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The City Council of the City of Charlotte, North Carolina, met on Monday, January 24, 1974, in the Council Chamber, City Hall, with Mayor John M. Belk, presiding, and Councilmembers Fred D. Alexander, Kenneth R. Harris, Pat Locke, Milton Short, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman James B. Whittington until after the Zoning Hearings.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Boyce, Drummond, Ervin, Finley, Jolly, Ross, Royal and Turner present.

ABSENT: Commissioner Kratt.

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INVOCATION.

The invocation was given by Reverend William Henry Crouch, Pastor of Providence Baptist Church, and Chaplain to the Charlotte Police Department.

MINUTES APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the minutes of the last meeting, on January 18th, were approved as submitted.

HEARING ON PETITION NO. 74-1 BY FOARD CONSTRUCTION COMPANY, INC. FOR A CHANGE IN ZONING OF PROPERTY LOCATED ON THE SOUTHEAST SIDE OF PECAN AVENUE AND NORTHEAST OF NINTH STREET.

The scheduled public hearing was held on the subject petition for a change in zoning from R-6 to B-2 of a lot located on the southeast side of Pecan Avenue and 247 feet northeast of Ninth Street.

Mr. Fred Bryant, Assistant Planning Director, advised this involves a single lot located on Pecan Avenue, near the Seaboard Coastline Railroad, between Ninth Street and the railroad; it has on it a single residential structure. The area is used predominately for single family with a few duplexes along Pecan Avenue until you get down near Seventh Street. On the railroad side of the property is the existing Foard Construction Company facility consisting primarily of office space with some limited amount of construction storage involved and located between the subject property and the railroad.

Mr. Bryant stated as a result of the recent changes made by the Elizabeth Neighborhood zoning, this area is zoned predominately single family. All the property along Pecan Avenue, from Eighth Street out to the railroad is zoned R-6. The nearest non-single family zoning is at 9th and Clarice which is R-6MF, and a small single lot at the intersection of Clement and Eighth Street; across the railroad is a combination of industrial, business and office zoning extending along Pecan Avenue to Independence Boulevard.

Mr. Ray Rankin, Attorney representing the petitioner, stated Mr. Foard has owned this company for a long number of years and his sons help him in it. They are not asking for a change in their operations; and do not propose to do anything more than to place a driveway on the south side of the present office building which would run back to the storage areas which are two warehouses. He now comes out on the north side office building very close to the railroad tracks, and right much directly in front of Bay Street. The traffic pattern has changed somewhat since Independence Boulevard was altered prohibiting left turns; there is more traffic down Pecan and a little bit faster. Coming

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out with his vehicles presents more of a hazard. If he can put a driveway on the south side of his building, he believes the traffic hazard will be reduced, and he can use the major portion of the lot for office parking. He stated they would have asked for something less than B-2 but the Planning Office told them they could not put a driveway on the south side of that building without a B-2 zoning because of the commercial buildings at the rear of the lots, which have been in existence and in use for 20 years or more.

Mr. Rankin filed a petition signed by several of the neighbors, including the adjoining ones, who are in complete agreement with the request and consent to it.

No opposition was expressed to the rezoning of the property.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-2 BY PARK-SELWYN DEVELOPMENT COMPANY FOR A CHANGE IN ZONING OF PROPERTY LOCATED ON THE NORTH SIDE OF BRIAR CREEK, WEST OF PARK ROAD AND WEST TO SUGAR CREEK.

The scheduled public hearing was held on the subject petition for a change in zoning from R-6MF to O-6 of a 3-acre tract of land located on the north side of Briar Creek, beginning 290 feet west of Park Road and extending west to Sugar Creek.

The Assistant Planning Director stated this is a request to change a parcel of land from R-6MF to O-6 that is located near Park Road, and at the intersection of the confluence of the Briar Creek and Sugar Creek. It is vacant property with some filling operations going on in the area in general. The area in front is a veterinary facility that has been located there for a number of years as a nonconforming use. There is vacant land across Briar Creek. Across portions of Sugar Creek is extensive single family development. There is single family development along Selwyn Avenue; there is the small shopping area on Park Road; other than that there is a general pattern of vacant land along Briar Creek. The property requested for change has the veterinary facility in front of it on Park Road; vacant property on several sides and some single family across the creek.

Mr. Bryant stated there is office zoning existing adjacent to the subject property; coming out paralleling the creek is R-6MF zoning; across the Road is single family zoning and the existing B-1 zoning for the small shopping area. The subject property has single family zoning on three sides with a combination of office and single family zoning on the other side.

Mr. Joe Grier, Attorney, stated the petitioners own nine acres of land on Park Road at the Selwyn Avenue intersection; six acres of that land fronting on Park Road is already zoned O-6. The property subject to the petition for change is three acres along Briar Creek. They propose an office development on the nine acre property with the buildings being located primarily on the O-6 property. He referred to a map which he passed around and stated they contemplate building in the areas marked one and two at the present time, and as their plans develop they will add an additional building on the land already zoned O-6, with a small portion to be located on the three acres which is presently zoned R-6MF, and which the petition request be zoned O-6. The Lavitan property is presently zoned multi-family and has been used for a veterinary clinic for a great many years, and they propose to continue that operation. Dr. Lavitan is one of the members of the Park-Selwyn Developers and has no objections to the petition. Mr. Charles Henderson, representing Mr. Bush who owns the property on the east side of Briar Creek has filed a letter stating that Mr. Bush believes this is the most advantageous use that can be made of this property, and supports the petition as filed.

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Mr. Grier stated the petitioners have already raised the level of the land where the two buildings will be constructed, and also along the banks of Briar Creek where in the future they propose to build some buildings. They are aware of the fact there is potential flooding of those creeks in the area; they have been in consultation with Mr. Eddins of the Corp of Engineers and have from him the information available at this time with respect to the flood plain elevation and have filled and made their building plans with those things in mind. It does not appear to them that there is any possible use of the land for residential purposes; it appears that the use of this land in conjunction with the development of the land already zoned O-6 is the most logical use to make of it. He stated to allow this petition would bring under a single zoning classification all the land the petitioners now own in the area; it would permit them to coordinate their plans to better use the property, and would do that thing that zoning is primarily intended to do.

Mr. Grier stated the Corp of Engineers has indicated that the highest flood plain area in the last 100 years is 593 feet. They propose to raise the land to that level and build the buildings at a higher elevation than that. If you look at Briar Creek on the left, the flood plain, taking three stations along there, would have come in over approximately two thirds of the land presently subject to zoning restrictions. In their plans they will elevate enough of that land to a point above the flood plain so as not to constitute any danger or interference with the buildings they propose to put on the land. Mr. Grier stated this area has not been made subject to the flood control ordinance; but he understands one is contemplated. The ordinance is drafted and takes precedence over any zoning, so that by changing the zoning of the property you do not effect the application of the ordinance once it has been passed. There is no legal limitation on the right of these people to fill the land now as they have done; there is no limitation on their right to petition for building permits on the land.

He stated the portion of the land on which they propose the first two buildings is presently zoned O-6 so that this petition would not stop what they propose or deter what they propose at the present time. They must have the rezoning in order to build both phases of the development as they have proposed. They do not require the rezoning to do what they propose in the first phase.

Mayor Belk stated on the east side of Selwyn Avenue on Briar Creek where the apartments are would cost the city a half million dollars to straighten that out. That he would hope this proposed development would not have a bearing on problems with the creek. Mr. Grier replied they think not; that the petitioners have been in consultation with Mr. Eddins about this, and they invite the Planning Commission to have whatever consultations with Mr. Eddins they would like to do. He stated they wish to be cooperative on it, and they anticipate that it is not a problem. In filling in the land thus far, they have partially solved, and hopefully solved the problem existing that has the potential flood of the Lavitan Clinic. By having raised the land around the Lavitan Clinic, they feel they have insulated it by raising it above the 100 year flood plan. Mayor Belk stated this is washing down on the other side, and he hopes it will not be done on this side just because it was done before.

Councilman Short asked if they plan to place Sugar Creek within walls? Mr. Grier replied as far as the Lavitan Clinic is concerned because the land all around it will be elevated to a point higher than the rear of the Lavitan land, and it would be protected. In some material he has read, there is apparently some suggestion to rip-rap the banks of Sugar Creek area, but he has no personal knowledge of that.

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Mr. Charles Henderson, Attorney, stated he has been approached a number of times in the past five or six years with reference to the property just south of the petitioned property; it primarily belongs to the Bush family; part of it is in a trust of the First Union National Bank; part is held individually by Harry Bush, Jr.; part of it is held by Sam Williams, and various other owners there have been in touch with them, and after some consultation with the planners they have deferred filing any application. But they feel it is inevitable that an application must be filed with reference to that particular large parcel of property that lies on the other side of the creek from that piece of land being petitioned for a change. It is presently zoned to be used for apartments; they have tried that and the apartments have not been successful because of the odor from the sewage disposal plant. That when the new road, that is Park Road, swings off towards Pineville, drastic changes will take place in the whole area. They are in the immediate vicinity of the Park; they adjoin the big Duke Power Company substation; they are on the creek, part of the flood plain, and there are sewer lines all through the property.

Mr. Henderson filed a letter with the Clerk, and he stated they do not oppose the program in issue, but they would like for Council to keep in mind that the petition is only speaking in part to a larger problem; that is proper zoning for that area. They believe whether it is next month or six months from now, Council will be confronted with making a decision as to the proper use of that large area which is around 20 to 25 acres which is presently being used for nothing, and is producing very little tax revenues; it is not suitable for apartments, and they think they will have to go for office use. He stated he is not speaking for or against the petition. He is advising Council of some of the facts.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 74-3 BY STEVE G. LAINIS FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTHERLY SIDE OF THE PLAZA.

The scheduled hearing was held on the subject petition for a change in zoning from O-6 and R-6MF to B-1 and O-6 of two lots located on the north side of The Plaza with the first lot located 95 feet west of Eastway Drive and the second lot located 215 feet west of Eastway Drive.

Mr. Fred Bryant, Assistant Planning Director, advised this request involves two separate lots very close to each other and both located on the northwesterly side of The Plaza, and southwest of Eastway Drive. The first lot is located nearer Eastway Drive and is a request from office zoning to B-1; that lot is vacant; there is a vacant area that exists between a lounge and day care center. The second lot appears to involve a portion of the day care center and is a request from multi-family to office zoning.

He stated at present there is a transitional pattern coming down the Plaza from Eastway consisting of business zoning, office zoning and then multi-family zoning. These two request are in a form requesting the transitional pattern to be moved one additional lot. Down the Plaza in the direction of the railroad is a solid single family usage. Across the Plaza is a service station, dry cleaners and one single family house; to the rear is single family housing facing on Dinglewood; along Eastway is a general pattern of business usages. He stated the property is adjacent to the business activities around the intersection, and also adjacent to the beginning of the residential uses extending down the Plaza.

Mr. Bryant stated there is B-1 zoning coming down the Plaza, and office zoning that exists for a transitional purpose and then the beginning of multi-family zoning coming on down the Plaza almost all the way to the railroad. There is single family zoning to the rear and a general pattern of business zoning out to Eastway.

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Mr. Jack McNeil, representing the petitioner, stated this is really to have one and half lot rezoned; the petitioner presently owns three and one half lots on the north side of the Plaza, 65 feet from the intersection of The Plaza and Eastway, extending some 265 feet away from Eastway Drive. That Mr. Lainis owns 1/2 of Lot 7; the 1/2 lot Mr. Lainis owns is currently zoned business and fronts 30 feet on the Plaza; that Mr. Lainis owns the lot away from Eastway on The Plaza adjoining the business zoning, and it is currently zoned for office; that he cannot use 30 feet of frontage on The Plaza for any reasonable business. That he does not at present have a specific purpose for the property but he intends to build a restaurant facility on the property. The requested change would allow him to have 90 feet of business on the Plaza. The other two lots owned by Mr. Lainis going away from the Plaza have existing facilities on them. These two lots in reality are a single building site, and the rezoning would allow this one lot to have a uniform zoning. He stated they do now plan to change the use of the existing facilities.

Mr. McNeil stated the existing pattern of zoning in the area seems to be business; their request will still leave the transitional zoning of office, business and residential. Their request is for one lot to business and one zoned to shift the pattern that is already in existence.

Councilman Short asked if this lot is now or has it ever been a part of that used as a "topless" establishment? Mr. McNeil replied no.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for a recommendation of the Planning Commission.

COUNCILMAN WHITTINGTON COMES INTO MEETING.

The members of the Planning Commission left the meeting at this time, and Councilman Whittington came into the meeting and was present for the remainder of the Session.

DECISION ON PETITION NO. 73-31 BY MABEL C. DAVIS ESTATE, F. F. POTTER, R. FRANK BOYD, JR. AND CLARKSON JONES, JR. FOR A CHANGE IN ZONING OF PROPERTY ON THE WEST SIDE OF SOUTH TRYON STREET, 120 FEET NORTH OF BOWMAN ROAD, EXTENDING WESTERLY TO INTERSTATE 77 AND ALONG THE SOUTHERLY SIDE OF BLAIRHILL ROAD, DEFERRED FOR ONE WEEK.

Council was advised that the Planning Commission recommends the subject petition be denied for I-1 zoning and approved instead for B-D zoning.

Councilman Withrow stated he believes under the B-D zoning, the petitioner would have to come to Council to get approval of their plans before building on the property. Councilman Short stated this is right as this is a "use permit".

Councilman Alexander stated he looks at this petition with mixed emotions. That he can agree with what has been submitted by the Planning Commission. It becomes difficult for him at times when you deal with problems where social concerns are involved. He was disappointed that the citizens who live in this area did not appear and have any statements to make regarding this petition. On the other hand he was amazed at the concern of "do gooders" who have seen no wisdom in advising these people as to where their rights were. That he had much concern about only one way to get in and out of this property, but under the B-D zoning he thinks he can live with it at this point, and he can support the recommendation of the Planning Commission.

Councilman Whittington asked what is being built on this property now? Mr. Bryant, Assistant Planning Director, replied as of now nothing is being built; there is some work on the adjoining property. Mr. Reule stated from the audience that the Spanish Inn Motel to consist of 178 rooms is being built on the adjoining property.

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Councilman Whittington requested Mr. Bryant to explain the B-D zoning? Mr. Bryant replied the B-D district is rather tightly controlled, and is envisioned as a district to encourage a high quality of light industrial warehousing distribution type activity. With Charlotte-Mecklenburg County being a distribution center they felt there was a need for some areas to receive greater protection as far as the type of uses that would go into it with the quality of development required within the district in recognition of the distribution activity. For the most part it must have a special use permit, which mean before specific use can locate they would have to come back to Council and the Planning Commission with specific requests - not public hearing procedures, but requests to grant specific approval of a particular use and plan.

Councilman Whittington asked how much property is there between the rear property lines of the motel and the people who live on Bowman Road? Mr. Bryant replied he would estimate the distance from 400 to 500 feet. Councilman Whittington asked if the ravine will remain between the houses on Bowman Road and the B-D development? Mr. Reule replied he is not sure until thorough study is given to the actual topography of how it will be laid out. Councilman Whittington stated his concern is this single family residential street of \$15,000 to \$17,500 homes. That Council should be very careful, and the Planning Commission should also, about what we are going to do between that motel and this property if we are interested in trying to save as much residential property as we can. His contention is that when it gets that close, then you lose the value of the residential neighborhood. Mr. Bryant replied that is exactly the reason the Planning Commission recommended the B-D District. There was concern about Bowman Road being used as the entrance point for any industrial development that might occur on this property. The B-D will control this through the issuance of special use permits. If you look at this property you recognize the difficulty utilizing it for residential purposes, and the necessity here is to find some alternative use to meet both the possibility of usage of the land and at the same time provide protection for the adjoining residents.

Councilman Alexander moved adoption of the ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Withrow.

Councilman Short stated the way this distributive form ordinance is written this zoning would protect the Bowman Road houses better than the present, because with the present multi-family zoning you would look at the back of apartments and you have the wash drying, garbage and things of that sort. The screening provisions of this B-D ordinance are the best he has ever seen.

Councilman Harris stated this hearing was held before three members came on Council and he would like to ask for a week's delay and have time to get some maps and be able to look at this before voting on it.

Councilman Harris made a substitute motion to delay decision for one week. The motion was seconded by Councilman Whittington, and carried unanimously.

PETITION NO. 74-50 BY DOROTHY A POTTER AND MARTHA A. SUTHER FOR A CHANGE IN ZONING OF PROPERTY AT THE SOUTHEAST CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, DEFERRED FOR ONE WEEK.

Mayor Belk advised he has received a request from Mr. Francis Fairley, Attorney, to speak on this petition. That the Chair rules it cannot be opened up again as both sides would not receive the same treatment.

Councilman Whittington moved that the decision be delayed for one week. The motion was seconded by Councilman Harris.

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Councilman Harris stated he would like to know the dates of prior requests for rezoning on this property; the population growth figures during the interim period, and some feeling of what the Planning Commission looks at for the need on convenience centers - what type of concentrated area or the distance between shopping type areas.

The vote was taken on the motion and carried unanimously.

CONTRACT WITH HEZEKIAH ALEXANDER HOME FOUNDATION, APPROVED.

Councilman Whittington moved approval of a contract with the Hezekiah Alexander Home Foundation to provide partial funding for the construction of a reception center related to the Hezekiah Alexander Home Facility, in the amount of \$105,000.00. The motion was seconded by Councilman Alexander.

Councilman Williams asked if the County Commissioners have allocated any funds for this project? Mrs. Sarah Houser, Executive Director of the Foundation, replied she has not heard from them as of today, but they do have it included in their budget. She stated to date they have completed the restoration of the main house. In order to accommodate the children they will be having they have the additional 4.85 acres to accommodate the reception center-museum, and parking spaces for 30 cars and four school buses.

Mrs. Houser stated they are getting \$32,500 from the State for the two-story spring house and \$10,000 from the National Park Service. They have received funds from the State of North Carolina, from the City of Charlotte, the County of Mecklenburg and the National Park Service for the restoration on the main house. Today she received \$4,850 on the summer kitchen. They are unable to receive any state or federal grants on the Reception Center Museum, and they are asking for funds for this center.

Mrs. Houser stated the total projected cost is possibly around \$300,000 to \$350,000; they have had labor given them through the A.F.L. and C.I.O. Councilman Harris asked if they expect to have a public type of campaign, and Mrs. Houser replied they do. She stated the reception center will house the audio-visuals where the story will be told. That you cannot accommodate all of the children at one time in the main house. She stated she has organized a group of 200 ladies who will work with the furnishing of this house. Once they get on their feet, they will help carry the load for maintenance through a garden shop, gift shop and their kitchen facility.

The vote was taken on the motion and carried unanimously.

ACQUISITION OF SEVEN PARCELS OF LAND IN FIRST WARD BY URBAN REDEVELOPMENT DEPARTMENT, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, approving the acquisition of seven (7) parcels of land in First Ward by Urban Redevelopment Department for Project No. N. C. R-79, as follows:

PARCEL	OWNER	ADDRESS	AMOUNT
15-19	Crawford	510 East Tenth St.	\$10,000
22-6	Moreland	624 East Ninth St.	19,500
25-8	Rhyne	617 East Fifth St.	16,350
38-8	Baker	500 North Myers St.	8,500
38-9	Brown & Glenn Realty Co.	809 East Eighth St.	18,350
38-16	Estate of Ethel V. Partee	507 N. McDowell St.	7,000
45-6	Clanton	221 North Long St.	15,000

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RESOLUTION TO EXPAND THE MEMBERSHIP OF THE AIRPORT ADVISORY COMMITTEE FROM SIX TO NINE MEMBERS LOST FOR LACK OF FOUR AFFIRMATIVE VOTES.

Councilwoman Locke moved adoption of the subject resolution expanding the membership of the Airport Advisory Committee from six to nine members, which motion was seconded by Councilman Williams.

Councilman Harris stated his interest in the Airport Advisory Committee is personal, as well as a concern about the city; that he is very proud of the airport, and has watched it grow for the past 27 years. It is a great asset. The growth has been miraculous; we are now starting to spend sizable amounts of money on the runway and terminal facilities to be added. That he looks for \$100.0 million to be spent; in the next five to 10 years we will be spending a sizable amount of money.

Councilman Harris stated the airport has been a vital contribution to our area in the past; we have had well qualified management. Mr. Birmingham and his staff do a fine job and he commends them. We have had a fine Airport Advisory Committee by having leaders of this community on the committee in the past, and the airport has operated on a more or less even basis, self-sufficient on tax revenue. He is well pleased with what the airport has done in the past and that is the reason for his interest in the expansion of the membership because of the changing environment we are seeing. He called attention to an article about the noise of airplanes cutting useful sleep, etc. That we have been fortunate in this city to not have any misunderstanding, or mis-communication on the value of our facilities. Because he thinks community support is so important at this time to be a public relations arm for our airport management and what they are trying to do, he would like to expand the membership to have a broader representation to compliment the fine people serving on the Committee at this time. He would like to see us maintain this and expand this facility by broadening the membership and letting these people be spokesmen for public aviation and transportation in this area. He would hate to have anything to occur where we are having to react to a situation of communication to the public about a large facility like this.

Councilman Williams asked if the Committee meets on a regular basis? Mr. Winslow of the Airport Department replied it meets about every six weeks or more often when needed.

Councilman Withrow stated he had thought about seven members in order to get an odd number; at present there are six members and seven would be an odd number. If you get too many on a committee it becomes unwieldy.

Councilman Harris replied there is no magic in the number nine; that he has no one in mind for this committee; that nine is the way to give additional representation in the community.

Councilman Withrow made a substitute motion to increase the membership from six to seven. The motion did not receive a second.

Councilman Whittington asked if this has been discussed with Mr. Birmingham or Mr. Douglas, the Chairman of the Committee, and Councilman Harris replied he has not discussed it with them. Councilman Whittington stated he does not want to vote to increase the membership on this committee particularly because it has not been discussed with them. The history of the Airport has been one of progress and orderly development and one that has produced revenue to pay as it goes along. That he thinks the Committee should be left as it is at least until the Chairman and Airport Manager have been consulted. For that reason he will not vote to increase it to seven or nine.

Mayor Belk stated he has talked to the Chairman and the Manager, and neither one wants an increase.

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

YEAS: Councilmembers Williams, Locke and Harris.

NAYS: Councilmen Alexander, Short, Whittington and Withrow.

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Mr. Burkhalter, City Manager stated he is hoping the City will continue to fund the neighborhood center programs. Some of the educational programs are being placed in the educational stream; we are hoping to get other sources; the major amount of the money is gone. He stated Council was very impressed with these young people who wanted to do something and started the Good Guys program. That we have found unless it is supervised and someone is there 100% of the time, the program will not work. That he is very happy to see the Church doing this, and he believes they have enough people to keep someone there all the time.

Councilman Short stated since Council had a rather formal communication from the six members of the delegation, he would suggest that the Mayor or some appropriate party address them and tell them of the possibilities that still exist.

Councilman Alexander stated the delegates were talking about voicing an approval of the continuation of the Model Cities program and not just this particular program. Councilman Short replied the communication asked Council to try to select whatever it could and to try to carry it as long as possible.

ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE.

No one appeared to speak in opposition to the proposed orders.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the subject ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code:

- (a) Ordinance No. 76-X ordering the dwelling at 606 Mercury Street to be closed.
- (b) Ordinance No. 77-X ordering the dwelling at 1214 Belmont Avenue to be vacated and closed.
- (c) Ordinance No. 78-X ordering the dwelling at 2125 Yadkin Avenue to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 421.

CHANGE ORDER NO. 2 IN CONTRACT WITH PIEDMONT GRADING COMPANY FOR DOWNTOWN NEIGHBORHOOD DEVELOPMENT PROGRAM, APPROVED.

Councilman Whittington moved approval of Change Order No. 2 in contract with Piedmont Grading Company, for Downtown Neighborhood Development Program, in the amount of \$9,700.00, to cover the additional demolition of a structure at 124 South Brevard Street, removal of all debris, tanks and fill tank holes with good fill dirt, bringing the total contract to \$21,600.00. The motion was seconded by Councilman Harris.

Mr. Sawyer, Director of the Urban Redevelopment Department, explained the location of the property, stating it is an old service station; it still has the underground tanks located on the property which will have to be removed and the land filled.

He stated Denton Furniture is scheduled to be out 10 days after certain renovations are made to their new building. They bought a building over a year ago and it was renovated up to a point; they maintain it was not complete and they could not move in and do business there. On Trade Street, Peoples is scheduled to be out by March 5; Lebo's and Bob's Loan will be out by March 5. That leaves Farris Bros. who is building on Trade Street, and they have 9 months to complete the construction and then move within a month, or sooner if the construction is completed.

The vote was taken on the motion and carried unanimously.

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SETTLEMENT OF TWO AIRPORT CONDEMNATION LAWSUITS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Williams, and unanimously carried, the following two airport condemnation lawsuits were settled as recommended by the Airport Manager and the City Attorney, subject to final approval by the Federal Aviation Administration, in the amount of \$365,000.

- (a) City v. Heirs of Reece E. Brown, Parcel 403
- (b) City v. Lula B. Brown (Widow), Parcel 404.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Option on 14.0' x 18.96' x 10.73' of property at 513 Springbrook Road (northeast corner of Springbrook Road and Chastain Avenue), from Smith and Stevenson Properties, in the amount of \$1.00, for proposed right of way for Springbrook Road and Chastain Avenue.
- (b) Acquisition of 15' x 100.95' of easement at 5108 Hoover Drive, in Allen Hills Subdivision, from Albert N. Jamison and wife, Catherine B., at \$250.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (c) Acquisition of 15' x 100.18' of easement at 5116 Hoover Drive, in Allen Hills Subdivision, from Gary P. Hylton and wife, Linda H., at \$175.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (d) Acquisition of 60' x 2,876.28' of easement on 172 acres north of Arrowood Boulevard, at the intersection of I-77, from Arrowood-Southern Company, at \$1.00, for Irwin Creek Outfall Project.
- (e) Acquisition of 15' x 63.68' of easement at 3520 Windslow Drive (off Statesville Road), from C. H. Black and wife, Ruby B., at \$300.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (f) Acquisition of 15' x 5.96' of easement at 7527 Gayle Avenue, (Woodberry Forest), from Bobby H. Broome and wife, Jo Ann W., at \$50.00, for Sanitary Sewer to Serve Annexation Area I (4), Monroe Road Area.
- (g) Acquisition of 63' x 5' x 55' x 57' of property on Byrum Drive and Highway 160, from Joseph O. Brown and wife, Betty M., at \$400.00, for Byrum/Wilmount Widening Project.
- (h) Acquisition of 288' x 16' x 285' x 15' of property on Byrum Drive, from Paul Edward Cathey and wife, Louise, at \$2,400.00, for Byrum/Wilmount Widening Project.
- (i) Acquisition of 225' x 15' x 225' x 15' of property on Byrum Drive, from Frank R. Brown and Rena M. Brown, at \$825.00, for Byrum/Wilmount Widening Project.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO LILA C. MANN AND HUSBAND, DAVID MANN, LOCATED AT 119 SOUTH MCDOWELL STREET, IN THE CITY OF CHARLOTTE, FOR THE SOUTH MCDOWELL STREET PROJECT.

Councilman Whittington moved adoption of subject resolution, which motion was seconded by Councilman Short, and unanimously carried.

The resolution is recorded in full in Resolutions Book 9, at Page 384.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO DAVID MANN AND WIFE, LILA C. MANN, LOCATED AT 125 AND 131 SOUTH MCDOWELL STREET, IN THE CITY OF CHARLOTTE, FOR THE SOUTH MCDOWELL STREET PROJECT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, subject resolution was adopted authorizing condemnation proceedings for the acquisition of property.

The resolution is recorded in full in Resolutions Book 9, at Page 385.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CONNIE W. STOCKON (WIDOW), LOCATED ON BYRUM DRIVE, IN MECKLENBURG COUNTY, FOR THE BYRUM/WILMOUNT WIDENING PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of land for the Byrum/Wilmount Widening Project.

The resolution is recorded in full in Resolutions Book 9, at Page 386.

SPECIAL OFFICER PERMITS, AUTHORIZED.

Councilman Withrow moved approval of the following Special Officer Permits, for a period of one year, which motion was seconded by Councilman Short, and carried unanimously:

- (a) Renewal of permit to Charles R. Goodman for use on the premises of K-Mart, 6025 Pineville Road.
- (b) Issuance of permit to Herschel Peck for use on the premises of Charlotte Park & Recreation Commission Property.

CONTRACT AWARDED SKIDMORE CONSTRUCTION COMPANY FOR SIDEWALK CONSTRUCTION PROGRAM ON VARIOUS STREETS WITHIN THE CITY.

Mr. Hopson, Public Works Director, pointed out the locations where the sidewalks will be constructed, and stated they are in 19 different areas. During the discussion he stated practically all are related to schools; one is located on Carmine Street, from Statesville to the school; another on Park Road near the school on Hillside two blocks in each direction. They are looking at the Thomasboro area to see the best placement for sidewalks in that area.

Councilman Whittington requested that the agenda include a list of the streets where the sidewalks are being constructed on all future contracts.

Councilman Short moved award of contract to the low bidder, Skidmore Construction Company, in the amount of \$214,340.00 on a unit price basis for Sidewalk Construction Program on various streets within the city, and requested the City Manager and staff to specifically address the question of whether we can include more "pay-go" money in the upcoming budget for sidewalks. The motion was seconded by Councilwoman Locke and carried unanimously.

The following bids were received:

Skidmore Construction Co.	\$214,340.00
Crowder Construction Co.	244,285.00
T. A. Sherrill Construction Co.	247,525.00
Hipp Construction Co.	249,723.50
Rea Construction Co.	250,307.50
Blythe Brothers Co.	258,850.00
R & G Construction Co.	266,122.50

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Mr. Hopson was requested to send the new Councilmembers a copy of the consultant's report on sidewalks and the report listing the locations of the sidewalks proposed.

Councilman Withrow asked the policy for replacing sidewalks at request of residents, and Mr. Hopson replied the City will furnish the labor if the property owners will furnish the materials. It is approximately on a 50-50 basis.

CONTRACT AWARDED BREECE & BURGESS, INC. FOR THE INSTALLATION OF THE MCALPINE CREEK OUTFALL EXTENSION.

Motion was made by Councilman Alexander, seconded by Councilwoman Locke and unanimously carried, awarding contract to the low bidder, Breece & Burgess, Inc. in the amount of \$194,878.00 for the installation of the McAlpine Creek Outfall Extension to transport wastewaters in the southeastern section of the area to the McAlpine Creek Wastewater Treatment Plant.

The following bids were received:

Breece & Burgess, Inc.	\$194,878.00
Blythe Brothers Company	195,994.00
Dellinger, Inc.	197,119.65
Sanders Brothers, Inc.	219,120.50
Thomas Structure Co.	231,040.00
Ben B. Propst Contr., Inc.	251,929.00

CONTRACT AWARDED A. E. FINLEY AND ASSOCIATES, INC. FOR FOUR MATERIAL SPREADERS.

Councilman Whittington moved award of contract to the low bidder, A. E. Finley and Associates, Inc., in the amount of \$10,340.00, on a unit price basis, for four material spreaders to be used for maintenance and repairs of city streets and for spreading sand and gravel on icy streets and bridges. The motion was seconded by Councilwoman Locke and carried unanimously.

The following bids were received:

A. E. Finley & Associates, Inc.	\$10,340.00
H & H Equipment Company	10,409.48

ALL BIDS REJECTED ON TEN REAR LOADING REFUSE COLLECTION PACKER BODIES, AND SPECIFICATIONS TO BE REWORDED TO MAKE IT PLAIN THAT THE AXYLE OR OTHER IMPEDIMENT IS NOT DESIRED.

Councilwoman Locke moved award of contract to the low bidder meeting specifications Roach-Russell, Inc., in the amount of \$66,150, on a unit price basis for ten rear loading refuse collection packer bodies. The motion was seconded by Councilman Williams for discussion.

Mr. Dave Henderson, Attorney representing Worth Keeter the low bidder not meeting specifications, stated the bid system is always in question unless it goes to the low bidder. That Mr. Keeter was not aware that he would not be recommended until just before it was brought to Council. They think they were entitled to know, and the reasons why they did not meet specifications. He filed a letter from Baldwin Engineering Firms giving an opinion that their bid did meet the specifications.

Following was a lengthy discussion on the question with a number of Staff members and Mr. Russell of Roach-Russell explaining in details the operation of the equipment and why the low bidder did not meet specifications.

Councilman Short made a substitute motion to throw out all the bids and ask that it be rebid. The motion was seconded by Councilman Whittington.

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After further discussion, Councilman Short amended the motion to include that the specifications be reworded so that it will be plain that the axyle or other impediment is not desired. The amendment was accepted by Councilman Whittington, and after further discussion, the vote was taken on the substitute motion which carried as follows:

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

CONTRACT AWARDED W. K. BAUCOM, INC. FOR INSTALLATION OF STORM DRAINS IN THE GREENVILLE URBAN RENEWAL AREA PROJECT NO. N. C. R-78.

Councilman Short moved award of contract to the low bidder, W. K. Baucom, Inc, in the amount of \$5,988.00 for installation of storm drains in the Greenville Urban Renewal Area Project No. N. C. R-78. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

W. K. Baucom, Inc.	\$5,988.00
Sanders Bros., Inc.	6,075.00
Love & McClure, Inc.	6,588.00

NOMINATIONS TO ZONING BOARD OF ADJUSTMENT TO REMAIN ON FLOOR UNTIL NEXT MEETING

Councilman Whittington placed in nomination the name of Mrs. Charles Gallant, Jr. to succeed herself for a three year term on the Zoning Board of Adjustment.

Councilman Short placed in nomination the name of Mr. Don Lee to succeed himself for a three year term on the Zoning Board of Adjustment.

Both nominations to remain on the floor until the next meeting.

CITY MANAGER ADVISES THAT RECOMMENDATIONS ON BICYCLE PATHS WILL BE BROUGHT TO COUNCIL AS SOON AS THE REPORT IS COMPLETED.

Councilman Williams stated this week he has received several telephone calls about a bicycle trail on the northeast side of town, between U.N.C.C. and another place in the northeast part of the city. The calls expressed concern that something might happen to that bicycle path. He asked for a status report on that.

Mr. Hopson, Public Works Director, stated there is an in-house study going on, and they do not recommend building a six or eight foot bike path out there. They are going to recommend that signs be placed along some of the current highways. That these recommendations are before the Manager now for his thoughts. He stated the jest of their recommendation is that they would like to see an overall mater plan made of the city in conjunction with the Chamber of Commerce, bicyclists, and all the agencies so they can come back to Council with a logical answer of the bicycle problems. In his opinion the bicycle has come to stay and he thinks we should start making arrangements to treat it with its due and not go off and spend a lot of money in a certain area and be unhappy because some six or eight people ride it.

Mr. Burkhalter, City Manager, stated Council will be the one to determine whether or not the path will be there. In discussion with the Schwinn Bicycle people and in discussions with the Committee from the Chamber to get the best ideas, they have expressed an opinion to the highway department that utilization of the shoulders without building special paved tracks might be the answer. These will all be brought to Council's attention when they are all put together.

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Councilman Whittington asked if that can be done along Highway 29, from where Highways 29 and 49 intersect, back to Eastway? Mr. Burkhalter replied the problem is will you bring them all down to an intersection and then dump them, or where will they proceed from that point.

Councilman Harris asked how this decision will be made? Will it be by staff talking to various people, or will it be on the agenda so that the public can participate? Mr. Burkhalter replied Mr. Hoose will now be responsible for bringing to Council some suggested plan for the use of bicycle paths, and what priorities they should take. As soon as they can get something of a concrete nature it will be brought to Council for decision as to where they will be, and how much money is to be spent.

Councilman Whittington stated Council previously designated a bicycle path between the University of North Carolina at Charlotte and Eastway Drive, and he thinks the City Manager should remember that.

PUBLIC WORKS DIRECTOR REQUESTED TO LOOK INTO POSSIBILITY OF SIDEWALKS ON POINDEXTER DRIVE

Councilwoman Locke requested Mr. Hopson, Public Works Director, to look into the possibilities of sidewalks on Poindexter Avenue.

MOTION TO ADOPT RESOLUTION NOTIFYING ALL LOW BIDDERS WHEN THEIR BIDS DO NOT MEET SPECIFICATION.

Councilman Withrow requested the City Attorney to draw a resolution to take care of the bidding such as was before Council today, that low bidders will be notified as to why their bid was not accepted, and place it on the agenda for the next Council Meeting.

MOTION TO INCREASE MEMBERSHIP ON THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY TO BE PLACED ON AGENDA FOR NEXT MEETING.

Councilman Withrow made a motion to increase the membership on the Auditorium-Coliseum-Civic Center Authority from five to six members, and that it be placed on the agenda for the next Council Meeting.

CITY MANAGER TO CHECK INTO THREE CITY OWNED VACANT HOUSES ON NORWICH PLACE THAT CONTRACTOR IS INTERESTED IN BUYING AND SEE IF THE REGULATIONS CAN BE CHANGED IN ORDER FOR THE CITY TO RECAPTURE SOME OF THESE TAX DOLLARS.

Councilman Withrow stated there are three houses on Norwich Place owned by the City. That a contractor called him and said because of the regulations we have house movers cannot buy some of these buildings worth between \$2,000 and \$5,000. That he does not see why some type of amendment to the regulations cannot be made to allow these people to buy these houses, and relocate them. In this case the contractor wants to relocate them in another county, and he is willing to pay \$6,000 or more.

Councilman Withrow requested the City Manager to check into this and see if we cannot recapture some of these tax dollars. Mr. Burkhalter replied he would be glad to do this. That we have demolished 33 houses last year through December that were unfit for human habitation.

The City Attorney advised that the Building Inspectors have to certify that the houses are safe to move before they can be moved to any location.

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STAFF REQUESTED TO GIVE EVALUATION OF PLAN PRESENTED BY BUDDY CARSON ON TRANSPORTATION CENTER IN THIRD WARD.

Councilman Short requested the City Manager to have staff to give an evaluation of the presentation made to Council by Buddy Carson for a Transportation Center in the Third Ward Area.

RESOLUTION REQUESTED DRAWN SETTING MORATORIUM ON ZONING DECISIONS WHERE LARGE TRACTS OR MULTI-TRACTS ARE INVOLVED UNTIL AFTER COUNCIL RECEIVES AND REVIEWS COMPREHENSIVE DEVELOPMENT PLAN.

Councilman Alexander requested that a resolution be prepared and placed on the Agenda for the next Council Meeting setting a moratorium on mass neighborhood zoning petitions and others such as under Item 7 today until Council has received the comprehensive development plan.

He stated he has had discussions on the matter with Mr. Fred Bryant. Recently we had a presentation made to change zoning of mass neighborhood proposals. There are some before Council now, and he is sure there will be more. It is getting to the point where it is becoming absolutely impossible to come up with a decision that is fair and equitable to everyone concerned. That Council is faced with problems that grow from trying to zone a city that has already been developed, and communities that have been developed hoping it can be done with equity. That he thinks the problem it creates need more attention that has been given to it.

Councilman Short requested that this include consideration of including in the zoning ordinance provisions that any structure in a multi-family zone be limited in its total height.

DIRECTOR AND STAFF OF UTILITY DEPARTMENT COMMENDED FOR PRESENTATION TO COUNCIL ON WATER AND SEWER: REQUESTS THAT ANNEXATION OF AIRPORT AND EXPENDING MONIES TO GET WATER FACILITIES TO THE WEST AND NORTH TO EVEN OUT PATTERN OF GROWTH BE PLACED ON AGENDA AS QUICKLY AS POSSIBLE.

Councilman Whittington stated last week four members of Council were given a presentation by Mr. Franklin and his staff at the Hoskins Filter Plant. He stated this was the best presentation by staff that he has heard in the 14 years he has been on Council, and the most informative. That he wants the record to state to Mr. Franklin and to his staff that this was a very informative presentation.

Councilman Whittington stated in the meeting staff pointed out by maps and graphs why we are not getting any growth in the west and north sides of Charlotte. From these discussions he wants to put on the agenda at an early Council Meeting two things:

1. Again, the feasibility of the annexation of the airport. That Mr. Underhill, City Attorney, says he thinks it could meet the requirements, but this would be conference he would have to have with Planning Commission and Engineerings and soforth.
2. Feasibility of Council expending capital improvement money or revenue sharing money, or some kinds of money, to attempt to get water facilities to the west and to the north in order to try to take this pattern of growth and even it out all over, instead of in one quadrant of the city.

That he would like to have this on the agenda with recommendations from Mr. Burkhalter and those affected.

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Councilman Alexander stated he agrees this was the most informative session we have had on the water and sewer problems. That he thinks we can get much from it if this same presentation was made public so the citizens could get a knowledge of what is happening with the water situation.

Councilman Whittington stated he agrees with what Mr. Alexander says. That another thing brought out at the presentation was that Council should invite the County Commissioners to sit in on another presentation.

SUBJECT OF FOUR YEAR TERMS FOR COUNCIL TO BE PLACED ON AGENDA FOR NEXT MEETING.

Councilman Harris placed on the agenda for consideration at the next meeting the subject of four year terms for City Council.

Mr. Underhill, City Attorney, stated this can be accomplished by Council adopting an ordinance amending its charter. It would require a public hearing prior to the adoption of the ordinance.

RESPONSE OF CITY MANAGER TO DIFFERENT REQUESTS AND STATEMENT BY COUNCIL.

Mr. Burkhalter, City Manager, stated in connection with the moratorium on zoning, that no zoning takes place without the action of City Council. That Council does not have to approve any of the petitions. This would be telling everyone in advance that Council is not going to take any actions until after the comprehensive plan is presented.

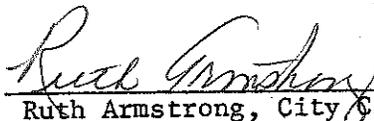
He stated the County Commissioners have been given the water and sewer discussion, but perhaps not in the same way it was presented to Council. If Council is going to talk about growth, it controls the water and sewer 100%, and growth will not come without it. Council will have to make this decision first as to where they want it.

He called attention to the brochures which have been placed around the table and stated this is what is planned for the newly annexed area when it take place.

Mr. Burkhalter stated he regrets that any complaint has to be made against any department, and he accepts full responsibility for what happened today. But in the nearly three years he has been here, there has been almost perfect handling of bids. That the city buys millions of dollars worth of material; and this sort of thing occurs once in a great while. Councilman Short responded by saying no apology is needed; that you cannot be anywhere near perfect in this field.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk