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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, January 26, 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 Davis, Harvey Gantt, Pat Locke, Neil Williams, Joe D. Withrow and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman James B. Whittington.

MINUTES APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the Council Meetings on Monday, January 12, and Monday, January 19, 1976.

YEAR 1976 PROCLAIMED AS BICENTENNIAL BEARD YEAR.

Mr. James Spivey, Chairman of the Bicentennial Contest Committee, stated he is here on behalf of the Mecklenburg Bicentennial Beard Committee, and he introduced members of the Committee who were present: Dan Rushing, George Stephens, Murdies Arnold, Stan Kornfield. Others serving on the Committee are Dr. Donald Shambley, Jim Howell, Joe Helms, Bob Ward, Phil Coles and Paul Whitfield.

The purpose of the Committee is to promote the growing of beards for the Nations's Bicentennial Year; to secure involvement of the male population of Mecklenburg County in a visual display of tonsorial splendor which will be notice to all of their patriotism and respect for the human attributes which made this Country great.

He stated they are suggesting that every male who is so disposed to abandon the razor and support to the best of his ability the growing of a beard. He stated the Committee is holding a contest with two broad categories. Old timers, contestants who already have beards, and Whippersnappers, those who are clean shaven as of the first week in February, 1976. All the banks in Mecklenburg County have been authorized to accept contestant entrants.

After further explanation by Mr. Spivey, Mayor Belk presented a proclamation declaring the year 1976 as "Bicentennial Beard Year."

CITY OF CHARLOTTE EMPLOYEES PLAQUES PRESENTED.

Mayor Belk and City Council recognized the following employees for their services to the City:

- (a) Fire Lieutenant-Captain Edward H. White, employed April 16, 1942 and retired December 31, 1975.
- (b) Fire Lieutenant-Captain Earl O. Stacker, employed November 1, 1948 and retired December 31, 1975. (Absent)
- (c) Treatment Plant Operator, Harold C. Wolfe, employed December 7, 1959, and retired December 30, 1975. (Absent)

Mayor Belk and Councilmembers expressed appreciation for their services and wished each well in their retirement. A City of Charlotte Employee Plaque was presented to each.

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MEDIAN TO BE CONSTRUCTED ON RANDOLPH ROAD AS RECOMMENDED WITH THE EXCEPTION THAT NO MEDIAN WILL BE CONSTRUCTED FROM GREENWICH ROAD TO GAYNOR ROAD.

After review and discussion of the median by Councilmembers and the Director of Traffic Engineering, Councilman Whittington moved that Council approve the median on Randolph Road as recommended with the exception of the area from Greenwich Road to Gaynor Road where there will be no median. The motion was seconded by Councilman Williams.

Councilman Gantt stated he is going to have to vote against the motion because of the safety at the intersections and he made a substitute motion that the median be provided as designed by Traffic Engineering Department, with the exception that at Greenwich Road and at Sharon Road there be provided a 200 foot storage lane and a five lane road facility between Greenwich and Sharon Amity. The motion did not receive a second.

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

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

SHADY BLUFF DRIVE REMOVED FROM THE DISCONTINUED STREETS PROGRAM.

The Discontinued Streets Program and Shady Bluff Drive in particular was reviewed by Mr. Hopson, Public Works Director.

Speaking for the removal of Shady Bluff Drive from the program were Mr. Jon Howell, 1101 Shady Bluff Drive and Mrs. Louise McKinna, 1210 Shady Bluff Drive. Mr. Howell stated the distance from the fire house would be approximately 2/10 of a mile closer if the street is opened, and the residents are willing to accept this difference to keep the street closed. Mrs. McKinna stated she has done almost a house to house canvass of the areas, and she has not found anyone who wants the street opened up.

After remarks, Councilman Davis moved that Shady Bluff Drive connection be removed from the Discontinued Streets Program. The motion was seconded by Councilwoman Chafin, and carried as follows:

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

Councilman Davis stated since this is general revenue sharing fund money, and is available for other purposes, and if there are no other more worthy considerations in the discontinued street programs, that neighborhood does want and needs flood controls. That is one area where recently the flood plains were extended by approximately 25 feet each side of the creek, over which this connection would have been built.

The City Manager advised that the City Council directed the Planning Commission to study this program, and directed them to come back with a program which was approved. This is the result of that. The plan first was to come back with a program of seeing that this type of condition does not exist in the future. The second one was a program to remove the serious cases of this type that were in existence. Staff is simply doing what Council has instructed it to do. That he has no argument with what Council has done, but this is being brought to Council at Council's request. He suggested that Council should review the ones that are left in the program. Councilman Davis replied he thinks Council should review these because staff may be entitled to better guidance from Council because we have the discontinued street program concurrent with the street closing program which appears to be in conflict.

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APPLICATION FOR FEDERAL ASSISTANCE TO PROVIDE SUPPORTIVE SERVICES TO AID PERSONS OF LIMITED ENGLISH-SPEAKING ABILITY IN FINDING EMPLOYMENT COMMENSURATE WITH THEIR ABILITIES, APPROVED.

Motion was made by Councilwoman Locke and seconded by Councilman Whittington for discussion to approve an application for federal assistance to provide supportive services to aid persons of limited English-speaking ability in finding employment commensurate with their abilities.

Councilman Davis stated he is opposed to the adoption of this. The expense seems exorbitant for 25 people for almost a hundred thousand dollar program. That he has run into a few of the relocated nationals. It is true they are underemployed in a number of cases, but he does not think any severe hardship is being incurred because those who are underemployed are taken action on their own to change the situation. There is a very fine community college program available at a very low cost; there are a number of employers in the City of Charlotte working closely with their employees. That he thinks it is a program that is not needed, and in fact might be counter-productive. If these people wish to become citizens of the United States it would be good for them to take another avenue rather than being trained in a federal program.

Mr. Person, Director of Manpower Department, advised the Advisory Board reviewed this at their meeting on the 15th. Prime sponsors were invited to submit a proposal in conjunction with other prime sponsors for trying to address the problem of unemployment of Vietnamese who have come to this country recently. They have approximated (X) number of dollars through the Department of Labor. Recognizing that we have approximately 25 families that fall into this category, and having had some experience with some of them in seeking employment, and English was a barrier to the employment situation, they thought it would be a good idea to submit a proposal of this sort. The hundred thousand dollars is considerable. They plan to work with Central Piedmont Community College toward implementing this program. They were also trying to address themselves to the problem of learning English, and to carry out some sort of re-training effort for individuals so they could fit into the mainstream of employment in a successful way. He stated this is geared toward the Vietnamese but does not exclude others.

Following further discussion between Council and Mr. Person, the question was called on the motion and carried, and the motion to approve carried as follows:

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

RESOLUTION RELATING TO THE ALLOWANCE OF CREDIT OF PURCHASE FOR MILITARY SERVICE, AND REPAYMENT OF RETIREMENT CONTRIBUTIONS PREVIOUSLY WITHDRAWN FOR CITY EMPLOYEE MEMBERS OF THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND, ADOPTED.

Motion was made by Councilman Williams, and seconded by Councilwoman Chafin to adopt the subject resolution.

During the lengthy discussion between Council and staff, it was pointed out that an individual would have to work continuously for a period of ten years for one employer in order to qualify for this benefit.

Councilman Whittington stated he is going to vote for this; he thinks it is bad policy brought on by what the City did last year, and he thinks all should be mindful of the fact that we are assuming not \$435,000 but \$1.5 million. This is the thing he sort of holds Mr. Earle personally responsible for, and he wants him to know that, and he wants the record to know it.

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Mr. Earle replied that on June 30, 1975 he had no knowledge of what the law enforcement officers' system had done, and had no knowledge of what they planned to do. That he will accept the responsibility for it; but it was not a deliberate misleading presentation to City Council.

Councilman Gantt asked the number of non-police personnel who took advantage of the present allowance on military service? Mr. Coffman, Assistant City Manager, replied so far no one has gone all the way through the system and the reason is that the State has not accepted our application. Councilman Gantt asked if Council took Alternate three under the options which would be to disapprove the City's involvement in both plans and not allow either police or non-police employees to purchase time for military service and repayment of contributions previously withdrawn would anyone be affected? Mr. Coffman replied no.

Mr. Burkhalter, City Manager stated he thinks Council should be aware that there is another retirement system called Firemen, and a law could be passed about that tomorrow. Also, that in the fire department they retire on the last three best years, and you can only get so much credit - 50% of your pay after so many years. You might need some military to add to that but in many cases it would not make any difference.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 260.

Councilman Davis requested staff to look into the question of why we have three separate retirement plans for city employees, and see if they could be consolidated.

RESOLUTION OF THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES RECOMMENDING TO THE CITY COUNCIL CHANGES IN THE BENEFIT STRUCTURE AND METHOD OF FINANCING THE RETIREMENT SYSTEM, DEFERRED.

Councilman Whittington moved adoption of the subject resolution. The motion did not receive a second.

The City Manager advised the only person he has qualified to discuss this matter with Council is out of town, and he would prefer that Council defer this until the next meeting so that Mr. Fennell, Finance Director, can be here.

Councilman Gantt moved that the resolution be deferred as recommended. The motion was seconded by Councilwoman Chafin, and carried unanimously.

Councilman Davis requested that comments from staff be included when it is on the agenda next week.

RESOLUTION DESIGNATING THE MAYOR, CITY MANAGER AND CITY ATTORNEY AS ADDITIONAL PERSONS TO WHOM CLAIMS AGAINST THE CITY MAY BE MADE.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the resolution designating the Mayor, City Manager and City Attorney as additional persons to whom claims against the City may be made.

The resolution is recorded in full in Resolutions Book 11, at Page 262.

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RESOLUTION OF THE CITY COUNCIL STATING AN INTENT TO CLOSE PORTIONS OF REMBERT STREET, GOUGH STREET, BRANCH STREET, CANTON STREET AND LIDELL STREET IN THE GREENVILLE URBAN RENEWAL AREA, N. C. R-78, AND CALLING A PUBLIC HEARING ON THE QUESTION ON MONDAY, MARCH 1, 1976.

Upon motion of Councilman Whittington, seconded by Councilwoman Chafin and unanimously carried, the resolution stating an intent to close portions of Rembert Street, Gough Street, Branch Street, Canton Street, and Lidell Street, in the Greenville Urban Renewal Area, N. C. R-78, and calling a public hearing on the question on Monday, March 1, 1976 was adopted and is recorded in full in Resolutions Book 11, beginning at Page 263.

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE AND THE SCHOOL OF HUMAN DEVELOPMENT AND LEARNING, UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, FOR A SPECIAL EDUCATION PROGRAM FOR FIVE POINTS COMMUNITY DEVELOPMENT AREA YOUTH.

Motion was made by Councilman Whittington and seconded by Councilwoman Chafin to approve the subject contract in the amount of \$33,909.00.

Councilman Gantt asked about the selection of this University to carry out the program, and wondered whether or not given the fact that Five Points is located in Johnson C. Smith's bosom, they were given the opportunity to submit a proposal, and whether or not they were interested in the handicapped program that Coach Cox presented to Council several weeks ago. That he is concerned when we have the university resource in the community that we take advantage of that university when the services are available.

Mr. Sawyer, Director of Community Development, advised this is not a new program; it is more a continuation of an outgrowth of a very successful summer program that was conducted last year. He understands prior to that program that Reverend Battle approached Johnson C. Smith University and found little or no interest in their involvement in the program. He then turned to the school board, and it was put on by the school board. Mr. Sawyer stated he understands the School of Human Development and Learning at UNCC is uniquely qualified for this program because it acts as a consultant agent for schools throughout the State, and is equipped to put on this type of program, and organize it. There is no comparable school at Johnson C. Smith University.

Reverend Battle stated Johnson C. Smith has been a vital part of their program; they used them this summer and they have no intention of excluding them in this program. However, they found it feasible not to try to anticipate what Council might do and they did not go out on a limb by committing themselves in any way to any particular area of programs. It seems to them that Five Points has always been an after thought, and they want the best they can give these children in this area; hopefully to prevent some of the social problems this city faces now. The only way to deal with the social problems is to deal with their personal problems, and UNCC is a reputable University in terms of that area. With the facilitation of what Smith has to offer in terms of facilities and in terms of expertise in areas they most definitely plan to use Johnson C. Smith as a vital part of this program. They feel they can use two universities. They also have to be responsive that Dean Chase has people out there working on Masters Degrees and PHD candidates who will be able to work especially with these particular children at no cost, or little costs to the city. Whereas Smith will be supportive with their instructors with their expertise in terms of the community as it relates to students within the community.

Councilman Gantt stated he is aware that Smith has a program in education and he thinks in this case they should have been offered the opportunity to participate jointly with UNCC, which is a fine school. That he just wants staff to be more cognizant in those areas where we might use services as we find them in this case.

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

Councilman Davis stated this is a \$34,000 expenditure, and we have a very fine Park and Recreation Program, and a community center program. He asked if the same amount of money used through the exiting programs would not accomplish the purpose of serving 125 children? Mr. Sawyer replied this is not a recreational program; although there are some recreational activities built into the program. It is primarily oriented to help the student having difficulties in school, and the program will begin after school hours, and they work very closely with the school staff and administration. This will increase the awareness of both the student and the parent as to what is going on in this community.

Councilman Davis asked if there are not existing agencies through which we can utilize the money more efficiently? Mr. Sawyer stated the Park and Recreation Commission is not equipped to do the whole program; that perhaps Reverend Battle will involve them in some of the recreational activities.

Mayor Belk stated he would like to congratulate Reverend Battle on his program. That he thinks he has done a great job.

RESOLUTION ADOPTED AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY.

Councilman Withrow moved adoption of a resolution authorizing the refund of certain taxes collected through clerical error and illegal levy against twenty (20) accounts, in the amount of \$1,097.48. The motion was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 11, at Page 271.

ORDINANCE NO. 22-X ORDERING THE DWELLING AT 604 LEXINGTON AVENUE TO BE VACATED, DEMOLISHED AND REMOVED, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the subject ordinance ordering the dwelling at 604 Lexington Avenue to be vacated, demolished and removed.

The ordinance is recorded in full in Ordinance Book 23, at Page 31.

ORDINANCES ORDERING THE REMOVAL OF TRASH, RUBBISH, GRASS AND TREE LIMBS.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, the following ordinances were adopted ordering the removal of trash, rubbish, grass and tree limbs:

- (a) Ordinance No. 23-X ordering the removal of trash rubbish, grass, and tree limbs at vacant lot adjacent to 621 S. Torrence Street.
- (b) Ordinance No. 24-X ordering the removal of trash, rubbish, grass, and tree limbs at 721 East 26th Street.
- (c) Ordinance No. 25-X ordering the removal of trash, rubbish, grass and tree limbs at 3040 Shamrock Drive.
- (d) Ordinance No. 26-X ordering the removal of trash, rubbish, grass, and tree limbs at vacant lot adjacent to 1542 West Trade Street.
- (e) Ordinance No. 27-X ordering the removal of trash, rubbish, grass, and tree limbs at vacant lot adjacent to 1710 Haines Street.

The ordinances are recorded in full in Ordinance Book 23, beginning at Pate 32 and ending at Page 36.

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WATER AND SEWER CONTRACTS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the following contracts for construction of water mains and sewer mains were authorized:

- (a) Contract with Westminster Company for construction of approximately 1,520 feet of 8" and 6" C.I. water main and one (1) fire hydrant to serve Eastwoods Subdivision, Section 2, outside the city, at an estimated cost of \$14,700.00. The applicant has requested that the city prepare the plans and specifications necessary for the construction of the water mains to serve the subject project. A deposit in the amount of \$1,470.00, which represents 10% of the estimated construction cost, has been advanced by the applicant and no funds are required from the City. All mains will be owned, maintained and operated by the City.
- (b) Contract with William Berry Company for construction of approximately 280 feet of 2" main to serve Beverly Woods East, inside the City, at an estimated cost of \$1,300.00. The applicant has requested that the City prepare the plans and specifications necessary for the construction of the mains to serve the subject project. A deposit in the amount of \$130.00, which represents 10% of the estimated construction cost, has been advanced by the applicant and no funds are required from the City. All mains will be owned, maintained and operated by the City.
- (c) Contract with George Goodyear Company for construction of approximately 1,545 feet of 6" and 2" water main and two (2) fire hydrants to serve Old Woods Subdivision, inside the City, at an estimated cost of \$11,250.00. The applicant has requested that the City prepare the plans and specifications necessary for the construction of the water mains for subject project. A deposit in the amount of \$1,125.00, which represents 10% of the estimated construction cost, has been advanced by the applicant and no funds are required from the City. All mains will be owned, maintained and operated by the City.
- (d) Contract with William Trotter Development Company for construction of 1,167 lin.ft. of 8" sanitary sewer to serve Northwood Park, Section 4, inside the city, at an estimated cost of \$17,505.00. The applicant is to construct the entire system at their own proper cost and expense, and the City will own, maintain and operate said system. The City is to retain all revenue at no cost to the City.

CONTRACT WITH J. N. PEASE ASSOCIATES TO DESIGN MCDOWELL CREEK WASTEWATER TREATMENT PLANT IN NORTH MECKLENBURG, APPROVED.

Councilman Whittington moved approval of a contract with J. N. Pease Associates to design McDowell Creek Wastewater Treatment Plan in North Mecklenburg for a lump sum fee of \$149,928.00. The motion was seconded by Councilwoman Locke.

Mr. Dukes, Director of Utility, stated this is all coming from the County's Bond monies. He stated this is the one we have all been talking about; he pointed out the location on a map. He advised this is requested by the County, and it was approved by the County Commissioners at their last meeting.

Mr. Dukes stated they have received a letter from the Board of Water and Air Resources, the one that gives us 75 percent grant funds for wastewater projects, in which it states: "The State of North Carolina must receive approval of approximately \$56.0 million of EPA federal grant funds allocated for FY 75 by June 30, 1976, or the funds will be lost to North Carolina."

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He stated they have recently put the fire on us to try to get some projects done that are being funded by the 1972 Water Pollution Control Act. He stated the 1972 Water Pollution Control Act not only gives us 75 percent, but it has a law which says "you will" do certain things to eliminate pollution. The plans submitted in the 201 are the things they have approved which we will do. He stated we can apply for the federal funds to help us do it; or the law says you have to do them even if you do not have federal funds.

Mr. Dukes stated they are asking permission from Council to go along with this approval just as a part of an application for federal funds. They are not asking for any money today; but they are asking for permission to use this as a part of an application for the federal funding of the Mallard Creek and North Mecklenburg plants.

Councilman Gantt stated this is in fact committing some money, \$350,000, for contractual design work. Mr. Dukes replied only if the federal government approves this for federal funding. Councilman Gantt asked if there was a 201 Study done for the feasibility of this system, and Mr. Dukes replied it was. Councilman Gantt stated his question has to do with who is doing the study. It appears this is one of those situations where the firm who did the preliminary feasibility study is now going to do the design contract. That he has nothing against the Pease firm; it is one of the finest in the area. But he knows this resolution, if approved today, is an extension of an agreement we made for services. It appears to be open-ended. That would be for any sewer or water service designed we may have forever. This one firm will have the exclusive right to do it.

Councilman Gantt asked Mr. Dukes to speak to the Pease's involvement with the designs for these two plants at the same time when he might have offered this possibility to other firms; and whether or not he feels there is a possibility of a conflict of interest in one firm doing the planning study, and also doing the engineering work.

Mr. Dukes replied he does not think it would be a conflict of interest in a 201 Study as it may be in some others. The 201 Study requires that someone design treatment facilities to meet certain standards that the State and Federal Government says you must meet. So they set the criteria. Then when they submit the plans they are very hard; they say "you can", "you can't". They are the overseers over this because they are funding the project. This is the control that we do not have in many places. Councilman Gantt asked if he is saying the 201 Study will not determine anything new; and in fact when you do the 201 Study the question is where you are going to put a particular plant. The design has no opportunity to recommend that there will not be any treatment facilities for various locations? Mr. Dukes replied that is right. It does not have that choice.

Mr. Dukes stated over the years the Pease Company has had a contract that if there was expertise required or manpower required that the city did not have, then we would go to Pease to do this work. That contract terminates in November of next year and it will come back to Council for renewal if Council so desires.

Councilman Gantt stated he has another issue he wants this Council to look at for the future about how we issue contracts in the professional market for services. That \$350,000 is a lot of money. That is a big firm and is well qualified. He wonders if we have interviewed other firms to offer the possibility of contracts. That he wants Council on notice that we be careful about this in the future.

Mr. Dukes stated as of this year, any other part of the 201 work, we have to get bids from other firms.

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Councilman Williams asked if he is saying that Council cannot award this to anyone else? If so, why is it on the agenda if there is no other alternative? Mr. Dukes replied the difference is in the past Pease used a percentage type contract, but the EPA requires they have a lump sum contract. Councilman Williams asked if he can remember the last time someone other than this firm did water and sewer work? Mr. Dukes replied they have been with us a long time. Councilman Williams stated it should be spread around. Councilman Gantt stated this is his point exactly.

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

CONTRACT AWARDED J. N. PEASE ASSOCIATES TO DESIGN THE MALLARD CREEK WASTEWATER TREATMENT PLAN AND CONNECTING OUTFALL BETWEEN THE PROPOSED TREATMENT PLANT AND EXISTING PLANT.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried awarding contract to J. N. Pease Associates for design of Mallard Creek Wastewater Treatment Plant and connecting outfall between the proposed treatment plant and the existing plant for a lump sum fee of \$198,610.00.

ENCROACHMENT AGREEMENTS AUTHORIZED.

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

- (a) Resolution authorizing the Mayor and City Clerk to execute an encroachment agreement with Seaboard Coastline Railroad Company - Long Creek Outfall Project for the construction of a 21-inch gravity flow reinforced concrete sanitary sewer pipe line crossing beneath the railroad right of way and track bridges located at Mt. Holly, North Carolina.
- (b) Agreement with the North Carolina Department of Transportation permitting the City of Charlotte to construct an 8-inch C.I. water main crossing Carmel Road at Little Avenue.
- (c) Agreement with the North Carolina Department of Transportation permitting the City to construct a 16-inch C.I. water main within the right of way of Albemarle Road, from Harriburg Road to Orchard Ridge Drive.
- (d) Agreement with the North Carolina Department of Transportation permitting the City to construct a 6-inch C.I. water main crossing Park Road at Creekbed Lane.
- (e) Agreement with the North Carolina Department of Transportation permitting the City to construct a 6-inch water main across N.C. 51 to serve McMahan Drive.
- (f) Agreement with the North Carolina Department of Transportation permitting the City to construct a 12-inch water line and a 16-inch water line in Lawyers Road, from Albemarle Road to Idlewild Road north.
- (g) Agreement with the North Carolina Department of Transportation permitting the City to construct an 8-inch sanitary sewer line and one manhole within the right of way of Woodlawn Road at Chastain Avenue.
- (h) Agreement with the North Carolina Department of Transportation permitting the City to construct a 2-inch water main in the right of way of Lawyers Road, south of Harrian Road.

The resolution is recorded in full in Resolutions Book 11, at Page 273.

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RESOLUTION OF CONDEMNATION.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to John F. Ladley and wife, Janice S. Ladley, located at 3786 Wendwood Lane (off Randolph Road), in the City of Charlotte, for the Randolph Road Widening Project. The motion was seconded by Councilwoman Locke, and unanimously carried.

The resolution is recorded in full in Resolutions Book 11, at Page 274.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Davis, and unanimously carried authorizing the following property transactions:

- (a) Acquisition of 6' x 200' of easement at 1701 Providence Road, from Mary Parks Stewart, at \$1.00, for Providence Road Sidewalks Project.
- (b) Acquisition of 6' x 343.4' of easement at 1717 Providence Road, from Temple Beth El, at \$1.00, for Providence Road Sidewalks Project.
- (c) Acquisition of 6' x 369.8' of easement at 1700 Providence Road, from Mini-Schools Limited, at \$1.00, for Providence Road Sidewalks Project.
- (d) Acquisition of 6' x 118.2' of easement at 1801 Providence Road, from J. Austin Duncan and wife, Frances L., at \$1.00, for Providence Road Sidewalks Project.
- (e) Acquisition of 6' x 373.11' of easement at 1800 Providence Road, from John Harmon Vicars and wife, Constance, at \$1.00, for Providence Road Sidewalks Project.
- (f) Acquisition of 6' x 125' of easement at 1930 Providence Road, from Judith B. Neiman, at \$1.00, for Providence Road Sidewalks Project.
- (g) Acquisition of 6' x 130.8' of easement at 1928 Providence Road, from James B. Stegall and wife, Alys M., at \$1.00, for Providence Road Sidewalks Project.
- (h) Acquisition of 6' x 105' of easement at 1914 Providence Road, from R. William Yount and wife, Georgia A., at \$1.00, for Providence Road Sidewalks Project.
- (i) Acquisition of 6' x 123' of easement at 1900 Providence Road, from Frank W. C. Timson and wife, Mildred, at \$1.00, for Providence Road Sidewalks Project.
- (j) Acquisition of 6' x 100' of easement at 2038-40 Providence Road, from J. Ralph Sarratt and wife, Virginia C., at \$1.00, for Providence Road Sidewalks Project.
- (k) Acquisition of 6' x 200' of easement at 2026 Providence Road, from Joseph Starke Ratcliffe and wife, Nancy D., at \$1.00, for Providence Road Sidewalks Project.
- (l) Acquisition of 6' x 249.55' of easement at 2000 Providence Road, from Norris B. Harbold, Jr. and wife, Anne C., at \$1.00, for the Providence Road Sidewalks Project.
- (m) Acquisition of 6' x 75' of easement at 1740 Providence Road, from Duke Power Company, at \$1.00, for the Providence Road Sidewalks Project.

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- (n) Option on 82.90' x 130.02' x 144.42' x 146.76' of property on Estelle Street, off Beatties Ford Road, from L. R. Avery and wife, Ora, at \$1,400.00, for the Northwest Junior High School Area Park Site Project.
- (o) Option on 50' x 232.25' x 50' x 232.81' of property at 223 Estelle Street, off Beatties Ford Road, from Mrs. Queenie James, at \$800.00, for the Northwest Junior High School Area Park Site Project.
- (p) Option on 38.33' x 147.61' x 65.0' x 150.0' of property at 1419 Onyx Street, off Beatties Ford Road, from Charles A. Pettice and wife, Hattie, at \$385.00, for the Northwest Junior High School Area Park Site Project.
- (q) Option on 50' x 150' x 50' x 150' of property at 2411 Elsie Street, off Beatties Ford Road, from Robert Trawick Allen, Jr., and wife, Mary S., at \$900.00, for the Northwest Junior High School Area Park Site Project.
- (r) Option on 50' x 150' x 50' x 150' of property at 2415 Elsie Street, off Beatties Ford Road, from Mike Grate and wife, Margaret A., at \$1,200.00, for the Northwest Junior High School Area Park Site Project.
- (s) Acquisition of 15' x 1,617.91' of easement at 901 Sardis Road North, from Timber Lake Farms, Inc., at \$1.00, for sanitary sewer trunk to Sardis Oaks Subdivision Project.
- (t) Acquisition of 112.86' x 121.79' x 9.55' of property, plus a construction easement, at 1457 Remount Road, from Waco Insurance Agency, Inc., at \$1,500.00, for the Remount Road Widening Project.
- (u) Option on 47.5' x 142.0' x 47.5' x 142.0' of property at 325 West 7th Street, from E. R. Gary and Company, at \$16,150.00, for the Fourth Ward Park Site Project.
- (v) Acquisition of 47.0' x 198.0' x 47.0' x 198.0' of property, with a frame residence, at 321 West 7th Street, from George H. Curry and wife, Ruth, at \$18,612.00, for the Fourth Ward Park Site Project.

Councilman Gantt asked how much property has been acquired under lease or under option for the Northwest Park? Mr. Williams, Assistant City Manager, replied approximately nine out of twenty-five parcels that have been acquired.

SPECIAL OFFICER PERMIT AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried a special officer permit was authorized for Freeman Totten for use on the premises of Charlotte Park and Recreation Commission for a period of one year.

CONTRACTS FOR VARIOUS ITEMS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Williams, and unanimously carried, contract was awarded the low bidder meeting specifications, Jordan Business Forms, in the amount of \$26,438.00, on a unit price basis, for continuous stock paper.

The following bids were received:

Jordan Business Forms	\$ 26,438.00
Wallace Business Forms	36,779.25

Bids received not meeting specifications:

Moore Business Forms	25,978.00
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Councilman Whittington moved award of Contract to the only bidder, Action Fire & Safety, Inc., in the amount of \$17,046.75, on a unit price basis, for bunker pants and suspenders for the Fire Department. The motion was seconded by Councilman Withrow, and carried unanimously.

Motion was made by Councilwoman Locke to award contract to the low complete bidder, Kendrick Brick and Tile Co., in the amount of \$9,500.00, on a unit price basis, for clay bricks. The motion was seconded by Councilman Whittington and unanimously carried.

The following bids were received not meeting specifications:

Bennett Brick & Tile Company	\$ 11,400.00
Stanly Shale Products	11,400.00

Councilman Whittington moved award of contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$7,938.00, on a unit price basis, for 72 traffic signals. The motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$ 7,938.00
Rosenblatt & Associates, Inc.	9,067.68
Traffic Engr. Supply Corp.	9,072.00
Eagle Signal.	9,169.20

Councilman Withrow moved award of contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$17,205.00, on a unit price basis, for three traffic signal controllers and cabinets. The motion was seconded by Councilman Whittington and unanimously carried.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$ 17,205.00
Automatic Signal Division	18,115.00

Upon motion of Councilwoman Locke, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Atlas Supply Company, in the amount of \$52,609.82, on a unit price basis, for cast iron soil pipe & fittings.

The following bids were received:

Atlas Supply Company	\$ 52,609.82
Noland Company	52,624.56
Crane Supply Company	53,689.08
Parnell-Martin Company	54,117.33

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried awarding contract to the low bidder, Motorola C & E, Inc., in the amount of \$35,460.00, on a unit price basis, for 30 portable radios.

The following bids were received:

Motorola C & E, Inc.	\$ 35,460.00
RCA Corporation	38,673.36
General Electric Co.	39,000.00

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Councilman Whittington moved award of contract to the second lowest bidder, Motorola C & E, Inc., in the amount of \$13,567.00, on a unit price basis, for 14 mobile units. The motion was seconded by Councilwoman Locke and unanimously carried.

The following bids were received:

RCA Corporation	\$ 13,386.78
Motorola C & E, Inc.	13,567.00
General Electric Co.	16,512.00

Motion was made by Councilman Withrow, seconded by Councilwoman Chafin, and carried unanimously awarding contract to the low bidder, E. D. Green Corporation, in the amount of \$27,854.00, for one sewage lift pump.

E. D. Green Corporation	\$ 27,854.00
Drillers Service, Inc.	37,240.00

CONSIDERATION OF CHANGING DATE WHEN COUNCIL RECEIVES AGENDA DEFERRED UNTIL THE FIRST MEETING AFTER COUNCIL'S RETREAT.

Councilman Davis stated in preparing for City Council meetings in almost every case there are questions that come up that need to be referred to staff. He does not like to call any of them on the weekends, and Monday mornings are a bad time in his business as in most businesses. That he has not found any opportunity when he was free and staff members were available. This precludes any coordination with other staff members; and coordination with other councilmembers. He feels the materials that have to be considered at each meeting are important, and he needs at least two full business days to have this information available to Council for study.

Councilman Davis moved that the procedures be changed to provide the formal agenda at least two full business days prior to the Council Meeting. The motion was seconded by Councilman Williams.

Councilman Withrow asked if it would be feasible for Council to schedule meetings every two weeks, to begin at 2:00 o'clock in the afternoon and go as late as needed. That the County Commissioners meet every two weeks.

The City Manager stated staff is doing quite a bit of revision in house on this now, and in connection with what will be done about the times of the meetings and such. That staff can get the agendas to Council anytime it is asked for; when they say they want it, that is the day they will get it. But we can only put on the agenda what we know at that particular time. Everytime it is moved up a day, the currentness of the meeting is delayed that much. That what he had hoped to do, and he had thought they were doing a much better job on this. When there is an item that needs more conversation, he has been trying to give Council that material on Monday or Tuesday, and sometimes a week before it is on the agenda.

Councilman Whittington stated he appreciates what Mr. Davis is saying. But at the same time he would leave the agenda alone, and hope that Staff would give Council a conference in between the two Mondays of an hour or two hours at a given time. He would advise Council to leave it alone, and let the City Manager submit this information as he is doing, and encourage staff to have conference agendas for two hours on a given day during the week. This is something that should be discussed at Council's retreat.

Councilwoman Chafin stated this will be on the agenda at the retreat. There are a lot of things about our internal procedures that will be discussed. This particular item goes along with a number of other changes that will be considered.

Councilman Williams made a substitute motion to defer this matter until the first meeting after the retreat. The motion was seconded by Councilwoman Locke, and carried unanimously.

APPOINTMENT OF HOWARD CAMPBELL FOR UNEXPIRED TERM TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Davis stated that Mr. Jim Kratt has requested his name be withdrawn from nomination to the Planning Commission.

Councilman Gantt moved the appointment of Mr. Howard Campbell to fill the unexpired term ending June 30, 1976 on the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilwoman Chafin, and carried unanimously.

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REAPPOINTMENT OF J. REID POTTER TO FIREMEN'S RELIEF BOARD OF TRUSTEES.

Councilman Davis moved the reappointment of J. Reid Potter to the Firemen's Relief Board of Trustees for a term of two years. The motion was seconded by Councilman Whittington, and carried unanimously

NOMINATIONS TO INSURANCE ADVISORY COMMITTEE AND ZONING BOARD OF ADJUSTMENT.

Councilwoman Locke placed in nomination the name of Frank D. Stephens, Jr., to the Insurance Advisory Committee for a three year term.

Councilwoman Chafin placed in nomination the name of Dr. William McCoy as an alternate member to the Zoning Board of Adjustment for a three year term.

Councilman Davis placed in nomination the name of Ms. Margaret Claiborne to succeed herself for a three year term on the Zoning Board of Adjustment, and the name of Ms. Randy Escott to fill the expiring term of John Hunter for a three year term.

Councilman Davis placed in nomination two names to serve as alternate members on the Zoning Board of Adjustment for three year terms each. They are Ms. Sally Cobb and Mr. John Hunter.

Councilman Davis stated he did not originate any of these appointments. He wrote to Ms. Claiborne the Chairman several months ago and asked if she had any suggestions. These four suggestions came from her. He either knows all of them, or has talked to them since then, and has confirmed their willingness to serve.

Councilman Withrow stated he questions the fact that a Chairman of any Board should propose any members to that Board for fear that Board would be dominated. There is a chance the Chairman could dominate the Board with people they want and think like they do. He thinks Council should be careful in this respect on any Board or Commission.

REPORT ON SOAP BOX DERBY REQUESTED.

Councilman Withrow stated last year Council had a discussion about the Soap Box Derby. He would like to bring it up again. It is his understanding the Soap Box Derby has not been turned over to the Park and Recreation Commission and is still in the power of the city. He heard last night there was going to be a contract let by the City today to one organization on a lease basis for a month or two months to use the track. He thought at the time Council took it away from one organization, and they could not lease it. If it is true he cannot see how without the approval of Council it can be leased to anyone for any amount of time. It was his understanding at that time that anyone could use it. Councilman Withrow stated he would like some information on this, and where we stand.

Mayor Belk requested the City Manager to report back to Council on this.

FURTHER COMMENTS ON DISCONTINUED STREETS.

Councilman Whittington stated Council should know the facts as it relates to the discontinued streets program. On Council's motion, the Charlotte-Mecklenburg Planning Commission was instructed to study subdivisions where a street deadends into a creek on one side and built by a developer, and

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picks up on the other side, to try to eliminate as much of these as we could in the future, and not allow future developers to do this. Sidewalk construction was done the same way many years ago when a developer was required to put it on one side of the street, and then came back with two.

He stated he does not question what Council did today except to say that Larry Owen and the people in the northeast section of Charlotte off The Plaza did not want Barrington Drive extended either, and this Council did that. The same thing is true on the other streets; they did not want it either and Council extended them.

That Mr. Davis mentioned flood control. This is one of the purposes of the culvert in this area to get that water through there. People on Shady Bluff now have water coming up into their yards on the Sharon Amity side of this development because the water cannot get through and get downstream. He stated he thinks Council made a mistake on this because the next person who does not want his street open, Council will have to treat the same way in his opinion.


Councilman Williams stated he was on Council when it voted on Barrington and he voted on Shady Bluff today. He thinks Mr. Whittington makes a very good point that people in the neighborhood may be objecting because other people may be using their street. In the case of Barrington that is true and there will be other people beside those in the neighborhood. At the same time Barrington was opened, people were given an alternative way around the City on that side of town. What Council did today is a little different from Barrington as it was not connected with the thoroughfare plan at all. The only information he got was that it affected the people in the neighborhood only, and they were the ones who said they did not want it. He understands what Mr. Whittington is saying, but he believes the two are different.

Councilman Whittington stated he does not think any of the other streets, except Barrington, were a part of the thoroughfare plan. This was an effort by Council three years ago to get some of these streets connected, and prevent non-connected streets in the future. But he wanted particularly to talk to the flood problem because every engineer he has talked to has told him this would help the flooding in that area.

Councilman Davis asked how the road would help the flooding? Councilman Whittington replied you would have to have the culvert to get the road over the creek. Councilman Davis stated the culvert would help the flooding situation rather than the road. Councilman Whittington replied the culvert would help, but you will not have the culvert now.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk