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The City Council of the City of Charlotte, North Carolina, met in regular meeting on Monday, January 13, 1975, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Charles L. Kirby, Caldwell Memorial Presbyterian Church.

CITY OF CHARLOTTE EMPLOYEES PLAQUES AND SERVICE AWARDS PRESENTED.

Mayor Belk recognized the following employees and presented each with a City of Charlotte Employee Plaque:

1. Frank E. Sifford, Police Officer, employed January 1, 1950, and retired December 31, 1974.
2. John Henry Clark, Laborer I, Utility Department, employed September 13, 1956, and retired December 31, 1974.
3. Milton Clapp, Industrial Waste Engineer, Utility Department, employed August 10, 1936, and retired December 17, 1974.
4. Travis E. Kimrey, Meter Reader, Customer Services, Utility Department, employed January 3, 1961, and retired December 31, 1974.

Each man was recognized by the Mayor and City Council and appreciation was expressed for their services to the city and expressions of good will in their retirement were made.

Mayor Belk then recognized the following Councilmembers and presented each with a service award:

1. Fred D. Alexander for five years service.
2. Milton Short for five years service.
3. Joe D. Withrow for five years service.
4. James B. Whittington for 15 years service.

Service awards were then presented to the following City Employees:

<u>FORTY YEAR SERVICE</u>	<u>THIRTY-FIVE YEAR SERVICE</u>	<u>THIRTY YEAR SERVICE</u>
1. E. G. (Buck) Davis	1. Eddie McCollough	1. A. J. Benton
2. J. D. Greene		2. J. H. Savage
		3. H. L. (Bert) Strawn
		4. D. L. Wallace

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TWENTY-FIVE YEAR SERVICE

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|---------------------|-----------------------------|------------------------|
| 1. Ruth Armstrong | 13. R. B. Hinson | 25. Robert L. Pace |
| 2. M. M. Baxley | 14. J. N. Hopkins | 26. W. T. Parker, Jr. |
| 3. H. V. Boger | 15. S. E. Horne | 27. H. E. Poole |
| 4. E. J. Bowers | 16. J. R. Jamison, Jr. | 28. J. W. Porter |
| 5. W. B. Broome | 17. E. M. Kerr | 29. R. L. Porter |
| 6. K. O. Coble | 18. J. A. King | 30. R. J. Queen |
| 7. D. C. Davis | 19. Christine Koutsogeorgas | 31. T. A. Stafford |
| 8. J. A. Davis | 20. E. E. Lands | 32. S. R. Stewart |
| 9. Allen Dixon, Jr. | 21. D. J. Martin | 33. E. R. Stikeleather |
| 10. J. C. Eudy | 22. J. W. Myers | 34. H. E. Watts |
| 11. B. Gibson | 23. J. B. Pace | 35. E. R. Williams |
| 12. K. D. Helms | 24. Roy L. Pace | |

Mayor Belk stated this group represents 1,110 years of service with the City. That these people have made the city what it is today, and he and members of Council appreciate these services.

ORDINANCES DESIGNATING FOUR PROPERTIES AS HISTORIC PROPERTIES, ADOPTED.

The public hearing was continued on designation of the following four properties as Historic Properties:

1. Hezekiah Alexander House, 3420 Shamrock Drive.
2. Rosedale, 3427 North Tryon Street.
3. Victoria, 1600 The Plaza.
4. Thompson Orphanage Chapel, 1130 East Fourth Street.

Present for the continuation of the hearing were Mr. Edgar Love, Chairman of the Historic Properties Commission, and five other members.

Mr. David McConnell, President of the Hezekiah Alexander House Foundation, stated they are delighted to be a part of the designation policy of the Historic Sites Commission. They have already gotten underway with the museum and the reception center and it appears they will be the only authentic pre-revolutionary restoration available for the public inspection in time for the Bicentennial.

He stated they think nothing could be finer for the people at large and in particular for our younger people to see the kind of world the people who founded constitutional democracy of America lived in.

Councilman Gantt asked if the Foundation objects to being designated as an Historic Site, and Mr. McConnell replied no, and he would be glad to serve with them and work toward that end. That he does not know of any County that should be more alert and ready for a Bicentennial than Mecklenburg County, North Carolina.

Councilman Whittington asked Mr. McConnell if he is going to state the position of the Hezekiah Alexander Committee as to whether they are for or against this being made an Historic Site? Mr. McConnell replied they are for it.

Councilman Whittington asked what happens once a piece of property has been designated as an Historic Site? Mr. Love replied it is so designated in a list of such properties with the City; there is also a rule that no alteration or amendment or demolition of that property can take place unless the Historic Properties Commission has been given 90 days notice. In the case of the Hezekiah Alexander House they are actively restoring it. The Commission is not asking for 90 days notice of their restoration.

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Councilman Whittington stated after this takes place who supports this particular facility with funds or maintenance? Mr. Love replied the designation does not carry with it any requirement that public funds be expended; it is simply operated as an official recognition that this is an historic property and it operates as a stay of demolition for a 90 day period. But it does not carry with it any requirement that public funds, or for any other kind of funds, to be expended.

Councilman Harris asked if a building permit is requested for one of these sites, will the Historic Commission be advised of this? Mr. Love replied if there were to be any renovation, alteration, amendment or demolition they would be notified if it constituted something that may destroy its historical value. Councilman Harris asked if the Inspection Department knows they are suppose to send this information to the Commission before issuing a building permit? Mr. Love replied a copy of the ordinance will be filed with the appropriate officials. Councilman Harris asked what benefit does the person who owns the property get out of this? Mr. Love replied there is a provision in the statute that a copy of the ordinance designating the building as an historic site go to the tax appraiser; the tax appraiser is then suppose to appraise this property as an historic property. If it reduces the value of the property so that it would be less it would be an advantage to the property owner.

Councilman Short stated it seems the only way to effectuate which is being sought here, that is preventing the demolition or alteration, mechanically is through the Building Inspection Department. That this should be done.

Mr. Underhill, City Attorney, stated once the property has been designated as an historic property by ordinance, and notice has been given to the owner, that structure may be demolished, materially altered, remodeled or removed only after 90 days written notice of the owner's proposed action has been given to the Historic Properties Commission. The owner has to give 90 days notice of his intent to do something that would materially alter, remove or demolish the structure. The Building Inspector is required to be notified of Council's Action, and the owner before taking any action of this type would have to get a permit from the Building Inspection Department. That is a safeguard existing in that the Inspection Department could make it a part of its procedure of a requirement that the owner give some sort of evidence that he has given this 90 day notice to the Commission.

Councilman Gantt asked if the property or the building itself is considered to be of historical value? Conceivably someone can comply with the requirement of 90 days notice; but the site becomes a tourist attraction, and all types of outbuildings and other things not related to the structure itself that might do damage to the property value. Mr. Love replied that is true; these ordinances as drawn carry this designation for the structure itself, and a surrounding area of land. This is different in each case of these four structures.

Councilman Withrow stated later a house is designated as an historic site; the person in 90 days wants to make alterations, and the property has changed hands. That he was told he could not do it, and what if he says "go row your own boat. Either buy the house or I will do what I want to with it. I'm paying the property taxes and I'm paying the interest on the money." Then what do you do. Mr. Love replied he could do that after the 90 day period. This is just a 90 day stay. The owner gives notice that he is going to alter his property, and there is 90 days in which he cannot do that, and they can try to convince him otherwise. If he is not convinced, then he can alter his property and do with it as he pleases at the end of the 90 day period.

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Ms. Sarah Houser, Executive Director of Hezekiah Alexander House Foundation, explained some of the background of their work, and the progress that is being made on the restoration now. She stated they have been recognized as the most authentic restoration in the State of North Carolina. That restoration is not new to them; they have been at it for ten years, and Historic Properties Commission is new.

Speaking in objection to the program was Mr. Lewis F. Snyder who stated there is one thing that should be guarded against, and that is spending enormous amounts of money for pet projects such as we have in front of the Alexander Home on the Methodist Home property. He referred to a news story in the Charlotte Observer in August in which it was stated by Ms. Houser that over \$400,000 has been spent on that pet project, and it was still not completed. That the Hezekiah home has still not been completed. That several years ago this Council appropriated \$105,000 to help build this pet project, and the County appropriated \$110,000 to help build it. That he feels the taxpayers of this county have paid enough money for a pet project. That in his opinion all of this will detract from the home itself. He stated he is asking today that they not allow this to happen on the other three properties.

Councilman Short moved adoption of the following ordinances designating the properties as Historic Properties, which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Ordinance No. 500-X designating a building known as "HEZEKIAH ALEXANDER HOUSE" located at 3500 Shamrock Drive in the City of Charlotte as Historic Property.
- (b) Ordinance No. 501-X designating a building known as "ROSEDALE" located at 3427 North Tryon Street in the City of Charlotte as Historic Property.
- (c) Ordinance No. 502-X designating a building known as "VICTORIA" located at 1600 The Plaza in the City of Charlotte as Historic Property.
- (d) Ordinance No. 503-X designating a building known as "THE THOMPSON ORPHANAGE CHAPEL" located at the corner of Kings Drive and Fourth Street in the City of Charlotte as Historic Property.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 390.

PRESENTATION ON THE ENVIRONMENTAL IMPACT OF TRAFFIC ON MAJOR ARTERIES THROUGH RESIDENTIAL AREAS, DEFERRED.

The City Manager advised that the report is not ready at this time on the subject presentation and he requested that it be deferred.

Upon motion of Councilman Harris, seconded by Councilman Whittington, and unanimously carried, the presentation was deferred.

ORDINANCE NO. 504-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY EXTENDING FROM THE SOUTH SIDE OF WEST FOURTH STREET EXTENSION NEAR WESTBROOK DRIVE, AND FURTHER LOCATED APPROXIMATELY IN THE MIDDLE OF THE BLOCK BETWEEN VICTORIA STREET AND CEDAR STREET.

Councilwoman Locke moved adoption of the subject ordinance changing the zoning from I-3 to R-6MF as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

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Councilman Short asked if there has been any discussion with Mr. Blaisdell, County Manager, about a consolidated maintenance shop? Mr. Bóbo, Assistant City Manager, replied he has talked with him and he has indicated he is interested.

Councilman William stated this property is owned by the Board of Education. That he has been called by someone in the Educational Department who points out the obvious. If this property is rezoned it decreases the value of the property. The Board of Education has a contract to sell this property to the County for \$103,000. The representative of the Board indicated they had been lead to believe by appraisers this would maybe reduce the property as much as 50 percent, which is always a problem in zoning or rezoning something more restrictive. He stated considering all things in this situation, particularly the neighborhood the property is located in, the neighborhood deserves a better fate than to have a garage placed there near some pretty decent houses, and in an area this Council has designated, Third Ward, to be the recipient of some of our community development funds and effort. Weighing all this on balance he believes the property should be rezoned this way. But, as he suggested when this came up before, that we might consider acquiring this property from the Board of Education with some of our community development money for use as a park. It would be approximately five acres, and in a good location so that people in the housing around there could use it for recreational purposes. He stated to the City Manager and staff that he hopes the city would consider acquiring it with the community development money.

Councilman Whittington stated he would not say he is opposed to parks. But if you go about four blocks west of this location there is a park - Reverend Frazier Park - which is about four acres on I-77, between Fourth and Trade Streets. Councilman Williams replied he understands that but he has the opinion that you cannot acquire too much land for parks; even together it would be ten acres or less.

Councilman Gantt asked how much the Board of Education paid for the property? Mr. Burkhalter, City Manager, replied it was originally purchased to add to the school property across the street. That he thinks the price they offered to sell it to the county was probably what they paid for it.

The vote was taken on the motion to change the zoning of property on which the 3/4 Rule has been invoked, and carried as follows:

YEAS: Councilmembers Locke, Whittington, Gantt, Harris, Short, Williams, Withrow and Mayor Belk.

NAYS: None.

The ordinance is recorded in full in Ordinance Book 21, at Page 402.

PURCHASE OF STRIP OF LAND FRONTING ON BELHAVEN BOULEVARD, AUTHORIZED AND ORDINANCE TRANSFERRING FUNDS FOR THE ACQUISITION ADOPTED.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried the purchase of a strip of land fronting the Hoskins Plant Property on Belhaven Boulevard, at an appraised value of \$9,650, was approved, and Ordinance No. 505-X Transferring \$10,000 from the Unappropriated Balance of the Utility Fund to provide an appropriation for land acquisition at the Hoskins Treatment Plant, was adopted.

The ordinance is recorded in full in Ordinance Book 21, at Page 403.

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CONTRACT BETWEEN THE CITY AND PITOMETER ASSOCIATES FOR WASTEWATER SURVEY IN DISTRICTS NO. 5, 6, 7, 8, 9, 10 AND 11 OF THE UTILITY DEPARTMENT'S WATER DISTRIBUTION SYSTEM, APPROVED.

Councilman Whittington moved approval of the subject contract with Pitometer Associates in the amount of \$7,300.00. The motion was seconded by Councilman Short, and carried unanimously.

PURCHASE OF DEVELOPER OWNED SEWER EXTENSIONS I THE PROVIDENCE AND IDLEWILD SYSTEM AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow for the purchase of Developer Owned Sewer Extensions existing in the Providence and Idlewild System in order for the Utility Department to assume complete responsibility for delivery of sewer service in these newly annexed areas.

The owners, subdivisions, and current appraised value of the extensions are as follows:

<u>OWNER</u>	<u>SUBDIVISION</u>	<u>APPRAISED VALUE</u>
Arrowood-Morgan Company	Slatewood	\$ 42,004
Arrowood Morgan	Old Salem	96,329
Arrowood Morgan	Providence Woods	19,169
Ed Griffin Company	Easthaven	104,349
Ed Griffin Company	Cedars East	97,382
Kenway Corporation	Woodbridge	160,066
C. D. Spangler	Old Farm	70,315
C. D. Spangler	Landsdowne	215,640
S & T Development Co.	Montebello	90,658
John Thomasson Company	The Homestead	30,421
	TOTAL	\$926,333

Councilman Harris stated in reading the material in the agenda on this item, each letter is saying the exact same thing; he would like to have some comments on it.

Mr. Dukes, Director of Utility Department, stated they asked these people to come in and talk with them; that he tried to negotiate the purchase for a number of months, and could not. He then asked them all to come in, and they tried to negotiate in a different manner. They asked him to leave the meeting which he had called and when he returned these are the things they offered to us. Councilman Harris stated then they came up with the common agreement which they would accept? Mr. Dukes replied that is correct. That he asked for these letters.

Councilman Short stated in the consolidation agreement with the County we specifically adopted and endorsed the policies that then existed in the City, and in effect promised the county to use those policies with reference to water line expansions. One of the things that is said in those policies, which goes back about five years is "Should funds be available for such purpose and upon the recommendation of the Community Facilities Committee, the City may reimburse an applicant in one sum for capital facilities at any time after the first year following completion of construction, in an amount equal to 100% of the cost....., reduced by amounts heretofore received....." He stated he realizes these are not connected to the City's system now; so there may be some technical difference.

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In any event it seems the difference is slight, if any and the principle we have agreed to with the County most specifically is that this sort of thing would be done only with the approval of this Committee. We are spending a lot of public money here, and he feels as stewards of the public money we should do it in the way we told the county we would do it. This may be procedural but they turned the whole thing over to the City with specific and very carefully worked out understandings. Therefore, he thinks we have a certain duty and responsibility to have that Committee examine into this. As he reads the background it is that way, and he feels it is our duty to do this.

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

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

PURCHASE OF MOUNTAINBROOK WATER AND SEWER SYSTEMS, FROM GEORGE GOODYEAR COMPANY, SERVING PORTIONS OF A NEWLY ANNEXED AREA, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried to approve the purchase of the Mountainbrook Water and Sewer System, from George Goodyear Company, serving portions of a newly annexed area, at an estimated cost of \$364,553.00.

Following was a discussion of the costs comparison with the estimates made prior to annexation, and the conditions of the systems being purchased.

AGREEMENT BETWEEN WILLIAM H. TROTTER AND WIFE, AND DAY REALTY OF CHARLOTTE, INC. TRANSFERRING A PORTION OF WATER LINES, OUTSIDE THE CITY LIMITS TO THE CITY.

Upon motion of Councilman Short, seconded by Councilman Gantt, and unanimously carried, an agreement was approved between William H. Trotter and Wife, and Day Realty of Charlotte, Inc., and the City of Charlotte whereby Trotter will transfer a portion of water mains lying between Westchester Subdivision and Day Realty property on the west side of Paw Creek to the City for the purpose of providing a means for furnishing city water to the newly developed Kingstown Apartments, outside the city limits.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AND SEWER TRUNKS AUTHORIZED.

Motion was made by Councilman Harris, seconded by Councilman Withrow, and unanimously carried, approving contracts for the construction of water mains and sewer trunks, as follows:

- (a) Contract with Ed Griffin Company for construction of approximately 4,090 feet of 8", 6" and 2" water mains and three (3) fire hydrants to serve Cross Winds Subdivision, outside the city, at an estimated cost of \$32,500.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (b) Contract with Seaboard Coastline Railroad for construction of 680 feet of 8" c.i. water mains and two (2) fire hydrants, to serve Worth Place, outside the city, at an estimated cost of \$6,500.00. Construction of water facilities under this contract are to be totally financed by the developer under a non-refundable type contract. Upon completion and approval by the City of these water mains, same will be dedicated to the City without any further agreement.

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- (c) Contract with Hobart Smith Construction Company, Inc. for construction of 1,600 feet of 6" and 2" water mains and two (2) fire hydrants, to serve Cobblestone Subdivision, Phase I, inside the City, at an estimated cost of \$10,000.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (d) Contract with Day Realty of Charlotte, Inc. for construction of 1,409 linear feet of 10-inch trunk and 8" street main to serve Farm Pond Lane, inside the City, at an estimated cost of \$21,000.00. The applicant is to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system and retain all revenue.
- (e) Contract with Ed Griffin Company for the construction of 8,090 feet of water main and seven fire hydrants, to serve Sardis Oaks Subdivision, outside the city limits, at an estimated cost of \$60,000.00. Funds will be advanced by the applicant, and refunds made, all under the existing city policies.

ORDINANCE NO. 506-X TRANSFERRING FUNDS FROM THE URBAN RENEWAL BOND FUND TO THE BROOKLYN URBAN RENEWAL PROJECT, SECTION 5 TO COMPLETE PAYMENT OF OUTSTANDING LEGAL FEES.

Councilman Harris moved adoption of the subject ordinance transferring \$4,455 to complete payment of outstanding legal fees in the Brooklyn Urban Renewal Area, Section 5. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 404.

CONTRACT WITH J. N. PEASE AND ASSOCIATES TO UPDATE MASTER PLAN, APPROVED.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow to approve a contract with J. N. Pease and Associates to update the Master Plan, at a guaranteed maximum cost not to exceed \$5,000.00, with the cost to be shared equally by the two governing bodies.

After explanation by Mr. Bobo, Assistant City Manager, and discussion, the vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Whittington, Withrow, Gantt, Locke, and Short.
NAYS: Councilmembers Harris and Williams.

During the discussion, Councilman Harris stated he is opposed to this idea of a Master Plan - that we are talking about governmental center. That we have all these plans, but where do they all come together. That he is concerned about this because we have this governmental center plan, yet we stick a garage outside the governmental center area. We do not follow the plan. That he thinks a plan is to be followed if we have one, or we change plans. That he thinks we need some coordination. That he is talking about one plan encompassing the things that relate to what we do in the governmental center - the Downtown area as well as the surrounding area. That instead of a plan he thinks we need a Civic Design Committee, and have some input into what goes into this governmental center versus the architect coming up with what they see.

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EASEMENT AGREEMENT BETWEEN THE CITY AND MCGUIRE PROPERTIES, INC. FOR THE GOVERNMENTAL PARKING GARAGE, AUTHORIZED.

Mr. Bobo, Assistant City Manager, advised that within the next week or ten days they hope to come to Council with a proposal from private parking operators to operate the parking garage. That approximately 90 spaces have been reserved in the basement of the garage for marked police cars of the city and county. The County has agreed to pay one half of the monthly rental for the cars. The remainder will be on an enterprising basis with everyone being charged to use the parking garage and lot.

Motion was made by Councilman Williams, seconded by Councilwoman Locke, and unanimously carried to approve the easement agreement between the City and McGuire Properties, Inc. for the Governmental Parking Garage for the concrete pads constructed on City property for the storage of electrical equipment and access, ingress and egress to the pedestrian bridge over McDowell Street, with the easements to terminate at the time the City takes title to the parking garage at the end of the eleven year lease period.

ENCROACHMENT AGREEMENT WITH NORTH CAROLINA NATIONAL BANK FOR EXISTING ENCROACHMENT BENEATH SURFACE OF RIGHT-OF-WAY OF SOUTH TRYON STREET AT SOUTHWEST CORNER AT 200 SOUTH TRYON STREET.

Councilman Short moved approval of the encroachment agreement to the North Carolina National Bank for an existing encroachment beneath the surface of the right of way of South Tryon Street at the southwest corner of the Old North Carolina National Bank Building at 200 South Tryon Street. The motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR WATER MAIN UNDER THE RAILROAD TRACKS AT ARROWOOD BOULEVARD, ADOPTED.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, the resolution was adopted authorizing the Mayor and City Clerk to execute an encroachment agreement with Southern Railway Company for a ten inch water main crossing under the railroad tracks at Arrowood Boulevard, southeast of MP I-77, near Pineville, N. C.

The resolution is recorded in full in Resolutions Book 10, at Page 282.

AQUISITION OF TEN PARCELS OF REAL PROPERTY IN THE FIRST WARD URBAN RENEWAL PROJECT, AUTHORIZED.

Motion was made by Councilman Gantt, and seconded by Councilman Whittington to approve the acquisition of ten parcels of real property located in the First Ward Urban Renewal Project, as follows:

- (1) 9,405 sq.ft. from Romeo Alexander, at 512 N. Brevard Street, in the amount of \$17,500.00.
- (2) 5,061 sq.ft. from Martha M. Matthews, at 421 N. Caldwell Street, in the amount of \$10,500.00.
- (3) 3,740 sq.ft. from Dolph M. Young, Jr. at 429 N. Caldwell Street, in the amount of \$8,500.00.
- (4) 12,948 sq.ft. from Adam Price Wilson, at 500-04 E. 9th Street and 524 N. Caldwell Street, in the amount of \$35,000.00.
- (5) 9,801 sq.ft. from Romeo Alexander, at 910 N. Davidson Street, in the amount of \$9,400.00.

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- (6) 4,500 sq.ft. from Gordon L. Vaughn, at 618 Linden Lane, in the amount of \$7,500.00.
- (7) 33,000 sq.ft. from Gordon L. Vaughn, at 705-07 Linden Lane, 933-35 Johns Lane and 934-42 N. Alexander Street in the amount of \$35,000.00.
- (8) 2,784 sq.ft. from Gordon L. Vaughn, at 605 E. 5th Street, in the amount of \$16,000.00.
- (9) 16,121 sq.ft. from Mrs. A. B. Cornwall, at 700-16 N. Myers Street, in the amount of \$79,000.00.
- (10) 26,866 sq.ft. from Dolph M. Young, Jr., at 825 E. 6th Street, in the amount of \$58,900.00.

Councilman Short stated there is nothing wrong with acquiring the properties listed in Items 16, 17, 18 and 19 on the agenda. But should the Council adopt a policy that these properties that can be salvaged would not be demolished until we have better housing, and until we have something done in Greenville. He stated he is trying to get at the point of doing something and stop demolishing.

Councilman Whittington stated last week Council delayed this item so that Mr. Sawyer, Director of Urban Redevelopment, could come to Council today and talk about it, and bring photographs of the properties. Since last week, he has ridden through this area with Mr. Sawyer, and looked at about 25 houses in this area that can be salvaged and they do not need to be destroyed, and can be renovated and used for residential purposes for the next five to ten years. Before Council takes a vote on this, he would like for Mr. Sawyer to tell Council what he thinks his Commission and his Department can do about these houses.

Mr. Sawyer passed around photographs of the properties they wish to acquire today, and then they will make a decision after the properties are acquired. Councilman Short stated it seems to him that we should have Council motions and resolutions to make it an official stated resolution that these houses will not be demolished. Mr. Sawyer replied they have not demolished a house yet until they were able to successfully relocate the family. That is not only the law but it is their policy as well. He stated in the last 15 years they have relocated better than 2500 families.

Mr. Sawyer stated as a part of the whole plan they have designated an area generally bounded on the north by Ninth Street, on the south by Eighth Street, between Alexander Street, and about half the block beyond Myers Street. This was an area, which during the planning stage, they designated as an area where some rehabilitated housing could remain. They chose this location in cooperation with the people they were planning with at that time. The housing that was in the best shape and would lend itself to rehabilitation was on Ninth Street, and along Myers Street.

There are a few elsewhere in the project. It was speculated that some of these could be moved to this area, rather than to remain as individual parcels as they have to be careful that one remaining here and there do not interfere with the larger plan - the widening of McDowell Street or Seventh Street or sitting in the middle of a commercial area, or being isolated between two high traveling volume streets, or being isolated near the Expressway and being exposed to excessive noise.

He stated they chose an area where housing could remain and into which other housing might be moved if it is the desire of the owner. At that time they did not anticipate the critical housing shortage now; they did not anticipate that the city on its own motion would want to do something such as this. If the city does want to do it, they can do it. If they want to save the structures until some housing is developed in Greenville, and it does not result in an unusual delay in the project building up other costs he thinks they can live with that.

Councilman Short stated he thinks we should restrain ourselves until housing is built in Greenville because he does not think that relocation is the only question. If you have all these people relocated, and then these are all demolished you have 300,000 citizens living in less housing than they were formerly living in. It may be spread around but basically the housing inventory has been reduced.

Councilman Gantt stated it is going to be difficult for members of Council to make some judgements as what is totally meant by clearance and demolition of units, and leaving some of this housing where it is. To him by virtue of simply designating an area of urban renewal, we have seen what we produce by the deterioration in the community.

It also seems to him when you leave a block that has 80 percent of its houses in bad shape, substandard, and you leave only 20 percent sitting up there in the middle of a waste land you do not have a viable community either. That he was suggesting to Mr. Sawyer that we should not destroy standard units of housing that exist in those areas when we have a depressed housing inventory such as we have now. Although the plan calls for rehabilitation for at least a portion of the urban renewal area it really does place the burden on the individual homeowners who live in those houses to decide if they are going to move them to that site.

That he is suggesting that maybe the City should take the responsibility of moving every standard house that is left in the urban renewal area to that general area, and start to stabilize that neighborhood now. He is saying we should not deplete the inventory where we can save them; but on the other hand do not assume that some of the substandard units that we are buying should be saved also. Just to have people staying in housing that is just below standard does not seem to be in the public interest either. That he would see the whole situation here of the city, since we have to acquire it anyway, paying for the cost of moving them to new platted sites, which has already been designated in the plan.

Councilman Withrow stated he was in the business of moving houses. Before the houses were to be sold, and the Redevelopment decided they could not under the redevelopment laws sell a house to a private mover to move it to another location. To move a house in the City of Charlotte you have to have an act of congress for the simple reason you have the Inspectors come out. You just do not move houses in the City of Charlotte to other locations - that he is talking about good houses.

Councilman Whittington stated what Mr. Withrow says is true, but what we want to concern ourselves with is moving these houses that can be renovated, brought up to standard into an area that Mr. Sawyer has indicated - that we are talking about First Ward. That Mr. Sawyer has said this could be done, and his Commission is going to do it. Mr. Sawyer replied any house that is moved has to be brought up to the new building code. Councilman Whittington replied that is right, and when the house is moved over there and they are in a little compact area of two or three blocks, this property can be turned over to the Housing Authority and they can lease it.

Councilman Whittington stated he would like to move that Mr. Sawyer and his Commission be instructed to inspect these homes and those that can be renovated and brought up to standard be moved into the area designated for single family residential use and that the Housing Authority be requested to take these over to manage and lease when the project is completed. Mayor Belk stated this motion is not in order yet.

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Mr. Burkhalter, City Manager stated if the City votes to buy these properties he would suggest that Staff be instructed to come back to Council with a plan for each of the ten houses. That will answer everything they are talking about here. Staff could come back with a plan using not only the Housing Authority but MOTION, Inc. as well. Councilman Whittington stated you cannot do anything with these ten houses except to demolish them. What he is talking about is what Mr. Sawyer has shown to Council in addition to these that are still there, and can be renovated. Mr. Burkhalter stated this Council is going to have to adopt a housing plan for this City; there is no choice or you will not get any CDRS money. This is all part of what is being talked about. The toughest thing to do today is to develop a housing plan as there is no incentive from the federal departments who have always taken care of housing.

Councilman Withrow stated one thing we should do is to relax our moving of houses not only from here, but a relaxation of the whole city to save structures and to allow them to be moved to other locations. It might be feasible to sell some of these houses to movers and allow them to move them out of the project area to other locations.

Councilman Harris asked for some comments on Items (9) and (10). Mr. Sawyer replied it consists of four family structures - two up and two down. That these are negotiated sales, not condemnations. That it is in the project and we are paying the fair market value.

Councilman Short made a substitute motion that the Council instruct the City Manager and staff that there will be no demolishing of any houses in First Ward Urban Renewal until the City Manager submits to Council a plan for the salvaging and utilization of any house in First Ward Urban Renewal that is salvageable, and that Items 16, 17, 18 and 19 on the agenda be approved. The motion did not receive a second.

Mr. Terry Roche, Attorney with Legal Aid Society, stated he encourages the kinds of actions that he is hearing here today. That he would like to talk specifically about four items under No. 16. That members of their staff, and architect, Mr. Hal Tribble, went out and inspected these the past week and talked to the people in them. That he would also like to call Council's attention to a major policy problem that the acquisition of these at this time brings up.

Mr. Roche stated that the dwelling under No. 6 is occupied by a gentleman who is 56 years old, and was relocated out of Brooklyn some years ago. He pays \$55 a month and is disabled, and his income is \$140 a month. He pays \$55 a month for five rooms, and really likes where he is and wants to stay there. That one of the occupants in the dwelling under No. 7 is a complainant in the recently filed lawsuit by Dailey and Casey Firm, called Cannon vs. City. This is 705-07 Linden Lane and is a duplex occupied by tenants who want to stay. The Johns Lane property is a large duplex occupied by tenants who want to stay; the Alexander Street property is five separate occupied houses. That No. 8 is occupied and is a four-plex and No. 9 has several occupied four-plexes on it. All of these people are going to be in the same position he suspects as the Gentleman who is 56 years old.

Mr. Roche stated he would like to disagree with Mr. Sawyer on the comment on relocation. That the relocation division has in fact shown an awful lot of housing to an awful lot of people; but it has not in all instances been standard housing. People who have been relocated out of Greenville and First Ward have gone to housing that is substandard. It is a real problem as there is not that much standard low income housing available.

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Councilman Gantt asked if he is using the same definition of standard housing? Mr. Roche replied yes; they are the plaintiffs in the lawsuit of Harris vs. HUD.

Mr. Roche stated Mr. Tribble is in the audience and he agrees with Mr. Whittington that a lot of these properties are rehabilitable at this point, and the tenants would like to stay there.

He stated if decisions are made to acquire today, it precludes one alternative to rehab; and that is the private rehab. Once the City has acquired there is nothing left to use for rehab than public money. There is some question as to whether or not the private route could be taken working with the city's code enforcement rules that are already in force. There is a further option that involves community development. Community Development gives you the money under Section 105(1) to acquire; it also gives you the authority to rehab. But curiously under Section 105(7), there is an odd parenthesis that says once you have acquired you do have authority and money to either lease, sell or donate.

Clearly under CD money, it seems to him, the alternative to the question of getting money for new housing to be built presents itself. You can acquire the property; you can rehab it. At that point you can either lease it back or donate it to the Housing Authority; particularly if you have a block of housing that make some sense as being together. He stated he has been told that some of the houses under Item 16 may be such houses that are together with other houses not in this item that could conceivably be rehabed with CD money and then either donated or leased to the Housing Authority.

Councilman Gantt asked if we can do this now? Can we acquire these units today and find that six of them may be the four that Mr. Roche has mentioned that are worth salvaging? Mr. Roche replied it is his understanding that under the urban renewal law you can lease but not donate. With CD money apparently you could donate. That he is not sure that you cannot do it now, and lease or donate back with CD money? Mr. Underhill replied if the City owned it. Mr. Roche stated he is talking about this now as it will promote a problem; the minute this is acquired, these people will start looking around for some place else to live. Relocation tends to help; but there is not that much standard low cost housing available.

Councilman Gantt asked on the relocation if Mr. Roche is finding that the people who are hurt economically are the people who are renters, rather than homeowners? Mr. Roche replied they are seeing more renters; consequently he could not tell him exactly. The problem with renters is that for a family of four you cannot find standard housing for less than \$110 month.

The vote was taken on the motion to acquire the ten parcels, and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTIONS IN THE FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-79.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the resolution of the City Council for condemnation actions in the First Ward Urban Renewal Project No. N.C. R-79 to condemn property owned by Mitchell Kannon, at 516 East 11th Street, at \$500.00 (tenant real fixtures), and property owned by Flora C. Franklin, at 700 East 9th Street, at \$5,000.00.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 283.

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ACQUISITION OF REAL PROPERTY IN THE FIRST WARD URBAN RENEWAL PROJECT.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the acquisition of three parcels of real property in the First Ward Urban Renewal Project, was authorized, as follows:

- (1) 27,869 sq.ft. from Heirs of E. Y. Keesler & N. Y. Pharr, at 509 East 10th Street, and 701 North Davidson Street, at \$13,000.00.
- (2) 3,119 sq.ft. from George Edward McLaughlin, at 515 North Alexander Street, at \$1,000.00.
- (3) 12,028 sq.ft. from Dennis C. Scruggs, Jr. and William G. Robinson, at 219 North McDowell Street, at \$41,000.00.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTIONS IN THE FIRST WARD URBAN RENEWAL PROJECT, NO. N. C. R-79.

Councilman Short moved adoption of the resolution of the City Council of the City of Charlotte for condemnation action in the First Ward Urban Renewal Project No. N. C. R-79 for the acquisition of property from William H. McDowell at 709-15 North Alexander Street. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 285.

MOTION TO INSTRUCT REDEVELOPMENT OFFICE TO INSPECT HOUSES AND THOSE THAT CAN BE RENOVATED AND BROUGHT UP TO STANDARD BE MOVED TO AREA DESIGNATED FOR SINGLE FAMILY HOUSING.

Councilman Whittington stated if it is in order he would like to put his motion before Council again for a second, and if Council is not willing to vote today then it be placed on the agenda for the next meeting.

Councilman Whittington moved that the Redevelopment Office and Commission be instructed to inspect these houses and those that can be renovated or brought up to standard be moved to the area designated for single family housing, and that the Housing Authority be requested to take these over to manage and lease when the project is completed. The motion was seconded by Councilman Harris.

After discussion and a vote that failed to carry on voting on the motion at this meeting, Mayor Belk stated the motion will remain on the table for the next week's agenda.

ACQUISITION OF EASEMENT FOR ANNEXATION AREAS.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, approving the acquisition of fifteen parcels of easements for annexation areas, as follows:

- (a) Annexation Area I (12&1) Sanitary Sewer Trunks
4
- (b) Annexation Area I (2) Sanitary Sewer Trunks
4

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- (c) Annexation Area I (3) Sanitary Sewer Trunks
2
- (d) Annexation Area I (11) Sanitary Sewer Trunks
2
- (e) Annexation Area II (7) Sanitary Sewer Additions
3

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 672.83' of property, at 3970 Bristol Avenue and 4007 Morris Field Drive, from Charlotte Park and Recreation Commission, at \$1.00, for Sanitary Sewer to serve Amerigo Avenue.
- (b) Acquisition of 15' x 168.89' of property, at 3920 Amerigo Avenue (off Wilkinson Boulevard), from Westview Baptist Church, at \$170.00, for Sanitary Sewer to serve Amerigo Avenue.
- (c) Acquisition of 20' x 221.57' of property, at Stonehaven Subdivision, from William Trotter Development Company, at \$1.00 for Sanitary Sewer to serve Stonehaven Subdivision, Section 20, Phase A.
- (d) Acquisition of 10' x 161.82' of property, at Stonehaven Subdivision, from William Trotter Company, at \$1.00, for Sanitary Sewer to serve Stonehaven Subdivision, Section 20, Phase A.
- (e) Acquisition of 10.41' x 15±' of property, at 4518 Denver Avenue (off Wilkinson Boulevard), from Thomas Clayton Thompson and wife, Geraldine R., at \$25.00, for Sanitary Sewer to serve Denver Avenue.
- (f) Acquisition of 15' x 88.80' of property, at 3127 Northampton Drive (off Park Road), from James F. Shepherd and wife, Susie B., at \$175.00, for Sanitary Sewer Trunk to eliminate Lift Station at Frederick Place.
- (g) Acquisition of 7.5' x 15' of property, at 3121 Northampton Drive (off Park Road), from Henry R. Williams and wife, Vada L., at \$60.00, for Sanitary Sewer Trunk to eliminate Lift Station at Frederick Place.
- (h) Acquisition of 4.90' x 35.13' x 5.32' x 85.13' of property, at 3557 North Sharon Amity Road, from John W. Murphree Company, at \$325.00, for Sharon Amity Road Widening.
- (i) Acquisition of 6.76' x 140.98' x 6.00' x 140.08' of property, plus construction easement, at 3118 North Sharon Amity Road, from Prince Pearl Hatley and wife, Ruby, at \$2,300.00, for Sharon Amity Road Widening.
- (j) Acquisition of 6.18' x 91.49' x 7.61' x 89.40' of property at 3210 North Sharon Amity Road, from Phillip E. Gerdes and wife, Rosa Nell Gerdes; Lyndell D. Thompson and wife, Lois Yvonne, at \$3,000, for Sharon Amity Road Widening.

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- (k) Acquisition of 19.00' x 272.80' x 28.14' x 19.77' x 246.81' of property, at 3622 North Sharon Amity Road, from Elva Christenbury Peterson, at \$17,000.00, for Sharon Amity Road Widening.
- (l) Acquisition of 12.04' x 140.83' x 83' x 12.54' x 140.78' of property, at 3532 North Sharon Amity Road, from George T. Noel and wife, Marguerite W., at \$3,225.00, for Sharon Amity Road Widening.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION, ADOPTED.

Council was advised that the property owners had indicated they would not contest these orders to vacate and close and to demolish and remove housing declared unfit for human habitation. Pictures of all the dwellings were passed around for the Councilmembers to view.

- (a) Councilwoman Locke moved adoption of Ordinance No. 507-X ordering the dwelling at 1404 Montgomery Street be demolished and removed. The motion was seconded by Councilman Williams and carried unanimously.
The ordinance is recorded in full in Ordinance Book 21, at Page 405.
- (b) Councilwoman Locke moved adoption of Ordinance No. 508-X ordering the dwelling at 817 West Fifth Street to be demolished and removed. The motion was seconded by Councilman Withrow and carried unanimously.
The ordinance is recorded in full in Ordinance Book 21, at Page 406.

Councilman Whittington moved adoption of the following ordinances ordering dwellings vacated and closed, which motion was seconded by Councilwoman Locke, and carried unanimously:

- (c) Ordinance No. 509-X ordering the dwelling at 104 Dupree Street to be vacated and closed.
- (d) Ordinance No. 510-X ordering the dwelling at 410 S. Clarkson Street to be vacated and closed.
- (e) Ordinance No. 511-X ordering the dwelling at 408 S. Clarkson Street to be vacated and closed.
- (f) Ordinance No. 512-X ordering the dwelling at 3320 Eastwood Drive to be vacated and closed.
- (g) Ordinance No. 513-X ordering the dwelling at 404 S. Clarkson Street to be vacated and closed.
- (h) Ordinance No. 514-X ordering the dwelling at 1008 Greenleaf Avenue to be vacated and closed.
- (i) Ordinance No. 515-X ordering the dwelling at 1012 Greenleaf Avenue to be vacated and closed.
- (j) Ordinance No. 516-X ordering the dwelling at 1708 North Harrill Street to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 407.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried the following special officer permits were authorized for a period of one year each:

- (a) Issuance of permit to Edward L. Kiser for use on the premises of Biltmore Dairy Farms, 2002 W. Morehead Street.
- (b) Issuance of permit to Edward W. Moss, Sr., for use on the premises of Peoples Furniture Company, Inc., 110 N. College Street, and warehouse on Sixth Street and two warehouses on Caldwell Street.
- (c) Renewal of permit to Caleb Paul Lockey for use on the premises of One Jefferson First Union Plaza, Second and College Streets.
- (d) Renewal of permit to Jimmie W. Bookout for use on the premises of One Jefferson First Union Plaza.
- (e) Issuance of permit to James Clifford Wright for use on the premises of SouthPark, Sharon and Fairview Roads.
- (f) Issuance of permit to Lester M. Chinnis, Jr. for use on the premises of Charlotte Rehabilitation Hospital, 1610 Brunswick Avenue.
- (g) Issuance of permit to Elbert Patterson for use on the premises of Charlotte Rehabilitation Hospital, 1610 Brunswick Avenue.
- (h) Renewal of permit to Erma W. Murray for use on the premises of Ivey's Downtown.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR CLANTON ROAD EXTENSION PROJECT, APPROVED.

Councilman Short moved approval of Change Order No. 1 in contract with Crowder Construction Company for Clanton Road Extension Project, increasing the contract price by \$14,558.50 to add a left turn slot on Walton Road and for installation of new fence. The motion was seconded by Councilman Gantt, and carried unanimously.

CONTRACT AWARDED W. H. ROBERTSON CONSTRUCTION COMPANY FOR PIPE INSTALLATION IN GREENVILLE URBAN RENEWAL AREA.

Councilman Harris moved award of contract to the low bidder, W. H. Robertson Construction Company, in the amount of \$6,415.00 for pipe installation in Greenville Urban Renewal Area. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

W. H. Robertson Construction Co.	\$ 6,415.00
Piedmont Grading & Wrecking Co., Inc.	7,500.00
O. L. Parker & Son Grading Co.	7,000.00

CONTRACT AWARDED CHARLES F. SMITH & SONS FOR CONSTRUCTION OF TRUNK SEWERS IN ANNEXATION AREA I (1), (12), AND (2).

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Charles F. Smith & Sons in the amount of \$987,722.00, on a unit price basis for construction of trunk sewers in Annexation Area I (1), (12), and (2).

The following bids were received:

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Charles F. Smith & Sons	\$ 987,722.00
Thomas Structure Company	1,230,421.00
Blythe Brothers Company	1,258,446.35
Gilbert Engineering Company	1,286,976.85
Breece & Burgess, Inc.	1,327,310.50
Sanders Brothers	1,573,918.00
Associated Equipment Company	1,552,058.50
Pierce Ditching Company	1,759,066.20

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR CONSTRUCTION OF TRUNK SEWERS IN ANNEXATION AREA I(11).

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Thomas Structure Company, in the amount of \$942,510.00 on a unit price basis, for construction of trunk sewers in Annexation Area I(11).

The following bids were received:

Thomas Structure Company	\$ 942,510.00
Breece & Burgess, Inc.	1,021,331.00
Dickerson, Inc.	1,118,011.80
Pierce Ditching Company	1,150,440.80
Gilbert Engineering Company	1,169,003.50
Propst Construction Company	1,184,890.62
Blythe Brothers Company	1,240,742.90
Associated Equipment Company	1,241,215.00
Sanders Brothers	1,328,274.00

CONTRACT AWARDED SHUTT HARTMAN CONSTRUCTION COMPANY, INC. FOR WATER DISTRIBUTION PROJECT IN ANNEXATION SECTION II, AREA 7 (DERITA).

Councilman Withrow moved award of contract to the low bidder, Shutt Hartman Construction Company, Inc., in the amount of \$1,116,930.25, on a unit price basis for water distribution project in Annexation Section II, Area 7 (Derita). The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

	BASE BIDS
Shutt Hartman Construction Co., Inc.	\$1,116,930.25
Pierce Ditching Company	1,109,540.75
Associated Equipment Co., Inc.	1,145,574.00
Dickerson, Inc.	1,163,931.00
Harrison-Wright Co., Inc.	1,166,866.90
Thomas Structure Co.	1,174,140.00
Propst Construction Co., Inc.	1,179,718.25
Gilbert Engineering Co.	1,211,204.90
Burnup & Sims, Inc.	1,231,874.27
Rand Construction Co., Inc.	1,237,565.25
A. P. White & Associates, Inc.	1,264,996.50
Blythe Brothers	1,297,594.50
Sanders Brothers, Inc.	1,346,261.50

REVIEW OF AGENDA FOR CENTRALINA COUNCIL OF GOVERNMENT'S MEETING SCHEDULED FOR JANUARY 15, 1975.

Councilman Short stated he is prepared to review the agenda for the COG Meeting scheduled for January 15.

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He stated for A-95 approval there is the City of Charlotte Public Service Employment Application; two housing projects involved with FHA funding; Community Crisis Center which was formerly a Model Cities Operation, but is now County; Clerk Typist Program for the Charlotte Manpower Delivery System being handled by OIC under contract from our own Department.

The access to Douglas Municipal Airport is a project that receives a conditional approval conditioned upon our avoiding sedimentation and soil erosion and executing the project. The County, and in particular Ms. Hair, has attempted to implement a soil and sedimentation protection program through the use of the A-95 process for approximately one year. This is one of those that has had that added into it.

Councilman Harris stated he is glad to see the change under Article X, Financial, which will change the fiscal year to coincide with the city's fiscal year of July 1. Councilman Short replied this is being done through State requirements, Local Government Commission.

Councilman Short stated he thinks all the projects are good ones, and the sedimentation Control feature is one we would have to comply with anyway, and one we want to comply with.

APPOINTMENT OF PAT LOCKE AS DELEGATE TO COG WITH JOE WITHROW TO SERVE AS ALTERNATE.

Councilman Short moved that Pat Locke be the City's Delegate to Centralina Council of Governments, for this year, and Joe Withrow to serve as alternate. The motion was seconded by Councilman Whittington, and carried unanimously.

PROCEDURE FOR FILLING COUNCIL VACANCIES.

Councilman Harris stated at the Council Meeting on December 16, after going through the process that evening, he thought we should have some discussion on the method of filling Council vacancies. The present procedure leads to a misunderstanding of Council intentions for the public, rightly or wrongly. There is really no specific process for allowing Councilmembers to discuss the matter openingly in public. That the citizens involvement in this is not a part of any process.

Councilman Harris recommended for review and discussion two items.

(1) Have a process in effect that the next person from the previous election would automatically fill the position if the vacancy occurred within twelve months of the last election. After twelve months the position would remain vacant.

He stated he can see a strength in that the voters have been able to have an opportunity to hear the candidate's viewpoints in an open election; therefore would feel a part of the choice process. There would be some feeling of input by the citizens.

(2) As an alternate, have a process which is directly opposite to the first one in which interested candidates register their interest in the Mayor's office, when a position became vacant, for a 15 day period; then for 30 days citizens would have an opportunity to be exposed to the various candidates' viewpoints through a mini-campaign; have an opportunity to ask questions; have the candidates to be able to answer the questions and comments about their own philosophy.

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The Council would then fill the vacancy at the next scheduled meeting. It would still be the Council's decision.

Councilman Harris stated the strength of that is an open opportunity for every interested citizen to be considered for the position. Second would be the citizen involvement in appraising the candidates point of view. The time table would be known to everyone, and there would be no doubt about when, what or where the position would come up.

He stated he has mentioned the possibility of this to Mr. Underhill, City Attorney, with the idea of whether or not any legislative change would be needed. He said he thinks this would be a process that this Council could adopt, not necessarily binding future Councils. If future Councils are to be bound by this, then we would have to go to the legislature and have it written into the City Charter.

During the discussion, Councilman Withrow stated at the time a selection was being made on the vacancy he received a letter in which a group of names were presented; he also received calls from people saying they would like to be considered as a candidate. If Council had followed its present schedule in making appointments, then they would have had resumes on each candidate. That he asked for resumes on the nominees; also there should be a nomination speech. That he gave a resume to everyone three weeks before on his nominee. Councilwoman Locke suggested an ad hoc committee appointed by the Mayor to receive all nominees, not only from Council but outsiders as well. The Committee would review and give recommendations to Council, and then Council would have the right to vote it up or down, and offer other nominations. The Committee would have resumes, they would discuss, have open meetings and open hearings, with everything out on the table. This could be a Committee of the Whole, the Council itself.

Councilman Harris stated he is not interested in passing any of the responsibility for the choice from the Council. Council has the prerogative and the direction, and the people want the Council to take the vote. The only thing he is talking about is the process itself. There is really not a way to discuss a particular person; there is not a way of open discussion prior to the vote.

Councilman Gantt stated if Council should choose to use the first alternate suggested by Mr. Harris, then it would relieve Council of all responsibility of the selection, and the public would have to understand they were electing seven members of Council and an alternate. He stated while Council was making its selection recently, he had the opportunity to talk to many members of the Council. It seems to him the only question was not whether or not Council appointed someone and whether the public reacted to that. It would seem to him it would be how open can you reasonably be, and whether we can procedurally make the process more open. Perhaps what is needed is a two week period. That he thinks Councilmembers will have to talk to other Councilmembers.

Councilman Short stated he thinks appointment is basically different from, and not in any way the same, as election by the public. He thinks restricting the freedom to deliberate and the freedom to operate, and the freedom to discuss such a matter by the appointors is bad, and is harmful. If you restrict them by imposing a committee; if you restrict them by saying it should be the eighth person in the last election or any such mechanical restrictions as that, it will be not in the public interest. It will be against the public interest. The thing we should ask the City Attorney to get up a monograph, or paper, that simply details what the procedure is that is now used and state those applicable points in Roberts Rules of Order that might somehow trip somebody up, or prevent them from being able to get their point across.

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Councilman Short stated at the time recently some people wanted to discuss this matter when it was beyond the nomination stage, and those people were suprised to find out they no longer could discuss it. He stated this sort of thing should be written down somewhere so that in the future no Councilmember in this kind of operation would be suprised.

Councilman Whittington stated he sees nothing wrong with the 15 days for nominations and two weeks for considerations as suggested by Mr. Harris.

After further discussion, Councilman Harris moved that Council have as a matter of policy the following: That Council will have a two week period of time, after a Council vacancy occurs, to have nominations, and a two week period following that of discussion, and that the vacancy would then be voted on at the next meeting after the 30 days elapsed. The motion was seconded by Councilman Gantt.

The City Manager suggested this is really a gentleman's agreement because any Council can do away with it.

Councilman Whittington stated he understands this to mean that for 14 days candidates will be accepted, and it will remain open two weeks for anyone to ask questions of these candidates. Then the first week after that Council will vote on those nominated.

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

YEAS: Councilmembers Harris, Gantt, Locke, Whittington and Williams.
NAYS: Councilmembers Short and Withrow.

Councilman Williams stated this is an improvement because it sets a timetable; that is half the problem. The other half of the problem is the method of nomination again. It is the same old problem of having to vote somebody down in order to vote someone else up.

BY-LAWS OF THE CHARLOTTE-MECKLENBURG BICENTENNIAL COMMITTEE APPROVED.

Mayor Belk stated the Board of County Commissioners approved the By-Laws of the Bicentennial Committee in meeting on January 6, 1975.

Councilman Harris moved approval of the By-Laws of the Bicentennial Committee. The motion was seconded by Councilwoman Locke, and carried unanimously.

BICENTENNIAL ADVISORY COMMITTEE APPROVED.

Councilman Short moved appointment of the Charlotte-Mecklenburg Bicentennial Advisory Committee, as follows: Fred D. Alexander, Cy N. Bahakel, William M. Barnhardt, Bishop Michael J. Begley, John M. Belk, Katherine M. Belk (Mrs. Thomas M.), Charles D. Braswell, Stanford R. Brookshire, W. Douglas Cofield, Dean Phaethon Constantinides, Samuel C. Copsis, Charles Crawford, F. Earl Crawford, Charles H. Crutchfield, Harry L. Dalton, Gregory Davis, Rev. Robert O. Freeman, Jr., Monroe T. Gilmour, Mrs. Melvin Graham, Dr. Wilbert Greenfield, Richard H. Hagemeyer, Liz Hair (Mrs. Samuel C.), James J. Harris, Rabbi Lawrence I. Jackofsky, Freeman R. Jones, Rolland W. Jones, Stephen G. Kakenes, Martin Lee, Hugh L. McCall, Jr., C. A. McKnight, Mary H. McNally, Edward M. O'Herron, Col. J. Norman Pease, Clyde W. Robinson, S. Eugene Ruff, Stewart T. Spencer, James A. Stenhouse, Arial A. Stephens, W. H. Williamson, III, Wylie L. Williams, Jr., Mrs. Carlton Winter (Carrie), Paul B. Wyche, Jr., and two (2) 10th Grade Students (boy & girl) to be appointed. The motion was seconded by Councilman Withrow, and carried unanimously.

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CHAIRMAN OF THE BICENTENNIAL CELEBRATION, APPOINTED.

Councilman Short moved the appointment of Grant Whitney as Chairman of the Bicentennial Celebration as set out in the By-Laws of the Committee. The motion was seconded by Councilman Whittington, and carried unanimously.

PATSY KINSEY APPOINTED FOR A ONE YEAR TERM TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Councilman Williams moved appointment of Ms. Patsy Kinsey for a one year term to the Charlotte-Mecklenburg Historic Properties Commission. The motion was seconded by Councilwoman Locke.

Councilman Williams stated he knows Ms. Kinsey but he does not know Ms. Boyer that well. That the resumes of both these nominees are outstanding. Councilman Short stated he had to tell Patsy Kinsey that he had promised the other nominee first, and that is the only difference. Both nominees are very competent.

The vote was taken on the motion to appoint Ms. Kinsey, and passed as follows:

YEAS: Councilmembers Williams, Locke, Harris and Withrow.

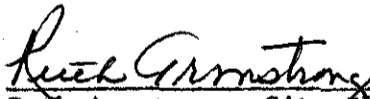
NAYS: Councilmembers Gantt, Short and Whittington.

Councilman Short stated the people involved in the Hezekiah Alexander Foundation are very eager to have their President as an ex-officio member of the Historic Properties Commission. He asked if it is the feeling of Council that we should talk to the County about whether or not to automatically make the President of the Hezekiah Alexander Foundation a member of this Commission. Several members of Council stated they did not think this should be done.

Councilman Short asked if Senator Alexander is a member of this Commission now? He was appointed by the Council. Mr. Underhill, City Attorney, advised that Mr. Alexander was appointed as an ex-officio member, and the fact he is no longer on Council would not change his status.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk