

July 12, 1976  
Minute Book 63 - Page 491

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, July 12, 1976, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Harvey Gantt, Pat Locke, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilmembers Louis M. Davis and Neil C. Williams.

\* \* \* \* \*

INVOCATION.

The invocation was given by Reverend David F. Conrad, St. Luke's Lutheran Church.

MINUTES APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Gantt, and unanimously carried approving the minutes of the last meeting on Thursday, July 1, 1976, as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED.

Mayor Belk and City Council recognized the following city employees, and expressed appreciation to each of them for their services to the City, and wished them well in their retirement:

- (a) Allen Frazier, Building Maintenance Assistant I, Central Services. Employed April 16, 1951, Retired June 30, 1976.
- (b) John W. Conyers, Pumping Station Operator, Utility Department. Employed July 1, 1968, Retired May 27, 1976.
- (c) William C. Alexander, Treatment Plant Operator, Utility Department. Employed May 16, 1966, Retired May 30, 1976.
- (d) Charlie Cauthen, Laborer II, Customer Services Division, Utility Department. Employed July 17, 1961, Retired May 28, 1976.

PETITION NO. 76-47 BY ARTHUR ROCKEY FOR A CHANGE IN ZONING OF PROPERTY FRONTING ABOUT 150 FEET ON THE SOUTH SIDE OF WOODLAWN ROAD, AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WOODLAWN ROAD AND DREXMORE AVENUE, DEFERRED UNTIL NEXT MEETING.

Councilwoman Chafin moved approval of the subject petition for a change in zoning from R-9 to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Gantt.

Councilman Whittington stated he is going to vote against this recommendation of the Planning Commission. If they want to bring the whole street up with a recommendation one way or the other, then he will consider the whole street, but he is not going to strip zone, or continue the zoning down the street. What he is saying is that he is not going to consider one lot at the time. He thinks this is bad advise on the part of the Planning Commission. Councilwoman Locke stated she agrees; that it constitutes strip zoning.

Councilman Gantt stated he seconded the motion because he thinks at the end of Woodlawn Road there is some justification for some change in the zoning. He has had numerous conversations with people out there in regard to changing the nature of the existing residential zoning to something other than that - office for example. That he has driven the road many

July 12, 1976  
Minute Book 63 - Page 492

times. He cannot see that argument; but he does think there is some transitional zoning that can take place at the highly active intersections between the area these people are concerned with.

Councilman Gantt stated he would like to see the zoning pattern between that and Park Road. Mr. Bryant, Assistant Planning Director, indicated from a map the zoning pattern in the area. He stated the Planning Commission is basing its decision on the pattern. It is bringing it down to a street which forms a very logical stopping place for it on that side. In addition, it is exactly opposite property which is already zoned a combination of business and office on the other side. The Planning Commission recommendation was completely in the interest of what it considered to be a rather minor adjustment in the pattern at that location. It has no connotation as far as the entire length and breadth of Woodlawn Road is concerned. He would go further and say, if indeed, it were to be considered in that light - if this were to be considered in any context as far as the Planning Commission approval or recommendation for zoning the entire strip of Woodlawn, frankly he would personally rather see it denied, than to have that connotation. He thinks it is two entirely separate considerations. One does not automatically indicate the other.

Councilman Gantt stated he wants to be sure Council understands what he is saying. If you look at the green at the corner of Park Road which is office, what we are doing is coming down to what he thinks is a reasonable border. On the other side you already have the transition occurring. He does not think the change in zoning at this point necessarily implies everything from that point further down. It is unfortunate that it may appear to the community that in the case of this one individual we have changed his property without someone in the middle of the Woodlawn block wanting theirs changed to office. He would agree with Mr. Bryant, and he agrees with the argument they made that this is a reasonable zoning.

Councilman Whittington stated he is not suggesting he would vote for Woodlawn Road to be all office. What he is saying is that this is the beginning, if we approve this request here today. If they will look at the whole picture that is one thing. But one step at the time, he thinks is bad.

Councilman Withrow asked the direction this house faces? Mr. Bryant replied there are two lots involved. One lot faces directly on Woodlawn, and on the corner lot the house sort of diagonals into the intersection. It is not directly facing either one. Councilman Withrow asked how this is on the comprehensive plan? Mr. Bryant replied obviously Woodlawn Road as a whole is shown on the comprehensive plan as continued residential area. This would have to be considered a detailed adjustment which the comprehensive plan is not capable of indicating one way or the other to this fine detail. This sort of thing you can only consider when you get down to the reasonableness, in this case, of these two lots by themselves. The plan deals with generalities and comprehensiveness; it does not deal with details of this sort.

The vote was taken on the motion, and failed to carry for the lack of four affirmative votes as follows:

YEAS: Councilmembers Gantt and Chafin.

NAYS: Councilmembers Locke, Whittington and Withrow.

Later in the meeting, the City Attorney advised that Council has not disposed of this item. The motion was to approve the petition, and the vote on the motion was two to three, and it requires four affirmative votes to do anything, so the motion failed. But Council has not disposed of this petition.

Councilman Withrow moved that Council defer the petition until Mr. Bryant makes a study of the whole Woodlawn Road area, and comes back to Council. The motion did not receive a second.

July 12, 1976  
Minute Book 63 - Page 493

Councilwoman Locke moved that the petition be denied. The motion did not receive a second.

After further discussion, Councilman Gantt moved that the petition be deferred until the next Council Meeting. The motion was seconded by Councilwoman Chafin.

Councilman Whittington stated because two Councilmembers are absent today, he thinks it is only fair to defer this. He asked that Mr. Sullivan be notified that the petition was not disposed of and why as the one who apparently was opposed to it.

Councilwoman Locke stated she thinks here and now Council should make a decision about allowing people to speak to that item at the citizens hearing. Mayor Belk stated we have already done that. The only bad thing is that Council changed it; when you start changing it then they are going to keep coming back. He does not think after the public hearing they should be given the right; but Council did one time. Councilman Gantt asked if this was during a regular agenda? Mayor Belk replied that is right. He objected to it, but Council permitted it. Councilwoman Locke stated it was a two o'clock session? Mayor Belk replied we have never cut anybody off if there is anything they want to discuss when the public is to come in; they can talk about anything. But on the decision making, we have ruled everytime they could not talk to the decision. The City Attorney asked if he is talking about the shopping center votes? Mayor Belk replied that was one time; but there was another time; he would have to check his records. There were two times that it was overruled. The City Attorney stated in that case there was a motion made to permit someone to speak during the agenda period; but that motion did not carry. That person as a result never had the opportunity to speak because he did not wish to exercise his option to speak at the citizens hearing. Mayor Belk stated the point is he has always ruled on any of these they did not have the right to come and speak on the regular agenda when Council is to vote. That he does not think that should be changed.

Councilman Whittington stated on this petition the decision has been made today, and it is continued until the next meeting. There will not be another public hearing on it. That he wants to make sure the public knows this. The City Attorney stated as he advised Council earlier in the citizens hearing portion he does not think Council should take into account any comments that are made even during the citizens hearing. Councilwoman Locke stated she agrees. Mr. Underhill stated this is on zoning requests; you can allow them to speak; but those comments should not be the basis for Council making a decision. The evidence before them is what they should be basing their decision on. That is, the public hearing and those comments received in accordance with the policy in permitting people to provide written comments from the Planning Commission recommendations. That is the evidence before Council, and it is on that evidence they should make their decision; not what is heard after the fact.

Councilman Whittington stated it is important that Mr. Sullivan knows why, and he is not here now. Mayor Belk requested Mr. Bobo, Assistant City Manager, to write Mr. Sullivan on this.

The vote was taken on the motion to defer until the next meeting, and carried unanimously.

ORDINANCE NO. 187-Z FOR CONDITIONAL FRATERNAL ORGANIZATION IN AN R-6MF DISTRICT, ON THE NORTHWEST SIDE OF PLAINWOOD DRIVE, ABOUT 200 FEET WEST FROM INTERSECTION OF PLAINWOOD DRIVE AND BLACKWOOD AVENUE, ON PETITION OF CHARLES SMITH, ADOPTED.

Councilman Gantt moved adoption of the subject ordinance for a conditional fraternal organization in an R-6MF District as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 239.

July 12, 1976  
Minute Book 63 - Page 494

PETITION NO. 76-49 BY HOUSTON GRADING AND WRECKING COMPANY, INC. FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF EAST 27TH STREET AND YADKIN AVENUE, DENIED.

Councilman Gantt moved that the subject petition for a change in zoning from O-6 to I-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

ORDINANCE NO. 188-Z FOR CONDITIONAL FRATERNAL ORGANIZATION IN AN R-6MF DISTRICT ON THE WEST SIDE OF FAIRMONT STREET, SOUTH OF THE INTERSECTION OF FAIRMONT STREET AND RUSSELL AVENUE, ON PETITION OF JOHN GARNETT, ADOPTED.

Councilwoman Locke moved adoption of the subject ordinance for a conditional fraternal organization in an R-6MF district, on the west side of Fairmont Street, about 490 feet south of the intersection of Fairmont Street and Russell Street, as recommended by the Planning Commission. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 240.

PETITION NO. 76-51 BY PHILIP R. ANOFF AND ASSOCIATES, INC. FOR A CHANGE IN ZONING OF PROPERTY LOCATED 200 FEET NORTH OF THE NORTHERN MARGIN OF MONROE ROAD, ABOUT 300 FEET EAST OF THE INTERSECTION OF MONROE ROAD AND McCAULEY ROAD, DENIED.

Councilman Gantt moved that the subject petition for a change in zoning from O-6 and R-9MF to B-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried on the following vote:

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

Someone asked to speak on the petition, and Mayor Belk advised this is for decision of Council and is not a public hearing; therefore no one will be allowed to speak on this item. Following was an explanation of the rules of procedure on zoning petitions.

Councilman Withrow stated Monroe Road is another area where we need to take a look at the whole road because it is fragmented with businesses and everything else along that road. He thinks the Planning Commission, as soon as possible, should come back to Council with the whole road - especially from the Firemen's Hall out to Idlewild.

Councilman Whittington stated when you look at the extension of Eastway Drive, the only thing left from that point to Commonwealth Avenue is the church. The reason he voted for this property to be approved is because of that. The Planning Commission rezoned the whole strip in there about four or five years ago, over some of the Councilmembers' objections; totally disregarding the church which has been there for 25 years. The church is the only thing left on either side of that road that is not commercial. That is the reason he voted against the Planning Commission in this instance.

Mr. Bryant, Assistant Planning Director, stated this petition does not involve frontage property; the frontage property is already zoned business. What this does involve is what the Planning Commission considered to be an unwarranted intrusion into the depth away from Monroe Road, and not dealing with Monroe Road frontage per se. This went back beyond the lumber yard.

July 12, 1976  
Minute Book 63 - Page 495

ORDINANCE NO. 189-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP TO CHANGE THE ZONING OF PROPERTY ON THE NORTHWEST SIDE OF TORRENCE STREET, SOUTHWEST OF THE INTERSECTION OF TORRENCE STREET AND EAST THIRD STREET ON PETITION OF WINCHESTER SURGICAL SUPPLY COMPANY.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-6MF to B-2 as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 241.

CONTRACT BETWEEN CITY OF CHARLOTTE AND NCNB MORTGAGE CORPORATION FOR SERVICING OF COMMUNITY DEVELOPMENT REHABILITATION LOANS.

Motion was made by Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, approving the subject contract with NCNB Mortgage Corporation to receive all payments and perform necessary services of recording, accounting, and depositing all funds received in accordance with mortgage servicing practices, at \$2 per loan each month with \$100 minimum per month, in an amount not to exceed \$5,000 for any fiscal year.

ECONOMIC DEVELOPMENT LOANS FOR COMMUNITY DEVELOPMENT TARGET RESIDENTS, APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, two economic development loans for Community Development target residents were approved as follows:

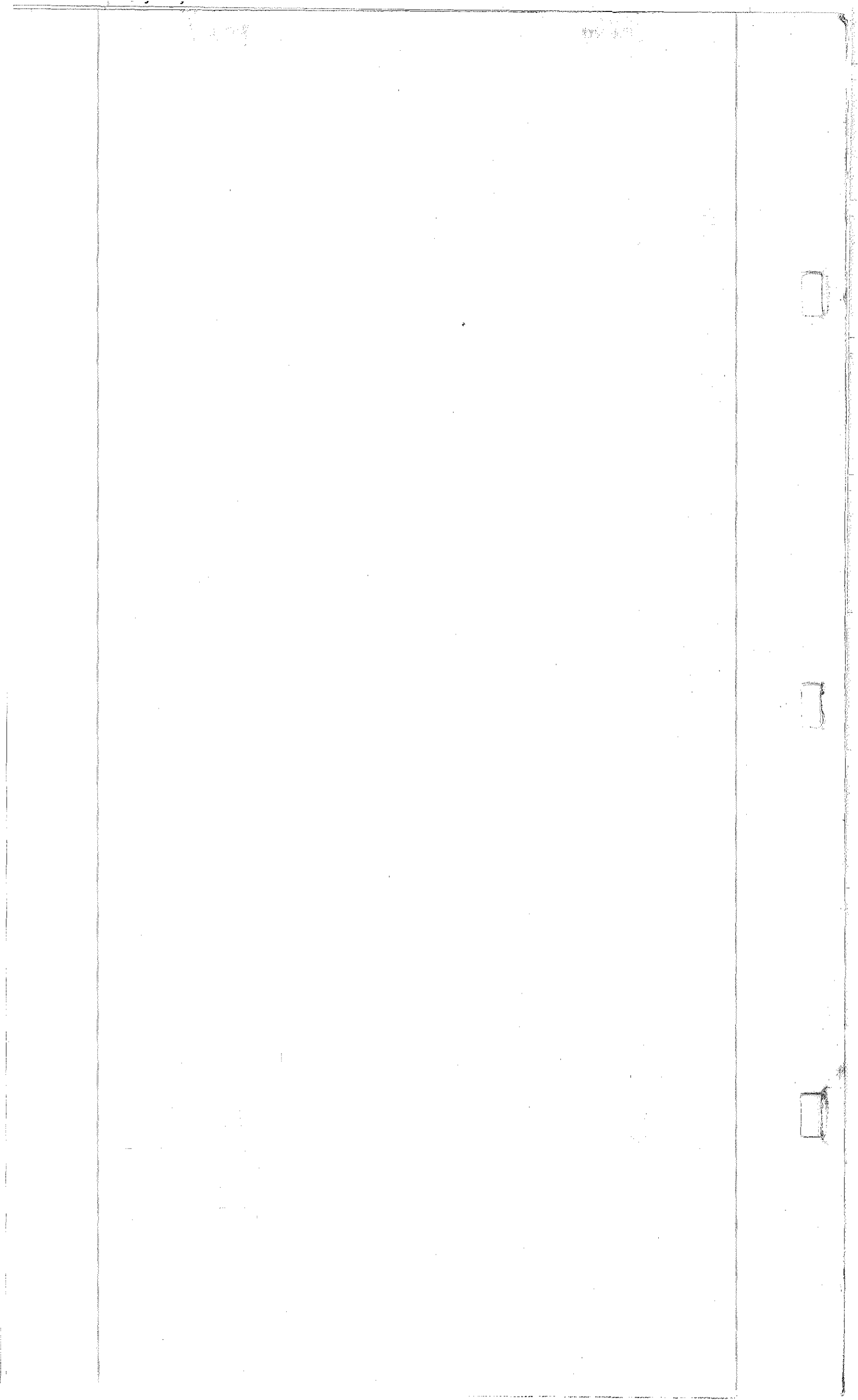
- (a) Loan to Marvin Long, owner-operator of Long's Al Auto Body Shop, 1520-1/2 West Trade Street, in the amount of \$3,000 plus seven percent per annum interest for a term of 24 months to be used for working capital and purchase of tools.
- (b) Loan to the North Carolina Minority Contractors Association, 951 South Independence Boulevard, in the amount of \$3,000 plus seven percent per annum interest, for a term of 24 months to assist the Association with its operational indebtedness incurred during the negotiation interval prior to receipt of a grant from The Office of Minority Business Enterprise (OMBE).

AMENDMENT TO CONTRACT WITH GREATER GETHSEMANE AME ZION CHURCH FOR SUMMER SPECIAL EDUCATION PROGRAM FOR FIVE POINTS, THIRD WARD, AND WEST MOREHEAD COMMUNITY DEVELOPMENT AREA YOUTH.

Councilman Gantt moved approval of an amendment to the contract for technical or professional services between the City of Charlotte and the Greater Gethsemane AME Zion Church for a summer special education program for Five Points, Third Ward and West Morehead Community Development Area Youth, to serve an additional 50 youth who participate in the program where the planned student/teacher ratio is 15 students per teacher, increasing the contract price from \$77,996.50 to \$86,736.00. The motion was seconded by Councilwoman Chafin, and carried unanimously.

AMENDMENTS TO AND EXTENSION OF USE AGREEMENTS BETWEEN CITY OF CHARLOTTE AND FIVE AIRLINES OPERATING AT DOUGLAS AIRPORT, EFFECTIVE JULY 1, 1976.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke to approve amendments to and extensions of Use Agreements between the City of Charlotte and five Airlines operating at Douglas Airport, effective July 1, 1976, by extending the agreements through June 30, 1978 at increased landing fees of 19.5¢ per 1000 lbs., for FY 1977, and 19.75¢ per 1000 lbs. for FY 1978; extending the leases on the Cargo Building with



July 12, 1976  
Minute Book 63 - Page 496

Eastern Airlines and Delta Airlines for a four year period at increased rental from \$2.65 to \$3.00 per square foot per annum; and extending for a two year period the areas known as Fuel Farm for Delta, Piedmont and United.

Mr. Birmingham, Airport Manager, stated under the old landing fees, as opposed to new landing fees, in the first year, we will take in an additional \$100,000. In the second year, it will be \$187,000 for a total for the two year period of \$366,393. The last agreements ran two years, and the ones prior to that were 20 years. They are only recommending two year agreements so they can have a flexible program. Chances are as the years pass the rates will continue to rise. They have brought them from a 10 cent rate in 1975 to a 19.75 cent rate for the next two years.

Councilman Gantt asked why the Fuel Farm will not have an increase? Mr. Birmingham replied when they began negotiations with the Airlines they projected along with the Finance Director what the deficit would be for the year in total bottom line figures. The Airlines elected to put all the increase in the landing fees; instead of going up on the fuel farms or cargo buildings, or terminal rental. They were given a bottom line figure of what the City wanted, and this was the arrangements made with them to get that bottom line figure.

Councilman Whittington stated he said to the Mayor and those people in attendance the day this presentation was made by our consultants, our staff and the Airport Advisory Committee, if the public could have seen and heard that presentation, the bond issue could have been passed the next day. That is how enlightening it was; and how helpful it would have been to the citizens who did not understand the history of this airport and its needs. That presentation would have sold the bond issue.

The vote was taken on the motion and carried unanimously.

AMENDMENT TO CONTRACT WITH GIBSON ELECTRIC COMPANY FOR LIGHTING OF THE NEW N/S RUNWAY, APPROVED.

Councilwoman Locke moved approval of an amendment to contract with Gibson Electric Company for lighting of the new N/S Runway to recognize and agree to conditions relating to Court ordered delay in the contract completion. The motion was seconded by Councilman Whittington, and carried unanimously.

FAA LEASE FOR AIR TRAFFIC CONTROL TOWER FACILITY SITE, APPROVED.

Councilman Gantt moved approval of FAA Lease No. DOTFA76SO-10,026 covering the Air Traffic Control Tower Facility site of 2.182 acres located between the parallel North/South Runways and on the north side of Runway 5/23, for a period of 20 years with no remuneration to the City. The motion was seconded by Councilwoman Locke, and carried unanimously.

RESOLUTION APPROVING A MUNICIPAL MAINTENANCE AGREEMENT FOR MOWING RIGHT OF WAY OF STATE SYSTEM STREETS WITHIN THE CITY, ADOPTED.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin and unanimously carried, the subject resolution was adopted for mowing the right of way of State system streets within the city except I-77, I-85 and Brookshire Freeway, at an estimated annual cost of approximately \$10,000 with the City to do all mowing and to be reimbursed by the Board for the actual costs incurred.

The resolution is recorded in full in Resolutions Book 12, at Page 3.

July 12, 1976  
Minute Book 63 - Page 497

AMENDMENT TO CONTRACT WITH KISER'S AUTO CRUSHERS, INC. FOR DISPOSAL OF ABANDONED, DISCARDED AND WRECKED AUTOMOBILES.

Motion was made by Councilwoman Chafin, seconded by Councilman Whittington, and unanimously carried, approving the amendment to subject contract.

PARK & RECREATION COMMISSION AUTHORIZED TO SELL LAND ALONG McALPINE GREENWAY TO MECKLENBURG COUNTY.

Upon motion of Councilman Withrow, seconded by Councilwoman Chafin and unanimously carried, the Park and Recreation Commission was authorized to sell 38.409 acres of land located along the McAlpine Greenway to Mecklenburg County at an appraised price of \$47,000 to be used by the County to complete the Greenway Project.

MAYOR AND MAYOR PRO TEM AUTHORIZED TO MEET WITH CHAIRMAN OF COUNTY COMMISSIONERS CONCERNING PARK AND RECREATION AND OTHER FUNCTIONS.

Mayor Belk stated he would like Council to consider giving a recommendation to the County Commissioners to take over Park and Recreations; give them a certain date to do this if they are interested. This would be a further step towards consolidation. They have been using the facilities and they are not paying for it. It is to the point now that all the sites we are buying are in the County. It is a little broader thinking than just the city limits for parks and recreation. That he is suggesting that Council give them a chance for a certain period of time to see if they are interested.

Councilwoman Chafin stated she supports the idea. Councilwoman Locke stated she is very much in favor of it.

Mayor Belk stated we are going to have to do something for the future because the City of Charlotte cannot take care of it within the city limits on the problems we will have with recreation. It is bigger than the City of Charlotte because there are another 100,000 people outside the City.

Mayor Belk indicated this would only be an approach to them to see if they are interested, and if they are, then the City could proceed accordingly with charter amendments or whatever legislation is necessary.

Councilwoman Chafin asked if Council can authorized the Mayor and Mayor pro tem to meet with the Chairman of the County Commissioners on this? Councilman Whittington stated we have talked about this for years and it is an excellent idea. Mayor Belk and Mayor pro tem Whittington indicated they would meet with the Chairman of the County Commissioners with this recommendation.

Councilman Whittington stated the City has built Hornets Nest Park, has the sites on Boyce Road and on Plaza Road Extension; the City has a budget of \$3.1 million.

Mayor Belk stated he thinks another one is the Animal Shelter; that he thinks the City could handle the Pet Department. Councilwoman Locke stated the Building Inspection Department is one also; but the City should take that. Mayor Belk stated he is not against that.

Councilwoman Locke asked the Mayor if he will take all these recommendations? Councilman Gantt stated this seems to be in line with the UNCC schedule. It talks about functional consolidation items that might be worked on. That he was going to take the reverse position and let the City take over the county recreation plans. Mayor Belk stated he is not against that; that is what we are gradually doing now. But if you are going to do that you have to have the consent of the County Commissioners; when you get their consent you go ahead and do the planning on it.

Councilwoman Locke stated Council authorizes the Mayor and Mayor pro tem to talk to the Chairman of the County Commissioners about all of these items.



July 12, 1976  
Minute Book 63 - Page 498

CONTRACT WITH HASKINS & SELLS, CERTIFIED PUBLIC ACCOUNTS, TO AUDIT DEVELOPMENT COST OF BELMONT REGIONAL CENTER.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, approving contract with Haskins & Sells, Certified Public Accountants, to audit the development cost of the Neighborhood Facility Program, Project Number NC-N-13, Belmont Regional Center, at a fee not to exceed \$3,000.00.

AGREEMENT WITH PUBLIC ADMINISTRATION SERVICE AND ORDINANCE APPROPRIATING FUNDS TO PAY FOR CLASSIFICATION AND PAY STUDY.

Motion was made by Councilman Whittington, and seconded by Councilwoman Chafin to approve the following items for a classification and pay study to be performed in accordance with City Council's decision during budget deliberations:

- (a) Agreement with Public Administration Service to perform a comprehensive position classification review, pay plan review and revision, and presentation of a final report before December 1, 1976 at a cost not to exceed \$36,000.
- (b) Ordinance No. 190-X appropriating \$36,000 from various funds to pay for the classification and pay study.

Councilman Gantt asked if formal bids were received on this? Apparently it was done informally. Mr. Earle, Personnel Director, replied all contracts were on an informal basis. This was for consultant services and did not require it, and because of time restraints they did not send out specifications and ask for formal proposals. Rather he contacted a number of organizations in the business by telephone, and received from some of them a return quotation based upon the stipulation contained in the first two paragraphs of Public Administration Services proposal. That his recommendation is based first upon quality and it just happens the price is the best.

Councilman Gantt asked if any local firms are qualified to do this? Mr. Earle replied no; there are some small firms in Atlanta; but they are very small firms.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 242.

CONTRACTS AWARDED.

(a) Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$220,826.85 on a unit price basis for West Trade-West Fourth Street Connector.

The following bids were received:

T. A. Sherrill Construction	\$220,826.85
Crowder Construction	234,768.50
F. T. Williams Company	251,908.00
Rea Construction	297,396.30
Dickerson, Inc.	310,870.50
Blythe Industries	322,228.00
Lee Skidmore, Inc.	328,322.00
Propst Construction	358,955.50

July 12, 1976  
Minute Book 63 - Page 499

(b) Councilman Withrow moved award of contract to the low bidder, Lee Skidmore, Inc., in the amount of \$61,332.00 on a unit price basis, for First Ward Urban Renewal Drainage Improvements. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Lee Skidmore, Inc.	\$ 61,332.00
Crowder Construction	66,252.00
F. T. Williams Construction	66,329.00
T. A. Sherrill Construction	70,141.00
Blythe Industries	85,030.00

(c) Councilwoman Locke moved award of contract to the low bidder, Lee Skidmore, Inc., in the amount of \$47,116.00, on a unit price basis for Cherry Community Development Project, Phase I. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Lee Skidmore, Inc.	\$ 47,116.00
Crowder Construction	48,055.00
T. A. Sherrill Construction	51,421.00
Moretti Construction	58,580.00
Cardinal Construction	62,775.00

(d) Councilman Whittington moved award of contract to the only bidder meeting specifications, Allison Fence Company, in the amount of \$20,141.65, on a unit price basis, for fencing North Charlotte Park. The motion was seconded by Councilman Withrow, and carried unanimously.

Two other bids were received but could not be considered due to numerous irregularities.

(e) Councilwoman Locke moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$10,836.00, on a unit price basis, for Five Points Community Development Project, Phase I. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$ 10,836.00
Lee Skidmore, Inc.	11,345.00
T. A. Sherrill Construction	12,315.00
Cardinal Construction	18,998.00

Councilman Gantt stated he would like to make a comment on the above five items. Most of them, with the exception of Item (a) are in an Urban Renewal Area or in one of the Community Development Areas. Earlier in the agenda, Council made a \$3,000 loan to the Minority Contractors Association, which has the responsibility of trying to find and get contractors prepared for city work. He has asked the question a number of times of Mr. Hopson and others to see what can be done to work with these programs. He does not know that any of the four contracts has anything to do with any minority contractor; but he would hope that Mr. Hopson and his staff are working with that particular group in order to try to see if we can get some of these people qualified to do some of this work in these areas. That he would like to see a lot more of that done.

(f) Councilwoman Chafin moved award of contract to the low bidder, Parke Construction Company, in the amount of \$633,689.33, on a unit price basis, for general contract for West Boulevard Human Resources Building,

July 12, 1976  
Minute Book 63 - Page 500

Recreational Building and site work for West Boulevard Area. The motion was seconded by Councilman Gantt, and carried unanimously.

The following bids were received:

Parke Construction Company	\$633,689.33
Rodgers Builders, Inc.	652,508.19
Moretti Construction, Inc.	723,968.21

(g) Councilwoman Chafin moved award of contract to the low bidder, Gastonia Plumbing and Heating Company, in the amount of \$54,811.00 on a unit price basis, for plumbing contract for the Human Resources Building, Recreational Building, picnic shelter and concession shelter for West Boulevard Area. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Gastonia Plumbing & Heating	\$ 54,811.00
Tompkins-Johnston Company	56,436.00

(h) Councilwoman Chafin moved award of contract to the only bidder, Jackson Refrigeration Service, Inc., in the amount of \$95,451.46 on a unit price basis, for mechanical contract for the Human Resources Building, Recreational Building, concession shelter and picnic shelter for West Boulevard Area. The motion was seconded by Councilman Whittington, and carried unanimously.

(i) Councilman Whittington moved award of contract to the low bidder, Mosley Electric, Inc., in the amount of \$88,411.00, on a unit price basis, for electrical contract for the Human Resources Building, Recreational Building and site area lighting for West Boulevard Area. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Mosley Electric, Inc.	\$ 88,411.00
Driggers Electric & Control Co.	92,789.20
Watson Electric Co., Inc.	99,989.00
Ind-Com Electric Co.	104,365.73

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO TOM MATTOX AND WIFE, AZALEA MATTOX; RICHARD H. ROBERTSON, TRUSTEE; AND F. D. GOSSETT, LOCATED AT 2201 BOYERS STREET (OFF I-85) IN THE CITY OF CHARLOTTE FOR THE SANITARY SEWER TRUNK TO SERVE WITHROW ROAD AND I-85 PROJECT.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution, which is recorded in full in Resolutions Book 12, at Page 4.

CONSENT AGENDA APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, the following consent agenda items were approved:

(1) Encroachment agreements:

(a) Agreement with North Carolina Department of Transportation for proposed 8-inch cast iron water main in I-85 Service Road east of Highway 21.

July 12, 1976  
Minute Book 63 - Page 501

- (b) Agreement with North Carolina Department of Transportation for proposed 30-inch water line in West Fifth Street, from North Graham Street to North Tryon Street.
- (c) Agreement with North Carolina Department of Transportation for six-inch water main crossing Nations Ford Road, 250 feet west of Downs Road.
- (d) Agreement with Southern National Center to construct a planter along the sidewalk and within the right of way of South College Street.

(2) Property Transactions:

- (a) Acquisition of 30' x 625.18' of easement at 101 Fellsdale Drive, from Valleydale School, Inc., in the amount of \$1,560.00 for Long Creek Outfall, Phase II.
- (b) Acquisition of 30' x 44.2' of easement at 125 Queensgate Lane, from Jerry W. Neal and wife, Joan L., at \$100.00 for Long Creek Outfall, Phase II.
- (c) Acquisition of 30' x 422.25' of easement at 133 Queensgate Lane, from Donald A. McClure and wife, Betty B., at \$842.00 for Long Creek Outfall, Phase II.
- (d) Acquisition of 30' x 212.65' of easement at 128 Queensgate Lane, from Walter G. Bennet and wife, Edith M., at \$650.00, for Long Creek Outfall, Phase II.
- (e) Acquisition of 7.28' x 7.12' x 4.16' of easement at 233 Glencurry Drive, from James W. Parr and wife, Carolyn P., at \$1.00 for Long Creek Outfall, Phase II.
- (f) Acquisition of 30' x 212.10' of easement at 237 Glencurry Drive, from Charles E. Horne and wife, Dorothy C., at \$600.00 for Long Creek Outfall, Phase II.
- (g) Acquisition of 30' x 130.37' of easement at 111 Ederly Court, from Warren L. Clark and wife, Martha S., at \$930.00, for Long Creek Outfall, Phase II.
- (h) Acquisition of 30' x 703.70' of easement at 5913 Paw Creek Road, from Pardee Haney and wife, Myrtle, at \$1200.00 for Paw Creek Outfall, Phase II.
- (i) Acquisition of 30' x 930.79' of easement at 5701 Paw Creek Road, from Frank Warren Bancroft and wife, June B., at \$2,000.00 for Paw Creek Outfall, Phase II.
- (j) Acquisition of 30' x 207.36' of easement at 2525 Dogwood Circle, from Ronda Earl Warren and wife, Edith B., at \$210.00 for Paw Creek Outfall, Phase II.
- (k) Acquisition of 30' x 129.98' of easement at 2135 Pinebrook Circle, from M. L. Gilbert and wife, Annie W., at \$230.00 for Paw Creek Outfall, Phase II.
- (l) Acquisition of 30' x 132.21' of easement at 641 Belmorrow Drive, from Charles L. Berry and wife, Judy W., at \$732.00, for Gum Branch Outfall.
- (m) Acquisition of 30' x 113.69' of easement at 635 Belmorrow Drive, from Charles R. Simmons and wife, Kay K., at \$783.00 for Gum Branch Outfall.

July 12, 1976  
Minute Book 63 - Page 502

- (n) Acquisition of 30' x 431.20' of easement at 311 Fielding Road, from Earl Howard Bradshaw and wife, Dorothy Bradshaw, at \$1,000 for Gum Branch Outfall.
  - (o) Acquisition of 9.11' x 30' of easement at 211 Birchwood Drive, from John Romano and Carol Romano, at \$10.00, for Gum Branch Outfall.
  - (p) Acquisition of 30' x 934.79' of easement at 1000 Valley Dale Road, from W. Craig Lawing and wife, Jane G., at \$1500.00 for Gum Branch Outfall.
  - (q) Acquisition of 25' x 399.96' of easement at 7064 Red Bud Circle, from W. Craig Lawing and wife, Jane G.; Fletcher G. Keith and wife, Petty, at \$600.00, for Gum Branch Outfall.
  - (r) Acquisition of 15' x 530.07' of easement on vacant land west side of Monroe Road east of McAlpine Creek, from John Crosland Company, at \$1.00 for sanitary sewer right of way in Sardis Woods Subdivision.
  - (s) Acquisition of 15' x 145.33' of easement on Portia Place, from The Madison Company, at \$1.00 for sanitary sewer right of way in Birnam Woods No. 7.
  - (t) Acquisition of 15' x 232.57' of easement at west side of 7500 block of Park Road, from John Crosland Company, at \$1.00 for sanitary sewer right of way in Huntingtowne Farms No. 8.
  - (u) Acquisition of 15' x 151.81' of easement at 1108 Cedarwood Lane, from Tina Ann S. Stubbs, at \$238.00 for sanitary sewer to serve Cedarwood Lane.
  - (v) Acquisition of temporary construction easement of 2600 square feet at 830 Craighead Road West, from Alberta Viola Harris (single) at \$500.00 for proposed right of way Craighead Road Culvert at Derita Branch.
  - (w) Acquisition of option on 16,952 square feet of property at 312 W. 6th Street, 305 N. Poplar Street and 309 N. Poplar Street, from Payne C. Gibson, et al, at \$48,250.00 for Fourth Ward Park Site.
- (3) Water mains and sanitary sewer mains contracts:
- (a) Contract with the Housing Authority of Charlotte for construction of 200 linear feet of 8-inch sanitary sewer main to serve the Nations Ford Road site, inside the city, at an estimated cost of \$3,000.00. The applicant has deposited 10 percent of the estimated construction cost and the remaining 90 percent will be deposited by the applicant before construction by city forces; refund will be made as per the agreement and no funds are needed from the city.
  - (b) Contract with the Housing Authority of Charlotte for the construction of 550 linear feet of 8-inch sanitary sewer main to serve the Milton Road site, inside the city, at an estimated cost of \$12,950.00. The applicant has deposited 10 percent of the estimated construction cost and the remaining 90 percent will be deposited by the applicant before construction by city forces; refund will be made as per the agreement and no funds are needed from the city.

July 12, 1976  
Minute Book 63 - Page 503

- (c) Contract with the Housing Authority of Charlotte for the construction of 1,350 linear feet of 8-inch sanitary sewer main to serve the Archdale Road site, inside the city, at an estimated cost of \$29,775.00. The applicant has deposited 10 percent of the estimated construction cost and the remaining 90 percent will be deposited by the applicant before construction by city forces; refund will be made as per the agreement, and no funds are needed from the city.
- (d) Contract with the Housing Authority of Charlotte for the construction of 480 linear feet of 8-inch sanitary sewer main to serve the Florence Avenue site, inside the city, at an estimated cost of \$7,430.00. The applicant has deposited 10 percent of the estimated construction cost and the remaining 90 percent will be deposited by the applicant before construction by city forces; refund will be made as per the agreement, and no funds are needed from the city.
- (e) Contract with Raintree Corp. for the construction of 4,790 linear feet of 8-inch sanitary sewer main to serve Raintree, portion of Section III, outside the city, at an estimated cost of \$71,800.00. The applicant will construct the entire system at their own proper cost and expense and the city will own, maintain and operate and retain all revenue, all at no cost to the city.
- (f) Contract with N. M. Craig and Son for the construction of 682 linear feet of 8-inch sanitary sewer main to serve Fernbrook No. 2, Briarpatch Lane, inside the city, at an estimated cost of \$10,230.00. The applicant will construct the entire system at their own proper cost and expense, and the city will own, maintain and operate the system, and retain all revenue, all at no cost to the city.
- (g) Contract with Ralph Squires Company for the construction of 840 feet of water main and one fire hydrant, to serve Timber Creek, Phase II-B, outside the city, at an estimated cost of \$6200.00. The City will prepare the plans and specifications necessary for the construction and a deposit representing 10 percent of the estimated construction cost has been advanced by the applicant. The applicant will finance the entire project with no funds required from the city. All mains will be owned, maintained and operated by the City.
- (h) Contract with The Ralph Squires Company for the construction of 850 feet of water main and one fire hydrant to serve Timber Creek, Subdivision, Section III, outside the city, at an estimated cost of \$6325.00. The city will prepare the plans and specifications necessary for construction and a deposit representing 10 percent of the estimated construction cost has been advanced by the applicant. The applicant will finance the entire project with no funds required from the city. All mains will be owned, maintained and operated by the city.
- (i) Contract with Ralph Squires Construction Company for the construction of 2,725 feet of water main and two fire hydrants to serve Timber Creek, Phase II-A, outside the city, at an estimated cost of \$22,150.00. The City will prepare the plans and specifications necessary for the construction and a deposit representing 10 percent of the estimated construction cost has been advanced by the applicant. The applicant will finance the entire project with no funds required from the city. All mains will be owned, maintained and operated by the city.

July 12, 1976  
Minute Book 63 - Page 504

- (j) Contract with Raintree Corporation for the construction of 4,190 feet of water main and three fire hydrants to serve Raintree Sub-division, Section III, outside the city, at an estimated cost of \$37,675.00. The City will prepare the plans and specifications necessary for the construction and a deposit representing 10 percent of the estimated construction cost has been advanced by the applicant. The applicant will finance the entire project with no funds required from the city. All mains will be owned, maintained and operated by the city.
- (4) Resolution authorizing the refund of certain taxes in the total amount of \$5,295.52, which were levied and collected through illegal levy and clerical error against 21 tax accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 5.

(5) Ordinances to Demolish Unsafe Buildings:

- (a) Ordinance No. 191-X ordering the demolition and removal of the building at 319 Frazier Avenue pursuant to the Building Code of the City and Section 6.61, Article IV, Chapter 6, Charter of the City of Charlotte.
- (b) Ordinance No. 192-X ordering the demolition and removal of the building at 1116 Pegram Street, pursuant to the Building Code of the City and Section 6.61, Article IV, Chapter 6, Charter of the City of Charlotte.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 243 and ending at Page 244.

(6) Ordinances Ordering the Removal of Weeds, Grass and Trash:

- (a) Ordinance No. 193-X for 1101 Herrin Avenue.  
 (b) Ordinance No. 194-X for 4141 Atmore Street.  
 (c) Ordinance No. 195-X for 4800 S. Tryon Street.  
 (d) Ordinance No. 196-X for 1317 Romany Road.  
 (e) Ordinance No. 197-X for vacant lot at 117 N. Irwin Avenue.  
 (f) Ordinance No. 198-X for vacant lot at 1017 West Trade Street.  
 (g) Ordinance No. 199-X for 1105 State Street.  
 (h) Ordinance No. 200-X for 1109 State Street.  
 (i) Ordinance No. 201-X for 2508 Elon Street.  
 (j) Ordinance No. 202-X for vacant lot adjacent to 2015 Russell Street.  
 (k) Ordinance No. 203-X for property adjacent to 4447 The Plaza.  
 (l) Ordinance No. 204-X for 3025 Sudbury Road.  
 (m) Ordinance No. 205-X for 311 Briarwood Drive.  
 (n) Ordinance No. 206-X for rear 4500 Holbrook Drive.  
 (o) Ordinance No. 207-X for vacant lot adjacent to 1711 E. 7th Street.  
 (p) Ordinance No. 208-X for vacant lot at Third and Cherry Streets.  
 (q) Ordinance No. 209-X for 104 Baldwin Avenue.  
 (r) Ordinance No. 210-X for 1400 Scott Avenue.  
 (s) Ordinance No. 211-X for vacant lot 600 block Kenlough Drive.  
 (t) Ordinance No. 212-X for 4027 Bearwood Avenue.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 245, and ending at Page 264.

**CITY ATTORNEY REQUESTED TO PROVIDE COUNCIL WITH INFORMATION ON APPOINTMENTS TO AIRPORT ADVISORY COMMITTEE.**

Councilman Gantt requested the City Attorney to give Council some information on the status of Mr. Douglas' and Mr. Spaugh's terms on the Airport Advisory Committee. Some members of Council made some commitments to try to get some people on the West side as part of the Airport Advisory Committee. That he would like to know whether these gentlemen are eligible for consideration.

Councilman Withrow asked if some change would have to be made in the organizational resolution in order to appoint Mr. Douglas as a member for life or as a member to the Committee without the privilege of a vote? Mr. Underhill, City Attorney, replied the Advisory Committee is established by resolution; he would imagine you could amend that resolution to provide for ex-officio members if that is what is desired. That he would look into this at the same time he is looking at the status of the two appointments.

NOMINATIONS TO CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Councilwoman Chafin placed in nomination the names of Barbara Casstevens and Patsy Kinsey for reappointment to the Charlotte-Mecklenburg Historic Properties Commission for three year terms each.

APPRECIATION EXPRESSED TO MR. GUERRANT AND MR. KIDD FOR CEREMONY ON THE BUS SYSTEM.

Mayor Belk recommended that Council thank Mr. Guerrant for the bus ceremony at the Square this morning; that he did a real good job. Also that Mr. Kidd be thanked for his work on this also.

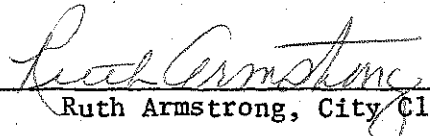
Councilmembers agreed that this should be done.

MAYOR AND COUNCIL EXPRESS REGRETS TO FAMILY OF P. M. (PETE) BEALER ON HIS DEATH.

Councilman Whittington stated Mr. P. M. (Pete) Bealer, a distinguished gentleman, a great sports figure and probably one of the greatest boosters Charlotte has ever had, since the late Faison Kuester, passed away over the weekend. He asked that Council pause for a moment of silence in memory of Mr. Bealer, and that Mr. Underhill write a letter to his family expressing the Mayor and Council's regrets in their loss.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk