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The City Council of the City of Charlotte, North Carolina, met on Monday, September 9, 1974, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Barry Gay, First Church of the Nazarene.

MINUTES APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the last meeting, on August 26, 1974, as submitted.

PETITION NO. 74-37 BY PLASTI-VAC, INC. FOR A CHANGE IN ZONING FROM R-6MF TO B-D OF PROPERTY AT 225 PLYMOUTH AVENUE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

ORDINANCE NO. 355-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY LOCATED SOUTH OF TUCKASEEGEE ROAD, ACROSS FROM THE INTERSECTION OF IRENE STREET.

Councilman Whittington moved adoption of the subject ordinance changing the zoning of property from I-1 to R-12MF of a 17.6 acre tract of land located 228 feet south of Tuckaseegee Road, across from the intersection of Irene Street. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 236.

PETITION NO. 74-41 BY THE KRANER COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-12MF OF PROPERTY FRONTING SOUTH OF TUCKASEEGEE ROAD, OPPOSITE THE INTERSECTION WITH IRENE STREET, DENIED.

Motion was made by Councilwoman Locke, seconded by Councilman Harris, and carried unanimously, denying subject petition as recommended by the Planning Commission.

RESOLUTION DECLARING AN INTENT TO CLOSE PORTIONS OF PEARL STREET IN BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-43, ON PETITION OF URBAN REDEVELOPMENT DEPARTMENT AND CALLING A PUBLIC HEARING ON THE QUESTION.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted and a public hearing on the question was set for Monday, October 7, 1974.

The resolution is recorded in full in Resolutions Book 10, at Page 107.

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RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR AGAINST SEVEN TAX ACCOUNTS.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$78.90 which were levied and collected through clerical error against seven tax accounts.

The resolution is recorded in full in Resolutions Book 10, at Page 108.

ITEM ON CIVIL AIR PATROL BUILDING AT DOUGLAS MUNICIPAL AIRPORT DELETED FROM AGENDA.

Councilman Withrow stated the subject item has been taken care of, and he moved that the matter be deleted from the Agenda. The motion was seconded by Councilwoman Locke, and carried unanimously.

CASE OF KIRKLAND JONES V. CITY AUTHORIZED SETTLED, AND ORDINANCE TRANSFERRING FUNDS FROM THE 1974-75 GENERAL FUND CONTINGENCY TO PROVIDE AN APPROPRIATION FOR THE SETTLEMENT, ADOPTED.

Councilman Whittington moved that the case of Kirkland Jones v. City in the amount of \$20,000, be settled as recommended by the City Attorney, and Ordinance No 356-X transferring \$20,000 from the 1974-75 General Fund Contingency be adopted to provide an appropriation for a settlement of the case. The motion was seconded by Councilman Harris, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 237.

SALE OF CITY-OWNED PROPERTY, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and carried unanimously carried, approval was given to the sale of city-owned property at 720 North Pine Street to the high bidder, William H. Van Every, Jr. and H. J. Cater, in the amount of \$6,000.00.

RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY OWNED BY THE CITY FOR PROPERTY OWNED BY SEABOARD COAST LINE RAILROAD COMPANY, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing the exchange of property owned by the City consisting of 2.37 acres for property owned by Seaboard Coast Line Railroad Company, consisting of 2.37 acres.

The resolution is recorded in full in Resolutions Book 10, at Page 109.

ENCROACHMENT AGREEMENTS, APPROVED.

Councilman Withrow moved approval of the following encroachment agreements, which motion was seconded by Councilwoman Locke, and unanimously carried:

- (a) Agreement with American Bank and Trust Company to allow the construction of a quoin on the corner of the existing structures. The encroachment will allow the owners of the building to encroach on sidewalk area to patch a major crack that has developed at the corner and base of their new building on South Tryon Street.

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- (b) Agreement with North Carolina Department of Transportation for the construction of two sanitary sewer lines crossing N. C. 160 and SR 1118 for sanitary sewer trunk to Steele Creek Road.
- (c) Agreement with North Carolina Department of Transportation for the construction of a 12-inch C.I. water main in Arrowood Industrial Park.

PROPERTY TRANSACTIONS, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of 48.50' x 73.97' x 48.50' x 73.68' at 917 Calvine Street, from Romeo Alexander and wife, Frances G., at \$2,100.00, for the Caldwell Brevard Connector.
- (b) Acquisition of nine parcels located in the First Ward Urban Renewal Project:
 - (1) 8,632 sq. ft., at \$12,000, at 523 & 525-27 East 9th Street;
 - (2) 6,755 sq. ft., at \$3,000, at 621 N. Davidson Street;
 - (3) 4,128 sq. ft., at \$1,250, at 627 East 10th Street;
 - (4) 3,600 sq. ft., at \$4,750, at 628 N. Davidson Street;
 - (5) 3,600 sq. ft., at \$3,500, at 616 N. Davidson Street;
 - (6) 3,600 sq. ft., at \$4,750, at 612 N. Davidson Street;
 - (7) 4,738 sq. ft., at \$5,300, at 522 N. Davidson Street;
 - (8) 10,667 sq. ft., at \$45,750, at 200 N. Alexander Street and 201 N. Myers Street;
 - (9) 3,960 sq. ft., at \$7,000, at 826 East 7th Street.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR THE ANNEXED AREAS, APPROVED.

Motion was made by Councilman Harris, seconded by Councilman Whittington, and unanimously carried, approving the acquisition of 37 parcels of sanitary sewer easements for the annexation areas, as follows:

- (a) Campbell Creek Sanitary Sewer Outfall
5 parcels
- (b) Derita Woods Area Sanitary Sewer Trunks
1 parcel
- (c) Annexation Area I (2) Sanitary Sewer Trunks
14 parcels
- (d) Annexation Area I (3) Sanitary Sewer Trunks
1 parcel
- (e) Annexation Area I (4) Sanitary Sewer Trunks
1 parcel
- (f) Annexation Area I (11) Sanitary Sewer Trunks
4 parcels
- (g) Annexation Area I (1-12) Sanitary Sewer Trunks
1 parcel
- (h) Annexation Area II (7) Sanitary Sewer Additions
10 parcels

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS IN THE FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-79.

Councilman Whittington moved adoption of a resolution of condemnation in the First Ward Urban Renewal Project No. N. C. R-79 for the following seven parcels, which motion was seconded by Councilwoman Locke, and carried unanimously:

- (1) 622 North Caldwell Street; (2) 509 East 9th Street; (3) 529 East 9th Street; (4) 617 North Davidson Street; (5) 624 N. Davidson Street; (6) 620 North Davidson Street; and (7) 823 East 7th Street.

The resolution is recorded in full in Resolutions Book 10, at Page 110.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DAVID KINNEY AND WIFE, EFFIE C. KINNEY; JAMES W. ALLISON, TRUSTEE; AND SAMUEL J. BRAMLETT AND WIFE, ANNIE M. BRAMLETT, LOCATED AT 929 NORTH CALDWELL STREET FOR THE CALDWELL BREVARD CONNECTOR PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to David Kinney and wife, Effie C. Kinney; James W. Allison, Trustee; and Samuel J. Bramlett and wife, Annie M. Bramlett, located at 929 North Caldwell Street for the Caldwell-Brevard Connector Project.

The resolution is recorded in full in Resolutions Book 10, at Page 111.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DAVID KINNEY AND WIFE, EFFIE C. KINNEY, LOCATED AT 937 AND 933 NORTH CALDWELL STREET, FOR THE CALDWELL-BREVARD CONNECTOR PROJECT.

Councilwoman Locke moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to David Kinney and wife, Effie C. Kinney, located at 937 and 933 North Caldwell Street, for the Caldwell-Brevard Connector Project. The motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 112.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DOUBLE TRIANGLE PROPERTIES, INC. LOCATED AT 933 CALVINE STREET FOR THE CALDWELL BREVARD STREET CONNECTOR PROJECT.

Motion was made by Councilman Harris, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Double Triangle Properties, Inc., located at 933 Calvine Street, for the Caldwell-Brevard Street Connector Project.

The resolution is recorded in full in Resolutions Book 10, at Page 113.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO BUNYON W. BAKER, JR. AND WIFE, LOIS L. BAKER, LOCATED AT 5911 NATIONS FORD ROAD FOR THE ANNEXATION AREA I (11) SANITARY SEWER TRUNKS PROJECT.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Bunyon W. Baker, Jr. and wife, Lois L. Baker, located at 5911 Nations Ford Road for the Annexation Area I (11) Sanitary Sewer Trunks Project.

The resolution is recorded in full in Resolutions Book 10, at Page 114.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ELBERT J. BAKER AND WIFE, ELIZABETH M. BAKER: WILLIAM J. BAKER AND WIFE, VIRGINIA M. BAKER: GEORGE W. BAKER AND WIFE, CALLIE G. BAKER: OREN M. BAKER AND WIFE, HELEN M. BAKER: BUNYON W. BAKER, JR. AND WIFE, LOIS L. BAKER: AND ETHEL BAKER EAKIN AND HUSBAND, OWEN C. EAKEN, LOCATED AT 5840 NATIONS FORD ROAD FOR THE ANNEXATION AREA I (11) SANITARY SEWER TRUNKS PROJECT.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property at 5840 Nations Ford Road for the Annexation Area I (11) Sanitary Sewer Trunks Project.

The resolution is recorded in full in Resolutions Book 10, at Page 115.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO BUNYON W. BAKER, JR. AND WIFE, LOIS L. BAKER, LOCATED AT 5909 NATIONS FORD ROAD FOR THE ANNEXATION AREA I (11) SANITARY SEWER TRUNKS PROJECT.

Councilman Withrow moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Bunyon W. Baker, Jr. and wife, Lois L. Baker, located at 5909 Nations Ford Road for the Annexation Area I (11) Sanitary Sewer Trunks Project, which motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 116.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS.

Upon motion of Councilwoman Locke, seconded by Councilman Alexander, and unanimously carried, the following ordinances were adopted ordering the removal of weeds and grass.

- (a) Ordinance No. 357-X ordering the removal of weeds and grass on premises adjacent to 4700 Hovis Road.
- (b) Ordinance No. 358-X ordering the removal of weeds and grass at vacant lot adjacent to 3421 Ritch-Avenue.
- (c) Ordinance No. 359-X ordering the removal of weeds and grass at 2601 North Graham Street.
- (d) Ordinance No. 360-X ordering the removal of weeds and grass at 232 Flint Street.
- (e) Ordinance No. 361-X ordering the removal of weeds and grass at 1004 Westbrook Drive.
- (f) Ordinance No. 362-X ordering the removal of weeds and grass at 1101 Sedgfield Road.
- (g) Ordinance No. 363-X ordering the removal of weeds and grass at vacant lot adjacent to 3933 Plainview Road.
- (h) Ordinance No. 364-X ordering the removal of weeds and grass at vacant lot adjacent to 3928 Plainview Road.

The ordinances are recorded in full in Ordinance Book 21, at Page 238.

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ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION.

Council was advised that the property owners had indicated they would not contest the orders on the subject Housing.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the following ordinances affecting housing declared unfit for human habitation:

- (a) Ordinance No. 365-X ordering dwelling at 1933 N. Allen Street to be vacated and closed;
- (b) Ordinance No. 366-X ordering dwelling at 1501 Montgomery Street to be demolished and removed;
- (c) Ordinance No. 367-X ordering dwelling at 2117 Yadkin Avenue to be demolished and removed;
- (d) Ordinance No. 368-X ordering dwelling at Route 11, Lake Road, to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 21, at Page 246.

AMENDMENT TO CONTRACT WITH AMBULANCE SERVICE OF CHARLOTTE, INC., APPROVED.

Councilman Whittington moved approval of an amendment to the contract between the City and Ambulance Service of Charlotte, Inc. to increase the amount paid by the City to the Ambulance Company from \$18.00 to \$30.00 for each uncollectable ambulance service call that originates from the Police or Fire Departments, which motion was seconded by Councilwoman Locke.

Councilman Williams asked if this money is already appropriated and how much is set up in the budget? Mr. Burkhalter, City Manager, replied an estimated \$40,000 is set up in the budget; this is up from the previous year which was \$18,000.00.

The vote was taken on the motion and carried unanimously.

OPEN NON-EXECUTIVE CONTRACT FOR REAL ESTATE BROKER'S SERVICES WITH ACKERMAN & COMPANY, APPROVED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the subject contract was approved with Ackerman & Company with compensation to the broker to be 6% of the total purchase price of the property if a developer procured by the broker and registered with the Urban Redevelopment Department prior to the bid opening is the successful bidder in the sale of urban renewal project land.

CHANGE ORDER NO. 1 IN CONTRACT WITH BREECE AND BURGESS, INC. OF GREENSBORO, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, approving the subject Change Order No. 1 in contract with Breece and Burgess, Inc. of Greensboro for the McAlpine Creek Outfall Extension reducing the contract price of \$194,878.00 by \$6,927.92, based on adjustments of the estimated quantities in the contractors bid to reflect the actual quantities installed.

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CONTRACTS FOR THE INSTALLATION OF SANITARY SEWERS, APPROVED.

Councilman Harris moved approval of the following contracts for the installation of sanitary sewers, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Contract with Arrowood Southern Executive Park, Inc. for the installation of 1,681 linear feet of trunk and main to serve Arrowood Southern Executive Park II, on Arrowood Road, inside the City, at an estimated cost of \$25,000.00. The applicant will construct the entire system at his own expense and will donate the same to the City without cost.
- (b) Contract with City Properties (a joint venture) for the installation of 1,307 linear feet of sanitary trunk and main to serve Sharon South, Section 3-A, inside the city, at an estimated cost of \$20,000.00. The applicant will construct the entire system at his own expense and will donate the same to the City without cost.

CONTRACT AWARDED HUGHES AIRCRAFT COMPANY FOR PROBEYE INFRARED VIEWERS FOR FIRE DEPARTMENT.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, contract was awarded the only bidder, Hughes Aircraft Company, in the amount of \$14,300.00, on a unit price basis, for four probeye Infrared Viewers for the Fire Department.

CONTRACT AWARDED COLUMBUS SERVICES INTERNATIONAL FOR JANITORIAL SERVICES FOR THE GREENVILLE NEIGHBORHOOD CENTER.

After explanation and discussion, motion was made by Councilman Whittington, seconded by Councilman Alexander, to award contract to the low bidder, Columbus Services International, in the amount of \$18,832.00, for janitorial services for the Greenville Neighborhood Center.

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

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

The following bids were received:

Columbus Services International	\$18,832.00
Latimers Cleaning Service	19,392.00

CONTRACT AWARDED LATIMERS CLEANING SERVICE FOR JANITORIAL SERVICES FOR THE ALEXANDER STREET CENTER.

Councilman Whittington moved award of a contract to the low bidder, Latimers Cleaning Service, in the amount of \$18,612.00, for janitorial services for the Alexander Street Center, which motion was seconded by Councilman Alexander, and carried as follows:

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

The following bids were received:

Latimers Cleaning Service	\$18,612.00
Columbus Services International	22,140.00

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CONTRACT AWARDED THE BURROUGHS COMPANY FOR SAFETY SHOES FOR VARIOUS DEPARTMENTS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the second low bidder, The Burroughs Company, in the amount of \$29,250.00, on a unit price basis, for safety shoes for various departments.

The following bids were received:

Knapp Shoes	\$28,170.00
The Burroughs Company	29,250.00
Lehigh Safety Shoes	33,930.00

CONTRACT AWARDED PIEDMONT GRADING COMPANY FOR CLEARING, GRUBBING AND GRADING BLOCKS 3 AND 5 IN GREENVILLE URBAN RENEWAL PROJECT, NO. N.C. R-78.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Piedmont Grading Company, in the amount of \$8,000.00, for clearing, grubbing and grading 14.5 acres in Blocks 3 and 5, in the Greenville Urban Renewal Project, No. N. C. R-78.

The following bids were received:

Piedmont Grading Co.	\$ 8,000.00
O. L. Parker & Son Grading	8,775.00
W. H. Robertson Construction Co.	9,100.00

CONTRACT FOR DEMOLITATION AND SITE CLEARANCE OF THE STRUCTURE AT 316 EAST TRADE STREET, DOWNTOWN NEIGHBORHOOD PROGRAM, DELAYED ONE WEEK.

Councilman Whittington moved award of contract for demolition and site clearance of the structure at 316 East Trade Street, Downtown Neighborhood Program to be delayed one week. Motion was seconded by Councilman Harris, and carried unanimously.

CONTRACT AWARDED PIEDMONT GRADING AND WRECKING COMPANY, INC. FOR CLEARING, GRADING AND GRUBBING IN BLOCK 11, GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Piedmont Grading and Wrecking Company, Inc. in the amount of \$ 9,000.00, for the clearing, grading and grubbing in Block 11, Greenville Urban Renewal Area, Project No. N. C. R-78.

The following bids were received:

Piedmont Grading & Wrecking Co., Inc.	\$ 9,000.00
W. H. Robertson Construction Co.	9,400.00
O. L. Parker & Son Grading Co.	9,500.00

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR THE CONSTRUCTION OF WATER MAIN IN THE PLAZA ROAD EXTENSION.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, awarding contract to the low bidder, Sanders Brothers, Inc., in the amount of \$209,000, on a unit price basis, for the construction of a 16-inch water main in the Plaza Road Extension.

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The following bids were received:

Sanders Brothers	\$209,000.00
Propst Construction Company	219,350.00
Thomas Structures	221,000.00
Spartan Construction	240,000.00
Ray D. Lowder, Inc.	244,200.00
Gilbert Engineering	248,458.00
Associated Equipment Company	248,500.00
A. P. White	249,980.00
Harrison-Wright	296,950.00

CONTRACT AWARDED BEN B. PROPST CONTRACTORS OF CONCORD FOR CONSTRUCTION OF HICKORY GROVE MAIN SEWERS, ANNEXATION III (6) AREA.

Councilman Harris moved award of contract to the low bidder, Ben B. Propst Contractors of Concord, in the amount of \$621,604.17, on a unit price basis, for construction of Hickory Grove Main Sewers, Annexation III (6) Area. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Ben B. Propst Contractor	\$621,604.17
Sanders Brothers	628,141.90
Thomas Structures	772,340.00
Propst Construction Company, Inc.	775,125.03
Dickerson, Inc.	861,656.05
Thomas Construction Company, Inc.	916,603.00
Wells & West, Inc.	
Breece & Burgess	942,609.00
Associated Equipment Company	1,078,427.00

APPOINTMENT OF CHAIRMAN OF TRANSPORTATION COMMITTEE OF WHOLE RULED OUT OF ORDER.

Mr. Underhill, City Attorney, stated according to Robert's Rules of Order which are the rules of parliamentary procedure adopted by this Council for conduct of its meetings, when City Council voted to consider transportation as a Committee of the Whole, the matter of who presides when Council sits as a committee of the whole is determined by Section 51 of the Robert's Rules of Order. It states that the regular presiding officer leaves the chair when the assembly votes to consider the matter as a committee of the whole, and the chairman of the Committee of the Whole is appointed. The regular presiding officer upon surrounding the chair takes his place as a member of the committee during its deliberations as a committee of the whole. A decision reached by the Council sitting as a committee of the whole is not a final decision, final action must be taken by the Council sitting as a city council in regular session.

Councilman Harris stated when Council at its last meeting nominated people to be chairman of a committee it was wearing two hats, and this matter of a chairman should wait until the committee meets and the committee select a chairman at that time? Mr. Underhill replied technically that is correct. Robert's does not speak to that directly, but the sense he gets from reading the entire section is that the appointment of a chairman when Council is sitting as a committee of the whole, rather than as a city council.

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Mr. Underhill stated it is his opinion that the appointment of a chairman of the Committee of the Whole is out of order.

Councilman Harris requested that a meeting of the Transportation Committee be set, and at that time a chairman be selected. It was agreeable with all members of Council to hold a meeting immediately following the adjournment of the Council Meeting.

Mayor Belk ruled that the subject item is out of order, and Council should move to the next item on the agenda.

APPOINTMENTS TO THE COMMUNITY FACILITIES COMMITTEE.

Councilman Short moved the appointment of Robert Beck to succeed himself for a two year term on the Community Facilities Committee. The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilwoman Locke moved the appointment of Ms. Rae Bradshaw to the Community Facilities Committee for a two year term. The motion was seconded by Councilman Short, and carried unanimously.

APPOINTMENTS TO THE BUILDING STANDARDS BOARD APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the following appointments to the Building Standards Board, as recommended by the City Manager:

- (a) Reappointment of Richard Foard, General Contractor, for a three year term.
- (b) Appointment of Harvey B. Gantt, Architect, to fill the unexpired term of H. F. Porter.

NOMINATION OF LINDA ASHENDORF TO THE CHARLOTTE ADVISORY COMMITTEE ON URBAN REDEVELOPMENT.

Councilman Short placed in nomination the name of Linda Ashendorf to succeed herself for a three year term on the Charlotte Advisory Committee on Urban Redevelopment, which nomination will remain on the table until the next meeting.

PETITION FILED FROM RESIDENTS REQUESTING CONSIDERATION OF A CITYWIDE ANTI-NOISE ORDINANCE, AND CITY ATTORNEY ADVISES HIS OFFICE IS WORKING ON A REVISION TO THE PRESENT CITY NOISE ORDINANCE.

Councilman Withrow stated he has received a petition from a group of people requesting City Council to give serious consideration to a city-wide anti-noise ordinance. He stated at present the ordinance pertaining to noise does not come into effect until 11:00 p.m. That a lot of citizens think this should be an earlier hour. That these people are also concerned with the noises from rock bands, motorcycles, cars and stereo equipment.

Mr. Underhill, City Attorney, stated his office has been looking into a total revision of the noise ordinance. The only alternative to the kind of ordinance we have seems to be to go to an ordinance based on some very objective technical standards, with the use of the sound measuring equipment, training people to use it and establishing decibel levels. There is a lot of work being done on these kinds of ordinances today, and there are several cities that have this kind of ordinances. One of the objectives of his department for this year is to come up with a noise ordinance that will be enforceable. It will take a little time to get it set out.

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Mr. Underhill stated if the City goes to this kind of ordinance it will mean a capital expenditure to purchase some of the noise measuring devices.

COMPLAINT ON TRAFFIC SIGNALS AT EASTWAY AND MONROE ROAD, AND MONROE ROAD AND MCALWAY ROAD.

Councilman Withrow asked if the City has gone on to the computerized traffic control signals? The City Manager replied not at present. Councilman Withrow stated he has received a number of complaints about the traffic signals where Eastway Traffic comes into Monroe Road, and the traffic signal at Monroe Road and McAlway Road.

SUGGESTION THAT SANITATION DEPARTMENT NOTIFY PEOPLE WHO OWN THE DEMPSTER DUMPSTER CONTAINERS RATHER THAN THOSE LEASING WHEN ONE IS OUT OF WORKING ORDER.

Councilman Withrow stated if something happens to the dempster dumpsters the sanitation department notifies their chief rather than notifying the people who own the can. There is no ordinance requiring these people to put new cans in these locations within a certain period of time. That he thinks the sanitation department should notify the people who furnish these containers when one is out of order rather than notifying the people who lease the container. He stated he thinks it would be quicker to notify the container people that the department cannot dump the container due to its condition.

SUGGESTION THAT CITY HAVE CONTRACT WITH STATE TO CUT MEDIAN STRIPS ALONG STATE MAINTAINED ROADS.

Councilman Withrow stated the State only cuts the median along state roads three times each summer. That he is thinking in particular of Park Road. He asked if the City could not have a contract with the State for the city to cut the median and the State reimburse the city the cost.

COMMENTS AND DISCUSSION OF COG AGENDA FOR WEDNESDAY, SEPTEMBER 11.

Councilman Short stated he has attempted to involve Council in the work of COG a number of times when he thought something should be considered by Council, and with very limited exceptions he has never gotten back any response from anyone on memos he has put out asking for opinions.

He stated the meeting on Wednesday is at 6:15 p.m., at the Gaston Country Club.

Those things which are real pertinent include a suggestion from a Committee which would permit proportional voting by the Central Council when called by a delegate. The proportional voting would give a member government one vote for 10,000 of population. This is a suggestion from a committee that the Board of Delegates instructed attorneys and soforth to procede to prepare a bylaw change. This is a procedure that requires some months.

Councilman Short stated if such a bylaw change is formulated exactly as it has been commented here, Charlotte and Mecklenburg County together would have a total of 62 votes out of a grand total of 147 within the entire organization. If you wanted to break that down as to whether or not all the counties could gang up against all the cities, the fact is

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they could. There would be 85 votes among county governments, and 62 votes among city governments. He stated he has never seen the slightest indication that there would be this kind of reaction among the delegates. The more likely thing is that a given county and the cities within it might try to stick together on something.

He stated on the suggestion for changing the form of paying, this proposal came from one of the members of the executive committee and is not an official proposal of the executive committee for the simple reason the executive committee meeting in question did not have a quorum. This is a difficulty since the COG is nearly a hundred miles wide and in some instances it is difficult to get a quorum. Coming from one of the members of the committee will be a suggestion that the entire budget be paid 80 percent by the counties equally. If the budget was \$200,000, this would be paid \$160,000 equally by each of the eight counties or \$20,000 a county. The remaining 20 percent of the total budget would be assessed among the cities on the basis of their population.

Councilman Short stated if Council would like to have input in this he would appreciate input from Council.

Councilman Short stated in addition to these items, there are A-95 items that may be of interest to this Council. The largest number of these items almost always are from Charlotte-Mecklenburg. They are the aviation easements; Summer Youth Program; Manpower Program; Planning Commission Transportation Program; Charlotte Area Fund also has a request that is of considerable money for another youth program. One requested from Charlotte is \$695,000. There is also the A-95 program Central Administration Youth Program Credit Union, \$765,000. Also included are eleven LEAA items from the Charlotte Police Department that calls for all sorts of hardware.

Councilman Short stated another matter that is not on the agenda, but he can see it brewing. That is the Charlotte Area Fund has an item for comment which is a \$5,000 grant request for funds for a study to identify the transportation needs of low income, elderly residents who rely upon the City bus service as their only means of transportation. Also in conjunction with other agencies and senior citizens serving institutions to develop a plan for improving bus transportation to all residents over 62 years of age. He stated the comments of Mr. Hoose on this subject include, "The Office of Transportation Coordinator is presently already involved in data collections and studies for the existing transit system. Implementation of reduced fares for the elderly 62 years and older occurred on August 20, 1974 as a result of these efforts. The Office of Transportation Coordinator does not have sufficient knowledge of the project or its proposed scope to properly answer all the questions."

Councilman Whittington moved that Council's delegate to COG be instructed to vote against the request of the Charlotte Area Fund. The motion was seconded by Councilwoman Locke, and carried unanimously.

COMMENTS ON WISDOM OF FOLLOWING DEPARTMENT HEADS RECOMMENDATION IN AWARDING CONTRACT FOR TRUCKS.

Councilman Alexander stated about three weeks ago Council approved a bid on some trucks for the Public Works Department. The firm that was awarded the contract has been able to provide the city with the trucks, and provided the trucks ahead of time. He stated this justifies the Department Head's recommendation.

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COMMENTS ON CONTRACT WITH OEC WHICH WAS SIGNED TODAY BY THE CITY, EEOC AND COMMUNITY RELATIONS COMMITTEE.

Councilman Alexander stated he would like to comment on what took place today in the OEC awarding a contract with the City of Charlotte. This was a matter of great moment for the City of Charlotte. He is interested in that it did come to pass by virtue of the fact that he was a member of the Community Relations Committee when we first began talking about the possibilities of this type of things. That he has also been a member of Council and has had a part in seeing the wisdom of encouraging this type of activity even though we were slapped on the wrist time and time again. The fact was not that we were slapped on the wrist but the fact that the wisdom exists to see the necessity of voluntarily agreeing to this type of program format. This is a mark of how Charlotte has been able to make the progress it has made.

Councilman Alexander stated at the time we approved a public accommodations ordinance, few members of Council realized the impact of that ordinance which would be for the good of Charlotte. We begin to see the results of that in what was done here today. These are the type of things that make Charlotte a good place to live. When things happened in other communities we are able in some way to sit down and bring heads together by consultation; and agreements work out on what could be extenuation circumstances, and bring about what is accomplished here today. What has happened today is through our own action, and we have an opportunity now to be our own policeman, so to speak, of how we should handle these types of problems.

The City Manager stated the history of the personnel rules and regulations for this city has been very good. The changes Council has made, in some areas of this procedure in the last two years, have been even better. Now the rules and regulations for recruitment and employment, and for advancement are meeting with the standards set up across the country.

COMMENT ON DEMCO, INC., CONTRACTOR.

Councilman Whittington stated he asked that the awarding of contract for the demolition of building on East Trade Street be postponed today. He stated this new company, called Demco, Inc., is the old Big Chief Demolition Company that has done demolition work in Charlotte before, and he would think the city would want to investigate some of the work they have done.

REPORT ON GOOD GUYS PROGRAM REQUESTED BY NEXT MONDAY.

Councilman Whittington stated on June 30, Council approved a program moving the Good Guys to St. Paul's Church, with a budget from \$22,000 to \$39,000. At that time, he made a motion for the City Manager to give Council a report on why this money was increased, and how it is justified. At this point Council has not received that report. He stated he would appreciate it if the City Manager would give Council this report next Monday. He stated at the June meeting his motion was a justification on why the program went from \$22,000 to \$39,000, and how many children are involved.

PROGRESS REPORT ON MANPOWER PROGRAM REQUESTED.

Councilman Whittington requested the City Manager to give Council a report at the next meeting on the Manpower Program. How many people have been hired as counselors, and a general progress report on what is going on, and what results have transpired, if any.

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COMPLAINT OF RESIDENTS IN AREAS OFF THE PLAZA ABOUT THE USE OF NEWSPAPER BOXES IN FRONT OF EVERY RESIDENCE REFERRED TO CITY MANAGER.

Councilman Whittington stated he has received a number of phone calls from people complaining about the Charlotte Observer and the Charlotte News putting up paper boxes in several areas, at every residence, off The Plaza. He stated the residents are alarmed about this. He stated before this goes too far, the Planning Commission should be involved in this. That he does not think you would want these boxes at every residence. It could be construed as a type of advertisement. He requested the City Manager to have this looked into.

LEGISLATIVE COMMITTEE OF THE LEAGUE OF MUNICIPALITIES TO MEET ON SEPTEMBER 11 AND COUNCIL REQUESTED TO SEND ITS COMMENTS OR REQUEST TO THE MEETING THROUGH CITY ATTORNEY.

Councilman Whittington stated the Legislative Committee for the League of Municipality will meet in Raleigh on the 11th of this month. That the City Attorney is a member of that committee, and a letter has gone to the Chairman about the motel-hotel tax. If there is anything else this Council wants presented, such as a position of the League on the situation we have had with the firemen and the federal court last week, Mayor Jim Hawkins and the Committee would like to hear from the Council through Mr. Underhill before the meeting on the 11th.

PROGRESS REPORTS ON MANPOWER PROGRAM AND BIKE TRAILS REQUESTED.

Councilman Harris stated he is also interested in Manpower and would like to have the report requested by Councilman Whittington. He stated Council has not received any report on bike trails lately and he would like to have a report on that.

REQUEST THAT CANDIDATES RUNNING FOR PUBLIC OFFICE BE NOTIFIED OF THE LAWS ABOUT SIGNS ON RIGHTS OF WAY.

Councilman Harris stated we are now entering the last 90 days for the election coming up in November. Remembering the experiences last year, he thinks someone should get out a letter to the candidates about placing signs on rights of way. Perhaps some of the city employees can be instructed that before taking down the signs, a notice can be given. For it to occur as it did last year is wrong, and we should look to someway of helping these people understand the law before committing the error.

Mr. Burkhalter, City Manager, stated they are working to have printed a brief discription on what can be done in the way of signs. That these will be given to the Election Board to give out to candidates as they qualify. Councilman Harris stated he has been pushing for a kit of things that the Elections Board should give a candidate when they file. Mr. Burkhalter stated as everyone has qualified for this election, the cards cannot be given out. That we may be able to send the candidates notice by mail.

W. J. VEEDER'S RESIGNATION FROM THE ADVISORY COMMITTEE ON URBAN REDEVELOPMENT ACCEPTED WITH THANKS FOR A JOB WELL DONE.

Councilman Whittington stated all of Council received a letter from William J. Veeder resigning as a member of the Advisory Committee on Urban Redevelopment.

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Councilman Whittington moved that Council accept the resignation with thanks for a job well done. The motion was seconded by Councilwoman Locke, and carried unanimously.

FILM ON TRANSPORTATION AUTHORIZED PURCHASED AT A COST OF \$150.00.

Mr. Burkhalter, City Manager, stated at the last meeting, Mrs. Locke brought up the matter of a film on transportation. That he has made some inquiries about this, and found we can bet the film for \$100 if Council is interested in seeing it, but they will have to go to a studio to view it. That we can get the film and have it transferred into a medium so that we can show the film for \$150.00, and keep the film.

Councilman Short moved that the film be purchased at \$150.00. The motion was seconded by Councilwoman Locke, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk