

MAY 19, 1975
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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, May 19, 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 James B. Whittington.

MINUTES APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the minutes of the last two meetings, May 5 and May 12, 1975, were approved as submitted, with the following correction in the minutes of May 12, 1975.

Minute Book 61, Page 492, Third Paragraph, First sentence, remove the last two words of the first line and the first word of the second line "accept personally employed", and add "itself employ", making the sentence read as follows: "Councilman Short stated the City Council does not itself employ personnel, other than one or two."

BOOK AND FOLIO PRESENTED TO OFFICE OF MAYOR ON THE BICENTENNIAL.

Mr. Luther Hodges, Jr. stated present with him this afternoon is Mrs. Danyne Romine and Professor Donald Sexauer. Mrs. Romaine is an author who lives in Charlotte and Mr. Sexauer is one of North Carolina's leading artists, and is currently professor of Art at Eastern Carolina University. They have collaborated on a book entitled: "The Mecklenburg, A Bicentennial Story," which goes on sale in most book stores today.

He stated this is an entertaining account of more than 200 years of history in Charlotte and Mecklenburg. It was their privilege at NCNB to be involved in the official bicentennial activity in several important ways. They commissioned Mrs. Romine to do the research that lead to her writing this book. Various members of their staff worked with Mrs. Romine editing and designing the book and arranging for its publication. Their partner in the development of Charlotte's Number One lot, Crowe-Carter and Associates, joined them by advancing funds for the printing of the book. Then NCNB commissioned Mr. Sexauer to create seven original intaglios to serve as illustrations for the book.

Mr. Hodes presented Mrs. Romine and Mr. Sexauer who in term presented the Mayor with an official copy of the Book, and a folio of the seven intaglios of bicentennial folios.

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ORDINANCE NO. 612-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PARK ROAD AND PARK ROAD FROM R-15 TO F-6MPH, AS PETITIONED BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and after discussion the subject ordinance changing the zoning from R-15 to R-6MPH of property at the southwest corner of the intersection of Park Road and Park Road, as recommended by the Planning Commission was adopted by unanimous vote of the Council.

The ordinance is recorded in full in Ordinance Book 22, at Page 46.

PETITION NO. 75-8 BY HERMAN G. LOOPER, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD, BETWEEN WALTON ROAD AND LOTUS LANE, DENIED.

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

PETITION NO. 75-12 BY WILLIAM A. ALLMON FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF PROPERTY FRONTING ABOUT 153 FEET ON THE WEST SIDE OF PARK ROAD, BEGINNING APPROXIMATELY 200 FEET NORTH OF THE INTERSECTION OF PARK ROAD AND SHARON ROAD, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

PETITION NO. 75-9 BY PROVIDENCE SQUARE III PROPERTIES FOR A CHANGE IN ZONING FROM R-20MF AND R-15MF TO R-20MF AND R-15MF OF THREE TRACTS OF LAND, TOTALING 1.88 ACRES IN SIZE, AND CONSIDER CONDITIONAL APPROVAL TO AN EXISTING TENNIS FACILITIES LOCATED ON LANDMARK DRIVE, OFF SARDIS LANE, DENIED.

Councilman Short stated several years ago, he and some other members of Council voted for about six acres of business zoning in this location which, as was known was an experiment to see if it was possible to put business successfully back off Providence Road to serve the people in that area. This procedure would eliminate the danger of urban sprawl and business sprawl out Providence Road. The proposal was discussed for a long time by Council, and the original proposal was for a 14 acre business area, which was cut down to six acres. He stated he made it very plain at that time that he would not vote even to expand that in any way. It seems to him this present petition amounts to increasing the business through a conditional approval sought here. That he feels bound by his previous commitment.

Councilman Short moved the petition be denied. The motion was seconded by Councilman Gantt, and carried unanimously.

PETITION NO. 75-10 BY CARL J. SCHNEIDER FOR A CHANGE IN ZONING FROM I-1 AND R-9 TO I-1 AND I-2 OF 24.12 ACRES OF LAND ON THE NORTH SIDE OF INTERSTATE 85 AND EAST OF STARITA ROAD, DEFERRED ONE WEEK.

Councilman Short moved that the subject petition be deferred for one week, which motion was seconded by Councilman Withrow, and unanimously carried.

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ORDINANCE NO. 613-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PARK ROAD AND CLOSEBURN ROAD FROM R-15 TO R-12MF, AS PETITIONED BY CHARLES O. STARNES.

Upon motion of Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning of property from R-15 to R-12MF, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 47.

SPECIAL USE PERMIT FOR CHARLOTTE SCOTTISH RITE BODIES, APPROVED.

Motion was made by Councilman Whittington and seconded by Councilman Harris, approving a Special Use Permit for Charlotte Scottish Rite Bodies to operate a masonic facility at 4810 Randolph Road, as recommended by the Planning Commission, and carried by the following vote:

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

SCROLL PRESENTED TO MAYOR BELK FROM THE MAYOR OF THE BOROUGH OF CARRICKFERGUS, NORTH IRELAND.

Captain Richard Arthur Fredrick Dobbs, her Majesty Lieutenant, North Ireland, was present to bring greetings from the Mayor of Carrickfergus.

Captain Dobbs stated he is extremely pleased to be asked to do this today. The night before he left Carrickfergus, the Mayor asked him to bring a special message. That he is particularly glad to do it as Governor Dobbs was Mayor of Carrickfergus four times, starting in 1721, and many of his family have been Mayor.

He stated Carrickfergus itself is an old town; it has a Norman Council and a Norman Church; it dates back to the early part of the 12th Century. The seal on the scroll which he is presenting to Mayor Belk is the Mayor's personal seal, and it dates back to the early part of the 13th Century.

Captain Dobbs presented Mayor Belk with a scroll containing the Mayor of Carrickfergus's personal seal.

SPECIAL USE PERMIT APPROVED FOR OPERATION OF A SOCIAL CLUB TO BARCELONA APARTMENTS.

Councilman Whittington moved approval of the special use permit for the operation of a social club to the Barcelona Apartments, located at 3431 North Sharon Amity Road, owned by The Sterling Company, as recommended by the Planning Commission. The motion was seconded by Councilman Williams, and carried unanimously.

MAYOR BELK LEAVES CHAIR.

Mayor Belk left the meeting during the discussion of the following item due to a conflict, and Mayor pro tem Whittington presided until his return.

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AMENDMENT TO CONTRACT FOR THE SALE OF LAND TO ISA IN DOWNTOWN URBAN RENEWAL PROJECT, AND AGREEMENT BETWEEN THE CITY AND ISA CONCERNING THE SALE OF LAND IN THE DOWNTOWN URBAN RENEWAL AREA, NDP, DEFERRED FOR ONE WEEK.

The subject contract amendment and agreement were presented for Council's consideration.

Mr. Jim Allison, Attorney with Miller, Creasy, Allison and Johnson, stated he is present on behalf of the Community Development Department.

Mr. Allison stated the amendments were so bulky and the majority of the amendments are basically easements, which had been approved by the various departments of the City of Charlotte, we did not think the Councilmembers would want copies of all these exhibits. He then realized that it may be necessary to see those, so they were xeroxed and copies made available at this time. The majority of them contain technical information. That he will be happy to go into any of this and explain them to Council.

Mayor pro tem Whittington suggested that Council delay approval of these items and ask staff and the City Attorney's office to sit with each member of Council between now and next Monday and answer the questions they may have. He stated he has never known before that the City was responsible for the construction of any pedestrian overhead bridges; he was under the impression that this would be done by the banks and the garage people connecting these blocks with Third Street north, across Trade and across Tryon and across College. That he thinks all members of Council should have those answers and any other supporting information.

Councilman Harris asked why the parking garage is going from 600 to 400 spaces? Mr. Allison replied it is basically related to the amendment to the contract which is Item A as opposed to Item B which is the agreement. The amendment to the contract does reduce the required parking spaces from 600 to 400; this was necessitated by the City's not being able to convey the property in this part of the downtown block in accordance with the time schedule set out in the contract because of the federal lawsuits. As a result ISA had to construct a separate parking structure at the intersection of West Fourth and Church Street.

They had to build it to give parking spaces for the tenants in the NCNB building, and the City could not convey the land on time to permit them to construct the parking structure.

Councilman Harris referred to Page 3, Item 4, Pedestrian bridges, in which it states the City will construct at its expense the pedestrian bridges which will span East Trade Street, South College Street and East Fourth Street.

The City Manager stated sometime ago the Urban Redevelopment Department asked Council to hold a public hearing in which they would look at proposals for the development of the Square. One of the proposals, and the proposal that Council accepted, was the one proposed by the people who now have built the building, the Independence Square Associates. The City knowing and having had some experience in the block where the Civic Center was, made some commitments to furnish this land to them and they would agree to develop it as it was. The Redevelopment Plan which Council approved is the basis of what is talked about today. They agreed to develop this plan, and today we are making a few amendments to the original plan. Many of the amendments today are because the City was unable to deliver the land as the signed contract was to do. We had title to the land, but we could not convey it to the person we had sold it to under threat of an injunction of Federal Court. Federal Court said if we did it they would enjoin us from doing it. Therefore we could not convey the title to the land to them.

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Many things happened in the interim. The economy changed; the building got to the point where in order to honor their leases with their tenants they had to provide a certain number of parking spaces; in order to change the financing of the building, they had to show this had to be done. But there was no way to give them the land to build the parking on. They then bought a piece of land, and built some parking on it. Second, they had to build a hotel, and we could not give them the deed to the land so they could build the hotel. Then the economy changed and other things came about. Now, they claim that the City is considerably liable in the fact they agreed to do something and did not do it. So what are the city's problems? Draw your own conclusion.

Mr. Burkhalter stated this amendment will remove all of that. This amendment has a clause in it which holds everybody free and equal and winds it all up. There are certain things that the Urban Redevelopment Authority agreed to do, including walkways, and such which were a part of urban redevelopment, and is now the City. These things are done under the urban redevelopment plan which means the city's cost is 1/3 of whatever the costs might be, and 2/3 is borne by the federal government.

Mr. Allison stated the original contract of sale entered into between the Redevelopment Commission of the City of Charlotte, and the Independence Square Associates was March 3, 1972. At that point in time, the Redevelopment Commission agreed to construct three pedestrian bridges - one across East Trade, one across South College and one across East Fourth Street. The basic concept of the bridges is part of the whole urban redevelopment plan for downtown urban renewal area. The contract as such was entered into between the Redevelopment Commission and ISA was, in fact, approved by the City before it could have been executed. At that time urban renewal was in the guidance of the Redevelopment Commission, which is different from today, as it is now a department of the City. The concept of our obligation or responsibility for the bridges is an old one, and it was agreed to a long time ago. It appeared in the original contract of sale. Now we are coming down to the final conveyance of land, and we were trying to identify with more certainty the location of the bridges, the hours of use, maintenance and so forth, or at least to agree to agree on these things in the future.

Councilman Harris stated Mr. Allison is saying we are obligated to build the bridges - one across East Trade to Belks, one to the Civic Center and one across East Fourth Street. He asked if the one to First Union has been deleted? Mr. Allison replied he is not familiar with that one. The three bridges in the contract are East Trade Street, South College Street and East Fourth Street. That is a legal obligation of the City of Charlotte. The issue of whether we are responsible for these bridges is not before us at this time. The city is obligated to do it. The commitment was made by the Redevelopment Commission, but it was approved by the City of Charlotte prior to 1972. Mr. Allison stated in the contract of sale, the City agreed to build the three bridges.

Councilman Short asked if the negotiated sale act which applies to Mecklenburg and Durham Counties allows us to go back and renegotiate the sales contract after the fact. Can we actually come back and reduce what the successful negotiator agreed to do and so forth? Mr. Allison replied we cannot go back and undo what we have done. We are always authorized to modify the contract in any way as long as both parties agree to that modification as long as it does not violate any HUD rules and regulations. If you decide to have a park or a motel with no office space, there would be a question of modification. But the reduction of the parking spaces from 600 to 400 spaces would not be material to void any original contract.

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Councilman Short referred to the bottom of Page 4 of the agreement, under (C) Control, and stated the upshot is that the City Council after building with public money the pedestrian walkway across to the Civic Center wanted to use that walkway for some commercial or retail activity it would have to have the permission of ISA. That he does not question this provision as to the other two bridges, but the one leading into the Civic Center seems to him would be an embarrassment for Council to say it built this with public money, but we have to go to this private corporation to give us permission to do what we might want to do, and what the public might like to have, or even what the Civic Center might like to have on the walkway. He stated during the week of the delay, he would appreciate Mr. Allison discussing with Mr. Freeman or whoever represents ISA if this provision to this bridge cannot be deleted. Mr. Allison replied ISA had some valid reasons for requesting that provisions. They are designing their structure to receive the bridges; the bridge will open on their retail corridor with retail stores. Councilman Short replied he can see their feelings, but the greater equity really lies with the City to a walkway that runs across into the Civic Center.

Councilman Williams asked how much the bridges will cost? Mr. Allison replied he has not seen any figures at all on the. Councilwoman Locke asked if this could be brought back to Council next week. Mr. Bobo, Assistant City Manager, stated they only have a rough estimate at this time.

Mr. Burkhalter stated this Council was very happy and very pleased to get someone to build on this block. They were trying to develop downtown, and were making a great effort to do it. That the study had been made by Ponte, Wolfe and Travers to develop this, and the Developer came in that would do it in the sense exactly like the whole plan for downtown. That he assumes the Redevelopment Commission and members of Council felt it would be good if they could tie down the civic center plaza elevation which was used to fix the elevation of the walkway structure throughout the city determined by the City. The urban redevelopment people agreed and wanted to get this development and to get them to tie into these elevations, and to build according to what the city wanted built, to build these three walkways into the building structure so that this would be the center. This was the agreement. By having that, the walkway across Fourth Street into the parking structure, through this Council's direction, we were able to almost instruct the developers of that parcel of land how to build their parking structure and how to build their bank structure, and what to do going through the whole structure. There is a walkway through this whole building

Councilman Harris asked if the Jefferson-First Union was not tied in with this. The first drawing he saw back in 1972 had the tie-in with the parking garage and Jefferson First Union Building, to be under cover all the way to Fifth Street. The City Manager replied there was always a variance in elevation at the First Union structure. The last time he talked to the First Union people they had not decided how they wanted to tie in. The elevation is determined across the street. We had to do that when Southern National building was approved. Everybody was involved. That he told them that any overhead or underground passageway that would be built in the future would have to be at their own expense. They have all been told this without exception. Councilman Harris asked how much it is suppose to cost? Mr. Burkhalter replied it seems to him the figure is from \$120,000 to \$150,000 each. Which means it would cost the city about \$40,000.

Councilman Gantt stated the thing that disturbs him is that the designs should be ready in about 90 days and we still do not have any costs. He sees nothing in the agreement about when the bridges have to be built. The hotel has been started and everything is going forward. It seems this would have to be in next year's budget. Mr. Burkhalter replied it has been in the urban redevelopment budget for the past two years.

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Most of the urban redevelopment money is bond money going for this purpose, and the city has contributed money to redevelopment over a period of time, and some revenue sharing money. What makes this difficult for him to answer is that you buy all this property through borrowed money - the federal government issues money to buy it - and when it is bought the city does certain things. The city builds streets and receives credits. The civic center paid for a lot of the city's share from credits. Then the city paved College Street, and that paid for part of it. When it is narrowed down, and it is all over, what is left, net cost after the land is sold, if it is \$1.0 million, then it would cost the city \$333,000. We continue to amend the contract with the federal government all along to reflect how much we will, or how much we will not pay. Councilman Gantt stated he would like to see the estimate on how much this will cost. Mr. Bobo, Assistant City Manager, stated the architects are working on updating the costs and he would prefer to have this information before giving Council a figure.

Councilman Harris stated there are two related letters that do not involve the pedestrian walkways but it is in the same agreement. He referred to a letter dated April 9, from Mr. Burkhalter to Mr. Berry relating to the closing of the lanes on Fourth Street. The first letter has to do with the credits to Home Federal Savings and Loan, and it relates to approximately \$31,000 in total costs. This relates to a problem of about a year ago. In reading the minutes he noticed that it said this had been resolved. Mr. Allison replied at the time he did not make a specific agreement, and that is why they did not receive a copy of it. Anticipating that this might come up, he does have copies now, and he passed around copies for Council.

Councilman Harris stated the second letter has to do with the letter to Mr. Berry. That he thinks the City should make these people adhere to the agreement. We have to adhere to it on our end. The one point which he read - "I am sure we all understand that the lane on Fourth Street cannot be closed until Southern National Bank vacates the lane that now is closed for the construction of the building. I understand this will be very soon, probably before you start construction." Councilman Harris stated that is not what happened. He wonders if there is any recourse we now have. There is now one lane that you can barely get between College and Tryon Streets. Is there any way to expedite cleaning up the Southern National side because the sidewalk has been torn up and a lane of traffic has been taken? Mr. Allison stated he understands certain arrangements have been worked out on East Fourth Street. The basic letter, Mr. Burkhalter's letter, stands. Councilman Harris asked what will be done? Mr. Allison replied he understands the Traffic Department has worked it out with ISA; certainly Council can go back to ISA and say the street has to be open until Southern National gets out. Councilman Harris stated in the mornings and in the afternoons it is unbearable. Is there some way, since the city is going to honor its agreement, we can have them honor theirs? Or was this a legal agreement? Mr. Burkhalter replied he wrote and told them what Council said at the meeting. When they met, the first thing they did was to close it off completely and there was no place to walk at all for several days. That he asked the Traffic Department and Public Works Department to go up and make a safe place for people to walk. That he was more concerned about the foot traffic than the automobile. We did maintain the single lane of traffic that is there now, and a requested place for the people to walk in.

Councilman Harris stated he noticed that the tunnel is being covered up. He asked if there is anything to open up that lane of traffic. How much longer will that take? Mr. Burkhalter replied it is his understanding that we are going to close the other side - Third Street - which has been open all the time at College Street to one lane. He understands this will be filled in and then we will put a lane of traffic on College Street all the way through. Councilman Harris asked what about Fourth Street?

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Mr. Burkhalter replied it looks from driving through there they are about ready to do it. When that is done, then the fence comes down on the other side of the street, and people walk on that side. Mr. Readling, City Engineer, stated there is a schedule on this work; they were given six weeks, and it should be about up. The sidewalk was undermined along Southern National because of a broken water line, and we had to go through that; but it is about completed now. Southern National has completed the sidewalk and curb, the tunnel has been backfilled and much of the concrete has been put in. We should have two lanes open and pedestrians concrete sidewalk in a short period of time.

Councilman Harris stated the city built the sidewalk on Fourth Street; paved it and now it has been torn up. That he understands now they are going to put in the new type sidewalk all the way around the block. Mr. Readling replied that is right; they had footings under the sidewalks and they had to remove them. Councilman Harris stated then we are going to turn around and give them credit for the sidewalk on Fourth Street? Mr. Allison replied no, not on Fourth Street. On Trade Street the City did not build the sidewalk, and ISA will have their construction people there and can build them cheaper, and we will give them credit up to our costs.

Mr. Allison stated it became significant for ISA that they had to do some special tie-back and shoring system. If we had been able to convey the property on schedule, certain streets, Fourth Street, East Trade, would not have been widened at that time. The right of ways were there, but the streets would not have been widened and the traffic would not be in that lane. As a result, ISA is having to go to considerable expense to put in a very special tie-back and shoring system. Councilman Harris stated it is a terrible situation, but we have to live with it. The agreements are made and we have to build these walkways. Councilman Williams asked if Council could receive copies of the contracts? Mr. Allison stated there is the original contract of March 1972, a modification dated August 29, 1972, and this most recent amendment dated today.

Councilman Harris moved that this be deferred one week. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington stated Mr. Odell and a Master Plan Committee presented to the Council, the Downtown Association and Central Charlotte Association, about 12 years ago, a master plan of downtown. This is where these pedestrian overhead walks came from. All recall when the Civic Center site was at Second and Brevard Street, and in order to build it there, it would have to be built on stilts because of the contour of the land was so much lower at that point than it is at the Square. This is where the pedestrian walkways, or platform city, came from. Since that time, Ponte, Travers and Wolfe developed a plan for pedestrian walkways, circular traffic. With all of this came the opportunity for the city to take the block bounded by Fourth, Trade, Tryon and College into Downtown Urban Renewal, and Carter, Crowe Associates came along and did the building. The point he wants to make is just what he has said, and to say as far as he is concerned, all he ever recalls agreeing to is this general concept of a pedestrian walkway system downtown. He stated staff should take some responsibility as to what Council agrees to when it gets a document on Friday, and today they get a document as they came into the Council Chambers, to approve. It seems that somehow the Staff could give Council in a one page synopsis what Council is being asked to approve or disapprove, so that this sort of thing does not come up again. He stated he does not recall approving any such agreement to build pedestrian walkways at the city's expense. It has been his impression all the time this would be done by the banks, the parking facilities, and perhaps the City would have been obligated to build one across College Street into the NCNB.

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Mayor pro tem Whittington stated he thinks we can work out a system where this does not happen again. That he is told he approved something in 1972, and perhaps he did, but in such a general way that he is embarrassed about what has been brought out today.

Councilman Short asked if these walkways will be built under the usual urban renewal formula - 2/3 federal and 1/3 local? Mr. Allison replied that is his understanding.

Councilman Short stated he does not believe that moving the civic center was related to the walkway system. There has been a lot of confusion on that subject, but moving the civic center was purely related to the problems of the railroad, and could not get those railroads located in the proper place. Mayor pro tem Whittington replied that is right; he only brought that in because of the contour of the land.

Councilman Withrow asked if Council will approve the design of the walkways at a later date? Mr. Bobo replied they will see the plan; they have seen sketches of some of them some months ago. But Council will view the complete plans as they are drawn.

Councilman Short stated some of the newer members of Council would like to have in the agenda material some minutes of what was done by City Council in the earlier dates.

Mayor pro tem Whittington stated there is a motion to delay one week, with the understanding that staff will talk to councilmembers individually. Mr. Burkhalter stated he thought we had just done that. What more is there to tell Council? Mayor pro tem Whittington replied that is up to Council; he has more questions.

Mr. Claude Freeman, Attorney, stated his firm represents ISA, and they would be pleased to appear themselves or have their clients here to take part in this explanation.

The vote was taken on the motion and carried unanimously.

MAYOR BELK RETURNS TO MEETING AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk returned to the meeting at this time, and presided for the remainder of the session.

ORDINANCE AND RESOLUTION UPDATING CEMETERY CHARGES AND ADOPTING RULES AND REGULATIONS OF THE CEMETERIES DIVISION.

The following ordinance and resolution were presented to Council for consideration on updating cemetery charges and adopting rules and regulations of the cemetery division:

- (a) Ordinance No. 614 amending Chapter 7 of the Code of the City of Charlotte updating cemetery charges, by increasing amount allocated to perpetual care fund, reducing maintenance expenses by requiring charges for high maintenance problems, and by expanding the available services to the public.
- (b) Resolution of the City Council adopting the Rules and Regulations of the Cemeteries Division.

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Councilman Whittington stated he has asked the City Attorney to state for the record if he has a conflict of interest. Mr. Watts, Assistant City Attorney, replied in his opinion there would not be. He says this after reviewing the ordinance and resolution; he thinks there is no personal involvement and he would not be precluded from taking part in this action.

Councilman Whittington stated the Landscape Department which has responsibility for the cemeteries has made surveys of the local private cemeteries and other cemeteries in the area. That there are two things he disagrees with. Number one is the section stating that a funeral entering the cemetery after 4:00 p.m., on weekdays or all day Saturdays or holidays will be charged an extra \$50 for interment. That he disagrees with the wording of that sentence. He thinks it should state "Funerals starting at 4:00 o'clock." That he thinks that should be amended. Second, the costs of adult graves, he would suggest that we not go to \$175 per grave, but go somewhere between \$125 and \$150.

There are some things city government is responsibility for that perhaps may not be profit making. We provide police service and fire service; we provide escorts for notables or people such as a movie star or the President coming tomorrow. That he thinks there is some responsibility for city government to help with this problem as it relates to burial spaces, cost of burial procedures. The cemeteries in Charlotte charge \$250.00 per grave today, and grave opening is from \$90 up. This is a burden for a lot of people. It would be his recommendation that we not take this much of a jump at this one time, and change the wording of the sentence to read "funerals beginning after 4:00 p.m." There are a lot of things that you can control, but you cannot control the length of a service.

Mayor Belk asked his feelings on funeral processions? Doing away with them? Councilman Whittington replied he would be opposed to it. That he learned a long time ago things we get in trouble with, and one is change in peoples' funeral practices. He would not like to see us go to that. There are people in Charlotte who propose this, and one of them is a church.

Councilman Harris moved adoption of the ordinance and resolution with the two provisos stated by Councilman Whittington - changing the sentence to read "funerals beginning after 4:00 p.m.", and the charge of \$150.00 for grave opening. The motion was seconded by Councilwoman Locke.

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

The ordinance is recorded in full in Ordinance Book 22, beginning at Page 48.

The resolution is recorded in full in Resolution Book 10, beginning at Page 476.

ORDINANCE NO. 615 AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF CHARLOTTE TO CLARIFY AND COMBINE EXISTING ORDINANCES TO FORM A COMPREHENSIVE ORDINANCE AND DEFINE PRIVATE AND PUBLIC RESPONSIBILITIES FOR LITTER CONTROL AND ESTABLISHING DEPARTMENTAL AUTHORITY FOR ENFORCEMENT, AND ORDINANCE NO. 616 AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF CHARLOTTE RELATING TO ABANDONED ICE-BOXES, THE REMOVAL OF JUNK AND ABANDONED MOTOR VEHICLES.

Mr. J. B. Smith, Chairman of the Clean City Committee, was present and introduced members of the committee. Mr. Huberman, Vice Chairman, then explained the subject ordinances.

Following discussion, Councilman Short moved adoption of the ordinances to become effective July 1, 1975. The motion was seconded by Councilman Gantt.

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During the discussion, Council asked that this information be sent to the residents of the city so that each will be aware of what will be required when the ordinance become effective.

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

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 54 and ending at Page 72.

Mr. Burkhalter, City Manager, stated this Committee is doing a tremendous job, and it has been over a long period of time. Not just with this ordinance, but in developing the program. Mr. Smith stated they have held somewhere around 100 to 150 meetings with private industries.

Councilman Withrow requested the Mayor to send letters to all the businesses that have allowed their employees to work with this Committee and to perform this tremendous service to the community.

ORDINANCE NO. 617 AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF CHARLOTTE ENTITLED OFFENSES AND MISCELLANEOUS PROVISIONS.

Councilman Short moved adoption of the subject ordinance amending Chapter 13 by adding a new section, Section 13-44, to make it unlawful for any person, firm, corporation, or organization to assert that they are approved or affiliated with the State of North Carolina or any agency thereof, the City of Charlotte, Chamber of Commerce, Better Business Bureau or any other similar organization or agency when there is no such approval or affiliation. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 73.

ORDINANCE NO. 618 AMENDING CHAPTER 20 OF THE CITY CODE BY ESTABLISHING A NEW FEE SCHEDULE FOR ZONED WRECKER AND STORAGE CHARGES.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the subject ordinance was adopted establishing a new fee schedule for zoned wrecker and storage charges.

The ordinance is recorded in full in Ordinance Book 22, at Page 74.

ORDINANCE NO. 619-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION OF THE EMPLOYEE SAFETY AND MEDICAL DIVISION OF THE CITY PERSONNEL DEPARTMENT.

Councilman Harris moved adoption of the subject ordinance amending the Table of Organization of the City Personnel Department by deleting one Clerk-Typist II position and substituting in lieu thereof one Clerk III position. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 76.

ORDINANCE NO. 620-X AMENDING ORDINANCE NO. 124-X, THE 1974-75 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION OF THE MUNICIPAL INFORMATION SYSTEM DEPARTMENT BY DELETING THE MIS PROJECT MANAGER AND SUBSTITUTING ONE MIS DESIGN MANAGER.

Motion was made by Councilman Short, and seconded by Councilman Whittington to adopt the subject ordinance amending the Table of Organization of the Municipal Information System Department.

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During discussion, Councilman Harris stated this is an area we need to work in consolidating. We should make an effort to put it to work on a combined basis. Councilman Harris suggested and requested that the City Manager or some staff member talk to the County and the School Board right now because it is the prime time.

After explanation by Lynn Burleson, Personnel Department, the vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 77.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE ADDING CLASS NO. 457, MIS DESIGN MANAGER.

Councilwoman Locke moved adoption of the resolution amending the pay plan of the City of Charlotte by deleting Class No. 456, MIS Project Manager, and adding Class No. 457, MIS Design Manager. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 489.

AMENDMENT TO THE CONSOLIDATED AGREEMENT WITH THE COUNTY TO REQUIRE ANNUAL REVIEW OF THE WATER AND SEWER RATES, AND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ADOPTING AND ESTABLISHING A NEW WATER AND SEWER EXTENSION POLICY.

Councilman Whittington moved approval of the amendment to the Consolidated Agreement with the County to require annual review of the water and sewer rates. The motion was seconded by Councilman Gantt, and carried unanimously.

Councilman Whittington moved adoption of the resolution of the City Council adopting and establishing a new water and sewer extension policy for discussion. The motion was seconded by Councilwoman Locke.

Mr. Bill Berry, representing the Charlotte Home Builders Association stated they have worked with Mr. Dukes and Mr. Bobo for what they think is needed. They would like to support Mr. Dukes' changes and recommend to Council that the policy be accepted as presented to them today.

Mr. Whitlock, representing the Charlotte Home Builders Association, thanked Council for the consideration shown to them in delaying action on this matter, and for the cooperation that has been shown them in considering their views in certain aspects of it.

Councilman Williams asked if the Community Facilities Committee has seen this? Mr. Bobo, Assistant City Manager, replied Council held a public hearing with the CFC, and they later took it under consideration along with the water and sewer rates, and came back to Council with a recommendation.

Mr. Dukes, Director of Utilities Department, stated there have been a few minor changes in the policy, and he passed to Council a copy of the policy indicating the changes.

During the discussion that followed, Mr. Berry stated this has been a joint effort with Mr. Bobo, and Mr. Dukes. They would still recommend that the CFC either be expanded by two members and they be allowed a representative on the Committee or that the Committee be abolished.

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

The resolution is recorded in full in Resolutions Book 10, at Page 490.

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LEAA SUBGRANT AWARD CONTRACT BETWEEN THE CITY AND N. C. DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER, AND ORDINANCE NO. 621-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE, AMENDING REVENUES AND EXPENDITURES TO ESTABLISH AN APPROPRIATION FOR THE LEAA FUNDING POLICE PLANNING PROJECT.

Motion was made by Councilman Harris, seconded by Councilman Whittington, and unanimously carried approving the Police Planning Project, as follows:

- (a) LEAA Subgrant Award Contract between the City and the N. C. Department of Natural and Economic Resources, Division of Law and Order, in the amount of \$12,666.00.
- (b) Ordinance No 621X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, amending revenues and expenditures to establish an appropriation for the LEAA funding Police Planning Project, in the amount of \$12,666.00.

The ordinance is recorded in full in Ordinance Book 22, at Page 78.

ORDINANCE ORDERING REMOVAL OF WEEDS 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.

Motion was made by Councilman Whittington and seconded by Councilman Withrow to adopt the following ordinances:

- (a) Ordinance No. 622-X ordering removal of weeds and trash at vacant house adjacent to 321 Cemetery Street.
- (b) Ordinance No. 623-X ordering the removal of weeds and trash at 3101 Selwyn Avenue.
- (c) Ordinance No. 628-X ordering the removal of weeds and trash on vacant lot adjacent to 503 N. College Street (to right).

Councilman Gantt stated he received a complaint this morning from people who live in the area of Fireside Drive and Cinderella Road about a piece of property where they had asked the Community Improvements to look at a month ago. It is a vacant house, and the owner has not been able to sell it. The owner has not cut the grass, and it is about four or five feet high. He stated he went out and looked at it himself. This morning seven children were almost run over by a car at this location. The people in the neighborhood are very upset about this because of the children walking to Hidden Valley School; at the corner it is difficult to see, coming down Fireside Drive, youngsters four and five feet tall. One gentleman asked what could be done as he has asked someone in the Department to do something about this. That he understands from the Community Improvement that this will come before Council next week; apparently someone is making the effort to locate the owner to cut the grass. The people out there have offered to pay simply to get the grass cut now to avoid what could have been a disaster there this morning. He asked if he can add 4901 Cinderella Road to this list, and have the grass cut. If it costs \$35.00 and we have not located the owner then he will pay for it.

Councilman Gantt moved that the motion be amended to include 4901 Cinderella Road. The motion was seconded by Councilman Whittington.

The vote was taken on the motion as amended to adopt the three ordinances plus Ordinance No. 624-X ordering removal of weeds and trash at 4901 Cinderella Road, and carried unanimously.

Ordinances No. 622-X, 623-X and 624-X are recorded in full in Ordinance Book 22 beginning at Page 79.

Ordinance No. 628-X is recorded in full in Ordinance Book 22, at Page 85.

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ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE.

Councilwoman Locke moved adoption of the following ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code, which motion was seconded by Councilman Williams, and carried unanimously:

- (a) Ordinance No. 625-X ordering the dwelling at 820 East 20th Street to be vacated and closed.
- (b) Ordinance No. 626-X ordering the dwelling at 2250 Blanton Street to be vacated, demolished and removed.
- (c) Ordinance No. 627-X ordering the dwelling at 1718 S. Tryon Street to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 22, beginning on Page 82 and ending on Page 84.

RESOLUTION AUTHORIZING SOUTHERN NATIONAL BANK OF NORTH CAROLINA TO INSTALL A MONUMENT ON THE PUBLIC SIDEWALK IN FRONT OF THE FORMER SITE OF THE BANK OF CHARLOTTE BUILDING.

Upon motion of Councilman Harris, seconded by Councilman Williams, and unanimously carried, the subject resolution was adopted authorizing Southern National Bank of North Carolina to install a monument on the public sidewalk in front of the former site of the Bank of Charlotte building.

The resolution is recorded in full in Resolutions Book 10, on Page 491.

STREETS TO BE TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the following streets for continuous maintenance by the City:

- (a) Kendrick Drive, from 960' east of Highland Avenue to 1,500' north;
- (b) Knights Bridge Road, from Sabrina Court to 950' southwest;
- (c) Pewsbury Road, from Knights Bridge Road to 280' southeast.

AGREEMENT WITH VERNON REALTY COMPANY FOR THE CITY TO ACCEPT WATER MAINS, APPROVED.

Councilman Harris moved approval of an agreement with Vernon Realty Company to accept approximately 1,200' of 2" pipe and 3,500' of 2 1/2" pipe that lies within the right of way of Carmel Club Drive and Green Rea Road, which motion was seconded by Councilman Withrow, and unanimously carried.

CONTRACT WITH DAY REALTY OF CAHRLOTTE, INC. FOR CONSTRUCTION OF SANITARY SEWER, APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Williams, and unanimously carried, subject contract was approved for the construction of 1,910 linear feet of sanitary sewer to serve Day Realty Property at Farm Pond Lane and Albemarle Road, Phase II, inside the city, at a cost of \$28,650.00.

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SPECIAL OFFICER PERMITS, AUTHORIZED.

Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, authorizing the issuance of special officer permits for a period of one year to the following:

- (a) Renewal of permit to James Archer Brown for use on the premises of Johnson C. Smith University.
- (b) Issuance of permit to Gary A. Cater for use on the premises of Sheraton Center, 555 S. McDowell Street.
- (c) Renewal of permit to Mrs. Nezzie O. King for use on the premises of K-Mart, Inc., 3700 N. Independence Boulevard.
- (d) Renewal of permit to Thomas Lee King for use on the premises of Johnson C. Smith University.
- (e) Renewal of permit to Daniel Hoyt Shealy for use on the premises of Kings College, 322 Lamar Avenue.
- (f) Issuance of permit to Jimmy Eugene Wilbanks for use on the premises of Iveys (all stores within the city limits).

A. P. WILSON RE-APPOINTED TO HOUSING APPEALS BOARD FOR A THREE YEAR TERM.

Councilwoman Locke moved the re-appointment of Mr. A. P. Wilson to the Housing Appeals Board for a three year term, which motion was seconded by Councilman Short, and carried unanimously.

NOMINATION OF WALTER TOY TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION FOR UNEXPIRED TERM.

Councilman Short placed in nomination the name of Walter Toy to fill the unexpired term of Mr. Michael Robinson, resigned, on the Charlotte-Mecklenburg Historic Properties Commission.

DISCUSSION OF CRITERIA FOR MEMBERSHIP ON BOARDS AND COMMISSIONS.

Councilman Withrow stated on most of the boards and commissions and committees we should have certain criterias for membership. There should be some way to select people to serve other than political activities. We should be aware of this and ^{not} place people on there just because they are well liked and should be because they are well qualified, whether it is male or female or black or white.

Councilwoman Locke stated those who submit the names should check with the individual and see if they are willing to serve and if they meet certain criteria before nominating them. That this should be left to the individual who makes the nomination.

Councilman Short stated Mr. Robinson resigned to the Chairman of the Historic Properties Commission at their last meeting.

Mayor Belk stated he thinks Mr. Withrow has a good point. Councilwoman Locke stated she thinks this is up to the individual.

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Councilman Withrow stated he thinks Council should have a hearing on this to set up some criteria for these very important boards. Councilman Gantt stated this is a good point; but he wonders what he has in mind. That before serving on Council he served on the Plumbing Advisory Board; they do have criteria on that Board. It is a technical board. One of the questions one might ask is on a board like the Planning Commission would you want a cross section of the citizenry, lay citizens, to review these things, or do you want a group of professional planners. That he would think you would not want the second. What you would really want is a cross section of the citizenry. That he would support criteria that relates more, particularly in the non-technical kinds of board, to insure that we have a cross section of the citizenry. But he is not sure what kind of criteria you could write on this.

Councilman Harris stated he thinks Council should review all these boards, and see if they are needed or if they are not needed. At the same time we could discuss the criteria. Councilman Short stated the Democratic Party ran into difficulties with enforced category representation, and it hurt the last consolidation referendum. That he wonders if we really want this in any enforced way, or to have guidelines to refer to informally.

COMMENTS ON POLICE DEPARTMENT DURING TRAFFIC TIE UP ON NORTHWEST EXPRESSWAY RECENTLY.

Councilwoman Locke stated the police department did an outstanding job the other morning in the traffic tie up on the Northwest Expressway. That she was in the tie up ~~when~~ was taking her son to West Charlotte at 7:30 in the morning, and they ran into the traffic tie up. The police were at every corner and they had good control of the traffic. There were on the job immediately after it happened. They did a really great job.

SUGGESTION THAT COUNTY BE CONTACTED ABOUT USING PARKING GARAGE UNTIL THEIR FACILITY IS COMPLETED.

Councilman Williams stated in the Courthouse the other day he heard some comments from the jurors about parking in the governmental center. When they are called to jury duty there is no place to park. It occurred to him since we have the new parking garage perhaps we can work out something with the County so that the jurors can park in the garage until they complete their facility.

Mr. Burkhalter, City Manager, replied the city offered that to them at the beginning and they turned it down; but he will talk with them again.

Councilman Williams stated the parking portion of the civic center normally closes at 6:00 P.M. That he would suggest someone contact them to see if it can remain open tonight for parking during the bicentennial celebration at the Square.

CONSIDERATION OF HOUSE BILL 598, TENANT-LANDLORD RIGHTS, REQUESTED PLACED ON THE NEXT AGENDA.

Councilman Gantt stated one of the first things he observed when he came on Council was the breakfast meetings with the County Commissioners. Since that time we have not set down and talked about anything. That he wonders what has happened there. Second he would like to know what happened to the legislative Delegation meetings.

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He stated the reason he is asking is that there are a number of interesting kinds of things happening in other facets of our local government. That he received a resolution from a group of people in Charlotte today which they had sent to the Local Delegation regarding a bill that he had asked a question of Henry Underhill sometime back in connection with the Housing Code. That he understands the bill is before the legislature regarding tenant-landlord rights. That he has read the bill and it looks like a very fair kind of bill that outlines the responsibility of landlords and the responsibility of tenants. It has the backing of the North Carolina Realtors Association. That he understands our Delegation is having some difficulty with it. That he does not know what the difficulty is, but it would be nice if we had this breakfast meeting and we could find out the difficulty. That he might be a little more enlightened if he could have met with them.

Councilman Gantt stated he would hope that this Council would do what it might do and say it supports the Bill. At least he would like for everyone to take a look at the H.B. 598. That he understands there is considerable amount of support for it in Winston Salem and Greensboro Delegations. But Charlotte is somewhat luke warm about it.

Councilman Whittington stated he received a copy of this Bill last week. That it is his understanding there are members of this Council who are opposed to it. That he intends to get into this, and write the delegation and give them his views on it. That he thinks the delegation has stayed off it because of opposition from some members of this Council.

Councilman Gantt requested that this item be included on the next agenda, and that Mr. Underhill, City Attorney, be requested to do an analysis on House Bill No. 598, Tenant Landlord Rights.

COUNCIL NOTIFIED THAT STAFF WILL NOTIFY DELEGATES THAT COUNCIL OPPOSES H.B. 961.

Mr. Burkhalter, City Manager, stated there is a bill, H.B. 961, which requires a warrant before you can inspect a house, which would destroy our inspection system if the bill is passed. It has been gaining some little favor. That we would like to notify our delegation that we oppose this very strongly. The Building Inspectors and Fire Inspectors say this would practically stop our inspection programs. You would have to get permission as you can only do the inspection through consent. You cannot do it through consent of the tenant; it has to be through the owners.

Mr. Burkhalter stated if there are no objections he will notify the Delegates that Council opposes this bill.

MAYOR AND COUNCIL REQUESTED TO ENCOURAGE DELEGATES TO PASS LOCAL HOTEL-MOTEL BILL.

Mr. Burkhalter, City Manager, stated the hotel-motel tax bill is having some difficulty. He hopes that Mayor and Council, individually and collectively will encourage our people to pass this Bill.

COUNCIL ADVISED THAT FUNDS WILL BE AVAILABLE FOR LOW INCOME YOUTH PROGRAM EMPLOYMENT.

The City Manager stated after the agenda went out to Mayor and Council on Friday, it was announced that there would be \$336,240 available in their youth program, low income families, 9th through 12th grades. This is the one we thought was cancelled and we would not have. But it is there. We must apply for it, and we have to do it next week. No resolution is necessary, but he wants to keep Council informed about this.

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The City Manager stated they can be employed in recreation or related programs. Some programs have already been planned in some of the Housing Centers.

CONSIDERATION OF PROJECT ON McDOWELL STREET FAILS FOR LACK OF UNANIMOUS CONSENT OF COUNCIL.

Mr. Burkhalter, City Manager, stated Council has received a letter from Mr. Edgar Love, Chairman of the Historic Properties Commission, concerning the McDowell Street Church property. He asked if Staff is to assume that we go on as planned with the Renewal Project.

Councilman Whittington moved that this matter be placed on the agenda for discussion at this time. The motion was seconded by Councilman Short, and failed due to the lack of a unanimously vote.

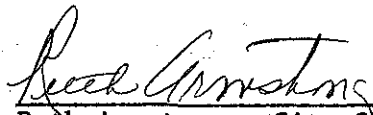
The vote was as follows:

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

Councilman Gantt stated he would still like to see the information that Council asked for recently.

MEETING ADJOURNED.

There being no other business before the Council, the meeting adjourned.



Ruth Armstrong, City Clerk