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The City Council of the City of Charlotte, North Carolina, met in Regular Session on Monday, November 7, 1977, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington and Neil C. Williams present.

ABSENT: Councilman Joe D. Withrow.

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INVOCATION.

The invocation was given by Mayor pro tem James B. Whittington.

APPROVAL OF MINUTES.

Councilman Whittington moved approval of the minutes of the Quasi-Judicial Hearings on October 27, 1977, which motion was seconded by Councilwoman Locke, and unanimously carried.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, approving the minutes of the last regular meeting, on Monday, October 31, 1977, as submitted.

PROCLAMATION PRESENTED BY MAYOR BELK IN HONOR OF VETERANS DAY, NOVEMBER 11.

Mayor Belk read the following proclamation:

"WHEREAS, the citizens of this great state and region have, for 201 years, gallantly served and sacrificed and died for their country through eight separate wars; and

WHEREAS, these courageous patriots have preserved our freedom and enhanced the liberties inherent in our way of life; and

WHEREAS, it is both fitting and proper that we recognize the valor and honor of those who served;

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim Friday, November 11, 1977, as

"VETERANS DAY"

in Charlotte, and call on each citizen to join in a celebration of special observance for veterans, both living and dead.

WITNESS MY HAND and the Official Seal of the City of Charlotte, this 7th day of November, 1977.

John M. Belk, Mayor"

Mayor Belk thanked Mr. Charles Harris and other members of the VFW for their fine work and noted that North Carolina has had more people to serve than any other state through the wars. That not too many people realize how patriotic North Carolina is.

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DISCUSSION OF CITY'S SUPPORT OF THE CHARLOTTE AREA FUND, DEFERRED.

Mayor Belk stated he received a letter from Mr. Sam Kornegay, Director of the Charlotte Area Fund, requesting that this agenda item be held over and that no action be taken by Council today.

Councilman Whittington moved to defer discussion of the City's support of the Charlotte Area Fund. The motion was seconded by Councilwoman Locke.

Mr. Thomas Harris, representing the Huntersville Community Development Association, stated this is a non-profit group trying to help low-income citizens in the Huntersville Area. He stated the Huntersville Community Development Association has been working with the Charlotte Area Fund for some time now and especially in this past year. That the Charlotte Area Fund has helped them in many areas when other agencies have ignored them. He stated they have helped them with federal agencies, easy access to social services, crisis intervention and with technical assistance to reach those clients.

He stated many of these services are not offered by other agencies in their area. That they feel the Charlotte Area Fund is people-oriented, not just problem-oriented; they not only help with current problems that a person has but they also work to try to help a person improve themselves.

Mr. Harris stated the Huntersville Community Development Association would like to know if the City is trying to play politics in criticizing the Charlotte Area Fund or if they are really interested in people's needs. He asked if the Charlotte Area Fund goes out of business, will the other agencies be willing to step in and do all the functions of the Charlotte Area Fund with the people in his area? He stated in the long run, the Huntersville Community Development Association hopes the City can work things out for the benefit of all the citizens of Mecklenburg County.

Mayor Belk stated he did not think anyone with the City would be trying to play politics as far away as Huntersville but a little over a month ago, the City gave the City of Huntersville a new water system, not only in Huntersville, but in Cornelius and Davidson - so the City is very interested in the citizens up there. That he might want to bring this up before the County Commissioners. That the Charlotte Area Fund is asking for more money but the issue is not Huntersville.

Councilwoman Chafin stated Council is postponing a full-blown discussion of the Charlotte Area Fund until such time as the new Boardmembers are seated. That Council is not going to do away with the Charlotte Area Fund, in fact, all the Councilmembers have a memo from Mr. Wylie Williams, Assistant City Manager, suggesting ways in which Council can more effectively work with and help the Charlotte Area Fund. She stated Council just wants to see the Area Fund be more effective doing the kinds of things Mr. Harris is interested in. That there are no politics involved.

Mr. Harris replied the indications at the last meeting were somewhat different and any clarification along that line would be accepted. That several Council members said that there were duplication of services and in his opinion this would be considered reverse discrimination because the Charlotte Fund was in existence before these other agencies came about and the Area Fund is people-oriented, not just trying to work on the problems, but on the whole person.

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Mayor Belk asked Mr. Harris if he had discussed this with Mr. Kornegay and Mr. Harris replied yes - he would hope the City Officials will talk with him, too.

The vote was taken on the motion to defer discussion of the City's support of the Charlotte Area Fund, and carried unanimously.

CONTRACT WITH CARDAN MAPPING SYSTEMS CORPORATION FOR FY-78 TOPOGRAPHIC MAPPING, APPROVED.

Councilman Gantt moved approval of a contract with Cardan Mapping Systems Corporation for FY-78 Topographic Mapping, at a unit price of \$1,020 per sheet, for a total contract amount of \$26,520 for 26 sheets. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked how often this contract comes up and Mr. Clark Readling, City Engineer, replied every year, for the past three or four years.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH CLARK TRIBBLE HARRIS AND LI, ARCHITECTS, P.A., FOR ARCHITECTURAL SERVICE FOR DISCOVERY PLACE, APPROVED.

Motion was made by Councilwoman Locke and seconded by Councilman Chafin to approve subject contract with Clark Tribble Harris and Li, Architects, P.A., for architectural service for Discovery Place, for a total cost of \$359,150.

Councilman Davis stated he received a telephone call from a person who expressed concern because the contract did not provide for a consultant that will be needed; and asked if there would be a separate consultant retained later on for interior design. Mr. Burkhalter, City Manager, replied there is a letter included in the agenda material noting the consultant's services, in the amount of \$77,000; \$32,000 of which is for special consultants in this project, but they have not been selected to his knowledge.

Councilwoman Chafin stated she received a similar call and was able to obtain some information regarding the question. She stated there will, in fact, be a separate contract with an Exhibit Consultant that is not part of the architectural contract.

Councilman Gantt stated the information in the attachment sets out the whole contract. That in reading the attachment, it seems to be very clear that the kinds of consultants that will spend the \$32,600 would be everything from a consultant to a museum planner.

Councilman Davis asked if there was a consultant that was not provided for in this contract, would it be brought back to Council at a later time and Mr. Hopson replied that is correct.

Mr. Hopson stated this contract covers the actual construction of the museum, including a planetarium and everything that goes with it, for a total figure cost of \$3,600,000. In addition to that, in the Museum budget, there is a little over \$1,000,000 for equipment, exhibits and furnishings. That when we get to that point down the road, a few months from now, they will come back before Council. He stated it will be a local consultant and will be for that specific purpose.

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Councilman Davis asked if this conforms with standard procedures for buildings of this type? Mr. Hopson replied it does.

Councilman Whittington asked if this firm has had any other work with the City or County? Mr. Hopson replied they have not had any work with the City; but they have worked with the County on the parking garage by the Courthouse. They are a relatively new firm; most of them have been around Charlotte for a long time and are well acquainted with local people. They have had no other work with the City. This continues our process of spreading the architectural and engineering work around.

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

ORDINANCE NO. 806 AMENDING CHAPTER 3 OF THE CITY CODE, ENTITLED "ANIMALS".

Upon motion of Councilman Davis, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted amending Chapter 3, various sections, of the City Code entitled "Animals" to accomplish the following purposes:

- (1) Strengthen the authority of the Superintendent and Animal Control Officers;
- (2) Clarify the computation of time for holding animals;
- (3) Clarify certain legal language; and
- (4) Increase the rates for impounding animals to deter repeated violations of this chapter.

The ordinance is recorded in full in Ordinance Book 25, beginning at Page 71 and ending at Page 74.

LEASE RENEWAL AGREEMENT WITH THE NELSON COMPANY FOR OFFICE SPACE IN THE EXECUTIVE BUILDING, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, approving lease agreement with The Nelson Company for 492 square feet of office space in the Executive Building, at \$6.00 per square foot, for a term of 20 months, for use by the Water and Sewer Billing Division operations.

AWARD OF CONTRACTS.

1. Councilwoman Chafin moved award of contract to the only bidder meeting specifications, Minnesota Mining & Manufacturing Company, in the amount of \$18,390.96, on a unit price basis for preformed plastic pavement. The motion was seconded by Councilwoman Locke, and carried unanimously.
2. On motion of Councilman Williams, seconded by Councilwoman Chafin, and carried unanimously, the present contract with Fligel's Uniform Company was extended for an additional year in accordance with the present specifications and prices submitted by Fligel's Uniform Company.

RESOLUTIONS OF CONDEMNATION.

1. On motion of Councilwoman Chafin, seconded by Councilman Davis, and carried unanimously, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Jane M. Moore, at 300-04-06 Dixon Street, in the Five Points Community Development Target Area.

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2. Motion was made by Councilman Whittington, seconded by Councilman Davis, and carried unanimously, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Carrie L. Polk Heirs, at 348 Skyland Avenue, in the Grier Heights Community Development Target Area.

The resolutions are recorded in full in Resolutions Book 13, at Pages 93 and 94.

CONSENT AGENDA APPROVED.

On motion of Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, action was taken on the Consent Agenda items as follows:

1. Approval of a contract with Gettys Construction Company, Incorporated for the construction of 1,667 linear feet of 8-inch sanitary sewer mains to serve Coatbridge Subdivision, outside the city, at an estimated cost of \$25,000, all at no cost to the city.
2. Adoption of ordinances ordering the removal of weeds, grass and abandoned motor vehicle:
 - (a) Ordinance No. 807-X ordering the removal of abandoned motor vehicle at 2509 Thornton Road.
 - (b) Ordinance No. 808-X ordering the removal of weeds and grass at 2504 Columbus Circle.
 - (c) Ordinance No. 809-X ordering the removal of weeds and grass at 1103 Herrin Avenue.
 - (d) Ordinance No. 810-X ordering the removal of weeds and grass from vacant lot 2913 Lake Avenue.
 - (e) Ordinance No. 811-X ordering the removal of weeds and grass from vacant lot Roslyn Avenue and Bacon Street.
 - (f) Ordinance No. 812-X ordering the removal of weeds and grass from vacant lot adjacent to 2117 Roslyn Avenue.
 - (g) Ordinance No. 813-X ordering the removal of weeds and grass from vacant lot adjacent to 2116 Roslyn Avenue.
 - (h) Ordinance No. 814-X ordering the removal of weeds and grass from lot adjacent to 915 East Mint Street.
 - (i) Ordinance No. 815-X ordering the removal of weeds and grass from corner North College and Phifer Streets.
 - (j) Ordinance No. 816-X ordering the removal of weeds and grass at 514 Fawnbrook Lane.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 75 and ending at Page 84.

3. Adoption of ordinances affecting housing declared unfit for human habitation:
 - (a) Ordinance No. 817-X ordering the unoccupied dwelling at 2217 Irm Street to be demolished and removed.
 - (b) Ordinance No. 818-X ordering the unoccupied dwelling at 521 Lander Street to be demolished and removed.
 - (c) Ordinance No. 819-X ordering the occupied dwelling at 1131 Woodside Avenue in the CDRS Area to be vacated and closed.
 - (d) Ordinance No. 820-X ordering the unoccupied dwelling at 2004-06 Gibbs Street to be closed.
 - (e) Ordinance No. 821-X ordering the unoccupied dwelling at 512 State Street to be closed.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 85 and ending at Page 89.

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4. Approval of contracts for real estate broker's service:
- (a) Open non-exclusive contract with The Phelan Company in the First Ward Project No. N. C. R-79.
 - (b) Open non-exclusive contract with Gibson Smith Realty Company in the West Morehead Community Target Area.

5. Approval of encroachment agreements:

- (a) Agreement with the North Carolina Department of Transportation for existing water and sanitary sewer lines in Sardis Road to serve new subdivision Sardis Forest and the following streets; Dullins Knob Ct., Morning Dale Drive, Hinson Drive, Sardis Forest Drive and Tree Haven Drive.
- (b) Resolution authorizing the Mayor and City Clerk to execute an encroachment agreement with Southern Railroad Company for 12-inch water main crossing under Southern Railway tracks on East 9th Street, between College Street and Brevard Street.

The resolution is recorded in full in Resolutions Book 13, at Page 95.

6. Approval of property transactions:

- (a) Acquisition of 15' x 580' of easement from Bob M. Beaty, at I-77 South and Westinghouse Boulevard, at \$1.00, for sanitary sewer to serve Southern Wholesale at Westinghouse Boulevard.
- (b) Acquisition of 800 sq. ft. of property from The McClung Corporation, at 141 W. Palmer Street, at \$6500, for West Morehead Target Area.
- (c) Acquisition of 5,100 sq. ft. of property from Jeanette Cohen, at 1020 Greenleaf Avenue, at \$5,075, for Third Ward Target Area.
- (d) Acquisition of 4,960 sq. ft. of property from Maggie D. Green, at 741 Billingsley Road, at \$10,800, for Grier Heights Target Area.

LEWIS W. DAVIS'S NAME WITHDRAWN FROM NOMINATION TO THE CHARLOTTE AREA FUND BOARD OF DIRECTORS.

Councilman Williams stated Lewis W. Davis has advised he will not be able to serve if appointed to the Charlotte Area Fund Board of Directors, and he is withdrawing his name from consideration.

COMMENTS REGARDING MEDIAN ON FAIRVIEW ROAD.

Councilman Whittington stated last Monday when Council approved the median on Fairview Road Extension, he thinks Council was wrong in doing that for two reasons. One, the people out there were not consulted about this at all. The D. L. Phillips' estate gave the right of way for this road. Three property owners immediately to the left of Fairview Extension beyond Sharon Road have no way to get in and out of their property, without going all the way to Valencia. He does not know what was said in the papers; but someone said that Mr. Williams said "If we did this road now, it would prevent the development of the road for office, or something else." The people who called him said this was a direct confiscation and condemnation of their land. He stated Council should let everyone know that all we have done is approve a median; before a median can be approved, there would be a public hearing. He stated after the meeting on Monday, he thought about this, and the need to continue Sharon Amity Road to the Newell-Hickory Grove Road to him seems to have a lot more importance. He agrees safety is involved. But two things we should do is to let the public know that a public hearing will be held, and what was done last Monday was not in fact saying we were going to build it.

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He stated the action last Monday said they would look for the money; that Mr. Corbett said it had very low priority at this point.

Councilwoman Locke quoted from the minutes that "Councilman Williams stated that of course the money has to be found before any work can start; that the time between now and the uncovering of money ought to be sufficient for citizen response."

Mr. Burkhalter stated judging from the number of times this has been before the public he thinks they can rest assured there will be public response. That what they are doing is working up a design on this and will be back to Council when this is done.

Councilman Williams stated that as to the confiscation of property along this road, if the road had not been built, even conceding that the right-of-way has been donated, the property would not be worth anything except for rabbit hunting anyway. So the government has a considerable investment in that area and he thinks would have a right to look out for safety and maybe help with some land use control too. But, we do need to give people a chance to let off steam. He agrees with that.

Councilwoman Chafin stated judging from the comments Council heard on the Albemarle Road area maybe we need a place for rabbit hunting.

Later in the meeting, Councilman Davis stated that Councilmembers Williams and Chafin have stumbled on something that is right significant - that is, that a lot of people do place high value on rabbit hunting, squirrel hunting, and things like that. That Council overlooked these folks last week and he was sure something like this would come up and probably more will develop in the next week. That Council considered this median rather hurriedly last week and announced, what to the public was perceived as, a decision, without allowing much time for input. That the three or four families right behind that intersection at Sharon Road and where Fairview was first extended had not been consulted. He stated a representative of the homeowners in that area stood up and said they wanted it, but these families had not been consulted or considered. In fact, they do not want a median if it is going to prevent them from having access into their homes. That even though the value of their land may be enhanced, those who were familiar with that area before the extension took place, know that those folks had a nice, tranquil rural setting back there behind that Texaco station. There was a private road back to it and it is quite a change in their lifestyle and not for their betterment, at least in their view. He thinks Council is obligated to give them every consideration.

MS. EDNA GASTON NOMINATED FOR APPOINTMENT TO THE CHARLOTTE AREA FUND BOARD.

Councilwoman Chafin placed in nomination the name of Ms. Edna Gaston for appointment to the Charlotte Area Fund Board of Directors.

RESOLUTION ON RESIDENTIAL TRAFFIC TO BE PLACED ON FUTURE AGENDA FOR FURTHER CONSIDERATION, AND COMMENTS REGARDING PETITIONS ALREADY FILED.

Councilwoman Chafin stated she would like to get a clarification on something. That when Council passed the policy on reducing cut through traffic several weeks ago, Mr. Childs and Ms. Innes asked them to make a slight amendment in that resolution that she understood was agreed to by all members of the Committee.

She stated that in their discussion of other aspects of that resolution Council failed to respond to that request. She asked Mr. Underhill if they can do anything about that now?

Mr. Underhill replied they certainly can. That Ms. Armstrong, City Clerk, pointed out to him after the meeting was over that the amendment was never translated into formal action on the part of Council; that the resolution was adopted in its original form without that amendatory language

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being in it, except for some language that, he believes, Councilman Davis had inserted. The amendment suggested by Mr. Childs and the others is not in that resolution as currently adopted.

He stated that procedurally what they will have to do, unless they want to take action on it today and they agree to do that unanimously, is to place it back on the agenda at another meeting. The appropriate procedure would be to rescind the previous action and adopt the resolution with the amendment.

Councilwoman Chafin stated she is not prepared to really deal with it today, but would like for it to be placed on the agenda for a future meeting.

She stated also that a citizen called her regarding that resolution and raised what she thinks is a very valid question - If a group of citizens on a road has already submitted a petition requesting a certain kind of action, do they now have to re-petition under this new policy, or can they write a letter stating that they would wish that their situation be reviewed within the framework of this new policy?

Mr. Paul Bobo, Assistant City Manager, replied that is something that Council should decide. That staff would hope to start all over again so that everyone would be familiar with the procedures and so they could go with it step by step themselves. He stated that Mr. Corbett listed in the agenda attachment a number of petitions he has already received. They would like to go ahead and use those if valid.

Councilwoman Locke stated she thought they should keep those under advisement and go ahead and work with them. That Council said they would have to have two-thirds of the residents; that since we do now have a policy they could work with those groups using that policy statement. But if they have already requested, then she thinks we should follow through.

Councilwoman Chafin added if in fact two-thirds of the residents have petitioned - that would have to be checked out.

Mr. Burkhalter stated that after the rumble strip, some of them might want to take their names off. Councilwoman Chafin stated she has heard nothing but positive remarks on the rumble strip from the residents of Country Club Drive. Mr. Burkhalter replied that his calls were just the other way.

In response to a question for clarification from Councilman Whittington, Councilwoman Chafin stated that those groups who have already submitted petitions, if they have two-thirds, then they should be considered without having to go out and collect new names because that is a pretty time-consuming process.

CONCERN FOR SAFETY AND SECURITY ON CITY BUSES.

Councilwoman Chafin stated she had a call last week from one of our bus drivers who indicated that apparently a lot of the drivers are really having difficulty on the buses with safety and security; that some have been attacked. She stated that Mr. Burkhalter may be aware of this, but it is a matter they should be concerned about and address.

INVESTIGATION OF FLOOD PROBLEM AT 3221 CREDENZA ROAD, REQUESTED.

Councilman Davis stated he received a phone call from Mr. Huey Long, 3221 Credenza Road. That this area has come up several times before - it lies between Tuckaseegee and Freedom Drive and in the flood plain created by Freedom Mall. He stated that he has not seen Mr. Long's situation personally but Mr. Long feels like a proper culvert under the road there would alleviate his problem; that he is suffering considerable erosion in his backyard. Councilman Davis requested Mr. Burkhalter to have someone check on this for Mr. Long. He refers to the intersection of Enderly and Credenza, right behind the Enderly Park Church.

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CANDIDATE FOR CITY COUNCIL, TED ARRINGTON, RECOGNIZED.

Councilman Davis recognized Mr. Ted Arrington, candidate for City Council from District 4, stating he has been very faithful in attending recent Council meetings.

BEST WISHES EXTENDED TO CANDIDATES IN TUESDAY'S ELECTIONS.

Councilman Gantt wished all of the candidates both on the Council and off the Council a lot of luck in the elections tomorrow. Councilwoman Locke encouraged everyone to go out and vote.

COUNCIL REMINDED OF UPCOMING MEETINGS AND EVENTS.

City Manager Burkhalter reminded Councilmembers of several meetings and events scheduled for the near future:

- (1) Council/Manager Luncheon on Community Development - Monday, November 14, at 11:00 o'clock, at Belmont Center.
- (2) He requested approval for scheduling a luncheon on Wednesday, November 30, for the purpose of hearing a report of the Airline Transport Association. This is an organization that does consulting work and has made a study of the impact of the airport facility on Charlotte's economic situation; they would like to make a report to Council.
- (3) Mr. Burkhalter stated they are contemplating a different place for the inaugural ceremonies; that Councilmembers might want to think about that a little bit between now and the next meeting. There are several places they have checked on and cannot get, but the Council Chamber may be a little small for the audience anticipated on this occasion. This has not been firmed up. They are looking at the Educational Center and probably the Civic Center. The Educational Center might be a little closer to the governmental work.

CITY MANAGER REPORTS GRAND JURY ACTION TAKEN AGAINST CITY OFFICIALS OF RICHMOND, VIRGINIA.

Mr. Burkhalter, City Manager, stated the City Attorney brought back some very alarming information from Richmond. It was from the headlines of the Richmond newspapers. The Grand Jury meeting in Richmond had just accused the City Manager of misfeasance, the Council of bad action, and the Community Development Director of misfeasance - for Model Cities programs in 1969-70. They said they did not review the programs properly and did not produce properly, and therefore they were guilty of not cutting them off.

MAYOR CONGRATULATES UNITED WAY CHAIRMEN FOR A SUCCESSFUL CAMPAIGN.

Mayor Belk stated Mr. Burkhalter was Chairman of the Public Employees Division of the United Way; while he was out of the city, Ann Veeder was substitute Chairman; and Belinda Crowell was Chairman for the City. That John Fielder will be here next week. They went over their 100 percent and this is excellent work all of them have done for the betterment of the City. He stated he would like to publicly congratulate all of them for their fine leadership.

MAYOR AND COUNCIL COMMENDED FOR A JOB WELL DONE BY MS. LUCIELLE McNEEL.

Ms. Lucielle McNeel stated she would like to say one word. She stated she has been before Council a lot, and she has banged on the podium when talking to the Mayor and Council. Today she is standing here to say she hates to see Mayor Belk not being the Mayor; but there is a person in mind who will make a good one.

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To each Council member who is not running - Mr. Williams and Mr. Withrow - she takes her hat off to them.

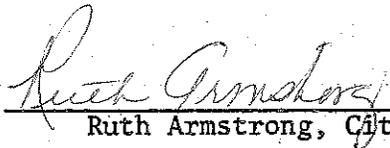
She knows each of the Council members. They have done a good job, and she appreciates what each is doing. That she hopes the people who will fill these seats will be the same as they. To those who are running for re-election she hopes each one of them will be re-elected. That they are needed as this is a critical time now. She hopes the people elected tomorrow will fit in as we are facing something. She hopes they will think right, and not take the city's money - the taxpayers' money - and throw it down the drain.

She stated she is praying and hoping that all of those on the Council running tomorrow will be elected again.

She stated she knows Mayor Belk will still be in the City, and she asked him to stand behind Mr. Whittington as he will be the Mayor.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk