

May 2, 1977

Minute Book 65 - Page 216

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, May 2, 1977, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk, and Councilwoman Pat Locke.

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INVOCATION.

The invocation was given by Dr. Walter Long, Minister of Durham Memorial Baptist Church.

MINUTES OF APRIL 18, APRIL 25 AND SPECIAL HEARING ON ANNEXATION ON APRIL 26, 1977 APPROVED AS AMENDED ON APRIL 25.

Upon motion of Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried the minutes of the Council Meetings on Monday, April 18, Monday, April 25, and Tuesday, April 26, 1977 were approved as submitted with the following amendment to the minutes of April 25:

April 25 - Book 65 - Page 188 - last paragraph, second line change the words "Public Works and Engineering" to "Police"

PROCLAMATION DECLARING THE MONTH OF MAY AS U.S. SAVINGS BOND MONTH.

Mayor pro tem Whittington recognized Mr. Berton L. Amsberry, State Director of U. S. Savings Bonds, Division of Department of Treasury, and presented a proclamation declaring the month of May as U.S. Savings Bond Month.

After the reading of the proclamation by Councilman Withrow, Mr. Amsberry expressed his appreciation for the proclamation, stating there are about \$900 million being held in the State of North Carolina. That you can see by this the great impact savings bonds have on the economy of the State.

Mayor pro tem Whittington and the members of Council also recognized Mr. Louie Rogers, Jr.

RECOGNITION OF DELEGATION OF YOUNG BUSINESS MEN FROM INDIA PRESENT FROM ROTARY INTERNATIONAL ON GROUP STUDY EXCHANGE PROGRAM.

Mr. Jim Haney, President of the North Charlotte Rotary Club, and Reverend Joe Burnett were recognized. With them were four young Business Men from India who are being sponsored by Rotary International on a Group Study Exchange Program.

Mr. Haney introduced the young men stating that only four of the six were able to be present today.

Mayor pro tem Whittington stated a reception will be held by the Rotary Clubs to recognize these young men tonight.

ORDINANCE NO. 496-X DESIGNATING A STRUCTURE AND REAL PROPERTY KNOWN AS "LYNNWOOD" (DUKE MANSION), LOCATED AT 400 HERMITAGE ROAD IN CHARLOTTE, NORTH CAROLINA AS HISTORIC PROPERTY.

The public hearing was held on the request of the Charlotte-Mecklenburg Historic Properties Commission to designate a structure and real property known as "Lynnwood" at 400 Hermitage Road, in Charlotte, N. C., as historic property.

Present for the hearing were Dr. Morrill, Director of the Commission, and Commission members, Bluford, Boyer, Campbell, Davidson, Kinsey and Toy.

Dr. Morrill stated the Historic Properties Commission exists to recommend the designation of structures, buildings, sites, areas or objects as historic property. As part of that procedure there is the requirement for joint public hearings between the Historic Properties Commission and City Council.

He stated he has distributed a sheet which sets forth the vote of the Commission at the meeting on January 1977 at which the James B. Duke House - Lynnwood - sometimes known as White Oaks was approved by the Commission for recommendation to the City Council.

He stated it is beyond question that Mr. James Buchanan Duke was an individual who has been rather significant in the shaping of our lives. The Duke Endowment was put together in the house here in Charlotte, and it has had a major impact throughout the state, and more specifically upon the growth of Johnson C. Smith University.

Dr. Morrill stated Mr. Duke's significance is beyond Charlotte, beyond North Carolina and he is a nationally important figure. This is the only house which he owned at the time of his death in North Carolina. He bought it so he could spend a couple of months during the year enjoying some of the trees.

The North Carolina Division of Archives and History has reviewed the Commission's recommendation and endorses it. Third, the house and grounds represent one of the most elegant residences in Charlotte, North Carolina, and therefore possesses architectural significance.

Dr. Morrill stated the Commission is recommending that the house and grounds, consisting of 4.44 acres, be designated.

He referred to the automatic deferral of 50% of the ad valorem taxes on the property, and stated the potential deferrable is \$2,349.82. He stated the present party - White Oaks of Charlotte, Inc. - which leases the property from the Duke Endowment is endeavoring to put it to a use which will exempt it totally from ad valorem taxes, which means the tax deferrable would not be applicable.

He stated the owners, lessee, all interested parties have been notified and all are in support of the designation.

Councilman Williams asked if institutions such as the Duke Endowment generally pay ad valorem taxes? The City Attorney replied he believes they are eligible to an exemption from those taxes; that you have to file an application on an annual basis, and the tax collector has to satisfy that it is a bonafide organization. Dr. Morrill stated it also refers to the use of the property. The use the property is intended to be put to is educational, particularly related to those types of organizations that have benefited from the Duke Endowment. His judgment would be that it would clearly qualify.

Councilman Gantt asked the age of the house? Dr. Morrill replied the house was initially put up in 1915 by an official of the predecessor of the Duke Power Company. That Mr. Duke remodeled the house and substantially altered it in terms of size in the early 1920s. Councilman Gantt asked who the architect was? Mr. Toy replied Mr. C. C. Hooks started it off originally; and Dr. Morrill replied that Mr. Claybourn says that Mr. Hooks completed it.

Councilman Davis stated at some point Council should have the consent of the property owner before taking any action; that he is sure in this case there is no problem? Dr. Morrill replied he would be happy to ask for the written permission of property owners; but he cannot promise that he can always get that. That when he asks for a public hearing he will submit that with the information.

Mrs Caroline McMillan stated on behalf of all of those who have been working for the preservation of White Oaks she would like to thank Council for considering this. That she thinks the support of this community is already shown; it is an exciting venture, and they look forward to working further, and hope Council will consider it favorably.

Councilwoman Chafin moved adoption of the ordinance designating a structure and real property known as "Lynnwood", at 400 Hermitage Road in Charlotte, North Carolina, as historic property. The motion was seconded by Councilman Withrow.

Councilman Davis made a substitute motion to defer action until Council receives the written consent of the property owner. The motion did not receive a second.

The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Chafin, Withrow, Gantt and Williams.

NAYS: Councilman Davis.

The ordinance is recorded in full in Ordinance Book 24, at Page 85.

ORDINANCE NO. 497-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO ESTABLISH AN APPROPRIATION FOR THE INSTALLATION OF TRAFFIC SIGNAL AT THE INTERSECTION OF TYVOLA ROAD AND WEDGEWOOD DRIVE.

Councilman Williams moved adoption of the subject ordinance transferring \$8,500 for the installation of a traffic signal at the intersection of Tyvola Road and Wedgewood Drive. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 89.

Councilman Gantt asked if that is all a traffic signal costs? Mr. Corbett, Director of Traffic Engineering, replied that is all it costs for this location; it can run as high as \$30,000 depending upon the complexity of the intersection. This one is without computer controls; and it will be a computer within its own intersection. That \$30,000 is for a major intersection such as Independence Boulevard and Sharon Amity; something of that type where there are left turns from all directions.

MOTION TO TRANSFER FUNDS TO PAY LEGAL FEES CHALLENGING THE CONSTITUTIONALITY OF RECENT AMENDMENTS TO THE FEDERAL UNEMPLOYMENT COMPENSATION ACT FAILS FOR LACK OF FOUR AFFIRMATIVE VOTES; AND MOTION TO PLACE ON AGENDA FOR NEXT MEETING.

Councilman Williams moved adoption of an ordinance transferring \$7,500 within the General Fund to pay legal fees challenging the constitutionality of recent amendments to the Federal Unemployment Compensation Act, to get it on the floor. The motion was seconded by Councilman Davis.

Councilman Gantt stated he understands the discussion Mr. Underhill gave to Council last week; but there are a number of questions about us getting involved

in the legal suit that will allow us a temporary injunction to keep us from having to pay anything. But if we do not get the temporary injunction we are still liable. Mr. Underhill, City Attorney, replied that is correct.

Councilman Williams stated to him there seems to be two tracks to travel on. One is whether or not you want to contest the principle of the question of local sovereignty or federal sovereignty or the same as the fair labor standards act which was challenged and challenged successfully. To what extent over our federal system does the Congress in Washington have the constitutional prerogative to tell state and local governments what they can do. That is one track.

The second track is less philosophical, and less lofty, and more self interested, and that is what does it mean to us one way or the other. He does not think we are laying off so many people that our ex-employees have much of a need for that coverage. Also, he would like to know how much it might cost us if we had to buy into the program?

Mr. Underhill replied he cannot tell Council how many people are going to be laid off in this period of time. Because of the way the law will work a former city employee would not be eligible for benefits that would ultimately be paid by the city government unless that employee was laid off after July 1, 1978 because of the way the system works. One of the criterias is that you have to work six quarters in order to be eligible; four quarters of which have to be with the last immediate employer. That would mean an employee terminated by the city in February of next year after the law becomes effective would not be eligible for these benefits anyway because he has not worked for us four quarters after the effective coverage of the act.

Councilman Williams stated if the Public Works bill passes we could be employing more people on a temporary basis; and if they work four quarters and then are laid off, what happens? Mr. Underhill replied if he is asking if temporary employees are covered, his understanding is they would be.

Mayor pro tem Whittington asked if we would have some liability to the CETA employees if they work four quarters? Mr. Underhill replied yes; that benefits are being paid now under federal funds that are available.

Councilman Davis stated it seems incredible that we would hire people for six months in a one year program, and then have to pay them unemployment when the program runs out.

Mayor pro tem Whittington asked if the National League of Cities asked for this? Mr. Underhill replied he does not know if they have taken an official position on this; they have made all their members aware of it; they had people present at the meeting they had in Washington; he does not believe they have taken an official position at this time.

Mayor pro tem Whittington asked if staff can give Council the approximate number of people we might be talking about? Mr. Underhill replied he cannot; that they are really asking for a forecast of the number of people that might be laid off next year. Mr. Burkhalter replied he has not been able to get enough information together to put together any cost factors because we do not have an interpretation of the law. But we have from three to five hundred temporary employees every summer who work in parks and recreation, leaf collection and he does not know if the quarters are accumulated - if they work one quarter this year and one the next year? If not, then the only ones we would have would be about 500 CETA employees.

Mr. Burkhalter stated people are terminated for cause all the time; but as far as lay offs in nearly all programs that are done away with attritions take care of the problem.

Mayor pro tem Whittington asked the City Attorney if he did not recommend that Council do this last week? That he does not know why we are going over it again today when Council spent about an hour on it last week. Mr. Underhill replied he is not a great constitutional lawyer, but there are some people very well versed and skillful in the constitutional law who believe if the law suit is brought and if the facts are accumulated that there stands to be at least a good chance of having the act ultimately declared unconstitutional from the rationale of the National League of Cities case.

Councilman Gantt asked if it is declared unconstitutional will Congress be forced to go back to the old system; or at least leave municipal employees out of it? Mr. Underhill replied that or leave the matter of whether state and local government employees are covered as a matter to be dealt with by the States rather than by the Congress.

Councilman Gantt asked what would be the cost if, in fact, the Courts do decide that the law is constitutional; what would be the likely contributions the city then would have to make? Mr. Underhill replied right now the best estimates are that it could range as low as \$110,000 per year annual cost, up to as much as \$222,000 a year. That is based on the best information he can get right now from the Employment Security Commission the state agency charged with administering this program.

Councilman Davis asked if employees out on strike are eligible to collect unemployment? Mr. Underhill replied he does not know the answer to that; but he thinks they are not eligible. If they are out because of a strike situation he does not believe they are eligible to collect this; but he is not sure. He will look at it.

Councilman Davis asked if his recommendation today is the same as it was last week? Mr. Underhill replied his recommendation is that this potential litigation presents this Council an opportunity to do two things. One to participate in litigation that will have nationwide significance, and works along the same principle as the National League of Cities case, and that is to continue adopting a federalism degree where we can get the Congress attention that some matters are still more properly left at the State and Local level. Second, there is a possibility that by participating in this lawsuit, which would require \$7500 appropriation you may be saving as much as \$222,000 a year.

Councilman Gantt stated if you do not participate in the law suit that is the only real advantage. If they decide to declare the law unconstitutional then it is in fact unconstitutional for all cities whether you participated or not. The City Attorney's point last week that our participation now because it is not considered a class action..that it only protects those people who participate. The City Manager stated if they do not get enough cities there will be no law suit. Mr. Underhill stated that is not going to happen because they will have enough; they already have about 15 commitments from cities and states.

The vote was taken on the motion, and lost for the lack of four affirmative votes, as follows:

YEAS: Councilmembers Chafin, Williams and Withrow.
NAYS: Councilmembers Davis and Gantt.

After further comments, Councilman Gantt moved that the item be put back on the agenda for the next meeting. The motion was seconded by Councilman Davis, and carried unanimously.

CONTRACTS AWARDED FOR VARIOUS PRODUCTS AND PROJECTS.

(a) Motion was made by Councilman Gantt, and seconded by Councilwoman Chafin to award contract to the low bidder, The Dowd Press, Inc., in the amount of \$12,676, on a unit price basis for printing 4,500 copies of the 1995 Comprehensive Plan and 5,000 Maps.

Councilman Gantt asked why we need that many copies of the plan and maps? Mr. McIntyre, Planning Director, replied this is the first time we would have a final document approved by the Council and the Board of County Commissioners. They think they may need the 4500 copies based on their experiences with the preliminary copies; they had to have a reprinting on the preliminary plan. The expectation here that it will be the basic planning document probably for four to five years; they think it is better to have more than enough, rather than to run out. The more copies made, the cheaper the copies are.

Councilman Davis asked if there will be any charge for the copies to recover the cost of printing? Mr. McIntyre replied they have two intentions in that direction. One is to distribute the report to governmental agencies - particularly governmental agencies who really should have the document for their own use and guidance; also community service agencies. On the other hand they do not intend to just let everyone have a free copy. They do intend to make a nominal charge of probably \$1.00.

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

The following bids were received:

The Dowd Press, Inc.	\$12,676.00
Colorcraft Printing Company	19,478.00

(b) Motion was made by Councilman Davis, and seconded by Councilwoman Chafin to award contract to the only bidder, Blythe Industries, Inc., in the amount of \$96,500, on a unit price basis for 7,000 tons plant mix asphalt.

Councilman Williams asked if there is any reason why there is only one bidder on this item, and the next five items? Mr. Burkhalter, City Manager, replied they are done by areas; and it is in order to be convenient for us. Mr. Brown, Purchasing Director, stated all this asphalt is picked up by the City's equipment, and there is a hauling charge in there, and the City wants to get it from the nearest point. He stated there is a new bidder in these today and it takes care of the west side of town - Crowder Construction Company. There is a little difference in price between Rea, Crowder and Blythe; Blythe is a nickel a ton higher, with Rea and Crowder having the same unit price.

Mr. Brown stated under Items (h) and (i) there was an error under the recommendations; this is for cold mix asphalt, and two companies can furnish it. One is Rea and one is Blythe. They got a little mixed up on that recommendation, and they are now recommending that (h) Section VII be awarded to Rea Construction Company, at \$25,200. There was a deduct involved for picking up the asphalt and that changes the prices on each to \$25,200. Under (i) the recommendation is still to Blythe Industries, Inc., in the amount of \$25,200.

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

(c) Upon motion of Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, contract was awarded the only bidder, Rea Construction Company, in the amount of \$151,750, on a unit price basis for 11,000 tons plant mix asphalt.

(d) Motion was made by Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the only bidder, Rea Construction Company, in the amount of \$151,750, on a unit price basis for 11,000 tons plant mix asphalt.

(e) Councilwoman Chafin moved award of contract to the only bidder, Blythe Industries, Inc., in the amount of \$124,125, on a unit price basis for 9,000 tons plant mix asphalt. The motion was seconded by Councilman Withrow, and carried unanimously.

(f) Upon motion of Councilwoman Chafin, seconded by Councilman Davis, and unanimously carried, contract was awarded the only bidder, Rea Construction Company, in the amount of \$96,500, on a unit price basis for 7,000 tons plant mix asphalt.

(g) Motion was made by Councilman Williams to award contract to the only bidder, Crowder Asphalt Corporation, in the amount of \$89,875.00 on a unit price basis for 6,500 tons plant mix asphalt. The motion was seconded by Councilwoman Chafin, and carried unanimously.

(h) Councilman Davis moved award of contract to the low bidder, Rea Construction Company, in the amount of \$25,200, on a unit price basis for 1,600 tons cold mix asphalt, which motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Rea Construction Company	\$25,200.00
Blythe Industries, Inc.	25,200.00

(i) Councilwoman Chafin moved award of contract to the low bidder, Blythe Industries, Inc., in the amount of \$25,200, on a unit price basis for 1,600 tons cold mix asphalt. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Blythe Industries, Inc.	\$25,200.00
Rea Construction Co.	26,240.00

(j) Upon motion of Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Rea Construction Company, in the amount of \$759,931.92, on a unit price basis for 1977 spring resurfacing.

The following bids were received:

Rea Construction Company	\$759,931.92
Blythe Industries, Inc.	775,624.71
Crowder Asphalt Corporation	787,828.32
Dickerson, Incorporated	792,376.60

(k) Councilwoman Chafin moved award of contract to the low bidder, ITT Grinnell Corporation, in the amount of \$30,717.40, on a unit price basis for nickel copper alloy steel pipe for Utility Department. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

ITT Grinnell Corp.	\$30,717.40
Parnell-Martin Company	30,752.35
L. P. Foster Company	30,918.19
Atlas Supply Company	31,613.28

(1) Upon motion of Councilwoman Chafin, seconded by Councilman Williams, and unanimously carried, contract was awarded the low bidder, Potters Industries, Inc., in the amount of \$15,793.00, on a unit price basis for glass spheres for Traffic Engineering Department.

The following bids were received:

Potters Industries, Inc.	\$15,793.00
William, Armstrong Smith Co.	16,300.00
Cataphote Corporation	16,742.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF ALICE SLOAN GRIER HEIRS, 2616 NORFOLK AVENUE, AND JOHN SEEGERS, 2630 SOUTH TRYON STREET, IN THE SOUTHSIDE PARK COMMUNITY DEVELOPMENT TARGET AREA.

Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property of Alice Sloan Grier Heirs, 2616 Norfolk Avenue, and John Seegers, 2630 South Tryon Street, in the Southside Park Community Development Target Area.

The resolution is recorded in full in Resolutions Book 12, at Page 365.

AGENDA ITEMS NO. 13 AND NO. 14(a) REMOVED FROM CONSENT AGENDA TO BE CONSIDERED SEPARATELY, AND REMAINDER OF CONSENT AGENDA APPROVED.

Councilman Gantt requested that Agenda Item No. 13 and Item No. 14(a) be removed from the consent agenda to be considered separately.

Councilman Davis moved approval of Agenda Item No. 8 through 16 with the exception of Items No. 13 and 14(a). The motion was seconded by Councilman Withrow, and carried unanimously.

- (1) Resolutions providing for public hearings on Monday, May 23, 1977, at 2:30 p.m., on Petitions No. 77-13 through 77-15, for zoning changes and a hearing to consider amendments to the subdivision ordinance.

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 366 and ending at Page 367.

- (2) Agreement between the City of Charlotte and Belk Brothers Company for the management and maintenance of the pedestrian crosswalk over East Trade Street, between the Radisson Hotel and Belk Store, with no city funds involved.

- (3) Loan in the amount of \$55,000 approved to Motion, Inc., for the purchase, rehabilitation, renovation and restoration of a four-family residential structure located at 412-14 West 8th Street, in the Fourth Ward Urban Redevelopment Area.
- (4) Settlement in six city cases against R. H. Pressley and wife, in the amount of \$9,000, for Sharon Amity Road Widening Project, Parcels 10, 11, 12, 18, 19 and 20.
- (5) Streets accepted for continuous maintenance by the City:
 - (a) Covered Bridge Lane, from 210 feet west of Bellechasse Drive to 410 feet west of Bellechasse Drive.
 - (b) Boone Street, from Vinton Street to 260 feet north of Vinton Street.
- (6) Ordinances affecting housing declared unfit for human habitation:
 - (a) Ordinance No. 498-X ordering the unoccupied dwelling located at 845 Belmont Avenue to be demolished and removed.
 - (b) Ordinance No. 499-X ordering the unoccupied dwelling located at 3127 Ridge Avenue to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 90, and ending at Page 91.

- (7) Encroachment agreements:
 - (a) Agreement with North Carolina Department of Transportation for construction of sanitary sewer system within various state maintained roads in the Westbourne Subdivision.
 - (b) Agreement with North Carolina Department of Transportation for construction of an 8-inch and 2-inch water main in Highway 16.
- (8) Property transactions:
 - (a) Acquisition of 30' x 243.49' of easement at 12025 Statesville Road, from Stanley M. Steinberger & Stanley P. Greenspon, at \$300 for Torrence Creek Outfall, Phase II.
 - (b) Acquisition of 3,888 sq. ft. at 1118 S. Church Street, from Mrs. Odessa Dean, at \$16,500, for West Morehead Community Development Target Area.
 - (c) Acquisition of 375 sq. ft., at 317 Heflin Street, from Roberta Wallace and Anna Geneva Wallace, at \$600, for Grier Heights Community Development Target Area.
 - (d) Acquisition of 4,500 sq. ft., at 237 Victoria Avenue, from Charles T. Jackson, at \$10,250, for Third Ward Community Development Target Area.

CONTRACTS FOR SANITARY SEWER CONSTRUCTION, AUTHORIZED.

Councilman Gantt stated he requested that this item be separated as he had some problems when he read the costs of these sewer lines to these shopping centers. There seems to be some inconsistency, and he wonders about it. That we are providing 816 lineal feet of 8-inch sewer line for \$27,340 in West Park Mall, and providing 1,020 lineal feet of sewer main to North Park Mall for \$4,700, and then 313 lineal feet for about \$4,700 to the other.

Mr. Campbell, Assistant Director of Utility Department, stated it would be his surmise that whenever this is done in pavement the cost goes up to \$5 or \$10 a foot; there are other complexities that may be a part of this also that he is not aware of.

Councilman Gantt stated both items (a) and (b) are in the same vicinity, both on Tyvola Road? Mr. Campbell replied he feels certain in the case of the Executive Center they would be able to be out of the pavement, perhaps all the way; that for the West Park Mall as he recalls there are sidewalks on both sides.

Mr. Burkhalter, City Manager, stated this will be looked at again, but normally when the people pay for it themselves, it has been figured pretty carefully.

Councilman Gantt moved approval of the contracts, which motion was seconded by Councilman Davis, and carried unanimously.

- (a) Contract with Arlen Realty, Inc., for the construction of 816 l.f. of 8-inch sewer lines to serve West Park Mall on Tyvola Road, inside the city limits, at an estimated cost of \$27,340, with the applicant having deposited 10% of the estimated construction cost and will deposit the remaining 90% prior to construction by city forces, with refund to be made as per the agreement.
- (b) Contract with Seventy Seven Center, Inc., for the construction of 313 l.f. of 8-inch sewer lines to serve Seventy Seven Executive Center, Phase I-A, inside the city, at an estimated cost of \$4,700, with the applicant to construct the entire system, all at no cost to the city, and the city will own, maintain and operate and retain all revenue.
- (c) Contract with Arlen Realty, Inc., for the construction of 1,020 l.f. of 8-inch sewer main to serve North Park Mall, Phase II, on North Tryon Street at Eastway Drive, inside the city, at an estimated cost of \$4,700, with the applicant having deposited 10% of the estimated construction cost and will deposit the remaining 90% prior to construction by city forces, with refund to be made as per the agreement.

ORDINANCE NO. 500-X ORDERING THE OCCUPIED DWELLING LOCATED AT 605 NORTH PINE STREET, IN THE CDRS AREA TO BE VACATED AND CLOSED.

Councilman Gantt asked if the family living in the dwelling at 605 North Pine Street has been relocated? Mr. Jamison, Superintendent of Inspection, replied they have not as yet. They will be put into the pipe line for relocation after the decision of Council today.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, adopting Ordinance No. 500-X ordering the occupied dwelling located at 605 North Pine Street, in the CDRS Area to be vacated and close.

The ordinance is recorded in full in Ordinance Book 24, at Page 92.

COMMENTS BY COUNCILWOMAN CHAFIN ON THE AMAY JAMES NEIGHBORHOOD CENTER.

Councilwoman Chafin stated along with Harvey Gantt and Mayor Belk she had the opportunity to attend the opening of the Amay James Neighborhood Center and Recreation Center. She came away first of all sorry that the other members of Council could not attend the dedication; and second feeling this is probably one of the finest examples of what the Community Development Department is doing that she has seen. This is an example of what we are doing for people, not to people. After the opening the families of the West Boulevard area immediately were actively participating in these facilities, involving the play ground and the gym.

REQUEST THAT RE-NUMBERING OF DISTRICTS BE CONSIDERED BY COUNCIL AT ITS LAST MEETING IN MAY.

Councilwoman Chafin, stated for some time she has had a concern about the way in which our new districts are numbered; they are neither clockwise, or counter clockwise; they jump around all over the city map. She understands the reason for this is they numbered them according to income with District One being the lowest income, and District Seven being the most affluent.

She stated she does not like this, and before candidates begin to declare themselves as being a candidate from District One, Two or Three, she would like for Council to take a look at this. She would like for the City Attorney to tell Council how it might go about changing this; and perhaps at some point asking the Planning staff to comment on it. She would like to see it changed. She is not asking for a vote today, but she would like the Council to think about it, and would like for the City Attorney to assist in this. She stated she does not think this is a proper thing for the city to be identified with this kind of numerical system.

Councilman Davis stated he thought this is what she wanted to do to get similar socio-economic backgrounds and things like that. Councilwoman Chafin replied that is fine, but she thinks the numbering system should be logical. That a more logical system is clockwise or counter-clockwise. That she thinks there is a stigma attached to coming from a district that is clearly labeled as the poorest, or clearly labeled as the wealthiest.

Mayor pro tem Whittington asked if she wants to bring this up for the next meeting? Councilwoman Chafin replied she will not be here; that she will be here the last meeting in May.

Mayor pro tem Whittington stated without objection it will be put on the agenda for the last meeting in May.

COMMENTS AND SUGGESTION THAT CONSIDERATION BE GIVEN TO ENERGY POLICY FOR CITY.

Councilwoman Chafin stated she has thought for some time, particularly since February when she read the issue of the Nation Cities, the National League Magazine, which was devoted to energy in the cities, that the City of Charlotte should have an energy policy, particular with the emphasis in the Carter Administration, and an emphasis she anticipates seeing at the State level from the Hunt administration. This is not something she is asking Council to vote on today; but she would like for Council to be thinking about this, and staff thinking about coming back to Council with a recommendation at some future date which would include guidelines for city departments, short term objectives, and long term objectives.

She stated a City Energy Policy might include some of the following. A citizens committee to advise Council on a policy; a city energy coordinator, a new staff position to devote full time to this effort. The establishment in connection with the information service some sort of phone inquiry system to give citizens information on how they as individuals can conserve energy. Internally we might want to take a look at some of our policies regarding design of public buildings, particularly with respect to installation of heating systems, use of glass, and even at some future date solar energy. The use of city vehicles would be appropriate at some time, replacing our vehicles with smaller, more economical cars.

She stated there are some other things that are perhaps more controversial in terms of providing incentives through our property tax structure to citizens who make energy improvements.

Externally there are incentives that we can adopt that would influence the behavior of the private sector such as in the building codes. Perhaps on a long term basis establishing an energy bank in cooperation with the state government which would offer loans at favorable financial terms that would aid builders and residents in complying with the energy policies. She hopes at some point we will experiment with recycling of waste. Definitely we need to expand our public transit, and reduce the use of the private automobile. We might think in terms of demonstration programs - building some of our buildings with solar energy. Experiment with sodium vapor lighting, and this is something we are already doing. We will be using sodium vapor lighting on thoroughfares.

Councilwoman Chafin stated as far as public awareness and communication she suggests again the idea of the citizens committee; promotional programs through the media; campaigns; discussion with industrial leaders. Finally looking at all energy resources. Coal is one she thinks we will hear a great deal more about as well as solar.

She stated these are some of the things we might want to be thinking about incorporating in a comprehensive energy policy for the city. She would like to see us take a real leadership position on this.

Mayor pro tem Whittington stated she has brought up a point we are all concerned about. That he sees a lot of things going on at the City at night which he does not think is necessary. That he does not know if we can do anything about it; but this is a step in that direction.

COMMENTS ON MASSIVE DISLOCATION OF RESIDENTS FROM AREAS, AND SUGGESTIONS FOR USE OF CAPITAL FUNDS FROM COMMUNITY DEVELOPMENT IN OTHER WAYS.

Councilman Williams stated he regrets he was out of the City over the weekend and did not have the opportunity to attend the dedication of the Amay James Center. He stated he thinks the city got an awful lot for its money in that \$1.1 million project. A larger point he would like to make is in the way of planting a seed and hoping that something will germinate. For a long time he has been concerned about the emphasis on demolition and dislocation in our community development areas. Everytime you dislocate someone the law requires and you are morally obligated to relocate those people. That causes a lot of unhappiness apparently. Some of the people being relocated do not like the idea much, and some areas where you place scattered housing they are not enthusiastic about receiving the people.

He stated there are some very serious, deplorable situations where the city has the responsibility to do something about destroying the obviously sub-standard housing and replacing those people. There are other areas more borderline where we have been a little too aggressive in demolition and dislocation. Third Ward comes to mind right now as an example. He has had some feedback from people in the community, and people who attended some of these meetings that the desire was often expressed to have community centers like Amay James Center, or maybe something less elaborate, to build sidewalks, parks, improve streets and upgrade them, curb and gutter, street lights, tree planting and expend community development funds on those sort of capital projects which do not require any mass demolition and dislocation. You avoid some judicial problems that we have noticed too by not having to dislocate on a wholesale basis.

It is the idea of the government forcing people out and dislocating them some place else. You hear the term dislocation by reason of governmental action. He hopes that more emphasis will be placed on these capital projects that he has been describing and less emphasis on dislocation of these people, except in emergency situations. He does not say to quit all together. But he thinks maybe a reassessment is in order. This will continue to be with us years down the road if we keep dislocating people, and having to find some place to put them. We do not have all that vacant land for new housing if we dislocate them.

Councilman Williams stated if it comes up again, and he is here and in a position to vote, he is going to take a very careful look at any program which requires this kind of mass dislocation of people.

COMMENTS BY COUNCILMAN WITHROW ON NEED FOR HIGH RISE FOR ELDERLY ON WEST SIDE.

Councilman Withrow stated when he first came on Council, Council went on record saying they would not place any other low income housing west of Tryon Street. That has gotten to be an old thing now. Out on the west side of the City we need a high rise for the elderly. He does not know if the action taken by the earlier Council would preclude the building of such a high rise in this area.

Councilman Withrow stated because of that all the high rise for the elderly has been built in the eastern part of the city. He stated now we should re-assess our values and look towards the west to place one or two high rise apartments for the elderly. A lot of people call his asking why this cannot be done. He thinks this should be looked into.

Mayor pro tem Whittington asked if the City Manager can tell Council today how much money we can have to start some kind of housing in the next fiscal year; this would be after the court decision? Mr. Burkhalter, City Manager, replied that is probably the best answer he can give, after the court makes its decision.

COUNCILMEMBERS GANTT AND CHAFIN ADVISE THEY WILL NOT BE ABLE TO ATTEND THE DEDICATION OF THE BLUE HEAVEN PARK AND CHARLOTTETOWN TERRACE.

Councilman Gantt stated he would like to be present for the dedication of the Blue Heaven Park and Charlottetown Terrace, but he will be out of the city.

Councilwoman Chafin stated she will be out of the city also.

Mayor pro tem Whittington stated proper notice will be made of their absence.

FURTHER COMMENTS ON AMAY JAMES CENTER.

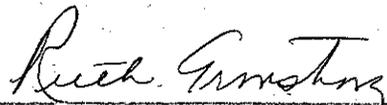
Mr. Burkhalter, City Manager, stated the Amay James Center is a combination unit. It furnishes all of the services. This was made possible by the cooperation with the Community Development programs. One of the things Council will be faced with if the amount of money received from community development continues to recede, our funds for the operation will have to be channeled to the county. At present there are four neighborhood centers; there are 18 park and recreation centers.

CARL HORN , PRESIDENT OF DUKE POWER COMPANY, COMMENDED FOR SELECTION AS OUTSTANDING UTILITY EXECUTIVE OF THE YEAR.

Earlier in the meeting, Councilman Davis stated he would like to call to the Council's attention and to the public's attention that Mr. Carl Horn , President of Duke Power, was recently honored as the Outstanding Utility Executive of the Year. He stated he thinks Council should take note of that because we have had lights and electricity in abundance, and during the recent crisis they were able to provide some of our neighbors with some of the power we had in excess. That apparently Mr. James B. Duke provided well with his well trained successors.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk