

August 7, 1972
Minute Book 57 - Page 313

The City Council of the City of Charlotte met in regular session, on Monday, August 7, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, James D. McDuffie, Milton Short and Joe D. Withrow present.

ABSENT: Councilmen Sandy R. Jordan and James B. Whittington.

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INVOCATION.

The invocation was given by Reverend Frank M. Allen, Minister of Gethsemane A.M.E. Zion Church.

MINUTES APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on Monday, July 24, 1972, were approved as submitted.

PRESENTATION OF CITY OF CHARLOTTE RETIREMENT PLAQUES.

Mayor Belk recognized Mr. Joe B. Brafford of the Public Works Department, Motor Transportation Division, who was employed on October 7, 1954 and retired July 25, 1972, and presented him with the City of Charlotte Employee Plaque and wished him well in his retirement.

Mayor Belk also recognized Mr. Clyde S. Pressley of the Utilities Department, Sewer Division, who was employed on February 1, 1960 and retired July 25, 1972. He presented him with the City of Charlotte Employee Plaque and wished him well in his retirement.

DECISION ON PETITION NO. 72-34 BY EDWARD C. GRIFFIN FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF AN 8.76 ACRE TRACT OF LAND AT THE EASTERLY END OF LANTANA AVENUE, AND BEING EAST OF SHARON AMITY ROAD AND NORTH OF MONROE ROAD, DEFERRED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, to defer the decision on the subject petition until the next meeting of Council.

DECISION ON PETITION NO. 72-35 BY PHYLLIS N. BATTS AND VINCENT H. BATTS FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT 1501 LANDIS AVENUE, DEFERRED.

Upon motion of Councilman Short, seconded by Councilwoman Easterling, and unanimously carried, the subject petition for a change in zoning from R-6MF to B-1 of a lot at 1501 Landis Avenue, was deferred until the next meeting of Council.

ORDINANCE NO. 542-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON BOTH SIDES OF VAIL AVENUE, FROM COLONIAL AVENUE TO CHASE STREET, ON PETITION OF JOHN T. ROPER, ET AL.

Councilman Short moved the subject ordinance be adopted changing the zoning of property on both sides of Vail Avenue, from Colonial Avenue to Chase Street from R-6MF to O-6, as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

August 7, 1972
Minute Book 57 - Page 314

Councilman Short stated before a vote is taken on this motion, he would like to make a few comments. He stated recently a life-long friend of his called him and he received some very surprising information which was when his friend returned home from a stay in the hospital, he found that his home of 30 or 40 years had been put up for rezoning by others. That he did not know anything about it and by the time his friend got back from the hospital, the Planning Commission had already recommended that the rezoning occur.

Councilman Short stated his friend thought it over a bit and has decided to bear with the situation and go along with the zoning. He stated he would like to make a point that this is a little bit embarrassing and it tends to make the zoning process look a little bit high-handed. That he thinks the Planning Commission should make a point of getting across to the Council and to the Planning Commission, unmistakably, when we are called upon to rezone land of someone who is not the owner of the property. In this case, he believes no harm has been done, but still, it is possible that something could sneak by if Council is not very careful.

Councilman Alexander stated he has always been opposed to that part of the planning regulation which permits anybody to call for a rezoning of anybody else's property without their knowledge, which can be done, and he feels it takes away from the rights of the individual property owner. That he has been against this ever since he came on Council and he is still opposed to it. Councilman Short stated this cannot be changed as it is a State Law.

Mr. Burkhalter stated if this law is changed, it would mean Council could never rezone any property unless the owner came and asked for it. Councilman Withrow stated the property owner should be notified and Mr. Burkhalter replied the property owner is supposed to be notified.

Mayor Belk asked Councilman Short if his friend had been notified of the proposed zoning change and Councilman Short replied he had not been.

Councilman Alexander stated the point he is trying to make is that even with notification, you are notifying someone that you are going to request that the zoning of his property may be changed whether he wants it done or not.

Mayor Belk asked if this involves the Roper petition and Councilman Short replied it is the one in which Dr. Roper was involved in, and Dr. Roper stated they had gone to every property owner involved, but in the course of zoning hearings, you can sit for hours, listening to all this and it is possible to miss this, and in fact, when he did say it, he thought he meant he had gone to the potential protestors. That he did not read from his comments that he was actually trying to say that he was moving to rezone somebody else's property - against their will. Councilman Alexander stated this happens all the time.

Councilman Short stated he feels Council should certainly be very carefully and explicitly notified when this sort of action occurs. Councilman Alexander asked the City Attorney if the state legislature requires any particular circumstances to exist for you to have the right or privilege to request the rezoning of somebody else's property? Mr. Underhill, City Attorney, replied the law is very generally worded but does not specify what action is necessary to institute a rezoning process. That, here in Charlotte, we permit the Council, upon its own motion, to rezone property. He stated recently, on Eastway Drive, Council initiated some zoning changes; that it does not prohibit someone from requesting that rezoning consideration be given to property which they do not own.

August 7, 1972
Minute Book 57 - Page 315

Mr. Underhill stated there is nothing in the State Law which would prohibit what Councilman Alexander is talking about. The legal requirement is satisfied upon the publishing of the Notice of Public Hearing in the newspaper, which is something that is done in each and every zoning petition. He stated we go one step further than that, in that a sign is erected on the property containing basic information concerning the property to be rezoned, including when and where a protest can be filed and where further information may be obtained. That this sign is not a legal requirement, but is just something they do in addition to notify anyone who may be affected one way or the other with the proposed rezoning.

Councilman McDuffie asked if the property owner is not notified when his property is up for rezoning and Mr. William McIntyre, Planning Director, replied they do not always notify individual property owners in a large rezoning proposal, but in this particular case, his records indicate these particular owners were notified.

Mayor Belk asked how the owners were notified and Mr. McIntyre replied by letter. Mayor Belk asked if there were any answers to the letters, or how the Planning Department could be sure they were received, and Mr. McIntyre replied he did not know if the letters were ever received.

Councilman McDuffie stated it would appear that a policy should be adopted whereby property owners would be notified by registered mail even though, legally, we are not required to do this and that it would be a good idea to put more than one sign up when a large area is proposed for rezoning, especially if it faces two different streets.

Councilman Alexander suggested that this be given some consideration by the Planning Commission and possibly they could come back to Council with some suggestions for improvements covering this particular problem.

Mayor Belk requested Mr. Burkhalter, City Manager, to bring this information back to Council at a later date.

A vote was taken on the motion changing the zoning on both sides of Vail Avenue, from Colonial Avenue to Chase Street, and was carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 205.

ORDINANCE NO. 543-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY AT THE SOUTHEAST CORNER OF RANDOLPH ROAD AND BILLINGSLEY ROAD, ON PETITION OF THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD.

Motion was made by Councilman Short, seconded by Councilman McDuffie, and unanimously carried, adopting subject ordinance changing the zoning of a parcel of land at the southeast corner of Randolph Road and Billingsley Road from R-9 to O-15, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 19, at Page 206.

ORDINANCE NO. 544-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF CROSBY ROAD AND WESTBURY ROAD, ON PETITION OF MILBRAY LEE ROSS.

Councilman Alexander moved adoption of the subject ordinance changing the zoning of property at the southwest corner of Crosby Road and Westbury Road from R-15 to R-12 as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 207.

August 7, 1972
Minute Book 57 - Page 316

DECISION ON PETITION NO. 71-57 BY M. R. GODLEY FOR A CHANGE IN ZONING FROM R-6 TO R-9MF OF 8.93 ACRES OF LAND BOUNDED BY FREEDOM DRIVE, BROWNS AVENUE AND THRIFTWOOD DRIVE, DEFERRED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, subject petition for rezoning was deferred until the next meeting of Council.

DECISION ON PETITION NO. 72-32 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM I-2 TO R-9MF OF PROPERTY ON THE EAST SIDE OF EASTWAY DRIVE, NORTH OF SOUTHERN RAILROAD, DEFERRED.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, to defer decision on subject zoning petition until the next meeting of Council.

RESOLUTION FIXING DATE OF PUBLIC HEARING RELATIVE TO PROPOSED AMENDMENTS TO THE CHARLOTTE TAXICAB ORDINANCE.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, subject resolution was adopted, setting date of Monday, August 21, 1972, for a public hearing to amend the City Code to allow taxicab drivers to own their own vehicles and to lease dispatcher service from the taxicab companies.

Mayor Belk recognized Mr. John Ingle, attorney representing Charlotte Cab Company, Victory Cab Company and Metrolina Cab Company, who re-iterated the necessity for the subject resolution and thanked Council for arranging the hearing for their next meeting.

The resolution is recorded in full in Resolutions Book 8, at Page 315.

APPOINTMENT OF MR. STANFORD R. BROOKSHIRE TO THE AIRPORT ADVISORY COMMITTEE FOR A TERM OF FIVE YEARS.

Motion was made by Councilman Alexander, and seconded by Councilman McDuffie for the appointment of former Mayor Stanford R. Brookshire to the Airport Advisory Committee, for a term of five years, to fill the expired term of Mr. Walter B. Mallonee.

Mayor Belk stated Councilman Sandy R. Jordan is in the hospital but had asked him to voice his opinion for former Mayor Stan Brookshire; that he was sorry that he could not be here today but would like the other members of Council to go ahead and vote on this appointment today.

Councilman Short stated Councilman Whittington is aware of this appointment and would go along with the vote today.

The vote was taken on the motion and carried unanimously.

REPORT ON MUNICIPALLY OPERATED GOLF COURSES PRESENTED BY COUNCILMAN SHORT.

Councilman Short stated all the members of Council are interested in golf courses and a few weeks ago he sent out a letter of inquiry to approximately 36 different towns to see what they had done with their golf courses. The towns were picked at random; he passed around copies of his report to Council.

August 7, 1972
Minute Book 57 - Page 317

Councilman Short stated this information shows that almost all of the larger cities have fairly extensive golf course operations. That this is apparently necessary if you are going to have close-in, or within the city limits, golf courses because of the difficulties of private developers with the double tax within the city.

He stated there is some comment in his report about San Diego and about Tampa, Florida. Both of these towns have used the procedure of building a municipal golf course and then leasing it out to private operators and then using the proceeds of the lease as a little bit of help toward purchasing additional golf courses.

Councilman Short stated it seems to him this is a procedure which we in Charlotte might consider; the idea being that we might lease out Bonnie Brae Golf Course to a private operator and the yield would be some help toward the purchase of the local golf course which a private operator has indicated some difficulties there. That he would hope the Park and Recreation Commission would give this some consideration.

Councilman Short filed a copy of his report with the City Clerk.

ORDINANCE NO. 551 AMENDING CHAPTER 13 OF THE CITY CODE ESTABLISHING ARTICLE IV, ENTITLED "THE REGULATION OF CONDUCT IN PUBLIC PARKS."

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted amending Chapter 13, of the Code of the City of Charlotte, establishing Article IV, entitled "The Regulation of Conduct in Public Parks."

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 215.

CITIZEN'S PARTICIPATION ORGANIZATIONAL CHART PRESENTED BY COUNCILMAN WITHROW.

Councilman Withrow stated politicians have talked for many years about citizen's participation but we, as Councilmembers, have never taken the initiative to put into motion an operation, or plan, for organized citizen's groups to help the neighborhood committees, or to help the communities, the State or the country, and he would like to present today a Citizen's Participation Organizational Chart whereby citizens can get involved in Charlotte.

He stated if government does not take this initiative and guide citizens toward good, organized communities with highly activated people, motivated people, oriented toward good government, then destruction and disorganization will take over and fill the vacuum that we create. That some communities, like Dilworth and North Charlotte, have already started such groups and he feels that Council should encourage the formation of other communities and groups.

Councilman Withrow presented and explained in detail the organizational chart. Councilman Alexander asked what the difference is in this idea of citizen's participation groups and the psychology of citizen's participation programs as developed under the Model Cities Program? Councilman Withrow replied if we take government itself, City Council, City Government, or County Commissioners, then you have certain communities, possibly fifteen communities around the City and then, under the communities, you have neighborhoods and he would propose to have at least three neighborhoods under a community; then under the neighborhood leaders, have street leaders. If you are off on a vacation, the street leader is notified and he will make sure that people do not go in and pilfer or take furniture out of the homes, or steal.

August 7, 1972
Minute Book 57 - Page 318

Councilman Withrow stated this plan could work in other kinds of emergencies, the drug problem, police work; this could channel all the way to government and in just a few minutes. That you could contact a lot of people for involvement in government. He stated the street leaders could meet with the neighborhood leaders, then a mass meeting with all the community leaders; then the community leaders would actually come together and coordinate all of these efforts and bring the problems to government leaders. Councilman Withrow stated we have to get people involved; that we talk about it, but we never get people involved and he would like Council to study this and encourage its implementation.

Councilman Alexander stated this is the same idea which was enunciated through the Model Cities Program and comes out exactly the same way Councilman Withrow is talking about today and the idea works. That the sentiment now, on federal level, is to do away with the citizen's participation input and have all programs put into the Mayor's office where the citizen's decisions will not have the effect they have now but he does not know how this will affect Councilman Withrow's plan.

Councilman Withrow stated he is not saying this will have the participation through government as much as it will be to protect the citizen's themselves. This is involvement with themselves, in themselves; it could be involvement to government. Councilman Alexander stated he agrees with this plan.

Mayor Belk stated he would like to congratulate Councilman Withrow on this plan and he would like to appoint him to follow up and expand this idea further.

Mr. David A. Travland, Model Cities Director, stated he would endorse this theory and has found it has been the experience of Model Cities that citizen participation is fruitful for both the citizens and government administrators.

Councilman McDuffie stated he feels Councilman Withrow's proposal is a good one for Council to work on and possibly make some changes for combination ward-at-large type city council election. That Councilman Withrow's system would work to get more people involved.

APPRECIATION EXPRESSED TO COUNCILMAN SHORT FOR RESEARCH ON GOLF COURSES.

Councilman McDuffie expressed appreciation to Councilman Short for his research material on golf courses in other cities. That a lot of people may not realize it but Councilman Short has researched a number of subjects for Council and spends a lot of his time doing this sort of thing. He stated he hopes this information will be used to good advantage.

PARK AND RECREATION COMMISSION REQUESTED TO INVESTIGATE POSSIBILITY OF ACQUIRING LAND FOR ANOTHER GOLF COURSE.

Councilman McDuffie stated the 150 acres of land to be auctioned off on Marsh Road, right in the heart of Charlotte, should be investigated by the Park and Recreation Commission. That perhaps the Park Commission could write to all the foundations in North Carolina where there may be funds so that we might have the possibility of acquiring that land when it is auctioned off. He stated 150 acres would make a nice golf course and related park area with a lot of green space.

August 7, 1972
Minute Book 57 - Page 319

COMMENTS ON GOLF COURSE BY COUNCILMAN MCDUFFIE.

Councilman McDuffie stated he would like to repeat what he has said previously that the golf course at Bonnie Brae should either be fenced in or closed before some type of legal action is brought against the City.

Councilman Withrow stated he feels the City should look into the possibility of leasing the golf course.

After discussion, Councilman Alexander requested the Mayor to schedule this matter for a future conference session.

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL CONTRACT WITH THE STATE HIGHWAY COMMISSION AND THE FEDERAL HIGHWAY ADMINISTRATION PROVIDING FOR CHANGES IN THE FEDERAL AID ANNUAL TOPICS WORK PROGRAM MUNICIPAL AGREEMENT.

Councilman Alexander moved adoption of subject resolution authorizing execution of a supplemental contract with the State Highway Commission and the Federal Highway Administration providing for changes in the Federal Aid Annual Topics Work Program Municipal Agreement for Projects 8.6100313 and 8.6100314 F.A. T-8014(3), with the City's share estimated to be \$27,650.00. The motion was seconded by Councilman Short.

Mayor Belk asked Mr. Herman Hoose, Traffic Engineer, how many intersections does this leave the City to work on along Independence Boulevard and Mr. Hoose replied they have two more scheduled.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 316.

ORDINANCE NO. 545-X TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT PROJECT ACCOUNT TO PAY FOR SERVICES PERFORMED BY PONTE, TRAVERS AND WOLFE IN CONNECTION WITH THE PRESENTATION OF THEIR DOWNTOWN DEVELOPMENT PLAN IN CHARLOTTE AND ATLANTA.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance transferring \$8,277.54 within the Capital Improvement Projects Account to pay for services performed by Ponte, Travers and Wolfe in connection with the presentation of their Downtown Development Plan in Charlotte and Atlanta.

The ordinance is recorded in full in Ordinance Book 19, at Page 208.

ORDINANCE NO. 546-X TRANSFERRING FUNDS WITHIN THE AIRPORT FUND TO BE USED FOR EXPANSION AND RENOVATION OF THE AIRPORT FACILITY -TELCO ROOM ADDITION.

Councilman Alexander moved adoption of the subject ordinance transferring \$38,332 within the Airport Fund to be used for the expansion and renovation of the Airport Facility - Telco Room Addition. The motion was seconded by Councilman Short and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 209.

ORDINANCE NO. 547-X TRANSFERRING FUNDS FROM THE SALE OF 1969 REDEVELOPMENT BONDS TO BE USED FOR THE DEVELOPMENT OF PHASE I AND PHASE II OF MARSHALL PARK.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted transferring \$624,826 from the proceeds of the sale of 1969 Redevelopment Bonds to be used for the development of Phase I and Phase II of Marshall Park in accordance with the intent of the 1969 Bond Referendum.

The ordinance is recorded in full in Ordinance Book 19, at Page 210.

August 7, 1972
Minute Book 57 - Page 320

ORDINANCE NO. 548 AMENDING CHAPTER 17, ENTITLED "STREETS AND SIDEWALKS" BY THE ADDITION OF ARTICLE IV, "SIDEWALK AND DRAINAGE FACILITIES CONSTRUCTION" AND ORDINANCE NO. 549-X TRANSFERRING FUNDS FROM THE LOCAL IMPROVEMENT ASSESSMENT REVOLVING FUND TO BE USED TO INITIATE A SIDEWALK CONSTRUCTION AND REPAIR PROGRAM.

Motion was made by Councilman McDuffie and seconded by Councilman Withrow, to adopt the subject ordinances, amending Chapter 17 by the addition of Article IV, and transferring \$50,000 from the Local Improvement Assessment Revolving Fund to be used to initiate a sidewalk construction and repair program.

Councilman Short asked who suggested the streets listed for repair on today's docket and Mr. Robert Hopson, Director of Public Works, replied these streets were picked out based on three things. Whether they had gravel sidewalks now, to start eliminating the 72 miles of gravel sidewalks; being close to schools to serve schools; and being on major streets.

Mr. Hopson stated this is \$50,000 that we have now in hand, but we will have an additional \$50,000 each year as the Bond Issue goes through, and they hope to come back to Council for more recommendations.

Councilman Short stated the only point he would like to make is when this was first brought up, years ago, the place which was so pertinent in everyone's mind as being very dangerous was on Providence Road, just beyond Sharon Amity, running down to the Catholic School. That he realizes this is not a public school, but he would hope that somehow this location could be kept in mind because this was the beginning of it all.

Mr. Hopson stated we have another problem on Providence Road, and on all our roads - that they have tried to pick places where the City already has the right of way so there would be no delay in getting these projects moving. He stated he feels there may be some problem in getting right of way in this particular area because on Providence Road, most of the City's right of way terminates about a foot behind the curb. He stated he will be glad to look into this matter. That he hopes to eliminate the gravel sidewalks as soon as possible and have a few thousand dollars left to work with in case a critical area develops as school opens this fall. Then he would like to improve the sidewalks around City Hall.

Mr. Underhill, City Attorney, stated the staff is recommending the effective date of this ordinance as October 1, 1972 for two reasons. First, it requires the installation of a new permit procedure so that when someone comes in to apply for a building permit, in addition to receiving a building permit with curb cut and driveway plans, they will now have to have their plans reviewed to see that they conform to the city's sidewalk construction standards and this is going to require some coordination between several city departments in order to make sure that all bases are touched when someone comes in with a set of plans to construct a new building or facility under the plan.

Secondly, the lead time on this will allow developers, builders and people within the area to become aware of the fact that this is a new requirement before the construction of any new office, institutional or business-type of use, and they are going to have to draw their plans accordingly. He stated this is the reason he has recommended that this not become effective until October 1, 1972.

Councilman Alexander stated he is glad to see that Beatties Ford Road, from Russell Avenue to LaSalle Street listed here because 20 years ago, the property owners gave the right of way for sidewalks and he is sure they are going to be pleased to see these sidewalks go in.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 211.

August 7, 1972
Minute Book 57 - Page 321

REQUEST FROM MR. W. T. MINOR, JR. TO RECONSIDER ZONING PETITION HEARD BY COUNCIL IN 1970.

Mayor Belk recognized Mr. W. T. Minor, Jr. who passed around copies of a letter and comments to the members of Council relative to a zoning matter heard by Council in 1970.

Councilman Short stated he would be glad to read this letter and comments and if Mr. Minor wanted to come back at a later meeting, he could, or Council could go ahead and discuss it today. Mr. Minor stated since Councilmen Jordan and Whittington are not present today and have not had a chance to read his letter, possibly Council could arrange it to be discussed sometime in the near future.

Mayor Belk asked if he would like this matter scheduled for the agenda for August 21 and Mr. Minor replied that would be satisfactory with him.

Mr. Minor filed a copy of his letter and comments with the City Clerk and expressed his appreciation to Council for their consideration.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO J. A. BARKER, SR. AND WIFE, MARY ELIZABETH BARKER.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belong to J.A. Barker, Sr. and wife, Mary Elizabeth Barker, located at 2809 Horseshoe Lane, in the City of Charlotte, for a sanitary sewer to serve the Airport Industrial Park.

The resolution is recorded in full in Resolutions Book 8, at Page 317.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of two acres of land plus a one-story brick residence on Piney Top Drive, from Mrs. Evelyn B. Byrum (widow), at \$27,500.00 for the Airport Master Plan Land Acquisition Project.
- (b) Acquisition of 360' x 304.41' x 6.02', plus 720 square feet of construction easement at 2006 West Boulevard, from Ann Flintom Stewman, et al, at \$675.00, for Clanton Road Extension.
- (c) Acquisition of 25' x 212.74' of easement at 2508 Starita Road, from Guignard Service Company, at \$225.00, for Upper Irwin Creek Interceptor sanitary sewer construction.
- (d) Acquisition of 20' x 769.06' of easement at 301 Interstate 85, from Sun Properties Company, at \$770.00, for Parkway Avenue Trunk Sanitary Sewer Construction.
- (e) Acquisition of 20' x 125.05' of easement at 4010 Tillman Road, from North Carolina State Highway Commission, at \$250.00, for Parkway Avenue Trunk Sanitary Sewer Construction.
- (f) Acquisition of 7.32' x 52.22' x 49.97' of easement at 1130 Tom Hunter Road, from R & W Development Company, at \$1.00, for sanitary sewer to serve Happy Valley Apartments.
- (g) Acquisition of 15' x 178' of easement at 2601 West Trade Street, from City of Charlotte Housing Authority, at \$1.00, for sanitary sewer to serve Salvation Army Boy's Club.

August 7, 1972
Minute Book 57 - Page 322

- (h) Acquisition of 15' x 1,294.38' of easement in 6700 block of Farmway Place, near Orr Road, from William Trotter Development Company, at \$1,300.00, for sanitary sewer to serve WICA Chemical Company.
- (i) Acquisition of 15' x 198.08' of easement at 6801-6811 Somersworth Drive, from John Crosland Company, at \$1.00, for sanitary sewer to serve Hampshire Hills 5-A.
- (j) Acquisition of 10' x 888.55' of easement at 3301 North Tryon Street, from Henry I. Flinn, Inc., at \$1.00, for sanitary sewer to serve Hilo Lodge Apartments.
- (k) Settlement in the amount of \$4,000 with NCNB Trustee and Edward L. Whitton and Beaumert H. Whitton, Co-Trustees, in the purchase of Parcels 2 and 6, for the West Third and Fourth Street Connector.

ENCROACHMENT AGREEMENTS APPROVED.

Councilman Alexander moved approval of the following encroachment agreements, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Encroachment agreement with the State Highway Commission permitting the City to construct a 12-inch C.I.P. sanitary sewer line within the right of way of Lawton Road to serve Seaboard Industrial Park.
- (b) Encroachment agreement with the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of U.S. 29, to serve Orchard Trace Apartments at U. S. 29.
- (c) Encroachment agreement with the Southern Railway Company permitting the City to construct a 10-inch sanitary sewer line within the right of way of the Southern Railway Company to serve Wilkinson Boulevard Mobile Homes.
- (d) Right of way agreement with the State Highway Commission for the installation of 2,450 feet of 8" C. I. water main in Sandy Porter Road, between Delshire Lane and Taragate Drive.
- (e) Right of way agreement with the State Highway Commission for the construction of water mains in Lawyers Road, Delta Road and Idlewild Road.
- (f) Right of way agreement with the State Highway Commission for the construction of water main in Interstate 85 Service Road, from Tom Hunter Road in connection with the contract between the City and the Northside Baptist Church.

CHANGE ORDER IN CONTRACT WITH TRAMMEL CONSTRUCTION COMPANY, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject Change Order No. G-1, in contract with Trammell Construction Company was approved for McAlpine Creek Wastewater Treatment Plant Additions to allow changes in installation of certain equipment which will be installed in the project at no change in the contract price.

CHANGE ORDER IN CONTRACT WITH BROWN CONSTRUCTION COMPANY, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving subject Change Order No. 1 in contract with Brown Construction Company, for addition to Irwin Creek Sewage Treatment Plant, Section I, increasing the contract price of \$197,200.00 by \$1,943.00, for aluminum handrails to protect various open areas in the structure.

August 7, 1972
Minute Book 57 - Page 323

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

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

- (a) Contract with Scott W. Brown for the construction of 155 feet of 2" galvanized W. I., or galvanized steel water main, in Haines Street, inside the city, at an estimated cost of \$375.00. Funds will be advanced by the applicant and refunded by the City under the terms of the existing city policies.
- (b) Contract with R. W. Chapman Company for the installation of 272 feet of 8" sewer main near Scholtz Road North to serve 4732 Old Pineville Road, inside the city, at an estimated cost of \$1,830.00, with the applicant to deposit the total cost of the project and to be refunded an estimated \$1,325.25 under the existing policies of the City.
- (c) Contract with D. L. Phillips Investment Builders, Inc., for the installation of 974 feet of sanitary sewer main on Barringer Drive, inside the city, at an estimated cost of \$9,750.00, with the applicant to deposit the total cost of the project and to be refunded an estimated \$7,442.55 under the existing policies of the City.
- (d) Contract with John Crosland Company for the installation of 1,435 feet of 8" trunk sewer and 430 feet of 8" mains in Elgywood Lane, near Arrowhead Road, outside the city, at an estimated cost of \$12,780.00, with the applicant to pay the total cost of the project and to be refunded an estimated \$11,350.00 under the existing policies of the City.
- (e) Contract with Boy's Home of North Carolina, Incorporated for the installation of 2,607.60 feet of 8" sanitary sewer mains in Church Street, Huntersville, North Carolina, at an estimated cost of \$20,800.00, with the applicant to construct the sewer at his own expense; 1,491.85 feet of sewer will be owned and maintained by the Charlotte-Mecklenburg Utility Department, and the applicant will own and maintain the remaining 1,115.75 feet of line.
- (f) Contract with Ralph Squires Construction Company for the installation of 1,710 feet of 8" sanitary sewer lines to serve the Olde Savannah Subdivision on Albemarle Road adjacent to McAlpine Creek, outside the city, at an estimated cost of \$15,200.00, with the applicant to deposit the total cost of the project and the total amount to be refunded as per terms of the agreement.

ORDINANCE NO. 550-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE ESTABLISHING AN ADDITIONAL PLANNER III POSITION WITHIN THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION BUDGET AND TRANSFERRING FUNDS FROM THE 1972-73 CONTINGENCY ACCOUNT.

Councilman Short moved adoption of subject ordinance amending the 1972-73 Budget Ordinance establishing an additional Planner III position within the Charlotte-Mecklenburg Planning Commission Budget and transferring \$12,750 from the 1972-73 Contingency Account. The motion was seconded by Councilman Withrow.

Councilman Withrow asked how far up on the Planning Staff the Planner III position is and Mr. William McIntyre, Planning Director, replied it is the third classification down from the top.

Councilman Short asked if they had someone in mind for this position and Mr. McIntyre replied he has a well-qualified candidate who is interested.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 214.

August 7, 1972
Minute Book 57 - Page 324

RESOLUTION EXPANDING THE PARK SECURITY PROGRAM, DEFERRED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, to defer adoption of the subject resolution, calling for the expansion of the Park Security Program by the Park and Recreation Commission and expending \$24,000 from the year-end balance of the Park and Recreation Fund to pay salaries, purchase one vehicle and two radio units, until the next meeting of Council.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A GRANT TO PROVIDE FOR SPECIAL PERSONNEL TRAINING.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, subject resolution was adopted, authorizing the filing of an application for a Grant in the amount of \$20,085, to provide for Special Personnel Training.

The resolution is recorded in full in Resolutions Book 8, at Page 318.

RESOLUTIONS REQUESTING INCREASES IN FEDERAL GRANT PARTICIPATION FOR ADDITIONS TO IRWIN CREEK PUMPING STATION, MCMULLEN CREEK OUTFALL AND MCALPINE CREEK AND IRWIN CREEK WASTEWATER TREATMENT PLANTS.

Councilman Short moved adoption of the following resolutions requesting increases in federal grant participation from 33% to 55% for additions to Irwin Creek Pumping Station, McMullen Creek Outfall and McAlpine Creek and Irwin Creek Wastewater Treatment Plants, which motion was seconded by Councilman Alexander.

- (a) Resolution of the City Council requesting an increase in federal grant participation from 33% to 55% for additions to Irwin Creek Pumping Station, Project C370304.
- (b) Resolution of the City Council requesting an increase in federal grant participation from 33% to 55% for the McMullen Creek Outfall, Project C370293.
- (c) Resolution of the City Council requesting an increase in federal grant participation from 33% to 55% for the McAlpine Creek and Irwin Creek Wastewater Treatment Plants, Project C370309.

Councilman Short asked the City Manager to explain these increases and Mr. Burkhalter replied these are all projects which are already underway, but at the time they were started the State had not passed the Wastewater Treatment Anti-Pollution Water Bill, which was passed in the last election.

He stated we were not eligible for the 55% grant of funds to match our money; under the grant now, the State will participate with the City up to 25%, the City is eligible to ask for, retroactively, the increase from 33% to 55% of federal funds.

A vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 8, beginning on Page 319.

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

Councilman Withrow moved adoption of subject resolution authorizing the refund of certain taxes in the total amount of \$5,405.72, which were levied and collected through clerical error, which motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 322.

August 7, 1972
Minute Book 57 - Page 325

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

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject ordinances were adopted ordering the removal of weeds and grass at the following locations:

- (a) Ordinance No. 552-X ordering removal of weeds and grass at corner of Palmer and Jefferson Streets.
- (b) Ordinance No. 553-X ordering removal of weeds and grass at 1109 Jefferson Street.
- (c) Ordinance No. 554-X ordering removal of weeds and grass at corner Foster Avenue and Bank.
- (d) Ordinance No. 555-X ordering removal of weeds and grass at 1245 Fordham Road.
- (e) Ordinance No. 556-X ordering removal of weeds and grass at corner Sherrill Street and Morning Drive.
- (f) Ordinance No. 557-X ordering removal of weeds and grass at 301 South Cloudman Street.
- (g) Ordinance No. 558-X ordering removal of weeds and grass at Central Avenue and Glenn Street.
- (h) Ordinance No. 559-X ordering removal of weeds and grass at V/L adjacent 4033 Seaforth Drive.
- (i) Ordinance No. 560-X ordering removal of weeds and grass adjacent to 2022 Garnett Place.
- (j) Ordinance No. 561-X ordering removal of weeds and grass at 4901 Snow White Lane.
- (k) Ordinance No. 562-X ordering removal of weeds and grass adjacent to 2006 Russell Avenue.

The ordinances are recorded in full in Ordinance Book 19, beginning on Page 226.

CONTRACT FOR JANITORIAL SERVICES BETWEEN THE CITY DEMONSTRATION AGENCY AND EDGAR ORR FOR THE MODEL CITIES CITIZEN PARTICIPATION OFFICES, APPROVED.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, approving the subject contract for janitorial services between the City Demonstration Agency and Edgar Orr for the Model Cities Citizen Participation offices, located at 501 North Church Street, to be paid \$25.00 per week.

Councilman Alexander asked the Model Cities Director if a station wagon had been purchased for Model Cities, or how near in the future would one be made available and Mr. David Travland replied the office of Budget and Research has yet to fully certify this particular item. That there are other things to consider; they are in the process of working out some personnel kinds of adjustments which are very necessary and will be discussing them in detail with the Personnel Director's staff. He stated there may be a delay in purchasing the station wagon until January 1, 1973.

After further discussion, Councilman Alexander stated he would like to see this worked out earlier than this because this is the kind of thing that creates too many problems and the longer this goes on, the more trouble it will create. He stated this problem should be settled one way or the other as soon as possible.

August 7, 1972
Minute Book 57 - Page 326

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND MECKLENBURG COUNTY FOR THE OPERATION OF THE MODEL CITIES DAY CARE CENTER.

Councilman Alexander moved approval of subject contract, in the amount of \$55,217, for technical or professional services between the City of Charlotte Model Cities Department and Mecklenburg County for the operation of the Model Cities Day Care Center. The motion was seconded by Councilwoman Easterling, and carried unanimously.

Mr. David Travland, Director of the Model Cities Program, stated it is a real pleasure to bring this contract to Council. That this has been in negotiation with the County of Mecklenburg for seven months, finally resolved, and will increase significantly the amount of day care services available in the Model Neighborhood and he is pleased to finally have this contract worked out.

Mayor Belk asked if this is only for a day care center or it is tied in with a kindergarten and Mr. Travland replied this is a development day care center, as opposed to a custodian-type day care center, which he feels is the best kind.

CONTRACT RENEWED FOR ONE YEAR WITH KISER BROTHERS SALVAGE INCORPORATED FOR THE DISPOSAL OF ABANDONED AUTOMOBILES.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, subject contract was approved for one year for the disposal of abandoned automobiles at no cost to the city.

CLAIM FILED BY SOUTHERN BELL TELEPHONE COMPANY FOR DAMAGES TO UNDERGROUND CONDUIT AND CABLE, DENIED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, denying subject claim, in the amount of \$1,601.99, filed by Southern Bell Telephone and Telegraph Company for damages to underground conduit and cable by the City Water Department, as recommended by the City Attorney.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Councilman Withrow moved that the following streets be taken over for continuous maintenance by the city, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Cottingham Lane, from Doncaster Drive to 475 feet east of Doncaster Drive.
- (b) Doncaster Drive, from 200 feet south of Centerline of Cottingham Lane, to 325 feet north of Centerline of Cottingham Lane.
- (c) King Edward Road, from Rama Road to Deveron Drive.
- (d) Deveron Drive, from Rama Road to 1,068 feet north of Rama Road.
- (e) Grosner Place, from Rama Road to 260 feet north of Rama Road.

APPOINTMENTS TO THE CHARLOTTE MECKLENBURG PLANNING COMMISSION, DEFERRED UNTIL NEXT MEETING OF COUNCIL.

Councilman Alexander moved that appointments to the Charlotte Planning Commission be deferred until the next meeting of Council, which motion was seconded by Councilman Withrow, and carried unanimously.

August 7, 1972
Minute Book 57 - Page 327

SPECIAL OFFICER PERMITS APPROVED.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the following permits for Special Officer, for a period of one year, were approved; each applicant having been approved by the Police Department:

- (a) Issuance of permit to James F. Gordon for use on the premises of Celanese Corporation, located at Celanese Fibers Technical Center, Archdale Drive.
- (b) Issuance of permit to Benjamin Franklin Hubbard for use on the premises of Celanese Corporation, located at Celanese Fibers Technical Center, Archdale Drive.
- (c) Issuance of permit to Tom C. Hundley for use on the premises of Coliseum Downtowner Motor Inn, located at 3024 E. Independence Boulevard.
- (d) Issuance of permit to Robert E. Sisk for use on the premises of Coliseum Downtowner Motor Inn, located at 3024 E. Independence Boulevard.
- (e) Renewal of permit to Howard W. Halberstadt for use on the premises of Sharon Memorial Park.
- (f) Renewal of permit to Paul E. Halberstadt for use on the premises of Sharon Memorial Park.
- (g) Renewal of permit to Walter C. Thomas for use on the premises of Sharon Memorial Park.
- (h) Issuance of permit to Johnson Murray for use on the premises of K-Mart, 4101 North Tryon Street.

Councilman McDuffie asked the City Manager if the Police Department is checking these applicants for fingerprints and Mr. Burkhalter replied a report will be given Council in the near future relative to the whole special officer procedure.

CONTRACT AWARDED DONALD C. NEAL CONSTRUCTION COMPANY FOR GENERAL CONTRACT FOR ADDITIONAL SPACE FOR AIR TRAFFIC CONTROL EQUIPMENT IN AIRPORT TERMINAL BUILDING.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Donald C. Neal Construction Company, in the amount of \$38,509.00, on a unit price basis, for general contract for additional space for air traffic control equipment in Airport Terminal Building:

The following bids were received:

Donald C. Neal Const. Co., Inc.	\$38,509.00
F. N. Thompson, Inc.	40,600.00
Moretti Construction Co.	42,969.00
Rodgers Builders, Inc.	45,110.00

CONTRACT AWARDED SOUTHERN COMFORT OF CHARLOTTE, INC. FOR MECHANICAL WORK FOR ADDITIONAL SPACE FOR AIR TRAFFIC CONTROL EQUIPMENT IN AIRPORT TERMINAL BUILDING.

Councilman Short moved award of contract to the low bidder, Southern Comfort of Charlotte, Inc., in the amount of \$4,090.00, on a unit price basis, for mechanical work for additional space for air traffic control equipment in

(continued)

August 7, 1972
Minute Book 57 - Page 328

Airport Terminal Building. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Southern Comfort of Charlotte, Inc.	\$ 4,090.00
Air Masters	4,147.00
Mechanical Contractors, Inc.	15,870.00

CONTRACT AWARDED IND-COM ELECTRIC COMPANY FOR ELECTRICAL WORK FOR ADDITIONAL SPACE FOR AIR TRAFFIC CONTROL EQUIPMENT IN AIRPORT TERMINAL BUILDING.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject contract was awarded the low bidder, Ind-Com Electric Company, in the amount of \$8,374.00, on a unit price basis, for electrical work for additional space for air traffic control equipment in Airport Terminal Building.

The following bids were received:

Ind-Com Electric Company	\$ 8,374.00
Elec-Trol, Inc.	8,500.00
Air Masters	10,239.00
Driggers Electric Control Co.	11,428.00

MAYOR PRO TEM ALEXANDER PRESIDES.

Mayor pro tem Alexander presided for the award of the following contract.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR EAST FIFTH STREET WIDENING.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$16,850.50, on a unit price basis, for East Fifth Street Widening.

The following bids were received:

Crowder Construction Co.	\$16,850.50
Blythe Brothers Co.	17,983.50
Rea Construction Co.	18,196.75

MAYOR BELK PRESIDES FOR THE REMAINDER OF THE MEETING.

Mayor Belk presided for the remainder of the meeting.

CONTRACT AWARDED CROWDER CONSTRUCTION FOR STORM DRAINAGE IMPROVEMENTS, YORK ROAD LANDFILL, SOLIDS SEPARATOR.

Councilman Short moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$5,400.00, on a lump sum basis, for storm drainage improvements - York Road Landfill, Solids Separator. The motion was seconded by Councilman McDuffie, and carried unanimously.

The following bids were received:

Crowder Construction Co.	\$5,400.00
Thomas Structure Co.	5,800.00
T. A. Sherrill Const. Co.	6,280.00

August 7, 1972
Minute Book 57 - Page 329

CONTRACT AWARDED F. N. THOMPSON CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF POOLS AND ADJOINING WALKS IN REDEVELOPMENT SECTION NO. 2, BROOKLYN URBAN RENEWAL AREA.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded to F. N. Thompson Construction Company, at their negotiated base bid of \$440,100.00 for general construction of pools and adjoining walks in Redevelopment Section No. 2, Brooklyn Urban Renewal Area, and Alternate Bids G-1 and G-2 were rejected.

The following bids were received:

BASE BIDS:

	Negotiated to:
F. N. Thompson Construction Co.	\$454,300.00-\$440,100.00
Crowder Construction Co.	543,000.00
R. H. Wheatley Co.	558,450.00
Evans & Associates	585,000.00

ALTERNATE BIDS:

Alternate G-1

F. N. Thompson Construction Co.	\$ 4,800.00
Crowder Construction Co.	7,500.00
R. H. Wheatley Co.	5,400.00
Evans & Associates	7,000.00

Alternate G-2

F. N. Thompson	22,000.00
Crowder Construction Co.	43,000.00
R. H. Wheatley Co.	31,200.00
Evans & Associates	46,000.00

CONTRACT AWARDED DRIGGERS ELECTRIC AND CONTROL COMPANY FOR ELECTRICAL WORK ON REDEVELOPMENT SECTION NO. 2, BROOKLYN URBAN RENEWAL AREA.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract on the low base bid, to Driggers Electric and Control Company, in the amount of \$27,726.00, on a lump sum price basis, for electrical work on Redevelopment Section No. 2, Brooklyn Urban Renewal Area.

The following bids were received:

Driggers Electric & Control Co.	\$ 27,726.00
Austin Electric Co.	38,520.00
National Electric Co.	36,400.00
Long Electric Co.	38,110.00

CONTRACT AWARDED H & H EQUIPMENT COMPANY FOR ONE LIMB CHIPPING MACHINE.

Councilman Withrow moved award of contract to the low bidder, H & H Equipment Company, in the amount of \$3,832.00, for one limb chipping machine. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

H & H Equipment Co.	\$ 3,832.00
Interstate Equipment Co.	4,376.00
Western Carolina Tractor Co.	4,380.00

August 7, 1972
Minute Book 57 - Page 330

CONTRACT AWARDED TARRANT MFG. COMPANY FOR LEAF LOADING MACHINES.

Upon motion of Councilman Withrow, seconded by Councilman McDuffie and unanimously carried, the subject contract was awarded the low bidder meeting specifications, Tarrant Mfg. Company, in the amount of \$26,507.25, on a unit price basis, for leaf loading machines.

The following bids were received:

Tarrant Mfg. Company	\$ 26,507.25
Interstate Equipment Co.	31,402.00

CONTRACT AWARDED MACK TRUCKS, INC. FOR FIVE GWV TRUCK CABS AND CHASSIS.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Mack Trucks, Inc., in the amount of \$91,289.00, on a unit price basis, for five 56,000 GWV truck cabs and chassis.

The following bids were received:

Mack Trucks, Inc.	\$ 91,289.00
Brockway Motor Trucks	96,205.00
GMC Truck & Coach Div.	99,620.00

CONTRACT FOR FIVE FRONT END REFUSE COLLECTION BODIES, DEFERRED.

Councilman Alexander moved to defer award of contract for five front end refuse collection bodies, which motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR NINE GWV TRUCK CABS AND CHASSIS.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, International Harvester Company, in the amount of \$102,427.38, on a unit price basis, for nine 32,000 GWV truck cabs and chassis.

The following bids were received:

International Harvester Co.	\$102,427.38
Mack Trucks, Inc.	113,421.60
GMC Truck & Coach Div.	120,303.00
Brockway Motor Trucks, Inc.	128,772.00

CONTRACT AWARDED QUALITY EQUIPMENT & SUPPLY COMPANY FOR NINE REAR END REFUSE COLLECTION BODIES.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Quality Equipment & Supply Company, in the amount of \$49,450.50, on a unit price basis, for nine rear end refuse collection bodies.

The following bids were received:

Quality Equip. & Supply Co.	\$ 49,450.50
Cook Body Company	50,175.00
Worth Keeter, Inc.	50,340.95
Controlled Environment	51,255.00
Sanco Corporation	77,553.00

August 7, 1972
Minute Book 57 - Page 331

MR. GRAY LEWIS NOMINATED TO ZONING BOARD OF ADJUSTMENT BY COUNCILMAN SHORT.

Councilman Short stated he would like to place in nomination the name of Mr. Gray Lewis, a very fine young local businessman, who is an official of the American Trust Company, for a term on the Zoning Board of Adjustment.

COUNCILMEMBERS INVITED TO ATTEND LUNCHEON FOR CANDIDATE JIM BEATTY.

Mayor Belk stated he would like to invite the Councilmembers to a luncheon for Democratic Congressional Candidate Jim Beatty to be held Friday, August 11, at 12:30 p.m., at the Ramada Inn on East Boulevard.

RESIDENTS OF CRESTVIEW COMMUNITY AND CONGREGATION OF GETHSEMANE A.M.E. ZION CHURCH PRESENT PETITION FOR COUNCIL'S CONSIDERATION.

Mrs. Dolly Peay stated she is presenting a petition to Council today for consideration because the wholesome environment of their community depends on some action by this governing body. She presented copies of her petition to Councilmembers containing approximately 600 signatures from three churches to let Council know how the residents feel about their situation. Mrs. Peay stated her petition requests that Council curtail the operation of a pool room located at the corner of Campus and Cemetery Streets. She filed a copy of the petition with the City Clerk.

Councilman Alexander asked Mrs. Peay how long the pool room has been in operation and she replied about six weeks. That it had been vacant property for a long time but there was a grocery store there about 7 or 8 years ago.

Mayor Belk requested Mr. Paul Bobo, Assistant City Manager, to check on this operation and see what the zoning is and what activities are going on there.

Also speaking in favor of the petition were Reverend Frank M. Allen, Minister of Gethsemane A.M.E. Zion Church, Mr. George Allen and Reverend Leon Reddick, Minister of Mt. Carmel Baptist Church.

Mayor Belk thanked the petitioners for coming before Council and stated this problem would be checked into and whatever possible would be done to help the residents.

REQUEST FOR COUNCIL TO SET ASIDE RESIDENCY REQUIREMENT FOR CITY EMPLOYEE PRESENTLY EMPLOYED IN THE POLICE DEPARTMENT, DENIED.

Master Sergeant Andy O. Nichols stated he would like to request that his wife, who is employed by the Charlotte Police Department as a Records Clerk, be allowed to live outside Mecklenburg County and continue as a City Employee. That presently she is living in Fort Mill, South Carolina.

He stated a new ordinance has recently been passed by Council requiring that all city employees must live within Mecklenburg County. That he is asking, in his wife's behalf, that she be allowed to continue living in Fort Mill until his retirement from the service next year. He stated his wife is presently paying North Carolina State Income Tax but his children are involved in school and football in Fort Mill.

Mr. Underhill, City Attorney, stated a few weeks ago Council adopted an amendment to the Personnel Rules and Regulations which specified that all persons regularly employed in city service shall be residents, or become residents, of Mecklenburg County within six months after the date of their employment and shall remain residents of Mecklenburg County during the period of their employ. That this is not an ordinance but a portion of the City Personnel's Rules and Regulations.

August 7, 1972
Minute Book 57 - Page 332

He stated it would be permissible, if Council so desires, to permit exemptions or exceptions from this policy, but it would be a Council decision and not one that the city administrative staff could make.

Mayor Belk asked how long Mrs. Nichols has been employed in the Police Department and Mr. Underhill replied since the Spring of 1970, approximately 2 years. Mr. Burkhalter stated employees are having to conform to this rule every day and if Council is going to set up a policy of exempting certain people, then somebody will be before Council just about every week.

Councilman Short asked how many employees does the City have living outside Mecklenburg County; that if it is not a large number, Council is just passing rules for the sake of rules. That we are trying to deal with a problem, when we have no proof that it is a problem. He stated the only reason he voted for this was because he was told it was the will of the majority of the Councilmembers. That he would like to have some proof that we really have a problem here.

Councilman Short stated unless we have a substantial number trying to do this, he does not see why we have to have this rule. That he would not approve of 500 families living outside the county, but if we have 6 families, or something of that sort, then this is something else entirely. He stated he would like to know exactly how many people are living outside the county.

Councilman McDuffie stated the point is that if the police, fire, garbage and city employees do not support the government they are working for, then the City cannot pay for them. That a number of people would move out if it were not for this rule.

Mr. Underhill, City Attorney, stated prior to 1965 the residency requirement was contained in the City Charter. Then, in 1965, when the Charter was rewritten, the residency requirement was not a part of the new Charter. After 1965, we really had no written requirement for residency in Mecklenburg County; since that time a lot of questions have come up as to whether the City still had a Mecklenburg County residency requirement. It was in answer to that, that it be put in writing so it would be commonly known to all city employees.

Councilman Alexander asked why some employees are given 30 days' notice to move into the county and some are given six months' notice and Mayor Belk replied it should be up to the City Manager. Mr. Burkhalter stated he does not have any information on the time limit, but he would have been lenient if any department head had requested it, but none did.

Councilman Short asked how far it is from Charlotte to Fort Mill and Sergeant Nichols replied 20 miles. Councilman Short stated then someone could actually live up above Davidson and be further away from City Hall than Mrs. Nichols. Sergeant Nichols stated their plans right now are to move back to Tennessee when he retires next year, however, he could possibly decide to remain in the Charlotte area. Councilwoman Easterling asked if this would not be a special case since Mrs. Nichols might not be considered a regular employee.

Councilman Withrow stated he was sympathetic with Sergeant Nichols but does not feel Council can break the rules because he feels anyone who works for the City of Charlotte should live in Mecklenburg County and he can make no exceptions to the rule.

Councilman Alexander stated either Council should retain this amendment to the rules because we need it or we should get rid of it if we do not need it. That we could have lines up before Council every week with some type of exemption.

August 7, 1972
Minute Book 57 - Page 333

Mr. Burkhalter stated if it were impossible for the City to recruit people from Charlotte, then he would be trying to change this rule, but they have had no difficulty in getting highly skilled and professionally trained people in Mecklenburg County.

Councilman Short stated that in saying an employee should be a resident of the City or the County just because Councilmembers have to be residents of the City is not an accurate comparison. Councilmembers are elected as citizens, from amongst the citizens, to represent the citizens. That this is different from someone coming here as a laborer or a secretary in the Police Department.

Councilman Short stated Council has let contracts for millions of dollars today with various private firms who are going to be spending city money with people who do not live in this county. That if you are going to get to the matter of where the money is being spent, where the taxes go, or where the taxes come from, we are already in that spot. Councilman Alexander stated the contracts are awarded to the lowest bidder.

After further discussion, Councilman McDuffie stated he sympathizes with Sergeant Nichols' case, but he can see Council would be opening a Pandora's Box, so he would move that Council follow the amendment to the Rules and Regulations as written. The motion was seconded by Councilman Withrow, and carried unanimously.

ADJOURNMENT.

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


Louise Comfort
Louise-Comfort, Deputy City Clerk