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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, March 12, 1973, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman James D. McDuffie.

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INVOCATION.

The invocation was given by Councilman Joe D. Withrow.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting, on Monday, March 5, 1973, were approved as submitted.

BOOK OF POETRY BY DR. JOSEPH MANCH ENTITLED "A CITY IS PEOPLE" PRESENTED TO MAYOR AND COUNCIL BY COUNCILWOMAN EASTERLING AND MR. AL MANCH.

Councilwoman Easterling stated sometime ago someone gave Mr. I. D. Blumenthal a beautiful book of sensitive and meaningful poetry. Usually when anything comes across his desk she sees it and reads it. This book is written by Dr. Joseph Manch, Superintendent of the Buffalo, New York Schools. The title poem "A City is People" is especially inspiring, and so is "Who is My Brother", on page 4. She stated as she read one poem after the other, flipping through the pages, stopping at random, she wanted to share these perceptive thoughts with the Mayor and other members of Council, because they share with her a deep concern for all the people of this City of Charlotte.

Councilwoman Easterling presented to the Mayor and Councilmembers a copy of "A City IS People". She stated she intended to buy these books so they would be a gift from her. But she has to give them today with the compliments of a dedicated citizen of our city, who secured the copies for her from the author, who is his brother. This citizen is Mr. Al Manch, and so the book comes to the Mayor and Council from both of them.

She stated she knows each will enjoy the book and be inspired by the poems.

Mayor Belk expressed his appreciation for the gift and requested the City Manager to write Mr. Al Manch and thank him for this nice gift; also write Dr. Manch and thank him for the energy he put into these thoughts.

RESOLUTION CALLING FOR A PUBLIC HEARING ON AMENDMENT NO. 5, REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3, TO BE HELD ON MONDAY, APRIL 2, 1973.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution calling for a public hearing on Amendment No. 5, Redevelopment Plan for Downtown Urban Renewal Area, Project No. N. C. A-3, to be held on Monday, April 2, 1973.

The resolution is recorded in full in Resolutions Book 9, at Pages 62-63.

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PROPOSED MAXIMUM LEVEL OF FUNDING FOR THE FIRST WARD URBAN RENEWAL PROJECT
NO. N. C. R-79, APPROVED.

Councilman Jordan moved approval of the proposed maximum level of funding of \$6,801,716 for the First Ward Urban Renewal Project, No. N. C. R-79, which is broken down into \$5,025,891 for site improvement work and supporting facilities and \$1,775,825 in cash. The motion was seconded by Councilman Short, and carried unanimously.

FIRST WARD URBAN RENEWAL AREA MANAGEMENT PLAN FOR PROJECT APPROVAL, PROJECT
NO. N. C. R-79, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the First Ward Urban Renewal Area Management Plan was approved which identifies the significant actions to be accomplished prior to HUD approval of the Project and execution of a Loan and Capital Grant Contract by June 30, 1973.

Councilman Short asked if there is anything that members of Council or the Mayor can do to expedite the approval of First Ward Urban Renewal. That Mr. Sawyer has mentioned the fact there is a very limited time before the rules are changed completely. Mr. Sawyer replied Council has just approved what they call a Management Plan of approval of the property. They have indicated more significant steps that need to be taken. Among them are the holding of a public hearing and approving the plan which is now scheduled for April 30 by City Council. Prior to that time and leading up to it, they will take it to the Model Cities agencies, the Planning Commission, Redevelopment Commission and finally to the City Council.

CHAMBER OF COMMERCE REQUESTED TO GIVE CONSIDERATION TO NEED OF LIGHT INDUSTRY
FOR GREENVILLE REDEVELOPMENT SECTION.

Councilman Alexander moved that Council request the Chamber of Commerce to give consideration to the procurement needs of light industry for the Greenville Redevelopment section. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE
TAXICAB SERVICE PROPOSED BY THE APPLICATION OF CHECKER CAB COMPANY FOR THE
ISSUANCE OF TWO ADDITIONAL CERTIFICATES TO OPERATE TAXICABS IN THE CITY OF
CHARLOTTE.

The hearing was called on the application of Checker Cab Company for the issuance of two (2) additional certificates to operate taxicabs in the City of Charlotte.

Council was advised that the Taxicab Inspector has found this application to be in compliance with the City Code and not in excess of the demand for taxicab service.

No one spoke for or against the application.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting the resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Checker Cab Company for the issuance of two additional certificates to operate taxicabs in the City of Charlotte.

The resolution is recorded in full in Resolutions Book 9, at Page 64.

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RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THAT TAXICAB SERVICE PROPOSED BY THE APPLICATION OF METROLINA CAB COMPANY FOR THE ISSUANCE OF FIVE ADDITIONAL CERTIFICATES TO OPERATE TAXICABS IN THE CITY OF CHARLOTTE.

The hearing was held on the application of Metrolina Cab Company for the issuance of five (5) additional certificates to operate taxicabs in the City of Charlotte.

The Taxicab Inspector has reviewed the application and found it to be in compliance with the City Code, and not in excess of the demand for taxicab service.

No one spoke for or against the petition.

Councilman Jordan moved adoption of the resolution declaring that public convenience and necessity require that taxicab service proposed by the application of Metrolina Cab Company for the issuance of five additional certificates to operate taxicabs in the City of Charlotte. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 65.

ORDINANCE NO. 741-X AMENDING THE 1972-73 BUDGET ORDINANCE ESTABLISHING AN APPROPRIATION FOR LEAA FUNDED STANDARD OPERATING EQUIPMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, an ordinance was adopted amending the 1972-73 Budget Ordinance establishing an appropriation of \$7,069.00 for LEAA funded standard operating equipment for the Law Enforcement Center to provide a basic internal security system inside the main entrances of the center.

The ordinance is recorded in full in Ordinance Book 20, at Page 22.

RESOLUTION AUTHORIZING MR. DAVID A. BURKHALTER, CITY MANAGER, TO ACCEPT THE GRANT OFFER AND TO MAKE THE REQUIRED ASSURANCES FOR A STATE MATCHING GRANT FOR SEWER CONSTRUCTION FOR MCMULLEN CREEK INTERCEPTOR.

Councilman Whittington moved adoption of the resolution authorizing Mr. David A. Burkhalter, City Manager, to accept the grant offer in the amount of \$370,566, and to make the required assurances for a state matching grant for sewer construction for McMullen Creek Interceptor. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 66.

RESOLUTION AUTHORIZING MR. DAVID A. BURKHALTER, CITY MANAGER, TO ACCEPT THE GRANT OFFER AND TO MAKE THE REQUIRED ASSURANCES FOR A STATE MATCHING GRANT FOR SEWAGE WORKS IMPROVEMENTS FOR IRWIN CREEK PUMP STATION.

Councilman Jordan moved adoption of the subject resolution authorizing Mr. David A. Burkhalter, City Manager, to accept the Grant Offer and to make the required assurances for a State Matching Grant for Sewage Works Improvements, in the amount of \$56,156 for Project CIA-NC-04, Irwin Creek Pump Station. The motion was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 9, at Page 67.

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AGREEMENT WITH SOUTHERN-PARKING LTD. FOR PUBLIC PARKING GARAGE, APPROVED.

The agreement between the City of Charlotte and Southern-Parking Ltd., a limited partnership in which Little Construction Company, Inc., and W. E. Little are the general partners, for the construction of a public parking garage located on College Street, between Third and Fourth Streets, was presented.

Mayor Belk stated his mother's estate and the store, Belk Brothers, did have some property on this site. This has been sold and therefore he does not have any conflict of interest on this.

Mr. W. E. Little replied that is correct; that he now owns both those pieces of property. There are ten pieces of property in the College Street development and of the ten, they now own three and have contracts to buy all the rest of the pieces of property.

Mr. Little stated Council has reviewed the original model and the original drawing, and in December instructed the staff to review in more detail the final drawings and to get into the details of a contract between his partnership and the city. This has been reviewed.

Councilman Jordan asked if there have been any changes since Council saw the model? Mr. Little replied nothing of great consequences; the tower was originally in the center and it has been moved to the corner. They eliminated the parking in the end bay on recommendation of their parking consultant; they have added an extra quarter of floor; they have provided that the exits are all at one level; they have made a couple of changes recommended by Harry Wolfe. One is the relocation of the stairs for the parking to the center of the building, and contiguous to the office building to route more traffic through the retail area. Two, in the areas adjacent to the retail where parking has now been designed it can be converted to retail if the demand is there.

Mr. Burkhalter, City Manager, stated Council was concerned that 600 spaces should be allocated for public use; that has been accomplished. Second was that adequate provision be made through this facility from the block on the north side of Fourth Street to the block on the south side of Third Street; this has been done. Third, was adequate truck access with a connecting lane between these two streets back of this facility and back of those facing Tryon; this is true. Fourth was in order to build more than 900 spaces, which is proposed, that he would have to have some other access other than College or Third or Fourth Streets on the west side of College; they propose to do this by going under College Street. Mr. Bobo, Assistant City Manager, stated this is incorporated in the project as well as in the written agreement.

Councilman Withrow asked if the walkways will be covered or open? Mr. Little replied that will be up to the city and the city's architect. That he thinks they should be covered; but it has not been settled. Mayor Belk stated it might be logical for the area to First Union to be open as they have an open plaza; but that is something to be discussed. Mr. Bobo stated the city will be planning and designing the walkway from the civic center over to the North Carolina National Bank; also will be designing the one crossing to the bank project over to the parking garage; they are under consideration right now. A presentation is scheduled for Council's viewing on April 2.

Councilman Short asked how many parking spaces will be provided, and Mr. Little replied approximately 1500. Mr. Little stated there will be more than 600 spaces available for the general public; the contract requires a minimum of 600 and there will never be that few. That they cannot afford to rent that many monthly parking spaces because it would not pay the tariff; they are really dependent on the transit parking. Mr. Bobo stated the written agreement requires that he provide a minimum of 600 hourly parking spaces for the public at all times.

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Mr. Burkhalter stated the city's traffic study says you can safely put 900 parking spaces on this block with the traffic pattern as it is today, and in the future, and Mr. Little proposes to put in 1500. The reason this has been approved is because he is turning people out on the other side of College Street.

Mr. Little stated in all this land exchange they ended up conveying to the city approximately 3800 square feet of land to widen both Fourth Street and Third Street. That is over \$100,000 worth of land which they conveyed to the city in exchange for the rights-of-way under the street, and the right for the building to project out over the sidewalk. That he is giving this to the city as a part of the contract.

Councilman Short stated he thinks downtown retail is not to be overlooked, and Mr. Wolfe's plan is one that a lot of people are interested in. He asked what assures that we will have the retail through here? Mr. Little replied Council has the preliminary plans, and has the right to approve the final plans. This retail area is shown on the drawings; from his point of view it is a very necessary part of the total project.

Councilman Short asked if both projects, the office building and the parking, will be started at the same time? Mr. Little replied they will start as soon as they have enough demand to effectively move.

Councilman Short asked how long the right to go under the street runs? Mr. Little replied it is for 60 years. Councilman Short asked if the reservation for retail has a time limit; and Mr. Little replied the contract does not specifically state that. Mayor Belk stated there is no way to do that; it is one thing that has been the bottleneck with all these other cities. Mr. Little stated there is a provision in the contract that will give the city control to a large degree in that the city has the right to approve his schedule as to when it will be opened; this applies both to parking and the public walkway through that level.

Councilman Jordan moved approval of the contract. The motion was seconded by Councilman Alexander, and carried unanimously.

Mr. Burkhalter stated staff seldom works with anyone that has been as cooperative as Mr. Little has; that Mr. Little has had a lot of problems.

CLAIM FILED BY J. REID POTTER, ATTORNEY, ON BEHALF OF ROBERT MICHAEL MARTIN.

Mr. Reid Potter, Attorney, requested Council to defer action on this until a full Council is present.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, deferring action until a full Council is present.

ORDINANCE NO. 742-X ORDERING THE REMOVAL OF TRASH AND RUBBISH ADJACENT TO 3012 CLEMSON AVENUE PURSUANT TO SECTION 6.102 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of the subject ordinance ordering the removal of trash and rubbish adjacent to 3012 Clemson Avenue, which motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 23.

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ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE.

Pictures of the two houses declared unfit for human habitation were passed around for Councilmembers to view.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the following ordinances were adopted affecting housing declared "unfit" for human habitation:

- (a) Ordinance No. 743-X declaring dwelling at 3707 The Plaza to be vacated and closed.
- (b) Ordinance No. 744-X declaring dwelling at 3902 Tennessee Avenue to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 24.

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting at this time and was absent until his return as noted in the minutes.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving contracts for the construction of sanitary sewer mains as follows:

- (a) Contract with Haverty Furniture Company, Inc., for the construction of an 8-inch sewer main extension beginning in Orr Road for approximately 1,700 linear feet, outside the city, at an estimated cost of \$8,840.00. The applicant has deposited 100% of the estimated cost and city crews will construct the lines. Refund is as per agreement.
- (b) Contract with Koger Properties, Inc. for the construction of approximately 460 linear feet of 8-inch main, in Executive Center Drive, outside the city, at an estimated cost of \$4,600.00. The applicant will construct the lines at his own proper cost and expense. Extension will connect to Idlewild Sewer System. When the City gains control of the Idlewild System, the City will own the 8-inch mains in Executive Center Drive at no cost.
- (c) Contract with S & T Development Company for the construction of approximately 610 linear feet of 8-inch main, to serve Montibello Subdivision, Phase V-A, located off Carmel Road and adjacent to McAlpine Creek, outside the city, at an estimated cost of \$25,000.00. The applicant will construct all this system at his own proper cost and expense. When the City connects the applicant's existing sewerage system to the McAlpine Creek Outfall, this sewer extension will become the property of the City at no cost.
- (d) Contract with S & T Development Company for the construction of approximately 2,425 linear feet of 8-inch trunk and approximately 1,515 linear feet of 8-inch mains to serve Montibello Subdivision, Phase V, located off Carmel Road and adjacent to McAlpine Creek, outside the city, at an estimated cost of \$36,000.00. The applicant will construct all of this sewerage system at his own proper cost and expense. When the City grants permission, this sewer system will connect to McAlpine Creek Outfall and at this time, this system will become the City's at no cost.

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AGREEMENT WITH GEORGE GOODYEAR COMPANY ESTABLISHING SEWER SERVICE CHARGES FOR SERVICE AT MOUNTAINBROOK SUBDIVISION, APPROVED.

Councilman Alexander moved approval of an agreement establishing the amount of sewer service charges which will be charged to the George Goodyear Company for sewer service at the Mountainbrook Subdivision, at such time as said subdivision is attached to the McMullen Creek Outfall. The motion was seconded by Councilman Jordan, and carried unanimously.

ORDINANCE NO. 745-X TRANSFERRING FUNDS TO PROVIDE FUNDS FOR LAND ACQUISITION FOR THE MCDOWELL STREET WIDENING PROJECT.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, an ordinance transferring \$41,000 from within the Capital Improvement Budget to provide funds for land acquisition for the McDowell Street Widening Project was adopted.

The ordinance is recorded in full in Ordinance Book 20, at Page 26.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the subject encroachment agreement with the State Highway Commission permitting the City to construct an 8-inch C.I.P. sanitary sewer line within the right of way of Freedom Drive, NC 27, to serve Freedom Mall.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Withrow moved approval of the following property transactions, which motion was seconded by Councilman Jordan, and carried unanimously:

- (a) Acquisition of 10' x 20' of easement at 2000 East Fifth Street, from Mercy Hospital, at \$1.00, for Fire Meter Compound Torrent.
- (b) Acquisition of 15' x 2,434.75' of easement at 8001 Pineville Road, from Sharon West Community, at \$1.00, for sanitary sewer to serve Hunters Glen Apartments.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE TREMARCO CORPORATION FOR THE INSTALLATION OF A WATER LINE TO SERVE THAT AREA.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to the Tremarco Corporation, located at 1820 Montford Drive, in the City of Charlotte, for the installation of a water line to serve that area.

The resolution is recorded in full in Resolutions Book 9, at Page 68.

COUNCILMAN WHITTINGTON RETURNS TO MEETING.

Councilman Whittington returned to the meeting at this time, and was present for the remainder of the session.

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CONTRACT AWARDED PIERCE MANUFACTURING COMPANY FOR THREE 1,000 GPM CLOSED CAB PUMPING ENGINES FOR THE FIRE DEPARTMENT.

Councilman Jordan asked if these trucks will be yellow? Mr. Burkhalter, City Manager, replied they will be lime yellow; they are for the annexation area. Councilman Jordan asked if the city will start repainting all the red trucks? Mr. Burkhalter replied only in the process of maintenance; as the equipment is repainted they will be repainted yellow. Councilman Jordan stated he has never heard of any accidents that were caused by the fire trucks being painted red.

Councilman Jordan moved award of contract to the low bidder, Pierce Manufacturing Company for the purchase of three 1,000 GPM Closed Cab Pumping Engines for the fire department in the amount of \$126,162.63 on a unit price basis. The motion was seconded by Councilman Alexander.

Councilman Whittington asked where it is stated that the lime yellow color is recommended by the National Life Underwriters? Mr. Burkhalter replied in the communique which he sent to the Council it stated it was a recommendation of the National Safety Council.

Chief Lee stated the fire chief has no color hangups; that he does not have a preference except to serve a useful purpose. The recommendation as presented to the Manager's office relates strictly to the safety aspect of this color. The red is a black color; at night it does not identify itself either to pedestrians or traffic as being representative of emergency vehicles. The yellow retains its identity almost irrespective of illumination. They do have vehicles that have been "creamed" by traffic around fire grounds. They cannot attribute it to the color of red or the absence of yellow; but he feels his recommendation must be predicated on sound studies that have been made with regard to color for safety. This is a safety lime yellow and does not identify with any other color that is currently on the market as it has a little more green in it. The county police cars are a chrome yellow and are more of the canary yellow without the green. The green adds to identification in smoky or fog conditions. That yellow can become obscure as any other colors under certain conditions; the safety lime makes it more identificial when there are opaque atmospheric conditions such as smoke or fog.

Councilman Whittington stated he is going to vote against the change in color; that he appreciates what Chief Lee has said and what the communication Mr. Burkhalter has given Council says; but he thinks the fire trucks should stay red. He is going to vote no.

Councilman Jordan stated his motion is for the pieces of equipment on the low bid and it does not specify the color. That he is not too much in favor of changing the color himself.

Councilman Alexander suggested that Council approve the recommendation as it is to buy the trucks, and then discuss the color as a separate item. Councilman Jordan stated his motion is only for the low bid.

Councilman Jordan asked how many Pierce trucks the city has now? Mr. Brown, Purchasing Agent, replied these are the first ones; that all the parts and equipment will be easily accessible.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Pierce Manufacturing Company	\$126,162.63
American LaFrance	128,127.00
Seagrave Fire Apparatus, Inc.	131,670.00
Sutphen Fire Equipment Company	136,797.00
Burgess Fire Equipment, Inc.	137,172.00
Mack Fire Apparatus	141,192.27

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USE OF LIME YELLOW FOR FIRE EQUIPMENT APPROVED.

Councilman Alexander moved approval of the recommendation regarding the color of lime yellow for fire equipment. The motion was seconded by Councilwoman Easterling, and carried by the following vote:

YEAS: Councilmembers Alexander, Easterling, Short and Withrow.
NAYS: Councilmen Jordan and Whittington.

CONTRACT AWARDED SEAGRAVE FIRE APPARATUS COMPANY FOR TWO 100 FT. REAR MOUNT AERIAL LADDER TRUCKS, WITH 1,000 GPM PUMP.

Councilman Alexander moved award of contract to the low bidder, Seagrave Fire Apparatus Company, for two 100 ft. rear mount aerial ladder trucks with 1,000 GPM pump, in the amount of \$180,450.00, on a unit price basis. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Seagrave Fire Apparatus Company	\$180,450.00
American LaFrance	183,824.00
Burgess Fire Equipment, Inc.	200,530.00

CONTRACT AWARDED SINGER TRAFFIC CONTROLS WITH SYSTEMS DEVELOPMENT CORPORATION FOR TRAFFIC CONTROL SYSTEM.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Singer Traffic Controls with Systems Development Corporation, for traffic control system, in the amount of \$1,245,819.54, subject to approval of the N. C. State Highway Commission and the Federal Highway and Public Works Administration.

The following bids were received:

Singer Traffic Controls with Systems Development Corporation	\$1,245,819.54
The Marbelite Co., Inc. with Computer Systems Engr., Inc.	1,296,498.00
Sperry Rand Corporation	1,308,938.00
L.F.E. Corporation, Automatic Signal Division	1,484,567.50
T.R.W., Inc.	1,741,142.50

CITY ATTORNEY TO DRAW BILL FOR PRESENTATION TO THE STATE LEGISLATURE PERMITTING COUNCIL TO DETERMINE THE AMOUNT OF MONEY BETWEEN \$40,000 AND UP TO \$100,000 TO BE GIVEN TO THE FIREMEN'S RELIEF BOARD FUND.

Mr. Burkhalter, City Manager, stated he has a letter from Mr. Joe T. Millsaps, Secretary and Treasurer of the Firemen's Relief Fund Board, asking Council to increase the reserve fund limit from \$40,000 a year to \$100,000 a year; to do this it is necessary to get a legislative bill passed. He stated he is bringing this to Council today because the local bill time limit ends on Thursday. That he has not been able to get sufficient information to bring this to Council as an agenda item; but Councilman Short was concerned about this, and he told him he would bring it up.

Councilman Short stated there is a very small tax that is levied against fire and casualty insurance companies on the premiums they take in. This tax, in this particular county, is used for the purpose of providing a fund that is spent for us by a Board, called the Firemen's Relief Board of Trustees, to which Board the Council appoints members. This tax yields a considerable sum of money each year, in excess of \$100,000 a year. However, this Board

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is now limited to spending \$40,000 a year for the relief of injured firemen and their families. The personnel on this Board approached him and said they would like to be able to retain as much as a \$100,000 a year out of this tax and spend it for the relief of injured firemen and their families; in some years there is a need for this.

Councilman Short stated the critical point is the money brought in by this tax beyond that which this Board spends for the relief of injured firemen, is given over to our other Board which is the firemen's pension board and becomes a part of the firemen's pension fund. We therefore have a situation where the Firemen's Relief Board is asking to retain somewhat more money and therefore give less over to the pension board. You have, basically, a question of who you want to help - the injured or the aged. It would appear to him that Council should have enabling from the legislature that would allow this Council to decide just how much of this money goes into a reserve or fund for the injured; and just how much goes into the pension for the aged. That the last legislature gave enabling that allowed Council to manage completely the firemen's pension; and it seems to him that Council should have this further enabling just to make the picture clean. He stated Council should ask Mr. Underhill, City Attorney, to prepare a Bill as quickly as possible and get it to our delegation in Raleigh by the cut-off date which is just two or three days away that would provide enabling for this Council to be able to set the figure which the firemen's relief board may spend each year.

Councilman Alexander stated he understands the money that comes from the taxing of fire insurance companies is used to maintain the pension funds for firemen. Councilman Short replied it is first used to maintain the relief of injured firemen, and the excess is used for the other. Councilman Alexander stated now Councilman Short is suggesting amending it so that it can also be used to add to the relief fund of the other group? Mayor Belk stated what he is suggesting is that it be amended so that Council will have the choice. Councilman Short stated he is not asking to amend it in any fashion; that he just thinks Council should have the power to control the situation; that he is sure if Council has this enabling through the legislature, then both Chairmen would be before Council saying they would like to have as much of this money as possible. Councilman Short asked what happens to the money that is over and beyond the requirements? Mr. Underhill replied it is turned in on a yearly basis to the pension fund; any monies in excess of \$40,000 each year have to be appropriated and given to the Firemen's retirement system.

Mr. Burkhalter stated he cannot recommend that Council take action on this as recommended by Mr. Millsaps; not that he is opposed to it; he just does not understand it. That he has asked for more information and has not had time to receive it. In order to meet this deadline both he and Mr. Short agreed that the best thing would be to allow Council to make this decision. Mr. Underhill can prepare a Bill and it would go to the legislature now, and ask them to permit Council to determine the amount of money between \$40,000 and up to \$100,000, to be given to the relief board.

Councilman Alexander asked if there is any legal question as to whether or not this is preference legislation? Has any legal decision ever been rendered as to whether or not Council can do this? If Council can do this for the firemen, can it not be done for the general city employees? Mr. Underhill replied this firemen's relief fund was created as a result of a special act of local legislation. The city's retirement system presently is under the local government retirement system and is a state-wide act. Councilman Alexander asked if this happens all over the State of North Carolina, or is it a special act for the benefit of Charlotte's firemen? Mr. Underhill replied the \$40,000 limit as now set is applicable only to the City of Charlotte and City of Charlotte firemen, and its relief fund. Councilman Alexander asked if there is any possibility of us being on shaky legal grounds for this preference legislation for this one group of employees? As this gets larger, are we creating problems for ourselves? Mr. Underhill replied the Firemen's Relief Board is set up to provide funds to firemen that are injured on active duty; or in the event they die as the result of an injury received, it would provide

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for their families. Councilman Alexander stated the only question he is asking is about policemen or any other employees; have we established a preference legislation here for the benefit of only one group of city employees? Mr. Underhill replied any preferential treatment has already been established, if there is such preferential treatment, by establishing the Board in the first place back in 1947 when it was created. Councilman Alexander replied he is not questioning that part of the request; the only question he raised was a general question; with this preference type legislation that has been established whereby we are giving benefit to our firemen, is there any legal question where if some other group of employees came to Council and said they want a similar type system set up, what would Council be into? That may require a little longer study; but someone needs to study it.

Councilman Jordan moved that the City Attorney prepare a Bill for presentation to the Legislature so that Council can decide on the amount to be paid. The motion was seconded by Councilman Short.

Councilman Whittington asked what this does to workmen's compensation? Mr. Underhill replied he does not know. Councilman Whittington stated he does not want to be for or against; but he just does not understand what is being talked about. That Council should have more facts on something of this sort before asking the legislature to take action on a bill. Everybody who is employed by the City of Charlotte is under workmen's compensation and if they are disabled they will get workmen's compensation. Mr. Burkhalter stated in the research by staff, he found that the 1947 General Assembly enacted this legislation; and it placed a limit of \$20,000; and in 1965, Council went back to the General Assembly and asked that it be increased to \$40,000. Now in 1973, Council is being asked to increase it some more. He stated if \$40,000 was necessary in 1965, they certainly must need a little more today. The point is, and should be made in the bill, that this would be taking out and putting into a pension fund anything over \$40,000; and he thinks Council should know what this amounts to and what is involved. This would permit Council after it gets the facts to sit down and decide if it should be raised; it could still be left at \$40,000, or it could be raised.

Councilman Short stated if there was a situation of some unusual amount of injuries to firemen, and some 14 were badly injured, and a lot of money was needed to take care of the injuries and the doctor bills, hospital bills and the families, and legislature was not meeting for another 16 months, this Board would be hamstrung, and the taxes coming in from the fire insurance companies was intended for this purpose, and yet you have to go through the state legislature in order to regulate a matter of spending money just because of a fire that occurred here in the City of Charlotte. What should be more efficient and more sensible administration in that kind of situation would be the Board would come to Council the next meeting, and ask for a change in the figures to take care of the 14 firemen injured. As it is now they have to wait to go through the State Legislation. That he does not know if this act is wise or not and perhaps workmen's compensation might be sufficient; but that is not the question. The question is are we going to administer this act wisely; it is already on the books. This bill proposed would give the Council the right to decide whether the Firemen's Relief Board would receive \$40,000 or \$50,000, or some other amount up to \$100,000.

Councilman Alexander stated if a limit is put on the reserve and the tax brings in more money, what happens to the funds? Councilman Short replied it goes to the pension fund. Councilman Alexander stated then periodically demands will be made upon Council to increase the fund based on a situation. Councilman Short replied that is right; if there ever was a valid case of what is called home rule, this is certainly it. To take an administrative detail like this to the state legislature which meets only once every two years is absurd.

Councilman Alexander stated Council should do some studying about where we are going from here so that we can have a little more understanding of what we are up against, and what this can lead to generally.

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Mr. Underhill stated the state law levies a tax on the premiums of fire insurance companies of a certain amount and it is paid into a fund for this use. That he does not see any limitations on the part of the state law authorizing Council to set reserve fund limits. There is also no mention of workmen's compensation in the state law.

Mr. Burkhalter stated workmen's compensation for firemen is \$56.00. The city's personnel policy is to supplement that with his regular pay for one year. According to Personnel this would come into play if a fireman was injured beyond the one year period.

Councilwoman Easterling asked if the motion is to enable Council to set the limit? Mayor Belk replied that is right. Mr. Burkhalter stated his suggestion is that it be within these perimeters of \$40,000 to \$100,000.

The vote was taken on the motion and carried unanimously.

PETITIONS FROM RESIDENTS OF UNIVERSITY PARK FOR BETTER BUS SERVICE REQUESTED SENT TO THE BUS COMPANY: DISCUSSION OF REROUTING BUSES AROUND SQUARE: AND CHANGE OF BUS STOP ON BEATTIES FORD ROAD AT JOHNSON C. SMITH UNIVERSITY ENTRANCE REQUESTED.

Councilman Alexander stated he has petitions from property owners in the University Park section who are complaining about the bus service, and demanding that they get better bus service through their community. He presented the petitions to the City Manager and requested him to send them to the Bus Company. The City Manager stated he will also send the request to the Mayor's Traffic Committee.

Councilman Alexander stated he would like for these petitions to be given to the bus company for consideration immediately, and not wait on a report from this Traffic Committee.

Councilman Jordan asked if anything has been decided about a central bus station? Have they given any consideration to the ideas he gave them a number of years ago about closing off three blocks of the Square one way and two blocks the other; and running the buses around? Councilman Whittington stated this Transportation Committee is doing what the Council asked them to do and that is to take the Wilbur Smith Report and all the other surveys and reports that have been made and tell Council how they can implement them. That it is his observation up to this point that there is very little in the Wilbur Smith Report that can be implemented. There is a good Committee working with the State and with Mr. Hoose and they are coming up with a plan to best utilize what transportation we now have which is buses; and he thinks Council will get something; but he would not be encouraged by what Wilbur Smith has given.

Councilman Alexander stated there is a no parking sign on the east side of Beatties Ford Road beginning at Five Points. At Five Points where the bus comes across, the bus parks right around the corner from Fifth Street at the Johnson C. Smith University gate. There is too much traffic coming around that corner for a big bus to park there. The bus will have to discontinue stopping in that area as it is too dangerous. He requested the City Manager to contact the bus company and request them to discontinue stopping at that corner. There is no bus stop designated but the bus stops there. There is a sign which says no parking.

CONTINUOUS REPORTS ON URBAN REDEVELOPMENT REQUESTED BY COUNCILMAN ALEXANDER.

Councilman Alexander stated a request was made for Council to get an indepth report from urban redevelopment on what Mr. Sawyer gave Council today, plus other matters concerning the position of urban redevelopment now regarding its suits, personnel problems and all those things over against the city taking over the urban redevelopment. That he would assume the kind of report Council received today is a part of that report, and there would be no

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duplication of the need for that again other than perhaps the completion of it. He asked if the report today was supposed to be in answer to that request? Mr. Burkhalter, City Manager, replied Council will receive more information from staff; they have been working on this ever since the Council approved this to be effective by May 1. He stated his staff met with all the redevelopment people on Friday. Councilman Alexander stated he is only concerned with Council's knowledge of what our problems are if this transition takes place; not that Council does not have the confidence in the staff to implement whatever is necessary through the changeover or whatever problems are growing. That Council needs to know what the problems are as it affects everything that is involved; our status legally as far as all these cases are concerned; employees and their positions. That Council needs to know all this.

Councilman Alexander stated he would like a continuation of that report to get these things before Council for its general knowledge.

DISCUSSION OF FEES PAID TO ATTORNEYS FROM LITIGATIONS.

Councilman Alexander stated he would like to hear a report on the amount of money that Mr. Hugh Casey, Attorney, has received from these cases that grow out of the city litigation, from our side; that he is not interested in what he gets from anyone else. The City Attorney replied if he is questioning the amount of money that has been paid to the plaintiff's attorney as a result of the litigation being brought, the city has not paid as attorneys' fees any amount.

Councilman Alexander stated this was brought to mind when he had an opportunity to sign some papers involving suits growing out of contract problems, and it was a sizable sum of money to be paid. When the city wins a case, he does not know whether the city or the plaintiffs have any court cost involved that reflects the city recouping any of its losses or not. In private cases when you bring the case and lose, it is a different action, and he does not know if it is the same in city cases or not. Mr. Underhill replied, normally the losing party must pay court costs. Under court costs you find such things as what it costs to subpoena witnesses, pay jurors, and pay the necessary filing and advertising fees. In some instances the law specifically permits the prevailing party to petition for award of attorneys fees. This is only in certain cases, and it is rather limited. The court determines, after reviewing the petition, how much, if any, will be paid by the losing party to the prevailing party in the way of attorneys' fees. Having the attorney's fee paid by the losing side is rather unusual, and is not the normal practice. Normally each side pays its own attorney's fee. In some instances, particularly in what he would call social interest litigation, the federal law specifically permits the awarding of attorney's fee. In our particular interest, he can say that the city, outside of one case involving the dismissal of an employee, has not had to pay attorney's fees. There are several cases pending in federal court where the attorneys have petitioned the courts to award them attorneys fees, but they have not been acted on yet.

Councilman Alexander stated this is another situation where because of court cases, that extended the time of consumation of contracts, the cost of that time and other things, added an increase in the contract price of the contractor. Mr. Underhill replied you normally handle those type of things when a person comes in and enjoins and stops a project; the normal procedure is to require the persons seeking that project to be stopped to post a bond to safeguard and to allow the person being stopped the right to recover against that bond when the litigation is over with. Normally, however, it is up to the trial judge hearing the matter to determine whether there is going to be a bond or not, and if there is going to be a bond to set the amount of the bond. Those matters are really within the descretion of the court. That he may be thinking of a very prominent area in which attorney's fees are allowed as a matter of right, which is in land condemnation suits brought by a redevelopment commission. The state law now requires, and this will be the

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case when the city takes over the redevelopment commission, that property acquired through the urban renewal process by condemnation, reasonable attorneys' fees are allowed in every case. That is not the case when the city acquires land through condemnation for street projects or water and sewer projects.

REAPPOINTMENT OF WILLIAM R. OLIVER TO THE PARK AND RECREATION COMMISSION.

Councilman Alexander placed in nomination the name of Mr. William R. Oliver for reappointment to the Park and Recreation Commission.

No other nominations were made.

Councilman Alexander moved the reappointment of Mr. William R. Oliver to the Park and Recreation Commission for a term of five years. The motion was seconded by Councilman Whittington, and carried unanimously.

REAPPOINTMENT OF JOHN HUNTER TO THE ZONING BOARD OF ADJUSTMENT.

Councilman Short placed in nomination the name of Mr. John Hunter for reappointment to the Zoning Board of Adjustment.

No other nominations were made.

Councilman Short moved the reappointment of Mr. John Hunter to the Zoning Board of Adjustment for a term of three years. The motion was seconded by Councilman Jordan, and carried unanimously.

REQUEST THAT MOBILE CITY HALL BE SCHEDULED FOR AREAS TO BE ANNEXED WITH PROPER PERSONNEL TO INFORM THE RESIDENTS OF THE AREAS ON SPECIFICS.

Councilman Short stated he was in Raleigh on Wednesday for the hearing on annexation. One thought that came from this discussion is there are a lot of people in the area to be annexed who do not know the specifics that relate to their properties. This point was emphasized by some of the members of our Delegation.

Councilman Short suggested that a schedule be arranged as soon as possible for the mobile city hall to go out into each of these areas to be annexed - in Derita, in Hickory Grove and in various areas in the southern area to be annexed, with proper personnel who can show anyone who comes in the approximate location of the fire stations, and where the parks will be; and by telephone hookup it would seem that we could give some individual the specific amount of the taxes on his property. Tell them how the city leash law works; tell them what days the trash is to be picked up and what days garbage will be picked up. There are many specifics that could be given to individuals in this way.

Councilman Short stated this would be good public relations, as well as a way to get across a tremendous amount of facts.

INFORMATION ON NATIONAL FLOOD PLAIN INSURANCE REQUESTED SENT OUT TO RESIDENTS WHEN THE CITY QUALIFIES FOR THIS PROGRAM.

Councilman Whittington stated all members of Council have received a communication from Mr. John Ingram, Commissioner of Insurance, about the availability of national flood insurance programs. He stated with the new flood control ordinance the city and the county have passed, it seems to him a real effort should be made to get this information to the people who are in the flood plains.

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He gave the information to the City Manager and asked him to have the Public Service and Information Officer to consider getting the information out in the water bills.

The City Manager stated there are a number of things that have to be done before we qualify for this program. That we have been working toward this ever since Council passed the flood control ordinances, and when it is available the information will be made known to the people.

CITY MANAGER REQUESTED TO REPLY TO MEMO CONCERNING REMOVING TREES AT SOUTH BOULEVARD AND SCALEYBARK AND REPLACING WITH WAREHOUSES.

Councilman Whittington stated he has a copy of a memo addressed to the City Council from Mrs. Campbell complaining about someone removing the trees at South Boulevard and Scaleybark and replacing them with warehouses. He requested that an answer be sent to her today, as this is not true.

DISCUSSION OF ENVIRONMENTAL IMPACT STATEMENT FOR CITY PROJECTS.

Councilman Whittington stated sometime ago he asked the staff to give Council their thoughts on an environmental impact ordinance as it relates to the City or a program about environmental impact and environmental control such as the State of Virginia has. He stated nothing has ever been done about this. Yet we are in a lot of law suits over environmental programs that we do or do not have as it relates to federal programs. Until Council gets something it can make a decision on, nothing can be done about it.

He asked the City Manager to give Council something to make a decision on in this area. Mr. Burkhalter replied he has had one for six weeks; the only difficulty is that one of the most expensive things the State Highway Department is facing now is the preparation of environmental impact statements. We are unable to get work done by the Department because they are tied up with their people; they visited with the city staff several hours about this week before last. They are having to review these things by over 30 different agencies, and they have a preliminary review and they have a formal review. It is a tremendously expensive thing; and in many cases it is a perfectly useless waste of time.

Mr. Burkhalter stated in the city's case, staff is trying to develop something that will give Council a reasonable approach to this sort of thing only when those things that really particularly involve environment were concerned; they are having a lot of difficulty in coming up with some way to do this. They have had recommendations that COG would review this for the City; they have had recommendations from private concerns; they had a recommendation from a local organization the other day to pass an ordinance to make COG the reviewing council for the impact statements; this is the last thing Council wants. Anything that is prepared will be solely for Council's review.

Councilman Whittington asked if the City had such a program and was bogged down with the Feds, would it not be a way to expedite a program, or a road construction? Mr. Burkhalter replied he does not think it would have anything to do with it; the only thing it would do would formalize what has always been done. The City has never done anything that has not been debated by Council.

Mr. Burkhalter stated he would like to come up with something with Council that will not only convince Council, but will convince everyone concerned that some thought has been given to whether or not this project will have any effect on the environment; and if it does, the Council will consider the effect and will take action on that basis.

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COUNCILMEMBERS REQUESTED TO STUDY RECOMMENDATIONS ON COUNCIL MEETING PROCEDURES AND ADVISE CITY MANAGER OF ANY CHANGES.

Councilman Withrow stated the City Manager has sent Council recommendations on procedures to be followed in council meetings. He stated he would like for each member of Council to study these recommendations, and send any changes they would recommend to the City Manager, and have this brought back to Council as an agenda item in about one month.

Councilman Withrow stated he thinks it is only fair that the public know how they can get on the agenda; also it is only fair that each member of Council know what the other councilmembers plan to bring to Council at the end of the meetings.

Councilwoman Easterling stated she is in complete agreement with setting up some definite rules to be followed. Perhaps there will be some time limits set up for discussions; or a rule the Council will not vote on matters brought up extra until the next meeting.

Mr. Tom Sykes stated he thinks the citizens should not have to wait until five or six o'clock to be heard. He would hope the Mayor would find time a little earlier in the meeting especially for those housewives who have to be at home with their children.

Mayor Belk stated in the proposed procedures anyone who wants to speak to Council will notify the Clerk by 12:00 noon so that time can be allotted to them. But if someone just comes in and wants to speak, or just interrupt the meeting, you will never finish. You have to try to allot some time to these people.

CITY MANAGER REQUESTED TO HAVE INTERSECTION OF TRADE STREET AND TUCKASEEGEE ROAD CHECKED, AND MR. HOOSE REQUESTED TO MEET WITH TOM SYKES AND GET SOME OF HIS RECOMMENDATIONS ON THIS INTERSECTION.

Councilman Withrow stated during the revamping of the Tuckaseegee Road-Trade Street intersection, a fire truck could not get around this intersection from the station and had to go four, five or more blocks because it could not make the turn.

He stated about four days ago before the work was started he talked with Mr. Tom Sykes and asked Mr. Hoose's chief engineer to call Mr. Sykes and go out and talk to him. That he did not go out and talk to Mr. Sykes and let him give some ideas. Councilman Withrow stated there are people who live in certain areas that probably could have an input and should be listened to a little.

Mr. Sykes stated if you place yourself on Trade Street going west into Tuckaseegee Road, the only access off I-77 to Tuckaseegee Road at West Fourth Street is the stretch of Tuckaseegee that has been closed up today. You cannot get through to go to Tuckaseegee Road today. Trucks will be using those channels off I-77 going down I-77 and straight out Tuckaseegee Road. He stated there are big trailers coming in there to the storage warehouses; the fire station is located out there and the trucks cannot make the turn. He stated Tuckaseegee Road is blocked today entirely and completely going west; there is no way to get off Trade Street and get onto Tuckaseegee Road; there is no way a fire truck can get through there today.

After further discussion, Mayor Belk requested the City Manager to have this intersection checked. Councilman Withrow requested that Mr. Hoose go back out there and meet with Mr. Sykes; that he thinks Mr. Sykes has some good ideas.

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CITY ATTORNEY REQUESTED TO FURNISH COUNCILMEMBERS WITH COPY OF GREENSBORO BILL ON USE OF REVENUE SHARING FUNDS FOR FEDERAL PROGRAMS.

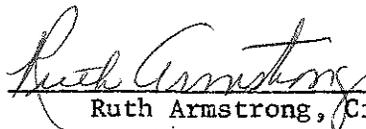
Mayor Belk stated with all these things now on revenue sharing, he asked the North Carolina League of Municipalities to bring up a bill on these programs. He had hopes we could get a bill at large, but this bill was not pushed as an at-large bill. So it looks as if it will have to be a local bill. Greensboro is going to put through a local bill on it. Personally, he thinks the bill should be for the whole state, so that local governments will have a hand in making the choice on which of these federal programs it wants.

He would like for the City of Charlotte to have the privilege of making its own choice. An example is OEO. It looks as though that whole program will be thrown out, and some of their programs could be used at the city's choice. When this finally comes out, maybe next summer, he thinks our hands will be tied if we do not have a local bill in order to get the choice back to the city council.

Mayor Belk requested the City Attorney to give each member of Council a copy of the Greensboro bill, and then it can be brought back if Council sees the wisdom in it.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk