

May 6, 1974  
Minute Book 60 - Page 176

The City Council of the City of Charlotte, North Carolina, met in regular session convened on the 6th day of May, 1974, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

\* \* \* \* \*

INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last meeting, on April 29, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO ANN HUNTER MCKINNEY, PARKING METER CHECKER OF THE POLICE RECORDS DIVISION.

Mayor Belk recognized Mrs. Ann Hunter McKinney, Parking Meter Checker of the Police Records Division, and presented her with the City of Charlotte Employee Plaque for her services to the City from August 1, 1952 until her retirement on April 30, 1974. Mayor Belk thanked Mrs. McKinney and wished her well in her retirement.

ORDINANCE NO. 154-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF 84.889 ACRES OF LAND ON THE NORTHEAST SIDE OF RANDOLPH ROAD, AS PETITIONED BY MECKLENBURG COUNTY.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MF to O-15 of 84.889 acres of land on the northeast side of Randolph Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 21, at Page 5.

ORDINANCE NO. 155-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM R-9 TO I-1 ON APPROXIMATELY 30 ACRES OF LAND WEST OF OLD PINEVILLE ROAD, AS PETITIONED BY C & M REALTY, INC.

Councilman Whittington moved adoption of the subject ordinance amending the zoning map by changing the zoning from R-9 to I-1 of about 30 acres of land west of Old Pineville Road, north of Southland Industrial Park, as recommended by the Planning Commission. The motion was seconded by Councilman Harris, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 6.

May 6, 1974  
Minute Book 60 - Page 177

ORDINANCE NO. 156-Z AMENDING CHAPTER 23, OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY ALLOWING CONDITIONAL APPROVAL FOR OUTDOOR COMMERCIAL AMUSEMENT ON PROPERTY NOW ZONED B-2, AS PETITIONED BY QUEENSGATE SHOPPING CENTER.

On motion of Councilman Withrow and seconded by Councilman Alexander, the subject ordinance allowing conditional approval for outdoor commercial amusement on property now zoned B-2 at the northwest corner of Wilkinson Boulevard and Ashley Road, being part of the Queensgate Shopping Center, as recommended by the Planning Commission, was adopted by the following vote:

YEAS: Councilmembers Withrow, Alexander, Harris, Locke, Short and Whittington  
NAYS: Councilman Williams.

The ordinance is recorded in full in Ordinance Book 21, at Page 7.

ORDINANCE NO. 157-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-12 TO O-6 OF PROPERTY SOUTHWEST OF MARGARET WALLACE ROAD, WEST OF WOODBERRY FOREST, AS PETITIONED BY JACQUELINE C. PARKER.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance changing the zoning from R-12 to O-6 of property beginning 300 feet southwest of Margaret Wallace Road, west of Woodberry Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 21, at Page 8.

PETITION NO. 74-12 BY CARL B. GADDY, JR. FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF PROPERTY AT THE NORTHWEST CORNER OF SUGAR CREEK ROAD AND HONDURES DRIVE, DEFERRED ONE WEEK.

Councilman Whittington moved that decision on the subject petition be deferred for one week so that he can go out and look at the property. The motion was seconded by Councilman Withrow, and carried unanimously.

ORDINANCE NO. 158 AMENDING THE TEXT OF THE ZONING ORDINANCE REGULATING THE HEIGHTS OF BUILDINGS IN RESIDENTIAL AREAS.

Councilman Whittington stated it is agreed that some form of height control in residential areas is necessary. The original proposal of 80 feet is not strong enough to be really meaningful since an eight story building can tower above single family homes. It is also recognized that any action taken now is temporary and subject to change after comprehensive review of the total zoning structure. He stated he believes that in addition the process of allowing tall buildings must be one open to public participation and discussion.

Councilman Whittington moved adoption of the ordinance to regulate height in residential districts which will allow buildings up to a height of 60 feet by right, and that anything taller than that be subject to conditional approval process involving a public hearing. The motion was seconded by Councilman Harris.

Councilman Whittington stated he wants to emphasize that there will be a public hearing subject to conditional approval. He stated all other provisions of the original proposal will apply including site plan review and consideration of the shadowing effect of such proposed building.

Councilman Williams stated he believes this is a suitable compromise between some people who might prefer less and some who might prefer more. That Council has received a lot of correspondence on this issue. Some people talk about 40 feet, some about 80 feet, and some are opposed to any restrictions. Because it is a satisfactory compromise in his opinion, he will support the motion.

May 6, 1974  
Minute Book 60 - Page 178

Councilman Harris stated the additional feature of the public hearing is a very important factor. That he assumes it would be just like any other zoning hearing, and the property will be posted. Mr. Bryant of the Planning Staff replied this is quite important. When we shifted from the original proposal to the requirement for a public hearing, we shifted from a special use permit procedure to a conditional use procedure. A conditional use procedure has precisely the same rules and regulations pertaining to public notice and such that a rezoning request has. The property would be posted.

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

The ordinance is recorded in full in Ordinance Book 21, beginning at Page 9.

Councilman Alexander asked Mr. Bryant to read the section in the original proposal that had some reference to the side limits where a structure is within 18 feet of contiguous buildings. Mr. Bryant stated what was the existing ordinance required whatever was the basic side lines regulation, which could be as little as six feet would apply up to a height of 40 feet. Then everything in excess of 40 feet would require one additional foot of sideyard space for each two additional feet of height. This provision would be carried forward, and would be continued in the new regulation. The only new feature would be that anything now above 60 feet in height would receive the additional consideration of Council following a public hearing as to whether or not it will be permitted at all or not. Through that process if it was felt that was an inadequate side yard space based on what was the adjoining property situation, then you would have the right through the conditional process to attach any additional requirement that you wanted to. The ordinance will state that the basic will still apply as a minimum - one foot for each two feet above 40 feet. Up to 60 feet the existing regulations will apply.

**SIDEWALKS TO BE BUILT ON CHASTAIN AVENUE, FROM WOODLAWN ROAD ALONG WOODLAWN GREEN PROPERTIES TO THE POINT WHERE THE TREES BEGIN.**

The request of Charter Properties, Inc. for a variance in Section 17-60 of the City Code which requires that sidewalks be constructed along the street frontage when a commercial building is constructed was presented for Council's consideration.

Mr. William A. White, Jr., President of Charter Properties, the developers of Woodlawn Green Office Park, passed around brochures to each member of Council and explained the request to Council. He stated Woodlawn Green is an office park located at Woodlawn Road and I-77, and presently contains six buildings, ranging from one to three stories in height. During the development of the first five buildings, they planted along all the available frontage on Chastain Avenue, 50 white pines to screen the buildings from the road and warehouses across the street, and to screen their parking area. Forty-three of those trees survived. When they applied for a building permit for their sixth building, they were told to comply with the city's sidewalk ordinance, they must install a sidewalk along their frontage on Chastain, necessitating the removal of the white pines. He stated they questioned this requirement, and their permit was issued with the verbal understanding that if the city so ruled, at a later date they would have to install the sidewalk.

Mr. White stated they feel the ordinance may be somewhat ambiguous and its applicability as related to an office park questionable. They discussed the matter with Mr. Clark Readling and Mr. Robert Hopson, and feel the ordinance leaves them little room for judicious interpretation. Therefore, they appeal to Council for an interpretation of its application at Woodlawn Green.

May 6, 1974

Minute Book 60 - Page 179

Mr. White then referred to the maps and photographs in the brochure which he explained. During the explanation he stated the entire frontage of their ownership of Chastain was developed prior to the passage of the sidewalk ordinance, and the trees planted prior to that. He also stated that any office park is an internally oriented complex, and automobiles are brought within and they do not park on the street. That at their expense they have installed a sidewalk and provided a covered canopy around each one of their buildings.

He stated they asked Jack McNeary to look at the trees and to give his opinion on the feasibility of moving the trees, and putting them on the bank as suggested by the city. Mr. McNeary's principal point made is that these trees are about three years old and are not germane to our area; that it would probably kill the trees to move them, and the probable survival rate is slim.

Mr. White stated they maintain no sidewalk is needed, nor can it be seen as needed in years to come along the west side of Chastain. Except for three residences the remainder of the land belongs to Duke Power Company, and it is doubtful they will ever develop it in a manner to require foot traffic. Also Chastain dead-ends into Springbrook which dead-ends into I-77; there is no traffic on Springbrook that would use Chastain in a pedestrian way.

Mr. White requested that Council find that the sidewalk ordinance not be applicable in this case.

Mr. Hopson, Public Works Director, stated the City people say these trees can be moved; that they have been there only two and half to three years, and they were put there on city property without authority. That it has been very difficult for him to make a decision on this as Mr. White is one of our very finest developers. When the buildings were built on Chastain Street a sidewalk area was left. He passed around photographs, and stated the one with the young lady walking in the street was not posed; that happened when the photographs were taken. He stated Council's policy is two ways; it is to protect trees and to build sidewalks. That going down towards the Duke Power property there will probably not be as much pedestrian traffic. But there is a large business across the street on Chastain which has recently built a sizeable section of sidewalk. That Mr. White told them he was not worried about the monies involved; it is from \$8 to \$10 thousand; but it is the trees. He stated he is very sympathetic with them even though they were placed there. That 27 would have to come out immediately. This is a very difficult decision, but that is the reason this ordinance was written so that his reporting to Council, or Council in its wisdom, could grant a variance. He stated since the ordinance was passed in 1972, this is the first appeal that has been made. That we have received over five (5) miles of sidewalks built under this ordinance. That is one reason he hates to weaken it. If it can be done without weakening the ordinance, is all he asks.

After further explanation Councilman Alexander moved that the variance be granted. The motion was seconded by Councilman Whittington.

Councilman Harris made a substitute motion that the sidewalk be built on Chastain Avenue, beginning at Woodlawn Road, in the area along the Woodlawn Green property to the point where the trees begin. The motion was seconded by Councilman Short, and carried unanimously.

Also during the discussion, it was pointed out that the city has an ordinance that before any planting can be done in the city right of way a permit must be secured.

May 6, 1974  
Minute Book 60 - Page 180

ORDINANCE AMENDING CHAPTER 11 TO ESTABLISH A NEW CLASSIFICATION FOR SOLICITORS DEFERRED.

An ordinance amending Chapter 11 to establish a new classification for solicitors was presented for Council's consideration.

Mr. Ted Law of the Better Business Bureau stated he has read the proposed ordinance, and he thinks the basic idea is proper here, and that is to protect the consumer of Charlotte. He stated he is not worried about the people from Rock Hill, Gastonia or Hickory; but he is worried about the people from Olando, Florida where there have been three arrests made already this year through the good offices of Chief Goodman and the Fraud Squad. These are the people he is worried about, and the people he asked Council to consider when it votes on this ordinance. That this protection is needed here.

Councilman Withrow moved adoption of the Ordinance amending Chapter 11 to establish a new classification for Solicitors. The motion was seconded by Councilman Short.

Councilman Harris stated he agrees with the intent of this to get the problem people who come in and out before we know they are here. Actually, in reading this proposed ordinance he is concerned about the exact wording of this, because Mecklenburg County is a distribution center. We send ten or fifteen thousand men out of here every Monday to represent various companies located here. Technically we have people coming from Gaston County calling on people here. Their company is located there, and they are doing their business there, and have been doing it for generations. Now we are going to require these people in Gaston County, Catawba County, Union County and others to get license and post a bond to do business in Charlotte. This is disturbing because it is the fraud people we are after. That he thinks we should have this to regulate the people we are after. In the proposed ordinance there is no distinction between wholesale and retail sales, through the trade show people coming here. The definition of solicitors is what he is concerned about. That he would like to offer an amendment to this so that the definition after the sale of goods, wares or merchandise, be change to add the sale of retail goods, wares or merchandise.

Mr. Law stated the point is well taken, but you cannot get away from the thrust of it. We have to have this protection one way or the other. Whether it is retail or otherwise is at the Council's discretion.

Councilman Harris stated the second thing that concerns him is the surrounding counties. The only people being excluded are the charitable solicitations commission, and those who do not maintain a permanent location for business within Mecklenburg County or is not a resident of Mecklenburg County. He realizes what we are after, but if you are talking about a person living in Union County, having his business right over the line, and coming into Mecklenburg County and soliciting business, then he would fall within this. That he would like to have the language changed to include after "not a resident of Mecklenburg County", and is a company or individual licensed by the State of North Carolina to do business in this State. Mr. Underhill, City Attorney, stated he would have to think about that a little; that he has some specific reasons for building in the exemptions that are there. If you continue to build in other exemptions he is worried about whether you are discriminating within the class; they already have that problem now because we are exempting some people. The law permits you to regulate and requires you at the same time you regulate to regulate on a uniform basis. That he will be glad to take a look at this; but he cannot give a definite answer.

Mr. Law stated most of this is aimed at the door to door salesman, and a person selling textile machinery will not be going door to door. Councilman Harris replied the ordinance does not state door to door, and this is his distinction. If it can be narrowed down to the people who ring doorbells that is different.

After further discussion, Councilwoman Locke moved that the ordinance be deferred. The motion was seconded by Councilman Williams, and carried unanimously.

May 6, 1974  
Minute Book 60 - Page 181

SIDEWALK CONSTRUCTION PROGRAM FOR 21 SIDEWALK PROJECTS, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the sidewalk construction program for 21 sidewalk projects, at a total cost of \$250,951.80, was approved.

The locations and costs are as follows:

1. Alleghany Street	\$ 3,169.80	11. Lilac Road	\$15,129.00
2. Baltimore Street	6,681.00	12. Main Street	13,108.80
3. Barclay Downs Drive	39,155.60	13. McDonald Avenue	10,480.20
4. Baxter Street	5,847.60	14. Montford Drive	5,740.80
5. Belle Plaine Drive	9,906.00	15. Norris Avenue	10,605.60
6. Brunswick Avenue	7,318.20	16. Poindexter Drive	19,251.40
7. Cherry Street	8,665.20	17. Remount Road	9,601.80
8. Denver Avenue	6,449.40	18. Skyland Avenue	15,907.20
9. Dorchester Drive	3,750.60	19. Statesville Road	37,354.80
10. Grimes Street	11,699.40	20. Torrence Street	885.00
		21. Water Oak Road	\$10,181.40

Councilman Whittington stated this is not all he would like to see, but it is a start.

ORDINANCE NO. 159-X AMENDING EXHIBIT A OF ORDINANCE NO. 689-X, ADOPTED BY THE CITY COUNCIL ON DECEMBER 11, 1972, AS TO THE METES AND BOUNDS OF THE PROPERTY DESCRIPTION OF THE ALBEMARLE ROAD-YORK ROAD ANNEXATION AREA.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting subject ordinance amending Exhibit A of Ordinance No. 689-X, adopted by Council on December 11, 1972, as to the metes and bounds of the property description of the Albemarle Road-York Road Annexation Area, to exclude property belonging to Mrs. Ruth S. Lucas.

The ordinance is recorded in full in Ordinance Book 21, at Page 12.

ORDINANCE NO. 160-X AMENDING THE 1973-74 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION FOR THE POLICE AND PUBLIC WORKS DEPARTMENTS.

Councilwoman Locke moved adoption of subject ordinance amending the 1973-74 Budget Ordinance, amending the Table of Organization for the Police and Public Works Departments transferring four positions to establish a Centrex Security Unit for the Law Enforcement Center, which motion was seconded by Councilman Harris, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 21, at Page 14.

ORDINANCE NO. 161 AMENDING CHAPTER 20 OF THE CODE OF THE CITY OF CHARLOTTE ESTABLISHING REGULATIONS FOR PARADES AND PROCESSIONS.

Upon motion of Councilman Withrow, seconded by Councilman Harris, and unanimously carried, the subject ordinance was adopted amending Chapter 20 of the Code of the City of Charlotte establishing regulations for parades and processions.

The ordinance is recorded in full in Ordinance Book 21, at Page 16.

May 6, 1974  
Minute Book 60 - Page 182

AMENDMENTS TO THE LEASE BETWEEN MCGUIRE PROPERTIES, INC. AND THE CITY OF CHARLOTTE FOR THE GOVERNMENTAL PLAZA PARKING FACILITY.

Motion was made by Councilman Whittington, and seconded by Councilman Alexander, to approve amendments to the Lease between McGuire Properties, Inc. and the City of Charlotte for the Governmental Plaza Parking Facility, as recommended by the City Attorney.

After explanation by the City Attorney, the vote was taken on the motion and carried unanimously.

APPOINTMENT OF ROBERT BECK TO THE COMMUNITY FACILITIES COMMITTEE TO FILL UNEXPIRED TERM.

Councilman Short moved the appointment of Mr. Robert Beck to fill the unexpired term on the Community Facilities Committee which will expire September 1, 1974. The motion was seconded by Councilman Withrow.

Councilman Harris stated Mr. Beck is with Haskins and Sells, and they are doing the City audit. Also he is on the Municipal Information Review Board. Councilman Short stated he had suggested Mr. Beck for this, and in discussing it with the Chairman of the Community Facilities Committee they had thought of asking for his removal from the Municipal Information Review Board. They would like for him to serve on the Community Facilities Committee, and this is agreeable with Mr. Beck. Councilman Short stated he does not know about the conflict of interest; that would be a matter for the City Attorney to decide. That he would not want to appoint him under those conditions. Councilman Whittington stated Council does not want to appoint him to two boards. Councilman Short replied he will not serve on two. Mayor Belk stated if Council votes to appoint him to Community Facilities Committee he will not be on the Municipal Information Review Board.

The vote was taken on the motion and carried unanimously.

Mayor Belk requested the City Manager to check into the conflict of interest and advise Council.

REAPPOINTMENTS TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Whittington moved the reappointment of Mr. H. Thomas Finley, Jr. and Mr. W. Crutcher Ross to succeed themselves on the Charlotte-Mecklenburg Planning Commission for three year terms each. The motion was seconded by Councilman Harris, and carried unanimously.

PRESENTATION OF FINANCIAL REPORT FOR THE FISCAL YEAR 1972-73 DEFERRED.

Mr. Burkhalter, City Manager, advised that Mr. Fennell, Finance Director, is in the hospital, and will not be able to make the presentation on the Financial Report for the Fiscal Year 1972-73 today. That it will be scheduled for a later meeting.

Council requested the City Manager to send flowers from the Mayor and Council.

Councilwoman Locke moved that the presentation on the Financial Report be deferred. The motion was seconded by Councilman Whittington, and carried unanimously.

May 6, 1974  
Minute Book 60 - Page 183

CAPITAL SUBGRANT AWARD CONTRACT WITH NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Williams, and unanimously carried, approving the subject Capital Subgrant Award between the City of Charlotte and the North Carolina Department of Natural and Economic Resources, Division of Law and Order, in the amount of \$69,033 to continue the operation of the LEAA funded Comprehensive Drug Abuse Project.

ORDINANCE NO. 162-X AMENDING ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE, AMENDING REVENUES AND APPROPRIATIONS TO CONTINUE AN APPROPRIATION FOR THE OPERATION OF THE LEAA FUNDED COMPREHENSIVE DRUG ABUSE PROJECT.

Councilman Harris moved adoption of subject ordinance amending revenues and appropriations to continue an appropriation for the operation of the LEAA funded comprehensive Drug Abuse Project, which motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 24.

ORDINANCES ORDERING THE REMOVAL OF TRASH AND RUBBISH AND OF AN ABANDONED VEHICLE.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the following ordinances were adopted:

- (a) Ordinance No. 163-X ordering the removal of trash and rubbish on property adjacent to 423 Manning Drive.
- (b) Ordinance No. 164-X ordering the removal of an abandoned motor vehicle located at 535 Fawnbrook Lane.

The ordinances are recorded in full in Ordinance Book 21, at Page 25 and 26.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH ILLEGAL LEVY AND/OR CLERICAL ERROR AGAINST 12 TAX ACCOUNTS.

Motion was made by Councilman Short, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$1,267.44, which were levied and collected through illegal levy and/or clerical error against 12 tax accounts.

The resolution is recorded in full in Resolutions Book 9, at Page 473.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO EARL L. AVANT AND WIFE, PAULINE L. AVANT, LOCATED AT 2108 OAKLAWN AVENUE, IN THE CITY OF CHARLOTTE, FOR THE OAKLAWN AVENUE WIDENING PROJECT.

Councilman Whittington moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Earl L. Avant and wife, Pauline L. Avant, located at 2108 Oaklawn Avenue, in the City of Charlotte, for the Oaklawn Avenue Widening Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 474.

May 6, 1974  
Minute Book 60 - Page 184

ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PERMITTING THE CITY TO CONSTRUCT WATER MAIN ACROSS THE RIGHT OF WAY OF ROZZELLS FERRY ROAD.

Upon motion of Councilman Harris, seconded by Councilman Withrow, and unanimously carried, the subject encroachment agreement was approved with the North Carolina Department of Transportation permitting the City of Charlotte to construct an 8-inch C. I. water main across the right of way of Rozzells Ferry Road (SR 1784).

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 26.70' x 82.48' x 19.65' x 80.00' of property, plus a construction easement, from Alexander W. Davis and wife, Leila M. Davis, at 1907-1911 Oaklawn Avenue, at \$10,450.00, for Oaklawn Avenue Widening Project.
- (b) Acquisition of 50' x 31.60' x 22.68' x 37.65' x 58.59' of property, plus a construction easement, from Ella Brown (widow), at 2024 Oaklawn Avenue, at \$5,000.00, for Oaklawn Avenue Widening Project.
- (c) Acquisition of 19.90' x 31.31' x 19.90' of property, plus a construction easement, from James R. McKee and wife, Minnie J. McKee, at 1222 Oaklawn Avenue, for Oaklawn Avenue Widening Project, I-77 to Statesville Avenue.
- (d) Acquisition of 21.94' x 33.27' x 21.94' of property, plus a construction easement, from Housing Authority of the City of Charlotte, at \$1.00, for Oaklawn Avenue Widening Project, I-77 to Statesville Avenue.
- (e) Acquisition of 8.80' x 50.10' x 9.32' x 50.18' of property, plus a construction easement, from Louis E. Levi and wife, at 1712 Oaklawn Avenue, at \$2,000.00, for Oaklawn Avenue Widening Project.
- (f) Acquisition of 34.83' x 76.59' x 6.33' x 26.70' x 800.00' of property, plus a construction easement, from Leila M. Davis and husband, Alexander W. Davis, at 1901 Oaklawn Avenue, at \$4,900.00, for Oaklawn Avenue Widening Project.
- (g) Acquisition of 15' x 107.34' of easement from Sidney L. Hinkle and wife, Carol H. Hinkle, at 5032 Hoover Drive, at \$300.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (h) Acquisition of 15' x 353.35' of easement from Donald B. Winecoff and wife, Kathryn M., at 6631 William Road, at \$900.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (i) Acquisition of 15' x 503.59' of easement from Ruth C. Bradley and Ray W. Bradley, Jr., at 6726 Lakeside Drive, at \$3,000.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (j) Acquisition of 15' x 181.47' of easement from Paul J. Teague, and wife, Jackie, at 1200 Choyce Avenue, at \$235.00, for Sanitary Sewer to Serve Annexation Area I (11).
- (k) Acquisition of 15' x 101.62' of easement from Clifford Ray Lambert and wife, Stella Mae, at 1212 Choyce Avenue, at \$150.00, for Sanitary Sewer to serve Annexation Area I (11).

May 6, 1974  
Minute Book 60 - Page 185

- (l) Acquisition of 15' x 123.62' of easement from Edwin Ray Grose and wife, Carole Ann Grose, at 644 Wilbrow Circle, at \$400.00, for Sanitary Sewer to serve Annexation Area I (11).
- (m) Acquisition of 15' x 14.96' of easement from Barbara Warren Griffin and husband, Lester Griffin, at 5721 Southampton Road, at \$15.00, for Sanitary Sewer to Serve Annexation Area I (11).
- (n) Acquisition of 15' x 15.60' of easement from Guilfred William Vogt, Jr. and wife, Edith G., at 1215 Robinhood Road, at \$16.00, for Sanitary Sewer to Serve Albemarle Road at Lake Forest Road.
- (o) Acquisition of 15' x 104.25' of easement from William Everett Rhyne and Mildred H. Rhyne, at 1155 Robinhood Circle, at \$230.00, for Sanitary Sewer to Serve Albemarle Road at Lake Forest Road.

ORDINANCES TRANSFERRING FUNDS FOR DIFFERENT PROJECTS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow and unanimously carried, adopting the following ordinances transferring funds:

- (a) Ordinance No. 165-X transferring \$40,000 within the Park and Recreation Capital Improvement Budget to provide funds for subsoil stabilization for Freedom Park parking lots and drives.

The ordinance is recorded in full in Ordinance Book 21, at Page 27.

- (b) Ordinance No. 166-X transferring \$300,000 from the Unappropriated Balance of Bond Fund 4130 to provide an appropriation for preliminary engineering design and right of way acquisition for the Campbell Creek Outfall.

The ordinance is recorded in full in Ordinance Book 21, at Page 28.

- (c) Ordinance No. 167-X transferring \$159,700 from the Unappropriated Balance of Bond Fund 4130 to provide an appropriation to complete construction of the Upper Irwin Creek Sanitary Sewer Outfall.

The ordinance is recorded in full in Ordinance Book 21, at Page 29.

PROPOSAL BY DOBBS HOUSE TO EXPAND AIRPORT COFFEE SHOP, AUTHORIZED.

Council was advised that Dobbs House has a proposal to expand the Airport Coffee Shop in the grassed area between the present shop and the covered walkway adjacent to the main entrance to the Airport Terminal Building, with the expansion to be approximately 25' x 44', and provide an additional 85 to 90 seats at an estimated cost of \$66,000.00. The request is as follows:

- (1) Dobbs House will proceed with the expansion and the City and Dobbs House will share equally in the construction estimated at \$66,000. Final Construction costs will be determined when the project is completed.
- (2) Dobbs House will use its funds to finance the project with the City making 36 equal monthly payments up to and not exceeding half the estimated construction cost of \$66,000 without interest.

May 6, 1974  
Minute Book 60 - Page 186

Councilwoman Locke stated the service at the Dobbs House is bad, and she would like to see the service improved. That one day she waited 20 minutes for a cup of coffee and finally left. She asked how much revenue this will generate? Mr. Birmingham, Airport Manager, replied for the four year period it will be about \$33,000. This is a contract that runs from January 1962 and will terminate January 1, 1986. Catering is 8 percent and it graduates all the way up to 15 percent for the sale of gifts. Councilman Short stated the place they now occupy was built 100 percent at city expense, and they now propose to build half at their expense and half at the city's expense, and they will relieve the city of the interest. Mr. Birmingham replied that is correct; Mr. Fennell, Finance Director, tells him that it amounts to about 23 percent return on the city's money. Councilman Harris replied that is provided we are going to use that space three or four years down the road. Mr. Birmingham replied they made a recommendation to Council that it be amortized for three years. That the addition is estimated at about \$60 a square foot.

Councilman Harris stated he does not like the idea of spending \$30 or \$40 thousand, and if we are going to do that he would rather put the emphasis on getting on with building a new terminal, and bringing it to a head this summer. Mayor Belk stated we are obligated to give a certain amount of service while it is there. Councilman Harris stated he goes to the airport two or three times a week and he has never seen Dobbs House Coffee Shop overrunning with people. Mr. Birmingham stated it is during six peaks of a day. At seven in the morning you cannot find a seat; and at other peaks.

Councilman Withrow moved approval of the proposal for the extension of the Airport Coffee Shop. The motion was seconded by Councilman Alexander, and after further discussion, the vote was taken and carried as follows:

YEAS: Councilmembers Withrow, Alexander, Harris, Short, Whittington and Williams.  
NAYS: Councilwoman Locke.

During the discussion, it was brought out that the old terminal will not be demolished when the new terminal is built. In the land use study that is due August 1, one of the things that it will identify is the viable use of the terminal building; they are not thinking in terms of tearing it down; they will come back to Council with some alternatives on how they can best gain revenues from this terminal.

AIRLINE RATES AND CHARGES AGREEMENT PREPARED BY ARNOLD THOMPSON ASSOCIATES, INC APPROVED.

Councilman Whittington moved approval of the airline rates and charges agreement as prepared by Arnold Thompson Associates, Inc. The motion was seconded by Councilwoman Locke, and carried unanimously.

PROGRESS REPORT FROM ARNOLD THOMPSON ON PLANS FOR AIRPORT EXPANSION.

Mr. Burkhalter, City Manager, stated Council would like to have the schedule for the conception and plans and land use at airport. Mr. Arnold Thompson replied they have been meeting with the airlines and in cooperation with the airlines in the updating of the master plan refinement. That work is proceeding very well; they anticipate having another meeting with all the carriers within the next two weeks. In addition they are meeting with the local architect, particularly in the areas of the cost estimating experience in this area. They are also meeting with the engineering firm regarding various matters relating to the grade of the terminal building, and such things as the setbacks and other matters of this type.

May 6, 1974  
Minute Book 60 - Page 187

Mr. Thompson stated the next step of their work will be the refining of the cost estimate in the plans. They expect to be back to Council at the end of July to present this. Mr. Callahan has been working on the financial plan, and as the physical planning is going forward he will constantly ask if this much square feet is needed because he is working with a plan of so many square feet and so many dollars. The way they will proceed with the planning as to the method of financing has not been determined; that will be a part of their recommendation but they have more work to do on that with Mr. Fennell who has been extremely helpful on this so far. Mr. Birmingham and Mr. Hoose have been working with the State to try to get firmer commitments regarding the access road, the overpass and those matters connected with the road system.

Mr. Thompson stated with regard to the land use plan they have made some preliminary recommendations. The first one concerning the location of the National Guard Facility has been dealt with. They have been looking at questions such as the FBO location as whether or not it is an early move or late move. Other matters being discussed at this time is the question of the use of the old terminal building. This comes into the forefront as they talk about financial plans. They must have a viable use of that building with some revenue returns so that it will not be a white elephant. They have been looking at what other cities have been doing. Kansas City converted a number of their facilities to indoor tennis. Among the things being considered at other places are recreational facilities. One of the possibilities here is that the current terminal area could be utilized as some major airline maintenance type situation. They are on schedule and they are getting very good cooperation from the airlines.

#### COUNCILMAN SHORT LEAVES MEETING.

Councilman Short left the meeting during Mr. Thompson's report, and was absent for the remainder of the session.

#### CONTRACT WITH TILLINGHAST & COMPANY, INC. FOR THE 1974 ACTUARIAL EVALUATION OF THE CITY OF CHARLOTTE FIREMEN'S RETIREMENT SYSTEM, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, approving subject contract with Tillinghast & Company, Inc., for the 1974 actuarial valuation of the City of Charlotte Firemen's Retirement System, in the amount of \$3,750.00.

#### SPECIAL OFFICER PERMIT, APPROVED.

Councilman Alexander moved approval of a Special Officer Permit to Theodore E. Washington for use on the premises of Johnson C. Smith University, which motion was seconded by Councilman Whittington, and unanimously carried.

#### CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC. FOR STEEL U-POSTS, TO BE USED IN CONNECTION WITH TRAFFIC SIGN INSTALLATIONS.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded to the only bidder, Vulcan Signs & Stampings, Inc., in the amount of \$18,150.00, on a unit price basis, for Steel U-Posts, to be used in connection with traffic sign installations.

May 6, 1974  
Minute Book 60 - Page 188

**CONTRACT AWARDED MACK TRUCKS, INC. FOR ONE FIRE TRUCK.**

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, awarding contract on the low alternate bid of Mack Trucks, Inc., in the amount of \$82,201.30, on a unit price basis, for one Fire Truck to be assigned to Fire Station No. 13, at Glenwood Drive and Rowan Street.

The following bids were received:

Base Bid	
Mack Trucks, Inc.	\$ 79,296.90
Snorkel Fire Eqpt. Co.	81,438.00
Alternate Bid	
Mack Trucks, Inc.	82,201.30
Burgess Fire Eqpt.	84,118.00
Snorkel Fire Eqpt. Co.	84,249.00

**CONTRACT AWARDED DICKERSON, INCORPORATED FOR SANITARY SEWER PROJECT TRUNK TO SERVE ALBEMARLE ROAD, AT THE EASTLAND MALL.**

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject contract was awarded the low bidder, Dickerson, Incorporated, in the amount of \$152,529.15, on a unit price basis, for sanitary sewer project - trunk to serve Albemarle Road, at the Eastland Mall.

The following bids were received:

Dickerson, Incorporated	\$152,529.15
Ray D. Lowder, Incorporated	177,950.80
Mecklenburg Engineers & Contractors, Inc.	182,194.08
Ben B. Propst, Contractor, Incorporated	189,357.50
Breece & Burgess, Inc.	198,446.00
Thomas Structure Company	200,071.00
Sanders Brothers, Inc.	221,151.00
Joe R. Abernethy Construction Co.	223,723.50
Propst Construction Company	236,444.85

**CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER PROJECT - TRUNK TO SERVE PARKVIEW EAST.**

Councilman Whittington moved award of contract to the low bidder, Thomas Structure Company, in the amount of \$94,531.50, on a unit price basis, for sanitary sewer project - trunk to serve Parkview East, which motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Thomas Structure Company	\$ 94,531.50
Crowder Construction Company	96,525.45
Propst Construction Company	104,586.25
Mecklenburg Engineers & Contractors, Inc.	107,600.10
Ben B. Propst Contractor, Inc.	112,618.00
Breece & Burgess, Inc.	132,958.00
Sanders Brothers, Inc.	134,107.00
Dellinger, Inc.	170,866.90

May 6, 1974  
Minute Book 60 - Page 189

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE CREATING THE "CHARLOTTE CLEAN CITY COMMITTEE" AND PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS, THEIR TERMS OF OFFICE AND REPLACEMENT: PROVIDING FOR THE AUTHORITY AND FUNCTIONS OF SAID COMMITTEE, AND FOR OTHER PURPOSES.

Councilman Withrow moved adoption of the subject resolution which was presented to Council during the informal session. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 475.

EXECUTIVE SESSION OF COUNCIL SET FOR MONDAY, MAY 13, 1974.

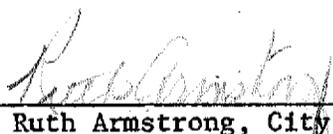
Pursuant to G.S. 143-318.3, Councilwoman Locke moved that the City Council hold an Executive Session to confer with Council's legal counsel on certain matters involved in litigation at 1:00 p.m., May 13, 1974, in the Second Floor Conference Room of City Hall. The motion was seconded by Councilman Withrow, and carried unanimously.

COUNCIL ADVISED THAT COPIES OF COG'S NEXT AGENDA HAVE BEEN REQUESTED SENT TO ALL MEMBERS OF COUNCIL.

Councilwoman Locke stated she has talked to Mr. George Mongham, Executive Director of COG, and asked him to mail copies of their next agenda to all members of Council prior to the date of the meeting. She stated the next meeting will be held in Statesville on May 15.

ADJOURNMENT.

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

  
\_\_\_\_\_  
Ruth Armstrong, City Clerk