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The City Council of the City of Charlotte, North Carolina, met on Monday, June 30, 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 Councilman Neil C. Williams.

#### APPROVAL OF MINUTES.

Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on June 16, 1975, were approved as submitted.

#### CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED TO RETIRING EMPLOYEES.

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

- (1) James L. Faulk, Violations Office Supervisor, Finance Department.  
Employed April 3, 1968 and retired May 27, 1975.
- (2) James Andrew Horton, Police Investigator, Police Department.  
Employed July 1, 1943 and retired June 30, 1975.
- (3) James E. Youngblood, Crime Lab Officer, Police Department.  
Employed April 16, 1943 and retired June 30, 1975.

Mayor Belk and each Councilmember wished them well in their retirement and expressed appreciation for their services to the City.

#### KNIGHT OF THE QUEEN CITY AWARDS PRESENTED TO PARTICIPANTS IN THE CAPTAIN JACK RIDE TO PHILADELPHIA.

Mayor Belk stated the City has received a lot of publicity in the last month in commoration of the Mecklenburg Bicentennial on the re-enactment of Captain Jack's Ride to Philadelphia.

He stated Captain Jack has not returned to the City from the ride at this time, but he will be made a Knight of the City on the Fourth of July. He recognized the following and presented each with the Knight of the Queen City Award:

- (1) Mike Bogan
- (2) King Tripplett
- (3) Roy Alexander
- (4) Henry Eubanks
- (5) Lloyd Moon
- (6) Alda Todd
- (7) Jerry Levine

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PETITION OF THE CHARLOTTE PUBLIC WORKS DEPARTMENT TO CLOSE A PORTION OF OTTS STREET, WITHDRAWN.

The scheduled hearing on the request of the Public Works Department to close a portion of Otts Street, was called.

Council was advised the Public Works Director requested the petition be withdrawn as there were objections to the closing.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried to withdraw the request to close Otts Street, as requested by the Public Works Director.

RESOLUTION CLOSING PERSIMMON STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The public hearing was held on the request of the City of Charlotte Public Works Department to close Persimmon Street, located off Louise Avenue within the confines of the Central Yard of the Public Works Department.

Council was advised that the request had been investigated by all city departments concerned with street rights of way and there were no objections to the closing.

No one spoke in opposition to the request.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the resolution closing Persimmon Street in the City of Charlotte, North Carolina.

The resolution is recorded in full in Resolutions Book 11 at Page 9.

AGREEMENT WITH SOUTHERN RAILROAD COMPANY FOR PARTIAL ASSIGNMENT OF A LEASE AGREEMENT AND PURCHASE OF THE LEASEHOLD INTEREST IN THE DOWNTOWN URBAN RENEWAL PROJECT, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, approving the subject agreement between the Southern Railroad Company and the City of Charlotte for partial assignment of a lease agreement and purchase of the leasehold interest in the Downtown Urban Renewal Project.

PETITION NO. 75-10 BY CARL J. SCHNEIDER FOR A CHANGE IN ZONING OF 24.12 ACRES OF LAND ON THE NORTH SIDE OF I-85 AND EAST OF STARITA ROAD, REFERRED BACK TO PLANNING COMMISSION FOR RECOMMENDATION.

Councilman Short stated he has been a little bit interested in this petition because he feels what we have here makes up almost an ideal industrial PUD, an industrial planned unit development. That he has been saying for years that we need places in Charlotte where working people can walk to work without having to ride from North Charlotte out to Arrowood, and at the same time have the homes properly screened away from the working facilities.

The petitioner has prepared a deed conveying the heavily wooded area, 150 feet deep, by the length of the property to three trustees who will hold it for the benefit of the adjoining owners as a park. To the north of this park would be the Tanglewood Development - this is a Title 235

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residential project essentially for working people. To the south of the park would be light industry which would be developed by a responsible developer. As he sees it, there would be no way to get into this project other than a roadway coming in from the service road of I-85, there would be no way to get into it through the Tanglewood development because of the nature of the deed where the trustees are holding that land as a park. That he believes it would occur that people living in Tanglewood would walk over and find employment in this area when it is set up as an industrial park.

Councilman Gantt stated he looked at the property, and one of the things that concerned him at the hearing was whether or not it would be adding additional industrial land to an area that had a substantial amount in the past, and was inclined to vote against the petition. In examining the rationale of the Planning Commission, the biggest bone of contention was whether or not a more natural boundary between residential and industrial development was created by the creek, rather than a buffer strip of 100 feet. The impression he had of the buffer strip was 100 feet of wasteland between the development of the residential area, and the proposed industrial community. Having looked at the property, it is very clear that the whole site is heavily wooded. When you are in the residential community of Tanglewood, there is almost no feeling of anything going on behind the wall of trees. Based on that he would be inclined to support this petition in that it would more clearly round out an industrial area that is already set up substantially in addition to the fact that the additional amount of land added to the inventory would not substantially impact that residential area. The only problem he has is what commitments we have from the developer that this trusteeship of 150 feet would not ultimately become under the ownership of someone who might want to develop it. That his suggestion would be the deeding of this property to the homeowners abutting this property who are directly involved.

Councilman Short stated he has the deed with him. That the difference is if that property/deeded to the adjoining lot owners then it would be necessary to find one weak link and take that house, and make a road. Under the terms of the deed he has that piece of land kept as one unit, owned by these trustees. It is not split up and given to each lot owner. That he thinks it would be impossible to work out anything to cut a road through there directly from the Tanglewood Area. This deed is written to run for 25 years, and this seems to him to be long enough. That he thinks it would be possible if you had some such arrangement that the majority of the abutting owners wanted to work out some other arrangement it would be done. But it seems to him this is far stronger and more secure for the boundary than either the business of giving little sections to individual homeowners, or relying on just a creek as a buffer. The creek does not go across there in the proper direction, and that buffer has already been violated because there is a lot of industrial land north of the creek already. That he thinks this is a good secure arrangement that would produce a real good thing for those people.

Councilman Williams stated it appears the Planning Commission was aware of this plan to deed the property when they reconsidered the matter. That he is looking at their letter of June 12, and in the second paragraph it says "They have been requested to give further consideration to the adequacy of the buffer area which was being proposed by the petitioner along the northerly side of the property, and also to be aware that the petitioner was proposing to actually deed the approximately 100 foot strip along that northerly boundary to the adjoining land owners. While it is true that the Planning Commission had not been made aware of the proposal to deed the property, the Commission, after a discussion of

the matter, determined that this by itself was not sufficient reason to relieve the concerns which were expressed in the original recommendation. In addition, some comment has been received from representatives of the neighborhood which indicate that the adjoining owners do not believe that the proposal to give them the additional land will be sufficient to protect their interests in the area. The reasons given in the original recommendation are reiterated here, and particular emphasis placed on the concern about additional industrial zoning in the area which from an overall pattern standpoint only moves the existing boundary relationship between residential and industrial from one location to the other..'' He stated they are saying that there is considerable industrial zoning already there. This is taking a big step from single family R-9 all the way to industrial. That he is inclined to agree with the Planning Commission on this.

Councilman Short stated what he is talking about has a considerable difference compared to that which the Planning Commission considered the second time. On the matter of the fact there is a lot of industrial land there; this is I-85 and I-77 intersection close to it, where it is bound to be and ought to be, a lot of industrial land. There is a lot of land out there zoned all kind of ways, and all has to be zoned something. That he does not believe there is any more imbalance in reference to industry than there is any other zoning category in that area.

Councilman Withrow asked the difference in PUD industrial? Councilman Short replied there is not a formal category of that sort; but it is mentioned in some zoning materials as being a desirable arrangement. We have the business PUD on the Park Road Extension near Quail Hollow Road that is a combination of business and homes. This is an industrial PUD, a combination of places to work or industrial places and homes.

Councilman Withrow asked the City Attorney if he has read the document that Mr. Short makes reference to? That he thinks the extra 50 feet he would have no objection. That he thinks this was done so they could not build a road in another location. He asked what assurance the Council would have of the road coming off the access road as they would have to cross the creek, and that being about \$150,000 bridge? Councilman Short replied he does not feel we would have any assurance that this would ever be done. He does feel we have assurance from what is arranged if they get in there by any means it will have to be that way.

Councilman Gantt asked who the trustees are; that he is not clear about the 150 foot strip not being violated. That if you can assure the 150 foot strip made up of 150 foot high trees would never be violated, you can be assured there is sufficient buffer. Just from a planning standpoint he believes it is not likely that that tract of land will ever become single family houses. But if you can assure and we have an iron clad agreement that 150 foot strip is actually reserved as a natural boundary, than he would be more inclined to support that.

Councilman Short replied this deed is just as secure as the deed you have for your home. It is the same thing. Deeding it to the city would remove it from the tax rolls, and would be an obligation for the city that he does not think the city has been seeking, and he thinks it would be a bad precedence in a zoning situation. Leaving it as a park in the hands of private trustees is an acceptable kind of arrangement. The property would be taxed. Under the motion he would make the 150 feet be left out of the zoning entirely. One hundred feet is already out of the zoning.

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Councilman Short moved that the area proposed for I-2 be zoned I-2 as recommended by the Planning Commission; that the part petitioned for I-1 be zoned I-1 except for the 50 foot wide strip along the northerly boundary which will become part of the 100 foot wide park area deeded to the trustees. The motion was seconded by Councilwoman Locke.

Councilman Whittington asked if this has been submitted to the Planning Commission? Councilman Short replied it has been twice, but not since this arrangement has been suggested. Councilman Whittington stated he thinks it is only good business for this to go back to the Planning Commission and get their recommendation, whether it is to deny or not. There is some variance in what Mr. Short is suggesting today, and what they have had previously.

Councilman Whittington made a substitute motion to refer this back to the Planning Commission. The motion was seconded by Councilman Williams.

Councilman Gantt stated in examining the Planning Commission's recommendation their major bone of contention was that the more natural boundary was the creek, not the circumstances of the buffer itself.

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

PETITION NO. 75-14 BY DOROTHY K. McMILLAN FOR A CHANGE IN ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND CARMEL ROAD, DENIED.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the subject petition for a change in zoning from R-15 to R-9MF of an 11.29 acre tract of land was denied as recommended by the Planning Commission.

PETITION NO. 75-15 BY REVA N. CARPENTER AND RUBY C. STARR FOR A CHANGE IN ZONING FROM R-15 TO R-9MF OF PROPERTY AT 819 CARMEL ROAD AND 4540 PROVIDENCE ROAD, DENIED.

Motion was made by Councilman Harris, seconded by Councilman Whittington, and unanimously carried, denying subject petition for a change in zoning from R-15 to R-9MF of property at 819 Carmel Road and 4540 Providence Road, as recommended by the Planning Commission.

PETITION NO. 75-13 BY ELIZABETH W. YOUNG FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF PROPERTY LOCATED AT 2911 NORTH SHARON AMITY ROAD, DENIED.

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

ORDINANCE NO. 663-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING OF PROPERTY LOCATED ON THE SOUTH SIDE OF GIBBON ROAD, AS PETITIONED BY T. B. ALLEN ENTERPRISES, INC.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, subject ordinance was adopted changing the zoning from B-1 to I-1 of property located on the south side of Gibbon Road, beginning about 264 feet from the centerline of the intersection of Nevin Road and Gibbon Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 140.

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ORDINANCE NO. 664-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY AMENDING THE ZONING MAP OF THE CITY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF ARCHDALE DRIVE, WEST OF SUGAR CREEK BRIDGE, ON PETITION OF THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE.

Councilman Gantt moved adoption of the ordinance changing the zoning of an 11.05 acre tract of land on the south side of Archdale Drive, beginning about 1,097 feet west of the Sugar Creek Bridge, from R-9 to R-20MF as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke.

Councilman Williams stated this petition is to rezone the property for the purpose of low income housing on 11 acres of the 35 acres which the City owns. He has had considerable difficulty making a decision on this matter, probably as much difficulty as any other single matter this Council has taken up in the past two years. He thought about this from a legal standpoint, from a philosophical standpoint, from a practical standpoint and about any standpoint it is possible to think about. He started thinking about the purpose of public housing and what it is suppose to serve. To his mind public housing should be sort of a half way house for people to live in until they can improve themselves. It should not be an end or a goal in itself. Our country is wealthy enough so that we can provide the basic necessities for our citizens which would include shelter. But then what kind of shelter are we talking about; how elaborate are we talking about; and where are we talking about providing it. In this case, we are talking about where we are going to provide it. This is plowing new ground to a certain extent because this is a fairly drastic change. In the past, public housing as he understands it, has been located mainly downtown and on the west side. Now we are being asked to go to the southeast.

He stated the Housing Authority has presented to Council four or five scattered housing sites which they recommend - Rama Road, Nations Ford Road, Park Road, Milton Road and Archdale. He finds it difficult in his mind, if he says to people he is in favor of scattered site housing, and philosophically he thinks he would have to say that, and he has said it in the past and probably most of the members of this Council have said that. Probably a majority of the people in this community would say conceptually they favor scattered site housing, but they would probably also say in the next breath, "I would prefer though that it not be located in my neighborhood, or in my block." Council sits here and has to represent the entire city, not representing one district, but the entire city. He, personally, has to be able to say to the people on Milton Road or Rama Road that Council has done what it thought was a fair thing. To him, he would have trouble justifying why Council did not say yes to Archdale Drive when housing is going to be placed at Rama Road.

Councilman Williams stated everyone knows we are under some legal compulsion to do this because of the developing law which says that federally financed housing has to be scattered. It is his understanding that the courts are interpreting the law to say if you build any more housing it has to be scattered. You almost face the proposition of not doing anything at all, or doing it where the federal regulations and laws require you to do it. When faced with that dilemma it seems to him a person with conscience and some concern about people has to say we are going ahead and do the best we can and do what we have to do.

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He stated in the past the sites have been criticized because they have been too big, concentrated, and have lead to slum conditions. Some people have said to him on this matter, if you have to scatter the sites in eligible areas, why not go to the fringe areas, or why not do it in a commercial district, instead of making such a drastic jump all at one time. If you go to a fringe or marginal area, you might doom the project from the very beginning. That he can think of some neighborhoods like Dilworth, which has been struggling for survival, where this might tip the neighborhood. That is something you do not want to do from the very beginning. It seems to him the same could be said about a commercial area by placing it next to, adjacent to or in a commercial area, you run the same risk of building a slum before you begin. For those two reasons, weighing everything in balance; taking into consideration what the Planning Commission has recommended, he is going to have to vote to approve the rezoning of this site. It is a very difficult choice and he does not fault anyone for taking a contrary position. Mindful of what two of the Planning Commissioners said in their dissent. One was concerned about the assignment involuntarily of people to this, concerned that they would not be able to get the services, especially shopping for groceries and drug stores. The second one said in his dissent that he was concerned that this might not be the end, and only the beginning on that site. Councilman Williams stated about two reservations he says, and he does not know what the vote is going to be, but if the Council decides to do this, the Council will have to make the commitment in terms of interest and money to make sure that this project works and it will not grow to be a slum. By that, he means Council will have to make the commitment to keep this land, the other 25 of the 35 acres in a natural state, and not build more housing on that site. We will have to make sure that the city services are provided; sidewalks, police protection, bus service and whatever is necessary, and not go into this with eyes closed. Council is going to have to continue to watch this project if it is approved.

Councilman Williams stated this is a start and Council and this government has some obligation to provide housing for underprivileged people - we have even disposed some of these people by our urban renewal projects. He does not feel in good consciousness he can set these people adrift.

Councilman Harris stated Mr. Williams has brought up several points that he would share the same feelings about in that this is not an easy decision. There are some questions he has that have never been answered. Most people do not realize that Council just provides operating funds to the Housing Authority, and the Mayor appoints the members, and that is about all Council has to say about it, until there is a zoning hearing. So he has to use this opportunity to inquire into some other areas such as the Rama Road, Milton Road and Nations Ford Road projects as well.

Councilman Harris stated he has never seen anything about the cost of the project. That he would like to know the basic costs. Mr. Wheeling, Executive Director of the Housing Authority, replied the cost of the project for land improvements and equipment is \$24,000 a unit. This is wholly funded by HUD. Councilman Harris asked if there is any estimate by the architect for additional costs for services to the areas. For instance for sidewalks? Mr. Wheeling replied the figure includes everything on the site. Councilman Harris stated but not anything related to the Planning Commission's report regarding the need for sidewalks, increased bus service? Mr. Wheeling replied not for the sidewalks. It is just for the improvements on the site; they cannot use the funds to go off the site. Councilman Harris stated the other services would have to come from local funds, basically? Mr. Wheeling replied in regards to sidewalks off site, and transportation, yes.

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Councilman Harris stated the biggest concerns he has, having lived here for over 20 years, is seeing the results of things that have occurred here. He is relating to the problems we have had in public housing before. For instance, the Boulevard Homes, Dalton Village, and the concern about the maintenance and upkeep, and making sure that the place does not fall down. Mr. Wheeling replied in the last year, they have almost doubled their maintenance forces. If you go to Dalton Village, Earle Village or Piedmont Courts you can see the results of this through the efforts of the Housing Authority. Councilman Harris asked what assurances we have there will be improved maintenance and upkeep in this area compared to the other areas that we have had? Mr. Wheeling replied the very fact that developments are smaller than anything we have; and the fact that they have increased their maintenance program, and a training program for the residents through their community services department, and educating the residents before and after they move into the housing. They have been working very hard at this for the past year.

Councilman Harris stated this is a major step in this community because there are figures he has heard - some say there are 1700 plus people who need public housing in Charlotte today. On the other hand he hears we had vacancies just a few months ago in public housing units. What is the real story? Mr. Wheeling replied there are between 1400 and 1500 on the waiting list now. A week ago last Friday, they had nine units out of 3500 vacant. That is less than one quarter of one percent, and the national average runs three to five percent. He stated there is that much vacancy in the normal move in and move out.

Councilman Harris stated he requested from the City Manager's office some six weeks ago, information relating to this decision. That he received some of it today. That he has to state again that he is against the continuation of any large housing units such as Boulevard Homes and Dalton Village. Scattered site housing to him is more than just breaking these developments we have had in the past into smaller units, and stigmatizing people who move into them and say this is a public housing unit. True scattered site housing to him is a program that allows the individual to choose his residence without the obvious public display of "this is a public housing unit." Rent subsidy to him is the best solution to true scattered site housing. It is the best way to solve the public housing needs. The first reason is that more families could be served. Here we are taking millions of dollars and committing it to bricks and mortar. Today we are talking about \$24,000 per unit to house a family.

He stated he has just received from the staff as he walked into the meeting a report he has really asked for. This has to do with the \$20.0 million released for housing in North Carolina under Section 8, under the rent subsidy plan. It was issued February 4, 1975. There has never been any discussion in the public hearing of what our policy is going to be on the rent subsidy program. According to this report, Mecklenburg County will receive \$1,183,492.00. This should assist 491 to 640 families. Relate that million dollars to the millions that will be used for the scattered site housing, with all the changes that will occur with it, and he thinks we are getting a bad run for our buck by placing all the emphasis on hard goods instead of services to the people. We could actually use the money, put the money with the people, and let the person have a choice to move into a house and have subsidized support, that way, instead of saying "I'm living out here in this public housing project." The stigma of identifying this to everyone he thinks is unheard of. This is what we have had to do in years past, and this is true all over the country. It is just not true here in Charlotte. That he is really talking about his repugnance of the public housing as such.



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He stated this past week he was in St. Louis and the public housing projects there make him sick, because of the status of those projects. Because of this reason he will have to vote against this public housing on Archdale.

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

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

The ordinance is recorded in full in Ordinance Book 22, beginning at Page 141.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CONVEYANCE OF CITY OWNED PROPERTY ON ARCHDALE TO THE PARK AND RECREATION COMMISSION.**

Councilman Whittington presented a resolution relating to the site on Archdale and asked if Council would consider it at this time.

Councilman Whittington moved that the resolution be considered by Council. The motion was seconded by Councilman Harris and carried unanimously.

Councilman Whittington presented the following resolution and moved its adoption:

**"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY ON ARCHDALE DRIVE TO THE PARK AND RECREATION COMMISSION.**

WHEREAS, the City is the owner of a tract of land on Archdale Drive consisting of approximately 36 acres; and

WHEREAS, the Housing Authority of the City of Charlotte has recently requested that the City convey to it a portion of this property consisting of approximately 11.05 acres; and

WHEREAS, City Council is desirous of conveying the remaining portion of the said 36 acre tract to the Charlotte Park and Recreation Commission with the express condition that the remaining portion of the property be perpetually preserved in its natural state.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte in regular session duly assembled, that the City Attorney is hereby authorized to prepare a deed and the Mayor is hereby authorized to execute said deed conveying the remaining portion of the said 36 acre tract to the Charlotte Park and Recreation Commission.

BE IT FURTHER RESOLVED that this conveyance is authorized with the express condition that the property so conveyed shall be perpetually and permanently maintained in its present natural state and that no development of any kind whatsoever may be made of the property."

The motion was seconded by Councilman Harris.

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Councilman Gantt stated this is an all encompassing thing when you say "no development of any kind, whatsoever." That he understands the intention of the motion; but wonders whether or not if you allow the development of a natural trail in a natural preserve if that would be considered development. What you may be trying to get across here is that we do not anticipate any further development of the Archdale property that the city owns, and want to maintain it in its natural state. But he wonders whether or not it cannot be used for the benefit of citizens and as a natural preserve, it might require nature trails. He asked if that portion dealing with no development can be removed? Councilman Whittington stated he discussed this with the City Attorney, and it was his intent to deed this property to Park and Recreation so that in fact no development, and the natural terrain forest, foliage, underbrush, and everything be left as it is.

Councilman Whittington stated this would convey the balance of the property to Park and Recreation. Mr. Underhill, City Attorney, stated he prepared the resolution, and the last paragraph is in a rather stringent fashion and it could be so construed to prohibit the establishment of nature trails. Councilman Gantt stated he thinks the intention is that it will not increase the density by the building of any further housing or any kind of development, and he would support that; but he is not sure about no development. Perhaps no super structures would be better. Councilman Short stated it is obvious what all members of Council want to do; but we do not want to make it so stringent that you cannot put a pathway through there. Councilman Williams asked who would have the legal right to enforce this restriction? Would it not be the grantor? That means the grantor would be the City, and the City could waive it by building a nature trail if that is what the City wanted to do.

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

The resolution is recorded in full in Resolutions Book 11, at Page 11.

Councilwoman Locke asked if the city cannot waive the rights? Mr. Underhill replied the deed would run from the City to the Park and Recreation Commission, and it would contain this kind of restriction. He would contemplate that the title to the property would revert to the city in the event of any violation of the restrictions. Since the City is the grantor, as Mr. Williams says, he thinks the city could legally waive this provision to the extent that something like nature trails could be permitted.

**RESOLUTION PROVIDING FOR PUBLIC HEARING ON MONDAY, JULY 28, ON PETITION NO. 75-19 FOR ZONING CHANGE.**

Councilwoman Locke moved adoption of resolution providing for public hearing on Monday, July 28, on Petition No. 75-19 for zoning change, which motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 12.

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACTION OF 1964, AS AMENDED.**

Mr. Hoose, Transportation Coordinator, stated last November Council adopted a resolution for a pre-application. The resolution today formalizes that and permits them to proceed with the application.

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Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, subject resolution was adopted authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended.

The resolution is recorded in full in Resolutions Book 11, at Page 13.

**CITY BUS SERVICE PROVIDED TO LANSDOWNE AND STONEHAVEN AREAS IN SOUTHEAST CHARLOTTE.**

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, approving city bus service for the Lansdowne and Stonehaven areas in southeast Charlotte, as recommended by the Transportation Coordinator.

**ORDINANCE NO. 665 AMENDING CHAPTER 2, ARTICLE III, DIVISION 4, OF CODE OF THE CITY OF CHARLOTTE RELATING TO THE MUNICIPAL INFORMATION REVIEW BOARD.**

Councilman Harris moved adoption of subject ordinance amending Chapter 2, Article III, Division 4, of the Code of the City of Charlotte relating to the Municipal Information Review Board. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, beginning at Page 142 and ending at Page 146.

**RESOLUTION RELATING TO THE ALLOWANCE OF CREDIT OF PURCHASE FOR MILITARY SERVICE, OUT OF STATE SERVICE, AND REPAYMENT OF VOLUNTARILY WITHDRAWN ACCOUNT(S) FOR CITY EMPLOYEES WHO HOLD MEMBERSHIP IN THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM.**

Upon motion of Councilman Harris, seconded by Councilman Williams, and unanimously carried, a resolution was adopted relating to the allowance of credit of purchase for military service, out of state service, and repayment of voluntarily withdrawn account(s) for City Employees who hold membership in the North Carolina Local Governmental Employees Retirement System.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 15 and ending at Page 16.

**EXTENSION OF SERVICE GRANTED TO CITY EMPLOYEES.**

Motion was made by Councilman Gantt, seconded by Councilman Short, and unanimously carried, extending service, through June 30, 1976, as provided in the policy governing the retirement of City Employees, to the following employees:

- (1) Allen Frazier, Building Maintenceman I, Public Works
- (2) Robert Lee Gregg, Water Serviceman, Utility Department
- (3) Hubert C. Harris, Labor Foreman I, Utility Department
- (4) James E. Lowe, Treatment Plant Operator, Utility Department
- (5) Clarence Stratford, Labor Foreman II, Utility Department
- (6) John M. Sutton, Pumping Station Operator, Utility Department
- (7) Samuel P. Woodard, Housing Inspector, Inspection Department

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ORDINANCE NO. 662-X THE 1975-76 BUDGET ORDINANCE FOR THE OPERATION OF CITY GOVERNMENT AND ITS ACTIVITIES FOR THE FISCAL YEAR BEGINNING JULY 1, 1975 AND ENDING JUNE 30, 1976.

Councilman Short moved adoption of the 1975-76 Budget Ordinance for the operation of City Government, and its activities for the Fiscal Year beginning July 1, 1975 and ending June 30, 1976, setting tax rate at \$0.88, which motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, beginning at Page 132 and ending at Page 139.

ORDINANCE NO. 666-X AMENDING EXISTING APPROPRIATIONS WITHIN THE REVENUE SHARING TRUST FUND PROVIDING FOR FLOOD CONTROL, PUBLIC LAND ACQUISITION AND STREET IMPROVEMENTS.

Upon motion of Councilman Gantt, seconded by Councilman Short, and unanimously carried, subject ordinance was adopted amending existing appropriations within the Revenue Sharing Trust Fund providing for flood control, public land acquisition and street improvements for Projection 70, establishing \$1,200,000 for flood control, \$105,000 for public land acquisition and \$67,628 for street improvements.

The ordinance is recorded in full in Ordinance Book 22, at Page 147.

RESOLUTION AMENDING THE PAY PLAN AND EMPLOYEE GROUP INSURANCE PLAN TO INCORPORATE CHANGES RECOMMENDED IN CONJUNCTION WITH THE PROPOSED 1975-76 BUDGET.

Motion was made by Councilman Harris, seconded by Councilman Short, and unanimously carried, adopting the subject resolution amending the Pay Plan and Employee Group Insurance Plan to incorporate changes recommended in conjunction with the proposed 1975-76 Budget.

The resolution is recorded in full in Resolutions Book 11, at Page 17.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS AND TRASH PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Whittington moved adoption of the following ordinances ordering the removal of weeds, grass and trash pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160A-193 of the General Statutes of North Carolina, which motion was seconded by Councilwoman Locke, and carried unanimously:

- (a) Ordinance No. 667-X ordering the removal of weeds and trash from vacant lot at 222 and 214 N. Summit Avenue.
- (b) Ordinance No. 668-X ordering the removal of weeds and trash from vacant lot at 212 and 218 North Summit Avenue.
- (c) Ordinance No. 669-X ordering the removal of weeds and grass from vacant lot adjacent to 1808 Montford Drive.
- (d) Ordinance No. 670-X ordering the removal of weeds and grass from 1133 Nations Drive.
- (e) Ordinance No. 671-X ordering the removal of weeds and grass from property adjacent to 2401 Celia Avenue.

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- (f) Ordinance No. 672-X ordering the removal of weeds and grass from 1120 Nations Drive.
- (g) Ordinance No. 673-X ordering the removal of trash and rubbish from 4820 Hidden Valley Road.
- (h) Ordinance No. 674-X ordering the removal of weeds and trash from 223 Mellow Drive.
- (i) Ordinance No. 675-X ordering the removal of weeds and trash from vacant lots adjacent to 3012 Clemson Avenue.
- (j) Ordinance No. 676-X ordering the removal of weeds and trash from 1220 Fairmont Street.
- (k) Ordinance No. 677-X ordering the removal of weeds and grass from 218 Glenrock Drive.
- (l) Ordinance No. 678-X ordering the removal of weeds and grass from 1024 Bilmark Avenue.
- (m) Ordinance No. 679-X ordering removal of weeds and grass from vacant lot adjacent to 2028 Russell Avenue.
- (n) Ordinance No. 680-X ordering the removal of weeds and grass from vacant lot adjacent to 912 Rodney Avenue.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 148.

#### CONTRACTS FOR WATER AND SEWER EXTENSION, APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the following contracts for water and sewer extension were approved:

- (a) Contract with the Ralph Squires Company for the construction of 5,090 feet of water mains and four fire hydrants, to serve Timber Creek Subdivision, Phase II, outside the city, at an estimated cost of \$39,000. Funds will be advanced by the applicant under the terms of existing city policies as related to such water mains and refunds made all in accordance with the terms of the agreement. (Contract initiated prior to the adoption of the water and sewer extension policy on May 19, 1975).
- (b) Contract with Raymond T. Buckner, Jr. for the construction of 170 linear feet of eight inch sanitary sewer to serve 2215 Winthrop Avenue, inside the city, at an estimated cost of \$2,550.00. The applicant will construct the entire system at his own proper cost and expense, and the city will own, maintain and operate the system, with the city to retain all revenue. There is no cost to the City, and no funds are needed.

Councilman Gantt stated under (a) it says the contract was initiated prior to the adoption of the new water and sewer extension policy. That means they come under the old terms. That he inquired about situations where small builders doing houses for people and needing to tap onto the lines and they had contracts with the homeowners in advance of this change, and then they were faced with almost a thousand dollars increase in their contracts. He asked if they are allowed to come under the old terms? Mr. Dukes replied his department has asked them to furnish documents giving evidence that they had entered into a contract prior to May 19. When this is furnished, they will honor it. That the building permit may be evidence. Councilman Gantt stated they would have the record on the building permit and the date of the permit would indicate it was planned before this date. Mr. Dukes replied they have had two or three like this, and he asked each of them to furnish the documentation. That he has advised all of them, and he does not think anyone will be left out.

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Councilman Harris stated during the informal session he talked about the plumbers in the community not having any idea at all about the water-sewer rate increase on tappings. This has come right down to the problems of the homeowner, himself paying about an \$800.00 increase in acquiring water-sewer service. He asked if this was anticipated? Mr. Dukes replied this is much less than if they had to pay for a well or septic tank. Councilman Harris stated before hand they were paying about \$500 tapping fee to acquire water and sewer service. Mr. Dukes replied they were not paying a privilege for anything; they were just paying a cost to connect their pipe to the city's system; that is all. Councilman Harris asked who was paying that beforehand, and who is not benefitting because the individual is paying the \$800 extra? Mr. Dukes replied they hope this will help to keep the water rates down.

Councilman Harris requested Mr. Dukes to meet with the City Manager about this letter from the plumbers and respond to it.

AGREEMENT WITH DUKE POWER COMPANY FOR SUPPLYING ELECTRIC POWER TO THE McALPINE CREEK WASTEWATER TREATMENT PLANT, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving an agreement with Duke Power Company for supplying electric power to the McAlpine Creek Wastewater Treatment Plant, at no change in the price per unit for power.

CANCELLATION OF ELECTRIC SERVICE AGREEMENT WITH DUKE POWER COMPANY TO SUPPLY POWER TO THE McMULLEN CREEK SEWAGE PUMPING STATION, APPROVED.

Councilman Whittington moved the cancellation of the electric service agreement with Duke Power Company to supply power to the McMullen Creek Sewage Pumping Station, which motion was seconded by Councilman Williams, and unanimously carried.

RESOLUTION WAIVING EQUIPMENT PURCHASED WITH FEDERAL FUNDS TO MODEL CITIES THIRD PARTY CONTRACTORS.

Upon motion of Councilman Gantt, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted waiving equipment, which was purchased with federal funds, to Model Cities' third party contracts, as follows: Charlotte-Mecklenburg Board of Education, United Community Services (senior citizens), Home and Family Life Support, Manpower Services, Police Community Relations and Jobs for Ex-Offenders.

The resolution is recorded in full in Resolutions Book 11, at Page 19.

VARIOUS LEASES APPROVED.

The following leases were presented for Council approval:

- (a) Lease with Calvary United Methodist Church for 2,260 square feet of office space at 512 West Boulevard, to house the Wilmore Neighborhood Improvement Project Office, at a monthly rent of \$432.00, or \$2.30 per square foot, to expire June 30, 1976.
- (b) Lease with Dilworth United Methodist Church for one room at 1716 Springdale Avenue, for office space for the neighborhood assistance program, at a monthly rent of \$360.00, to expire June 30, 1976. Monthly rent of \$30.00 or \$360.00 a year.

Corrected in  
M. B. 62  
Page 123.

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- (c) Lease extension with Nelson Company for Suite 410, Executive Building, for 1,738 square feet at \$5.50 per square foot for a term of one year, to expire June 30, 1976 for the Community Relations Department.

The rent will be \$9,559.00 per annum or twelve monthly payments of \$796.58, with the lessor reserving the right to increase monthly payments in the event of increase in ad valorem taxes or utility rates not to exceed .059 per cent of the increase.

- (d) Lease agreement with A.M.E. Zion Publishing House for 6,912 square feet of office space at 401 East Second Street for the Manpower Department office, at a monthly rent of \$3,421.44, or an annual rent of \$41,057.28, or \$5.94 per square foot, to expire June 30, 1976.

Councilman Harris asked why (a) and (b) is included; that he thought Council had deleted the NAP program? Mr. Sawyer, Director of Community Devel. replied the program is still funded to completion. This is not an annual lease; it can run up to an annual lease. This was specially made for a month to month to expire on the outside at one year. Their intention is to close both the offices as soon as possible. In Wilmore they have the money that was committed in last year's budget still to fund the second stage; that he does not know the number of additional months. Public Works are under way and still have structures improved. Just about the only thing that remains in Dilworth is the public works, and the decisions on the streets is coming up very soon. This is a month to month lease. The lease is cancellable on 30 days notice. Both (a) and (b) are NAP Programs.

Councilwoman Locke moved approval of the leases (a) through (d). The motion was seconded by Councilman Gantt, and carried unanimously.

#### ENCROACHMENT AGREEMENTS AUTHORIZED.

Motion was made by Councilman Harris, seconded by Councilman Short, and unanimously carried, approving the following encroachment agreements:

- (a) Agreement with the North Carolina Department of Transportation permitting the City to construct a 6-inch cast iron water main within the right of way of Sharon Road, at its intersection with Brookwood Road.
- (b) Agreement with North Carolina Department of Transportation for the construction of a 15-inch storm drain located northeast 361.06 feet from the northerly right of way margin of West Fourth Street, along the southerly right of way of I-77 with one manhole, for Irwin Creek Park.

#### SETTLEMENT IN THE CASE OF CITY VS. ROBERT S. LITTLE AND WIFE, ET AL, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Harris, and unanimously carried, settlement was approved in the amount of \$1,950.00, in the case of the City vs. Robert S. Little and wife, et al, for Parcel No. 16, for the Motor Transportation Expansion, as recommended by the City Attorney.

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**APPROVAL OF THE SALE OF CITY OWNED PROPERTY TO NEESE SAUSAGE COMPANY.**

Motion was made by Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, approving the sale of city owned property at 617 Jordan Place to the highest bidder, Neese Sausage Company, in the amount of \$2,200.00.

**RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS FOR VARIOUS PROJECTS.**

(a) Councilman Gantt moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property being a sanitary sewer and water system belonging to George Goodyear Company, a North Carolina Corporation; George S. Goodyear; Arthur J. Baer, Jr., Trustee; the Northwestern Bank; and Waters Construction Company, located in Mountainbrook Subdivision in the County of Mecklenburg, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 20.

(b) Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to William P. Allan and wife, Martha H. Allan located at 205 Remount Road in the City of Charlotte for the Remount Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 21.

(c) Motion was made by Councilwoman Locke, seconded by Councilman Short, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to John A. McRae, Jr., and wife, Rose W. McRae; Martha M. Alsup and husband, William B. Alsup; William H. McRae; Ted M. Black, Trustee; and W. Earl Black, Noteholder, located at 216 South Poplar Street in the City of Charlotte for the Poplar Street Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 22.

(d) Councilman Harris moved adoption of a resolution authorizing condemnation proceedings for acquisition of six (6) parcels of property in the First Ward Urban Renewal Project No. N. C. R-79, which motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 23.

**PROPERTY TRANSACTIONS AUTHORIZED.**

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

(a) Option on 19.00' x 485.98' x 23.56' x 502.93' of property plus construction and drainage easement, on Randolph Road, from E. C. Griffith Company, at \$18,200.00, for Randolph Road Widening Project.

(b) Option on 19.60' x 1,151.77' x 13.57' x 1,137.71' of property plus construction easement, on Randolph Road, from E. C. Griffith Company, at \$41,985.00, for Randolph Road Widening Project.



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- (c) Option on 5,159.37 square feet of property plus construction easement, on Randolph Road, from E. C. Griffith Company, at \$5,190.00, for Randolph Road Widening Project.
- (d) Option on 6,013.67 square feet of property plus construction and drainage easement, on Randolph Road, from E. C. Griffith Company, at \$5,125.00, for Randolph Road Widening Project.
- (e) Option on 2.01' x 313.12' x 2.01' x 312.97' of property plus construction and drainage easement, at 5201 Randolph Road, from William E. Cole and wife, Marjorie B., at \$1,376.00, for Randolph Road Widening Project.
- (f) Option on 8,172.06 feet of property plus construction and drainage easements, at 5541 Sardis Road, from John Homer Buion, Widower, at \$7,200.00, for Randolph Road Widening Project.
- (g) Option on 6.00' x 75.00' x 6.00' x 75.00' of property plus construction easement, at 4413 Sharon Amity Road, from Ward W. Whisnant and wife, Susan R., at \$650.00, for Sharon Amity Road Widening - Section III.
- (h) Option on 24.03' x 29.31' x 494.64' x 6.20' x 510.44' of property plus construction and drainage easements, at 5316 Wilora Lake Road (corner of Sharon Amity and Wilora Lake Road) from James M. McClelland and wife, Mary D., at \$2,363.00, for Sharon Amity Road Widening Project - Section III.
- (i) Option on 6.01' x 161.27' x 6.03' x 162.18' of property plus construction easement, at 3919 North Sharon Amity Road, from James M. McClelland and wife, Mary D., at \$1,800.00, for Sharon Amity Road Widening Project - Section III.
- (j) Option on 72.78' x 67.2' x 8.06' of property at 401 S. Mint Street, from Duke Power Company, at \$1.00 for Poplar-Mint Connector.
- (k) Option on 13,389 square feet of property, at 300 W. 2nd Street, 329-331 S. Mint Street, 320 S. Poplar, from Duke Power Company, at \$86,800.00, to acquire right of way for Poplar-Mint Street Connector.
- (l) Option on 8,662 square feet of property, plus construction easement, at 301 S. Mint Street, from Central Investment Company, at \$61,500.00, for Poplar Street Widening.
- (m) Option on 76.95' x 75.71' x 27.40' x 41.97' x 105.40' of property, plus 1-story frame residence and 1 story brick building, at 2600 South Tryon Street, from Lewis P. Watts and wife, Muriel M., at \$35,366.00, for Remount Road Widening Project.
- (n) Option on 26.00' x 31.42' x 64.99' x 6.00' x 85.00' of property, plus construction easement, at 4501 North Sharon Amity Road, from James B. Stevens, Sr. and wife Sarah H., at \$840.00, for Sharon Amity Road Widening Project - Section III.
- (o) Acquisition of 8.01' x 127.54' x 6.00' x 127.89' of property plus construction easement, at 3711 North Sharon Amity Road, from Sam Koskinos and wife, Iro Koskinos, at \$5,214.80, for Sharon Amity Road Widening Project - Section III.

A motion was made by \* Councilman Gantt and seconded by \* Councilwoman Locke for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the \*\* City Council of the Municipality of Charlotte has requested the Board of Transportation to perform the following highway-related work for said Municipality on a cost reimbursement basis in accordance with the policy established by the State Highway Commission on May 2, 1973, and adopted by the Board of Transportation:

Reconstruct and relocate 32 catch basins, adjust 3 additional catch basins, and construct 4 manholes on US 21 (Graham St.) from SR 3815 (Morehead Street) to SR 2540 (Hutchison Avenue) (at Liddell St. Intersection)  
(Description of Work)  
at (location of work) Charlotte, Mecklenburg County  
at an estimated cost of \$25,500.00

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and the Clerk of the Municipality of Charlotte be and they hereby are authorized and empowered to enter into a contract with the Board of Transportation as may be necessary to effectuate the aforesaid expressed purpose, thereby binding the said Municipality to the fulfillment of its obligation incurred under this resolution and to its agreement to pay any amounts that may become due under the agreement on a cost-reimbursement basis until such obligations are fully paid.

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina DO HEREBY CERTIFY that the above resolution is on file in the Office of the City Clerk in Minute Book 62, at Page 109, and is a part of the Minutes of the Council Meeting on June 30, 1975.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 15th day of September, 1975.

Ruth Armstrong  
Ruth Armstrong, City Clerk

City of Charlotte, North Carolina

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- (p) Right of Way Agreement on 118.21' x 45.96' x 118.21' of property, at 4501 Nations Ford Road, from Samuel C. Hair and wife, Elizabeth G. Hair, at \$1.00 for Right of Way on Nations Ford Road at Old Pineville Road.
- (q) Acquisition of 15' x 73.52' of easement, at 5221 Buckingham Drive, from Larry M. Morrison and wife, Joy Lynn, at \$75.00, for Sanitary sewer to serve Park Road at Selwyn Avenue.
- (r) Acquisition of 15' x 435.94' of easement, at 5200 Park Road, from Park Selwyn Development Company Limited Partnership, at \$1.00, for Sanitary Sewer to serve Park Road at Selwyn Avenue.
- (s) Acquisition of six (6) parcels of real property located in the First Ward Urban Renewal Project as follows:
- (1) 5,880 sq.ft., at 506 N. Brevard Street, from W. J. Edwards, at \$12,000.
  - (2) 9,000 sq.ft., at 913-15 N. Davidson, from Ethel P. Clarkson, at \$5,800.
  - (3) 39,959 sq.ft., at 918-20, 922-24, 926-28 & 930-32 N. Davidson Street, & 610-12 & 614 Linden Lane, from Avant Fuel & Ice Company, at \$58,000.
  - (4) 9,705 sq.ft., at 600 & 604 E. 9th Street, from Bessie Curlee Austin, at \$20,000.
  - (5) 3,200 sq.ft., at 736 E. 7th Street, from Alfred E. Smith, at \$24,000.
  - (6) 8,613 sq.ft., at 222 N. Myers Street, from Willie G. Sigler, at \$26,500.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR THE ANNEXED AREAS, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, approving the acquisition of two (2) parcels of sanitary sewer easements for the annexed areas, as follows:

- (a) Annexation Area I (2) Sanitary Sewer Trunk and Collector Main  
1 Parcel
- (b) Annexation Area I (4) Sanitary Sewer Trunk and Collector Main  
1 Parcel

AGREEMENT WITH THE N. C. DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF DRAINAGE STRUCTURES ALONG GRAHAM STREET FROM MOREHEAD STREET TO LIDDELL STREET.

Councilman Gantt moved approval of an agreement with the N. C. Department of Transportation for the reconstruction of drainage structures along Graham Street, from Morehead Street to Liddell Street, which motion was seconded by Councilwoman Locke, and carried unanimously.

Resolution is attached and made a part of these minutes.

AGREEMENT WITH THE AMERICAN TELEPHONE AND TELEGRAPH COMPANY FOR THE CITY TO PAY THE COST OF RELOCATION OF CERTAIN TELEPHONE CABLES IN CONNECTION WITH THE TYVOLA ROAD PROJECT, APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the subject agreement was approved with the American Telephone and Telegraph Company for the City to pay the cost of relocation of certain telephone cables in connection with the Tyvola Road Project, at an estimated cost to the City of \$7,540.00.

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MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES DURING ABSENCE.

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

CONTRACT WITH ODELL ASSOCIATES, INC. FOR ARCHITECTURAL AND ENGINEERING SERVICES TO DESIGN A PEDESTRIAN BRIDGE WHICH WILL CROSS TRADE STREET FROM THE ISA DEVELOPMENT.

Councilman Gantt moved approval of a contract with Odell Associates, Inc. for architectural and engineering services to design a pedestrian bridge which will cross Trade Street, from the Independence Square Associates' development in the first block of Downtown Urban Renewal Project to a point on the north side of Trade Street, not to exceed \$15,000.00. The motion was seconded by Councilman Short.

Councilman Harris asked why this is on the agenda; that it is contrary to the budget. Explicitly they said the budget money was to be used for the other two bridges. Mr. Burkhalter, City Manager, replied that is true and staff understood that very carefully; but Council authorized a contract with these developers to give them the plans for building this bridge in 130 days. That 30 days of that time has elapsed, and they have asked for the plans. If we do not give them the plans, and staff did not bring it back to Council, then we would be making a decision to default on the contract.

Councilman Short stated even though we did not budget this particular bridge, he does not see how we can put the Radison people to a difficulty in trying to plan their building. At least we owe them some opportunity to go ahead with the planning of the building across the street. Councilman Harris stated he agrees, but why was this not in the Council's budget process when it was discussed. Councilman Short stated it is not the developer's fault the money was not in the budget for this, and we should not inconvenience them in trying to do their own private planning across the street.

Councilman Gantt stated in the budget we put in a half million dollars towards the pedestrian bridge. Is that 1/2 million dollars for all services, such as architectural fees, legal fees and cost of the bridge? Mr. Burkhalter stated the 1/2 million dollars was to do everything that the city is obligated to do with the exception of the third overpass across Trade Street. That Council specifically asked if this would build that one, and they were told there was not enough money in that contract. This contract today does not mean that it will be built; but Council is obligated by contract with these developers to furnish this information. If Staff says it is sorry that it cannot give the developers the information then staff is making a decision to default on the contract. This contract will get the same architect doing the other two bridges to get the information and foundation, heights and things necessary for design.

Councilman Harris stated the only thing he raises the question about is that in the budget Council said it would not build it in the fiscal year 1975-76. We are not going to build it for a year and the first design we see that Radison wants is the design for this particular bridge. Mr. Burkhalter replied the others are already there. This was authorized earlier. This today is to use the same architect as the other two and receive the benefits from that.

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Councilman Short stated the point should be made that not only the same architect who happens to be designing College Street and Fourth Street, but the same architect who designed the building itself, and he is trying to do his work and trying to work this in as a part of the building.

Mr. Burkhalter stated the staff understands that we are not going to build this bridge in this budget as Council very clearly has said that. But the contract says you are going to build the bridge someday; but it also specifies the plans and when they are due. If he had not brought this back to Council for a decision, then he would have been making a decision that you are not going to do it.

Councilman Harris asked who decided the northerly boundary of this urban renewal land? Mr. Sawyer, Director of Community Development, replied this was decided back in 1969-70 when the Planning Commission made the original decision to recommend the boundary to the Council, and City Council approved the recommendation. The boundaries of the project go to the outer extreme of every boundary street. It does go across Tryon Street.

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

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

Mayor pro tem Whittington broke the tie, voting in favor of the motion.

**AMENDMENT TO AGREEMENT FOR ACQUISITION REVIEW SERVICES WITH CHARLES E. OWENS, IN THE FIRST WARD URBAN RENEWAL PROJECT, APPROVED.**

Upon motion of Councilman Short, seconded by Councilman Harris, and unanimously carried, an amendment to the agreement for acquisition review services, dated December 17, 1973, with Charles E. Owens in the First Ward Urban Renewal Project, to increase the contract from \$12,936 to \$15,090, a total of \$2,154 to make payment for additional review services, was approved.

**CONTRACT AWARDED INDIANA GUNITE & CONSTRUCTION COMPANY FOR EXTERIOR REFINISHING OF VEST TREATMENT PLANT.**

Motion was made by Councilwoman Locke, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Indiana Gunite & Construction Company, Inc., in the amount of \$29,600.00, for exterior refinishing of Vest Treatment Plant.

The following bids were received:

Indiana Gunite & Construction Co., Inc.	\$29,600.00
Western Waterproofing Co., Inc.	38,987.00
Pressure Concrete Construction Co., Inc.	39,532.00

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**CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR SHARON AMITY ROAD WIDENING, SECTION 1.**

Councilwoman Locke moved award of contract to the low bidder, Rea Construction Company, in the amount of \$669,297.50, on a unit price basis, for Sharon Amity Road Widening, Section 1, which motion was seconded by Councilman Harris, and unanimously carried.

The following bids were received:

Rea Construction Company	\$669,297.50
Blythe Brothers Company	679,044.00
T. A. Sherrill Construction Co., Inc.	695,176.70
Crowder Construction Company	696,504.85

**MAYOR RETURNS TO MEETING.**

Mayor Belk returned to the meeting during the discussion on the following item, and presided until he left the meeting as noted in the minutes.

**RESOLUTION AND ORDINANCE FOR DOUGLAS MUNICIPAL AIRPORT DEVELOPMENT PROGRAM, AUTHORIZED.**

Motion was made by Councilwoman Locke to adopt the following resolution and ordinance for Douglas Municipal Airport Development Program:

- (a) Resolution authorizing the City Manager, or his authorized representatives, to begin to make preparations necessary for the authorization of a \$3.0 million issue of Airport Revenue Bonds for matching grant funds for airport improvements.
- (b) Ordinance No. 681-X appropriating \$965,000 from the 1972 Airport General Obligation Bond Fund to provide the 1975-76 appropriations for engineering, architectural and project management fees for airport improvements.

The motion was seconded by Councilman Williams for discussion.

Mr. Birmingham, Airport Manager, stated the resolution for the issuance of \$3.0 million revenue bonds is to allow them to take care of some current obligations; they have been notified by the FAA they plan to start the actual construction of the new 155 foot control tower on May 1, 1976, which is adjacent in the new terminal area to the parking lot. It is our obligation to furnish the site preparation, grading and drainage, and to furnish the water and sewer utilities. The State has agreed to fund from the inner loop, the airport access road to the tune of about \$7.0 million, and in his discussions with them they think we should be doing something in that area so that their work will be done concurrently with the city's. He stated he feels the ADAP Bill in its present form will afford the opportunity of some \$5.0 million sometime this fall when the Bill is approved. For those reasons he recommends that they proceed with this work to site grade the area for the tower and to do some internal road work.

Mr. Burkhalter, City Manager, stated Mr. Fennell has researched this already, and he is doing some more on it now about the amount of bonds that can be funded out of the airport fund without necessary changes in the funding procedures. The bonds would be called immediately upon the

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issuance of any G. O. bonds. This is the way for us to keep from losing any time between now and the time that Council decides what it is going to do about funding the terminal. Councilman Harris stated he brought up revenue bonds about a year ago and at that time we talked about the airlines having to agree to the issuance of revenue bonds. Mr. Burkhalter replied this is only issuing bonds in the amount that we already have income for.

Mayor pro tem Whittington stated he thinks Council wants to know that this item is in order for Council to approve because of the ongoing programs out there; because of the fact that we have a commitment to build this tower whether the new terminal is ever built or not; and we have some \$7.0 million from the Highway people and some \$5.0 million from ADAP.

Mr. Birmingham stated this is chipping away at the site preparation, grading and drainage which was included in the \$55.0 million bond referendum; there was an item of \$15.0 million for site preparation and drainage. Today they are asking for a total project of \$5.0 million in federal aid and \$1.6 million in city aid, of which \$1.67 million will come from the \$3.0 million. Also in the \$3.0 million is some \$365,000 of non-eligible cost in the terminal area. That \$965,000 is included for the architectural and engineering work to do the site preparation and drainage plus some project costs. Some of that money will be eligible in later ADAP projects. In order to do the site preparation and drainage we have to plan for the 275 acres; also included is some money for preliminary work on the project management costs. In the \$965,000 are some schematic drawings to establish floor grade as it relates to site preparation grading. It has nothing to do with the drawing of the terminal building.

Councilman Gantt stated the public should understand that what is being talked about here is a kind of circumvention for the will of the voters. That he realizes there are projects we are committed to; that we all knew about the tower; the runway has to be completed, and all the other things associated with that. Because of the massive plan, a lot of these things link together. But he did not understand why it appears we were doing architectural plans for the terminal building, and he is not sure the public will understand the fine line distinction.

Mr. Birmingham replied we have to do certain verticals to relate it to the site preparation and drainage.

Councilman Short stated Mr. Birmingham has mentioned the tower and has mentioned access road, and has mentioned ADAP. He asked him to review what the ADAP money is aimed at? Mr. Birmingham replied we are eligible for ADAP money to do the internal road system, plus the taxiways and ramps. Councilman Short asked how much relates to the access road off the Airport Parkway? Mr. Birmingham replied it all relates to it; but the State has funded the total work of the access road off the Airport property in the amount of \$7.0 million; that he is referring to the interchange from the entrance of the terminal building over to the inner loop. Councilman Short stated he can understand the tower; airplanes will be landing out there regardless. He can understand paying any kind of architect; that is preparatory for a bond issue - getting plans made and getting sketches. That he wishes this had been done before; it would have helped in the talks he gave. But he cannot vote money to build an interchange leading into a building that the voters have voted down. That part, his conscious will not let him go with. If we build those tremendous interchanges out there, and then not wind up with the building, and the voters have spoken on the subject for the moment, that he does not see any way to rationalize that.

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Mr. Birmingham stated that area has some 50 feet difference in the elevation, and you cannot go in and pick out a site for a new tower, descend upon it and grade that for the site; you have this tremendous amount of cutting and filling. What they are talking about is leveling that area to the tune of a project consisting of \$5.0 million in federal aid and \$1.6 million in city aid. Some of that would be the road system as a by-product of the grading for the tower.

(MAYOR BELK RETURNED TO MEETING AT THIS POINT).

Mayor Belk asked if this is not just for the tower? That it does not have anything to do with the terminal project which the people turned down? Mr. Birmingham replied the by-product will be that some grading will be done in the terminal area because of the tremendous cuts and fill they have to do in order to get to the tower site. We have to do the work on the tower.

Mr. Burkhalter stated there is \$7.0 million of state money put aside to build this access road. If the city does not go out there and do something it is easy for the state to take that money and put it somewhere else. We had a hard time getting it. There are all kinds of people wanting this money for some other project. We are not building any interchanges at all.

Councilman Gantt stated then we are talking about an access road that ends in the middle of nowhere. Councilman Short replied that is precisely the case. Councilman Gantt stated he understands Mr. Short's point. The thing that concerns him is whether or not we are pushing it too hard; that he is not sure we will lose the \$7.0 million before giving the voters a chance to say something about this again. Mr. Burkhalter stated he thought every councilmember was committed thoroughly to building this airport terminal. Councilman Short replied he is committed to it; that is the reason he is making this comment; he is afraid if we build that expensive road to no where, we will harm the project instead of helping it.

Mr. Burkhalter stated the people did not vote not to build this terminal; they voted not to vote general obligation bonds to build the terminal. This was the issue. What is being proposed to Council is an interim method of revenue bonds which could be used tomorrow to build the terminal. This was not anything to circumvent anyone's opinion as such. It was simply a way of trying to hold together the project without losing ground on it. Then if Council planned to go back with another election on the terminal, it could be done without losing any headway in the matter. If you do not do this, we will either have to turn down the building of the tower which is needed right now. He is sorry the road was mentioned as we are not building any part of a road except the access to the tower. We have to build an access road to the tower; that is our obligation.

Councilman Gantt stated it has been a long time since we have dealt with the development itself - a long time since he has looked at the master plan. Then it hit him last night that there are a lot of decisions to be made on the airport. He asked what it would do if the decision is delayed until the next council meeting. Is there some deadline for the end of the fiscal year that they have to have a decision on the tower?

Mr. Burkhalter replied the resolution can be delayed two weeks; but he thinks the ordinance for the funds is needed. This money involves Arnold Thompson, the architects, payments they would like to start. The resolution involves a lot of work and a lot of negotiations with the Local Government Commission, and all the things involved in the issuance of bonds, and negotiations with the bank.



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Councilman Harris asked how much can be issued under (a) without getting involved with the airlines? Mr. Burkhalter replied he is not sure; that at one time \$3.5 million was issued. Councilman Harris asked why we are appropriating \$965,000, and why it cannot be done under (a) by increasing that to \$4.0 million? Mr. Birmingham replied (b) is borrowing money until we can sell the other bonds. This is transferring funds from a bond fund that we already have until the \$3.0 million bonds can be sold. This is to proceed with this work.

Councilman Short stated his sense of logic and his conscious tells him we want to stop the State rather than expedite them. This is very clear here to "just beginning work in the new terminal to justify the State's continuing the right of way acquisition for the terminal access road, estimated at approximately \$7.0 million." If the voters have voted against this building, it is almost our duty in using other peoples' money, \$7.0 million, to stop them rather than to try to forward that. He is committed to the terminal, but he does not want to hurt the project. He is afraid this kind of activity will hurt the project rather than help it.

Councilman Harris stated if we are going to build the terminal someday, we have to have the road. We should not let the money go, after the trouble we had getting it from the Department of Transportation to start with. Councilman Whittington stated we cannot close the airport down.

Councilman Gantt asked the total amount of management, architectural, engineering fees for the terminal? Mr. Birmingham replied he does not have that; but we are paying the air field engineers about five percent of construction. Mr. Odell's contract has not been funded, but it is four percent of the construction. Mr. Thompson's contract is based on whatever time he spends. Councilman Gantt stated that would amount to about \$1.0 million for the architectural work at four percent of the \$26.0 million terminal; and almost another million dollars for engineering and that is \$20 million. What Mr. Birmingham is asking for is half of the engineering and architectural funds that would be required for the entire terminal. Perhaps we should say we are starting the design of the terminal because it is something we need to do. That he wants to move ahead with the airport. He thinks the public should understand that we are, in fact, saying the airport needs to be there and we need to move ahead and tie a number of things together. That he still wants more time.

Councilman Harris stated it is about time for Council to have a session with the Advisory Committee again about what is going to be done.

Mr. Birmingham stated if they wait two weeks it would hurt in the fact they need to get their people started on the cross sections and field work to determine the actual grade of the terminal site. That he is not saying absolutely that it should be done today, but it is desirable. That it is something we are committed to do.

The question was called on the motion and the motion carried by the following vote:

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

The resolution is recorded in full in Resolutions Book 11, at Page 25.  
The ordinance is recorded in full in Ordinance Book 22, at Page 162.

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Councilman Harris requested a meeting be set in the next few weeks to get more information to the Council? That he would like to have a meeting whenever the information is ready.

Councilman Short stated he has no objection whatsoever to the expenditures proposed for the tower; that is in order. He has no objections whatsoever to the expenditure proposed for the architects and the planning; that is in order. His vote "no" was based on the other matter he mentioned.

Councilman Withrow stated he made a talk to the west side people last night. He did not know that we had been planning all this when he made the talk, and he would not vote for it because he thinks we would be circumventing people who were against the bonds. That is the reason he voted no.

Councilman Harris stated that is the reason Council should be updated on this.

**GRANT OFFERS, CONTRACT AND PROPOSAL FOR DOUBLAS MUNICIPAL AIRPORT MASTER PLAN DEVELOPMENT, AUTHORIZED.**

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following actions were authorized for the Douglas Municipal Airport Master Plan Development:

- (a) Grant Offer Amendment to increase the grant amendment for ADAP 8-37-0012-07 from the Federal Aviation Administration from \$337,500 to a maximum of \$371,250, a 10 percent increase.

The original grant was approved by Council on January 28, 1974 and was for land acquisition and Byrum Drive Widening. Due to substantial court awards on condemnation suits, the project could not be completed within the amount of the grant.

- (b) Grant Offer Amendment to increase the grant amendment for ADAP 8-37-0012-03 from the Federal Aviation Administration from \$2,497,000 to a maximum of \$2,747,363, a 10 percent increase.

The original grant was approved by Council on June 26, 1972 and was for land acquisition and terminal apron overlay. Due to substantial court awards on condemnation suits, the project could not be completed within the amount of the Grant.

- (c) Grant Offer Amendment to increase the grant amendment for ADAP 8-37-0012-02 from the Federal Aviation Administration from \$1,215,000 to a maximum of \$1,336,500, a 10 percent increase.

The original grant was approved by Council on January 24, 1972, and was for land acquisition. Due to substantial court awards on condemnation suits, the project could not be completed within the amount of the Grant.

- (d) Contract agreement between the North Carolina Department of Transportation and the City of Charlotte, in the amount of \$200,000 for use in conjunction with the City and FAA Paving and lighting new Runway 18R/36L.

- (e) Proposal from Law Engineering Testing Company to perform testing and inspection in connection with the plate bearing testing of the North/South Runway, Pjt. 8-37-0012-09. The estimated cost for the services is \$8,500.00 and funds have previously been appropriated for the work.

The work is necessary to comply with FAA requirements and the total cost has been included as part of the U. S. Grant Offer for the project.

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**ORDINANCES TRANSFERRING FUNDS FOR AIRPORT PROJECTS, AUTHORIZED.**

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the following ordinances were adopted:

- (a) Ordinance No. 682-X transferring \$150,000 from the 1972 Airport Bond Fund and increasing revenue estimates for federal grant income by \$150,000 or a total of \$300,000 to provide appropriations for land acquisition at Douglas Municipal Airport.
- (b) Ordinance No. 683-X transferring \$225,909 from the 1972 Airport Bond Fund, and establishing a revenue estimate for a FAA Grant of \$773,589 or a total of \$999,498, to provide an appropriation for the lighting system for the North/South Parallel Runway and East Taxiway System.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 163.

**CONTRACT WITH YELLOW CAB COMPANY FOR TAXI LIMOUSINE SERVICES AT DOUGLAS MUNICIPAL AIRPORT, APPROVED AND BID OF CHARLOTTE CAB COMPANY REJECTED.**

Councilman Whittington moved approval of a contract with Yellow Cab Company for Taxi-limousine services to and from the airport, and that the bid of Charlotte Cab Company be rejected for not complying with specifications. The motion was seconded by Councilman Harris.

Mr. John Walker, Attorney for the Charlotte Cab Company, stated they feel they met the basic requirements as set out in the bid specifications, and they are capable of providing the service at the airport. They did outbid by about \$500 less ten percent higher than the bidding company. He stated in the attachment sent out to Council on the second page it refers to the reporting forms. That should not provide any problems for them at all; they are willing to do anything they ask and use any forms they are requested. He stated they offered a better reporting system than the competitor had to offer in that their privately owned cabs had less incentive to falsify their own records, and thereby reduce the gross profits.

Mr. Walker then discussed some of the reason they were told they did not comply and therefore did not meet the specifications.

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

**LAPOINTE LEASING CORPORATION, DBA BUDGET RENT A CAR AWARDED CONTRACT FOR THE FOURTH CONCESSION AT THE AIRPORT.**

Councilman Withrow moved that Council reconsider its action of June 2 on the rejection of two bidders for the fourth concession for rent a car at the airport. The motion was seconded by Councilman Harris.

Mr. William K. VanAllen, Attorney for LaPointe Leasing Corporation, and Mr. Cal Chesson, Attorney for Dollar Rent A Car, spoke to the question.

The vote was taken on the motion to reconsider and carried unanimously.

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After discussion, Councilman Harris moved that Council rescind its action of June 2 rejecting the fourth and fifth bidders and authorizing new bids for the fourth concession. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Withrow moved that contract be awarded to LaPointe Leasing Corporation, DBS Budget Rent-A-Car as the fourth rent a car concession at the airport. The motion was seconded by Councilman Harris, and after discussion, carried by the following vote:

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

Mr. Chesson stated he would like for Council to consider, in the event that one of the four bids that were approved is not able to comply with their bid, and for some reason is rejected, if the Council will accept the bid of Dollar Rent-A-Car in that event.

Mayor Belk asked that the City Manager make note of this request and in the event the others do not fulfill their obligations that this Company be considered.

#### REPORT ON THE COMPUTER SYSTEM REGULATING TRAFFIC SIGNALS.

Councilman Withrow stated he was prepared today to ask that Council give a deadline on the computer, and if SDC did not meet the deadline then pull the bond. He stated although the contractual difference between the City and SDC seem to be settled last Friday, he asked Mr. Corbett, Traffic Director, to review the final results of last week's negotiations.

Mr. Corbett stated last Thursday evening they did meet with SDC, which was one of many meetings held over the last several months to reconcile the problems. The City was concerned with a number of things whereby it felt the contract had not provided the system according to specifications. SDC was concerned about the cost impact. They did agree, and they came up with the City to get each of those things which it believes the specifications says it is to have - such things as cleaning up the software, protecting the cables, and other provisions. In order to get SDC back on the job to complete the work there were several things we had to do. One was to give them credit for part of the training the specifications require; second was to give them credit for some extra days of work - to give them credit for various problems which occurred back over the history of the project where they were not at fault. These things we did. The results is that beginning tomorrow morning City of Charlotte employees will move into the central computer facility, and will begin to place in operation the programs which will make the signals more efficient for the public as they go to and from work.

Councilman Withrow asked if this is the best possible solution? Mr. Corbett replied yes. There were several alternatives which were open. One was to declare the contract in default. On May 2, a letter was sent to the contractor advising him of the places we felt he was deficient and directing him to proceed forthwith. Three weeks later he had not done so, and we had a meeting with him to define that direction. We then notified him that if within ten days he had not proceeded to work, we would start action to declare him in default. Friday morning at 9:00 o'clock there was a meeting scheduled with the bonding company, the contractor, representatives of the state and city with letters prepared to deliver to each of those declaring the contract in default.

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Fortunately, on Thursday evening they were able to reach an agreement. He stated this was the best solution because declaring the contract in default or by going to court we would have been tied up for many months or many years. The City Attorney, City Manager's Office, and the MIS Department, State and Federal people all worked towards this end, and he was advised if it went to court or defaulted it could be many years before getting the ability to make changes so far as the public might be concerned.

Mr. Corbett stated three months ago both the City and the contractor were unwilling to agree to those things that were necessary. The city felt it could not consent to the propositions placed before it at that time. The contractor felt because of the extra cost that would be placed upon him, since he claimed he was already losing money, he would not agree to do those things without some assurance from the city that additional tasks would not be placed upon them.

Mr. Corbett stated they defined all the tasks and reached an agreement, and he thinks this is something that they can get the system operating. Councilman Withrow asked when the man on the street or city council will recognize that it is operating? Mr. Corbett replied tomorrow morning those who ride Fourth Street can look at the signals very carefully and see if there has not been a tremendous improvement over what has been in operation during the last several months. Over the next ten days additional changes will be made. The contractor has allowed them to have this ten days to make the changes and we will expend approximately one man year over these ten days putting in three new programs - one for morning peak hour, one for afternoon peak hour, and one for off-peak conditions.

Mr. Corbett stated the contract provides that after all the work is complete, if the contractor feels there are certain cases where he has done work, not required by the contract, then he has the legal right to file claim against the city. Such claims will be filed in due time, and will be processed by city, state, and federal personnel, and proper consideration given to it. What the amount might be and what they all are, we do not know. Councilman Harris asked if the city has the right to file a claim against the contractor for damages, and Mr. Corbett replied he is sure the City Attorney would advise that we do.

Our specifications were for a computer to provide certain needed functions so far as traffic signals are concerned. It is true that such a system can be taken off line, no longer control the traffic signals, and be utilized for another purpose. Both functions cannot be done at the same time. The City has a very large staff of computer experts in MIS Department, and they have been available to them throughout this project. Their assistance has been sought, and they have given excellent advise.

#### MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the meeting at this time, and Mayor pro tem Whittington presided for the remainder of the Session.

#### TRAFFIC DIRECTOR REQUESTED TO CHECK TWO TRAFFIC SIGNALS AT MOREHEAD AND SOUTH BOULEVARD.

Mayor pro tem Whittington requested Mr. Corbett, Traffic Engineer, to have someone check the two traffic signals at Morehead and South Boulevard - the two ramps. Those lights are not coordinated. One will turn green and the other is red, and there have <sup>been</sup> a series of accidents there, and no one seems to be able to do anything about them.

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INFORMATION REQUESTED ON INTERSECTION OF THIRD AND DAVIDSON STREETS.

Councilman Harris stated about a week and a half ago he requested information about Third and Davidson Streets. He was told today that he might get it tomorrow. Mr. Corbett replied the report is ready and he will receive it tomorrow.

EFFECTIVE DATE OF NEW LITTER AND TRASH ORDINANCE CHANGED FROM JULY 1 TO AUGUST 1.

Councilman Short moved that the effective date of the new trash and litter ordinance be set for August 1 instead of July 1. The motion was seconded by Councilman Williams, and after discussion carried unanimously.

LITTER ORDINANCE TO REMAIN AS IS FOR 90 DAY TRIAL PERIOD WITHOUT AMENDMENT.

Councilwoman Locke moved adoption of an ordinance amending the Litter Ordinance deleting the provision in Section 10-13 which requires citizens to place household trash at the curb no earlier than noon on the day preceding the collection date, and allowing the trash to be placed at the curb on the Saturday preceding the collection date. The motion was seconded by Councilman Williams.

During the discussion on the change in effective date of the ordinance, Mayor pro tem Whittington stated he noticed in the newspaper that Mr. Short has said his preference is to leave the ordinance as is, and give the City Manager the authority to make changes, or if there is a hardship case somewhere do something about it.

Councilman Short stated he thinks this is a good plan; those who have been here will remember we have revised the trash, litter, garbage and various related ordinances from time to time. Every time it is very hard to hit the preference of every single citizen; in fact it is impossible. As occurred before we have had to make some arrangement that the City Manager, and Public Works Director and staff make such adjustment in order to accommodate some very elderly person, or someone whose terrain or yard was on a steep incline. That he thinks this is done in a lot of legislation; it is done in the income tax field. Congress passes laws and then it has to be administratively handled, and bulletins have to be issued from the administrative level. That he thinks we should proceed this way this time.

Mr. Burkhalter, City Manager, replied in the first two or three months of this ordinance, we will not go out and start handing out tickets on this; we will give warnings in the early stages. That he believes he can do that administratively.

Mayor pro tem Whittington stated he is concerned about making an iron clad rule for Mr. Hopson's department and then there are some cases that need special attention. He has just passed a note to the City Manager from a lady who has sight problems, and she has sunken garbage cans and the only way to get to the cans is to go up the steps, across the breeze-way, and down in the back. When they get there, she cannot take them out. That he is not going to give Bob Hopson, or anyone else, that kind of free hand unless someone has the authority to help these people out who need help. That he gets fifteen calls a week about this Department, and it is not criticizing that Department, but we make rules and they have to be bent a little bit, and he bends them. But someone has to have an understanding that we are willing to do that.

Councilman Short stated that is the kind of thing he is trying to get out.

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Councilman Gantt stated this present item requests that you go back to a Saturday situation of putting out the debris and things of that nature. A lady called him this afternoon and said she is an old lady, and her yard man comes on Thursday, and she would not be able to comply with either time.

Councilman Gantt asked that Council give the ordinance a chance on the Tuesday, and see how it works.

Councilwoman Locke stated there are many traveling people, and those people who work five days a week through Friday who do their trash collecting and cutting of limbs and such on Saturday and Sunday, and put it out for collection on Wednesday. It is also the only time high school students are available to help the elderly and disabled with their yard work. She stated that is a hardship no matter what for most people.

Councilman Harris stated the concern he had originally was people putting out paper and such to blow all over the neighborhood; that you do not have that in limbs and things when you clean up a yard. That cannot be blown all over the place. That he thinks this would be a good action.

Also speaking to the question was Mr. J. B. Smith, Chairman of the Clean City Committee, who asked that Council give this ordinance a try as it is for 60 to 90 day period and see how it works in order to keep Charlotte clean.

Councilman Gantt made a substitute motion to leave the ordinance as it is for a trial period of 90 days with no tickets to be given, only warnings. The motion was seconded by Councilman Short, and carried as follows:

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

Mayor pro tem Whittington broke the tie voting in favor of the substitute motion.

#### ORDINANCE AND CONTRACTS AUTHORIZED RELATING TO PHASE-OUT OF MODEL CITIES PROGRAM.

Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, Ordinance No. 684-X amending appropriations within the Model Cities Fund to provide for closing out of Model Cities Activities was adopted and is recorded in full in Ordinance Book 22, at Page 165.

Councilman Harris moved approval of the authorization to extend third party contracts with MOTION and MEDCO to meet necessary closeout costs which will occur during a portion of July, 1975. The motion was seconded by Councilman Gantt, and carried unanimously.

#### NOMINATIONS TO VARIOUS BOARD AND COMMITTEES.

Councilwoman Locke placed in nomination the name of Ms. Kim Jolly to succeed herself on the Charlotte-Mecklenburg Planning Commission for a three year term.

Councilman Short placed in nomination the name of Ms. David Marrash to succeed Mr. John C. Turner on the Charlotte-Mecklenburg Planning Commission for a three year term.

Councilman Harris placed in nomination the name of Mr. Emil Jim Kratt to succeed Mr. John C. Turner on the Charlotte-Mecklenburg Planning Commission for a three year term.

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Councilman Harris placed in nomination the name of Mr. Ernest Hunter for reappointment to the Charlotte-Mecklenburg Historic Properties Commission for a three year term.

Councilman Short placed in nomination the name of Mr. David Grier Martin to succeed himself on the Civil Service Board for a three year term.

Councilman Gantt placed in nomination the name of Ms. Mildred P. Alridge to succeed herself on the Charlotte-Mecklenburg Historic Properties Commission for a three year term.

**MOTION TO HOLD EXECUTIVE SESSION.**

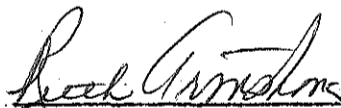
Councilman Withrow moved that City Council hold an executive session at the conclusion of this meeting for the purpose of conferring with the City Attorney on certain matters involved in a law suit entitled "Local 660 et al vs. City of Charlotte, et al." The motion was seconded by Councilwoman Locke.

Councilman Williams asked if Council will be talking about something confidential that might affect the outcome? Mr. Underhill, City Attorney, replied he proposes to discuss with Council the status of the case, our legal position at this time, and possible courses of action available to the Council in considering the decision of the Fourth Circuit that was handed down last week. Councilman Williams asked if he thinks it should be done privately in order to give candid advise? Mr. Burkhalter, City Manager, replied Council will have to determine strategy.

The vote was taken on the motion and carried unanimously.

**ADJOURNMENT.**

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

  
Ruth Armstrong, City Clerk