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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Wednesday, October 27, 1971, at 10:30 o'clock a.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

PUBLIC MEETING ON TRASH PICK UP TO BE SET BY CITY MANAGER BETWEEN NOW AND THE END OF LEAF PICK UP TIME ON JANUARY 7, 1972.

Reverend Paul Horne, representing the United Taxpayers of Charlotte, stated for some time they have been trying to get the Council's attention on the trash pick up problem. He asked if this matter can be taken up at this time?

Mayor Belk replied Reverend Horne came to Council about June, 1971 and asked about the trash collection and asked Council to have a public meeting, but not to have the meeting for a month as his congregation had given him the month of July as vacation. Mayor Belk stated this meeting was postponed until Reverend Horne's return to the city about the middle of August. He stated he received a communication from the news media that Reverend Horne was going to come in one morning. He came and threw a bunch of trash out on City Hall. That the city did not have any sanitation collectors present at that time, but he did throw it out. Mayor Belk stated he spoke to Reverend Horne personally. A public meeting was held and it was well attended; there was no opposition to anything that was brought up at the public meeting, and the city got some good points across. That Reverend Horne would have received some good points if he had been there.

Mr. Max Webb stated he resides in the Garinger area; that he has observed this battle about this trash problem. What he sees he does not like as a citizen. That the meeting the Mayor refers to is not the meeting the gentleman asked for. That he does not think it is fair to bring it up at this time.

Mr. Webb stated he came up here thinking he would feel more like a free man; but that will be determined by what the City does about the trash. Some of the practices the people in his community have experienced and by the statements released to the news media is not in the democratic form of a free people. He stated they know in their neighborhood from what they see, what they experience and what they hear that this trash problem is serious. For six months they were lead to believe there might be a conspiracy to turn their neighborhood into a slum. He stated he hopes to make Council aware of its responsibility as elected representatives of the community. That Mecklenburg County is noted as people who will stand up for its rights. We have a good community and it is up to the people on the council to do the will of the people.

Mayor Belk asked Mr. Webb if he has had poor trash collection at his house? Mr. Webb replied he can go out and look up and down his neighborhood street and he sees 40 to 50 unsightly garbage cans, and the unsightly plastic bags, unattended trees and limbs that lay there from month to month. He stated he only knows what he sees, hears and experiences.

Mayor Belk stated the City has checked this neighborhood since the people have been coming to Council, they were lead to believe by the people that the service had improved and it was well collected. Mr. Webb replied the condition has improved, but only as long as they hollow and as long as they come to council, he does not doubt it will stay that way. But who can attend every council meeting. He stated something should be changed.

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Councilman McDuffie stated he has heard both sides of this. That he attended both meetings, and he signed the paper and he believes he is a United Taxpayer. But he does not particularly like some of the literature they put out. He stated he is for a better city and believes plastic bags and that type of collection is a better way. He stated he would like these people to hear the other side of the story, and he would like for them to see Mr. Hopson's slides and he would like for the environmental people who came to the meeting to come and present their side. He stated he has talked to a lot of people who think the present ordinance, without the tying part is good, and we should keep it.

Councilman McDuffie moved that Council hold a public meeting, arranged by the City Manager, where both sides can talk and then Council can make any modifications it thinks is necessary. The motion was seconded by Councilman Whittington.

Councilman McDuffie stated he is willing to let the public come and talk and to let Council know how they feel and then make a judgement on how much it wants to change the ordinance; also to present the costs. That he wants those facts known to the people that we are willing to change if the public is willing to pay. As the city gets larger it is more difficult to collect and have a reasonable system. One article he read recently said the only difference in the kind of system some of the people advocate and a hundred years ago is that we have replaced the horse drawn wagon with motorized vehicles. That he thinks that is true. If we have modern technology packer trucks we should use them, and that is what this ordinance does.

Councilman McDuffie suggested that the public meeting be set by the City Manager, probably in the educational building, or some place big enough to accommodate both sides.

Mayor Belk stated he thinks Council should get this settled right here. That he does not think Reverend Horne is interested in coming to a meeting; that he thinks he is more interested in publicity. The City has tried its best. The Sanitation Department has gone out there. There have been public meetings, and the city has tried to do everything it possibly can to help this one particular area.

Councilman McDuffie stated it is unfortunate that we did not have a representative to counteract the figures they gave out without substantiation. That they talked about the increase in the budget and no increase in personnel. This means the workers are receiving a better income and somehow he wants to turn that around and say that he, (Councilman McDuffie), was talking detrimental about the sanitation workers. He stated it is all in their favor that they are receiving a better wage and they are doing better work than they did three years ago. That these are the facts he wants brought out at a public meeting.

Councilman Whittington stated he does not think city council can authorize a change back prior to 1970. That he receives as many complaints as any one else does, and he hears from a lot of elderly people. In every instance when there is an elderly person or a person who is invalid or infirmed they are taken care of if they will call the Sanitation Department, the City Manager's office or the Department of Public Works, or any Councilman. The City is now going into a leaf season where all the open trucks will be used with vacuums taking up leaves. To attempt to do anything other than what we have been doing since August 1, 1970 would only be chaos and those who are complaining about no pickup would get less pickup because it is physically impossible to do some of the things that Reverend Horne and his group are requiring that we do. Councilman Whittington stated in this public meeting he thinks we should investigate the possibility of having salvaged trucks or maybe the Salvation Army or Goodwill, or both, to be notified by Mr. Hopson, and Mr. Beavers' supervisors as they go around town where there is equipment such as a refrigerator; these people could pickup and take it into their plants and maybe rebuild and resell them. That these are some of the things he thinks would come out in a meeting. Councilman Whittington stated to change this would be a step backwards and he cannot support it.

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Councilman Alexander stated he thinks he is the first councilman who expressed some concern over the existing trash ordinance. That he expressed his concern over that portion of the ordinance as it relates to bundling. Presently he sees no need of continuing any hearings or conducting any more hearings prolonging what may be called a community agony that exists over this trash situation. That he thinks Council needs to get it off the agenda this morning. The longer it is postponed the more people will be agitated and the more the main factors will be out of character as it is beginning to do now, and take more angles than of intense interest for the resolving of the problem. That he is not in favor of continuing to extend this at any time.

Councilman Alexander stated about four weeks ago he requested some information regarding the trash ordinance and the Department heads have submitted reports; and he has gone through their reports.

Councilman Alexander made a substitute motion that consideration of the trash ordinance be placed on the agenda immediately. The motion was seconded by Councilman Jordan.

Councilman Jordan stated when the city first came up with this ordinance he was opposed to most of the ordinance at that time; that he was against the bundling and was against the \$5.00 or \$10.00 pickup they wanted to impose. At that time Council felt it should be given a try. That this is nothing new to him. He is still against it, and he thinks council should eliminate the tying up of the limbs.

Councilman Short stated he does not see that it is proper at this time to do exactly what either of the motions require. If we went ahead with Councilman Alexander's motion, which amounts to a discussion of this matter by the Council, not in the context of a public hearing, the only outcome that would change anything would appear to be something that would have to be implemented approximately January 15 at the end of the leaf season. The motion of Councilman McDuffie is similar; he is saying let's discuss this but not just by the Council alone but in the context of a public hearing. That this is alright, although we have tried to have public meetings or hearings repeatedly on this and have had them. That it seems to him this public hearing should be after the leaf season.

Councilman Short stated Council has material prepared by the Council's Committee which lists the names of a number of cities which engage in bundling, and have been forced to go to it if they are going to give a comprehensive service in keeping the city clean. These cities as listed have found, if left solely to municipal means they can do some sort of a job, but with help from the homeowners you can have what all want and that is a clean city. He stated these towns are Durham, Raleigh, Richmond, St. Louis and Columbus, Ohio; they require the bundling and in some degrees even a smaller bundle than Charlotte requires. He stated in no instance where towns have gone into this have they considered abandoning this or making other arrangements in the middle of the leaf season. In a number of towns that do not require bundling they will not handle the miscellaneous trash in the middle of the leaf season. He stated we just cannot put upon the existing forces, or put upon the public, in the midst of the leaf season, some change in this ordinance.

Councilman Short requested Mr. McDuffie and Mr. Whittington to amend their motion to state that the public meeting will be at the end of the leaf season.

Councilman McDuffie stated the city has done a sorry job in advising the public of what the regulations and rules are and beyond that why the rules are there. That if Reverend Horne will agree to that kind of date, then it suits him. Otherwise if the meeting was held in two or three weeks and a judgement or change was not made until after the leaf season it would suit him fine. That he talked to some people who went to the meeting with Reverend Horne and two of them said they did not comply with the regulations because they were new to the city and did not know about the regulations. Another was a professional engineer who did not agree with a lot of things that went on or changing the system back; but he was concerned about the lack of government to respond to

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some of the legitimate questions. The public meeting is to let both sides talk and for Council to give the reasons why we have the regulations of five foot lengths to fit in the back of a packer truck where it would take three open trucks. Councilman Short replied he agrees but he thinks Council should get into the educational process at a time when it can proceed to implement the outcome; and that would have to be at the end of the leaf season.

After further discussion, Councilman McDuffie amended his motion to hold a public meeting to be set by the City Manager, between now and the end of the leaf season which is January 7, 1972. Councilman Whittington who seconded the motion agreed to the amendment.

The vote was taken on the substitute motion by Councilman Alexander and failed to carry as follows:

YEAS: Councilmen Alexander and Jordan.

NAYS: Councilmen Calhoun, McDuffie, Short, Whittington and Withrow.

The vote was taken on the original motion to set a public meeting and carried as follows:

YEAS: Councilmen McDuffie, Whittington, Calhoun, Short and Withrow.

NAYS: Councilmen Alexander and Jordan.

Mr. Wayne Welborn, 2138 Shadyview Drive, stated he lives in the Montclair section and he does not think this issue is isolated in one particular area of the city. That he personally is unhappy with his garbage service and many of his neighbors are. He stated he would like to see some of the rules changed; but he agrees in part. Bundling is the main thing; and number two his garbage has not been picked up. That he wrote a letter about a box that was in his garbage can for a month including two weeks when he was on vacation. That it was picked up about the day the letter was delivered. That the rules that have already been passed are not being enforced administratively; they are not doing the two or three cans a week. He stated this is not a North Charlotte area problem. That some of his neighbors have had their grass die because of leaves left there. That at one time he drove to work through Queens Road every day; that he went through his neighborhood first and he would see leaves in the front yards of his neighbors homes. That he never went to work last winter without seeing a leaf vacuum on Queens Road; that he went by every day.

Reverend C. M. Allen, Minister of Parkwood Christian Methodist Episcopal Church at Parkwood and Allen Street, stated they have a day care center. A few days ago they had electricians working there, and he had some old beds they threw out in the back and called the city to pick them up. They stayed there about a week. Reverend Allen stated he lives at 328 Sylvania Avenue and from the 29th of August on Hobbs, between Keswick and Sylvania, there was a couch and a chair setting there. He called three times after learning from Reverend Horne what numbers to call. They have not been picked up yet. The Public Works Director advised if they can get this into the packer they will pick it up; if not then the property owner must provide a way to get it away.

Reverend Allen stated on Grimes Street, just before you get to Keswick Avenue, there is debris on the left side of the road - an oil stove and broken staves. Mr. Hopson replied this is the property owners responsibility; the Public Works Department will give him a list of names to call to have it hauled away. Reverend Allen stated just across the street from Kings Funeral Home, an elderly man lives there who does not get around very well, and there is debris on the side of the street. That he called in about this and also talked to Mr. King about it. That it is boards and debris torn out from the picket fence.

Councilman Whittington stated in connection with the debris across from Kings Funeral Home for four consecutive times the people in the apartment decided to move or renovate and they put everything out on the curb. He stated he knows about this because he has received calls from Mr. King and they have tried to correct the situation. But every week someone unloads everything in that apartment and puts it out on the curb. That he does not think the city is responsible for that sort of collection.

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Reverend Allen stated they want to know what they can do to keep their community clean.

Councilman Alexander stated part of this is in the Model Neighborhood area. With model cities funds two trucks were bought and it was the understanding at the time this was discussed that these trucks would be used to go through the Model Neighborhood area to keep it clean. This was to be an innovative type of city program that was developed because it would not be doing exactly the same type of trash serving that we normally do with the regular pickups. He asked why these beds would be behind the church when there are two trucks for Model Cities use with a lift on them. He asked if they are not being used for this purpose?

Mr. Hopson replied these two trucks were delivered to Public Works through the Model Cities efforts sometime last fall about the time the ordinance passed and about the time we got into a strike. He stated since January 1, 1971 they have followed very closely not picking up any sofas, stoves or such things that cannot be handled by one man as they have throughout the city. They are not giving Model Cities any different treatment. Although the trucks are equipped with hydraulic mechanisms that cost about \$1200 a piece, they are not using them for that purpose. He stated they have worked with Mr. Wilson and his staff in the clean up effort in the Model Cities area this spring and summer. They hauled many hundreds of loads from the Model Cities area. He stated they are not using one of the two trucks as they have substituted a lower loading truck following the sweeper. That truck stays in the Model Cities neighborhood 100% of the time; the other truck with the mechanism still on it is circulating throughout the Model Cities area and is there to supplement the regular refuse collection service. To the extent they have one sweeper and one truck on street cleaning and the other truck on supplemental refuse collection, the Model Cities Neighborhood does receive service over and above what the rest of the city is serviced. This equipment was purchased with Model Cities funds, but they are not violating the ordinance. Councilman Alexander stated he is saying that to make these pickups is a violation of an ordinance when at the beginning of the program it was established to make pickups that would perhaps be different from what is done outside the Model Neighborhood area. He stated if we are saying because we have a regulation citywide that says we do not pick up sofas and now not pick them up in this area that calls for a program which is innovative in its organization, and would do some of the things we are not regularly doing, then we have gone at variance from what the program was determined to do. That he cannot agree with this, but this is not the time to decide that, but he is glad that it has come out. That there should be some immediate discussion with Mr. Wilson, the Council, Mr. Hopson and City Manager regarding the change of operation in connection with the two trucks and their service in the Model Neighborhood area.

Mrs. D. B. Guin, 212 North Hoskins Avenue, stated she received a notice because she put some limbs out in her yard. That she did not have them tied. There are only two houses on teh street and the lady next door is real good about keeping everything clean. She stated her husband has just had a lung operation and he is not able to pull those limbs. That after she received the notice she, with the help of the lady next door, did bundle the limbs. She stated there was an old chair behind Hoskins Drug Store, on North Hoskins Avenue, and this is right on the main road; that it has set there for two months after she called it to the inspectors attention. Mrs. Guin stated she would like for someone to come out and ride down Woodman Avenue and see what is piled down there.

Mayor Belk stated the Council has voted to have the hearing on the trash collection.

PETITION NO. 71-73 BY HAROLD TRAYWICK FOR A CHANGE IN ZONING OF A PARCEL OF LAND AT THE NORTHWEST CORNER OF KENSINGTON DRIVE AND TIPPAH AVENUE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman McDuffie, and unanimously carried, to deny the subject petition for a change in zoning from R-6 to R-6MF as recommended by the Planning Commission.

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PETITION NO. 71-79 BY JAMES F. HUNTER FOR A CHANGE IN ZONING OF 3.169 ACRES OF LAND ON THE NORTH SIDE OF INTERSTATE 85, WEST OF MINERAL SPRINGS ROAD, DENIED.

Councilman Short moved that the subject petition for a change in zoning from R-9 to B-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

PETITION NO. 71-72 BY G. W. MCMANUS AND ELAM RAY WOLFE FOR A CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF MONROE ROAD EXTENDING IN BOTH DIRECTIONS FROM A POINT OPPOSITE ASHMORE DRIVE, DEFERRED.

Councilman Short stated the Attorney for the petitioner on the subject petition has requested that this matter be deferred as he wants to make some further presentations and he thinks he should be allowed to do this.

Councilman Short moved that the subject petition be deferred. The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION NO. 71-74 BY TOM MATTOX FOR A CHANGE IN ZONING OF PROPERTY FRONTING APPROXIMATELY 300 FEET ON THE SOUTH SIDE OF WEST BOULEVARD BEGINNING AT TAGGART CREEK, AND EXTENDING EASTWARD.

Motion was made by Councilman Whittington to deny the subject petition for a change in zoning from R-6MF to I-1 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION NO. 71-75 BY TOM MATTOX FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF 2.57 ACRES OF LAND ON THE WEST SIDE OF TACOMA STREET, NORTH OF CHERRY STREET AND INTERSTATE 85, DENIED.

Councilman Whittington moved that the subject petition be denied. The motion was seconded by Councilman McDuffie and after discussion, carried unanimously.

ORDINANCE NO. 280-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD, EXTENDING FROM 5507 THROUGH 5523, ON PETITION OF JOE N. FINCHER, ET AL.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted changing the zoning of property from R-9 to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 375.

ORDINANCE NO. 281-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF ALBEMARLE ROAD FROM A POINT NEAR CENTRAL AVENUE TO REGAL OAKS DRIVE, ON PETITION OF BEULAH W., CATHERINE S. AND JOSEPH W. GRIER.

Councilman McDuffie moved adoption of the subject ordinance changing the zoning from B-1, O-6, R-9MF and R-9 to B-2 and O-15 as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 376.

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ORDINANCE NO. 282-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF ALBEMARLE ROAD, OPPOSITE THE U. S. POST OFFICE AND WEST OF REGAL OAKS DRIVE, ON PETITION OF VIRGINIA H. COX AND JAMES W. KISER.

Motion was made by Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, adopting the subject ordinance changing the zoning from R-9MF to B-2, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 377.

ORDINANCE NO. 283-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF FOUR LOTS EXTENDING FROM 5220 THROUGH 5232 ALBEMARLE ROAD, ON PETITION OF ROBERT F. PHILLIPS, ET AL.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9 and R-9MF to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 378.

PETITION NO. 71-4 BY B & W REALTY, INC. FOR A CHANGE IN ZONING OF A PARCEL OF LAND CONTAINING 193 ACRES LOCATED ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE, AND BEING ALSO LOCATED AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DAUGHTERY DRIVE, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning from R-12 to R-MH and B-1 be denied. The motion was seconded by Councilman Calhoun and carried unanimously.

PETITION NO. 71-85 BY GEORGE W. BROWN FOR A CHANGE IN ZONING OF A STRIP OF LAND 20 FEET WIDE ON THE EAST SIDE OF DRIFTWOOD DRIVE, BEGINNING 258 FEET NORTHWEST OF ALBEMARLE ROAD, DENIED.

Councilman Whittington stated he has consistently voted against any change on Driftwood Drive as it relates to the entrance to Albemarle Road cut-off. That he voted against the service station that is there; that he voted against the building contractor who wanted to use the rear of the service station for a storage yard. That he would strongly recommend that Council deny this petition. To give this strip of B-1 zoning will be giving an entrance to the back of the petitioner's property to carry on commercial business at the detriment and expense of the people who live on Driftwood Drive. The argument was there would not be much traffic there; but Driftwood runs from Albemarle Road cut-off to Central Avenue now. There is a petition by the people in Winterfield urging the city to give them a traffic light at Rosehaven and Central Avenue because the school buses and parents going to and from school cannot get out. If the petitioner is given the opportunity to use this as a road, this means that service trucks to his store can come in off Sharon Amity and go out through a residential neighborhood to Central Avenue or back into Albemarle Road. The same would be true with his customers; it would also make it very convenient for the people who live in Winterfield to come up Driftwood and turn into the back of his store and turn around and go back the same way. To him this is not good zoning, and not good traffic pattern.

Councilman Whittington moved that the subject petition for a change in zoning from R-9MF to B-1 be denied. The motion was seconded by Councilman Short. After discussion, the vote was taken on the motion and carried unanimously.

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ORDINANCE NO. 284-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A LOT AT THE SOUTHWEST CORNER OF OLD CONCORD ROAD AND NEWELL BAPTIST CHURCH ROAD, ON PETITION OF NEWELL VOLUNTEER FIRE DEPARTMENT.

Motion was made by Councilman Short to adopt the subject ordinance changing the zoning from R-12 to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 379.

PETITION NO. 71-84 BY GLADDEN REALTY, INC. FOR A CHANGE IN ZONING OF TWO LOTS AT 2930 CLYDE DRIVE, DEFERRED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject petition was deferred until the minutes of the last meeting are received by Council.

PETITION NO. 71-81 BY FIVE STAR INDUSTRIES, INC. AND MRS. L. A. LOVE FOR A CHANGE IN ZONING OF 3.081 ACRES OF LAND NORTH OF CENTRAL AVENUE AT THE END OF TAMER LANE AND BELSHIRE LANE WITH FRONTAGE ON CARRIAGE DRIVE, DEFERRED.

Councilman Whittington moved that the subject petition for a change in zoning from R-9 to R-9MF be denied. The motion did not receive a second.

At the request of Councilman Short, Mr. Fred Bryant, Assistant Planning Director, explained the recommendation of the Planning Commission.

Councilman Whittington asked Mr. Bryant if he has been able to show these revised plans and the buffers of R-12 to the people who live on the streets. Mr. Bryant replied some of them have been in and viewed them.

Councilman Whittington moved that the subject petition be deferred until Monday and Mr. Bryant and staff be instructed to inform the people who signed the petition in opposition of these plans and get their feelings in the matter and invite them to come down and present their side on Monday. The motion was seconded by Councilman Withrow, and carried unanimously.

ORDINANCE NO. 285-Z AMENDING CHAPTER 23, SECTION 23-36.1 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A 75-FOOT STRIP OF LAND BEGINNING AT SHARON VIEW ROAD AND EXTENDING NORTHWARD TO NEAR MCMULLEN CREEK AND LYING 125 FEET WEST OF SHARONWOOD ACRES, ADOPTED AND REVISED DEVELOPMENT PLAN APPROVED, ON PETITION OF FUTREN CORPORATION.

Councilman Alexander moved adoption of the subject ordinance changing the zoning from R-12 to R-20MF and approval of the revised plan for the property, as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilmen Alexander, Short, Calhoun, Jordan, McDuffie and Withrow.  
NAYS: Councilman Whittington.

Councilman Whittington stated he voted against this petition because it is across from Mountainbrook on Sharonview, just below Sharon View Country Club and it was changed to R-20MF under the objections of the residents. At the time of that hearing the residents were told there would be a 200-foot buffer.

Councilman Short stated it appears to him this change is favorable to the residents.

The ordinance is recorded in full in Ordinance Book 18, at Page 380.

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ORDINANCE NO. 286-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF SHARON ROAD WEST AND WEST OF SUGAR CREEK, ON PETITION OF FOUR REALTY COMPANY AND JOHN B. YOUNG.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried; adopting the subject ordinance changing the zoning from R-9 to R-9MF as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 381.

RESOLUTION ABOLISHING THE COMMUNITY HUMAN RESOURCES BOARD AND ESTABLISHING IN ITS PLACE THE MANPOWER AREA PLANNING COUNCIL OF CHARLOTTE-MECKLENBURG.

Councilman Alexander moved adoption of the subject resolution abolishing the Community Human Resources Board and establishing in its place the Manpower Area Planning Council of Charlotte-Mecklenburg. The motion was seconded by Councilman Calhoun.

Councilman Alexander stated Mr. Harris and Mr. Elston are in the audience and he would like the record to show that Council appreciates the services they have rendered as the Community Human Resources Board. That there was much confusion in the manpower program and they helped the city to move in the right direction.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 465.

EMERGENCY EMPLOYMENT PROGRAM FOR CITY OF CHARLOTTE, APPROVED.

Motion was made by Councilman Whittington, and seconded by Councilman Short, to approve the Emergency Employment Program for the City of Charlotte, as follows:

- (a) Mayor authorized to execute a contract with the Department of Labor, under the Emergency Employment Act of 1971, for a grant in the amount of \$239,013.00.
- (b) Ordinance No. 287-X amending the 1971-72 Budget Ordinance authorizing the appropriation of funds under the Emergency Employment Act.
- (c) Resolution authorizing the Mayor to execute an agreement with the Charlotte-Mecklenburg Board of Education requiring the Board to adhere to conditions and requirements established for the use of funds granted under PL 92-54.

Councilman Whittington asked if the Mayor has gone over this with the Board of Education and they concur, and Mayor Belk replied he has.

Councilman Alexander stated he is a little disappointed that we could not find on a city level ways in which to use this money. That he felt in some fashion it could meet some of our needs. The thing that concerns him is whether or not, especially since the School Board has lost a \$1.0 million through some unfortunate circumstance, that the proper use of the money will be turned into the channels that will still maintain some of these inner-city programs that will be lost out of the School Board losing the funds they are losing. That he is not sure he can vote to transfer these funds to the School Board unless we have some type of understanding from the School Board as to just what they will use the funds for. That he is in favor of the transfer provided we will receive some statement from the School Board enumerating the use of these funds.

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Councilman Alexander asked that Council defer consideration of the item until it receives some definite resolves from the School Board as to the use of the money.

Mr. Jerry Wones, Administrative Assistant, stated he called the School Board to get this information and they indicated the 12 secondary teachers will be used in math, science and social studies. They feel they are weak in these three areas. In the elementary grades they have two special education teachers to work with the handicapped and the mentally retarded. The others will work with all the elementary students.

Mr. Wones stated the requirements for the grant are very specific in that the Mayor had to review all of the public service needs in the community, whether or not they report to the Mayor. In that review, they found they could implement the program more quickly and serve the most people in the city by going with the School Board. In addition the desegregation process has caused a lot of change and confusion and the better we can make the school year go with the additional teachers is to all the community's benefit. He stated they reviewed with all the city departments the possibility of using the money, and found that all the unmet needs we have required in addition to manpower required some other kind of contribution on the city's part.

Councilman Alexander stated he still feels he would like to have a statement on whatever the School Board says they will use the fund so that it will be a part of the records in transferring the money to them.

Mr. Wones stated he will supply Council a copy of the minutes of the School Board when they instructed their staff to join with the city in applying for the grant. At that time, they instructed their staff that it could only be used for classroom teachers.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 382.

The resolution is recorded in full in Resolutions Book 7, at Page 466.

**ADDITIONAL PAYMENTS AUTHORIZED FOR HENSLEY-SCHMIDT, INC. FOR TRAFFIC SIGNAL STUDY IN CENTRAL BUSINESS DISTRICT.**

Councilman Whittington moved approval of additional payments in the amount of \$7,100.03 to Hensley-Schmidt, Inc. for traffic signal study in Central Business District of approximately 33 additional intersections, with the State Highway Commission to pay 80% of the additional cost. The motion was seconded by Councilman Jordan, and carried unanimously.

**COUNCILMAN JORDAN LEAVES MEETING.**

Councilman Jordan left the meeting at this time and was absent for the remainder of the Session.

**ORDINANCE NO. 288-X TRANSFERRING FUNDS TO COVER THE COST OF LAND ACQUISITION, DESIGN AND DEVELOPMENT OF MODEL CITIES SMALL PARKS PROJECTS.**

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance transferring \$214,910.00.

The ordinance is recorded in full in Ordinance Book 18, at Page 383.

Councilman Whittington requested the Public Works Director to send each member of Council a map showing the locations of the parks.

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ORDINANCES APPROPRIATING FUNDS TO EXTEND THE CENTRAL AVENUE PROJECT FROM ITS PRESENT ENDING TO THE CITY LIMITS, ADOPTED.

Upon motion of Councilman McDuffie, seconded by Councilman Calhoun, and unanimously carried, the following ordinances were adopted appropriating funds to extend the Central Avenue Project:

- (a) Ordinance No. 289-X amending the 1971-72 Budget Ordinance, authorizing the transfer of \$185,000 from the Northwest Freeway (Street Land Bonds), to be used for the acquisition of land for the Tyvola Road Extension Project.
- (b) Ordinance No. 290-X amending the 1971-72 Budget Ordinance authorizing the transfer of \$56,000 from the Northwest Freeway-Street Land Bonds to be used for the acquisition of land for the Central Avenue Project.
- (c) Ordinance No. 291-X amending the 1971-72 Budget Ordinance authorizing the transfer of \$185,000 from the Tyvola Road Extension-Current Revenue Account to Central Avenue to be used to pay construction costs for the Central Avenue Project.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 386.

Councilman McDuffie asked the Traffic Engineer for an explanation of the short strip to the city limits; that we go to the city limits and then Albemarle Road is about 1/2 mile away. Mr. Hoose replied on the first go around of priorities Central Avenue was to go to the city limits, and there was about 3/4 of a mile at the end of the city limits to Albemarle Road. On the completion of the contract for Central Avenue, the Highway Commissioner at that time stated when that was set for contract he would attempt to have the State do this.

Mr. Hoose stated he will be glad to take this up with the State Highway Commissioner, Mr. Maxwell.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property of Heirs of James H. McCall and wife, Susan Florence McCall, at 1303 Parkwood Avenue for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 467.

Motion was made by Councilman Short, and seconded by Councilman Withrow, to adopt a resolution authorizing condemnation proceedings for the acquisition of property of George Reid Dellinger and wife, Imogene E., at 1604 North Davidson Street, for the Belmont Neighborhood Improvement Project.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 468.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property of Hughston S. Hasty (single), at 1108 Parkwood Avenue for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 469.

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PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 10' x 219.11' of easement at 5750 Monroe Road, from Duke Power Company, at \$220.00 for sanitary sewer to serve San Rafael Apartments.
- (b) Acquisition of 10' x 1,032.40' of easement at 5852 Monroe Road, from Howard T. Nance and wife, Maxine S., at \$1.00 for sanitary sewer to serve San Rafael Apartments.
- (c) Acquisition of 6.54' x 15' x 19' x 7.5' of easement at 215 Manning Drive, from Frontis Clyde Allen and wife, Marjorie, at \$20.00, for Lower Briar Creek Interceptor.
- (d) Acquisition of 25' x 75.93' at 2215 Inverness Road, from J. T. Brownridge and wife, Elsie W., at \$136.00, for Lower Briar Creek Interceptor.
- (e) Acquisition of 10' x 25' x 22' at 3527 Windsor Drive, from Louis A. Leblanc and wife, Joan S., at \$25.00 for Lower Briar Creek Interceptor.
- (f) Acquisition of 4.44' x 50.01' x 5.19' x 49.94' at 803-805 Parkwood Avenue, from Doris R. Lindeman (widow), at \$225.00, for Belmont Neighborhood Improvement Project.
- (g) Acquisition of 19.22' x 18.93' x 28.12' x 36.41' x 3.29' x 79.04' at 1016 Parkwood Avenue, from Hughston S. Hasty (single), at \$495.00, for Belmont Neighborhood Improvement Project.
- (h) Acquisition of 5.25' x 53.15' x 12.60' x 12.58' x 60.41' at 1100 Parkwood Avenue, from Hughston S. Hasty (single), at \$500.00, for Belmont Neighborhood Improvement Project.
- (i) Acquisition of 4.21' x 50.01' x 4.05' x 50.0' at 1109 Parkwood Avenue, from Hughston H. Hasty (single), at \$700.00, for Belmont Neighborhood Improvement Project.
- (j) Acquisition of 4.37' x 50.01' x 4.21' x 50.0' at 1105 Parkwood Avenue, from Hughston S. Hasty (single), at \$250.00, for Belmont Neighborhood Improvement Project.
- (k) Acquisition of 4.37' x 55.35' x 13.87' x 14.90' x 46.10' at 1101 Parkwood Avenue, from Hughston S. Hasty (single), at \$270.00, for Belmont Neighborhood Improvement Project.
- (l) Acquisition of 5.28' x 52.28' x 5.25' x 52.38' of easement at 1112 Parkwood Avenue, from Hughston S. Hasty (single), at \$250.00, for Belmont Neighborhood Improvement Project.
- (m) Acquisition of 12.68' x 50.73' at 1044 Andrill Terrace from Richard M. Coradi and wife, Janice C., at \$51.00, for Interstate-77 sanitary sewer relocation.
- (n) Acquisition of 12.68' x 50.73' of easement at 1042 Andrill Terrace, from Richard M. Coradi and wife, Janice C., at \$51.00, for Interstate 77 sanitary sewer relocation.

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

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinances ordering the removal of weeds and grass were adopted, as follows:

- (a) Ordinance No. 292-X ordering the removal at the corner of Central Avenue and Glenn Street.
- (b) Ordinance No. 293-X ordering the removal adjacent to 2022 Garnett Place.
- (c) Ordinance No. 294-X ordering the removal at the corner of Myrtle and East Morehead Street.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 387.

#### CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, authorizing contracts for the construction of water mains, as follows:

- (a) Contract with the Nineteenth Charlotte Corporation for the installation of 400 feet of 2-inch water mains in Pacific Street, inside the city, at an estimated cost of \$1,000.00. Funds will be advanced by the applicant under the terms of the Partnership Plan and the applicant will be reimbursed 50% of the cost of the main at the rate of 35% per quarter of the revenue derived until the entire amount has been reimbursed or until the end of 15 years whichever comes first.
- (b) Contract with William Trotter Development Company for the installation of 1,650 feet of 8-inch and 6-inch water mains and two fire hydrants, in the Northwood Park III Subdivision, inside the city, at an estimated cost of \$8,490.00. Funds will be advanced by the applicant under the terms of the Partnership Plan and the applicant will be reimbursed the full cost of all mains 8-inch in diameter and larger and 50% of the cost of all mains less than 8 inches at the rate of 35% per quarter of the revenue derived until the entire amount has been reimbursed or until the end of 15 years, whichever comes first.
- (c) Contract with Lincoln Company, Inc., for the installation of 2,800 feet of 8-inch water mains and four fire hydrants in Interstate Industrial Park, inside the city, at an estimated cost of \$15,600.00. Funds will be advanced by the applicant under the terms of the Partnership Plan and the applicant will be reimbursed the full cost of the mains at the rate of 35% per quarter of the revenue derived until the entire eligible amount has been reimbursed or until the end of 15 years whichever comes first.
- (d) Supplementary Contract, to contract dated October 3, 1956, with The Ervin Company for the installation of 1,490 feet of 8-inch water mains and two fire hydrants to serve the Providence Square Shopping Center, outside the city, at an estimated cost of \$9,000. Funds will be advanced by the applicant under the terms of the Partnership Plan and the applicant will be reimbursed the full cost of the mains at the rate of 35% per quarter of the revenue derived until the entire amount has been reimbursed or until the end of 15 years whichever comes first.

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CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contracts for the construction of sanitary sewer mains and trunks were authorized, as follows:

- (a) Contract with The Hicks and Ingle Corporation for the construction of 326 lineal feet of 8-inch main to serve 5600 South Boulevard, inside the city, at an estimated cost of \$3,387.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Contract with Professional Child Care Centers, Inc. for the construction of 340 lineal feet of 8-inch main to serve 5301 Sharon Road, inside the city, at an estimated cost of \$2,684.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Contract with The Lincoln Company, Inc. for the construction of 1,510 lineal feet of 8-inch main to serve Interstate Industrial Park on I-85 South, inside the city, at an estimated cost of \$11,600.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and is non-refundable.
- (d) Contract with Ed Griffin Construction Company for the construction of 259 lineal feet of 8-inch main to serve Mellow Drive and Hershey Street, inside the city at an estimated cost of \$2,105.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (e) Contract with William Trotter Development Company for the construction of 1,684 lineal feet of 8-inch main and 265 lineal feet of 8-inch trunk, to serve Northwood Park III Subdivision, inside the city, at an estimated cost of \$20,662.73. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (f) Contract with John Crosland Company for the construction of 150 lineal feet of 8-inch main to serve 6015 Barrington Drive, inside the city, at an estimated cost of \$1,460.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and is non-refundable.

RENEWAL OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, approving the renewal of special officer permits for a period of one year each, as follows:

- (a) Permit to Glad H. Browning for use on the premises of Charlotte Rehabilitation Hospital.
- (b) Permit to Frank N. Kale for use on the premises of Charlotte Rehabilitation Hospital.
- (c) Permit to James L. Warren for use on the premises of Charlotte Rehabilitation Hospital.
- (d) Permit to Luke F. Quinn, for use on the premises of Southern Railway Company C. D. Yard.

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TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Richard C. Gaddy for Graves No. 1 and 2, in Lot No. 740, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Mr. and Mrs. Erskine Hoyle Hart for Graves No. 1 and 2, in Lot No. 809, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with E. R. Carpenter for Lot No. 224, Section 6, Evergreen Cemetery, at \$320.00.
- (d) Deed with Mrs. Janie K. Crowe for Graves No. 3 and 4, in Lot No. 805, Section 6, Evergreen Cemetery, at \$160.00.

CONTRACT AWARDED AIR MASTER, INC. FOR INSTALLATION OF AIR CONDITIONING SYSTEM IN THE RENOVATION OF THE TRAFFIC ENGINEERING DEPARTMENT.

Councilman Alexander moved award of contract to the low bidder, Air Masters, Inc., in the amount of \$8,235.00 for the installation of air conditioning system in the renovation of the Traffic Engineering Department. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Air Masters, Inc.	\$8,235.00
Climate Conditioning	9,560.00
Ross-Witmer, Inc.	11,575.00
A. Z. Price & Associates	13,500.00

COUNCILMAN CALHOUN LEAVES MEETING.

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

REQUEST THAT YOUNG MEN IN BELMONT AREA BE GIVEN AN ANSWER TO REQUEST TO USE OLD BELMONT FIRE STATION BUILDING FOR CLUB PURPOSES.

Councilman Alexander stated sometime ago Council had a discussion about the use of the Belmont Avenue fire station for the kids in that section. He asked for a status report on that request.

Mr. Bobo, Assistant City Manager, stated Mr. Wiley of their staff met with the group of young men and they reiterated their request to use the station. He stated the property has been appraised at about \$7,800.00. The staff feels the maintenance and upkeep of the building would be prohibitive for this type of program as it would be for one small group, and not the general community. There are a number of community facilities in this area which would serve the community. For these reasons the staff recommends that the property be sold.

Councilman Alexander stated these are young people in the community who are willing to make a contribution to improve the problems of young people as it exists over there. Yet when they come wanting to assist in this type of program and wanting the city to do something along this level, we tell them we have no way to do that and no way to help them. Mr. Bobo stated they are not saying no to them; they are still working with them to try to find a suitable location for them to continue their efforts in that area.

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Mr. Bobo stated the building was constructed back in 1920 and its continued use would require a number of repairs and it will be costly to heat and to provide the necessary facilities for this type program.

Councilman Whittington stated before the station was closed, the city knew the building was in this shape. That the Salvation Army has a new building with all its facilities less than two blocks west of there; also Hawthorne Junior High School is about five blocks north, and a church with an auditorium and education building less than one block north of there. He asked if there is not someone in that neighborhood that could contact these young people and refer them and try to set up some type of programs within the organizations he has mentioned until such time as this can be determined. That down the road is the recreation building in the Model Neighborhood somewhere in the neighborhood of Belmont and Villa Heights Park.

Mr. Bobo stated the staff is still working with these young people and meeting with them and discussing ways in which to proceed on this. Councilman Alexander stated he hopes the City can tell them something definite soon as they are tired of meeting with no definite answers. They feel they are getting the run-around.

**CITY MANAGER REQUESTED TO LOOK INTO MATTER OF GIVING MUNICIPAL EMPLOYEES STATEMENTS OF CONTRIBUTIONS TO STATE RETIREMENT FUND.**

Councilman Alexander requested the City Manager to look into the matter of giving the municipal workers a report on their state retirement fund. That at one time they received statements of the total amount of contributions but they have not received these statements for some time.

**PUBLIC WORKS DIRECTOR REQUESTED TO GIVE COUNCILMAN REPORT ON REASON MR. BENNERMAN LEFT SANITATION DEPARTMENT.**

Councilman Alexander stated he understands that Mr. Hartford Bennerman has left the Sanitation Department. That he does not know why he left. But he is concerned from many angles. That he is concerned because our image for employment for Negroes in certain levels of employment hinges on many things that we do now. That he is further concerned if a person who has high recommendations for performance of certain jobs in certain capacities as it is apparent this man had, why he would leave. He asked the Public Works Director to give him a report on this.

**TRAFFIC ENGINEER REQUESTED TO GIVE COUNCIL REPORT ON RAILROAD CROSSING AT SIXTEENTH STREET.**

Councilman Short requested the Traffic Engineer to give him a report on the long complex railroad crossing at Sixteenth Street. That someone who would know has pointed out to him the dangers of this railroad crossing that must go over 20 tracks. Sometimes cars have to almost go through what amounts to a tunnel because box cars are right up against the crossing area, and it is hard to get visibility to the left and to the right. If this is a danger and if there is some way it can be regulated then we should know about it.

**CITY MANAGER INSTRUCTED TO ARRANGE SESSION FOR PROPOSAL ON FLOOD PLAIN CONTROL.**

Councilman Short stated he has a letter written to the Mayor from Senator Everett Jordan in which he has urged the Public Works Committee of the Senate to make available \$10,000 in funds for the study of flood control and approaches to flood control in the Sugar Creek Watershed area in Mecklenburg County as well as some other areas near Mecklenburg County.

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He stated he also has the responding letter from Senator Stennis, Chairman of the Committee, in which he instructs the Corp of Engineers to proceed with this at a cost of \$10,000. Councilman Short stated we should appreciate what Senator Jordan has done here. That this is most appropriate at this time because in the agenda today Council received a report from Mr. McIntyre about new approaches that might be taken in flood plain control in Charlotte.

Mr. McIntyre has a preliminary report indicating new means and new suggestions of controlling the flood plain and new ways of regulating it. That he thinks Council should give this very serious attention. That he does not know how we can expect to continue the interest of Senator Stennis and the Corp of Engineers and others if we do nothing about the flood plain and yet continue to call on them for money to handle the problems in this county.

Councilman Short stated this should be put on the agenda or made the subject of a conference session and that Council should get into this as quickly as it can.

Councilman McDuffie stated he thinks there should be a motion and ask Mr. McIntyre to come and give Council a concrete proposal.

Councilman Short moved that Council instruct the City Manager to arrange a conference session or principal session of the Council on the matter. The motion was seconded by Councilman McDuffie.

Councilman Whittington asked if there is any merit to the suggestion he made in August that Council attempt to get an appointment with our Congressman and two Senators as it relates to Sugar Creek specifically and Briar Creek in its dredging program that the Corps of Engineers said no to. Mayor Belk replied they are in favor of it, and they have done about as much as we can ask. They have approved the \$1.0 million and Senator Jordan has pushed it all along and this is where this comes from. There is one handup - there are some apartments on the creek. That this is on Sugar Creek. If the City had never zoned the apartments on the creek, it would not have this problem.

Mr. Bobo, Assistant City Manager, stated the plan for the total drainage project for the Corp of Engineers includes Briar Creek and Sugar Creek - Briar Creek from Sugar Creek to Randolph Road, and Sugar Creek from Archdale Drive to Princeton Avenue. That the City agreed to separate the project and to go with the Sugar Creek Project because we had the right of way. As it developed, the Corp re-estimated their project and came back and said the City would have to construct and pay for the retaining walls where the apartments are located. The project is stalled because of that point.

Councilman Whittington stated he brought up the two Senators and Congressman because of the letter from Senator Jordan. That this may be the time to ask a Council Committee, the Mayor, or the City Manager and the Department of Public Works to try to get an appointment with these people to see if it can be renewed.

After further discussion, Councilman Whittington stated there must be emphasis put on Sugar Creek because we are still thinking about the development of that creek as the canal. At the conference, he hopes the City Manager will bring up the merits of trying to get a conference with Congressman Jonas and the two Senators along with everything else that has been discussed.

Councilman Short stated he sees this as falling into two parts. One is an effort to clear up if possible the problems of the past - retaining walls, the help of Congressmen and Senators and whatever means. The other part is to try to fend off with proper regulations - zoning and flood plain use - a duplication of this kind of problem.

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

Councilman Alexander stated he thinks Council needs to come to a defined statement of purpose regarding the two creeks. That Council should tell the Staff which direction they should move in. Council should decide once and for all so there will be no question in anyone's mind the direction in which we should do.

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After discussion, Councilman Alexander moved that Sugar Creek be given the number one priority and ask the assistance of our delegation in Washington to resolve it. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Alexander, Whittington, McDuffie and Short.  
NAYS: Councilman Withrow.

CITY MANAGER REQUESTED TO RECOMMEND AN ORDINANCE ON ANTI-NOISE FOR COUNCIL'S STUDY.

Councilman Short stated in the Research Park ordinance there is an anti-noise feature setting permissible noise levels in the research zone. He stated the time has come in his judgement when we should consider expanding this ordinance to the entire city. That sometime back he asked the City Attorney to get a copy of an ordinance passed in Chicago and this has been received. It turned out to be about 20 pages long and it was very technical, and it is more than Charlotte would need. That he has noticed from reading periodicals that a number of towns are getting into this sort of thing. He also noticed that muffler control and soforth was brought up by some citizen to our legislative delegation in the previous legislature and the suggestion was made by the Chairman of the Legislature that the matter be referred back to the City.

Councilman Short moved that Council ask the City Manager to get into this matter to obtain for Council some recommended ordinance that Council can study and give consideration to as we have to move now into the area of noise control. The motion was seconded by Councilman Alexander and carried unanimously.

Councilman Withrow stated while in Europe this was studied. That they do not use sirens on their cars such as we have here. They have a different system and it only travels in the area where they want to be heard. That it was brought up at a Chamber of Commerce meeting that we should study this idea.

RESOLUTION EXTENDING HEARTIEST CONGRATULATIONS TO RUTH ARMSTRONG, CITY CLERK, A GOLD ROSE AWARD WINNER IN THE FIELD OF GOVERNMENT AND LAW.

Councilman Whittington presented the following resolution and stated it is signed by the Mayor and all members of Council:

WHEREAS, the Central Charlotte Association recently conducted a "SALUTE TO WOMEN WHO WORK WEEK", and as a part of this commemoration, various women were nominated to eight different categories of business and profession; and

WHEREAS, Ruth Armstrong, City Clerk of the City of Charlotte, was nominated to the category, "Government and Law", and on Thursday night, October 21, 1971, at the Seventh Annual Gold Rose Awards Dinner, was announced the winner of the category; and

WHEREAS, the City Council wishes to congratulate Ruth on being selected the most outstanding woman in the field of government and law, and also to express its appreciation for the many services she performs for the Council and the citizens of Charlotte in her work each day.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte in its regularly scheduled meeting of October 27, 1971, does hereby extend its heartiest congratulations to Ruth Armstrong on being selected the Gold Rose Award Winner in the field of government and law.

Adopted this 27th day of October, 1971."

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**CITY MANAGER REQUESTED TO CONTACT BUS COMPANY REGARDING THE BUS ROUTE ON CUMBERLAND AVENUE.**

Councilman Whittington stated he received a letter from Mr. Arnold McBrayer, 2119 Cumberland Avenue. That Mr. McBrayer uses the bus to and from work downtown every day. On occasions the drivers will eliminate that part of Cumberland Avenue without any warning to the people who live there.

Councilman Whittington requested the City Manager to contract the bus company and attempt to see that this does not happen again. That the citizens have asked them to continue the route and they have had no success.

**SUGGESTION THAT JANUARY 1 BE SET AS TARGET DATE FOR MCDOWELL STREET CONTRACT LETTING.**

Councilman Whittington asked when Council will be told what is going to happen on the remainder of McDowell Street as far as contracts are concerned. That he is talking about that side of McDowell which is the Gordon and Butler side.

The Public Works Director replied this is entirely a legal problem and concerns the condemnations. The plans are complete and the city can go to contract as soon as Council and the Public Works Department feels it is reasonable in giving Gordon and Butler time to get their shops in order.

The City Attorney advised the land belongs to the City; the City acquired the land when the suit was filed. That the City is attempting to give Mr. Butler and Mr. Gordon as much time as possible and still meet the city's schedule in order to rebuild those structures they want rebuilt and to make plans to utilize other portions of their property they will use once the widening takes place.

Mr. Underhill stated he has been working with Mr. Harkey, Attorney for Mr. Butler and Mr. Gordon. That the City hopes to let the contract in April. These two businesses hope to be out of the right of way by that time.

Councilman Whittington stated Council wants to do all it can to help those two merchants. That Council asked the Zoning Board of Adjustment to help Mr. Gordon and it is reported the Board did help him; that the building on Morehead Street has been demolished. He stated he is concerned if we open six lanes of McDowell Street and dump them into two just a little north of Morehead Street, then come right back to this section. Now they say it will be April. He asked why the City does not ask these merchants if they can be ready for the City to start January 1.

Mr. Underhill stated we are shooting for January 1 and that is the date Mr. Gordon and Mr. Butler are shooting for also. They hope to have their construction by January 1 and be out of the right of way by then. This is the assurance he has had from their attorney, Mr. Harkey.

**SUGGESTION THAT GOVERNMENTAL PLAZA COMMISSION BE RE-ORGANIZED.**

Councilman Whittington suggested that the Mayor and Dr. Martin, Chairman of the County Board of Commissioners, consider re-organizing the Governmental Plaza Commission. That it has been inactive for probably three years. That the Commission was set up by former Mayor Stan Brookshire.

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REQUEST THAT RELOCATION COMMITTEE THAT WORKED WITH COUNCIL ON THE CIVIC CENTER BEGIN WORK TOWARD HELPING RELOCATE BUSINESSES IN BLOCK BOUNDED BY TRADE, TRYON, COLLEGE AND FOURTH STREETS.

Councilman Whittington stated he hopes the relocation committee that helped Council and the Redevelopment Commission and the merchants in relocating from the Civic Center site can begin work toward helping those people who own or operate businesses in the block bounded by Trade, Tryon, College and Fourth Streets.

He stated he does not want it construed that the City and the Redevelopment Commission is going across the street tomorrow and start taking land. But so we will not make the same mistakes that were made on the Civic Center site and before this ground work is begun, and after the report from Wilbur Smith and Associates on the parking garage, then we can tell other people that may not be affected that they would not concern themselves about having to move for the next five to ten years.

TRAFFIC SIGNAL INSTALLATIONS WILL BE REQUESTED AT NEXT COUNCIL MEETING.

Councilman Whittington stated there is a need for a traffic signal at Central Avenue and Rosehaven Drive. He stated he has Mr. Hoose's reports and he cannot argue with them, but more than engineering designs have to be considered here. That he is giving him another chance to rebut between now and Monday, and he is going to make a motion to put in a signal there.

Councilman Whittington stated he will also request a traffic signal at the intersection of Colony Road and Runnymede Drive. That he saw a four car accident there on Sunday, and there were other accidents there last week involving school children.

REPORT REQUESTED ON INTERSECTION OF RAMA ROAD AND SARDIS ROAD.

Councilman Whittington requested a report from Traffic Engineer by next Council Meeting on what he has been able to do as it relates to the Rama Road-Sardis Road intersection at Christian Day School.

VETERANS RECREATION AUTHORITY BUILDING REQUESTED PLACED ON THE AGENDA FOR NEXT MEETING TO CONSIDER EITHER SELLING IT OR JUSTIFYING TEARING DOWN AS ENTRANCE TO BLUE HEAVEN AREA.

Councilman Whittington stated Council received a memo from the City Manager on October 14 on the appraisal on the Veterans Recreation Authority Center on Morehead Street. That the appraisal was \$87,500.00.

He stated he understands all the Departments have been surveyed to see if they had a use for the building.

He stated Council should keep this on its mind and put it on the Agenda on Monday to make a determination as to selling this property or demolishing it and opening an entrance into Blue Heaven to enhance the sale of the development of Blue Heaven.

Councilman Whittington stated the City should either sell this property or justify tearing it down and helping the entrance to Blue Heaven.

SUGGESTION THAT PLAN FOR CONCEPT OF DOWNTOWN BE APPROVED.

Councilman Withrow stated Council should consider adopting a plan or a concept of a plan for Downtown. That we should not spend thousands of dollars for a plan and then not adopt it. If the plan is adopted, then we can start working the plan.

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#### DISCUSSION OF OPERATION OF SOLID WASTE PLANTS.

Councilman Withrow stated when they were in Vienna, they looked at a solid waste plant. Also a solid waste plant is being installed in Canada. That in Charlotte as land becomes more scarce and we are not able to buy land for landfill, is it not time while building the governmental plaza to have a study made of this now while the opportunity is here? He suggested that we approach the governmental agencies to see if we can get a pilot program. That a plan such as this could furnish the heat for these buildings.

Councilman Alexander stated he received a memo from a representative of Duke Power saying that Duke Power was interested in this program and was already taking steps towards considering what can be done on this type plant. That this may be the time to give some first step consideration to it, and have some discussion with Duke Power's leadership to find out what their thinking is, and what they are doing.

The Public Works Director stated last Fall they heard that Union Electric in St. Louis was considering doing what Mr. Withrow has suggested, and they were using garbage for electric power development. They were supposed to have on line by December a plant to do this. He stated he made a trip through several midwestern cities last Thursday and Friday. That they called Union Electric to see if there would be any benefit to see their operation and they said they would not be ready to go into operation until April. That he has talked to the Chief Engineer of Duke Power and they will go out and observe the operation at that time. He stated they have also looked into the Montreal setup and also the plant in Chicago. He stated our people have been to the plant in Chicago; it is operating about 1/3 capacity. That they are on top of these three major projects. He stated the one in St. Louis has some good thoughts in mind if we want to coordinate with Duke Power.

Councilman Alexander asked what the Chicago plant does with the residue? Mr. Hopson replied any incinerator has about a 20% residue; that they landfill the residue; it is very expensive landfill and runs \$6 to \$7 a ton.

Councilman Withrow stated the one they observed in Vienna was the most efficient; it was self-contained; it made its own power; and it made the heat for all the hospitals in Vienna. That is the reason he says our opportunity is here if we are going to consider it for the governmental buildings.

Mr. Hopson stated none of the incinerators in the United States will meet the standards the EPA recommends.

#### TRAFFIC SIGNAL REQUESTED PLACED AT BENNETT AND NORTH TRYON STREET.

Councilman McDuffie requested the Traffic Engineer to consider placing a traffic signal at the intersection of Bennett Lane and North Tryon Streets.

#### DISCUSSION OF LIMITING APPOINTMENTS TO COMMITTEES AND COMMISSIONS TO TWO TERMS OF THREE YEARS SERVICE EACH.

Councilman McDuffie stated in connection with the report on the Committees and Commissions, it appears that most of the ones that have a lot of interest to

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the public need amendments by the General Assembly. That Council might consider some type of restriction on the number of terms people are appointed to. He stated he needs to talk to the County Commissioners to see what their feelings are. That he plans to talk to the City Attorney and the City Manager about drafting a resolution proposing what he thinks is reasonable. He stated he is thinking about three years with a two term limit and the possibility of making it a little harder to appoint for a third term. That possibly on the third term, it would require a 3/4 rule to implement that. The idea is to try to limit the service to around six year.

ADJOURNMENT.

There being no other business before the Council, the meeting was adjourned.

  
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Ruth Armstrong, City Clerk