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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, October 2, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem Fred D. Alexander presiding, and Councilmembers Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

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#### INVOCATION.

The invocation was given by the Reverend Milton Wyche, Pastor Little Rock A.M.E. Zion Church.

#### MINUTES APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the meetings on Monday, September 18 and Monday, September 25, 1972, with the following correction in the Minutes of September 25, 1972 as requested by Mayor pro tem Alexander:

Page 454 - Third paragraph from the top, fourth line change the spelling of the word "Negroes" to "Nigras".

#### CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED.

Mayor pro tem Alexander recognized Mr. Sheldon Sylvester Engle, Labor Foreman I, Public Works Department, Street Division, employed February 1, 1947 and retired September 25, 1972, and wished him well in his retirement. He presented him with the City of Charlotte Employee Plaque and thanked him for his services to the city.

Mayor pro tem Alexander then recognized Mr. Colton Lee Harrison, Laborer I, Utility Department, Sewer Maintenance Division, who was employed January 2, 1953 and retired September 26, 1972. He wished him well in his retirement and presented him with the City of Charlotte Employee Plaque.

PETITION NO. 72-44 BY ASHLEY PARK, WESTERLY HILLS IMPROVEMENT COMMITTEE FOR A CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF ASHLEY ROAD AND NORTH OF THE REAR OF LOTS ON KEMPTON PLACE, MANTEO COURT, MARLBOROUGH ROAD AND ROYSTON ROAD, DEFERRED FOR ONE WEEK.

The subject petition was presented for Council's consideration.

Councilman Withrow stated Mr. Maurey Johnston, Attorney for the protestants on the subject petition, called him this morning about 11:00 o'clock and asked that the petition be deferred. That Mr. Johnston believes he can work out something that will be satisfactory with the Community; that he would like some of the proposed R-15MF property to be zoned for I-1, and he would like to meet with some of these people Thursday morning at 11:00 o'clock. Councilman Withrow stated this meeting will be held in his office, and until that time, Mr. Johnston assured him they would not start any construction and will not ask the Planning Commission to approve any plans or do any work on the property until this item comes back to Council.

Councilman Withrow asked if anything has been presented to the Planning Commission on plans for this property, and Mr. Fred Bryant, Assistant Planning Director replied there has not.

Councilman Withrow moved that the subject petition be deferred for one week. The motion was seconded by Councilman Short, and carried unanimously.

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ORDINANCE NO. 624-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE WEST SIDE OF ASHLEY ROAD AND BOUNDED BY EXISTING I-1 ZONING NORTH AND WEST OF ALLEGHANY, WESTERLY HILLS SUBDIVISION ON THE SOUTH AND ASHLEY ROAD.

Councilman Withrow moved adoption of the subject ordinance changing the zoning of all the property from R-9MF to R-15MF. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman Short stated what would have been possible on this land would have put something like 1400 families around Harding High School. That he thinks what Council has done is to reduce this to about 900 families, which is still a lot of families. That he has reviewed these facts very carefully, and he believes this is in the public interest and it is not unfair even though it is against the will of the owners and in part against the recommendation of the Planning Commission.

Councilman McDuffie stated this is another example of some bad zoning being improved a little bit. That the whole situation applies in many parts of the city. That this is an opportunity for other community active groups to bring their little spots of land and ask that it be rezoned while Council is in the mood. That the first one was for North Charlotte, and this is an invitation for others to come forward. He stated he would be much in favor of those changes with the idea if something is to be built on these properties that we zoned, that we hear it again, and we will have a chance to make a decision. At present, a lot of the city is zoned for R-6MF and R-9MF and those are very bad zoning classifications. Too many apartments and no open green spaces.

The ordinance is recorded in full in Ordinance Book 19, at Page 305.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Jordan, seconded by Councilwoman Easterling, and unanimously carried, adopting a resolution amending the Pay Plan of the City of Charlotte, as follows:

- (a) Add Class No. 335, Assistant to the Airport Manager and assign to Pay Range 38, Step A through F, inclusive.
- (b) Add Class No. 443, Procedure Writer, and assign to Pay Range 33, Step A through F, inclusive.
- (c) Designate the following classes as Special Assignment Classes Pay while on Assignment at the same pay step (A,B,C,D,E or F) attained in Class No. 568, Police Patrolman:

<u>CLASS NO.</u>	<u>CLASS TITLE</u>
520	Communications Center Supervisor
526	Community Relations Officer
528	Court Liaison Officer
532	Crime Laboratory Officer
536	Criminal Investigation Officer
546	Intelligence Officer
548	Internal Affairs Officer
584	Vice Control Officer
588	Youth Bureau Officer

The resolution is recorded in full in Resolutions Book 8, at Page 405.

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CONSIDERATION OF ORDINANCE REQUIRING SELF-DRY CLEANING MACHINES TO BE  
LABELED REQUESTED PLACED ON AGENDA FOR NEXT MEETING.

Councilman McDuffie stated Mr. Underhill, City Attorney, has been researching an ordinance pertaining to requiring labels on dry cleaning coin operated machines. He stated he will pass out a copy of the ordinance and labels so that the Council members can be considering it.

Councilman McDuffie moved that this item be placed on the agenda for the next meeting. The motion was seconded by Councilman Short.

Councilman Short stated in the business he is in he hears about this quite a bit; that he would like to back up Mr. McDuffie in what he says. Ladies are telling them from time to time in their business about the experiences in attempting to dry clean large items.

Councilman McDuffie stated most of the public is not aware that the fumes could be fatal. Once warned, then we, as a city, have less obligation to protect the public. It is a small step in what should be done.

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

ORDINANCE REGULATING CERTAIN PLACES OF AMUSEMENT AND ENTERTAINMENT REFERRED  
TO CITY ATTORNEY TO GIVE COUNCIL RECOMMENDATIONS BY THE NEXT COUNCIL MEETING.

Mr. Parks Helms, Attorney representing a newly formed association, Amity Gardens Citizens Association, stated this neighborhood is located out East Independence Boulevard, between East Independence Boulevard and Monroe Road. Due to some of the proposed development in their neighborhood, these people have asked him to plan and prepare for presentation to Council an ordinance which would regulate certain places of amusement and entertainment. Mr. Helms stated he has prepared such an ordinance. That he has discussed it with the city attorney; he has discussed it and met with the Attorney General's office, and they think they have prepared an ordinance which will solve some of the problems which the citizens of this town living in residential areas are having with the so-called topless night clubs. He passed out copies of the ordinance to the members of Council for their inspection.

Mr. Helms stated there has been a great deal said in recent years about the validity of the so-called topless clubs and how they affect the rights of the operators and individual citizens who have to deal with them. He stated they have proceeded under the authority of Section 160A-181 of the General Statutes of North Carolina which specifically gives cities the authority to regulate coffeehouses, cocktail lounges, night clubs, beer halls, and similar establishments.

He stated with that in mind and with the several decisions of the North Carolina Supreme Courts which deal with obscenity and indecent exposure, they have tried to use these police powers of the city. This is based upon the police powers of the city, and does not necessarily deal with either obscenity or indecent exposure, except in so far as it is within the police powers of the city to regulate it. This ordinance does not make any of these activities unlawful except within 1,000 feet of a residential structure. They describe a residential structure as any building, house, apartment or trailer which is actually occupied as a place of permanent residence. He stated he is sure those who might oppose this ordinance will say this is a form of expression and they are entitled as a matter of law to carry on these kinds of activities. That he would argue on behalf of those people he represents that by the same token they have a right to be free from the infringement upon their person and property by the kind of activities that are carried on in the so-called topless lounges and night clubs. That is the basis of this particular ordinance.

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Mr. Helms stated they are not asking Council to act on this ordinance today; but they would ask that it be referred to the City Attorney and ask him to review it and to put it on the agenda for next Monday's Council Meeting if at all possible. Let the City Attorney make a recommendation to the Council with regard to the legality of it insofar as the City of Charlotte is concerned.

Mr. Helms stated he will not read the ordinance in full; there are some legislative findings of facts on the first page. The ordinance itself will basically provide as follows:

"Now therefore be it ordained that it shall be unlawful to operate any place of amusement, including coffee houses, cocktail lounges, night clubs, beer halls and similar establishments within 1000 feet of any residential structure wherein agents, servants, employees, customers of invitees expose the private parts of their body in any manner, or wherein any female person exposes her breasts below the top of the complete nipple area, including the areola, with less than a fully opaque covering.

A violation of this ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$50, imprisonment for not more than 30 days, or both.

In addition to the criminal penalties imposed by this Section, the City shall have the right to enjoin any violation thereof."

He stated it is significant that this ordinance refers to the operators, and not necessarily those persons who are in fact exposing themselves. He stated another thing is they talk about private parts on the one hand which is not breasts, and breasts on the other hand which are the areas which we are most concerned. They are trying to cover those items which they think make for a situation that is detrimental to the residential use of a neighborhood.

Mr. Helms stated they have defined the terms; they have defined the term operate as the action of any person who is owner, manager, lessee, director, promoter or agent, or in any other capacity, knowingly hires, leases or permits the land, building or premises of which he is owner, lessee or tenant, or over which he has control to be used for the purposes of any such exposure of the private parts of his or her person, or the exposure by any female person of her breasts below the top of the nipple and areola without opaque covering as provided in the ordinance. He stated they also define the 1,000 feet.

He stated they think this is fully within the power of the City of Charlotte as a municipal corporation to legislate this kind of activity. This does not infringe upon any state statute. The state court has said the city may not make criminal conduct which is made criminal by state statutes, but it may require a higher standard of conduct. They say this requires a higher standard of conduct than any state statute now in effect. For that reason they believe this is fully and completely within the power of the City. They think it will inure to the benefit of the great majority of the citizens of this town. He stated he believes this is the kind of ordinance that will solve one of the real severe problems that we are having, and having to deal with on a day to day basis.

Councilman McDuffie asked if the ABC regulations have a requirement that you cannot have an ABC license within some distance of schools and churches? Mr. Helms replied there is an ABC regulation which is a 50 foot requirement from a school or church. One of the things they are trying to do is not to conflict with any ABC regulation, and he thinks they have succeeded in doing that.

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Mayor pro tem Alexander asked if there are any similar types of ordinances in existence anywhere? Mr. Helms replied he is not aware of any ordinance that is exactly like this. That he has seen other ordinances. An ordinance went to the Supreme Court from Onslow County which was held unconstitutional on other grounds. In preparing this ordinance and working with the attorney general's office they have tried to do the things the court indicated it would approve of in a test case. They believe this will take up those deficiencies.

Councilman Short asked Mr. Helms if he has any opinion as to whether it would be legal and non-contradictory for the Council to simultaneously adopt something of this nature and at the same time insert into the zoning ordinance something similar to what we have with reference to the gasoline tanks which have to be a certain distance from homes? Mr. Helms replied they could be done simultaneously; but they would prefer that this ordinance be adopted first in as much as a change in the zoning ordinance would require some notice, and could not be adopted as quickly as this could. It is his understanding in talking to the City Attorney that this ordinance could be adopted even today; but certainly no later than next Monday's Council Meeting if it is approved and Council finds it to be in order.

Councilman Jordan asked if what they are proposing would affect all businesses in operation today, or only those that might be built later? Mr. Helms replied this is a continuing offence and he believes would affect all businesses in operation, and any that may hereafter be started. In that sense it is a complete solution to the problem which these people and others like them across this city are experiencing.

Mr. Helms stated he hopes Council will take this ordinance into consideration. He called attention to the provisions in the ordinance which would make it effective October 10, 1972. He stated if at all possible they would appreciate the Council's effort in adopting it by that time in order to preserve and protect their neighborhood.

Mr. Arthur Goodman, Attorney for the Nite Gallery and Sip and Cork Lounge, stated in law school they used to tell them that hard cases make bad law; if he has ever seen anything that is a bad law he would say this is it. In spite of the fact this is designed to satisfy one given group of people in a given residential area, it would probably affect every place of business in the City of Charlotte that operates topless. There is no doubt in his mind that it would. Mr. Helms said it would solve the problem caused by topless, but he did not enumerate any problems. He stated he does not know what the problems are of a lounge with topless over a lounge without topless unless an individual is personally offended by seeing someone topless. There are no problems in particular that he knows of or that have been pointed out over a topless lounge or if it is not topless. If the problem is that this type of business causes traffic, then he says we should close the coliseum as it has a great deal more traffic on Independence Boulevard. Convenience stores handle more and McDonald's has a great deal more coming in and out than any place could have.

Mr. Goodman stated the way this ordinance is written if you were to buy a piece of property of sufficient size so the building could be seated in the center and have at least 1,000 feet in every direction, it would not solve the problem. For the simple reason the ordinance states the 1000 feet shall be measured from the nearest boundary line of the residential structure and the nearest boundary line of the place of amusement. It would be absolutely impossible to build a topless lounge. Whether Council does want topless or does not want topless may be another question for the Council. The question of this particular ordinance is totally untenable. That while he is asking for speedy action to have something passed by a week from tomorrow there are a great many businessmen who will be affected. He stated it is not his personal recommendation one way or the other whether we have topless lounges. But this is an attempt to get by the back door that which you are not doing

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by the front door. It is an attempt to say in effect there will be no topless lounges in the City of Charlotte. This is an attempt to stop one place of business from opening its doors; and he does not think the City Council is here to pass ordinances to stop one place of business from opening its doors. He stated these people would be just as upset if this were an all-night hamburger stand that has parking out in the area with lights all over it, and perhaps more than what is presently opening.

Mr. Goodman requested the Council members to consider this very carefully; that he does not think the Council is the type of a body that is going to be used to prevent one man from opening a place of business. He stated he understands there may be some zoning possibilities, and possibly there is nothing wrong with this if done properly. This is strictly an attempt to make sure there cannot be any topless in the City of Charlotte. He stated there are not many locations that would be 1,000 feet from the nearest residential structure. He stated every place in the City of Charlotte that has topless entertainment would be affected on October 10 if this were passed. Another thing, this covers any place where any agent, servant, employees, customers or invitees expose private parts of their bodies or where any female exposes her breasts. There is nothing that can stop a person from walking into this council meeting topless; there is no law. If a young lady walked in topless she would not be guilty, but the manager would be guilty if a young lady comes in with a coat on and takes her coat off and is topless and she is a customer. He stated you cannot put this kind of restriction on any place of business.

Mayor pro tem Alexander asked if the manager would be in violation if he asked the person who came in topless to leave? Mr. Goodman replied he believes the ordinance reads "allows". He then read where it reads "wherein any of them do it", whether it is allowed or not, he takes it he would be in violation if the customer came in and was topless for any given period of time.

Councilman Whittington moved that the ordinance be referred to the City Attorney and that he give Council an answer as soon as he possibly can on recommendations. The motion was seconded by Councilman Short, and carried unanimously.

#### CITIZEN SPEAKS IN FAVOR OF LOCATING PARK IN RANDOLPH ROAD AREA FOR USE BY THE RESIDENTS OF GRIER TOWN.

Mr. L. F. Snyder, 301 West 10th Street, stated he is a citizen interested in the park situation in Grier Town and Craig Avenue. That he has been out there three or four times and looked over the property. That he agrees with the people in Grier Town that Craig Avenue is too far away for those children to go to a park. Also the people in the section of Bridle Path Lane, Linda Lane, Walnut Grove and Craig Avenue and others if they knew what Mr. Walker wanted to do they would have been here this afternoon. He stated he believes they are in the dark. That he does not believe they would want a center where he is proposing to put it. He feels it would devalue their property.

Councilman Jordan stated he asked Mr. Walker if these people had been to any of the meetings to object. That he has not heard from any of the people on whether they know about the plans or whether or not they object to the plans.

Mr. Snyder replied the question is do they know what is going on? That he does not think they do. He stated there is plenty of vacant land and wooded area around Billingsley Road, Beal Street, Marvin Road and up to McAlway Road. That it looks as if there is sufficient land for a reasonable size park.

MEETING RECESSED AND RECONVENED.

Mayor pro tem Alexander called a recess at 4:05 o'clock p.m., and reconvened at 4:15 o'clock.

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ORDINANCE NO. 625-X AMENDING THE 1972-73 BUDGET ORDINANCE AUTHORIZING AN APPROPRIATION FOR EIGHT 1972-73 LEAA PROJECTS.

Councilman Jordan moved adoption of the subject ordinance authorizing an appropriation of \$197,845.00 to establish eight 1972-73 LEAA projects as a legitimate part of the budget. The motion was seconded by Councilman Short, and after discussion, the vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 306.

LEAA GRANT AWARD CONTRACTS BETWEEN THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES DIVISION OF LAW AND ORDER AND THE CITY OF CHARLOTTE, APPROVED.

Mr. Burkhalter, City Manager, stated the subject contracts are LEAA Grants which are before Council for the first time.

Assistant Chief Adams, Police Department, stated the four additional positions are for the Fraud Squad. This project is aimed at increasing the number of men they have investigating the pyramid schemes and these types of operations on fraudulent activities in business houses. This project will give them three additional investigators plus a clerk-steno I. He stated there is a tremendous amount of paper work involved in this.

Councilman Jordan moved approval of the following contracts with the North Carolina Department of Natural and Economic Resources Division of Law and Order, which motion was seconded by Councilman Short:

Report Writing System for Charlotte	- \$44,865
Fraud Squad for Charlotte	- \$59,653

Mr. Burkhalter stated the question has arisen several times in relation to the LEAA projects, and they have discussed disappointment in that LEAA did not continue to pay for the project. He stated no LEAA project comes to Council now that both he and the Chief have not approved first for application. He stated pre-application for these two projects were made about a year ago. All the applications come through his office now. These two projects have been approved all the way up the line, and he recommends them to the Council.

Mr. Burkhalter stated Chief understands that this is adding manpower. But the same thing is true with ASCAP and the other projects. The Chief has been told if the money for these projects fail to come through from LEAA then he will have to take this into consideration at the next budget. That he will either have to let the men go or absorb them in the natural attrition process.

Councilman Whittington stated he is going to vote for this. But he asks that the City Manager and staff tell Council at next budget time what has been approved during the year on all these projects. As an example, the three officers and stenographers and whether or not they are covered by LEAA. If not, then Council at that time will have a decision to make on whether they will increase the police department budget or whether they will decrease that number of personnel. All this is you have your hand out, and one day there will not be any money and you either have to get rid of the people or increase the budget. This is true with any of these federal programs. There will be a day of reckoning with local government and the people who pay the taxes unless this revenue sharing becomes a reality. If the state government stops it, then we will be in the hard place from a tax standpoint. All these things should be looked at as we go along. That the City Manager should tell Council in all these things what is added on and where the money will come from before making a budget deliberation in 1973.

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

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LEGISLATIVE PACKAGE TO INCLUDE REQUEST TO DELEGATION TO HAVE DRIVER'S LICENSE AND REGISTRATION CARD CHANGED TO EMBOSSED TYPE TO AID POLICE OFFICERS IN WRITING TICKETS.

Councilman McDuffie stated more and more police work is involved in records. There was an article in the paper yesterday about some states not having a very good system on reporting accidents. He requested the City Attorney to include in the legislative package a request to our delegation to seek changes in drivers licenses and registration cards to the embossed kind like credit cards so the police officers can issue a ticket both on the driver's license and registration card without taking so long to write it up.

The City Attorney advised that he will include this request in the package.

ORDINANCE NO. 626-X AMENDING THE 1972 MODEL CITIES DEPARTMENT BUDGET AND RESOLUTION AMENDING THE CITY OF CHARLOTTE PAY PLAN AND IMPLEMENTING CERTAIN REVISIONS IN THE ORGANIZATION OF THE MODEL CITIES DEPARTMENT.

Mayor pro tem Alexander stated he would like to talk about this. He stated he is not talking about it to stop it but he has to talk about it as we handle it. That he does not understand why from all the talk he has had about it this weekend cannot be said where it should be said rather than at the Council Meeting. But this is what he gets and what he gets strongly; and he is aware that Dr. Travland, Director of Model Cities, is concerned about these kinds of problems, and he would imagine that he is trying to do what he can to correct some of them.

Mayor pro tem Alexander stated this comes to him louder and louder. Number one there is much disturbance over a philosophy that there is more attention paid to top level positions in the program than in the program getting to the people. There is very much concern now in positions being given to people who come into Charlotte, and not to people in Charlotte or within the model cities area. Much concern over the fact that there are college graduates who live within the model cities area, and yet it is said you cannot find anybody for certain upgrading of positions or new positions. There is much question as to whether or not the job slots that are enumerated as necessary, effectively get the job done. These are the kinds of things he has been bugged with all weekend.

He stated the proposal before Council is not increasing the number of positions, but is more or less a swapping of responsibilities and changing positions. That this is deleting Assistant Model Cities Director for Research, Evaluation and Training, and Assistant Model Cities Director for Program Development, and Research Assistant II, and adding an Assistant Model Cities Director, a Model Cities Coordinator for Program Planning, and a Model Cities Research Coordinator. He stated he will not attempt to go into any discussion on the merits of these particular positions. But there is much question as to whether or not these responsibilities are absolutely necessary from the input that has come from what one may call "related positions or philosophies" which would back up the existence of these certain positions. He stated it all comes up to what he said in the beginning that there is loud disagreement within the model cities structure itself and in the streets. The sentiment is getting to be that there is more concern for top level positions structured away from people within the City of Charlotte over against what is being done by positions when they are set up. And that there are college graduates in the model neighborhood who could hold certain responsible positions; that from the input that comes from the positions that nobody needs the professionalism required that an average college graduate that exists within the area could not supply.

Mayor pro tem Alexander stated in some fashion we have to resolve these type things, and it has to come from more than him. But it looks as though he is the person that has to do the speaking. It finalizes itself in many people saying they are afraid to say what it really is because they are afraid of getting fired. He stated these are the problems that we have to face. That he would imagine if the place to say it is here, then someone should have been here today to say it rather than him. Perhaps we need to have a conference about these matters where we can go into them in depth and unravel this.

He stated he is of the opinion that some of these positions have already been consummated and it is more or less a matter of setting the record straight to move into the complete implementation of the plan that has been established. Dr. Travland replied there have been certain functional changes in responsibilities; but it is by no means complete; there is no way in which these changes have been made; there have been no changes in pay classifications; there have been changes in functional responsibilities. This is not a retroactive approval.

Councilman Short asked if this is not deleting to what amounted to Dr. Travland's former job as a position, and he himself has succeeded to the position as director of model cities; that it appears to him that Dr. Travland is in some way covering what he was formerly doing.

Dr. Travland replied this is an attempt to streamline the organization of model cities and to correct some of the problems that have existed in the past. This is an attempt to change that, and they think they can do it.

Mayor pro tem Alexander asked what makes the position of Model Cities Coordinator for Program Planning and the Model Cities Research Coordinator two specific responsibilities? Dr. Travland replied the Coordinator for Program Planning is a lower level position than the position previously covered by the Model Cities Assistant Director for Program Director. This is an attempt to arrange the organization such that there shall be four coordinators for the four major functions of Model Cities, all salaried at the same level as they all have similar responsibilities. These adjustments are attempting to push the level of responsibility and authority downward within the organization rather than being highly concentrated at the top. This is an attempt to make the operation much more smooth and keep decision making from being clogged up at the director's level.

Councilman Withrow asked what is tangible about the decisions that are being made? What benefits are being reaped? If we go into revenue sharing he thinks Council will have to take a hard look.

The City Manager replied the fourth year action plan is at the printers and he has already planned a dinner meeting with Council to give a couple of hours in explaining the fourth year action plan. At that time, he thinks these things that have come out will come out.

Councilman Whittington stated he commends Dr. Travland for the job he is doing, and he intends to approve this, and he also appreciates what Mayor pro tem Alexander has said. But what is being said is there is not anybody in local government except staff who understands this program. Council sits here and approves items every Monday, and we do not understand what we are approving. Down the road revenue sharing will be imposed on the cities; in another form Model Cities will disappear but we will still be in social programs in revenue sharing, and other programs will have to get along the best they can.

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Mr. Burkhalter stated it has been very emphatically stated by congress and everybody involved that revenue sharing is not replacing model cities. Model cities is not a part of revenue sharing right now. There is no money being given to the city that can be used for model cities in this way. But model cities is the guideline for community development in the future. This is what congress and the executive branch hopes to establish by this project. But they have made it clear that model cities is being funded for five years without any question. The federal government has obligated itself to do it. That the fourth action year is being planned now, and it is the next calendar year. He stated in this meeting he plans he would like for council to look at these program areas and see what areas will be operated and what is recommended. He stated the people involved had a lot to do with what is going into this. He asked Council to wait until this meeting and then see what it wants to know about.

After further discussion, Councilman Short moved adoption of the ordinance, and resolution, which motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 307.

The resolution is recorded in full in Resolutions Book 8, at Page 406.

CONTRACTS BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND VARIOUS AGENCIES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried approving an amendment to contract for technical and professional services with Charlotte Council on Alcoholism for the operation of Prevention of Alcoholism decreasing the contract from \$10,000 to \$5,000 made necessary by the rebudgeting process and deletion of personal services.

Councilman Whittington moved approval of an amendment to contract for technical or professional services with Mecklenburg County for the operation of the Model Cities Mental Health Program made necessary to clarify certain points of confusion and ambiguity which exists in the present list of General Provisions and a new Exhibit "D". The motion was seconded by Councilman Jordan, and carried unanimously.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, amendment to contract for technical or professional services with Management Manpower Services increasing the contract by \$246.00 was approved.

Motion was made by Councilman Short to approve a contract with law firm of Mraz, Aycock and Casstevens to perform legal services for the Model Cities Department with the fees based on \$40.00 per hour and the services to consist mainly of drawing contracts to be executed, with the maximum amount not to exceed \$10,000. The motion was seconded by Councilman Whittington.

Councilman Short stated someday Council should consider having the redevelopment attorney and the model cities attorney and any other of our several larger commissions all in one department under the City Attorney. He stated this is for study later.

The vote was taken on the motion and carried unanimously.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was approved for technical or professional services with the National Foundation of March of Dimes, Greater Piedmont Chapter for the operation of the Sickle Cell Anemia Workshop, in the amount of \$10,000.00.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MUTUAL SAVINGS AND LOAN ASSOCIATION OF CHARLOTTE FOR A SANITARY SEWER TO SERVE HAMPSHIRE HILLS SHOPPING CENTER.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Mutual Savings and Loan Association of Charlotte, a corporation, located at 6001 The Plaza, in the City of Charlotte, for a sanitary sewer to serve Hampshire Hills Shopping Center, which motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 407.

ORDINANCE NO. 627-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE, APPROPRIATING FUNDS TO THE CENTRALINA COUNCIL OF GOVERNMENTS FOR THE PURPOSE OF ASSISTING IN FINANCING A REGIONAL WATER QUALITY MANAGEMENT PLAN.

Mr. Burkhalter, City Manager, stated Council has received from Centralina a request that they express their opinion on whether or not they would agree to be assessed for funds in order to carry out a water quality management plan. This plan has been proposed and has been authorized by the Centralina Council of Governments. But the funds for providing this may not come through as anticipated from the federal government. The importance to Charlotte is if this study is not made by July 1, 1973, the Environmental Protection Office has informed us there will be no more water pollution control grants made to our city. They must have this plan in their possession and it must be approved.

He stated normally this may not be a problem but we have some \$20.0 million worth of water and sewer projects planned for our city and county. We are anticipating quite a bit of this as matching funds from the federal and state government. The State, when they passed their bond issue, then set up as matching funds their part of the money to match what could be a number of projects for our community. This means if the state matches with 25 percent, the federal government will match with 55 percent, which means that 80 percent of the project of a nature they will approve will be paid for by Uncle Sam and 20 percent by us. All the projects are not eligible for this, but a large portion of the sewer projects are.

He stated the question is if we do not get this study made by the regional planning group, will such a plan be made? So it seems to be in our interest to guarantee them that this money will be available. They have said if the money is forth coming for this project, they will make an adjustment in our dues. The law says without any question that on July 1, 1973 if you do not have the plan, you will not qualify.

Mr. Burkhalter stated the City of Charlotte's share is \$14,470.68, and he has an ordinance prepared to that effect. If the ordinance is approved by Council, the money will be appropriated but it will not be paid until everyone else agrees to this. Councilman Short stated this is correct; but it is fair to say that one town has already indicated they will not assist COG, and the amount of their contribution is something like \$57.00. That he does not think we can hold up this opportunity to get the federal advantage out of the \$20.0 million sewer bonds over this town's unwillingness to provide \$57.00. Mr. Burkhalter stated then he will say if the assessment is made at the Metrolina level then he will pay it.

Councilman McDuffie moved adoption of the ordinance appropriating \$14,470.68 to the Centralina Council of Governments for assisting in financing a regional water quality management plan. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 308.

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PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 74.45' x 75.54' x 12.78' at 1622 Van Buren Avenue, from James Dwight Martin and wife, Erma L., at \$1.00 for reopening of Van Buren Avenue at Creek Street.
- (b) Acquisition of 20' x 1,269.63' of easement at 439 Lawton Road, from F. O. Godley and M. R. Godley, at \$1,270.00, for trunk to Seaboard Industrial Park sanitary sewer construction.
- (c) Acquisition of 266' x 282' x 328' x 289' x 963' x 253' x 929', plus improvement of one story frame residence, on Warren Road, from Issac F. Price and wife, Helen R. Price, at \$33,000.00, for Douglas Municipal Airport Master Plan Land Acquisition.

ADVERTISEMENT OF SALE OF TYVOLA ROAD LANDFILL SITE DELAYED FOR ONE WEEK.

The City Manager requested Council to take no action on the Tyvola Road Landfill site which is on the agenda to be advertised for sale at public auction and that each member of Council go out and look at this property.

Council agreed to delay action on the subject for one week.

CHANGE ORDERS APPROVED.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, approving the following Change Orders:

- (a) Change Order No. E-1 in contract with Industrial Electric Company for Irwin Creek Wastewater Treatment Plant, increasing the contract price of \$71,000 by \$363.00, to initiate certain electrical conduit systems for providing future intercommunication lines, and for relocating certain electrical equipment in the existing sludge presshouse.
- (b) Change Order No. G-2 in contract with Trammell Construction Company for McAlpine Creek Wastewater Treatment Plant, increasing the contract price of \$2,492,400 by \$2,481.02, to make certain changes in the field as work has progressed, such as relocating proposed pipe lines, and certain other documentary miscellaneous items of similar nature.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE STATE HIGHWAY COMMISSION FOR THE INSTALLATION OF WATER MAINS IN WILMONT ROAD TO SERVE THE STATE PRISON CAMP.

Councilman Withrow moved approval of the subject right of way agreement with the State Highway Commission for the installation of water mains in Wilmont Road to serve the State Prison Camp, which motion was seconded by Councilman Short, and carried unanimously.

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

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following contracts for construction of water mains and sanitary sewer mains and trunks, were approved:

- (a) Contract with Royster Development Company for the construction of 830 feet of water main abutting on Royshall Drive, outside the city, at an estimated cost of \$5,600.00, with funds to be advanced by the applicant and reimbursed all in accordance with the existing city policies.

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- (b) Contract with D. W. Royster, Jr. Contracting Company for the construction of 828 feet of 8-inch sewer line in Royshall Drive, outside the city, at an estimated cost of \$7,800.00, with the applicant to construct the lines at his own expense, waiving all rights to refundable portions, all according to the agreement.
- (c) Contract with Eastway Drive Church of God for the construction of 500 feet of 8-inch sanitary sewer main in Peace Street, inside the city, at an estimated cost of \$5,900.00. The applicant has deposited the full amount of the cost with the city to construct the mains and the funds are non-refundable.

**RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY AGAINST FIVE TAX ACCOUNTS.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$409.14 which were levied and collected through clerical error and illegal levy against five tax accounts.

The resolution is recorded in full in Resolutions Book 8, at Page 408.

**CLAIM BY MR. AND MRS. ARTHUR LAWING FOR PROPERTY DAMAGE, DENIED.**

Councilman Whittington moved that claim filed by Mr. and Mrs. Arthur Lawing for property damage in the amount of \$354.00, be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

**SPECIAL OFFICER PERMITS AUTHORIZED.**

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the following special officer permits were authorized:

- (a) Issuance of permit to Lenora Lynn Driggers for use on the premises of Ivey's at SouthPark.
- (b) Issuance of permit to Erma W. Murray for use on the premises of Ivey's, Downtown.
- (c) Renewal of permit to Lester Phifer for use on the premises of Kings' Business College, 322 Lamar Avenue.

**CONTRACT AWARDED GOODALL RUBBER COMPANY FOR ARTIC OVERSHOES.**

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder meeting specifications, Goodall Rubber Company, in the amount of \$3,947.60, on a unit price basis, for artic overshoes.

The following bids were received:

Goodall Rubber Company	\$3,947.60
Atlantic Coast Supply	3,996.25

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**CONTRACT FOR INSTALLING SPACE HEATERS FOR EMERGENCY HEATING PROJECT IN GREENVILLE REDEVELOPMENT AREA DEFERRED FOR ONE WEEK.**

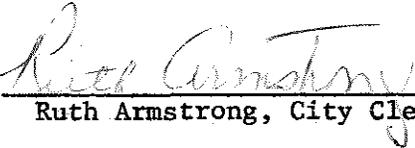
After discussion and comments by Mr. G. C. Miller of Miller Hardware Company, the high bidder on the subject contract, Councilman McDuffie moved that Council delay action on the award of the contract and in the meantime the Purchasing Agent give Council a recommendation in writing stating whether the low bid does meet the specifications. The motion was seconded by Councilman Whittington, and carried unanimously.

**CONTRACT AWARDED CUMMINS CAROLINAS, INC. FOR THREE DIESEL ENGINES.**

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the only bidder, Cummins Carolinas, Inc., in the amount of \$16,200.00 on a unit price basis, for three diesel engines.

**ADJOURNMENT.**

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

  
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Ruth Armstrong, City Clerk