

September 11, 1972
Minute Book 57 - Page 398

A regular meeting of the City Council of the City of Charlotte, North Carolina was held on Monday, September 11, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short and James B. Whittington present.

ABSENT: Councilman Joe D. Withrow at the beginning of the meeting.

* * * * *

INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

MINUTES APPROVED AS AMENDED.

Councilman Short moved approval of the Minutes of the last regular meeting on August 21, and of the Adjourned Meeting on September 5, with the following amendment to the minutes of August 21.

On Page 354, top of page, add the following explanation as the second paragraph:

"The agreement provides the City shall participate in the right of way costs only on that portion of the North-South Expressway that is not financed by federal-aid interstate funds with the Commission being responsible for all right of way costs on those portions of the North-South Expressway which are financed with federal-aid interstate funds."

The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION OF RAYMOND LEE CRAIG FOR ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB IN THE CITY OF CHARLOTTE WITHDRAWN.

The public hearing was called on petition of Raymond Lee Craig for one certificate of public convenience and necessity to operate a taxicab in the City of Charlotte.

Mr. Max Justice, Attorney for the petitioner and for Victory Cab Company, stated the petition was filed sometime ago and could not be heard until now because of the summer schedule. It was filed before Council's discussion and action at its last meeting regarding the operation of taxicabs by individual operators under certificates granted to a company such as Victory Cab. Victory Cab is interested in maintaining some operations under a new procedure involving an operation by individual owners under taxicab certificates held by the Company.

Mr. Justice stated since Mr. Craig and Victory Cab would prefer to operate under that procedure, if the amendment to the ordinance is approved, they ask permission of Council to withdraw the petition so they can operate under the proposed general ordinance if it is approved.

No opposition was expressed to the petition.

Councilman Alexander moved that Action on the petition be deferred until after Council takes action on Item 12 on the agenda today. The motion was seconded by Councilman Short, and carried unanimously.

September 11, 1972
Minute Book 57 - Page 399

Later in the meeting, after adopting the Ordinance to Amend Chapter 19, Article I of the City Code which permits individuals to own and operate a taxicab under Certificates of Public Convenience and Necessity issued to taxicab companies, Councilman Short moved that the subject petition of Raymond Lee Craig be withdrawn as requested by the Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

CITY OF CHARLOTTE EMPLOYEE PLAQUE AND SERVICE PIN PRESENTED TO L. G. UMSTEAD.

Mayor Belk recognized Mr. L. G. Umstead of the Water-Sewer Accounts of the Finance Department and presented him with the City of Charlotte Employee Plaque for his services with the City from September 23, 1940 until his retirement August 31, 1972. He also presented him with a 30 year service pin, and wished him well in his retirement.

CERTIFICATE OF APPRECIATION PRESENTED TO OMA LAFFERTY WHO RETIRED FROM TEACHING PROFESSION JUNE 4, 1964.

Mayor Belk recognized Miss Oma Lafferty and stated she retired from the teaching profession June 4, 1964. He presented her with the City of Charlotte Certificate in appreciation of outstanding contributions to the Citizens of Charlotte.

Miss Lafferty stated the teachers, who often think they are the forgotten men, will appreciate this expression of interest in them.

RECOGNITION OF FOREIGN EXCHANGE STUDENTS.

Mayor Belk recognized Mr. Gilbert Brauch, Chairman of the Board of Directors of the Charlotte Exchange Student Program, and asked him to introduce the students who are with him today.

The following students were introduced and welcomed to Charlotte for the school year:

- (1) Joelle Beranger from France. (2) Gabrielle Houillon from France.
- (3) Oystein Afdal from Norway. (4) Martine Weinandy from Luxembourg.
- (5) Tina Wik from Finland. (6) Helena Cornell from Sweden.
- (7) Gustavo Mauri from Argentina. (8) Ana Maria Valenzuela from Chile.
- (9) Hans Winkler from Switzerland and (10) Kristin Normann from Norway.

Mayor Belk thanked Mr. Brauch for the fine program in bringing all these nice students to Charlotte. Mr. Brauch stated in addition, twelve local students are sent abroad every summer to visit these countries.

KNIGHT OF THE QUEEN CITY AWARD PRESENTED TO DR. LIONEL NEWSOM.

Mayor Belk recognized Dr. Lionel Newsom, President of Johnson C. Smith University and stated the Queen City of The South has Knights; that before Dr. Newsom leaves the City we would like to thank him and present him with the Knight of the Queen City of the South Award.

Dr. Newsom responded by saying he would like to thank all the citizens of Charlotte. That in years to come he hopes to be back in Charlotte. That he is leaving his daughter, granddaughter and son-in-law here to assure him of the fact that he will be coming back to Charlotte often.

September 11, 1972
Minute Book 57 - Page 400

PETITIONS NO. 72-27, 72-28 AND 72-29 REFERRED BACK TO PLANNING COMMISSION FOR RECOMMENDATIONS ON R-15MF AND R-20MF.

Councilman Short stated Petitions No. 72-27, 72-28 and 72-29 for zoning changes are adjoining tracts of land. He stated most people recognize there are some difficulties - economic and otherwise - in single family developments generally and in Charlotte, and there are difficulties we have with multi-family zoning particularly in the R-6, R-9 and perhaps R-12 categories. It seems to him the future in residential development in Charlotte is likely to be in something like the R-20MF conditional category or the R-15MF category and particularly in the form of condominiums. That it seems to him this land is well suited for one of these two categories and in fact the R-20 category because it is conditional and would meet the objections of the adjacent single family owners probably better than the present zoning they have which is R-9. He stated he has been reading over the text of the ordinance and the form in which we pass the R-20MF conditional some years ago. It seems almost tailor made for this situation in terms of protecting the nearby single family owners and giving them the best protection they could get. This type of zoning would put about 135 units in the area of about 15 acres which is approximately half that which has been petitioned.

He stated he would like to move that Council refer these three petitions back to the Planning Commission and ask them to consider R-15MF or R-20MF and let Council have their recommendations. He stated it is a fact of life this land is not likely to be used for the present zoning, and he would like to move that Council ask them to consider what he has suggested and at the same time he would hope the petitioners would let us hear from them as to whether they could not use this type of zoning instead of the R-9MF they are asking for.

Councilman Short stated one of the petitioners has already stated that only something like R-9 would be feasible when you consider the price they have to pay for the land; but he believes if this is sent back to the Planning Commission under these circumstances it would have some effect on the price of the land.

Councilman Short moved that Petition No. 72-27 by Wilford M. Smith for a change in zoning of a lot at 700 Woodlawn Road be referred back to the Planning Commission and ask the Commission to consider R-15MF or R-20MF and let Council have their recommendations. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman Short moved that Petition No. 72-28 by George S. Goodyear for a change in zoning of 11.3 acres of land on the south side of Woodlawn Road, between Fairbluff and Murrayhill Road, be referred back to the Planning Commission for recommendations concerning R-15MF or R-20MF. The motion was seconded by Councilman Jordan, and carried unanimously.

Motion was made by Councilman Short, and seconded by Council Jordan, to refer Petition No. 72-29 by Joe D. Withrow for a change in zoning of 2.5 acres of land on the south side of Woodlawn Road, between Fairbluff Place and Murrayhill Road for recommendations concerning R-15MF or R-20MF. The vote was taken on the motion and carried unanimously.

Councilman McDuffie stated this points out again the need for the Planning Commission to revise the whole zoning process and in having certain categories to pick and chose and adapt to a certain piece of land. Councilman Short replied until they can do that, it might be well for the Council to pick and chose among the categories we have and receive a good result.

September 11, 1972
Minute Book 57 - Page 401

PETITION NO. 72-16 BY DAVID KINNEY, ET AL, FOR A CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF HAWTHORNE LANE, FROM NEAR CENTRAL AVENUE TO NEAR INDEPENDENCE BOULEVARD, POSTPONED AND REFERRED BACK TO THE PLANNING COMMISSION.

Council was advised the Planning Commission recommends the petition for a change in zoning from R-6MF to B-1 be denied.

Councilman Jordan moved that the subject petition be postponed and referred back to the Planning Commission for recommendation on an O-6 zone. The motion was seconded by Councilman Short.

Councilman Jordan stated he feels if the petition had been for O-6 rather than B-1, the Planning Commission would have gone along with the request as there is O-6 zoning in the area now.

Councilman Short stated he understands Mr. Norwood has some possible specifics of what might be placed here and he would like to hear from him.

Mr. Norwood replied he does not have those specifics. That with the present zoning the people do not feel they can maintain their home situations there.

The vote was taken on the motion and carried unanimously.

COUNCILMAN WITHROW COMES INTO MEETING.

Councilman Withrow came into the meeting at this time and was present until he left the meeting as noted in the minutes.

PETITION NO. 72-17 BY ELLISON F. EDWARDS, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HAWTHORNE LANE AND EAST EIGHTH STREET, DENIED.

Councilman Whittington moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

PETITION NO. 72-42 BY ARMAND T. DANIEL, ET AL, FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF 1.833 ACRES OF LAND AT 2800 SELWYN AVENUE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to deny the subject petition for a change in zoning as recommended by the Planning Commission.

PETITION NO. 72-39 BY WILSON L. MILLS FOR ESTATE OF ELIZA LAMB MILLS FOR A CHANGE IN ZONING OF APPROXIMATELY 25 ACRES OF LAND SOUTH OF TUCKASEEGEE ROAD AND OPPOSITE EDGEWOOD ROAD AND COOLRIDGE AVENUE, POSTPONED FOR TWO WEEKS.

Mr. Stuart Childs, Attorney, stated he represents the sellers in this matter, and at the hearing they did not discuss the influence of the airport on this property. This was considered by the Planning Commission. He stated the property is on Tuckaseegee Road, just across Interstate-85 and Tuckaseegee Road. The property is zoned I-1 with a 200 foot buffer of residential R-9 that runs along Tuckaseegee Road. There is a 200 foot area zoned R-9 separating Industrial-1 from Tuckaseegee Road all along the property.

He stated during the Conference Session a park was discussed on Tuckaseegee Road to be located on the north side, and he guesses it will be 1,000 feet on out beyond the subject property. Mr. Childs stated the interference from the Airport is from the Northeast-Southwest Runway; traffic departing northeast and landing southwest. The people in the Planning office inform them the study that was made in 1963 put part of this in the 100 decibel comb and an extremely small part of it in a 90 decibel. He stated the

September 11, 1972
Minute Book 57 - Page 402

property is approximately three to three and half miles almost straight off the end of the Northeast runway. Plans for the development of the Douglas Municipal Airport are for a parallel Northsouth runway. The plan is that the new runway when completed will be the dominant runway, which will then shovel the traffic in a north-south direction and will take this property out of any objectional area. Mr. Childs stated there is land some 1,000 feet and close to the park on out from them on the same side of Tuckaseegee Road that was rezoned from industrial to multi-family some 8 months ago. The property is farther out and has some residential property on one side and two sides industrial. One of the objections raised by the Planning Commission was the subject property is surrounded on three sides by industrial. The difference between the industrial surrounding their property and the industrial surrounding the other multi-family is insubstantial when considering whether or not to change this to multi-family.

Mr. Childs stated they are asking that the request for a change in zoning from I-1 and R-9 to R-9MF be approved.

Mr. Rege Hamel, Attorney for the petitioners, stated they plan to put a very nice housing development on the west side; that they would be happy to come back to Council with a written commitment on the construction to let Council know how serious they are. That they have asked for R-9MF but they would take R-12MF.

Councilman Jordan stated he would like very much to look at this property before making a decision; that he has not had an opportunity to look at it.

After further discussion, Councilman Jordan moved that decision on the subject petition be postponed for two weeks. The motion was seconded by Councilman Alexander.

Councilman Withrow stated if this is being deferred to get apartments in there, then he would make a substitute motion to deny the request. That he is not going to vote for multi-family. Councilman Jordan stated he would like to see the property first.

Councilman Short stated there is more involved here than just the end of the runway. As you go across the bridge, and just before you know it, about a block away, you are at Bullard Street. What was asked for is 350 units of multi-family housing on the west side at the end of the runway. He stated this violates our west side policy as well as the runway situation.

Councilman Alexander asked how far out the west side policy extends? That he is beginning to get worried about this west side policy. That he would like to know now where the dividing line is.

Councilman Withrow stated the Planning Commission recommended the petition be denied regardless of any policy. Councilman Alexander stated he raised the question because everybody always says multi-family on the west side is against the west side policy. That he would like to know how far out the west side policy extends as this petition is pretty far out. Councilman Short replied this is only two or three blocks from the very project that caused the creation of the west side policy.

Councilman Jordan stated he is not asking this to be postponed regardless of what type construction; that he would like to see the property. Also he thinks we are doing an injustice by denying anything just because it is on the west side.

Councilman Withrow stated his reason is because the Planning Commission recommended it be denied 100%, and it is at the end of the runway.

September 11, 1972
Minute Book 57 - Page 403

Councilman Alexander stated if we cannot determine how far is west, then he thinks we should determine where we will approve MF. That will settle a lot of discussion and a lot of argument. Then many people who have proposals will know what to propose to this Council and to the Planning Commission. That he thinks we should determine what is the west side and how far on the west side we are talking about. If we are holding some sort of west side philosophy, then we should say which side of town we will approve and look with favor on MF development and get down to business.

Councilman Withrow stated the whole west side is zoned R-6MF - 90% of it. Mayor Belk stated he does not think the west side has anything to do with it. That we should decide we are going to have one city, and not worry about east, west, north or south. The sooner we decide to have one city, the better off we will be.

The vote was taken on the motion to defer and carried unanimously.

PETITION NO. 71-57 BY M. R. GODLEY FOR A CHANGE IN ZONING OF LAND BOUNDED BY FREEDOM DRIVE, BROWNS AVENUE AND THRIFTWOOD DRIVE, DENIED.

Councilwoman Easterling moved that the subject petition for a change in zoning from R-6 to R-9MF be denied as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie.

Councilman Short made a substitute motion to defer action on the petition and ask the developers to present a plan for R-20MF. The motion did not receive a second.

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

YEAS: Councilmembers Easterling, McDuffie, Alexander, Jordan, Whittington and Withrow, and Mayor Belk.

NAYS: Councilman Short.

ORDINANCE NO. 589 AMENDING CHAPTER 19, ARTICLE I OF THE CODE OF THE CITY OF CHARLOTTE RELATIVE TO TAXICABS, BY THE ADDITION OF A NEW SECTION, SECTION 19-7 AND BY ADDING A NEW PROVISION TO SECTION 19-54 WHICH PERMITS INDIVIDUALS TO OWN AND OPERATE A TAXICAB UNDER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY ISSUED TO TAXICAB COMPANIES, AND CITY MANAGER INSTRUCTED TO REVIEW CHAPTER 19 TOWARDS THE END OF MAKING WHATEVER CHANGES ARE NECESSARY.

Councilman Jordan moved adoption of the subject ordinance. The motion was seconded by Councilman Withrow for discussion.

Mr. Burkhalter, City Manager, advised staff is in the middle of a study which was requested by Council at its last meeting. That in the material sent to Council on the ordinance it is pointed out that the entire ordinance needs to be studied and reviewed; that it has not been done since 1945. That staff hopes to have some good revisions ready when this study is completed.

The City Attorney advised that after the public hearing on August 21, Council approved in principle the concept of individuals to own and operate their taxicabs under certificates of public convenience and necessity that were issued to taxicab companies. That he was instructed to prepare an ordinance to that effect. This has been done and the ordinance is now before Council for formal action.

Mr. Underhill stated the City Manager is doing a study on rates and taxicab operations in general. Mr. Burkhalter stated because of the action taken by Council at its last meeting, he understands some of these people have made some commitments, and it might work a hardship on them if Council does not adopt the ordinance.

September 11, 1972
Minute Book 57 - Page 404

Councilman McDuffie stated in approving this ordinance he would not like to see left hanging all these taxicab certificates such as Victory who has gone out of business and may have 60 or 80 certificates. That we need provisions to see we are up to date. Mr. Burkhalter replied this information will be included in the study and report his staff is making. Councilman McDuffie stated he would like for Council to consider having all certificates called in that are not in use with a limited number left available to taxicab companies who have three or four or five that might be available.

Councilman Alexander stated he thought when a taxicab company went out of business it surrendered its certificates. He asked if a person can take a certificate and hold it forever? Mr. Underhill replied all certificates are good for one year; and they expire the first of each year. Anytime you change the ownership or title that automatically revokes the certificates. Councilman Alexander asked of the city revokes the certificates of the taxicab company that has gone out of business, or if they are required to surrender them? Mr. Underhill replied the code says that any owner who shall permanently retire any taxicab, taxicabs or taxicab service, shall within 30 days immediately surrender any certificates granted for the operation to the Taxicab Inspector, and shall not receive any additional certificates until they make application. He stated he does not know that Victory Cab Company is out of business.

Mr. Max Justice, Attorney for Victory Cab Company, stated it is still in business and still has the cabs and still has the certificates and cabs are running. What he said originally was that he would have to go out of business because he was not making any money and had not made money for some period of time. He stated this is not unique with Victory Cab Company; a number of other cab companies have difficulties. Mr. Justice stated they are searching for a new method of operation and he believes this amendment to the ordinance would allow a changed form of operation. At present Victory is still in business and still operating and would like to operate under this amendment to the ordinance that would allow them to sell taxicabs or lease cabs to owner-operators. He stated they have talked at great length with Mr. Dellinger, Taxicab Inspector, about what they could do, and Mr. Dellinger made it very clear that as long as they are still in business and still operating the certificates are all right, with the exception they automatically would be revoked at the end of the year, which happens to all certificates.

Councilman Whittington stated all that has been said here further indicates the necessity of getting this information from the City Manager and staff back to Council as quickly as possible. That he does not think Council has any choice but to go ahead today and approve the motion made by Councilman Jordan.

Councilman Whittington requested Councilman Jordan to amend his motion to include that the City Manager be instructed to review Chapter 19 as it relates to taxicabs towards the end of making whatever changes are necessary. Councilman Jordan and Councilman Withrow agreed to the amendment.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 269.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON REQUEST OF GERTIE PRESSLEY CRUMP FOR THE ISSUANCE OF ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB IN THE CITY OF CHARLOTTE.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted setting date of public hearing on Monday, September 25.

The resolution is recorded in full in Resolutions Book 8, at Page 375.

September 11, 1972
Minute Book 57 - Page 405

CONTRACT BETWEEN MODEL CITIES DEPARTMENT AND JOHNSON C. SMITH UNIVERSITY FOR TECHNICAL AND PROFESSIONAL SERVICES FOR THE OPERATION OF THE MUSIC DEVELOPMENT PROGRAM, APPROVED.

Councilman Short moved approval of the subject contract to increase the cultural opportunities and musical skills of 100 model neighborhood residents at a contract price of \$7,707.00. The motion was seconded by Councilman Alexander and carried unanimously.

CONTRACT BETWEEN THE MODEL CITIES DEPARTMENT AND MONTE J. CURRY MARKETING AND COMMUNICATION SERVICES FOR TECHNICAL OR PROFESSIONAL SERVICES, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the subject contract in the total amount not to exceed \$7,238 for 200 copies of the Charlotte Model Cities Fourth Action Year Comprehensive Plan in printed form for submittal to the U. S. Department of Housing and Urban Development, and 500 copies of the "Digest" of the Fourth Action Year Plan for general distribution.

AMENDMENTS TO TWELVE MODEL CITIES THIRD ACTION YEAR CONTRACTS, AUTHORIZED.

Upon motion of Councilman McDuffie, seconded by Councilman Short, and unanimously carried, amendments to the following twelve Model Cities Third Action Year Contracts were authorized:

PROJECT TITLE	CONTRACTOR	BUDGET TOTALS	
		ORIGINAL	REVISED
Education	Char./Meck. Board of Education	\$ 460,000	\$ 340,000
Culture & Recreation	J. C. Smith University	207,578	221,665
Senior Citizens Opport.	Community Health Assn.	55,000	50,028
Construction Training	Carolina Constr. & Training Council	111,621	112,418
Adult Education	Centr. Piedmont Community Coll.	5,000	5,695
Community Relations	City/County Community Relations Committee	31,826	41,538
Neighborhood Centers	Neighborhood Centers System Dept.	257,596	295,278
Neighborhood Agent	Neighborhood Agent Program	130,000	126,027
Police Community Relat.	Police Department	41,400	38,644
Home & Family Life Supp.	Charlotte Area Fund	50,000	49,441
Business Dev. Center	Progress Assn. for Economic Development	138,559	134,305
Housing Development	MOTION, Inc.	128,000	141,364
	TOTALS	\$1,616,580	\$1,556,403

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION GRANT AWARD CONTRACTS BETWEEN THE N. C. DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER AND THE CITY OF CHARLOTTE, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to approve the following four Law Enforcement Assistance Administration grant award contracts between the N. C. Department of Natural and Economic Resources, Division of Law and Order, and the City of Charlotte:

- (a) Training Materials/Audio Visual Equipment \$4,475.00
- (b) Police Reference Library \$5,000.00
- (c) Crime Lab Drug Library \$7,210.00
- (d) Student Internship Program \$4,500.00

September 11, 1972
Minute Book 57 - Page 406

UNIFORM POLICY FOR MEMBERSHIP ON BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES, APPROVED.

Upon motion of Councilman Short, seconded by Councilman McDuffie and unanimously carried, the following resolutions and ordinances were adopted to set a uniform policy for membership on Boards, Committees, Commissions and Authorities:

- (a) Resolution decreasing the length of terms on the Airport Advisory Committee from 5 years to 3 years.
- (b) Ordinance No. 590 Amending Chapter 2, Article III, Section 2-25 of the City Code by limiting members of the Charity Solicitations Commission to two full consecutive terms.
- (c) Ordinance No. 591 Amending Chapter 5, Article III, Section 5-202, of the Code of the City of Charlotte, establishing three-year terms for members of the Electrical Advisory Board and limiting members to two full consecutive terms.
- (d) Ordinance No. 592 Amending Chapter 2, Article III, Section 2.35.1 by establishing three year terms for all members of the Model Neighborhood Advisory Commission and by limiting membership to two full consecutive terms.
- (e) Resolution establishing 3-year terms of office for all members of the Transit Improvement Committee and limiting said members to two (2) consecutive terms.
- (f) Resolution establishing 3-year terms of office for members of the Charlotte Tree Commission and limiting a member to two (2) consecutive terms.
- (g) Ordinance No. 593 Amending Chapter 23, Article VIII, Section 92, of the Code of the City of Charlotte, eliminating all members from and reference to the perimeter area, and limiting members to two full consecutive terms. (Zoning Board of Adjustment.)
- (h) Ordinance No. 594 Amending Chapter 10A of the Code of the City of Charlotte entitled "Housing" by limiting members of the Housing Appeals Board to two full consecutive terms.

The resolutions are recorded in full in Resolutions Book 8, beginning at Page 376, and the ordinances are recorded in full in Ordinance Book 19, beginning at Page 270.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, a resolution authorizing condemnation proceedings for the acquisition of property belonging to R. R. Warren and wife, Mary Berryhill Warren, located on Warren Road at Nannie Price Road, in Berryhill Township, in connection with the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 8, at Page 379.

Councilman Withrow moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Heirs of Reece E. Brown, located off Highway 160 at SR 1179 in Berryhill Township, in connection with the Airport Expansion Program. The motion was seconded by Councilman Whittington and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 380.

September 11, 1972
Minute Book 57 - Page 407

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Lula B. Brown (Widow), located off Highway 160 at SR 1179 in Berryhill Township, in connection with the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 8, at Page 381.

Motion was made by Councilman Alexander to adopt a resolution to amend City Council's authorization to institute condemnation proceedings for the acquisition of property belonging to Joe M. Boyles and wife, Dorothy M. Boyles, located at 6637 Old Dowd Road, in Berryhill Township, in connection with the Airport Expansion Program. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 382.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried a resolution to amend City Council's authorization to institute condemnation proceedings for the acquisition of property belonging to the Heirs of John Stuart Boyles, located on Old Dowd Road, in Berryhill Township, in connection with the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 8, at Page 383.

Councilman Withrow moved adoption of a resolution to amend City Council's authorization to institute condemnation proceedings for the acquisition of property belonging to C. Frank Boyles and wife, Beulah D. Boyles, Mary Boyles Davenport and Willa Ione Boyles, located at 6603 Old Dowd Road, in Berryhill Township, in connection with the Airport Expansion Program. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 384.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Edward J. Wannamaker and wife, Mary S., and Kelley Bauguess, d/b/a Kelley Tire Service, as lessee, located at 1627 Central Avenue in the City of Charlotte, for the widening of the intersection at Central Avenue and The Plaza.

The resolution is recorded in full in Resolutions Book 8, at Page 385.

RIGHT OF WAY AGREEMENTS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following right of way agreements:

- (a) Agreement with the State Highway Commission permitting the City of Charlotte to construct a sanitary sewer line within the right of way of SR 2939 near the intersection of N. C. 49 and U. S. 29 to serve Ranch House of America.
- (b) Agreement with the State Highway Commission permitting the City of Charlotte to construct a sanitary sewer line within the right of way of I-85 to serve Days Inn of America at I-85.
- (c) Right of way between the City and the State Highway Commission for the construction of water mains in the North Access Road of I-85 at Tuckaseegee Road to serve the Monarch Knitting Machinery Corp.

September 11, 1972
Minute Book 57 - Page 408

SETTLEMENT WITH Z. E. HARGETT AND WIFE FOR WEST THIRD AND FOURTH STREET CONNECTOR.

Councilman Jordan moved approval of a settlement with Z. E. Hargett and wife, Lula C. Hargett, in the amount of \$3,000 for Parcel No. 1, for the West Third and Fourth Street Connector. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman McDuffie asked if the City got all this land? Mr. Underhill, City Attorney, replied just the part required by the right of way; in addition to the land a building was severed that was protruding into the right of way needed. Councilman McDuffie asked if under the law, the City could acquire the whole property and rezone it. Mr. Underhill replied we could acquire it only by agreement with the owner; the law will only allow you to condemn that which is needed for the right of way.

PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 15' x 53.53' of easement at 1338 Plumstead Road, from Jimmy B. Looper Sr., and wife, Patricia B., at \$50.00, for sanitary sewer trunk to Chesapeake Drive, off Hoskins Road.
- (b) Acquisition of 15' x 176.29' of easement at 1301 N. Hoskins Road, from James A. Caldwell (widower), at \$200.00 for sanitary sewer trunk to Chesapeake Drive, off Hoskins Road.
- (c) Acquisition of 10' x 58.33' of easement at 3014 Freedom Drive, from Steve Fellos and wife, Tula C., at \$1.00, for sanitary sewer to serve 3030 Freedom Drive.
- (d) Acquisition of 15' x 290.34' x 10' x 472.86' of easement at 3004 Freedom Drive, from Roy Arnold (single), at \$1.00, for sanitary sewer to serve 3030 Freedom Drive.
- (e) Acquisition of 10' x 150' of easement at 3000 Freedom Drive, from Freedom Drive Corporation, at \$1.00, for sanitary sewer to serve 3030 Freedom Drive.
- (f) Acquisition of 15' x 133.89' of easement in 5900 block of Interstate-85 North, from Northside Baptist Church, at \$135.00, for sanitary sewer to serve Happy Valley Apartments.
- (g) Acquisition of 15' x 343.93' of easement at 5601 Interstate-85 North, from William Frank Lee and wife, Nancy A., at \$350.00, for sanitary sewer to serve Happy Valley Apartments.
- (h) Acquisition of 130.29' x 25' x 12' x 105' x 12' of easement at 2201 Starita Road, from Marc H. Silverman, Trustee, at \$335.00, for Upper Irwin Creek Interceptor sanitary sewer construction.
- (i) Acquisition of 25' x 311.49' of easement at 3401 Interstate-85, from Southern Equipment Service Company, Inc., at \$310.00, for Upper Irwin Creek Interceptor sanitary sewer construction.
- (j) Acquisition of 28' x 25' x 44' of easement at 3801 Interstate-85 Service Road, from E. P. Young and wife, Kathleen, at \$25.00, for upper Irwin Creek Interceptor sanitary sewer construction.

September 11, 1972
Minute Book 57 - Page 409

- (k) Acquisition of 15' x 735.07' of easement in 6600 block of North Interstate-85, from N. B. Dulin and wife, Katherine D., at \$735.00, for sanitary sewer to serve Orchard Trace Apartments.
- (l) Acquisition of 15' x 66.81' of easement at 500 Melynda Road, from Cenco, Incorporated, at \$1.00, for sanitary sewer to serve 500 Melynda Road.
- (m) Acquisition of 60' x 542.30' x 63.79' x 56.19' x 77.88' x 14.95' x 93.03' x 542.30' of easement in unopened portion of Windsong Drive, off Nations Ford Road, from John Crosland Company, at \$1.00, for proposed utility easement to serve Ramblewood Subdivision.
- (n) Acquisition of 43.1 acres of vacant property on Warren Road at Nannie Price Road, from E. S. Berryhill (single), at \$210,000 for Airport Master Plan, land acquisition project.
- (o) Acquisition of 2.5 acres of property with one-story brick residence, on Sylvan Way, from Jack A. Dayvault and wife, Martha K., at \$38,000, for Airport Master Plan, land acquisition project.

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

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the following contracts were approved:

- (a) Supplementary contract to contract dated November 4, 1963, with Idlewild Utilities, Inc. for the construction of 3,020 feet of water mains and three fire hydrants, to serve Slatewood Subdivision, outside the city limits, at an estimated cost of \$12,200.00. Under the terms of the original and the supplementary agreement, the applicant will buy water through a master meter (two master meters), at outside the city rates at the city limits. He will own, maintain and operate the entire water and sewerage system under a Certificate of Necessity from the State Utilities Commission. The applicant will maintain, operate and retain revenue from the water and sewerage system, but upon annexation, the water system will become the property of the city without reimbursement and the sewerage system will be transferred to the city at an appraised value at the time of annexation if the city so desires.
- (b) Contract with The Howey Company, Inc., for the construction of 1,220 feet of water mains and two fire hydrants to serve Olde Georgetowne Subdivision, Phase II, outside the city, at an estimated cost of \$7,300.00, with funds to be advanced by the applicant and refunded under terms of the existing policies.
- (c) Contract with the Northside Baptist Church for the construction of 2,200 feet of water main and one fire hydrant to serve property of the Northside Baptist Church abutting on North Access Road of Interstate-85, outside the city, at an estimated cost of \$12,500.00, with funds to be advanced by the applicant and refunded under terms of the existing policies.
- (d) Contract with the Monarch Knitting Machinery Corporation for the construction of 1,700 feet of water main and one fire hydrant to serve Monarch property on Bradford Drive, inside the city, at an estimated cost of \$9,800.00, with funds to be advanced and refunded under terms of the existing policies.
- (e) Contract with Synethics for the construction of 1,560 feet of sanitary sewer main in Westinghouse Boulevard, outside the city, at an estimated cost of \$14,889.00. The applicant has deposited the full amount and will be refunded \$12,778.69 under existing policies of the city.

September 11, 1972
Minute Book 57 - Page 410

ORDINANCE NO. 595-X TO AMEND BUDGET ORDINANCE NO. 520-X, THE 1972-73 BUDGET ORDINANCE TO PROVIDE FUNDS FOR THE FINAL PAYMENT TO THE COOPERATIVE AREA MANPOWER PLANNING SYSTEM. (CAMPS).

Councilman McDuffie moved adoption of the subject ordinance, which was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 276.

COUNCILMAN WITHROW LEAVES MEETING.

Councilman Withrow left the meeting at this time and was absent for the remainder of the session.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH ILLEGAL LEVY.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$422.41.

The resolution is recorded in full in Resolutions Book 8, at Page 386.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, ordinances were adopted ordering the removal of weeds and grass at the following locations:

- (a) Ordinance No. 596-X ordering the removal at 1305 Kennon Street.
- (b) Ordinance No. 597-X ordering the removal adjacent to 4113 Rutgers Avenue.
- (c) Ordinance No. 598-X ordering the removal at 4309 The Plaza.
- (d) Ordinance No. 599-X ordering the removal at 3000 West Trade Street.
- (e) Ordinance No. 600-X ordering the removal adjacent to 2325 Freedom Drive.
- (f) Ordinance No. 601-X ordering the removal adjacent to 222 North Myers Street.
- (g) Ordinance No. 602-X ordering the removal at 2708 Duncan Avenue.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 277.

APPOINTMENTS TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION DEFERRED FOR ONE WEEK.

Councilman Short moved that consideration of appointments to the Charlotte-Mecklenburg Planning Commission be deferred for one week. The motion was seconded by Councilman Alexander.

Councilman McDuffie stated he strongly objects to postponing this; at least on the nomination of one of the vacancies. That he wishes Council would go ahead and appoint Mrs. Jolly who has been nominated.

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

YEAS: Councilmembers Short, Alexander, Easterling, Jordan and Whittington.
NAYS: Councilman McDuffie.

September 11, 1972
Minute Book 57 - Page 411

JOHN G. NEWITT, JR. APPOINTED TO THE ZONING BOARD OF ADJUSTMENT.

Councilman Short stated he placed in nomination the name of Mr. Gray Lewis to serve on the Zoning Board of Adjustment. That subsequent to this nomination he discovered he lives beyond the city limits and is not eligible to serve, and he has withdrawn his name from nomination.

Councilman Short then placed in nomination the name of Mr. John G. Newitt, Jr. and moved his appointment. The motion was seconded by Councilman Alexander, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following special officer permits for a period of one year each:

- (a) Renewal of permit to Ellis R. Black for use on the premises of the Park and Recreation Commission.
- (b) Renewal of permit to Fred R. Andrews for use on the premises of the Park and Recreation Commission.

CONTRACTS AWARDED.

Councilman Alexander moved award of contract to the low bidder, B & H Carolinas, in the amount of \$10,080.30, on a unit price basis, for pipe fittings, bell and spigot. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

B & H Carolinas	\$10,080.30
Lynchburg Foundry Co.	11,825.04
American C. I. Pipe Co.	12,927.09

Motion was made by Councilman Jordan, seconded by Councilwoman Easterling, and unanimously carried, awarding contract to the low bidder, ITT Grinnell Corporation, in the amount of \$3,145.51, on a unit price basis, for pipe fittings, flange type.

The following bids were received:

ITT Grinnell Corporation	\$ 3,145.51
B & H Carolinas	3,241.05
Glamorgan Pipe & Foundry Co.	3,514.24
American C. I. Pipe Co.	3,973.45
Lynchburg Foundry Company	4,164.49

Councilman McDuffie moved award of contract to the low bidder, Glamorgan Pipe & Foundry Company, in the amount of \$159,861.00, on a unit price basis, for cast iron pipe. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Glamorgan Pipe & Foundry Co.	\$159,861.00
Lynchburg Foundry Company	162,711.00
U. S. Pipe & Foundry Co.	173,852.00

September 11, 1972
Minute Book 57 - Page 412

Upon motion of Councilman McDuffie, seconded by Councilman Alexander, and unanimously carried, contract was awarded the low bidder, Young Ford, Inc., in the amount of \$6,858.36, on a unit price basis, for two 9-passenger station wagons for Model Cities and Home of Assurance.

The following bids were received:

Young Ford, Inc.	\$6,858.36
Ray Skidmore American, Inc.	7,288.26
Town & Country Ford, Inc.	7,644.48

Motion was made by Councilman Jordan to award contract to the low bidder, ITT Grinnell Corporation, in the amount of \$10,290.04 on a unit price basis, for tapping sleeves and valves. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

ITT Grinnell Corporation	\$10,290.04
American C. I. Pipe Co.	10,825.08
Kennedy Valve Mfg. Co., Inc.	10,967.62
Southern Meter Supply Co.	11,502.99
U. S. Pipe & Foundry Co.	12,240.79

Councilman Alexander moved award of contract to the low bidder, ITT Grinnell Corporation, in the amount of \$14,241.85, on a unit price basis, for fire hydrants. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

ITT Grinnell Corporation	\$14,241.85
American C. I. Pipe Co.	15,366.40
B & H Carolinas	17,532.90
Kennedy Valve Mfg. Co., Inc.	17,778.66

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Fargo International, in the amount of \$3,378.32, on a unit price basis, for mounting bars and blinker lights.

The following bids were received:

Fargo International	\$3,378.32
Matthews Police Supply Co.	3,674.00
C & C Specialties	3,784.00
National Police Supply	4,268.00
Federal Sign & Signal Corp.	5,788.64

MAYOR LEAVES MEETING.

Mayor Belk left the meeting after recognizing Mr. Little and returned to the meeting as noted in the Minutes, and Mayor pro tem Alexander presided during his absence.

PRESENTATION OF PROPOSAL FOR DOWNTOWN PARKING AND REQUEST THAT FOUR ADDITIONAL WEEKS BE ALLOWED TO FINALIZE THEIR FINANCING GRANTED.

Mr. William Little, President of Little Construction Company, stated he would like to talk to Council about the parking property on South College Street, between East Third Street and East Fourth Street. The property is owned by 10 different property owners. He stated they have options on eight of the ten pieces. The property owners are City National Bank, Pound and Moore Company, American Realty and Investment Company, The Northwestern

September 11, 1972
Minute Book 57 - Page 413

Bank, Jack Turner, J. H. Cutter and Cutter-Davis, Piedmont Alright Parking, Inc., and ^{that} Mr. Tracy Webb and Mr. Sinclair Cox are present.

Mr. Little stated they are proposing a parking structure that will incorporate approximately 1450 parking spaces; this is 550 spaces larger than the plan proposed by Wilbur Smith under his contract with the City. He stated they are able to accomplish the greater quantity and still meet the approval of the Traffic Engineering Department as they are proposing to go under College Street with the primary entrance and the primary exit. This has been discussed at length with Mr. Herman Hoose, and an arrangement has been made with CDA and although they still ^{do not} have their final approval, they are confident it can be finalized to have an easement over the corner of their property. The actual entrance will be on city property.

Mr. Little stated they are proposing a plan that would involve no city bond financing; no revenue bonds will be required. In the process of this happening they would be paying taxes on property of about \$40,000 per year.

He stated the city has been planning to invite bids for other developers to develop this property, in which case he thinks they will ask for a revenue financing. He stated their financing is well along, but is not quite complete, and he is here today to ask Council to allow them an additional four weeks to finalize their financing to make a firm proposal to the city. This will save the city the responsibility of getting involved with revenue bonds and will pick up approximately an additional \$40,000 a year in property taxes.

Mr. Little stated they plan to continue the requirements of the Ponte-Travers, Wolfe Plan. He referred to drawings and pointed out the pedestrian walkway crossing to the NCNB complex, to the First Union and to the CDA Hotel when it is ready. He stated there will be approximately 48,000 square feet of retail and commercial space; three of the existing property owners have indicated a desire to have space in the new retail and commercial area. He stated there will be no conflict between pedestrians and automobiles at any point. In every instance the entrance and exit to and from the facility go below the sidewalk so that you do not have to slow down to allow the pedestrians to go by. In the initial stage they will build the 1450 parking spaces and 48,000 feet of retail.

He referred to a drawing of a future office building which will contain 300,000 square feet of rentable space. That is projected for about 1979-1980 depending somewhat on how quickly NCNB and Southern National Bank Building fill up.

Councilman Short asked the calendar on the parking and lower level of construction, and Mr. Little replied January, 1974. Mr. Little stated that is partially because some of the property is occupied and they must have reasonable time to relocate.

Councilman Short asked how someone would get from the proposed facility into the civic center? Mr. Little replied there are different ways. One across the bridge into the NCNB Plaza and across the bridge from there to the mezzanine level of the civic center; or go to the CDA hotel and its main lobby level will be at the level of the bridge and of the entire pedestrian walkway system.

Mr. Little stated it had been their plan to complete all their financial arrangements and to present the proposal to Council in a package deal as ready to go. But the City has been preparing documents, and if the city's documents go, then their plan is off, as he no longer will have the options to the property. He stated they are asking Council to give them four weeks to finalize the financial details.

Councilman Jordan moved that Council give Mr. Little and his group the four weeks requested. The motion was seconded by Councilman Short later in the discussion.

September 11, 1972
Minute Book 57 - Page 414

Mr. Hoose, Traffic Engineer, stated he is in accord with this underground movement which will eliminate the conflict with the pedestrian and the vehicles. Two of the corners will be Third and College, and Fourth and College. He stated until the other buildings are built the people will have to use the sidewalks to the civic center. There is an entrance at Fourth and College to the Civic Center. He stated he is in accord with the plan for circulation, and it can be handled with this type of circulation, but only with this type of circulation.

Mr. Little stated it has been suggested that they have an alternate entrance in case of an accident in the tunnel, and this can be accomplished through the truck way at the rear.

Councilman Short asked how chancy the situation is with reference to the options; that he has said he does not have an option to all the land. We have been on the verge of building this by public means, and the city manager was about ready to receive bids with the developers and to enter into conversation with them. Mr. Little stated he has all except two pieces. He felt they could not get down into serious negotiating on these without the approval of Council because the two pieces are involved in the Belk family interest. That he thinks the pieces of property will be available. If everything else is workable, they will consider this in their best interest to let them have the land. They have not said they would let them have it and they have not said they would not. They have just said they considered it best to get all the details finalized and then to come talk to them.

Councilman Whittington asked the City Manager if he is in a position to make a recommendation to Council? Mr. Burkhalter replied the invitations for proposals done at Council's request have been prepared and are completed. That they were held up briefly so this presentation could be made to Council today. He stated he told Council in the beginning he thought we could get some private interest to do this, but he did not think we would get one this good. This is an excellent plan and it includes everything we have been trying to do. He stated while we have been doing this, he has talked to some 12 to 15 other people who want this same opportunity. That one or two call him about twice a week. Council is in an unusual situation in that the participants in this group are the property owners. The City does not have any options to any of the property, and this group does. They are in a position to do this without any assistance from the city which would be the ideal way for it to operate. But he thinks there is a slight obligation to give everyone of the others an opportunity.

Councilman Short stated the delay is in order for the simple fact this man does have the options, and none of the others have any options. This sets him apart from the rest of the crowd automatically whether Council does anything. Councilman McDuffie stated the contention was the only reason we would get into the parking business was because no one else could acquire the land. Considering Mr. Little has all but two, and the Belk family has those, it would appear that someone else can acquire the land; and if that takes place, there is no need for us to be in the parking business on this location.

Mr. Burkhalter stated provided the parking space the city is interested in is put up and it is not allocated, built or counted as part of the motel or any other building; provided it is there for the public.

Mr. Little stated it would have been impossible for anyone to get all these property owners together had the property not been under threat of condemnation; so the city has done its part by making that move. As to the parking, they will meet every requirement of the Ponte-Travers, Wolfe plan and the Wilbur Smith report of June 8. In the June 8 report there was a requirement they provide a minimum of 600 spaces for transit use at competitive rates. He stated they would certainly obligate themselves in consideration for the city granting an easement under the street which is necessary. They would guarantee that the 600 spaces minimum would be available to public use as long as the facility exists, and that the rate would be competitive.

September 11, 1972
Minute Book 57 - Page 415

Councilman Short asked how we would know this parking would be available for citizens from now on into the future? Mr. Little replied they could write that into the right of way agreement.

Councilman Whittington stated he thinks Council should give this corporation of Mr. Little's four weeks, and the motion should specify that at the end of four weeks, if they do not have the other two options and are not ready to come back with the plan, then council is wide open to send out these other invitations. This is something Council will have to do. That the motion should state this and hopefully Mr. Little can be back in two weeks, and the city can send the invitations out in two weeks.

Mayor pro tem Alexander stated one of the points of interest is that property owners are the persons who make up the combine who will build the building. Mr. Little replied that is not completely true; the property owners have given him the option on the property; some of the property owners cannot legally be involved in ownership of the building because of banking laws and other reasons. Some of them will be, and all of them will have the opportunity to participate. Three of them will occupy space in the building. He stated he could not possibly have gotten the options from the property owners unless this particular plan and the way it is being handled, had everyone's specific approval. Mr. Little stated he owns the options on everything except the two pieces of Belk property.

Councilman Short asked Mr. Little how he knows he can get the money? Mr. Little replied he does not know that he can get the money; that he is 90% sure he can get it. That Mr. Tom Henderson, the mortgage correspondent with Connecticut General, is here today and Connecticut General has indicated they will provide the mortgage financing.

Mr. Henderson stated he would say they have a 90% chance plus in arranging the financing. This is not an easy facility to finance. The price of the land is very high and this is not the ordinary thing to finance just a parking garage and a small commercial building. This structure is principally a parking garage. He stated they are way along the way with the financing. That it really takes a lender like Connecticut General to really get interested as they are. Connecticut General has some \$60.0 million plus in Mecklenburg County and the City of Charlotte now, and they think well of the City. This parking garage is right in the middle of a financial district, and you can never replace something like this.

The motion was seconded by Councilman Short at this time.

Councilwoman Easterling stated Mr. Little mentioned there would be 1500 parking spaces and later said a minimum of 600 spaces would be available for the public at all times. She asked what happens to the other spaces? Mr. Little replied they will be available to the public until the proposed building is built; they do not know how many spaces the building will require. The only monthly parking they are currently planning is maybe 300 to 400 spaces for Southern National Bank.

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

MAYOR RETURNS TO MEETING.

Mayor Belk returned to the meeting at this time and presided for the remainder of the session.

September 11, 1972
Minute Book 57 - Page 416

REQUEST OF FRATERNAL ORDER OF POLICE TO ALLOW THEM TO MEET WITH A COMMITTEE APPOINTED BY COUNCIL, WITH A MEMBER OF COUNCIL AS A MEMBER, TO HEAR GRIEVANCES, TAKEN UNDER ADVISEMENT.

Mr. Robert F. Rush, Attorney representing the Fraternal Order of Police, stated this local chapter was formed about three years ago; the national organization was founded in 1950 in Pittsburg, Pennsylvania. It has more than 60% membership of the Charlotte City Police, and is open to all members of law enforcement in Mecklenburg County. Mr. Roy Atwell is president; Mr. James Jones is treasurer.

The purpose of the organization is to promote better policing, and to promote harmony within the police department. He stated after meeting with these people on two or three different occasions, he feels they have an organization that can give a direct liasion between the individual members of the police force and the Council itself. These men get together and discuss their individual problems as it relates to law enforcement and they discuss it on a personal level that is not adrift or above the administrative level that sometimes seems to ignore them. They have some grievances they have not only talked about, but have come up with some concrete answers to some of them. They suggested many, many changes which he thinks would be appropriate for Council to hear on a first hand basis. Some of the grievances have been talked about through the channels facilitated by the Council through the police department. But he is told by them that many, many times the individual grievance or suggestion is often lost through some administration procedure. They do not know why they have certain problems with court days, and they do not know why this does not get to the Council. Many, many problems they have presented have not reached Council.

Mr. Rush stated they are asking Council to allow them to meet with a committee appointed by Council, with perhaps one member of Council, as a member of the committee so there can be some liasion between the individual patrolmen and council. They are not saying the individual procedures could not work; they are saying so far it seems they have not worked; that they have not worked for the individual policemen.

Mr. Rush stated they are making this in a request form and they are not making any demands as it is not the purpose of this organization to make demands as such. Some of the bylaws and some of the purposes state that is something they should not do. This is purely a fraternal organization, interested in law enforcement and interested in police harmony at every level.

Councilman Alexander asked if they are asking for a permanent committee or if it is a committee to hear some problems they have now? Mr. Rush replied they would like for it to be on a permanent basis, with an individual council member sitting there, so they can be informed. If no action is taken they can at least be informed and apprise the other members.

Mayor Belk asked what it is about the procedure set up they do not like; that he keeps talking generally but he does not say what it is. Mr. Rush replied he is told the grievances are made and that is the last. Mayor Belk asked what grievances? Mr. Rush replied grievances such as officers are not allowed to work but some period of time (4 or 5 hours) before they go on a particular work day. But it seems ridiculous they can do the same thing in November and December when the merchants are hiring them for longer periods of time.

Mayor Belk stated they should go through the procedure that has already been set up, before it is changed, if it is not working. He asked which ones are not going through? Mr. Rush replied Mr. Atwell asked Mr. Burkhalter to let him be heard on some of the budget and before he knew it the whole thing had been passed over. Mr. Rush stated they know what the procedures are; but the individual when he reports it to his immediate sergeant is simply not heard and it does not go all the way up to where it should be.

September 11, 1972
Minute Book 57 - Page 417

Councilman Alexander stated he would like to hear some of these grievances. He moved that Council take the request under advisement. The motion was seconded by Councilman Whittington for discussion.

Councilman Whittington asked Mr. Burkhalter, or Chief Goodman, to comment on how this information gets to Council. Mr. Rush is saying the grievance does not get any further than the person the grievance was presented to. Mr. Burkhalter replied budget hearings are not set up far in advance. Mr. Atwell did request to be heard and he was told to be present, and he decided not to appear as his attorney was not present.

He was told the final time for the budget to be approved was public and he was invited to that. He stated Council does know of everything that has been brought up, in writing at the time in which they are supposed to do it. Copies of each one has been made available to each councilman. He stated the things that have been presented formerly, according to the procedures, have been brought to Council.

Councilman Whittington stated he does not want anyone to interpret that he is doing anything against this grievance procedure the police department and everyone else has to abide by. If there is someone down the line that has a grievance, which is not getting on to City Manager and to the Council, then this is wrong. It should come to the City Manager and if he cannot resolve it, then it should come to Council.

Mr. Rush stated they are not asking that their request of today replace the grievance administrative procedures. They are asking that it be considered as an implementation of it.

Councilman Short stated Council cannot make an in-run around Mr. Burkhalter. He asked if the procedure includes bringing the grievances to the Council at all? Mr. Underhill, City Attorney, stated there are two procedures. One is the procedure set up for the employer-employee relationship and involves matters affecting the budget, salaries, wages and working conditions that have a budgetary effect. Requests from any groups or individual employees, or citizens, at large have to be filed with the city (x) amount of days in January and are reviewed and presented to Council in a public hearing prior to the adoption of the budget. The second procedure is the grievance procedure. This is essentially a three step procedure. The first step is the aggrieved employee's immediate supervisor. If he receives no satisfaction at that level he may go to his department head. The third step is the city manager, and the city manager is the stopping point on the grievance procedure unless he chooses to exercise an option to appoint a third party arbitrator. Council is not built into the administrative grievance procedure. They are a part of the budgetary procedures.

Councilman Short stated he thinks this is a point of policy that is within the purview of this group to consider whether the basic idea of the grievance procedure is being properly implemented. But he does not believe it is a proper role for this group to have any kind of funneling system that funnels a grievance into this body. He stated he would like to request the City Manager to make a survey among the city establishment and see what is happening to grievances. If there is some supervisor or some department head who is failing to relay these on up the ladder, then the city manager should know it.

Councilman Alexander stated he was cognizant of the procedure when he made the motion. That he felt this would be the best method if there were misunderstandings as regards the steps in the regulations. If there were some items the organization had which he felt had not been given proper consideration, then the Council taking it under advisement, would give them an opportunity to clarify their point of differences. That he would not want this request to be enlarged upon to involve any other department of the city at this particular time. What comes out of this may lead to some other resolve.

September 11, 1972
Minute Book 57 - Page 418

Councilman McDuffie stated if Council sets up a committee for the police department, then it will have one for the garbage, one for the water department, cemetery department and everybody else. As far as he is concerned if there is any grievance to be had, he wants to hear them himself and he wants the other councilmembers to hear it and he does not want government by committee. That he does not want somebody saying something for him nor replying for him. That he wants to know what the grievances are if they are supposed to hear them.

Mr. Rush stated he is not present to point out any particular grievance. That he is just asking that Council establish some liasion between them to promote harmony and generate some constructive criticism.

Councilman Short stated he would hope that the City Council would make a survey and in communicating this survey, to send Mr. Rush a copy.

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

COMPLAINT OF CENTRAL AVENUE RESIDENT ABOUT CHICKEN FEATHERS FLYING OVER THE STREET AND YARDS.

Mr. Thurman M. Benton, 3334 Central Avenue, stated he has a litter problem and he has concrete evidence. That he has a bag of chicken feathers which he has picked up from his yard. These feathers are scattered from Eastway Drive on down Central Avenue; that he lives five blocks from the Southeastern Poultry Company. Mr. Benton stated he is representing a lot of his friends and neighbors who could not be here today. He stated these trucks, owned by L. L. Bradley Poultry Company, out of Siler City, North Carolina, come down Eastway Drive, enter Central Avenue, and when they do that the live chickens begin to come out of the coups, and then cars passing by, run over them and kill them. These trucks go to the Southeastern Poultry Company and unload the chickens and the coups are dry and the feathers are in there, and as they come up Central Avenue, the feathers fly out of the empty coups on the streets and yards.

Mr. Benton stated these empty crates should have a cover over them to keep the feathers from flying; or have them installed under wire.

Councilman Whittington asked if the Public Works Director cannot require the hauler to cover these crates after he unloads the chickens? Mr. Hopson replied that is a proposal for the legislature; that he has worked very closely with these people. That it is a real problem. That unless he totally encloses the returning crates, it cannot be stopped. That when they come in, they could use fishnet over them. Mr. Hopson stated they could stop it but it would put him out of business. Councilman McDuffie stated he does not believe he washes his trucks as he should.

Mr. Benton stated he thinks if they use the fine net, such as suggested by Mr. Hopson, this would help solve the problem. That he read where some states have special statutes. The Mayor requested Mr. Hopson to write and see what these statutes are.

COUNCIL ADVISED THAT EARLIEST DATE BOND ELECTION CAN BE HELD IS PROBABLY FIRST OF THE YEAR.

Councilman Whittington asked if it has been determined how soon another bond issue could be brought up? Mr. Underhill, City Attorney, advised it takes approximately 90 days to get ready for a bond election; it takes a considerable amount of time to print and program the voting machines; that he would imagine it would not be possible to have another bond election before the first of the year. To a large extent that depends on how fast the Board of Elections could get on the job of getting the ballots printed and the machines programmed. That would probably be around the first of the year.

September 11, 1972
Minute Book 57 - Page 419

ZONING PETITIONS PENDING REQUESTED PLACED ON AGENDA.

Councilman Whittington stated back in June, the City Manager sent Council a list of the zoning petitions pending. That Council now has a recommendation on many of these, and they should be placed on the agenda for Council's consideration.

Councilman Whittington moved that the petitions be placed on the agenda. The motion was seconded by Councilman Short, and carried unanimously.

COMMENT ON EXCHANGE OF PROPERTY ON MARSH ROAD TO STRAIGHTEN ROAD.

Councilman Short stated he understands that the farm on Marsh Road is to be sold off in an auction. He asked what would be wrong, while that is still farm land, with seeing if the road cannot be straightened. It seems to him if the city would offer to give them the present right of way in exchange for a straight right of way it would be an equal swap. If it is auctioned off and then developed, it will have that tremendous curve in there and it will cost the city a great deal of money to change it.

CITY MANAGER REQUESTED TO MAKE A STUDY OF NORTHERN END OF BELT ROAD AND SOUTHERN RAILROAD WITH REFERENCE TO PUTTING IT IN THE CAPITAL IMPROVEMENTS PROJECTS.

Councilman Short stated at the last meeting, Councilman McDuffie brought up the grade separation at the Belt Road and the Southern Railway - the northern section of the belt road. This matter has been mentioned for many years by quite a number of people. We always mention it and never do anything about it. That he thinks Council should vote to have this examined with reference to putting it on the capital improvement program. It will not be funded, but at least it would be studied and scheduled for doing some day.

Councilman Short moved that the City Manager be requested to make such a study. The motion was seconded by Councilman McDuffie, and carried unanimously.

COMMENTS OF COUNCILMAN SHORT ON PERIMETER ZONING PETITIONS.

Councilman Short stated he would like to comment on the legislation that turned the perimeter zoning over to the County Commission. There was provision made when this legislation was passed that copies of maps being used by the county in their zoning deliberations would be sent in advance to each councilmember. He stated it is obvious the thought was by sending these xerox copies over here that they have somehow created a joint handling of zoning matters by the city council and the county commission. This is a very superficial idea that someone had that merely from sending out a copy like this, that they are going to get a joint handling of these zoning matters. The idea seems to be that Council will study these zoning matters in advance and then prepare some kind of a case and go over and sit through the county commission hearings and when the time comes, the council will appear as an advocate in this matter on one side or another. This whole arrangement is completely impractical. The idea of seven Council members going over to the county commission meetings and arguing these points is completely impractical.

Councilman Short stated they have stated this is a way of achieving a joint handling of zoning cases by the county commission and the city council. In fact Council has been criticized a little bit for what they do when Council made no input into it.

Mayor Belk stated he does not know who criticized him about it, but City Council only has the right of any other citizen to go over and listen.

September 11, 1972
Minute Book 57 - Page 420

Councilman Short stated just because the city clerk, or he as a member of City Council, is receiving these papers, he is not responsible for what the county does, or decides about Eastland or any other zoning matter. That he does not propose to try to guess in advance what they might do, and prepare some case otherwise and go over there and argue with them about it.

REPORT REQUESTED ON SEWER SYSTEM FOR PEOPLE ON WEST SIDE OF WEST BOULEVARD.

Councilman Alexander asked what the problem is on West Boulevard that people on the south side of West Boulevard cannot get sewerage, and people on the north side can. That this is out at the Ponderosa. That he has received several calls from people about the fact they cannot get any sewerage and they have trouble with the septic tanks. The Public Works Director stated there are still about 24 areas in the city that do not have sewers available. That he will send a report back through the City Manager on it.

COMPLAINT OF CITIZEN ABOUT OFFICER ARRESTING A DRUNK AND HANDCUFFING HIM TO A PARKING METER.

Councilman Alexander stated a citizen called him and said he had witnessed an officer arresting a drunk. That the officer placed the handcuffs on him and called for a crew to come and pick up the man, and handcuffed him to a parking meter. He stated he told the citizen to report it to the Community Relations Committee and let them look into it. To him that is crude. That he just wonders why they would have to handcuff a drunk to a parking meter.

COUNCILMEMBER ADVISES HE RECEIVED A CALL FROM INDIVIDUAL WITH A PROBLEM AND NEEDED TO TALK TO SOMEONE AND NO ONE WAS AVAILABLE.

Councilman McDuffie asked if the police department has a family crisis unit? That he thought the department had a group training for that. He stated he received a call at 3:30 the other morning from someone who wanted the number for contact, and no one answered. Councilman McDuffie stated he called a number of people trying to find someone to talk to these people, and there was no one available. He stated he called the police department and they gave him the city-county action line recording.

RESOLUTION CONCURRING IN THE EXPANSION OF THE PARK SECURITY PROGRAM BY THE PARK AND RECREATION COMMISSION.

Councilman Whittington moved adoption of the subject resolution which concurs with the recommendation of the Park and Recreation Commission to add three park police positions to the authorized strength of the Department, and to expend \$24,000 from the year end balance of the Park and Recreation Fund to pay salaries, purchase one vehicle, and two portable radio units to improve park security. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 387.

COUNCIL ADVISED THAT NO ONE AT CITY HALL IS SUGGESTING THAT CIVIL SERVICE BOARD BE ABOLISHED.

Councilman Whittington stated he has been called by members of the legislature, by members of the Fire Department and by members of the Police Department, that there is a movement on by City Hall and City Council to do away with the Civil Service Board. That he has told everyone he knows nothing about this; that he has not heard anything about it, and if there is any such move, he thinks Council should be informed of it now or by next council meeting so we will all know what to tell people when the subject is brought to their attention.

September 11, 1972
Minute Book 57 - Page 421

Mr. Burkhalter, City Manager, replied he suspects these rumors have come about because Council instructed him to have certain meetings with the Civil Service Board. That it might be wise to point out that the concern in the area of the Civil Service Board and its operations and its effect upon what is happening in the city has been in the area of recruitment and promotions. These are the two areas under discussion, and that is it. Whatever discussions come out of this will be in the best interest of all the people involved. No one has suggested doing away with the Civil Service Board.

Councilman Whittington stated he would hope the members of the press and news media would state what Mr. Burkhalter has said because this rumor is flying everywhere, and it is all out of proportion. That he certainly is not aware of anything like this.

Mayor Belk stated he would like to congratulate Mr. Burkhalter on the improvements he is making especially on recruitment. That he does not know if they will make a whole lot of drastic changes on promotions, but on recruitment he is heading in the right direction.

MAYOR AND COUNCIL TO MEET WITH REPUBLICAN CANDIDATE TO CONGRESS.

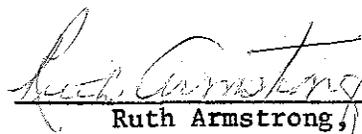
The City Manager advised the Mayor and Council will meet for a luncheon on Friday, at 12:30 p.m., at the Manger Motel and the guest will be Dr. James Martin, the Republican candidate for Congress.

REPORT ON ANNEXATION REQUESTED.

Councilman Whittington asked if we are ready to go on annexation? The City Manager replied we are working against the deadline right now. That the final plan will be ready soon. Councilman Whittington stated he does not think there is anything the City Manager can do that is any more important than annexation, and we should not let anything deter that getting to council so a decision can be made.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk