

December 18, 1972
Minute Book 58 - Page 149

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 18, 1972, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem Fred D. Alexander presiding, and Councilmembers Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk at the beginning of the meeting.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Finley, Kratt, Moss, Ross, Royal, Sibley and Turner present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Mr. Claude L. Albea.

APPROVAL OF THE MINUTES.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the minutes were approved for the meeting on December 11, 1972.

MAYOR BELK COMES INTO MEETING.

Mayor Belk came into the meeting during the presentation of the first hearing, and presided until he left the meeting as noted in the minutes.

HEARING ON PETITION NO. 72-61 BY FORREST B. LONG REQUESTING CONDITIONAL OFF-STREET PARKING FOR MULTI-FAMILY PURPOSES FOR PROPERTY IN A R-12 DISTRICT ON THE SOUTHEAST SIDE OF CROYDON ROAD, BEGINNING 122 FEET FROM QUEENS ROAD WEST.

The public hearing was held on the subject petition for conditional parking on which a protest petition had been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to approve the petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for conditional off-street parking for a portion of a lot which is related to Croydon Road. This is a small parcel at the rear of a lot which has frontage on Queens Road West. A duplex is located on the front portion of the lot facing on Queens Road West; adjacent is a lot on which a four-plex building is located; adjacent to that is another lot with a four-plex unit. Across Croydon Road is a solid pattern of single family residential structures; to the rear of the subject property is also single family residences facing on Croydon Road. Generally the area consists of single family construction and a scattering of duplex and multi-family uses.

He stated there is multi-family (R-6MF) zoning basically along the Selwyn Avenue area, and extending down Queens Road West to the subject lot. The property coming back into the direction of Selwyn Avenue is zoned multi-family and the remainder of the area including all the property on this portion of Croydon is zoned R-12.

December 18, 1972
Minute Book 58 - Page 150

Mr. Bryant stated the request is for conditional off-street parking. The proposal is to build an additional four-unit facility to the rear of the present building which necessitates additional parking. In order to achieve that parking it is proposed the parking for these eight units be extended onto the rear of the lot which comes out on to Croydon Road.

Mr. Sam Williams, Attorney for the petitioner, stated he has with him Mr. Lawrence Vaughn, a landscape architect. That Mr. Vaughn represents Dr. & Mrs. Forrest Long who live on the corner of Croydon Road and Queens Road West. He stated the petitioners purchased the duplex property in 1971; he passed around a copy of the survey which shows the duplex currently on the property and stated it is on the rear of the lot which they propose for the conditional parking lot. That Dr. & Mrs. Long feel they have done a tremendous amount for the neighborhood, and they have spent about \$10,000 improving the duplex property. They want to tear down some parking facilities which exist on the back of the property, and put up a two-story four-plex, which is a four unit structure. Mr. Williams stated there are numerous four unit structures in this block.

Mr. Vaughn then pointed out from a drawing the locations of the existing structures and those proposed to be torn down and those proposed to be constructed. He stated originally they planned to bring the driveway out onto a residential street and they now plan to completely surround and structure the parking with screen as required by the ordinance. He stated the property already has enough area in it for about eleven units, but because of the shape of the property, and because of the deep setback there is not sufficient parking for a four-plex without the conditional zoning. There is enough space for a duplex if they cut down the oak tree, but they want to maintain the tree in this location as it will help to soften the entire effect.

Mr. Williams stated they feel there is a great ease that can be had in the modified plan. That Queens Road West has an island and all the traffic that would enter or exit from this project would be right hand turn traffic so that the entrance of the driveway would be a right hand turn in and you would have a right hand turn coming out. As the plan was originally submitted it had a proposed exit on Croydon Road. But they had a very strong feeling from the Planning staff if you can keep an exit off a back street it is better to do so. He stated this side of Queens Road and this side of Selwyn Avenue is basically four unit structured. On the other side of Selwyn Avenue there are larger apartment buildings. In this very block on the corner of Croydon and Selwyn there are four-plexes, and that is what they are proposing to develop on this property - two four-plexes.

Mr. Ray Bradley, Attorney, stated he represents the owners of 23 lots both adjoining and in the immediate vicinity of the property under consideration. He stated a protest petition was filed and signed by the owners of these 23 lots. He read the protest petition in which it was stated the granting of the request would decrease the value of the property and convert one of the most beautiful residential areas into a commercial appearing community; create a heavily congested street out of a peaceful community lane, and will increase the hazards to their children who use the streets adjoining the area as their access to the nearby elementary school.

Mr. Bradley stated in addition to the people who signed this protest petition, there are other people and other groups who oppose the application. He stated this is an application that is extremely foreboding to the residents of the Queens Road West-Croydon Road area. Foreboding, because if the application is granted, it opens the door to encroachment of multi-family complexes into an area zoned for single family use only. He stated the Stephens Company planned this area a long time ago in the 1920's; they visualized an outstanding residential area with its center a wide boulevard funneling off into beautifully contoured and curving avenues unlike anything not only in North Carolina but in the southeast. There is nothing in North

December 18, 1972
Minute Book 58 - Page 151

Carolina to compare with the Queens Road area even now. The company carried out its plan and they did this before there was any planning commission or any control by any government body. They did this through a restriction plan and engineering control. A plan was adopted that left room for attractive multi-family development on the fringe areas so that it would not adversely affect the values or liveability of the single family area. The Planning Commission when it established the zoning for this Myers Park area along with the City of Charlotte recognized the validity of the plan of the Stephens Company and stayed with the general scheme, and this has continued to be the most beautiful area of Charlotte.

Mr. Bradley stated the lot on which Dr. Long plans to build the additional four apartment building is restricted to the effect that only one duplex or one four family apartment building can be constructed there. He stated they are looking at that very carefully.

This raises visions of a continuing effort to move gradually into the single family portion of this area through this very vehicle of turning the single family lots into parking areas for multi-family structures. This application is the first move in this direction. The lot on which Dr. Long proposes to build another four-family structure is not designed for it; it was not designed for it when the Stephens Company set it up, and it is not designed for it now as it is obviously not large enough to accommodate it and the parking required, so they want to move into the area that is restricted and zoned to single family use only and include that as a part of this lot to serve his purposes.

First they proposed an entrance way from Croydon and now they propose something that may be even worse by adding another entrance way on Queens Road, and Queens Road was designed to furnish a beautiful avenue for access from this residential area to the city areas. The traffic pattern is very congested, and it will only create more and more congestion.

Mr. Bradley stated there is an organization called the Myers Park Home Owners Association. Mr. Lynn Bond, an Attorney, is president of that Association, and has written a letter at the request of the Board of Directors of the Association requesting that the petition be denied.

Councilman McDuffie asked if they are objecting to eight more cars? Mr. Bradley replied yes, and they are also objecting to the additional four apartment building which is a part of the whole application. That this is really talking about moving into an R-12 district to accomplish a multi-family purpose. Councilman McDuffie stated that is probably true, but planners usually talk about boundaries and in a lot of cases they use streets. That Mr. Williams referred to the petition on Vail Avenue which was before Council and not allowing access to the street behind with high shrub and screening so that cars could not be seen; it is possible the area will be better landscaped with a parking lot than it would have been with a building. Mr. Bradley replied it would change the entire complexion of this area to have a parking lot for an apartment complex on a single family zoned lot. Councilman McDuffie stated he is in sympathy with that although in his part of town you do not end up with the four-plexes, you end up with a 12 unit apartment on a lot that size with a lot more cars, and so it could be worse. It also seems they are also concerned about what might happen in the future beyond this zoning. Mr. Bradley replied they can visualize that all these single family lots running down Croydon Road will fit into the pattern of parking areas for these multi-family structures even on Selwyn Avenue. Councilman McDuffie stated it would take some rezoning to get multi-family next to parking.

Councilwoman Easterling asked if the fact the petitioner says the exit and entrance will be removed from Croydon Road will make any difference in the protestants viewpoints? Mr. Bradley replied it will not change the complexion of anything at all. As a matter of fact, it will create even more of a traffic congestion trying to get out into Queens Road West; it does not help the problem at all.

Also speaking against the petition was Mrs. Robertson of Croydon Road.

December 18, 1972
Minute Book 58 - Page 152

Mr. Williams stated the Longs rent only to older people and there are no children who live in the duplex or the present four-plex. There are three cars that serve everyone in the four-plex right now, and they would anticipate the same number or maybe four that would be involved on the new four-plex. The compatibility of the structures they will build will be much less of an eyesore to the people than the old rundown concrete block buildings there now. Also they have a commitment from a title insurance company to insure the development of the property in the fashion they propose; so they do not believe there is such an objection by the restrictions; those very restrictions permit the two four-plexes on the corner of Selwyn and Croydon right now.

Councilman McDuffie stated if these people were asking for a rezoning on the property then he would not consider it; but there are lot of places in town like this, and we had the same question on Park Road where the land when developed, was much larger than needed, and it was out in the suburbs; but now it is in the city. The lots are much bigger than they were intended to be for the tax rate and that sort of thing. This kind of petition that he can consider hopefully is the screening and bushes they say will be put there and will be. But you have to consider that property owners have the right to try to use the property to the least offensive way to the neighborhood. That he can consider this kind of proposal as not being the kind Mr. Bradley thinks will tear down the neighborhood and he hopes that is not the case.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-60 BY THE ATLANTIC LAND AND IMPROVEMENT COMPANY FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF 10.6 ACRES OF LAND WEST OF PARKWAY AVENUE AND NORTH OF SEABOARD COASTLINE RAILROAD.

The public hearing was held on the subject petition for a change in zoning from I-1 to I-2 of 10.6 acres of land west of Parkway Avenue and north of Seaboard Coastline Railroad.

The Assistant Planning Director stated the land use pattern is one of vacant property on three sides immediately adjacent and the industrial development across the railroad.

He stated the entire area around the subject property is zoned I-1. There is some I-2 zoning to the west; to the east beyond Parkway is a solid pattern of multi-family zoning, and some single family zoning up in the Lakeview Community.

Mr. Thomas G. Lynch, Assistant Vice President of Seaboard Coastline Railroad Company, stated he represents the Atlantic Land and Improvement Company which is a wholly owned subsidiary of the SCL Railroad and owner of the property involved. He stated the property is located a minimum distance of 190 feet west of Parkway Avenue in the Lakewood section; it is several blocks north of Tuckaseegee Road; it consists of 10.6 acres of filled land adjacent to the former P & N Railroad which is now Seaboard Coastline. It was prepared in 1964 as an industrial site, but has remained unused since that time. The present zoning of this land and the surrounding area is I-1. The land has no frontage on Parkway Avenue; access is by means of a 60-foot wide easement granted by Duke Power Company. The easement crosses an electric power transmission line owned by Duke, and owned in fee. The land is bounded on the north and east by undeveloped and wooded property of Duke Power Company which is also zoned I-1. On the west by other undeveloped property owned by the Atlantic Land and Improvement Company, and zoned I-1, and on the south by the main track of the railroad. Across the railroad the ownership is Dillard Paper Company and Georgia Pacific Corporation and located in a small industrial park the Railroad has developed in the past eight years, and that property is also zoned I-1.

December 18, 1972
Minute Book 58 - Page 153

Mr. Lynch stated the land is mostly level as it has been graded and filled, but it is irregular in shape and in their opinion its best use is for I-2 zoning rather than I-1. He stated they have found a prospective user for this land as an outdoor building materials storage and distribution facility - a use which would not be permitted under the I-1 zoning. If the petition is approved, the new I-2 zoning will not be adjacent to any residential zone, and will continue to be surrounded by existing I-1 zoning and will be approximately 250 feet from the nearest residential zone. They have consulted with all the adjacent property owners, Dillard, Georgia Pacific and Duke Power Company, regarding this petition, and none have objected to the rezoning of the land to I-2. That he has letters from each of the three to that effect which he filed with Mr. Bryant of the Planning Office.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO RETIRING FIRE DEPARTMENT EMPLOYEES.

Mayor Belk recognized Fire Lieutenant-Captain Leonard Querry Ferguson, employed April 6, 1949 and retired November 15, 1972, and Fire Lieutenant-Captain James Herbert Irvin, employed May 16, 1946 and retired November 15, 1972 and presented each with the City of Charlotte Employee Plaque. The Mayor and each member of Council wished them well in their retirement.

INFORMATION ON WAYS TO STRENGTHEN ADVERTISING SIGN REGULATIONS ACCEPTED AS INFORMATION, AND MEETING TO BE SCHEDULED WITH THE COUNCIL, COUNTY COMMISSION AND PLANNING COMMISSION TO CONSIDER THE INFORMATION.

Mr. David Stradinger, Administrative Assistant, stated two weeks ago Council asked the City Manager's office to look into the possibility of restricting the location of advertising signs along expressway routes. He stated they have prepared seven basic alternatives for effecting the sign controls, each of which will strengthen the ordinance. There are any number of ways to go at this issue; probably the most effective is through the zoning ordinance itself. The ordinance passed in 1962 has withstood the legal challenge and does provide a solid base for controlling signs, particularly advertising signs. He stated Staff would like for Council to indicate which, if any of the alternatives, it is interested in pursuing. Before considering this, Council should understand it will involve a considerable amount of staff time - any where from four to eight weeks. It will also require a basic re-ordering of the planning staff work program.

Mr. Stradinger stated the seven alternatives are as follows:

- (1) Decrease the allowable sign area.
- (2) Require minimum spacing between signs.
- (3) Require greater setback from the street.
- (4) Prohibition along certain streets or expressways.
- (5) Decrease the districts in which advertising signs are allowed.
- (6) Require the removal of non-conforming signs.
- (7) Enact a minimum lot size ordinance.

He stated this issue is large and should be approached rather carefully; it cannot be resolved overnight or in a week. But in light of the time and effort involved in studying this matter, he would suggest that Council seriously consider which, if any, of the alternatives it is interested in pursuing.

Councilman Jordan stated he understands some states have drive-off areas where they have billboards and sign boards. If you are coming into a city and are going to try to spend the night they have an area to drive off and see the billboards and it does not detract from the highways. Mr. Stradinger replied he would be glad to check into this.

December 18, 1972
Minute Book 58 - Page 154

Councilman Alexander asked if the federal regulations now outlaw all billboards on highways. If that is the case what is different here that Council must consider these changes? Mr. Bobo, Assistant City Manager, replied the federal regulations do not apply inside the city limits where there are zoning powers. Mr. Stradinger stated the federal regulations do not apply where there are zoning regulations.

Councilman Whittington asked what some of the recommendations would be passed on the seven points given to Council today? Mr. Stradinger replied according to the planning staff there are any number of one or a combination of the seven points. One would be the requirement of a minimum space between signs; second would be the setback and site distance, and possibly the lot sizes.

After further discussion, Councilman Jordan moved that the report be accepted as information. The motion was seconded by Councilman Short.

Councilman Withrow stated the county is involved in this and he would suggest they be contacted in reference to this matter and if something is done, it should be done together. If there is a public hearing, it should be a joint hearing.

Councilman Short asked if any of these seven alternatives run afoul of freedom of speech? Mr. Underhill, City Attorney, replied he does not worry as much about freedom of speech as he does other provisions. That items four and six have some very serious legal questions, and in particular six. That the City ran into a similar type of legal argument along the lines of number six in the Little Pep Delmonico case in the 1960's where an ordinance required the removal of overhanging signs of certain dimensions in the downtown business district areas. The ordinance was held to be unconstitutional.

Councilman McDuffie stated in view of the statement just made it makes it all the more important in considering the kind of moratorium council imposed when it was talking about lounges in not allowing any building permits to be issued while the matter was being studied. It would seem advisable that Council try to prohibit the erection of any more signs for a period of eight weeks or how long it takes to have a public hearing so we will not be faced with the problem. That he would like to propose that Council by resolution not allow any building permits. Mr. Stradinger stated so far this year 34 sign permits have been issued for I-77, ten for the Northwest Expressway, and no permits have been issued along the proposed Independence Expressway route.

Councilman Short asked if a moratorium can be imposed on sign permits temporarily? Mr. Underhill replied if a person comes in and tenders the proper amount to purchase a permit and shows that he can comply with the existing ordinance, he believes the building inspection department would be required to issue a permit or be subject to a writ of mandamus requiring him to do so.

Councilman Whittington stated he will not be opposed to the motion, but as a suggestion and in order to get this on the table it would seem to him that Council should request Mr. Stradinger and the Planning Commission to set up a meeting with the Board of County Commissioners along the lines that Mr. Withrow suggested on these three items that staff and perhaps the Planning Commission think would be well to consider in a public hearing. That he does not see any point in having a public hearing until both bodies agree what we are going to have a hearing on.

The vote was taken on the motion and carried unanimously.

Councilman Whittington moved that Council meet with the Board of County Commissioners and the Planning Commission to consider the seven alternatives as recommended by Mr. Stradinger. The motion was seconded by Councilman Alexander, and carried unanimously.

December 18, 1972
Minute Book 58 - Page 155

ORDINANCE NO. 698-X TRANSFERRING FUNDS FOR USE ON CIVIC CENTER CONSTRUCTION FURNISHINGS.

Motion was made by Councilman Short and seconded by Councilwoman Easterling, to adopt the subject ordinance transferring \$386,000 for use on the Civic Center construction and furnishings.

Councilman McDuffie asked if there is any question that the tax rebate will be sufficient to cover the amount of money to be borrowed? Mr. Bobo, Assistant City Manager, replied the Finance Director has made these projections and he estimates there will be sufficient funds.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 435.

ORDINANCE NO. 699 REPEALING CHAPTER 3, "ANIMALS AND FOWL" OF THE CODE OF THE CITY OF CHARLOTTE, AND SUBSTITUTING IN LIEU THEREOF, A NEW CHAPTER 3, ENTITLED "ANIMALS".

Councilman Whittington moved adoption of the subject ordinance repealing Chapter 3, "Animals and Fowl" of the Code of the City of Charlotte, and substituting in lieu thereof, a new Chapter 3, entitled "Animals". The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 436.

Councilman Alexander asked why cats cannot be covered by any ordinance? Mr. Roberts, Pet Department Superintendent, replied he has talked to other cities who have ordinances to control cats, and it is almost impossible to enforce the ordinance. You cannot catch a cat. That last year they answered 17 calls on bites and scratches from cats; they really do not have that much trouble about cats. Before the leash law they answered about 700 calls.

Mr. Roberts stated this ordinance has been discussed with the Humane Society of Mecklenburg County, and there is a letter endorsing the ordinance.

He stated one of the main problems is the equine animal - the horse and pony. They are receiving a tremendous amount of calls and taking a lot of time. People are turning these animals loose. Some of the used car dealers give a pony when you buy a used car, and there are now 1500 to 2000 of these in this location. You can go to a sale and buy them for about \$10.00. Before the adoption of this ordinance today he did not have the authority to go out and pick these animals up. They plan to build a small fenced lot to house these animals. Councilman Alexander asked if they plan to build the type facility to actually house these animals and we will not run into problems of people complaining about the type of facilities used? Mr. Roberts replied he does not foresee this problem; that he is working with the Humane Society, and they will not have any problems.

Councilman McDuffie asked if ponies and horses will be licensed now? Mr. Roberts replied they do plan to do this; they will be required to wear a tag on the halter.

Councilman Short stated paragraph 8 of the ordinance states that veterinarians shall inoculate a dog at the time of sale of the city dog license tax tag. He asked if that means the city will no longer do the inoculating? Mr. Roberts replied this is in the present ordinance; the veterinarians sell city licenses for the city. Mr. Bobo, Assistant City Manager, replied all veterinarians will be allowed to inoculate dogs in the future according to state regulations just passed down to the city. Councilman Short asked if the city is going to license veterinarians? Mr. Roberts replied this means the veterinarians will be allowed to sell the license tags for the city.

December 18, 1972
Minute Book 58 - Page 156

Mrs. George Rawlins, President of the Mecklenburg Humane Society, spoke in favor of the ordinance.

Councilman Whittington stated the new ordinance regulates the keeping and displaying of animals. He asked if this will eliminate the concern of the Humane Society about people who have dogs tied in the sun? Mrs. Rawlins replied under this ordinance, Mr. Roberts will be able to control this.

ORDINANCE NO. 700 AMENDING CHAPTER 11, LICENSES, BY ADDING A NEW PARAGRAPH UNDER THE LINE "MALE AND FEMALE" CLASSIFICATION (95), AND ORDINANCE NO. 701 AMENDING CHAPTER 11, LICENSES, BY ADDING A NEW CLASSIFICATION (107.1).

Councilman Whittington moved adoption of Ordinance No. 700, and Ordinance No. 701 Amending Chapter 11, Licenses, to become effective July 1, 1973. The motion was seconded by Councilman Alexander and carried unanimously.

Ordinance No. 700 adds the following paragraph under the line "Male and female", under Classification (95):

"No license shall be issued to any person who has been found to have twice violated Sections 3-26, 3-27 and 3-31 of this code for a period of two years after the time of the last violation. No license shall be issued to any person who has been found to have violated Section 3-30 of this code for a period of three years after the violation."

Ordinance No. 701 adds a new classification as follows:

"(107.1) EQUINE LICENSE TAG ----- not prorated
Male and female\$5.00."

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 460.

Councilman Short requested that the minutes show the City Attorney stated the licensing procedure is satisfactory as that is the only reason he voted for the motion. That he does not see how the city can come along and re-license those already licensed by the state. The City Attorney asked Mr. Roberts, Superintendent of the Pet Department, how he selects the veterinarians to give rabies shots and issue the city dog license tag? Mr. Roberts replied all the veterinarians in Mecklenburg County issue city license tags for the City of Charlotte. When they innoculate a dog against rabies they also sell a city license tag. Mr. Underhill stated the City does not pass on the vets qualifications; each has the opportunity and does sell the city dog license tags.

ORDINANCE NO. 702-X AMENDING ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FOR PAYMENT OF A JUDGEMENT IN THE CASE OF MR.H. P. MUMFORD VS. THE CITY OF CHARLOTTE.

Councilman Alexander moved adoption of subject ordinance transferring \$10,000 for payment of a judgement in the case of Mr. H. P. Mumford vs. the City of Charlotte. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 462.

December 18, 1972
Minute Book 58 - Page 157

CONTRACTS FOR THE INSTALLATION OF SANITARY SEWER TRUNKS, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the following contracts were approved for the installation of sanitary sewer trunk:

- (a) Contract with William L. Nahrang for the construction of 175 linear feet of 8-inch main to serve 8425 Providence Road, outside the city, at an estimated cost of \$2,525.00, with the applicant to deposit 100% of the estimated cost, and the City to construct at no cost to the city and refund to be made as per the agreement.
- (b) Contract with Ralph Squires Construction Company for the construction of 2,150 linear feet of 8-inch main and trunk and the relocation of 510 linear feet of 10-inch trunk to serve Milton Acres II, outside the city, with the estimated cost of the 8-inch main \$20,000 and the applicant to build the mains and the city will own same at no cost. The applicant has deposited \$9,945.00 for the 10-inch and 8-inch trunk and will bear the entire cost of the 10-inch trunk relocation with no refund. The cost of the 8-inch trunk will be refundable as per the agreement.

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

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass and trash and rubbish, as follows:

- (a) Ordinance No. 703-X ordering the removal of trash and rubbish at 1711 East 8th Street.
- (b) Ordinance No. 704-X ordering the removal of trash and rubbish at corner of West Morehead and South Mint Streets.
- (c) Ordinance No. 705-X ordering the removal of weeds and grass at corner of Walker and McAlway Roads.
- (d) Ordinance No. 706-X ordering the removal of weeds and grass at 2815 Idlewood Circle.

The ordinances are recorded in full in Ordinance Book 19, beginning on Page 463.

ENCROACHMENT AGREEMENTS, APPROVED.

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

- (a) Agreement with the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right-of-way of Barringer Drive to serve Barringer Drive and Pressley Road.
- (b) Agreement with the State Highway Commission permitting the City to construct an 8-inch C. I. water main within the right-of-way of N. C. 27 (Freedom Drive).

December 18, 1972
Minute Book 58 - Page 158

PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 10' x 50.58' easement at 4401 East Independence Boulevard, from Branch Banking and Trust Company, at \$1.00, for sanitary sewer to serve 4445 East Independence Boulevard.
- (b) Acquisition of 15' x 136.45' of easement at 3201 Johnny Cake Lane, from George Goodyear Company, at \$1.00, for McMullen Creek Outfall Sanitary Sewer Construction Project.
- (c) Acquisition of 4,799.35 sq. ft. easement at 3207 Johnny Cake Lane, from George Goodyear Company, at \$1.00, for McMullen Creek Outfall Sanitary Sewer Construction Project.
- (d) Acquisition of 2 acres, with two-story frame residence, at 7132 Old Dowd Road, from Ernest Edward Bethune and wife, Elizabeth M., at \$36,000.00, for Master Plan Land Acquisition, Douglas Municipal Airport.
- (e) Acquisition of 4.5 acres on Sylvan Way, from John R. Adams, Jr. (single), at \$19,200.00, for Master Plan Land Acquisition, Douglas Municipal Airport.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CLARENCE FRED BROWN AND WIFE, BEATRICE C., LOCATED OFF HIGHWAY 160, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE AIRPORT EXPANSION PROGRAM.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Clarence Fred Brown and wife, Beatrice C., located off Highway 160, in Berryhill Township, at a condemnation price of \$66,000, in connection with the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 8, at Page 483.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CHARLES P. SLOAN, LOCATED ON OLD DOWD ROAD, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE AIRPORT EXPANSION PROGRAM.

Councilman Whittington moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles P. Sloan, located on Old Dowd Road, in Berryhill Township, at a condemnation price of \$29,000, in connection with the Airport Expansion Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 484.

TRAFFIC CONTROL FOR CENTRAL AVENUE BETWEEN THE PLAZA AND SHARON AMITY ROAD, APPROVED.

Mr. Herman Hoose, Director of Traffic Engineering, stated in the past ten months the Traffic Engineering Department has been reviewing the entire section of Central Avenue, from The Plaza to Sharon Amity Road. At Sharon Amity they recommend a new type of signal which allows left turns for both Sharon Amity and Central Avenue. On the widening of Central Avenue they restudied two intersections brought up by City Council. One at Rosehaven and the other at Briar Creek Road. Today they are recommending the removal

December 18, 1972

Minute Book 58 - Page 159

of the signal equipment at Iris Drive and Chatham Avenue due to the very low traffic volume and the rest of the survey they did in reference to accidents, waiting time and so forth. This equipment will be removed from this intersection and reconditioned, add the green extension and place it at Briar Creek Road. They will add green extensions to Morningside Drive and Club Road; they are now reviewing Club Road for removal of this particular intersection later. At Iris and Chatham they will put in the flashing stop. At Kilborne they will put in the green extension, and at Briar Creek they will use the signals and they will recondition the signal from Sharon Amity and install it at Rosehaven.

Mr. Hoose stated this will leave them with one eight phase controller to be purchased for the intersection of Sharon Amity and Central Avenue. This will give a good signal system through the area. This money was set aside in the construction program for Central Avenue. There is enough money by changing this signal equipment around to put these control devices in at these four places.

Mr. Hoose stated as soon as the equipment comes in in 60 to 100 days, they will take the equipment from Sharon Amity and move it down with a pedestrian push button for the school traffic at Rosehaven. He stated the entire project will take about 120 days.

Councilman Short moved approval of the recommendations. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman McDuffie asked if there are any plans to remove the Withrow type shadow at Central Avenue and Kilborne? Mr. Hoose replied the whole intersection of Kilborne is being re-designed, and it will be completed as soon as the weather permits.

Councilman McDuffie stated it would appear that the intersection deserves three lanes coming out of Kilborne - a right turn, left turn and straight ahead, and we only end up with two lanes. It appears there could have been a time to turn right coming out of Kilborne if we had three lanes. Mr. Hoose replied there were not enough lanes on the other side; there are only two lanes.

Councilman McDuffie stated the written report went into quite a detail on Arnold Drive and Eastway Drive and the number of accidents was mentioned, and the number was 12 in the last year. Mr. Hoose replied in 1971 there were seven accidents - three were turning wrong, one was a rear-end accident, and three right angle. In 1972 up to October 31, there were five accidents. Two were rear-end and one turned from the wrong lane, and two right angles. Councilman McDuffie asked if this includes the Fountain Square accidents, and Mr. Hoose replied it includes all of them; there has been one accident at Fountain Square.

Mr. Hoose stated in the study he stated they were asked to take into consideration other signals, and they did take into consideration Central and Arnold Drive, and also Eastway Drive and Arnold Drive. Since it was a residential street, it did not warrant the traffic signal. They even analyzed the whole analysis of the traffic, and they did not want to signal Arnold Drive as it is only a 26 foot residential, winding street, with no curb and gutter, and it would encourage the movement of a short traffic cross-over. Councilman McDuffie stated that kind of statement is not facing up to the fact that Arnold Drive would not be used as a through street. If someone was going to use it they would use Merry Oaks or Flynnwood in the first place. But Fountain Square Apartments now have something like 1000 cars and Merry Oaks School has 500 students and three or four hundred cars a day. The people having rear end accidents will increase going into Fountain Square

December 18, 1972
Minute Book 58 - Page 160

Apartments, and they would use Arnold Drive to go half a block to the street the Planning Commission made them open up to get into the Fountain Square Apartments. To say nobody uses Arnold Drive is true because they do not try it but once, and they never go back because they cannot get out onto the street. This is an Arbor Way type kind of traffic signal, and he thinks Council is going to face a concerted effort for a traffic signal.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE TRAFFIC PROBLEMS AT I-77 AND WOODLAWN ROAD OVER TO SOUTH TRYON STREET AND ALSO I-77 AND BEATTIES FORD ROAD.

Mayor Belk stated last week he went out I-77 and it took him nine and one-half minutes to get off I-77 to South Tryon Street. This will really be a problem when they get I-77 open. That he is talking about Woodlawn Road, from I-77 where they were backed up all the way to I-77. He requested Mr. Hoose, Traffic Engineer, to check on this as it is going to get worse. There are several problems. One - they are turning left into Holiday Inn, and then there are left turns into alleys.

Mr. Hoose stated they are going to move the island over and put in a left turn slot. Councilman Withrow stated the train out there makes it bad also; that the day he was out there the train stayed for 15 minutes.

Councilman Alexander asked Mr. Hoose, if he has any more answers about the traffic coming off I-77 into Beatties Ford Road? Mr. Hoose replied last Friday they spent all afternoon with the State Highway representatives on the whole section.

LEASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND RONALDO INVESTMENT CORPORATION, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject lease agreement between the City of Charlotte Model Cities Department and Ronaldo Investment Corporation for renewal of the lease of property at West Eighth Street and North Church Street for a period of one year, beginning on the first day of January, 1973, and ending on the 31st day of December, 1973, in the amount of \$5,946.60 per year.

LEASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND THE A.M.E. ZION PUBLISHING HOUSE, APPROVED.

Councilman Alexander moved approval of the subject lease between the City of Charlotte Model Cities Department and the A.M.E. Zion Publishing House for renewal of the lease of 6,180 sq. ft. on the first and second floors of the A.M.E. Zion Publishing House Building, located at 401 East Second Street, which motion was seconded by Councilman Short, and carried unanimously.

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND MOTION, INC. FOR THE OPERATION OF MOTION, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the subject contract was approved for technical or professional services between the City of Charlotte Model Cities Department and Motion, Inc. for the operation of Motion in the amount of \$118,024.

December 18, 1972
Minute Book 58 - Page 161

CONTRACT BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND CHARLOTTE AREA FUND FOR THE OPERATION OF THE MODEL CITIES SKILL TRAINING AND PLACEMENT PROGRAM, WITHDRAWN.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to withdraw the subject contract as requested by Dr. Travland.

AMENDED CONTRACTS FOR TECHNICAL OR PROFESSIONAL SERVICES AND AMENDED MEMORANDUM OF UNDERSTANDING FOR MODEL CITIES THIRD ACTION YEAR PROJECTS, APPROVED.

After discussion, motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, approving the subject contracts for Technical or Professional Services and Amended Memorandum of Understanding for Model Cities Third Action Year Projects.

ORDINANCE NO. 707-X AMENDING ORDINANCE NO. 363-X, THE 1972 MODEL CITIES BUDGET ORDINANCE, REVISING APPROPRIATIONS TO MEET ACTUAL AND PROJECTED EXPENDITURES AND REVENUES AND PROGRAMMING FUNDS FOR SIX NEW PROJECTS.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, adopting subject ordinance revising appropriations to meet actual and projected expenditures and revenues and programming funds for six new projects.

The ordinance is recorded in full in Ordinance Book 19, at Page 467.

CONTRACTS FOR TECHNICAL OR PROFESSIONAL SERVICES AND MEMORANDUM OF UNDERSTANDING FOR THE CHARLOTTE MODEL CITIES FOURTH ACTION YEAR PROGRAM.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject contracts for Technical or Professional Services and Memorandum of Understanding for the Charlotte Model Cities Fourth Action Year Program.

ORDINANCE NO. 708-X APPROPRIATING FUNDS FOR THE 1973 MODEL CITIES BUDGET FOR THE YEAR BEGINNING JANUARY 1, 1973 AND ENDING DECEMBER 31, 1973, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, adopting the subject 1973 Model Cities Budget for the year beginning January 1, 1973 and ending December 31, 1973.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 470.

CONTRACT WITH PEAT, MARWICK, MITCHELL & COMPANY FOR AUDIT OF MODEL CITIES CITY DEMONSTRATION PROGRAM, FOR THIRD ACTION YEAR, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the subject contract was approved with Peat, Marwick, Mitchell & Company for audit of Model Cities City Demonstration Program, ME-32-001 Third Action Year.

LEAA SUBCONTRACT AWARD BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY FOR THE DRUG ABUSE PREVENTION PROJECT, PHASE II, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the subject LEAA Subcontract Award between the City of Charlotte and Mecklenburg County for the Drug Abuse Prevention Project, Phase II, in the amount of \$78,750.00.

December 18, 1972
Minute Book 58 - Page 162

ORDINANCE NO. 709-X AMENDING ORDINANCE NO. 520-X, TO PROVIDE AN APPROPRIATION FOR THE OPERATION OF PHASE II OF THE LEAA-SPONSORED COMPREHENSIVE DRUG ABUSE PROGRAM FOR MECKLENBURG COUNTY.

Councilman Alexander moved adoption of subject ordinance amending Ordinance No. 520-X, to provide an appropriation for the operation of Phase II of the LEAA-sponsored comprehensive Drug Abuse Program for Mecklenburg County. The motion was seconded by Councilman Short, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 19, at Page 473.

MR. W. J. SMITH RE-APPOINTED TO THE REDEVELOPMENT COMMISSION FOR A PERIOD OF FIVE YEARS.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, Mr. W. J. Smith was re-appointed to the Redevelopment Commission for a five year term.

DISCUSSION OF URBAN REDEVELOPMENT COMMISSION TO BE PLACED ON AGENDA FOR NEXT MEETING.

Councilman Short moved that the discussion concerning the memorandum on urban redevelopment commission being transferred to the city as a department be placed on the agenda for the next meeting. The motion was seconded by Councilman Whittington, who stated he is seconding the motion with the understanding that this will be for discussion only.

The vote was taken on the motion and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following special officer permits for a period of one year:

- (a) Renewal of permit to James Archer Brown for use on the premises of Johnson C. Smith University.
- (b) Renewal of permit to Thomas Lee King for use on the premises of Johnson C. Smith University.
- (c) Issuance of permit to Otis Jones, Jr. to use on the premises of Kingspark Apartments, on Kingspark Drive and Dr. Carver Road.
- (d) Issuance of permit to Henry V. Morris for use on the premises of Park Fairfax Apartments.

December 18, 1972
Minute Book 58 - Page 163

CONTRACTS FOR CIVIC CENTER FURNISHINGS:

(a) Councilman Jordan moved award of contract to the low bidder, O. G. Penegar, in the amount of \$10,260.75, on a unit price basis for office furniture for various offices. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

O. G. Penegar	\$10,260.75
Clyde Rudd & Assoc., Inc.	10,456.68
Miller's Office Eqpt.	10,537.03
Kale Office Outfitters, Inc.	11,091.68
Sears, Roebuck & Company	12,224.00
Fowler's Office Supplies	12,265.42

(b) Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Miller's Office Equipment, in the amount of \$1,869.60, on a unit price basis for utility tables for the lounge areas.

The following bids were received:

Miller's Office Eqpt.	\$1,869.60
O. G. Penegar	1,887.00
Kale Office Outfitters, Inc.	1,896.60
Sears, Roebuck & Company	2,040.00

(c) Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, O. G. Penegar, in the amount of \$2,314.00 on a unit price basis for side tables for the reception and lounge area.

The following bids were received:

O. G. Penegar	\$2,314.00
Kale Office Outfitters, Inc.	2,356.20
Miller's Office Eqpt.	2,440.00
Clyde Rudd & Assoc., Inc.	2,468.40
Sears, Roebuck & Company	2,760.00

(d) Councilman Jordan moved award of contract to the low bidder, Kale Office Outfitters, Inc., in the amount of \$16,312.40 on a unit price basis for office furniture for various offices, reception and lounge area. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bid was received:

Kale Office Outfitters, Inc.	\$16,312.40
O. G. Penegar	16,323.50
Miller's Office Eqpt.	17,016.65

MAYOR BELK LEAVES MEETING.

Mayor Belk left the meeting at this time, and Mayor pro tem Alexander presides for the remainder of the session.

(e) Councilman Short stated there is only one bidder on the Herman Miller Furniture for the various offices, conference rooms and lobby. That this is an exceedingly competitive industry and there must be hundreds and hundreds of factories.

December 18, 1972
Minute Book 58 - Page 164

Mr. Brown, Purchasing Agent, then explain that this was handled by the same process as the other bids. That every section of these bids were discussed as a total package, and in the discussion they found the suppliers were more satisfied to put it in sections, which is what they did. In the same context they were very complimentary on the design package. At the time of the discussions they had indications and statements that there were no sections that everyone could not bid on.

Councilman Short stated all these companies have bid on steel case and metropolitan company, and they bid all the way through. But when you get to Herman Miller furniture no one would bid. That they said they could bid but they did not. Mr. Brown stated when they tried to check out the reason for only one bidder, they were told by suppliers that they just did not want to bid that particular item.

Councilman McDuffie asked why they asked for Herman Miller furniture, and Councilman Short replied Herman Miller follows the practice rather aggressively, he believes, of getting architects to specify their products. They aggressively place their products before architects. There are instances of difficulty in bidding this company's products. That it seems to him if a company wants public business they should bear with the necessities that go along with bidding.

After further discussion, Councilman Short moved that this item be rejected with instructions that it be rebid to get competitive bids. The motion was seconded by Councilman Whittington and carried unanimously.

(f) Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Miller's Office Equipment, in the amount of \$1,093.75 on a unit price basis for 25 ash urns to be used throughout the Civic Center.

The following bids were received:

Miller's Office Eqpt.	\$1,093.75
O. G. Penegar	1,193.75
Sears, Roebuck & Co.	1,350.00
Kale Office Outfitters, Inc.	1,428.00

(g) Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Clyde Rudd and Assoc., Inc. in the amount of \$8,535.00, on a unit price basis for benches, planters and trash receptacles to be used throughout the Civic Center.

The following bids were received:

Clyde Rudd & Assoc., Inc.	\$ 8,535.00
O. G. Penegar	9,075.00
Sears, Roebuck & Co.	10,259.00

(h) Councilman Jordan moved award of contract to the low bidder, Miller's Office Equipment, in the amount of \$12,080.00 on a unit price basis for two-seat units for reception and lounge area. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Miller's Office Eqpt.	\$12,080.00
Kale Office Outfitters, Inc.	12,096.32
O. G. Penegar	12,696.00
Clyde Rudd & Assoc., Inc.	12,697.28
Sears, Roebuck & Co.	16,000.00

(i) Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to Kale Office Outfitters, Inc., the low bidder meeting specifications, in the amount of \$5,935.98, on a unit price basis for office furniture for various offices, lounge and conference rooms.

December 18, 1972
Minute Book 58 - Page 165

The following bids were received:

Kale Office Outfitters, Inc.	\$5,935.98
O. G. Penegar	6,054.25
Clyde Rudd & Assoc., Inc	6,165.24
Miller's Office Eqpt.	6,349.20
Sears, Roebuck & Co.	8,089.00

(j) Councilman Whittington moved award of contract to the low bidder, O. G. Penegar, in the amount of \$159.75, on a unit price basis for telephone tables for conference rooms. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

O. G. Penegar	\$159.75
Kale Office Outfitters, Inc.	160.71
Clyde Rudd & Assoc., Inc.	168.06
Sears, Roebuck & Co.	201.00
Miller's Office Eqpt.	447.00

(k) Councilman Jordan moved award of contract to the low bidder, O. G. Penegar,, in the amount of \$1,622.00 on a unit price basis for sofas and chairs for various offices. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

O. G. Penegar	\$1,622.00
Miller's Office Eqpt.	1,641.65
Sears, Roebuck & Co.	1,800.15

(l) Upon motion of Councilman Jordan, seconded by Councilman Short and unanimously carried, contract was awarded the low bidder meeting specifications, O. G. Penegar, in the amount of \$121,594.84, on a unit price basis for 2,500 upholstered stacking chairs, and 3,000 non-upholstered stacking chairs for the exhibit area.

The following bids were received:

O. G. Penegar	\$121,594.84
Miller's Office Eqpt.	123,781.52
Fowler's Office Supply	151,450.52
Sears, Roebuck & Co.	174,760.00

(m) Motion was made by Councilman Jordan to award contract to the low bidder meeting specifications, O. G. Penegar, in the amount of \$20,075.00 on a unit price basis, for 650 folding tables, for exhibit and conference areas. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

O. G. Penegar	\$20,075.00
Kale Office Outfitters, Inc.	20,137.60
Clyde Rudd & Assoc., Inc.	20,566.85
Miller's Office Eqpt.	20,665.50
Harper Bros. Company	20,881.15
Shelby Printing Co.	21,374.95
Sears, Roebuck	23,902.50

(n) Councilman Whittington moved award of contract to the low bidder, O. G. Penegar, in the amount of \$1,778.00 on a unit price basis for eight lecterns for exhibit and conference areas. The motion was seconded by Councilman Short and carried unanimously.

December 18, 1972
Minute Book 58 - Page 166

The following bids were received:

O. G. Penegar	\$1,778.00
Kale Office Outfitters, Inc.	2,127.20
Stone's Sou. School Supply	2,200.00
Clyde Rudd & Assoc., Inc.	2,326.00
Oravisual Co., Inc.	2,374.56

(o) Councilman Jordan moved award of contract to the only bidder, Sico, Inc., for portable stages and dance floor, and dance floor with 13 caddies for the exhibit area, in the amount of \$25,496.19, on a unit price basis for exhibit area. The motion was seconded by Councilman Withrow, and carried unanimously.

(p) Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Clyde Rudd & Assoc., in the amount of \$309.00 on a unit price basis for three portable announcement boards for the lobbys.

The following bids were received.

Clyde Rudd & Assoc., Inc.	\$309.00
O. G. Penegar	505.50
Fowler's Office Supply	561.00

(q) Councilman Whittington moved award of contract on the lowest responsive bid to O. G. Penegar, in the amount of \$21,145.00 on a unit price basis for draperies for the various offices, lounge and exhibit area. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

O. G. Penegar	\$21,145.00
Miller's Office Eqpt.	33,938.02
Sears, Roebuck & Co.	40,000.00

CONSTRUCTION EQUIPMENT CONTRACTS AUTHORIZED.

(r) Motion was made by Councilman Jordan to award contract to the low bidder, Charlotte Ford Tractor Sales, in the amount of \$14,759.16, on a unit price basis for one backhoe loader. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor Sales	\$14,759.16
Case Power & Eqpt. Co.	14,986.20
Allison International, Inc.	16,381.24
John Deere Company	17,677.92
Mitchell Dist. Co.	19,532.00

(s) Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Case Power & Equipment Company, in the amount of \$38,810.54, on a unit price basis for two front-end loaders, rubber tired articulated.

The following bids were received:

Case Power & Eqpt. Co.	\$38,810.54
John Deere Company	39,715.96
Spartan Equipment Co.	40,370.00
E. F. Craven Company	42,748.00
Carolina Tractor & Eqpt.	42,770.00
Western Carolina Tractor	49,652.00

December 18, 1972
Minute Book 58 - Page 167

(t) Councilman Jordan moved award of contract to the low bidder, Charlotte Ford Tractor Sales, in the amount of \$23,819.76, on a unit price basis for three tractors, heavy-duty with side mounted flail mower. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor Sales	\$23,819.76
John Deere Company	23,908.29
Morris Farm & Eqpt. Co.	26,550.00

(u) Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the only bidder meeting specifications, Allison International, Inc., in the amount of \$3,282.66, on a unit price basis for one tractor, industrial type with center mounted rotary mower.

The following bids were received:

Allison International, Inc.	\$3,282.66
Charlotte Ford Tractor Sales,,	
Did not meet specifications	\$2,799.86

(v) Councilman Withrow moved award of contract to the low bidder, Interstate Equipment Company, in the amount of \$14,300.00, on a unit price basis for two tandem rollers, four to six ton. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Interstate Eqpt. Co.	\$14,300.00
Arrow Eqpt. Co.	16,180.00
B. F. Craven Co.	16,293.50
Western Carolina Tractor	17,326.00
Mitchell Dist. Co.	17,600.00

Councilman Whittington asked if any of this money for the construction equipment is Powell Bill money? Mr. Hopson, Public Works Director, replied almost all of it. Councilman Whittington asked if they are doing this in lieu of the street programs? Mr. Hopson replied no; this was set aside by Council originally in the budget.

(w) Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Contractors Service and Rentals, in the amount of \$4,255.00 on a unit price basis for two walk-behind vibratory rollers.

The following bids were received:

Contractors Ser. & Rentals	\$4,255.00
Interstate Eqpt. Co.	4,530.00
Case Power & Eqpt. Co.	6,608.00

(x) Councilman Whittington moved award of contract to the only bidder, A. E. Finley & Associates in the amount of \$3,435.00 on a unit price basis for one trailer mounted infra-red asphalt heater. The motion was seconded by Councilman Jordan, and carried unanimously.

(y) Motion was made by Councilman Short to award contract to the low bidder, Contractors Service & Rentals, in the amount of \$8,872.00 on a unit price basis for two air compressors. The motion was seconded by Councilman Jordan, and carried unanimously.

December 18, 1972
Minute Book 58 - Page 168

The following bids were received:

Contractors Ser. & Rentals	\$8,872.00
N. C. Eqpt. Company	9,490.00
Southland Eqpt. Co.	9,980.00
Spartan Eqpt. Co.	10,320.00
Interstate Eqpt. Co.	10,400.00
A. E. Finley & Assoc.	10,464.00

Bid received not meeting specification:

Mitchell Distributing Company	\$8,350.00
-------------------------------	------------

(z) Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Contractors Service & Rentals, in the amount of \$3,548.00 on a unit price basis for ten paving breakers, 80 pound class.

The following bids were received:

Contractors Service & Rentals	\$3,548.00
Interstate Eqpt. Co.	4,000.00
Mitchell Dist. Co.	4,070.00
Western Carolina Tractor	4,250.00
N. C. Eqpt. Co.	4,250.00
Spartan Eqpt. Co.	4,350.00
Southland Eqpt. Co.	4,540.00
A. E. Finley & Assoc.	4,850.00

(aa) Councilman Whittington moved award of contract to the low bidder, E. F. Craven Company, in the amount of \$31,912.00 on a unit price basis for one landfill scraper. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

E. F. Craven Co.	\$31,912.00
Carolina Tractor & Eqpt.	57,327.00
Western Carolina Tractor	59,975.00
Interstate Eqpt. Co.	70,000.00

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER FACILITIES TO SERVE ORCHARD TRACE APARTMENTS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Sanders Brothers, Inc., in the amount of \$89,964.50, on a unit price basis for the construction of an 8 inch and 10 inch sanitary sewer line to serve Orchard Trace Apartments.

The following bids were received:

Sanders Brothers, Inc.	\$89,964.50
L. A. Reynolds Co.	96,328.00
Ben B. Propst	103,236.00
Thomas Structure Co.	112,778.00

SUGGESTION THAT CITY FURNISH COUNTY COMMISSION WITH INFORMATION ON ACTIONS TAKEN BY CITY COUNCIL.

Councilman Withrow stated each week the County Commission sends to Council an agenda in a capsule form. That this is very informative, and he suggested that the City do the same thing for the County Commission's information. This would keep them aware of what is going on, and what the Council is doing on the major items.

December 18, 1972
Minute Book 58 - Page 169

CONSIDERATION OF APPROPRIATING FUNDS TO LIGHT ATHLETIC FACILITIES AT MYERS PARK HIGH SCHOOL TO BE PLACED ON AGENDA FOR NEXT COUNCIL MEETING.

Councilman Whittington stated the Board of County Commissioners have appropriated an (x) number of dollars to light the athletic facilities at Myers Park High School. That the City and County have done this on a joint venture for Harding High School and at Garinger High School.

Councilman Whittington moved that the City Manager put this on the agenda for the next Council Meeting for Council's consideration; that it is \$10,500 a piece. The motion was seconded by Councilman Jordan, and carried unanimously.

SUGGESTION THAT QUESTIONNAIRE BE CIRCULATED IN WATER BILLS ON QUESTION OF DAY OF WEEK MOST CITIZENS WOULD PREFER TO VOTE ON REFERENDUM.

Councilman Short asked if Council should think about circulating a questionnaire in the water bills as to the day of the week when most citizens would prefer to vote on a referendum. There was some comment on September 2 about it being on Saturday; some people think that is good and others seem to think that was not right. He stated he does not know what the best day for most people to vote, and he thinks this is one way we could get a straw vote.

RESOLUTION IN MEMORIAM OF JAMES B. VOGLER.

Councilman Jordan presented the following resolution:

WHEREAS, it is with deep regret that the City Council learned of the death of James B. Vogler on Friday, December 15, 1972; and

WHEREAS, Mr. Vogler devoted a major portion of his life to public service, having served 36 years in the North Carolina Legislature; longer than any other person in the State's history; and

WHEREAS, his last years in the General Assembly were spent serving as Chairman of the Mecklenburg County Delegation, and he played a vital role in securing the passage of legislation affecting the City of Charlotte and Mecklenburg County; and

WHEREAS, Mr. Vogler was admired and respected by his associates in both local and state government and the City of Charlotte is sincerely indebted to him for his long and dedicated service as a legislator.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session assembled, this 18th day of December, 1972, that the deepest sympathy of the members of the City Council is hereby extended to the family of James B. Vogler, and that his name be and the same is hereby memorialized and honored; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family, and that this resolution be spread upon the minutes of this meeting.

MEETING ON LEGISLATIVE PROPOSALS TO BE HELD AFTER CHRISTMAS HOLIDAYS.

The City Attorney advised that his office has almost completed the retyping of the proposed legislative program which takes into consideration Council's previous actions.

At the suggestion of Council it was decided to wait until after Christmas to set another meeting.

EXECUTIVE SESSION OF COUNCIL SET FOR JANUARY 3, AT 7:30 P.M. IN MAYOR'S OFFICE.

Mayor pro tem Alexander stated some few months ago, Council met in executive session to have a discussion with the legal department on legal matters in regards to personnel as it relates to this case before us.

December 18, 1972
Minute Book 58 - Page 170

He stated this case will be coming to trial soon, and it is necessary for Council to go into executive session again on this matter, and this should be done the first week in January.

Councilman Whittington moved that the City Council meet in executive session for this purpose on January 3, 1973, at 7:30 p.m., in the Mayor's office. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.

MEETING RECONVENED.

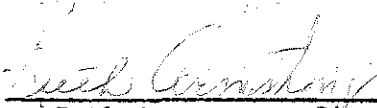
Mayor pro tem Alexander reconvened the meeting for the correct wording of the executive session as it referred to the legal case.

EXECUTIVE SESSION OF COUNCIL SET FOR WEDNESDAY, JANUARY 3, 1973 AT 7:30 P.M. IN MAYOR'S OFFICE.

Councilman Whittington moved that Council meet in executive session on Wednesday, January 3, 1973, at 7:30 p.m., in the Mayor's office for the purpose of discussing with its legal counsel the North State Law Enforcement Assn. suit against the City of Charlotte. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk