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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 24, 1975, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman James B. Whittington.

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INVOCATION.

The invocation was given by Councilman Joe Withrow.

APPROVAL OF THE MINUTES.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, the minutes of the Council Meetings on Monday, March 10, 1975, and Monday, March 17, 1975, were approved, with the following correction in the Minutes of March 10:

Page 284, first line, change the word "informal" to "regular."

MAYOR PRO TEM WHITTINGTON ATTENDING MEETING IN CHICAGO.

Mayor Belk stated that Mayor pro tem Whittington will not be present today as he is attending a meeting of the Little League in Chicago today.

EMPLOYEE PLAQUE PRESENTED.

Mayor Belk recognized the following City Employees and presented each with the City of Charlotte Employee Plaques:

1. Wade Arthur Carpenter, Equipment Operator I with Traffic Engineering Department. Mr. Carpenter was employed November 6, 1957, and is retiring March 25, 1975.
2. James Samuel Choate, Treatment Plant Operator, Utilities Department. Mr. Choate was employed November 6, 1957, and is retiring March 25, 1975.

Mayor Belk and each member of Council expressed their appreciation to the two men for their services to the City, and wished them well in their retirement.

PRESENTATION ON PROGRESS BY CENTRALINA COG.

Mr. Edward Easton, III, Director of Program Development for COG, stated his purpose here today is to give a brief concept on what the Council of Government has been doing over the last year. There is a staff working very hard doing a number of things they consider to be meaningful, hopefully that City Council considers meaningful too. Also he would like to answer any specific questions they might have as to what they do on COG staff. Bascially he comes and makes these briefings to local governments, because they think what they are doing is important for all inhabitants of the region. This amounts to about 900,000 people, which is the sum total of the eight (8) counties including Mecklenburg.

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Centralina is organized with three (3) primary sections and two (2) attached sections. They have a physical planning section, a re-evaluation section and a human services delivery system, planning section. This is the result of the Governor's invitation of last summer, that they need regional organization for each one of the planning districts, organize a system to help the State allocate resources within those regions, to turn over some of the control of the number of programs to associated local governments. They also have attached to it a Criminal Justice Planning section and a Health Planning section. Over the last year the physical planning section, which he is in charge of, has just finished the basic inventory in the mapping of nine primary factors which influenced development within this region. This will result next year, as they start to use that inclination, and they get additional guidelines from the planners in Raleigh as to what they see what is to be the end classification for North Carolina, in guide for the region's development. This will be simply a guide, this will be recommendations of local government officials to their fellow governments, and will hopefully address one of the major problems and is one of the major reasons for the Council of Governments to exist, which is the interface between the county and the city, how they relate one to the other, they can contribute to each other or they can hurt each other.

Also one of the responsibilities of the planning section is the A-95 review. They make sure comments are received from local governments about the projects and in all cases try to see either through cooperation or lack of duplication they can make a project better and in some cases they know overlaps that other people don't know and identify those. Under contract they have had several planners out for the last three months, approximately, developing zoning ordinances for three towns in this region and another planner out writing a housing assistance plan for Community Development Block Grant Application, which is part of a package called local assistance which HUD requires they do.

Also they have just finished a study of the enforcement level within the region of the state mandatory building codes and the minimum housing code. In the first case they have a fairly high amount of enforcement of 95% of the population. And in the second case they don't have anywhere near the kind of minimum housing code level in the region that is reflected here in Mecklenburg County.

Their re-evaluation section is a unique program. Unique to them and to his knowledge, unique in the nation. Centralina is under contract to perform re-evaluation for Iredell and Union Counties. At this point the work is in progress. Using funds supplied from these counties, Centralina has developed and will maintain a permanent staff of appraisals which will be used throughout the region.

Also with Mecklenburg County, a regionwide computer re-evaluation program is being installed in all the eight (8) counties. Mecklenburg County already has it as several other counties. It is anticipated that Stanley County will be contracting with them soon for their re-evaluation. The point of this program is to maintain the property re-evaluation or system throughout the region, and will result for the local governments involved vastly more planning simply because the staff will be permanent.

The Human Services Delivery system, is the result of the Governor putting together a number of programs and asking the Lead regional organizations to help administer them. The State asked for 17 Lead regional Organizations to assist the state in allocating resources to the following programs: Assistance to the agent, Manpower, Family Planning. Under these programs, the lead regional organizations, using state funds, serves as a coordinating

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center, making local plans, services are performed for the exchange of ideas from people that are involved in these programs from the eight (8) counties, and with local officials, elected officials from the region, allocating to the local programs, the funds that Raleigh makes available to them. At this time the aging program is preparing an application and they are seeking Centralina's designation as both area-wide agency. This could be of great benefit to our local government, because it will allow our local governments to make more of the decisions in the programs and it changes the matching requirements from 25% to 75% to 90%.

The Manpower program for the City of Charlotte is not directly concerned, but Centralina serves as the central coordinator for eight other counties.

Their Family Planning role is similar. They serve as a central point where people can get together, establish what their needs are, see whether there is any duplication, and put a package together, and submit it to Raleigh.

Both Health and Criminal Justice Planning are Federally Mandated regional planning operations with policy boards composed of elected officials and appointed officials.

Councilwoman Locke stated that at their last meeting the weighted vote was defeated again and he did ask Jim Warren to do something about it, either by appointing a committee and coming up with a plan that they have. Bob Randall said he would be happy to give a great deal of consideration and a vote for a weighted vote if Mecklenburg and Charlotte only received 25% of the vote. He said that their plan was almost to that point. But she did ask Jim Warren to come up with some type of plan as quickly as possible and she hopes he will do that and she wanted to bring this to their attention and what Council's thoughts are on it.

Councilman Short stated the proposal made would have given a few extra votes to the larger government. Charlotte and Mecklenburg together would have wound up with 14 votes out of 61 because Pineville came in. So that he thinks you could say that Charlotte and Mecklenburg did not have 25% of the power, they had just 1 vote less than this, and this is why he thought they had Bob Randall's support, but he noticed he did not vote for it and he is very influential.

Mr. Burkhalter stated the problem with a compromise on less than one man one vote is you may talk yourself out of some position later in which one man one vote may be very important. He urged them to think about that carefully before they agree to anything less than the full representation.

The second thing is it will be very difficult now to prove that you have been very alighted. You couldn't get anywhere now by bringing up the issue. If it ever did occur, you will be in a better position if you had not agreed to less than full representation.

Councilman Short stated that this is a consideration, but he personally had the view that it would be better to try to placate the differing forces here than to try to go whole-hog.

Councilwoman Locke asked if there had ever been a court case in a one man one vote instance. The answer was twice. And in both cases the smaller towns capitulated.

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Councilman Harris stated he feels the same about this as he does about the City providing water bonds for the jurisdiction outside the City of Charlotte. This is like building water mains up in Cornelius or something. Vote he thinks is a factor too, of course. What benefit does the City of Charlotte get out of COG? All the things Mr. Easton mentioned, they were talking money, they fund money for administrative budgets. He thinks we are very benevolent in this feature. They are providing a lot of money, tax paid money for all these neighborhoods around here and that is very commendable, but what benefit do we really get, besides the office being here maybe?

Mr. Easton replied in terms of direct cash benefits, he would say very little. Over the long term he cannot answer that question yet. He doesn't know any entity that corresponds more truly with reality than a regional. A city is far more than just a city. It is the surrounding countryside. A region is the one place where some semblance of a whole, whereby Salisbury and the City of Charlotte have a relationship, one to the other. To the degree that the rest of the region is helping, so he believes Charlotte benefits, perhaps intangible, but he thinks that Charlotte does benefit.

Councilman Harris stated we have problems with consolidation in our own county. To him that is like sending money to Washington and getting it part back. And he thinks this is the concept we are doing here. He stated he sees a conduit here that has not been created by us, but by powers outside. We are being forced to participate, basically, and funded the majority of it. He asked what percentage were we funding now. The answer was a little less than half for Charlotte/Mecklenburg.

Mayor Belk stated he is just speaking for Charlotte, COG; but of course he thinks we have lead the work with the surrounding areas, or the region as we call it. He thinks that the important thing is that there ought to be the classification of certain things that will not interfere with the City of Charlotte in its operation, whether they are coming down from the federal government or not. For example they work with South Carolina on the lake. These things on a regional basis can be very beneficial to us. Also on the land use on where these highways are going to come in. For example you are talking about Iredell County. That I-77 coming in will be a great asset, not only to the river itself, but to join counties as well as the state in the lower part of the county. But I-77 will not be an important issue, with Iredell as well as Mecklenburg County as well as the City of Charlotte. These are the things that he think the regional council should have a lot of influence on and not worry about where we are going to put low income housing or whether Charlotte is going to do something of the functions of the City of Charlotte.

That should almost be rubber stamped, as far as what the City of Charlotte is doing. But these things that concern the regional, and he hopes that someday we in this region will come up with this idea in mind. He thinks they can be very beneficial to the City of Charlotte. And a lot of things and of course water will be one of them, drainage of things will be another, because the lower part where all of our creeks flow into the river would have a great influence on other parts of South Carolina where the river starts flowing, if we pollute that too much down below, because of conditions here. These are the things he would like to see where Charlotte could receive a lot of benefits. We are not receiving these kinds of benefits now. He hopes they will put more emphasis on this in the future, where it will be on a regional basis for the benefit of all.

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INTRODUCTION OF MISS CHARLOTTE-MECKLENBURG.

Mr. Mike Boyd, Assistant City Attorney, stated he is present today representing the Mecklenburg Jaycees. In October of last year, the Jaycees decided it was long past due for Charlotte-Mecklenburg to be represented in the Miss America competition, and to have preliminary of the Miss America contest in Charlotte again. It has not been held in this community since 1970. They went to work organizing the pageant, received some support from the business community and had a very successful pageant on March 2, proceeds which went to Cystic Fibrosis.

He stated they now have a winner for Miss Charlotte-Mecklenburg for 1975, and they are very proud of her and think there is a good chance to bring her back as Miss North Carolina.

He introduced Miss Ellen Gwen Patric, Miss Charlotte-Mecklenburg for 1975. Miss Patric stated she is very proud to be the Charlotte-Mecklenburg representative, and if there is anything she can do to help in any way she is ready and willing to do so.

BUDGET MODIFICATION FOR EMERGENCY PROGRAM AUTHORIZED.

Mr. Bob Person, Manpower Director, stated he would like to bring to the Mayor and Council's attention the fact that the City will receive an additional \$269,470 under the Emergency Job Program. He stated a budget modification will be necessary and must be in Atlanta by March 31, and with Council's permission they can do this. By permission he does not mean what they submit will be the final document. They need to amend the contract so the money can be appropriated and allocated. They will submit to Council a version of the jobs they have left. Some 15 agencies have already submitted proposals totaling approximately 84 to 85 positions they can fill, so they will be general in their submission, but they do need approval of Council as to whether or not they want to do this, and whether they think they have enough money already.

Councilman Short moved that this be placed on the agenda for consideration. The motion was seconded by Councilwoman Locke, and carried unanimously.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, approving the budget modification as requested by Mr. Person.

Councilman Harris stated in yesterday's paper there was a chart relating to the unemployed, and about 34 percent were young blacks, and various other percentages. Mr. Person stated the one in yesterday's paper was 37 percent, there were several prior to that and it said there were 41 percent of young blacks that we should be concerned about, especially during the summer. He stated they are modifying their proposal with this in mind, not only for blacks but for ^{when} all young people in Charlotte/Mecklenburg. Councilman Harris stated/when Mr. Person comes back to Council with the positions to be filled, he would like to see a breakdown such as that - categories as it relates to Mecklenburg County. That he thinks we should be reaching into these categories.

Mr. Person stated Congress initially did not appropriate all the \$2.5 billion available. Several weeks ago they appropriated the remaining amount of the \$2.5 billion, and under the formula used it indicated that Charlotte should receive an additional amount, and its portion was approximately \$270,000 additional.

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Mr. Person stated on of the things we should look forward to is considering appropriating the remaining amount of the projected \$5.0 billion, totaling \$1.6 billion which will again give us additional monies for emergency jobs. Also as a part of that appropriation, some \$413 million is supposed to be for summer youth experiences which they had indicated initially they would not fund.

STATUS REPORT ON THE 1973 STREET IMPROVEMENT BONDS.

Mr. Clark Readling, City Engineer, stated he is here to give a status of the 1973 Bond Project. Following the report that was passed out, he will start with the last one, take them in reverse, because the last project in the report, many of them are completed and he would like to start with them first.

1. The Sidewalk Construction Program is completed and has been for several months. They have spent almost \$1.0 million on sidewalks; this particular amount is \$150,000.00.
2. Pedestrian Signals - primarily in the downtown area. These are tied in with the central business district signal system, and they will not actually be 100 percent until that system is completed.
3. Central Business District Signal System. The date that Mr. Corbett has given is May 1 for completion of that.
4. Freeway Signal System. These are signals tied into ramps and ingress and egress to Freeways, both on this section and the proposed section. These are well along in design. Traffic Engineering is working with the State and Feds on these.
5. Caldwell Street Bridge is complete and has been for several months and is functioning.
6. Old Steele Creek Bridge is completed, it is a four lane bridge.
7. The Plaza, from Eastway Drive out to Plaza Extension and Milton Road. This is a State Highway Project. The funds in the '73 Bonds were matching funds of the City's portion, which is right of way and sidewalks. Status of the project itself is that the final public hearing has been filed and right of way acquisition is just about to commence. The State expects it will take at least a year to buy the right of way because there are over 100 parcels there. As a side line to that he would like to point out that this Milton Road Creek Bridge Council has been interested in before because it is narrow and a dangerous curve. The design of the replacement is complete and they have the funds in hand which Council approved in the Capital Improvement Program.
8. The Inner Loop Belt Road, from Park Road and Woodlawn over to Monroe Road. Funds in this project, of course this is a State Project, city funds in this are for sharing in the right of way and for sidewalks. The status of that is that the environmental state has been completed by the State, has been approved in Atlanta and is now in Washington. The state is optimistic in expecting approval of this very shortly. When it is approved, they can begin right of way acquisition. They had required quit a bit of right of way of this project when they stopped and will begin again where they left off.

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9. Independence Freeway - this is for the right of way. This is the item for the purchase of Urban Renewal Property in this area for the Freeway and this property has been purchased by the City and will be turned over to the State at such time/they are ready to go to contract. The Freeway itself was held up pending environmental state. The State has hired consultants to do this and they are under contract to complete this EIS by late August.
10. East Third Street which is completed and has been for a long time. Funds they had in the '73 Bonds for that are for Right of Way settlements for the City's share. This has not gone through the courts, when it goes we will pay our share.
11. Intersection Improvements - these are also not shown on the map he has. This was the TOPICS Program that they have heard a lot about, which has been completed and all the intersections that are funded with this money have been completed.
12. The Caldwell Brevard Connector is under contract, under construction at this time, ties in with the Caldwell street bridge and will set up a one way pair with Caldwell Brevard. This is about 10% completed and has^a contract with completion date of July 1.
13. Tyvola Road Extension is under construction over to South Boulevard and I-77 and has a completion date of October 1 of this year for that particular section from South Boulevard to I-77.
14. Oaklawn Avenue is another project that is under construction, from Beatties Ford to Statesville Avenue and is about 35 to 40% complete. It has a completion date of August 15 of this year.
15. Another item that was in this referendum was right of way protection. These funds are for any projects that are coming in the future. This is to protect the right of way at the time it comes available. And some of it has been used, but for the most part, it has not been used.

He stated that getting into the final seven (7) projects - these are the ones that are not yet under construction. They are for the most part of the major roads.

1. Sharon Amity Road - a section of Sharon Amity Road is under construction or is supposed to begin today. This should be open to traffic by late July. The second section is from Independence to Albemarle Road. They will be in shape right of way acquisition wise to let that in May. The third section is from Central over to Shamrock Drive, should be ready to let by July of this year. So they are in good shape in right of way acquisitions for Sharon Amity.
2. Randolph Road all the way out to Sardis. None of this is under construction at this time. They are trying to break it down into two parts and the breaking point may be Wendover Road. They expect to be ready by August to let it to Wendover and in January of '76 for the remainder.
3. Poplar Street - downtown, from Mint or Trade. Right of Way Acquisition is under way on this. They have improved their schedule on it and they should be ready to go to contract on this by September of this year and to complete it in about a year.

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4. Kings Drive Relocation - they are quite far along with right of way and should be ready to go to contract later this year in April or May.
5. Remount Road - West Boulevard to South Boulevard should be ready for contract in November of this year.
6. Tyvola Road Relocation - this is to the Sewage Treatment Plant into Park Road. They feel it will be ready to go to contract this April.
7. Trade-Fourth Connector - the plans are virtually complete, no right of way has been acquired at this time. They feel that they should be able to go to contract on it by June of '76, after they acquire right of way.

Councilman Short asked if that connector is one-way outbound? Mr. Readling replied it is two-way. It is really two streets, side by side. You go out on Fourth Street, it connects into Trade, and it is the reverse coming back. Fourth Street does not intersect with the Freeway, and that is the reason for this. As you get off I-77 you come in on Trade and immediately get on Fourth Street, that puts you on the Third-Fourth Street one-way pair.

Mr. Readling stated they have accelerated their programs on this beyond what was reported in April of 1973. One of the things that has allowed them to do it is the hiring of consultants. In right of way acquisitions, they tried something new. The City had never hired a consultant firm to acquire right of way. These projects he has just named have 778 parcels of right of way. A lot of these are coming in now. They have acquired 556 parcels which is over 70 percent. The hiring of these consultants have helped them do this.

Councilman Short asked why the Third Street settlement is held up in Court. That is nothing but paper work for settling a project already completed and operative. Mr. Underhill, City Attorney, replied that is a condemnation suit between the State Highway Commission and Thompson Orphanage. The City has nothing to do with that location.

Mr. Readling stated they have enough money to go to contract on some of these projects, but not enough to go to contract on all of the projects. Councilman Harris asked how much would be required for those that are ready to go to contract by July 1? Mr. Readling replied he does not have it broken down in that way. Mr. Burkhalter, City Manager stated in the priorities that have been set out, Tyvola Road Extension ranks low; but it is ready, and it can go right to work. That he will come back to Council with that and ask that this one be started. Otherwise they would like to put emphasis on these in the order in which they are ranked in the report. He stated the picture is brighter than the last one staff gave to Council, because of two things. The prices are better on the bids that have been taken; the inflation rate built into the last estimate has not held up; and the right of way acquisition.

Councilman Harris stated Sharon Amity, Kings Drive and Tyvola Road are the three projects that can be started before July 1. Mr. Readling replied that is correct if they move ahead as they are now moving. That is \$3.5 million. Mr. Burkhalter stated we only lack roughly \$4.0 million to be able to do all the projects. That part of Sharon Amity is being done now, starting today; they hope to come in with part of Randolph. With part of those two, we can do all the others. He stated he will be back to Council with a way to finance all these in the future he hopes.

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Councilman Short stated included in the written report is a comment that \$129,249.00 is no longer needed and can be used elsewhere. He asked if Staff is inviting Council to make a motion to apply that money to these projects? Mr. Burkhalter replied not now; that this is all given as information today. Councilman Short stated although the inflation money was left off the bond issue, he thinks it is the sense of Council to get these done. Mr. Burkhalter replied they will do them one way or the other as soon as they can.

CONSIDERATION OF WATER AND SEWER RATES DEFERRED FOR 30 DAYS.

Councilman Harris moved that Council postpone decision on water and sewer rates for 30 days. The motion was seconded by Councilman Short.

Councilman Williams stated in campaigning for the bonds, he receives questions about postponing this beyond the date of the bond referendum. His answer has been that a re-evaluation of the proposed increase has been requested by the Council. More specifically, there is some sentiment in favor of using revenue sharing money to contribute to the fund, specifically for helping to pay for the privately owned systems in the annexed areas. Because of this the whole series of rates will probably have to be restructured and recomputed. He stated he would like to offer an amendment to declare our intent to put \$1.0 million into the water and sewer department for this purpose from the General Revenue Sharing Funds. Mayor Belk stated that is the reason to postpone, to bring in new alternatives. This is important and he does not think we should rush into it. If you say now you will put \$1.0 million into the kitty you will be back to the same thing where some people misunderstood what they were trying to do on Sugar Creek and water pollution, and things like the creek. Councilman Williams replied he understands that; but the projected deficit is about \$3.0 million, and that deficit will have to come from somewhere.

Councilman Williams asked if it is Mr. Fennell's understanding that he is to re-evaluate and reassess the rates taking this \$1.0 million proposition into account? Mr. Burkhalter, City Manager, replied neither he nor Mr. Fennell have given Council anything but rates that involve water users. If the policy is to be changed, Council will have to do that. If Council wants them to use anything other than water money, then Council will have to tell them that. That he has asked Mr. Fennell to work up the rates on three different basis. One, on the basis of what the CFC recommended. That was taking a problem we have had for a long time and trying to correct it overnight. That he sensed in the Council that they did not want to correct that problem all at one time. That he has asked Mr. Fennell to prepare about three ranges. Staff has been asked by individual Councilmembers what would happen if it was just 30 percent across the board; that he understands some members of Council have this information. It is not official and he has not given it out to anyone.

Mr. Burkhalter stated if Council wants the rates figured on what would happen if we put in revenue sharing funds, or any other funds, he would like to call their attention to the fact that he has some problem with this, and he has asked that it be researched carefully. But if they do this, then Council should instruct them that whatever revenue sharing is put in is for a specific purpose, and not for reducing rates.

Councilman Williams stated as he understands it, there are four year notes out to cover the \$3.0 million worth of acquisitions. That is exactly what he is talking about applying revenue sharing to; that he is not talking about paying for chemicals and electricity, and things to make the pumps go.

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Councilman Harris stated what we are looking for is an instruction to Mr. Fennell and Mr. Burkhalter about Council's intent; not in the form of a mandate. That he thinks we should say put in \$1.0 million to be used for the capital expenditure of the purchase of these systems. That should be included when they think about the rates. Also he thinks they should not consider the use of ad valorem taxes for water rates. There is a lot of work to be done before Council comes up with a set rate.

Councilman Withrow stated this is talking about a one-shot deal. Councilman Williams stated he just wanted to make sure that is being considered by Mr. Fennell as one alternative. Councilman Withrow suggested that Mr. Fennell come to Council with a proposal using the \$1.0 million, without a motion, on a one shot deal.

Mr. Burkhalter stated they will come back to Council with some alternate rates, one of which will be what will happen if we put in \$1.0 million on a one shot basis from revenue sharing.

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

CHANGE IN ORDER OF AGENDA APPROVED.

Councilman Short moved that Council change the order of the agenda and consider Item No. 9 on the agenda after Item 6(a). The motion was seconded by Councilwoman Locke, and carried unanimously.

ORDINANCE NO. 563-X AMENDING THE MODEL CITIES BUDGET ORDINANCE NO. 438-X, ESTABLISHING AN APPROPRIATION FOR THE COMMUNITY ASSISTANCE CENTER AND REVISING OTHER PROJECT APPROPRIATIONS, ADOPTED.

Council Short moved adoption of the subject ordinance transferring \$50,000 from Model Cities Activities to be used for the Community Assistance Center. The motion was seconded by Councilwoman Locke.

Councilman Harris stated there was an article in the paper regarding the difficulty in raising matching money. He asked if this is a problem, or will they come back to Council and ask for additional funds? Councilman Withrow replied no; the program will not last as long. The Churches have not raised the \$50,000 they had pledged, and it is a possibility the program will run out of money this week. If so, they will stop operation.

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

The ordinance is recorded in full in Ordinance Book 21, at Page 493.

CONTRACT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND THE UNITED COMMUNITY SERVICES FOR THE OPERATION OF THE CHARLOTTE-MECKLENBURG ASSISTANCE CENTER, AUTHORIZED.

Councilman Gantt moved approval of the subject contract in the amount of \$50,000 for temporary assistance center established for the purpose of providing basic life support assistance to Mecklenburg County families with no members employed and formerly self-supporting individuals who have no source of income. The motion was seconded by Councilman Harris, and carried unanimously.

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ORDINANCE NO. 564-X TRANSFERRING FUNDS FROM THE 1972 WATER BOND FUND TO PROVIDE AN APPROPRIATION FOR TWO UTILITY CAPITAL IMPROVEMENTS PROJECT.

Councilman Short moved adoption of subject ordinance transferring funds, in the amount of \$225,000.00, which motion was seconded by Councilwoman Locke and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 494.

ORDINANCE NO. 565-X TRANSFERRING FUNDS FROM THE 1972 SANITARY SEWER BOND FUND TO PROVIDE AN APPROPRIATION FOR UTILITY CAPITAL IMPROVEMENT PROJECT.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted transferring funds, in the amount of \$400,000.00, to provide an appropriation for Utility Capital Improvement Project.

The ordinance is recorded in full in Ordinance Book 21, at Page 495.

ORDINANCE NO. 566-X TRANSFERRING FUNDS FROM THE 1969 URBAN RENEWAL BOND FUND TO PROVIDE SUPPLEMENTAL APPROPRIATION FOR THE DOWNTOWN URBAN RENEWAL PROJECT.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the subject ordinance transferring funds in the amount of \$5,475.00, from the 1969 Urban Renewal Bond Fund to provide supplemental appropriation for the Downtown Urban Renewal Project.

The ordinance is recorded in full in Ordinance Book 21, at Page 496.

RESOLUTION APPROVING AND PROVIDING FOR THE EXECUTION OF A SECOND AMENDATORY CONTRACT AMENDING GRANT CONTRACT FOR THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Councilman Harris moved adoption of subject resolution approving and providing for the execution of a Second Amendatory Contract amending Grant Contract, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 377.

RESOLUTION AUTHORIZING THE REFUND OF TAXES COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the subject resolutions were adopted authorizing the refund of taxes collected through clerical error and illegal levy, in the amount of \$3,504.66, which were collected from 29 tax accounts.

The resolutions are recorded in full in Resolutions Book 10, beginning at Page 378.

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CONTRACT BETWEEN CITY OF CHARLOTTE AND TILLINGHAST & COMPANY, INC. OF ATLANTA, GEORGE, APPROVED.

Councilman Harris moved approval of subject contract, not in excess of \$4,000, between the City of Charlotte and Tillinghast & Company, Inc., of Atlanta, Georgia for Charlotte Firemen's Retirement System Actuarial Valuation for 1975, as requested by the Board of Trustees of the Charlotte Firemen's Retirement System. The motion was seconded by Councilwoman Locke, and carried unanimously.

CONTRACTS FOR CONSTRUCTION OF WATER MAINS AND SANITARY SEWERS, APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contracts were approved for construction of water mains and sanitary sewers, as follows:

- (a) Contract with Tilco Developers, Inc. for construction of 1,540 feet of 6" and 2" water mains and one(1) fire hydrant, to serve Sherbrooke Subdivision, Section II, inside the city, at an estimated cost of \$9,220.00, with funds to be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (b) Contract with Seventy Seven Center, Inc. for construction of 2,594 linear feet of sanitary sewer to serve Seventy Seven Executive Center, Phase I, inside the city, at an estimated cost of \$53,980.00. The applicant is to construct the entire system at his own proper cost and expense and the City is to own, maintain and operate said system and retain all revenue.
- (c) Contract with Seventy Seven Center, Inc. for construction of 1,660 linear feet of sewer trunk to serve Seventy-Seven Executive Center, Phase I, inside the city, at an estimated cost of \$47,260.00. The applicant is to finance the entire project and refund is as per agreement. No funds are needed from the City.

ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION.

Motion was made by Councilman Withrow and seconded by Councilman Short to adopt the following ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code:

- (a) Ordinance No. 567-X ordering the demolition and removal of the dwelling at 108-10 S. Irwin Avenue.
- (b) Ordinance No. 568-X ordering the dwelling at 922 Ambassador Street to be vacated and closed.
- (c) Ordinance No. 569-X ordering the demolition and removal of the dwelling at 1029 Fairground Street.

Councilman Gantt stated several weeks ago he pointed out the situation existing on West Morehead Street in regard to the Building Inspection Department declaring units unfit for human habitation, particularly in the area where CDRS funds were to be designated for that purpose. There were about 90 houses in the area, and people were being moved because landlords decided the value of the property was not worth what it would take to fix it up. At that time his concern was what happens to the residents of these houses who have to find places to stay. We cannot offer them any relocation assistance other than some advise of other places they can go; we cannot offer them any funds. It seems that somewhere along the line we need to get the Building Inspection Department together with

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the CDRS people. That he wants to see the whole business stopped of one city agency that will go about improving these neighborhoods, and another city agency, in effect, putting people out. There should be some coordination between Building Inspection and CDRS, particularly in the areas that have been designated to receive revenue sharing money. If people are removed prior to the operation of the program; they are not eligible for relocation benefits. One of these houses today is located on Irwin Avenue. He asked the status of that particular family that will have to move out? It can appear to the citizens in those communities that what we are doing is condemning units to get rid of them, to not have to pay those relocation benefits. That he is not suggesting that anyone has that kind of devious mind, or is engaged in that. He is saying the perception may be that. Council was informed that the house is vacant; that the file does not show whether the house was vacant at the time the condemnation occurred.

Mr. Burkhalter, City Manager, stated someone brought this up during the CDRS hearings, and staff told Council they had had preliminary conversations and they would hold off evicting anyone from a house we planned to purchase later in this program. If we plan to purchase it, then we can pay relocation payments.

Councilman Gantt stated this is the kind of thing we should do. But that did not happen. Councilman Short stated he understood and heeded the remarks; it is a problem we have had for years. But he took it to be that the houses would not be left below code standards while urban renewal was pending. But this is not a code standard matter today; they are unfit for human habitation. That goes way below. Councilman Gantt stated if the houses are vacant, that is one thing. That he does not want to get involved in the technical difference of what is unfit, and what is not up to code. The only thing he is dealing with is that we have a program that starts on July 1 that offers benefits to certain people in those areas. We have committed that we do not want to destroy these units; but yet we have people that were notified in the West Morehead Street area that they have to move by the 8th of April by landlords whose housing units were condemned.

Pictures of the houses were passed around for Council to view.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 497.

SETTLEMENT IN TWO CONDEMNATION SUITS, SOUTH MCDOWELL STREET PROJECT, AUTHORIZED.

Councilman Short moved approval of a settlement in two condemnations, South McDowell Street Project, City vs. Lila C. Mann, et al, and City vs. Davis Mann, et al, in the total amount of \$19,875.00, as recommended by the City Attorney and the Real Estate Department. The motion was seconded by Councilman Withrow, and carried unanimously.

CLAIM OF R. E. PARSONS FOR DAMAGE TO DRIVEWAY, AUTHORIZED PAID IN THE AMOUNT OF \$100.00.

Councilman Gantt moved that claim filed by R. E. Parson, 2921 Hanson Drive, for alleged damage to his driveway from tree roots, be settled in the amount of \$100.00, and that the Landscape Department trim the offending roots of the tree to alleviate future damage, as recommended by the City Attorney. The motion was seconded by Councilman Withrow.

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Councilman Short stated Mr. Parsons is a very serious cripple and cannot get around at all. He asked him to state that his telephoning has indicated that it would cost \$400.00 to repair that part of his driveway which was harmed by the roots.

The vote was taken on the motion and carried unanimously.

CLAIM OF GARY GLENN GROVES FOR PROPERTY DAMAGE, DENIED.

Councilwoman Locke moved that claim filed by Gary Glenn Groves for alleged property damage, in the amount of \$525.22 be denied as recommended by the City Attorney. The motion was seconded by Councilman Williams, and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Councilman Withrow moved approval of the following streets to be taken over by the City for continuous maintenance, which motion was seconded by Councilman Harris, and carried unanimously:

- (a) Wandering Way Drive from Lost Tree Lane to 528.08' east.
- (b) Executive Center Drive, from Albemarle Road to Farm Pond Lane.
- (c) Farm Pond Lane, from 362' south of Executive Center Drive to 1,154' north of Executive Center Drive.
- (d) Johnston Road, from 2,190' east of North Graham Street to 2,545' west.
- (e) Timberbrook Drive, from Tuckaseegee Road to 200' south.

ENCROACHMENT AGREEMENTS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Harris, and unanimously carried, the following Encroachment Agreements were authorized:

- (a) Encroachment Agreement with the North Carolina Department of Transportation for the construction of a sanitary sewer line crossing two state-maintained roads, NC 27 and SR 1606, for the Long Creek Out-fall Project.
- (b) Encroachment Agreement with the North Carolina Department of Transportation permitting the City of Charlotte to construct an 8-inch sanitary sewer line within the right of way of Freedom Drive and Tuckaseegee Road.
- (c) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8-inch Cast Iron Water Main within the right of way of Sam Neely Road and Steele Creek Road to serve Sam Neely Road at Steele Creek Road.
- (d) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 12-inch C.I. water main in Albemarle Road and an 8-inch C.I. water main in Dwightware Boulevard.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-79.

After explanation by Mr. Sawyer, Director of Urban Redevelopment, motion was made by Councilman Withrow, seconded by Councilman Harris, and unanimously carried, adopting the subject resolution authorizing condemnation of the thirteen (13) parcels of property in the First Ward Urban Renewal Project No. N. C. R-79.

The resolution is recorded in Resolutions Book 10, at Page 380.

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

Councilman Withrow moved approval of the acquisition of the following twenty-six (26) parcels of real property located in the First Ward Urban Renewal Project, which motion was seconded by Councilwoman Locke, and carried unanimously:

BLOCK & PARCEL	OWNER & ADDRESS	ACQ. PRICE
6-7	Margaret F. Platz 500 N. Brevard St.	\$11,000
17-6	Samuel Arthur Beaty 928 N. Caldwell St.	10,000
17-9	Houston Grading & Wrecking Co. 916 N. Caldwell St.	4,700
17-11	Robert A. Isenhour 912 N. Caldwell St.	10,500
17-12	Home Realty & Manage Co. 910 N. Caldwell St.	6,400
17-14	Furr Realty Co. 900-02-04 N. Caldwell St.	16,750
17-15	James Edgar 513-15 E. 12th St.	5,800
17-25	Furr Realty Co. 937-39 N. Davidson St.	11,000
19A-4	Carl Schneider & C. N. Willmann, Jr. 933-35 N. Myers St.	4,000
30-5	Preston Blakeney 215 N. Myers St.	18,500
30-8	Bill Blakeney 225 N. Myers St.	21,250
31-3	James Lindsay 408 N. Alexander St.	3,300
31-6	Annie Orr Taylor 717 E. 7th St.	15,000
32-11	Susie Pharr Heirs 517 N. Myers St.	6,500
38-4	Harry C. Sherrill 512 N. Myers St.	8,600
38-13	A. D. Townsend 823 E. 8th St.	7,000
38-15	Annie Louise Richardson 831 E. 8th St.	7,250
39-3	Anna Douglas Heirs 416 N. Myers St.	4,000
*39-6	Joseph A. Carter 807 E. 7th St.	200
40-4	James A. Robinson 313 N. McDowell St.	12,400
40-7	Mrs. Joe Witherspoon 323 N. McDowell St.	10,000
40-10	Doris R. Lindeman 822 E. 7th St.	16,000
45-12	Alton L. Bland, Jr. 908 E. 5th St.	4,000
47-2	Dorothy Stinson 222 N. McDowell St.	26,500

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47-4	Ilean Washington Dargan 214 N. McDowell St.	25,000
49-4	William P. Allan 910-14 E. 6th St.	18,600

*Tenant-Real Fixtures.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO GEORGE GOODYEAR COMPANY, A NORTH CAROLINA CORPORATION; ARTHUR J. BAER, JR. TRUSTEE; THE NORTHWESTERN BANK; PORTER B. BYRUM, TRUSTEE; AND A. V. BLANKENSHIP, LOCATED AT 3718 SCHOOL HOUSE LANE (OFF CARMEL ROAD), IN THE CITY OF CHARLOTTE FOR THE ANNEXATION AREA I (1) SANITARY SEWER COLLECTOR MAINS ADDITIONS PROJECT.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to George Goodyear Company, a North Carolina Corporation; Arthur J. Baer, Jr., Trustee; The Northwestern Bank; Porter B. Byrum, Trustee; and A. V. Blankenship, located at 3718 School House Lane (off Carmel Road), in the City of Charlotte for the Annexation Area I (1) Sanitary Sewer Collector Mains Additions Project.

The resolution is recorded in full in Resolution Book 10, at Page 382.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR ANNEXED AREAS, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, authorizing the acquisition of eleven (11) parcels of sanitary sewer easements for the annexed areas, as follows:

- (a) Annexation Area I (4) Sanitary Sewer Additions
1 parcel
- (b) Annexation Area I (2) Sanitary Sewer Additions
8 parcels
- (c) Annexation Area III (6) Sanitary Sewer
2 parcels

PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Option on 49.94' x 195.45' x 47.98' x 195.53' of property at 1401 East 10th Street, from Wachovia Bank & Trust Company, N. A. Trustee under matured insurance trust of 6-17-60 with S. H. Duncan, at \$15,000.00 for Expansion of the Motor Transport Facility Project.
- (b) Right of Way Agreement on 13.56' x 6.00' x 12.01' of property, plus a construction easement, at the corner of Randolph Road and Orange Street, from E. C. Griffith Company, at \$150.00, for Randolph Road Widening Project.
- (c) Right of way Agreement 6.00' x 13.58' x 12.00' of property, plus a construction easement, at corner of Randolph Road and Orange Street, from E. C. Griffith Company, at \$150.00, for Randolph Road Widening Project.

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- (d) Right of Way Agreement on 3.22' x 370.95' x 2.00' x 370.00' of property, plus a construction easement, at 3535 Randolph Road, from Randolph Medical Park, at \$1,000.00, for the Randolph Road Widening project.
- (e) Right of Way Agreement on 2.00' x 154.56' x 3.84' x 151.28' of property on Randolph Road at Wendwood Lane, plus a construction easement, from Cozart-Cogdell Developers, Inc., at \$1,000.00, for the Randolph Road Widening Project.
- (f) Right of way Agreement on 11.05' x 17.37' x 20.06' of property, plus a construction easement, at 101 McAlway Road, (corner Randolph Road and McAlway Road), from Eli Grady Byrum, Jr. and wife, Elizabeth N., at \$500.00, for the Randolph Road Widening Project.
- (g) Right of way Agreement on 2.00' x 249.03' x 21.21' x 268.59' of property, plus a construction easement, at 4202 Randolph Road, from Jesse E. Oxendine and wife, Jewell H., at \$850.00, for the Randolph Road Widening Project.
- (h) Right of Way Agreement on 4.10' x 88.46' x 31.20' x 8.09' x 33.78' x 82.26' of property, plus a construction easement, at 4500 Gaynor Road, (corner Randolph Road and Gaynor Road), from Arthur A. Scott, Jr. (single), at \$1,000.00, for the Randolph Road Widening Project.
- (i) Right of Way Agreement on 100.00' x 3.79' x 100.04' x 3.37' of property, plus a construction easement, at 4611 Randolph Road, from Woodrow J. Fox and wife, Jane R. at \$500.00, for the Randolph Road Widening Project.
- (j) Right of Way Agreement on 3.37' x 95.05' x 37.35' x 5.24' x 33.86' x 97.77' of property, plus a construction easement, at 4619 Randolph Road, from H. Parks Helms and wife, Eleanor A., at \$1,000.00, for the Randolph Road Widening Project.
- (k) Right of Way Agreement on 0.16' x 99.73' x 1.37' x 99.92' of property, plus a construction easement, at 5017 Randolph Road, from Fred H. Holder, et ux, Estella H., at \$950.00, for the Randolph Road Widening Project.
- (l) Right of Way Agreement on 0.12' x 272.64' x 2.00' x 269.13' of property, plus a construction easement, at 3500 Randolph Road, from Nivens Investment Company, Inc., at \$788.00, for the Randolph Road Widening Project.
- (m) Right of Way Agreement on 2.01' x 124.95' x 2.01' x 124.95' of property, plus a construction easement, at 4600 Randolph Road, from John Webb Bost, et ux, Clara S., at \$225.00, for the Randolph Road Widening Project.
- (n) Right of Way Agreement on 2.01' x 124.80' x 2.01' x 124.78' of property, plus construction easement, at 4612 Randolph Road, from Cleo T. Gullick (widow), at \$225.00, for the Randolph Road Widening Project.
- (o) Right of Way Agreement on 2.01' x 200.00' x 2.01' x 200.00' of property, plus a construction easement, at 4899 Randolph Road, from Joe Harris Woody and wife, at \$350.00, for the Randolph Road Widening Project.

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- (p) Right of Way Agreement on 2.02' x 132.76' x 23.48' x 33.73' x 111.34' of property, plus a construction easement at 1100 Crestbrook Drive, (corner Randolph Road and Crestbrook Drive) from Shannon W. Davidson and wife, Carole G., at \$1,600.00, for the Randolph Road Widening Project.
- (q) Right of Way Agreement on 23.93' x 132.00' x 2.00' x 11.54' x 33.60' of property, plus a construction easement, at 5400 Randolph Road, from Edward Eugene Williams, at \$450.00, for the Randolph Road Widening Project.
- (r) Right of Way Agreement on 105.00' x 0.98' x 104.90' x 3.73' of property, at 5510 Sardis Road, from Rodger B. Kennedy, Jr. and wife, Susan H., at \$1,200.00, for the Randolph Road Widening Project.
- (s) Option on 6.00' x 319.73' x 26.00' x 31.60' x 299.82' of property, plus a construction easement, at 5612 Verndale Road, (corner Sharon Amity Road and Verndale Road), from Harold E. Huguley and wife, Roselle W., at \$1,536.00 for the Sharon Amity Road Widening Project - Section III.
- (t) Right of Way Agreement on 6.20' x 70.49' x 6.06' x 71.25' of property, plus a construction easement, at 4549 North Sharon Amity Road, from Sam Orr (single) at \$500.00, for the Sharon Amity Road Widening Project - Section III.
- (u) Right of Way Agreement on 6.06' x 70.66' x 6.00' x 71.39' of property, plus a construction easement, at 4551 North Sharon Amity Road, from Joseph McKee Orr and wife, Macie, at \$500.00, for the Sharon Amity Road Widening Project - Section III.
- (v) Right of Way on 6.00' x 86.26' x 6.00' x 86.26' of property, plus a construction easement, at 4601 North Sharon Amity Road, from Laura Orr (widow), and Doreatha O. Wallace (widow), at 4601 North Sharon Amity Road, at \$500.00, for Sharon Amity Road Widening Project - Section III.
- (w) Option on 23.18' x 87.51' x 6.66' x 86.32' of property, plus a construction easement, at 4821 North Sharon Amity Road, from Alonzo Orr and wife, Betty, at \$750.00, for Sharon Amity Road Widening Project - Section III.
- (x) Option on 144.25' x 134.78' x 10.62' x 126.89' x 156.19' of property, plus a construction easement, at 4823 North Sharon Amity Road, from Willie Amorite Orr and wife, Eunice Orr, at \$8,000.00, for Sharon Amity Road Widening - Section III.
- (y) Right of Way Agreement on 6.66' x 80.45' x 79.64' of property, plus a construction easement, at 4827 North Sharon Amity Road, from John R. Rhinehart and wife, Essie, at \$325.00, for Sharon Amity Road Widening Project - Section III.
- (z) Option on 126.89' x 68.78' x 81.92' of property, plus a construction easement, at 4827B North Sharon Amity Road, from Columbus Gillespie and wife, Pearl Orr, at \$750.00, for the Sharon Amity Road Widening Project - Section III.
- (aa) Option on 70.94' x 61.79' x 68.78' of property, plus a construction easement, at 4827B North Sharon Amity Road, from Columbus Gillespie and wife, Pearl Orr, at \$350.00, for the Sharon Amity Road Widening Project - Section III.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, the following special officer permits were issued for a period of one year:

- (a) Renewal of permit to Jack D. Austin for use on the premises of One Jefferson First Union Plaza & 308 S. Tryon Street.
- (b) Renewal of permit to William R. Belk for use on the premises of Jefferson First Union Plaza.
- (c) Issuance of permit to Richard S. Benzie, Jr. for use on the premises of K-Mart No. 4251, 4101 North Tryon Street.
- (d) Renewal of permit to Ellis Ray Black for use on the premises of Charlotte Park & Recreation Commission.
- (e) Issuance of permit to Hoy Eugene Fisher for use on the premises of Park-N-Shop, 4744 South Boulevard.
- (f) Renewal of permit to Charles W. Freeman for use on the premises of J. B. Ivey and Company.
- (g) Renewal of permit to Andrew Knox for use on the premises of Johnson C. Smith University.
- (h) Renewal of permit to Mrs. Nellie L. Price for use on the premises of Belk Brothers Company.
- (i) Renewal of permit to Lee S. Reed for use on the premises of Jefferson First Union Plaza.
- (j) Renewal of permit to Norman Kent Robinson for use on the premises of Stroupe Security Patrol, Inc.

CONTRACT AWARDED GOIN EQUIPMENT SALES, INC. FOR THREE 3-WHEEL SCOOTERS FOR USE BY THE POLICE DEPARTMENT.

Councilman Short moved award of contract to the only bidder, Goin Equipment Sales, Inc., in the amount of \$9,147.00, on a unit price basis, for three 3-wheel scooters for use by the Police Department in checking up-town parking. The motion was seconded by Councilwoman Locke, and carried unanimously.

CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR CONDUCTOR CABLE FOR TRAFFIC CONTROL.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the low bidder, Mill Power Supply Company, in the amount of \$9,740.30, on a unit price basis, for furnishing 35,000 ft. of Conductor Cable for Traffic Control.

The following bids were received:

Mill-Power Supply Company	\$ 9,740.30
Bryant Supply Co., Inc.	9,999.00
Anthom, Inc.	10,711.37
Clifford of Vermont, Inc.	10,989.00
Graybar Electric Co., Inc.	11,758.66
USCO, Inc., Electric Supply Division	12,368.12
Westinghouse Electric Supply Co.	15,138.93

CONTRACT AWARDED ROSENBLATT & ASSOCIATES, INC. FOR TRAFFIC MODULES AND TWO FRAMES TO BE USED AS REPLACEMENTS FOR LOCAL CONTROLLER EQUIPMENT.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the only bidder, Rosenblatt & Associates, Inc., in the amount of \$8,746.00, on a unit price basis, for Traffic Modules and two frames to be used as replacements for local controller equipment.

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CONTRACT AWARDED ADVANCED METALS RESEARCH CORPORATION FOR SCANNING ELECTRON MICROSCOPE & ENERGY DISPERSIVE X-RAY ANALYSIS SYSTEM TO BE USED IN THE CRIME LAB.

Councilman Harris moved award of contract to the low bidder, Advanced Metals Research Corporation, in the amount of \$47,315.00, for Scanning Electron Microscope & Energy Dispersive X-Ray Analysis System to be used in the Crime Lab. The motion was seconded by Councilwoman Locke.

Dr. Gerdes, President of Scanatlanta Research Corporation, stated his company responded to a bid that was published on December 18. This bid was highly detailed, and quite specific. It asked for a number of components constituting the scanning electron microscope and X-ray analysis system for the Crime Laboratory. The ScanAtlanta responded to this bid at a price of \$47,795.00. A competitor came in with a bid \$480 below their price. However, it omitted five components, which are quite essential to the system, which he named.

He stated if his company had omitted these items, it would have lowered their price by at least \$4,000. That he does not think these \$4,000 items are a technicality; that it is an omission of a number of items that were specified. Dr. Gerdes stated they are ready to deliver the system exactly as specified; or if they feel funds are not available, it could go out to bid again, and they can submit a bid at an even lower price.

Councilman Gantt stated he understands the specifications were primarily written around Dr. Gerdes's company equipment. He asked if it would be possible for another company to produce a piece of equipment that does essentially the same thing these five systems referred to do, and not be handled in the same way? Dr. Gerdes replied it is not possible. Some of the items are rather unique.

Mr. Severs of the Crime Lab stated he thinks what the vendor is contending here is a minor point. That he will not attempt to go over technical points with Council of one instrument versus another other than to say that the City's Crimalist, Mr. Bryan Stimple, has gone to California and has used this particular instrument; took specimens and analyzed these specimens. He came back, after the bids were opened, and took similar specimens to the low bidder in Massachusetts, and found with the specimens he took there and to California, that the instrument used in Massachusetts was vastly superior in its overall performance to ScanAtlanta equipment. Therefore they would recommend that Council accept the bid of Advanced Metals Research Corp.

Councilwoman Locke asked if in the bid process, we could be sued because of the technical components mentioned? Mr. Underhill, City Attorney, replied it is possible anytime for the City to be sued regardless of which way they go. He recalls looking at the specifications, that in the general specifications for this piece of equipment supplied to all bidders, there was language to the effect that the type of equipment that was specified and identified as the ScanAtlanta equipment (and the brand name was used) or language to the effect or other equipment of like quality. There is a provision in the general instructions to bidders which is standard in all the general instructions to bidders that when we specify brand names it is used to denote quality of the equipment desired, rather than the specific item which would be manufactured by only one manufacturer. The law requires the Council to award the bids to the "lowest responsible bidder taking into consideration quality of performance and the time specified in the performances, and the proposals with performance of contract." That gives some leeway.

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Mr. Underhill stated he is satisfied from a legal standpoint that the award to the low bidder would be in order. That Council always reserves the right in any bids to reject.

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

The following bids were received:

Advanced Metals Research Corp.	\$ 47,315.00
Scanatlanta, Inc.	47,795.00
Jeol U.S.A., Inc.	72,410.00

CONTRACT AWARDED R.D.R., INCORPORATED FOR CONSTRUCTION OF MAIN SEWERS-ANNEXATION I (3) AND I (4).

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the low bidder, R.D.R., Incorporated, in the amount of \$485,829.22, on a unit price basis, for construction of main sewers - Annexation Area I (3) and I (4).

The following bids were received:

R.D.R., Incorporated	\$485,829.22
Dickerson, Incorporated	515,573.75
Sanders Brothers, Inc.	544,461.02
Gilbert Engineering Company	545,131.50
Thomas Structure Company	603,272.00
Boyle Utilities, Inc.	607,479.00
F. T. Williams Company	613,761.50
Spartan Construction Company	620,873.50
Propst Construction Company	665,270.30
Charles F. Smith & Sons	712,696.00
Ben B. Propst Contractor	791,013.50

CONTRACT AWARDED HICKORY SAND COMPANY FOR CONSTRUCTION OF ADDITIONAL TRUNK SEWERS ANNEXATION AREA II (7) - CONTRACT NO. 1.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, awarding contract to the low bidder, Hickory Sand Company, in the amount of \$259,353.03, on a unit price basis, for construction of additional trunk sewers - Annexation Area II (7) - Contract 1.

The following bids were received:

Hickory Sand Company	\$259,353.03
Sanders Brothers, Inc.	283,824.87
Thomas Structure Company	288,353.80
Dickerson, Inc.	306,952.70
C. O. Martin	312,212.50
Shutt Hartman Construction	314,404.45
Rand Construction Company	320,887.25
Breece & Burgess, Inc.	333,869.00
Boyle Utilities, Inc.	338,937.00
Propst Construction Company	351,690.44
Spartan Construction Company	368,146.70
Ben B. Propst Contractor	468,446.20
Gilbert Engineering Company	464,726.20

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COUNCIL GOES ON RECORD URGING THE SUPPORT OF STATE SENATE BILL 213 AND STATE HOUSE BILL 253, REQUIRING THE LISTING OF AUTOMOBILES FOR EXCISE TAX AT THE TIME STATE LICENSE PLATES ARE ACQUIRED.

Councilman Short stated last year the County was unable to get the tax on something like 27,000 automobiles, and the City about 22,000. The money involved was approximately between six and seven hundred thousand dollars for the county, and between five and six hundred thousand for the City.

The Bill now pending before the Joint Tax Structure Committee, which is called Committee Bill No. IV, would cure this situation by forcing someone to pay a state excise tax before he could get his license plate; that tax in full, except the cost for collecting it, would be remitted to the county in the case of the county provision and to the city in the case of the city provisions. The amount of the tax on a new automobile is just almost exactly what we are collecting now, which is about one percent. It seems like a great thing to him.

Councilman Short moved that Council urge the support of Senate Bill No. 213, and House Bill 253, and that this be sent to the State Senate and the State House, all members of our Delegation, and to the County Commission. The motion was seconded by Councilman Williams.

Mr. Underhill, City Attorney, stated this would be doing away with property tax on automobiles, and an excise tax will be put into effect, which the automobile owner must pay as pre-conditioned to obtaining a license.

Councilman Short stated this does nothing to help the City decal. That he thinks that would be an administrative impossibility; but he thinks is we can get half million dollars more than we have been getting out of the property tax, we could entertain some consideration of whether or not to abandon the decals entirely. They do not produce a great deal.

Mr. Underhill stated this bill would not go into effect until January 1, 1977. It will be, according to the Tax Collector, the most accurate list of city property owners who own automobiles that has ever been produced. The State will pass on the list once they collect the tax. That he thinks we will be able to cross check that against those persons who have paid for city \$1.00 decal, and determine those who have not paid that.

Councilman Harris stated presently there is a very informal system of record keeping in the purchase of a decal. You just give a name and an address; nothing about the vehicle. That he thinks there should be some additional record kept in the issuance of a city decal so you can pinpoint these things. Maybe this Bill will give us that record.

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

MOTION TO DEVELOP A LOCAL PLAN FOR THE USE OF LEAA FUNDS, AND SUBMIT IT TO THE GOVERNOR'S COMMITTEE ON LAW AND ORDER.

Councilman Short stated the Governor's Committee on Law and Order decides how LEAA funds will be distributed each year. This year they are required to provide a large sum of money for Charlotte and Greensboro - \$1,124,000. Under a federal pass-through formula these are the two cities in this State designated as high crime cities. We are getting much more than we ever have. Last year there were 20 high crime cities in North Carolina; this year there are just two.

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Councilman Short stated the proposal to help Charlotte and Greensboro is to make grants of \$339,000 plus available to Charlotte which is to be used by the police for fighting crime. The remainder of the assistance they propose for Charlotte comes in the form of in-kind contributions they propose to make to us. This is the part he thinks we should have been consulted on. One of the things they propose is to give us \$5,000 worth of law books. We have a Law Library, and he does not think this would come to grips with the crime problem. Also, it is just an on-going state program, that he does not know that we are getting any particular advantage out of this. He thinks the State provides this for all the Court rooms in the state. They also propose to provide us with \$52,000 plus worth of services in rehabilitating juvenile offenders. They point out in their material that if we took our share as one of the 100 counties, we would get about \$49,000. The only advantage we are getting out of this special money under the federal pass-through formula is about \$3,000 of additional money. Yet they treat the entire \$52,000 as a part of special high crime area money that is suppose to come to us.

Councilman Short stated had the city been consulted about this plan, and he thinks we should have been, we would have been conscious of some questions such as whether we really want these particular programs when we need a lot of other things here to fight crime with. There are a lot of other things we would have wanted to work into the plan if we had any input into it. That he thinks we would have asked why it is that we are having to take the major portion of our high crime money in the form of state services. We could have used the cash rather than their effort to provide these services for us. Why basically is all this tremendous amount of money, up around \$400,000 for Charlotte in these special services, none of it comes to grip with the things we need, such as more courtrooms, more investigators, more prosecutors, more Policemen, and soforth.

Mr. Dennis Whitaker, of the Piedmont Criminal Justice Planning Agency, stated his organization is the regional organization that handles LEAA funds; they handle the same eight counties that Centralina handles. They are a modular affiliate of COG, which means they have their own Board, and run their own show. COG is the lead regional organization; they are funded with the LEAA funds; they do get their assessment through the Council of Governments because it is easier to pay it that way. They deal in Grants; they were subsidized separately from COG before joining them.

Mr. Whitaker stated the Law Enforcement Assistance Administration requires that the Governor of each State control and disperse the funds that come into the State. Most states, including North Carolina, have a Governor's Committee (in North Carolina it is called the Governor's Committee on Law and Order). These gentlemen, made up of a cross-section of State Agency Heads, and Sheriffs and Chiefs of Police, and some elected officials, and judges, determine how these funds will be allocated. The 1975 plan for expenditure of LEAA funds was developed by the Governor's Committee. These people in turn tell the individual regions - there are 17 regions - how they can spend these funds. LEAA does require in the high crime areas that certain percentages of the money allocated for high crime go to certain categories. A certain percentage has to go to juvenile programs, and a certain percentage to court programs, and soforth. The problem here is as Mr. Short outlined. We are not really benefiting from these programs; we are just continuing and slightly expanding existing state programs; yet high crime money is suppose to be impact money. Ideally you would have a program where you would have public hearings, to find the problems areas. Then you would apply the funds accordingly. In Charlotte and Greensboro it comes out to \$680,524 in the career fields and services. In the high crime funds they are cloaking \$600,000 plus that we probably would have received anyway. Perhaps not this much in one year. If they had come here and called the judges, police departments and others together they would have received a number of ideas on how to allocate the funds.

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Councilman Harris asked what alternative we have? We either accept or reject. Mr. Whitaker replied at present the alternative is quite limited. When you are dealing with a Committee on state level, the alternative is to change the membership on the committee. At present, it is very low in elected officials. The problem seems to be that we are not getting enough local input. We have Tom Moore from this area who is a voting participant. That he hopes Mr. Gilchrist will be able to take his place. These people are reappointed July 1.

Councilman Short stated he does not feel that we should agree to a patronizing attitude on the part of the Feds and the State; that he does not think we should just sit here and say if this is what they are going to fling at us, this is what we will take. Everyone comes to Council and complains about everything, and every expenditure that is made. That by that token it is almost a necessity, if we are going to be good stewards of the public money to evaluate and get our staff to evaluate this plan, and do some innovative thinking and come up with some suggestions of things we really need as a high crime area. Then send it to them, or go and see them, and tell them this is what we want.

Councilman Harris stated Mr. Short is saying that we should develop our own plan, and submit it.

Councilman Short replied exactly and he moved accordingly. The motion was seconded by Councilwoman Locke.

Councilman Short stated they have set up the budget, and he is not complaining about the amount as we are getting far more than we have ever received; that he is complaining about the fact he does not see much crime fighting with what they propose to do, and they did not consult us.

Councilman Harris asked if the Committee could then say that is fine, and we will use the money elsewhere. Councilman Short replied no as under the federal formula they are required to place it with the high crime cities.

Councilman Gantt stated this is not asking for more money; it is just asking for the right to use it where it is needed.

Councilman Williams stated as of January, he was appointed as the City's representative to the Criminal Justice Planning Agency, locally. That he has talked to Mr. Whitaker about this. As a practical matter the problem is that the 26 member Governor's Committee, is dominated by people from small towns, rural areas, and state agencies and not the locally elected people. Our one representative from the whole county has been the District Attorney, and the new District Attorney probably will be the new appointment. He stated he thinks Council should lobby to get another member or two from this area on that Committee, and see if we can exercise some influence there to get the money channeled next year.

Councilman Short stated there is something like \$339,000 for police services. That we are talking about approximately \$400,000 for this county and this city for fighting crime in this city, and we should use it in a better way than what they have prescribed.

Councilman Harris stated we should get our plan together and go to it.

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

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CITY ATTORNEY TO DRAW BILL ON HOTEL/MOTEL TAX, ELIMINATING LEAGUE OF MUNICIPALITIES RESTRICTION, MAKING IT A CITY BILL.

An Act to Amend G.S. 105 authorizing North Carolina Municipalities and Counties to adopt and enact a hotel/motel room tax was presented.

Mr. Underhill, City Attorney, stated if Council wants a bill that includes both the cities and counties, if there is a constitutional problem with the county levying the tax in unincorporated areas, the county bill provides that mechanism with these exceptions. That he would say you have a great deal of flexibility and it is a matter of policy and not of law, as to how you divide the funds. If you want to include both the cities and counties you can fall back to the approach of just authorizing cities to levy the tax. That gets into the argument he has heard if cities only levy the tax, then those city motels will be opposed to it because their competitors in the county will not be required to levy the same tax. How much weight you give to that, he does not know.

Councilman Harris stated he sees nothing wrong with the County bill except just increasing the rate to five percent for the city, and let them set their own rate. He thinks we should have a city bill, and if the county wants to put in a county bill that is their decision.

Councilman Gantt stated he thought the City Attorney was going to sit down with the County to see if we could come to a resolution on one bill to put to the Delegation. Councilman Harris stated he thinks Council needs to make a decision today relating to the City's particular problem, and get a bill in the hopper. At the same time, the County could understand what the City is doing, and if they want to come into the City's bill, or submit their own bill to the Delegation, they could do so. Money bills have to be put in right away; the city bill is up to five percent hotel/motel tax.

Councilman Short asked if the bill prepared by Mr. Underhill provides that the monies from city yield motels will go to the city, and the yield from county located bills will go to the county? Mr. Underhill replied first of all the county can enact the tax on a countywide basis if the county desires. It further provides that the city within that county could impose the tax; and if the city council imposes the tax, the county tax would have no effect within the corporate limits. It means that all the proceeds from the tax levied in the city goes to the city. Councilman Short stated essentially it is that the city motels would go to the city, and the county motels would go to the county if the city wants to set it up that way.

Councilman Short moved that Council adopt the Bill as prepared by Mr. Underhill. The motion did not receive a second.

Mr. Underhill stated he used the sales tax bill as a model for the bill he drew, and made some changes. Sales tax is a county-wide tax first, and it is imposed by the county commissioners. The proceeds are split on the basis of assessment. In this hotel/motel bill he has given the county the first opportunity to levy the tax up to five percent, and it can be done on a county-wide basis. Then the City can come in at any time and impose a tax on motels within the corporate limits. If the City takes that action, then the county tax is of no affect and does not apply within the city limits. The constitutional question is whether the county can levy a tax on less than a county-wide basis.

Councilman Harris moved that a Bill be drawn, eliminating the League of Municipalities' restrictions, which makes it a city bill. The motion was seconded by Councilman Withrow, and after further discussion, carried as follows:

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

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ORDINANCE NO. 570-X ORDERING THAT A LIEN BE PLACED ON THE VERSAILLES APARTMENTS PURSUANT TO SECTION 7.21 OF THE CHARTER OF THE CITY OF CHARLOTTE, SAID APARTMENTS BEING THE PROPERTY OF THE VERSAILLES APARTMENTS, INC., AT 2608 PARK ROAD, CHARLOTTE, N. C.

Councilman Withrow moved that Mr. Burkhalter, City Manager, work out the water /sewer payment with the Versailles Apartments, according to the plan presented by Mr. Corle, Attorney for the Apartments, and that the lien be placed on the Apartments. The motion was seconded by Councilwoman Locke, and carried unanimously.

Following is the proposal presented to Council:

1. That \$2,000 be paid this date towards the delinquent account.
2. That the balance of the delinquent bill be paid on or before 15 May, 1975.
3. That the current monthly billing be paid on a timely basis.

The ordinance is recorded in full in Ordinance Book 21, at Page 500.

Mr. Fennell, Finance Director, advised that normally water service is cut off within ten days as provided in the Charter. This account was not handled in that way. This covered about six months. That does not mean they have not paid; they have paid about \$3000; their bill runs about \$900 a month.

He stated in 1974 the uncollected items was only one half of one percent of the total amount of bills. This was an improvement of over 37 percent since 1970. The collection process is very, very exact. This one may have been an error in judgement on someone's part in trying to work in terms to not put them in bankruptcy.

Councilman Harris asked what consideration is given to a homeowner who does not pay his bill? Mr. Fennell replied the policy is to cut them off in ten days unless there is some hardship involved; and if they come in within a 30 day period. He is not saying they have not used some discretion.

Mr. Burkhalter, City Manager, stated this item is not asking that the water be cut off; it is only asking for the lien on the property.

COMPLAINT BY CITIZENS OF BREAK-INS IN CARS ON HIS UNATTENDED PARKING LOTS.

Mr. Troy Webb, stated he is with Allright Parking Lots, and they have 31 locations, some of them unattended. He then cited a number of incidents of break-ins of the cars on the lot; women being accosted; and parts being taken from the vehicles. He stated not a day goes by that some of the unattended lots do not have break-ins.

Mr. Webb stated if they have to place attendants on the lots, this will increase the price of the parking, and of course this falls on the people who do not want to pay the higher prices.

Mayor Belk requested the City Manager to call this to the attention of Chief Goodman. Mr. Burkhalter replied he will; but there is something that should be called to Council's attention. That is the police cannot be the guardians of the businesses of these people. It may be that Council might consider an ordinance that would not permit an unattended parking lot. When they have a deposit box for the lot, it invites people to come in and park and pay for the parking, it makes it difficult to police every parking lot. If they have many cars they may be forced to place a guard.

Mr. Burkhalter stated there are more police patrolling downtown today than we have had since he has been in Charlotte; there is more individual contact with people, and more visibility of the police downtown.

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REQUEST FOR UP DATE ON PARK AND RECREATION CAPITAL IMPROVEMENTS, AND THAT COUNCILMAN GANTT BE INVOLVED IN MEETING WITH NORTHWEST COMMUNITY ACTION GROUP WHEN INFORMATION IS GIVEN TO THEM.

Councilman Gantt stated at the last Council meeting, there was a request by Northwest Charlotte Association requesting a park. At that time he asked for an update on the park and recreation capital improvement programs. He asked if that report is ready? Mr. Burkhalter, City Manager, replied it is being prepared. Councilman Gantt stated the reason he points this out is that Mr. Campbell last week made a very specific request that we meet with them before April 1. He is wondering if it would be possible to get that report, and have a meeting with them. When staff meets with them, he would like to be involved in the meeting.

Councilman Gantt stated he is not clear what the park and recreation has in mind for that area, and that is the reason he asked for the report.

Councilman Withrow stated he talked to Mr. Diehl, Director of Parks and Recreation. There is a 112 acres park, which Council voted for, on Beatties Ford Road in the 6300 block. That he believes they will accept the bid this week to put the center on this 112 acres. That Mr. Diehl also told him in this vicinity there are more parks than any other place in the City of Charlotte. There is one at 2300 Senior Drive; one at Enderly Park; there is a community center at Dalton Village; also one at Boulevard Homes. Oaklawn Community Center is located on Oaklawn Avenue; Revolution Park is located out there with the golf course. That out of the thirteen community centers in the City of Charlotte, nine of them are on the west side.

Councilman Gantt stated he has the feeling these people were talking about something larger than just a community center; they are talking about a different kind of park.

Councilman Harris stated he was also concerned and he talked with Mr. McIntyre of the Planning office about the plan. That they are recommending to the Park and Recreation about getting together with West Charlotte on the idea of a park adjoining the school. That is also in the comprehensive plan.

Councilman Gantt stated when we say park, the question here may be a matter of communication with the group seeking the information. We say park, and we are talking about different kinds of parks. It may well be that we have a situation such as exists in West Charlotte where there is a park. But that is one kind of park; and there are different kinds of parks, depending on the level of activity of the people within it. That is why we need to get more statistics from this group as to what they are talking about, and be able to point to the parks that exist in that area. If they do not have the proper kind of equipment, find out why; and find out whether there is a need for the type of park he would project as being a community park, in between the 100 plus acres to be built on Beatties Ford Road, and the one or two acres they have in University Park now.

Mr. Burkhalter stated there has been nothing like this in the history of Charlotte that has happened in the last year and half. There have been more meetings with the public. Charlotte's New Dimensions Program, CDRS Program and the Comprehensive Plan. He does not believe that anyone can speak any better for the citizens in any area, than these three combined groups. They have gone into the community and have gotten the results better than anyone. He thinks Council will have a program that they can say really meets the needs of the people.

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NOMINATIONS TO VARIOUS BOARDS AND COMMISSIONS.

Councilwoman Locke placed in nomination the name of Billy A. Bridgewater for reappointment for a five year term to the Park and Recreation Commission.

Councilman Withrow placed in nomination the name of Mary Boyer to the Charlotte-Mecklenburg Historic Commission for the unexpired term of Mrs. Charles Crawford, resigned, whose term will expire July 16, 1977.

Councilman Short requested that the appointment of Mr. Bill Mulliss to the Housing Appeals Board be rescinded and placed in nomination the name of Mr. Bill Stalljohann, 1300 Queens Road, to fill the unexpired term which will expire April 4, 1978.

REQUESTS FOR NEXT AGENDA.

Councilman Short requested that the next agenda include a discussion of lights and signal system, aiming at inviting the Systems Development Corporation to come in at a later date.

Mr. Underhill, City Attorney, stated we are getting to the point now where we will have some pretty important matters within the next ten to fifteen days, and he would suggest that Council not do anything right now, as it is at a rather delicate stage.

Councilman Short stated if we do not mention these things in advance, we lose all opportunities to come to grips with them; that he has specific reasons why he almost feels forced into this kind of request. That he is going to let the request stand.

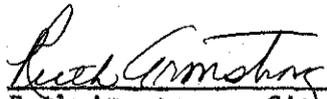
Councilman Short stated it would be a good idea to put on the agenda for some occasion, the request of Ted Law of the Better Business Bureau that we make it illegal by ordinance for someone to claim to be a member of the Chamber of Commerce.

Councilman Harris stated on the next agenda, he wants to consider the Partisan Elections, together with the Four-year motion, made by him earlier as a concurring item.

Councilman Harris stated in the matter of the rezoning of locations for the low-rent housing units, when they are heard he would like, before voting on the zoning, a total plan of (1) the expected total units of low income housing that the Housing Authority expects to build in the next year or two years; (2) services that will be provided to these facilities such as transit, and the estimated cost of those services; and (3) the plans they have for better maintenance of these units.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk