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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 6, 1975, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmembers Kenneth R. Harris, Pat Locke, Milton Short, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk.

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INVOCATION.

The invocation was given by Councilman Neil C. Williams.

JULIA DOBY NAMED CITY OF CHARLOTTE EMPLOYEE OF THE YEAR.

Mr. Don Bryant, President of the Charlotte Chamber of Commerce was present and introduced Ms. Julia Doby, Director of West Charlotte Community Center, an employee of the Charlotte Park and Recreation Commission, as the City's Employee of the year.

Mr. Bryant presented Ms. Doby with a scroll and a check for \$100.00. He stated her name will be inscribed on the plaque which is located on the first floor of City Hall.

MINUTES APPROVED.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, approving the minutes of the Council Meeting on Monday, December 9 and Monday, December 16, 1974.

DISCUSSION OF HOLDING OVER SOME OF THE AGENDA ITEMS UNTIL THE NEXT MEETING OF COUNCIL.

Councilman Short stated today Council has the longest agenda he has ever seen in ten years, and it has 49 items listed, some of which are not perfunctory at all. He would like to introduce the thought that Council might plan to recess this meeting about 5:00 or 5:30 and reconvene the meeting about 7:00 or 7:30. This may involve some personnel of the city but he hates to see Council rush through the agenda.

Mayor pro tem Whittington stated he was going to ask Council to consider, as the hour moves on into the evening, that the meeting adjourn and have the remainder of the agenda carried over to the next meeting. That Councilman Short's suggestion about tonight is a good idea, but looking at Councilmembers they say they cannot be here, and he cannot. He requested the City Manager and City Attorney to think about how Council might handle the remainder of the agenda.

ASSIGNMENT OF CONTRACT FOR ARCHITECTURAL SERVICES BETWEEN THE CITY OF CHARLOTTE AND GANTT-HUBERMAN ASSOCIATES TO JEFFREY A. HUBERMAN, INDIVIDUALLY.

Councilman Withrow moved that Council approve the assignment of the contract of Gantt-Huberman Associates to Jeffrey A. Huberman, individually. The motion was seconded by Councilman Short.

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Councilman Williams asked if this is in order? Mr. Underhill, City Attorney, replied he has reviewed the assignment agreement that has been prepared and find it to be in order, and in his opinion will remove any conflict that might exist that would prevent Mr. Gantt from holding a council seat. This action by Council would take care of that situation.

The vote was taken on the motion and carried unanimously.

OATH OF OFFICE ADMINISTERED TO HARVEY B. GANTT BY MAYOR PRO TEM WHITTINGTON.

Mayor pro tem Whittington stated this is a first for him, and he supposes is a first for the man who comes today to join this Body as a new member of the City Council.

He stated he has been a member of Council going on 16 years and he would like to welcome Mr. Gantt, and he is sure that each member of the Council wants to do that a little later. The great thing about this City and about local government is the fact that we are a close knit team working together with people. People who have common problems - some small and some big. But you put them all together and shake them down and try to come up with a solution that benefits all of Charlotte.

Mayor pro tem Whittington stated in talking to Mr. Gantt he has been tremendously impressed as he is sure the other Councilmembers and the Citizens of Charlotte will be as they go down the road together.

Mayor pro tem Whittington then administered the Oath of Office as a member of City Council to Harvey B. Gantt.

Councilman Gantt stated it is with a great deal of humility that he accepts the appointment to City Council. The opportunity to render public service to this community is, indeed, a privilege and carries with it a great deal of responsibility. That he is honored that this Council saw fit to appoint him from among many who were both willing and qualified to serve. However, he is also sobered by the fact that he fills the unexpired term of a man who was placed here by considerable mandate of citizens of Charlotte. That he replaces him with no such mandate, and he therefore feels a keen and greater sense of responsibility to the citizens of this community to seek their support, respect and confidence during his one year tenure.

Councilman Gantt stated the issues facing the City of Charlotte in 1975 are, indeed, momentous, and the decisions made by this Council will surely affect the lives of all of us in years to come. Charlotte is a good city; it has demonstrated particularly over the past decade a capacity for accelerated physical growth, both in land area and population. It has also demonstrated, probably with less dramatic evidence, an increasing willingness to examine and to provide solutions to its numerous social problems which can, and will bring with greater rapidity the distribution of resources for all of its citizens. Yet, despite its past successes, and failures, he believes the City has an even greater potential for achieving greatness. This achievement of greatness will come through a continuing effort of bringing government closer to people; it will come through a continuing effort at seeking creative attention and dialogue between government and its citizens; it will come through a continuing effort at seeking an openness in government decision making that is unprecedented anywhere in the country. Finally, it will come through a continued effort to have our citizens believe in, and support enlightenment governmental leadership.

Councilman Gantt stated he is convinced Charlotte can achieve this greatness and he is pledging himself today to do his utmost part, God willing, to make this a better place for all of us who live here.

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Mayor pro tem Whittington stated Senator Fred Alexander wanted very much to be present today for these ceremonies, but he was called to Raleigh for a meeting today and could not be present.

Mayor pro tem Whittington recognized Councilman Gantt's wife and asked her to stand and be recognized. He also recognized Councilman Gantt's partner, Mr. Jeff Huberman.

**RESOLUTION CLOSING AND ABANDONING HAZEL STREET, LOCATED BETWEEN SOUTH TRYON STREET AND I-77, IN THE CITY OF CHARLOTTE, NORTH CAROLINA.**

A public hearing was held on petition of Craig Corporation to close and abandon Hazel Street, located between South Tryon Street and I-77.

Council was advised the petition had been investigated by all city departments concerned with street rights-of-way and there were no objections to the closing.

No one spoke for or against the petition to close the street.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution closing and abandoning Hazel Street, located between South Tryon Street and I-77.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 244.

**RESOLUTION CLOSING AN UNOPENED PORTION OF CASSAMIA PLACE INTERSECTING WITH THE NORTHERLY MARGIN OF TANGLEWOOD LANE IN THE CITY OF CHARLOTTE.**

A public hearing was held on petition of Gordon L. Vaughn and wife, and Paul Curtis Hardy, Jr. and wife, to close a portion of Cassamia Place, at its intersection with Tanglewood Lane.

Council was advised the petition has been investigated by all city departments concerned with street rights-of-way and there were no objections to the closing.

Council was also advised the Planning Director advised that one of the lots at the intersection of Cassamia and Tanglewood had recently secured a building permit to erect a duplex on it, and the permit was issued on the basis of the corner lot existence. The property is zoned a single family classification and the only provisions for a duplex in such a district is on a corner lot. If the street is withdrawn from dedication and a corner lot ceases to be in existence, the duplex technically becomes a non-conforming use.

Mr. John Hunter, Attorney for the petitioners, was present to answer any questions.

Mr. Sam Williams stated he is one of the neighbors, and he has had assurances from Mr. Hunter and Mr. Vaughn, his neighbors, that his children and he can continue to ride their bicycles and walk across this strip of land to get to Church.

He stated his only purpose in being here is to request that Council take an eyeball look at this location because he thinks the neighbors on his side of the street have suffered grievously from a situation which probably was unintentionally planned by the Planning Department. There is an ordinance which requires a street termus, and the Planning Commission has caused the City to contract with a firm to install a barricade which looks very much like an Interstate 77 barricade. There is one of these things at the end of their street; there are three large red jesses which are there to let the world know that it is not only the end of the street, but the end of the world. They have four old street markers also.

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Mr. Williams stated he is requesting the consideration of the removal of most of that so that Mr. Vaughn and his neighbors can put up appropriate type of barricades that will indicate the street will not go through. He stated he is informed by Dr. Ransom, who lives next to the barricade, there has only been one instance in 13 years that anyone went off the end. He is requesting that they be permitted to beautify this area, and that the eyesore be removed. That is his sole purpose in being present today. He is in favor of the withdrawal.

Councilman Short asked if he and Mr. Vaughn propose to put in a more tasteful barricade that suits their own ideas? Mr. Williams replied they recognize there are two prongs - one is aesthetics and one is safety. What they have now is not. It far outweighs any safety feature. One alternative would be to put some type of strip in there, headlight type, which when a car came down there, it would hit this strip and have ample time to stop and turn around. There is so little traffic on this street that the city does not want to pave it - all the city will do is patch it. He stated they are happy to be there and want to keep it that way, but it is an eyesore.

Mayor pro tem Whittington requested the City Manager to take this request under advisement, and see what can be worked out with Mr. Vaughn and Mr. Williams.

Councilman Gantt asked the legal status of the property once the dedication is removed? Mr. Underhill, City Attorney, replied once the street is closed, the property reverts to the abutting property owners; it is split down the middle.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, a resolution was adopted closing an unopened portion of Cassamia Place intersecting with the northerly margin of Tanglewood Lane.

The resolution is recorded in full in Resolutions Book 10, beginning at Page 246.

#### HEARING ON PROPOSED INCREASES IN THE EXISTING WATER AND SEWER RATES.

The scheduled hearing was held on the proposed increases in the existing water rates. Sitting with City Council were the following members of the Community Facilities Committee: James R. Sheridan, Robert Beck and Charles M. Lowe.

Mr. Fennell, Finance Director, stated on November 18 a report was submitted to City Council concerning the revenue expenditure projections for water and sewer operations, and also the comments at that time that a rate change would be necessary if we are going to keep the water and sewer utility on a self sustaining basis.

He stated at present the gap between expenditures and revenues is about one and a half million dollars - about a half million of that will be accommodated by interest earnings; but it will still leave about one million dollars difference between revenues and expenditures in the current fiscal year. The reasons for this at this time is because of the general inflation with the cost of chemicals up 20 percent over last year, the cost of power up 59 percent, and the construction cost index continues to climb around eight percent a year. The new factor that has created some problems is the legislation concerning environmental protection. This has increased operating cost, and has increased capital costs considerably. This is particularly evident in the sewer construction which has risen to the point that sewer is now about 26 percent greater than the processing of an equivalent amount of water.

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The cost of borrowing has gone up. In 1961 we had an interest rate of around 3.11; we have a bond sale on January 14, and we will be very fortunate if we get six percent. The major area of cost pressures is on the fact that we are engaged in a rather rapid expansion of the system now. We are going out into new areas that are less densely populated, and the costs are somewhat greater than they are in the existing, more densely populated area.

He stated at the meeting on November 18 he presented two suggested alternatives as an approach to the rate structure. One would be the percentage type of increase and the other would be an approach that would use a unit cost of production increase which would mean you would increase the existing rate based on a unit cost rather than a percentage cost.

At the present time the 40 cents rate is still ten percent below the rate that consultants recommended in 1968.

Councilman Withrow asked if it would not be better from this point on to have an annual review of these rates during budget time. That it is better to raise the rate a few cents each year than to wait. Mr. Fennell replied that would be better; that we have kept rates at a minimum and it would be much less of an impact on an annual basis.

Councilman Gantt asked what the average consumer would pay in terms of the increased water rate? Mr. Fennell replied if we go to the percentage basis it would increase about 30 percent. The present average is \$3.28; under alternate one it would go to \$4.02 in the residential bracket; under alternative two it would go to \$4.26.

Councilman Withrow stated at one time we discussed the apartment complexes with master meters and going to a flat rate per apartment, per user. He asked if any further study has been done on this? Mr. Fennell replied last time we modified the rates to apartments in which the rate would stop at 29 cents rather than going to the 40 cents.

Mr. Fennell stated the average household consumption is 6,134 gallons, which would be seven and a fraction gallon per hundred cubic feet, and it would be around a thousand cubic feet.

Mr. Jim Barnhardt, Barnhardt Mfg. Company, stated his company has been located on Hawthorne Lane for about 75 years. They learned of this hearing just this morning. During the 75 year period they have been getting good water and good service from the Charlotte Water Department. They would like to continue on this same basis, and they expect to pay their fair share of the cost of the water, which is getting very expensive. It was a real shock to read in the paper that there would be another rate increase just 24 months after their water rates were increased about 40 percent. This means that within a two year span the City has asked for an increase of their water rate of approximately 80 percent. It is extremely difficult for them to see how this could be justified. He stated they understand that costs have gone up during this 24 month period, but they cannot see how this increase can be justified, particularly when the basic commodity, river water costs nothing.

He stated it has been necessary in the recent past for some industrial plants in this section to close; others, including his company, have laid off a good many people because of the lack of business. They believe this is not the time for an exorbitant increase in the cost of water to the general public or for industry. That he hopes it can be worked out where any increase would be far more reasonable than the one before Council today; and that Council will use every effort at its command to keep inflationary pressures from rising at this time.

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He stated they find that during 1974 they have paid more money to the Charlotte Water Department than they have paid for two chemicals during the same period of time. Their payments to the Charlotte Water Department for the year were almost \$60.0 thousand. If the rate is raised another 40 percent, it will be a severe blow.

Mr. Barnhardt stated they checked their files of about 10 years ago, and found ten of the largest water users; that ten of these companies are out of business today. Their plea is that Council take this into consideration and not bring additional expenses so that others will have to go out of business.

Mr. William Allan with Trotter and Allan, stated the need for this money is real; that he is certain that costs have gone up. That he does not think anyone opposes getting more money to run the Water Department. The alternative is the stagnant system of no growth situation, and those of us who own industry are not no-growth advocates, and think the money is needed. The question is where the money is going to come from. Why do they need more money? The cost of chemicals have gone up some, and the cost of pumping and maintenance have gone up. But face the facts. The real costs of water system is because the water system is growing. The real cost is the interest on the bonds, and the added construction cost of building new lines. The fact the water system is growing is what is making the cost go up. Compared to this fact, the cost of chemicals and the cost of pumping is insignificant. Put the cost where it belongs, in the growth of the system.

He stated those who have paid for their water system and have gotten in do not think it is fair to have to go in and pay someone else at a higher rate. The people who cause the higher rates should be saddled with the cost of it - that is the new customers. He suggested that the new customers that come on pay their fair share. That he does not mean they pay the entire cost of what it cost them to come on; he thinks it is good public policy to have an expanding water and sewer system. But he is saying they should pay more of the cost. Since we are going to look at it as a general good of the public, he does not see why it cannot come out of the general tax revenue. Mr. Fennell and Mr. Bobo of the City are very much committed to the fact that the Water Department be self-sustaining. The water department, excluding the cost of new lines is a highly profitable operation. Self-sustaining is another term.

Mr. Allan stated the apartment users last time were hit with a two edged ax. The differential between the single family user and the apartment user was narrowed and the industrial customer got off a lot easier than the apartment user. Despite what Mr. Barnhardt and the Coca-Cola people say, they are getting water for less money than he is and the other apartment owners; they also are trying to make a living. If they used the same cubic feet of water, they would be paying the same cost provided they use the same amount of water.

As to the fact of the apartment versus the single family user. Granted the apartment user is paying less per cubic foot than the single family user; but it is costing the city less to bring money to the apartments. He stated his company has a 342 unit project on the south end of town that occupies about 19 acres. The city brings water up to the edge to this 19 acres and runs it through a meter, which the apartment owner paid for, and that is the end of the service. For them to serve 342 single family houses, they would have to run their lines through approximately 100 acres of single family streets to serve the same number of families.

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They only read the apartment's one meter, instead of the 342 meters; they send one bill to the apartment and they are easier to locate than 342 different people. He thinks it is entirely justified that they get some bulk bargain rates. On the other hand, they should get the same rate as the industrial user. If they use the same volume of water, delivered in the same manner, the city's cost to deliver to them is no greater than it is to deliver it to the industrial user.

Mr. Allan stated if they finance this out of general revenues, as the situation stands now, he can deduct his water bill from federal income tax, and so can the industrial user. But the single family homeowner cannot deduct his water bill from his federal income tax because it is not allowed as it is not a tax. If the deficit of the water department was paid out of tax money, in effect the U. S. Government would be subsidizing part of the water user.

Councilman Short stated apartment dwellers get an advantage in the price of water over a single family home. That Mr. Allan pointed out an apartment dweller is paying more than an industrial user; but he wants to point out that on the other hand the apartment dweller is paying less than one who lives in a single family home. With reference to the expansion of the system, from its own revenues, the expansion of this system since 1903 has been on this so-called ancestral basis. He assumes those living around the center of the city who were there in 1903 somehow have helped to bring it to all subsequent citizens. Each area helped bring it to the next area. That he is sure Mr. Allan's apartments were aided by the ancestral system that has always been used in the City of Charlotte. It seems to him this should exist and be expanded from its own revenues just like an apartment store or any other business would expand from its own revenue rather than having to depend on the taxpayers for assistance.

Councilman Short suggested that Council not decide this matter this afternoon, and first hear the presentation of the capital improvement program for the water and sewer system that he referred to earlier in this meeting. In the material presented to Council it is made clear that in the next five years some \$4.75 million in county bonds are planned for selling, and \$22.2 million in city bonds - this is nearly \$27.0 million in five years. It is pointed out there will be a 180 percent increase in debt service. He stated Mr. Allan is right in saying that the increase in cost is not entirely related to expansion, but that is a major factor. It is incumbent upon Council in making a decision like this that affects every citizen to see what the expansion is going to be. In fact, \$27.0 million worth of expansion over the next five years is the most rapid expansion we have ever had. He thinks it is imperative to have the presentation of the capital improvements program before determining this.

Mr. Underhill, City Attorney, advised that the merger agreement between the City and the County requires that before an increase is made in the water and sewer system rates that there be not only a public hearing but that the Community Facilities Committee have an opportunity for a period of time not to exceed 30 days in which to review and comment and make recommendations.

Councilman Harris stated Mr. Allan made some good points about capital expenditures for a utility. We see the same thing in other utilities of using current revenues of people who are living here to pay for capital expenditures for generations to come. Mr. Short used the term "ancestral" policy since 1903, which he disagrees with totally.

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The idea of making a self-sustaining basis for our utility system - water and sewer - is very good in normal times. But we have had 12 percent inflation this past year nationally, and we are talking about a 30 percent increase in rates here. That he agrees with Mr. Fennell that this is really for capital primarily. That members of Council rode around last week and looked at the annexed areas where there is a lot of expenditures going on. For Council to penalize people to keep this on a self-sustaining basis just because it has been done since 1903 is wrong.

He thinks we should be looking at maintaining no tax increases as such. That he calls this a tax increase, when you start talking about additional revenue this year because of our economy. For us to be living within our budget and he is talking about the total budget, that we are looking at the total expenditures by the city, and the budget we will be looking at in the spring. He thinks we should consider them all together, and look at our revenue sharing; look at everything we have in trying to keep and maintain the amount of money that the citizens of this community put out - whether it be in water-sewer rates, or bus rates, or tax rates. It all comes out of the same pockets. We have to look at the idea that the cost of annexation is the cost of providing water and sewer. Yes, we need the revenues and the dollars to expand our system. But we have other pockets from which we can get this money. That he does not believe in going across to a 30 percent rate increase at this time to add to all the costs of problems of business and individuals at this time either.

Councilman Short stated he had suggested that whatever is done with the system - expanded greatly or expanded a little - it should be from its revenues rather than from taxes. Councilman Harris stated he disagrees with that concept. Councilman Short asked if he feels it should have tax support? Councilman Harris replied yes; that he thinks the biggest problem is that we have not expanded our water-sewer facilities and used this kind of policy for the benefit of public policy in the west and in the north of this county where people could have been moving; it could have an impact on the school situation and everything else if the water-sewer policy was used, not with the idea of making it break even. That is the reason he thinks the general revenues have to be brought in as a capital expenditure on the expansion of these systems in the future. Councilman Short stated Mr. Harris is suggesting that whatever expansion, if any must occur in the water and sewer system, that it not be from rate increases, but from tax subsidize? Councilman Harris replied yes.

Councilman Gantt requested Mr. Fennell when he comes before Council next to break out the cost increase factors - inflation, environmental adjustments and the cost of borrowing - so that Council can see what the impact is.

Councilman Gantt asked if there is anything in the statutes that says the water-sewer system must be self-sustaining, non-profit or something like that? Mr. Underhill replied there is no mandatory requirement that it be. However, for the purpose of issuing bonds, water and sewer bonds, as long as the utility system is self-sustaining, do not count towards your debt limitation. Once the system gets away from being a self-sustaining system, then water and sewer bonds do count towards the debt limitation, towards the eight percent limit. Councilman Short stated the agreement with the county stipulates that it be self-sustaining from its own revenue. Councilman Harris stated he is not questioning operations; he is speaking of the building of the systems. Councilman Short stated the agreement states operation and expansions.

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HEARING ON THE DESIGNATION OF FOUR PROPERTIES AS HISTORIC PROPERTIES BY COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

The scheduled hearing was called on the designation of the following four properties as Historic Properties:

1. Hezekiah Alexander House, 3420 Shamrock Drive.
2. Rosedale, 3427 North Tryon Street.
3. Victoria, 1600 The Plaza.
4. Thompson Orphanage Chapel, 1130 East Fourth Street.

Sitting with Council were Mr. Edgar Love, Chairman of the Commission, and five members of the Commission. Also present was Mr. Dan Morrells, Executive Director of the Commission.

Mr. Love stated they are here today to hold a public hearing under a statute which allows the city to pass an ordinance designating certain properties in the jurisdiction of historic properties. And when so designated such properties cannot be in the words of the statute "demolished, materially altered, remodeled, or removed for a period of 90 days after notice is given to the Historic Properties Commission." There is nothing in the statutes that keeps these sites from being sold. There are statutes like this in many states and they have been upheld in four instances at least where they have arisen as a valid exercise of the police power. There are certain criteria in the statutes itself for a historic property. The County has already designated five properties in the county as historic properties. Now they come before council to recommend the designation of four properties in the City. They are as follows:

- (1) Hezekiah Alexander House, which is on the grounds of the Methodist Home, the only pre-revolutionary building in Mecklenburg County, is the last remaining stone house of the type that was brought down here by the German Settlers from Pennsylvania, and is an example of an outstanding restoration here in our community.
- (2) Rosedale, on North Tryon Street, this is a federal house, a very beautiful style, built in 1805. It is a private residence and it has been in the Davidson family since 1819, it is an example of a preservation because it does not need restoring.
- (3) Thompson Orphanage Chapel, built in 1891 and 1892. It is the oldest remaining building of an Orphanage which was begun in Charlotte shortly after the Civil War. It is the third oldest Orphanage in the State; it is in an attractive setting in the trees and has already drawn the attention of many citizens of our City including the Dimensions of Charlotte-Mecklenburg who on March 13, 1974 wrote to say that their 87 representatives who met in Boone, called as one of their outstanding goals the immediate creative use of Thompson Orphanage Chapel. Also it is referred to in the 1995 Comprehensive Plan in the City of Charlotte as a proposed public use of that Chapel. Many other groups have already contributed money.
- (4) Victoria, built in 1895, is located on The Plaza. This is an example of Victorian houses which Charlotte has had many in the North Tryon Street Area, and in Fourth Ward particularly. This one was moved from North Tryon and 7th Streets to The Plaza, and it is in the process of being lovingly preserved by the present owners, Mr. & Mrs. William Gay.

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Of these structures that are being presented today, three are listed already in the National Register of Historic Places. The fourth, Thompson Orphanage Chapel, which is not listed has been surveyed by them and found to meet the criteria of the statute. It has also been surveyed by the Department of Archives and History in Raleigh and by letter of February 20, 1974, they reported to them that they find this building worthy of designation as historic property.

Mr. Love stated they have notified the owners of these properties of this hearing, and he is sure that all of those owners are represented in the room today.

Mrs. Sara Howser, representing the Hezekiah Alexander House stated that their president, Mr. David McConnell is out of the city and she is present to ask that this be deferred until another date, when Mr. McConnell is in town.

Mr. Noble, Executive Director of Episcopal Child Care Services, of which Thompson Children's Home is one of their Agencies stated that on August 13, he wrote a letter to Edgar Love, discussing with him the problem. What the committee wanted was some guarantee that they would not raze this building without letting them know. So he simple wrote a letter to the committee stating that they would give them the notice that they required. He stated they want to incorporate so they see no reason to do this. He stated that it would not be in their best interest to designate this as a historic site right now. So they are willing to give their promise that they will do what is necessary.

Mr. Noble stated for three years they have been tied up in litigation regarding condemnation proceedings of the streets and all the takings of the Federal Government and with moving the creek and all the interactions between the local, federal and state government and right now they are still in the courts with this. And what they are talking about now is how much the land is worth that they took; and one part of this is the feeling that to change any designation of a part of this property would have an affect on those negotiations. They are hoping that they will settle all of that by the end of this month and if not certainly by the end of this quarter; then things will move on their own.

For three years they have been fooling around cooperating with the City, County and Federal governments as they have moved the creek back and forth and cut streets through and in a sense have caused them to move their own location.

Councilwoman Locke asked after they have completed these negotiations would he be willing to then sit down and have it designated as many people in this area want it designated and it can be sold?

Mr. Noble replied that he thinks they will be willing at that time and if the Historic Commission feel it is necessary and if that would help they will still give them their promise to let them know 90 days ahead of time if they had any idea of doing anything with it.

Councilman Withrow stated when a site is designated as a historic site they put certain limitations on the person who owns that home. He asked if they get a tax break; and if in desiganting this they cannot tear it down or anything? What renumerations do they get in designating this as a historic site? Mr. Underhill, City Attorney, stated that the statutes requires the tax supervisor to be notified if the property is designated as a historic site so that he may take that in consideration in placing his tax appraisal on the property.

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Mr. Love stated that is correct; that the statute says it shall be the duty of the Historic Properties Commission to give notice of the designation to the tax supervisor of the county in which the property is located. The designation shall be considered by the tax supervisor in appraising it for tax purposes.

Mr. Dan Morrells, Director of Historic Properties Commission stated that one of the owners of Rosedale has asked him to read a statement (Mrs. Louise Davis) because she could not be here today because of the flu. He then read a letter detailing the architecture and history of the house.

Councilman Withrow asked that once these properties have been designated, what obligation do they have to keep it up? Where do the funds come from to maintain? Mr. Underhill replied the statute itself does not speak to any requirement or level of maintenance. It is simply any sort of demolition or major alteration of the structure itself.

Councilman Gantt asked what recourse there is to the owner of the property after the property has been designated as an historic site? Does the owner or his heirs at some particular time have some redress in terms of changing that designation? Mr. Morrell replied it is possible for an ordinance to be withdrawn in terms of the recommendation of the Historic Properties Commission. The statute does speak of the types of matters where it can be rescinded; the ordinance can be amended or repealed at any time.

Mrs. Frances Gay, member of the Commission and owner of Victoria read the following letter:

"With some reluctance I come before you in defense of the property, Victoria, which is on the National Register of Historic Places and which you are asked to consider for similar local designation. Although you all know me as a loyal intense individual working to protect our heritage, I feel our approval of your designation of our property will be much less effective without certain stipulations. These stipulations are not just for Victoria but for the many other similar structures in the future... the future when I am too old to defend her and you, the favorable council, have passed from the scene. For example, at the present time The Plaza area is zoned Multi-family and we all know the next step is commercial or for condominiums. These zoning regulations mark Victoria for an earlier demise by the omnipresent bulldozer than you might believe. Rosedale is an example of what happens when commercialization has written its bold message on the wall. Unless the council can honor our request, I see stately Victoria awaiting the same fate in ten years or less.

Therefore, I request the City Council charge the Planning Staff with the task of researching and recommending, within a set time frame, feasible easements, zoning regulations and perhaps tax protections for our architecturally significant structures both for today as well as tomorrow. Other cities both larger and smaller than Charlotte are implementing progressive conservation easements and incentives for citizens to preserve the esthetic as well as historic elements of their surroundings.

Until these matters are clarified it seems appropriate at this time to consent only to the structure designation with property designation forthcoming after the above stipulations are studied and recommendations are made to the council.

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Needless to say, we are not wealthy citizens but we do have an interest, a deep love, and an obsession that Charlotte Mecklenburg needs older structures to give solidarity, a link with the past and a sense of permanence to our city instead of a disposable impersonal atmosphere. We are and will continue to dedicate our time, energy, resources, and love to preserving the small portion of the electric turn of the century Victorian era which began Charlotte's growth toward the impressive city it is today.

This request affords the City Council the opportunity to make a landmark decision of lasting effect on Historical Preservation.

Thank you very much."

Mr. Boyce Carothers, Chairman of the Committee for the Thompson Orphanage Chapel, stated in answer to Mr. Noble, he thinks the only way to look at it is as an historic site, and their duty as a Commission is to go forward in designating it as such. That on April 10, 1974 in monthly meeting, the Historic Properties Commission voted unanimously to present the Chapel along with an appropriate amount of land around it to City Council to be designated as an historic site. This decision was made after a long period of research and prolonged discussion. After considering many sources of information and all possible ramifications, a consensus was reached that this structure has definitely played a significant role in Charlotte's history. The Chapel area consists of approximately 3 and 1/2 acres bounded by Sugar Creek on the west, Fourth Street on the north, Kings Drive on the east and Third Street on the south. The building itself is located near the corner of Kings Drive and Fourth Street. The Chapel is one of the oldest buildings in Charlotte and was built in 1895, and served Thompson Orphanage until 1960 and has not been used since.

If saved, the Chapel and its wooded site would be a part of our past, serve our present, and be a matchless visual architectural site to the growth of the future. The City has not received any revenue on this property since 1880 when the orphanage was first brought; the city's rapid growth has almost eliminated any significant evidence of the past in some areas.

Mr. Carothers stated someday the preservation of historic sites, the retention of diverse styles of architecture will become an end in themselves. They are part of the environment; however, they cannot become an end until they are a beginning.

So they are presenting one of their first request to Council today. They believe that the area known as Thompson Orphanage Chapel qualifies in every way as an area worthy of preservation. And they now solicit direct permission and cooperation designating it as a historic site.

Mr. Noble stated that he wished it was like Mr. Carothers said, but it is incorrect. In terms of the historical value of it, he was essentially disappointed because he thought when the man from the State came he said it was a very nice building, but was of no historical significance, it was a very nice structure. And also, the reason it is not on the national listing is because nationally it did not qualify. However, it is a very nice building.

Councilman Short asked a question directed to Mr. Underhill or Mr. Love. Does the government have the right of condemnation with reference to historic properties? Mr. Love replied the right of condemnation depends on what you are condemning it for. The only thing to do is you have 90 days in which to state demolition, in which time interested groups can get together and try to get up enough money to buy the property. You can also expend public funds for that purpose, tax and non-tax funds are a permissible expenditure of tax revenues and you also have the authority to issue bonds for this purpose.

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Mayor pro tem Whittington stated that Ms. Howser want the hearings continued. Mr. Underhill stated they could continue the hearings. Mayor pro tem Whittington stated they would continue the hearings for one more week. He asked Ms. Howser if she would have Mr. McConnell to come to the next meeting and present her side of it.

Motion was made by Councilman Short that the hearings be continued for one more week, the motion was seconded by Councilman Withrow and carried unanimously.

Councilman Short asked that the request made by Ms. Gay be referred to the Planning Commission for investigation relative to any sites which may ultimately be designated as a historical site. Mayor pro tem Whittington replied it will be referred to them.

RESOLUTIONS AUTHORIZING THE SALE OF \$26,000,000 CITY OF CHARLOTTE BONDS.

Upon motion of Councilman Harris, seconded by Councilman Withrow, the resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$9,535,000 STREET BONDS, SERIES B" was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

Upon motion of Councilman Harris, seconded by Councilman Williams, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$6,220,000 SANITARY SEWER BONDS, SERIES B" was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

Upon motion of Councilman Harris, seconded by Councilman Williams, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$6,250,000 AIRPORT BONDS" was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$3,845,000 WATER BONDS, SERIES B" was passed by the following vote:

YEAS: Councilmembers Grantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$150,000 SIDEWALK BONDS" was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

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Upon motion of Councilman Short, seconded by Councilwoman Locke, the resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$9,535,000 STREET BONDS, SERIES B, \$6,220,000 SANITARY SEWER BONDS, SERIES B, \$6,250,000 AIRPORT BONDS, \$3,845,000 WATER BONDS, SERIES B, AND \$150,000 SIDEWALK BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1974, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE \$26,000,000 BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1974," was passed by the following vote:

YEAS: Councilmembers Gantt, Harris, Locke, Short, Williams and Withrow.  
NAYS: None.

The resolutions are recorded in full in Resolutions Book 10, beginning at Page 248, and ending at Page 263.

PETITION NO. 74-7 BY COCA-COLA BOTTLING COMPANY CONSOLIDATED FOR A CHANGE IN ZONING FROM O-15 TO B-1SCD OF 4.67 ACRES OF LAND AT THE SOUTHWEST CORNER OF MILTON ROAD AND DILLARD DRIVE, DENIED.

Councilwoman Locke stated in the letter Council received with the Agenda from the Planning Commission on the subject petition, it was only the voice vote not to make any changes in their recommendations. She asked for the original recommendation, and how it was voted? Mr. Bryant, Assistant Planning Director, replied the original recommendation was to deny the request, and it was a four to three vote, with Commissioners Finley, Kratt and Royal voting nay, and Commissioners Drummond, Ervin, Ross and Tate voting yea.

Councilwoman Locke moved that the petition be approved for a change in zoning. The motion was seconded by Councilman Harris.

Councilman Withrow asked if this is the felling of the Staff? Mr. Bryant replied it is a little difficult to answer in that respect. That the staff is quite concerned along with the Planning Commission about the general pattern that has evolved in this area. The real concern is not so much what is ultimately going to happen to this particular corner as it is the pattern and trend that seems to be evolving here. We seem to have gotten ourselves in this particular area where one action sort of predicates another one occurring. There is already two B-1SCD areas established in this general area; neither of which have been fully developed. One not at all. Staff concurs with the Planning Commission and sees no point in adding to the amount of business space available at the present time.

Councilwoman Locke stated there were only seven members voting. Three members were absent, and it was a very close vote.

Councilman Harris stated he thought the funding of Dillard Drive had been accomplished. That he was the one to make the motion to send it back to the Planning Commission, and he thought the Dillard Drive matter had been resolved.

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Mr. Bryant replied when this was discussed with the Planning Commission at Council's request, they had the benefit of the minutes of the Council Meeting of November 4, at which time the actual action taken was "Councilman Williams moved that steps be taken to acquire the right of way of the two small sections at each end as shown on the map, and build the road, Dillard Drive. The motion was seconded by Councilman Short." Mr. Bryant stated obviously this is a clear intention to do so; but he would also construe it to mean the actual funding of the project is not completed as yet. Councilman Harris asked if that is correct? Mayor pro tem Whittington stated the motion indicates that we were to proceed from The Plaza to Newell Hickory Grove Road. Mr. Burkhalter, City Manager, stated the funding has not been done as he knows of; the engineering will probably be completed in a couple of weeks.

Councilman Short stated he is going to vote against the motion; that three of those on the Planning Commission, who originally favored this, changed their opinion. Councilwoman Locke stated in this they were saying, agreed by the votes cast below, not to make any changes in the recommendation at the present time, which did not change their vote at all. Mr. Bryant stated they did not recommend a change in their original recommendation which was to deny the request. Councilman Withrow stated he is going to have to vote with the Planning Commission and staff on this. Others out there have been turned down.

Councilman Gantt asked for the existing zoning in the area? Mr. Bryant then explained the zoning. In the immediate vicinity is a combination of multi-family, business and behind the property industrial zoning. Mr. Bryant stated personally he feels that if Dillard Drive becomes a reality as a major road through this area, that we need to evolve a whole new look at the zoning pattern in this immediate area. Some of the existing business zoning, the B-1SCD, perhaps the triangle area next to Hickory Grove Road might be considered for removal. It is not developed, and has been there since about 1965. It is more a matter of trying to evolve a pattern of uniformity in this area as much as possible.

Councilman Gantt stated the letter from the Planning Commission states they want the opportunity of studying the impact of Dillard Drive. He asked how much time that will take, and how much damage are we doing to the applicant? Mr. Bryant replied it was the feeling of the Planning Commission that a firm decision to actually fund the project should be forthcoming first; with that and knowing the road would be a reality, then proceed with the zoning study itself. That he does not think the study itself would take more than six or eight weeks. The feeling of the Commission was they would like to know as a certainty and a fact that the funding and everything was free and clear insofar as Dillard Drive was concerned.

Councilman Gantt stated he tends to favor more analysis of this kind of spot zoning. It seems we are really not clear in terms of what will evolve in that particular area, and he will probably vote along with the Planning Commission.

Councilman Williams asked if this property touches the proposed road? Mr. Bryant replied the existing right of way of Dillard Drive parallels the property, and abuts it; that no acquisition would be necessary unless you need more than 60 feet of right of way at that particular location.

The vote was taken on the motion to approve the petition and failed to carry as follows:

YEAS: Councilmembers Locke, Harris and Williams.  
NAYS: Councilmembers Gantt, Short and Withrow.

Mayor pro tem Whittington broke the tie voting against the motion to approve the petition.

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DECISION ON PETITION NO. 74-53 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF WEST FOURTH STREET EXTENSION NEAR WESTBROOK DRIVE, AND FURTHER LOCATED IN THE MIDDLE OF THE BLOCK BETWEEN VICTORIA STREET AND CEDAR STREET, DEFERRED.

Councilwoman Locke moved approval of the petition to change the zoning from I-3 to R-6MF as recommended by the Planning Commission. The motion was seconded by Councilman Williams for discussion.

Councilman Short stated Mayor Belk has a vote in this because it is a protested matter, and he has, in fact, expressed some interest in the petition.

Councilman Short made a substitute motion to defer this decision and ask the City Manager to talk to Mr. Blaisdell, County Manager, and see if we cannot consolidate automobile and vehicle maintenance activities with the county. The motion did not receive a second.

Councilwoman Locke, withdrew her motion to approve the petition, which met with the approval of Councilman Williams who seconded the motion.

Councilman Williams stated if this is eventually rezoned, the School Board stands to be left holding the property in a more restrictive zoning classification. Since this is in one of the areas eligible for community development funds, the thought occurred to him that we might want to do something toward acquiring this property for a park. It is almost five acres in size.

Councilman Withrow stated the City is interested in a new maintenance shop. That he thinks it would be advisable for the City Manager to write the County Commissioners a letter and ask them to join with the Council in building a new maintenance shop together, and possibly consolidate the maintenance of the city and the maintenance of the county. That he thinks it is a good time to ask if they will join with the City in building a facility together.

Councilman Harris moved that the decision on the petition be deferred. The motion was seconded by Councilwoman Locke, and carried unanimously.

ORDINANCE NO. 492-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHWEST CORNER OF THE INTERSECTION OF CAMPBELL DRIVE AND SHARON AMITY ROAD, AS PETITIONED BY HAMPTON H. AND BURRELL G. ROSS.

Councilwoman Locke moved adoption of the subject ordinance changing the zoning from R-9 to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 382.

ORDINANCE NO. 493-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY BOUNDED TO THE NORTH BY A DUKE POWER RIGHT OF WAY IN THE VICINITY OF CELIA AVENUE AND REMINGTON STREET, TO THE EAST BY PORTIONS OF ESTELLE STREET, CELIA AVENUE AND DAVIDSON CIRCLE, FURTHER EXTENDING IN A SOUTHERLY DIRECTION TO THE NORTHWEST EXPRESSWAY, AND TO THE SOUTH AND WEST BY THE NORTHWEST EXPRESSWAY, AS PETITIONED BY UNIVERSITY PARK IMPROVEMENT ASSOCIATION.

Councilman Short moved adoption of subject ordinance changing the zoning from R-6MF and I-2 to R-6 of property bounded to the north by a Duke Power right of way in the vicinity of Celia Avenue and Remington Street, to the

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east by portions of Estelle Street, Celia Avenue and Davidson Circle, further extending in a southerly direction to the Northwest Expressway, and to the south and west by the Northwest Expressway, as recommended by the Planning Commission. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 383.

PETITION NO. 74-54 BY EUNICE WATSON McCOY FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF EAST THIRTY-FIFTH STREET AND THE PLAZA, DENIED.

Upon motion of Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, the subject petition was denied, as recommended by the Planning Commission.

#### REPORT ON PROPOSED CONCRETE WALKWAY AROUND FREEDOM PARK LAKE.

Mr. Eugene Warren, Chairman of the Park and Recreation Commission, stated this concerns improvements to the existing walkway around the Lake at Freedom Park. This item was submitted in their budget approximately one year ago to concrete the existing gravel walkway; as a capital improvements item it was approved by the Planning Commission and City Council. Since then questions have been raised, and perhaps Councilmembers have received calls as members of their Commission have. Some of those questioning it are those who like to jog around the lake and would prefer softer surface; some feel the concrete walk would detract from the esthetics, or take away from the natural beauty of the Park.

Mr. Warren stated they have met with some of the people who object to this; they have reviewed this particular item and have elected to carry out the original intention to improve the walkway. They have had many requests by mothers who would like such a place as Freedom Park to push their carriages around so the wheels will roll. They have received other requests from wheel-chair type people who would like to have an area where they can go and maneuver their own chair around the park.

Mr. Warren stated those working on the Bicentennial request improvements to facilitate the homebase for the Bicentennial Celebration. The different phases of the program will originate at the Park, and go into other areas around the community. During the Festival in the Park this year, one night was rained out; it could have been carried on if the walkway had been paved.

He stated it is their intent to go ahead and pave this by May 20. They are looking into the possibility of using a tinted concrete to enhance the beauty from the walkway. He stated the walkway that is currently used in the redevelopment area is 8-foot wide.

Following were comments from the members of Council.

Mayor pro tem Whittington stated Council does not want to vote for this walkway; he would advise Mr. Warren to take it back and reconsider it and bring it to Council on a smaller scale, or a different approach. That they are about to concrete the Park to death, and a lot of people would like to keep it as a natural park.

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Mr. Osborne Oakley spoke in opposition to the proposed walkway around the Lake. He stated he would like to consider one point. We have the Canal program and no resolution has been reached on it; other than putting in a walkway and then decided to put in the Canal, and then all of this would have to be torn out. He suggested that it be delayed until some decision is made on the Canal.

Councilman Short asked how close the proposed walkway is to the Canal? Mr. Oakley replied it is probably 40 feet or so; at some points it touches very close to the Canal and to Sugar Creek.

Mayor pro tem Whittington stated if Mr. Oakley will put all his information in a letter to Council, he is sure that Mr. Warren and the other members of the Commission will take it into consideration before bringing it back to Council.

**SPECIAL USE PERMITS FOR SOCIAL CLUBS IN FOUR MULTI-FAMILY DEVELOPMENT APARTMENTS, APPROVED.**

Motion was made by Councilman Harris, seconded by Councilman Short, and unanimously carried, approving a Special Use Permit for Social Clubs in the following multi-family development apartments:

- (a) The Lake, owned by the Ervin Company, on Albemarle Road.
- (b) Pinetree Apartments, owned by Pinetree Apartments, on Hill Road, near South Boulevard.
- (c) Foxfire Apartments, owned by the Ervin Company, on Electra Lane.
- (d) Woodwinds, owned by Hillhaven Developers, on Montcrest Drive.

**APPROVAL OF UNUSED CITY PROPERTIES FOR GARDEN PLOTS BY CITIZENS.**

Councilman Withrow moved approval of permitting unused city properties for garden plots by citizens who will agree that the property will be cleared and returned to the City in the condition it was received, which motion was seconded by Councilwoman Locke.

Councilman Short stated the motion might include that the City Manager be entitled to do this on an on-going basis. This was agreeable to other members of Council.

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

**APPROVAL OF THE DESTRUCTION OF CERTAIN RECORDS IN THE BUILDING INSPECTIONS DEPARTMENT.**

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, approval was given to the destruction of certain records that have no further use to the Building Inspection Department, and are not required by State Law, or local ordinance, to be maintained as permanent records.

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ORDINANCE NO. 494-X AMENDING SCHEDULE "A" RELATING TO THE PROHIBITION OF RIGHT TURNS ON RED TRAFFIC SIGNALS AT CERTAIN INTERSECTIONS IN THE CITY OF CHARLOTTE.

Motion was made by Councilman Harris and, seconded by Councilwoman Locke to adopt the subject ordinance amending Schedule "A" relating to the prohibition of right turns on Red Traffic Signals at certain intersections in the City of Charlotte, as recommended by the Traffic Engineer.

Councilman Short stated the only intersection he questions is the intersection of Hawthorne Lane and Fifth Street. Saint Johns Church is there; the Hospital is there; the clinic is there, and there are a great many walkers and pedestrians, ambulances are coming through there, and the parking makes it almost a blind intersection. That he would like to suggest that the motion be amended so that No. 26 on the list is deleted. Councilman Withrow stated he thinks we are having trouble with Hawthorne Lane and Elizabeth Avenue in front of the Hospital. Late in the afternoon the people coming towards Queens Road have only one lane moving straight ahead as there is one lane turning left. The vehicles coming in on Elizabeth continue to turn right, and it stops the lane of traffic completely.

That is one that should be stopped on red turn; perhaps during certain hours. Councilman Short stated that is not included in the list before Council.

Councilman Short made a substitute motion to approve the Ordinance and the list for right on red except for No. 26 on the list, Fifth Street at Hawthorne Lane. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 384.

ORDINANCE NO. 495 AMENDING CHAPTER 13 OF THE CHARLOTTE CITY CODE TO PROHIBIT THE RIDING OF CERTAIN VEHICLES AND HORSES ON SCHOOL GROUNDS.

Councilman Williams moved adoption of the subject ordinance amending Chapter 13 of the Charlotte City Code to prohibit the riding of certain vehicles and horses on school grounds, which motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 385.

ORDINANCE NO. 496 AMENDING CHAPTER 13, SECTION 10, OF THE CITY CODE RELATIVE TO SMOKING ON BUSES.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted relative to smoking on buses, by deleting Section 10 in its entirety, and substituting the following and to become effective immediately:

"It shall be unlawful for any person to smoke or carry lighted cigars, cigarettes, or pipes, in any bus operated as a part of the local public transportation system of the City. Signs or posters giving notice of the smoking prohibition shall be installed and prominently displayed in each bus. Drivers of buses are hereby required to warn any person who is smoking of the smoking prohibition. If the person who is smoking does not heed the driver's warning, the driver is hereby authorized to eject such person at the next scheduled bus stop."

The ordinance is recorded in full in Ordinance Book 21, at Page 386.

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MOTION CONCERNING SIGNS ON BUSES PROHIBITING SMOKING TO BE PLACED ON THE NEXT AGENDA.

Councilman Short moved that City Coach Lines be instructed to put new, larger signs on all buses indicating that smoking is against the law. The motion was seconded by Councilwoman Locke.

Councilman Short requested that the motion be placed on the agenda for the next Council Meeting.

APPOINTMENT TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION DEFERRED ONE WEEK.

Councilman Short moved that consideration of an appointment to the Charlotte-Mecklenburg Historic Properties Commission be deferred one week. The motion was seconded by Councilwoman Locke, and carried unanimously.

MR. BILL MULLISS APPOINTED TO FILL UNEXPIRED TERM ON HOUSING APPEALS BOARD.

Councilman Short moved the appointment of Mr. Bill Mulliss to fill the unexpired term of Maurice Weinstein on the Housing Appeals Board, which motion was seconded by Councilman Withrow, and carried unanimously.

SUBROGATED CLAIM OF CRAWFORD AND COMPANY ADJUSTORS, FOR HANOVER INSURANCE COMPANY, DENIED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, subject claim, in the amount of \$268.94 was denied, as recommended by the City Attorney.

PROPOSED SETTLEMENT IN CASE OF CITY VS. SANDERS MITCHELL STRANGE, APPROVED.

After discussion, Councilman Harris moved that the settlement be approved in the amount of \$2,100.00, as recommended by the Airport Manager and City Attorney. The motion was seconded by Councilman Withrow, and carried by the following vote:

YEAS: Councilmembers Harris, Withrow, Gantt.

NAYS: Councilmembers Locke, Short, and Williams.

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

AMENDMENT TO CONTRACT BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND OMEGA PSI PHI FRATERNITY, PI PHI CHAPTER, APPROVED.

Councilman Short moved approval of an amendment to the contract between the City of Charlotte Model Cities Department and Omega Psi Phi Fraternity, Pi Phi Chapter, for the operation of the Helping Hand Project, to extend the program from an additional two months to February 29, 1975, to provide sufficient time for all services under the contract to be completed. The motion was seconded by Councilman Gantt, and carried unanimously.

CONTRACT WITH DRAVO CORPORATION AND SOUTHERN REAL ESTATE INSURANCE COMPANY, APPROVED.

Motion was made by Councilman Short, seconded by Councilwoman Locke, and unanimously carried, approving subject contract with Dravo Corporation and Southern Real Estate Insurance Company for the construction of 1,300 feet of 8-inch c.i. water main and one fire hydrant, to serve Steel Creek Road, outside the city, at an estimated cost of \$11,000.00.

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ACQUISITION OF TEN PARCELS OF REAL PROPERTY LOCATED IN THE FIRST WARD URBAN RENEWAL PROJECT, DEFERRED.

After comments by Mr. Dave Blevins, Councilman Harris moved that the acquisition of the ten parcels of property be deferred. The motion was seconded by Councilman Gantt.

Mayor pro tem Whittington stated he would hope that Mr. Sawyer, on a weekly basis as this project is done, try and give Council the opportunity to get a look at what Council will be asked to destroy. Either by photographs on on-site visits; that he would prefer the on-site visit. That if it is physically possible he would like to go out and look at this. That he thinks Council should know also how they plan to get the money to rehabilitate these houses.

Councilman Short asked if Council has leeway or authority to prosecute an urban renewal plan which is not a NIP or NAP program; and to decide after the arrangements have been made with the FEDS that we would like to move some of the houses? Mr. Sawyer, Director of Urban Redevelopment, replied this is a proposal to buy, not to destroy at this point. However, they will eventually destroy if the houses cannot be rehabilitated. That Council has already approved a redevelopment plan in which the vast majority of the structures would be purchased and destroyed. Mayor pro tem Whittington stated when Council did that the situation on housing and loans were not nearly what they are today.

Mr. Sawyer stated in the plan that was approved there was an area designated as an area to which structures could be moved if they could be saved and rehabilitated. It is the section between Ninth and Eighth Streets, bounded on the north by Ninth, on the south by Eighth, on the west by Myers, and on the east by McDowell. Most of the structures that are worth saving are along Ninth, Myers, and McDowell Streets. Mr. Sawyer also stated this is a proposal to buy at this point, and not to destroy.

Mr. Gantt stated he had an opportunity to talk to Mr. Sawyer and his people this morning, and one reason he would like to defer this item is so he will have an opportunity to look more closely at their relocation efforts, which he thinks is probably the key facet to all urban renewal business. He stated he is not as familiar with the plans in First Ward for redevelopment yet. He would like the opportunity to look at the whole business of rehabilitation, and how much of the area is anticipated to be refurbished, moved and such.

Councilman Williams stated he hopes that members of Staff who are formulating our policy with respect to the \$30.0 million Community Development Funds will listen to what has been said here, and to the reservations expressed about mass clearance of the area.

The vote was taken on the motion and carried unanimously.

RESOLUTION OF CONDEMNATION ACTION IN THE FIRST WARD URBAN RENEWAL PROJECT NO. N.C. R-79, TO CONDEMN TWO PARCELS OF PROPERTY, DEFERRED ONE WEEK.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried to defer action on the subject resolution for one week.

CHANGE ORDER NO. 1 IN CONTRACT WITH THOMAS STRUCTURE COMPANY, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Short, and unanimously carried, approving Change Order No. 1 in contract with Thomas Structure Company, decreasing the total contract amount by \$15,956.15, for the Irwin Creek Outfall Sewer Project.

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APPROVAL OF EASEMENTS FOR ANNEXATION AREAS.

Councilman Withrow moved approval of the following six (6) parcels of easements for annexation areas, which motion was seconded by Councilman Short, and carried unanimously:

- (a) Annexation Area I (11) Sanitary Sewer Trunks  
2 parcels
- (b) Annexation Area I (4) Sanitary Sewer Additions  
1 parcel
- (c) Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains  
2 parcels
- (d) Campbell Creek Sanitary Sewer Outfall  
1 parcel

ORDINANCE AND RESOLUTIONS AMENDING THE TABLE OF ORGANIZATION FOR THE POLICE DEPARTMENT, AND THE PAY PLAN FOR THE POLICE DEPARTMENT AND FIRE DEPARTMENT ADOPTED.

Upon motion of Councilman Short, seconded by Councilman Harris, and unanimously carried, the following ordinance and resolutions were adopted:

- (a) Ordinance No. 497-X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance amending the table of organization for the Charlotte Police Department by deleting four positions in Class No. 680, Police Officer, and three positions in Class No. 022, Clerk Steno I, and adding four positions in Class No. 684, Police Investigator, and three positions in Class No. 028, Clerk Typist II.

The ordinance is recorded in full in Ordinance Book 21, at Page 387.

- (b) Resolution amending the Pay Plan of the City of Charlotte to change the salary of Class No. 712, Police Training Supervisor, from Pay Range 24 to Pay Range 27.

The resolution is recorded in full in Resolutions Book 10, at Page 265.

- (c) Resolution amending the Pay Plan of the City of Charlotte by changing District Fire Chief to Pay Range 122, Fire Alarm Superintendent to Pay Range 122, Fire Department Planner to Pay Range 122, Fire Garage Supervisor to Pay Range 122, and Fire Marshall to Pay Range 122.

The resolution is recorded in full in Resolutions Book 10, at Page 266.

ORDINANCE NO. 498-X TRANSFERRING FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENT BUDGET TO PROVIDE FUNDS TO COMPLETE CONSTRUCTION OF THE CALDWELL-BREVARD CONNECTOR.

Upon motion of Councilman Withrow, seconded by Councilman Gantt, and unanimously carried, the subject ordinance was adopted transferring \$203,000.00 within the General Capital Improvement Budget to provide funds to complete construction of the Caldwell-Brevard Connector.

The ordinance is recorded in full in Ordinance Book 21, at Page 388.

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ORDINANCE NO. 499-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO PROVIDE FUNDS TO PURCHASE AVIATION EASEMENTS AND SETTLEMENT OF NOISE SUITS.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, adopting subject ordinance transferring funds, in the amount of \$125,000.00, to provide funds to purchase aviation easements and settlement of noise suits at Douglas Municipal Airport.

The ordinance is recorded in full in Ordinance Book 21, at Page 389.

AVIGATION EASEMENTS AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.

Councilman Withrow moved approval of the purchase of the following ten (10) avigation easements at Douglas Municipal Airport, which motion was seconded by Councilman Short, and carried unanimously:

(1) Conley David Smith and wife, Mary Frances	\$4,500.00
(2) Henry Carpenter and wife, Anne	8,000.00
(3) Joe Roland Denson and wife, Edith M.	5,530.00
(4) B. J. Griffin and wife, Ellen H.	6,075.00
(5) Kenneth L. Johnston and wife, Charles T.	7,575.00
(6) Richard G. Schmitt and wife, Gretel M.	7,860.00
(7) Herbert P. Wichelhaus and wife, Helga R.	10,350.00
(8) Lucie P. Wichelhaus	8,100.00
(9) Scott T. Mikeal and wife, Laura H.	5,000.00
(10) Francis Marion Stokes and wife, Laurine L.	6,750.00

LEASE WITH NORTH CAROLINA NATIONAL BANK, DOUGLAS MUNICIPAL AIRPORT BRANCH, APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the subject lease with North Carolina National Bank, Douglas Airport Branch, was approved for a two (2) year period, at \$6,480.00 annually, as recommended by the Airport Manager.

CHANGE ORDERS, APPROVED.

After explanation of Item No. (a) by Mr. Sawyer, Director of Urban Redevelopment, motion was made by Councilman Harris and seconded by Councilman Short to approve the following Change Orders.

- (a) Change Order No. 1 to the contract with Sanders Brothers, Inc., for the Greenville Urban Renewal Project, increasing the total contract amount of \$22,372.20 by \$3,381.40, for a new total of \$25,753.60.

This action is necessary to authorize additions and deletions for concrete, rock excavation, earth excavation and machine use.

- (b) Change Order No. 2 to the contract with Crowder Construction Company for the Brooklyn Urban Renewal Project, increasing the total contract amount of \$50,000.00 by \$2,668.75, for a new total of \$52,668.75.

This action is necessary to authorize solid rock excavation and waterproofing the reflecting pool.

- (c) Change Order No. 3 to the contract with Crowder Construction Company, for Downtown Urban Renewal Project, increasing the total contract amount of \$291,422.94 by \$2,154.10, for a new total of \$293,577.04.

This action is necessary to authorize construction of bulkhead, repair of terrazzo walk and removal of underground concrete.

The vote was taken on the motion and carried unanimously on Items (b) and (c), and Councilwoman Locke voting NO on Item No. (a).

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AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND MECKLENBURG COUNTY WITH RESPECT TO THE ESTABLISHMENT OF A CITY-COUNTY UTILITY DEPARTMENT.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, subject Amendment was approved for Agreement between the City of Charlotte and Mecklenburg County with respect to the establishment of a City-County Utility Department, as approved by the County Commissioners on November 18, 1974.

APPROVAL FOR MAYOR TO SUBMIT PRELIMINARY APPLICATION TO THE DEPARTMENT OF LABOR FOR EMERGENCY EMPLOYMENT FUNDING TO PROVIDE PUBLIC SERVICE JOBS.

Motion was made by Councilman Harris, seconded by Councilman Williams, and unanimously carried, authorizing the Mayor to submit preliminary application to the Department of Labor for Emergency Employment Funding to provide public service jobs.

CONTRACT AWARDED HORNE-WILSON, INC. FOR CAST IRON SOIL PIPE & FITTINGS.

Councilman Williams moved award of contract to the second lowest bidder, Horne-Wilson, Inc., in the amount of \$82,550.28, on a unit price basis, for cast iron soil pipe & fittings to be used by Utility Department for sewer lateral construction and repairs, which motion was seconded by Councilman Harris, and carried unanimously.

The following bids were received:

Noland Company	\$ 82,163.42
Horne-Wilson, Inc.	82,550.28
Parnell-Martin Supply Co.	84,459.14
Atlas Supply Company	85,315.38
Crane Supply Company	143,226.67

CONTRACT AWARDED UTILITIES SERVICE, INC. FOR FOUR BRUSH FIREFIGHTING UNITS.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, Utilities Service, Inc., in the amount of \$49,789.00, on a unit price basis, for four brush firefighting units which will be used for off-the-road firefighting operations.

The following bids were received:

Utilities Service, Inc.	\$ 49,789.00
W. S. Darley & Company	63,980.00
Saulsbury Fire Equipment Corporation	64,856.00
Brush Buggie, Inc.	74,535.82
Triad Fire & Safety Equipment Co.	74,980.00
Clintonville Fire Apparatus	87,976.00

CONTRACT AWARDED NORD PHOTO ENGINEERING, INC. FOR PHOTOGRAPHIC PRINT PROCESSOR FOR POLICE DEPARTMENT.

Motion was made by Councilman Short, seconded by Councilman Williams, and unanimously carried, awarding contract to the only bidder, Nord Photo Engineering, Inc., in the amount of \$10,745.95, for photographic print processor for Police Department to make color photo prints and enlargements of crime scenes, victims, suspects, stolen articles, mug photos, etc.

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**CONTRACT AWARDED F. T. WILLIAMS COMPANY, INC. FOR CALDWELL STREET-BREVARD STREET CONNECTOR.**

Councilman Withrow moved award of contract to the low bidder, F. T. Williams Company, Inc., in the amount of \$144,283.90, on a unit price basis, for the Caldwell Street-Brevard Street Connector, Project No. 512-72-184, which motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

F. T. Williams Company, Inc.	\$144,283.90
Blythe Brothers Company	167,108.50
Crowder Construction Company	175,139.00
T. A. Sherrill Construction Company	179,698.00
Rea Construction Company	195,378.81

**CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CURB IMPROVEMENTS, FALL 1974.**

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, subject contract was awarded the low bidder, Crowder Construction Company, in the amount of \$83,849.75, on a unit price basis, for Curb Improvements, Fall, 1974, Project No. 512-74-200.

The following bids were received:

Crowder Construction Company	\$ 83,849.75
Cardinal Construction, Inc.	86,100.50
T. A. Sherrill Construction Co.	99,373.00
Skidmore Construction Company	102,616.50
Blythe Brothers Company	102,843.25

**CONTRACT AWARDED GODLEY CONSTRUCTION COMPANY, INC. FOR GENERAL CONSTRUCTION WORK ON THE OPERATIONS CENTER-WASTEWATER COLLECTION DIVISION.**

Motion was made by Councilman Short, seconded by Councilman Harris, and unanimously carried, awarding contract to the low alternate bidder, Godley Construction Company, Inc., in the amount of \$223,255.00, on a lump sum basis, for the General Construction Work of the Operations Center-Wastewater Collection Division.

The following bids were received:

**ALTERNATE BIDS:**

Godley Construction Company, Inc.	\$223,255.00
D. R. Mozeley, Inc.	223,800.00
Laxton Construction Company, Inc.	234,000.00
Myers & Chapman, Inc.	243,546.00
Rodgers Builders, Inc.	270,200.00
Carolina B & M Construction Company	279,583.00
Frank H. Conner Company	325,243.00

**BASE BIDS:**

Godley Construction Company, Inc.	292,055.00
D. R. Mozeley, Inc.	299,800.00
Myers & Chapman, Inc.	317,979.00
Laxton Construction Company, Inc.	319,000.00
Rodgers Builders, Inc.	347,615.00
Carolina B & M Construction Company	366,755.00
Frank H. Conner Company	424,482.00

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CONTRACT AWARDED SHANKLIN AIR CONDITIONING, INC. FOR PLUMBING WORK FOR THE OPERATIONS CENTER-WASTEWATER COLLECTION DIVISION.

Councilman Harris moved award of contract to the low alternate bidder, Shanklin Air Conditioning, Inc., on a lump sum basis, for the Plumbing Work for the Operations Center-Wastewater Collection Division, which motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

ALTERNATE BIDS:

Shanklin Air Conditioning, Inc.	\$ 39,400.00
R. L. Walker Plumbing Company, Inc.	39,944.00
Industrial Maintenance Corporation	43,084.00
T. L. Shoupe Company	43,192.00
Tompkins - Johnston Company	43,512.00
A. Z. Price & Associates, Inc.	48,799.00
Mecklenburg Plumbing Company	50,628.00
J. V. Andrews Company	57,800.00

BASE BIDS:

Industrial Maintenance Corporation	\$ 53,245.00
R. L. Walker Plumbing Company, Inc.	54,095.00
Shanklin Air Conditioning, Inc.	55,850.00
T. L. Shoupe Company	61,032.00
Tompkins - Johnston Company	64,050.00
A. Z. Price & Associates, Inc.	64,699.00
Mecklenburg Plumbing Company	66,949.00
J. V. Andrews Company	79,800.00

CONTRACT AWARDED A. Z. PRICE & ASSOCIATES, INC. FOR MECHANICAL WORK FOR THE OPERATIONS CENTER-WASTEWATER COLLECTION DIVISION.

Upon motion of Councilman Harris, seconded by Councilman Short, and unanimously carried, subject contract was awarded the low alternate bidder, A. Z. Price & Associates, Inc., in the amount of \$44,639.00, on a lump sum basis, for the Mechanical Work for the Operations Center-Wastewater Collection Division.

The following bids were received:

ALTERNATE BIDS:

A. Z. Price & Assoc., Inc.	\$ 44,639.00
Southern Comfort of Charlotte	45,700.00
Air Masters Heating & Air Conditioning Co.	46,216.00
Reliance Engineering Co., Inc.	50,932.00

BASE BIDS:

Southern Comfort of Charlotte	\$ 56,300.00
Air Masters Heating & Air Conditioning Co.	57,173.00
A. Z. Price & Associates, Inc.	58,400.00
Reliance Engineering Co., Inc.	63,932.00

CONTRACT AWARDED PORT CITY ELECTRIC COMPANY FOR ELECTRICAL WORK FOR THE OPERATIONS CENTER-WASTEWATER COLLECTION DIVISION.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, to award subject contract to the low alternate bidder, Port City Electric Company, in the amount of \$42,670.00, on a lump sum basis, for the Electrical Work for the Operations Center-Wastewater Collection Division.

The following bids were received:

ALTERNATE BIDS:

Port City Electric Company	\$ 42,670.00
Air Masters Heating & Air Conditioning Co.	45,680.00
Ind - Com Electric Company	46,811.00
Driggers Electric & Control Co.	48,437.00
Shanklin Air Conditioning, Inc.	53,000.00
Electrical Contracting & Engineering Co., Inc.	58,730.00

BASE BIDS:

Port City Electric Company	\$ 53,230.00
Air Masters Heating & Air Conditioning Co.	56,430.00
Ind-Com Electric Company	57,325.00
Driggers Electric & Control Co.	60,055.00
Shanklin Air Conditioning, Inc.	62,200.00
Electrical Contracting & Engineering Co., Inc.	68,730.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY AT 5813 PRESTON LANE, DEFERRED.

Mr. Gene Goldberg, 5813 Preston Lane, stated the city needs this property for a sewer line; his concern is where on the property the line will be placed. Unfortunately the Engineers have recommended a place that will tear down 12 very beautiful trees that neither Council nor he can replace. One of the trees is 125 to 150 feet tall. He had a survey made of it, and the estimate was a total value of \$7,100 for the one dozen trees. That he does not want that type of monies, he would rather that the line go on his property on the other side of the creek. That he is asking Council to go back to the Engineers involved and ask them to reconsider the location of the line.

Councilman Gantt asked Mr. Goldberg if he would consider an alternate location on his property? Mr. Goldberg replied he would; there is a creek that is within his property line, and it goes from the front to the back line. That he realizes the City does have to go across his line. That he is asking why it must come between him and the beauty of the property.

Mr. Dukes, Director of Public Utilities stated they were not aware of this area of concern, and they will go back and check to see if the line can be moved.

Councilman Harris moved that action on the subject resolution be deferred. The motion was seconded by Councilman Williams, and carried unanimously.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR VARIOUS PROJECTS, ADOPTED.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Peter L. Reynolds and wife, Madeline A. Reynolds, located at 722 Jefferson Drive in the City of Charlotte for the Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 268.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Charles A. Moss and wife, Beverly S. Moss; T. A. Upchurch, Trustee; and Durham Life Insurance Company, located at 133 Great Oak Lane, Matthews, North Carolina, in the City of Charlotte for the Annexation Area I (2) Sanitary Sewer and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 269.

Councilman Withrow moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to George R. Dellinger and wife, Imogene E. Dellinger, located at 8317 Adrian Court in the City of Charlotte for the Annexation Area I (2) Sanitary Sewer Trunk and Collector Mains Project. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 270.

Motion was made by Councilman Withrow to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Easthaven Development Corporation; W. I. Henderson and Robert E. Perry, Jr., Trustees; and Home Realty and Management Company, located at 3500 North Sharon Amity Road in the City of Charlotte, for the Sharon Amity Road Widening Project. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 271.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Easthaven Development Corporation located at 3538 North Sharon Amity Road in the City of Charlotte for the Sharon Amity Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 272.

Councilman Withrow moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property belonging to Herman R. Mauney and wife Oma Belle Mauney, located at 6100 Old Pineville Road, in the City of Charlotte, for the Annexation Area I (11) Sanitary Sewer Project. The motion was seconded by Councilman Harris, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 273.

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Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to James L. Fulmer and wife, Nancy H. Fulmer, located at 5000 Farmland Road in the City of Charlotte, for the Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 274.

Upon motion of Councilman Withrow, seconded by Councilman Williams, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Gerald V. Auchard and wife, Luella N. Auchard; Archie C. Walker, Trustee; and Wachovia Mortgage Company, located at 6712 Castlegate Drive, in the City of Charlotte, for the Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 275.

Councilman Harris moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Horace Grigston Porter and wife, Thelma S. Porter, located at RFD #15, Box 822, Old Pineville Road, in the City of Charlotte, for the Annexation Area I (11) Sanitary Sewer Trunks Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 276.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert P. Schwartz and wife, Rebecca C. Schwartz; Archie C. Walker, Trustee; and Wachovia Mortgage Company, located at 710 Jefferson Drive in the City of Charlotte for the Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 277.

Councilman Withrow moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Don J. Kelleher and wife, Jean B. Kelleher, located at 1850 Cloister Drive in the City of Charlotte for the Annexation Area I (2) Sanitary Sewer Trunks Project. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 278.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to John L. McCarter and wife, Sue B. McCarter; Robert E. Perry, Jr., et al, Trustees; and First Federal Savings and Loan Association, located at 622 Jefferson Drive, in the City of Charlotte, for the Annexation Area I (2) Sanitary Sewer Trunks and Collector Mains Project.

The resolution is recorded in full in Resolutions Book 10, at Page 279.

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Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Sterling Company, a partnership; Reginald S. Hamel, Trustee; and Rochester Savings Bank, located at 3401 North Sharon Amity Road in the City of Charlotte for the Sharon Amity Road Widening Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 281.

PROPERTY TRANSACTIONS, AUTHORIZED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and carried unanimously, approving the following property transactions:

- (a) Acquisition of 100' x 100' of property, with one service station building, at 1147 East Fourth Street, from Webb Investment Company, at \$45,700.00, for Kings Drive Relocation Project.
- (b) Acquisition of 6.00' x 83.36' x 6.00' x 83.36' of property, plus a construction easement, from Jerry C. Rollins, at 3134 Sharon Amity Road, at \$1,200.00, for Sharon Amity Road Widening Project.
- (c) Acquisition of 544.38' x 1,347.06' x 37.20' x 1,333.53' x 559.23' x 36.34' of property, at 5100 Belhaven Boulevard, from Fred O. Godley and wife, Mabel E. Godley, at \$9,650.00, for Land Acquisition for Hoskins Water Treatment Plant.
- (d) Acquisition of 100' x 149.31' x 97.67' x 149.65' of property, with a two-story frame dwelling, at 924 Persimmon Street (off Louise Avenue), from Robert Lee Mauney, at \$14,800.00, for right of way for expansion of Motor Transport Facility.
- (e) Acquisition of 50' x 150' x 50.18' x 150.03' of property, at 921 Persimmon Street, from Ada Elizabeth Lowder, Sarah P. Lowder, William J. Lowder, Colleen G. Lowder and Charles H. Lowder, at \$10,550.00, for expansion of the Motor Transport Facility.
- (f) Acquisition of 50' x 150' x 49.97' x 150' of property, at 917 Persimmon Street, from Luther G. Carter and wife, Mary H., at \$9,000.00, for expansion of the Motor Transport Facility.
- (g) Acquisition of 5.32' x 210.06' x 8.01' x 210.0' of property, plus construction easement, at 3607 Sharon Amity Road, from Henry D. Purser and wife, at \$3,905.00, for Sharon Amity Road Widening.
- (h) Acquisition of 100' x 210.09' x 99.35' x 211.08' of property at 925 Persimmon Street and 901, 905 Louise Avenue, from Luther G. Carter, et ux, Mary H., at \$33,850.00, for expansion of the Motor Transport Facility.
- (i) Acquisition of 50' x 149.65' x 49.88' x 149.93' of property at 920 Persimmon Street, from Ada Elizabeth Lowder, Sarah P. Lowder, William J. Lowder, Coleen G. Lowder and Charles H. Lowder, at \$10,000.00, for expansion of the Motor Transport Facility.

ADJOURNMENT.

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

*Ruth Armstrong*

Ruth Armstrong, City Clerk