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The City Council of the City of Charlotte, North Carolina, met on Monday, September 16, 1974, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilwoman Pat Locke

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

ABSENT: Commissioners Drummond and Turner

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#### INVOCATION.

The invocation was given by Reverend Bryant Clancy, Prince of Peace Lutheran Church.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the minutes of the last meeting, on September 9, 1974, were approved as submitted.

#### CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO POLICE LIEUTENANT CAREY C. HAGLER.

Mayor Belk recognized Police Lieutenant Carey C. Hagler and presented him with the City of Charlotte Employee Plaque for his services to the City from November 23, 1938 until his retirement August 31, 1974. The Mayor and each Councilmember wished Lieutenant Hagler well in his retirement and thanked him for his services to the city.

#### HEARING ON PETITION NO. 74-44 BY MILDRED JAMES MEUNIER FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF THE INTERSECTION OF CRAIG AVENUE AND MCALWAY ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property and the land uses in the area. He stated generally the land use is one of residential zoning up to Craig Avenue, with office and a small patch of business, and then industrial from that point on. The land use and zoning patterns are generally compatible at the present time.

Speaking for the petition was Ms. Mildred James Meunier who stated the property is zoned multi-family with room for five apartments. That her plan was to build the apartment herself or to sell it for that purpose, and to restore the house on the lot at present. But the house was in bad shape, and they spent six months fixing it up. Then there is so much

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traffic on McAlway, and some time ago a truck went into the side of the house and did considerable damage and recently a truck hit the front. That she knows the Eastway Drive Beltway will relieve much of the traffic, but the area is thickly settled with apartment complexes so there will always be traffic. The traffic from Craig Avenue comes into the right and the traffic to the Polo Palace exists to the left and there is a converging from all directions. Then from that point to Monroe Road it is business and industry.

Ms. Meunier stated there are some dentists who are interested in the site for an office, and she feels this is an excellent location for this purpose. It is a large lot with adequate room for parking. That she has talked with the neighbors and they all think it is a good idea.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 74-45 BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE TO ALLOW, UPON THE APPROVAL OF A SPECIAL USE PERMIT, SOCIAL CLUBS IN MULTI-FAMILY AND PLANNED UNIT DEVELOPMENTS.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this petition is in response to a situation that developed some time ago with reference to the sell of beer in apartment and multi-family complexes. At that time it was not felt the amendment then constituted was the proper type of amendment to place in the ordinance and that particular request was recommended for disapproval by the Planning Commission. Then there was a request filed with the Board of County Commissioners for about the same thing, but it was a request to change the zoning related to the Planned Unit Development that is now being built in the City - Sharon Road West and Park Road. That request was also denied. In the meantime, the City Council and Board of County Commissioners asked that attention be given to the possibility of creating regulations that would approach the problem of allowing certain types of social activities, particularly the sale of beverages and foods in multi-family projects as well as planned use developments. As a result the staff of the Planning Commission spent sometime working with this, working with some of the apartment operators, with the Building Inspection Department, the City Attorney and the ABC officials.

A proposal was drafted and given to the Planning Commission, and after several meetings the Commission agreed that it should be transmitted to Council for a public hearing. This is coming to the Council from the Planning Commission, but not with their final recommendation of approval, but for the purpose of holding a public hearing.

Mr. Bryant stated the proposal was designed from the beginning with a great deal of concern for the type of facility that could develop as a result of these regulations. The concern is that there not be established in residential areas basically a commercial facility for the sale of beverages and food; and there not be created in residential areas what ends up being more of a lounge facility than a social club facility for the benefit of the residents of the complex.

This is a proposal to allow the City Council as the governing body to consider each individual application to establish such a facility in a residential area, and to pass judgement on it under the provisions of the special use permit provisions.

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Mr. Bryant then reviewed the ordinance as proposed.

Councilman Whittington asked how many apartment projects have the club house facilities located within the property? Mr. Bryant replied at present none are operating legitimately as a facility; practically all of the larger developments have some type of recreational facility involved. Mr. Tate, Chairman of the Planning Commission, replied he would say there are 40. Councilman Whittington stated everyone of any size has such an arrangement. That when we begin to think about it, we are thinking about the size of it, and he is thinking how you will police it, and what burden it will place on the Inspection and Police Departments.

Mr. Bryant stated what they are doing now and how they are operating now is a recreational form of social activity. There is nothing wrong with that and they can continue that without any regard to this process. They can have their lounge, and they can have their club house facilities, and their parties; but one thing they cannot do at present legitimately is sell beverage and food items. If they want to sell beverage and food items they would have to go through this process.

Speaking for the petition were Mr. Tom Arthur of Treetop Apartments, Mr. William H. Trotter, representing William Trotter Development Company, and Mr. Howard Wheeler of the Ervin Company.

No opposition was expressed to the change as proposed.

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

HEARING ON PETITION NO. 74-46 BY B.E.W. CORPORATION FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A TRACT OF LAND FRONTING ON DRIFTWOOD DRIVE AND BEGINNING WEST OF ALBEMARLE ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property and the land uses. He stated the property is vacant and is adjoined on two sides by a number of commercial facilities on Albemarle and on Sharon Amity Roads. On Driftwood there is a service station at Albemarle Road, and a small office building and then begins the pattern of single family development going on down Driftwood on both sides. Generally the property adjoining the subject property along Sharon Amity and Albemarle Road is business and the property from the site on down Driftwood is residential. The subject property has B-1 zoning on two sides and R-9MF zoning on the other two sides.

Mr. William Poe, Attorney for the Petitioner, stated the petitioner operates the Tradewind Super Market which occupies the property at the moment; Mr. Woodrow Brown, one of the principals in the Company is with him today. The petition was before Council a little more than two years ago, and at that time it received opposition from some of the neighborhood. This time there is no opposition, and he has a petition indicating the surrounding property owners consent to the change. He filed a copy of the petition with the City Clerk.

Mr. Poe stated from a zoning standpoint this makes a lot of sense and it provides a good transition from the business zoning and the big new restaurant going up on the corner. The office zoning requested is a good transition over to the nearest residential property which is multi-family. Immediately across Driftwood is an office building.

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Councilman Whittington asked why they are requesting the change to O-6? Is it for ingress and egress from Albemarle Road to the Shopping complex? Mr. Poe replied that is probably one of the purposes. It would facilitate ingress and egress to this building occupied by the super market and several other businesses if a drive could be constructed next to the new restaurant property. That is one reason; but that does not mean the whole property would be used for this purpose. There would still be room for office development. He stated they understand that Sharon Amity Road will be widened and Mr. Brown has been approached by the Right of Way Agent of the City, and he indicated it will take 8 1/2 feet on each side of Sharon Amity, and this will eliminate some of the present parking. Also They understand there will be a median built and this will prevent turning into the property depending on the direction of traffic.

No opposition was expressed to the proposed change in zoning.

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

CONTINUATION OF HEARING ON PETITION NO. 74-42 BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE TO REQUIRE ALL RETAIL SHOPPING FACILITIES OVER 100,000 SQUARE FEET IN SIZE TO SECURE CONDITIONAL APPROVAL PRIOR TO BEING PERMITTED.

The scheduled public hearing was held on the subject petition which was continued from the meeting on August 26, 1974.

The Assistant Planning Director stated a few weeks ago when this was discussed there was concern about the fact that since it involved a text amendment it was not the usual opportunity for people who might be interested in it to be aware of it as no signs are posted. As a result Staff was asked to send notification of this matter to some interested participants. This they have done; they sent letters to a number of agencies which they felt had some interest in this including the Board of Realtors, the Home Builders Association, and all the Trust Officers of each of the Banks; the Mortgage Bankers Association, and one or two other agencies. As a result there has been increased attention given to this. That he has received several telephone calls, but he is not aware of any great response.

Mr. Bryant stated this is a proposal to establish in the zoning ordinance a process whereby any retail or any establishment involving 100,000 square feet or more or ten acres in size would require conditional approval prior to it being allowed to be constructed.

Mr. Tate, Chairman of the Planning Commission, stated this hearing was continued as no one was present at the last hearing; this comes to Council at this time without a recommendation from the Planning Commission, but for the purpose of a public hearing.

Mr. Bryant stated this would remove a shopping center of over 100,000 square feet from being a use by right in business and industrial districts, and would make it conditional to the effect that any proposal of an establishment over 100,000 square feet would have to be submitted to City Council for consideration. He stated from their standpoint, traffic and the control of traffic and circulation within and in and out of these centers are of vital concern. Also of concern is the overall effect that shopping centers of this size have on the development patterns of the community around them. That through the process of trying to most effectively locate the sites for the larger centers that one of two

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misplaced can do a tremendous amount of damage in terms of the long range patterns they establish. It would also have the advantage of letting Council take a look at all matters such as circulation, the amount of parking and everything else involved. This is conditional approval that would require a full public hearing of the proposal.

No one spoke for or against the proposed text change.

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

RESOLUTION PROVIDING FOR A JOINT PUBLIC HEARING WITH THE BOARD OF COUNTY COMMISSIONERS ON PETITION NO. 74-43, ON MONDAY, OCTOBER 14, 1974.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution providing for a joint public hearing with the Board of County Commissioners on Petition No. 74-43 on Monday, October 14, 1974, at 2:00 P.M., in the Commissioner's Room, County Office Building.

The resolution is recorded in full in Resolutions Book 10, at Page 117.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Councilman Whittington moved adoption of the subject resolution providing for public hearings on Petitions Nos. 74-47 through 74-49 for zoning changes on Monday, October 21, at 8:00 o'clock p.m., in the Educational Building, which motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 118.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:15 o'clock p.m., and reconvened the meeting at 3:25 o'clock p.m.

DISCUSSION OF AN AMENDMENT TO SECTION 11 OF THE PERSONNEL RULES AND REGULATIONS RELATING TO OVERTIME PAY FOR POLICE OFFICERS.

Councilman Williams stated it has been brought to his attention that the present policy is to pay overtime to police and fire personnel if they are called back after they once get home. But if they are not called back, and if they are working and ordered to stay overtime, then we do not actually compensate them for that time -- not monetarily. They may be able to have some time off to compensate for overtime, but not financial compensation. It occurred to him that distinction is a little bit artificial and it should be looked into.

Mr. Earle, Personnel Director, stated the same process applies to employees covered under the wage-hour act. In the first instance they are compensated by time off during the work period, and if we cannot compensate them, we are obligated now to pay premium time. The ways and means of compensation that have been used still provide some equitable way to deal with the problem. This policy has been followed over ten years, and within about three months the wage hour act will become applicable to police and fire personnel. The Department of Labor is still debating on how applicable, what the definitions are, and how it will apply. That they do not expect to receive anything from the Department of Labor until sometime in December, and the Act does become effective January 1, 1975.

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Mr. Earle stated the Coliseum Authority is a common employer; this is a ruling of the Department of Labor which was requested after local people had indicated to the city that the Coliseum Authority was a common employer with the city and an opinion was requested from a higher level, and that opinion was that employment with the Coliseum was with the City of Charlotte and those hours would have to be carried. A number of police and firemen are used at the Coliseum and the City needs the time between now and the first of the year to work out a way to deal with the common employment. That he would suggest that Council defer any action as we do have the means of handling this for that short period of time until after the first of the year.

Chief Goodman stated if a man is requested to come back he is compensated, and if a man works ten hours a day, they try to give him a short day the next day. He was informed this week that some of the people in the Crime Lab worked their eight hours and stayed over, and the Department intends to pay them. That he cannot close the Lab down. That they are paid straight time as the law says now they do not have to pay time and half until after 60 hours. It is coming down but it is not down yet. That it scales down each year. That the Wage Act is for three years. Councilman Williams stated when we talk about the Fair Labor Standards this is what we have to do by law instead of what we feel we should do. That it gets back to the artificiality of this distinction between call back which we do pay and overtime where we may or may not pay. If we are already doing it in some cases, why not codify it and do it in all cases.

During the further discussions, Chief Goodman was asked to furnish Council with a monthly report on the overtime record for September through the first of the year. Councilman Williams stated he would allow it to stand until the first of the year and then see what happens.

**ORDINANCE NO.369-X AMENDING THE 1974-75 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION FOR THE ANIMAL CONTROL DEPARTMENT.**

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting of the subject ordinance amending the Table of Organization for the Animal Control Department by adding Class 164, Laborer I, one position, and Class 028, Clerk Typist II, one position.

The ordinance is recorded in full in Ordinance Book 21, at Page 250.

**PROGRESS REPORT ON MANPOWER PROGRAM.**

Mr. Bob Persons, Manpower Department Director, stated he became the Director July 29th, and since that time he has reviewed the City Manpower Plan as developed and approved by City Council in May of this year and submitted to the Department of Labor for funding. That he has gone through the plan and has in mind what he thinks City Council wanted for our effort for this year.

Mr. Persons stated they have completed the hiring of staff; there are 17 staff members. Four are counselors, three planners, three counselor-aids, one administrative assistant, one secretary, and two clerk-typist, Supervisor Program Operations, Supervisor of Planning and the Director.

He stated the appropriation calls for \$1.791 million. In accordance with the plan to operate any programs; they have been working very diligently and closely with those training institutions they will be dependent upon to carry out the program emphasis for this year. They

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have exceptionally good cooperation from the Employment Security Commission who has the major responsibility for many facets of the program operations. What they will be responsible for ranges from the Outreach and recruitment, the Intake, Job Development, Job Placement, Payment of Stipends, and for those areas related to on the job training. The State Department of ES has been very helpful also since all of our training allowances will be paid directly from Raleigh and through this branch of the service. They will have the opportunity to check to see if there is any unemployment compensation being paid those being brought into the program as enrollees; they can also check with the State Department of Social Services to ascertain who is being paid through that Body.

Mr. Persons stated they have worked very closely with Central Piedmont College as they will be doing the major portion of the training. He stated they will be training license practical nurses, auto body repairmen, auto mechanics, and others. They will also be contracting with Kings Business College, Band Beauty School, South-Eastern Beauty School, and hopefully with OIC in the training of typists. They have had to make some decisions as it related to the health program. Of the 1,025 enrollees to be brought into the program each will have a physical examination. Their projection as to cost for this service total approximately \$40,000. They have evaluated this very carefully and find that perhaps the best way to do this will not be according to the plan of using private medical services. There are some problems as it relates to what the needs are, as it relates to the time frame of bringing a person in and having them examined and certified as physically capable of working once they complete training. They are proposing to continue the present system of contracting with the Community Health Association whereby every enrollee brought into the program will be examined and proper medical forms kept and information readily available so that they can meet the time table of getting enrollees into the program at the training institutions. They propose to contract with the School Administration to carry out a work experience effort during the school year where 272 young people can be enrolled.

He stated instead of having to wait as has been done in the past to commence the summer effort, they hope to continue this work experience program by the contract with the schools to train some 695 young people in a summer program. The contract Council is asked to approve today covers both of these projects, and totals some \$500 thousand plus.

Mr. Persons stated they have had conversations with the Neighborhood Centers Director and staff as it relates to transportation and the possible needs in the Manpower effort. They are at a point now whereby they have provided Mr. Cross with what they think they will need in the form of transportation. They do not anticipate any difficulty except there might be a few dollars they will have to come up with.

During this period of time, they have been trying to set the tone for what he hopes and feels will be one of the best manpower efforts. He knows there has been a lot of concern as it relates to duplication that has taken place in the past. As far as he knows there is no duplication of effort at this point even though their program is separate from that of the County. They have had conversations with the folk there regarding their program and they are agreed that they would not duplicate any effort that the county is carrying out. While our program is a city program by and large, we will not turn down any enrollees who actually need help, training through any services that they can provide, be they those who reside in the city or county. They are concerned about serving those who fall into several classifications and categories in accordance

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Councilman Harris stated he spoke as an individual at the Metropolitan Specialty School Hearings that were held recently; that he worked with Mr. Whittington on the long range advisory committee of Central Piedmont facility. That in the item on the agenda it is talking about 963 disadvantaged high school age youth; 691 enrollees for the School - summer, and 272 youth during the regular school year. He stated at the time of the hearings he tried to tell them that he was hoping that we would pull together in this community instead of pulling apart. They were talking about \$600,000 of operating cost for the school - that we are not talking about schools - but it is all related. That he is saying we already have that in the school budget for just a few children compared to the thousands that are available in the schools. Here we are trying to fund on the side of the school system to take care of these children. In effect providing more funds for almost as much as would be needed to operate the entire school.

Councilman Harris stated under the health portion he cannot understand the separation; that he assumes the 1,025 people are the 691 summer employees and 325 in the regular. Why do we have to provide health services - complete examinations for these particular people, when we do not provide it for the 272 disadvantaged children? Mr. Persons stated they would hopefully examine these youngsters also at some point. But they start off at a different level. There are certain requirements before you can get into school when you first enter, and it is assumed that you maintain a certain standard of health, which may or may not be true. For those children who have not been in school and would fall into this category they will hopefully examine them as they will be trying to help them to get into the job market. The 272 are students and that is the in-school arrangement, and they will not receive health services unless there is a need for it. The 691 maybe in school or out of school, and the out of school ones are the ones they are concerned about an immediate examination. Councilman Harris stated he still does not understand why we give physical examinations to the school children as he thought they had to have certain standards of health to be attending school. Mr. Persons replied he is talking about those classified as out of school, who are not enrolled in school.

Councilman Harris asked why the OIC comes into the clerk-typist program as they have these facilities at Central Piedmont? Mr. Persons replied Central Piedmont does have the equivalent clerk-typist training. One of the problems as it relates to economically disadvantaged is that many of them are not ready to enter Central Piedmont and to experience the competitiveness they find there. Where there is an entry level sort of arrangement, say through the OIC, where you can work toward the development of skills, especially as it relates to typing, and where they can work on the GED, or where they can be helped to read and spell - all these things are related to becoming good typist and secretaries. What they propose to do is not have OIC do the clerk typist training that is shown in the plan because in their conversations with Kings Business College and others they tell them that it is difficult to train a clerk typist in six months. They are proposing to work with OIC, not with 88 enrollees, but 44. The idea is to bring in a different sort of training that would not be duplicative of any effort such as Central Piedmont or Kings Business College. Once they have gone through this experience, we would hope this is the beginning of getting them into the meaningful skills which are needed to be successful on a job. Councilman Harris stated if he will check again at Central Piedmont he will find he can have a special class for the 44 enrollees without the pressures. He asked the difference in costs? Mr. Persons replied there is a difference in costs, and it may be slightly substantial. But you have to not only look at the costs involved, but at the individuals, and the environment which



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they are accustomed to, and what they hope to achieve by trying something that is a little different. These people have not been able to do as well as we would like at Central Piedmont or at Kings Business College. Much of this is due to the criticism they received from employers. They are trying to develop an attitude of competency in this program so when they say they have a clerk typist, and Central Piedmont can concur in it, you will know you have a quality employee. This is what they are trying to do. Councilman Harris stated he thinks he can do what he is saying, but he does not like to see duplication of facilities. Central Piedmont can provide that same course whether it is down there or elsewhere. That attitude and environment which he speaks of could be put in at the right intervals. But he does not believe in duplication. That is our problems in the community.

Following was a further discussion of the CETA projected program schedule.

Councilman Whittington asked as of today how many people are in these programs. Can we say that we now have 25 LPN's registered in school? Mr. Persons replied we can say right now we are assuming responsibility for 61 enrollees that will transfer to the program; we can say from October 4 when the LPN training starts we will have 25 LPN enrolled; hopefully we will have 12 auto mechanics ready to go.

Councilman Whittington asked if there are any whites employed as counselors, and Mr. Persons replied they have one. Councilman Whittington asked how many of the 691 and the 272 are black or white? Mr. Persons replied he cannot answer that because the program with the school will start on October 1; they are recruiting for the program now within the schools. That he can give him a figure on that in the future.

**CONTRACTS APPROVED BETWEEN CITY MANPOWER DEPARTMENT AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, COMMUNITY HEALTH ASSOCIATION AND THE STATE EMPLOYMENT SECURITY COMMISSION.**

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, approving contracts between the City Manpower Department and the Charlotte-Mecklenburg Board of Education, Community Health Association and the State Employment Security Commission.

**ORDINANCE NO. 370-X AMENDING THE 1974-75 MANPOWER ORDINANCE AMENDING REVENUES AND EXPENDITURES TO ESTABLISH APPROPRIATIONS FOR THREE PROGRAMS.**

Councilman Whittington moved adoption of the subject ordinance amending the 1974-75 Manpower Ordinance amending Revenues and Expenditures to establish appropriations for three on-going programs, as follows:

(a) Outreach/Intake, Job Development and Placement (North Carolina Employment Security Commission)	\$ 810,063
(b) Youth Work Experience Program (Charlotte-Mecklenburg Board of Education)	521,163
(c) Physical Examination (Community Health Assoc.)	35,905
	<u>\$1,367,131</u>

The motion was seconded by Councilman Alexander, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 21, at Page 251.

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**ORDINANCES TO PROVIDE FUNDS FOR THE CONSTRUCTION OF THE BELMONT REGIONAL CENTER DEFERRED ONE WEEK.**

Three ordinances were presented to provide funds for the construction of the Belmont Regional Center.

Councilman Whittington asked that the ordinances be deferred for one week as the City Manager has written Council a letter explaining that the amount of money budgeted is not enough, and he would like that it be postponed in order for Council to digest this information.

Mr. Williams, Assistant City Manager, stated this has been a part of the capital improvements budget for some four years; the Neighborhood Centers Department developed in 1970, and at that time plans were for a satellite system of centers to include some 6 neighborhood centers. Several adjustments have been made since that period time. At present the Regional Center is located at the Alexander Street Center. There have been problems with the Board of Education in trying to maintain the use of the building until the Belmont Regional Center is constructed; the completion of that building is projected for October, 1975. This will be the headquarters for the Neighborhood Centers Department and will house, on a permanent basis, services in the educational area and health services for the residents in areas that do not have access to the services. This will be tied together by a transportation system.

This particular item has several aspects - there is a technical part to it, a budgetary, and programatic portion. There are people here today to answer any questions. Inflation has taken a severe toll on the cost of construction of that center. Originally this center was scheduled to be 33,000 square feet; throughout the construction design they have had to reduce it to 22,000 to keep it within the cost.

Following was an explanation by Charles Green, Director of the Neighborhood Centers, of the use of the centers, and an explanation of the cost by representatives of the Public Works Department.

After the lengthy discussion, Councilman Whittington moved that this be delayed one week, which motion was seconded by Councilman Harris, and carried unanimously.

**QUITCLAIM DEED WITH GULF ATLANTIC WAREHOUSE COMPANY, APPROVED.**

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the subject quitclaim deed with Gulf Atlantic Warehouse Company requesting the City to release right, title and interest in right of way for water pipelines granted by Southern Compress and Warehouse Company.

**RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JAMES R. BLAKELY AND WIFE, ANNIE L. BLAKELY: ROBERT T. HOYLE AND WIFE, ISABEL S. HOYLE, AND CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, EASEMENT INTEREST, LOCATED AT 11401 OLD STATESVILLE ROAD IN MECKLENBURG COUNTY FOR THE HUNTERSVILLE WATER TANK SITE.**

Councilman Short moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property belonging to James R. Blakely and wife, Annie L. Blakely; Robert T. Hoyle and wife, Isabel S. Hoyle, and Charlotte-Mecklenburg Board of Education, easement interest, located at 11401 Old Statesville Road (Hwy. 115) in Mecklenburg County for the Huntersville Water Tank Site. The motion was seconded by Councilman Withrow, and unanimously carried.

The resolution is recorded in full in Resolutions Book 10, at Page 119.

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SANITARY SEWER EASEMENTS FOR ANNEXED AREAS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the following parcels of sanitary sewer easements for annexation areas were approved.

- (a) Campbell Creek Outfall - 1 parcel
- (b) Annexation Area I ( 1 & 12) Sanitary Sewer Trunks - 1 parcel
- (c) Annexation Area I (11) Sanitary Sewer Trunks - 1 parcel

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 70' of easement at 1927 Remount Road, from L. C. Cloninger (widower), at \$160.00, for sanitary sewer to serve Remount Road.
- (b) Acquisition of 15' x 70' of easement at 1933 Remount Road, from Sue Rice Moore, at \$170.00, for sanitary sewer to serve Remount Road.
- (c) Acquisition of 15' x 267.15' of easement at 100 Billingsley Road, from Mecklenburg County Alcoholic Beverage Control Board, at \$1.00, for sanitary sewer to serve Billingsley Road.
- (d) Acquisition of 15' x 80' of easement at 1805 Remount Road, from Olivia P. Sims (widow), at \$160.00, for sanitary sewer to serve Remount Road.
- (e) Acquisition of 15' x 117.25' of easement at 1601 Parker Driver, from Oliver J. Davis, at \$200.00, for sanitary sewer to serve Remount Road.
- (f) Acquisition of 15' x 154.10' of easement at 1901 Remount Road, from Ralph M. Abercrombie and Mamie L., at \$250.00, for sanitary sewer to serve Remount Road.
- (g) Acquisition of 15' x 104.80' of easement at 1921 Remount Road, from Harry T. White and wife, Dorsie O. White, at \$154.00, for sanitary sewer to serve Remount Road.
- (h) Acquisition of 15' x 733.12' of easement at 5332 Green Rea Road, from James Green Rea, at \$740.00, for sanitary sewer to serve Carmel South.
- (i) Acquisition of 15' x 724.61' of easement at 5836 Green Rea Road, from Rea Brothers, Inc., at \$725.00, for sanitary sewer to serve Carmel South.
- (j) Acquisition of 6.20' x 34.82' of easement at 6503 Lynn Avenue, from R. C. Saunders and wife, Mary A., at \$35.00, for sanitary sewer to serve Carmel South.
- (k) Acquisition of 15' x 107.31' of easement at 913 Sumac Drive, from Chester L. Helt and wife, Sue C. Helt, at \$1.00, for sanitary sewer to serve Columbine Circle.
- (l) Acquisition of 15' x 183.43' of easement at 901 Sumac Drive, from Ingenuin Hechenbleikner, Herbert Hechenbleikner and Madeline Hechenbleikner Nichols, at \$1.00, for sanitary sewer to serve Columbine Circle.
- (m) Acquisition of 15' x 30.01' x 15' x 274.40' of easement at 4940 Spalding Place, from The Ervin Company, at \$1.00 for proposed sanitary sewer to eliminate Sharonwood Acres Sewage Plant.

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ENCROACHMENT AGREEMENTS, APPROVED.

Councilman Whittington moved approval of the following encroachment agreements, which motion was seconded by Councilman Short, and unanimously carried.

- (a) Agreement with the North Carolina Department of Transportation permitting the City to construct a 16-inch water main in Rea Road, N. C. 16 and N. C. 51.
- (b) Agreement with the North Carolina Department of Transportation permitting the city to construct an 8-inch sanitary sewer line within the right of way of North Hoskins Road.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION.

Council was advised the property owners had indicated they would not contest the orders on the subject ordinances.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the following ordinances were adopted affecting housing declared unfit for human habitation:

- (a) Ordinance No. 371-X ordering the demolition and removal of dwelling at 232 Flint Street.
- (b) Ordinance No. 372-X ordering the demolition and removal of dwelling at 109 West Liddell Street.
- (c) Ordinance No. 373-X ordering the dwelling at 1922 Starita Road closed.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 254.

SPECIAL OFFICER PERMITS APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the following Special Officer Permits for a period of one year:

- (a) Issuance of permit to Franklin O. McGinnis for use on the premises of Charlotte Park and Recreation Commission.
- (b) Renewal of permit to Lewis James Jackson for use on the premises of Johnson C. Smith University.
- (c) Issuance of permit to Norman Ellis Pickering for use on the premises of Douglas Municipal Airport.

CONTRACT BETWEEN CITY OF CHARLOTTE AND THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORIZED, APPROVED.

Councilman Alexander moved approval of a contract between the City of Charlotte and the Auditorium-Coliseum-Civic Center Authority for the expenditure of General Revenue Sharing Funds, in the amount of \$247,000.00. The motion was seconded by Councilman Whittington.

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

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CONTRACT WITH WESTMINISTER COMPANY FOR CONSTRUCTION OF WATER MAIN AND FIRE HYDRANTS, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, a contract was approved with Westminister Company for the construction of 1,010 feet of water main and two fire hydrants, to serve Sharon South Subdivision, Section 3-A, inside the city, at an estimated cost of \$6,000.00, with funds to be advanced by the applicant and refunds made all under the terms of the existing city policies.

CONTRACT AWARDED WORTH KEETER, INC. FOR LEAF BOX CONTAINERS FOR SANITATION DIVISION.

Motion was made by Councilman Short and seconded by Councilman Whittington to award contract to the only bidder, Worth Keeter, Inc., in the amount of \$9,618.00, on a unit price basis, for seven (7) Leaf Box Containers to be used by the Sanitation Division.

Councilman Harris stated he is getting very suspicious of the idea of the only bidders. It seems as though we are getting more and more of them. Mr. Burns of the Purchasing Department stated four other bidders were contacted, and they indicated they could not be competitive, and they chose not to bid. Mr. Burkhalter, City Manager, stated Mr. Keeter has on hand some of the metal for making these boxes which others do not have, and the acquisition of it at today's prices they cannot compete with.

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

CONTRACT AWARDED DUNCAN-PARNELL, INC. FOR BLUEPRINT MACHINE FOR THE UTILITY DEPARTMENT.

Councilman Alexander moved award of contract to the low bidder, Duncan-Parnell, Inc., in the amount of \$5,471.30 for one blueprint machine for the Utility Department. The motion was seconded by Councilman Whittington,

Mr. Gary Bruton, Sales Representative for the Charles Bruning Company, Addressograph Multigraph, stated several weeks ago they were asked to bid on this item. He then read a letter which he has sent to Mr. Paul Burns of the Purchasing Department stating the reasons they felt they should receive the contract even though they were not the low bidder.

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

The following bids were received:

Duncan-Parnell, Inc.	\$ 5,471.30
Bruning Division, Addressograph Multigraph Corp.	5,500.00
Technical Graphics	6,310.00
Global Mapping Enterprises, Ltd.	7,151.78

CONTRACT AWARDED O. G. PENEGAR COMPANY FOR FURNITURE TO BE USED BY VARIOUS DEPARTMENTS WITHIN THE CITY.

After explanation, motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder meeting specifications, O. G. Penegar Company, in the amount of \$10,922.59, on a unit price basis, for furniture to be used by various departments within the City.

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The following bids were received:

O. G. Penegar Company	\$ 10,922.59
Miller's Office Equipment Co.	12,907.20

CONTRACT AWARDED MAP ENTERPRISES, INC. FOR ONE TRUCK WITH AERIAL BUCKET.

Councilman Whittington moved award of contract to the low bidder, Map Enterprises, Inc., in the amount of \$25,694.77, on a unit price basis, for one truck with aerial bucket for Landscape Division, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Map Enterprises, Inc.	\$ 25,694.77
H & H Equipment Company	25,733.33
Utility Distributors, Inc.	26,736.29
Utility Services, Inc.	28,934.00

CONTRACT AWARDED CAROLINA EQUIPMENT COMPANY FOR TWO TRUCK MOUNTED STREET SWEEPERS.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, subject contract was awarded the only bidder, Carolina Equipment Company, in the amount of \$43,552.00, on a unit price basis, for two (2) truck-mounted street sweepers for Public Works Department.

COUNCILMAN SHORT EXCUSED FROM MEETING.

Council Short left the meeting at this time, and Councilman Whittington moved that he be excused from the meeting as required by the City Charter. The motion was seconded by Councilman Alexander, and carried unanimously.

CONTRACT AWARDED HUB UNIFORM COMPANY FOR POLICE UNIFORMS.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, awarding contract to the only bidder meeting specifications, Hub Uniform Company, in the amount of \$50,273.00, on a unit price basis, for police uniforms.

The following bids not meeting specifications were received:

Fligel Uniform Co.	\$49,968.85
Gerber Mfg. Co.	49,162.85

CONTRACT AWARDED FLIGEL UNIFORM COMPANY FOR FIREMEN'S DRESS UNIFORMS.

Councilman Harris moved award of contract to the low bidder meeting specifications, Fligel Uniform Company, in the amount of \$9,102.50, on a unit price basis, for firemen's dress uniforms, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received.

Fligel Uniform Company	\$ 9,102.50
Hub Uniform Company	9,230.00
Gerber Mfg. Co. (not meeting specifications)	8,475.00

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CONTRACT AWARDED HUB UNIFORM COMPANY FOR FIRE DEPARTMENT SERVICE UNIFORMS.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded the low bidder meeting specifications, Hub Uniform Company, in the amount of \$36,700.00, on a unit price basis, for Fire Department Service Uniforms.

The following bids were received:

Hub Uniform Company	\$ 36,700.00
Lion Uniform Co. (not meeting specifications)	33,196.00

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR THE WILMORE N.A.P. PROJECT.

After explanation motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Blythe Brothers Company, in the amount of \$97,291.15, on a unit price basis, for the Wilmore N.A.P. Project.

The following bids were received:

Blythe Brothers Company	\$ 97,291.15
Crowder Construction Company	102,166.00
Rea Construction Company	106,773.40
T. A. Sherrill Construction Company	115,591.00

ALL BIDS ON BELMONT REGIONAL CENTER DEFERRED FOR ONE WEEK.

Councilman Withrow moved that all bids received on the Belmont Regional Center be deferred for one week, which motion was seconded by Councilman Whittington and carried unanimously.

TRANSPORTATION STUDY COMMITTEE OF THE WHOLE DISSOLVED.

Councilman Withrow moved that the Council's Transportation Study Committee of the Whole be dissolved. The motion was seconded by Councilman Alexander.

Councilman Williams asked what this does to the three member Council Committee? Mr. Underhill, City Attorney, replied the old committee was dissolved the day the motion was made for a Committee of the Whole, and if Council approves this motion, there will not be a Committee.

Councilman Williams stated as this abolishes everything he will have to vote no.

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

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

REAPPOINTMENT OF LINDA ASHENDORF TO THE ADVISORY COMMITTEE ON URBAN REDEVELOPMENT.

Councilman Whittington moved the reappointment of Linda Ashendorf to the Advisory Committee on Urban Redevelopment for a three year term. The motion was seconded by Councilman Alexander, and carried unanimously.

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**NOMINATION OF JOHN Q. BURNETTE TO THE ADVISORY COMMITTEE ON URBAN REDEVELOPMENT.**

Councilman Whittington stated in the absence of Councilman Short he would like to place in nomination the name of John Q. Burnette to fill the unexpired term of W. J. Veeder on the Advisory Committee on Urban Redevelopment.

**NONIMATION OF REID POTTER TO THE FIREMEN'S RELIEF BOARD OF TRUSTEES.**

Councilman Williams placed in nomination the name of Reid Potter to fill the term which will expire on January 18, 1976 on the Firemen's Relief Board of Trustees.

**REQUEST THAT ITEMS BE EXPLAINED MORE CLEARLY ON AGENDA.**

Councilman Alexander stated some of the items that come to Council on the agenda do not clearly explain their meaning. That Item 6 on the Agenda today (Continuation of Hearing on Petition No. 74-42 to amend the text of the zoning ordinance requiring all retail facilities over 100,000 square feet in size to secure conditional approval prior to being submitted.) is one of them. A little more attention should be given to some of these things so they clearly explain what they mean when Council receives them, bearing in mind that some of these things Council is seeing for the first time when they receive the agenda.

Mr. Burkhalter, City Manager, replied Council had a public hearing on this in August and continued the hearing to this date. Councilman Alexander replied when they are put down on the agenda they should be in such form that they show the meaning of it. That the hearing was continued today, and what was explained came out with a different meaning than what is on the agenda.

**COUNCIL ADVISED THAT STAFF HAS BEEN INSTRUCTED TO RESTRICT PARKING ONLY ON STREET WHERE IT IS ABSOLUTELY NECESSARY IN CONNECTION WITH THE FESTIVAL IN THE PARK.**

Councilman Williams stated the Festival in the Park begins tomorrow. Some of the residents in the area of Sterling Road have voiced a reservation about the parking on both sides of the street by people attending the Festival. These residents are asking if parking can be restricted to only one side of the street. When parking is on both sides of the street, there is hardly room for a vehicle to pass, and if an emergency vehicle had to get through it would be very difficult.

Mr. Burkhalter, City Manager, stated the second year he was here, parking was restricted in that area, and the police department went out and tagged everyone of them, and everybody was screaming at city hall. Last year they did not put restrictions except where it was absolutely necessary. That this has been his instructions this year. There may be some blocks where it is restricted on both sides, and some where it is not.

**COUNCIL REMINDED OF LUNCHEON WITH DEMOCRATIC CANDIDATES.**

Mr. Burkhalter, City Manager, reminded Council of the luncheon on Tuesday to meet with the Democratic Candidates for County Commission. That it will be held at the Ramada Inn on East Boulevard at 12:00 noon.



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DISCUSSION OF RETREAT FOR MAYOR AND COUNCILMEMBERS TO MEET WITH STAFF TO DISCUSS INFORMALLY ITEMS SUCH AS TRANSPORTATION AND COMMUNITY DEVELOPMENT.

Mr. Burkhalter stated he sent Council a notice of a suggestion for a retreat for the Mayor and Council to sit down and discuss informally a number of things that they have not had an opportunity to spend enough time on, and the staff would like to talk about.

Councilman Williams stated Council is going to the North Carolina League of Municipalities meeting on October 28, and will be there for two to three days, and he suggested that this could be done at that time.

Mayor Belk stated this is important and he thinks it would be most beneficial to get out of town and away from telephones to discuss some of these things.

Mr. Burkhalter stated what they have in mind is to sit around and talk about such things as transportation, and community development and other items.


Councilman Harris suggested that this be held at Quail Roost Conference Center near Durham. This is the old Watts Hill farm and it has facilities for 22 people with cabins, and there is nothing to do there except meet and sleep; there is no place to play golf or distract from the meeting.

Mr. Burkhalter stated the Conference grounds at Boone are set up by the AMA and have the facilities for a conference. That he has no hangups about where it is held; that he suggested this at Boone. That there will be about 15 people attending.

Councilman Harris requested that he check to see if Quail Roost can be used.

ADJOURNMENT.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk