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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 14, 1977, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Paul Horne, Minister of Johnston Memorial Presbyterian Church.

APPROVAL OF MINUTES.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the minutes of the last Council Meeting, on Monday, February 28, 1977, as submitted.

REQUEST FOR DESIGNATION OF THE REYNOLDS-GOURMAJENKO HOUSE, 715 PROVIDENCE ROAD, AS HISTORIC PROPERTY, TABLED FOR THIRTY DAYS.

The scheduled public hearing on a request to designate a Courtyard, Building and Real Property, known as the Reynolds-Gourmajenko House, located at 715 Providence Road, as Historic Property, was held.

Dr. Dan Morrill, Director of the Historic Properties Commission, stated the property in question is one they are all familiar with; they have dealt with it before. It is most recently known as the El Villa Restaurant and is presently proposed to be developed by Killian and Krug Associates.

He stated what the Commission is recommending is a portion of the property - the front facade and those portions of the roof of the building visible from Providence Road - not the internal part of the structure, nor the rear of the property whatsoever.

In his written recommendation, he put in a brief statement from the State Statute which says that the Commission is supposed to recommend to Council any property which, in their judgement, embodies the elements of the City's cultural, social, economic, political or architectural history. It is on the basis of architectural significance that the Commission is recommending the Reynolds-Gourmajenko House. Three reasons they believe this property to be of outstanding architectural significance are:

- (1) Most of the actual suburban architecture of Charlotte is Colonial Revival. This house is Tuscan Revival, which is very unusual for Charlotte.
- (2) It was designed by an architect of national note, a New York City Architect, William L. Bottomley, who has several houses in the National Register and has one other house in North Carolina.
- (3) As required by State Statute, the Commission submitted the Report to the Division of Archives and History of the State of North Carolina and they endorsed the designation of the property.

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The consequences of designation are in all cases, the same:

- (1) A plaque is erected on the property;
- (2) With Council's approval, the Commission may acquire the fee simple, or any lessor included interest in historic property, easements, options, etc.
- (3) The owner must provide the Commission 90 days written notice of his intention to demolish, materially alter, remodel or remove historic property.

He stated the Commission has reviewed the plans of Killian and Krug and if it is designated as historic property, they have stated, in writing, to Killian and Krug that they are willing to waive the 90-day waiting period for development which they proposed. It is being done in a very sensitive manner.

- (4) This has to do with the Legislation passed by the State Legislature which refers to the deferral on the taxes.

He stated that hereafter he will, in every case, give Council the specific dollar amount of taxes which could be deferred on the property. It is the option of the property owner to apply for the deferral of taxes. Such taxes would be deferred as long as the property retains its historic status. The property taxes that would be deferrable on this property are shown in the written recommendation. That is only the property taxes due on the front facade, the roof and the courtyard.

Councilman Davis asked if the owner has indicated his approval for this designation and Mr. Ray Killian, of Killian, Krug & Associates, read the following letter:

"TO: The Honorable Mayor, Members of the City Council and Planning Commission  
 FROM: Killian, Krug & Associates  
 SUBJECT: Historical Designation of The Reynolds-Gourmajenko Home,  
 715 Providence Road, Charlotte, N. C.

Our original concept conceived 15 months ago of the Villa Theme Center featuring an open air pedestrian shopping plaza centered around a restaurant was all based on the economic adaptive use of The Reynolds-Gourmajenko Home. Our sensitivity to what has become a Charlotte landmark for the last 50 years was the primary reason that the Eastover Homeowners Association and Killian, Krug & Associates, after a mutual understanding, could unanimously concur on an economic use of what had become a very controversial piece of property.

We are now faced with another important decision in the history of this property. Through combined efforts with the Charlotte-Mecklenburg Historic Properties Commission, we both agree on Killian, Krug & Associates proposed plans for the economic adaptive use which will insure the historic preservation of The Reynolds-Gourmajenko Home.

The Commission has also agreed by unanimous vote and documentations by letter so as to not injure economic viability of the project and because of their confidence in our dedication to preserve the character of the property, have waived the 90 day waiting period for development.

This cooperation by developers, preservations, concerned citizens (home owners) and city government is the perfect example of how to create successful worthwhile contributions for the people of Charlotte to be proud of and enjoy.

Killian, Krug & Associates is proud to acknowledge our approval of The Reynolds-Gourmajenko Home to be designated as a Charlotte-Mecklenburg Historic Site.

Highest regards,

KILLIAN, KRUG & ASSOCIATES

RAK,Jr:mn

Ray A. Killian, Jr."

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Councilman Whittington stated that Dr. Morrill has said that the Commission will waive the 90-day waiting period if they wanted to develop this property today. Where does this leave the City and County Government from an ad valorem tax standpoint? Are they waiving that, too? Mr. Killian replied that is not the basis of the waiver.

Councilman Whittington asked if he is willing to not ask the tax office to give them historic property privileges from a tax standpoint until the property is developed and Mr. Killian replied they would like to have those options available to them.

Councilman Whittington stated then he is surprised that the Commission brought this to Council. The reason he is surprised is that in reading their report to Council, they said that the State Department of Archives and History did not recommend or consider such properties unless they were at least 50 years old or that the National Register ordinarily excludes properties that have achieved significance in the last 50 years. But, over that position of the State Department of Archives and History, you still recommend this property. The reason he is going to vote against this is because this property is commercial property - even the facade and the courtyard - and the property to the rear of it is office, 0-6(CD) multi-family, which the developer wanted them to do. He realizes, and he thinks they ought to realize, that Council went through this about a year with the Eastover Community and worked out through Mr. Killian and Mr. Krug a plan that everyone could agree to.

He stated that what is wrong with this is they are asking him, as a member of City Council, to give these people a windfall, tax-wise, on commercial property. This is a new, new ballgame, they have never done this before and he is not going to vote for it. It is unfair for the Commission to ask for this to be done. That he says this respectfully to everyone concerned.

Councilwoman Locke stated she thinks Councilman Whittington has made a good point.

Councilman Whittington stated the point is this is the first - and they are giving this man a windfall versus what the public may or may not think is historical. That they have to decide where the value is and what they are going to put on this courtyard and facade. For that reason he is going to vote no when the vote is called for.

Dr. Morrill stated he respects Councilman Whittington's privilege to take the position that he feels he should take. That the purpose of the Historic Properties Commission, as the Commission sees it, is on the best of its judgement to make recommendations to Council. The Commission certainly does not regard it as a destruction of its legitimacy for Council to turn down a recommendation. The Commission has simply voted to recommend this on the basis of its architectural significance, put in place a type of protection which would be available for the future. The Commission did not pass the tax legislation - it came out of Old Salem in Winston Salem.

Councilman Gantt stated he respectfully disagrees with Councilman Whittington. He thinks this is a perfect example of what we can do in terms of adaptive uses for buildings which have some significance in the community. He could care less about the rule of 50 years old or more. The fact is we do not have any Tuscan Revival, or very good examples of that, in the City of Charlotte. Here we were able to put this property to some viable use in the community. Admittedly, on that portion of the property the owners have the right to ask for waiver of the property tax; other portions of the property will be taxed - those that are not significant in terms of historical value. Frankly, he would like for us to have some more in Charlotte. We try to find buildings that have some historical significance and when they cannot be used, as this one apparently cannot, for residence or some other purpose, that we have an innovative developer that we agreed with when he came and petitioned this Council to make use of that house. He thinks he can put it to some economic and viable use; Council approved his zoning petition; and it just happens that the Historic Properties Commission also felt it had significance. He notes that their vote was pretty much unanimous with the

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exception of one or two people who were not there, or abstained. He just really thinks this is a situation where it appears to him they have a developer - if this gentleman decides to sell, or his business does not go, they have in some way, shape or form tried to preserve that dwelling so that later on someone does not come in there and push it down and put another parking lot in.

Councilman Whittington stated he cannot fuss with what Councilman Gantt is saying except that they do have a developer and the property is already zoned and we are not hurting the developer at all. They are helping the developer with this windfall. Councilwoman Locke stated we want to help and Councilman Gantt stated yes, for the public good.

Mr. Killian stated he thinks in the future the ability of historical designation will have to be under the auspices of adaptive use; and the tax ramifications of this is not that significant. He doubts whether they will apply for this consideration because the repercussions of change of ownership or a change in their attitude towards the designation is compounded at such a rate that they could not afford not to pay it on an annual basis.

Councilman Withrow stated that once before, this property came up for rezoning and it was turned down. He asked if the last time it came up for rezoning, did not the people who wanted it rezoned come in with fabulous plans of what they planned to do with this property and Mr. Killian replied yes.

Councilman Withrow asked if this is still what they are going to do and Mr. Killian replied by all means, yes. Councilman Withrow asked why did they have to have this designation, or is this promise no good and Dr. Morrell replied that 50 years from now, as long as our institutions last, it might be that someone would come into ownership of the property who would not be sensitive to it. We do not know what is going to happen to Myers Park in the future; the Commission would see that this is putting in place a mechanism by which they get 90 days notice. He stated Councilman Whittington is quite correct about the fact that State Legislation provides for a tax deferral on the option of the owner. If that designation is revoked in the future, it would be Council's decision; the owner would have to pay five years back taxes plus substantial penalty in terms of interest. This is just another way to try to put a mechanism in place to induce this owner or subsequent owners to save that piece of property.

Mr. Killian stated the mechanics of the Charlotte-Mecklenburg Historic Properties Commission had already been begun, completely independent of his interest in the property. That Chad Bolles, the previous owner, already had the documentation, it had already been approved by the North Carolina Legislature, and by their taking ownership in July of last year, became involved with it and began to learn its pros and cons.

Councilman Withrow stated Mr. Killian promised the Homeowners Association there what he would do. They did not say do it in one year, two years or fifty years. But he promised if this property was rezoned, he was going to do certain things. How long that agreement would last, he does not know, or whether the agreement would last at all, he does not know.

Mr. Killian replied his agreement with the Eastover Homeowners was such that if his plan was not implemented, it would revert back to whatever zoning they wanted. They are protected. He stated they have to be under construction by the end of this month. They are progressing quite nicely with the plans.

Councilman Davis asked Councilman Whittington if his objection to the windfall is based on just the long term business of having the tax deferral, or was there something about the timing of it during this year? Councilman Whittington replied the thing that bothers him about it is the precedent which they are setting. He cannot argue with what Dr. Morrill or Mr. Killian is saying, but he does not think it is right and he does not agree with them. That what this is, any way you cut it, it is something Council has not done before; that those Councilmembers who think it is right should

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go ahead, but he cannot do it. He has to believe he is right and what he is saying is that they are giving these people a windfall if they want to take it against what some people would consider value historically, and he does not think that is right.

Councilman Davis asked if this is the first time for commercial property? He asked for examples of some things that might cause them problems - Latta Arcade, or something like that and Councilman Whittington replied he does not know what the next one is - there is another one on the agenda that they will have some problems with if they look at it very carefully.

Councilman Williams asked if this designation applies to the land as well as the building and Dr. Morrill replied it is strictly the courtyard and the front facade of the building - the courtyard, of course, is the land so it would include that part.

Councilman Whittington stated this is the same property where they wanted to build a high rise apartment and Council cut the height to six stories.

Dr. Morrill stated the land value is \$57,656; structure value, \$6,532, or a total assessed value of \$64,188. The Legislation says they can defer 50% of the rate upon which the tax is based, so it is really a deferral of the rate.

Councilman Withrow asked why this has to be done today? That they have a promise to the Homeowners Association, but why cannot this be done in two years. When Council rezoned this property, Mr. Killian promised this Council certain things. Why does this designation have to be done today and Mr. Killian stated they are not attributing a time period; it makes no difference to them. They would like to see it as a historical designation, for the simple benefits of the value of the building being protected if for some reason they should sell it. They have no intention at all of destroying the property. If their plan does not work, they will sell it to revert back to its original designation.

In answer to a question from Councilman Whittington for confirmation of the tax appraisal, Dr. Morrill stated the report was done at the time it was considered by the Commission, which was two years ago and the letter reflects more specifically that portion of the property which the Commission is recommending for designation.

There was no opposition expressed to the petition.

Motion was made by Councilman Whittington that this request for historical designation be denied. The motion was seconded by Councilman Withrow.

Councilman Williams moved that action on this petition be tabled for 30 days. The motion was seconded by Councilwoman Locke.

Councilman Davis asked Mr. Killian if his development plans would proceed regardless of what Council does today and Mr. Killian replied yes.

The vote was taken on the motion to table the petition for 30 days and carried unanimously.

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PETITION TO DESIGNATE ROSEDALE PROPERTY AS AN HISTORIC PROPERTY, REFERRED BACK TO COMMISSION.

The scheduled hearing on a request to designate 8.24 acres of land beneath and surrounding the building known as Rosedale (Rosedale having been designated as an Historic Property), together with all out-buildings located thereon, as Historic Property was not held.

Dr. Dan Morrill, Director of the Historic Properties Commission, stated that unforeseen developments have occurred in the last two or three days which he thinks the Commission should take into account in formulating its recommendation and requested the Commission be allowed to simply reconsider the matter for future presentation.

Councilman Whittington moved that it be referred back to the Commission, which motion was seconded by Councilwoman Locke, and unanimously carried.

ORDINANCE NO. 454-Z GRANTING CONDITIONAL APPROVAL TO ALLOW AN OFF-STREET PARKING LOT IN AN R-6MF DISTRICT ON PROPERTY LOCATED AT THE NORTHERLY TERMINUS OF STARVALLEY DRIVE; AND FINDINGS OF FACT WITH RESPECT TO THE STANDARDS AS CONTAINED IN SECTION 23-39 OF THE CITY CODE, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting the subject ordinance and the Findings of Fact, as follows:

FINDINGS REGARDING PRESCRIBED REQUIREMENTS:

From the record evidence presented at the hearing with respect to the requirements prescribed in Paragraph (a) through (k) of Section 23-39 (Off-Street Parking in Residential Districts), the petitioner has established that the subject proposal for off-street parking in the residential district fulfills each of those requirements insofar as they are applicable. An enumeration of the requirements, and the facts and evidence showing compliance with each of them, are set forth below.

Requirement (a): "The parking lot shall directly abut the multi-family residential, office, business or industrial district."

Facts Showing Compliance: The parking lot will be used in connection with the Lincoln-Mercury dealership to be established on property which is zoned as a B-2 District and fronts on the easterly margin of South Boulevard. The lot directly abuts the rear line of that business district for a distance of 319 feet. (See Staff Ex. #2, 3; Bryant Testimony at R.pp. 9, 15, 16.)

Requirement (b): "No portion of the parking lot shall extend more than 150 feet into the adjacent residential district."

Facts Showing Compliance: No part of the parking lot extends as much as 150 feet into the adjacent R-6MF area. The site plan shows that the lot extends into the residential area about 132 feet on the northerly side and 105 feet on the southerly side. (See Staff Ex. #3; Bryant Testimony at R.p. 16.)

Requirement (c): "The lot shall be used for parking only."

Facts Showing Compliance: The lot will be used only for parking in conjunction with the adjoining business property. (See Staff Ex. #3; Bryant Testimony At R.pp. 16, 17; Spigarelli Testimony at R.p.26.)

Requirement (d): "Parking structures will not be permitted."

Facts Showing Compliance: No parking or other structures of any kind will be permitted on the parking lot area (See Staff Ex. #3; Bryant Testimony at R.p. 17; Spigarelli Testimony At R.pp. 26, 27.)

Requirement (e): "The lot shall be operated solely as a convenience to customers or employees of the associated nonresidential use or to the residents of the multi-family dwelling, and shall be so located and arranged as to serve this end with a minimum of disturbance to nearby residential uses."

Facts Showing Compliance: The lot will be used and operated solely as a convenience to the customers and employees of the Lincoln-Mercury dealership business to be operated on the adjoining B-2 property. This utilization would have a lesser amount of circulation factors than some other uses to which the property could be put and constitutes a reasonable screen in relationship which would provide a minimum disturbance to the adjoining residential area. The proposed parking lot would effect a practical barrier to an extension of Starvalley Road, which is now a dead end street that runs through the adjoining residential area. The planting strip that intervenes between the adjoining residence lot lines and the parking area is about 50 feet at the northerly end and about 35 to 40 at the southerly end. The site plan has been amended to negative any suggestion that there will be any access throughways to the parking lot from adjoining areas (other than the business property it is designed to serve) and to replace the single 30 foot high light pole originally proposed with two 14 foot high poles at the rear of the parking area, whose illumination will be shielded from the residential area and directed toward the business area. The primary purpose of these lights is to provide general security for the entire facility. (See Staff Ex. #3 as amended; Bryant Testimony at R.pp. 10-12, 17, 21-23; Spigarelli Testimony R.pp. 26, 27, 32, 33, 36.)

Requirement (f): "Nonilluminated signs pertaining to the parking lot, no larger than two square feet, and only one for each entrance and exit, may be erected and maintained."

Facts Showing Compliance: No signs of any kind pertaining to the parking lot will be either erected or maintained (See Staff Ex. #3; Bryant Testimony at R.pp. 18; Spigarelli Testimony at R.p. 27.)

Requirement (g): "Wheel bumper guards shall be installed to prevent any portion of an automobile from being parked closer than five feet from any residential lot line or twenty feet from any street line. Bumper guards shall not be required along the property line wherever a masonry wall is constructed."

Facts Showing Compliance: Curbing will be installed around the entire perimeter of the parking area and will serve the bumper guard function referred to in the Ordinance. The curbing will be placed in a manner which in all instances will separate any portion of parked automobiles from any residential properties by at least 5 feet and in most cases considerably more. (See Staff Ex. #3; Bryant Testimony at R.p. 18; Spigarelli Testimony at R.pp. 27, 28.)

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Requirement (h): "Screening shall be provided in accordance with Section 23-50."

Facts Showing Compliance: The screening shown on the site plan will be afforded by plantings (identified as native green, evergreen stock, mixed combination of white pine, holly and ligustrum) around the entire residential perimeter of the parking area. These plantings must be three feet high initially and of a variety that will reach a six foot height in two years. In addition, slope protection and erosion control with natural ground cover between plantings will be provided. The plantings will meet (and probably exceed) the requirements of Section 23-50. (See Staff Ex. #3; Bryant Testimony at R.pp. 11, 19-21.)

Requirement (i): "The lot may be used for parking only during such hours so as not to constitute a public nuisance to adjacent properties."

Facts Showing Compliance: Normally, the parking lot will be used from 8:00 a.m. to 6:00 p.m. What is a nuisance should be considered in terms of alternative uses of the property. Some off-hour activity would not necessarily be a public nuisance. No inventory cars will be parked on the lot, customer cars to be repaired will be parked only temporarily and it is not anticipated that there will be any cars parked on the lot during the night. Customer parking around the main showroom building will be adequate to service any new car sales need that may occur after regular hours. See also evidence regarding parking lot lighting set forth above with reference to aequirement (e). (Spigarelli Testimony at R.p. 30.)

Requirement (j): "The provisions of Article V, Division 1, with regard to off-street parking requirements shall be applicable to off-street parking established as a conditional use in a residential district."

Facts Showing Compliance: Few of the provisions of Article V, Division 1, with regard to off-street parking requirements apply to the proposed conditional parking use. The proposal shown on the site plan has been related to all of those requirements. The Traffic Engineering Department has been consulted and its comments on the adequacy of the plan secured. It has been determined that the plan fully complies with those requirements. (See Staff Ex. #3, Bryant Testimony at R.pp. 24, 25.)

Requirement (k): "The lot shall be paved with impervious concrete asphalt material to a depth and in a manner approved by the Traffic Engineering Department."

Facts Showing Compliance: The parking lot will be paved with impervious concrete asphalt. Its construction will conform to the requirements of the City Traffic Engineering Department, whose approval will be obtained prior to installation. (Spigarelli Testimony at R.p. 29.)

The ordinance is recorded in full in Ordinance Book 24, at Page 38.

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MAYOR EXCUSED FOR PORTION OF MEETING.

Upon motion of Councilman Davis, seconded by Councilman Whittington, and unanimously carried, Mayor Belk was excused from participating on Agenda Item Nos. 6 and 7 due to a conflict. Mayor pro tem Whittington presided during his absence.

ORDINANCE NO. 455-Z ASSIGNING INITIAL ZONING OF I-1 TO ANNEXED PROPERTY ON THE NORTHEAST SIDE OF OLD MONROE ROAD, ABOUT 408 FEET EAST OF McALPINE CREEK.

Councilwoman Chafin moved the recommendation of the Planning Commission - that is, to deny the proposed I-2 zoning and zone the property as I-1. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington stated the County Commissioners asked the owner of the Greenway property at Independence Boulevard and the creek to waive that property so they could put a Mecklenburg County Ambulance Garage and facility there. He just wants to let the Council know that we are not all in the same boat as far as the Greenway preservation is concerned. Those who want to commend the good County Government for preserving greenways should know that.

Councilman Davis stated he is going to vote against this. He recognizes the satellite facility is dead as there are insufficient votes to pass it over the protest. But he voted to condemn this property for the city, and did it with the Planning Commission's prior approval on mandatory referral. There is no cause now to change his vote; he recognizes the property owners' right to protest and they have insisted this protest be recognized. So the matter is dead, but he is going to vote the way he feels on this issue.

Councilman Gantt stated he wants to say essentially the same thing as Mr. Davis has said. The first thing after this zoning is done is to ask Mr. Hopson to begin his search again for a facility in that area.

Councilman Withrow stated he feels the same way.

Mayor pro tem Whittington stated the motion is to deny the petition and leave the zoning as I-1.

The vote was taken on the motion, and lost on the following vote:

YEAS: Councilmembers Chafin, Locke and Williams.  
NAYS: Councilmembers Davis, Gantt and Withrow; Mayor pro tem Whittington.

Councilwoman Chafin moved that the property be zoned as I-1. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 39.

ORDINANCE NO. 456-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP TO CHANGE ZONING OF PROPERTY SOUTH OF HOSKINS ROAD AND BORDERING STEWART CREEK ON ITS EASTERLY SIDE.

Councilwoman Locke moved adoption of the subject ordinance changing the zoning from O-15 to I-1 property located about 700 feet south of Hoskins Road and bordering Stewart Creek on its easterly side, as recommended by the Planning Commission. The motion was seconded by Councilman Gantt, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 40.

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FILING OF APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FY1978 APPROVED.

Councilman Gantt moved approval of the filing of the application for Community Development Block Grant Funds for FY1978, in the amount of \$9,508,000. The motion was seconded by Councilwoman Chafin.

Councilman Gantt stated Mr. Sawyer in his letter to Council requested that we use the additional funds, in the amount of \$166,000, in the North Charlotte area for housing loans and grants and rehabilitation, and he presented three alternatives. Councilman Gantt stated he would like to see Council take all those funds and cover Areas A, B, C and D. The difference between the smallest and largest is about \$40,000, and if that many more homes can be improved, he would just as soon not make any distinctions, and he suggests we use Alternative II.

Reverend Horne, North Charlotte Community Association, stated they met with Community Development last Thursday night, and they had a presentation involving the area along Lunsford Drive. That area was requesting it. He stated they are of the same opinion as Mr. Gantt that all this area be taken in in using these extra funds to provide grants and loans for them to improve their property. They have assured them North Charlotte Action will work with them and help them. They hope Council will see fit to approve this.

Mayor pro tem Whittington stated in the informal session, Mr. Withrow was talking about the need for this local government doing something about houses, even if we had to hire our own carpenters and appropriate the money to help people insulate their homes, and do that kind of thing rather than paving streets and building sidewalks.

Mayor pro tem Whittington stated in that area he calls North Charlotte there are many homes in other areas that are in worse shape than these homes on Lunsford and the streets which the neighbors have asked to be added to the North Charlotte neighborhood. Where he thinks Mr. Sawyer is wrong and Reverend Horne is wrong is, if that be true, they should be saying put that money left over in other areas of that community where it is needed the most. The newest houses in North Charlotte are right here and the oldest houses are right where Reverend Horne's church is located - about from Charles Avenue to Craighead Road. Reverend Horne replied he agrees to a certain extent; but on the other hand, we are creating a buffer there to keep the community which they term as North Charlotte from deteriorating. He stated their area has the grants and loans already issued; people have taken advantage of it; and he would hope they would take advantage of it more, especially the loans as soon as the mechanism is worked out. But if there is an area where the people cannot afford to keep their property up, and cannot afford to get it up to code, then you will have a deteriorating situation there.

Mayor pro tem Whittington stated all he is asking is if there are houses in this area that need help more than this area which has the newest homes in the area - they were all built after World War II. Can we justify taking in this area when we still have the area near the church, around the mill, that needs the loans and grants more. Reverend Horne replied he thinks this has already been taken care of.

Councilman Gantt stated sometimes it does appear on the face of it that a house in dilapidated and substandard condition should be the house you minister to other than one that tends to be okay. But there is a valid point to be made that in many areas houses that look all right this year may not be all right five years from now because the owners are unable to do the kinds of maintenance and other kinds of things necessary to keep them in good shape. Often times the kinds of funds we have available under this program are precisely to keep those units upgraded, and protect the investment people are making in other areas, so that you do not have the kinds of cancer that start. This is what is happening in Third Ward on Westbrook Drive. Some of those houses are the better houses in the entire area, and they are getting the benefit of loans and grants. Some of the

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most substandard houses we would be better off trying to get means of providing new housing. He believes from what he has seen that North Charlotte has been very active in taking advantage of the program.

Mayor pro tem Whittington stated the only point he wants to make is when people come and ask why you are doing this on my street, and he wants to be able to give an answer, and he has it.

Councilman Withrow asked if the City had its own employees to do the work could you buy the materials? Mr. Sawyer replied he does not know; they have never researched it, and he does not have the answer.

Councilman Withrow asked that this be looked into with a report back.

Councilman Gantt stated he would like to clarify his motion. That he would like to make two motions.

Councilman Gantt moved approval of the filing of the application for \$9,508,000. The motion was seconded by Councilwoman Chafin, and carried unanimously.

Councilman Gantt moved that Council accept the recommendation of Alternative II and the expenditure of the additional \$166,000 in the Community Development Block Grant. The motion was seconded by Councilwoman Locke, and carried unanimously.

MAYOR BELK RETURNS TO MEETING.

Mayor Belk returned to the meeting during the discussion on the following motion, and presided for the remainder of the Session.

RESOLUTION AUTHORIZING THE FILING OF AMENDATORY APPLICATION TO THE DEPARTMENT OF HUD TO AMEND THE LOAN AND CAPITAL GRANT CONTRACT FOR BROOKLYN URBAN RENEWAL PROJECT NO. 4.

Councilwoman Locke moved adoption of the subject resolution. The motion was seconded by Councilman Withrow.

Councilman Gantt stated it appears to him that we are going to be dealing with some surplus funds coming out of the Wilmore and Belmont Program. That he had no idea that we had that amount of money, \$631,129; which we have never spent. He asked if that is cash? Mr. Sawyer, Director of Community Development, replied no; that is grant funds that are available to us to use only for closing out urban renewal projects. We could have used it in the Belmont-Wilmore Project if we had needed it to accomplish the plan. This represents a surplus that was unused; therefore it remains in the bank for us to use where other federal grants are sure.

Councilman Gantt asked where the funds from the sale of the remaining parcels in this project will go? Mr. Sawyer replied they will go into the Community Development Block Grant.

Mr. Burkhalter stated staff will be coming back to Council regularly now to wind up all urban renewal projects because there are no more, and the federal government is pushing us every day to wind them up and get them off the books. The monies received from the sale of the land will go back into this fund. Three or four years ago they would not have allowed us to use Wilmore money in an urban renewal project; but now they want us to do it. They are going to let us take grants we received from other things to get credit; and they are going to be very lenient in approving what we had said we were going to do, and have not done.

Mr. Sawyer stated presently they are proposing to close out three projects. This one, Greenville and Downtown. The remaining portion will go over into Greenville, and that will use up all the money. Then the next one is Downtown. The funds can only be used to close out urban renewal projects.

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

The resolution is recorded in full in Resolutions Book 12, beginning at Page 302.

**CONTRACT WITH URBAN PLANNING ASSOCIATES FOR ARCHITECTURAL AND PROFESSIONAL SERVICES FOR THE DESIGN OF PUBLIC IMPROVEMENTS ON THE FOURTH WARD URBAN REDEVELOPMENT PROJECT.**

Motion was made by Councilman Whittington, and seconded by Councilwoman Locke to approve the contract with Urban Planning Associates to prepare a Master Plan, the design of the Fourth Ward Park and the construction of a model of the Fourth Ward Area, for a total cost of \$39,350, with additional work items to be paid on a per diem basis.

Councilwoman Chafin stated she was present the day the presentation was made on this project; the firm being considered now made the most exciting presentation.

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

**RESOLUTION AUTHORIZING CONTRACT WITH STATE BOARD OF TRANSPORTATION FOR A GRANT OF TEN PERCENT FOR VARIOUS ITEMS FOR BUS SERVICE.**

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting the resolution authorizing the contract for a grant of ten percent (\$315,058) of the cost of (1) 34 new buses; (2) two specially equipped vans; (3) a radio communication system; (4) bus washer and cleaner; (5) shop tools and equipment; (6) refurbishment of 34 new buses; (7) shelters; (8) benches; (9) signs and information boards.

The resolution is recorded in full in Resolutions Book 12, at Page 304.

**RESOLUTION AUTHORIZING CONTRACT WITH THE STATE BOARD OF TRANSPORTATION FOR A GRANT OF TEN PERCENT OF COSTS OF IMPROVEMENTS TO BUS PASSENGER WAITING AREAS AT THE SQUARE AND IN-LINE TRANSFER POINTS.**

Councilman Gantt moved adoption of the resolution authorizing the contract with the State Board of Transportation for a grant of ten percent (\$57,387) of the costs of improvements to bus passenger waiting areas at the Square and in-line transfer points. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 305.

**CONTRACT WITH LANDMARK ENGINEERING COMPANY, INC. FOR CONTROLLED AERIAL PHOTOGRAPHY OF VARIOUS INTERSECTIONS AND ROADWAY SECTIONS THROUGHOUT THE CITY.**

Motion was made by Councilman Gantt, seconded by Councilman Davis, and unanimously carried, approving the contract with Landmark Engineering Company, Inc. for controlled aerial photography of various intersections and roadway sections throughout the City, at a cost of \$14,146; and an expenditure, not to exceed \$1400, for additional photographs if needed.

**LICENSE GIVING FAA PERMISSION TO CONSTRUCT VISUAL APPROACH SLOPE INDICATOR ON RUNWAY 23.**

Councilwoman Locke moved approval of a License giving the FAA permission to construct a Visual Approach Slope Indicator on Runway 23 at Douglas Municipal Airport with the entire cost of the indicator funded by the FAA. The motion was seconded by Councilman Whittington, and carried unanimously.

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CONTRACT WITH WACKENHUT CORPORATION TO PROVIDE SECURITY GUARDS AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilwoman Locke, and seconded by Councilman Davis to approve a three year contract with Wackenhut Corporation to provide security guards at Douglas Municipal Airport at an hourly rate of \$4.88 with the cost for this service to be paid by the airlines.

After comments by the Airport Manager explaining the costs, the vote was taken on the motion, and carried unanimously.

AGREEMENT TO TERMINATE LEASE WITH NORTH CAROLINA ARMY NATIONAL GUARD FOR PROPERTY ON WEST BOULEVARD.

Councilman Withrow moved approval of an agreement to terminate a lease with the North Carolina Army National Guard for property located on West Boulevard as use of this property is no longer needed since completion of a new Armory Warehouse and Maintenance Facility on Airport Drive and Morris Field Drive. The motion was seconded by Councilman Davis, and carried unanimously.

RESOLUTION TO SUBMIT AN LEAA SUBGRANT APPLICATION FOR FUNDING OF A CRIME PREVENTION PROJECT.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow, to adopt a resolution to submit an LEAA Subgrant Application for funding of a crime prevention project at a cost of \$26,873, which includes federal funds of \$24,186, state funds of \$1,343, and local cash match of \$1,344.

Councilman Whittington stated all members of Council, with the exception of one, attended the National Congress of Cities meeting in Washington last weekend. That he was a member of the Committee on Public Safety, and he would like to share with the Mayor and Council what was reported to him. The Chairman of the Committee was Mayor Lattimore of St. Paul.

Councilman Whittington stated the staff of the National League of Cities and this Committee were told the first thing they wanted them to know, and he would want everyone else to know, is that LEAA is not a crime control program; they say it has not been effective in crime prevention in any city in the United States. That it may very well be dissolved by this Congress and this President. This Committee also said and reported to the Congress that cities should not be forced to operate programs under LEAA through the State Law Enforcement Planning Agency, which is better known as SPA. The Staff of the National League of Cities reported that President Carter is suppose to be pushing court reforms, and the re-organization of the criminal justice system, and the shifting of LEAA funds. He has also cut President Ford's budget on LEAA funds by over \$100.0 million, which is proposed in his new budget.

This committee also condemned public TV violence, and urged the Congress to take a strong stand against TV violence, and go to the meeting on the West Coast in November and urge them to take a stand to try and stop TV violence. In the report the Committee on Public Safety endorsed there are several things he feels Mayor and Council would be interested in. One, in 1973 in the United States, 53 percent of the reported homicides were committed with handguns. According to data collected and analyzed by the National Commission on the Causes and Prevention of Violence, a third of all robberies and 1/5 of all aggravated assaults are committed with handguns. In 1971, 1/4 of all homicides were intra-family in which the family member sees the weapon at hand. A survey conducted in Detroit, Michigan showed a handgun in the home is more likely to kill a member of the family, than it is to provide life saving protection from burglars and robbers. The Northeast, which currently has the strictist handgun control law, has the lowest gun homicidal rate; the South, with the less restrictive gun laws, has the highest gun homicidal rate.

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This committee also recommended to the Steering Committee of the Congress on such things as what Rufus Edmisten and Governor Hunt are trying to do with first offenders under juveniles - what we are trying to do here, recommending that nationwide. One thing they are recommending here is emphasis should be placed on hiring city residents to police its own communities and let the police do something in another part of town.

He thought it was a very good two days of working committees. Some of the things that came out of this will go on to the meeting in December and he believes they will be adopted by the National League of Cities at that time.

Councilman Gantt asked if it is possible to get the total amount of LEAA funds we have received in the City of Charlotte? Mr. Burkhalter, City Manager, replied all the programs are audited four or five times, and he is sure he has them.

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

Mayor Belk stated the statistics received recently said Raleigh was 26 percent back; that Charlotte was two percent down; Greensboro two percent; Winston was 16 percent down on the crime average. He stated this is very encouraging for these four cities.

Mayor Belk requested the City Manager to give a report on this when he has the time.

Councilwoman Locke stated what Mr. Whittington has said, and what this report says is there is a crying need for gun control legislation. During the National League of Cities there was a mild resolution calling for a mild form of gun control which finally passed by a very narrow margin. She knows it causes all sorts of problems, and she also knows that Senator Fred Alexander introduced a gun control bill in his Committee, and it was defeated in Committee. Our policemen are calling for gun control; our legislature; our National Congress is calling for it, and citizens are calling for it. That she would someday like to see some form of ordinance calling for some type of gun control. She knows it has to be done statewide, but she would like to see it happen.

The resolution is recorded in full in Resolutions Book 12, at Page 306.

RESOLUTIONS APPROVING THE REPORT OF PLANS TO PROVIDE SERVICES IN AREAS BEING CONSIDERED FOR ANNEXATION.

(a) Councilwoman Chafin moved adoption of a resolution approving the report of plans to provide services to the Arrowood Road-York Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Page 284 through 287, adopted February 28, 1977. The motion was seconded by Councilman Davis, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 307.

(b) Councilwoman Locke moved adoption of a resolution approving the report of plans to provide services to the Chesapeake-Seaboard Industrial Park Area being considered for annexation under Resolution recorded in Resolutions Book 12, Pages 276 through 283, adopted February 28, 1977. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 308.

(c) Councilman Withrow moved adoption of a resolution approving the report of plans to provide services to the Albemarle-Delta Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Page 266 through 275, adopted February 28, 1977. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 309.

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(d) Councilwoman Chafin moved adoption of a resolution approving the report of plans to provide services to the Sterling Area being considered for annexation under Resolution recorded in Resolutions Book 12, Pages 262 through 265, adopted February 28, 1977. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 310.

(e) Councilwoman Locke moved adoption of a Resolution approving the report of plans to provide services to the Little Rock-Tuckasegee Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Page 245 through 261, adopted February 28, 1977. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 311.

(f) Councilman Gantt moved adoption of a Resolution approving the report of plans to provide services to the Morris Field Drive-West Boulevard Area being considered for annexation under Resolution recorded in Resolutions Book 12, Page 241 through 244, adopted February 28, 1977. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 312.

(g) Councilman Gantt moved adoption of a Resolution approving the report of plans to provide services to the North Tryon-Tom Hunter Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Pages 237 through 240, adopted February 28, 1977. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 313.

(h) Councilwoman Locke moved adoption of a Resolution approving the report of plans to provide services to the Providence-Rea Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Pages 228 through 236, adopted February 28, 1977. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 314.

(i) Councilman Whittington moved adoption of a Resolution approving the report of plans to provide services to the Sardis Road North Area being considered for annexation under Resolution recorded in Resolutions Book 12, Page 224 through 227, adopted February 28, 1977. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 315.

(j) Councilman Williams moved adoption of a Resolution approving the report of plans to provide services to the Thermal Road Area being considered for annexation under Resolution recorded in Resolutions Book 12, Pages 220 through 223, adopted February 28, 1977. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 316.

Councilman Whittington stated he would like to commend staff for the preparation of the reports on the plans for the services, and how they will be provided. That it would be helpful to get this information to the areas that will be annexed. That he would like to say thank you to the staff for the reports.

DIRECTOR OF UTILITY DEPARTMENT WILL BE OUT OF OFFICE FOR SEVERAL WEEKS, AND ASSISTANT DIRECTOR WILL BE ACTING DIRECTOR DURING HIS ABSENCE.

Mr. Burkhalter, City Manager, advised that Mr. Lee Dukes, Director of the Utility Department, will be confined for two or three weeks. That he suffered a heart attack and is in Presbyterian Hospital. During his absence, Mr. Dick Campbell will be Acting Director.

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ORDINANCE NO. 457 AMENDING CHAPTER 20, SECTION 20-51 OF THE CODE OF THE CITY OF CHARLOTTE PROHIBITING SOLICITATIONS FROM THE STREET OR MEDIAN STRIP.

Councilwoman Chafin moved adoption of the ordinance prohibiting soliciting from the street or median strip. The motion was seconded by Councilman Whittington.

Councilman Davis asked if this affects anyone who is selling or soliciting, newspapers and everything? The answer was everything. Councilman Gantt asked if it covers sidewalks, and Mr. Burkhalter, City Manager, replied it does not cover sidewalks.

Councilman Whittington stated we have people representing organizations stopping cars, banging on windows, and trying to hand you materials. That he receives a call about once a week about Woodlawn and Park Road.

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

The ordinance is recorded in full in Ordinance Book 24, at Page 42.

REGULATION OF ITINERANT SOLICITORS AND SALES PEOPLE RECEIVED AS INFORMATION BY COUNCIL.

The discussion of the regulation of itinerant solicitors and sales people was presented.

Councilman Whittington moved that the City Attorney be authorized to prepare the ordinance as recommended by the City Attorney. The motion was seconded by Councilwoman Locke.

Councilman Whittington stated this is not what he would like to have, but it is a start.

Councilman Davis stated he thinks he would vote against an ordinance today, and probably would vote against one that comes back if the recommendations are anywhere near the lines of reasoning he sees in the attachments. That Council just sat through a presentation by Mr. Peter Gilchrist, District Attorney, and this looks like it might be one of those ordinances which, while well intended, might create more trouble than it would be worth. He cannot see the kind of itinerant salesmen and solicitors we would like to regulate bothering to register with the police.

Councilman Gantt made a substitute motion that Council receive the report as information. The motion was seconded by Councilwoman Chafin, and carried as follows:

YEAS: Councilmembers Gantt, Chafin, Davis and Williams.  
NAYS: Councilmembers Locke, Whittington and Withrow.

NOMINATION TO TRANSPORTATION TASK FORCE.

Councilman Gantt placed in nomination the name of Mr. L. C. Coleman for appointment to the Transportation Task Force.

Councilman Williams placed in nomination the name of Mr. Charles Garrison for appointment to the Transportation Task Force.

DISCUSSION OF ROLE OF COMMUNITY FACILITIES COMMITTEE.

Mr. Bobo, Assistant City Manager, stated he has nothing to add to the report which was sent to Council on the role of the Community Facilities Committee. The agreement between the City and County is self-explanatory.

Councilman Davis stated he has commented on the role of the CFC, Mr. Whittington has spoken on it, and Mr. Williams; he is curious to know why these remarks were not included in the report? Mr. Bobo replied the basis of what

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he was trying to give to Council is that the official document for the role of the CFC is something the two governing bodies has approved and agreed upon. That is the basis. A Councilmember, or Council as a body, can ask the CFC to do anything they would like for them to do. Through the report, he was trying to show that this is the legal basis for their existence.

Councilman Davis stated Council made some decisions and specified that Council wanted them to meet quarterly, for example. That this was in July last year. Council specified several specific areas we wanted them to do certain things in. He asked if there has been any follow-up on that? Mr. Bobo replied this information was forwarded to the CFC Chairman. They do meet regularly, and are meeting almost monthly now, working on the assignment that has to do with the consultant study which Council authorized recently. But he thinks the role he is talking about was something approved prior to the last document between the City Council and the County Commissioners. Council can still ask CFC to furnish him with any information he wants. It is up to Council rather than staff. Councilman Davis replied he agrees it is up to Council.

Councilman Davis stated he would like to ask the City Manager to have staff follow up on the comments made at two separate Council meetings. One was in July, 1976 and at a previous Council meeting to that, before this Council came into office. These have been referred to; this reference made back in July, 1976 contained a long string of duties Council asked the CFC to perform. It was his understanding staff would follow up with whatever action was necessary to get this before the CFC. His assumption was this was being done now that the CFC was performing this role. This is not mentioned in the report with the Council Agenda for today.

Mr. Burkhalter stated he thought what Mr. Davis wanted to do was to talk about these things today. That staff simply gave him the basic document and then he can go from there. There was no idea of trying to interpret what Mr. Davis or anyone else had said. Everytime this Council has asked staff to give something, or to get something or do something with CFC they have gotten that information to them.

Councilman Davis stated Council took official action during a Council meeting to specify what duties we wanted this advisory committee to perform. It seems to him that routine staff work would do what is necessary to have it enacted. In this case, it would require approval of the County Commissioners. They say it has been transmitted to the CFC; should Council not be getting something back.

Mr. Burkhalter suggested they decide now what Council wants to do, and then do it. Not about what we thought we did.

Mayor Belk stated the reason the CFC was originally set up was not for the CFC members; it was set up so the City and County could function together as a body. Whatever action this Council takes, it will have to go back to the County Commissioners. He stated there is a meeting coming up, and he would advise him to leave this alone until we see if we can get along with the County Commission.

Councilman Davis stated without taking any action today, he is referring to Council action taken back in July, and several years prior to that. Mayor Belk stated he does not think it would be fair if the City Council took action without a joint meeting with the County Commissioners because this was set up for a better line of communication between the County and the City - not for the City to tell the CFC what to do without a joint meeting with the County Commissioners, then he thinks we are stepping out of bounds.

Councilman Davis stated he thinks Council has already said what changes it might make with the CFC. It is stated in the official Council meetings of July 1977. That Council suggested: (1) it wanted the CFC to meet more frequently; (2) give us more frequent advice; (3) their recommendations on all extensions of water and sewer facilities, and the financing thereof. The CFC members were present that night, and Mr. Sheridan indicated they would meet more frequently. He stated what he is asking is that Council stated what it wanted done in public session, and why has nothing been done about it?

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Councilwoman Chafin stated she does not understand his intent. It seems to her what we have been asking them to do is within the authority outlined in the original agreement between City and County. She has a hard time understanding why there is a need to modify the basic agreement. Councilman Davis replied, for instance, there was an extension of water facilities into Matthews and it was processed without the recommendation of the CFC. Prior to this coming before Council, we stated in our Council minutes we wanted their advice on all extensions of water and sewer facilities in the Charlotte-Mecklenburg area. This was done in conflict with Council's statement. In the material presented today, the original agreement between the City and County did not specifically state, and does not include, instructions that the CFC has to make a recommendation on all extensions of water and sewer facilities. We did state this in our Council minutes.

Mr. Bobo replied the CFC does have to make a recommendation on the change of policy. If you have a change in the policy on extensions, they would make a recommendation. Councilman Davis stated or if there is a conflict they become involved, but on a normal extension they are not consulted? Mr. Bobo replied a normal extension is done within the policy framework which the CFC approved originally. Mr. Burkhalter stated it would be a real serious handicap to the operations to go to them and ask them everytime we put in a six inch water line.

Councilman Whittington referred to Page 8 of the agreement, Section 14, and stated he thinks this is what Mr. Davis is talking about: "A petitioning citizen may request CFC to make examination of the petitioned extension." It does not say that Council asked them to do that.

Councilman Gantt stated it seems to him that in Mr. Davis' mind there is some conflict as to the role of the CFC. Rather than going after this by examining and interpreting this particular agreement between City and County regarding their roles, maybe he should specifically suggest amendments he would like to see made to this agreement, and then get with the City and County to do that. That all of us seem to have some difficulty with certain aspects of what he is talking about. He stated as he read the policy it seems to allow them the right to do exactly what they are doing now. Councilman Davis replied what he suggests is what he did in July 1976. Councilman Gantt suggested that he bring these back as an amendment, or suggest that Council after voting on it, petition the County to see if they are agreeable to the change in the role.

Mr. Burkhalter stated to his knowledge we have had no disagreement at all since this was developed with the County. It has worked well. We had all kinds of disagreements before; it was one problem after another. He would hate to see us go back and try to make some changes with the County. There is nothing wrong with Council asking the CFC to do anything Council wants to ask them to do. If Council wants them to do something they are not doing, then Council should pass it as an act of Council, and instruct them to do so. Then he will see that they get the message, and try to get them to do it.

Councilman Gantt stated that is the point he is trying to make - we have a Councilmember who is not sure we are getting all we should be getting out of the CFC. It would seem to him if he wants more specific instructions for them, he should put that before Council to see if we agree with it. If Council does not agree, then that, for all intents and purposes, kills that issue. What we have had from Mr. Davis for over a year now is some concern as to whether we are getting everything we need out of the CFC; or whether we are following all of what they have been assigned to do. He simply says to Mr. Davis that he go ahead and put down in writing the amendment he wants to the agreement, put it before this Council, and let the Council act on that.

Mayor Belk stated we should not leave the County Commissioners out. The reason the CFC was set up was so they would not feel that way. As far as he knows, they have not felt that way since the CFC was set up.

Councilman Davis stated he has no objections to the materials presented by staff, as far as it goes. He moved this matter be deferred for two weeks; that staff come back then and present the information from the discussion that took place in the two Council meetings he referred to - to show what Council's stated intention the role of CFC was to be. That it would be appropriate to have Mr. Sheridan, or some member of the CFC, present in two weeks to assist in the discussions. The motion died for lack of a second.

CONTRACT AWARDED CONCRETE PRODUCTS COMPANY FOR PLASTIC WATER METER BOXES AND LIDS.

Councilman Whittington moved award of contract to the only bidder meeting specifications, Concrete Products Company, in the amount of \$16,039.40, on a unit price basis, for plastic water meter boxes and lids. The motion was seconded by Councilmember Locke, and unanimously carried.

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER AND WATER MAIN RELOCATIONS ASSOCIATED WITH THE WENDOVER ROAD WIDENING PROJECT.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, contract was awarded to the low bidder, Sanders Brothers, Inc., in the amount of \$149,990, on a lump sum per relocation basis, for Sanitary Sewer and Water Main Relocations associated with the Wendover Road Widening Project.

The following bids were received:

Sanders Brothers, Inc.	\$149,990.00
Blythe Industries	154,500.00
Crowder Construction	160,899.00

CONTRACT AWARDED BEN B. PROPST, CONTRACTOR, INC., FOR WATER DISTRIBUTION PROJECT - CRESTDALE (MATTHEWS, N. C.).

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Ben B. Propst, Contractor, Inc., in the amount of \$60,033.85, on a unit price basis, for Water Distribution Project - Crestdale (Matthews, N. C. ).

The following bids were received:

Ben B. Propst, Contractor, Inc.	\$ 60,033.85
Sanders Brothers, Inc.	61,391.20
Rea Brothers	65,830.00
Dickerson, Inc.	69,448.00
A. P. White & Associates	72,041.00
Blythe Industries	77,495.00
Cardinal Construction	116,820.00

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR HELICOPTER HANGAR.

Councilman Withrow moved award of contract to the low bidder, Frank H. Conner Company, in the amount of \$36,895.00, on a unit price basis, for Helicopter Hangar. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

Frank H. Conner Company	\$ 36,895.00
D. R. Mozeley, Inc.	36,900.00
Moretti Construction, Inc.	42,689.00
Donald G. Neal Construction Co., Inc.	42,887.00
Metrolina Builders, Inc.	45,952.00
Laxton Construction Co., Inc.	47,950.00

ONLY BID RECEIVED ON HELICOPTER FUELING FACILITY REJECTED AND PERMISSION GRANTED TO REVISE SPECIFICATIONS IN ORDER TO RECEIVE MORE COMPETITIVE BIDS.

Upon motion of Councilwoman Chafin, seconded by Councilman Whittington, and unanimously carried, the only bid received on the Helicopter Fueling Facility was rejected, as recommended by the Police Chief, Airport Manager and Purchasing Director, and permission granted to revise specifications in order to receive more competitive bids.

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CONSENT AGENDA APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the following Consent Agenda items were approved:

- 1.) A Fourth Ward Loan Agreement, Multi-family, between the City of Charlotte (City), and North Carolina National Bank (NCNB), in the amount of \$55,000, to be used in financing the preservation of a multi-family residential structure to be owned and leased by Motion, Inc.
- 2.) Resolution authorizing the refund of taxes collected through clerical error and illegal levy, in the amount of \$3,246.24, from forty-one accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 317.

- 3.) Contract with Walnut Properties, by John Crosland Company (General Partner) for the construction of 3,456 l.f. of 8" sanitary sewer lines to serve Walnut Creek, Section 3, (Ashebrook), outside the city, at an estimated cost of \$51,840.
- 4.) Contract with John Crosland Company for the construction of 930 feet of 6" and 2" water main and one fire hydrant, to serve Walnut Creek II-D, outside the city at an estimated cost of \$6,200.00.
- 5.) Contract with Ed Griffin Company for the construction of 4,910 feet of 6", 2" and 1-1/4" water main and four fire hydrants, to serve Fairfield Park, Section 2, inside the City, at an estimated cost of \$37,650.00.
- 6.) Contract with Whitner Farms, Inc. for construction of 2,935 feet of 8", 6" and 2" water mains and two fire hydrants, to serve Sturnbridge Sub-division, Phase III, outside the City, at an estimated cost of \$23,200.00.
- 7.) Settlement in the case of City of Charlotte versus B. J. Stacks, et al, in the combined total of \$25,900, for Parcel Nos. 14 and 15, Poplar Street Widening Project.
- 8.) Encroachment Agreements:

- (a) Resolution authorizing the Mayor and City Clerk to enter into an Encroachment Agreement with the Southern Railway System allowing the installation of a 6-inch water main within the right of way of McCall Street and Southern Railroad right of way, located south of Polk Street, in the amount of \$50 to the railroad for administrative cost.

The resolution is recorded in full in Resolutions Book 12, at Page 320.

- (b) Encroachment Agreement with the North Carolina Department of Transportation permitting the City of Charlotte legal rights to maintain and/or repair existing water mains and sanitary sewer lines in Bentway Drive, Masters Court and Green Rea Road, located south of Carmel Road.
- (c) Encroachment Agreement with the North Carolina Department of Transportation permitting the City of Charlotte to construct an 8-inch sanitary sewer line in Morris Field Drive.

9.) Property transactions:

- (a) Acquisition of 15' x 142.49' of easement of 3853 Churchill Road, from Elizabeth B. Prince (widow), at \$500, for sanitary sewer right of way, Wendover Road Widening Project.
- (b) Acquisition of 30' x 2,688.76' of easement at 9611 SR 2414 Cornelius, N. C. (off Potts Washam Road), from Sherrill Yarn Mills, Inc., at \$2,700, for McDowell Creek Outfall - Phase II.
- (c) Acquisition of 30' x 1,383.04' of easement, plus a temporary construction easement south off Sam Furr Road, SR 2145 from Lois A. Bell and husband, James M. Bell, Sr., at \$1,950.00, for McDowell Creek Outfall - Phase II.
- (d) Acquisition of 30' x 190.3' of easement, plus a temporary construction easement, at 14324 Ervin Cooke Road, SR 2137, from Herbert Brown and Sudie B. Brown, at \$530.00, for McDowell Creek Outfall - Phase II.
- (e) Acquisition of 30' x 334.23' of easement, plus a construction easement at 14220 Ervin Cooke Road, SR 2137, from Grace B. Deaton and husband, George D., at \$723.00, for McDowell Creek Outfall - Phase II.
- (f) Acquisition of 10' x 171.13' of easement at 7701 South Boulevard from Cavalaris Realty Company, at \$1.00, for sanitary sewer right of way along South Boulevard, at Hill Road.
- (g) Acquisition of 15' x 104.63' of easement at 1300 Kenilworth Avenue, from Ken-Scott Corporation, at \$1.00, for Latta Park Trunk Replacement Project.
- (h) Acquisition of 30' x 212.10' of easement, plus a temporary construction easement, at 3924 Wilson Lane (off Sugar Creek Road West), from Jeane E. Wilson, at \$312.00, for Derita Branch Trunk Project.
- (i) Acquisition of 30' x 199.97' of easement, plus a temporary construction easement, at 4001 Wilson Lane (off Sugar Creek Road West), from Mack Russ and wife, Vivian E., at \$270.00, for Derita Branch Trunk Project.
- (j) Acquisition of 30' x 214.40' of easement, plus a temporary construction easement, at 3901 Merlane Drive (off Sugar Creek Road West), from Charles Benjamin Wilson and wife, Catherine S., at \$650.00, for Derita Branch Trunk Project.
- (k) Acquisition of 15' x 469.86 l.f. of easement at 3910 Merlane Drive, from Louise B. Long, at \$1,000.00, for Derita Branch Trunk Project.
- (l) Acquisition of 30' x 1,286.88' of easement, plus a temporary construction easement, at 1001 West Sugar Creek Road, from Carter L. Redd, Jr. and wife, Sarah A., at \$1,286.00, for Derita Branch Trunk Project.
- (m) Acquisition of seven (7) parcels of real property located in North Charlotte Community Development Target Area:
  - 1.) 12,366 sq. ft. at 4235 Dinglewood Avenue, from Havid L. Butler, at \$3,000.
  - 2.) 27,455 sq. ft. on southeast corner of Charles & Pickney Avenue, from Estate of Sarah E. Williams, at \$10,000.
  - 3.) 39,400 sq. ft. (Parcels 1, 2, 3, 4 and 17), at 3016-20 Clemson Avenue, from Horace Wells, at \$18,000.

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(n) Acquisition of six (6) parcels of real property located in the Grier Heights Community Development Target Area:

- 1.) 859 sq. ft. at 316-22 & 400-02 Heflin Street, from Grace R. Brownlee, at \$300.
- 2.) 250 sq. ft. at 301 Heflin Street, from John C. Clifton, at \$300.
- 3.) 323 sq. ft. at 100 Leroy Street, from Max Hugh Morton, at \$2,200.
- 4.) 72 sq. ft. at 3715 Ellington Street, from Ruth H. Kilroy, at \$100.
- 5.) 261 sq. ft. at 3721 Ellington Street, from Mill Square, Inc., at \$200.
- 6.) 406 sq. ft. at 3718 Ellington Street, from James C. Funderburk, at \$250.

(o) Acquisition of two (2) parcels of real property located in the Third Ward Community Development Target Area:

- 1.) 8,240 sq. ft. at 906-08 West First Street, from Mr. & Mrs. Gordon L. Vaughn, at \$11,330.
- 2.) 8,450 sq. ft. at 900 West First Street and 414 South Clarkson Street, from Kathryn Monty Heirs, at \$9,700.

(p) Acquisition of ten (10) parcels of real property located in the Southside Park Community Development Target Area:

- 1.) 19,950 sq. ft. at 2705 Chicago Avenue, from Helen M. Wiley, at \$3,400.
- 2.) 6,606 sq. ft. at 2624 South Tryon Street, from Duley Weddington Life Estate, at \$11,000.
- 3.) 19,839 sq. ft. at 214-16-18-20 Lancaster Street, from Temple Chapel Baptist Church, at \$27,500.
- 4.) 3,500 sq. ft. at 216 Lancaster Street, from E. J. Webb, Jr., at \$6,000.
- 5.) 19,000 sq. ft. at 2700-06 South View Street and 209-15 Bassett Street, from Piedmont Realty & Investment Co., at \$31,450.
- 6.) 4,500 sq. ft. at 217-19 Bassett Street, from Anita S. Brown, at \$6,000.
- 7.) 4,500 sq. ft. at 221 Bassett Street, from Ruth H. Kilroy, at \$2,970.
- 8.) 5,000 sq. ft. at 2708 South View Street, from Dodo, Inc., at \$7,000.
- 9.) 5,000 sq. ft. at 2712 South View Street, from Piedmont Realty & Investment Company, at \$4,750.
- 10.) 53,975 sq. ft. at 2800-10 South View Street and 2801-03, 2809-11 and 2313-23 Wig Street, from J. D. Whitesides, at \$45,400.

EXECUTIVE SESSION SET FOR THURSDAY, MARCH 17.

Councilwoman Locke moved that the City Council hold an Executive Session on Thursday, March 17, 1977, at 10:00 o'clock a.m., in the Second Floor Conference Room, for the purpose of conferring with the Deputy City Attorney regarding the Steele Creek lawsuit pursuant to G.S. 143-318.3. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Burkhalter, City Manager, stated this meeting is set up by the Attorney for the Airport, Mr. Underwood. He stated they anticipate there may be some announcement made real soon about the situation, and they feel Council needs to be informed of this information prior to any action taken by the Courts or otherwise. He stated Mr. Underwood and Mr. Arnold Thompson will be here for the meeting.

ADJOURNMENT.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, the meeting adjourned.

  
Ruth Armstrong, City Clerk