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The City Council of the City of Charlotte, North Carolina, met on Monday, May 26, 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 Milton Short.

#### APPROVAL OF MINUTES.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on May 19, 1975, were approved as submitted.

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, RETURNED TO PLANNING COMMISSION FOR RE-STUDY.

Councilman Short stated the physical situation here is a sort of a forest area between the industry along I-85 and the residential area in the Derita-Nevins Community. That the Planning Commission says in their report that this petition would only serve to move the boundary from one place to another - this boundary between residences and industry and would not achieve any more effective boundary, or buffer than there is now.

He stated it seems to him that this petitioner has gone to considerable pains to achieve a more secure boundary. There is a rather wide buffer called for and the petitioner proposes to deed this buffer to the adjoining residential corners and he does not see how a boundary could be more secure than that.

Councilman Short stated he would move that Council refer this petition back to the Planning Commission because they did not mention this factor at all - they merely said there was no secure buffer. It seems to him there is a very secure buffer proposed. The motion was seconded by Councilwoman Locke.

Councilman Whittington asked if he had talked this over with the people who oppose this and Councilman Short stated he has read their minutes very carefully when John Dunn talked, but he did not discuss it with Mr. Dunn. That he is merely asking that the Planning Commission consider this further. Apparently they were not aware of what he feels is a very pertinent fact - which is the deeding of the buffer.

Councilman Gantt asked if the buffer was a 100-foot strip and Councilman Short replied he did not remember the width of it.

Councilman Gantt stated the only concern he has about something like this is that if you read the Comprehensive Plan, we have a tremendous amount of industrial land in this area right now, in fact, more than is projected through 1995 in the way of industrial development. That it seems to him that if we continue to add more to that inventory, without taking out any substantial amount of it, we would have a problem with the continuing development of that area.

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He stated often times what happens to a buffer strip is that it really does nothing to buffer anything - it might be just 100 acres of just clear land between the back of a loading dock which handles 55 semi-trailer trucks.

Councilman Short stated that is basically the situation that exists there now. There is nothing really secure, it just simply is residents up against industry. He stated he was a little bit impressed with the fact that the buffer proposed is very secure, and in his opinion, would be far more secure than what is there now. That he is merely asking that the Planning Commission reconsider it. He has not reached any firm opinion, or decision, on it.

Councilman Whittington asked if he wants the Planning Commission to reconsider it - that in their recommendation they have approved some of this petition and denied some and what does he expect to get from their reconsideration and Councilman Short replied he would be glad to get anything they want to say. The fact is they said nothing about what he feels is perhaps the most pertinent fact in the whole situation and he would like for them to say something on this subject.

Councilman Williams stated he has no objections to sending it back to the Planning Commission, but he would hope they will not interpret it as instructing them to make a contrary recommendation from what they recommended the first time.

Councilwoman Locke asked that it be put in the minutes that they are not instructing the Planning Commission to change their recommendation.

The vote was taken on the motion and carried unanimously.

MAYOR BELK LEAVES MEETING.

Mayor Belk left the meeting at this time and Mayor pro tem Whittington presided until noted in the minutes.

AMENDMENT AND AGREEMENT FOR THE FINAL CONVEYANCE OF LAND TO INDEPENDENCE SQUARE ASSOCIATES IN DOWNTOWN URBAN RENEWAL PROJECT, APPROVED.

Mr. Vernon Sawyer, Director of Community Development Department, stated the facts as they have progressed from the beginning of the Downtown Plan is that some system of pedestrian circulation for downtown was anticipated and was included as a part of the plan.

That the first system was as proposed in the 1966 Central Area Plan for Downtown which was strongly referred to as the Odell Plan and that was a system of platform; that was later refined and the whole idea of a pedestrian system for downtown was presented in the Ponte, Travers, Wolfe Plan which came along in October of 1971. That Plan proposed a pedestrian system that was more than just a collection of bridges, but was a system that would link certain existing commercial and retail space together and in new developments that might come along.

He stated at that time our Downtown Renewal Program was underway. That a new development was proposed that new commercial space be created that also would be serviced by this pedestrian system - the pedestrian system would be more than a means of getting from here to there - it would be an interesting, attractive shopping experience through downtown.

Mr. Sawyer stated it was proposed in the Ponte, Travers, Wolfe Plan that the first portions of that system be implemented in what was defined as the southeast quadrant of the 25-block area of downtown that

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was covered by the Plan. That southeast quadrant included the area from Fifth Street south to Stonewall Street and included the Urban Renewal three blocks, included the First Union Jefferson Tower, which was under construction at that time, and included the proposed municipal parking structure, which, at that time, was proposed on the block fronting on College, between Third and Fourth Streets.

He stated the Redevelopment Commission at that time was a separate semi-autonomous entity and serving the Council, it included the recommendation of the Ponte, Travers, Wolfe Plan in the Redevelopment Plan.

That it was stated from the beginning, not from the beginning of the Plan, but in 1971 and 1972, that a system of pedestrian bridges would connect certain common space provided within the project area and would link to the other parts of the system.

He stated, progressing on, when the Redevelopment Commission entered into the contract for the sale of land to Independence Square Associates, it included as a provision in that contract, a requirement, or statement, that three bridges would be constructed at the expense of the project and not at the expense of the developer. At the time those pedestrian ways being the ones over College, one over Fourth Street and the one over Trade Street.

He stated this project was what the Federal Department of Housing and Urban Development called a Neighborhood Development Program, or NDP, a familiar term. The significance of that is that this program was financed year by year, through an annual budget that responded to an annual work program, so that they did not have the money in the budget at any one time to finance the whole project. They did not have it in there to buy the real estate at one time - they received the money year-by-year to buy the real estate within the project and they bought the Civic Center first and then moved into this first block in the same way. They did not have all the money in the budget at any one time to finance all of the bridges but they had money in there and still do, even though the project is scheduled to be terminated at the end of this year, to build the estimated cost, in 1973, the College Street walkway and 50 per cent of the Fourth Street walkway, but they could not propose all of the money for all of these bridges unless it was fairly certain that it could be accomplished during the year.

That in 1973, when they included that money in the budget, it appeared that the lawsuit they were engaged in - the federal lawsuit, including the tenants downtown - was thought to be concluded and that they could reasonably expect to get these walkways under construction. It did not happen that way, the lawsuit drug out but nevertheless, they were able to keep the amount of money in the budget that they currently have there.

Mr. Sawyer stated the Redevelopment Commission went ahead and made the commitment anyway to build all the bridges because it was expected that the money would subsequently become available with which to do that, so they incurred the obligation.

Councilman Gantt asked if Mr. Sawyer is saying that NDP Program is now over and has been superceded by the new Community Development Program, and in effect, after the end of this year, they will not be getting funds to support individual projects as they have been doing in the past and Mr. Sawyer replied that is correct.

Councilman Gantt asked if it was true they have the money committed for one bridge and 50 per cent of another and Mr. Sawyer stated that is correct. Councilman Gantt stated this is the 2/3 federal share and Mr. Sawyer stated this is their project funds, 2/3 federal, 1/3 which is city.

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Mr. Sawyer stated the city's 1/3 is already in there. Councilman Gantt stated that one of the things that confuses him a little bit and is not very clear to him is who has the responsibility for design of the pedestrian bridges. He stated since there is nothing in the agreement that states precisely the specifications, then could we be talking about a significantly reduced type of bridge connecting this thing rather than that which was designed by the architect for the developer, and Mr. Sawyer replied he thinks he could if he wanted to review what a previous Council has already concurred in. That we do have a contract with Odell Associates to design two bridges, one over College Street and one over Fourth Street - that is a contract that dates back - that pre-dates their coming into the City as a department; again this is a Redevelopment Commission contract and the Council - it may have been a year and a half, or two years ago, maybe longer than that - expressed an interest in what the concept of the bridge was going to be and Odell Associates presented to the Council concept drawings of the rendering.

Councilman Gantt stated this is the clarification he wants - what Mr. Sawyer is saying is that the developer, in fact, presented the concept of the bridge indeed, including the exhibit. Mr. Sawyer stated this was merely a responding to a request from the developer, Independence Square Associates, to give them the mood that they had to design for in the building to receive the bridge on their end.

Councilman Gantt stated he just wanted to make this clear to Council - he just wanted to clarify whether or not Council, since it will underwrite the cost of the pedestrian bridges, whether the specifications for those bridges ties the Council down with a particular type of pedestrian bridge. That you could be talking about a "Ford" or a "Cadillac" type bridge - he would assume these are based on the general concept. Mr. Sawyer replied that is right; they are based on air conditioning and heat being included in the bridges. That this was the understanding from the beginning, as he understood it, that here the public funds are going to be used to set an example in implementing this system that would encourage private enterprise to implement the rest of it with private capital.

Councilwoman Locke stated the ballpark figure as they found it was \$500,000 for the three bridges, approximately. She asked how much of that money has Mr. Sawyer set aside and Mr. Sawyer replied they actually have budgeted \$90,000, however, they have in their budget, unencumbered at this point, approximately \$200,000 more. That when he says unencumbered, he does not mean that it is just floating around - it is in there to cover salaries and overhead at the end of the project; it is to cover interest on loans that are outstanding; it is to cover certain disposition costs, that is, to cover broker's commissions, etc.

Mr. Sawyer stated what he is saying is that this money - if you can chose between spending this money for construction of the pedestrian system or continuing some of those functions, and it could be some of those will not cost as much as they have budgeted.

Councilwoman Locke asked does he foresee the percentage that the city will have to pay for their cost of these walkways and Mr. Sawyer replied 50 per cent is the maximum of the Fourth Street bridge in addition to that amount they have budgeted and the full amount of the Trade Street Bridge for which they have no money budgeted at this time.

Councilwoman Locke stated she has looked at this and thought about it, studied it carefully, and just cannot see Council using public money to finance private enterprise and therefore she would move to delete the East Trade Street pedestrian walkway. The motion was seconded by Councilman Harris.

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Councilman Withrow asked if Redevelopment Commission made a contract and sold this property subject to them doing this and Mr. Sawyer replied that is correct. He asked if we are legally bound to go ahead and put in those two walkways because they took over the Redevelopment Commission after this had happened and to fulfill Redevelopment's obligation, or their contract to them, what legal repercussions could the city get into and Mr. Sawyer replied as he understands it from their attorneys, including the City Attorney, we are legally obligated to do what they contracted to do. That the City approved the sale of the property, but Redevelopment made the contract.

Councilman Williams asked if, at this time, the Redevelopment Commission was a separate entity from the City and the Redevelopment Commission had no authority to levy or collect taxes, but that Commission has obligated the tax levying body, this Council, to levy taxes to pay for these bridges and Mr. Sawyer replied yes. Councilman Williams asked if they had any conversation or consideration as to whether or not the Redevelopment Commission might have exceeded its authority when it did commit the City to use local tax funds for this purpose and Mr. Sawyer replied no, they did not consider that. He stated he does not believe there is any legal question about the ability of the Redevelopment Commission as it then existed to enter into contracts, the question was only where the money would be coming from.

Mr. Jim Allison, Attorney for the Community Development Department (formerly the Redevelopment Commission) stated he had considered their question as to whether the Redevelopment Commission, at the time, exceeded its authority by entering into this contract and he does not think they exceeded their authority, it was part of an overall Urban Renewal Project. These improvements, while as it turns out they are more expensive but they are kin to other improvements in an Urban Renewal Project such as streets, curbs, sewer, and that is part of the purpose of Urban Renewal - to prepare land for redevelopment and for sale and he discussed it with members of their firm and discussed it with the City Attorney and their consensus of opinion is that the Redevelopment Commission did, in fact, have the authority to enter into this contract.

Councilman Short stated he imagines this matter will be a political issue regardless of how the members of the Council vote and you would have to be blind not to realize that, but he thinks we should go along with this entire program, not necessarily because we are, or are not, legally bound, but because this would be a tremendously important thing for downtown. That he does not know when he has seen a project where this amount of money, and he thinks the local share is going to be about \$160,000 or \$170,000, would have so much impact on our City, and particularly in the very area where we need it most. It seems to him that we will achieve here ultimately a six-block long, second story level shopping mall that will carry downtown revitalization a long, long way forward, and along with it, it will sustain and undergird the biggest tax base that we have which is endangered; it will sustain it and undergird it for what is not exactly minimal, but in any event, a small expense. So he expects to vote for the entire program.

Councilman Short stated if we leave out a portion of this, it is just going to be a link in a chain because we are building, in effect, the three center walkways and most of them are conscious of the fact that other private parties are planning to build other walkways which will not be within the Urban Redevelopment Area, but will be connected in sequence.

Councilman Harris stated he does not deny anything about the desirability of the walkways and in looking at the pictures and the plans in the past, he has been very excited about the concept; that he always thought it was great. The only thing he is concerned about is the legality to a certain extent. He asked if the City Attorney, Mr. Underhill, differs from the opinion of Mr. Allison and Mr. Underhill

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replied he has had occasion to talk with Mr. Allison about this and he concurs with what he just stated about the authority of the Commission to enter into a contract with these types of provisions. That he would like to add one thing - Councilman Williams has used the words "tax funds" - that Redevelopment activities are not one of those things which tax funds may be spent without a committed use or a committed expenditure for ad valorem taxes, so any funds the Redevelopment Department is using in connection with Redevelopment activities has to come from either bonds voted by the people, or from sources of funds other than ad valorem taxes.

Mr. Underhill stated bonds are paid out of debt service, but the debt service can come from any source, too; the only point he is trying to make is that you cannot spend property tax funds without either a vote of the people or by a change in the State law.

Councilman Harris asked if we have had a bond vote on this and Mr. Sawyer replied bonds were voted and approved in the amount of 5-1/2 million dollars in 1966 to finance the estimated cash portion of the Downtown, Dilworth, Greenville and First Ward projects. So far, they are going to be short in the final analysis in the First Ward, but so far that money has been sufficient. Now the big item that financed the City's portion of the Downtown Project was the credit the City received from the construction of the Civic Center, which was 25% of the total cost of that structure.

Councilman Harris asked what other bridges he was talking about; that they have been talking about three bridges, is he talking about any across South Tryon Street to be built and Mr. Sawyer replied no, there was in the Ponte, Travers, Wolfe Plan a proposed tunnel under Tryon, but no money was ever budgeted for that either.

Councilman Harris asked about the one over to the First Union Building and Mr. Sawyer replied no, that is outside the project; the only other one that was ever considered in this program was the one that would connect the Civic Center over the Southern Railroad with any development that might occur on the Charlotte Fish and Oyster property.

Councilman Harris asked the boundaries of the project he is referring to, streetwise, and Mr. Sawyer replied they are the west side, starting from west and going around clockwise, they are the west side of Tryon Street, the opposite side from the NCNB project, the north side of East Trade Street, the east side of Brevard Street and the south side of Fourth Street. That encompasses a three block area.

Councilman Harris asked how does this relate to the East Trade Street Bridge, or how do you get from the north side of the street to the connecting building on that side and Mr. Sawyer pointed this out on a map.

Councilman Harris asked about being obligated by prior action; that he is wondering why Council is discussing this matter, if it has already been approved, then why does Council have to take any action at this time and Mr. Sawyer replied Council is not being asked to take any action regarding approving the construction of the pedestrian bridges; that the two items that are before Council are the amendments to the contract and approval of another agreement.

Councilman Harris asked why is it stated in the agenda regarding the bridges and Mr. Allison replied in Paragraph 4 in the agreement is in there because they had to identify the vertical and horizontal locations of the bridges as they would connect ISA's development which had

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not been designated before. That ISA has plans for Phase II development which is the garage and actual location of the bridges needed to be determined now in order to go ahead with their other plans of Phase III which would be the hotel and retail area. They simply, as a means of introduction, referenced the obligation of the City to construct those bridges as they stated last week - the issue of whether the City is obligated is not really a question before Council, but Council had asked questions about the background and more detail about the bridges and that is what they brought before Council today.

Councilman Harris asked if any contract is amendatory and Mr. Allison stated it is if it is a two party agreement. Councilman Harris stated he thought we had various amendments to this contract ever since it started and since certain things have not been done on time and this is in here to make certain adjustments, but actually, these three bridges could be re-negotiated if both parties felt that they could be changed and Mr. Allison stated that is correct. Councilman Harris asked if we deleted one of the bridges as Councilwoman Locke has made a motion, then it could be taken credit somewhere else in the project if ISA would agree to that and Mr. Allison replied if ISA would agree, it would be correct but at present there is a binding contract and anticipating that Council might try to alter this, they have contacted ISA and their representative and they have said they want the contract left as is. The contract has been there and both parties have agreed to it and they do not want any additional modifications at this time.

Councilman Harris asked if they are not willing to discuss the point of negotiation on these bridges and Mr. Allison replied that is his understanding. Councilman Harris stated so we have no alternative except to do this or breach the contract.

Councilman Withrow asked why Council could not change the design of the bridges or could Council not go to Odell and leave off the air conditioning and leave off the sort of thing Councilman was talking about a while ago and cut some prices on them - that he knows Council is obligated to do it, but why build the "Cadillac" and Mr. Allison replied the City has some degree of maneuverability there as far as the type of bridge. That they have given them specifications which are attached to the agreement, but as far as the final design plans - that is up to the City.

Councilman Withrow asked if the specifications called for air conditioning and Mr. Allison replied no.

Councilman Gantt stated he, like Councilwoman Locke, has been giving this particular issue a lot of thought and, as a planner by background himself, he sort of feels that there are instances in any redevelopment type project, where in fact, the City often times must provide a certain kind of catalyst for growth, if in fact, you are seeking to develop a particular area that might be considered depressed. That catalyst on the part of the city has been the Civic Center and other kinds of improvements we have made in that general area. He stated he has somewhat of a difficult problem in resolving whether or not an additional catalyst is needed to be handed out to the developers of the Number One block in the City of Charlotte.

He stated he would like to urge this Council in the future, that when we talk about catalysts for development, when we talk about incentives for development, we make sure that those incentives particularly benefit the public interest. That the Ponte, Travers, Wolfe Plan is a fine urban design solution for the Downtown Area of Charlotte, but no



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where in that plan that it simply said the City had to build those bridges. Those bridges are an important element in the Plan, and if done in this particular phase, might set a very good example for what we can do in terms of pedestrian travel in the Downtown Area. In retrospect, it just appears to him that maybe the Redevelopment Commission was not an effective negotiator in terms of how the cost of the bridges might be shared. That he does not think anyone of them here questions the value and use and the benefit that might come to the City of Charlotte from using that particular bridge, but there is a kind of bitter taste in one's mouth when you consider that it is the Number One block, notwithstanding a \$200 million development, or whatever the ultimate cost might be - that the City of Charlotte taxpayers will have to pay for it. In his opinion, the proper kind of catalyst may need to be given to an area like Greenville, where in fact, we might be spending taxpayer's money to facilitate more housing development where the benefit might be more clearly seen by the citizens of Charlotte, rather than pedestrian bridges.

Councilman Gantt stated now they are stuck with an agreement that appears to be quite ironclad. They have taken over the responsibility of the Redevelopment Commission and he does not see, short of having to negotiate and the developer decides to let us off the hook, and he does not see any evidence that they will do that - it seems to him they ought to get on with it and approve it as it is.

Councilman Short stated the Redevelopment Commission has pretty good negotiators and it is hard to get a banking corporation that has already got a skyscraper to come in and build another, and that property needed to be used and that certainly is a key spot in this entire city. That added to that is the fact that the increase in taxes paid each year in that block alone is about \$500,000. So, we are going to pay for this several times over in the first year's taxes. He stated they made a pretty good negotiation there.

Councilman Gantt stated the point he would like to make is that indeed there are opportunities and cases where the City ought to invest public funds for the benefit of the public; that he simply felt in this particular case, the developers of the Number One block ought to spend their own funds.

Senator Jim McDuffie stated he was very much concerned when he recently read in the newspaper of the suddenly-found contract that none of the Council knew about back at the time they voted on the redevelopment sale back in 1972. He stated, as a matter of fact, he would remind Council, as a matter of record, that he was the fourth vote that agreed to purchase the block of Urban Renewal and give to the City. The Mayor was not here as a party to the transaction, Mr. Calhoun had left as a party to the transaction, and Councilman Alexander was at the airport to greet someone and he was the fourth vote, and he promised them that he would never, until the last day of earth, vote for this project if it had an agreement in it that the City would be obligated to build pedestrian bridges to other buildings, other than the Civic Center.

He stated in the years that he sat on Council, every time the question came up, he was assured that the City would participate in only the building of the walkways that connected the Civic Center; that he could agree with that because the Civic Center would benefit. That the Ponte, Travers, Wolfe Plan was adopted several years ago and the changes to the Uptown Area were unique and would make Charlotte, North Carolina a great city, one of the few in the country.



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That this City Council and the Chamber of Commerce went to Minneapolis, Minnesota to view first hand their walkway system and it was impressive and one of the first questions asked by himself and others to those people in Minneapolis was - who paid for the walkways? He stated the answer was the merchants who were connected and benefited directly.

Senator McDuffie quoted from a Minneapolis article which said "the city would initially pay for the system, but the properties benefiting from this installation would be assessed at a higher rate, depending upon the amount of skyway or gate-footage benefit and this extra tax money would then be used to reimburse the city for its capital expenditure."

He stated he would suggest to Council that the North Carolina law allows Council to have a special tax district and, if indeed, they are held to the contract, that Council knew nothing about when they voted for these purchases and knew nothing about apparently until last week, they should establish a special tax district in the Uptown Area that benefits from the connecting walkways.

He stated he asked the question at a Special Meeting the day they voted for it - January 14, 1972, in Minute Book 56, at Page 335 - he asked Mr. Carter, from Independence Square Developers, if walkways were to be included in his building plans and his answers were both to the north and south and to the Civic Center, which is in the easterly direction and he asked him if they would be opened or closed, and his answer was that this had not been determined, but he thought probably they would be of closed construction.

Senator McDuffie stated he would suggest to Council that there were no plans at that time; they were going to be implemented and designed later. That \$150,000 was the only figure that he has ever seen that any city official or urban renewal person has ever mentioned when the question came up about city participation. That it could very well be that they knew all the time that the \$150,000 would be part of federal funds that would then get you \$300,000, but there was some debate of whether the walkways which would connect First Union would be opened or closed.

He stated First Union's position was then that it be opened because they already had a mall and it was possible that they did not want to spend the extra money to become a part of a closed walkway system, but every time the walkway system came up, he strongly pushed the idea that they had to be air conditioned and heated to make them beneficial and to generate traffic in downtown Charlotte, if indeed, housewives could and would come to shop there if they could walk six or seven blocks in an enclosed walkway.

Councilman Short stated he thinks the money Senator McDuffie is talking about here is about the figure he mentioned and Senator McDuffie replied the \$150,000 was for the walkway from the Civic Center to the NCNB Towers - there was never any mention of connecting the NCNB Towers to the store across the street or from the NCNB Towers to the Southern National Bank as far as the information Council was given at that time.

Senator McDuffie stated the Civic Center itself was the City's obligation and if there were other connecting bridges, they would be at the expense of those building them. That part of the Ponte, Wolfe Plan, in talking about the walkway system and the financing, stated the entirely reorganized program will be financed by the private sector to its own considerable advance; the only extra public expenses could be some of the walkways across the street below Tryon Street where there was no urban renewal on the other side and that Plan was thrown out, as far as the Ponte, Wolfe Plan, when the bank building was removed.

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He stated the discussion has always been here that the City would not participate in just connecting downtown streets; that he is concerned about the precedent of other buildings that will be connected - why will the City not be obligated to participate in Belk's and Ivey's joining on North Tryon Street and Wachovia and First Union on the other end of the street, because surely the whole system is tied in together and is needed, and he would suggest that it is needed too badly, that the City should enter into a lawsuit.

Senator McDuffie stated build the walkways, if they must, with the city's funds, but sue the people involved to recover and let the courts decide whether this contract was valid and if City Council had any knowledge of it or had any desire. That he feels very strongly that to connect a commercial building on one end to another commercial building on the other is worse than the Jessie James system in the past when we put people in jail for robbing Little General Stores for \$23.00, and to have this to happen with the City Council not being aware of it is really beyond his feelings about what justice is. He stated he stayed today for about three extra hours when he should be down the road, just to tell Council that - not that it will make any difference, Council can do what they want to - but the City Council never knew that the City was obligated to build those walkways and he would never have voted for it, and he was the fourth vote in implementing the purchase to begin with.

Mayor pro tem Whittington stated what Senator McDuffie has said is correct, when Council approved this Plan, they did not approve the walkways at that time and he asked Mr. Sawyer if he would give him a letter with this information contained therein so that he could have it here today as a matter of record. He stated he will only read the paragraph that alludes to this question. It says "at the time that Independence Square Associates was approved as the developer of the prime block of Downtown Urban Renewal Project, on April 4, 1972, the Redevelopment Commission was a separate semi-autonomous commission which did not normally bring details of contracts to the City Council for approval, therefore, the only approval that the Redevelopment Commission requested of City Council to the contract for the sale of the land was the approval of Independence Square Associates as the developer and approval of the sale price of the land which was to be sold to the developer. The City Council was not asked by the Redevelopment Commission to approve the contract for sale of the land which contained the agreement between the Commission and Independence Square Associates for the construction of the pedestrian bridges over South College Street, East Fourth Street and East Trade Street, at no cost to the developer."

That he stated at the last meeting that he did not recall ever having voted for that and he wanted this for information. He stated in this contract, that everyone has a copy of, that Mr. Allison hand delivered to Council, on Page 11, Paragraph C, it stated in there that "the Commission will provide, at its expense, pedestrian bridges spanning each of East Trade Street, South College Street and East Fourth Street and will promptly provide the developer with details of the design of such bridges as to size and points of connection so as to enable the redeveloper to complete its design development plan."

Mayor pro tem Whittington stated he feels this should be a part of the record because that is what the Council here today is obligated to vote for. He stated he would also like to state for the record, the Civic Center has been mentioned here today by Mr. Brown, at the 2:00 o'clock meeting, and by others at the meeting today that began at 3:00 o'clock, that he recalls, and others in this room will recall,

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when Mr. Addison Reece unveiled the plans for his Finance Center, at Second and College, in the late 60's, and made about a five-minute speech and said what his bank was going to do in Downtown Charlotte and that Council ought to get on with it. That he thinks he can say today that the Civic Center, as a catalyst, has caused to happen at least \$200 million in new construction which certainly was the greatest single factor as far as new ad valorem taxes are concerned as anything that has happened to this City since he has been a member of the City Council.

He stated he mentioned the Computer Center because that is when it all started - the Civic Center - and since that time the Computer Center was constructed at a cost of \$4 million; The Knight Publishing Company spent \$10 million; Cameron-Brown, \$4.6 million; First Union National and First Union National Bank garage was \$18 million; Northwestern Bank was \$6 million; Wachovia Center, \$25 million; NCNB Plaza, the most important block in North Carolina, \$60 million; the Sheraton Hotel, \$6 million, not to include the Downtowner, the Sheraton and the Cameron-Brown Building.

Mayor pro tem Whittington stated all of this has been done with private development and the City has also built the Marshall Park, the City/County Jail, the Law Enforcement Center, the Educational Center and the Police Garage and they are committed, under the Community Development Act, to build a park in Fourth Ward with the cooperation and the help of the Historical Properties Commission, and some of them are here today, to restore some of those homes down there and, with our money, to build a park. That hopefully, we are beginning to move in the direction of getting people to come back downtown and he sees all this as a very probable tie together, or a blend or a mix, and he would recommend to Council, regardless of whether we had anything to do with it or not, and the record states Council did not approve this, Council ought to approve it - we are way behind with the release with NCNB for the deed for this one block so they can get on with the hotel and can get on with the parking garage and new business ventures on top of the garage.

Councilman Harris stated the intent, or layout of the agreement, is misleading because it is giving the indication that Council has a vote on the pedestrian bridges and really, what they are saying is these are just itemizing heights, operating rules, things of that nature, which really have nothing at all to do with approving these bridges and he would like to know why we just do not change this agreement to the effect of having a statement of rules of operation and how they are to be built versus the idea of giving the indication to Council, or to the public, that they have something to do about whether they are approved or not approved and Mr. Allison stated he understands what he is saying and he would be glad to change the wording of that first sentence. It was not intended to request Council to approve; they were simply reiterating the obligation as an introduction to this particular paragraph.

Councilman Harris read as follows: "Recognizing the mutual benefits to both parties hereto and to the community in general, the City will construct, at its expense, pedestrian bridges which will span East Trade Street, South College Street and East Fourth Street, etc." He stated it sounds like they are approving a contract in effect to do those items, whereas if the agreement had said the City has been under obligation to do this anyway, these are the operating rules and language of the height and the elevations that we need to do.

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Councilman Williams stated he is going to vote for Councilwoman Locke's motion because he, too, is very proud of the downtown development and he also thinks the Civic Center played no small part in stimulating that development; that he does not agree with a lot of critics of the Civic Center for that reason, however, it should be pointed out that this is a two-way street. That the developers of the Number One block could never have assembled that land without the city's condemnation laws and certainly could not have assembled it at the price they bought it for. Now the City has bent over backwards to help these people, and they have helped us. They have bent over backwards during the construction of this, through some pretty trying times - the City has been sued, federal injunctions have been issued against the City and for that reason partly, the City is behind schedule in deeding the second part of the Number One block, but the City has been cooperative also during the construction by closing the streets, saving money to the developers. Within the last 90 days, they closed a lane of Trade Street so that additional showing up would not have to be paid for, at no small expense, by the developer.

He stated everyone is assuming the legality of this agreement, and it might be binding, but he thinks there is some question, at least philosophically, and you might can transpose that in legal terms, about whether or not a Commission of the City can commit City funds to this extent, or whether or not they were acting beyond their authority - beyond their charge - when they did that.

Councilman Williams stated what he would prefer to see happen is that Council approve this agreement, deleting the Trade Street Bridge, and see what the developer would do with that approved contract, if he has it in his conscience to file action against the City as a breach of contract. He stated we have gone at least half way on this already with mutual benefits to both parties, but if we agree to go ahead and foot the bill for two of these bridges, he would think that would be acting in good faith. How you might say to distinguish between one bridge and another, why would it be fair to build one or two without the third one - that he has thought about considerably in the last few days too, first the easiest one to justify to people who live out in Westchester or Hampshire Hills, or annexed areas, would probably be the bridge to the Civic Center, because that is a publicly-owned building and the benefit to the public is obvious there. That also happens to be one of the two least expensive ones, and one of the ones we already have some funds for. The second easiest one to justify would be the one going over to Southern National Center because that developer has contracted with the City to reserve many hundreds of parking places for the public, probably 600 parking spaces.

He stated also that development is almost finished and it has probably incurred some liabilities, but he does not see what liabilities might flow to developers in the Number One block by excluding the bridge across Trade Street. It would be his guess that this paragraph was inserted in the agreement, Paragraph 8C, at the insistence of the City and probably not at the insistence of the developer. He could be wrong about that because this was part of the City's plans. It looks almost as if it was something that was just inserted there, almost offhandedly - it does not spell out anything.

Councilman Harris stated if there is any maneuvering room available in this whole thing, it would be with the Trade Street Bridge, it is the most expensive and the one we do not have the money for and is probably the one that is politically the most unpopular and it might be the one that is the hardest to justify because the people on the north side of Trade Street are not building any new buildings, nor is there any \$200 million worth of development in that block.

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Councilman Withrow stated we are not approving the three walkways today; Council is approving a change to something that has already been approved and he realizes it might be politically wise to vote against and delete maybe two of the walkways instead of one of the walkways, but he feels he has a commitment to the Redevelopment Commission, which the Council took over, and he would hate to dishonor them.

He stated that he would make a substitute motion that we approve Item No. 4 on the agenda today. The motion was seconded by Councilman Short.

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Harris  
Councilman ~~Williams~~ stated he will withdraw his second to Councilwoman Locke's motion, basically because we are inviting a lawsuit and talking about a breach of contract and this is something we have talked about in Council and discussed and he does not think he wants to be a party to inviting a lawsuit at this time.

Councilwoman Locke made a substitute motion to Councilman Withrow's motion to delete the Trade Street Bridge, which motion was seconded by Councilman Williams.

Councilman Williams stated we are talking about legal action and this Council is somewhat at a disadvantage because their position is very public and probably has to be, maybe it does not have to be, but in this case, it is very public, so the side we are bargaining with knows in the beginning what their position is and how different members of Council feel about this.

Councilwoman Locke stated that any pedestrian walkway that goes to private enterprise must be completely carried by the enterprise and she stands on that and she, as a taxpayer, does not believe city money could be used for that.

After further discussion, Council voted on the substitute motion to delete the Trade Street walkway, which failed to carry, as follows:

YEAS: Councilwoman Locke and Councilman Williams.

NAYS: Councilmembers Gantt, Harris, Short and Withrow.

Mayor pro tem Whittington called for a vote on Councilman Withrow's main motion, seconded by Councilman Short, to approve Item 4 on today's agenda, and adding the words "as per agreement." The motion carried by the following vote:

YEAS: Councilmembers Withrow, Short, Gantt and Harris.

NAYS: Councilwoman Locke and Councilman Williams.

Mr. Burkhalter, City Manager, stated he seldom speaks up in defense of the Redevelopment Commission but they did do a very, very hard job in doing a lot of this work and the one impression that some of Council got was that they obligated them beyond their means and he would like to point out that the Urban Redevelopment Commission could have stopped any of this at anytime because they were going to run out of money - the running out of money is projected at the completion of the project and they never did run out of money; they could stop tomorrow on First Ward and break even on everything, but they could not finish so their projection was made on the completion of the project and the funds which they have asked Council to appropriate are supposed to do the whole thing. That the Redevelopment Commission was not deliberately trying to build something up to Council.

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RECOMMENDATION BY PARK AND RECREATION COMMISSION ON USE OF CITY  
PROPERTY FOR SOAP BOX DERBY ACTIVITIES, APPROVED.

Mr. B. B. Bridgewater, of the Park and Recreation Commission, stated on Thursday, May 22, the Park and Recreation Commission conducted a fact-finding hearing as requested by Charlotte City Council in the matter of the Soap Box Derby Track and the request for use of same by the Charlotte All-American Soap Box Derby Group.

He stated he wished to acknowledge the tremendous contribution made by Charlotte Soap Box Derby, Incorporated and by their Director, Mr. Drew Hearn. That we are all proud of all the accomplishments of this organization through the years and they would certainly not want to do anything to destroy this group or the fine work that they do with the youth of this community, however, they feel they cannot refuse the request of a group, made up of citizens of Charlotte, to use this facility which is on city-owned property and owned by the citizens of Charlotte.

Mr. Bridgewater made the following recommendation:

"That the Charlotte Soap Box Derby, Inc., headed by Mr. Hearn, run their program as previously announced, this program to be completed on or before Sunday, August 3, 1975 and on Monday, August 4, 1975, the track be made available to the Charlotte All-American Soap Box Derby Group for the purpose of conducting a race to determine a winner to represent Charlotte in the National Finals in Akron, Ohio - this program to be completed on or before Sunday, August 10, 1975."

Councilman Harris asked if this property was presently leased to Mr. Hearn's group and Mr. Bridgewater replied they were not asked to consider the lease but they were just asked to make a recommendation.

Councilman Harris stated he assumes what Mr. Bridgewater is saying is if Mr. Hearn does not agree to this recommendation, then the lease will have to be re-negotiated or cancelled, or something, because, in effect, this is his property at the present time, or whoever signed the lease, and that we are just a landlord, leasing the property. Mr. Bridgewater stated this was his understanding; they were not asked to determine anything as far as the legality of the lease.

Mr. Underhill, City Attorney, stated the lease, which was entered into by the City and the Charlotte Soap Box Derby, Inc. was originally made in March of 1966. It calls for the property in question to be leased for one year periods, automatically renewed, unless cancelled by the parties and either party has the right to cancel on 30-days notice in writing to the other. The lease further provides that the party of the second part, the Soap Box Derby people, cannot assign or sublet any of their rights, without the prior written consent of the City. The lease further provides that the property, or the improvements made to the premises, including the paving of the runway shall become the property of the City and need not be removed, however, any portable shelters, equipment, etc. not permanently attached to the realty, shall remain the property of the second part and may be removed at the termination of the lease.

He stated it seems to him that the Lessee, Charlotte Soap Box Derby, Inc., could consider assigning, or subletting, its rights under this lease to the new party. That if they do not wish to do that and if the Council is desirous of making this property available to the other group, the only legal option Council would have would be to cancel this 30-day lease and enter into non-exclusive leases with these parties for use of the facilities.

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Mr. Underhill stated this can reasonably be read to be an exclusive lease to this organization to be used for this purpose, and they cannot assign their rights to this without Council's approval and he would say that the City, as the owner, could not force, or could not permit, the use of this property by any other group unless it were with the consent of the other party of the lease, unless the lease were cancelled.

Councilman Withrow asked if Mr. Hearn's race was going to end on August 3 and Mr. Hearn replied that is correct unless it is rained out. He asked if Mr. Hearn had any objection, after his race is over and they are through, to letting the other group use the track to race on and Mr. Hearn replied he feels very strongly that they have broken with the All-American Soap Box Derby for very legitimate reasons and these reasons were questioned here last week.

Mr. Hearn stated last week Councilman Whittington made a comment about Little League Baseball solving one of its problems, but the National Derby has not solved their problems but have made them worse and he can prove to Council they have made them worse and he feels they have no right to further encourage their children to participate in the National Soap Box Derby program - that he has taken steps to protest against the Akron people and the job they have done for the City of Charlotte over these years can justify the City backing them. That we ought to stand our ground since the City has many, many leases, not just with the Soap Box Derby, but the City also has a lease with Young Ford. That Council is trying to tell him that he has a right to go to Young Ford and open up a used car lot on their parking lot, with a 30-day cancellation of their lease.

He stated he feels he has a legitimate lease. They have directed a program for the good of the children of Charlotte and their program, with 175 kids, and what they are doing for the kids of Charlotte, including all the money this year to send the kids to camp, they have got to take the stand that two Soap Box Derbys cannot exist in Charlotte. That they have already made it clear that if this position is forced on them and they have to cooperate with the All-American Soap Box Derby in Akron, their program will fold, and they will run the race this year, but no longer.

Mr. Hearn stated no mention has been made at all that they spend \$100,000 for insurance and no recommendation at all that they pay half of the \$100,000 for insurance. That he has been doing this for ten years, and he contends that what they are doing is for their kids and he is going to stand his ground on it.

Councilman Short stated for Mr. Hearn to have the full type of control over the property that he seeks to assert, as Young Motor Company has over its property, it would be necessary for him to pay the full rent on it and have a proprietary control of it rather than a dollar a year and, in other words, just take it like private enterprise leasing some land. That this would be something in the range of approximately \$10,000 to \$12,000 a year and the dollar-a-year lease, obviously, was not an arms-length lease for this tremendously expensive facility, but just simply a method or a way of making Mr. Hearn and his group sort of trustees of this property for the benefit of the public, or a Junior Park and Recreation Commission, for this one facility.

He stated under these circumstances, with a dollar-a-year lease, Council has to recognize that the people in Jake Wade's group are the owners of this property, they are monthly owners, and Council does not have the authority to keep them off - if would be like trying to keep some softball team out of a park because of something that happened in Akron, Ohio.



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Councilman Short stated he does not feel Mr. Hearn, nor Council, has this authority in a situation of a dollar-a-year lease. That Council is simply forced to allow them to use this facility that they helped to pay for.

Councilman Short moved that Council approve the recommendation of Mr. Bridgewater and the Park and Recreation Commission, which motion was seconded by Councilwoman Locke.

Mr. Hearn pointed out that when this lease was given them originally, there was no mention of this - no mention that it might be compared to a commercial venture. Their two honorable groups entered into an honorable agreement. Last week Councilman Harris and Councilman Gantt made the comment about the Solomon controversy, about cutting the baby in half - there is a major difference here - they know who gave birth to the baby. There is no question about it - that he wants no part in committing another child in a situation like last year, and he would like to see the track closed completely before involving them.

Councilman Short stated Council was forced into the question of whether they want to allow this other group or any group who wants to use this public facility to do so, or offer it to Mr. Hearn for full commercial value for something like \$12,000 per year, if he wants to have total control over it.

Councilwoman Locke stated it is unfortunate that these two groups cannot get together and mediate this where our youngsters are concerned and work out something to their mutual benefit.

Councilman Harris stated he would like to understand the motion first. Did Councilman Short move to give Mr. Hearn 30 days notice at this time to cancel his lease and Councilman Short replied he would include in his motion to do whatever legalisms are required to accomplish this and the City Attorney can state what should be done.

Councilman Harris asked if it will then become city property and Councilman Short stated it is already city property and he does not see how for one-dollar a year Council can give any one citizen a total control of something like a \$120,000 public facility. Councilman Harris stated he agrees with Councilman Short but would like to know the significance of his motion - are we cancelling the lease with Mr. Hearn's group and the City thereafter is going to be leasing, or renting, this race track? Councilman Short stated he does not see that this is a necessary consequence; that he thinks it might come to that but he would hope that Mr. Hearn, who is certainly a real good sportsman, would think carefully about this and perhaps he would go along with what Mr. Bridgewater recommends.

Councilman Harris stated assuming Mr. Hearn does not go along with this recommendation, and maybe this is the wrong assumption, but at this point, someone is going to have to be in charge of that race track because Council is no longer leasing property - they are running it. If Council is going to go do this, they have got to delegate it, or should delegate back to the Charlotte Park and Recreation Commission, as a body, to run the track for the whole public, not just for these two groups. Councilman Harris asked why we could not have races the year around and also other activities out there if we are going to open it up for the use of the public and Councilman

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Short replied this would seem to be a very logical thing but we do not need to put that in the motion today, but rather let the administration suggest how they think it should be disposed of, if it is necessary to make some disposal of it.

Councilman Harris stated he has known Mr. Hearn for many years and to have government regulating standards of conduct, morals and this sort of thing, is a last resort. That if we cannot resolve it ourselves, and this is not the place to do it, but this action today, as an official body, trying to do their jobs for the citizens of Charlotte.

Councilman Withrow stated he just voted to honor a commitment just a few minutes ago and right now they have another commitment before them. That he was in hopes that before they go to this extent, Mr. Hearn, in some way or other, would go along with letting these other people use the park in some way. It does put Council on the spot; he still has to honor a commitment, personally, because he just voted to honor one and just could not vote against honoring another one. They are talking about taxpayers on one and citizens on the other - they are all taxpayers. That he hates to vote on one end for one thing and against something on the other. If they would pay half of the \$2,000 required; that he is just trying to get something determined without going to the extent of cancelling the contract.

Mr. Hearn stated he has seen one child destroyed and one family destroyed while participating in the National Soap Box Derby and he is not asking them to compromise their stands, but also that they not ask him to compromise his.

Councilman Short stated that, for the one dollar rental, he did not buy the right to mediate such decisions.

Councilwoman Locke stated that she thought it was up to the parents to decide - not for Mr. Hearn to decide.

Councilman Gantt asked how Council is going to be able to determine whether or not Akron is right or not. That they have heard Mr. Hearn's side of the story, about the kind of corruption that exists and they have heard the other gentleman's story and they have to determine whether Akron is a valid race or not. That Mr. Hearn says that when he has made up his mind that Akron is a fine race, he may be a member of that league again - he wonders whether or not he can set himself up to make that kind of judgment.

Mr. Hearn stated he would like a lot of help in making that decision. That it would be good to have a debate between Mr. Baker and himself at a point where you are not so restricted as in a Council meeting and they would know exactly where they stand. He stated, unfortunately Mr. Baker had never seen a Soap Box race until a month ago and it is very difficult to debate with this knowledge. That he has been in it all his life and in a situation like this, no parent is going to ever look at him and say he put his child in this situation.

Mr. Hearn stated Mr. Baker might be the man to get this straightened up; that he got Mr. Baker his job but right now, we should not participate. That we have a writer here from a national magazine because Charlotte does not endorse the All-American Soap Box Derby.

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After further discussion, Councilman Short stated he wanted to disavow any suggestion whatsoever that Council's actions here this afternoon and the motion he made indicates an approval of teaching children to cheat. This is a matter of whether citizens and taxpayers of the City of Charlotte will be entitled to use this piece of land that they helped pay for - nothing more. That he does not see that it is pertinent to get into this matter of who is teaching children to cheat.

Councilman Harris stated he feels the same way and is ready to vote on the motion, but he will not vote for a motion for the group to go to Akron when it comes before us as a lessee.

Mayor pro tem Whittington called for a vote on Councilman Short's motion to approve Mr. Bridgewater's recommendation, and carried by the following:

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

NAYS: Councilman Withrow.

MAYOR BELK RETURNS TO MEETING.

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

DEMOLITION OF STONE CHURCH ON McDOWELL STREET, AUTHORIZED.

Councilman Gantt stated for sometime now he has been asking for alternative information with regard to this particular piece of property. That it might have been for his own personal reasons that he would have liked to have seen this church saved, primarily because he thinks it has, and could add some value to any kind of redevelopment that occurs in that area.

That we see two reports, one originally from the Historic Properties Commission, which had five or six consultants who looked at the church that rendered an opinion that said the church should be saved. Not necessarily for historical value, but because there was some doubt as to whether or not it was indeed a bonafide historical piece of property, however, because of the sentimental value, or as an example of Parish Church Architecture; that it was fully pointed out that the church ought to be saved and he asked at that time that the Public Works Department, along with the Redevelopment Commission, look at the alternatives surrounding whether or not we could change the right of way side and what would be the size of the retaining wall, etc.

He stated in the meantime, they have gotten reports from the Historical Properties Commission to reverse that decision that they made that the church ought to be saved. He feels they can all say that was based on a letter from one of the members of the commission who did not participate in either the review of the property when the consultants were in town, or in fact, the deliberation when the commission made its original vote.

Councilman Gantt stated he feels very strongly that notwithstanding Mr. Stenhouse's position, which he takes it to mean a critique on the value of the architectural details, which admittedly, are not

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authentic in the sense they do not precisely duplicate what was done three or four hundred years ago; that he found his comments to be irrelevant to the point in the sense that it was never said that this is a piece of property with historical value, however, it does have sentimental value and in Charlotte, we are going to have to continue to look at various pieces of property that, in fact, enhance visually and otherwise, certain areas of the City.

He stated the particular area we are talking about now has substantial amounts of new construction surrounding it, the motels, the office building immediately across from it, the Law Enforcement Center and other government complexes. That it seems to him, in trying to retain the structure that was built around the first part of the 20th Century, it has some value and he would hope that they would reverse the decision of the Historical Properties Commission and continue to keep the church there, at least for the time being, for they might be able to find a developer who can do something with it.

Councilwoman Locke stated she would agree with Councilman Gantt. That it could be a haven, as is the Settler's Cemetery in downtown. She has gone to the Settler's many times and she feels the church could be the same kind of haven in that area, because downtown is moving in that direction and it would be a nice area to go to and she would like to see it saved.

Councilman Whittington moved approval of the demolition of the stone church on McDowell Street, which was seconded by Councilman Williams.

Councilman Williams stated he would like to explain why he seconded Councilman Whittington's motion to demolish the church. That the Historical Properties Commission's recommendation carries a lot of weight, but also he personally went down and looked around the church and, unfortunately, geographically, the church is sitting right in the middle of the block, and he feels this would diminish the value of the property considerably when they tried to sell it. Also, he thinks it would probably add some additional expense because of the retaining wall and whatever other measures might have to be taken when McDowell Street is widened. So, in balancing the cost of saving it against the historical value of it, he is in favor of going ahead and taking it down.

The vote was taken on the motion to demolish the church, and carried by the following:

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

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RESOLUTION SETTING DATE OF PUBLIC HEARINGS ON ZONING PETITIONS FOR MONDAY, JUNE 16, 1975.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, subject resolution was adopted setting date of public hearings on zoning changes on Monday, June 16, 1975, at 8:00 o'clock p.m., in the Board Meeting Room on the Fourth Floor of the Education Center, on Petitions No. 75-13 through 75-18.

The resolution is recorded in full in Resolutions Book 10, at Page 492.

FISCAL YEAR 1976 MANPOWER PLAN FOR THE CITY OF CHARLOTTE, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the Fiscal Year 1976 Manpower Plan for the City of Charlotte for submission to the U. S. Department of Labor.

ORDINANCE NO. 629 AMENDING CHAPTER 13, ARTICLE III, ENTITLED "NOISE", OF THE CITY CODE OF THE CITY OF CHARLOTTE.

After discussion with the City Attorney, Councilman Short moved adoption of subject ordinance amending Chapter 13, Article III, entitled "Noise", of the City Code of the City of Charlotte as recommended by the City Attorney, which motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 86.

PETITION TO THE BOARD OF TRANSPORTATION TO ABANDON BARRINGER DRIVE, ADOPTED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, subject petition to the Board of Transportation was approved that they abandon Barringer Drive for maintenance by the City.

RESOLUTION ACCEPTING BARRINGER DRIVE FOR MAINTENANCE BY THE CITY.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution accepting Barringer Drive for maintenance by the City.

The resolution is recorded in full in Resolutions Book 10, at Page 493.

RESOLUTION AUTHORIZING APPLICATION FOR STATE CLEAN WATER BOND FUNDS FOR ARROWOOD ROAD, ADOPTED.

Councilman Harris moved adoption of subject resolution authorizing application for 25% State Clean Water Bond Funds for Arrowood Road for a proposed 24" water main project, in the amount of \$102,000.00, to assist in the construction of subject project, which motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 494.

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**ORDINANCE ORDERING THE REMOVAL OF WEEDS, GRASS, TRASH AND RUBBISH.**

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the following ordinances were adopted for the removal of weeds, grass, trash and rubbish:

- (a) Ordinance No. 630-X for removal of weeds, grass, trash or rubbish at vacant lots in 1100 and 1200 blocks of Queens Road.
- (b) Ordinance No. 631-X for removal of weeds, grass, trash or rubbish at 1301 Ashbrook Place.
- (c) Ordinance No. 632-X for removal of weeds, grass, trash or rubbish at vacant lot adjacent to 2525 Knollwood Lane.
- (d) Ordinance No. 633-X for removal of weeds, grass, trash, or rubbish at Arrowood Road area (acreage).
- (e) Ordinance No. 634-X for removal of weeds, grass, trash or rubbish at 2908 Park Road.

The ordinances are recorded in full in Ordinance Book 22, at Page 88.

**PROPOSED SETTLEMENT IN CASE OF THE PROCTER & GAMBLE DISTRIBUTION COMPANY VS. CITY OF CHARLOTTE, AUTHORIZED.**

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, authorizing the proposed settlement in the case of The Procter & Gamble Distribution Company vs. City of Charlotte, in the amount of \$9,138.93 and rebate of the 1974 taxes, as recommended by the City Attorney.

**RESOLUTION AUTHORIZING REFUND OF AD VALOREM TAXES TO THE PROCTER & GAMBLE DISTRIBUTING COMPANY FOR THE YEARS 1972 AND 1973, AND AUTHORIZING A REBATE OF TAXES FOR 1974.**

Councilman Withrow moved adoption of subject resolution authorizing refund of ad valorem taxes to the Procter & Gamble Distributing Company for the years 1972 and 1973, and authorizing a rebate of taxes for 1974, which motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 496.

**ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, APPROVED.**

Upon motion of Councilman Harris, seconded by Councilman Whittington and unanimously carried, the subject encroachment agreement was approved with the North Carolina Department of Transportation permitting the City to construct a 6-inch and a 2-inch water main within the right of way of English Gardens Road.

**CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS AND SANITARY SEWER, APPROVED.**

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, approving contracts for the construction of water mains and sanitary sewer, as follows:

- (a) Contract with S & T Development Company, Inc. for construction of approximately 5,545 feet of 8", 6" and 2" water mains and three (3) fire hydrants, to serve Montibello - Phase IV, outside the City, at an estimated cost of \$37,669.00. Funds will be advanced by applicant under the terms of existing city policies.

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- (b) Contract with Edison Foard, Inc. for construction of approximately 220 feet of 3" water main to serve Industrial Drive, outside the city, at an estimated cost of \$1,100.00. Funds will be advanced by applicant under the terms of existing city policies.
- (c) Contract with William Trotter Development Company for construction of approximately 2,840 feet of 6" and 2" water main and two (2) fire hydrants to serve Stonehaven Subdivision, Section 20, outside the city, at an estimated cost of \$16,200.00. Funds will be advanced by the applicant under the terms of existing city policies.
- (d) Contract with Investment Mortgage Company (via H. C. Bissell & Associates, Inc.) for construction of approximately 4,061 linear feet of 8" sanitary sewer to serve Quail Hollow Subdivision, outside the city, at an estimated cost of \$60,920.00. The applicant is to construct the entire system at their own proper cost and expense and the city is to own, maintain and operate said system. The City is to retain all revenue and at no cost to the City.

CHANGE ORDERS, APPROVED.

Councilwoman Locke moved approval of the following two Change Orders, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Change Order No. 1 in contract with Gilbert Engineering Company of Statesville, North Carolina, decreasing the contract amount of \$257,988.00 by \$2,500.00. The Contractor has recommended an alternate method for this phase of the construction work on Sanitary Sewer Construction-Parkway Avenue Trunk which will not change the scope of the project.
- (b) Change Order No. 1 in contract with Associated Equipment Company, increasing the contract amount of \$560,077.50 by \$3,150.00. This Change Order establishes a unit price for ductile iron pipe and authorizes 90 linear feet of pipe.

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

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, the following parcels of sanitary sewer easements for the annexed areas, were approved:

- (a) Annexation Area I (1) Sanitary Sewer  
2 parcels
- (b) Annexation Area I (2) Sanitary Sewer  
5 parcels

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ALVINE E. LEVINE AND WIFE, MAXINE K. LEVINE; ALBERT G. SEGAL AND WIFE, DOROTHY L. SEGAL; NICK J. MILLER, TRUSTEE; AND WYATT P. HARGETT AND WIFE, DONAVE A. HARGETT, LOCATED AT 9045 MONROE ROAD, IN THE CITY OF CHARLOTTE, FOR FUTURE SATELLITE FACILITY IN CONNECTION WITH MOTOR TRANSPORT.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Alvine D. Levine and wife Maxine K. Levine; Albert G. Segal and wife, Dorothy L.



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Segal; Nick J. Miller, Trustee; and Wyatt P. Hargett and wife, Donave A. Hargett, located at 9045 Monroe Road, in the City of Charlotte, for future satellite facility in connection with Motor Transport.

The resolution is recorded in full in Resolutions Book 10, at Page 497.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CONSTANTINE FRANK NIXON AND WIFE, KATINA C. NIXON; H. C. DOCKERY, ET AL, TRUSTEES; AND HOME FEDERAL SAVINGS AND LOAN ASSOCIATION, LOCATED AT 3949 RANDOLPH ROAD IN THE CITY OF CHARLOTTE, FOR THE RANDOLPH ROAD WIDENING PROJECT.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Constantine Frank Nixon and wife, Katina C. Nixon; H. C. Dockery, et al, Trustees; and Home Federal Savings and Loan Association, located at 3949 Randolph Road, in the City of Charlotte, for the Randolph Road Widening Project, which motion was seconded by Councilman Gantt, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 498.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CBS REALTY, INC., A NORTH CAROLINA CORPORATION; LEWIS H. PARHAM, JR., TRUSTEE; AND C. E. HARDING AND WIFE, GEORGIA M. HARDING, LOCATED AT 1419 REMOUNT ROAD IN THE CITY OF CHARLOTTE FOR THE REMOUNT ROAD WIDENING PROJECT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to CBS Realty, Inc., a North Carolina Corporation; Lewis H. Parham, Jr., Trustee; and C. E. Harding and wife, Georgia M. Harding, located at 1419 Remount Road in the City of Charlotte for the Remount Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 499.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT N. SPURRIER AND WIFE, BLANDINE W. SPURRIER, LOCATED AT 4116, 4124, and 4132 RANDOLPH ROAD IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

Motion was made by Councilman Short, seconded by Councilman Williams, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert N. Spurrier and wife, Blandine W. Spurrier, located at 4116, 4124, and 4132 Randolph Road in the City of Charlotte for the Randolph Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 500.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT K. SMITH AND WIFE, SARA ANN SMITH; ARCHIE C. WALKER, TRUSTEE; AND WACHOVIA MORTGAGE COMPANY, LOCATED AT 100 CANTERBURY ROAD (CORNER RANDOLPH ROAD AND N. CANTERBURY ROAD) IN THE CITY OF CHARLOTTE FOR THE RANDOLPH ROAD WIDENING PROJECT.

Councilman Whittington moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert K. Smith and wife, Sara Ann Smith; Archie C. Walker, Trustee; and

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Wachovia Mortgage Company, located at 100 Canterbury Road, in the City of Charlotte for the Randolph Road Widening Project, which motion was seconded by Councilman Harris, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 1.

#### PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Right of Way Agreement on 0.45' x 27.96' x 27.88' of property at 4837 North Sharon Amity Road, from Catawba Economic Development Association, at \$50.00, for the Sharon Amity Road Widening Project, Section III.
- (b) Option on 6.00' x 135.77' x 6.01' x 136.06' of property, plus a construction easement, at 4611 North Sharon Amity Road, from Catawba Economic Development Association, at \$700.00, for the Sharon Amity Road Widening, Section III.
- (c) Option on 21.02' x 15.89' x 13.63' of property, plus a construction easement, at 4803 North Sharon Amity Road, from Catawba Economic Development Association, at \$200.00, for the Sharon Amity Road Widening, Section III.
- (d) Option on 6.00' x 85.01' x 6.00' x 85.01' of property, plus a construction easement, at 4327 North Sharon Amity Road, from Gilbert Albert Cheek, at \$700.00, for the Sharon Amity Road Widening, Section III.
- (e) Option on 6.00' x 99.28' x 6.00' x 99.40' of property, plus a construction easement, at 3741 North Sharon Amity Road, from Daniel Murray Earle and wife, Susan W., at \$650.00, for the Sharon Amity Road Widening, Section III.
- (f) Option on 2.46' x 314.33' x 222.43' x 9.97' x 181.22' x 33.52' x 267.37' of property, plus a construction easement, at 5425 Sardis Road, from Kathleen A. Henderson (widow) at \$3,300.00, for the Randolph Road Widening Project.
- (g) Acquisition of 6.63' x 208.65' x 9.05' x 212.90' of property, plus a construction easement, at 3090 North Sharon Amity Road, from Mobil Oil Corporation, at \$4,725.00, for the Sharon Amity Road Widening Project.
- (h) Construction easement on 4.00' x 120.00' x 14.00' x 120.50' of property, at 5400 Sardis Road, from Lucille Hood (widow), at \$500.00, for the Randolph Road Widening Project.
- (i) Construction easement on 51.50' x 49.50' x 10.00' of property at 5425 Sardis Road West, from Kathleen A. Henderson (widow) at \$250.00, for the Randolph Road Widening Project.
- (j) Right of Way Agreement on 2.00' x 204.55' x 2.46' x 204.68' of property, plus a construction easement, at 5600 Randolph Road, from Lura Jenkins (widow), at \$650.00, for the Randolph Road Widening Project.
- (k) Option on 2.04' x 131.10' x 3.06' x 130.75' of property, at 5500 Randolph Road, from Edith M. McPheters (single), at \$950.00, for the Randolph Road Widening Project.

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- (l) Option on 2.00' x 194.13' x 17.46' x 25.09' x 178.82' of property, plus a construction easement, at 1100 Wilhaven Drive (corner Randolph Road and Wilhaven Drive), from Steve A. Rojo and wife, Loretta B., at \$510.00, for the Randolph Road Widening Project.
- (m) Option on 19.03' x 298.43' x 2.00' x 281.51' x 26.73' of property, plus construction and drainage easements, at 1201 Meadowood Lane (corner of Randolph Road), from John A. Dawson, Jr., and wife, Gertrude R., at \$2,100.00, for the Randolph Road Widening Project.
- (n) Right of Way Agreement on 2.00' x 100.17' x 2.00' x 100.17' of property, plus a construction easement, 4940 Randolph Road, from George W. Brice, Jr. and wife, Margaret F., at \$500.00, for Randolph Road Widening.
- (o) Option on 32.92' x 185.22' x 9.73' x 162.14' x 35.61' of property, plus a construction easement, at 1115 Coddington Place (corner Randolph Road and Coddington Place), from Frances C. Cohen (widow) and Felicia Fitzpatrick (widow), at \$3,400.00, for the Randolph Road Widening Project.
- (p) Option on 104.39' x 156.82' x 37.11' x 17.97' x 43.25' x 133.50' of property at 816-20 Vanderburg Street, from H. E. Kiser and wife, Inez C. Kiser, at \$18,000.00, for acquisition of property for Motor Transport Facility.
- (q) Option on 13,664 sq.ft. of property at 824 Vanderburg Street, from Norman Sign Company, Inc., at \$10,250.00, for acquisition of property for Motor Transport Facility.
- (r) Easement on 15' x 194.22' of property at 9629 and 9635 Watergate Road (in Sardis Woods), from John Crosland Company, at \$830.00, for Sanitary Sewer to serve Sardis Oaks Subdivision.

ACQUISITION OF ELEVEN PARCELS OF REAL PROPERTY LOCATED IN THE FIRST WARD URBAN RENEWAL PROJECT, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the acquisition of the following parcels of real property located in the First Ward Urban Renewal Project:

BLOCK & PARCEL	OWNER & ADDRESS	ACQUISITION PRICE
14-7	Anne Howard Bumgardner 520 E. 9th Street	\$ 9,000.00
15-4	S. N. Graham Estate 622 N. Graham Street	4,800.00
17-7	J. E. Nash Rear of 924-26 Caldwell Street	1,100.00
19-7	Ada S. Bennett 607 E. 12th Street	1,750.00
19-8	Ada S. Bennett 609 & 613 E. 12th Street	13,421.00
22-8	Anne Howard Bumgardner 616 E. 9th Street	16,500.00
24-2	Mrs. C. V. Strawn 704 E. 7th Street	43,700.00
31-4	Dr. Amos S. Bumgardner 701 E. 7th Street	7,300.00
32-2	Anne Howard Bumgardner 516-18 N. Alexander Street	10,200.00
37-2	Ada S. Bennett 817 E. 9th Street	6,500.00
40-3	Lizzie Norman 311 N. McDowell Street	13,000.00

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

Councilman Whittington moved adoption of the following resolution for Condemnation Action in the First Ward Urban Renewal Project No. N. C. R-79, to condemn four (4) parcels of property, which motion was seconded by Councilman Withrow, and unanimously carried:

BLOCK & PARCEL	OWNER & ADDRESS	FINAL OFFER
17-10	Odell C. Wallace 914 N. Caldwell Street	\$26,500.00
17-20	Ethel P. Clarkson 913-15 N. Davidson Street	5,500.00
38-1	Anne L. Lutz, Jessie M. BIRTHA & Beatrice A. Moore 524 N. Myers Street	14,600.00
38-21	Belle Cathey Heirs 808-10 E. 9th Street	14,500.00

The resolution is recorded in full in Resolutions Book 11, at Page 2.

ONLY BID RECEIVED FOR MOBILE CRIME PREVENTION VANS REJECTED AND PERMISSION GRANTED TO REVISE SPECIFICATIONS IN ORDER TO SECURE MORE COMPETITIVE BIDS.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the only bid received, from Camper Country, in the amount of \$37,335.00, for two mobile crime prevention vans, was rejected and permission was granted to revise specifications in order to secure more competitive bids.

CONTRACT AWARDED ITT GRINNELL CORPORATION FOR FIRE HYDRANTS FOR THE UTILITY DEPARTMENT.

Motion was made by Councilman Short, seconded by Councilwoman Locke, and unanimously carried, awarding subject contract to the low bidder, ITT Grinnell Corporation, in the amount of \$13,020.28, on a unit price basis, for 50 fire hydrants for the Utility Department.

The following bids were received:

ITT Grinnell Corporation	\$13,020.28
American-Darling Valve	14,250.00
Kennedy Valve Mfg. Co., Inc.	17,687.75

APPOINTMENT TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION, DEFERRED FOR ONE WEEK.

Councilman Short stated at the last meeting of this Commission, Mr. Michael Robinson announced his resignation to the Commission but he has not seen a written resignation. Councilman Harris stated the Chairman of the Commission is supposed to notify Council when there is a vacancy on the Board.

Councilman Short moved that this matter be placed back on the agenda next week, which motion was seconded by Councilwoman Locke, and unanimously carried.

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PUBLIC HEARING SET FOR MONDAY, JUNE 16, 1975 FOR THE PRESENTATION OF THE PRELIMINARY 1975-76 BUDGET FOR THE CITY OF CHARLOTTE.

Councilwoman Locke moved approval of a Public Hearing for Monday, June 16, 1975 for the presentation of the preliminary 1975-76 Budget for the City of Charlotte, which motion was seconded by Councilman Harris, and unanimously carried. The hearing will be at 8:00 o'clock p.m., in the Education Center and will be a televised hearing.

COMMENTS BY MR. ERNEST H. DAVIS, JR., OF THE MODEL CITIES ADVISORY BOARD.

Mr. Davis stated he would like to make two points to Council today. That one point is when they were working with Urban Renewal, they had set off a plot of land for grocery stores and little shopping centers but did not have the money at that time to develop it.

He stated we have Cedar Street and they are going to add 65 or 70 more units on Cedar on the west bank of Cedar from Fourth Street to First Street and to Irwin Creek. So if they make Cedar Street commercial they can have a grocery store, a little shopping center, a barber shop, a laundry, or something of that sort. That they would like to have Cedar Street commercial so they can have these things.

After further discussion, Mr. Burkhalter stated they have a combination going now because they have a Community Development Specialist who is working with these areas and Urban Redevelopment will not move in the single direction that it has in the past. That he does not say this critically, he is just saying it is all in one division now. They will be looking at all of these things and it may be that the developer will be coming up here and saying you ought to change these things, but he would assure them that there will be plenty of opportunity for Mr. Davis and others to make their input before any brick and mortar is taken down - or before anything is done.

COMMENTS BY COUNCILMAN WITHROW RELATIVE TO OPENING PART OF I-77.

Councilman Withrow stated out on Interstate 77, where I-85 and I-77 intersect, part of the road has been paved and could be opened. That it is his understanding, and he has talked to some of the highway people in Raleigh, that they are not going to open it for about six months or until it is completed all the way up to the lake.

He suggested that we put some pressure on them to have that part opened now - because it is ready; there is nothing difficult to opening it all the way up to Beam Road. It would take of the bottleneck that we have out there that would allow these people going down Highway 21 easier access.

LETTER FROM CHAIRMAN OF THE WASHINGTON COUNTY BI-CENTENNIAL COMMITTEE.

Mr. Burkhalter, City Manager, read a letter from the Chairman of the Washington County, Tennessee, Bi-Centennial Committee, a Mr. Frank A. Tannerwitz. That he and his wife were over here the night of the party in the Square.

He read, "The Program on Monday Evening was the most delightful affair I have ever attended. The spirit of the people involved, the reaction of the crowd, plainly illustrate what a tremendous success it was. We thoroughly enjoyed the Program at Freedom Park on Tuesday, along with the fine weather. We know you consider it an outstanding success. The President was in fine form for the occasion, the crowd was in the right mood to carry the entire program to a most successful occasion."

ADJOURNMENT.

There being no further business before Council, the meeting was adjourned.

*Louise Comfort*  
Louise Comfort, Deputy City Clerk