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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 5, 1976, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, Neil Williams and Joe Withrow present.

ABSENT: Mayor John M. Belk.

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INVOCATION.

The invocation was given by Councilman Harvey B. Gantt.

COMMUNITY DEVELOPMENT DIRECTOR REQUESTED TO COMBINE OPTIONS (B) AND (C) ON POLICY FOR REHABILITATION LOANS TO ABSENTEE OWNERS, INCREASING TERMS FROM THREE TO FIVE YEARS, AND BRING NEW POLICY TO COUNCIL ON APRIL 26.

Mr. Vernon Sawyer, Community Development Director, discussed with Council four (4) options to be considered as a policy for rehabilitation loans to absentee owners in the Community Development Target Areas.

Under Option (A) no rent increase would be allowed. As a condition of the absentee owner receiving a three percent loan, they would have to accept the provisions that no increase in rent due to the rehabilitation to correct code violations would occur during the life of the lien or any portion of it if they wanted to modify that. Since a property owner is required to maintain his property in a standard condition, meeting the minimum requirements of the minimum housing code, that portion of it used for that purpose should not result in any rent increase anyway. If the owner went beyond that, there might be some justification for it, for amortizing that additional portion.

The advantage is the City would insure that no person is forced to move out of the rental property as a result of the loan. He stated the disadvantage is they know some of the owners would choose not to take advantage of the loan and they would increase the rent if they felt it was justified or that the market conditions operate which would mean if they raised the rent beyond the prevailing level beyond what the market would stand, then the property would remain vacant.

Councilman Withrow stated there is a difference in minimum standards for bringing houses up to standard and spending enough money to make it more livable. Where will they draw the distinction? The homeowner could take \$500 and bring it up to minimum code; or he could take \$1,500 and bring it up to a higher standard of living. To bring it up to a higher standard, they have to raise the rent to take care of that three percent for the repairs. Mr. Sawyer replied presumably he would, or he would not be interested in doing it. He is an investor and is due a fair return. Councilman Withrow stated what Mr. Sawyer is saying is to get the three percent loan they cannot raise the rent so that means they are not going to get any people who own houses to only do the minimum. He asked if they are just after the minimum? Mr. Sawyer replied they are after some standard higher than minimum. Councilman Withrow stated he thinks we should say they can raise the rent so much and gauge that - if they spend \$1,500, then they can raise it \$10 a month, or \$5.00 a month. Somewhere to entice the landlord to make the necessary repairs.

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Mr. Sawyer stated Option (B), Rent Multiplier, was originated by the FHA as far as they can determine and some of its appraisal methods are a means of allowing a property owner to get a fair return on his property or to determine a fair rent. It takes many things into account and in this case, it would be determined by an appraiser.

When they make a loan and it exceeds \$3,500, then they require before and after appraisals so they know they are making a sound loan and to know the property is not being improved beyond its reasonable value in the neighborhood in which it is situated. They can choose a rent multiplier that would accomplish the purpose and this would be determined by the appraiser, not by Council and not by Staff. The rent multiplier would allow the property owner a fair return on his investment and they would know how much the rent would be increased.

An example is the 125 that would operate in the case of rent that is \$80.00 before on a property that is worth \$10,000 and this could be in North Charlotte, Grier Heights and Cherry. If the owner put \$2,000 in it, then it would increase the value to \$12,000. If he were renting that property worth \$10,000 for \$80 per month and he multiplied the factor of 125 times \$80, then the answer is \$80 per month for \$10,000, which is fair. If he raised it to \$12,000, then he would find another rent, which if he multiplied by 125, would result in \$12,000, then he would say that is a fair increase and that is a fair return on the investment. He would also know whether or not the new rent established would exceed 25 percent of the occupant's income which is their rule of thumb guide for determining whether or not it is beyond the reach or is not affordable by a low or moderate income family.

Councilman Gantt asked if he owned a house valued at \$10,000 and he asked for a loan against that house to add a bathroom, paint the outside, handle the drainage and some other things in the kitchen, and needed a \$4,000 loan, if they would then send a appraiser out and appraise the house and the improvements he wanted to make and predicate what the value of that house would be after the improvements, then they would apply a multiplier against that and Mr. Sawyer replied that is right. Councilman Gantt asked how they determine the multiplier and Mr. Sawyer replied by choosing the amount or the percentage increase you want to allow. The appraiser will determine this, and they will look at it and determine whether it is fair and reasonable for that area. The appraisal is to let them know whether or not they are making a sound loan. After rehabilitation, if the property is worth \$14,000, they would say fine and go ahead. Then, they would choose a rent, which if multiplied by 125, would give you \$14,000. Councilman Gantt asked if the multiplier is a constant used on all the projects and Mr. Sawyer replied no, it would be determined on each individual property at the time of the appraisal.

Councilman Gantt stated then it is on each individual house, based on the value and the current rent on the house and Mr. Sawyer replied that is right; the appraisers are fee appraisers if it is more than \$3,500. If it is less, they have a choice of doing it by staff or they can choose a fee appraiser. That is a part of the whole loan package for the project cost - the cost of that appraisal.

Councilman Withrow asked how the landlord will be tied to selling the house. If he does the repairs, the rent goes from \$80 to \$110, and he decides to sell it at the same payment, or finance, or get a loan, how is he tied in? Mr. Sawyer replied if they lend the money, then when the property is sold, that loan becomes due and payable on the sale so the City would get its money back. The new owner would have no city money invested in the property and could set the rent. There are safeguards against property owners borrowing this money at three percent, making the improvements and selling the property and carrying the loan over. Councilman Withrow asked if they have a number of years tied into the loan and Mr. Sawyer replied they can borrow the money up to 20 years, or a short a period as they can finance it.

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Councilman Williams asked if they can borrow the money, make the repairs, and then next week, or next month, sell it and pay the loan off and Mr. Sawyer replied yes, and the initial objective has been accomplished - that is to repair the house and upgrade the property. Of course, the other objective is to provide housing for lower and moderate income families.

Mr. Sawyer stated Option (C) is the one closer to what Councilman Withrow was mentioning. That is a limitation of the rent increase to a specified percentage for a specified period. They could say anyone receiving one of the loans at three percent could not increase his rent to more than 10 percent, or five percent, or by a cost of living increase, or any other amount.

Councilwoman Locke asked why just the three years and Mr. Sawyer replied it can be three years, one year or five years or for the life of the loan. Councilwoman Locke asked why not for the duration of the loan and Mr. Sawyer replied it is Council's option. He is merely citing an illustration that they can put a specific limit, a percentage increase for a specific period of time.

Councilman Williams stated he has been wondering if there is any allowance for inflation over the next 20 years. If we have anything the next 20 years like the last 20 years, people are probably going to want to raise their rents all over. Is Mr. Sawyer saying you could tie that in to Option (C), but could not tie it in to Option (B)? Mr. Sawyer replied he is not saying they cannot have a combination of (B) and (C); if they want it that way.

Councilman Williams asked if they could insert the Consumer Price Index into Option (C) and Mr. Sawyer replied he thinks they can. That, versus a fixed percentage for a fixed period, then, if it is fair today, with the increase cost of living in doing business, then it would be fair in the future.

Councilman Gantt stated he would want them to have a longer period of time. That three years seems terribly arbitrary but at least it should be for the length of time people get relocation payments which is four years at a minimum. He stated they run the risk here of two years getting substantial increase on loans and the possibility of people being forced to move out.

Councilwoman Locke stated she does not like any of the alternatives. That Option (C) comes closer to what she envisioned this to be perhaps with ten percent, but either the duration of the loan or a five year period. She does not understand the three years; the fact that they recommend Alternate (D) surprises her, and she would like Mr. Sawyer to comment on it. Would he recommend it and Mr. Sawyer replied yes. He made this recommendation based on his previous experience in this kind of loan business. There is some opinion that the Belmont Project was not entirely successful; but they did have some good experiences with the loans. Only eight loans out of 955 properties were in violation. That 293 were owner occupied, leaving 662 absentee owners of properties to be repaired. Only eight absentee owners utilized the three percent loan for a total of \$32,000. This is eight out of 662. The others brought their property up to standards with their own money. It was suggested by owners who did not take advantage of the loans that one of the reasons was they did not want to get involved in a program with government red tape. The main factor, probably, was the owners did not want to reveal the financial information necessary in order to qualify for the loan. So they did the work themselves. In those cases, most of the properties were brought up to minimum standards. They did not exceed the standard. Based on this experience, he feels most owners will shy away from these loans and he still believes that.

Councilman Withrow stated during that time, the interest was six percent and now it is ten percent, if you can get it. Mr. Sawyer replied it went higher during that time.

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Councilman Davis stated he thinks the City should, if possible, stay out of the rent control business. This has been one of the biggest and ugliest "can of worms" that has ever been opened anywhere. Everywhere it has been utilized it has caused slums which is the very problem we are trying to get away from. He stated these areas need the community's help in getting redeveloped. If these loans are made available, and if there should be a rush of investors into the area, taking advantage of three percent loans, trying to fix up houses, that is just what we want to happen. That under Option (B), they can come back in one year and change it. Mr. Sawyer replied it is not just that a rent has increased, it is that the increase results in a hardship on a family living there, and that hardship would occur if the increase got beyond 25 percent of that occupant's income.

Councilman Davis stated that could be dealt with independently. Mr. Sawyer stated then he has some options at that point; they would have to relocate him and give him the full benefits of the relocation program. So, for four years they could apply the benefits and maybe in four years, he could carry on by himself through the other assistances they would give him.

Councilman Gantt asked on the basis of the statistics Mr. Sawyer gave on the NIP Program, is there not likely to be a perception that we have a different kind of "red tape" problem than we had with the federal government and Mr. Sawyer replied not that great; what they have done is to adopt the previous 3-12 loan program guidelines to our local situation. For all practical purposes, it is the same program except we approve the loans and not HUD. That he believes it will be about the same as the previous situation because HUD finally granted us the authority to approve the loans, and we approved them using the federal guidelines and sent the loans to HUD which were accepted. There is very little difference.

Councilman Gantt stated it is difficult to understand those statistics because what Mr. Sawyer is saying is that if we enter the code enforcement program in Cherry right now, whoever owns a lot of that property would say they would go ahead and fix their property and get those 12 percent loans and bring the property up to standards and that they do not need the three percent loans. Mr. Sawyer stated they could do that and as long as they bring it up to the standards established for the project, then that is all they need to do. Councilman Gantt stated that is great; that means we can use that money somewhere else. So, why not go ahead and put the controls on it for those people who might want to take advantage of the program. What Mr. Sawyer is saying is there is going to be voluntary action; all they have to know is there is a program coming along.

Mr. Sawyer stated Option (D) would make no provision for applying any additional conditions and monitor the operation for a year or for a shorter period of time, six months, and see. That six months might be too short as it is going to take some time for the properties to be rehabilitated and then they have to have time after that to see how things will operate and how they will be set. Then, they can monitor and report back to Council on any situation that resulted in a rent increase which exceeded the limits. Or, if Council wants to instruct them to report any of this, and how it affects the occupant, they could do that and let them make a decision.

Mayor pro tem Whittington stated it seems to him all of Council have said that Option (A) is not an option at all. There is much interest by Council in Option (B) and there is interest in Option (C). He suggested that they try to combine Option (B) and Option (C) and increase the maximum from three to five years with the cost of living built in and come back to Council with that policy. If Council agrees to this suggestion, then they would have something to really put their teeth into and make a decision on. He asked if anyone disagrees with his suggestion.

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After further discussion, Councilman Gantt asked that Mr. Sawyer and his staff examine the possibility of incorporating in addition to the loan arrangement, that they might come up with some minimum lease that would be attached to this kind of project because they are talking about a rent situation. The individual will have to stipulate some period of time that the rent will be in force. Mr. Sawyer asked if the loan agreement is to incorporate this provision; that if he is talking about a lease, that is something different and Councilman Gantt replied he is talking about a requirement that something is written between the landlord and the person renting these units. Mr. Sawyer stated in other words, as a condition of the loan, the owner would be willing to execute some sort of agreement between himself and the tenant.

Mayor pro tem Whittington stated without objection from Council that Mr. Sawyer will proceed in that direction and try to bring this back to Council next week. Mr. Sawyer stated this will take a little longer, and Mayor pro tem Whittington asked that it be brought back to Council on the 26th.

PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN THE CITY AND HOUSING AUTHORITY EXTENDED FROM TEN TO ELEVEN YEARS; HOUSING AUTHORITY AUTHORIZED TO CONVEY LAND ALONG SEIGLE AVENUE TO THE CITY; AND ATTORNEYS TO MEET WITH JUDGE McMILLAN ON INFORMATION FOR APPROPRIATION OF FUNDS TO PURCHASE AND REHABILITATE UNITS IN PITTS DRIVE APARTMENT COMPLEX.

Council was requested to consider the following requests from the Charlotte Housing Authority:

- (a) That \$500,000 of General Revenue Sharing Funds appropriated in the FY 76 budget for new housing construction be reappropriated to purchase and rehabilitate the 46 units in the Pitts Drive Apartment Complex.
- (b) That the payment in lieu of taxes (PILOT) agreement between the City and the Housing Authority be extended from 10 to 11 years so that \$75,000 freed up funds can be used to secure a loan to acquire a vacant lot next to the Addison Apartments for recreational purposes for the residents of that complex.
- (c) That the Housing Authority convey 3.33 acres of its land along Seigle Avenue to the City for use as a parking area for city vehicles and other motorized quipment.

Mr. Hall, Chairman of the Housing Authority, stated with him today are Commissioners Peterson, Ray and Bryant, and their Executive Director, Mr. Wheeling.

Mr. Hall stated presently there are 50 units in the Pitts Drive Apartment Complex, and it is located on Pitts Drive just off Beatties Ford Road. These units were built several years ago at a time when the Federal Government had a big push on for low-cost public housing and built under a program called "leased housing" Section 23. This is rent subsidy. These 50 units were leased by the Housing Authority approximately seven years ago. They have had problems since he has been on the Authority and they are trying to straighten them out.

Mr. Hall stated they cannot spend capital funds on this type of improvement on leased property. They are requesting Council to consider giving them the \$500,000 of General Revenue Sharing Funds which he understands is earmarked for housing. If they receive these funds, one unit consisting of four apartments needs to be destroyed and they need to build a park and playground area there which will require more than \$500,000. The mortgage on the property at present is \$489,647.10 - this is the first and second mortgage and the

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liabilities. They have been able to reduce this after long negotiations with the owners of the property to \$422,051.00. If they are able to get the funds and acquire the property they will then own it, and the Housing Authority will obtain a loan from one of the local banks of \$107,051.00 to do all the other improvements as contained in a list which he has given to Council. After all of this, they would have a complex they feel the Council and the Community could be proud of. If they lose the complex, they lose that number of units, and there is no way they can get them back through HUD because they are presently building the Baxter Street highrise for the elderly with 180 units and the Park Road which has 164 units. Other units will be started very shortly. This means they have no other units they can go out and acquire. The only thing they can work under would be under Section 8.

Mr. Hall stated he believes this would benefit the people of Pitts Drive and help the Housing Authority and the Community if Council would give this request serious consideration and allow them the \$500,000.

Mr. Hall stated the second item is that of Addison Apartments. There are 93 units in the Addison Apartments that they are very proud of. They only have 12 units to go to complete the apartments, and they will be filling up in the next 30 days.

He stated there is a lot to the west of the apartments of approximately one acre. They would like to acquire this property for \$75,000, and it will take \$5,000 additional to make the green area and the park. The property was originally offered for \$125,000 and they have been able to get it down to \$75,000. They are requesting Council to extend this payment in lieu of taxes for one additional year - from the original 10 years. They will get the money from the bank and buy the property.

Mr. Hall stated the third item relates to Piedmont Courts. They are building a laundry; they have the funds for this. What they would like to do is to locate the laundry over by the office which would be to the west of the creek, and they would have approximately 3.33 acres of land that belongs to the Charlotte Housing Authority.

He stated Piedmont was one of the first low cost developments in the City of Charlotte. He believes they have two years to run and it will be completely paid for. As to who owns it then, he does not know if it will be the Housing Authority or the City of Charlotte.

Mr. Hall stated he would like for the City to take the property to the north of the creek, which is 3.33 acres of land, that the City is presently using for parking. There is also a small park which belongs to Park and Recreation which is land locked because of their property, so they would like for the City to have that. In return, they would like the City to consider piping in the creek for at least 100 feet so they can use it for parking, and it will be safer for the residents of Piedmont Court.

Following was a discussion of the three requests.

Speaking for the Pitts Drive Project was Mrs. Ina Honeycutt who stated the residents would like to see these problems corrected as this is a nice area and they would like to remain there.

Councilman Williams moved approval of Item (b) extending the agreement between the City and the Housing Authority from ten to eleven years to use freed up funds to secure a loan to acquire a vacant lot next to the Addison Apartments for recreational purposes. The motion was seconded by Councilwoman Chafin.

After further discussion of Item (b) the vote was taken on the motion and carried unanimously.

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Motion was made by Councilwoman Locke, and seconded by Councilwoman Chafin to approve Item (c) which would allow the Housing Authority to convey 3.33 acres of its land along Seigle Avenue to the City for use as a parking area for city vehicles and other motorized equipment.

The vote was taken on the motion and carried unanimously.

Councilman Withrow moved that in connection with Item (a) the Housing Authority Attorney together with the City Attorney go to Judge McMillan, and if necessary some of Councilmembers and Mr. Hall, and explain to him just where we stand on this Pitts Drive project; that we want to do what is best for the people of Charlotte; we have low income housing and how badly it is needed and what might happen if we do not do it and let Judge McMillan be a part of the necessary decision to go on this. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington requested that the motion be amended to include Mr. Tom Ray of the Authority, and Councilmembers Withrow and Locke agreed to the amendment.

Councilman Williams stated the attorneys on the other side of the case might have some objection to that. Councilman Withrow stated he has no objections to him going along. The City Attorney stated he would not go without advising them of what they were doing. Councilman Withrow stated he sees nothing wrong with this, let them all go along if they want to go. Mr. Underhill stated he would not go without advising them what he was doing.

The vote was taken on the motion and carried unanimously.

Mayor pro tem Whittington stated the Authority has come to Council and asked for three things and Council has approved two of the requests. That he thinks everyone on this Council has seen or knows about Pitts Drive Apartments, knows the conditions there are deplorable and how they ever got there is really an embarrassing situation to everyone involved as far as local government is concerned. He has gone through a traumatic experience personally as he has gone up and down the Northwest Freeway over the years and seen this area under water. When they talked about the park behind the school they went out there and could see the conditions and see it boarded up when residences were needed; that he thinks all of Council wants to help the Authority with that. We need to get an answer from the Judge and then we will be ready to go. He stated he wanted to explain this to them because they need this position as they are under the "gun" to do something in First Ward and they want to make sure they get that credit from the Judge if possible.

Mr. Hall stated he would be glad to go along with this group and he feels sure Mr. Ray and whoever else is necessary and they will do it immediately. If they do get a favorable answer, they would like to know if they can get a decision soon. Mayor pro tem Whittington replied as soon as they tell Council they will put it back on the Agenda.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA,
APPROVING THE COMMUNITY DEVELOPMENT PLAN FOR FIVE POINTS TARGET AREA.

Mr. Sawyer, Director of Community Development, stated that Five Points was one of the last areas added as one of the nine Target Areas and no money was included for loans and grants at that time. However, some \$700,000 was approved for physical improvements during the three year period along with social programs. Time was a problem; they have been up to here in their planning efforts and this one did not have a top priority. If Council wants to change and allocate some of the money for loans and grants earlier than the fourth year, and he understands when they did approve the second and third year plan, they

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did allocate a substantial amount of money to go into Five Points after the first three years, then that is what he will plan too. They know Council's commitments and Council's intentions and anything they can do leading up to that to make loans and grants available or to plan other public improvements in light of the eventual big expenditure, they will be glad to do. Putting it into contingencies was merely a way of carrying it over to have more time to plan more things and come back to Council with amendments.

Councilman Gantt stated it seems ridiculous to have all that money in contingency and only \$22,000 being spent which leads him to believe they have some difficulty in trying to decide what they want to do in that area. Mr. Sawyer replied it was a matter of timing and their planning is a continuous thing. Now that they have a plan for the nine areas, they can go back and begin to refine those plans, to change things, and add things that should be changed or added. He stated they intend to come back to Council.

Councilwoman Chafin stated Council has a Committee that will be looking at the physical development plan of the Community Development Program, and this is the kind of thing they hope they will take into consideration at that time.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the Resolution approving the Community Development Plan for Five Points Target Area.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 367.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING THE COMMUNITY DEVELOPMENT PLAN FOR CHERRY TARGET AREA.

Councilman Withrow moved adoption of the resolution approving the Community Development Plan for Cherry Target Area. The motion was seconded by Councilman Williams.

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

The resolution is recorded in full in Resolutions Book 11, beginning at Page 369.

COUNCILMAN GANTT EXCUSED FROM VOTE ON THE WEST MOREHEAD TARGET AREA.

Councilman Gantt asked that he be excused from the vote on the West Morehead Target Area as he is the architect for the Gethsemane Baptist Church.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin,, and unanimously carried, excusing Councilman Gantt.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA APPROVING THE COMMUNITY DEVELOPMENT PLAN AND THE REDEVELOPMENT PLAN FOR WEST MOREHEAD TARGET AREA, AND THE FEASIBILITY OF RELOCATION, INCLUDING THE ACQUISITION OF GETHSEMANE BAPTIST CHURCH PROPERTY AND THE FIRST BAPTIST CHURCH PROPERTY.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, adopting the resolution approving the Community Development Plan, the Redevelopment Plan and the feasibility of relocation for the West Morehead Target Area.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 371.

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DISCUSSION OF EAST KINGSTON AVENUE CLOSING DEFERRED FOR ONE WEEK.

Councilwoman Chafin moved that Council defer the discussion of the East Kingston Avenue closing for one week. The motion was seconded by Councilman Williams, and carried unanimously.

COUNCILMAN GANTT EXCUSED FROM VOTING ON THE FOLLOWING ITEM.

Councilman Gantt stated he has been working with Mr. Tyson on his project, and he asked to be excused from the vote on the following resolution.

Motion was made by Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried granting the request.

RESOLUTION ANNOUNCING THE CITY'S INTENT TO EXCHANGE LAND WITH TYSON'S GROCERY, INC. TO ACCOMMODATE THE WIDENING OF REMOUNT ROAD AND SETTING DATE OF MAY 3, 1976, AS DATE TO AUTHORIZE EXCHANGE.

After explanation by Mr. Sawyer of the Community Development Department, motion was made by Councilwoman Locke, and seconded by Councilwoman Chafin, to adopt the resolution of intent and setting May 3, 1976 as date to authorize the exchange.

The resolution is recorded in full in Resolutions Book 11, at Page 383.

REQUEST BY SALVATION ARMY FOR A SPECIAL USE PERMIT, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, approving the request of Salvation Army for a Special Use Permit to allow parking within the required setback area in the Fourth Ward Salvation Army Project.

RESOLUTION SETTING DATE OF PUBLIC HEARING FOR APRIL 26, 1976 FOR ZONING PETITIONS.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, adopting subject resolution setting date of Monday, April 26, 1976, at 7:30 o'clock p. m. for public hearings on zoning petitions Nos. 76-22 through 76-42.

The resolution is recorded in full in Resolutions Book 11, at Page 385.

USE OF CITY OWNED LAND LOCATED AT 2601 EAST SEVENTH STREET, KNOWN AS FIRE DEPARTMENT TRAINING CENTER, DISCUSSED.

The Director of Community Development, Vernon Sawyer, told Council of the Department's need to use the city-owned land at 2601 East Seventh Street as a field office for the Grier Heights Target Area where eight staff members will work - five will be regular and three part-time. That they also need the space for a meeting room for the citizens' participation meetings and other meetings that take place in the Grier Heights Community.

Mr. Bryant, Assistant Planning Director, advised that the training facility which has been there for many years has been operated as a non-conforming use as the property is zoned R-6MF. As long as it is in a residential status,

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it can continue to be used as that non-conforming activity. That a recreational facility is allowed as a use by right. If the proposal of Open House is allowed it will require rezoning of the property; it would require at least an office classification.

Chief Lee of the Fire Department also spoke to the need of that department to continue the use of the facility for storage as their equipment is now stored in one of the bays at their shop.

Mr. John Allen, Executive Director of Open House, again explained their need for this facility; that they would like to use the bottom half of the facility as it has a place where lunches could be prepared and it could serve their office space; they would like to continue the use of the fire tower, and would like to use some of the grounds in front of the property as an obstacle course. That they feel they can co-exist with any city department.

During the discussions Councilman Withrow asked about the liability. Mr. Allen replied they have total liability on their staff as well as each individual who is involved in that; they have a special insurance policy which includes all medical, liability and so forth. The City Attorney advised the agreement which is presently in force for use of the tower is to hold the City harmless of any injuries or accidents that might occur from the use of the property.

Speaking for the Open House was Ms. Tammy Lesesne who stated she is speaking for Don Carroll, President of the Elizabeth Neighborhood Association. That she is present for two reasons. One, the Elizabeth Community Association sees the proposal from Open House as being compatible with their proposal for park use; and two, is to see if the Elizabeth Association can get some agreement in principle of their overall proposal for park use in the Elizabeth area, and that includes the use of the Independence Park, restoration of the tennis courts, use of the water tower site on Pecan, and the possible acquisition of the Briar Creek areas for park space, and the use of the fire tower site shared by the Elizabeth Community and Grier Heights.

She stated they have been in contact with the Park and Recreation Commission and Mr. Whelchel is working out some details with them. Their only hangup seems to be with the City Engineering Department on the water tower site.

After a great deal more discussion, Councilman Gantt moved that the Open House group be allowed to use this facility on a temporary basis, and they work out the arrangements with the Community Development Department and that Council initiate a petition to rezone the property to O-6. The motion was seconded by Councilwoman Chafin.

Councilman Withrow stated the City Manager has asked that Council give him their views rather than making it mandatory that he do this. Councilwoman Chafin stated he asked for Council's view on whether or not they want Open House to use a part of the facility. Councilman Gantt stated that they are saying yes on a temporary basis. Councilwoman Locke stated she is saying yes on the outside, and that they pay for what they get on the inside.

Councilman Davis stated he likes the motion; but he also likes Councilman Withrow's idea to refer it back to staff giving them the direction that Council wants to give priority to Community Development to get their offices in there; give priority to a community park; and ask the City Manager to work out some means whereby Open House can be compatible with these uses, and the discussion indicates they can; that is they would use the tower, the modest amount of office space and a portion of the park for their obstacle course. These three uses would be taking advantage of what they have out there - the tower, buildings, seven acres of green space and a unique location.

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Councilman Williams stated the property is too valuable to limit it to use by only clients of Open House, or only Community Development Department use as a neighborhood site; he believes more people could use it if it were in the nature of a park, with some of these other purposes maybe ancillary to that.

Mayor pro tem Whittington asked if it would not be better to handle this by letting the City Manager work it out. He believes a majority of this Council has said they want Open House to be able to use a part of it, in or out. That Councilwoman Locke has said if they use the inside she wants them to lease and pay for it, and he thinks that is perfectly proper. It seems to him Council should let the professional staff do this.

Councilman Gantt stated he thought his motion said they would get together with Community Development and come to some arrangement. Mayor pro tem Whittington stated he thinks it should be the City Manager and his staff. Councilman Gantt asked if all he is saying is Council should give the City Manager some consensus as to what they have done, and he thinks the Council is saying it wants to see Open House use it. He stated this has not been said to Open House before; that Council wants to see them use it, and wants the City Departments to make use of it. He thinks the point about making it a park should come into play. That he thinks all the details can be worked out with Mr. Burkhalter in charge and working with all these other groups.

Mayor pro tem Whittington asked the City Manager if this is all right with him; that they are saying they want him to work it out and tell Council how it can be done, with all our city departments using it if they need it, plus Open House on a lease basis.

Mr. Burkhalter stated this has a built-in community center, and is an ideal situation for a park and can be used on a park basis. The idea was for us to use it while the park was in the formative stage. That nothing has helped this because everyone has a different idea of what should be done about it. If the consensus is that Council wants Community Development to utilize whatever it needs for a city purpose and for them to work out a compatible arrangement with the other agency, he sees nothing wrong with that. Councilman Withrow asked Councilman Gantt if he will change his motion and let the City Manager work it out? Councilman Gantt replied if all he is asking is to say City Manager rather than Community Development, he did not intend to slight the City Manager. Someone had mentioned earlier that since CD has the highest priority on the space, perhaps CD could come to an arrangement with any other group of people who wanted to use it. This is his reason for saying Community Development. The City Manager stated he does not have any problem with that. Councilwoman Chafin asked if they want to bring in Parks and Recreation at this time, and the Manager replied he does not believe so.

Councilman Davis asked if the City Manager is going to bring back a specific proposal to include the things discussed? Councilman Williams stated not parks. Mr. Burkhalter replied he does not think the parks would be included at this point; they have not come to any conclusion on this themselves right now. He stated any day Council wants to change any of this it can unless they sign some kind of iron clad agreement with someone on this. That they are not tying this up forever in this respect. Councilman Gantt stated he thinks Open House should understand this also.

Mayor pro tem Whittington stated if Open House uses part of the building, the City Manager can draw up a lease that they will have to vacate in thirty days if the City wants the property.

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

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Mayor pro tem Whittington stated while they are on parks, that Council should not encourage the Elizabeth Community that they are in any position to buy property along Briar Creek for an extension of a park in that area. He hopes they can do something about the fire tower and the park between St. Marks Episcopal Church and Park Drive.

DILLARD DRIVE ROUTE APPROVED.

Mr. Corbett, Director of Traffic Engineering, stated over the past several months they have discussed several alternate proposals for the extension of Dillard Drive from Milton Road over to the Newell-Hickory Grove Road.

He referred to a map and reviewed the past proposals. That Dillard Drive presently extends from Milton Road down several hundred feet and terminates. The proposal is that Sharon Amity Road, which is presently under construction all the way out to Shamrock Drive, would be extended across Shamrock. At one time it was proposed to turn to the left and go out Barrington Drive. Sometime ago Council took action to change that so that Dillard Drive would connect from Sharon Road on the south into Newell-Hickory Grove Road, and then on up in the direction of Orr Road and UNCC.

On the other hand, Newell-Hickory Grove Road extends back to the east, ties in with Delta Road, across Albemarle Road, over eventually to Idlewild Road for a main connector on that side of town. Milton Road goes back from Newell-Hickory Grove Road, back to The Plaza which is scheduled to be widened this fall.

In extending Dillard Drive from Milton Road across to Newell-Hickory Grove Road, there is a parcel of property consisting of two tracts. This total tract of land contains between nine and ten acres, some seven plus acres have been set aside for the development into apartments and some two and half acres which is under private ownership, has been scheduled in the past for commercial development.

In attempting to design a connection from Dillard Drive on this side, across Milton Road, into Newell-Hickory Grove Road, there are a couple of different routes that can be taken.

Alternate One has several advantages and some disadvantages. The greatest part of the right of way taken, which totals approximately one acre out of the roughly ten acre tract, would be on the side which is in private ownership. He stated this would provide a route for traffic which if you imagine you are on the northern end traveling towards the south, as you come down Newell-Hickory Grove Road and in a left hand curve, the road is super elevated so that your vehicle would not leave the road. As you turn to come down the connector, you would pass over the top, going from a left hand curve into a right hand curve of the top of that super elevation. As you come on around, back across Milton Road to where Dillard Drive presently exists, there would be another turn back to your left. There would be a double reverse curve, so that you would have to cross a super elevation three times. The advantages of this is it would leave a great part of this tract open and have frontage contact with Newell-Hickory Grove Road. Its entire frontage along Milton Road would remain available for contact depending upon the arrangement of the development. The cost of this proposal, including reducing the super elevation would be approximately \$325,000. There are three parties involved in acquiring right of way - the City of Charlotte, the private developer, and a third private developer due to the necessity to move the existing Dillard Drive over to the right to meet this allowance.

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Mayor pro tem Whittington stated he wants to know when this road was changed; was it after Marsh and Howie got out of it? Mr. Corbett replied after a presentation was made to the City Council, it was requested that they look at this alternative and examine it as compared to the other alternative.

Mr. Corbett stated under Alternate Two one of the curves starting south at Milton Road and extending to the north has been eliminated. This has been eliminated by extending Dillard Drive directly across the property in a curve to the left, tying back into Newell-Hickory Grove Road. This eliminates one part of the reverse curve, the necessity to travel across the super elevation. This project does have disadvantages. It provides less frontage along Newell-Hickory Grove Road for one portion of property; it takes approximately thirty percent more right of way than the other proposal, being roughly 1.3 acres versus approximately one acre; it will cost \$400,000 rather than \$325,000 to build.

Since the curve is made longer and flatter, one curve eliminated, there is no question but that this alternate would be better for traffic. The other alternate can be built to serve traffic although not quite as well as this one.

There is a third proposal. Council at one point in time in discussing these mentioned another alternative which is a variation of two. It provides for changing the alignment of Newell-Hickory Grove Road. If Dillard Drive were built similar to what they recommended on Alternate Two, to relocate Newell-Hickory Grove Road and "T" it in to the Dillard-Newell-Hickory Grove alignment rather than in effect "T-ing" the Dillard Drive alignment into the Newell-Hickory Grove Road alignment. That Traffic Engineering believes this particular alignment is out of the question, and really has no consideration.

One of the major moves of traffic creates a lot of left turns and right turns, about 4,000 a day, which would not exist in either of the other two alternates.

Mayor pro tem Whittington asked which one is being recommended? Mr. Corbett replied as a Traffic Engineer he has to recommend Alternate Two.

Councilman Gantt stated he said 1.3 acres was needed for this route; this severely cuts down on the density ratio for the housing project that is supposed to go in; it is a smaller site? He asked if he is recommending this and Council will be recommending to the Housing Authority to reduce the number of units and make the site smaller? Mr. Corbett replied it is true this particular alternate would eliminate some of the structures as they are now proposed - about 12 units.

Councilman Gantt asked why Council is looking at this particular proposal today? Mayor pro tem Whittington replied he asked that it be put on the agenda for discussion because it was asked for before Mr. Short left the Council. That he did not understand it as Mr. Corbett has presented it. As he remembered it, we had the road at the beginning, and because Council would not tell these developers where the road was going, and did not make a decision on it, they elected not to build. They came here with a site plan, with the number of units, and the elevation; it was almost like a planned unit development. Then they pulled out of this, and Council moved the road from the left to the right. Then Mr. Short had another version and he was of the opinion that the Newell-Hickory Grove Road was a country road coming into the new Dillard Drive where the majority of traffic would be. That Mr. Corbett has said there are 4,000 cars a day on Newell-Hickory Grove Road. He stated he thinks if we get Dillard Drive tied into Shamrock it will go beyond that 4,000.

Mayor pro tem Whittington stated if they use Alternate No. 2 then the Housing Authority would lose one and half acres? Mr. Corbett replied they would not lose one and half acres; they would lose approximately 1.3 acres which would

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include about 1/10 of one acre from the Housing Authority and roughly 3/10 from the private property.

Councilman Gantt stated under the proposal which Mr. Corbett says is the safest one we will lose 12 units of housing. He asked if that 12 units is based on the existing site plan as he knows it; or is it possible that we can re-arrange the housing and still retain the 12 units? Mr. Corbett replied he cannot answer that.

Councilwoman Chafin stated she has been interested in this for some time as she has heard from some of the residents in that general vicinity. They generally favor the safer route - Alternative No. 2. But she thinks Mr. Gantt has raised an important consideration. She thinks we should also keep in mind that at the time this particular site was given to the Planning Commission it was sent back to the Housing Authority with an unfavorable recommendation.

Councilwoman Locke moved approval of Alternative No. 2. The motion was seconded by Councilman Withrow.

Mr. Burkhalter, City Manager, stated the housing plan has been approved for the other situation; the application has been made; it is in HUD. The next thing he wants to point out is that this project is not on the CIP program; Council has never authorized it to be done; we do not have any funds for doing it or acquiring right of way. The plan today for doing it is fine; except suppose the Housing Authority says buy their land. How will we tell anyone either way not to do this. All we can show is that this is what is proposed sometime.

Mayor pro tem Whittington stated we are building Dillard Drive on the other end now, from Shamrock to Sharon Amity. Mr. Corbett stated there will be a section of future Dillard Drive which will extend from Shamrock northward to tie in with this existing section, which is not being built at the present time, and which is scheduled to be provided through private development.

Mayor pro tem Whittington stated in the last bond issue, this bottleneck of Shamrock and Sharon Amity to a great degree was eliminated because we knew we wanted to carry Dillard Drive even through private development, or city or both, all the way over to the Newell-Hickory Grove Road to give another route to UNCC. For that reason we took Barrington Drive out of the thoroughfare plan.

He stated he thinks Council should pin down this route today, and then unless some future Council comes back and changes it everyone knows that is where it is going to be. If the Housing Authority says they cannot build there now and they want the money for the land, then we will have to come up with the money as we have had to come up with on everything else.

Mr. Burkhalter stated the design on the left - Alternate One - is the one that Council has indicated over the years would be done, and that is the one that all their design had been predicated upon. If Council selects Alternate Two today, that is fine; but he will have to tell the Housing Authority that Council has selected this as the route.

Mayor pro tem Whittington stated we might as well get ready for the extension of Dillard Drive because as soon as Sharon Amity is made four lanes down to that point then we have to have another way to get through there, other than going Hickory Grove.

Councilman Gantt stated for safety reasons he would like to see Alternate Two; but he thinks there can be some coordination with the Housing Authority and the City; that he does not think we can afford to cut out the 12 units. That if we let them know about this, they have time to make the adjustments.

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Mr. Burkhalter asked if we can put the 12 extra units in this by redesigning or relocating; or it is a matter of cutting them out? Mr. Williams, Assistant City Manager, replied it is his understanding they would have to come out. They can take another look at it to see if it can be redesigned. All indications now seem to lose the 12 units.

Mayor pro tem Whittington stated he does not see why Council cannot go ahead with this, and have Mr. Corbett notify the Housing Authority that we have done this. Councilman Gantt stated he simply wants the stipulation that we ask them to reconsider the site so as to get the 12 units in there.

The vote was taken on the motion and carried unanimously.

RESOLUTION AUTHORIZING THE CHARLOTTE MECKLENBURG PLANNING COMMISSION TO FILE AND EXECUTE AN APPLICATION PURSUANT TO FEDERAL FUNDING UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

Upon motion of Councilman Gantt, seconded by Councilman Williams and unanimously carried, the resolution authorizing the Charlotte-Mecklenburg Planning Commission to file and execute an application pursuant to Federal Funding under Section 9 of the Urban Mass Transportation Act of 1964, as amended was adopted, and is recorded in full in Resolutions Book 11 at Page 386.

COUNCILWOMAN CHAFIN EXCUSED FROM REMAINDER OF SESSION.

Councilwoman Chafin stated she has an appointment which she would like to meet, and asked that she be excused from the remainder of the Session.

By unanimous consent of Council, Councilwoman Chafin was excused from the meeting.

REQUEST FROM ARTS AND SCIENCE COUNCIL FOR FUNDS TO PILOT ARTS-IN-THE-PARKS PROGRAM, APPROVED.

After explanation by Mr. Sebrella of the Arts and Science Council, and discussion by Council, motion was made by Councilman Davis that Council appropriate the \$5,000 request from the contingency funds for a pilot Arts-In-the-Parks program. The motion was seconded by Councilman Williams, and carried unanimously.

MR. A. EUGENE WARREN APPOINTED TO PARK AND RECREATION COMMISSION FOR FIVE YEAR TERM.

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, Mr. A. Eugene Warren was appointed to succeed himself on the Park & Recreation Commission for a term of five years.

RALPH H. BEATTY NOMINATED TO THE PARK AND RECREATION COMMISSION.

Councilman Withrow nominated Mr. Ralph H. Beatty for a five year term on the Park and Recreation Commission to fill the vacancy created when Mr. John T. Black resigned. He stated Mr. Beatty is the co-owner of Auto Parts Warehouse Sales at the corner of Monroe Road and Sharon Amity; He lives on the west side of Charlotte in the Westchester neighborhood on Cloudman Road. He has been an officer in the American Legion Post, and an officer in the Veterans of Foreign Wars.

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Councilman Gantt stated he has placed before Council a nomination to the Park and Recreation Commission - Mr. Robert L. Walton - for the position of John Black. That under the circumstances he will be willing to not make the nomination. That he would like for Council to know that Mr. Walton is interested in serving on the Park and Recreation Commission.

ORDINANCE NO. 53-X APPROPRIATING THE BALANCE OF THE FINAL SALE OF 1973 TRANSPORTATION BOND FUNDS, THE REDISTRIBUTION OF FUND BALANCES WITHIN EXISTING 1973 PROJECTS, AND THE APPROPRIATION OF POWELL BILL FUNDS.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject ordinance was adopted appropriating the balance of the final sale of 1973 Transportation Bond Funds, the redistribution of funds balances within existing 1973 projects, and the appropriation of Powell Bill Funds to the following projects:

<u>PROJECT</u>	<u>AMOUNT</u>
Randolph Widening	\$3,362,000
Trade-Fourth Connector	498,000
Inner Belt Loop	216,000
Plaza Road Right-of-Way	110,000
Remount Road Widening	1,040,000
Tyvola Road Relocation	225,000
Kings Drive Relocation	575,000
	<u>\$6,026,000</u>

The ordinance is recorded in full in Ordinance Book 23, at Page 62.

CONTRACT AWARDED TO THE LOW BIDDER, DICKERSON, INC. FOR RANDOLPH ROAD WIDENING - PHASE I - CRANBROOK TO SHARON AMITY.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Dickerson, Inc., in the amount of \$2,045,037.03, on a unit price basis, for Randolph Road Widening - Phase I - Cranbrook to Sharon Amity.

The following bids were received:

Dickerson, Inc.	Monroe, N. C.	\$2,045,037.03
T. A. Sherrill	Charlotte, N. C.	2,291,718.50
Rea Construction	Charlotte, N. C.	2,400,039.35
Blythe Industries	Charlotte, N. C.	2,593,864.22
Crowder Construction	Charlotte, N. C.	2,599,295.70
Propst Construction	Concord, N. C.	2,697,741.25

CONTRACT AWARDED TO THE LOW BIDDER, REA CONSTRUCTION COMPANY FOR RANDOLPH ROAD WIDENING - PHASE II, SHARON AMITY TO SARDIS ROAD.

Councilman Williams moved award of contract to the low bidder, Rea Construction Company, in the amount of \$967,704.45, on a unit price basis, for Randolph Road Widening - Phase II, Sharon Amity to Sardis Road. The motion was seconded by Councilman Withrow, and carried unanimously.

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The following bids were received:

Rea Construction	Charlotte, N. C.	\$ 967,704.45
Dickerson, Inc.	Monroe, N. C.	989,991.60
Propst Construction	Concord, N. C.	1,032,655.25
Crowder Construction	Charlotte, N. C.	1,075,763.75
F. T. Williams	Charlotte, N. C.	1,078,806.35
Blythe Industries	Charlotte, N. C.	1,169,987.25
T. A. Sherrill	Charlotte, N. C.	1,198,647.25

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY FOR NORTH CHARLOTTE COMMUNITY DEVELOPMENT.

Upon motion of Councilman Davis, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, T. A. Sherrill Construction Company, in the amount of \$266,978.00, on a unit price basis, for North Charlotte Community Development.

The following bids were received:

T. A. Sherrill Construction	Charlotte, N. C.	\$266,978.00
Crowder Construction Co.	Charlotte, N. C.	277,457.00
Blythe Industries, Inc.	Charlotte, N. C.	298,302.45
Rea Construction Co.	Charlotte, N. C.	303,617.25
Moretti Construction	Charlotte, N. C.	326,841.40

CONTRACT AWARDED SEWER RODDING EQUIPMENT COMPANY FOR ONE SEWER RODDING MACHINE.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, awarding subject contract to the low bidder, Sewer Rodding Equipment Company, in the amount of \$6,039.75, for one sewer rodding machine.

The following bids were received:

Sewer Rodding Equipment Co.	Lima, Ohio	\$ 6,039.75
Rockwell International	Dallas, Texas	6,910.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR REMOUNT ROAD WIDENING - SOUTH BOULEVARD TO WEST BOULEVARD.

Councilwoman Locke moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$1,811,643.90, on a unit price basis, excluding Alternate No. 1, for Remount Road Widening - South Boulevard to West Boulevard, which motion was seconded by Councilman Davis, and carried unanimously.

The following bids were received:

Crowder Construction Co.	Charlotte, N. C.	\$1,811,643.90
Rea Construction Co.	Charlotte, N. C.	1,837,538.60
Blythe Industries, Inc.	Charlotte, N. C.	1,937,643.10
T. A. Sherrill Construction	Charlotte, N. C.	1,950,699.40
Propst Construction Co.	Concord, N. C.	1,989,452.50

CONTRACT AWARDED BURGESS FIRE EQUIPMENT, INC. FOR EQUIPMENT FOR FIRE TRUCKS.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject contract was awarded the low bidder, Burgess Fire

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Equipment, Inc., in the amount of \$19,059.04, on a unit price basis, for equipment for fire trucks.

The following bids were received:

Burgess Fire Eqpt., Inc.	Lenoir, N. C.	\$ 19,059.04
Zimmerman-Evans, Inc.	Greensboro, N. C.	19,136.44
Action Fire & Safety, Inc.	Charlotte, N.C.	20,405.50
The Leslie Company	Newberry, S. C.	21,099.57

ALL BIDS REJECTED FOR BREATHING EQUIPMENT FOR THE FIRE DEPARTMENT AND SPECIFICATIONS AUTHORIZED TO BE REVISED AND READVERTISED.

Motion was made by Councilman Williams, seconded by Councilman Withrow, and unanimously carried, rejecting all bids for breathing equipment for the Fire Department and purchasing agent authorized to revise specification and readvertise for bids.

CONTRACT AWARDED ZIMMERMAN-EVANS, INC. FOR SMOKE EJECTORS.

Councilman Withrow moved award of contract to the low bidder, Zimmerman-Evans, Inc., in the amount of \$1,197.70, on a unit price basis, for smoke ejectors, which motion was seconded by Councilwoman Locke, and unanimously carried.

The following bids were received:

Zimmerman-Evans, Inc.	Greensboro, N. C.	\$ 1,197.70
Burgess Fire Eqpt., Inc.	Lenoir, N. C.	1,222.20
Action Fire & Safety, Inc.	Charlotte, N. C.	1,250.00
The Leslie Company	Newberry, S. C.	1,482.52
Triad Fire & Safety Eqpt.	Kernersville, N. C.	1,555.00

CONTRACT AWARDED ZIMMERMAN-EVANS, INC. FOR SURVIVE-AIR SALVAGE MASTERS.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, contract was awarded the low bidder, Zimmerman-Evans, Inc., in the amount of \$595.30, on a unit price basis, for survive-air salvage masters.

The following bids were received:

Zimmerman-Evans, Inc.	\$ 595.30
Action Fire & Safety, Inc.	613.16

CONTRACT AWARDED BURGESS FIRE EQUIPMENT, INC. FOR LIFE NETS AND SAFETY BELTS.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, subject contract was awarded the low bidder, Burgess Fire Equipment, Inc., in the amount of \$1,569.96, on a unit price basis, for life nets and safety belts.

The following bids were received:

Burgess Fire Eqpt., Inc.	\$ 1,569.96
Action Fire & Safety, Inc.	1,642.96
The Leslie Company	1,679.63
Zimmerman-Evans, Inc.	1,681.54

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CONTRACT AWARDED ZIMMERMAN-EVANS, INC. FOR MISCELLANEOUS RESCUE EQUIPMENT.

Councilwoman Locke moved award of contract to the low bidder, Zimmerman-Evans, Inc., in the amount of \$4,654.42, on a unit price basis, for miscellaneous rescue equipment. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Zimmerman-Evans, Inc.	\$ 4,654.42
Action Fire & Safety, Inc.	5,511.94

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE GRIER HEIGHTS COMMUNITY DEVELOPMENT TARGET AREA TO CONDEMN ONE PARCEL OF PROPERTY, OWNED BY MRS. JEMINAR JACKSON SPRINGS, LOCATED ON GOLDWYN STREET.

Upon motion of Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, the subject resolution was adopted to condemn one parcel of property in the Grier Heights Community Development Area, owned by Mrs. Jeminar Jackson Springs, in the amount of \$2,900.00, and located on Goldwyn Street.

The resolution is recorded in full in Resolutions Book 11, at Page 388.

CITY ENGINEER AUTHORIZED TO PROCEED WITH PHASES III AND IV OF AN EXISTING AGREEMENT BETWEEN THE CITY AND CONSOER, TOWNSEND AND ASSOCIATES.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, authorizing the City Engineer to proceed with Phases III and IV of an existing agreement between the City of Charlotte and Consoer, Townsend and Associates, dated May 7, 1973, for Randolph Road Widening from Cranbrook Lane to Sardis Road.

Mr. Hopson, Public Works Director, stated this will complete the contract with Consoer, Townsend which is the supervision, inspection and all that goes with it to complete the project. When they entered into the contract originally, he had hoped that it could be handled with our own staff but there is no way to build up the staff and have it completed during the coming year.

Councilman Gantt asked why we do not have a local firm doing this work? Mr. Hopson replied they have the original contract to design the road. Councilman Gantt stated he would like to see that priority is given to local firms on projects such as this. Councilman Williams stated he agrees if we have qualified local firms.

ORDINANCE NO. 54 AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF CHARLOTTE DELETING ARTICLE I "AUCTIONS".

Councilman Davis moved adoption of subject ordinance deleting Article I "Auctions" from Chapter 6 of the City Code for the reason that NCGS 85B preempted local legislation in this area. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 63.

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CONSENT AGENDA APPROVED.

Motion was made by Councilman Davis, seconded by Councilwoman Locke, and unanimously carried, approving the following items under the consent agenda:

(1) Ordinance No. 55 amending Chapter 11 of the Code of the City of Charlotte entitled "Licenses" and re-adopting it as the Revenue Ordinance of the City of Charlotte for 1976-77.

The ordinance is recorded in full in Ordinance Book 23, beginning at Page 64.

(2) Resolutions on Mass Transportation Capital Grant Applications for FY 1976.

- (a) Resolution of the City Council of the City of Charlotte authorizing the execution of a capital assistance grant contract with the United States of America by the Mayor or in his absence the Mayor pro tem for Project No. NC-03-0009.
- (b) Resolution of the City Council of the City of Charlotte authorizing the execution of an operating assistance grant contract with the United States of America by the Mayor or in his absence the Mayor pro tem, for Project No. NC-05-4008.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 389, and ending at Page 390.

(3) Open non-Exclusive contract for Real Estate Broker's Services with McQuire Properties, Inc., in Brooklyn Project No. N. C. R-43.

(4) Ordinance No. 56-X ordering the demolition and removal of building at 1117 Belmont Avenue pursuant to the Building Code of the City of Charlotte.

The ordinance is recorded in full in Ordinance Book 23, beginning at Page 66.

(5) Ordinances ordering the removal of trash, rubbish and motor vehicles.

- (a) Ordinance No. 57-X ordering the removal of trash and rubbish from premises located at 2644 Mayfair Avenue.
- (b) Ordinance No. 58-X ordering the removal of an abandoned motor vehicle located at 1901 Irma Street.
- (c) Ordinance No. 59-X ordering the removal of an abandoned motor vehicle located at 2412 Columbus Circle.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 67, and ending at Page 69.

(6) Sanitary Sewer Contracts.

- (a) Contract with James G. Rea for construction of 455 linear feet of 8" sanitary sewer to serve Colyer Lane, outside the city, at an estimated cost of \$6,825.00. The applicant is to construct the entire system at his own proper cost and expense. The City is to own, maintain and operate said system at no cost to the city.
- (b) Contract with Fabry Management, Inc. for construction of 100 linear feet of 8" sanitary sewer to serve 6313 Albemarle Road, outside the city, at an estimated cost of \$2,120.00. The applicant has deposited 10% of the estimated construction cost. The remaining 90% will be deposited by the applicant before construction by city

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forces. Sewer mains are to be constructed at the owner's expense and will be owned by the City. No funds will be required from the City for this work.

(7) Property transactions for various projects:

- (a) Acquisition of 15' x 558.40' of easement at 400 Minuet Lane (off Tyvola Road) from Concrete Supply Company, at \$1.00, for sanitary sewer to serve Tyvola Road Extension.
- (b) Acquisition of 15' x 1,364.05' of easement at 900 block of SR 1605 (McCorkle Road) from Annie D. McCorkle (widow), at \$1,700.00, for Long Creek Pressure Line.
- (c) Acquisition of 15' x 1,167.07' of easement at 1101 McCorkle Road (SR 1605), from Annie D. McCorkle and Thomas O. McCorkle and Evelyn E. McCorkle, at \$1,450.00, for Long Creek Pressure Line.
- (d) Acquisition of 15' x 371.00' of easement at 4701 Sharon Road from James J. Harris and wife, Angelia M., at \$375.00, for Sanitary Sewer Crossing Proposed Fairview Road Extension.
- (e) Acquisition of 15' x 313.66' of easement at 5512 Hickory Grove Road from Cordie Barger Bolick, at \$750.00, for Campbell Creek Sanitary Sewer Outfall - Phase II.
- (f) Acquisition of 30' x 432.19' of easement at 6201 Verndale Road (off Hickory Grove Road) from George G. Barrett and wife, Evelyn H., at \$700.00, for Campbell Creek Sanitary Sewer Outfall - Phase II.
- (g) Acquisition of 15' x 286.89' of easement on vacant lots in 5000 block of Withrow Road (off Mulberry Church Road) from Alfred Thomas Withrow and wife, Clara Lee L. at \$750.00, for Sanitary Sewer Trunk to serve Withrow Road and I-85.
- (h) Option on 148.53' x 400' x 165.20' x 266.40' x 67.30' x 124.69' of property at 2501 Estelle Street (off Beatties Ford Road) from Sinkoe Brothers, at \$4,500.00, for Northwest Junior High School Area Park Site.
- (i) Option on 49.42' x 51.15' x 52.88' x 30.67' of property at 901 West Fourth Street from Ruby D. Hinnant, Milton N. Hinnant, John D. Hinnant and Mary H. Whitehead, at \$2,525.00, for Trade-Fourth Connector Project.
- (j) Option on 4.60' x 140.52' x 40.00' x 9.40' x 178.87' of property, plus a construction easement, at 1045 West Trade Street from Gulf Oil Corporation, at \$6,076.00, for Trade-Fourth Connector Project.
- (k) Acquisition of two (2) parcels of real property in the Grier Heights Community Development Target Area as follows:

BLOCK & PARCEL	OWNER & ADDRESS	ACQ. PRICE
17-8	Lloyd V. Propst 326-28 Alpha Street	\$11,000
22-8	Laura Perry 604 Billingsley Road	1,100

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CITY MANAGER REQUESTED TO LOOK INTO NEED FOR METERED LIGHTS AT TENNIS COURTS.

Councilman Withrow requested the City Manager to look into the possibility of putting metered lights on the tennis courts at Harding High School, and to give Council a recommendation on this.

CLARIFICATION REQUESTED ON PLACING ITEM ON AGENDA AFTER THEY ARE DEFERRED FOR DIFFERENT REASONS.

Councilman Davis stated last week in the Council Meeting a member of Council asked about putting the East Kingston Avenue item on the agenda, and staff said it was ready to go any time, and was waiting for Council to ask that it be put back on the agenda.

He stated he would like a clarification of the procedures on matters such as this. He asked if they are automatically placed on the agenda? The City Manager replied those that require action of Council before they can be done and have to be done are done routinely. Those things like Kingston Avenue when Council asks for a report and Council is given a report, then staff does not force Council into a position of making a decision until Council wants to do this.

Councilman Davis stated at the end of the Agenda is a list of pending items which are one or two items. Mr. Burkhalter stated these are open items that have been before Council after a public hearing for decisions, and the decision was deferred.

COMMENTS BY MAYOR PRO TEM WHITTINGTON.

Mayor pro tem Whittington stated a lot of things are happening to local government. Day in and day out we are getting more requests for funds or for programs than we can support. There is the request of the Good Buddies for using the Fire Station that was closed. That has been abandoned and the building demolished; the Childrens' Theatre on property that is probably worth \$8 to \$12 a square foot on Morehead Street; this request today by Open House for the property on Seventh Street when there are parks almost in rock throwing distance from where they are located now, plus a center. Then, we come back to the request for matching funds for the Arts and Science Council.

He stated all these things are commendable and are worthwhile. But somewhere down the road Council has to gear down and say no. That he does not think government should get in the position of being the great white father for all projects if we are going to keep the tax rate down in 1976-77. That he does not know the answer and everyone who comes here can justify their requests. But when you go to the people with this budget, you better not have a tax increase.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk