of December 1, 1970, Providing for the Registration thereof, Ratifying Application to the Local Government Commission for the Advertisement and Sale of Said Bonds and Ratifying Action of Local Government Commission in asking for sealed bids for said bonds" was passed by the following vote:

YEAS: Councilmen Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

November 23, 1970  
Minute Book 54 - Page 389

Thereupon, Councilman Tuttle introduced a resolution entitled: Resolution Authorizing the printing of the legal opinion on the \$10,000,000 Bonds to be issued under date of December 1, 1970. Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the resolution entitled

"Resolution Authorizing the Printing of the Legal Opinion on the \$10,000,000 Bonds to be issued under date of December 1, 1970" was passed by the following vote:

YEAS: Councilman Alexander, Jordan, Short, Tuttle and Withrow.  
NAYS: None.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 173.

ORDINANCE NO. 944-X AUTHORIZING THE TRANSFER OF REDEVELOPMENT BOND FUNDS FROM FIRST WARD URBAN RENEWAL TO BROOKLYN URBAN RENEWAL TO BE USED FOR STREET IMPROVEMENTS, DEMOLITION OF STRUCTURES AND SITE IMPROVEMENTS IN URBAN RENEWAL AREA 5.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$50,000 of Redevelopment Bond Funds from First Ward Urban Renewal to Brooklyn Urban Renewal to be used for street improvements, demolition of structures and site improvements in Urban Renewal Area 5.

The ordinance is recorded in full in Ordinance Book 17, at Page 474.

ORDINANCES AUTHORIZING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE, AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinances authorizing the removal of abandoned motor vehicles, as follows:

- (a) Ordinance No. 945-X ordering the removal of abandoned motor vehicle at 2312 Barry Street.
- (b) Ordinance No. 946-X ordering the removal of abandoned motor vehicle at 3445 Marvin Road.
- (c) Ordinance No. 947-X ordering the removal of abandoned motor vehicle at 1515 Wilmore Drive.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 475.

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

Councilman Withrow moved adoption of the following ordinances ordering the removal of weeds and grass pursuant to Section 6.103 and 6.104 of the City Code and Chapter 160-200 of the General Statutes of North Carolina. The motion was seconded by Councilman Jordan, and carried unanimously.

- (a) Ordinance No. 948-X ordering the removal of weeds and grass adjacent to 331 Benard Street.
- (b) Ordinance No. 949-X ordering the removal of weeds and grass adjacent to 222 Skyland Drive.
- (c) Ordinance No. 950-X ordering the removal of weeds and grass adjacent to 811 East Morehead Street.

The ordinances are recorded in full in Ordinance Book 17, beginning at 478.

November 23, 1970  
Minute Book 54 - Page 390

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

Motion was made by Councilman Alexander, and seconded by Councilman Tuttle to adopt the following ordinances ordering the demolition and removal of dwellings:

- (a) Ordinance No. 951-X ordering the removal of dwelling at 804 Parkwood Avenue.
- (b) Ordinance No. 952-X ordering the removal of dwelling at 3410 Robinson Circle.

The City Manager passed around pictures of the dwellings to be demolished. No opposition was expressed to the proposed demolitions.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 481.

#### RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Motion was made by Councilman Jordan to adopt a resolution entitled: Resolution authorizing condemnation proceedings for the acquisition of property belonging to R. T. Hubbard and wife, Janice M. Hubbard, located on Old Dowd Road in Berryhill Township, at a condemnation price of \$29,000.00, for the Airport Expansion. The motion was seconded by Councilman Tuttle.

The City Manager advised this includes a one and half story single family frame residence and 9.97 acres.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 192.

Councilman Withrow moved adoption of a resolution entitled: Resolution authorizing condemnation proceedings for the acquisition of property belonging to Eloise M. Wilson (widow) located on Old Dowd Road, in Berryhill Township, at a condemnation price of \$5,300.00 for the Airport Expansion. The motion was seconded by Councilman Short, and the vote taken and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 193.

Motion was made by Councilman Jordan and seconded by Councilman Withrow to adopt a resolution entitled: Resolution Authorizing condemnation proceedings for the acquisition of property belonging to Roy O. Ridenhour and wife, Dorothy M. Ridenhour, located on Old Dowd Road, in Berryhill Township, at a condemnation price of \$38,300.00, for the Airport Expansion.

The City Manager advised this is for 6.2 acres and a one story single family brick residence.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 194.

November 23, 1970  
Minute Book 54 - Page 391

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 construction easement at 1900 Sharon Lane from Mrs. Martha P. Stokes at \$25.00, for the Sharon Lane Widening Project.
- (b) Acquisition of construction easement at 1916 Sharon Lane, from Robert W. Armstrong, at \$50.00, for the Sharon Lane Widening Project.
- (c) Acquisition of construction easement at 1919 Sharon Lane, from Mrs. Nancy Watts Hanbury, (widow), at \$100.00, for the Sharon Lane Widening Project.
- (d) Acquisition of 50' x 150' of property at 802 East 15th Street, from Waggoner Realty Company, at \$500.00, for Sugar Creek-Irwin Creek Open Space Project.

RIGHT OF WAY AGREEMENTS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, the following right of way agreements were approved:

- (a) Right of way Agreement between the City of Charlotte, Lance, Inc. and the State Highway Commission for the construction of a two-inch water main in the south side of Sharon Road West near its intersection with U. S. 21 South.
- (b) Right of Way Agreement between the City of Charlotte and the State Highway Commission for the installation of a 24-inch water main across the existing right of way of I-77, east of Beatties Ford Road and north of I-85.
- (c) Right of Way Agreement between the City of Charlotte and the State Highway Commission for the installation of a water main across U. S. 29 North, between Orr Road and Owen Boulevard.
- (d) Right of Way Agreement between the City of Charlotte and the State Highway Commission for the installation of a 2-inch water main in the south side of Freedom Drive in the vicinity of Camp Greene Road.
- (e) Right of Way Agreement between the City of Charlotte and the State Highway Commission for the installation of an 8-inch water main on the north side of Sharon View Road near Valencia Terrace.

REQUEST OF GREEN GARDENS FOR RELOCATION OF SANITARY SEWER OUTFALL AT NORTH TRYON STREET, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving request of Green Gardens for the relocation of 125 lineal feet of the Sugar Creek Outfall at North Tryon Street, inside the city, at an estimated cost of \$2,750.00, to serve Baucom's Nursery. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and is non-refundable as per terms of the agreement.

November 23, 1970  
Minute Book 54 - Page 392

CONSTRUCTION OF WATER MAINS, APPROVED.

Councilman Tuttle moved approval of the construction of the following water mains. The motion was seconded by Councilman Jordan, and unanimously carried.

- (a) Contract with Travelers Inns of Charlotte, Inc. for the construction of 175 feet of 8-inch water main and one fire hydrant, in the north side of Woodlawn Road, between Wallingford Street and the drive-way entrance to the Holiday Inn, inside the city, at an estimated cost of \$1,450.00. The financing will be in accordance with the city extension policy where the applicant advances the full cost of the main and hydrant, and will be reimbursed 100% of the construction cost from revenue derived from the main, at a rate of 35% of the gross revenue per month, until the entire amount has been reimbursed, or until the end of 15 years, whichever is first.
- (b) Supplementary contract to contract dated November 20, 1967 with Lance, Inc. for the construction of 700 feet of 2-inch water main in Sharon Road West, outside the city, at an estimated cost of \$1,540.00. The applicant will pay the entire cost of the main and will own the same until such time as the area is incorporated into the city, at which time the main will become the property of the City, without further agreement in connection therewith.

APPRAISAL CONTRACTS, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the following appraisal contracts were approved:

- (a) Contract with T. R. Lawing for appraisal of one parcel of land, at a fee of \$175.00, for the Sharon Lane Widening.
- (b) Contract with John W. Craig for appraisal of two parcels of land, at a fee of \$175.00 each, for the Eastway Drive Improvement Project.
- (c) Contract with T. R. Lawing for appraisal of two parcels of land, at a fee of \$175.00 each, for the Eastway Drive Improvement Project.
- (d) Contract with John W. Huffaker for appraisal of two parcels of land, at a fee of \$175.00 each, for the Eastway Drive Improvement Project.
- (e) Contract with Alfred Smith for appraisal of two parcels of land, at a fee of \$175.00 each, for the Eastway Drive Improvement Project.
- (f) Contract with Leo H. Phelan for appraisal of two parcels of land, at a fee of \$175.00 each, for the Eastway Drive Improvement Project.

TRANSFER OF CEMETERY DEED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed with Mrs. Eleanor Williams McNinch, for Lot No. 197, Section 3, Evergreen Cemetery, at \$776.00.

CONTRACT AWARDED WESTERN CAROLINA TRACTOR COMPANY FOR DIESEL POWERED MOTOR GRADER.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Western Carolina Tractor Company, in the amount of \$19,525.00 for one diesel-powered motor grader.

November 23, 1970  
Minute Book 54 - Page 393

The following bids were received:

Western Carolina Tractor Co.	\$19,525.00
Interstate Equip. Co.	23,246.00
Carolina Tractor & Equip. Co.	32,472.00
E. F. Craven Company	32,760.00

CONTRACT AWARDED CHARLOTTE FORD TRACTOR SALES FOR TRACTOR WITH LOADER AND BACKHOE.

Councilman Jordan moved award of contract to the low bidder, Charlotte Ford Tractor Sales in the amount of \$9,372.20, for one tractor with loader and backhoe. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor Sales	\$ 9,372.20
Morris Farm Equip. Co.	9,900.00
Allison International, Inc.	9,926.77
Case Power & Equip. Co.	10,711.42
Spartan Equip. Co.	11,600.00

CONTRACT AWARDED CAROLINA TRACTOR AND EQUIPMENT COMPANY FOR ONE HYDRAULIC EXCAVATOR WITH TELESCOPE BOOM.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Carolina Tractor and Equipment Company, in the amount of \$33,306.00, for one hydraulic excavator with telescope boom.

The following bids were received:

Carolina Tractor & Equip. Co.	\$33,306.00
Arrow Equip. Sales, Inc.	37,750.00

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR ONE HYDRAULIC TRENCHER.

Motion was made by Councilman Short awarding contract to E. F. Craven Company the low alternate bidder, in the amount of \$27,188.00 for one hydraulic trencher. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

<u>Base Bids</u>	
E. F. Craven Company	\$29,038.00
Arrow Equip. Sales, Inc.	30,990.00
<u>Alternate Bids</u>	
E. F. Craven Company	\$27,188.00
Arrow Equip. Sales, Inc.	30,490.00

Bid not meeting specifications:

<u>Base Bid</u>	
Interstate Equip. Co.	\$28,500.00
<u>Alternate Bid</u>	
Interstate Equip. Co.	\$28,200.00

November 23, 1970  
Minute Book 54 - Page 394

**CONTRACT AWARDED QUEEN CITY EQUIPMENT CORPORATION FOR GASOLINE POWERED TRACTOR WITH LOADER AND HAMMER KNIFE MOWER.**

Councilman Jordan moved award of contract to Queen City Equipment Corporation, the low base bidder, in the amount of \$4,793.18 for one gasoline powered tractor with loader and hammer knife mower. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Base Bids:

Queen City Equip. Corp.	\$ 4,793.18
Charlotte Ford Tractor Sales	4,831.73
Allison International, Inc.	4,990.88
Morris Farm Equip. Co.	5,032.20
Carolina Tractor Supply Co.	5,338.00

Alternate Bids:

Carolina Tractor Supply Co.	\$ 4,995.00
Charlotte Ford Tractor Sales	5,071.31
Queen City Equip. Corp.	5,080.39
Morris Farm Equip. Co.	5,282.20

**CONTRACT AWARDED CONTRACTOR'S SERVICE & RENTALS, INC. FOR AIR COMPRESSORS.**

Upon motion of Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Contractor's Service and Rentals, Inc., in the amount of \$15,960.00 for four air compressors.

The following bids were received:

Contractors Service & Rentals	\$15,960.00
Spartan Equip. Co.	18,312.00
Western Carolina Tractor Co.	18,312.00
N. C. Equip. Co.	19,436.00
Southland Equip. Co.	21,116.00
Mitchell Distributing Co.	21,200.00
Interstate Equip. Co.	21,660.00
A. E. Finley & Assoc.	22,400.00

**BIDS REJECTED ON STANDARD TON ROLLER AND TWO TANDEM PATCH ROLLERS.**

Councilman Jordan moved that all bids received for one standard ton roller and two tandem patch rollers be rejected. The motion was seconded by Councilman Short, and carried unanimously.

**CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR AIR TOOLS AND SOIL TAMPS.**

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Spartan Equipment Company, in the amount of \$7,170.00 on a unit price basis, for air tools and soil tamps.

The following bids were received:

Spartan Equip. Co.	\$ 7,170.00
Contractors Service & Rentals	7,660.90

November 23, 1970  
Minute Book 54 - Page 395

**CONTRACT AWARDED O. G. PENEGAR COMPANY, INC. FOR INTERIOR FURNISHINGS FOR AUDITORIUM-COLISEUM.**

Motion was made by Councilman Alexander to award contract to the low bidder, O. G. Penegar Company, Inc., in the amount of \$30,637.35, for interior furnishings for Auditorium-Coliseum. The motion was seconded by Councilman Withrow and carried unanimously.

The following bids were received:

O. G. Penegar, Inc.	\$30,637.35
Miller's Office Equip. Co.	32,372.77

**CONTRACT AWARDED PRISMO UNIVERSAL CORPORATION FOR PLASTIC PAVEMENT MARKING MATERIAL.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow and unanimously carried, contract was awarded the only bidder, Prismo Universal Corporation, in the amount of \$15,657.75, on a unit price basis, for plastic pavement marking material.

**HOUSING CODE REQUESTED PLACED ON AGENDA FOR NEXT COUNCIL MEETING.**

Councilman Short stated in discussing the matter of the Housing Code with some members of Council, it appears some of the Councilmen would like to have an additional week to consider this matter, and he does not think there is sufficient votes to proceed with the matter today. He requested that it be placed on the agenda for the next Council Meeting.

Mr. George Selden, Chairman, Citizens' Advisory Committee on Urban Renewal and Community Improvement, stated this is the first step for preparing and securing approval of a workable program. This Committee has fought for many months to try to lay the groundwork for the approval. As time moves on the various projects in the Greenville Area, First Ward, Third Ward and Fourth Ward begin to stack up in terms of their accomplishments. He stated he is not so much concerned about giving persons an opportunity to speak as he felt they had been given that in the two public hearings. There was much conversation in those two public hearings. That his primary appeal is in the tremendous behind-the-scenes work of where it is necessary to re-write a word here or re-write a word there. That he does not say the proposed ordinance is perfect but it is as good a compromise as we can possibly get, and this is the basis on which he had hoped it would be approved today.

**CONTRACT BETWEEN MOTION, INC. AND THE CITY OF CHARLOTTE-MODEL NEIGHBORHOOD ADVISORY COMMISSION, AUTHORIZED.**

Mr. Underhill, City Attorney, stated before the subject contract is executed by the Mayor, he will add some language; that he understands Councilman Short's point insofar as the addition of some language to the contract is concerned, and he will add some language that will satisfy the requirements of City Council.

After further discussion, Councilman Alexander moved approval of the contract with Motion, Inc. in the amount of \$260,158 in conformance with the comprehensive plan for the Charlotte Model Cities Program. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short stated he received some information from the City of New Haven, Connecticut about a year ago concerning a similar project as the Motion Corp. They had put \$250,000 into a very similar project. It was used for seed money for housing as well as to provide an opportunity to go into business for disadvantaged persons and it work out successfully. That he thinks this is a real good program.

November 23, 1970  
Minute Book 54 - Page 396

REPORT ON WINDSONG TRAILS HOUSING PROJECT.

Mr. Veeder, City Manager, advised he has a report from Mr. J. D. Lowman of the Charlotte Housing Authority on the request of Councilman Alexander for reasons that the Windsong Trails Project had been postponed.

He stated Mr. Lowman reports the Authority's decision to postpone additional housing under the Turnkey III program was based on three points. (1) The desire to gain additional experience on the operation of Turnkey III projects (2) The availability of information from the 1970 Census on Housing needs in the community. (3) The completion by HUD of an economic survey of the community. That Mr. Lowman indicated the Housing Authority anticipates receiving information from HUD for use at its March, 1971 meeting. Also the Authority's decisions to postpone development of any additional Turnkey III projects do not affect continuation of the existing two Turnkey III projects which are the Pine Valley and Windsong Trails projects. The Pine Valley project is proceedings and is expected to be completed in April, 1972 and the Windsong Trails project is proceeding and is expected to be completed in May, 1971.

Councilman Alexander stated he accepts the report but he does not agree with all of it. That anything that casts a blight on the contractors' interest in doing this type of work certainly sets us back two or three years. That he is not too sure to what extent this will set us back. That as far as people being available to take these houses, he thinks we have them. That he does not buy the fact that somebody might think they may not get a proper mix is the reason for delaying the project.

CHARLOTTE APARTMENT ASSOCIATIONS ALTERNATE PROPOSALS ON APARTMENT ZONING REGULATIONS TO BE MAILED TO COUNCIL MEMBERS.

Mr. Bill Allan, with the Charlotte Apartment Association, stated they, along with the Home Builders, have been concerned with the petition for apartment zoning. He stated they would like to present an alternate proposal and ask Council to set a public hearing on this proposal. This proposal really has not gotten the consideration they think it should have gotten from the Planning Commission. That they also ask that action be delayed until the new Board of County Commissioners can hear the petition in a joint hearing rather than having the present Board vote on it.

Mr. Allan stated he understood that since the hearing has been held, they may not be allowed to speak again. That he would like to know how the Association can get their written positive program before Council?

After further discussion, Mr. Allan filed a copy of the Association's proposal with the City Manager, and requested that copies of the proposal be sent to all the Council Members.

REQUEST TO CHANGE LEGISLATION CONCERNING PERSONS BEING RELEASED FROM PRISON TO BE INCLUDED IN AGENDA FOR LEGISLATIVE MATTERS.

Councilman Alexander stated there is no provision made for people who are being released from prison to get started back in the community by virtue of the fact of the question of their having to be required to live up to what is now a two year period before they can regain their citizenship. That poses many problems in the parole system. In many cases we have people who come out of prison and because of that stigma, they get off into something else as they are discouraged. That he would like for Council to give this some thought and have it on the agenda for recommendations to the legislative delegation for efforts to change this regulation. That it has a big effect in rehabilitating prisoners when they come out of jail.

November 23, 1970  
Minute Book 54 - Page 397

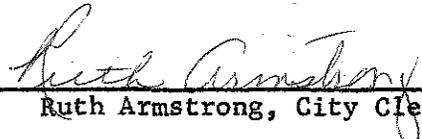
**PLANNING COMMISSION REPORT ON LONG RANGE PLANNING FOR PARKS AND RECREATION  
TO BE PRESENTED AFTER FIRST OF YEAR.**

Mr. Veeder, City Manager, stated the Planning Commission has been doing some work in the area of long range planning for park purposes as a result of the agreement Council entered into with the Park and Recreation Commission. The Planning Staff has about completed this study and would like to schedule a joint meeting between the Council and the Park and Recreation Commission to present the report to the joint boards. He stated they are suggesting the week of December 14 with the idea of having the meeting on Wednesday, December 16, 1970.

After further discussion, Mayor pro tem Whittington suggested that this meeting be held after the first of the year, and all Council Members present agreed to the suggestion.

**ADJOURNMENT.**

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

  
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Ruth Armstrong, City Clerk