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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, August 9, 1976, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Dr. Ross S. Rhoads, Minister of Calvary Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, the minutes of the last meeting on Monday, July 26, 1976 were approved as submitted.

KEN CLARK PROCLAIMED KNIGHT OF THE CITY OF CHARLOTTE.

Mayor Belk recognized Mr. Ken Clark and proclaimed him a Knight of the Queen City of Charlotte. He thanked him for all his contributions to the City while he resided here, and wished him well in his new endeavors.

PERIOD FROM SUNDOWN ON FRIDAY, SEPTEMBER 3 TO MIDNIGHT ON LABOR DAY, MONDAY SEPTEMBER 6, 1976 PROCLAIMED AS SAFETY SABBATH.

Mayor Belk recognized Mr. Joe Malloy of the Citizens Safety Association. Mr. Malloy stated with him today are members of the clergy who have done the real work on the Safety Sabbath, and who deserve the commendations for the work involved in this project. He introduced each of those present.

Mayor Belk then read a proclamation proclaiming the period from sundown on Friday, September 3, to midnight on Labor Day, Monday, September 6, 1976 as Safety Sabbath.

PLAQUES OF APPRECIATION PRESENTED TO MAYOR AND COUNCIL BY NORTH CAROLINA AIR NATIONAL GUARD AND ARMY NATIONAL GUARD.

General Payne of the Air National Guard stated usually the Mayor recognizes people for the things they have done, and today he and Major Powell would like to reverse the procedure. That throughout the years the North Carolina National Guard has enjoyed the support of the City Council and the Mayor as the heads of this community, and they would like to present a small token of their appreciation. General Payne and Major Powell each presented a plaque of appreciation.

HEARING ON PETITION NO. 76-61 BY KILLIAN, KRUG AND ASSOCIATES CONTINUED TO MONDAY, AUGUST 23, 1976.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried to continue the hearing on Petition No. 76-61 by Killian, Krug and Associates for a change in zoning of property on the south side of Fenton Place to Monday, August 23, 1976 as requested by the petitioners and the protestants.

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APPOINTMENTS TO THE CHARLOTTE HISTORIC DISTRICT COMMISSION.

Councilwoman Chafin moved appointment of the following to the Charlotte Historic District Commission:

- (1) Kimm Jolly, representing the Charlotte-Mecklenburg Planning Commission, for a term to run concurrently with her term on the Planning Commission.
- (2) Crutcher Ross, representing the Charlotte-Mecklenburg Planning Commission, for a term to run concurrently with his term on the Planning Commission.
- (3) Ben Romine, resident of Fourth Ward.
- (4) Charles Hight, Dean of College of Architecture, UNCC.

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

Later in the meeting, Councilwoman Chafin moved that Dr. Romine be appointed for a term to expire June 30, 1977, and Dean Hight for a term to expire June 30, 1978. The motion was seconded by Councilman Gantt, and carried unanimously.

LUNCHEON MEETING WITH PLANNING COMMISSION TO EXPLAIN PROCEDURES FOR SHOPPING CENTER CASES CHANGED TO MONDAY, AUGUST 16, 1976 AT NOON.

Mr. Underhill, City Attorney, stated the Council has previously set a luncheon meeting for Monday, August 23, for the purpose of hearing from the Legal Department a proposed procedure for hearing the shopping center cases which have been remanded back to Council for new hearings by Superior Court. He stated his staff has been working on the procedures for several weeks, and they now have a procedure in draft form for City Council and the Planning Commission to consider. He stated they feel the need of Council's input and reaction to this procedure earlier than the 23rd if they are going to adopt it on the 23rd as the hearing procedure.

Mr. Underhill requested the Mayor and Council to consider holding the luncheon meeting for the purpose of considering the proposed procedures on Monday, August 16 and cancel the meeting for the 23rd in order for the Legal Department to have time to react to what Council tells them about the procedure.

Councilman Gantt stated his only objection is that he will not be able to attend as he is going on vacation; but there is some logic to the request. Mr. Underhill replied the procedures will be sent out to Councilmembers hopefully by Wednesday of this week, and Mr. Gantt could get back to him with his individual input before he leaves on vacation.

Motion was made by Councilman Withrow, seconded by Councilwoman Chafin and unanimously carried to change the luncheon meeting from August 23 to Monday, August 16, at 12:00 noon.

The City Manager advised that the Mayor and Councilmembers will be given the place of meeting as soon as it is arranged.

STAFF AUTHORIZED TO PROCEED WITH DEVELOPMENT OF LEGAL PAPERS FOR COUNCIL TO HOLD A \$16.5 MILLION ANNEXATION BOND ISSUE ON NOVEMBER 2.

Motion was made by Councilman Williams and seconded by Councilman Withrow authorizing staff to proceed with the development of legal papers for Council to hold a \$16.5 million annexation bond issue for November 2.

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

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The City Manager stated if it is agreeable with Council he would like to have a plan of action on the referendum brought back to them at their next meeting. He asked if they would like for the Public Service and Information Department to generate this? Mayor Balk asked if this can be done legally? Mr. Underhill replied they certainly have a right to support any bond issue they are putting before the voters. It can be done with City forces, with City staff, if done in the proper fashion.

The City Manager stated he did not think a highly financed, big campaign is needed on this matter. People are aware of the needs of water and sewer; they have been very supportive on this, and all the people in the city will be glad to see us annex some of these areas. It will be a very plus issue and it comes at a time when if you try to put on a campaign no one will pay any attention to it. It is just a matter of getting out the information.

Mr. Burkhalter stated he has not thought this all out; but he needs to know if they want him to think it out and come back to them with a plan for a campaign that gets out the facts. Just something to get the information to the people.

Councilman Davis stated he agrees with everything Mr. Burkhalter said except the fact that in a sense, at least under marginal cost accounting, when you add a new customer at extremely inflated rates for the cost of pipe, personnel, services and equipment, it has to generate some impression on rates. That is just a fact we will have to deal with. Unless this is going to be all set in some other way, it would be to some degree negative. He voted for the proposal, and he thinks we should emphasize the fact that this annexed area, the 29,000 people, are for all practical purposes, a part of Charlotte and should participate in all aspects of it.

EXPENDITURES TO RELOCATE PRIVATE SANITARY SEWER LINE FOR THE McALWAY-MONROE ROAD INTERSECTION IMPROVEMENTS. AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, approving the expenditure of \$2,600 to relocate a private sanitary sewer line, owned by Dr. Dennis D. O'Hara, in connection with the McAlway-Monroe Road intersection improvements.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF POLICE AND FIRE TRAINING ACADEMY.

Council was advised by the Clerk that the petition to annex the Police and Fire Training Academy has been investigated and found to be duly signed by the Mayor of the City of Charlotte on behalf of the City of Charlotte, which is the only owner of real property lying in the area described, all in accordance with G. S. 160A-31, as amended.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution fixing date of public hearing on the question of annexation for Monday, August 23, at 7:30 o'clock p.m.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 16.

RESOLUTION DECLARING INTENT OF CITY COUNCIL TO CLOSE A PORTION OF SARDIS ROAD IN THE CITY OF CHARLOTTE, AND CALLING A PUBLIC HEARING ON THE QUESTION.

Councilman Gantt moved adoption of the subject resolution declaring an intent to close a portion of Sardis Road and calling a public hearing on the question on Monday, September 13, 1976 at 3:00 o'clock p. m. The motion was seconded by Councilwoman Locke.

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Councilman Williams asked if it has been determined that this is a city street? Mr. Burkhalter, City Manager, replied yes; the State has informed us the City has jurisdiction and will have to be the one to close it if it is closed.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 18.

MAYOR TO APPOINT AN INTEGRATED COMMITTEE WHICH INCLUDES REVEREND BARNETT TO LOOK AT ALL POSSIBILITIES FOR HONORING DR. MARTIN LUTHER KING.

The discussion of proposed name change for Beatties Ford Road was presented.

Mayor Belk asked Councilman Gantt what he would recommend to the Mayor on appointing a committee? Councilman Gantt replied he thought that would be fine. He has had the opportunity to read all of the surveys, to look over 2,000 names supposedly against the road. The most cogent analysis of this problem was done by Mr. McIntyre of the Planning Commission. He seems to indicate the weight of the opinion would be against the specific name change of Beatties Ford Road to Martin Luther King Boulevard.

Councilman Gantt stated this community should do something to commemorate the memory of Dr. Martin Luther King. In his opinion, Dr. King probably more than any other person in the middle of the 20th Century, had more influence on where this country is going and the kinds of things we see happening now. He thinks the community should do something. He agrees with the Planning Commission's assessment that maybe Beatties Ford Road is not the street that ought to be changed on the basis of the fact it does have a lot of history associated with it and for some other technical reasons. He stated Reverend Barnett should be commended for bringing this to the attention of this community. He wonders how long some of them would have taken to get around to consideration of this. On that basis, we should develop a more systematic means by which we carefully assess what this community can do to commemorate Dr. King's memory. In that light, it is possible the Mayor may want to develop a Mayor's Committee that might look, not only at the possibility of naming some street after Dr. King, but his own personal assessment would be that Dr. King would deserve much more. Possibly some living monument to his legacy should be done. A human resource building, something that people use everyday; some program that would best represent the kinds of things Dr. King stood for while he was living. He stated it would make him very happy if the Mayor would appoint a Mayor's Committee to do this.

Councilman Gantt stated the committee has to be appointed by the Mayor. What the committee recommends would be brought back to Council for consideration. His only request is that the committee be an integrated committee; that it include Reverend Barnett; and that it be appointed almost immediately.

Councilman Whittington commended Councilman Gantt for what he has just said on the idea of a committee. He thanked Reverend Barnett for the work he has done on this. He stated he wholeheartedly concurs that a committee should be appointed by the Mayor to make recommendations to Council about what they might do, rather than the renaming of Beatties Ford Road, a road that dates back to 1897 or earlier.

Councilman Gantt moved that the Mayor appoint an integrated committee and include Reverend Barnett. The motion was seconded by Councilman Whittington, and carried unanimously.

Rev. James Barnett, 1335 Dean Street, stated he has the support of the Concerned Black Citizens, the Black Political Caucus, the N.A.A.C.P. and a great deal of the black ministers, in appearing today. They knew some

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time ago that they would not accept Beatties Ford Road and after working with the Planning Commission they see the problems in renaming the road. He wants to set the record straight; that it is not something that the black people do not want. The Planning Commission went out to the property owners on Beatties Ford Road. He took a survey between May 8 and 22, surveying 92 people. 70 people on Beatties Ford Road signed for it; 10 were for it but would not sign; 6 were neutral; 6 were against it. After hearing that the Planning Commission had a report showing that overwhelmingly they were against it, they went back to talk to the residents again and found out that the Planning Commission sent their forms out to the property owners and a great deal of the property owners on Beatties Ford Road happen to be white. Therefore, the white voice has ruled in the black community. He filed a petition for the records because he would not want it to go down in history saying they did not stand up for this issue. He feels the white people in South Africa could very well send for some of them to come over there and show them the techniques in brainwashing black people. They said in the beginning if Beatties Ford could not be changed they would accept some other road. They have been to the Planning Commission, and have found out that in a few weeks a new road will go under construction in Charlotte on virgin territory, no signs have been made and no name has been applied to that road. It is now going by the name of Airport Parkway; it will run from Woodlawn Road, across West Boulevard, across Independence Boulevard and across Interstate 85. He suggested if they cannot change the name of Beatties Ford Road, and they realize there are a lot of problems in changing a road, that they will consider changing this road to Martin Luther King Boulevard or Expressway. They do not want to have a program or a building named in honor because buildings are torn down and programs are done away with. It should be a road that will be there for a good while, and they are sure if anyone wanted to rename that road in the future they would go through the same trouble they have gone through on Beatties Ford Road.

He asked that City Council consider this proposal. They feel that this is an opportune time for Council to do something to show the black community that they consider them part of this community and that the west side is not only the dumping ground and the black people are not illegitimate and unwanted children.

Councilman Gantt stated he could not compete with that kind of oratory. That Rev. Barnett appears to have some objection to the idea of a committee that would study ways of commemorating Dr. King; that the Planning Commission's survey appears not to indicate an overwhelming desire not to have the name changed. In fact, they talk about a split vote. His feeling on this, and Rev. Barnett may differ, is that Dr. King was greater than just this black community; that there are a lot of people that need to pay tribute to the kinds of things he did for the community; that he does not necessarily feel that we ought to "ghettoize" the memory of Dr. King. He would hope that Rev. Barnett would be a willing member of the committee, participating in the active discussion.

Rev. Barnett replied he would be willing but he would be asking for a cake and would not accept the crumbs. Councilman Gantt replied he would have his opportunity to do that within that committee. He would fight for the new road from the beginning.

HIGHWAY IMPROVEMENT PROGRAM AND RAILWAY-HIGHWAY CROSSING GRADE ELIMINATION PROGRAM, APPROVED.

Councilman Whittington moved approval of the Highway Improvement Program and the Railway-Highway Crossing Grade Elimination Program presented to City Council by the Transportation Planning Coordinator at a luncheon on July 26, 1976. The motion was seconded by Councilwoman Locke.

Councilman Whittington stated now that they are approving these two reports, it is very important that Council have some plans done in case money comes along to build a bridge. Every fiscal year in State Government

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you have from time to time funds in a budget in the Department of Transportation where they want to allocate these funds. If you have a bridge ready to go out to contract or a road you can get some of this money. If you do not have the plans you go to the end of the line again. As a part of making the motion he suggested that they instruct the City Manager to see that we are prepared to at least do one of these bridges if the money is made available by the State. Mr. Burkhalter asked if he meant a Grade Elimination Program? Councilman Whittington replied yes. Mr. Burkhalter stated he did not think that was a major problem but it could be.

Councilman Whittington stated suppose the Department of Transportation called the City Manager today and said we have the money to build a bridge across the railroad tracks on Sugar Creek Road? Mayor Belk stated we would accept it. Councilman Whittington replied but suppose they asked for our plans. Mayor Belk stated we should have some plans, otherwise they are not going to give us any money. Mr. Burkhalter stated he knew what they meant, he just wanted them to understand that normally that is a state expense. Mayor Belk replied that it has not always been a state expense because we still would be in the backwoods if we had waited for the state.

Councilman Gantt stated he thought he knew what Councilman Whittington is saying, but he is not saying the State is going to make their allocations based on who has their plans ready to go? The general answer was yes they do. Councilman Gantt stated he had the impression that we are already way up because we have a plan that has analyzed the need for grade separations. Councilman Whittington replied we have plans but what he is talking about is if at the end of this year the state says we can give you money to build a bridge or a grade separation on a certain railroad and street here. Are you ready to go if we can give you the money? The answer to that is no. That we should have some engineering drawings for the particular grade separation program.

Mayor Belk asked Mr. Hopson for his comments. He replied he concurred with the City Manager that these are all very expensive projects and he also concurred with Councilman Whittington that it would be very nice to have one or two of these in hand just in case.

Mr. Burkhalter stated normally the way this is done is that you get the State to make these plans for you even though they do not have the money to do them, you persuade them to make the plans and have them ready. If it is a minor project - these are the ones you usually get money for at the end of the year. He understands what they are talking about and they will work on it.

Mr. Hoose stated we should take a look at the idea of going down to the State after the approval today and see if some progress could be made on some of the plans for these grade crossings. If they do cost the city and state, then bring it back and see what we can do.

Councilman Davis stated any such move should be based on some pretty close contact with someone in the State who could give us a good indication of such funds that would be available.

Councilman Williams stated he is a little bit leary of giving a blanket endorsement to all of these roads. He has no objection to the grade crossing part of the motion. But, it occurs to him that Council might have gotten into some difficulty in the past with a blanket endorsement such as this; and then a year later as it starts to be implemented, a neighborhood group rises up and starts to complain and the Council says "Whoops, I have forgotten about that; I didn't know that we had endorsed that program." That you run that risk everytime you endorse a blanket list of projects such as this. There must be over a dozen major projects on this list, some of which are new. He has about a dozen protest petitions from people who are affected by the Delta Road project. He is just a little bit afraid to blanket endorse these without really coming to grips with it a little more

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than he feels like he has. He is not sure why it is necessary from time to time to issue a blanket endorsement for road building. Does this spur the State on in some way?

Mr. Burkhalter replied the State has a seven-year plan and if we do not tell them what we want, they will put what they want in it or they might not put anything. He does not know. Councilman Williams asked if this was "set in concrete" once they endorse it? Mr. Burkhalter replied no - they have had some taken out and some put back since he has been here.

Councilman Williams gave as an example "Independence Boulevard corridor study". He stated it has not been three months since the Council issued a proclamation of some sort about that subject. He wonders if that does not fly in the face of what is on this report which talks about spending \$60.0 million in that corridor. The Council pretty much said we do not want to spend that much money on the corridor. He thinks this is the amount of money required to relocate the road and the Council said we would rather not relocate. He wonders if we do not get into the same kind of thing on the Tryon Street corridor study which is again a proposed thing. He has not thought through what neighborhoods might be affected by the realignment out there.

Mr. Burkhalter stated the first day he came here, Council was "jumping up and down" trying to get a study made on Independence Boulevard. Every year he has been here they have asked for this. This has been one of the things that has been a No. 1 priority. Last year they agreed to put money up to have the study made. As he understood it, the action Council took was that they did not want to take the alternative, they wanted to improve the road. The study was not quite finished. Now, here they are with the people already hired to do the study. They are just winding up - all they lack now, as he understands it, is putting together their recommendations. Their recommendations may very well be what Council asked them to do, but even if they are not, do they not think they ought to hear them and see what they are in this case? They may be put on the shelf forever; they do not have to do it, but since they have already been paid to do it; they have hired the people to do it because they thought Council wanted them to do it, they ought to hear it.

Councilman Williams stated this is precisely the point he is making. If we know in advance that we do not need the alternate route because of some neighborhood damages, why go to the expense, or ask them to go to the expense to do it. Mr. Burkhalter replied because the State may not agree with Council at all, and also the next Council might want to do it. You have to establish some plan on these things. They can change their minds just as they have on other proposals.

Councilman Gantt stated all of these roads would have to be subject to public hearings and all the detailed analyses at the time they go about doing them.

Councilman Whittington stated in his experience this has been an annual presentation by the Traffic Engineer, and later the Traffic Coordinator, and the State. When Governor Holshouser went into office this was changed from an annual thing. He projected a seven-year road program and that is what we have been under for the last four years. A good example of this procedure is the extension of Fairview Road. This plan first came to Council during the administration of Governor Kerr Scott or maybe it was before him. It was moved from 12th to 2nd place. Graham Street, for ten years was No. 2; it is now not even on the list. The proposed North Tryon Street - that was when we were talking about doing something to the present Tryon Street, perhaps swinging off to the right as you were heading south on Tryon and making Church Street a one-way street into town and Tryon one-way out. Tryon Street has been shelved because there is no way the State would go to the expense of changing those bridges which would have to be done on the mainline of the Southern Railroad and the other railroad tracks that you would encounter. He thinks we can forget Tryon. All this present program is something they are approving tentatively that will be reviewed by another Council in 1977 and on down the line.

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Councilman Williams stated he is just worried about the difficulty they seem to get into from time to time and he does not know exactly why they get into it. Maybe it is because citizens do not perceive this kind of thing as being real until the bulldozers start to drive up.

Councilman Whittington stated he agreed with Mr. Burkhalter. He thinks what Council did on Independence Boulevard was to say we do not want another swath cut through a neighborhood; we wanted them to do something about the present road. He also understands why they cannot stop in the middle of what they are doing and not finish it. Mr. Burkhalter stated it would be hard for them to sell a project to the State Board of Transportation that said you ought not to do it and if this report says you ought not to widen the present one and we are asking them to do it. But if they came back and said maybe we do not have to do it this time, it would be the kind of information they would want to have, and it would not cost Council anything to get it.

Councilman Gantt asked what the report says about the Highway 51 route? Mr. Hoose stated the present plan is a do-nothing plan - it is just widening the existing highway to two 14-foot lanes. That has already been set up. This report they are asking the same way; that the report be finished and presented to the proper people. The only other point brought in which they sought to do was to give them additional time to find out if it is feasible to widen #51 to four lanes and they are looking at that.

Mayor Belk asked Mr. Hoose if the expressway was not one thing and widening #51 a different issue altogether. Mr. Hoose replied right.

Councilman Williams stated both of those projects are listed in this group. Several of them are outside the city, which we are endorsing also.

Mayor Belk stated you cannot just decide all of a sudden - if you have anything on Route 49 you are going into Cabarrus and on #74 you are going into Union County. That anything that has an expressway to it will have bearing on other counties. That is why the State controls it.

Councilman Williams asked if the County Commission would take the same position on the ones that are outside the city. Mr. Burkhalter stated he was not sure. The only thing he can say about that is that the Commission met with them jointly to ask that #51 be widened. Mayor Belk stated they are now agreeing to widen it to four lanes, or an expressway. Mr. Burkhalter stated the County is not involved in road building. Mayor Belk stated they could still take a stand. Mr. Burkhalter agreed that was right.

Councilman Davis stated they must have taken a stand; they have been discussing it in the newspaper. Mr. Burkhalter stated they were talking about two different things - he thought they were talking about the resolution today. It is required because the City builds roads, furnishes the money to buy roads, rights-of-way, we share expenses for state highways in a joint program. There is money that the state cannot spend anywhere but in cities. Roads outside the cities are all built by the State.

Councilman Withrow asked, after they approved the program today, that they set priorities? That all they are doing today is saying they are in favor of the road program and later on they will set priorities? Mr. Burkhalter replied that is all they are doing today.

The vote was taken on the motion and carried unanimously.

CURRENT POLICY OF RESIDENCY REQUIREMENT TO BE ENFORCED BY CITY.

Mr. Underhill, City Attorney, stated most of the information needed for a decision on the residency requirement of the City is included in the material with the agenda. The Fourth Circuit Court of Appeals reversed a U. S. District Court opinion, in which it held the city's residency requirement to be unconstitutional. The Fourth Circuit acted in that manner

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on the basis of a decision by the U. S. Supreme Court in which it said that residency requirements by municipalities do serve a legitimate purpose. Therefore, it is not unconstitutional, and does not violate an individual's constitutional right of freedom of travel or his 14th Amendment rights. The effect of the reversal by the Fourth Circuit means the City's policy is now in effect and the staff asks some guidance from Council as to how it wishes to enforce the residency requirement that all City employees reside in Mecklenburg County, except the department heads who are required to live in the City.

Councilman Whittington moved that Council enforce Option 2, which is the current policy and allow the employees to move into the County within six months, if there are any outside. The motion was seconded by Councilman Withrow.

Mr. Burkhalter stated he is not sure when the suit was brought against the City originally, but every new employee employed since then has been told this suit is involved and they will be required to live in the county immediately. Some current employees, knowing the suit was up, apparently decided this was not going to be enforced and that they would take this chance. He stated they do not really know how many are involved; there may be 50 or there may be 100 who currently live outside the county. He stated they have a good way of finding out, or at least they think a reasonably good way.

He stated this is a very difficult thing to enforce. He knows there are people with two apartments; they probably live in one outside the city most of the time. It is very difficult unless someone tells you, or you go around and check everybody. If Council will give staff leeway in doing this, they propose to give people who agree to move in within six months, the six months to do so, or otherwise terminate them. Councilman Whittington and Councilwoman Locke both indicated they think this should be done.

Mayor Belk asked about someone who has a house and cannot sell it in six months; will something be worked out on a grandfather's clause? Mr. Burkhalter replied if you give a grandfather's clause, you might as well give it to everybody. Mayor Belk stated it seems someone who owns a house, against renting, might have more of a problem.

Mr. Burkhalter replied he thought if a person owns his house he ought to have more time. Councilman Williams stated six months seems adequate to sell their house and rent their house and come here. Councilman Gantt stated he likens it to any other situation of a new job that you get, you have to sell your house or do something else. Councilman Williams stated when you are transferred, you are transferred, no matter what.

Councilman Williams stated he is not sure the Supreme Court ruling gave municipalities carte blanche to do this. Did they attach some kind of restriction on it that the job has to be related to the location in any way or is it just absolutely blanket authority to do it, period? Mr. Underhill replied that their reading of it is that they are residency requirements in general - they do not hold you to the compelling interest test or strict scrutiny. As long as you can show that it is reasonably related in some fashion that the government has an over-riding interest in the employee's residence, that restriction will be held valid in those instances even though it may infringe upon his rights. The government's right to its own fringes over-rides that individual's rights.

Councilman Williams asked what is the interest in cities requiring this? No one has articulated that, but he supposes it is the feeling that if the city is good enough to work for it is good enough to live in - and the taxes. Is that really what we are talking about since we do not have a local income tax - it is a way to get some revenue? He referred to an article in a magazine about this subject. They quote Mayor Dailey of Chicago who says "there is no punishment if they don't - all they do is lose their jobs."

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Mr. Burkhalter asked that Council let him come back with some proposal to put the policy into effect.

Mayor Belk asked if the lawsuit was not over a lady who used her husband's business address and she lived at Fort Mill? Mr. Underhill stated no, she was very open and honest about her residency. She resided in Fort Mill, South Carolina. She was initially employed by the City as a reference clerk and was later promoted to a real technical position in the Crime Lab. She was a good employee apparently, because she was promoted, but she resided in Fort Mill, South Carolina throughout the lawsuit. Ironically enough, about a week before the court handed down its opinion she gave notice of termination because her husband had been transferred and she moved somewhere else. To his knowledge, she is no longer an employee of the city. Mayor Belk asked if the lawsuit continued even though she left? Mr. Underhill replied yes, it was pending for the city and her leaving the city did not affect the suit.

Councilman Davis stated to Mr. Burkhalter that he would be interested in (1) a better estimate of how many employees are involved, and (2) if some of them are long-time employees and under what circumstances they came to work for the city. What were they told then?

Mr. Burkhalter stated they would not have any like that because it was against the law for them to live outside the county. It never has changed - as a matter of fact, it has been liberalized a little bit since he has been here. It did require everybody to live in the city and that rule was changed to allow people to live in the county. It has never been legal to live outside the county. Anyone who lives outside the county has done so with the full knowledge that it is against the rule.

Mr. Underhill stated when the City Charter was rewritten in 1965 the old residency requirement was omitted. He was not here then and he does not know whether it was omitted intentionally or inadvertently. But, it was only in about 1971 or 1972 that he believes it was Councilman Whittington who asked about it and the Legal Department informed Council at that time we no longer have a residency requirement and Council at that time moved to re-establish a residency requirement for Mecklenburg County. Up until 1965 apparently, in all the charters they could trace, the city had a residency requirement. In 1965 it dropped out, was reinstated in 1971 or 1972. There was a hiatus during that time when there was no residency requirement in effect, except for department heads. Councilwoman Locke stated but it was understood.

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

COST OF LIVING INCREASE IN RETIREMENT APPROVED FOR FIREMEN WHO RETIRED PRIOR TO JANUARY 1, 1972.

Councilman Whittington stated he has given each member of Council a list of 42 people who have retired from the Fire Department; there have been several deaths since the list was made, so there are actually only 39. This list represents people who have served the Charlotte Fire Department 1,510 years in total time. Council needs to keep in mind that most of these people are not under Social Security and this is not Council's fault, but their fault as they consistently voted not to go under the system. At present there are 77 firemen receiving retirement benefits, and of that 77, 35 are receiving a 1.75 percent annual cost of living; the remaining 42 are not included in the annual cost of living raise - they went out prior to 1972.

Councilman Whittington moved that Council take the recommendation of staff as listed in Attachment No. 8 to the agenda, which is that approximately \$17,000 (based upon the twenty year amortization schedule) be made in FY-77, followed by a payment schedule of approximately \$48,000 per year for five years beginning in FY-78, with the FY-77 amount to be taken from the contingency appropriation. The motion was seconded by Councilman Gantt.

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Councilman Gantt asked Mr. Burkhalter how much is the contingency? The reply was \$112,000. Councilman Whittington stated he is talking about the paragraph in which they recommend a small payment of \$17,000 based on a 20-year amortization schedule.

Councilman Davis stated there is no question on these people, unless they have some independent wealth, they are probably badly in need of a cost of living increase. But, in regard to Councilman Whittington's proposal, what is the staff recommendation? Most of the information in the attachment comes from the Charlotte Firemen's Retirement System which is a separate corporation. He cannot discern any staff recommendation in it.

Mr. Burkhalter explained that they were asked to do it by the Board and they gave Council a way in which it could be done and then they thought they would just let it rest according to their conscience. These people are in this situation. It is very difficult to get current people now in the Fire Department to agree to raise their proportionate payments in order to pay someone who has already retired more money. In 1972 we did this, but only from those people who were currently here and who were retired to that date would get it and they would pay for it, but there was no way they could persuade them to pay for the man who had already retired. It is a city-owned system that is supervised by the city and we do contribute funds to it. It is a way to help these people. Council has done this in some other areas. For instance, they gave considerably more money than this didn't they, just to bring the police up on the veterans' credit? It is something that is legal. It is up to them as to what they want to do.

Councilman Williams asked if these people deliberately elected not to participate in the firemen's program while they were employed? Which one are they talking about - Social Security or a firemen's pension program? Mr. Burkhalter replied they were in the pension plan, it was Social Security they opted out of. Councilman Williams asked why are these people treated any differently than the ones who retired yesterday? Mr. Burkhalter replied that on January 1 the Retirement Board came in with a plan to give raises based on cost of living. This adjustment was made in the contribution of the employee. So, those people, as of that date, have to pay for this, but they did not want to put anything in there for the man who had already retired.

Councilman Davis stated he is inclined to go along with Mr. Whittington's proposal because they would like to help these retired firemen and they obviously need it, but he thinks since they are spending tax dollars they ought to have some affirmative recommendation from the staff as to how we do this and maybe the Firemen's Retirement System could underwrite a portion of this. It is going to put a strain on our contingency. Also, previously Councilman Withrow suggested that Council consider consolidating these various retirement systems to remove this type of problem. If there is ever any intention of doing this, Council might want to make consideration of that a contingency for approving anything they do here.

Mr. Burkhalter stated he is going to be in a position to help do that now and when this is brought up at the state level, they will consider this, as he is now a member of the State Retirement Board of Trustees. There is a way to do it now though, and he is not sure what phase of it they are now in. But they are working on Mr. Withrow's plan. They have had several conversations about it and they have not given up on it. When the Social Security Act was passed by Congress in the 30's, all of the firemen and police organizations across the country wanted to be excluded because over the years police and fire departments have been very effective in lobbying with legislatures across the country to get very good private, mostly un-sound, retirement plans. They felt that any time that anybody went into Social Security they would lose this plan. He can understand that very clearly. But, the law prohibits a State to be exempted. He does not have any idea today, but the last time he looked a large number of states had gone in under an exemption from this law by an action of Congress. He is pretty sure that North Carolina is now eligible for Police and Firemen

coverage, but they have to vote on it. If they took a vote and voted that they wanted to come under Social Security, then they could do this if they could work out a plan. The normal city employee has Social Security and the State retirement. They cannot do this today. They have to have an ordinance.

Councilman Davis stated he would like to defer this until they get a staff recommendation on the expenditure of these funds. Councilman Whittington stated that Mr. Burkhalter had said he would give them the recommendations when he comes back. Councilman Davis stated he would also like to know whether or not they are being equitable to the other employees who are under Social Security. The motion to defer did not receive a second.

The vote was taken on the motion and carried unanimously.

COUNCIL TO DO EVERYTHING POSSIBLE TO ENHANCE DEVELOPMENT OF GOVERNMENTAL PLAZA CONCEPT; CITY MANAGER DIRECTED TO DETERMINE NEEDS OF CITY GOVERNMENT AS IT RELATES TO OFFICE SPACE; LEASE FOR OFFICE SPACE IN CAMERON-BROWN BUILDING DEFERRED FOR TWO WEEKS TO COUNCIL'S PUBLIC WORKS COMMITTEE; AND PRESENT POLICY OF LEASING SPACE APPROVED.

Councilman Davis stated the original request to have this item discussed was directed at discussing the Council policy and staff procedures on leasing the property. He supposed that would come up in the discussion, but they also have a recommendation here for the approval of a three-year lease which will complete the bulk of the leasing we do for the next three years. It will extend beyond the life of this present Council and some of the staff even. He asked that they separate this and have the discussion today and either reaffirm or alter our staff policy on how we go about advertising and soliciting leases and then have at the next Council meeting the staff make a proposal on this lease so that we can at least give the staff a chance to go through whatever procedure we come up with on these leases.

Mayor Belk stated these items are already separated. Now they are only discussing the Governmental Plaza. Councilman Davis stated he thought they were discussing Item 13 in general and before the discussion starts he would like to request that they proceed with the discussion of (a) and defer (b) until the next Council meeting, because during the course of this discussion they may have occasion to alter their policies on how they go about leasing property.

Councilman Gantt suggested they go ahead and have the discussion on the Governmental Center Plan and if Councilman Davis wants to defer action on the lease as a result of further discussion on leasing policy, do it then.

Mr. McIntyre, Planning Director, stated basically the Governmental Center has been the basic reference point for quite some time now in discussions and decisions about the location of governmental facilities and particularly governmental administrative facilities, both from the standpoint of the city and its functions and from the standpoint of the county and its functions. The Governmental Center concept was established by the City Council upon the recommendation of the Planning Commission back in 1958. The establishment of that concept and its location was based on several fairly fundamental basic considerations. As to the location - it was obvious at that time when the Planning Commission came up with the idea of a center that this location would have a lot of advantages, particularly with the start of the City Hall and Courthouse as a nucleus, very useful facilities for effective long term life. The land that would be required for the long term plan of development for additional government facilities that would be needed could be acquired through the redevelopment process and that presented a favorable opportunity. The location is very conveniently accessible to the population of the City and County by the then major thoroughfare system. That has been improved since then and here in the governmental center area we have one of the better concentrations of public transit as existed at that time and certainly looking to our future plans for transit that will continue and hopefully will be improved.

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As to some of the functional aspects of the Center, one of the prime considerations of the Planning Commission and their reason for recommending such a center was that it would offer convenience to the public, not only in this location but when the public had to do business with several governmental agencies at one time for City or County agencies, then the public would be able to transact their business in one location rather than having to go to several diverse locations throughout the community to do the things that they found it necessary to do. One example of that, by way of illustrating the kind of convenience or inconvenience the public can have as a result of where governmental administrative facilities are located relates to one aspect of government he is fairly familiar with and that is re-zoning. Fairly frequently, a re-zoning matter will initiate when somebody who intends to do a development goes to the Building Inspection Department and finds out that he cannot do what he had hoped he might do. So, he wants to find out how he might be able to do it - so he comes to the Planning Commission office and he finds out about the re-zoning process and what it requires and what he will have to do and gets a complete picture of that process. One of the things he is likely to find out is he will have to be in touch with the County property records because he will need accurate property identification as a basis for his application for the zoning change. So, in just that one governmental process, a great deal of convenience to the public can be achieved if those various aspects of the re-zoning process are located in one central place.

He stated another aspect of the public convenience as related to the governmental administrative facilities and where they are located has to do with subdivisions and apartment developments. Here we have even more agencies of government that people in this kind of activity necessarily become involved with through the implementation and enforcement of various regulations - Planning Commission, Environmental Health, City or County Engineering, City Traffic Engineering, City or County Building Inspection and the Utilities Department. An example of the unfortunate dispersal of some administrative agencies - temporary at this point - is the fact that we have two county agencies who are involved in the process he just mentioned that are located now out on Interstate 85. Having gone out to their office several times himself he finds that he can spend 40 minutes making the roundtrip to transact necessary business.

While that is the aspect of public convenience, it is very significant in the determination of where governmental administrative facilities should be. There is another aspect of it that is very important also. All too frequently, whether justified or not, they hear comments from the public about a lack of coordination among governmental agencies and organizations. Certainly, coordination and communication among agencies themselves is greatly facilitated by having both city and county governmental agencies that are involved in similar subjects in proximate locations one to the other so that they can easily communicate.

In answer to a question he stated the County Building Inspection Department is out on I-85, off of Beatties Ford Road, in a rented facility at the present time.

Examples of city agencies that work on different parts of the same subject are Transportation, Public Works, Engineering, Transit Planning, Transportation Planning Coordinator, Traffic Engineer, Planning Commission. They need communication and coordination. City agencies that have real significant need for communication with county agencies: Planning Commission, Community Development, which needs to communicate very frequently with the School Board, County Manager's Office and the Social Services Department. There are others. He emphasized that he is not trying to tell the whole story, but just give examples.

The City Attorney stated that in 1958 the Planning Commission recommended the Governmental Plaza concept for the convenience to the general public.

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Councilman Gantt asked where most of the city offices were located before the Cameron-Brown Building was built? Were most of those offices in the existing City Hall complex. Mr. McIntyre replied that his office, for example, was in the Equity Building; there were city offices in the Executive Building and some are still there. They were in the general area of City Hall.

Councilman Gantt asked if anyone had the total amount of square footage leased by the City? He is trying to get an assessment of what portion of the total office area is in the Governmental Plaza area and specifically, the Cameron-Brown Building. Councilman Davis replied it is about 85,835 square feet; in the Cameron-Brown Building it is 68,000.

Councilman Gantt stated some time back Council, prior to his becoming a member, designated a firm or firms to look into the possibility of a City/County office building which became a city office building at that time.

Mr. Norman Pease stated he was asked to attend this meeting since he has served as planner for the Governmental Center since prior to the 1966 plan. His firm has recently completed the Governmental Center update and are now working on the programming for the Municipal Office Building and basic site studies for this project. A program was submitted for review in September of 1975. They have had no comments or information on that program. They assume that it is essentially what they want, but they will be happy to have any input that they may have at this time.

He stated that several of the Councilmembers have seen the work in progress. He will not attempt to show any of their studies at this time, but there are models and schedules available at Council's convenience. They are still in the process of doing site studies on the Municipal Office Building and will be glad for them to see it anytime they wish.

The Governmental Center was originally conceived and promoted by Council. It has been an ongoing project for many years. Basic concepts of governmental centers, as Mr. McIntyre has mentioned, are to bring together all of those functions that need to be near each other for efficiency and convenience. At the same time, governmental centers serve a communication with the public and one of the original concepts was buildings in a park which put them in a park-like setting to bring the people into the governmental area, not hold them out. He believes that the original concept was completely valid at the time it was adopted, and that the development to date further emphasizes this validity. Governmental Center has been long in developing, but as the many elements fall into place he believes that it appears even more sound than it was on adoption.

The original concept, the one he is calling buildings in a park, consists of the blocks bounded by East Fourth, East Third, Davidson and Alexander Streets as the location for the administrative functions of the plan. This appeared to be a completely logical and obvious position for the placement of these services because by necessity they are used by everyone in the Governmental Center. In preparing the recent update which was presented to Council in September, further study indicated that this location for administrative services was still completely valid. This study also suggested possible expansion directions, one being the direction farther west which would move toward town on property that was available west of the present Governmental Center site.

He thinks they need to keep in mind the concept before getting into these other decisions. Planning must lead to an ultimate goal. It must be a strong direction yet allow for the inevitable change that will occur and flexibility that is going to be needed. Advance planning if well conceived can permit phase development of areas and the accomplishment of intermediate objectives as required by the principal users, at the same time still heading for the long range goal. Hopefully, the expansion properly planned will permit the necessary dovetailing of leases and coordination of new construction so that adequate space is provided with minimum loss of efficiency and disruption of those involved.

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The concept of the Governmental Center is sound. It is sound from a long range standpoint. The concept is further complimented by the short-term leased properties contiguous with the present center. He hopes that Council will reaffirm its earlier action by continuing the orderly, efficient pattern of the Governmental Center. In recent years they have made great strides in implementing the objectives of the original concept. Governmental Center represents a large investment in money and time by many people in this room. He hopes that the decisions made by this body will continue to move Governmental Center toward its original goal.

Councilman Gantt asked about the program for the new office building? Mr. Pease stated this program was presented in September. Mayor Balk asked the new Councilmembers if they had seen it. Councilman Davis stated he had not seen it; Councilwoman Chafin stated she had. The Mayor suggested that Mr. Davis go by the office of J. N. Pease Associates and see the plans as he felt he should be familiar with them.

Councilman Withrow asked about the time element in building the office building? Mr. Pease stated the first increment could come immediately but it is a twenty-year plan. Councilman Withrow stated that Council had talked about when we reach the figure of leased property of \$500,000 a year to \$750,000, that somewhere between that they could afford to build a new office building and pay for it. We are now over \$500,000. They can sell it to the public for the simple reason that it will pay for itself in the rents we are paying to someone else and it would be more serviceable and would be all in one group. Are we still three years away from that?

Mr. Pease stated if they decided today to proceed on the basis of the program that has been presented, they would be a minimum of three years away from occupancy.

Councilman Williams stated it would depend on how big a building they build to accommodate this. The last figure he heard was \$28.0 million.

Mr. Pease stated he would not try to put a price tag on it. 400,000 square feet could be applied anywhere they wanted to, depending on what stages it is built and when it is built.

Councilman Williams stated his figure came from a shopping list of bond proposals. Mr. Pease stated he thought that came from the original study, updated.

Councilman Whittington stated he thought Council ought to approve this lease today but they ought to begin to not just talk about three years from now, or five years from now, but they ought to really set some goals that Mr. Pease mentioned and try and work toward that goal and go ahead and build this city office building. In June of 1973 Mr. Burkhalter sent Council a memo and said at that time we were paying \$425,321.70 for office space for departments of city government. Since that time we have moved other office space into the Cameron-Brown Building. At that time, Mr. Fennell said that much money would support a \$5.0 million bond indebtedness. The point is that since 1973 this rent they are now paying out has increased. If we are going to build an office building they have the background from which to start. The need is out there and it is not going to get any less, it will be more, and it seems to him they ought to quit talking about it and start trying to do something about it. They built a parking garage, etc. We could do the same thing here even if we have to go revenue financing.

Councilman Gantt stated there are two ways to look at this. One is an affirmation that the Council still believes that the Governmental Plaza concept is valid; the second part of that is whether or not short-term leasing space that is available to the governmental plaza should be utilized by the City. Even if we were to consider building our own office building or buying an existing office building, can we buy one in the governmental center area, for example, can we buy the Cameron-Brown Building? Or should we buy a building in downtown Charlotte? Those are various kinds of issues that they can talk about and compare the amount of revenue. Obviously, the Pease

concept would have the city build a city-owned municipal office building. It would offer the capability of being able to build it in stages if not all at one time. If the city chose not to go into something in the order of \$20.0 to \$30.0 million in bond money for a 400,000 square feet facility. This would be about four times the amount of space that the city presently uses.

It was brought out that the plans are for City and County. The County is still in favor.

Mr. Burkhalter stated he wanted to interject one thing about the County because this has slowed up the idea of consolidation. This building would be built in increments and in his conversations with the County they have been asked to give some consideration to building it in towers so that if the City gets ready to start before the County does, half of it could be built or part of it.

Councilman Gantt stated the question is whether or not this Council wants to affirm its position on the Governmental Plaza. That ought to be decided first and then go to the other aspects.

He moved that Council, in the interest of good planning, do everything it can to enhance the development of the Governmental Plaza concept. The motion was seconded by Councilwoman Chafin.

Councilman Davis stated when Councilman Gantt said "everything we can" he presumes he means within reason. He is in favor of this concept but he wanted to point out that in Mr. McIntyre's remarks he said the main advantage of the Governmental Plaza concept is (1) public convenience and (2) to coordinate communication among our own staff and employees. As far as public convenience is concerned, when we group offices such as everything connected with the zoning process in one building we achieve most of the desirable public convenience of the Governmental Plaza concept. As long as we have related offices grouped properly, even though they are not in the same building or even within walking distance of each other. Probably we have done this pretty well now. Mr. McIntyre mentioned some problems in the location of County office buildings. We could do this and still have a flexible Governmental Plaza area and only when we get ready to build a permanent building which we are going to own and occupy for a long period of time does this "set the plan in concrete". Up until that point we could have a group of offices located near or technically outside the Plaza area without incurring any real public inconvenience. In fact, depending on where it is located it might be a public convenience.

As to the matter of coordination and communication, this is important and perhaps Belk's and Ivey's would like to have all of their stores located in downtown Charlotte - it would be convenient to keep up with their employees and equipment and so forth, but it would not be very convenient to the public from Wilmington or Jacksonville, Florida, to come in and buy merchandise. The criteria has to be convenience to the using public. He is constantly amazed by the number of people when they have some occasion to visit Council and come down to City Hall, they say "where is City Hall?" They really do not know. They seldom have occasion to come down here in person. For this reason, when they are talking about leasing space, particularly on a ten year basis, maybe they ought to look at how much it is going to cost to conform immediately to the Governmental Plaza concept. It may be if they look at the cost of it and say, well for three years or six years, pending construction of our new building, it would not be unacceptable to deviate from this plan. In fact, in the recent leases they did this in one case.

He did not intend to get into the leases today but they already have so he will comment briefly on that. The policy this Council has on soliciting leases - in case of Federal and State governments, they all require

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competitive bids for their leases and as a result of this, they have a very fine system. The Federal Government leases the space at an average of less than \$5.00 per square foot and the State Government averages less than \$4.00 per square foot. Our city costs run somewhere under \$6.00 per square foot. The lease being presented today says nothing in the material whether or not they are escalating in the lease; there is no discussion or indication of whether or not there are renewal options. Also, one thing that disturbs him about the apparent method by which they got this lease proposal here - in that he understands a real estate firm which is the exclusive agent for the Cameron-Brown Building was the agent for the City to solicit bids - is that all of the landlords in the City that wanted to submit anything had to go through one of their competitors, the exclusive agent for the Cameron-Brown Building which is one of the buildings in contention for this lease. He questions the propriety of that. In most businesses, competitors are reluctant to reveal anymore information to their competitors than they have to.

He reminded Council that when they approved the last leases which totalled something under 10,000 square feet, the information the Council got was incorrect about the rates that were in effect - it was taken from an 18-month old survey and our staff was apparently unaware of the age of the survey. One of the three leases they approved was outside the Governmental Plaza area, and that did not seem to bother anyone at that time. The criteria that staff used, while it emphasized free parking which he questions how much taxpayers are willing to pay for that, they completely ignored conformance with the Comprehensive Plan which at least as far as the public and mass transit areas are concerned Council has already adopted. Lastly, these real estate leases involve almost \$600,000 annually. This Council should formally approve a policy calling for competitive bids in a manner similar to what our State and Federal Governments do.

Councilman Whittington stated Mr. Pease mentioned the westward extension of the Governmental Plaza. What is in the update on eastward expansion? Is it in there to cross McDowell Street?

Mr. Pease stated they considered expansion in all directions. The recommendation to cross McDowell Street is not as strong as in the other directions because they felt that those properties were being used at this time, it was contiguous to the site; it was an obvious thing that they thought it could be continued on that basis. They thought that some of the property on that side was essentially new. He made use of a small map to point out the areas he had spoken about. The site he is speaking of as the location for the office building is to the rear of City Hall and is now used as a parking lot.

The vote was taken on the motion and carried unanimously.

Councilman Davis moved that Council defer approval of a three-year lease of space in the Cameron-Brown Building until the next Council meeting and instruct staff to prepare a proper specification sheet; that sealed, competitive bids be solicited through the public media and the Council be presented with some alternative as they are in other contract lettings. They may well vote to stay in the Governmental Plaza area, but Council and the public should know the criteria on which the decision is based and how much premium if any we are paying in order to conform to the Governmental Plaza concept. The motion was seconded by Councilman Williams.

Councilman Withrow asked when the lease expired at the Cameron-Brown Building? He stated if we could build an office building within the next three years he would vote for this; otherwise, he would say let's take a five-year lease from someone instead of a three-year lease, on a different basis of rental, maybe a cheaper basis. If they are planning on three years and at the end of three years having a building they can move into, he would

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say go ahead with the Cameron-Brown Building because of the expense of moving. It is all dependent on how Council feels about a new office building.

Councilman Gantt stated there is a lot of merit in terms of what Councilman Davis has said in terms of proposals that come to Council. The only danger he sees to it is that you might get a proposal, if you are fair about this, that proposes to put city offices on the edge of town, or out in the county for that matter at \$2.00 a square foot. It would be somewhat different than the kind of competitive bid that they would get for something like the construction of the new office building. The Council would have to look into other factors, related to convenience, violation of the Governmental Plaza plan, etc. That some ground rules ought to be set and he would like to hear a response from Mr. Burkhalter to what appears to be a charge by Mr. Davis that there is some irregularity in the fact that people who did compete for this office space had to go through one of their competitors. That would seem to be highly unusual or irregular.

Mr. Bobo replied that our own real estate agent handled the negotiations for leases and no outside firm was involved to his knowledge. We have a real estate office that handles all of our leases.

Mr. Burkhalter stated the real estate agent of one company went with our real estate office to look at a building and if he is not mistaken, that is where all this comes from.

Councilman Davis asked if it is advertised or are specifications sent out to prospective landlords?

Mr. Robert Percival, responding to Mr. Davis' comment, stated he thinks it reflects on his firm when he makes an inference that they were somehow involved in exclusive rights to show the property. His firm is in the general brokerage, sale and leasing of office and commercial properties. When the city indicated that it was going to consider other places - and in this case, if Mr. Davis' firm was a tenant of theirs and he told them that he was reconsidering his lease as to whether to stay or move somewhere else, and possibly to take more or less space, he would assume that his firm, either he or his associate, would ask him if they could show him other types of spaces, as brokers. At no time has there ever been any interest, to his knowledge, and the only two people involved are himself and Jim Nicholson who is in charge of leasing. When this situation came up and the city said they were going to consider other spaces, they asked if they could show them other spaces because they know of other properties downtown and because they are showing property and dealing in the market they feel they have a pretty good idea of what the best rates would be on that particular property. Also, they are familiar with the qualitative as well as quantitative comparison of property. It depends on how a property is laid out, the square footage per floor and things of that nature as to what is the real, true effective rate. He assured Councilman Davis that this is strictly a business thing where they solicited the opportunity. The same was true in 1971 when they came and knocked on the city's door and asked them to consider moving to that building. Prior to that in 1969 when they were leasing the Kemper Building, they came and called on the city at that time and asked them to consider services that could not be accommodated in City Hall in those two buildings.

Councilman Davis replied he sees nothing wrong with that; it is perfectly standard, ethical business practice and he applauds his firm for being aggressive in pursuing this. It is what he would have done in the same circumstances; however, what he is concerned with is that, as far as the city staff is concerned, had they communicated the fact that we were in the market for a certain number of square feet of office space, had this been communicated to other prospective real estate agencies in Charlotte, other prospective landlords, had they been invited to submit bids to the City, had they been informed of the specifications that we require as to terms of the lease and the type of space we were looking for, whether we wanted it in one building or one floor, or contiguous floors, etc.

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Mr. Burkhalter replied that the answer to that is obviously no. In the way of review, he stated the City Council can put these offices anywhere they want to and he thinks that the thing they have to tell the staff is if they want it in the cheapest place they can get. Then they can do that. They can advertise for bids and do it. Council argued this and debated it at great length when they moved the Planning Commission in the Cameron-Brown Building. When they decided to do it, that was the only thing his staff had to go by. Council voted to do it and they put the Planning Commission in there. Personally, he thinks it was a good move. It has proved its value to the City in putting those departments together and it has been a great help to people going to those places. It is really very convenient for the staff now and it is convenient for the public. The public can get to those buildings and get in and out and do it easily. It is a real service. What Council has to decide is if that is worth anything or not. There is no other place that you can do this. Why go out and get everybody excited about putting three or four offices in three or four different places by sending out notices? No, they did not do that. If they want that done, they can do it, but there are only a few places, under the circumstances, that they would want.

Councilman Whittington stated as one who was here when this Governmental Plaza concept was begun, and continued, he would like to emphasize again the importance of the Governmental Plaza and what it has meant to downtown, uptown and city government, urban renewal, community development, and all the other facets.

Councilman Whittington made a substitute motion, before considering the lease, that the City Manager be directed here today, with whatever staff he needs to use to determine what the needs are for city government as it relates to an office building with the help of the consultants we already have; whether this be a city-county office building or whether the City of Charlotte go it alone, and how we finance it. The motion was seconded by Councilman Withrow.

Councilman Whittington stated if we do that we can get on with this lease and then know what we are going to do in the future. That he would recommend that Council take action on this substitute motion.

Councilman Williams stated he would like to see the Public Works Committee of Council involved in this sort of thing - the same sort of thing Councilman Whittington is talking about. That he is not really opposed to what Mr. Whittington is trying to accomplish here in getting an orderly recommendation of some sort; but he would like to have this Committee involved in it.

The City Manager stated he has the authority to ask the Committee to do it. If Council passes this motion, he will invite the Committee to come in.

Councilman Whittington stated he will amend his motion to that effect. The amendment was accepted by Councilman Withrow who seconded the motion.

Councilman Davis stated he does not understand how this relates to his motion. He can relate it to the Governmental Plaza plan. Councilmember Chafin stated this is a substitute motion that Councilman Whittington felt should be voted on before dealing with the content of Mr. Davis' motion.

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

Councilman Davis stated his motion is to defer approval of the Cameron-Brown lease and direct staff to solicit sealed competitive bids.

Councilmember Locke made a substitute motion to defer the item until August 23. The motion did not receive a second.

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Councilman Whittington stated he appreciates what Councilman Davis is saying here, but if Council is going to do what it just voted on and that is the motion to accept the Governmental Plaza concept to support it now and in the future. If we are going to make up our minds about a new office building, then the motion should be to approve the lease today.

Councilman Davis restated his motion as follows: defer approval of the lease and instruct staff to prepare specification sheets, and sealed competitive bids be solicited. Then Council will have some alternatives as it does in other contract matters. He stated Council may well decide to stay where we are or in the Governmental Plaza area; but he is saying this Council and the public should know how much, if any, premium we are paying. The motion did not receive a second.

Councilman Gantt stated it seems to him we are asking the question if the Council is satisfied with the present policy of leasing space. We should vote that up or down. That he would go along with the deferral if Council is asking for a new policy on leasing. Are we satisfied with the method by which the city obtains leases?

Councilman Whittington moved that Item (b) be approved. The motion was seconded by Councilmember Locke.

Councilman Williams made a substitute motion to defer Item (b) to the Public Works Committee of Council for two weeks. The motion was seconded by Councilman Davis, and carried unanimously.

Mr. Percival stated the present lease on one floor expires on August 31. That Councilman Davis was talking about sealed bids and so forth. He asked if they can be given some kind of time frame. Mr. Percival was advised that the motion did not pass; that the decision on the leases has been deferred until August 23.

Councilman Gantt stated he would like to add an Item (c) to this. He moved that Council approve the present policy for leasing space. The motion was seconded by Councilmember Locke.

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

YEAS: Councilmembers Gantt, Locke, Chafin, Whittington, Williams and Withrow.
NAY: Councilmember Davis.

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CONTRACTS FOR VARIOUS PROJECTS AWARDED.

(a) Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Firestone Truck Tire Center, in the amount of \$60,915.33, on a unit price basis for passenger tires and tubes.

The following bids were received:

Firestone Truck Tire Center	\$ 60,915.33
L & N Royal Tire Service, Inc.	61,092.33
Goodyear Service Stores	62,071.41
The B. F. Goodrich Company	68,599.68

(b) Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, L & N Royal Tire Service, Inc., in the amount of \$145,107.68, on a unit price basis, for truck and grader tires and tubes.

The following bids were received:

L & N Royal Tire Ser., Inc.	\$145,107.68
Goodyear Service Stores	149,955.22
Firestone Truck Tire Center	150,021.63

Bid received not meeting specifications:

B. F. Goodrich Co.	\$142,686.27
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(c) Councilman Withrow moved award of contract to the low bidder, Parnell-Martin Supply Company, in the amount of \$16,466.79, on a unit price basis for 3/4 inch nickel copper alloy steel pipe. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Parnell Martin Supply Co., Inc.	\$ 16,466.79
Hajoca Corporation	16,596.57
Crane Supply Company	16,714.57

(d) Councilwoman Locke moved award of contract to the low bidder, B & H Carolinas, Inc., in the amount of \$4,701.51, on a unit price basis, for 33 tapping sleeves and valves of various sizes. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

B & H Carolinas, Inc.	\$ 4,701.51
ITT Grinnell Corporation	4,826.28
Pyco Supply Co., Inc.	4,953.96
American C. I. Pipe Co.	5,490.00
Pump & Lighting Company	5,661.72

(e) Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Palmer's Rowan Stationers, Inc., in the amount of \$5,868.00, on a unit price basis, for city automobile license decals.

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The following bids were received:

Palmer's Rowan Stationers, INC.	\$ 5,868.00
Weldon, Williams & Lick, Inc.	6,739.92

(f) Councilwoman Locke moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$130,171.00 on a unit price basis for sanitary sewer construction trunk to Withrow Road and Interstate 85. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$130,171.00
Rand Construction Company	135,851.45
Ben B. Propst, Contractor	144,182.91
Breece & Burgess	153,592.00
Lockwood Construction Company	155,394.00
Dickerson, Inc.	156,731.00
R.D.R., Inc.	163,820.25
Hickory Sand Company	241,014.00

MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES DURING REMAINDER OF SESSION.

Mayor Belk requested permission to leave the meeting at this time.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, excusing the Mayor from the meeting.

Mayor pro tem Whittington presided for remainder of the Session.

CONTRACTS AWARDED FOR PEDESTRIAN BRIDGES IN DOWNTOWN URBAN RENEWAL PROJECT NC A-3.

(g) Councilman Gantt stated all members of Council received a copy of a letter from Flynnco, Inc., questioning the interpretation of the bids. He asked the City Attorney to explain this.

Mr. Underhill stated Flynnco, Inc. submitted a bid on the project, and has raised certain questions concerning the specifications and proposed award to Walter G. Baker Company. The problem and confusion comes about as the result of an addendum put out after the original specifications were advertised. The city initially in its specifications proposed that the contract must be completed by May 15, 1977, and that liquidated damages would be assessed at a rate of \$250 per calendar day after the date if the contractor did not complete the work in time. That same clause in the specifications also said if a contractor completed the work before May 15, 1977 he would receive a credit of \$250 per calendar day. A form was contained in the bid specifications to permit a bidder to indicate when he was bidding to complete the job. Prior to the bids being open the city sent out an addendum. The addendum said the completion date for this project will be six months from the date of availability. That changed the May 15, 1977 date. In his opinion, it did not change the fact that both liquidated damages would be assessed if the contracts ran over that time; nor did it change the \$250 per day credit that a bidder would receive if he should complete the work before six months. The effect of the addendum in his opinion was the only thing that would be changed, other than the bidder having until May 15, 1977 to complete the bid, he would have six months to do so.

That being the case the Baker bid indicated on the form where a bidder was permitted to insert the amount of time he would take to complete the project,

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if they completed the work in 155 days, rather than the 180 days, and since time was a consideration and the city indicated it would take into account in awarding this bid, it meant the Baker bid became the low bid because it bid to complete the job in a fewer number of days than any of the other bidders which all bid six months. On that basis, it was staff recommendation to recommend to the Council the Baker bid as the low bid because of the lesser number of days it had bid to complete the job. If Council awards the bid to Baker Company, the liquidated damage clause will begin at the end of the 155 days, rather than the 180 days because that is what they bid to complete the job in. He stated for those reasons, in his legal opinion, the Baker bid became the low bid in terms of what is recommended to Council because time was an important consideration. In terms of dollars the Flynnco bid was lower at least on the original base bid. But when you build in this \$250 per day credit to the Baker bid then because of time involved, they became the low bidder.

Motion was made by Councilman Gantt, and seconded by Councilman Withrow, to award contract to the low bidder, Walter G. Baker Company, in the amount of \$434,000.00 on a unit price basis for general contract for pedestrian bridges in Downtown Urban Renewal Project NC A-3.

Councilman Williams stated what he has to say applies to Agenda Items (g), (h) and (i). He thinks the bridges are a desirable thing. What he questions is the method of paying for them and who pays for them

As to the history of the bridges the way he understands it is that the Redevelopment Commission when it was still a commission, autonomous commission, entered into a contract with Independence Square Associates to build these bridges. Subsequently, the Commission went out of business. About a year ago when all but two of the present members of Council were on Council, this matter came on for an amendment to the existing contract. But meanwhile the City had assumed the obligations of the redevelopment commission. This came on when ISA was ready to break ground for the Radisson because they needed to know something about the connection of the bridges. At that time, he and Ms. Locke voted to approve two of the bridges, but not the third one. The two they voted in favor of were the ones across Fourth Street connecting the ISA project to Southern National and the one across College Street connecting the ISA project to the Civic Center.

His rationalization for doing that was that the Civic Center is a public building and should be connected. He had to stretch it a little more for Southern National because that is not a public building. But it was a new building representing an investment in the Downtown Area of about \$30.0 million. He thought they had been lead to some extent to believe those bridges would be built, and would be paid for by some governmental agency. They relied on that promise. The matter that should not be dismissed lightly is the amount of taxes new projects downtown pay. He has been advised that on the lot where ISA has their development, just before they become involved, approximately \$50 to \$60 thousand was paid in ad valorem taxes to the city and county on that block excluding the Savings and Loan Building. Then they invested some \$40.0 million in their office tower and he has been advised the taxes on that block excluding the Savings and Loan has increased to about \$500,000 a year. When the Radisson Project is completed it will go up to about \$750,000 a year. That is a lot of money and buys a lot of police and fire protection and garbage collection. Southern National has done the same thing to the tune of about \$30.0 million, and he does not know what taxes that generates. That is the purpose of urban renewal. You see it working where it is and see it working right. That is how he distinguished between the two bridges and the third bridge, which connects to the area, but is not part of the urban renewal project. At that time he thought he had a legal leg to stand on and that was the Redevelopment Commission exceeded its authority, and did not have the authority to commit the expenditures of tax money when they contracted to

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build the bridges. What they did he thought was not binding on the Council who had to raise the money to pay for it. That was the legal justification he found in his own mind.

Councilman Williams stated this time he cannot find a legal leg to stand on because the Council a year or so ago when it voted to go ahead and build those bridges ratified any kind of contract that might have been executed without authority; now he thinks it is binding on Council. He has philosophical problems voting for these because he thinks it is a subsidy to some extent to private enterprise. He stated he does not want to vote to breach the contract, so he is going to vote for them.

Councilwoman Locke stated she would like to reiterate what Mr. Williams has said. She will have to reluctantly vote for these also. She voted for two of them, and felt we should not use public funds to build the third one. She really still believes that. But she thinks we have gone too far when Council voted a year ago, and it was a majority vote to construct these. She will vote for them.

Councilman Davis stated he finds himself in a position of voting for a tax paid improvement connecting two private industries. He hopes Council will not maneuver itself into this position again.

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

The following bids were received:

Walter G. Baker Company	\$434,000.00
Flynco, Inc.	438,759.00
Butler & Sidbury, Inc.	450,547.00
Donald C. Neal Construction	476,165.00
F. N. Thompson, INC.	505,550.00
McInnis Construction Co.	544,785.00
Rodgers Builders, Inc.	557,335.00

(h) Councilman Gantt moved award of contract to the only bidder, Jackson Refrigeration Service, INC., for mechanical contract for pedestrian bridges, in the amount of \$42,798.84. The motion was seconded by Councilwoman Chafin, and carried unanimously.

(i) Councilman Gantt moved award of contract to the low bidder, Industrial Electric Company, in the amount of \$18,972.00, on a unit price basis, for electrical contract for pedestrian bridges. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

The Industrial Electric Co.	\$ 18,972.00
Ind-Com Electric Company	19,380.00
Driggers Electric & Control Co.	19,449.00
Mosley Electric , Inc.	23,720.00

CONTRACTS FOR VARIOUS PROJECTS, APPROVED.

(j) Motion was made by Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Rea Construction Company, in the amount of \$531,844.00 on a unit price basis for fall resurfacing, 1976.

The following bids were received:

Rea Construction Company	\$531,844.00
Blythe Industries, Inc.	539,271.00
Asphalt Construction Co.	553,000.00

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(k) Motion was made by Councilman Withrow, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, Blythe Industries, Inc., in the amount of \$90,552.00 on a unit price basis, for resurfacing, sidewalks, curb and gutter, seeding and mulching for Southside Community Development Target Area, Phase I.

The following bids were received:

Blythe Industries, Inc.	\$ 90,552.00
Crowder Construction Co.	93,604.25
T. A. Sherrill Construction	93,319.25
Lee Skidmore, Inc.	100,049.25
Harrell's Concrete Works	113,146.00

(l) Councilman Withrow moved award of contract to the low bidder, Blythe Industries, Inc., in the amount of \$371,235.35 on a unit price basis, for Statesville Avenue Widening. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Blythe Industries, Inc.	\$371,235.35
Crowder Construction Co.	463,695.25
F. T. Williams Co., Inc.	472,073.00
T. A. Sherrill Construction	478,653.74
Propst Construction Co.	487,519.00
Rea Construction Company	556,894.35

(m) Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Sanders Brothers, Inc., in the amount of \$249,176.50, on a unit price basis, for Craighead Road Culverts.

The following bids were received:

Sanders Brothers, Inc.	\$249,176.50
Blythe Industries, Inc.	251,052.00
Crowder Construction Co.	256,190.00
Hickory Construction Co.	263,783.10

(n) Councilwoman Locke moved that present contracts with Hub Uniform Company for police and fire service uniforms, and with Oshkosh B'Gosh, Inc for city employees' work clothing, be extended for an additional year, effective August 1, 1976, in accordance with present contracts, and the phrase "Union Made" in the specifications for Hub Uniform Company, be deleted from the contract. The motion was seconded by Councilwoman Chafin, and carried unanimously.

(o) Contract for additions to air conditioning system in MIS Department was deferred on motion of Councilmember Withrow, seconded by Councilwoman Chafin, and unanimously carried.

AMENDMENTS TO CONTRACT WITH ODELL ASSOCIATES FOR DESIGN AND ARCHITECTURAL SERVICES FOR PEDESTRIAN BRIDGES.

The amendments to two contracts with Odell Associates for pedestrian bridges were explained by Mr. Sawyer, Director of Community Development.

After discussion, Councilwoman Locke moved that Council separate the two contracts and vote on each individually. The motion was seconded by Councilman Gantt.

Councilman Gantt asked what happens if Council decides not to make these changes, and votes not to increase the funds for the increased time spent on the projects? The City Attorney replied he would be very reluctant to even attempt to answer that question without looking at the original contract.

Councilman Gantt stated he would support the city paying the additional amount of time. We do know the controversy surrounding this. However, he would have appreciated it if the Director of Community Development had given some initial indications sooner than now that it appeared the architect was spending much more funds in carrying out the wishes of the city. He stated he thinks the city is morally obligated to do this. The way he reads it, we are not legally obligated. Councilwoman Locke stated she does not have any problems with the two bridges on East Fourth and South College Streets.

The vote was taken on the motion to separate the two contracts and carried unanimously.

Councilman Gantt moved that Council accept the amendments to the contract for the bridges over East Fourth Street and South College Street, increasing the amount by \$23,000.00 for a new total of \$34,000.00. The motion was seconded by Councilwoman Chafin.

Councilman Davis stated he is concerned about what kind of precedent is set when a contractor or architect exceeds the maximum amount? The City Attorney replied he does not think it is setting any kind of legal precedent. Each contract stands on its own. Council's action here today in approving additions to these he does not think would bind Council to any particular course of action when considering another contract. Each has to be considered on its own merits. Councilman Davis stated the amount of money is more than double the original contract. This seems like an excessive amount.

After further discussion, the vote was taken on the motion, and carried as follows:

- YEAS: Councilmembers Gantt, Chafin, Locke and Withrow.
- NAYS: Councilmembers Davis and Williams.

Councilman Gantt moved approval of the amendments to the contract for the East Trade Street Bridge. The motion was seconded by Councilman Davis for discussion.

Councilman Gantt stated he cannot draw any great distinctions between the amount of time spent on all these bridges. He cannot vote for the first without voting for the second.

Mr. Sawyer stated the original contract was for \$15,000. The total increase in cost as a result of the extras requested has been estimated at \$9,000; the remaining \$7,000 is money that will be needed up to the \$7,000 for supervision during the construction. He would recommend that Council approve this. The original contract was a minimum and did not include the kind of supervision they feel they need because of the very complicated nature of the bridge.

After explanation by Mr. Odell, and lengthy discussion, the vote was taken on the motion, and lost by the following vote:

- YEAS: Councilman Gantt.
- NAYS: Councilmembers Chafin, Davis, Locke, Williams and Withrow.

Councilman Davis moved that the contract be approved for \$25,000.00. The motion was seconded by Councilwoman Davis, and carried by the following vote:

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YEAS: Councilmembers Davis, Chafin and Withrow.
NAYS: Councilmembers Gantt, Locke and Williams.

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

RESOLUTIONS OF CONDEMNATION.

Mayor pro tem Whittington stated Council instructed the Public Works Department to meet with the people on Tyvola Road. He asked if they have met with them, and answered their questions? Mr. Readling, City Engineer, replied they met with the residents and explained the project in detail, and answered all their questions. There were 47 residents present at the meeting.

Councilwoman Chafin moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Cities Service Oil Company, at 1237 Tyvola Road, for the Tyvola Road Improvements. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 20.

Councilman Gantt moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Lillian Perry Massey Heirs, at 1124 South Church Street, for the West Morehead Community Development Target Area. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 21.

ITEMS WITHDRAWN FROM CONSENT AGENDA.

At the request of Councilwoman Locke, the consent agenda was divided, and Items No. 17 through 21 were voted on separately.

CHANGE ORDER NO. 1 IN CONTRACT WITH T.A. SHERRILL CONSTRUCTION COMPANY FOR WEST TRADE-WEST FOURTH CONNECTOR APPROVED.

Councilwoman Locke moved approval of the subject change order increasing the contract price by \$9,363.00 for a revised amount of \$230,189.85, to relocate three houses in the Third Ward Area in connection with the West Trade-West Fourth Connector. The motion was seconded by Councilwoman Chafin, and carried unanimously.

CONTRACT WITH TARHEEL CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER LINES TO SERVE DEVERON DRIVE.

Councilwoman Locke moved approval of a contract with Tarheel Construction Company for the construction of 161 linear feet of 8-inch sanitary sewer line to serve 5842 Deveron Drive, inside the city, at an estimated cost of \$2,400.00 with the applicant to construct the entire system at their own proper cost and expense; and the city to own, maintain and operate the system and retain all revenue, all at no cost to the city. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACTS FOR TECHNICAL OR PROFESSIONAL SERVICES FOR COMMUNITY DEVELOPMENT TARGET AREAS, APPROVED.

Upon motion of Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, the following contracts were approved:

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- (a) Contract with Johnston Memorial YMCA for planning and execution activities related to a Youth Services Program principally and primarily for North Charlotte Community Development area youth and their families, in the amount of \$26,500 to begin September 1, 1976 and end August 31, 1977.
- (b) Contract with Greater Gethsemane AME Zion Church to continue the special education program for Five Points, Third Ward and West Morehead Community Development area youth for the 1976-77 school contract, in the amount of \$157,852.00.

AMENDMENT TO CONTRACT WITH MOTION, INC. TO PROVIDE CONSULTANT SERVICES IN THE DEVELOPMENT AND OPERATION OF HOUSING FOR LOW AND MODERATE INCOME PERSONS.

After explanation by Mr. Sawyer, Community Development Director, motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, approving an amendment to the contract with Motion, Inc., to extend the time of performance from August 10, 1976 to August 10, 1977, and increasing the first year contract amount of \$132,000 by an additional \$132,000.00.

ORDINANCE NO. 244-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE RE-ESTABLISHING APPROPRIATIONS FOR COMMUNITY DEVELOPMENT HUMAN RESOURCE PROGRAMS INITIATED IN FISCAL 1976.

Councilwoman Locke moved adoption of the subject ordinance re-establishing appropriations in the total amount of \$1,406,341. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 296.

CONSENT AGENDA ITEMS AUTHORIZED.

Upon motion of Councilman Davis, seconded by Councilman Gantt, and unanimously carried, the following items under the consent agenda were authorized:

- (1) Contracts for audit services.
 - (a) Contract with Haskins & Sells to audit certain wastewater collection and supply systems capital projects, in an amount not to exceed \$3,500.00.
 - (b) Contract with Arthur Anderson and Company to audit City of Charlotte Public Transportation System for the year ended June 30, 1976, in an amount not to exceed \$5,000.
- (2) Resolutions pertaining to Utilities.
 - (a) Resolution accepting State 12½% Wastewater Construction Grant offer for the proposed Metro Charlotte 201 Wastewater Facilities, in the amount of \$1,414,329.
 - (b) Resolution accepting State 12½% Wastewater Engineering Design and Construction Grant Award for the proposed North Mecklenburg 201 Wastewater Facilities Project, in the amount of \$999,535.
 - (c) Resolution accepting a State Clean Water Bond Grant Offer, in the amount of \$25,015, for construction of Wastewater Collector Mains in Annexation Area 1-2 (Carmel Road-Sardis Road Area.)

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 22, and ending at Page 24.

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- (3) Resolution authorizing the refund of certain taxes, in the total amount of \$1,716.72, which were levied and collected through clerical error and illegal levy against nine tax accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 25.

(4) Loans in Fourth Ward Area.

- (a) Loan to James R. Smith and wife, Susan H. Smith, in the amount of \$53,000 for improvements and restoration of property located at 311 West Ninth Street.
- (b) Loan to Charles Thomas Fennimore and wife, Gail H. Fennimore, in the amount of \$50,000 for improvements and restoration of property located at 325 West Ninth Street.

(5) Contracts for Legal Services.

- (a) Amendment to contract, dated July 21, 1970, with Miller, Johnston & Allison Law Firm, increasing the contract price by \$8,500.00 for title exam and closing procedures in the acquisition of the railroad land for the Downtown Urban Renewal Project.
- (b) Amendment to contract, dated December 17, 1973, with Miller, Johnston & Allison Law Firm, increasing the contract price by \$23,000 for condemnations in the First Ward Urban Renewal Area.

(6) Encroachment agreement with North Carolina Department of Transportation permitting the City to construct a six inch water line in Carmel Road.

(7) Property transactions.

- (a) Acquisition of 15' x 147.39' of easement at 5842 Deveron Drive, from Tar Heel Construction Company, at \$1.00, for sanitary sewer revision for Lincolnshire Subdivision.
- (b) Acquisition of 15' x 72.03' of easement behind 7500 Lancer Drive, from Duke Power Company, at \$75.00 for Providence Utility Trunk Relocation.
- (c) Acquisition of 15' x 2,210.64' of right of way at 5001 Sardis Road, from Lex Marsh and wife, Betty H., at \$1.00, for sanitary sewer to serve Strawberry Hills Apartments.
- (d) Acquisition of 15' x 98.09' of easement at 2540 Pickway Drive, from D. Earl Matney, Jr. and wife, Marjorie Y., at \$100.00 for sanitary sewer to serve Pickway Drive Annexation Area II (7).
- (e) Acquisition of 15' x 37.12' of easement at 2536 Pickway Drive, from James R. Eudy and wife, Minnie C., at \$50.00 for sanitary sewer to serve Pickway Drive, Annexation Area II(7).
- (f) Acquisition of 60' x 310.19' of easement at the rear of 1701 Yorkmont Road, from Carolina Connecticut Properties, Inc., at \$325.00 for Irwin Creek Outfall sanitary sewer.
- (g) Acquisition of 15' x 150.92' of easement at 1104 Cedarwood Lane, from Haskell Odell Hooper and Jean C. Hooper, at \$350.00 for sanitary sewer to serve Cedarwood Lane.

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- (h) Acquisition of 15' x 15.29' of easement at 1112 Cedarwood Lane from Louis G. Daignault and Doris E. Daignault, at \$1.00 for sanitary sewer to serve Cedarwood Lane.
- (i) Acquisition of 15' x 393.12' of easement at 1148 Cedarwood Lane, from Randal Davis Dockins and Betty Gladden Dockins, at \$1,000 for sanitary sewer to serve Cedarwood Lane.
- (j) Acquisition of 15' x 44' of easement at the rear of 6701 and 6705 William Harry Court, from William Trotter Company, at \$1.00 for sanitary sewer to Stonehaven 20, Phase C Subdivision.
- (k) Acquisition of 15' x 1,205' of easement at 733,730 and 734 Charter Place, 6701 and 6700 William Harry Court, and 6601 and 6607 Woodmont Place, from William Trotter Company, at \$1.00 for sanitary sewer to Stonehaven 20, Phase C Subdivision.
- (l) Acquisition of 2.79' x 9.29' x 8.77' and 2.45' x 5.99' x 6.45' of easement at 5046 Old Pineville Road, from Catawba Charlab, Inc., at \$1.00 for right of way at 5046 Old Pineville Road.
- (m) Acquisition of 889 square feet of right of way and 1,316 square feet of sanitary sewer easement, plus temporary construction easement, from Mary L. Davidson and Alice D. Abel and husband, Carl Robert Abel, on 25.71 acres on both sides of Craighead Road, at \$1,500 for proposed right of way for Craighead Road Culvert at Derita Branch.
- (n) Acquisition of 41.42' x 45.95' x 10' x 33' of easement, plus construction easement, at 4240 Craighead Road, from Tom P. Pappas and wife, Mary D., at \$850. for proposed right of way for Craighead Road Culvert at Sugar Creek.
- (o) Acquisition of 20' x 19.46' x 24.13' x 19' of right of way and 15' x 146.68' of sanitary sewer easement, plus a construction easement, at 3726 North Tryon Street, from Feroline F. Hammett (widow), at \$2,000 for proposed right of way of Craighead Road Culvert at Sugar Creek.
- (p) Option on 9.92' x 149.79' x 10.08' x 149.78' of property, plus a construction easement, at 1225-29 Tyvola Road, from G. Howard Webb and wife, Louise K., at \$10,900, for Tyvola Road Improvements.
- (q) Acquisition of 3.65' x 69.73' x 68.54' of right of way, plus a construction easement, at 1326 Tyvola Road, from Trotter and Allan Construction Company, at \$300 for Tyvola Road Improvements.
- (r) Option on 103.08' x 320.06' x 2.0' x 156' x 98' x 182.28' at 2717 Estelle Street, from Earl F. Mathis, Jr. and wife, Cassandra H., at \$20,650 for Northwest Junior High School Area Park Site.
- (s) Option on 50' x 170' x 50' x 170' at 918 West Fourth Street, from William Page and wife, Amelia B., at \$13,500 for Trade-Fourth Connector.
- (t) Acquisition of 194,713 square feet at 224-26 S. Cedar Street, from Charlotte-Mecklenburg Board of Education, at \$103,000 for Third Ward Community Development Target Area.
- (u) Acquisition of 10,130 square feet at 208 West Palmer Street, from Everett M. Austin, at \$7600; 11,000 square feet at 1108 Winnifred Street and Independence Boulevard, from Helen I. Michaels, at \$22,000; 11,000 square feet at 1108 Winnifred Street and Independence Boulevard, from Schloss Outdoor Advertising Company, at \$10,200; 11,000 square feet at 1108 Winnifred Street and Independence, from Lamar Dean Outdoor Advertising at \$5500; and 18,900 square feet at 114-16-18-20-22-24-26 West Palmer Street, from Roy Stuart Smith, at \$51,000, all for West Morehead Community Development Target Area.

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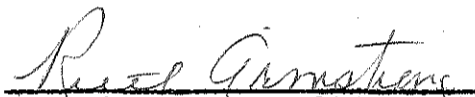
RE-INSTATEMENT OF NAMES PLACED IN NOMINATION FOR APPOINTMENT TO CIVIL SERVICE BOARD.

Councilman Withrow stated sometime ago some names were placed in nomination for the Civil Service Board. At that time he had placed in nomination the name of Buck Brown. He stated Mr. Brown has told him numerous times that he is interested in serving on the Civil Service Board. He stated he would like to re-instate Mr. Brown's name for appointment to the Civil Service Board.

Councilman Gantt asked what happened to the request on C.D. Thomas' status on the Board? Was Council to look into that? Mayor pro tem Whittington replied Council deferred decision on the appointments. He stated he had nominated Mr. Colias and Councilman Withrow had nominated Mr. Brown; he assumes both the nominations are still up.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk