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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Tuesday, May 29, 1973, at 8:00 o'clock p.m., in the Board of Education Meeting Room, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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, Finley, Jolly, Kratt, Ross and Royal present.

ABSENT: Commissioners Albea, Moss and Turner.

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INVOCATION.

The invocation was given by Reverend Ezra Moore.

APPROVAL OF MINUTES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on May 14, 1973, were approved as submitted.

CITY OF CHARLOTTE AWARD FOR MERITORIOUS SERVICE PRESENTED TO MASTER ROBERT WRIGHT.

Mayor Belk recognized Police Officer George Williamson to make a presentation.

Officer Williams stated Robert Wright, a 12 year old School Safety Patrol Member from Hoskins Elementary School has been selected as one of seven from across the country to receive a Gold Life Saving Medal Award. This award is presented annually by the American Automobile Association for brave acts performed while on duty the past year.

He stated Master Wright was on school patrol duty at Hoskins Avenue and Linwood where there was a car accident. One of the drivers lost control of the automobile which was headed in the direction of Robert and his fellow students. Very alertly Robert pulled the other students out of the way and they think Robert saved their lives and prevented serious injury. The Carolina Motor Club, under the direction of T. E. Pickard, Jr., Executive Vice-President and General Manager, was very instrumental in making this award possible for Master Wright to receive. On May 3, Master Wright accompanied by his mother, Mrs. Hendrix, the Principal of Hoskins School, Mr. & Mrs. Pickard, and Officer Williamson traveled to Washington, D. C. for the presentation; all the nominees for the award were entertained at a luncheon at the John P. Kennedy Center and had the pleasure of meeting the other six selectees from California, Colorado, Maryland, Virginia and the State of Washington. They visited the office of Senator Sam Ervin and Congressman Jim Martin.

On the afternoon of May 4, all of the nominees met at the national office of the American Automobile Association, and from that point walked to the White House for the Presentation Ceremony, which was conducted by a special assistant to the President. After the ceremony the nominees were given a privileged tour of the White House.

Officer Williamson stated the school safety patrol movement has grown tremendously since its origin in the early twenties. Today it is a national institution and a vital force in the important work of the school safety program. He stated he is sure the school safety program is worth every effort put into by the schools, police and other interested individuals and organizations.

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Mayor Belk then presented the City of Charlotte Award for Meritorious Service to Master Robert Wright, and stated he and all of the citizens of Charlotte are proud of this young man and he and Council appreciate his mother being with him at the Council meeting tonight.

The Mayor and each member of Council congratulated Robert for the fine service he renders to this community.

HEARING ON PETITION NO. 73-15 BY MALIE O. BURGESS FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF APPROXIMATELY 3.3 ACRES OF LAND FRONTING ON THE NORTHEAST SIDE OF SHADY LANE, SOUTHEAST OF WILMOUNT ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property

Mr. Fred Bryant, Assistant Planning Director, stated the property is located in the vicinity of Shady Lane, Wilmount Road and West Boulevard; the property is somewhat irregularly shaped; it consists of approximately 3.3 acres and is located on the northeast side of Shady Lane. The property is predominately vacant; it has one single family residence located on it; the surrounding land use pattern is one of a combination of vacant property to the rear, with existing single family residences across Shady Lane, and other scattered single family on Shady Lane and Burgess Lane as well as two apartment buildings on Burgess Lane. The other general vicinity land use pattern is a continuation of a combination of vacant property and single family residential development extending over into the Reid Park area to the east and to the south is the Amy James Elementary School site.

The subject property is zoned single family as is the property to the south across Shady Lane and to the southeast toward the end of Shady Lane, and single family extending out to Wilmount Road. There is existing multi-family zoning adjoining the property to the north. This area is all zoned R-6MF including Reid Park. There is some R-6MF to the south of Burgess Drive and some I-1 zoning along Wilmount Road from West Boulevard.

Councilman Whittington asked if this has not been heard by Council in less than a year? Mr. Bryant replied this was part of an area which was considered for a change from a then existing R-6MF zoning to a single family classification upon the request of residents in the neighborhood; this was considered less than a year ago, and was changed from a multi-family classification to a single family classification in November, 1972. The request today is by the property owner to change back to the multi-family classification. That more property was involved in the first request.

Mr. Bryant stated there are two public housing developments in the general vicinity of this area. To the east on West Boulevard about one-half mile is the Dalton Village project located on the south side of West Boulevard; to the west along West Boulevard and west of Old Steele Creek Road is Boulevard Homes which is perhaps 3/4 mile from this site. Little Rock Homes, a low income housing project but not public housing, is adjacent to the Boulevard Homes and is closer to the subject property. Mr. Bryant stated there is a large tract of city property located in the area, and Council will be considering a request for a zoning change on a portion of that tract later in the meeting.

Councilman McDuffie stated Council needs to make a decision later about what kind of effect this might have on the agreement Council made with the Court and some folks who talked about zoning in the whole city, and something was mentioned about certain parts of the city and higher density apartments. Councilman McDuffie asked how many units can be built in R-6MF, R-9MF and R-12MF on these particular three acres? Mr. Bryant replied R-6MF permits approximately 20 units per acre and this property could carry close to 70 units; in R-9MF it drops to 17 units per acre and this would be perhaps 60 units; under R-12MF it would allow 14 units per acre and this would be perhaps 50 units. He stated the petition of the Neighborhood last October included approximately 25 to 30 acres.

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Mr. Bill Echols, Attorney for the petitioner, passed around pictures of the area which he explained. He stated there is multi-family usage in the area and in close proximity to the property; he asked Council to consider the unique nature of this tract as it relates to the property which is south of it. That on October 16 of last year, when this property was a part of a petition for rezoning, they came before Council in opposition. At that time the Planning Commission recommended to Council that the petition be denied; that the property be left as R-6MF as there was still a predominance of R-6MF zoning in the area.

Mr. Echols stated they have come back to Council today because their situation is unique and Council did not have an opportunity to study the uniqueness of the property as it was lumped with the other area under consideration, including a large number of single family pieces that were in the tract. They feel their area is separate and apart from the type of property which adjoins it on the south. It is probably the largest single owned tract in the R-9 area. Also at that time they did not have ample opportunity to express some of the good arguments he feels they have for having this property zoned R-6MF. In addition, they feel it is always nice to be on the positive side.

Mr. Echols stated Mr. Burgess is the developer of this entire R-9 area; the lots which have been developed for various usages were all originally owned by Mr. Burgess; that by his own choosing, he did not restrict any of this land for single family purposes. Property which is now zoned R-9 has been since the inception of zoning, zoned as R-6MF.

Mr. Echols stated they urge strongly again to Council the fact there is a preponderance of R-6MF zoning in the general area under consideration; that the map does not reflect the property which lies north of West Boulevard and does not give a very good picture of the property to the east. Most of the general area is R-6MF zoned. The subject tract borders R-6MF property on its own, and they believe it is a consistent usage of the property. He stated the highest and best use of this property may be obtained by zoning it R-6MF; that Mr. Burgess has a little garden there now and that is about what he is going to be able to use this property for under R-9; it is not suitable for development into single family dwellings. He stated within the area of the R-9 itself there is already in existence multi-family usage. That he drove through Burgess Drive, Fleming Street and Shady Lane which intersects Burgess Drive and discovered that out of that area there are more multi-family units than single family units. On Burgess Drive there is a 12-unit apartment and a duplex; on Fleming Street there are three duplexes. The development of this property for a multi-family purpose would not enhance the traffic situation in the area because there is access from this property on to Walters Street to the north; to the south is an exit from the property on to Shady Lane which would require a small stretch of Shady Lane to be used in order to exit on Wilmount Road and West Boulevard.

Councilman Withrow stated it was his understanding at the last hearing that Mr. Burgess has promised there would be no multi-family units built. That he believes some of the people who live in the houses Mr. Burgess developed into single family were promised there would be no multi-family built. Mr. Bryant replied some five or six homes have changed ownership in the last four or five months; many of those homes are older than just a few years and whether Mr. Burgess engaged in any such promises with the respective lot purchases at that time, he cannot say.

Councilman Alexander asked if Mr. Burgess is planning immediate development? Mr. Echols replied no; that at the first hearing there was some talk it might be for sale; but he has no purchaser in mind and does not have the property up for sale at this point; there is no planned development for the property. Councilman Alexander asked why he is asking for the zone change, and Mr. Echols replied in order that he might obtain the ultimate highest and best use of the property.

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Mr. Grady Malone, 2965 Shady Lane, stated Shady Lane is completely blocked in and there is a little short Burgess Lane on the opposite side of the crescent that comes off Shady Lane. He listed the apartment developments located in the near vicinity. He stated he moved to this location in 1962. A remark was made that quite a few of the homes were for sale and the reason is because of the potential for complex apartments. If 50 apartments are built that would mean at least 200 people and if they have one or two children you can see what this will mean. The children in the neighborhood now have no place to play except in the street. There are 18 rental units on Burgess and Shady Lane. He stated he bought the lot adjacent to his property because four or five years ago Mr. Burgess was going to sell it and build a duplex and he did not want it that close to his property. He stated Mr. Burgess does have a sale if he can get the property rezoned and this is why so many of the homes are up for sale.

Mr. Malone stated they bought their homes as single family units on a nice, quiet street and if you put 200 to 300 people on 2/10 of a mile you can see what will happen. He asked Council to consider keeping the area as R-9.

Councilman Alexander asked if the residents would have their homes up for sale if this rezoning is not granted? Mr. Malone replied he can only speak for himself; but the sale signs did not go up until after Mr. Burgess had a sign up last year to sell for a housing area.

Councilman Withrow stated he believes in 1960 all of the property on the west side was practically zoned R-6MF. Mr. Bryant replied a large portion of the property was zoned R-6MF. Councilman Withrow stated he has been on City Council for 4 years and has begged the Planning Commission to go to the west side and restudy this property with the idea of upgrading and he believes in the court suit that Councilman McDuffie mentioned, Council promised the courts this would be done. That he agrees it is not fair just to change Mr. Burgess's property without studying the rest of it. That he would like to see the Planning Commission proceed with this study.

Councilman Alexander stated in the agreement on the court suit, Council did not agree to exactly what Mr. Withrow states. He asked the City Attorney to clarify this.

Mr. Underhill, City Attorney, replied as a part of the agreement that Council entered into with the Housing Authority, Redevelopment Commission and the Planning Commission, it was agreed that an overall study would be made of all the zoning districts and patterns in the entire city. Principally that is taking place now in the new comprehensive development plan which will probably be presented by the Planning Commission and Council later in the year; that is when consistent with good planning and good zoning practices, rezoning would occur. But all of that is qualified by "when consistent with good zoning and good planning". Those types of considerations have to be made in considering some overall fairly massive rezoning as the comprehensive development plan will probably contain. Councilman McDuffie asked when this study will be ready, and Mr. Bryant replied it should be in the late summer. Councilman Short stated about three years ago there was a comprehensive reworking and replanning of the West Boulevard area, and he asked if this particular property was involved? Mr. Bryant replied it was not involved.

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

HEARING ON PETITION NO. 73-16 BY ROBERT H. WATSON FOR A CHANGE IN ZONING FROM O-15 TO O-6 OF 1.6 ACRES OF LAND ON THE SOUTHEASTERLY SIDE OF ABBEY PLACE, SOUTH OF MONTFORD DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the property is now zoned O-15 and the request is to change to O-6. The principal difference involves the setback requirements within the respective district. The O-15 requires any structure to be setback 40 feet from the street; the O-6 would require only 20 feet setback.

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Mr. Bryant stated the property is located between Abbey Place and Sugar Creek and south of the Montford Drive-Abbey Place intersection. It has about 264 feet frontage on Abbey Place, with the greatest depth on the north side and is 268 feet to the center line of Sugar Creek and on the south side it decreased to 150 feet to the center line of Sugar Creek. The property is vacant; there are a number of significant land use features in the general area.

To the east of the property across Sugar Creek is Selwyn Village Apartments which are on Wakefield Drive. Another significant feature is a medical clinic located at the intersection of Hedgemore Drive and Abbey Place. An IBM office building is located here extending from Hedgemore up to Park Road, NCNB Branch Bank is located at the corner of Park Road and Hedgemore. The largest land use feature in the immediate area is the Exxon Office Building which is located on Woodlawn Road and the Park Road Shopping Center is to the north. The subject property along with most property from that point extending out to Park Road is O-15. Generally speaking the property between Park Road and Sugar Creek is all zoned for O-15. There is B-1 business zoning which extends to the north of the property extending up to Montford Drive, Woodlawn and into the Park Road Shopping Center. To the east of the property across Sugar Creek there is R-6MF to accommodate Selwyn Village Apartments. The subject property is bounded on the east by multi-family zoning, on the north by B-1 zoning and on the other two sides to the west and to the south by existing O-15 zoning.

Mayor Belk asked what restrictions we have on Sugar Creek? Mr. Bryant replied the construction along Sugar Creek is still controlled under the provisions of the subdivision ordinance which would prohibit building within what is known as the 20-year flood level area. We do not have as yet in effect and will not for some time have in effect along this portion of Sugar Creek the newer 100 year flood elevation which has been approved. There is prohibition against building at the present in the 20-year flood period along the creek.

Councilman Jordan asked Mr. Bryant if there are any plans for the property? Mr. Bryant replied that he did not know of any immediate plans; the indication he has is the desire to build an office building if the zoning can be changed. There is some problem dealing with the depth of this property and the necessity of setting back at the present time 40 feet from the street. That he believes an office building, perhaps a doctor's office or medical office building would be preferred.

Councilman Short asked if this property has been mapped as to the flood plan? Mr. Bryant replied not as far as the most recent flood control, however, there has been some extensive map work along this section of Sugar Creek as part of the proposed Corps of Engineers project for improving this section of Sugar Creek. There has been some extensive investigating work on this.

Councilman Short asked if it is true until the mapping is done the recent flood plan ordinance does not apply to the property at all. Mr. Bryant replied the recently approved ordinance would not until the maps are ready; there is in existence already controlling this property, the provisions of the subdivision ordinance what is called a 20 plus 2; this is a 20 year flood interval area plus 2 feet of vertical elevation above that. There is some control but not the whole control over the 100 year.

Councilman McDuffie asked if Planning is responsible for presenting the maps to Council once they are completed. Mr. Bryant replied yes. Councilman McDuffie stated he hopes Mr. Bryant could call to Council's attention some of these stretches of creek that already have a map that we can use rather than wait for a longer distance on that particular creek.

Mr. Bryant stated the only one that has been completed and presented and adopted lies along the McMullen Creek in the county. None has been proposed as yet within the city limits. Councilman McDuffie stated since the Corps of Engineers did do this and we had a million dollar project ready it might be that the map could be used on that.

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Mr. Dick Wardlow, Attorney for Dr. Watson, the petitioner, stated it is his understanding this particular lot is the last lot of the Frank Graham property on Sugar Creek; it is the last lot on Sugar Creek that is undeveloped. Everything else along the creek is already built up with Selwyn Village on one side, and a Kwick Pik Store, an existing office building on their side of the creek. That they are talking about one lot in this area that is not yet developed.

Mr. Wardlow stated that Dr. Watson and some of his associates intend to put on this site, if the requested zoning is allowed, a dental clinic for seven to ten dentists, and a dental laboratory. This is not a dental office building; it will be a dental clinic with each dentist having his particular line of work enabling this clinic to give a full line of dental service to children, grown ups and people who need denture wear, all types of dental care in one place.

He stated the building would require a minimum of about 12,000 square feet of floor area accommodating each doctor his necessary operating room, work room and such. Likewise there would be a building for laboratory work which will require 2,400 feet of land.

Mr. Wardlow stated the whole point of asking for the 0-6 zoning is because in the 0-15 zoning they must set back 40 feet from the street line; with 0-6 zoning they need to set back only 20 feet. He stated he does not know about the flood plains; but he does know that in the Register of Deeds Office the Graham family gave a 90 foot easement from the center line of Sugar Creek over the back of this property to Mecklenburg County and the Corps of Engineers; that the petitioner may not build on that because that is not their property to build on; that is reserved for maintenance of Sugar Creek, dredging in the creek and maintenance of the bank sides. Running diagonally from the eastern most corner down to the southwest is a city easement for sanitary sewer, a 25 foot strip of land with a sewer line in it. They may not build on top of that area because the city from time to time may need to excavate and make maintenance repairs to the sewer lines. In the southwest corner of the property is a 10 foot storm drain easement running diagonally across. They may not build on top of that because the storm drain easement needs to be maintained; across Abbey Place is a hillside and all the water comes down and goes through that drain into Sugar Creek; therefore their present buildable area on this entire lot are two small triangular areas to the right, and the larger triangular area on the left.

He stated they are adjoined on the north by B-1 and the setback there is 20 feet; that is what their setback would be if they are given the 0-6. On the right hand side is a continuance of 0-15 and Dr. Watson's present office is on that property. However, the setback for the Abbey Medical Building is 20 feet of green area and the balance is a circular in and out driveway. Therefore, they would not hurt that property. He stated the building they propose has to be on one floor; this is fill land for the most part, and the more they spread the building out the less danger there would be of subsiding. Second, it is a medical facility and particularly Mothers of children are not inclined to climb to the second floor. It is to be a one-story structure. They want to have more than the minimum requirement of parking to make it convenient for people to get in and out.

Councilman McDuffie asked how much undeveloped 0-15 area is located? Mr. Bryant replied it is basically the property from Abbey Place up to a parking lot adjacent to the bank. That is about the only significant vacant property in the immediate area. The only other is south of the Park Terrace. Councilman McDuffie stated he thinks the only question that might arise would be the other people wanting to change their 0-15 to 0-6. If it is possible to handle the request by the Zoning Board of Adjustment, they might be able to do their building and we would still have the control and it would have to be approved by the Building Inspection Department and the Planning Commission, and it would have to be in the exact place.

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Councilman Short stated he hopes the Planning Commission in its recommendation to Council will give some comments as to how the new flood plain ordinance would affect this property if it were in effect.

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. 73-17 BY JAMES T. ROBERTSON III, GLENN L. KUMEL AND BOBBY HORNE FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF TWO LOTS AT 2509 AND 2513 SHARON AMITY ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request consists of two lots located on the west side of Sharon Amity Road, and south of Unaka Avenue and Independence Boulevard. The two lots are approximately 155 feet deep with one being about 52 feet in width and the other approximately 57 feet. The two combined constitute an area of about 155 feet with a little better than 100 feet of frontage on Sharon Amity. There are two single family residences on the property; there are single family homes to the south of the property; single family residences to the rear of the property, and one single family home adjacent to it on the north. From that point begins the pattern of a combination of office facility and a number of businesses extending up to Independence Boulevard. Across Sharon Amity is also single family residences; to the south is the Ben Salem Presbyterian Church and it has a cemetery associated with it.

He stated the subject property is zoned R-9; it is adjoined on the north by existing O-6 zoning for two lots then begins the general pattern of business zoning extending along Independence Boulevard. Across the street, immediately in front of the property is O-6; to the south is R-9 and to the rear is R-9. The two lots in question have existing single family zoning to the south and west, and existing office zoning to the north and east.

Mr. Tom Robertson, one of the petitioners, passed around pictures of the area which he explained. He stated the character and nature of the area has changed in the past few years, and they do not consider it suitable for single family use. The only owner-occupied home out of the few homes located in the area is already zoned O-6. The intended use for this property would be private office with no change or modification in the structures there, and there would be absolutely no increase in traffic.

Councilman Short asked if the property is zoned O-15 would it be suitable or would it be non-conforming use? Mr. Bryant replied the existing building probably is 40 feet back from the street; that he suspects it would be a conforming use.

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. 73-18 BY CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF PROPERTY BOUNDED BY WILMOUNT ROAD, SOUTHERN RAILROAD CROSSLINE, IRWIN CREEK, REID PARK AND A LINE SOUTH OF THE AMAY JAMES SCHOOL PROPERTY.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the property is owned by the City of Charlotte; the area originally requested and advertised for consideration of a change involved an area well in excess of 140 acres. That it is his understanding that will be reduced, leaving the portion consisting of somewhere between 50 and 60 acres of land.

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Mr. Bryant stated the major use made of the property is the Irwin Creek Sewerage Disposal Plant and is located to the southeast of Irwin Creek. The property in question is vacant. The Amay James School is located in the area, and there are scattered single family residences extending along Wilmount Road through the area, particularly to the south and northwest of Wilmount Road. Reid Park area has a considerable degree of residential development contained in it. He pointed out the Rollingwood Subdivision located south of Clanton Road.

The zoning pattern is principally R-6MF; practically all the property, including the subject property lying northwest of Irwin Creek is zoned R-6MF; there is considerable R-9 single family zoning to the southeast of Irwin Creek including much of the city owned property and the Rollingwood and part of the Clanton Park residential areas. He stated the pattern of present land use is one of multi-family with single family zoning southeast of the creek.

Mr. Bryant stated he understands the use projected for this property involves an operational headquarters facility for the sewer division of the Utility Department. This would be a facility which would house the headquarters activities of the sewer division including some office facility, personnel headquartering, storage of equipment of trucks and such, as well as some storage of materials and supplies.

Mr. Walter Franklin, Director of the Utility Department, stated the building will be in the middle of the tract on top of the hill; they plan to keep the screening and there is a buffer strip between the Amay James School and the subject property. He stated they decided to change the request on the size of the property to be rezoned as they recently discovered that the EPA will soon require polishing facilities for this plant. That they can build a sewerage treatment plant any place except within a thousand feet of a residence; but to have an office building for some portion of the sewerage utility, they must rezone the property from residential to industrial.

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. 73-19 BY MICHAEL J. BEGLEY, BISHOP OF THE ROMAN CATHOLIC DIOCESE OF CHARLOTTE, NORTH CAROLINA, FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF PROPERTY FRONTING ON THE NORTHWESTERLY SIDE OF NORTH MCDOWELL STREET, BEGINNING NORTHEAST OF EAST TRADE STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this petition involves property located in the downtown area on North McDowell Street near East Trade Street, about midway of the block between Trade and Fifth Street. At one time the structure was utilized as St. Mary's Catholic Church; the structure is still there, and at present is occupied by an art gallery, which has moved into the facility but must have a change in zoning if they are permitted to stay. They have been allowed to move in pending the outcome of the rezoning petition. On the Trade Street side is an automobile body repair facility; an automobile parking lot to the rear of the property fronting on East Fifth Street. there is one residence beside the property on the Fifth Street side. Across McDowell Street is a residential building being used as a facility for janitorial services. At the corner of Trade and McDowell is an office building. There is vacant property at the intersection of Fifth Street and McDowell.

He stated there is business property along East Trade Street, and it adjoins the property on the Trade Street side. There is a pattern of office zoning beginning at that point, including the subject property, running past Fifth Street, Sixth Street and over between the blocks, between Sixth and Seventh Street. On the opposite side of McDowell Street is more generally a pattern of business zoning. B-2 zoning extends from Trade Street all the way to Sixth Street with the exception of one small lot opposite the subject property. There is a combination of business zoning and O-6 zoning in the area.

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Mr. Robert Potter, Attorney for the petitioner, stated the church has been abandoned for five or six years. Every year he calls to find out when it will be taken in urban renewal, and each year it is another year. About two weeks after entering into the lease for the art gallery, it was in the paper that it will be in urban renewal next year. The lease is for two years, and they are asking for the rezoning as the building has been vacant and they would like to have someone occupying it. Also these people were desperate to find a place to locate.

Councilman Short stated this site has not been acquired under urban renewal as yet; he asked if the zoning might have some effect on the acquisition price? Mr. Sawyer, Director of Urban Renewal, replied he is not sure it will; the property was appraised some few years ago; it is right next to a B-2 zoning and it is O-6. It may or may not affect the value. The project has not been approved at this time, and any owner should take a business as usual attitude.

Mayor Belk asked if the street will be widened on that side, and Mr. Sawyer replied eventually.

No opposition was expressed to the proposed change in zoning.

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

PETITION NO. 73-14 BY MAMIE R. HERLOCKER, W. O. SULLIVAN, W. O. SULLIVAN, JR. AND MUTUAL SAVINGS AND LOAN FOR A CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF SHARON ROAD BEGINNING AT SHARON ELEMENTARY SCHOOL AND EXTENDING SOUTHWARD TO SHARON VIEW ROAD, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject petition for a change in zoning was denied, as recommended by the Planning Commission.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE FILING OF AN AMENDATORY APPLICATION FOR LOAN AND GRANT FOR PROJECT NO. N. C. R-78 (GREENVILLE).

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution authorizing the filing of an Amendatory Application for Loan and Grant for Project No. N. C. R-78 (Greenville).

The resolution is recorded in full in Resolutions Book 9, at Page 172.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, RELATIVE TO THE OPENING OF NORWICH PLACE TO TRAFFIC WHEN CLANTON ROAD EXTENSION IS CONSTRUCTED.

Councilman Withrow moved adoption of the subject resolution relative to the opening of Norwich Place to traffic when Clanton Road Extension is constructed, which motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 173.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, RELATIVE TO CITIZEN PARTICIPATION IN COMMUNITY DEVELOPMENT.

Motion was made by Councilman Alexander, and seconded by Councilman Short, to adopt a resolution of City Council relative to Citizen Participation in Community Development.

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Ms. Eva Spragin, Member of the Model Neighborhood Commission, stated the residents believe in this system and they know it will and can work if the Bill of Rights and Constitution have meaning. They urged Council to confirm the concept that all citizens be afforded the opportunity to participate in the process. They wish to emphasize they are not asking for anything out of the ordinary; they simply wish to continue to be involved. Many of them have never had any opportunity to have any say about anything affecting their lives; it has only been through the Charlotte Model Cities Citizen Participation Division that they have been enabled to become involved, and to understand, and to be able to have a say about something that affects them.

Ms. Spragin stated they urge Council to not only continue the Model Cities programs and projects, but they urge the continuation and expansion of citizen involvement.

Ms. Spragin filed with the City Clerk petitions containing 1,600 signatures.

Also speaking was Ms. Marie Montgomery, a resident of the Model Cities neighborhood.

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

The resolution is recorded in full in Resolutions Book 9, at Page 174.

Mr. Burkhalter, City Manager, stated Ms. Spragin and Ms. Montgomery, and a number of others were involved in some dialogue with the Manager's office. That City Council has a copy of that information. That what Council has done tonight in essence approved what he said to these residents.

JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AND THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY CREATING AND ESTABLISHING THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION.

Motion was made by Councilman Alexander, and seconded by Councilman Whittington to adopt the resolution creating and establishing the Charlotte-Mecklenburg Historic Properties Commission.

Mrs. Charles Crawford, Charlotte Council of Garden Clubs, stated they have taken a vote and unanimously support Mr. Fred Alexander in his desire and motion to establish this Commission.

Mrs. Barbara Casstevens, representing the Charlotte Junior Woman's Club, stated the club is concerned about the prevailing trend in our city to destroy our heritage in the name of progress. By blending the old with the new, they feel our historical sites can be retained and enjoyed by all people in our community. She stated tonight they would like to pledge to Charlotte-Mecklenburg, energies, time and the financial support of the 100 young women of the Charlotte Junior Woman's Club to preserve our cultural and historic heritage. Their immediate concern is for the preservation of the Thompson Orphanage Chapel and the surrounding grounds. For this purpose they allocated the remainder of their 1972-73 budget. They wish to give to the city tonight a token of their support, a check for \$419.29, to be used for the preservation of the Chapel in its present site. Should Council approve the establishment of the Historic Commission, this check is to be turned over to them for that purpose. Mrs. Casstevens then presented the check to Mayor pro tem Alexander stating it was due to his interest, his personal interest in our community, that their attention was called to this project.

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Councilman Alexander stated in the absence of Mrs. Harrison Giles he has the donation from the Huntingtowne Farms Garden Club to help get this project started; the check is for \$5.00.

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

The resolution is recorded in full in Resolutions Book 9, at Pages 175-176.

Councilman Short stated he is sure we are all delighted to have this new commission, and this state wide act providing for this 90 day negotiation period. It is, however, only a negotiation period, and no money is actually provided by the act. That he understands there is also some question about the final legality of the 90 day negotiation period because it does not provide for the covering of the expenses of the property owners. It is his belief that as good as these things are, more is needed if we really are going to respond as effectively as we should to the cause of historic preservation.

Councilman Short placed on the agenda for the next council meeting a motion that Council include in its legislative package for consideration by Council, prior to January, 1974, when the legislature will reconvene, a request for enabling that will allow Council to include in a bond referendum funds for the purchase of historic sites.

He stated the funds could be called a historic site protection fund. In some ways it might be similar to our highway right of way protection fund. If we could achieve such a fund as this, we could be relatively certain to save at least a few of the valuable historic sites. That the citizens of our community should have an opportunity to vote on whether we would have such a fund, and if the majority of the citizens indicate they desire this, then we should have it.

Councilman Alexander stated under the amendment of the existing legislation, there will be appointed a historic commission composed of ten people, five named by the City Council and five named by the County Commissioners. This same type of action, Council has taken tonight, will be taken by the County Commissioners when they meet next Monday. At that time we will move toward establishing a permanent commission, and we will move forward from that point.

Mayor Belk stated the Governor asked him to be on a Committee for the Bi-centennial of the Nation that he was not able to attend that meeting. That Mr. Grant Whitney attended the meeting for him, and he would like for him to make a report on that meeting.

Mr. Whitney stated last Thursday he attended the meeting of the Governor's Conference on the Bi-centennial Commission. It was conducted in Raleigh, and was conducted by Mrs. Dabney Enderle, who is the Director of the Commission. There were some 200 people present from every city and county in the State. They had outstanding speakers. The Director for the Region was there and presented the theme for the Bi-centennial for '76, and set up in three parts. (1) Heritage '76. A summons to all the people to recall our heritage and to face it in historical perspective. (2) A summons to all people to program activities and stimulate travel and to encourage our citizens to gain knowledge of our country, and to build a better country. (3) A nationwide challenge to every American, acting individually, to take one principal contact to manifest the pride, priorities and hopes of our community.

Mr. Whitney stated everything presented by the different states and the different speakers had already been accomplished in Charlotte. The Regional Director will be available to go around to the different states and assist in the southeast area. He will be available to us at any time he is needed. Back in 1968 we accomplished everything they hope to accomplish in 1976. Now we can pick up new ideas in Charlotte and move ahead of the ballgame.

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Mayor Belk stated Charlotte and Mecklenburg is the only city and county that will have a bi-centennial in 1975 on independence. That he thinks we should make the most of this. Mr. Harris, County Commission Chairman feels the same way, and also the State of North Carolina. By working with the State and the County, he thinks we can all show what we have done in the past, and also be thankful for those who have worked in the past.

ORDINANCE NO. 789-X TRANSFERRING FUNDS FROM 1969 SEWER BOND FUNDS TO THE BERRYHILL ROAD SEWER TRUNK PROJECT TO PROVIDE FUNDS FOR PROJECT CONSTRUCTION.

Councilman Whittington moved adoption of the subject ordinance transferring \$94,000 from the 1969 Sewer Bond Funds to the Berryhill Road Sewer Trunk Project to provide funds for project construction from Stewart Creek Outfall to Camp Green Street. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 79.

AGREEMENT WITH FAIRFAX ENTERPRISES, INC. FOR OFFICE SPACE IN THE CAMERON BROWN BUILDING, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject agreement was approved with Fairfax Enterprises, Inc. for the leasing of 14,450 square feet of office space in the Cameron Brown Building to house several of the City's Departments, for a period of three years, at \$82,943.00 annually.

Councilman Short requested the City Manager to provide a statement of the amount of rent we have to pay for providing quarters for the various city operations outside of city hall. This \$83,000 would be debt service on more than \$1.0 million; that it seems to him that we may have such a large rent bill we should start thinking about when it will get close to the point that it would almost support debt service on a new city hall.

Councilman Jordan stated we are getting spread out all over the city like Southern Bell. That he feels with all the different departments scattered over the city, and we have been talking about a city hall, for many years, and he would like to see this taken under real consideration.

Councilman McDuffie stated there is a difference in being spread in your own facilities as opposed to renting is what Mr. Short is talking about. That this is about \$150,000 for the leases in that building now. That he has asked the same question that Mr. Short asked.

ORDINANCE NO. 790-X AMENDING SCHEDULE 10 RELATING TO SPEED LIMITS REFERRED TO IN CHAPTER 20, SECTION 86(c) OF THE CHARLOTTE CITY CODE TO CHANGE THE SPEED LIMIT ON FOURTH STREET AND ON TUCKASEEGEE ROAD FROM 35 MPH TO 40 MPH.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance changing the speed limit on Fourth Street and on Tuckaseegee Road from 35 MPH to 40 MPH.

The ordinance is recorded in full in Ordinance Book 20, at Page 80.

Councilman McDuffie requested the City Manager to have a study made of Sugar Creek Road in front of Garinger High School. Mr. Burkhalter replied it is being worked on now.

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ORDINANCE NO. 791 REPEALING CHAPTER 22, "TREES", OF THE CODE OF THE CITY OF CHARLOTTE, AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 22, ALSO ENTITLED "TREES".

Councilman Withrow stated Dr. Hechenbleikner, a member of the Tree Commission, called him and said he has had a meeting with the Tree Commission, and did not exactly like some of the things that were taken out of the ordinance. Councilman Withrow stated he has talked to Mr. Bobo, Assistant City Manager, and Mr. Bobo thinks Council should go ahead and adopt this ordinance tonight, and the things that Dr. Hechenbleikner disapproves of it can be talked about and entered at a later date. That Mr. Bobo thinks we need to get this part in our budget that is being proposed. If this is deferred it might not be in this year's budget.

Councilman Withrow moved adoption of the subject ordinance with the idea that Mr. Bobo will meet with Dr. Hechenbleikner and work out some solution and come to an agreement. The motion was seconded by Councilman Whittington.

Councilman Withrow stated this will get a foot in the door and it will get it in the budget; but we should go back and consider these people.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Pages 81-88.

Councilman McDuffie stated he would like to commend Mr. Hopson, Public Works Director, for waiving the rule and picking up the limbs that are not normally picked up. That the storm on Monday caused quite a bit of damage. That the Department had the open trucks out and they were picking these limbs up.

Councilman Jordan stated all the Departments should be commended for what they did last night and all during the night. That he was out quite late and they were all still working all over the city. Mayor Belk stated Duke Power Company and Southern Bell were out also; that this was one of the worse storms he has seen hit Charlotte; that he thinks we were all very fortunate in that no lives were lost.

ORDINANCE NO. 792-X INCREASING THE APPROPRIATION OF A CAPITAL IMPROVEMENT PROJECT ACCOUNT TO DEVELOP THE CENTRAL BUSINESS DISTRICT COMPUTERIZED SIGNAL SYSTEM, AND TEMPORARILY BORROWING FUNDS FROM THE GENERAL FUND UNAPPROPRIATED BALANCE FOR THE PURPOSE OF IMPLEMENTING TRANSPORTATION PROJECTS.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted increasing the appropriation of a Capital Improvement Project Account to develop the Central Business District Computerized Signal System, and temporarily borrowing funds from the General Fund Unappropriated Balance for the purpose of implementing Transportation Projects.

The ordinance is recorded in full in Ordinance Book 20, at Page 89.

CONTRACTS FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the following contracts for water main and sanitary sewer construction:

- (a) Contract with Arrowood-Morgan Construction Company, Inc. for construction of approximately 4,700 ft. of 8", 6" and 2" mains and four (4) hydrants to serve the Bridlewood Subdivision, Phase V, partially inside the city and partially outside the city, at an estimated cost of \$23,000.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.

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- (b) Contract with Phillips Development Corporation for construction of approximately 2,000 ft. of 8" C. I. water main and one (1) hydrant to serve the Lodge South Apartments, abutting on Arrowood Road, between Old Pineville Road and Nations Ford Road, outside the City, at an estimated cost of \$14,000.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (c) Contract with Kenway Corporation for construction of approximately 520 ft. of 6" C. I. water main to serve a portion of the Woodbridge Subdivision, Section 2A, south of Old Providence Road and north of Pineville-Matthews Highway, outside the city, at an estimated cost of \$2,300.00. Funds will be advanced by applicant under terms of the existing city policies as related to such water main construction.
- (d) Contract with C. D. Spangler Realty Company for construction of approximately 675 ft. of 6" C. I. water main and one (1) hydrant to serve property abutting on Pacific Street, inside the city, at an estimated cost of \$3,400.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (e) Contract with Meadowbrook Apartments Limited Partnership for construction of approximately 225 linear feet of 8-inch sewer to serve the Meadowbrook Apartments on Grier Road, outside the city, at an estimated cost of \$2,684.80. The applicant has deposited 100% of the estimated cost and refund is as per agreement.
- (f) Contract with Stoever Properties, Inc. for construction of approximately 400 linear feet of 8-inch mains in Milton Road, beginning at Barrington Drive, inside the city, at an estimated cost of \$3,100.00. The applicant has deposited 100% of the estimated cost and refund is as per agreement.

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION, AUTHORIZED.

Councilman Whittington moved approval of an encroachment agreement with the State Highway Commission permitting the City to construct a 42-inch R.C.P. sanitary sewer line within the right of way of NC #49, which motion was seconded by Councilman Withrow, and carried unanimously.

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

The following ordinances were presented for Council's consideration:

- (a) Ordinance ordering dwelling at 1612 North Allen Street to be demolished and removed.
- (b) Ordinance ordering dwelling at 1704 North Davidson Street to be demolished and removed.
- (c) Ordinance ordering dwelling at 3913 Bearwood Avenue to be demolished and removed.
- (d) Ordinance ordering dwelling at 829 Belmont Avenue to be vacated and closed.
- (e) Ordinance ordering dwelling at 4013 Donna Avenue to be vacated and closed.
- (f) Ordinance ordering dwelling at 1721 Amherst Place to be vacated and closed.

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Councilman Whittington stated he has received a call from Mr. Jack Norman, the owner of the property at 1704 North Davidson Street to be demolished and removed, and he asked that the decision on the property be delayed one week. That the owner of the property at 829 Belmont Avenue, Claraence Deese, is in the hospital and asked that Council delay action on his property until he is released and can come to Council and speak about the boarding up of his home.

Councilman Whittington moved adoption of the following ordinances, which motion was seconded by Councilman Short and carried unanimously:

- (a) Ordinance No. 793-X ordering dwelling at 1612 North Allen Street to be demolished and removed.
- (b) Ordinance No. 794-X ordering dwelling at 3913 Bearwood Avenue to be demolished and removed.
- (c) Ordinance No. 795-X ordering dwelling at 4013 Donna Avenue to be vacated and closed.
- (d) Ordinance No. 796-X ordering dwelling at 1721 Amherst Place to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 91.

ORDINANCES ORDERING REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the following ordinances ordering removal of weeds and grass pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina:

- (a) Ordinance No. 797-X ordering removal of weeds and grass adjacent to 4226 Woodleaf Road.
- (b) Ordinance No. 798-X ordering removal of weeds and grass at 2733 LaSalle Street.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 95.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Whittington moved the following property transactions be authorized, which motion was seconded by Councilman Short, and carried unanimously:

- (a) Acquisition of 15' x 4.94' of easement at 6700 Picadilly Drive, from Queens Grant, Inc., at \$5.00, for sanitary sewer to serve McClintock Woods III Project.
- (b) Acquisition of 25' x 1,354.82' of easement at 6520 Pence Road, from James Randolph Baker and wife, Annie J., at \$1,360.00, for McAlpine Creek Outfall Sanitary Sewer Construction Project.
- (c) Acquisition of 10' x 5.78' of easement at 2400 Randolph Road, from Trustees of Westminster Presbyterian Church, in the amount of \$100.00, for proposed right of way of Randolph Road, Laurel Avenue, Colville Road (Topics Intersections) Project.

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- (d) Acquisition of 5.56' x 7' x 8.79' of easement at 2401 Randolph Road, from Annabel A. (Brown) Reames (widow), at \$500.00, for proposed right of way Randolph Road, Laurel Avenue, Colville Road (Topics Intersections) Project.
- (e) Acquisition of 36.01' x 29.87' x 34.24' of easement at 2324 Randolph Road, from Tom D. Keretsis and wife, Toula H., at \$1,000.00, for proposed right of way Randolph Road, Laurel Avenue, Colville Road (Topics Intersections) Project.
- (f) Acquisition of approximately 10' x 23' x 10' of easement at 131 West Fourth Street, from North Carolina National Bank, at \$1.00, for right of way improvements at corner of Church Street and Fourth Street Project.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following special officer permits were authorized:

- (a) Issuance of permit to William C. Blanchard for use on the premises of United Parcel Service, I-85 and N. Graham Street.
- (b) Issuance of permit to Linda Windsor for use on the premises of J. B. Ivey & Company.
- (c) Renewal of permit to Forrest DeLane Kelly for use on the premises of Charlottetown Mall, Inc.

CONTRACT AWARDED WORTH KEETER, INC. FOR ONE SPECIAL UTILITY BODY.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Worth Keeter, Inc., in the amount of \$5,998.00, for one Special Utility Body for use by the Utility Department.

The following bids were received:

Worth Keeter, Inc.	\$5,998.00
Cook Body Company	6,052.50

CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR CLAY BRICK.

Councilman Whittington moved award of contract to the only bidder, Kendrick Brick & Tile Company, in the amount of \$14,800.00, on a unit price basis, for clay brick to be used primarily for the construction and repair of sanitary sewers and storm drains. The motion was seconded by Councilman Jordan, and carried unanimously.

CONTRACT AWARDED ARROW EQUIPMENT, INC. FOR ONE ASPHALT PAVING MACHINE.

The Purchasing Agent explained the reason for the second low bidder.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, contract was awarded the second lowest bidder, Arrow Equipment, Inc., in the amount of \$22,350.00, for one rubber-tired Asphalt Paving Machine to be used by the Street Division.

The following bids were received:

A. E. Finley & Assoc., Inc.	\$22,000.00
Arrow Equipment, Inc.	22,350.00
Interstate Equipment Co.	32,000.00

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CONTRACT AWARDED A. P. WHITE & ASSOCIATES FOR WATER MAIN CONSTRUCTION FOR SECTION I, AREAS 1 AND 12 OF PROPOSED ANNEXATION AREAS.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, A. P. White & Associates, in the amount of \$367,006.20, on a unit price basis, for water main construction for Section I, Areas 1 and 12 of proposed areas.

The following bids were received:

A. P. White & Associates	\$367,006.20
Rand Construction Company	383,993.50
Ben B. Propst	400,940.00
Thomas Structure Company	443,032.50
Sanders Brothers	445,437.15

CONTRACT AWARDED H & H EQUIPMENT COMPANY FOR BRUSH CHIPPER.

Councilman Jordan moved award of contract to the low bidder, H & H Equipment Company, in the amount of \$4,163.00, for one brush chipper, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

H & H Equipment Co.	\$4,163.00
Municipal Equipment Co., Inc.	4,373.00
Interstate Equipment Co.	4,640.00

CONTRACT AWARDED PIEDMONT GRADING COMPANY FOR DEMOLITION OF STRUCTURES ON ALEXANDER STREET AND MCDOWELL STREET.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, subject contract was awarded the low bidder, Piedmont Grading Company, in the amount of \$7,450.00, on a lump sum basis, for demolition of structures on Alexander Street and McDowell Street.

The following bids were received:

Piedmont Grading Co.	\$7,450.00
D. H. Griffin Wrecking Co., Inc.	11,888.00

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR NORTH CALDWELL STREET IMPROVEMENTS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Blythe Brothers Company, in the amount of \$214,137.80, on a unit price basis, for North Caldwell Street Improvements.

The following bids were received:

Blythe Brothers Company	\$214,137.80
Crowder Construction Co.	225,540.92
Rea Construction Company	236,635.80
T. A. Sherrill Construction Co., Inc.	249,016.63

Councilman Whittington stated this is for the construction of the new bridge on Caldwell Street which will be built with bond money approved in the recent bond package.

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CONTRACT AWARDED SANDERS BROTHERS, INC. FOR INSTALLATION OF SANITARY SEWERS AND STORM DRAINS.

Councilman Withrow moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$21,228.00, on a unit price basis, for installation of sanitary sewers and storm drains in Brooklyn Urban Renewal Area, N. C. R-43, which motion was seconded by Councilman Short, and unanimously carried.

The following bids were received:

Sanders Brothers, Inc.	\$21,228.00
Crowder Construction Co.	22,074.00

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, JUNE 18 ON PETITIONS NO. 73-20 THROUGH 73-23 FOR ZONING CHANGES.

Councilman Jordan moved adoption of a resolution providing for public hearings on Monday, June 18 on Petitions No. 73-20 through 73-23 for zoning changes. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 177.

MAYOR AUTHORIZED TO ENTER INTO CONTRACT WITH THE DEPARTMENT OF LABOR AND THE CHARLOTTE-MECKLENBURG SCHOOL BOARD AS SUB-AGENTS TO ADMINISTER A PROGRAM OF SUMMER EMPLOYMENT FOR YOUTH.

Mr. Burkhalter, City Manager, requested Council to approve a contract with the Department of Labor and the Charlotte-Mecklenburg School Board as sub-agents to administer a program of summer employment for youth in our city and county in the sum of \$495,000. He stated this will provide nine weeks of work for about 1200 disadvantaged youth, ages 14 through 21, and Vietnam-era veterans through the age of 29.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Mayor was authorized to enter into a contract with the Department of Labor and the Charlotte-Mecklenburg School Board as sub-agents to administer the program of summer employment.

APPRECIATION EXPRESSED TO STATION WTVI AND CHARLOTTE-MECKLENBURG SCHOOL BOARD.

Mayor Belk thanked Station WTVI for its fine support and the Charlotte-Mecklenburg School Board for allowing Council to have the use of these facilities so that Station WTVI could televise the Council Meeting. He stated this is a pattern of Council's regular meetings. That he would like to thank the Station for giving the citizens the opportunity to see how Council meetings are conducted.

COMMENTS FROM REPRESENTATIVE OF HUNTINGTOWNE FARMS, BEVERLY WOODS AND STARMOUNT ON STARBROOK DRIVE BRIDGE.

Mr. C. J. Underwood, representing people in Huntingtowne Farms, Beverly Woods and Starmount concerning the Starbrook Drive Bridge, stated by now everyone should be familiar with the feelings of the residents of the Huntingtowne Farms, Beverly Woods and Starmount subdivisions regarding the plans for a four-lane bridge over Sugar Creek connecting the two segments of Starbrook Drive.

He stated theirs is not a group of people who make it a habit to oppose City Hall when it is working to move Charlotte ahead. They have no association with the CCAT, nor do they have a set of initials to identify themselves. They are just a single, spontaneously organized group of citizens who want to preserve the character and livability of their neighborhoods, and to work harmoniously within the system to see Charlotte grow in an orderly fashion.

They are excited about the growth of Charlotte-Mecklenburg, but they want this growth to be planned with deep concern for an asset that sets Charlotte apart from virtually every other city in the Carolinas --- that is her quiet, safe and beautiful neighborhoods. They want their neighborhoods to retain these qualities of beauty and livability for the far-distance future of citizens. They believe the first step towards the destruction of this atmosphere is the construction of a four-lane bridge such as the one under consideration. This thoroughfare was planned before the three neighborhoods were built when developers did not have to design their projects to accommodate future additions of the scope of this one.

Mr. Underwood stated there are 93 driveways on Starbrook, 38 on Chandworth, the elementary schools, the park and swim club. The proposed beltway is of concern to the parents of children walking to Huntingtowne Farms, Starmount and Beverly Woods Elementary School. The construction of the bridge would directly affect Starmount School and Huntingtowne Farms School. The extension of the Starbrook-Chandworth route to Quail Hollow Road would pass directly by Beverly Woods School. Also within four years, five year old children will attend public kindergarten in these schools.

He stated a major thoroughfare on Starbrook would also affect the safety of children going to and from the Huntingtowne Farms City Park and Swim Club and the Starclair Swim Club. The park would be split and its peaceful qualities lost. A bridge and four lane road should expedite traffic flow and alleviate congestion, but not create new and complex problems where none exist. They believe priority should be given to a route that would satisfy the need, fit into the pattern of the thoroughfare plan, and cause as few adverse effects as possible. In this area there appears to be a number of reasonable choices.

Mr. Underwood stated widening Sharon Road West would funnel off the increasing traffic from the South Mecklenburg area and keep it off two-lane Park Road and Archdale Drive. A four-lane bridge is already located there. With the planned four-lane Tyvola route to I-77 handling traffic flow further in, this would eliminate the need for any additional connector between Park Road and South Boulevard now. Archdale Drive, from Park to South Boulevard has a new four-lane bridge. Stepping up the inevitable four-laning of Archdale would seem to take advantage of that investment and minimize the need for the Starbrook connector. Another suggestion is to link Sharon Road West with Arrowood Road at Nations Ford Road. This could be done by building a diagonal road from these points.

Mr. Underwood stated in presenting their case and priorities they are anticipating that the Starbrook Drive bridge will lead to a four-lane thoroughfare, which has not yet been engineered.

He presented petitions showing that less than three percent of those residents in the area would not sign the petitions. There are some 398 signatures from Starmount; with some 34 who declined to sign. In Huntingtowne Farms some 427 signed and only 6 did not; in Beverly Woods 334 signed and of the membership of the Huntingtowne Farms Swim Club, those who do not live in the immediate area, 113 signed with five declining for various reasons.

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Councilman McDuffie stated the road was planned before the houses were built, and a lot of people bought houses later. This points out that 20-30 years ago no one thought the City would be this large. The fact is the roads were planned after 1960, and the parks that have been built, and land donated, and in some cases the land was given because some roads would be there. It is a little backward, in effect, to come along and try to kill a road that has been planned for many years. Although probably the city and the Planning Commission have not done all they could to see that the roads were staked out; that the telephone polls, as they were on Emerywood Drive, are back of the right of way, and people who look as though they have a big yard do not have. But Mr. Underwood hit the nail on the head when he said widen Emerywood Drive and put the traffic on those folks. How far is it, if you were going from one side of that creek to get to the park if you are down in the middle of Sharon Road West and back up to Emerywood? It is about 2 ½ miles to get to Sharon Road West or back up the other way. So in effect, you can go 5 miles to go some 40 feet across the creek. Those people on the other side of the creek have some rights to use the park facility too; that he understands they have a foot bridge.

Mr. Underwood stated they do have petitions signed by people on the other side who do not favor the bridge. Councilman McDuffie asked if they are saying they do not want even a two-lane bridge? Mr. Underwood replied basically they are opposed to the four-lane bridge which is the beginning of a major thoroughfare which would lead into I-77. They feel there are some reasonable alternatives. Archdale is already a major lane. Councilman McDuffie replied if we do not stick to the road plan and widen each street in sequence you overload streets like Archdale, or Sharon-Amity or Sharon Road. The need is there for a city to have plans that have four-lane bridges that will not be four lane streets for another 15 years. But it is unfortunate that people do buy homes and expect that street to remain as it is. Mr. Underwood replied when they buy the homes there is no machinery in government to alert them to the fact that they are going to be on a four-lane thoroughfare.

CITY MANAGER REQUESTED TO CONTACT POST MASTER AND STATE COUNCIL'S WISHES THAT THE CONTRACT STATION AT 327 NORTH TRYON STREET BE MAINTAINED.

Mr. Jack Barnhart, 4133 Sherbrook Drive, stated on June 30th, the Post Office is going to close its contract station at 327 North Tryon Street and theoretically move it to the Jefferson-First Union Tower. That a number of interested parties are here tonight to join with him in asking for Council's help to prevent the closing of the 327 office. He stated they have written the Mayor and they would like to thank him for his concern and the efforts he and his office are making.

Mr. Barnhart stated the facility has been at 327 North Tryon for 13 years, and two of its present employees have been there for 12 years. It is a contract post office that does over \$100,000 in postal business a year. It is operated by three employees now, and is by far the largest contract station in Charlotte. Not only does it serve the small businesses and retail merchants, it serves the Charlotte Public Library, it serves the residents of Downtown Charlotte. The residents who live Downtown live north of the Square. It includes places such as Edwin Towers, Earle Village, a number of under-privileged or low-rent housing developments and private residences.

He stated a contract station is operated under a contract with the Postal Services by non-post office employees. The contracts are awarded the low bidders when the previous contract expires. For the past seven years, this facility has been operating with three employees, paying the rent on the building and the rent on postal equipment for something less than \$17,000. When the bids were open on April 30 of this year, the ladies responsible for running this facility found their bid of \$17,000 had been undercut by the First Union Towers Corporation at a bid of \$5,000. In effect the Towers Corporation had bought their post office for their tenants.

Mr. Barnhart stated this is fine with them as they are not here to object to the low bid system on contract business, even though the Towers has had a post office ever since it opened. They are not here to take away what they got through competitive bidding; they are here to ask Council to approach the Post Office and ask them, in addition to the main post office, to have two contract facilities in Downtown Charlotte. They think this can be granted because the Post Office has no set policy governing the number or location of contract facilities. This is an opportunity for the post office to increase their services with an additional charge of only \$5,000.

He stated they can justify this in several ways. First, it is in the Council's jurisdiction; they have contacted Congressmen in this area, Mr. Helms, Mr. Ervin and Mr. Martin, and they have all written back saying they would do what they could, but the postal service is no longer a department of the Federal Government controlled by Congress. Second, they believe the past record justifies the need for the post office. Last, they believe it can be justified from a zoning or planning standpoint. The southern half of Downtown Charlotte is growing every day and we cannot deny their need for a post office, but they can say even though their little post office is no great draw to the northern part of the city, if it is closed it will be a step backward.

Councilman Whittington asked what Council can do? Mr. Barnhart replied they can approach the post master with some force stronger than they as private citizens can. Councilman Whittington requested the City Manager to do what he can do, representing the City Council, to try to convince the postal service to not move this station. Councilman Jordan stated he is very familiar with both these stations; that it does not seem possible they would want to close this one when they have had the one in First Union since its opening. It seems to him that it is far enough away that it would warrant this one remaining where it is. That he thinks Council should try to help in any way possible.

Mr. Burkhalter, City Manager, stated the Mayor received a letter from Mr. Barnhart and answered the letter; subsequent to that the Mayor has instituted an investigation as to what effect this would have with the people involved; that a letter is being prepared for the Mayor's signature to bring these facts to the Post Master and to point out the need for the station, and to request him to do something to continue service in this area.

COMMENTS FROM CITIZENS ON VARIOUS STREET AND ROAD PROJECTS.

Mrs. Robert Hutchins, representing Civic Improvement Committee on Road Plans for Wendover Road, stated she thinks we should stop some of the highways and not have them. It is very difficult for those who live on Wendover Road to understand how this Council can keep reporting priority of the inner-loop when there has been a federal injunction in force on this road since May, 1972, preventing all further work on this place.

She stated it seems a foolish thing to her for Council this evening to establish a tree commission and a historic preservation commission when for every tree this commission will plant, you will cut down a hundred. Their homes are being destroyed by the dozens. They think Council is trying to make themselves look good, while destroying the city. The estimate of 84 trees to be cut down on Wendover Road is a definite mis-statement of fact. There are at least 100 trees between Providence Road and Sharon Road, and at least 1,000 trees that will fall to the highway ax between Providence Road and Churchill Road. If the willful destruction of homes and trees was stopped in the road building projects, these two commissions established tonight could be used for really constructive purposes.

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Recently on a WBTV report, it was shown that many of Charlotte's worse traffic hazards exist on recently built roads, without proper access or egress at crucial intersections. Mr. Hoose and Mr. McIntyre both agreed that this was because the city could not financially afford to install proper intersections. She asked why build more engineering mistakes before those already in existence are corrected. The proposed devastation of beautiful Wendover Road will ruin the whole section of town. They do not want the environment of this neighborhood destroyed. The members of the Civic Improvement Committee urge Council to use its efforts to have this road taken off the list of Charlotte's so-called road improvements.

Mr. Howard Campbell, Chairman of the Northwest Community Action Association, a member of the organization of CCAT, stated he is before Council in the interest of over 600 children, elderly people and concerned hard working grass root people who lie in the pathway of destructive concrete. Almost 200 small children walk along the streets to and from school twice daily.

Mr. Campbell stated at a Council Meeting on March 19, 1973, a motion was made and unanimously carried by Council to reconsider the widening of Sharon Road and Radcliffe Avenue. This runs through a neighborhood of Myers Park. Because of this, he would like that a motion or resolution he offered to the effect that we "particularize" LaSalle Street-Norris Avenue-30th Street project and ask that it be reconsidered.

He asked that any person on the Council who might be concerned about his black community on the northwest side offer a motion to reconsider these streets.

Councilman Alexander stated he has been told there are no plans to do anything to Norris Street. Regarding LaSalle Street, the record should show that over three years ago, he stated he would be opposed to any widening of LaSalle Street. That he thinks Mr. Campbell was present when he said at the University Park Baptist Church to this same committee that on or off Council, if at any time, any activation of widening LaSalle Street took place, he would take a stand against it.

Mrs. R. W. Burns, 2334 Belfast Drive, stated she is present to represent the Westside Citizens Action Association, a member organization of CCAT. That she supports Mr. Campbell and his neighbors in their request. For too long westside neighborhoods such as Ashley Park and Westerly Hills have been treated differently than the affluent southeast such as Myers Park. She stated they are fighting for the stability and survival of their neighborhood. They think the widening and extension of Ashley Road will divide their community; it will endanger children who have to walk to school; it will cause the destruction of the neighborhood by rezoning and by real estate speculation. She requested Council to reconsider the widening of Ashley Road to help them maintain the value and quality and the Westside neighborhood. She stated they have signed petitions from the residents of Ashley Road and adjoining streets that will be affected by this. They want Council to give them the same consideration that the Council gave to Myers Park on the Radcliffe Avenue-Sharon Road project. She stated we have representatives who ran for Council saying they represented the west side. Also, we have members of Council that ran on the platform saying they represent the entire City of Charlotte. She stated they are part of the City of Charlotte. She asked one of the Councilmembers to make a recommendation that Ashley Road be reconsidered along with Sharon and Radcliffe.

Mr. Joe Slechta, 2715 Belvedere Avenue, stated he represents himself and the Matheson Country Club section. He stated the theme is Central that Council shall particularize and reconsider the Matheson Avenue project. That following a master thoroughfare plan which was already absolute when it was drawn up leads to the destruction of the inner-city neighborhoods. It may benefit some; but it leads to a degeneration of the inner-city that has become one of the central problems in America. Up to date thinking requires a inner-city balance. Alternatives to paving multi-lane roads have not been sufficiently considered by the Council. Our so-called thoroughfares are in

fact strip zoned, and multi-accessed, and they cannot carry the traffic they were supposedly designed for. The Council must decide whether it wants to move traffic or multiply strip zoned commercial avenues. They cannot do both. No concerted effort has been made to face the problem of public transportation. It is far more economical than one passenger auto traffic in Charlotte. To accuse anti-road people of owning cars is an evasion. They have been offered no choice. If he had adequate bus transport here, he would use it almost exclusively as he has done in other cities. It would save money, time and energy. But the economic security of our private bus company has been allowed to prevail over the general good of the city. He stated efficient bus transportation is a must; and yet we have to hear one pertinent suggestion from Council as to how this problem will be solved.

He stated the Matheson Avenue Country Club Area in which he resides is faced with a plan that will not only destroy a beautiful area, but will displace elderly and retired people who will have no where to go. It will disrupt a quiet neighborhood and replace it with rezoned strips. That he is concerned with the ordinary citizens, the old and the handicapped who are losing all they have and have no place to go, and no adequate recompense for what they have lost. He called upon one of the City Councilmen and asked that he make a motion that Council particularize and reconsider the widening and extension of Matheson Avenue, in line with the precedent already established in the particularization and reconsideration of Sharon Road-Radcliffe Avenue project.

CITY MANAGER REQUESTED TO INVESTIGATE COMPLAINT ON AMBULANCE SERVICE AND REPORT BACK TO COUNCIL.

Ms. Dorothy Clark stated she has a complaint against the Charlotte Ambulance Service. On May 23, her brother had a seizure and was unconscious, and the Ambulance Service was called, and after they came out they refused to take him to the hospital because he did not give them \$25. Someone standing around called the city police and they in turn instructed the Ambulance Service to come back and to pick him up. They did come back, and picked him up, and while in the process of putting him in the ambulance, the attendant shoved him in and made a statement saying "he hoped he would have a wreck". Ms. Clark stated she does not think anyone should work for the Ambulance Service or be permitted to work for them that would make a statement like this.

Mayor Belk requested the City Manager to investigate this and bring a report back to Council. He asked Ms. Clark to give all the information to Mr. Bobo, Assistant City Manager.

Councilman Alexander stated this matter came before him the other day and he asked Ms. Clark or her sister or mother to appear here tonight to give Council the facts. He stated Ms. Clark's brother, David Clark, who lives at 1320 Fairmont Street, has been out of town for three months and he suffers from epileptic seizures. His only income is the government check he receives, and he was sitting on his stoop and had a seizure. This is why the ambulance was called; this treatment took place as Ms. Clark has related. They did call the police department, and the ambulance came again with the same attendants and at that time they picked him up. The point is they did not pick him up, when this man was lying on the ground bleeding, when the first ambulance was called. They said they would have to know who would pay the bill. His mother said she told them if they would send the bill they would get the money for it.

Councilman Alexander stated his point is that we only have one ambulance service in the City of Charlotte, and the city subsidizes its activities up to a point. If the citizens of Charlotte are subjected to the use of this one and only ambulance service, he thinks the city can also demand that fair treatment of the citizenry take place. He stated this is not the first time that such incidents have been reported to him. That on a previous occasion he made some mention of this at a Council Meeting. These incidents have been

reported enough for a pattern to have been established that either by design or instructions from above are being given. Where citizens have no other alternative and have no other service to call, he does not think Council can continue to let this type of action take place without having some conference or giving some instructions for better service from this Ambulance Service. This is why he asked the relatives of this man who is 45 years old to come here tonight so that other members of Council could hear what takes place.

Councilman Alexander stated he must insist that this Council take some action now with the ambulance service to give some assurance that the quality of service is going to be improved.

Councilman Alexander asked if in a case like this a citizen has to call the Police Department and then the Police Department will direct an ambulance to serve the people? Mayor Belk replied if they do this, then the city will pay for it. Councilman Alexander replied he is not so much concerned if the city will pay or not, but the process. If this is required then we should publicly state it so that citizens will know to call the Police Department in case of an emergency so they would not be subjected to this type of inhumane treatment. That he did not know that was a part of the process. If it is, then it should be enunciated here tonight so that everyone will know.

Mayor Belk stated the City Manager will bring a report on this to Council.

Councilman McDuffie requested that the report include charges. That he has received information where 10 or 12 children are put in one ambulance and charged the same rate for all of them.

COMMENTS BY MS. CAROLINE MILLER ON CITIZEN PARTICIPATION.

Ms. Caroline Miller, 825 Ardsley Road, stated she came down here with a statement which she had written, but she is so upset now about the way she has been treated and other citizens in this town. That she thinks Council is really lucky that WTVI left before this was done. She stated she will see to it that they know that once again they have been rude. That this part of the City Council meeting was instituted so that citizens could come and participate. But what is wanted are Boy Scouts to come down and see how it is run - not to participate. She stated she is mad about it. That she is a member of CCAT and she is not ashamed of it; she is glad of it because she feels she has some allies now, and she knows they are all as upset as she is.

She stated what upset her in the first place was the March 19 Council Meeting at which time Mr. Short made a resolution and which voted on unanimously that Sharon-Radcliffe would be particularized, separated, set out from, the master thoroughfare plan. All said yes to that. She stated she has a right to be upset.

She stated for Council to pass a resolution to make it sound big and honest; that the citizens took it seriously. They thought Council really meant to think it over again. But tonight Council has done nothing but to ignore them. She would like to know why they could not have passed some kind of resolution at least to have pretended they were standing there talking to Council. She asked if that resolution really means anything to the public? Were they really serious?

ADJOURNMENT.

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


Ruth Armstrong, City Clerk