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The City Council of the City of Charlotte, North Carolina, met in regular session convened on Monday, February 25, 1974, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short and Joe D. Withrow present.

ABSENT: Councilmen James B. Whittington and Neil C. Williams.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Boyce, Drummond, Ervin, Finley, Jolly, Kratt, Ross, Royal and Turner present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Joe D. Withrow.

MINUTES APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on February 11, 1974, were approved as submitted.

PETITION NO. 73-47 BY MYERS PARK HOMEOWNERS ASSOCIATION FOR A CHANGE IN ZONING OF VARIOUS TRACTS OF LAND, DEFERRED.

Mayor Belk stated Mayor pro tem Whittington, and Councilman Williams are not present today, and Councilman Short has a conflict of interest in the subject petition and he would suggest that Council defer action until a later date.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke and unanimously carried, deferring decision on Petition No. 73-47.

HEARING ON PETITION NO. 74-5 BY ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., CAROLINAS BRANCH, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY AT 701 TEMPLETON AVENUE AND 1109-1113 EUCLID AVENUE.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the property consists of parts of three separate lots running along Euclid Avenue, from Templeton in the direction of Lexington Avenue. At present there are several single family houses on the property, and most of the property on this side of Euclid is used for residential purposes. On Lexington there is a spotty pattern of occupancy as several houses on the Morehead side have been torn down or moved away. Directly across Euclid Avenue from the subject property is a parking lot for an office building which fronts on Templeton Avenue. There is other office usage in the block between Lexington and Templeton extending in the direction of Caldwell.

Mr. Bryant stated generally speaking there is a pattern of residential usage becoming multi-family and single family in the vicinity of the subject property except for the area across Euclid Avenue.

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He stated there is generally residential zoning to the rear of the subject property in the block between Lexington and Templeton; there is multi-family zoning continuing on around into the Strawn Apartment area. Office zoning is prevalent across Euclid from the subject property; the entire block between Templeton and Lexington is zoned for office purposes. In the general vicinity of the subject property there is a combination of multi-family and office zoning in the block across Euclid from the subject property.

Mr. Jim Allison, Attorney with Miller, Creasy, Johnston and Allison, stated the Associated General Contractors of America, Inc., Carolinas Branch, is an organization of firms which are engaged in virtually every facet of the construction industry; they have over 2000 member firms in North and South Carolina. AGC has signed contracts of sale on three different tracts conditioned upon the property being rezoned to permit parking. He stated they are building an addition to the rear of the office and this property was previously used for parking; they now need additional space for parking. When they realized there was a need, he went to the staff of the Planning Commission and tried to look into the feasibility of obtaining a conditional use permit. This would mean they would not have to request a change in zoning and could simply use the property in conjunction with their office property across Euclid Avenue without having to change the zoning. He stated the setback requirements for a conditional use permit are more restrictive than the setback requirements for O-6; the setback requirements would have taken so much of the property and they would only be left with 25 feet for parking and that would not be practical. The lowest zoning that will enable them to use the property for parking is O-6. Presently when there is an overflow of parking from the main office they park on Euclid Avenue and that creates a hazard because it lessens the area for cars to travel down Euclid.

Mr. Allison stated the city code has specific requirements of what you can and cannot do with a parking lot; a buffer zone is required between the property used and the residential property in the form of a hedge or a wall. He stated they need this space for a parking lot and there is no other place to go. The parking area will be used solely by members of the AGC and they will be responsible for the lot. Ingress and egress from the parking area can be provided on Templeton Avenue and that would not add to the congestion on Euclid in getting in and out of the parking lot. There are several large trees in the area and they plan to leave them and still have room for the parking. He stated they feel this will not create any sort of precedent of invading the neighborhood.

Councilman Short asked if the Commissioners and Council have the option to either grant the O-6, or grant the use permit or reject everything? Mr. Bryant replied they have all three options. The conditional use permit would grant the lots almost useless since there is a 20 foot setback from Euclid without any parking being allowed. There would be a five foot setback if you interpret the frontage of the lot as being on Templeton; and apparently this is what the zoning administrator has so interpreted. That he thinks the conditional use permit is out as being a practical solution to their problem.

Mr. Michael Finch stated he is speaking in behalf of the Dilworth Community Development Association, and as Chairman of its Planning Task Force. He stated they are present today seeking a renewal of the commitment to Dilworth and to her change in growth as one of the south's last uniquely viable urban communities. He stated they have had a history of support from Council in the past and look forward to its continuation; they appreciate that the AGC is acting in good faith in its request. He stated they are not able to concur with the proposal for several reasons. As a Planning Task Force they feel that spot changes in zoning, out of the context of an overall comprehensive plan, seems ill advised. Two, that existing zoning recognizes some logical boundaries. They feel Euclid Avenue is such a logical boundary between office and residential usage. It is a neighborhood artery. Lexington acts in a similar way dividing the buffer zone of office zoning, which separates the business zoning on Morehead from the residential zoning on the other side of Lexington. Three, this proposed change in zoning would represent a precedent, not only for this block and not only for Dilworth, but for Elizabeth, Myers Park and other intown neighborhoods. It would be a thorough example of unwarranted nibbling at the edges of a clearly defined residential neighborhood

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Mr. Tate Sterrette and Ms. Cynthia Curry also spoke in opposition to the rezoning.

Councilman Withrow asked if some arrangements can be made with Pritchard Memorial Baptist Church, one block away, to use their parking lot, would that be too far away, or would it be feasible? That the Church cannot lease space, but they can receive a gift. Mr. Allison replied they would be open to any suggestions like that, and they are open to any questions the Planning Commission might like to ask about their attempts to locate other property.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-4 BY DELMAR CORPORATION FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A .659 ACRE TRACT OF LAND AT THE NORTHERLY END OF CONNLEY CIRCLE, WEST OF MORRIS FIELD DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this request represents a small tract of land located off Morris Field Drive in the area between Wilkinson Boulevard and the Airport. The property in question is somewhat irregular in shape and is located at the end of Connley Circle. Connley Circle is a cul-de-sac with a turn around on the end as a result of some industrial subdivision activity that occurred in this area within the last several months. That Golf Acres Drive, which is a relatively new street extending from Morris Field Drive westerly, is being developed fairly rapidly as a light industrial warehouse distribution type of area. At one time Connley Circle was dedicated on through the area, but it was withdrawn from dedication in order to facilitate the development of the industrial area, and that is when the cul-de-sac was placed on the street. The property in question is at the end of Connley Circle and is vacant. On Connley Circle coming back in the direction of Morris Field Drive there are several single family houses. On the Wilkinson Boulevard side of the property there is vacant land that extends out to Golf Acres Drive and is under the ownership of the petitioner. In the general area there are light industrial distribution types of activities. Across Morris Field Drive is a combination of several single family homes and a small store and a church. Behind the houses on Morris Field Drive is the Plato Price Elementary School site which is now being used for storage purposes by the Board of Education. Other properties in the general area are vacant.

Mr. Bryant stated the subject property as is everything to the southwest of it along Morris Field Drive, is zoned R-6MF; to the north in the direction of the railroad and Wilkinson Boulevard is a solid pattern of I-2. This request would in effect extend the industrial zoning into the multi-family area and all through the outer boundaries of the industrial tract.

Councilman Short asked if the R-6MF zoned area is used for that purpose? Mr. Bryant replied practically none of it is used for multi-family purposes; there are a few duplexes but the residential usage in the general area is predominately single family. Along Morris Field Drive it is used residentially and there is scattered residential use on Connley Circle and on some of the other streets.

Mayor Belk asked about the flight pattern, and Mr. Bryant replied this is not within the primary flight path area; that the runways are located in such a way that by the time you get to this area, the planes are on the ground; there would be very little actual flights over this area.

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Mr. Richard Hicks, Attorney with the firm of Boyle, Alexander and Hord, stated they represent the petitioner, Delmar Corporation. He stated this property was acquired when Connley Circle went all the way through and terminated about where Golf Acres Drive comes in to Morris Field Drive. That a portion of Connley Circle was withdrawn from dedication and it became necessary for the petitioner to acquire enough land in which to install a turn around or cul-de-sac and that is the land in question. The shape of the land is due to the fact that is the only parcel they could acquire of sufficient size on which to install the cul-de-sac and the land of the petitioner is zoned I-2, and the purpose of the petitioner's request is simply to bring the newly acquired land into conformity with the majority of the property the petitioner owns in the area.

Mayor Belk asked Mr. Bryant why the petitioner wants this change? Mr. Bryant replied other than what has been stated he does not know; it is a part of their property and is the only part that is not zoned for industrial, and the petitioner desires to have it all zoned the same way. As long as the property is zoned for residential use, it cannot be used for industrial traffic out to the cul-de-sac; the rezoning of this to industrial would for the first time permit industrial traffic to exit on to Connley Circle.

Mr. Hicks stated the reason on the petition is that a substantial portion of the property is within the right of way of Connley Circle, and the remainder which is odd shaped, is such that the value is negligible unless it is made a portion of the adjoining property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, MARCH 25, ON DISPOSITION PARCEL NO. 1, BROOKLYN PROJECT NO. N. C. R-43, TO DETERMINE WHICH OF TWO BIDDERS TO DEVELOP THE PARCEL WOULD SERVE THE CITY BEST.

Councilman Short moved adoption of the subject resolution calling for a public hearing on Monday, March 25, on Disposition Parcel No. 1, Brooklyn Project No. N. C. R-43. The motion was seconded by Councilwoman Locke, and unanimously carried.

The resolution is recorded in Resolutions Book 9, at Pages 405-406.

ORDINANCE REPEALING ORDINANCE NO. 55-X, AND REVISING REVENUES AND EXPENDITURES TO PROVIDE FUNDS FOR RELOCATION ASSISTANCE PAYMENTS IN THE CASE OF HOME FURNITURE COMPANY, ET AL.

Councilman Alexander moved that Council defer action on the subject ordinance until later in the meeting. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 93-X ORDERING THE DWELLING AT 712 MATHIESON AVENUE TO BE VACATED AND CLOSED PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 19, PART 6, CHAPTER 160A, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance ordering the dwelling at 712 Mathieson Avenue to be vacated and closed pursuant to the Housing Code of the City of Charlotte and Article 19, Part 6, Chapter 160A, of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 20, at Page 438.

CHANGE IN CITY'S GROUP INSURANCE PLAN, APPROVED.

A change in the City's Group Insurance Plan to allow retiring employees, or employees over age 65, to continue under the City's present policy for Group Insurance was presented for Council's consideration.

Councilman Short stated under this proposal employees could choose the Option 65, or could continue with the group or term insurance plan. Mr. Earle, Personnel Director, replied the plan is designed to supplement the Group Plan; that is one of the considerations made to see that those employees participating in the group life insurance plan would be eligible to purchase permanent life insurance or continue the group. The add-on is voluntary. Councilman Harris stated the primary thing is that would be an add-on which would be on a volunteer basis on the part of the employee.

Mr. Earle stated there are two major advantages to the Option 65 plan - one is for the employee and one for the city. The advantage to the employee is that he does have an individual insurance policy which he can purchase at a relatively low cost. The advantage to the city is that our cost will phase out geometrically over the long run. Only those employees over age 45 would elect this option. All new employees would enter the plan with the conditions offered.

Councilman Harris moved approval of the change as recommended. The motion was seconded by Councilwoman Locke, and carried unanimously.

SALE OF SURPLUS LANDFILL PROPERTY ON TYVOLA ROAD, DEFERRED.

Councilman Short stated Councilman Whittington would like to have an opportunity to be in on the discussion of the sale of this land, and he would appreciate it if Council will defer consideration until he is present.

Councilman Short moved that the item be deferred, and suggested that when it is placed on the agenda again that comments be included about the several uses that have been thought of in the past. The motion was seconded by Councilman Harris, and carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH MECKLENBURG COUNTY TO FINANCIALLY ASSIST THE MECKLENBURG COUNTY FIRE COMMISSION.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, the subject resolution was adopted authorizing the execution of a contract with Mecklenburg County to financially assist the Mecklenburg County Fire Commission, with the City to subsidize these two departments on a monthly basis at an annual rate not to exceed \$8,193.00 for Oakhurst and \$6,384 for Woodlawn.

The resolution is recorded in full in Resolutions Book 9, at Page 407.

ORDINANCE NO. 94 AMENDING CHAPTER 19, SECTION 19-26 OF THE CODE OF THE CITY OF CHARLOTTE WITH RESPECT TO TAXICAB RATES.

Council considered the request of several taxicab companies to increase the rate of fares.

Councilman Harris moved adoption of an ordinance to change the taxicab rates to 45 cents for the first 1/6 mile and 10 cents for each additional 1/6 mile. The motion was seconded by Councilwoman Locke, and carried unanimously.

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Mr. R. D. Kennerly of the Yellow Cab Company stated they would like to have the increase requested previously which was 55 cents for the first 1/6 mile and 10 cents for each additional 1/6 mile. During the discussion Mr. Kennerly stated since November, they have taken a loss of \$12,000.00 due to the increase in gas; that Mr. Fennell said they should be entitled to recover some of that but he was not in the position to do it.

After further discussion and statement by Mr. Fennell, Finance Director, Councilman Harris moved that Council rescind the previous motion. The motion was seconded by Councilman Withrow and carried unanimously.

Councilman Harris moved adoption of an ordinance to increase the rate to 55 cents for the first 1/6 mile and 10 cents for each additional 1/6 mile. The motion was seconded by Councilwoman Locke.

Councilman Harris requested Mr. Fennell to come back to Council with a more indepth study and further recommendations on the taxicab services. That this will give Mr. Kennerly relief now, and Council can get more factual information in the next 30 to 60 days.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 439.

ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF CHARLOTTE
ESTABLISHING REGULATIONS FOR PARADES AND PROCESSIONS, DEFERRED UNTIL LATER
IN THE MEETING.

After some discussion, Councilman Withrow moved that consideration of the subject ordinance be deferred until later in the meeting. The motion was seconded by Councilman Short, and carried unanimously.

LEASE AMENDMENT WITH FEDERAL AVIATION ADMINISTRATION FOR SPACE IN FAA
BUILDING, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, a Lease Agreement was approved between the City of Charlotte and Federal Aviation Administration for space in FAA Building at Douglas Municipal Airport, at a rate of \$4.46 per square foot from July 1, 1973 and ending June 30, 1976.

NAME OF BLAND STREET, EXTENDING WEST FROM EUCLID AVENUE INTO STRAWN APARTMENTS,
CHANGED TO BUTTERNUT COURT.

Motion was made by Councilman Alexander and seconded by Councilman Withrow, to change the name of East Bland Street, extending west from Euclid Avenue into Strawn Apartments, from East Bland Street to Butternut Court.

Councilman Harris asked if the residents of Strawn Apartments had any input into the street name change, and he was advised the request came from the Housing Authority. Councilman Harris stated he thinks it would be good public relations for the residents to be contacted on any future changes in the street names.

The vote was taken on the motion and carried unanimously.

C. L. HELT & ASSOCIATES SELECTED FOR DESIGN AND CONSTRUCTION SUPERVISION OF
THE TRAFFIC ENGINEERING-TRAFFIC CONTROL SHOP.

Councilman Short moved approval of C. L. Helt & Associates being selected for the design and construction supervision of the Traffic Engineering-Traffic Control Shop at a fee of 7.1% of an estimated \$96,900.00. The motion was seconded by Councilman Withrow, and carried unanimously.

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RESOLUTION AGREEING TO SPEND \$40,000 OF THE \$200,000 REVENUE SHARING FUNDS SET ASIDE FOR TRANSIT IMPROVEMENTS.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted agreeing to spend \$40,000 of the \$200,000 Revenue Sharing Funds set aside for transit improvements to pay for part time employees, commuter time, materials, and a consultant on a per diem basis to gather information required by the committee in its study of transit improvements.

The resolution is recorded in full in Resolutions Book 9, at Page 408.

Councilman Short stated members of Council have been given a more complete listing based on the needs of the transit committee. That he thinks it is good for the public interest in this matter that this complete listing be a part of the record, and without objection he asked that the Clerk include it as a part of the minutes.

"OUTLINE FOR TRANSIT STUDY UP-DATE

Task Number	Task Description
1.0	<u>Route Reconnaissance-Operations</u>
1.1	Peak Hour A.M.
1.2	Peak Hour P.M.
1.3	Mid-Day Base
1.4	Night
1.5	Load and Headway Checks
2.0	<u>Examination of Route Alignment</u>
2.1	Principal Unserved Areas
2.2	Shopping Areas
2.3	Major Generators
2.4	Low Income Areas
2.5	Concentrations of Housing for Elderly
2.6	Changes in Traffic Regulation
3.0	<u>Re-Examination of Through-Routings</u>
3.1	Connections in C.B.D.
3.2	Reduction of Passenger Transfers
3.3	Re-location of Transfer Points, (Away from C.B.D.)
3.4	Point to Point Service-Major Attractor - Major Generator
4.0	<u>Schedule Adherence and Load Checks</u>
4.1	Peak Hours
4.2	Off-Peak Hours
5.0	<u>Examine Need for Demand-Responsive Service</u>
5.1	Special Service to Handicapped
5.2	Outlined and core area routes including full service routes and peak hour service
6.0	<u>Recommendations - Short Term</u>
6.1	Aid to Private-Owned Bus Company
6.2	Formation of Local Public Agency
6.3	Purchase and Operation of Private Company
6.4	Application for Federal Grant
7.0	<u>Follow-up and Check Backs"</u>

Councilman Harris asked the status of the full time planner authorized by Council? Mr. Burkhalter, City Manager, replied we have finally received two applications; that efforts have been made across the country, and it has been very difficult to find anyone for this position. Councilman Harris asked if the problem is salary or that there are not enough people? Mayor Belk replied every city has about the same problem we have, and they are very much in demand.

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Councilman Harris asked the next step from the Committee's point of view? Councilman Short replied there will be meetings and reports of activities by the staff rather frequently, immediately ahead.

Councilman Alexander asked if the City is offering enough money for this position? Mr. Burkhalter replied that has not been the problem; it is just locating the people.

Councilman Harris asked if the City is coordinating any of this with the Citizens' group that will be sponsoring this shuttle-bus service from the parking areas? Mr. Burkhalter replied yes; that group is part of the Mayor's Committee; they have been working through Mr. Hoose's office. Councilman Harris stated he just wants to be sure that this group has the information that has been gathered about who rides the buses and where they are going and so forth.

Mr. Burkhalter stated as soon as they decide on the location of the parking areas where the shuttle buses will run, he will let the Councilmembers know where they are located.

Councilwoman Locke stated she would like to know when the people who ride bikes will be allowed to park them in the civic center. Many are now riding their bikes and they do not have any place to park them.

Mayor Belk stated he understands they plan the shuttle bus service the month before Easter, and that it will start on March 18; they feel there will still be a shortage of gas at that time, and a lot more people will be downtown. He stated this will be more for the working people, and not the shoppers in the middle of the day. They are working on the peak hours.

Councilman Alexander stated he sees nothing wrong with this; but he feels we should use a period that is normal to come up with some true facts on rider participation. Mayor Belk stated this is not the same report that Mr. Hoose is working on; he will be involved in this; but it will not change the pattern of the normal public buses. Mr. Burkhalter stated the Energy Committee feels that people would ride a bus downtown from a remote area if they had a focal point to park their cars; they have this worked out and they are going to try it out.

BILL TO BE ADDED TO THE LEGISLATIVE PACKAGE TO AMEND THE BIDDING STATUTES RELATING TO TAKING OF INFORMAL BIDS BY INCREASING THE LIMIT.

Councilman Harris moved that the City Attorney prepare a bill to be added to the Legislative Package to amend the bidding statutes relating to the taking of informal bids increasing the \$3,000 limit to \$5,000. The motion was seconded by Councilwoman Locke, and carried unanimously.

SUPPLEMENTARY AGREEMENT ASSIGNING J. N. PEASE & COMPANY, INC TO PROCEED WITH THE 201 FACILITY PLANNING STUDY FOR WATER AND SEWER SERVICE.

Councilman Alexander moved approval of the subject supplementary agreement assigning J. N. Pease & Company, Inc. to proceed with the 201 Facility Planning Study for water and sewer service. The motion was seconded by Councilman Withrow, and unanimously carried.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE CHIEF REAL ESTATE AGENT, REAL ESTATE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF CHARLOTTE TO EXECUTE CERTAIN RENTAL LEASES OF CITY-OWNED PROPERTY FOR TERMS OF ONE YEAR OR LESS.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing the Chief Real Estate Agent, Real Estate Division of the Department of Public Works of the City of Charlotte, to execute certain rental leases of city-owned property for terms of one year or less.

The resolution is recorded in full in Resolutions Book 9, at Page 409.

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CONTRACTS FOR WATER MAINS AND SEWERS, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Harris, and unanimously carried, approving the following contracts for construction of water mains and sewers:

- (a) Contract with Ralph Squires Company for construction of 970 feet of 8" and 6" water mains and one fire hydrant to serve Olde Savannah Subdivision, Section 5, outside the city, at an estimated cost of \$5,300.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water mains.
- (b) Contract with The Howey Company for construction of 650 feet of 6" water main and one fire hydrant to serve Olde Georgetown Subdivision, inside the city, at an estimated cost of \$3,250.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (c) Contract with John Crosland Company for construction of 2,300 feet of 8" water main and one fire hydrant to serve the Chestnut Hills Subdivision, outside the city, at an estimated cost of \$13,700.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water mains.
- (d) Contract with S & T Development Company, Inc., for construction of 7,268 linear feet of sewer mains and outfalls to serve Carmel South Subdivision at the intersection of Carmel Road and Green Rae Road, outside the city, at an estimated cost of \$133,000.00. The applicant will construct 2,973 linear feet of 8-inch trunk and street mains at their own cost and donate to the City. The applicant has deposited \$10,948.70 with the City to finance 4,295 linear feet of related outfall sewer. The City will receive bids on said outfall sewer. The City will own, maintain, operate and receive revenue from said sanitary sewer system. Refund to applicant is as per agreement.

SETTLEMENT IN AIRPORT CONDEMNATION LAWSUIT, CITY VS. HEIRS OF JOSEPH STEWART BOYLES, AUTHORIZED.

Councilman Withrow moved approval of the proposed settlement in Airport Condemnation Lawsuit City vs. Heirs of Joseph Stewart Boyles, Parcel No. 137, in the amount of \$56,154.00, as recommended by the City Attorney. The motion was seconded by Councilman Harris, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Harris, seconded by Councilman Alexander, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 2.66' x 75.00' x 3.37' x 75.21' of property plus a construction easement from Frederick L. Wiley and wife, Grace E., at 2009 Oaklawn Avenue, at \$280.00, for Oaklawn Avenue Widening Project.
- (b) Acquisition of 15' x 543.02' of easement from John B. Young and wife, Louise F., at 2101 Interstate 85, at \$1,000.00, for sanitary sewer trunks to serve I-85 and Alleghany Street Project.
- (c) Acquisition of 15' x 332.24' of easement from Ralph Andrew Clemmer and wife, Pearl L., at 7600 block of Sardis Road (off Sardis Road), at \$535.00, for Heritage Woods Sanitary Sewer Connector Project.

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- (d) Acquisition of 15' x 31.95' of easement from Herman B. Stutts and wife, Barbara A., at 6801 April Lane (to the east of Plott Road), at \$100.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (e) Acquisition of 20' x 112.27' of easement from Michael Eugene Sniscak and wife, Marika, at 6511 Castle Hayne Court (east off Plott Road), at \$650.00, for Hickory Grove Sanitary Sewer Trunks Project.
- (f) Acquisition of 15' x 161.07' of easement from Henry E. Woods and wife, Christine P., at 6905-07-09 Linda Lake Drive (Hickory Grove), at \$300.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (g) Acquisition of 15' x 232.76' of easement from Joseph W. Dalia and wife, Vesta M., at 6504-06-08 Grove Park Blvd. (Hickory Grove), at \$465.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (h) Acquisition of 15' x 288.59' of easement from James M. Workman and wife, Judith A., at 6066 Karenstone Drive (south off Plaza Road), at \$400.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (i) Acquisition of 15' x 270.55' of easement from Jesse E. Oxendine and wife, Jewell H., at 1917 Summerhill Drive, (off Monroe Road), at \$515.00, for sanitary sewer to serve Annexation Area I (4) Monroe Road Project.
- (j) Acquisition of 15' x 55.34' of easement from Clifford A. Norris and Mary C. Norris, at 7511 Gayle Avenue, in Woodberry Forrest Subdivision, at \$250.00, for sanitary sewer to serve Annexation Area #1 (4) Monroe Road Project.
- (k) Acquisition of 15.0' x 823.66' of easement from The Charlotte Park and Recreation Commission, at 7301 Monroe Road, at \$1.00, for sanitary sewer to serve Annexation Area I (4) Monroe Road Project.
- (l) Acquisition of 30' x 98.69' of easement from Robert K. Kaufman and Marie W. Kaufman, at 3300 Cedarhurst Drive (Derita Woods), at \$200.00, for Derita Woods Sanitary Sewer Trunks Project.
- (m) Acquisition of 15' x 170.56' of easement from Margaret C. Holt (widow), at 3416 Fincher Boulevard (off Nevins Road), at \$400.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (n) Acquisition of 15' x 12.44' of easement from Bernard G. Noe and wife, Aldena, at 5123 Chevoit Road (Derita Woods Area), at \$15.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (o) Acquisition of 15' x 344.21' of easement from Harold Preston Norman and wife, Margaret B., at 3831 Nevin Road (off Statesville Road), at \$800.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (p) Acquisition of 15' x 408.34' of easement from Southern Equipment Service Company, Inc., at 3301 North Interstate 85, at \$510.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (q) Acquisition of 15' x 748.75' of easement from Rufus M. Johnston and Virginia R. Johnston, at 520 Johnston Road (off N. Graham Street), at \$1.00, for sanitary sewer to serve Ameron Drive and Century Place Project.
- (r) Acquisition of 15' x 528.15' of easement from The Malja Corporation, at 3606 North Graham Street, at \$1.00, for Sanitary Sewer to Serve Ameron Drive and Century Place Project.

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- (s) Acquisition of 15' x 378.85' of easement from Century Properties, at 1321 Ameron Drive (off North Graham Street), at \$1.00, for Sanitary Sewer to Serve Ameron Drive and Century Place Project.
- (t) Acquisition of 15.0' x 614.83' of easement from The Charlotte Park and Recreation Commission, at 7301 Monroe Road, at \$1.00, for Sanitary Sewer to Serve Parkview East Subdivision Project.
- (u) Acquisition of 15' x 6.59' of easement from The Ed Griffin Company, Inc., at 7101 Monroe Road, at \$1.00, for Sanitary Sewer to Serve Parkview East Subdivision Project.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MARSH REALTY COMPANY, INC. LOCATED BETWEEN BEAL STREET AND ASHWORTH ROAD, IN CHARLOTTE, NORTH CAROLINA, FOR THE BEAL STREET PARK.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Marsh Realty Company, Inc., located between Beal Street and Ashworth Road in Charlotte, North Carolina for the Beal Street Park.

The resolution is recorded in full in Resolutions Book 9, at Page 410.

CHANGE ORDER NO. 1 IN CONTRACT WITH A. P. WHITE AND ASSOCIATES, INC. FOR CONSTRUCTION OF WATER DISTRIBUTION MAINS, IN ANNEXATION SECTION I, AREAS I AND 12, APPROVED.

Councilman Harris moved approval of the Change Order No. 1 increasing the contract price by \$5,070.00 with A. P. White and Associates, Inc. for construction of water distribution mains, Annexation Section I, Areas I and 12, which motion was seconded by Councilman Withrow, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the following Special Officer Permits were authorized:

- (a) Issuance of permit to Michael Thomas Arvey for use on the premises of Douglas Municipal Airport.
- (b) Issuance of permit to Edgar L. Juhan for use on the premises of Jefferson First Union Complex, 1 Jefferson First Union Plaza.
- (c) Issuance of permit to Ronzel M. Teasley for use on the premises of Jefferson First Union Complex, 1 Jefferson First Union Plaza.

CONTRACT AWARDED BAR FLY CORPORATION FOR ONE HELICOPTER ENGINE REPLACEMENT FOR THE POLICE DEPARTMENT.

Motion was made by Councilman Alexander and seconded by Councilman Withrow, awarding contract to the only bidder, Bar Fly Corporation, in the amount of \$11,299.00, for one Helicopter Engine Replacement for the Police Department.

Councilman Harris stated there are other engine maintenance shops around here. That he does not know whether this is competitive or non-competitive. He asked where this company's three maintenance shops are located. Mr. Brown, Purchasing Agent, replied there is one in Roanoke, Virginia and one in Myrtle Beach, South Carolina, and Bar Fly is a local concern in Charlotte. In the contract, the City has to transport the aircraft to the maintenance shop.

The vote was taken on the motion and carried unanimously.

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CONTRACT AWARDED MINNESOTA MINING AND MANUFACTURING COMPANY FOR SCOTCHLITE MATERIAL TO BE USED IN THE FABRICATION OF REFLECTORIZED TRAFFIC SIGNS.

Councilman Harris moved award of contract to the only bidder, Minnesota Mining & Mfg. Company, in the amount of \$13,665.71, on a unit price basis, for scotchlite material to be used in the fabrication of reflectORIZED traffic signs. The motion was seconded by Councilwoman Locke, and carried unanimously.

CONTRACT AWARDED BAUCOM BATTERY SERVICE FOR ESTIMATED YEARLY REQUIREMENT FOR AUTOMOTIVE BATTERIES FOR ALL CITY DEPARTMENTS.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the only bidder meeting specifications, Baucom Battery Service, in the amount of \$12,670.67, on a unit price basis, for estimated yearly requirement for automotive batteries for all city departments.

Bids received not meeting specifications:

Battery Ignition Dist., Inc.	\$10,887.20
Joint & Clutch Service	11,659.51

CONTRACT AWARDED B. F. GOODRICH COMPANY FOR FIRE HOSE FOR THE FIRE DEPARTMENT.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder meeting specifications, B. F. Goodrich Company, in the amount of \$60,114.00, on a unit price basis, for fire hose for the Fire Department.

The following bids were received:

B. F. Goodrich Co.	\$60,114.00
Tidewater Supply Co.	62,255.09
Southern Rubber Co.	63,894.00
Dillon Supply Co.	64,416.45

Bids received not meeting specifications:

Eureka Fire Hose Co.	\$58,334.00
Action Fire & Safety Co.	59,936.00

CONTRACT AWARDED ACTION FIRE AND SAFETY COMPANY FOR FIRE HOSE FOR FIRE DEPARTMENT.

Councilman Harris moved award of contract to the only bidder, Action Fire and Safety Company, in the amount of \$7,667.06, on a unit price basis, for fire hose for the Fire Department, which motion was seconded by Councilwoman Locke, and carried unanimously.

ORDINANCE NO. 95-X REPEALING ORDINANCE NO. 55-X, ADOPTED BY COUNCIL ON DECEMBER 17, 1973, AND REVISING REVENUES AND EXPENDITURES TO PROVIDE FUNDS FOR RELOCATION ASSISTANCE PAYMENTS IN THE CASE OF HOME FURNITURE COMPANY, ET AL.

Councilman Alexander moved adoption of the subject ordinance repealing the existing appropriation of \$257,170, and substituting in lieu thereof the figure \$737,399.70. The motion was seconded by Councilman Short.

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Councilman Harris asked where this money is coming from, and the City Manager replied it is money saved on annexation, and revenue sharing. Councilman Harris stated we seemed to have an inexhaustible supply of money for various things. Mr. Burkhalter replied he wished that we did have. That the city hopes to get this money back; that the city saved about \$190,000 a month on annexation. Councilman Harris stated annexation was delayed about six months and the city saved about \$1.2 million. The City Attorney stated there is about \$160,000 left. Councilman Harris asked when we will get the money from the government, and Mr. Burkhalter replied we do not know if we will ever get it. If we do it should be in the next couple of months. That the city is having to pay this because the Court ordered the city to do it, and there is no choice. When Council agreed to the first part of the payment, it was told that the FEDS had agreed to pay 2/3 of the cost; and the Regional office had agreed to this, but Washington had not. That the Regional Office has set up a meeting for the Mayor, and we are working on it.

Councilman Harris asked if there are any other pending suits because of the downtown project? Mr. Underhill replied there is a suit pending against the City brought by Pat Stewart. He was moved out of the project to another site on North Tryon Street; went out of business; went bankrupt and has now brought a law suit against the city, and that case is still pending. It is the only law suit that presently concerns this urban renewal project.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 440.

ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF CHARLOTTE ESTABLISHING REGULATIONS FOR PARADES AND PROCESSIONS, DEFERRED.

Councilman Short stated he would like for the subject ordinance to be redrafted in several ways, and that it be put on the agenda for next week. He asked that it be redrafted to include seven members as suggested by Councilman Alexander; and that language be put in that if this Committee refuses a permit for reasons which include Item 5 of the proposed ordinance that this permit would be rejected only through action of the City Council. The result would be if the Committee was using this item as a basis for refusing the parade permit, it would cause the request to be placed on the next available City Council agenda, and it would then be decided at that point. He stated he thinks this is acceptable because in effect it brings it to the Mayor, and it is a tradition in America that a Mayor has a certain right to deal with this sort of thing such as curfews and soforth. By doing this it is put in a place that the law has generally found it possible to put such a determination. Councilman Short stated he is reluctant to set up a citizens' body that is somewhat insulated from the electorate, and is not a court that would be able to simply say of its own decision, however capricious that decision might be, that 15 days ahead of time, you are going to be violent.

Councilman Harris stated if the committee really wants to do this they can find six other reasons to deny the permit. They are going to come to Council if they are turned down anyway and if they are validly concerned. What is the difference in substantially interrupting the safe and orderly movement of other traffic. Councilman Short replied he would basically see a difference in some appointed citizen saying this is liable to interrupt traffic on one hand, and on the other hand saying the group is liable to be violent.

Mr. Burkhalter, City Manager, stated he will bring the ordinance back after it is redrafted at a later date. That he would like to call Council's attention to one thing; and that is the larger this committee the more problems we will have. The reason this was assigned to the Police Chief in the beginning was so that one man could make the decision on the spur of the moment and get it taken care of so a group would not have to wait on a Council Meeting. The Police Department suggested the proposed ordinance because they did not want this responsibility. He stated it seems everytime you have a questionable request it is always at 7:00 p.m. at night or just before the day they want a parade or something of this kind, and these things cause all kinds of problems. If you turn it down, you do so because of the time factor involved rather than something else.

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Councilman Harris stated the Police Chief should be the spokesman for the Committee; he should be able to grant the permits or turn them down; he should make the decision. Councilwoman Locke stated she agrees.

Councilman Short moved that consideration of the ordinance be deferred. The motion was seconded by Councilman Alexander, and carried unanimously.

CITIZEN EXPRESSES INTEREST IN THE CITY KEEPING THE COUGAR BASKETBALL TEAM AND ESTABLISHING A PARA-MEDIC PROJECT THROUGH THE FIRE DEPARTMENT.

Mr. James Delantonas, 4710 Addison Drive, was present and stated he is a sports fan and he would like to see the Cougars Basketball team remain in Charlotte. He also stated he would like to see the City establish a para-medical project through the City's Fire department; that it would be very helpful in cases of emergencies, and it would assist the doctors and nurses.

COUNCIL ADVISED THAT RANDOLPH ROAD NEIGHBORHOOD GROUP HAS LEFT THE MEETING AND WILL REQUEST A HEARING BEFORE THE COUNCIL AT A LATER MEETING.

Mayor Belk stated he has a request from Mr. Paul Whitfield, Attorney for the Randolph Area Neighborhood Group, to speak to Council. The Clerk advised that Mr. Whitfield and his group had to leave, and he has requested another appointment with Council.

Councilwoman Locke stated she would like to know what the group is concerned about. That she understands it has to do with some scattered housing. Mr. Bobo, Assistant City Manager, stated he understands it has to do with the project by MOTION on Water Oak Road, east of Sharon Amity Road near McAlway Road.

DISPOSITION OF BIKE TRAIL AT UNCC, DISCUSSED.

Councilman Withrow asked what disposition Council made of the bike trail out at UNCC? Councilman Short replied Council had some financial calculations on a route along N. C. 49 and 29, and also some financial calculations relating to the Myers Park area, and did not have the financial calculations on the route along the Old Concord Road. He believes the action of Council was to ask this be given to Council along with the others so that all of them could be considered.

CITIZEN REQUESTS COUNCIL TO INCLUDE SOME CITIZENS ON TRANSIT COMMITTEE, AND ALSO A TIMETABLE FOR WHAT IS AHEAD IN TRANSIT.

Councilman Short stated earlier in the meeting Mrs. Chernoff asked to speak to Council, but she was unable to stay until this time. She wanted to ask that some citizens be added to the Transit Study Committee, which now consists of councilmembers only. He stated this is something that Council may want to think about. Also, she was seeking information on a timetable for what is ahead in transit. That he has discussed this with her and others, and it is a very hard timetable to come by, but he is going to talk again with Mr. Hoose this afternoon and see if they can give her any information on this subject.

JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY ESTABLISHING A CONSOLIDATION STUDY COMMISSION.

Councilman Alexander stated Council has been discussing the necessary steps toward consolidation of governments, and Mr. Underhill, City Attorney, was asked to come back to Council with a resolution and he has done that and the resolution is before us.

Councilman Alexander moved that Council consider the resolution as an emergency item. The motion was seconded by Councilman Short, and carried unanimously.

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Mr. Underhill then explained the changes in the resolution, and stated each of the changes are a result of some of the questions and objections raised by the County Commissioners at their meeting when they considered the original draft.

Councilman Harris stated he thinks it is important that Council move on this at this time as there will be only four members of Council present at the next meeting. That both Councilman Whittington, and Councilman Williams, who are absent, have said they would be willing for Council to take action on this today.

Upon motion of Councilman Alexander, seconded by Councilwoman Locke, and unanimously carried, a joint resolution of the City Council of the City of Charlotte and the Board of Commissioners of Mecklenburg County establishing a Consolidation Study Commission was adopted.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 411.

COUNCILMAN SHORT STATES HE EXPECTS TO REMAIN A MEMBER OF CITY COUNCIL DURING FORTHCOMING CAMPAIGN.

Councilman Harris asked Councilman Short if he would not like to repeat the statement he made earlier today in connection with his recent announcement.

Councilman Short stated he expects to remain a member of City Council during the forthcoming campaign and he is simply responding to the law that exists on this subject, or the fact that the law does not indicate anything otherwise. In terms of time, he has freed himself so thoroughly from his Company that he believes he will have more time rather than less time for Council activities during the months ahead.

DISCUSSION OF MYERS PARK AREA REZONING PETITION, AND COUNCIL'S DISCRETION IN VOTING ON THE PETITION, AND REQUEST THAT HEARING BE SET ON SUGGESTED ORDINANCE ON HEIGHT REQUIREMENTS AT THE TIME MYERS PARK REZONING PETITION IS ON THE AGENDA FOR DECISION.

Councilman Harris asked Council's discretion as far as the tracts of land are concerned on the Myers Park area rezoning petition. The hearing was held on the entire tract, and Council now has seven or eight recommendations from the Planning Commission. He stated Mr. Short had a conflict of interest on one tract, and he would assume he could vote on the other tracts if Council voted on them piece by piece. He asked if Council votes by lot or tract by tract? Mr. Underhill, City Attorney, replied one petition was submitted for one large tract, and the Planning Commission has couched its recommendation in terms of denying parts of the request or approving parts. The Council is really considering one petition, and Council has the authority to approve part of the petition and deny part of it, or denying all of the petition or approving all of the petition.

Mr. Underhill stated as for Mr. Short's conflict of interest, as this is one petition, regardless of how the Planning Commission recommended it to Council, he would think if Mr. Short has a conflict of interest, he would not be permitted to vote on any matter that considered the rezoning petition.

Mr. Underhill stated Councilman Harris has called his attention to the charter provision that Council has to excuse a member from voting which means that the proper procedure in the case of Mr. Short, or anyone else with a conflict of interest, would be for Council to vote to excuse that member from consideration. Only after Council has voted to excuse a member can the member be excused; otherwise his absence is counted as an affirmative vote. Mr. Underhill stated when a member of Council feels he has a conflict, he must disclose the conflict and Council must excuse that member from voting. He stated this is a new procedure as far as the state law is concerned; it is not new for the existing city charter. In drawing the state statutes, they used a lot of Charlotte's charter as it is so far ahead of others.

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Councilman Withrow stated the old Council had a policy of not voting on a zoning petition which had the 3/4 Rule invoked unless all members of Council and Mayor were present. He asked why the City has the 3/4 Rule as the County does not have it? Mr. Underhill replied that is the way the state law is written.

Mr. Underhill again stated that in the Myers Park petition, Council is dealing with only one petition, and Mr. Short's conflict of interest existed at the time the property was requested rezoned, and therefore, his conflict is still in existence.

Councilman Harris requested the City Attorney to give Council a written opinion on exactly what Council's discretions are in this petition. Mr. Underhill stated Council will have to dispose of all of the petition; either approve it or deny it.

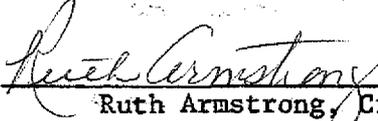
Mayor Belk stated it seems to him the best thing to do is to turn it down and then the petitioners can come back with requests on certain areas.

Councilman Harris stated he would like the ordinance pertaining to height requirements scheduled for the Council Meeting on the 18th, along with this item. Mr. Underhill, City Attorney, stated there is not enough time to have it advertised for that meeting; that it has been drafted but it is taking some time; Council will have to approve the publication and schedule the public hearing. That he does not believe there is enough time to meet the legal requirements to hold it on the 18th.

Councilman Harris stated he would like these two items to appear on the same agenda. Councilman Short stated he would hope the Myers Park petition would be out of the way, whichever way it is going, before Council gets into the height requirement, even if it is on the same agenda. Councilman Harris stated Council would be having the public hearing on the height requirement at the same time it is taking action on the Myers Park petition.

ADJOURNMENT.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk