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The City Council of the City of Charlotte, North Carolina, met in regular session convened on Monday, October 13, 1975, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman Kenneth R. Harris.

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#### INVOCATION.

The invocation was given by Reverend Paul Horne.

#### MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last meeting, on Monday, October 6, 1975, were approved as submitted.

#### MOTION TO INCLUDE PRESENTATION ON RELOCATION SERVICES FOR COMMUNITY DEVELOPMENT AREAS, ADOPTED.

Councilman Gantt moved that Council include in the agenda at this point the presentation by Vernon Sawyer, Director of Community Development on Relocation Services for Community Development Area. The motion was seconded by Councilman Short, and carried unanimously.

#### PRESENTATION ON RELOCATION SERVICES FOR COMMUNITY DEVELOPMENT AREA.

Mr. Burkhalter, City Manager, stated on October 29, at 7:30 p.m., City Council will hold a public hearing in Council Chambers on the plans for Grier Heights and North Charlotte, two of the nine target areas under Community Development Revenue Sharing. In trying to be sure that the hearing is held on what Council understood will be done, a conference session was held with City Council on these two areas, along with a briefing on all the areas. At that time, most members of Council could not stay long enough for the last part of this briefing. Mr. Gantt, Mrs. Locke, Mr. Short, and the Mayor individually asked for a briefing on this. Rather than setting up individual briefings he took the liberty of scheduling it today so that Mr. Sawyer could explain the housing relocation part. All of this will be done again on October 29, Wednesday evening at 7:30 here in the Council Chamber.

Mr. Sawyer, Director of Community Development, stated he has placed on boards the information that he thinks is pertinent to the public hearing and to the community development program where relocation is going to be a factor.

The objective for the community development program is to eliminate slums and blight and to prevent further deterioration of existing housing, through a program of rehabilitation and code enforcement, slum clearance and the relocation assistance plan. He stated they plan to meet this objective primarily through rehabilitation. Rehabilitation and not clearance resulting in relocation is going to be the major way that they will maintain the existing houses.

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He stated five target areas were identified as sound residential neighborhoods in the preliminary plans - North Carolina, Third Ward, Southside, Grier Heights and Cherry. In all these areas there are 2,591 housing units; out of this, there are 2,205, or 85 percent either sound or habitable; 1,465 have code violations; only 15 percent will be acquired, or 386 structures. That leaves out the four areas in which total rehabilitation is planned. One of those is West Morehead. If you throw West Morehead in, it only raises the percentage to 18 percent, and you still have a major emphasis on rehabilitation. In all areas where a program is planned, rehabilitation or clearance, we have a total of 453 families and individuals to be displaced - 278 families and 175 individual households in all areas. That includes West Morehead. In West Morehead it also includes the Clanton Hills Section, some of which is not located within the area where clearance is proposed under the CD program. That would increase it by some 20 families. Some of it is in and some is not in.

In Grier Heights, the first year only 16 families and individuals will be displaced. In North Charlotte, zero. There is no displacement in North Charlotte in any of the three years of the program. In Grier Heights, the total for the three years is 58. When you add them all up, including the Clanton Hills, the Remount Road Widening on the southside, you still have a total of 53 families. Individual householders is a total of 175, and families 278. This is not structures; this would be occupied dwelling units. This is not talking about the number of people; there is over 14,000 population in the whole nine target areas.

Councilman Gantt asked for a clarification on the meaning of the category CD rehabilitation. Does this mean the rehabilitation of some of these units will require the displacement of 53? Mr. Sawyer replied that is right; in all of the 1465 units estimated to have code violations, they estimate that 53 of those units may be in such bad state of repair that it will require the families to move, to relocate, while that rehabilitation is going on. They qualify that by saying it will take place, if the units are acquired or the program requires them to move. We could acquire the unit, rehabilitate it, and sell it if the owner does not want to rehabilitate it himself, and they think it should be in the interest of the neighborhood and the program.

Councilman Short asked how many people are involved? Mr. Sawyer replied in all of the five neighborhoods which excludes West Morehead, as it is in a class by itself, they did not plan any rehabilitation there, there are 14,127 people by the 1970 census information. That 453 families and individual householders will have to move.

Mr. Sawyer stated for the housing resources that will be available prior to displacement they have surveyed and have contacted other agencies, and have illustrated on a map the housing they realistically expect to be available. The first category is Low Income Rental Housing that will be owned by the Housing Department. He stated they have not planned to use any of the units under the scattered site program that will get underway very quickly. None of the existing housing has been anticipated. This includes the Addison Apartments, Nations Ford Road Site, Archdale Drive, Milton Road, Florence Avenue, Baxter Street, Park Road and the Section 8 Existing housing represents the application that the Housing Authority has submitted to HUD to become the local public agency for administering 175 units of existing housing. That application is in, and we have to wait to see whether or not HUD will approve it. That is for this year. The other category, the Rent Supplement HUD Assistance includes both projects that were either built or had been committed under former programs that have now been cancelled. The 221 D3, 236 and 235 programs.

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Barrington Oaks and Village Town House; Orchard Park Apartments (apartments proposed to be built by MOTION), 42 Units in the Irwin Avenue area have been approved as feasible by HUD; MOTION has received the feasibility letter on Orchard Park. It has also received a feasibility letter on Green Haven Townhouse which are proposed to be built in Greenville. Scattered locations are plans that MOTION has, the local subsidy housing. That is housing that no decision has been made on; but Council has approved half million dollars this year to help finance some housing, and they assume that perhaps MOTION may be the agency that will undertake that construction. The Booth Gardens is the Salvation Army Project in Fourth Ward.

The next category is Private Rentals, Non-Assisted. They made an actual survey on the 3rd of this Month throughout the city, contacting rental agents, property managers and others, and there were actually 331 units of rental housing, moderate rental, within the city that were available at that time. The next category is Private Sales, Non-Assisted. They did the same survey, and there were 343 sales units available. The category under HUD Assisted Sales are the turnkey programs under the Housing Authority and on that day there was one vacancy in Wingsong Trails; there were 42 vacancies in Pine Valley. He stated they project they will be available and others will be available similarly as the second and third years. That is how they reached the total of 3,530 units available for relocating 453 families.

Councilman Gantt asked if he is projecting that on the private rentals, non-assisted and private sales, non-assisted that the survey showed there are 331 houses or units available and they are available now, that represents a vacancy rate that will probably be maintained over the period.

Councilman Whittington asked if he is saying they are not counting on any of those units in the first year? Mr. Sawyer replied that is right; this year except for the Addison Apartments for the elderly. Councilman Whittington asked about Barrington Oaks? Mr. Sawyer replied that is already constructed, and they have 15 units vacant. This represents an annual turnover vacancy rate that will prevail. Councilman Whittington stated he wants the record to show that Barrington Oaks is across the road from the housing project that the Housing Authority is going to build off Milton Road. He has said when they do that they will break the balance of black-white ratio in north-east Charlotte.

He stated when the presentation was made about Southside he was concerned then about the number of homes that were to be demolished in the area around Baltimore Avenue, or between Remount Road and the Housing Project. That he recalls there has been in the last ten years, several new homes built, and it is all leased property, in this area. He would hope that Mr. Sawyer and his staff would take another look at this before going in there and making the final determination on how many of those homes will be destroyed. That he continues to worry about the fact that we just move people out. Then we help them relocate - in many instances the relocation is not much better than what they moved out of. It seems we are reaching the point where we are demolishing or boarding up and declaring a lot of homes unfit for habitation when we should make a real effort right there to restore the home, and it would be better than what we moved them into somewhere else. An example is the 12 homes in First Ward that we said save and put people back in there; they are boarded up and nothing is going on in these projects. This concerns him very much.

Councilman Williams asked if the figure 3530 is the total number of individuals, or the number of units? Mr. Sawyer replied that is the total number of units, and they are from all these sources. In the first category of

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low income rental there are 872 units that will be available over the three year period of the Community Development program. Councilman Williams asked if the 453 on this side will correspond with the 453 on that side because of the varying numbers of individuals in a family? Mr. Sawyer replied not precisely now. One activity they can engage in in the CD Program that they could not engage in in the Urban Renewal Program is they can go out and rent these and hold them for families to be relocated. They have not been able to do that. They just took a family and would try to find a unit at the time that was available to him in his range, and family size. In this program if vacancies become available in any of this housing, and they have a family they know will be relocated later, they can rent that unit and hold it for that family. That way they can come closer to matching unit to family. Councilman Williams asked if the 453 families and individuals will go to the head of the waiting lists the Housing Authority has? Mr. Sawyer replied they will. That they do not know if that is what they want; but they have priority with families to be displaced.

Councilwoman Locke requested that this information be given to them in writing later.

Councilman Gantt stated there are 453 households to be displaced by Community Development. There are eight times the supply of available housing for them in the three year period. Councilman Gantt stated this says we will not have a housing shortage at least with respect to Community Development having a source of housing that will be within the income range of the people who will be moving out when you put the assistance on top of that. Mr. Sawyer replied generally speaking that is true. But they know that in the 453 families there are some with problems that we may not be able to solve within this 3540 - the extra large family, the unusually poor family. There are problems; but those problems they have been able to work out in their past experience.

Councilman Gantt asked how many kinds they are required to show? Three choices? Mr. Sawyer replied that is correct in eligible and ineligible areas as defined in the court order in the McKnight suit. All of these sources are in eligible areas. Councilman Gantt stated Mr. Whittington has suggested that the relocation does not relocate these people in standard housing. Councilman Gantt stated he understands they are relocating them in standard units, which means up to code, proper plumbing, and so forth. In addition the proper size units. If you have a family of four, there is a certain amount of room that is needed. It seems to him the next step is to take a look at, on a year to year basis, the housing supply. If there are 175 houses on the market, and only 50 one bedroom units that would be the required size they will be required to show, then this 3530 may not look as good as it shows. Mr. Sawyer replied they know there is some of that, and possibility more time is going to have to be involved waiting for additional units that suit the needs to come on the market.

Councilman Gantt stated one of the mistakes of Brooklyn Project, and the Greenville Project, is you run the risk of impacting other areas in terms of increasing their density of units if all the people relocating from one project are channelled into one area. The category of rent supplement has 160 units. He asked if they are eligible areas - the Greenville area, and the one further out Beatties Ford Road? Mr. Sawyer replied Greenhaven Townhouses are proposed to be located in the Greenville Project. If you look at the whole area that is predominately black. However, they do not see anything in the court order that would prevent them from constructing for rent supplement or HUD assisted housing in Greenville. They would not refer a family to that housing; but if that housing chose that area and has a certificate of priority for housing that we issue when they were displaced, then they have final choice. In the meantime, they would show that family three units in eligible areas from which he could choose.

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Councilman Short asked to what extent the rent factor is a barrier? What if you are moving ten families out of Grier Heights off Heflin Street, and they say they cannot live in Wingsong Trail; that Heflin Street was a strain? What will we do in that case? Mr. Sawyer replied there is some financial assistance that will be available and will be dispersed to these families through the National Uniform Relocation Act. First is moving expenses, and they will pay actual moving expenses. If the family wants to accept a fixed payment and move themselves it will be up to \$300.00. It will not cost them anything to move. Then the replacement housing payment is the rental assistance for displacees or tenants who desire to remain tenants. There is up to \$4,000 to be paid over a four year period as rent supplement. This is related to income, the difference between what he can reasonably pay, allocating 20 to 25 percent of his income for rent, and the actual rental he will be required to pay. The displacees who wish to become homeowners can be given a grant of \$2,000. If that tenant will match dollar additional money, they can pay up to another \$2,000 for a total of \$4,000. With his \$2,000 it would make \$6,000 to buy a home. The replacement housing payment is for the homeowners who desire to remain homeowners. That payment can be up to \$15,000 per displacee. These are the monetary benefits that are available. The law limits the payments to four years. That he does not know if there will be additional assistance at the end of four years, or whether it will stop. Within that time, they have the Economic Development Program and the Manpower Program of the City, and through these programs perhaps the displacees incomes can be improved.

Councilman Short stated the critical thing is the four years of rent supplement; it would seem to adequately cover the situation. That this has been a real good answer to his question.

Councilman Withrow stated Council has received all these figures about the need for 8,000 more low income housing units. He asked if this does not refute some of the things we have talked about and the need for these units? Mr. Sawyer replied he does not believe so; this 3500 gives some priority to the families and individuals who are displaced by governmental action. That does not do anything for the lists the Housing Authority maintains of the 1500 in the backlog. If we get the priority for these families, those 1500 will still be waiting. This is saying there is the constant mobility, the constant moving, of families within the city, and out of the city, and these vacancy rates are current, and they expect to be current.

Councilman Short asked if the \$6,000, the \$15,000 and rental supplement which has been mentioned comes out of the local CD Revenue Sharing money, and Mr. Sawyer replied that is correct. Councilman Short stated then this is not additional federal assistance? Mr. Sawyer replied it has all been consolidated into one block grant. The first year is \$10,994,000. This has been anticipated and they have set aside that much money for this purpose.

Reverend Paul Horne, of the North Charlotte area, stated they are working with the Community Improvement Committee trying to see what the people in the area feel is necessary for priority. He asked if any of the rental houses which have been mentioned for those to be displaced are located in North Charlotte? Mr. Sawyer replied none identified as a project. In two surveys they covered the entire City, the eligible areas, and he is sure that North Charlotte is an eligible area, and was included in the survey. But he cannot identify how many units and where they are located. That 331 and 343 rental and sales in the entire city would not impact any area. He could probably break this out from the notes of the surveys of the neighborhood but he does not have it today. There will be no displacement from North Charlotte. Reverend Horne replied he is talking about moving into the area. He stated if there will be some in North Charlotte then they want to be working together not to have them all put in one particular area. Mr. Sawyer replied they are not planning to do this.

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SALE OF EASEMENT TO DUKE POWER COMPANY IN THE GREENVILLE URBAN RENEWAL PROJECT NO. N. C. R-78, AUTHORIZED.

After explanation by Mr. Sawyer, Director of Community Development, motion was made by Councilwoman Locke, seconded by Councilman Short, and unanimously carried, authorizing the sale of an easement to Duke Power Company in the Greenville Urban Renewal Project No. N. C. R-78, in the amount of \$1,400.00.

ORDINANCE NO. 925-X TRANSFERRING FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENT PROJECTS FUND TO PROVIDE SUFFICIENT APPROPRIATION FOR THE AWARD OF CONSTRUCTION CONTRACTS ON THE SHARON AMITY AND RANDOLPH ROAD WIDENING PROJECTS AND TO PROVIDE FUNDS TO COVER A PORTION OF THE CITY'S OBLIGATION TO THE STATE DEPARTMENT OF TRANSPORTATION ON THE INNER-BELT LOOP PROJECT.

Councilman Whittington moved adoption of the subject ordinance transferring \$1,032,000 within the General Capital Improvement Projects Fund to provide sufficient appropriation for the award of construction contracts on the Sharon Amity and Randolph Road Widening Projects and to provide funds to cover a portion of the city's obligation to the State Department of Transportation on the Inner-Belt Loop Project. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated as he understands it these matching funds represents the City's portion of projects that have already been approved for construction? The City Manager replied when the road building program was proposed to Council in the budget, they told them where all the monies would be taken from and put together to make the package, and this is the process of doing that. This is transferring funds from different projects in order to put them into this one. Some of it may be transferred back; part of it is done so that the Finance Director can keep money invested. Councilman Gantt stated the source of the money is from bond funds, and put into certain accounts because they anticipated needing them in those accounts. Now they will move them around to other accounts that have priorities right now. Mr. Burkhalter replied that is right.

Councilman Williams asked about the \$132,000 for the inner belt road? Mr. Hopson, Public Works Director, advised this \$132,000 is the city's portion of a municipal agreement on Monroe Road; this is the payment on the sidewalks; it has nothing to do with the Wendover Road Project.

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

The ordinance is recorded in full in Ordinance Book 22, at Page 411.

Councilman Withrow stated the Plaza has been on the first priority for years and years. Now we are going ahead on Randolph Road. Why is the Plaza Road held up? Mr. Burkhalter, City Manager, replied Randolph Road is a city project with bond money voted two years ago. Plaza Road has been delayed over six months by City Council when they changed the design of the road. The State tells us that everytime we do something it delays it. Right now the widening of Plaza Road will go out for bids in October of next year. The State is now buying right of way. He stated Council at the request of the people involved in the widening of this road made some decisions to change this.

Councilman Withrow stated before letting this contract he hopes we will see about the medians, and have these public hearings. That is is talking about Randolph Road.

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ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the following ordinances affecting housing declared "unfit" for human habitation were adopted:

- (a) Ordinance No. 926-X ordering the unoccupied dwelling at 1525 Princess Place to be closed.
- (b) Ordinance No. 927-X ordering the unoccupied dwelling at 308 Center Street to be closed.

The ordinances are recorded in full in Ordinance Book 22 beginning at Page 412.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS AND TRASH.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following six ordinances ordering the removal of weeds, grass and trash:

- (a) Ordinance No. 928-X ordering removal of weeds and grass at vacant lot at 1516 Cleveland Avenue.
- (b) Ordinance No. 929-X ordering removal of weeds and trash at 400 East Fifteenth Street.
- (c) Ordinance No. 930-X ordering removal of weeds and grass adjacent to 1917 Pegram Street.
- (d) Ordinance No. 931-X ordering removal of weeds and grass at 1516 North McDowell Street.
- (e) Ordinance No. 932-X ordering removal of weeds and grass at rear of 1315 North McDowell Street.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 414.

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

Councilman Short moved adoption of a resolution authorizing the refund of certain taxes, in the total amount of \$1,128.57, which were levied and collected through clerical error and illegal levy, which motion was seconded by Councilman Withrow, and unanimously carried.

The resolution is recorded in full in Resolutions Book 11, at Page 118.

SETTLEMENT IN CASE OF CITY VS. HOWARD C. MORRIS AND WIFE, AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, settlement was authorized in the case of the City of Charlotte vs. Howard C. Morris and wife, Mildred B. Morris, et al, as recommended by the City Attorney, in the amount of \$900.00, in connection with the Hickory Grove Sanitary Trunk Project.

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RESOLUTION AUTHORIZING THE ADVERTISING AND SALE OF CITY-OWNED PROPERTY AT 2549 ARCHDALE DRIVE.

Councilman Short asked for an explanation of the subject land. Mr. Dukes, Director of Utilities, replied the property was bought for the Sugar Creek Treatment Plant in the 20's. He indicated from the map the number of operations on the property - the Soap Box Derby; the Park and the Housing Development. The piece of property before Council today is on Archdale Drive and is a rock quarry, and for years the Utility Department has had to move trash out of there. That up to the 1995 plans there is no way to use this piece of property, and it offers no advantages for buffering or anything else. Mr. Burkhalter, City Manager, stated this is on the Agenda today because a church has asked to buy the property. This is the only way this can be done is to go through this process.

Councilman Withrow stated he thought we had given the remainder of that property for a park? Mr. Dukes replied the piece Mr. Withrow is talking about is another tract of land below the road. He stated they will never expand this plant; but they are caught by the Regulatory Agency to provide a certain level of treatment. Therefore there will be times they have to cover certain units, and add treatment to meet these requirements. There is an area they need for this; funds have been given for it; but they have not gotten to it yet, and they would like to keep that piece. They thought they had some other property; but when someone squats on them, it is hard to make them move.

Councilwoman Locke moved adoption of a resolution authorizing the advertising and sale of city-owned property at 3549 Archdale Drive. The motion was seconded by Councilman Whittington.

Councilman Withrow stated we told the people out there that all the remainder of the property would be given to the Park and Recreation Commission and it would not be built on. This was his understanding, and he wonders if we are defying what we promised. Councilman Whittington stated this is not a part of that property; it is on the other side of the street. Councilman Williams stated he is concerned about the same thing; he asked how much land is involved here? Mr. Dukes replied about one and a half acres. Councilman Williams asked if someone wants it for a specific purpose? The reply was a church wants it. Councilman Gantt stated what this is doing is putting it up for auction, and we do not know whether the Church will get it or not.

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

YEAS: Councilmembers Locke, Whittington, Gantt and Short.

NAYS: Councilmembers Williams and Withrow.

The resolution is recorded in full in Resolutions Book 11, at Page 120.

ACQUISITION OF ONE PARCEL OF SANITARY SEWER EASEMENT FOR THE ANNEXED AREA, APPROVED.

Councilman Whittington moved approval of the acquisition of one parcel of Sanitary Sewer Easement for Annexation Area I (11) Sanitary Sewer Addition, which motion was seconded by Councilman Short, and carried unanimously.

PROPERTY TRANSACTION, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, approval was given to the acquisition of 15' x 49.75' of easement at 5219 Dolphine Drive (off Plaza Road), from Charles Herman Hinson, Jr. and wife, Joann P., at \$100.00, for Sanitary Sewer Trunk to serve Lakedell and Ruth Drive Project.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MUTUAL SAVINGS AND LOAN ASSOCIATION OF CHARLOTTE LOCATED AT 4517 RANDOLPH ROAD, IN THE CITY OF CHARLOTTE, FOR THE RANDOLPH ROAD WIDENING PROJECT.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried; adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Mutual Savings and Loan Association of Charlotte located at 4517 Randolph Road, in the City of Charlotte, for the Randolph Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 121.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO TED S. LEWIS, JR. AND WIFE, PATTI G. LEWIS; FRANK P. THIES, TRUSTEE; AND THIES REALTY AND MORTGAGE COMPANY, LOCATED AT 4101 RANDOLPH ROAD, IN THE CITY OF CHARLOTTE, FOR THE RANDOLPH ROAD WIDENING PROJECT.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Ted S. Lewis, Jr. and wife, Patti G. Lewis; Frank R. Thies, Trustee; and Thies Realty and Mortgage Company, located at 4101 Randolph Road, in the City of Charlotte, for the Randolph Road Widening Project, which motion was seconded by Councilwoman Locke, and unanimously carried.

The resolution is recorded in full in Resolutions Book 11, at Page 122.

RESOLUTION RESCINDING AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO CBS REALTY, INC., A NORTH CAROLINA CORPORATION; LEWIS H. PARHAM, JR., TRUSTEE; AND C. E. HARDING AND WIFE, GEORGIA M. HARDING, FOR THE REMOUNT ROAD WIDENING PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, subject resolution was adopted rescinding authorization to institute condemnation proceedings against property belonging to CBS Realty, Inc., a North Carolina Corporation; Lewis H. Parham, Jr., Trustee; and C. E. Harding and wife, Georgia M. Harding, for the Remount Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 123.

SPECIAL OFFICER PERMITS, AUTHORIZED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, authorizing the issuance of the following Special Officer Permits, for a period of one year:

- (a) Issuance of permit to Edward Francis Waechter, Jr. for use on the premises of Charlotte Park and Recreation Commission.
- (b) Renewal of permit to James Richard Jenkins for use on the premises of Charlotte Park and Recreation Commission.

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CONTRACTS FOR WATER AND SEWER MAINS, APPROVED.

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

- (a) Contract with John Crosland Company for approximately 1,550 feet of 8", 6", 2" water mains and one (1) fire hydrant, to serve Sardis Woods Subdivision, outside the City, at an estimated cost of \$12,400. The applicant has requested that the City prepare the plans and specifications necessary for the construction of the water mains to serve the project. A deposit in the amount of \$1,240.00, which represents 10% of the estimated construction cost, has been advanced by the applicant and the applicant will finance the entire project with no funds required from the City.
- (b) Contract with John Crosland Company for construction of 139 linear feet of sanitary sewer to serve Wellington Hall Apartments, outside the city, at an estimated cost of \$2,980.00. The applicant is to construct the entire system at their own proper cost and the city will own, maintain and operate. The City will retain all revenue at no cost to the City.
- (c) Amendment to Contract with Westminster Company for construction of water mains to serve the East Woods Subdivision, outside the city, to include financing plan for 8" water mains and larger. The original contract was approved by City Council on November 4, 1974.

CONTRACT AWARDED TRACONEX, INC. FOR ONE-WAY TRAFFIC SIGNALS TO BE USED TO PROVIDE SIGNAL INDICATIONS AT INTERSECTIONS.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Traconex, Inc., in the amount of \$30,000.00, on a unit price basis, for One-Way Traffic Signals to be used to provide signal indications at intersections.

The following bids were received:

Traconex, Inc.	\$ 30,000.00
Marbelite Company, Inc.	32,820.00
Traffic Engr. Supply Corp.	34,347.00
Rosenblatt & Associates	34,877.00
Southeastern Safety Supplies, Inc.	35,256.00
Eagle Signal	39,900.00

CONTRACT AWARDED HUB UNIFORM COMPANY FOR COATS, INSULATED LINING WITH HOODS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, The Hub Uniform Company, in the amount of \$10,299.63, on a unit price basis, for coats, insulated lining with hoods, to be used by various departments that have men working in the field.

The following bids were received:

The Hub Uniform Company	\$ 10,299.63
Sears, Roebuck & Company	10,382.60

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CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR RANDOLPH ROAD BRIDGE AND CULVERT EXTENSIONS.

Councilwoman Locke, moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$268,718.01, on a unit price basis, for Randolph Road Bridge and Culvert Extensions, which motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Crowder Construction Company	\$ 268,718.01
Hickory Construction Company	281,506.58
F. N. Thompson, Inc.	388,648.75

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR SHARON AMITY ROAD WIDENING PHASE III.

Motion was made by Councilman Short, and seconded by Councilman Whittington to award contract to the low bidder, Rea Construction Company, in the amount of \$1,673,926.60, on a unit price basis, for Sharon Amity Road Widening Phase III.

Councilman Williams asked if the median has been considered in this? The City Manager replied this one could not be considered under the new policy set by Council as it was already out for bids. That he had two choices in this case. He could have postponed it today and Council take it up at the next meeting at a hearing if we had followed the new procedure; but there would have been only two days left. If Council would like to postpone this, they may; but he has had no inquiries of any severe nature about this. Councilman Gantt stated there is some concern in dealing with this median, and some people think we have ourselves in a Pandora's box on the Phase II of Sharon Amity Road. That he understands this is Phase III from Central Avenue out to Shamrock Drive. We have not had any objections yet. Partially because until the road is down and people see the median they do not know what is happening. While he would not want to hold the contract up, it would seem that we should go ahead and have the hearing and treat this through a change order if necessary. Can we go through a change order procedure?

Mr. Burkhalter stated if they have any concern about it, then he would suggest that they do nothing about it today, and wait and approve it at the next meeting. Mayor Belk stated the problem is then you will be up to the dead line and that is the latest you can take action. He would suggest they go ahead with the vote today, and come back with change orders if necessary.

Councilman Whittington asked the City Manager if he can notify the people who front along this property that they can be heard on this at the next meeting? Mr. Burkhalter suggested that Council just say they are going to have a hearing at the next meeting.

Councilman Gantt asked if Council has had a hearing on that road in terms of what the road as constructed will be beyond saying the road will be widened? Mr. Hopson, Public Works Director, replied no; they talk to these people as the land is acquired for right of way. There is a period here if they want to wait until the 27th, the dead line is the 29th. Mayor Belk stated if they take action today; then anyone who wants to be heard on the 27th can be heard and there will be time for change orders.

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

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The following bids were received:

Rea Construction Co.	\$ 1,673,926.60
Crowder Construction Co.	1,721,909.50
Propst Construction Co., Inc.	1,757,005.85
F. T. Williams Co.	1,771,910.00
T. A. Sherrill Construction Co., Inc.	1,792,094.00

RULING ON RESIDENCY REQUIREMENTS TO BE APPEALED.

Councilwoman Locke moved that the City appeal the ruling on residency requirements by the Federal Court Judge. The motion was seconded by Councilman Short.

Councilman Whittington stated he would like to get some reaction to this from the City Attorney, and from Councilman Williams if he would like to speak to it. That he is inclined to agree that we should appeal; but he thinks we should have the advise of the City Attorney.

Mr. Watts, Deputy City Attorney, stated as they see it, the Council has several alternatives. One, repeal the residence requirements, which perhaps they do not want to do. Two, amend it so that it would apply some other way. That is, make some other rule with respect to residence. Three, apply the requirements on an individual basis as a hardship. Four, appeal. At present the way the Judge's order reads they say that an ordinary, garden variety city employee could live outside Mecklenburg County, except firemen and policemen, and of course Department Heads, and he thinks they can defend that so they would be required to live within the city. It is a matter of how the Council feels about it, and the City Attorney's office will be glad to appeal it if this is the desire of Council. They would say they have something like a 50 percent change of winning on appeal; perhaps not more than that.

Councilman Williams stated from a legal standpoint he has not gone into it the way staff has. He thinks you are dealing with two tiers. One a legal basis/<sup>and</sup> on a philosophical basis. If it is not going to be too expensive to appeal this, and Mr. Underhill has told him it would not because we have the legal talent on board, we might want to test this on the philosophical grounds that it is a management prerogative to make this kind of decision, irrespective of what you think about the residence requirement. We might win the appeal and repeal the requirement. On that basis he would be in favor of the appeal.

Councilman Short stated he thinks we would feel differently about this if we had a payroll tax. But Charlotte may be the city with the biggest commuter problem in America that does not have a payroll tax. We have one of the biggest commuter problems and are denied the opportunity to have a payroll tax. That he thinks we should combat the commuter problem any way we can, even though it is a small combat.

Councilman Whittington stated that Representative Craig Lawing says the City of Charlotte and County of Mecklenburg pays 17 percent of all the taxes that are paid into the general fund in the State of North Carolina. That certainly should be a consideration.

Councilman Gantt stated he thinks a better way to deal with this is through the payroll tax or consideration of something on that order. That he thinks we are wasting our time with the appeal.

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

YEAS: Councilmembers Locke, Short, Whittington, Williams and Withrow.  
NAYS: Councilman Gantt.

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MOTION TO PROCEED WITH THE PLANS AND CONSTRUCTION OF THE ENTIRE BIKEWAY SYSTEM AND MOVE TOWARDS TAKING BIDS.

Councilman Gantt moved that Council consider bikeways. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Gantt asked if there is anyone present to speak to this particular proposal? There seems to be a fairly reasonable path to take that goes all the way from Eastway to West Charlotte High School. He asked if this follows the plan Mr. Griffin brought to Council? Mr. Hopson, Public Works Director, replied it is the exact plan Mr. Griffin outlined in his presentation to Council. Councilman Gantt stated the interesting thing here is if we start from east going west, we stop at Sycamore Street and Trade Street; it is about 2/3 of the distance to connect the West Charlotte High School. If we go in the other direction from west to east, we go a lot further to Waterman Avenue and Commonwealth which is not too far away from Eastway Junior High. Mr. Hopson replied the reason for that is the little street that goes from the arrow on over is a very expensive street to put sidewalks on. In fact it will take a sidewalk and curb. If you come from west to east, we may be able to build at least part of it on to Eastway out of the sidewalk funds; this would qualify as it is in close relationship to schools. That is the reason it is cheaper to build it. A lot of this is sidewalks; some of it is in the street; and some of it is new paths.

Councilman Gantt stated some of it is on both sides of the street; and some on one side. He wonders if we can get the entire thing by in some cases eliminating the paths on both sides of the street, and simply having it on one side. There are situations where you are building a new sidewalk plus a separate situation of bike paths on the same artery. Mr. Hopson replied this was new to them, and they are learning as they go along. There are problems of land acquisitions in certain areas which will delay some of it. Councilman Gantt stated they come so close to doing the whole thing, that he thinks we should go ahead and try to complete it.

Councilman Whittington stated he agrees with Mr. Gantt. That he would hope Council would say to the Director of Public Works that he build this in such a way that he can start at West Charlotte or at Eastway Drive, and get to the other side of town; if it means eliminating one side of the street; get it connected. That he thinks they can do this, and he would rather do it that way than saying which side of town to start on. That he does not think Council should be in that position. Mr. Hopson stated the other thing would be to appropriate more money if we get the bids in. Go ahead and design the whole thing, get the bids in, and if it is \$40 to \$50 thousand short then come back to Council for additional funds.

Councilwoman Locke stated there is something she is concerned about. That is bikes in the streets. Mr. Hopson replied that has to come in certain areas; it will be marked as a bikeway with signs.

Councilman Gantt moved that we proceed with the planning and construction of the entire bikeway system and move toward bids and let the Council consider at that point whether they want to put in more money. The motion was seconded by Councilwoman Locke.

Councilman Short stated there is something lacking here in the presentation materials. When we were considering this sort of thing in the University area, a questionnaire was submitted to all known bike riders and enthusiasts and residents of the area. The results of this was somewhat surprising. There were a great many people who said they never would use it even though we might normally assume they would. That he has the preparation that was done for the City of Denver who has probably the most extensive thing of this sort. The main thing they did by way of preparation was to take surveys of who would use it. They found out how many were going to use it;

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if there was anyone who would use it. They have the results of the downtown Denver Commuter's survey; results of the Student's Commuter survey; and result of the Workerman Commuter survey to Downtown businesses. He stated we do not have any of that he can see. There is nothing to show how many people would use this. It is a little like the walkway. We are spending \$183,000 and no one has said who will use it. That he thinks we should get into that first.

Councilman Withrow stated he agrees with Mr. Short. Councilman Short stated he is all in favor of the bicycles; and he thinks it would be great; but we should find out if anyone will use them. Councilman Withrow stated if we are going ahead with it he would hope we would just do the sidewalks which we would use regardless. Use as much money and build the sidewalk portion of it that we know would be used.

Councilman Williams stated this bothers him for three or four reasons. One is what Mr. Short is saying and the other is what Mr. Withrow is saying. Another thing in the bond vote recently, the bicycles lost and the sidewalks won. We have already caught a lot of criticism for going ahead with the airport expansion in the face of that kind of bond vote. He is afraid we might get some of the same kind of criticism on this. As far as this particular bike route is concerned, it bothers him to see bicycles and motor cars mixed together, separated by a line. He asked if this would be an exclusive bicycle lane? Mr. Hopson replied no. Councilman Williams stated it is not separate so that the car can use it if the car is there first. This crosses Independence Boulevard twice at grade.

Councilman Williams made a substitute motion that we put this money in the sidewalk fund. The motion did not receive a second.

Councilman Short made a substitute motion to defer this and ask the departments involved, as the City Manager may select, presumably the Planning Department and the Public Works Department, to see if they can determine the usage and that sort of thing. The motion was seconded by Councilman Withrow.

Councilman Gantt stated he cannot support that motion. It seems every since he has been on the Council we have been talking about bicycle paths, and the safety of people who ride bicycles, and there are 60,000 some odd bicycle riders in the city. We have had this plan of ours for a period of time, and he is not sure they have not surveyed it. There is a very comprehensive bicycle plan set up which we recognize as only one phase of it. Councilman Short stated it does not get into the question of who is going to use this; or how many.

Councilwoman Locke stated that would delay it another six months to a year. When the energy crisis hits us and we have no bicycle trails then it is going to be difficult to get around.

Councilman Withrow stated he would agree if we built the sidewalk portions of it and knew that would be used; but to go out and do an item the voters turned down without looking into it thoroughly, and spending this amount of money for something we do not know exactly how many people will use it, or how much it will be used, he thinks we are asking for trouble.

Councilwoman Locke stated this money has been allocated, and she would like to see the bid process go out and see how far we can go. This money has been allocated and she thinks we should proceed with it immediately.

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Councilman Whittington stated everything that has been said today by Councilmembers is right, and they are concerned about this vote. But he thought Council about two months ago took a very definite position that we were going to build this bikeway. There was a presentation by college students; this plan was done by Mr. Griffin and the Planning Commission, and it seems Council took a very definite position on bike-ways. He thinks Council should go on today, and he intends to vote that way. Also, he would like to state for the record this is not bond money; we are not using bond money.

The vote was taken on the substitute motion, and failed on the following vote:

YEAS: Councilmembers Short and Williams.

NAYS: Councilmembers Gantt, Locke, Whittington and Withrow.

Councilman Withrow made a substitute motion that we do the sidewalk portion only. The motion was seconded by Councilman Williams.

During the discussion, Councilman Gantt stated the sidewalks will be built under the main motion and will be used by pedestrians and bike riders, and what Mr. Withrow is suggesting may not have any relationship to the bike paths at all.

The vote was taken on the substitute motion and failed as follows:

YEAS: Councilmembers Withrow and Williams.

NAYS: Councilmembers Gantt, Locke, Short and Whittington.

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

YEAS: Councilmembers Whittington, Locke and Gantt.

NAYS: Councilmembers Short, Williams and Withrow.

Mayor Belk broke the tie voting in favor of the motion.

#### APPOINTMENTS TO THE BOARD OF DIRECTORS OF CHARLOTTE AREA FUND.

Councilman Gantt moved appointment of Ms. Helen Kirk to the Board of Directors of the Charlotte Area Fund. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilman Short moved the appointment of Mr. Arthur Lynch to the Board of Directors of the Charlotte Area Fund. The motion was seconded by Councilman Whittington, and carried unanimously.

#### APPOINTMENT OF MS. NANCY JOHNSTON TO THE COMMUNITY FACILITIES COMMITTEE FOR UNEXPIRED TERM.

Councilman Williams moved the appointment of Ms. Nancy Johnston to the Community Facilities Committee to fill the unexpired term of Ms. Rae Bradshaw to expire September 1, 1976. The motion was seconded by Councilman Whittington and carried unanimously.

#### MAYOR COMMENDED FOR MEETING WITH POLICE AND FIRE OFFICIALS ASKING HELP OF THE SBI IN THE ARSON PROBLEM.

Councilman Whittington stated he would like to commend the Mayor for having the meeting with the Police and Fire officials asking the SBI to help us with our problems of arson. That he received a lot of calls about that, and one of them from a person who reiterated how much funds we were paying into the state, and that we should get some of those funds back.

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Regardless of that fact, when we need help and there are other sources available we should seek that help, and that is what the Mayor did. Mayor Belk responded by saying the credit should go to the City Manager as both these departments are under his supervision. That he thinks this was played a little out of proportion, and this cleared it up. Councilman Whittington stated he discussed this with Mr. Burkhalter, and the reason he did not mention his name was because the Mayor's name was in the paper. That he has already given the City Manager credit.

CITY MANAGER REQUESTED TO SEND SURVEY ON BUS SERVICE IN HAMPSHIRE HILLS TO THE CITIZENS OF THAT AREA.

Councilman Whittington requested the City Manager to give the results of the bus survey in Hampshire Hills to the people out there. If Council does not object, we state that we are going to leave the buses on the streets that they are on now. For Council to have this information and the people in the area not have this results of this survey would not be proper.

Councilman Williams stated he would like to read the report before taking a position on it.

Councilman Gantt stated the report also said that Alternate No. 1 which takes it off Southworth could be the one that is preferred. Councilman Whittington stated he is suggesting that we send the report to the property owners out there, and do what the report says.

HEARING ON REZONING OF PORTION OF THE PLAZA, BETWEEN HAMMORTON STREET AND MIMOSA AVENUE, TO BE SCHEDULED FOR NOVEMBER HEARING DATE.

Councilman Short stated Council referred to the Planning Commission the matter of considering or having a hearing on the rezoning of a portion of The Plaza, between Hammorton and Mimosa Avenue. The Planning Commission has now reported back in a letter under the date of October 8. It says at a meeting on October 7, the Planning Commission voted unanimously that they would indicate to City Council that they believe there is strong enough indication to warrant the City Council sponsoring a request to consider a change in this area.

Councilman Short moved that Council consider this matter today. The motion was seconded by Councilman Gantt, and carried unanimously.

Councilman Short stated we have just missed the date for October, so the next hearing would be November.

Councilman Short moved that Council schedule this hearing and proceed to consider this zoning matter. The motion was seconded by Councilman Gantt.

Councilman Short stated he does not have the exact boundaries; but he is sure Mr. Bryant of the Planning Staff understands what the boundaries are. It basically is along Plaza Road, between Hammorton Street and Mimosa Avenue.

The vote was taken on the motion and carried unanimously.

COMMENTS ON USE OF GRAVEL PITS AND POOLS FOR WATER RUNOFF FROM LARGE DEVELOPMENTS.

Councilman Withrow stated Council heard all the people who spoke today in the informal session on flooding. He wonders if we should have the Planning Commission make some study about drawing an ordinance so that when you build what is known as gravel pits, or some sort of pool or pond

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for the water to go into, rather than going into these streams and causing most of the flooding we are having today. We might even go as far as some of the hugh housing projects that are being built. Councilman Gantt stated that is already something that Council has enacted under the sedimentation control.

Mr. Readling, City Engineer, stated it is an ordinance passed by Council. However, that portion of the ordinance does not go into effect until 1977. The way it is written it is implemented by state law, and that portion of the state law goes into effect in 1977, and the city ordinance goes into effect at the same time. However, many developers are doing this now. They are working with the developers and trying to get everyone to do this.

COMMENTS ON FLOOD CONTROL AND MONEY FROM SUGAR CREEK CANAL PROJECT USED FOR FLOOD CONTROL.

Councilman Withrow stated Council continues to hear about the Sugar Creek money being put into the Sugar Creek Project. That he made a motion which he thought was to use this money for flood control. So that everyone understands where he stands, he would like for all this money, if any is left, be put into flood control. Because of the runoffs we are having hundred year floods about every month in some areas we thought were hundred year floods. These people are in dire need of some help.

REQUEST THAT LETTER BE SENT TO RESIDENTS OF STREET ON DEADLINE FOR CONNECTING TO WATER AND SEWER LINES BEFORE PENALTY DATE.

Councilman Withrow stated when the City goes out into the annexed area building water and sewer lines we give the people until a certain date to tie onto these lines. After that date they have to pay a penalty. A lot of these notices are being put into the mail boxes or on the front door, and the people do not always get these notices. That he saw a notice in the paper that the deadline was today on a certain street; and the city had said it was suppose to be on Friday. He wonders if we should not mail out to these people to each door a letter stating these facts, rather than the way it is being done now. Then there would be no question about the deadline.

COMMENTS ON FLOODING AND DESIRE TO GET WITH THE PROGRAM TO TAKE PREVENTIVE MEASURES TO HELP ALLEVIATE THE PROBLEMS.

Councilman Gantt stated he does not mind when we have citizens who come before us on specific issues and where they might disagree with certain council actions; but he was a little annoyed by the fact that either Council did not do a good job of publicizing that the money that was once designated for Sugar Creek Canal was changed to flood control. Perhaps that is a problem with our own press releases; or it may be that people choose not to agree that the Council has long since, over three and a half months, designated the money from Sugar Creek and put it into flood control.

Second we have to get across to the citizens of this community that to resolve the problems of flood control we cannot go behind everybody's house and clean out his ditch because all it is doing is moving the problem down the creek a little further to another citizen. It is a very complex program that will require millions of dollars, and probably years to complete. He thinks what the citizens want to see is some action, and they want to see us move in the direction of resolving the creek problem.

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That he has personally heard enough about real starts towards studying it, and telling us what the implications are. He is looking forward on November 3 to hearing a specific program on what will be done about it; where we will get the funds; and how we can start off on something to resolve this. There is no question in his mind that it is a mistake based on growth, bad planning, turning your backs on a creek, and everything else. Because it came about over a period of years as a result of a number of complex decisions, and varied decisions, the resolution to the problem is not a buggy whip "let's dredge the creeks" solution. The public should understand that. That he does not think there is a member of this Council who does not want to do something about flood control. It is when are we going to get started with the \$1.2 million we have, and try to get some more money. We also might be interested in finding out whether citizens in this community might be willing to be taxed more to go on a program that would resolve this.

PUBLIC WORKS DIRECTOR REQUESTED TO NOTIFY CHAIRMAN OF PARK & RECREATION COMMISSION THAT BIDS ARE OUT ON BRIDGES ON BONNIE BRAE GOLF COURSE.

Councilman Whittington stated in April or May when two bridges were washed out on the Bonnie Brae Golf Course, Council appropriated money to replace those bridges. That was prior to budget time, and the bridges are still not replaced. They have to go around the golf course to get to one bridge to get across the creek. He asked if we cannot tell Park and Recreation when this will be done. Mr. Hopson, Public Works Director, advised it is out to bid now. Councilman Whittington requested Mr. Hopson to notify Mr. B. B. Bridgewater, Chairman of the Park and Recreation Commission, at 5710 Tamsworth Drive about this.

COMMENTS ON LEAGUE OF MUNICIPALITIES MEETING TO BE HELD IN WINSTON SALEM NEXT WEEK.

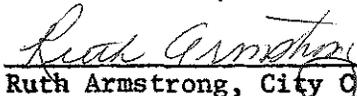
Mayor Belk stated the N. C. League of Municipalities will meet next week. He asked Councilman Whittington if he has anything to say about this meeting? Councilman Whittington replied he thinks all members of Council and staff that can should go to this meeting to be held in Winston Salem. The following year it will be here in the Civic Center. The League is beneficial to all of us, and we should participate as the largest city in the Carolinas. Go down and help the League, and in turn the League helps us. Mr. Withrow is a member of a committee; Mrs. Locke is on a committee; the Mayor is Chairman of the Transportation Committee; Mr. Burkhalter is on committees, and Mr. Underhill is a member of the Legislative Committee. That because he is the immediate past president he is Chairman of the Nominating Committee.

COUNCIL ADVISED THAT RESIDENTS FROM PROJECT AREA ARE NOT MOVED INTO OTHER SLUM AREAS: THAT RESIDENTS THEMSELVES SOMETIME MOVE INTO THESE AREAS ON THEIR OWN.

Mr. Burkhalter, City Manager, stated there is one thing that was not said during the report on housing. When there is an area where people are in slums and we go to move them out, we are entirely responsible for finding a location, must offer an alternate, and must help them arrange to move. But when we declare a project, and a resident moves out and moves into another slum, there is nothing we can do about it. Some do that on their own before we have a chance to go in and help. He stated you do hear that people move from one slum area to another; and they do. It is not a large number. It does occur. Councilman Short stated from our own activities, no one is moved into an ineligible or another slum area.

ADJOURNMENT.

There being no further business before the Council, the meeting adjourned.

  
Ruth Armstrong, City Clerk