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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, July 15, 1974, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman Alexander was absent at the beginning of the meeting and came in as noted in the minutes.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Commissioners Boyce, Ervin, Jolly, Kratt, Ross, and Turner present.

ABSENT: Chairman Tate, and Commissioners Drummond, Finley and Royal.

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#### INVOCATION.

The invocation was given by Reverend W. B. A. Culp, Minister, Pleasant Grove United Methodist Church.

#### MINUTES APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, approving the minutes of the last meeting, on July 1, 1974, as submitted.

HEARING ON PETITION NO. 74-32 BY WACO CORPORATION, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 320' ON THE SOUTHEASTERLY SIDE OF COLONIAL AVENUE BETWEEN CIRCLE AVENUE AND RANDOLPH ROAD.

The scheduled public hearing was held on the above petition on which a protest petition was filed and found insufficient to invoke the 3/4 Rule.

Mr. Fred Bryant, Assistant Planning Director, stated this consists of property between Colonial Avenue, Randolph Road and Providence Road. The property is all occupied by residential structures principally single family, with one duplex located on the lot closest to Randolph Road. There are still some residential uses across on the intown side of Colonial; there is a doctor's office and then along Randolph Road are many office facilities, with the closest being the Sanger Clinic and Randolph Medical Clinic. A similar pattern is developing along Providence Road. The subject property has office zoning on three sides and multi-family zoning on the fourth side.

Mr. Ray Bradley, Attorney for one of the petitioners, Waco Corporation, stated Waco's property is at the corner of Circle and Colonial Avenues; it fronts about 118 feet on Circle Avenue, and about 183 feet on Colonial Avenue. The owners of two other lots that adjoin this property on Colonial, Mr. & Mrs. J. E. Burgess, and Mrs. E. F. Croxson joined in this petition. These two lots have a combined frontage on Colonial of 161.17 feet; a depth on one side of 106 feet, and a depth on the other side of 141.8 feet. Colonial Avenue has just been widened to make it a major thoroughfare - the object being to make a connecting link from Providence Road, crossing Randolph into Mercy Hospital. Because of that change and the widening Colonial and the objective of making it a connecting link, Circle Avenue was cut off and made a cul-de-sac on the south side of Colonial Avenue, instead of continuing on the last leg of the circle into Providence.

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Mr. Bradley stated this is an old neighborhood and the properties are completely surrounded by properties zoned O-6 or business except for a few lots on the east side of Circle Avenue. On the west side of Circle Avenue, Colonial Park comes all the way from Providence Road up to that side of Circle. One of the residences on Circle Avenue has been condemned; but it was allowed to remain with some slight renovation for use by the Children's Theatre.

Mr. Bradley stated Waco Corporation was approached recently by Dr. Ellison Edwards, who indicated he would like to purchase the property at the corner of Circle and Colonial on which he might build a small building to house offices for himself and his associates. Dr. Edwards went to an architect, Mr. John T. McCulloch, to look at the site and prepare some proposed plans. Out of this assignment, Mr. McCulloch came up with a concept that would allow the architects to get some space for a new location which they needed. It would make the doctors an attractive office, and create a building pattern that would be compatible with the residences still remaining on Circle Avenue. It will enhance the area esthetically, and increase the value of properties in the entire neighborhood. Since the property has its largest exposure on Colonial Avenue, entrance ways for patients or clients will be off Colonial, the new business thoroughfare, with the possible exception, if it can be worked out, of having a private entranceway off Circle Avenue for the occupants of the two offices only. Drs. Edwards and Dixon's practice is otolaryngology - surgery of the neck and head, and in this case plastic surgery as well. Office hours are limited to three days a week, and the other days are spent in the hospitals. Patient load in this particular office averages about 305 per month. The architects specialize in institutional architecture - medical facilities including hospitals being their speciality. Both parties who would like to use this property are basically individual practitioners. He stated Colonial Avenue is no longer conducive to residential use. In looking at a possible request for a change in zoning for the purposes of the doctors and later for the architects, it appeared completely incompatible to have the two very small properties between the Circle Avenue corner and the Randolph Road corner left zoned for residential use. The owners of those two pieces of property asked to join in the petition.

Mr. Bradley stated in order to protect his investment for his purposes, Dr. Edwards is negotiating for these two additional properties. So actually they really need the change in the Circle Avenue corner for the immediate purposes, but good planning would seem to dictate that the entire property should be made O-6. If there is any feeling that there would be some risk in changing the zoning of the two additional lots before their actual use is determined, the change on them can be postponed until the proper negotiations are completed.

He stated the concept will preserve the residential appearance; it will preserve the present trees and greenery; it will coordinate perfectly with the character of the neighborhood, both residential and the small shop concept on Providence Road. Dr. Edwards will build what he says he will build on this property as it is not conducive to anything else.

Councilman Short asked if the plan he has presented can be built in O-15? That from what he has said, it would seem that someday this street might be widened and O-15 insures that it could be widened, and O-6 does not necessarily. Mr. Bradley replied he does not know the answer to that question.

Mr. Bradley stated Colonial Avenue has been changed so that it is not a residential street. They have a good plan compatible with the neighborhood for utilization of lots on Colonial Avenue.

Mr. McCulloch, Architect, presented a drawing and pointed out Colonial Avenue, with the doctors' offices on the corner, and the other to face Colonial, and stated this would retain the residential character of Circle Avenue.

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Speaking in opposition were Mr. Alfred Roberts, 111 Circle Avenue, and Mrs. Thomas Allen, 131 Circle Avenue.

Mr. Roberts stated there are eight families in this block of Circle Avenue, all opposed to this rezoning. All the renters and all the homeowners on this street are against this rezoning. Next to the Waco Corporation property on Colonial are the Bonikowski's who own their own home and live in it. The Bonikowski's told him when a lawyer came by and asked them to sign a statement that they would not object to this rezoning, they signed it because for the past two years, the Waco Corporation has been renting to tenants in the corner lot who were very undesirable neighbors. They felt it would be no worse living next to a doctor's clinic than living next to such neighbors. Four other families have attested to the undesirability of those tenants, tenants who recently moved away. When the city ended Circle Avenue right beside these two Waco lots some months ago, they heard the reason was to make a straight entrance on Colonial Avenue, from Providence Road to what is now the front of Mercy Hospital. If cars going in and out of Circle Avenue and Colonial Avenue impeded traffic to the hospital, then cars going in and out of a doctor's office, located at the same place would impede such a straight entrance. Neither leaving Circle Avenue open, or the doctor's clinic, would in any way impede that straight entrance. They understand the Waco Corporation also own some seven more properties on the other side of this lot facing Randolph Road, starting at Colonial Avenue and running south. That side of this block is already rezoned and contains businesses, dwellings and empty lots. Why all this effort to rezone two lots on this side of their block which would injure nine families, and profit only the Waco Corporation. One reason is that the Waco Corporation also owns two more lots on Circle Avenue, just south of their homes. One a rented dwelling, and the other empty because it has been condemned by the City. If the Waco Corporation is successful in this venture, they will then ask the city to rezone those two lots placing a warehouse or business or parking lot there also, further injuring these nine families. He stated the Waco Corporation has tried seven times, through three different representatives, in the last 12 years, to buy his home. Some months ago when the men and machines suddenly appeared at Circle Avenue and Colonial Avenue, and when asked what they were doing, the man replied: "We are deadending Circle Avenue, but it might be reopened a little later." That man must have believed it was being dead-ended for a temporary purpose. The residents believe the same thing. They do not believe it is an accident that the Waco Corporation has been letting its four properties on Circle Avenue go to pot, and rented one of their properties to very undesirable tenants for two years, and Circle Avenue was dead-ended at this same location.

Mr. Roberts stated the dead-end on Circle Avenue should be reopened now for these nine families; and for the 40 other families who live on Circle Avenue, instead of being reopened later for the Waco Corporation; and the Waco lots on Circle Avenue should not be rezoned, especially when four Waco lots are already rezoned on Colonial and Randolph Road.

Mrs. Allen stated when you love your home, you want to keep it, and they have only had their home a year, and have worked every weekend to make their home as nice as possible. That they are growing out of their home rapidly, and they feel with what is coming they will never be able to sell their home and get any type of money out of it. They are getting business on their street. She does not feel this is very safe for her child or children. She stated another point she would like to bring out is the way that Waco has been running the few lots they now own on their street. At one time, one of the houses was rented to a family consisting of 21 people. This is the house that was condemned, and any house would be condemned that had 21 people living in it at one time. That she called the Health Department because of the rats, and they came out and immediately condemned the house. That she is sure it would still be rented by Waco Corporation if this had not been done. She stated the Park is beautiful and she hates to see something like that destroyed for business.

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Mr. Bradley stated Waco Corporation does not want to put anyone in these houses to destroy the houses as it is an investment for them, and they want to rent them. They are having a lot of difficulty as has been pointed out in renting these particular properties which gives some indication that some changes are needed.

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

HEARING ON PETITION NO. 74-31 BY CLARA M. MCMANUS FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY 156' X 170' ON THE NORTH SIDE OF CENTRAL AVENUE, BEGINNING 334' EAST OF LANSDALE DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director described the land use and the zoning in the area. He stated the property involved consists of two vacant lots on the north side of Central Avenue, between Lansdale Drive and Rosehaven Drive. It is adjoined on the east side by an extensive business area. The lot immediately to the west is vacant and then begins a pattern of several single family residences. Across Central and to the west side is the beginning of several apartment projects, both under construction. Farther west past the single family homes is Darby Terrace and another multi-family project. Property has business uses on the east side; single family uses on the north side; a vacant lot to the west, and a combination of vacant property and one single family homes and multi-family across Central Avenue.

Mr. Bryant stated there is B-1 zoning on the east side of the property; on the other side is single family zoning, and to the north and west; there is multi-family across Central Avenue.

Ms. Sue McManus, speaking for her aunt, Mrs. Clara McManus, stated the petitioner is a widow and has no children. She would like to have these two lots rezoned from residential to B-1. That Mrs. McManus has been a widow for 15 years; she is now retired, living on social security, and the taxes on the lots are a burden to her. If these lots are rezoned to B-1, she feels there would be a better chance to lease the lots to supplement her retirement. Central Avenue at that point has been widened to four lanes all the way to Albemarle Road. The Eastland Shopping Center will be 5/10 of a mile from this property, and she does not feel that business on her lots would increase the traffic that much more. She passed around pictures of the area and of the lots in question. She stated they have no prospects for the property at all.

No opposition was expressed to the proposed change in zoning.

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

MAYOR PRO TEM WHITTINGTON LEAVES MEETING.

Mayor pro tem Whittington left the meeting during the presentation of the next item, and was absent for the remainder of the Session.

HEARING ON PETITION NO. 74-33 BY NORMAN B. CARR FOR A CHANGE IN ZONING FROM R-9 TO I-1 OF A TRACT OF LAND 200' X 392' AT THE NORTHEAST CORNER OF MULBERRY ROAD AND DENVER AIRPORT.

The scheduled hearing was held on the subject petition.

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Mr. Fred Bryant, Assistant Planning Director, explained the zoning and the land uses in the area. He stated the property is located at the intersection of Mulberry Church Road and Denver Avenue, on the northeast corner. The property is vacant with the nearest existing uses being single family residences across Denver Avenue, and single family uses adjacent to it on the east side. The other two sides adjoining are basically vacant property. In the general vicinity to the north, and fronting on I-85 is a considerable warehouse-office type development with several streets coming back from I-85. The new post office complex being built off I-85 is also in the general area. In the general vicinity of the subject property is a combination of single family and vacant land. Generally this area has been discouraged for residential structures because it is in the direct path of the landing zone for Douglas Municipal Airport.

The subject property is bounded on the north by existing industrial zoning; across Mulberry Road there is a pattern of B-2 zoning extending all the way to Wilkinson Boulevard, and except for the multi-family zoning along Denver Avenue, the area is zoned for non-residential purposes. It has multi-family zoning on two sides, industrial zoning on one side, and B-2 on the other side.

Mr. Bill Cannon, Attorney for the petitioner, stated he owns approximately 9.7 acres and the subject property is slightly under two acres; his property adjoins the new postal facility. The subject property is located at the tip end of a strip of multi-family zoning and is completely surrounded either by I-1, I-2 or B-2. The only feasible use of argument for retaining the single family zoning would be to buffer either side of the road from the other side. He stated they visited the five homes adjacent to Mr. Carr's property, and of the five, four people signed a letter in which they agreed they did not disagree with the zoning of the petitioner.

Mr. Cannon stated the Highway Commission has planned to relocate Mulberry Road intersection with I-85. A little beyond Withrow Intersection is the proposed Airport Parkway. The intention is to cul-de-sac Mulberry Road and divert the traffic from Mulberry over on to the Airport Parkway before it gets to I-85 intersection. This will serve access to the area which is right now accessible to I-85 indicating its highest use for industrial purposes. The subject property is not directly in the path of the runway for the airport; it is about 40 feet off; but the remainder of the petitioner's property is directly under the flight pattern.

Mr. Cannon stated Mr. Carr has the intention of investigating the feasibility of using the property for industrial warehouse-office combination - distribution. That he did not present any plans as they are not that far along with them.

No opposition was expressed to the proposed change in zoning.

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

COUNCILMAN ALEXANDER COMES INTO MEETING.

Councilman Alexander came into the meeting during the presentation of the next petition, and was present for the remainder of the Session.

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HEARING ON PETITION NO. 74-34 BY A. H. GUION FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF PROPERTY FRONTING 130' ON THE EASTERLY SIDE OF NORLAND ROAD, BEGINNING 180' SOUTH OF CENTRAL AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located on the east side of Norland Road, south of Central Avenue; at present it has several uses on the front portion; behind are two mobile homes and a vacant business structure on the Central Avenue side of the property. Adjacent to the subject property on two sides is Evergreen Cemetery; across Norland Road is a combination of business activities; on the northly side of Norland the property is vacant; beginning east of Kilborne is a variety of business activities. There is a variety of business activities in the general area as well as the major land use being the cemetery.

Mr. Bryant stated there is business zoning around the Norland-Kilborne-Central intersection; and business zoning along the north side of Central extending down in the direction of Lansdale; there is multi-family zoning on the south side of Central Avenue adjacent to the subject property; single family, R-9, beginning to the south of the subject property and extending all the way over almost to Independence Boulevard. There is a small area of B-2 zoning, occupying two lots on the west side of Norland - one occupied by the Paul Stack Company, which was the subject of a zoning change several years ago.

Mr. Bryant stated this property has been up for rezoning at least once before, which involved B-2 and was denied. Later the Stack Company request for B-2 across the street was approved.

Mr. T. Allred, representing the A. H. Guion Company, stated the area for rezoning is a part of a larger parcel, and they are requesting a change from B-1 to B-2 on the rear portion, approximately two acres, with frontage on Norland Road only, and leaving the corner of Central and Norland on which a business structure exists, but unoccupied at present, as B-1. The property in question for the most part is vacant; there is a warehouse distribution facility fronting on Norland, occupied by various industries. The two acres, representing the vacant portion of the property would be sold to an electrical contractor who would erect an office and warehouse building of the type similar to those across Norland Road. This would not only upgrade the appearance, but would put the property to use, and be in an area that would not adversely affect the adjoining neighbors. Mr. Allred then reviewed the businesses located on the adjoining properties. He stated there is a high fence with shrubbery that screens the subject property on the east and south from the cemetery. Office zoning buffers the southwest, and that is vacant. There is office zoning between residential and the B-2 which is not the case across the street.

Mr. Allred stated if the petition is granted, and the building is built, Charnley Street, which is not opened, would be the access to the new building to be erected and it would not front on Norland.

No opposition was expressed to the proposed change in zoning.

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

RESOLUTION CLOSING PORTIONS OF JOHNSON STREET, SNOWBALL STREET, MCCALL STREET, PHARR STREET, VOGEL STREET AND POLK STREET IN THE CITY OF CHARLOTTE.

The public hearing was held on petition of Urban Redevelopment Department to close portions of Johnson Street, Snowball Street, McCall Street, Pharr Street, Vogel Street and Polk Street, in the City of Charlotte, Greenville Renewal Area.

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Council was advised that the petition has been investigated by all City departments interested in street rights of way and there are no objections to the closing of the streets.

Mr. Sawyer, Director of the Urban Redevelopment Department, stated this is the next increment of streets to be closed; they have bought all the property abutting them, and in following their usual procedure, they have petitioned to have them closed as they were able to do. He presented a map to show the locations of the street. He stated no properties are occupied along these streets; they now own all the properties, all the business and families have been relocated from the area.

No opposition was expressed to the closing of the streets.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution closing portions of Johnson Street, Snowball Street, McCall Street, Pharr Street, Vogel Street and Polk Street.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 38.

COUNCILWOMAN LOCKE EXCUSED FROM PARTICIPATION IN THE FOLLOWING ITEM DUE TO CONFLICT .

Councilwoman Locke stated the property involved in the following item adjoins her home, and asked if she has a conflict of interest.

At the advice of the Deputy City Attorney, Councilman Williams moved that Councilwoman Locke be excused from participation in voting on the amendment to Section 4, Brooklyn Urban Renewal Area, Project No. N. C. R-43. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION OF THE CITY COUNCIL APPROVING AMENDMENT NO. 2, REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-43, AND RESOLUTION OF THE CITY COUNCIL OBLIGATING ITSELF TO FURNISH THE NECESSARY CASH AND NON-CASH LOCAL GRANTS-IN-AID FOR REDEVELOPMENT SECTION NO. 4, BROOKLYN URBAN RENEWAL PROJECT NO. N. C. R-43.

The public hearing was held on Amendment No. 2, Redevelopment Plan for Redevelopment Section No. 4, Brooklyn Urban Renewal Area, Project No. N. C. R-43.

Mr. Sawyer, Director of the Urban Redevelopment Department, stated the amendment is primarily for the purpose of changing the land use of one of the larger parcels they had for sale, from business to public housing. They are in the process of a number of other changes they are recommending, and the changes have been approved by the Planning Commission. The changes were almost incidental in their significance except for the financing plan. The financing plan had to change because of the value of the property which was reduced through sale for public housing below what it has been appraised for when it was for commercial use. That difference is made up in part by credit which the city will receive for the housing that will go up there. That was not enough to offset all the difference in cost. So HUD has provided an additional grant of \$325,779.00. The increase in the city's grant went up \$154,170.00; but it has all been worked out in terms of the credits the city already had received. The additional credit for the public housing, cash the city had already paid in, and other credit the city was due from excess credit from other Brooklyn projects, has all been worked out in terms of the budget. They understand the Housing Authority is ready to proceed with its construction of the property.

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Mr. Wheeling, Director of Housing Authority, stated this has been going on for a year to 18 months, and they are proceeding with drawing the specifications, and they are almost completed.

Councilman Harris asked if they will be able to build it and if they have the money and the financing? Mr. Wheeling replied he thinks so; they have the preliminary loan.

Councilman Harris stated in reading through the plan there is no requirement in redevelopment to provide any type of recreational areas. Mr. Sawyer stated they have to consider the recreational requirements for the uses that are proposed.

Councilman Harris stated if they had multi-family facilities in this area, would they not need park facilities if we did not have that park below? Mr. Sawyers replied yes, and undoubtedly parks would be proposed for multi-family. It is set forth as a land use, and outside of the plan provision is made for the city to accomplish and improve the park. There is a requirement in the plan that the park be completed; but in this case, no residential is proposed that would require active recreational facilities. The Pearl Street Park is located, and they are providing another park within the project area. It is not a recreational type park; it is in the plan as a part of the total plan and is not spelled out in the redevelopment plan itself. The park is now under construction.

No opposition was expressed to the amendment.

Motion was made by Councilman Harris, seconded by Councilman Short, and unanimously carried, adopting the following resolutions:

- (a) Resolution of the City Council of the City of Charlotte, North Carolina, Approving Amendment No. 2, Redevelopment Plan for Project No. N. C. R-43.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 39.

- (b) Resolution of the City Council of the City of Charlotte, North Carolina, Obligating Itself to Furnish the Necessary Cash and Non-Cash Local Grants-In-Aid for Redevelopment Section No. 4, Brooklyn Urban Renewal Area, Project No. N. C. R-43.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 43.

#### COUNCILWOMAN LOCKE RETURNS TO MEETING.

Councilwoman Locke returned to meeting and was present for the remainder of session.

#### PROGRESS REPORT ON SECURING INDUSTRY FOR GREENVILLE URBAN RENEWAL AREA.

Councilman Alexander asked Mr. Sawyer, Director of Urban Redevelopment, if he has any current knowledge on the request he made sometime ago that some effort be made to find a suitable industry for the industrial site in the Greenville Urban Redevelopment area? Mr. Sawyer replied they are preparing the industrial site now. They are preparing it in the sense that they are constantly filling the little portions. Their plans for the improvement to Seaboard Street calls for a certain amount of lowering and cutting, and that fill will be placed in the lower portions - that is in the vicinity of the Old Fairview School. On the agenda today is a request for the approval of some grading and filling of that site. As soon as the site is prepared, then they will be prepared to put it on the market.



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They are keeping in mind Mr. Alexander's request, and they have requested the assistance of the Chamber of Commerce Industrial Section. That is one of their means to market that land for uses that will provide job opportunities for the residents of Greenville project, across the Expressway. Mr. Sawyer stated they have not actively promoted it yet; they have received a number of inquiries, and they are keeping those active. Most are for smaller uses, and could use a portion but not all of it. They are hoping first to market it for one use that could use the entire area. It may not be possible but they hope it will.

Councilman Alexander asked that they keep in mind his thinking to use it if possible for a large enough industry to offer employment for people who would hope to reside in there, and it would give them employment close to their residence. Mr. Sawyer replied that is their plan, and what they hope to do.

PETITION NO. 74-17 BY FAYE M. SHAHEEN AND ELRY L. MINCEY FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF LOTS ON THE SOUTH SIDE OF CENTRAL AVENUE BEGINNING AT THE EASTERLY CORNER OF CAROLYN DRIVE, DENIED.

Motion was made by Councilwoman Locke and seconded by Councilman Harris, to deny the subject petition as recommended by the Planning Commission.

Councilman Short stated he believes it is a fair use of this land to zone it for Office, and he made a substitute motion to rezone the property from R-6MF to Office. The motion was seconded by Councilman Withrow.

Councilman Williams stated the Planning Commission has looked at this issue twice. The first time for business and the second time for office, and both times they unanimously recommended it be denied.

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

YEAS: Councilmen Short and Withrow.  
NAYS: Councilmembers Locke, Harris, Alexander and Williams.

The vote was taken on the original motion to deny the petition, and carried as follows:

YEAS: Councilmembers Locke, Harris, Alexander Williams, and Withrow.  
NAYS: Councilman Short.

PETITION NO. 74-19 BY HORACE PITTMAN FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A TRACT OF LAND FRONTING 200' ON THE SOUTH SIDE OF CENTRAL AVENUE BEGINNING 199' WEST OF REDDMAN ROAD, DENIED.

Councilwoman Locke moved to deny the subject petition as recommended by the Planning Commission, which motion was seconded by Councilman Williams, and unanimously carried.

#### RULING ON CONFLICT OF INTEREST FOR MEMBERS OF COUNCIL.

Mayor Belk stated some members of City Council are members of the Scottish Rite. He asked the Deputy City Attorney, Mr. Watts, to give Council an opinion.

Mr. Watts replied it is his opinion that membership within this particular Masonic organization is not in itself sufficient conflict of interest so that Council Members would not vote. That he thinks it would have to be something more than membership in this Masonic organization if a Council Member is disqualified. In the event they had something to do with the selection of the site, or something of that type, there could be a conflict. But mere membership is not enough to do it.

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REQUEST FROM THE CHARLOTTE SCOTTISH RITE BODIES FOR A SPECIAL USE PERMIT APPROVAL TO LOCATE A FRATERNAL ORGANIZATION AT 3401 PARK ROAD, ACROSS FROM, AND NEAR THE Y.W.C.A. PROPERTY, IN A R-9 ZONING DISTRICT, DEFERRED.

Councilwoman Locke stated Council would like to defer decision on the subject request. Councilman Short asked that the Planning Commission staff discuss this and show their thinking, and then Council proceed to think about it and vote on it at the next meeting.

Councilman Williams asked if this has been considered by the Planning Commission, or if this recommendation is coming from the professional staff. That he would like to see it go the full body of the Commission. He stated another point is that he is surprised to find these special uses permitted where they do not have to go through a rezoning procedure. This first came up when the nursing home on Randolph Road appeared. On this situation it seems the residents know about it; but he can see where it could happen and the residents not know about it if it is under one of the special use provisions. That Council should take a second look at this special use situation. Councilman Short stated some of these items are allowed automatically in residential areas, such as churches, at an earlier date; then the special use permit was inserted as a protection.

Mr. Bryant, Assistant Planning Director, stated this request comes to Council with a recommendation for approval from the Planning Commission. He stated a special use process is one that was established in the zoning ordinance as a concept several years ago. Since then several types of activities have been allowed under this portion of the ordinance. Basically it is a process which would distinguish between items which are of broad, generalized neighborhood concern, versus items which are of more limited concern, primarily would be involved with a very simple decision of yes or no. The difference between a special use permit process and a conditional use process is basically one of a public hearing versus no public hearing. The conditional use process involves, and is required by ordinance, to have a public hearing. Special use permit process is one, which by ordinance, does not require a public hearing. It does require consideration by the Planning Commission, a recommendation by the Planning Commission, and final determination by City Council.

Mr. Bryant stated in this instance a request for special use permit approval was filed with the Staff of the Planning Commission; it was presented to the Planning Commission at a meeting last Monday; the ordinance does not require a public hearing, and no public hearing was advertised nor set up. However, the Planning Commission in considering the matter, recognized the fact that there was no indication at all that the neighbors of adjoining property owners were aware that such a request was being handled. Therefore, they went ahead with their consideration of the special use permit, but part of their recommendation involved a requirement of the Staff to send registered letters to all the adjoining property owners indicating that such a process was in fact being heard, and handled and indicate that it would be considered by Council today. The immediately adjoining property owners were given extra-ordinary notice in terms of what is actually required by the ordinance. If Council wishes to go to a full public hearing procedure on this, or any item, it has that option. The Planning Commission discussed the possibility of their holding a public hearing, but decided since they were going through the process of notifying the adjoining owners that they themselves would not enter into a full public hearing procedure.

Mr. Bryant stated this is a request filed by the Scottish Rite Body for allowance to locate on Park Road, a facility to be utilized by that organization. One of the uses stipulated in the zoning ordinance as a special use permit matter is fraternal organizations. This was put in the ordinance a few years ago in order to facilitate the consideration of the location of JOPPA Lodge on Sharon Amity Road beside the Amity Country Club.

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Up until that time a fraternal organization was allowed only by a change of zoning, and would have required an office zoning classification. It was felt that in some instances these facilities were more in the nature of an institutional use, and could be considered for a residential zoning, and it was set up as a special use for that purpose. Several have been considered since that time, and several have been considered by the County.

Mr. Bryant stated for the subject request, the property is located on the east side of Park Road, between Townes Road and Marsh Road, just north of the YWCA across the street. Across from it on Park Road is a Day Care Center which is allowed in a residential zone; north and beyond Marsh Road is a church facility.

He stated two types of information must be filed by the petitioner. First is a site plan to show how the property will be used, and this site plan becomes binding. If the request is approved, the site plan is approved and will be endorsed as a building matter. In addition, a statement must be filed by the requesting agency indicating the type of activities that will be carried on by the organization at that location. Both of these have been done.

Mr. Bryant explained the site plan which has been submitted. He stated a stream runs along the rear of the property; and this is the same stream that comes down beside the church at Marsh Road, and goes under Park Road, and then comes into the general vicinity of this property; a portion of the stream is on the subject property. The plan consists of a proposal to build one structure located 125 feet from Park Road, and 60 feet from the side property line. There would be constructed a driveway access to come out onto Park Road just about opposite the American Day Care facility; and then turn and come into a parking area located primarily to the rear, but also somewhat to the side of it. The parking area will accommodate 200 vehicles and that is required by the ordinance based on the type of activity which will occur in the building itself. There is a proposal to grade some additional land to the rear for possible future parking. The proposal is not to pave this area and utilize it for parking at the present time; but to go ahead and grade it and have it available for parking in the future.

He stated they have discussed with the petitioner, the possibility of leaving all the land from the rear of the parking area back to the creek undisturbed. That would mean the creek itself would be some 250 feet from the edge of the area that would be disturbed as far as natural terrain is concerned. This property rises somewhat from Park Road and then it begins to fall in the direction of the creek; it also falls somewhat in another direction by natural terrain. The Planning Commission in making its recommendation, took into consideration the fact there would be a 40 to 50 foot strip along the property line that would be undisturbed as far as grading or existing screening. Therefore that figured into their recommendation. Along Park Road there would be an undisturbed 40 to 50 foot strip, and the rear portion would be left undisturbed. Basically, the question is whether or not the property involved and the use proposed for it would be an encroachment on the residential environment of this area so as to constitute an undesirable feature for the general neighborhood.

The Ordinance would require that if Council finds cause to approve this use, it would make the finding that it would be compatible with the type of activities going on in the area at the present time, and would not be an undue encroachment on the residential characteristics.

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Mr. Bryant stated they have asked the Engineering Division of Public Works to take a look at the project from the standpoint of the run off, and received from them the reply that it would be impossible to evaluate the exact amount of runoff, and therefore determine the amount of effect it would have on this stream without a more detailed study than they had time to make. They indicated it would involve some cross section profile of the stream itself, and a determination then of the problems now existing and so forth. The time factor was not sufficient to do that by today.

Mr. Ashley Hogewood, Attorney for the petitioner, stated they affirm what Mr. Bryant has reported on behalf of the staff. This has been acted upon over a good time by the staff working with the petitioner to follow the guideline in the special use permit, and the architect has worked closely with the staff of the Planning Commission.

Mr. Hogewood stated this is six and a half acres of land and this facility sits on the land in a good manner. He stated Scottish Rite is a masonic order, and what they do is in the nature of carrying on their educational and meeting functions in this facility. This is not the Shrine Bowl game and the motorcycles and the putt-putt automobiles going around in circles; nor is it the Drum and Bugle Corp holding its practice on the parking lot. The parking lot is what is required by the zoning requirements.

He stated this is here for action and should have action. They have the people who can answer the necessary questions on behalf of Scottish Rites.

Councilman Harris asked what frequency of meetings will be held? And whether or not these people are from the community or from out of town? The reply is that many are from out of town; that the meetings will be held once a month, and is a business meeting; once every six months they have a reunion where they made 32nd Degree Masons. They usually involve about 200 to 250 people.

Mr. Don Winecoff, Architect, stated their engineers have assured them that the drainage and runoff would be no more than is present now. By design of the pipes, it can be ponded or can be contained in a given area, and the drainage will be designed to flow as it is now, and no worse than it is now.

Councilman Harris stated there is about a 30 foot drop in elevation from the front of this parking lot to the back side, and coming off concrete that is substantially run off. Mr. Winecoff replied the area would be ponded, and it would not run off anymore than it does at present. He stated there will be no more parking than would be required for the building itself; a lower area could be included, but they have stated no more than would be required. Councilman Harris asked if they are going to leave the green area behind the parking? Mr. Winecoff replied basically it would be left in trees; what they are trying to do is not have anymore square footage than the code would require; that 200 cars would be the most required.

Mr. Rege Hamel, Attorney, stated he represents more than 200 adjoining or in the area property owners who protest the granting of the special use permit. He filed the petitions with the City Clerk. He stated the public received registered notices on Thursday, Friday and Saturday of last week, and they were dated July 9. In terms of due process, that is hardly due process. However, in terms of organizational efforts over the weekend they have had an opportunity to get him before Council and to think and talk about it among themselves.

Mr. Hamel stated the arguments they would like to advance have to do with the drainage problem, and they have to do with the fact that there has not been an engineering study. A request has been made to the City Engineering, and they have said it could not be done in the short time permitted.

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He stated they would ask Council to give thought to that. He passed around a photograph, and stated it was taken last year at the intersection of Townes Road and Willow Oak Road. This is the intersection where the stream goes by the property. He stated this is the type of thing happening from the water flow as it is now in a heavy rain. Mr. Marley lives on that corner, and Mr. Jones lives across the street. It is from Mr. Jones' yard that the picture was taken. The street is full of water, and the entire low land is inundated with a recently heavy rain. Those people want to have a study made of the drainage problem. A number of uses there, with paved parking lots, could increase the problem they already have. He stated the stream has water in it all the time. The other developments that have gone on, across Park Road, and up above, have all combined to accelerate the flow of water through that creek. The force of the water coming through is unbelievable. The stream cuts through Mr. Marley's front yard just before it goes under the bridge at Willow Oak, and he showed him a 300 to 400 concrete block which had been put in the bed of the stream to hold back the erosion, and it had been moved some distance by the force of the water.

Mr. Hamel stated the long range plan of the Planning Commission had in it a somewhat revised statement referring to resisting land use changes from residential to non-residential when they are not proven to be specifically beneficial to the particular residential neighborhood. That he cannot see this particular use, although it is a fine use, and they have a Scottish Rite Mason in their protestants group. It is a matter of the use they propose there. Consistent with the statement from the long range plan, that use and the activities associated with it would not be specifically beneficial to the particular residential neighborhood. They will have to get into the code requirements of 23-40.44 dealing specifically with fraternal organizations in residential neighborhoods, if Council rules favorably on the request. He stated subsection (c) more or less sets out the findings of fact that will have to be made. Those findings of fact would have to deal with whether the uses and the facility unduly intrudes into and disrupts the residential characteristics of the neighborhood. The use and the residential characteristics and the benefit to the residents are opposite. The letter sent to the Planning Commission by the Attorneys for the petitioners stated there would be various masonic lodge meetings on nightly, weekly and monthly basis; there would be reunions, and there would be a permanent office in there. It is obvious it will be a building with a 500 seat auditorium; a dining hall which probably will seat some 200 or more people; and there are at least 200 parking spaces. He stated he is not sure how it would affect the traffic problems. Right now there is traffic turning off one side of Park Road into two heavily used areas - the day care center, and the YWCA. This will add heavy traffic on the other side. They do not see why the property cannot continue to be zoned R-9 and be used for the R-9. Council would also have to find whether it provides sufficient means for protecting adjacent property from adverse effects. In light of the lack of a drainage study, and in light of the other items mentioned he does not see how it can do that.

Mr. Hamel requested Council to deny the permit, and to continue the matter for further consideration if they do not feel inclined to deny it at this point.

Mr. Donald Browder, 1214 Marwood Terrace and Mr. Wayne Jones, 1332 Townes Road, also spoke in opposition to the request.

Councilman Harris moved that the request be deferred. The motion was seconded by Councilwoman Locke.

Mr. Bledsoe, Attorney, stated they have an option on the property which expires July 25; that he does not know what will be learned from an engineering study. They will comply with the law and try not to increase the run off. They are attempting to build a nice facility, and they are not trying to destroy the neighborhood. The Scottish Rite is planning to put some \$1.5 million into this facility. They want to do it with the blessings of the officials and the engineering department. The restaurant alluded to is not a restaurant; this building will have kitchen facilities and during the two times a year when they have their reunions for three or four days, food will be catered, and brought in to the facility. There will not be commercial selling of food; it will not be used in any way as a commercial facility.

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Mayor Belk suggested they see if they can have their option extended.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:15 o'clock and reconvened the meeting at 4:30 o'clock p.m.

TRANSIT ASSISTANCE PLAN FOR THE ELDERLY, APPROVED.

Mr. Herman Hoose, and Mr. Rodger Fearh of the Transit Planning Division made the presentation of the Transit Assistance Plan for the Elderly.

Councilman Short stated what has been explained is basically how the Transit Committee and staff tried to conclude that about \$46,000 is the proper amount of money for this program. That he would like to think that they probably underestimated it and this program will be very much used. They may have to come back and seek to re do the budget.

Councilman Short stated the selection of 25 cent as the fare for the elderly had been made after about 58 different cities were studied where a reduced fare for the elderly had been arranged. Of these 58, 27 provided either the same discount that we are giving, or a lesser discount. That 31 provided a greater discount; but almost all of these 31 give this discount only in non-peak hours and provide it for 65 and older. We are providing it for those 62 and older. He stated the Committee thought that in balance the 25 cent proposal was a very helpful one, and it has been popular with some citizens who have called him about it.

He stated we also have a factor that according to the work program that Council has already approved, Item 6.4 which calls for some conversations to begin with the bus company, and the Committee has been sensitive to the fact that we do not want to be providing an over amount of subsidy for this company while we are in conversation with them about the possibility of purchasing their operation. For these several reasons they thought the 25 cent proposal for the older citizens, 62 and over, around the clock, a fair one.

Councilman Short moved that Council proceed and approve the ordinance set out in the agenda and approve this program. Councilman Williams seconded the motion and stated he would like to add an amendment.

Councilwoman Locke asked how much more money would be involved to include the handicapped? Councilman Short replied this is on their work list for handling. That they do not have budget figures for this; they do not know how many handicapped will be using the program. This is ahead on the work program.

Speaking to the question were Mrs. Fligel, representing the Public Affairs Policy Committee of the YWCA, who asked if it is possible that these people be permitted to ride at no charge, and also if there is any possibility of providing benches at the bus stops. Mr. Hoose replied the benches are part of the work program and they are in the process of getting to this, but there is right of way involved, and also providing concrete slaps. Mrs. Fligel stated they would also like to ask about the Sunday schedules as they have been told that buses do not run on the same schedule on Sundays. They would like to know if they would be run on a regular schedule to see how much they will be used. Mr. Hoose replied they would have to take that request under consideration at this time.

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Mrs. Mamie Hall, 2203A Farmer Street, asked that they think about the blind and the disabled people as well as the elderly. Mrs. Lessie Merrit, of the Public Transportation Committee, stated they would like to ask that the transfer be included as part of the 25 cent fare. Councilman Short stated the transfer matter is also ahead for consideration.

Mr. Albert Pearson, East Trade Street, stated he appreciates everything being done to help him and his group, but he feels this is discriminating against the other. That he feels it should be based on need and not on the age; there are plenty who need this help who are under 62 years of age.

Mr. Peter Gerns, Chairman of the Board of Directors of Charlotte Area Fund, stated they need to go into the neighborhoods and have meetings and get into the origin and destination; they need to find out where the elderly really live. That they have a complete survey at the Charlotte Area Fund and they are ready to assist the Council. That the plan does not have sufficient information and that no part of it shows any church attendance, or anything else of that nature where the elderly would be going on Sunday. The plan assumes that where there are elderly, they need transportation. This is not necessarily so. Methodist Home has its own buses, and uses that to some extent. Nothing in the plan provides for notification of the elderly.

Mr. Gerns stated the plan does not call for any special routing, and they think this is important; that the 25 cent ticket will not mean anything if the people cannot get to the buses. They feel special routing and special looping is needed. To get from Park Road to South Park takes an hour and a half; so they cannot use the existing routes. Further studies are needed, and he is talking about things that are not in the plan. Mr. Gerns also suggested identification passes so that the job would be more simple; and if tickets are sold other than on the bus, the Charlotte Area Fund will more than welcome the use of its neighborhood centers. He stated he is present to alert Council to some of the deficiencies of the plan, and not as a reflection on those who worked this program out.

Mayor Belk requested Mr. Hoose to meet with Mr. Gerns to get the information that he has.

Councilman Williams stated he is in favor of the motion, and he does not want to say anything that will detract from it. But it has come to his attention that Public Law 93-87, Section 301(g), amends Section 16b of UMTA Act of 1964. He stated the substance is as follows: "in addition . . . the secretary is authorized to make grants and loans to state and local public agencies for the specific purpose of assisting them in providing mass transportation service, planned, designed and carried out to meet the special needs of the elderly and handicapped." Councilman Williams stated in light of that statute, which he understands has just taken effect in the last several days, he moved that Councilman Short's proposal be amended to include an instruction to staff to investigate the availability of additional federal funds to assist the elderly, and make an application to the Urban Mass Transit Administration for such funds, if those funds are available, and report back to Council within 30 days about the status of the investigation. The amendment was seconded by Councilwoman Locke.

Councilman Alexander stated he questions whether or not the Committee was ready for a report such as given today, and Councilman Williams comes up with one of the reasons why. He wonders what else we need to know, that we do not know, relative to this whole transportation situation. That he thinks we should do something for the elderly; that we should do something for everybody else in this level. We should find out how we are going to take care of the handicapped; but it should all be done at one time. Unless the Committee is able to tell him now he does not know if they know at this stage what funding is available for anything that we plan to do on this transportation level. That he thinks we are in better position, as much as we want to help everybody on this level, if we know what we are doing, and do it at one time, and really help rather than doing it piece meal.

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It might end up costing more than we can ever see. If we are going to help, let's help, and let's help all our citizens we are supposed to help. But when we do it, let's see that we have researched everything we can, and we have our hands on everything that is available to cities to help in these situations. Are we ready today to pass on this when we do not know how we are going to operate it. That he is more concerned with whether or not bus routing is going to serve the needs of the people. Councilman Alexander stated he is willing to vote for the motion, but he wonders if we are going about it in the right way.

Councilman Short suggested that Mr. Alexander get the several pages that constitute the work program, each item is described in a paragraph, and if he feels they have not cut up the work in an appropriate subject matter, or appropriate segments, perhaps he can let the Committee know. Mayor Belk stated this clearly proves a point to him. Council should never have a committee as long as we have a City Council of seven people. That he thinks the whole City Council should be on it, and not three people running off in a corner and then come back in. That all seven councilmembers should be in on all the information. Councilman Alexander stated he would like to know why we cannot do it all at one time on the elderly matter. If the transfer elimination is a part of it, then it should be now; that he wonders himself why you have to pay a transfer fee. All of these are factors, and if we are trying to make it possible for our elderly to ride, we should be able to get the whole ball of wax unraveled and get that much ahead of us. He is ready to vote for the motion; but at the same time he thinks we should have all the facts before us, and get all the money we can to work with to give them all the assistance we can give them, than to do it piece meal.

Councilman Harris stated if you are bleeding to death, he supposes a bandaid will help. That is the way this proposal is and he will support it. But he has several questions that relate to what Mr. Alexander has said.

We are talking about need, and that is why we are trying to give a supplement to these people. He asked if there was any investigation into the Social Services and the transportation they furnish in these same areas? Mr. Hoose replied they checked out ones, such as the Methodist Home, although they do not furnish for visitors - this is elderly to visit elderly. That he has not talked with the County's Social Services. The only social service they understand anyone gets is by paying a bus fare. Councilman Harris stated they furnish transportation.

Councilman Harris asked if they investigated the idea of using non-peak hours, and free or very reduced fares for non-peak hours. That in looking at the charts it looks as though about 88 percent of the trips are discretionary as far as time. That between nine and four would probably be when most of the trips are taken. That he is talking about just for the elderly. Councilman Short replied some such possibility was strongly considered; but they went the other way. Councilman Harris stated he would think the bus company would be more receptive to filling some of the buses during the non-peak hours, and using a discount at that time. Councilman Short replied they felt this would be a difficulty for the user and for the elderly who want to go when they want to go, and when they need to go.

Councilman Harris stated another thing he notes is there is no extension of any service into any annexed areas; there are no bus lines at all. Councilman Short replied you have to study the total work program. Mayor Belk stated that is what they are talking about; they are not working on the work program; this was just jumped out of the blue. Councilman Short stated the Committee has been careful to try to attract the federal funds; they have had an explanation from the Attorney's office; they have one scheduled with Vince Connerat's office. At the last meeting they instructed the staff to proceed with any available federal funds. One of the members indicated that it was not necessary to refer this for Council action, and it could be done without that. That he does not object to the motion amendment.



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That he thinks it can be run through the City Council; but staff has already been instructed to capture any federal funds that may be available. He stated they have stuck strictly to the work schedule. The work schedule on this matter calls for handling in June and July, and that is exactly what they are doing.

Councilman Williams stated the reason he mentioned the extra federal applicatic at this point in this connection, is because it relates to the elderly. That he hears stories about other federal monies being available for the capital acquisition. That he thinks that would best be left to deliberations of Council.

The vote was taken on the amendment and carried unanimously.

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

Ordinance No. 257-X is recorded in full in Ordinance Book 21, at Page 135.

Councilman Alexander asked when the Committee will wind up its work? Mr. Hoose stated they are working on almost every item on the work schedule. That his office just started in February, and they have a staff of three. They are trying to work with the Transit Company to improve some of the lines; they have five lines which they are studying and involves the headway, time and distance. It is not a matter of saying you will run the line out; it takes an engineering study to find out if the street is available to handle a bus. On some streets they do not want the bus. He stated they are working with the Transit Company on almost all the tasks they have. They have investigated all the sources of federal funding; they are in contact almost daily with Atlanta Regional Office on all kinds of funds.

#### RESOLUTION SUPPORTING THE BENTSEN AND WILLIAMS MASS TRANSPORTATION BILLS.

Councilman Williams moved adoption of the resolution supporting the Bentsen and Williams Mass Transportation Bills presently under consideration by the U. S. Congress, and requested that it be sent to our Senators and Congressman from this District. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 46.

#### RESOLUTION REQUESTING SENATORIAL AND CONGRESSIONAL DELEGATES TO EXTEND FEDERAL TRANSPORTATION STAMP PROGRAM INTO NORTH CAROLINA.

Councilman Short stated there is another federal program being done in West Virginia as a target program; this is a program called "Federal Transportation Stamps", and is sometimes called the Tucker Plan in honor of some gentleman who first devised this idea. The idea is that the federal government makes available to various classes of citizens, the poor, disabled, and the elderly, transportation stamps good for various forms of transportation. This is somewhat similar to the food stamp plan being used. The program is being implemented in the State of West Virginia.

Councilman Short moved that Council adopt a resolution asking our Congressional and Senatorial Delegation to urge the extending, and attempt to arrange the extending of this plan into North Carolina. The motion was seconded by Councilman Alexander.

Councilman Harris requested that this be brought to Council at the next meeting with more details.

The vote was taken on the motion and carried unanimously.

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CITY MANAGER AND STAFF INSTRUCTED TO PROCEED WITH FOUR PORTIONS OF THE TRANSIT STUDY COMMITTEE WORK SCHEDULE.

Motion was made by Councilman Short, and seconded by Councilwoman Locke instructing the City Manager and staff to proceed with the following four portions of the Transit Study Committee Work Schedule:

- (1) Item 6.4 - Negotiation for Public Acquisition of the Company.
- (2) Item 6.5 - Funding Sources for Public Acquisition.
- (3) Item 6.6 - Preliminary Application for Federal Funds.
- (4) Item 6.7 - Application for Appraisal of Physical Assets of Company.

Councilman Alexander asked if this is the technical steps necessary before finding out the funding sources? What is the point in beginning the negotiation for public acquisition when we do not have any knowledge of the funding sources. Councilman Withrow stated there is a time element of things that happen with different companies. He asked if this is the time to do this?

Councilman Short replied this item has already been approved by Council; it is part of the work program, and is scheduled to begin approximately May and June, and run through next February. All we are doing today is asking the City Manager to personally involve himself in this inquiry, which has already been approved by Council.

Councilman Alexander asked when Council approved the beginning of the negotiations for the acquisition of the bus company? Councilwoman Locke replied when Council approved the work schedule.

Mayor Belk stated we will have all of this as long as we split up the Council. That is the reason he says Council should stay as a unit, and get the information on the whole program. If everybody goes to all the meetings, then everyone is informed, and nobody feels left out.

MOTION TO EXPAND TRANSIT STUDY COMMITTEE TO A COMMITTEE OF THE WHOLE TO BE PLACED ON NEXT AGENDA.

Councilman Harris moved that the next agenda include a motion to expand the Transit Study Committee to a committee of the whole. The motion was seconded by Councilman Williams, and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND TO BRANDON UNITED PRESBYTERIAN CHURCH, U.S.A. IN REDEVELOPMENT PROJECT NO. N. C. R-78.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, adopting the resolution approving the sale of 100,451 square feet of land at a total price of \$28,126.28 to Brandon United Presbyterian Church, U.S.A., in Redevelopment Project No. N. C. R-78 to be used for development of a church facility, which is in accordance with the approved Redevelopment Plan for this project.

The resolution is recorded in full in Resolutions Book 10, at Page 48.

MAYOR LEAVES CHAIR AND CHAIRMAN PRO TEM ALEXANDER PRESIDES.

Mayor Belk left the meeting at this time and Chairman pro tem Alexander presided during his absence.

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CHANGE ORDER NO. 1, IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY, FOR BROOKLYN URBAN RENEWAL AREA, N. C. R-43, APPROVED.

Councilman Withrow, moved adoption of the subject change order, increasing the original contract price by \$13,500.00 to cover the construction of a concrete reflecting pool, adjacent walks, drain pipe, and valve, including painting and backfilling for Brooklyn Urban Renewal Area, N. C. R-43 in contract with Crowder Construction Company. The motion was seconded by Councilwoman Locke, and after explanation by the Director of Urban Redevelopment, the vote was taken and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY, FOR DOWNTOWN NEIGHBORHOOD DEVELOPMENT PROGRAM, PROJECT NO. N. C. A-3, APPROVED.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, the subject change order was approved to increase the original contract price by \$6,894.00, to cover waterproofing work to Belk's Department Store Basement necessary because of the removal of the concrete sidewalk which is directly over part of this basement area, for the Downtown Neighborhood Development Program, in contract with Crowder Construction Company.

CHANGE ORDER NO. 2, IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR DOWNTOWN NEIGHBORHOOD DEVELOPMENT PROGRAM, PROJECT NO. N. C. A-3, APPROVED.

Motion was made by Councilman Harris, seconded by Councilman Withrow, and unanimously carried, approving subject change order increasing the original contract price by \$18,972.50, to cover cost of installation of sanitary sewer and storm sewer extensions for the Independence Square Plaza; for the Downtown Neighborhood Development Program, in contract with Crowder Construction Company.

MAYOR RETURNS TO MEETING AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk returned to the meeting and presided for the remainder of the Session.

DISCUSSION OF ASHLEY ROAD WIDENING AND CLANTON ROAD EXTENSION PROJECT.

At the last Council Meeting, Councilman Withrow requested that the discussion of the Ashley Road Widening and Clanton Road Extension project be included on today's agenda.

Councilman Withrow stated we have a five year master plan. He stated because Ashley Road or Matheson Avenue is on this plan does not mean that it will be built until it is funded. It is funded when City Council votes on it, and any Council in the year it is funded can vote on it; but Council does not necessarily vote on the master plan. The Public Works Director replied that is right; the particular project has to be voted upon at the time of the funding.

Councilman Withrow stated someone has said that Matheson Avenue route has been taken out of the master plan. He asked if it has been deleted? Mr. McIntyre, Planning Director, replied that is right; it is not on the plan as it stands now. Council has not adopted the new thoroughfare plan. What we have is the 1960 Thoroughfare plan which was approved by Council at that time on a conceptual basis.

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Mr. John Black, President of the Ashley Park and Westerly Hills Improvement Association, stated he is a resident of Ashley Road. That he is here to represent the members of the Association and the residents of Ashley Road. They feel the widening of Ashley Road will devalue their property, cause traffic congestions, bring danger to their children, and cause their community to become unstable. They have many retired people in their neighborhood, and they own their homes and expect to stay there the remainder of their lives. They have younger couples who are buying homes, and paying for them as they go along. This is why they feel the Major Thoroughfare plan for Charlotte adopted in 1960 means disaster to them. They would like for Council to re-study this plan and consider an alternate route before it is too late. They feel Council will do all it can to prevent what they consider a major disaster to their community if these plans are completed.

Mr. George Chitwood, Chairman of West Side Citizens Association, stated they are concerned about the extension of Ashley Road, and also the widening. The citizens in this neighborhood strongly oppose the Ashley Road extension, from Wilkinson Boulevard to Donald Ross Road. That several hundred signatures on petitions have been turned into the City Manager's Office against the extension and widening of Ashley Road, which will devalue their property, increase traffic, and endanger their lives. Mr. Chitwood stated they are very upset with the road plan. The extension serves no purpose. It will require several million dollars to complete it; it will require another bridge over the railroad tracks. The Clanton Road Extension can stop and end where it is now. How many circumferential routes do we need around the Charlotte area? How many roads do we need to a particular shopping center, or out of town, or to an amusement park? He stated those on City Council can do something for Charlotte, and vote today to abandon this road plan so that the stability of their neighborhood can remain.

He stated five years ago, the Charlotte City Council took an action which disturbed nearly all of what is known as the West Side. The City concentrated more than 1,000 public housing units on the west side. This act also contributed largely to the housing segregation we have today in Charlotte. At that time when many realized the damage that had been done, a lot was said and promised about saving and preserving the West Side Communities. A candidate was elected on the platform to strengthen and preserve the west side. Despite all of that, they are here today to have to speak to Council to stop this road plan of widening and extending Ashley Road, which will destroy and disrupt one of the last remaining stable neighborhoods on this side of town. The candidate who was elected from the West Side told them Saturday that he will not do anything to stop this road plan - this Ashley Road Extension now - because a four lane road would have to go into a two lane.

Mr. Chitwood stated they are present today to find out if Council will vote to stop this road plan which will destroy their area. He asked if they will vote today to abandon this unnecessary widening and extension of Ashley Road? If the road is extended to Donald Ross Road it will be widened later. They want Council to tell them today by vote how they stand on this road.

He stated some of them in Westerly Hills are united with other Charlotte Neighborhood Groups, the senior citizens and the firemen, and they will fight to save the West Side Community. If they are turned down today by a "no" vote, or a "put off", they will continue their battle in other chambers. He stated they are asking Council to vote on this issue, and tell them where they stand so they will know where they stand. This road plan has been an issue for a while with him and his community.

Councilman Withrow stated to put the record straight he said he would not make a motion for, nor against; that he was against the widening of Ashley Road, that he was against the road coming to Donald Ross, but he would not make a motion for nor against extending it on to Wilkinson Boulevard.

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Mayor Belk stated there is no one on Council interested in destroying a community; there are a lot of nice people who live out there, and everyone is interested in trying to protect the community. But this is not before Council today for a vote; it is only on the agenda for discussion, and there is no way for Council to vote on this today.

Mr. Chitwood stated they want to get something done; they want it eliminated so they will not have to worry about it any more. That he feels this would be a good time to eliminate the road.

The City Manager stated he would hate to see Council determine the future of our road system by hearing just one side of the question. That our engineers are standing by if they are needed; but he would hate to see Council jump into it today and decide on it. That Council does not have the necessary information to make a decision today.

Councilwoman Locke asked if the Planning Commission has polled all the residents in that area to see how they feel? Mayor Belk replied we are not in that phase yet; the only thing we are doing today is listening at the request of Councilman Withrow. Councilwoman Locke asked if that can be done? Mr. Burkhalter replied he does not recommend that on the road systems. No one is going to ask the city to bring a road in front of his house. You have to determine first where they have to be in order to serve the most people, and then try to work out the best and most satisfactory solution, and give as far advance notice as you can. That this road has been planned since 1960.

Councilman Short asked if there are any houses on this segment; or is it across open country? The reply was that the extension is in open country.

Councilman Harris stated he talked to Mr. McIntyre about this one day; that he thinks there is a misunderstanding about the relationship of this road as related to Remount Road and purposes of connecting it to I-85. That Ashley Road does not connect to I-85. That he was out there yesterday, and he saw all the grading on West Boulevard at the golf course. He asked how far the contract has been let through there? The City Manager replied about 200 feet across - the cut off at the golf course is the end of it. Councilman Harris asked if the connector on across is to be determined on whether we follow Donald Ross Road and come out to Wilkinson Boulevard?

Mr. Hopson stated the road starts at Clanton Road and goes over the creek with a new bridge, goes up and across West Boulevard to Donald Ross Road, where it terminates. The proposal for the next step will probably be to go through country, from Donald Ross to Wilkinson Boulevard, and it would take about three or four industrial sites. That he thinks what these people are complaining about is as it takes off from Wilkinson Boulevard going on up through the neighborhood on Ashley Road, and where it gets to the part that is Alleghany Street. The proposal is three or four years from now. The City Manager stated when the report comes back to Council it will include Remount Road and the Airport Parkway. Councilman Harris stated when it gets back to this point he wants the record to show that Council will consider those two as well.

#### STAFF REQUESTED TO INQUIRE INTO THE PURCHASE OF THE CAROLINA GOLF COURSE.

Mayor Belk requested that the next agenda include an item on the City or Park & Recreation Commission buying the golf course. They say they do not have any parks or recreation on the west side. If it is possible he would like to see if it can be purchased at a reasonable figure.

Councilman Short moved that Council ask the staff to proceed with the inquiry about that. The motion was seconded by Councilman Harris, and carried unanimously.

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RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT A SUBGRANT APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER FOR LEAA FUNDS.

Councilman Harris moved adoption of the resolution authorizing the Mayor to submit a Subgrant application to the North Carolina Department of Natural and Economic Resources, Division of Law and Order for LEAA Funds in the amount of \$10,558.00, matched with \$587.00 of city money to provide training funds for police officers at Northwestern Traffic Institute and Central Missouri State University. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 49.

ORDINANCE NO. 258-X TRANSFERRING FUNDS FROM THE 1969 SANITARY SEWER BOND FUNDS TO ESTABLISH AN APPROPRIATION FOR THE BERRYHILL ROAD SEWER TRUNK.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, adopting the subject ordinance transferring \$75,000.00 from the 1969 Sanitary Sewer Bond Funds to establish an appropriation for the Berryhill Road Sewer Trunk.

The ordinance is recorded in full in Ordinance Book 21, on Page 136.

ORDINANCE NO. 259-X AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION AT 207 KESWICK AVENUE.

Council was advised there has been no indication that the property owner would contest the subject order.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject ordinance was approved declaring housing at 207 Keswick Avenue unfit for human habitation.

The ordinance is recorded in full in Ordinance Book 21, on Page 137.

AGREEMENT WITH DUKE POWER COMPANY ALLOWING DUKE POWER COMPANY TO CROSS CERTAIN LANDS LOCATED ON CITY-OWNED PROPERTY AT HOSKINS WATER TREATMENT PLANT, APPROVED.

Councilman Alexander moved approval of an agreement allowing Duke Power Company to cross certain lands located on city-owned property at Hoskins Water Treatment Plant for the sum of \$10,000.00 payable to the City. The motion was seconded by Councilman Withrow and carried unanimously.

Councilman Harris asked if anyone has checked with Duke Power as to the use of utility right of way for some of the highway projects, the feasibility of it? He asked the City Attorney or Public Works Director to research into this to see if it is legal from a land use point of view.

SALE OF CITY-OWNED PROPERTIES, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, approving the sale of city-owned property at 415 and 419 East Sixth Street to Nick Miller, Attorney, at a price of \$10,400.00.

Councilwoman Locke moved approval of the sale of city owned property at 2320 Bancroft Street to Browne, Morris and Company at a price of \$750.00. The motion was seconded by Councilman Williams, and carried unanimously.

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ORDINANCE NO. 260-X APPROPRIATING PROCEEDS FROM THE 1973 PUBLIC BUILDING BOND FUNDS TO THE POLICE AND FIRE TRAINING FACILITY.

Councilman Alexander moved adoption of the ordinance appropriating \$1,300,000 to the Police and Fire Training Facility. The motion was seconded by Councilman Withrow.

Councilman Harris stated he supports the need for this facility; but he cannot support the location from the standpoint of land cost. That he will have to vote no on this question.

After further discussion, the vote was taken on the motion and carried as follows:

YEAS: Councilmembers Alexander, Withrow, Locke, Short and Williams.  
NAYS: Councilman Harris.

The ordinance is recorded in full in Ordinance Book 21, at Page 138.

ACQUISITION OF PROPERTY AT 2800 AND 2801 BEAM ROAD, APPROVED.

Councilman Alexander moved approval of acquisition of 140.50 acres of property at 2800 and 2801 Beam Road from Carl C. Allison, Sr. and wife, Catherine M. at \$402,800.00 for the Police and Fire Training Facility. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO FRED G. SHELFER AND WIFE, BETTY LOU SHELFER; DONALD G. SYMON AND WIFE, MARTHA E. SYMON; H. MORRISON JOHNSTON, TRUSTEE FOR G. F. SHRUM AND CHOYCE M. SHRUM; AND J. L. MCDANIEL, JR., TRUSTEE FOR THE LEWIS STATE BANK; FOR THE IRWIN CREEK SANITARY SEWER OUTFALL PROJECT.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting the resolution to rescind authorization to institute proceedings against property belonging to Fred G. Shelfer and wife, Betty Lou Shelfer; Donald G. Symon and wife, Martha E. Symon; H. Morrison Johnston, Trustee for G. F. Shrum and Choyce M. Shrum; and J. L. McDaniel, Jr., Trustee for the Lewis State Bank, for the Irwin Creek Sanitary Sewer Outfall Project.

The resolution is recorded in full in Resolutions Book 10, at Page 50.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, the following property transactions were approved.

- (a) Acquisition of an easement across approximately 21 acres of property north of Arrowood Road, near I-77, from Fred G. Shelfer and wife, Betty Lou and Donald G. Symon and wife, Martha E., at \$13,250.00, for the Irwin Creek Sanitary Sewer Outfall Project.
- (b) Acquisition of 15' x 533.29' of easement at 7213 Lawyers Road, from Headen and Company, Inc., at \$1.00 for sanitary sewer to serve Albemarle Road at Lake Forest Road Project.
- (c) Acquisition of 94.77' x 99.20' x 95.0' x 99.59' of property with a one-story frame residence, at 916 North Brevard Street, from Katherine Wallace (widow), at \$12,427.00, for Caldwell-Brevard Connector Project.

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- (d) Acquisition of 99.20' x 100' x 98.78' x 100.00' of property, with a one-story frame duplex, at 914 Brevard Street, from Katherine Wallace (widow), at \$12,450.00, for Caldwell- Brevard Connector Project.
- (e) Acquisition of 92.0' x 79.33' x 92.56' x 84.66' of property, with a one-story frame residence and one commercial garage, at 900 North Brevard Street, from Woodrow Pittillo (single), at \$16,700.00, for Caldwell-Brevard Connector Project.
- (f) Acquisition of 29.87' x 40.22' x 22.11' x 42.00' x 9.97' x 25.56' of property at 2324 Randolph Road, from Tom D. Keretsis and wife, Toula, at \$1,323.00, for the proposed right of way Randolph Road at Laurel Avenue Project.
- (g) Acquisition of 5.97' x 67.39' x 5.97' x 67.39' of property, plus a construction easement, at 3021 Sharon Amity Road, from David E. Fuller and wife, Margaret B., at \$1,000.00, for Sharon Amity Road Widening Project.
- (h) Acquisition of 5.96' x 67.50' x 5.97' x 67.50' of property, plus a construction easement, from David E. Fuller and wife, Margaret B., at 3021 Sharon Amity Road, at \$1,000.00, for Sharon Amity Road Widening Project.
- (i) Acquisition of 5.95' x 67.49' x 5.96' x 67.50' of property, plus a construction easement, from David E. Fuller and wife, Margaret B. at 3021 Sharon Amity Road, at \$1,000.00, for Sharon Amity Road Widening Project.
- (j) Acquisition of 8.49' x 112.33' x 115.09' of easement, plus a construction easement, at 4700 North Sharon Amity Road, from W. P. Mitchell, at \$450.00, for Sharon Amity Road Widening Project.
- (k) Acquisition of 136.60' x 10.62' x 126.89' of property, plus a construction easement, at 4700 North Sharon Amity Road, from W. P. Mitchell, at \$600.00, for Sharon Amity Road Widening Project.
- (l) Acquisition of 5.96' x 67.50' x 5.96' x 67.50' of property, plus a construction easement, at 3021 Sharon Amity Road, from David E. Fuller and wife, Margaret B. Fuller, at \$1,000.00 for the Sharon Amity Road Widening Project.
- (m) Acquisition of 125.91' x 12.49' x 122.39' x 10.62' of property, plus a construction easement, at 4700 North Sharon Amity Road, from W. P. Mitchell, at \$750.00, for Sharon Amity Road Widening Project.

UTILITY EASEMENTS, APPROVED.

Councilman Williams moved approval of forty-seven (47) utility easements for service to the annexed areas which motion was seconded by Councilman Harris, and carried unanimously.

- (a) CAMPBELL CREEK SANITARY SEWER OUTFALL  
1 easement
- (b) HICKORY GROVE AREA SANITARY SEWER TRUNKS  
1 easement
- (c) ANNEXATION AREA I (11) SANITARY SEWER TRUNKS  
5 easements



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- (d) ANNEXATION AREA I (3) SANITARY SEWER TRUNKS  
1 easement
- (e) ANNEXATION AREA I (1 & 12) COLLECTOR MAINS  
5 parcels
- (f) ANNEXATION AREA I (4) SANITARY SEWER TRUNKS AND COLLECTOR MAINS  
34 easements

ENCROACHMENT AGREEMENTS, AUTHORIZED.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, approving the following encroachment agreements.

- (a) Encroachment Agreement with the North Carolina Department of Transportation to construct an 8-inch VCP sanitary sewer line located along the northern right of way of Delshire Lane to serve Delshire Lane.
- (b) Encroachment Agreement with a Resolution authorizing the Mayor to execute an agreement with Southern Railway for the construction of two (2) 24" water pipe lines at Croft, North Carolina, in the amount of \$50.00 to cover administration costs of Southern Railway.  
The resolution is recorded in Resolutions Book 10, at Page 62.
- (c) Encroachment Agreement with the Department of Transportation permitting the City to construct an 8-inch VCP sanitary sewer line in Carmel Road (SR 3611).
- (d) Encroachment Agreement with the Department of Transportation permitting the City to construct various lengths of 8", 12" and 15" sanitary sewer lines within the right of way of Arrowood Road (SR 1138) and Interstate Highway 77 to serve Annexation Area I (11).

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO NILO A. NICCOLAI AND WIFE, PHYLLIS F. NICCOLAI; W. E. GREER, TRUSTEE; AND STATE EMPLOYEES' CREDIT UNION, LOCATED AT 6613 WILLIAMS ROAD, EAST OF HICKORY-GROVE NEWELL ROAD, IN THE CITY OF CHARLOTTE FOR THE HICKORY GROVE AREA SANITARY SEWER TRUNKS PROJECT.

Councilman Harris moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property belonging to Nilo A. Niccolai and wife, Phyllis F. Niccolai; W. E. Greer, Trustee; and State Employees' Credit Union, located at 6613 Williams Road, east of Hickory Grove-Newell Road, in the City of Charlotte for the Hickory Grove Area Sanitary Sewer Trunks Project. The motion was seconded by Councilwoman Locke, and unanimously carried.

The resolution is recorded in full in Resolutions Book 10, at Page 51.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO R. J. MCRAE AND WIFE, OSSIE B. MCRAE; AND FLAUDIA MCRAE, LOCATED AT 911 LOUISE AVENUE IN THE CITY OF CHARLOTTE FOR FUTURE EXPANSION OF THE MOTOR TRANSPORT FACILITY AND RELATED ACTIVITIES.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to R. J. McRae and wife, Ossie B. McRae; and Flaudia McRae, located at 911 Louise Avenue in the City of Charlotte for future expansion of the Motor Transport Facility and related activities.

The resolution is recorded in full in Resolutions Book 10, at Page 52.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO NICK K. KAPERONIS AND WIFE, PEARL N. KAPERONIS; T. A. UPCHURCH, SUBSTITUTE TRUSTEE; DURHAM LIFE INSURANCE COMPANY; ROBERT A. HOVIS, TRUSTEE; COLE PROPERTIES, INC., ST. GEORGE, LTD., LESSEE; AND THE PADDOCK, INC., LESSEE, LOCATED AT 301 WEST TRADE STREET IN THE CITY OF CHARLOTTE FOR THE POPLAR STREET WIDENING PROJECT.

Motion was made by Councilman Williams, seconded by Councilwoman Locke, and unanimously carried, adopting the resolution authorizing condemnation proceedings for the acquisition of property belonging to Nick K. Kaperonis and wife, Pearl N. Kaperonis; T. A. Upchurch, substitute Trustee; Durham Life Insurance Company; Robert A. Hovis, Trustee; Cole Properties, Inc., St. George, Ltd., Lessee; and the Paddock, Inc., Lessee, located at 301 West Trade Street in the City of Charlotte for the Poplar Street Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 53.

#### RESOLUTIONS AUTHORIZING THE REFUND OF CERTAIN TAXES.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the following resolutions were adopted authorizing the refund of certain taxes which were levied and collected through clerical error:

- (a) Resolution authorizing the refund of taxes in the total amount of \$15.00 which were levied and collected against one tax account.
- (b) Resolution authorizing the refund of taxes in the total amount of \$293.55 which were levied and collected against ten tax accounts.

The resolutions are recorded in full in Resolutions Book 10, beginning at Page 55.

#### ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS AND ILLEGAL TREE LIMBS.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, the following ordinances were adopted ordering the removal of weeds and grass and illegal tree limbs:

- (a) Ordinance No. 261-X ordering the removal of weeds and grass on premises adjacent to 3040 Ridge Avenue.
- (b) Ordinance No. 262-X ordering the removal of weeds and grass on premises adjacent to 820 East 15th Street.
- (c) Ordinance No. 263-X ordering the removal of weeds and grass at corner of E. 35th and Yadkin Street.
- (d) Ordinance No. 264-X ordering the removal of weeds and grass adjacent to 3904 N. Tryon Street.
- (e) Ordinance No. 265-X ordering the removal of weeds and grass at corner of Newland Road and Gilbert Street.
- (f) Ordinance No. 266-X ordering the removal of weeds and grass adjacent to 1909 St. Marks Street.
- (g) Ordinance No. 267-X ordering the removal of weeds and grass adjacent to 2831 Wickersham Drive.
- (h) Ordinance No. 268-X ordering the removal of illegal tree limbs at 2513 Rachel Street.
- (i) Ordinance No. 269-X ordering the removal of weeds and grass adjacent to 2006 Russell Street.
- (j) Ordinance No. 270-X ordering the removal of weeds and grass at corner of Bucknell & Selwyn Avenues.

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- (k) Ordinance No. 271-X ordering the removal of weeds and grass adjacent to 2022 Garnette Place.
- (l) Ordinance No. 272-X ordering the removal of weeds and grass adjacent to 1916 Welch Place.
- (m) Ordinance No. 273-X ordering the removal of weeds and grass adjacent to 1812 Double Oaks Road.
- (n) Ordinance No. 274-X ordering the removal of weeds and grass at corner of Arnold Drive and Crosby Place.
- (o) Ordinance No. 275-X ordering the removal of weeds and grass at 1016 Herrin Avenue.
- (p) Ordinance No. 276-X ordering the removal of weeds and grass adjacent to 3148 Amy James Avenue.
- (q) Ordinance No. 277-X ordering the removal of weeds and grass at 1421 Choyce Avenue.

The ordinances are recorded in full in Ordinance Book 21, beginning on Page 139.

#### RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Upon motion of Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted amending Schedule IV, "Pay Range Assignment of Classes" to change the salary of Class Number 441, Manpower Director, from Pay Range 30, steps A-F, to Pay Range 31, steps A-F, effective on July 17, 1974.

The resolution is recorded in full in Resolutions Book 10, at Page 57.

#### RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Alexander, seconded by Councilman Harris, and unanimously carried, adopting the resolution amending the pay plan to include positions that were inadvertently left out for the Model Cities Department.

The resolution is recorded in full in Resolutions Book 10, at Page 58.

#### RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS .

The subject resolution was presented to amend the personnel rules and regulations as follows: (1) Rule III, Section 15, Reimbursement for Training Expense; and (2) Rule III, Section 16, Educational Incentive Pay.

Councilman Williams moved approval of the resolution and amended it to include everyone in both departments. The motion was seconded by Councilman Harris. Councilman Williams stated it now stops at Assistant Chief of Police and Chief of the Police Department, and does not extend above District Chief in the Fire Department.

The City Manager stated there are good reasons for omitting those people, and he would like for the Personnel Director to speak to them.

Mr. Earle stated the question is where is a good point to draw the line. Their reasoning for excluding the Assistant Chiefs and the Chief and the Assistants and Chief of the Fire Department relate to the idea that for those appointments the total educational experience and background should be taken into account at the time the appointment is made. That we are not offering inducement at that stage in their career to acquire a new education as would be the case of the entering patrolmen or the entering firefighters, and those in the immediate ranks who are preparing themselves for the top jobs at some point in time by adding to their educational background.

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That he thinks we could drop the line another grade; but this seems to be the most reasonable cut off point. At this level we are talking about the whole man, what he has done, and what he has achieved. The City Manager stated he has no strong feelings on this. If he was going to hire a police chief he would consider his education very strongly before putting him into that job. The job is set for that.

Mr. Burkhalter stated the fire chief has strong feelings about removing the payment for texts and tuition for firemen. That many, many firemen take courses without the idea of going for a degree; they take them for promotional purposes or for other reasons. The reason many of them take these courses, some 47 as of now, is for a specific reason, and not to obtain a degree. Therefore, this might hinder that program if we do not pay for it.

Chief Lee stated they are asking that what is currently taking place be perpetuated. These persons have curriculum available to them at Central Piedmont which is not available else where. He stated this has been beneficial to them. Some \$7,000 is the total they have spent this year at Central Piedmont in their courses and training. Mayor Belk stated he is in favor of that, but he is not in favor of the city paying time and a half over. He asked when the Fair Labor Standards Act goes into effect? Mr. Earle replied the correctness of the City's educational policy as it now stands has been resolved. The wage-hour people tell him to go ahead with our regular policy without changing, without obligating ourselves further.

Councilman Alexander stated in Section 16, it reads "Police patrolmen and police detectives who obtain an Associate Degree in Criminology or Police Science or a baccalaureate degree in any field with a demonstrated relationship to law enforcement careers and who demonstrates superior performance shall be eligible" He asked how weighty is this clause "and who demonstrates superior performance"? Mr. Earle replied this is in the present provision, and it is cited so that Council will know what the change is. The amendment deletes this section, and changes it so that the significant points are that the city will no longer reimburse uniform police and fire officers for their education expense. Secondly the monetary rewards for obtaining a two year or four year degree would become automatic and immediate upon receipt of the degree. As it is now, this is permissive or subject to the judgement of the chief of police. Section 16 which Councilman Alexander quoted is the present rule, and the one which the amendment changes.

Councilman Short stated he did not know that the Fair Labor Standards Act matter has been resolved in our favor. That this is great. He asked if the City can afford both of these programs. They both have a lot of merit. Mr. Earle replied one of the finest things we have been able to do is to subsidize educational expenses. This was resolved at local level and at the Washington level. Local people in making their announcement were a little hasty; had they read two paragraphs further, they would never have said what they did.

Councilman Williams withdrew his original motion, and Councilman Harris agreed to the withdrawal.

Councilman Williams moved adoption of the change to Rule III, Section 16, Educational Incentive Pay to be in accordance with the attachment to the agenda, except that it would apply to all levels in the departments.

Mayor Belk stated that is what they are talking about not doing. Mr. Earle stated they recommend that this not be done.

Councilman Short stated what we want to do is to pay the tuition and book expense for those who want that approach, and also give the salary incentive for those who complete the baccalaureate and other degrees. Mayor Belk stated that is what he understands. Councilman Williams stated except from day one to the day of retirement. If it is a good policy for the men it would be a good policy for the high ranking officers also. If someone comes up through the ranks to assistant or chief it is not fair to give it to him all those years, and then take it away from him. It might help to retain some of these people at that level. Councilman Harris stated what Mr. Burkhalter is saying is already figured in with the compensation at grade levels.

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Mr. Burkhalter stated the police chief today, in his book, in Charlotte is paid for a college education. If he went out to look for one tomorrow he would look for one with a college education or the equivalent thereof. That our chief has the equivalent thereof, and that is the reason over the years his salary has been right up there with the other chiefs.

After further discussion, Councilman Williams moved approval, keeping the options open in the job description. The motion was seconded by Councilman Harris, and carried unanimously.

To clarify the motion, Councilman Williams stated his motion was for approval of Section 16.

The resolution is recorded in full in Resolutions Book 10, at Page 59.

#### DISCUSSION OF THE SELECTION OF AN ARCHITECT FOR A NEW CITY HALL.

Mr. Murray Whisnant, Architect, stated he would like to know if this discussion is about a city hall or a city county office building. Not knowing specifically what we are talking about, he would like to make a general recommendation. He represents the feelings of 21 local architectural firms. He would like to propose that the city council use architectural competitions as a viable means of awarding significant local architectural commissions. He does not propose this for every commission, only very important large-scale projects. This method has been used by many other communities. An architectural competition is entered anonymously, and the winning of the competition is based purely on professional competence. Following this method, local architectural firms have an equal chance for participation. In addition to the obvious democratic advantage of this means of selecting an architect, there is the additional virtue that the results of the competition creates wide spread public interest, and even national interest. This is a thoroughly realistic way to secure architectural services. The AIA has established ethical procedures for conducting selection of competition. If Council wishes to pursue this idea, this can be discussed with the local Charlotte Section of American Institute of Architects.

Councilman Harris stated Mr. Whisnant mentioned anonymously; that the entrants are submitted without the names, so that you would not know which firms are submitting. Mr. Whisnant replied you pick a Chairman of the jury, who would be a professional from out of the area, and a disinterested person. He would select the jury, and the jury would be at least one half architects; the other half would be local people. Councilman Harris asked if the AIA has such rules that are well spelled out? Mr. Whisnant replied yes; and it is very stringent in order to be fair.

Mr. J. Norman Pease, Jr., Architect, stated he would take exception to the number of firms mentioned as he believes many of the firms have withdrawn from this matter after it was discussed in the corridors.

Mr. Pease stated he has practiced in Charlotte since 1949, and during this time he has never had the opportunity of working on a building design project for the City of Charlotte. He stated he learned of the concern in competition yesterday; and to the best of his knowledge the suggestions of Mr. Whisnant do not represent the view of the entire Executive Committee of the Charlotte Section of American Institute of Architects, nor of the membership. He stated competitions are one way of selecting architects for major projects. This is sometimes done nationally on a world wide basis. He stated should Council elect to use this procedure it is its prerogative to do so. That Mr. Whisnant's proposal has been brought at the eleventh hour; it is obviously aimed at one particular building, whatever it may be named; and it is aimed at one particular firm. Council is being asked to change the rules in the middle of the ballgame. Should competitions be the desired method for selection, then he feels the decision should be made only after thorough study of what the overall obligations are, and the merits of competition. He stated J. N. Pease & Associates is prepared and scheduled to move ahead on this project when authorized. He suggested that Council

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re-affirm the earlier action taken on April 6, 1970, and then consider thoroughly, and not under pressure, the desirability of competition as a future means for the selection of architects.

Mayor Belk stated when the City and County consolidates, will we be getting into any confusion on whether the city builds the building or whether the city-county builds a joint building? Mr. Pease replied from a design standpoint he would say no. Mayor Belk asked if we would have two architects at that time, or would it be down to one? Mr. Pease replied he would hope it would be one; but if not he would think they could collaborate to have a true team effort. If the City and County does not agree on what will be done, then it will be a problem. Mayor Belk asked if we could throw both out and start over, and Mr. Pease replied he is certain they can do anything they wish to do. But he feels there is an obligation implied and stipulated; but it is the two bodies prerogative to do whatever they want to do.

Mayor Belk stated a former Council recommended that J. N. Pease be selected; that he now understands the County has hired another architect, and they are proceeding on the court building. Mr. Pease replied he understands the court building is not a part of this project; that he does not see any problems by the consolidation of the city and county.

Councilman Withrow stated he would like to re-affirm his position when he voted before for Mr. Pease, and he moved that Council select J. N. Pease and Associates, as architects to build the building if it is built by the city. The motion was seconded by Councilwoman Locke.

Councilman Harris stated Mr. Whittington asked that this be deferred because of his absence today, and he moved that it be deferred. The motion was seconded by Councilman Williams.

The vote was taken on the substitute motion, and failed as follows:

YEAS: Councilmen Harris and Williams.

NAYS: Councilmembers Withrow, Locke, Alexander and Short.

Councilman Williams asked if this project is very imminent, and how much ahead of time do you normally select an architect? Mr. Burkhalter, City Manager, replied Council has expressed concern about getting the building started, and has appropriated some money for preliminary studies. Mayor Belk stated he thinks it is a little premature until the consolidation problem is further along; that he does not think we should decide to build a building until we work with the County Commissioners.

Mr. Pease stated there are some advantages, regardless of who it is, in the early selection; that his firm has already worked some with the space planning people; they do have this background. Once money is appropriated for a building, then time is always pertinent. That a better building can be designed if it is not being done under pressure. That he would suggest a head start on a major building is in order. Mayor Belk stated he agrees; but what he was trying to bring up is that we are on the threshold of consolidating the city and county; therefore, our needs will be different if that happens. What he is saying if the City hires Pease, and then come back and consolidate with the County, the needs might be different. This is where we might have a problem in the future.

Col. Pease thanked Council for inviting the architects here. That he hopes the City will name J. N. Pease & Associates for the city's job; that he anticipates no problem in designing this with any other architects selected.

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Councilman Harris stated he has the greatest respect for Col. Pease, personally, as well as his firm, and nothing is personal about the whole matter. But he keeps thinking about the wording of the motion about the approval of Council in 1970. That this is an action taken four years ago by another Council. Then this Council is going to vote today, and during this period of time when we are building a building, hopefully, building it for the needs of the city and county, and we are talking about another Body who is not represented here, as such, that we are binding again in the construction of the building which they will be occupying. Frankly, it was his feelings of competition, that it is the greatest thing we have in our system. Out of competition comes the greatest ideas, and the best ideas. You tap various resources to get the best, and select the best. That he is sure there are some great ideas in this firm; but he is also sure that there are also great ideas in other firms here in Charlotte. We do not build a city office building every day, or a city-county office building every day. That he would like to see the national publicity as well as all the greatest things we can get out of it on behalf of our city - be recognized in this effort. It would really go down as a tremendous effort. He stated the thing Council is doing today should be thought through; that Council will be meeting with the County in two weeks, and we will be progressing, and before the first spade of dirt is turned, he hopes we are consolidated.

The vote was taken on the original motion and carried as follows:

YEAS: Councilmembers Withrow, Locke, Alexander and Short.  
NAYS: Councilmen Harris and Williams.

#### RESOLUTION INCREASING THE MEMBERSHIP ON THE AIRPORT ADVISORY COMMITTEE FROM SIX TO SEVEN MEMBERS.

Motion was made by Councilman Withrow, seconded by Councilman Harris, and unanimously carried, adopting the resolution increasing the membership on the Airport Advisory Committee from six to seven members.

The resolution is recorded in full in Resolutions Book 10, at Page 61.

#### APPOINTMENTS TO THE AIRPORT ADVISORY COMMITTEE.

Councilman Withrow moved appointment of Mr. Harry Nicholas to the Airport Advisory Committee, to succeed Mr. C. P. Street whose term expires July 31, 1974, for a three year term. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Harris moved the appointment of Mr. Harry F. Wolfe, Jr., to the Airport Advisory Committee, for a three year term to fill the vacancy created by the expansion of the membership of the Committee. The motion was seconded by Councilwoman Locke, and carried unanimously.

#### CHARLOTTE HAMPTON APPOINTED TO PARADE PERMIT COMMITTEE FOR THREE YEAR TERM.

Councilman Alexander moved the appointment of Mrs. Charlotte Hampton to the Parade Permit Committee for a three year term. The motion was seconded by Councilwoman Locke, and carried unanimously.

#### MRS. CHARLES CRAWFORD REAPPOINTED TO THE HISTORIC PROPERTIES COMMISSION.

Councilwoman Locke moved the reappointment of Mrs. Charles Crawford to the Historic Properties Commission to succeed herself for a three year term. The motion was seconded by Councilman Short, and carried unanimously.

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HEARING SET TO CONSIDER CHANGING THE NAME OF BROOKHURST DRIVE, BETWEEN INDEPENDENCE BOULEVARD AND MONROE ROAD, TO EASTWAY DRIVE.

Councilman Withrow moved that hearing be set for Monday, August 12, to consider changing the name of Brookhurst Drive, between Independence Boulevard and Monroe Road, to Eastway Drive. The motion was seconded by Councilman Harris, and carried unanimously.

LEASE EXTENSION WITH AIRPORT AUTO SERVICE, INC. TO OPERATE NEW LONG TERM PARKING LOT AND AMENDING EXISTING SHORT TERM PARKING LOT LEASE, AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Harris moved approval of the lease extension permitting Airport Auto Service Inc., to operate the new long term parking lot, which is under construction, and amending the existing short term parking lot lease. The motion was seconded by Councilwoman Locke, and carried unanimously.

LEASE AGREEMENT WITH FAIRFAX ENTERPRISES, INC. FOR OFFICE SPACE IN CAMERON-BROWN OFFICE BUILDING TO BE OCCUPIED BY THE PLANNING COMMISSION.

Councilman Harris moved approval of the lease agreement with Fairfax Enterprise Inc., owners of the Cameron-Brown Office Building, for 8,300 square feet of office space to be occupied by the Planning Commission, at an annual rental of \$47,642.00, for a period of three years. The motion was seconded by Councilman Alexander.

Councilman Withrow asked if anyone has done anything to see if they would sell the Equity Building to the City of Charlotte, and at what rate; that he understands they would sell it. Mr. Bobo, Assistant City Manager, replied they have looked into that; it is for sell, but it is too small for city use.

The vote was taken on the motion and carried as follows:

YEAS: Councilmembers Harris, Alexander, Locke and Short.  
NAYS: Councilmen Withrow and Williams.

COUNCILMAN SHORT LEAVES MEETING.

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

CONTRACTS FOR CONSTRUCTION OF WATER MAINS AND SANITARY SEWERS, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, the following contracts for construction of water mains and sanitary sewers were approved.

- (a) Contract with Arrowood Southern Company for the construction of approximately 9,560 feet of 12" and 8" water mains and fifteen (15) fire hydrants to serve Arrowood Industrial Park, outside the city, at an estimated cost of \$149,000.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (b) Contract with Pelton & Crane Company for construction of 1,460 feet of 8" C. I. water main and two (2) fire hydrants of Fruehauf Drive, outside the city, at an estimated cost of \$9,700.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.



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- (c) Contract with Godley Construction Company, Inc., for construction of approximately 680 feet of 8" water main and one (1) fire hydrant to serve Woods Industrial Park, outside the city, at an estimated cost of \$4,600.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (d) Contract with R & W Development Company No. 4 for construction of approximately 665 linear feet of 8-inch trunk sewer, beginning at existing sewer in San Tara Apartment Complex, thence south and east on applicant's property, known as Hunter Oaks Apartments, outside the city, at an estimated cost of \$7,000.00. The applicant is to construct sewer system at his own proper cost and expense and the city is to own and receive all revenue. The applicant has paid their proportional share of previous construction and is non-refundable as per agreement.
- (e) Contract with Arrowood-Southern Executive Park, Inc. for construction of approximately 3,540 linear feet of 10-inch trunk sewer to serve Arrowood Southern Executive Park, outside the city, at an estimated cost of \$106,000.00. The applicant has constructed this sanitary sewer trunk at their own proper cost and expense and wishes the City to assume ownership of same. The Utility Department has inspected this sewer system and accepted same as built according to current specifications. The City will assimilate this system without cost to the City and the City is to own, maintain, operate the system and retain all revenue.
- (f) Contract with Godley Construction Company, Inc. for construction of approximately 516 linear feet of 8-inch sewer trunk in Worth Place, inside the city, at an estimated cost of \$12,156.00. The applicant has deposited 100% of the estimated cost of the proposed sewer system. City forces are to construct with no refund as per agreement.

SANITARY SEWER CONTRACT BETWEEN THE CITY OF CHARLOTTE AND JACK ROBBINS, JR., RESCINDED.

Councilman Harris moved that the City Council rescind a sanitary contract, approved on July 30, 1973, between the City and Jack Robbins, Jr. The motion was seconded by Councilman Williams, and carried unanimously.

CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC. FOR STEEL U-POSTS.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, subject contract was awarded the only bidder, Vulcan Signs & Stampings, Inc. in the amount of \$24,200.00, on a unit price basis for 2,000 steel u-posts to be used in connection with traffic sign installation.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR ALUMINUM POSTS.

Motion was made by Councilwoman Locke, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$8,950.00, on a unit price basis, for 1,000 aluminum posts which will be used in connection with traffic sign installations.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$ 8,950.00
Brighton Steel Company, Inc.	9,550.00
Hall Signs, Inc.	10,000.00
Vulcan Signs & Stampings, Inc.	13,760.00

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CONTRACT AWARDED POMONA PIPE PRODUCTS FOR VITRIFIED CLAY PIPE.

Councilman Alexander moved award of contract to the low bidder, Pomona Pipe Products, in the amount of \$51,153.00, on a unit price basis, for vitrified clay pipe. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Pomona Pipe Products	\$ 51,153.00
Griffin Pipe Company	52,983.00

CONTRACT AWARDED KENDRICK BRICK & TILE CO. FOR CLAY BRICK

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Kendrick Brick & Tile Co., in the amount of \$12,900.00, on a unit price basis, for 300,000 clay brick to be used primarily for the construction and repair of sanitary sewers and storm drains.

The following bids were received:

Kendrick Brick & Tile Co.	\$ 12,900.00
Isenhour Brick	18,032.00

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR PLANT MIX ASPHALT. (N. GRAHAM ST. AREA).

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the only bidder, Blythe Bros. Company, in the amount of \$57,250.00, on a unit price basis, for plant mix asphalt. (N. Graham St. area).

CONTRACT AWARDED REA CONSTRUCTION COMPANY, FOR PLANT MIX ASPHALT. (ASPHALT PL. AREA).

Councilman Alexander, moved award of contract to the only bidder, Rea Construction Company, in the amount of \$57,250.00, on a unit price basis for plant mix asphalt. (Asphalt Place Area). The motion was seconded by Councilwoman Locke, and carried unanimously.

CONTRACT AWARDED REA CONSTRUCTION COMPANY, FOR PLANT MIX ASPHALT. (LANCASTER STREET AREA).

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the only bidder, Rea Construction Company, in the amount of \$57,250.00, on a unit price basis for plant mix asphalt. (Lancaster St. Area).

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR PLANT MIX ASPHALT. (OLD PINEVILLE ROAD AREA).

Motion was made by Councilman Alexander, seconded by Councilman Harris, and unanimously carried, awarding contract to the only bidder, Blythe Bros. Company, in the amount of \$57,250.00, on a unit price basis, for plant mix asphalt. (Old Pineville Road Area).

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CONTRACT AWARDED REA CONSTRUCTION COMPANY, FOR PLANT MIX ASPHALT. (OLD DOWD ROAD AREA).

Councilwoman Locke moved award of contract to the only bidder, Rea Construction Company, in the amount of \$57,250.00, on a unit price basis, for plant mix asphalt. (Old Dowd Road Area). The motion was seconded by Councilman Harris, and carried unanimously.

CONTRACT AWARDED BLYTHE BROS. COMPANY FOR COLD MIX ASPHALT. (900 OTTS ST. AREA).

Upon motion of Councilman Harris, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Blythe Bros. Company, in the amount of \$7,175.00, on a unit price basis, for cold mix asphalt. (900 Otts St. area).

The following bids were received:

Blythe Bros. Company	\$ 7,175.00
Rea Construction Co.	7,200.00

CONTRACT AWARDED BLYTHE BROS. COMPANY, FOR COLD MIX ASPHALT. (810 PATCH AVENUE AREA).

Motion was made by Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Blythe Bros. Company, in the amount of \$7,175.00, on a unit price basis, for cold mix asphalt. (810 Patch Avenue area).

The following bids were received:

Blythe Bros. Company	\$ 7,175.00
Rea Construction Company	7,200.00

CONTRACT AWARDED PRISMO UNIVERSAL FOR THERMOPLASTIC PAVEMENT MARKING.

Councilman Withrow moved award of contract to the low bidder, Prismo Universal, in the amount of \$22,890.00, on a unit price basis, for thermoplastic pavement marking for city crosswalks, stop bars, lane lines, etc. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Prismo Universal	\$ 22,890.00
Southeastern Safety Supplies	24,000.00
Rosenblatt & Associates, Inc.	24,900.00
Cataphote Corporation	39,500.00

BIDS FOR FURNISHING AERIAL BUCKET TRUCK FOR USE BY THE LANDSCAPING DIVISION REJECTED AND SPECIFICATIONS TO BE REVISED.

Motion was made by Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, rejecting all bids for furnishing aerial bucket truck for use by the Landscaping Division and specifications to be revised for purchasing this equipment at a later date.

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CONTRACT AWARDED PRESSURE SYSTEMS, INC. FOR ONE AIR COMPRESSOR WITH FILTERING SYSTEM.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Pressure Systems, Inc., in the amount of \$7,332.36, for one air compressor with filtering system.

The following bids were received:

Pressure Systems, Inc.	\$ 7,332.36
M & J Associates	9,999.00

CONTRACT AWARDED CASE POWER AND EQUIPMENT COMPANY FOR ONE FRONT END LOADER.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Case Power and Equipment Company, in the amount of \$20,984.65, for one front end loader.

The following bids were received:

Case Power & Eqpt. Company	\$ 20,984.65
E. F. Craven Company	21,634.00

BIDS REJECTED ON CONSTRUCTION OF SANITARY SEWER TO SERVE 6300 NORTH TRYON STREET

Councilwoman Locke, moved that all bids be rejected on construction of sanitary sewer to serve 6300 North Tryon Street. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED JAMES E. HARRIS CONSTRUCTION COMPANY FOR SITE GRADING - PHASE II GREENVILLE URBAN RENEWAL AREA PROJECT. NO. N. C. R-78.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, James E. Harris Construction Company, in the amount of \$20,150.00, for site grading - Phase II Greenville Urban Renewal Area Project No. N. C. R-78.

The following bids were received:

James E. Harris Const. Co.	\$ 20,150.00
F. T. Williams Co.	21,595.00
Love-McClure, Inc.	23,040.00
Piedmont Grading & Wrecking Co., Inc.	26,000.00

CONTRACT AWARDED BEN B. PROPST CONTRACTOR, INC. FOR SANITARY SEWER PROJECT - BERRYHILL ROAD TRUNK.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Ben B. Propst Contractor, Inc., in the amount of \$199,641.02, on a unit price basis, for Sanitary Sewer Project - Berryhill Road Trunk.

The following bids were received:

Ben B. Propst Contractor, Inc.	\$ 199,641.02
Sanders Brothers, Inc.	204,671.00
Blythe Brothers Co.	224,082.00
Thomas Structure Co.	242,013.00
Joe R. Abernethy Construction Co.	263,872.00
Dickerson, Inc.	269,442.40
Rand Construction Co., Inc.	273,433.00
Dellinger, Inc.	305,904.45
Mecklenburg Engineer & Contractors	332,725.00

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CONTRACT AWARDED SOUTHEASTERN SAFETY APPLIANCES FOR ONE FIRE & RESCUE TRUCK, WITH DRY CHEMICAL EXTINGUISHING AGENT DISPENSING SYSTEM TO BE USED TO FACILITATE THE EVACUATION OR RESCUE OF OCCUPANTS FROM AIRCRAFT INVOLVED IN A GROUND ACCIDENT ON OR IN THE VICINITY OF THE AIRPORT.

Upon motion of Councilman Harris, seconded by Councilman Alexander, and unanimously carried, contract was awarded the only bidder, Southeastern Safety Appliances, in the amount of \$30,092.17, for one Fire & Rescue Truck, with dry chemical extinguishing agent dispensing system to be used to facilitate the evacuation or rescue of occupants from aircraft involved in a ground accident on or in the vicinity of the Airport, subject to approval and grant offer from FAA.

Mr. Birmingham, Airport Manager, stated this is a fire truck we are required to buy under federal certification; funds were in last year's budget.

NOMINATION OF MARK R. BERNSTEIN TO THE CIVIL SERVICE BOARD.

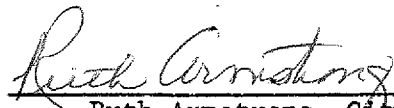
Councilman Harris placed in nomination the name of Mr. Mark R. Bernstein, for a three year term, to fill the vacancy created by the expiration of the term of C. T. Brown.

EXECUTIVE SESSION OF CITY COUNCIL SET FOR MONDAY, JULY 29, 1974.

Pursuant to G. S. 143-318.3(1), Councilman Harris moved that the City Council hold an Executive Session to confer on certain matters concerning the sale of city-owned property at 1:30 p.m., July 29, 1974 in the Second Floor Conference Room. The motion was seconded by Councilwoman Locke, and carried unanimously.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk