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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, August 27, 1973, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, 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 Finley, Jolly, Kratt, Ross, Royal and Turner present.

ABSENT: Commissioners Boyce, Drummond, and Moss.

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INVOCATION.

The invocation was given by Reverend Paul Horne.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilwoman Easterling, and unanimously carried, the minutes of the last meeting, on August 13, were approved as submitted.

PROCLAMATIONS PRESENTED BY MAYOR.

Mayor Belk stated "The New Jerry Lewis Muscular Dystrophy Telethon Weekend" proclamation has been issued, and it will be held Labor Day Weekend. He stated he would like to thank all the people doing this, and especially Channel 18, WCCB TV.

Mayor Belk recognized Mr. Hugh Campbell, Mr. Charles Hunter and others, and presented them with the "Quality Education Week" proclamation.

Mr. Campbell stated he would like to recognize Mr. Charles Hunter, Ms. Joyce Browder, Ms. Sara Stephenson, Ms. Betty Jo Hamrick and Ms. Jean Castle.

Mayor Belk stated this concerns more people in Charlotte-Mecklenburg than any other single subject, and this is a very appropriate day for the proclamation. He stated anyone who serves on a school board should have an extra spot in heaven as they deserve it while they are here on earth; these citizens are taking their time to work for the betterment of all the people, and especially the young people which is over 80,000, and their parents, and he and Council would like to thank them for this effort.

Mr. Campbell stated this is significant since this is the opening day of school today. He stated next week is the Schools in Focus Week. That the Mayor has signed up as one of the leaders and participants in this. That Mrs. Browder has brought registration cards and they hope the other members of Council will sign and indicate their interest in the week by agreeing to participate in at least one thing during the week.

JEFF HUBERMAN MADE KNIGHT OF THE QUEEN CITY.

Mayor Belk recognized Mr. Jeff Huberman, Chairman of the Dilworth Jubilee Day, and stated in behalf of the first suburban area in Charlotte which was rejuvenated and which has made so many people happy, not only did he get them all out and working in fixing up the neighborhood, that he and Council would like to recognize him and thank him and his committee for fixing Dilworth in the way they have. If this was done all over Charlotte, then we would all be better off, and all people would enjoy living in their neighborhood.

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Mayor Belk stated he would like to make Mr. Huberman a Knight of the Queen City. He presented him with a Certificate and a Key to the City for the fine work his group has done.

Mr. Huberman stated he appreciates the Certificate and the Key to the City. That he looks upon this as something for the whole community, and nothing personal as a great many people worked on this - there were hundreds of people. He then introduced Mr. Michael Finch who was Co-Chairman, and stated he and the other Co-Chairman were responsible for the good turnout.

HEARING ON PETITION NO. 73-37 BY ELIZABETH COMMUNITY ASSOCIATION FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY IN THE ELIZABETH AREA CONSISTING OF ALL SUCH ZONED LAND BOUNDED ROUGHLY BY RANDOLPH ROAD, LAUREL AVENUE, DEASON AVENUE, DOTGER AVENUE, FIFTH STREET, SEABOARD COASTLINE RAILROAD, INDEPENDENCE BOULEVARD, BEAUMONT AVENUE, SEVENTH STREET AND CASWELL ROAD, AS AMENDED.

The scheduled public hearing was held on the subject petition on which two protest petitions had been filed but were not sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property. Also a general protest containing six (6) names of residents on Oakland Avenue was filed.

Council was advised that the City Clerk's Office received a written request from the petitioner on August 24, requesting that the following areas be deleted from the subject petition:

1. Remove Weddington Avenue, and all lots on East Seventh Street. Cut off boundary at Ranier instead of Bascom Street.
2. Remove area at Eighth and Pecan used by the city water department for tank.
3. Remove three lots at Eighth and Pecan recently zoned O-6.
4. Remove block of Vail Avenue, between Durham Drive and Chase Street, used for parking.

Councilman McDuffie asked how many people will be allowed to speak, and how many parcels of land are involved? The City Attorney replied in the case of this petition there are numerous parcels of land covered by the petitioner, but there is only one petition, so the Council's adopted time limitations do apply. The number of speakers are not limited in number but they are limited to a total of ten minutes for the entire presentation. Councilman McDuffie stated there are some different segments and some of these communities may not have the same interest as the others have, and ten minutes may not be sufficient for a group of people to present their opinions. Mayor Belk stated the ones that will be heard today are the ones being presented to Council which is one phase of it; that Council cannot hear the whole community problems; this is a zoning case which will be heard only on that basis, and anyone who has anything to say pro or con will be heard.

Councilman McDuffie stated he is concerned about the gentleman who called about the part of the petition to be removed and if Council stipulates that, either he is going to be allowed to talk or he is not concerned and will not be allowed to speak to that.

Mr. Underhill, City Attorney, stated a petition has been filed by the petitioner requesting that certain property be removed from the original petition for rezoning. That request to amend the petition to withdraw that property has to be voted on by Council prior to the public hearing. Mr. Bryant is prepared to show Council the property, if the amendment is allowed, that would be withdrawn, and Council will have to vote on that before Council permits those people speaking for or against the petition to begin.

Mr. Bryant, Assistant Planning Director, stated the areas which have been requested to be removed from the area are as follows:

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1. The largest one is an area that involves property along Seventh Street and Weddington Avenue, and Bascom Street. It would remove all the frontage property proposed for a change on Seventh Street, extending from near Laurel Avenue to Fifth Street; in addition it would remove property which has frontage on Weddington, from Fifth Street coming back in the direction of Seventh Street, and remove property which has frontage on Ranier Street, between Ranier and Bascom from Weddington up to the Seaboard Railroad.
2. Two lots located on Pecan Avenue at Eighth Street; those two lots are part of the property owned by the City of Charlotte and presently occupied by the elevated water tank.
3. Remove property which was recently rezoned an O-6 classification on Pecan near Eighth Street and that is three lots.
4. Remove the property on Vail Avenue extending Durham back one block. This property was recently approved for conditional off-street parking as part of the office development proposed for Randolph Road.

Councilman Short asked why the amendment is requested?

Mr. Ed Shaffner, Chairman of the Elizabeth Community Association, replied Seventh Street is commercial, and they had only included about two blocks at the end of Seventh and Fifth Street. Rather than include something that was obviously better for commercial they ask that it be removed. The tank area is city property and there was no point in including that area, and there was no point in including the two or three lots that had recently been zoned for office. The fourth area is the parking area that has already been assigned for that use. They felt it was more realistic to remove them.

Councilman Short asked if the amendment is allowed will it cure any of the situations of property being petitioned for rezoning against the will of the owners? Mr. Bryant pointed out on the map the property for which they have received written protest to this point, and pointed out the ones that would be taken care of by the amendment to the petition.

Councilman Withrow stated he has a conflict of interest and asked if he can be excused? Mr. Underhill stated technically the hearing has not started, and the question before Council is whether or not the petition will be amended by withdrawing portions of the area. Mr. Underhill asked if Mr. Withrow owns property included in the question before Council? Councilman Withrow replied it is not within the area in question before Council but is included in the area that will not be affected by the amendment. Mr. Underhill replied then Mr. Withrow is eligible to vote on the matter of allowing the petitioner to withdraw certain properties. Once the public hearing begins, then he should excuse himself from any deliberation, including the public hearing and voting at the time it comes to Council.

Councilman Whittington moved that the request of the petitioner, listed 1 through 4 be deleted from the petition. The motion was seconded by Councilman Withrow and carried unanimously.

(Councilman Withrow left the meeting at this time due to a conflict of interest, and returned when the meeting reconvened after the first recess.)

Mayor Belk stated Council and the Commission will now hear the petition as amended.

Mr. Bryant stated the petition, as filed, encompasses over 600 separate parcels that extend over much of what has been identified as the Elizabeth Community, and generally from Independence Boulevard to the railroad, down almost to Randolph Road. With the removal of one section it becomes two separated segments of consideration. The first segment extends along the boundary of the office and business zoning related to Independence Boulevard; along the office and business zoning that extends basically along Seventh Street out to Ranier - Ranier is out near the Weddington-Seventh Street area. In effect this segment includes property on Bay Street, 9th, 8th, Hawthorne Lane, Lamar Avenue, Clement, Pecan, Clarice, Ridgeway and Laurel Avenue.

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The second segment is the area bounded roughly by the rear of the property fronting on Seventh Street out as far as Fifth Street and including all the property on Fifth Street, coming back to Dotger, down Dotger to the rear of property fronting on Kenmore, coming through to Laurel, down Laurel to a point to the rear of lots on Randolph, and back up the rear of lots on Randolph and meandering around, excluding the Mercy Hospital area, coming back across Fifth Street up to the rear of lots on Caswell, and back to Seventh Street. This includes property on Greenway Avenue, East Fifth Street, Kenmore and Vail; in the other direction it includes Ridgeway, Laurel, and Cameron.

Mr. Bryant stated all the property is now zoned R-6MF classification, and the only change proposed is a change from multi-family to R-6 single family. The adjoining, nearby zoning pattern, along Seventh Street is considerable commercial or business zoning; there is considerable office zoning to incorporate the area generally around Mercy Hospital, Presbyterian Hospital, and some of the other uses along Hawthorne Lane. On Independence Boulevard is generally a pattern of non-resident, principally business zoning. Across the railroad tracks in the area of Bay, Chesterfield, and Shenandoah is R-6 single family.

He stated the area requested for rezoning is principally used as single family usage; there is a generalized pattern of other residential uses as well. There is a considerable scattering of duplexes in the area; with some concentration along Greenway. Also there is a scattering of apartment type uses in the area with a concentration in the Hawthorne-Bay Street area, and to a lesser extent in the Clement-Eighth Street area, with one large apartment project off Kenmore.

Mr. Bryant stated there is a total of 631 parcels within the area. If the entire area was changed as originally requested, there were 108 duplexes and a total of 38 other non-single family residential usages in the area, making a total of 146 of what would have become non-conforming uses if the entire request, as originally filed, was approved. The area which was deleted does remove a fair amount of the non-conforming uses from the proposal. It removed all the duplexes along Seventh Street, and some multi-family as well. He estimated that would remove at least 20 or 30 of the original non-conforming uses that would have been created.

He then explained the zoning and the land uses beyond the bounds of the area requested rezoned.

Mr. Bryant stated according to their count, out of the 631 parcels of land which were represented in the area, the people who signed the petition represented 167 of those parcels. He stated there is not a solid concentration of those signing at any one location, but a general pattern of signers throughout the area.

Mr. Shaffner stated Council will probably receive several letters from the churches represented in the area that are definitely affected by the zoning in the Elizabeth section. That he also has sixteen signatures from members of the Historical Preservation Commission, the Citizens Preservation Team, and the AIA.

He stated this is a community petition requesting that the present zoning R-6MF of most of the Elizabeth Area, which was established in 1962 to accommodate the apartment boom, to R-6 single family. The present zoning allows erosion and is depriving Elizabeth of having a stable future. A rezoning delay of a year or two or more could be damaging. They think the key issue is the matter of retired people, and the opportunity of persons in this city to buy and pay for a home and have some assurance that his neighborhood can be preserved. With business zoning encroaching, with streets being widened, and apartment complexes threatening the stability of the neighborhood it may appear to an out-of-town person coming in for a convention or a meeting that they are being taken care of better than the residents.

Mr. Shaffner stated this is not an effort by his group to rezone the other man's property. Only the City Council has this authority and will bear the responsibility to preserve Elizabeth or not. He referred to a report from the Charlotte-Mecklenburg Planning Commission entitled "Analysis and Evaluation of the Twenty-Three Inner-City Neighborhoods in Charlotte", which states "Unlike any other city areas, the southeastern needs no massive redevelopment to resolve deficiency in its neighborhood. What the southeast needs is a commitment for

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preservation. If the neighborhoods mentioned above are allowed to fall into decay, we will have lost not only several thousand housing units, but housing in neighborhoods that reflect some of the finest aspects of our historical heritage." The analysis section points out that the "Southeast inner-city is an area in which thousands of elderly live. These people live in pleasant, older homes and apartments which sell or rent at levels they can afford. No where else in the community does this quality of housing exist at such loss. Should such housing be lost, thousands of elderly would have no choice but to seek public housing. Hence, millions of public dollars have to be spent to build sufficient housing for the elderly. The many areas of single family homes in the inner-city and particularly southeast should be zoned single family districts. As it is, many are zoned for high rise density, twenty units per acre multi-family. Were this type of development to occur, it would destroy most of the area concerned."

Mr. Shaffner stated this is an excellent report, and if followed, would solve many of the inner-city problems. It is unfortunate that the people who have lived in rented property in Elizabeth for five to twenty years, paying their taxes, taking part in community affairs, and elections, are not counted in this petition. He stated Elizabeth is in Council's hands.

Mr. Tom Brim also speaking for the petition, stated one of the major arguments against the petition is if the rezoning is approved financial loss will be incurred by some of those who presently own property in the area. They feel that argument is not valid. Their effort is to preserve the Elizabeth Community, and maintain its present standards, and where necessary to upgrade it. If the proposed rezoning is adopted, they feel it will be advanced; they feel there is a demand for the type of housing Elizabeth has to offer; there is a demand by the elderly, retired people; there is a demand by young professional people and by students. They feel if this area is preserved as a residential area that property values will be maintained and ultimately they will rise. One important question is whether we want to maintain and preserve an attractive medium-price housing area close to the Downtown area; an area which is suited for retired people. He stated as the town grows, it is important to preserve something of the character and charm of the old City of Charlotte. They feel if they do not prevent further encroachment on the area by multi-family housing, they will lose this area as a single family residential neighborhood; and in so doing will lose a very valuable asset, which is valuable not only to the residents of the area, but to the residents of the city as a whole.

Councilman Short asked if there are plans for revitalizing Elizabeth other than bringing this zoning petition? Mr. Brim replied there are; they are forming an association assuming they are successful today. At this point he would rather not speak to specifics. What they do will depend on the outcome of the zoning petition.

Councilman McDuffie asked if they feel that multi-family development in their neighborhood would destroy the neighborhood? Mr. Brim replied they think it will destroy the present character of the neighborhood; the present zoning allows as many as 20 units per acre.

Councilman McDuffie stated he shares their view that too many units in an area does destroy the livability of a community; but he has difficulty relating to piecemeal rezoning of the city. Since he has been on Council he has said the city needs to be looked at as a whole. If it is going to be done in a piecemeal fashion and not consider two blocks away, then out on Eastway Drive, he must be ruined already. If he approves of what they are trying to do, then he should pay the filing fee and rezone Eastway Drive. He has requested the Planning Commission to restudy all the apartment areas in the city. Councilman McDuffie stated he is in sympathy with these people, but he cannot in good conscience start rezoning one area and leave another area with apartment zoning. That he is about ready to pay the filing fee and ask that all apartment zoning be thrown out in the city. Then when someone wants to develop an area for apartments, we look at it, and have the hearing, and decide whether apartments should be there or not. What these people are asking for would take the wisdom of Solomon to satisfy both the owners, some of whom do not live there. This is most difficult to do.

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Mr. J. K. Pettit, 532 Jefferson Drive, stated he does not live in the area but owns property at the corner of Laurel and Fifth Street. That they could build a duplex on the property, as it is a corner lot, provided they meet certain footage specifications. He stated Fifth and Laurel, according to the Observer, is one of the busier city intersections right now. You wonder how long you will be able to maintain Fifth Street as a residential neighborhood. In back of them on Kenmore are apartments of 20 or 30 units; not involved in the petition, but bordering, are the Martha Washington Homes which must contain 20 to 50 apartments. There are some 14 visible duplexes up and down Fifth Street. He asked how many pieces of property which are one family residence but are on a rental basis are in this area? He stated he is opposed to this petition.

Mr. Ernest E. Pressley, 1932 East Eighth Street, stated he is not representing any group; that he bought his property 36 years ago, and was told it was business property, and he would have to pay a little more for it. That he has watched the area build up, and he is completely surrounded now, not by business, but by industry. On one side of him is Moore Sheet Metal Company; next to that is a paint and sign company; on the other side of him is a warehouse. That he is surrounded by industry. He stated there is an alley through there and 25 or 30 trucks go up and down every day.

Mr. W. S. Hall, 518 Oakland Avenue, stated he has owned this property for about nine years. He stated he is representing eight of the property owners in the 500 block of Oakland Avenue who would be affected by this petition. He asked that the 500 block of Oakland Avenue be excluded from any rezoning; as they are on the edge of the proposed area for rezoning. He stated all eight of the property owners have signed a petition requesting that their property be excluded.

Mr. Parker Whedon, Attorney, stated he represents Mr. Paul O. Wilson, the owner of the 12 acre tract of land which includes only two small lots in this petition. His land is bounded generally by the Martha Washington Homes, East Seventh Street, 100 foot of frontage on East Fifth Street, and has a radio station tower on it. The little portion included in the petition is an obvious corridor to the remainder of the property. The two lots front on East Fifth Street, and are an obvious entrance - and exit way to this property. Were this rezoned as requested to R-6, it would be impossible for them to have a project drive entering into the bulk of the property. That is all that has ever been anticipated for the use of these lots on East Fifth Street. Had they known there was to be a withdrawal contemplated, they would have gone to the petitioner and asked that their property be included.

The following also appeared in opposition to the petition:

Mr. John Hicks, representing his Mother, Mrs. Ernest L. Hicks, stated she is a homeowner in the area requested for rezoning. He stated she lives at 500 Clement Avenue which is at the corner of East Eighth Street; that she also owns the home next to her. That his mother intends to make this her home for the remainder of her life. Mr. Hicks stated he brought with him two letters which ladies right across the street sent him asking that their property not be changed. He asked Council not to rezone the property in that area.

Mr. Robert Forest, Attorney for Southern Acceptance Corporation, stated they oppose the rezoning of their property which is located at the corner of Bay and Pecan. It is vacant and has the railroad adjacent to it all the way up the side; the tail end of their property is zoned industrial. The property across from there is zoned industrial, business and office. He stated there is no way that anyone will put a multi-family building on the property; that those who have individual pieces of property are at a distinct disadvantage. These gentlemen are talking about a whole neighborhood that has no defined boundaries. He stated they have individual pieces of property throughout.

Mrs. W. J. Lewis stated she owns about 20 pieces of property in the area involved; that all the vacant property at the end of Laurel and East Eighth Street behind the apartment belongs to her. That if anyone ever builds a single family house on the railroad, they are going to be knocked out of their bed about three nights a week.

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Mr. T. V. Swigger, 1919 Bay Street, stated next door to him is a rooming house which does not meet the qualifications of single family. That if you had to walk a block or two after work to get to your house because of parked cars, and had to pick up beer cans out of your yard, that he just cannot see it. He would like to see it turned into single family dwellings and get rid of the apartment houses.

Mr. Lee Roe stated he represents his mother, who owns the single family dwelling at 2301 Greenway, and they are not in favor of the petition. That at present his mother does not live in the house. They have been renting the house, but they have retained ownership.

Mrs. Paul Whitley of 2320 Vail Avenue and Mrs. J. T. Polk, Jr., 2312 Vail Avenue, both stated they are very much opposed to the petition; that the traffic is so heavy that the street had to be widened, and the property is not suitable for single family use.

Mr. Jack Apple, 2330 East Fifth Street, stated ten people signed a petition and they live directly across from the Mercy Hospital area. Accommodations need to be in this area for people working in the hospital area.

Mr. Bon Hinson stated they own 2014 Greenway Avenue and this is just one block from Mercy Hospital. That his brother is a doctor and they have plans for the future to build a doctor's office. That their property has existed as multiple housing since 1946. That he does protest the petition for rezoning.

Mr. S. Lee Wilson from Florence, South Carolina, stated he represents his wife, Frances Poole Wilson, whose mother owned property at 2216 Vail Avenue. They are now renting this property, and they object to the rezoning.

Mr. Ernest Foard stated he does not think any vast changes should be made in the setup in the Elizabeth Section.

Mr. Richard Kerley stated he owns property and represents about six other people who owned property in the area that has now been excluded. But he is speaking for Miss Shirley Ballard who owns property at 1815 Clarice Avenue and is in opposition to the change in zoning which would make her property non-conforming.

Mr. G. A. Hutchinson stated he owns three parcels in the area under consideration; that he is interested in maintaining the value of the property and the character of the neighborhood; that he has sympathy for the objectives of the petitioners; that he has admiration for the people of Dilworth. But he requested that his property be retained as R-6MF. He stated Dilworth has business zoning, office zoning and R-6MF zoning. He stated the petitioners represent about 1/4 of the parcels in the area. His property was originally zoned office; it surprised him when he found under the 1962 ordinance that it had been rezoned for multi-family use. He stated his property is in the block bounded by Seventh, Louise, Eighth and Hawthorne Lane.

Also in opposition was Mr. William Agnos, 2015 East Fifth Street.

Mr. Tom Brim stated so many points have been made in opposition to this; that it will be impossible for him to discuss them in any detail. He stated they feel that things are not going to "rock along as they are"; the area is going one way or the other, and there will be an increasing number of apartments and multi-family units coming into the area unless something is done right now to preserve the present status of the neighborhood. They feel in the months and years that it might take to rezone the whole city, the area will just go down the drain. He stated the petitioners are not wealthy individuals who have a large budget to mail notices out to hundreds of people; they have not hired any attorneys as have the people who are opposed to the petition. He stated he is an attorney but is not present as a paid representative of this group; he is here as an individual who lives in the area to be rezoned. He stated regardless of what the opposition has said, this requested zoning is appropriate for the area, and it has been recommended by the Planning Commission in its recent publications.

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

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MEETING RECESSED AND RECONVENED AND COUNCILMAN WITHROW RETURNS TO MEETING.

Mayor Belk called a recess at 3:40 o'clock p.m., and reconvened the meeting at 3:52 at which time Councilman Withrow returned to the meeting.

NOTIFICATION OF CERTIFICATION OF WORKABLE PROGRAM TO SEPTEMBER 1, 1975.

Mr. Vince Connerat, Coordinator of the Intergovernmental Programs, stated since 1958 Charlotte has shown tremendous progress in meeting the kind of goals it is suppose to meet in terms of its part of building a better housing program and doing a better job of planning. He stated there is a planning staff of 23 professional people where there were five in 1958; we had 1420 units of public housing in 1958, we now have some 3400 units. Substantial progress has been made in code enforcements, more than 2,000 families have been relocated from substandard housing from urban renewal demands alone. He stated HUD has seen fit to accept our progress over the years and has continued to recertify our program. The last recertification was two years ago, and at present they are on a two year basis. At this time, we do not know if we will have another workable program; from the legislation that has been introduced we doubt if there will be a formal workable program as such. That they think the requirements with respect to the programs will require statements of intent and statements of development.

Mr. John E. Andrews, Vice Chairman of the Advisory Committee on Urban Renewal and Community Improvements, stated during the last weeks of May and June of this year, this Committee held six special sessions open to the public for review of the several sections of the workable program - code enforcement, planning and relocation. These meetings preceded the Council's adoption of the program, and it was presented to the Department of Housing and Urban Development for formal approval. He stated the Committee has had the certificate which was sent with a letter of approval framed. Mr. Andrews presented the certificate to the Mayor and City Council.

Mayor Belk thanked Mr. Andrews and the members of his Committee for this certification; that there have been a lot of problems with the workable program through the years.

Councilman Alexander stated this represents two years of work and no telling how many man hours of energy. That Mr. George Seldon is to be commended for the time he has spent for which he can never be paid and for which he has not been paid for doing much of the technical work necessary to comply with federal requirements that makes it possible for us to have this certificate.

HEARING ON PETITION NO. 73-30 BY ROBERT G. POWELL FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF PROPERTY AT THE END OF OLINDA STREET, SOUTHEAST OF KILDARE DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this request consists of five lots at the end of Olinda Street, is vacant property, and is adjoined on Kildare Drive by two duplexes; there are single family residences on Kildare coming around on Joyce Drive; directly behind the property is a day care center fronting on Joyce Drive, and another single family residence. On the Plaza side of the property is a variety of business uses; to the south of the property is a solid pattern of single family land usage along Ruth Drive and along Kildare. There is one apartment project located on Joyce Drive.

Mr. Bryant stated the subject property is zoned R-9 and is adjoined on three sides by existing single family zoning, and on one side by business zoning. There is a general pattern of single family zoning in the area particularly to the east and south of the property. There is R-9MF zoning on Joyce Drive to accommodate the apartment use there now.

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Mr. Wayne Brendle, Attorney for the petitioner, stated this is actually four lots rather than five lots, and is roughly one and half acres. That it has been owned by Mr. Powell for several years; the petitioner owns the two duplexes at the corner of Kildare and Olinda Street. In addition there is another duplex on the other side of Kildare and is owned by Mr. Powell as well. He stated immediately in the rear of the property is a day care center with single family residences extending from that point on out to Kildare Drive. Basically from that point on the land is vacant, and could be used for business. Mr. Brendle stated the area has not developed into single family use; no particular effort has been made to sell the lots to people who might be interested in building single family dwellings on it. The petitioner feels the land can be best used for his benefit if duplexes are constructed there.

Mr. Brendle stated if the petition is approved, the petitioner intends to build four duplexes. The existing duplexes on the corners are dwellings that are well built and well designed. It is almost impossible to determine it is actually a duplex. He stated the duplex planning would conserve land in that he will be able to have more people in a smaller area of land than if it is used for single family.

Councilman Withrow stated he is only asking for four duplexes to be built on this property; the zoning he is requesting will allow about 26 units, and he is only asking for four units of two apartments each. He asked if there is any zoning that would allow just what he is asking for, and take away from the density? Mr. Bryant replied if he went on up to R-12MF and R-15MF it would. If he anticipates having each one on an individual lot that means each lot, even under the R-9MF zoning, would have to have 11,500 square feet in it. It is different where you are putting duplexes on individual lots than it would be if you combine all of them as a project. He stated R-15MF would require 18,500 square feet; that he doubts if he has that much. Councilman Withrow stated he is saying if the zoning is changed, the petitioner is not bound to build duplexes on them. Once the zoning is changed he can build the 28 units instead of what is being presented to Council. Mr. Brendle replied he understands what he is saying; however, it is not their intent to build anything other than a duplex on each of the lots involved. This is an acre and half and will run about 70,000 square feet approximately. Mr. Bryant stated they can figure out what category it could carry.

No opposition was expressed to the proposed change in zoning.

Councilman Short stated apparently R-12MF is the most restrictive zoning that could be used. Councilman McDuffie stated it looks as if the legal staff could come up with a zoning classification where a person says they are going to build a certain thing so that he would have to build what he says.

Councilman Withrow stated time and time again people have brought plans to Council to get the property rezoned with no intention of building what is shown to Council. That we should have some legal requirement that would bind a person to build what he shows to Council when the request is made.

Mr. Underhill stated the Raleigh City Council attempted to do that in two zoning cases, and it was reversed by the North Carolina Supreme Court in each instance. That this is engaging in what the law recognizes as contract zoning. You run into a lot of problems when you do that. If a zoning classification permits a variety of uses, and it is not tied to a condition so that you have to present a plan in advance, and you make the developer promise to build a certain thing, you skirt very dangerously towards that contract zoning.

Councilman McDuffie asked if Council can add a classification that only permits duplexes? Mr. Underhill replied there is nothing wrong with that. Councilman Short stated that is being worked on now.

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

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HEARING 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 FROM R-6MF AND B-1 TO I-1 OF PROPERTY ON THE WEST SIDE OF SOUTH TRYON STREET BEGINNING 120 FEET NORTH OF BOWMAN ROAD, EXTENDING WESTERLY TO INTERSTATE 77 AND ALONG THE SOUTHERLY SIDE OF BLAIRHILL ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question extends from South Tryon Street all the way over to I-77; it is mostly vacant property with a residence on the front of the property on Tryon Street. To the south of the property, along Bowman Road, and the other streets is a solid pattern of single family residential uses; across South Tryon Street are also single family uses along Yorkshire Drive and Ellenwood Place. There is a business usage on the east side of Tryon Street; to the north along Tryon is a combination of single family residential and laundry. A contractor's office is located at Blairhill and South Tryon Street; there are several single family houses down Blairhill Road, although several seem to be vacant and abandoned. There are a number of business uses coming into the area of Tryon and Clanton Road. Across Interstate 77 from the subject property is the new facility of Mill Power Supply.

He stated the subject property is for the most part zoned for multi-family, although the frontage portion coming out on South Tryon is B-1. To the north is principally business zoning along the north side of Blairhill Road, extending up to Clanton Road; there is industrial zoning along South Tryon Street, from Clanton Road down almost to the subject property. On the east side is a solid pattern of industrial zoning. There is business zoning directly across from the subject property along Tryon and continuing down some distance. To the south is a solid pattern of multi-family zoning along Bowman and the other streets; to the west across Interstate-77 is a solid pattern of industrial zoning.

Mr. David Reule, a Realtor, stated sometime ago they came to Council and asked for a rezoning of property north of the subject property to B-1 for a motel, and this has been finalized. The same property owners for the most part own the adjoining property, which is the property in question. They are negotiating with several people to build a warehouse distribution type area. The topography of the land is rough, and there is a 30 foot gully down the center of it. The motel adjoins it to the north, and the access at the interstate and the two streets come down into the property and afford a tremendous location for warehouse and distribution type use. He stated the entire area is developing into warehousing; they feel this is the highest and best use for the property.

Commissioner Jolly asked if they plan to use the two residential streets into this property? Mr. Reule replied yes; there is no residential housing for the most part on these streets. One of the residences referred to is a rental house, and one is an owner-occupied house. For the most part they are not generally considered residential as they are in a deteriorating condition. The one rental house is zoned industrial.

He stated one of the streets would not be used at all. They plan to use the street referred to as Blairhill, and the other is an unnamed street, which is unopened. But other businesses they are working with, such as the service stations and motel, will require that the street be opened.

Councilman Alexander asked if there are not single family houses on one street? Mr. Reule replied yes, but they do not plan to use that street; it deadends into a tremendous gully, and it would not be feasible to use that street.

Councilman Whittington asked if the warehousing will be beyond the gully; would they fill in the gully and come up to the back of the property on Bowman Road? Mr. Reule replied some of the property that faces on Bowman Road, they back up to is at street grade at the Tryon Street end. The property on the interstate end is the property he is talking about where the deep gully exists.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 73-32 BY HENRY E. DAVIS FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF A PARCEL OF LAND 100' X 150' AT THE NORTHWEST CORNER OF LAKEWOOD AVENUE AND KALYNNE STREET.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this request is a change from single family to office of two lots at the corner of Lakewood and Kalynne Street, in the Lakewood Community. The property has on it a single family residential structure; it has around it primarily single family houses; there are some duplexes in the area; also there is considerable vacant property in one direction from the subject property. There is one apartment project located about one block away; there is a grocery store and a church in the area. Generally the pattern of land use in the immediate area is residential.

Mr. Bryant stated several years ago the zoning pattern in the neighborhood was changed by request of property owners in the area from a predominately multi-family to a combination of multi-family and single family usage. There is industrial zoning that comes back in the area of the old Piedmont and Northern Railroad. Basically around the subject property is a combination single family and multi-family zoning.

Mrs. Evelyn Davis stated she is requesting this change so that she can put a beauty shop in her home. That she took a beauty course three years ago after her husband had a stroke. That it is true most of the property is single family, and everyone right around her owns their home. She stated the real estate men bought all the area they could, and they were going to impose apartment houses on them. That she went with the planning improvement area and put ten dollars on the hundred dollars for the filing fee for rezoning to get the area zoned so they would not have all the apartments imposed on them.

Mrs. Davis stated she needs to have a way to make a living because of her husband's condition. That the area was industrial until ten years ago, and now it is residential. One block from her is a tire recapping shop; there is a furnace company using their home for an office one block away; across the street is a house where a painting contractor lives. Merita Bakery comes almost to her back door. There are a couple of upholstery shops within two blocks of her. She stated it is no big thing to put a beauty shop in a house.

Mrs. Diane Davis Brock stated she is Mrs. Davis's oldest daughter and there are seven children. That her mother has not been able to work since her father had the stroke and the children are supporting them, and everyone of them have a family. Also there is a 12 year old boy at home. She stated her father cannot be left alone for more than an hour or two, and if she is permitted to put the beauty shop in the house then she will be able to look after him and work at the same time.

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. 73-33 BY LOUIS G. GOOD FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A PARCEL OF LAND 100' X 124', BEGINNING 200' NORTH OF MONROE ROAD, AND BEING THE REAR OF 4225 MONROE ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is a small area located north of Monroe Road and does not have direct frontage on any street; it is vacant property and is surrounded by mostly vacant land; there is some use of the property in front of it coming out to Monroe Road. Across Monroe Road is a solid pattern of commercial activities with a hardware store on the corner of McAlway and several restaurants that have been built recently.

He stated there is a solid pattern of B-2 zoning in front of the subject property coming out to Monroe Road; the property in question is now zoned O-6 as is property on three sides of it. The proposal is to extend the business zoning an additional 100 plus feet in depth back from Monroe Road.

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Mr. Bryant stated there has been considerable zoning activity in the area. There has been considerable activity as far as extending the business zoning along the frontage of Monroe Road itself; the office zoning to the rear has been extended one time; the depth of the office has been extended at least one time; and there has been generally a pattern of gradual expansion of the office and business zone.

Mr. Bob Blythe, Attorney for the petitioner, stated Mr. Good owns the property requested for rezoning, and the property in front of it. This is a lot of approximately 120 feet in width and a depth of approximately 400 feet. The first 200 feet are zoned B-2, and then the office zone picks up. Mr. Good operates the Systems Service Corporation, dealing in specialty industrial items such as valves, regulators and things of this nature for sale to large companies. That Mr. Good's office is located in a house about 90 feet from the front lot line of the property; behind it is the additional facility he has for some servicing and storage of these items; the problem is that he needs to expand his office later, and he will need the frontage property. The only way he can go with this present expansion is to the rear, and the B-2 zoning does not extend back far enough to allow this expansion. Mr. Good owns an additional 200 feet, and he is asking that the B-2 zone be extended back an additional 100 feet to allow the expansion, and he will still retain the 100 feet buffer of O-6 zoning.

No opposition was expressed to the change in zoning.

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

HEARING ON PETITION NO. 73-34 BY BOUTIQUE ALLEY, INC. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A PARCEL OF LAND 100' X 150' ON THE NORTHWESTERLY SIDE OF LOMBARDY CIRCLE, BEGINNING 150' NORTHEAST OF EAST BOULEVARD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this property is used for office activity in association with the lots used at the corner of Garden Terrace and East Boulevard for the Boutique Sales, Inc., which has several different store type facilities there. In addition two lots are used for parking purposes in relation to that.

Mr. Bryant stated there is an apartment building at the corner of Lombardy Circle and East Boulevard, with an office on the opposite corner, and residential uses along Lombardy Circle coming back around to East Boulevard. Part of the Health Department facility is located in the area on Blythe Boulevard. On Garden Terrace behind the subject property there is considerable residential use with business uses at East Boulevard.

He stated there is Business zoning that comes down on both sides of East Boulevard to Lombardy Circle, and that is the end of business zoning on East Boulevard in the direction of Freedom Park. From that point on the frontage property is zoned O-6 down to Sugar Creek. The subject property is zoned O-6 as part of a general pattern of office zoning that serves as a transition from the business to office; then multi-family zoning follows behind that. The subject property is bounded on one side by business zoning, on the Garden Terrace side by office zoning, and on the other two sides by multi-family zoning.

Mr. Robert Hord, attorney for the petitioner, stated to allow the petition would permit the best use of this property. The subject property now has two houses on the two lots, and the two houses are used as office and storage type. The parking area is located behind the three Boutique Alley locations which front about 150 feet on East Boulevard, and is also immediately behind the subject property. If the petition is granted, then the traffic flow on Lombardy Circle will be reduced and any traffic congestions that may have come about will be reduced because all the entrances to Boutique Alley are from the rear. He stated they plan to convert the structures on the two lots to shops, and that would take care of anyone having to park on the street; they could go into the entrance way that separates these structures, park in the rear and go into the rear entrance.

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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. 73-35 BY COLONIAL INVESTMENTS, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON THE NORTHERLY SIDE OF COLONIAL AVENUE EXTENDING FROM CASWELL ROAD TO NEAR PROVIDENCE ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request involves all the property fronting on one side of Colonial Avenue, extending from Caswell Road up to Providence Road. The property is used predominately for single family residential structures; there is an apartment structure located on one lot at the corner of Caswell and Colonial; the remainder of the block is principally occupied by a combination of single family and multi-family uses. Directly across Colonial Avenue is a solid pattern of single family uses. Providence Road is a general pattern of office uses. The subject property is immediately surrounded by residential uses.

He stated beginning with the subject property there is generally multi-family zoning that extends along Colonial, along Dartmouth, down Queens Road and throughout the area. In the other direction from the subject property begins a very massive pattern of office zoning, which includes Providence Road, Caswell Road, Randolph Road and so forth. The subject property constitutes the boundary property between large areas of multi-family zoning in the Myers Park Road, and large areas of office zoning towards the hospital.

Dr. John Woltz, one of the petitioners, stated Bradford Clinic has been in the practice of medicine on Elizabeth Avenue since the 1930s. It became obvious several years ago their facilities were outmoded, and it would be necessary for them to build a new clinic with modern facilities with parking and assets that would be more adequate. He stated it has taken them about three years to get enough property together to think of building. The area involved is in the Mercy and Presbyterian Hospitals area, and is along Colonial Avenue; Providence Road and Caswell Road is already rezoned. He stated it cannot be properly developed into a medical clinic without the Colonial Avenue property being a part of the whole area. He stated medical space in this area is very hard to get, especially in the specialty they indulge in, which is gynecology, and they need to be located very close to the hospitals.

Dr. Woltz stated the area involved was developed as Colonial Heights about 1916, and the houses were little frame houses which have deteriorated over the past 40 to 50 years. He passed around pictures of some of the houses in the area. He stated the City has condemned four of the houses - two on Providence and two on Caswell Road.

He stated they plan to build a clinic of their own; they will take about 50,000 square feet; the remainder of the area has not been planned, but they have one other clinic that will need the area if it is properly zoned. He stated he has a letter from Mr. Walter Toy of the Myers Park Association encouraging them to develop this and to get rid of this deteriorating area. He stated only two owners live in the area. One is Russ Gray who is with him today, and the other is Mrs. Price, and both have joined in the petition for rezoning.

Councilman Short stated Colonial Avenue is to be widened in the block north of Providence Road. He asked if it is possible for the petitioner to use an O-15 zoning instead of O-6. Under O-15 the building will have to be located further back, and if the street is ever widened into this block, there would be a much better opportunity to do it. Dr. Woltz replied they have allowed a 20-foot setback. Councilman Short stated O-15 requires a 40-foot setback. Dr. Woltz stated he would abide by the wisdom of the Council; the building has been designed. Councilman Jordan asked if he will have room to set back the 40 feet, and Dr. Woltz replied there would be enough room.

Dr. Woltz introduced the other members of the Bradford Clinic who were present. They were Dr. Joe McCoy, Dr. Bill Bradford and Dr. Rae Samuels. That Dr. John Whitesides is not present.

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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. 73-36 BY NORTH CHARLOTTE ACTION ASSOCIATION FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY IN THE NORTH CHARLOTTE AREA INCLUDING PORTIONS OF HERRIN AVENUE, ACADEMY STREET, ANDERSON STREET, ESSEX STREET, SWEETBRIAR STREET, SPENCER STREET, OAKWOOD AVENUE AND HOLT AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this is another neighborhood petition which has been filed by the North Charlotte Action Association and involves property in the neighborhood and is a request to change from R-6MF to R-6 single family. This is an area that is located within the triangle of 36th Street, The Plaza and the railroad. The property involves land on Herrin Avenue, Melrose Lane, Academy Street, Anderson Street, Essex Street, Sweetbriar Street, with Oakwood Avenue, Spencer Street and Holt Street.

Mr. Bryant stated the area in question is used predominately for single family residential purposes; there is an area in which several duplexes are located, particularly in the area along a portion of Spencer Street and coming up Anderson and over on Academy Street. Plaza Road School is within the area, and there is a small playground area between Melrose Lane and Herrin Avenue. There is one apartment structure at the end of Holt Avenue and Herrin Avenue, and one duplex as well.

All of the area is zoned R-6MF as is property along The Plaza; there is also a combination of office and business zoning which extends along The Plaza beginning at Anderson Street and extending back toward the city. There is R-6MF zoning adjacent to the subject area, along 36th Street. Beginning on Spencer Street is an area extending up to 37th Street that is now zoned R-6 which was the subject of a similar neighborhood petition several years ago. There is a large area of industrial zoning which extends along the railroad and north of Spencer Street, beginning at Herrin, and extending all the way over to Sugar Creek Road.

Mr. Bryant stated the petition involves 128 parcels; at least 61 of the owners have signed a petition for the change. If the entire area is rezoned as requested, it does contain 19 duplexes, all but three, would become non-conforming; there are two apartment structures and one mobile home. These are the only uses that would become non-conforming if the request is granted.

Reverend Paul Horne, speaking on behalf of the North Charlotte Action Association, stated this area is one of the better areas of North Charlotte in the sense there are many new homes built there, and many of these people have invested money, time and effort to make their home there so it would be a good community in which to live. He stated several people who have duplexes in the area are involved in the request for the rezoning.

Reverend Horne stated they feel with over 50% of the people who own the property asking for single family zoning, that because of lack of real planning at the time it was zoned for R-6MF, that it was wrong. They are asking that it be rezoned from the R-6MF to R-6. He stated there are people who are calling and trying their best to put pressure on people in the community to move with the idea of buying the property dirt cheap, and making high rise or developing it with apartments. There are a number of elderly people who have put their life savings in their home, and the community is a good place in which to live. These people would not be able to sell this property and begin to buy or build in another area. Reverend Horne stated this neighborhood has been recommended for a NIP project. According to the NIP qualifications, 50% of the homeowners must live in the area, and they have over 50% of the homeowners living in the area. This is another step in the direction of a community concerned about itself. These people raised the money themselves to file the petition. There is a park in the area that accommodates the children and the people in the area.

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If large apartments are built, the park would be far too small. During the past summer, they had 30-40 children taking part in the summer recreation program. The neighborhood is integrated, and there is no difficulty with the blacks and whites living together. The neighbors work together and get along.

He stated a year ago on August 24, 1972, the area on Herrin, Patterson and several other streets, which is adjacent to the subject area, was requested for rezoning to R-6. This would give the whole area the stability it needs. At present there are no businesses or offices in the area; the local school has been enlarged to take care of the overflow of children who go there. If apartments are built it will not take care of the needs.

Councilman Whittington asked Reverend Horne for a report on the area that was changed a year ago, and what progress or revitalization has been made in the year's time? Reverend Horne replied the property has been improved; houses have been painted; other houses in the area have been cleaned up. The overall condition of the houses in the area has been approved. They are not closing their eyes and saying everything is okay; because they do have those going around in the community trying their best to start blockbusting and to scare people out. This is Card Street, Warp Street, Patterson, Herrin Avenue, 37th Street, and Mercury Street.

Councilman Alexander asked why they do not name these people. The only way to stop it is by exposing them to the public. If they are violating the blockbusting law, then they should be exposed. Reverend Horne replied he would like to if he had a clear definition of what blockbusting means. Councilman Alexander replied even if they do not get to the blockbusting, it would expose the names of the people going through the neighborhood creating the situation. Reverend Horne stated he does not mind stating who they are, but he cannot accuse them of blockbusting until he has a clear definition on what blockbusting is. The way they go about it gives the indication that this is what they want to do.

Mr. Donnie Miller, 914 Herrin Avenue, stated he is present as a member of the Council of the North Charlotte Action Association. That his mother owns property in the area. That he is in favor of this being rezoned for R-6 because it will strengthen the neighborhood as a residential area, and encourage owner-occupancy. It will also encourage those who live there to upgrade their property; and the homeowners will not be pressured by investigators and the real estate speculators to sell out on the expectation it will be used later for commercial or apartments. He stated they worked hard to gather the names on the petition, and they are proving they are interested in the ability of the area as a decent residential community.

Councilman Withrow asked what effect this will have on non-conforming? Mr. Bryant replied there are several duplexes that would become non-conforming uses; it would have very little effect as far as the actual change is concerned. They can continue to function as they do now; there would be a restriction on their ability to expand the use and the amount of addition they could do otherwise; they can continue to maintain them; if they were destroyed by fire or some act of God they could be rebuilt. If they deteriorate and are torn down because of code enforcement they could not be rebuilt except in conformance with the zoning regulations.

No opposition was expressed to the proposed change in zoning.

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

MEETING RECESSED AND RECONVENED AND COUNCILWOMAN EASTERLING ABSENT.

Mayor Belk called a recess at 5:17 o'clock p.m., and reconvened the meeting at 5:30 o'clock p.m., and Councilwoman Easterling was absent until later in the meeting.

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RESOLUTION CLOSING PORTIONS OF POLK STREET, OLIVER STREET AND SPRATT STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on the petition of Urban Redevelopment Department to close portions of Polk Street, Oliver Street and Spratt Street in the City of Charlotte, North Carolina, in the Greenville Renewal Area.

Council was advised the request has been investigated by all city departments concerned with street rights of way and there are no objections to the closing.

Mr. Vernon Sawyer, Director of the Urban Redevelopment Department, stated they own all the property abutting each street. Other portions of the streets have been closed. There are still other portions to be closed.

No opposition was expressed to the closing of the streets.

Councilman Jordan moved adoption of the resolution closing portions of Polk Street, Oliver Street and Spratt Street in the City of Charlotte. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Pages 282-283.

RESOLUTION CLOSING A PORTION OF KENDRICK STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled hearing was held on the petition of Urban Redevelopment Department to close a portion of Kendrick Street in the City of Charlotte, North Carolina, in the Greenville Renewal Area.

Council was advised the request has been investigated by all city departments concerned with street rights of way and there are no objections to the closing.

No opposition was expressed to the closing of the street.

Councilman Jordan moved adoption of a resolution closing a portion of Kendrick Street in the City of Charlotte. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 284.

COUNCILWOMAN EASTERLING RETURNS TO MEETING.

Councilwoman Easterling returned to the meeting at this time and was present for the remainder of the session.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE GREENVILLE URBAN RENEWAL PROJECT NO. N. C. R-78.

Councilman Whittington moved adoption of a resolution for condemnation action in the Greenville Urban Renewal Project No. N. C. R-78 to condemn Parcel 26-4, Brandon United Presbyterian Church, U.S.A., and Parcel 1, Seaboard Coastline Railroad Company (Railroad right-of-way). The motion was seconded by Councilman Withrow.

Councilman Short stated what worries him is the possibility the Church may have found upon learning of the \$55,000 figure that they could not make the move over to Block 9, Section 8. The history of this, as laid out by Mr. Sawyer, seems to indicate that they were all very happy with the idea of moving until they found out how much they were going to get for the present property. Apparently this immediately turned them off and since then Mr. Sawyer has been unable to get any communication from them. It seems to lead to the question whether they have not found they are now unable to finance the move, unable to rebuild, unable to buy the new block and so forth. No one knows the value of a church building. They may have thought they were going to get \$250,000 out of that building, which would have made it possible for them to do this. Upon learning

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that it was \$55,000 everything lapsed into a silence. Since we hear nothing from them, Mr. Sawyer says we should proceed. He wonders if the fact that we hear nothing from them does not just indicate they cannot proceed and we are almost forced to deal further with them. That he would hate to vote for this condemnation if it actually meant what one might assume this means, namely that we just put them into bankruptcy.

Councilman Alexander stated perhaps their quietness is not dumbness, and is more smartness than we realize. If it was his church and they were in the same situation, he would be silent, and let the city condemn so that he could get a chance for a judge and jury to give a determination. In most cases, these come out with more consideration from the court. In this case, condemnation may be a matter of where they can be helped more.

Councilman Short stated instead of guessing whether this is a matter of tactics or a matter of potential bankruptcy, it seems we could find out. That Mr. Reeder is certainly available to the telephone somewhere in the world. Suppose he just said go ahead with the condemnation; then we could assume that perhaps Mr. Alexander's viewpoint is right. But suppose he said if you go ahead with this, we are up a tree and would not be able to continue at all.

Mr. Sawyer stated it is almost typical for a party to be happy about selling until they find out how much you are willing to pay. Most property owners have a pretty high regard of the value they put on the property because they do not get it appraised as the Urban Redevelopment does. The Department attempts to reach a fair market figure. The way they have to present it is practically dictated by HUD. Under the National Uniform relocation Land Acquisition policies, they cannot negotiate any more; they can offer one price, and they have to notify them in order to do this that unless they can find there is something wrong with the figure, they cannot change it. Mr. Sawyer stated their buying the other parcel to build a new church is not solely dependent upon the value they receive from this church; they have the Synod behind them which has approve the sale of the church and the purchase of the new one. He stated since he was before Council at its last meeting, Mr. Reeder did call and he gave an alternate figure. It is a figure that they do not believe they can justify. But they are going to attempt to justify. However, he thinks the condemnation action would clear up and relieve a number of pressures that are presently on those we are dealing with. He stated they have had no request from the church not to condemn. On the other hand they have not received a clear statement saying to go ahead with condemnation.

Councilman Short asked if he will still negotiate with Mr. Reeder with reference to some common ground between the \$55,000 and his quoted figure? Mr. Sawyer replied not negotiate, but try to find out what elements of value increases it beyond the appraised figures they have. If there is something they can send their appraisers back to investigate then they will.

After further discussion, Councilman Short asked what figure Mr. Reeder gave to Mr. Sawyer, and Mr. Sawyer gave the figure to Councilman Short in confidence. Councilman Short then stated he was ready for the question.

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

The resolution is recorded in full in Resolutions Book 9, beginning at Pages 286-287.

PETITION NO. 73-29 BY BLYTHE PROPERTIES, INC. FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF TWO LOTS, ONE ON THE SOUTHSIDE OF WESTFIELD ROAD AND ONE ON THE NORTH SIDE OF CROYDON ROAD, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning be denied as recommended by the Planning Commission. The motion was seconded by Councilman McDuffie, and after discussion, the vote was taken on the motion and carried unanimously.

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ORDINANCE NO. 910-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON ONE 50 FOOT LOT ON THE SOUTH SIDE OF CHARLES AVENUE.

Petition No. 73-24 by Michael D. Hernden for a change in zoning from O-6 to I-2 of two lots fronting 100 feet on the south side of Charles Avenue, beginning 50 feet northwest of Yadkin Avenue, on which a protest petition has been filed sufficient to invoke the 3/4 Rule was presented for Council's consideration.

Councilman Whittington stated all members of Council has a letter from Mr. Macks Webb, President of North Charlotte Action Association, saying they are no longer in opposition to this request for a change in zoning by Mr. Hernden, as to one of the lots, and he moved that an ordinance be adopted amending the zoning map changing the zoning from O-6 to I-2 on Lot No. 6 only. The motion was seconded by Councilman Alexander and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 231.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS NO. 73-38 AND 73-39 FOR ZONING CHANGES ON SEPTEMBER 17, 1973.

Councilman Jordan moved adoption of the resolution providing for public hearing on Monday, September 17, on Petitions No. 73-38 and 73-39 for zoning changes. The motion was seconded by Councilman Alexander and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 288

ORDINANCE NO. 911 AMENDING CHAPTER 11 OF THE CITY CODE BY ADDING CERTAIN LANGUAGE TO CLASSIFICATION NO. 265.1 ENTITLED "CABARETS AND NIGHTCLUBS".

The ordinance amending Chapter 11 of the City Code adding certain language to the classification entitled: "Cabarets and nightclubs", to decrease the amount of privilege license tax charged to places of business which offer limited live entertainment, but which do not permit dancing, was presented for Council's consideration.

Councilman Alexander asked if this is amended to separate the places where they have just music and the places where there is music and dancing. Councilman McDuffie asked if this lets out anyone other than the pizza parlors? Mr. Underhill, City Attorney, replied it lets out a lot of places other than pizza parlors; it lets out any place that provides music but no dancing. Councilman McDuffie stated if that is the purpose of the change, then it should be set out that pizza parlors are not defined as cabarets, and let the ordinance stay as it is. Mr. Underhill stated the reason for the \$100 charge is because that was the original fee until a year ago when City Council took action to increase the fee paid by persons in this classification from \$100 to \$300. In addition to this license they have to have a restaurant license, and one other license.

Councilman Short asked if the new provision includes that dancing is not permitted by either employees or guests, or that dancing is not permitted by guest? Mr. Underhill replied this is dancing by the patrons. Councilman Short stated he thinks it was intended to stop all dancing; but the way it is written it seems that a lot of people could still go there and dance. Mr. Underhill stated he will amend the amendment by putting in language "where dancing is not permitted by either patrons or employees".

Councilman Whittington moved adoption of the ordinance as amended to state where dancing is not permitted by either patrons or employees. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 232.

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ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF CHARLOTTE DELETING THE REQUIREMENT THAT TAXICAB DRIVER MUST HAVE A CHAUFFEUR'S LICENSE ISSUED BY THE STATE OF NORTH CAROLINA, DEFERRED.

Councilman Short moved that the subject ordinance be approved. The motion was seconded by Councilman McDuffie.

Councilwoman Easterling stated when the city requires a chauffeur's license, does it mean that a person has to have better qualifications for driving than if he just has a driver's license? Mr. Underhill, City Attorney, replied there are slightly higher requirements for a person applying for a chauffeur's license as opposed to a regular operator's license. Councilwoman Easterling stated if Council makes this change is it not lowering the safety requirements for the public? Mr. Underhill replied this would permit a person to operate on a chauffeur's license but not limiting it to North Carolina chauffeur's license. He still has to have a valid chauffeur's license.

Councilman McDuffie asked if Council did not agree to ask the state to allow them to have a South Carolina chauffeur's license also? Mr. Underhill replied the General Assembly would have to change the law. Councilman McDuffie stated we could point out that North Carolina's requirements are stiffer than South Carolina requirements, but he should still have a South Carolina license as he lives there.

Councilman Whittington stated he is going to vote against this because he thinks it is a policy this Council should not get involved in. If that man wants to drive a taxicab in Charlotte, North Carolina, then he should move to Charlotte, North Carolina. That he is not going to vote for it. That we just keep coming in the back door with this sort of thing, and in his opinion it is a mistake for Council to change these requirements as has been recommended.

Councilman Short stated he had an opportunity to talk with Mr. Webb here at City Hall this morning about 11:00 o'clock this morning. That Mr. Webb was planning to stay to see what was going to happen on this matter. That he told him it would probably be several hours, and he thought it was rather a routine matter since the City Manager had recommended proceeding with this. Mr. Webb therefore left as he had assured him it would be all right to do this. Obviously he made a mistake to say this to him. Since there is some disagreement, he suggested that Council defer this matter so that Mr. Webber can come back.

Councilman McDuffie stated he seconded the motion; but he agrees with Mr. Whittington. The only reason this was brought to Council was because this man was employed, and he moved out of the state and the law changed. That he is the only one we know of at this time, but it might invite other people to do the same. Mr. Underhill stated there are several others who will be affected according to the taxicab inspector.

Councilman Short withdrew his motion to approve the ordinance, and Councilman McDuffie withdrew his second to the motion.

Councilman Short moved that this matter be deferred until the next Council meeting, and be placed on the agenda for decision, and that Mr. Burkhalter advise Mr. Webb that it will be on the agenda. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Burkhalter advised Council instructed him to have this ordinance drawn, and it was recommended on the basis of the fact that it will do what he was instructed to do.

Councilman McDuffie asked if he drove a truck for the city would he not have to have a chauffeur's license. Councilman Short stated he hopes the City Attorney will let Council hear from him on this matter; that he has the personal impression that Council, perhaps, cannot deny an American citizen wherever he lives in the United States the right to operate a taxi in Charlotte.

CONTRACT WITH HASKINS AND SELLS COMPANY TO AUDIT THE ACCOUNTS OF AIRPORT AUTO SERVICE, AUTHORIZED.

Motion was made by Councilman Jordan, and seconded by Councilwoman Easterling to approve the subject contract to audit the accounts of the Airport Auto Service with respect to rents paid to the City for the period May 1, 1971 to April 30, 1973, at a fee not to exceed \$2,000.00.

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Councilman Whittington asked if the city is paying to have the books of this company audited that rents space from the City? He asked if this is done often, and he hopes not. Mr. Burkhalter, City Manager, replied this is the only time he knows it has ever been done. That the owner will not have it done, and he did not want the city to have it done; but the city insisted before entering into the extension of the contract.

Mr. Burkhalter stated we did not have enough information on which to base the extension.

Mayor Belk asked the terms of the lease? Mr. Birmingham, Airport Manager, replied the lease goes until 1983. This is a percentage lease, and before moving the terminal building they felt it would be better to have it audited to be sure of the projection figures. The contract entered into 10-12 years ago did not provide for the information that is needed.

Councilman Alexander asked why we go into these long term leases? It looks to him as if it is to the city's disadvantage to have these long term leases. Mr. Birmingham stated when this was entered into in 1954, the airport was very small and the city had to entice someone to go out there and make the capital improvements.

The vote was taken on the motion and carried unanimously.

RESOLUTION AUTHORIZING AMENDMENT OF CONTRACT NC-1008-OS FOR GRANT TO ACQUIRE OPEN SPACE LAND.

Motion was made by Councilman Whittington, seconded by Councilwoman Easterling, and unanimously carried, adopting the subject resolution authorizing amendment of Contract NC-1008-OS for grant to acquire open space land.

The resolution is recorded in full in Resolutions Book 9, at Page 289.

ORDINANCE NO. 912-X AMENDING ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE TRANSFERRING THE APPROPRIATIONS FOR TWO CURRENT REVENUE CAPITAL IMPROVEMENT PROJECTS FROM THE GENERAL REVENUE SHARING TRUST FUND TO THE GENERAL FUND.

Councilman Whittington moved adoption of the subject ordinance transferring the appropriations for two current revenue Capital Improvement Projects from the General Revenue Sharing Trust Fund to the General Fund. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, on Page 233.

ORDINANCE NO. 913-X AMENDING ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE TRANSFERRING FUNDS FROM THE GENERAL FUND UNAPPROPRIATED BALANCE TO PROVIDE AN APPROPRIATION FOR CIVIC CENTER OPERATIONS.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted transferring \$327,000.00, from the General Fund Unappropriated Balance to provide an appropriation for Civic Center Operations.

The ordinance is recorded in full in Ordinance Book 20, on Page 235.

MAYOR BELK LEAVES MEETING, AND MAYOR PRO TEM ALEXANDER PRESIDES.

Mayor Belk left the meeting at this time, and Mayor pro tem Alexander presided during his absence.

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE MAKING AVAILABLE CERTAIN TRACTS OF CITY PROPERTY FOR USE BY THE PUBLIC FOR GARDENING.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution making available certain tracts of city property for use by the public for gardening.

The resolution is recorded in full in Resolutions Book 9, at Page 291.

Councilman Whittington requested the City Manager to write the President of the Garden Clubs in Charlotte and Mecklenburg County and apprise them of the action Council has taken so that they can help promote this program this year and next.

AMENDMENT TO THE MASTER PLAN FOR DOUGLAS MUNICIPAL AIRPORT TO INCORPORATE ADDITIONAL LAND ACQUISITIONS THAT ARE NECESSARY TO MEET AIRPORT EXPANSION NEEDS, APPROVED.

An amendment to the master plan for Douglas Municipal Airport to incorporate additional land acquisitions necessary to meet airport expansion needs was presented for Council's consideration.

Councilman Whittington asked if we are to assume these six areas are areas that the consultants did not consider at the time the master plan was developed? He asked Mr. Birmingham, Airport Manager, if he considers this a reflection on the ability of the consultants? Mr. Birmingham replied he does not. This really boils down to what you can and what you cannot afford in an area of an airport. At the time the initial Griner Report was approved in 1968 they attached some monetary significance to the expansion of the airport. Councilman Whittington stated as far as he is concerned, the record should show that what you can afford and cannot afford should be in the minutes. As he looks at this, this looks as though the consultants and the airport authority comes along eight or ten years later and says here we have overlooked some things that we now need to buy. Mr. Birmingham replied he does not think that is the case. That he thinks Douglas Airport, during the past five years, has undergone a tremendous different growth pattern, particularly in the form of Eastern moving their connecting passengers out of Atlanta here. It has been beyond anyone's expectations. He stated we need to provide the land to accommodate this transition in the next ten years. That he is not sure after our contract with Arnold Thompson is completed, that there will not be some other areas that will be recommended for expansion.

Councilman Whittington stated he thinks the wording used "you have to decide what you can pay for at the time" should be made a part of the records. That he thinks this makes us look bad in our long range planning.

Mayor pro tem Alexander stated we need to take a look at the whole area, and should make some arrangements to acquire those parcels we need to acquire. Mr. Birmingham replied that is right; they are undertaking this in the land use study being made; but they think these six areas are so important that the FAA has encouraged them to go ahead; there is money available to purchase the areas, since the bulk of the property is vacant land.

Councilman Whittington stated he is not being critical of Mr. Birmingham; but this is the kind of thing that brings in all the opposition from the Steele Creek community and others. They do not know from one day to the next where they stand.

Mr. Burkhalter, City Manager, stated he does not know of any way that anyone could tell you that this is what you will need five years from now. These are areas you could not possibly foresee; there was no way to know how many law suits would come in on noise. Also there were some relocations which have been negotiated with the State Highway and this has caused some changes. Third there was no specific location for the terminal, and when it was generally relocated then the areas around it should be protected. No one knew where this was five years ago. The plus factor is that it can be done with the existing bond monies, and that is why it is recommended to Council because it is something that can be done in addition to what has been done.

Councilman Jordan moved approval of the amendment to the Master Plan for Douglas Municipal Airport to incorporate six additional land acquisitions necessary to meet airport expansion needs. The motion was seconded by Councilwoman Easterling, and carried unanimously

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ORDINANCES REPRESENTING ALL FOUR ACTION YEARS FOR MODEL CITIES DESIGNED TO MEET ACTUAL AND ANTICIPATED EXPENDITURES OF THE MODEL CITIES DEPARTMENT THROUGH JUNE 1974.

Upon motion of Councilwoman Easterling, seconded by Councilman Short, and unanimously carried, the following four (4) ordinances were adopted representing all four action years for Model Cities:

- (a) Ordinance No. 914-X amending Ordinance No. 237-X, the 1970 Model Cities Budget Ordinance, revising appropriations to meet actual and projected expenditures and revenues, and programming funds for the new Helping Hand Project.
- (b) Ordinance No. 915-X amending Ordinance No. 190-X, the 1971 Model Cities Budget Ordinance, revising appropriations to meet actual and projected expenditures and revenues, and programming funds for new projects.
- (c) Ordinance No. 916-X amending Ordinance No. 363-X, the 1972 Model Cities Budget Ordinance, revising appropriations to meet actual and projected expenditures and revenues, and programming funds for three projects originally approved as a part of the Fourth Year Budget.
- (d) Ordinance No. 917-X amending Ordinance No. 708-X, the 1973 Model Cities Budget Ordinance, revising appropriations to meet actual and projected expenditures and revenues, and programming funds for three new projects.

The ordinances are recorded in Ordinance Book 20, beginning on Page 236.

CONTRACTS BETWEEN MODEL CITIES DEPARTMENT AND VARIOUS AGENCIES, APPROVED.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, approving the following fourteen (14) contracts:

- (a) Contract Amendment with Mecklenburg County Department of Social Services for the operation of Teenage Parents Services, increasing funds to \$240,672, and extending the project to June 30, 1974.
- (b) Contract Amendment with Mecklenburg County Department of Social Services for the operation of Model Cities Child Development Center, decreasing the amount to \$38,628.
- (c) Contract Amendment with First Ward Improvement Association for the operation of Neighborhood Improvement, increasing the amount to \$20,672.
- (d) Contract Amendment with Brandon Day Care Center, Inc. for the operation of Brandon Day Care Center, increasing the budget to \$10,000.
- (e) Contract Amendment with the Charlotte-Mecklenburg Board of Education for the operation of Education Programs, increasing the budget to \$190,597.
- (f) Contract Amendment with the Hornet's Nest Girl Scout Council, Inc. for the operation of the Girl Scouts project, increasing the budget to \$33,378.
- (g) Contract Amendment with the Association for Sickle Cell Disease of Charlotte-Mecklenburg, Inc. for the operation of Association for Sickle Cell Disease, increasing the budget to \$16,088.
- (h) Contract Amendment with Motion, Inc. increasing the amount to \$156,435, and extending the Schedule of Performance from December 31, 1973 to June 30, 1974.
- (i) Contract Amendment with Mecklenburg County (Mental Health) for the operation of Project H.E.L.P., increasing the amount to \$86,825, and extending the termination of the project to June 30, 1974.
- (j) Contract Amendment with Mecklenburg County Council, Boy Scouts of America for the operation of Boy Scouts, increasing the amount to \$21,104.

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- (k) Contract Amendment with The Charlotte Area Fund for the operation of Model Cities Skills Training and Placement Program, decreasing the budget to \$192,271.
- (l) Contract Amendment with Mecklenburg County Health Department for the operation of Neighborhood Based Health Support Unit, decreasing the amount to \$159,000, and extending the expiration date of the contract to June 30, 1974.
- (m) Contract Amendment with North Carolina Department of Social Rehabilitation and Control for the operation of Jobs for Ex-Offenders, increasing the amount to \$35,996, with services to begin September 1, 1973 and end August 31, 1974.
- (n) Contract with Open House Counseling Service, Inc., in the amount of \$13,948, which is a local match for a total program cost of \$74,390.00.

REQUEST FROM THE BUILDING INSPECTION DEPARTMENT TO DESTROY CERTAIN RECORDS, APPROVED.

Councilman Whittington moved approval of a request from the Building Inspection Department to destroy certain records that have no further use to the Department, and are not required by State or Local Ordinance to be maintained as permanent records, which motion was seconded by Councilman Jordan, and carried unanimously.

ORDINANCE NO. 918-X AMENDING ORDINANCE NO. 828-X, THE 1973-74 BUDGET ORDINANCE, INCREASING REVENUE AND EXPENDITURES TO PROVIDE AN APPROPRIATION FOR SEWAGE TREATMENT PERFORMED UNDER CONTRACT BY PRIVATE UTILITIES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted increasing revenue and expenditures to provide an appropriation, in the amount of \$31,736, for sewage treatment performed under contract by private utilities.

The ordinance is recorded in full in Ordinance Book 20, on Page 247.

CHANGE ORDERS G-5 AND E-3 FOR THE GREENVILLE NEIGHBORHOOD CENTER, PROJECT N. C. N-14, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the following Change Orders for the Greenville Neighborhood Center, Project N.C. N-14:

(a) <u>Change Order G-5 - Barger Construction Company</u>			
Total Change Order G-5	(+)	\$	1,007.65
Previous Change Orders G-1 through G-4	(+)		1,821.59
Original Contract			<u>444,400.00</u>
Revised Total Contract including Change Order G-5		\$	447,229.24
(b) <u>Change Order E-3 - Driggers Electric & Control Company</u>			
Total Change Order E-3	(+)	\$	370.00
Previous Change Orders E-1 and E-2	(-)		1,525.00
Original Contract			<u>62,991.00</u>
Revised Total Contract including Change Order E-3		\$	61,836.00

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CONTRACTS FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION, APPROVED.

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

- (a) Contract with Cabuco - 1 for construction of approximately 420 linear feet of 8-inch sewer main in Dillard Drive, outside the city, to serve the Cabuco Property, at an estimated cost of \$10,232.00. The applicant has deposited 100% of the estimated cost and refund is as per agreement.
- (b) Contract with Group 10 Properties, Inc. for construction of approximately 1,183 linear feet of 8-inch sanitary sewer mains to serve Hunters Ridge Apartments, outside the city, at an estimated cost of \$12,000.00. The applicant will construct entire project at his own expense and the City will own and maintain sewerage system.
- (c) Contract with Myers and Chapman, Inc. for construction of approximately 410 linear feet of 8-inch sewer main in Westinghouse Drive, outside the city, at an estimated cost of \$3,570.00. The applicant has deposited 100% of the estimated cost and refund is as per agreement.
- (d) Contract with Westminister Company for construction of approximately 5,805 linear feet of 8-inch trunk and mains to serve Stonehaven-18, outside the city, at an estimated cost of \$58,000.00. The applicant is to construct entire sewerage system at no cost to the city. Upon completion and acceptance by the Utility Department, the entire system will become property of the City at no cost to same.
- (e) Contract with Tubular Textile Machinery Corporation for construction of approximately 1,100 feet of 8" C. I. water main and one (1) fire hydrant to serve the facilities in the 2000 block of Interstate Highway 85, inside the city, at an estimated cost of \$6,450.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (f) Contract with Group 10 Properties, Inc. for construction of approximately 900 feet of 8" C. I. water main and two (2) fire hydrants to serve the Hunter Ridge Apartments, outside the city, at an estimated cost of \$5,800.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (g) Contract with The Ervin Company for construction of approximately 5,530 feet of 12" and 8" C. I. water mains to serve the Meadow Brook Subdivision, outside the city, at an estimated cost of \$69,800.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (h) Contract with Bob Williams Specialty Company, Inc. for construction of approximately 320 feet of 2" Galvanized W. I. or Galvanized Steel water main to serve property located on Lantana Avenue, inside the city, at an estimated cost of \$900.00. Funds will be advanced by applicant under terms of existing city policies as related to such water main construction.

MAYOR BELK RETURNS TO MEETING AND PRESIDES FOR THE REMAINDER OF THE SESSION.

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

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting at this time and was absent until his return as noted in the minutes.

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CLAIM BY MRS. ALENE FOSTER FOR PERSONAL INJURIES, DENIED.

Councilman Withrow moved that claim filed by Mrs. Alene Foster, in the amount of \$2,962.00, for personal injuries allegedly occurring on February 22, 1973, be denied as recommended by the City Attorney. The motion was seconded by Councilman Alexander, and carried unanimously.

ORDINANCES ORDERING THE 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 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

- (a) Ordinance No. 919-X ordering the removal of weeds and grass at 1126 Belmont Avenue.
- (b) Ordinance No. 920-X ordering the removal of weeds and grass at 4114 Stacy Boulevard.
- (c) Ordinance No. 921-X ordering the removal of weeds and grass at 1812 Euclid Avenue.
- (d) Ordinance No. 922-X ordering the removal of weeds and grass at 1718 South Tryon Street.
- (e) Ordinance No. 923-X ordering the removal of weeds and grass at 114 Williamson Street.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 248.

QUITCLAIM DEED WITH PHILLIPS LAND CORPORATION, DEEDING BACK CERTAIN PROPERTY ACQUIRED FOR A SANITARY SEWER TRUNK TO SERVE SHARON SOUTH.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving a quitclaim deed with Phillips Land Corporation, deeding back certain property acquired for a sanitary sewer trunk to serve Sharon South.

ACQUISITION OF PROPERTY FOR SANITARY SEWER TRUNKS TO SERVE SHARON SOUTH.

Councilman Alexander moved approval of the acquisition of 20' x 550.33' of easement at 2020 Sharon Road West, from Phillips Land Corporation, at \$1.00, for sanitary sewer trunks to serve Sharon South. The motion was seconded by Councilman Short, and carried unanimously.

QUITCLAIM DEED WITH CITY PROPERTIES, DEEDING BACK CERTAIN PROPERTY ACQUIRED FOR A SANITARY SEWER TRUNK TO SERVE SHARON SOUTH.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject quitclaim deed was approved with City Properties, deeding back certain property acquired for a sanitary sewer trunk to serve Sharon South.

ACQUISITION OF PROPERTY FOR SANITARY SEWER TRUNKS TO SERVE SHARON SOUTH.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the acquisition of 20' x 756.87' of easement at 1730 Sharon Road West, from Cities Properties, at \$1.00, for sanitary sewer trunks to serve Sharon South.

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PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Jordan moved approval of the following property transactions, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Acquisition of 200' x 200' x 200' x 200' of property on the west side of Nations Ford Road, 2,155 feet south of Arrowood Road, from John Crosland Company, at \$29,250.00, for the proposed Fire Station Site - Nations Ford Road.
- (b) Acquisition of 15' x 126.77' of easement at 5701 Old Pineville Road, from Richard Powell Owsley and wife, Mary Ellen, at \$1.00, for sanitary sewer to serve 5701 Old Pineville Road.
- (c) Acquisition of 15' x 149.42' of easement on Newell-Hickory Grove Road, from John W. Harding, at \$1.00, for sanitary sewer to serve Meadowbrook Apartments.
- (d) Acquisition of 15' x 12.5' of easement at 7700 Grier Road, from Meadowbrook Apartments Limited Partnership, at \$1.00, for sanitary sewer to serve Meadowbrook Apartments.
- (e) Acquisition of 60' x 611.76' of easement in the city limit of Pineville, off Cranford Drive, from Boyce Meacham Cranford (widower), at \$2,550.00, for Irwin Creek Crossover Sanitary Sewer Construction Project.
- (f) Acquisition of 31.11' x 52.17' x 22' x 74.28' of easement at 8309 Wilkinson Boulevard, from American Cyanamid Company, at \$1.00, for 12-inch water main in Tuckaseegee Road and Wilkinson Boulevard.

ENCROACHMENT AGREEMENT WITH SEABOARD COASTLINE RAILROAD AND QUEENS GRANT, INC., APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject encroachment agreement was approved with Seaboard Coastline Railroad and Queens Grant, Inc. for the installation of sewer lines and storm drains beneath the tracks of the Seaboard Coastline Railroad near Mile Post SF-324.

RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH ILLEGAL LEVY AGAINST TWO TAX ACCOUNTS.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution authorizing refund of certain taxes in the total amount of \$155.00, which were levied and collected through illegal levy against two (2) tax accounts.

The resolution is recorded in full in Resolutions Book 9, at Page 293.

COUNCILMAN WHITTINGTON RETURNS TO MEETING.

Councilman Whittington returned to the meeting at this time, and was present for the remainder of the session.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE BY CHANGING THE SALARY OF MUNICIPAL INFORMATION SYSTEM DIRECTOR, DEFERRED.

Councilman Withrow moved that the subject resolution amending the pay plan to change the salary of the Municipal Information System Director be deferred. The motion was seconded by Councilman Jordan, and carried unanimously.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the following Special Officer Permits were authorized:

- (a) Renewal of permit to Fred Robert Andrews for use on the premises of Charlotte Park & Recreation Commission, 310 N. Kings Drive.
- (b) Issuance of permit to Beauford B. Arey for use on the premises of Douglas Municipal Airport.
- (c) Issuance of permit to Larry Allen Attaway for use on the premises of SouthPark Shopping Center.
- (d) Renewal of permit to Ellis R. Black, Sr. for use on the premises of Park & Recreation Commission, 310 North Kings Drive.
- (e) Issuance of permit to Sydney Edward Bradley, Jr. for use on the premises of SouthPark Shopping Center.
- (f) Renewal of permit to James T. Cureton for use on the premises of Charlotte Park & Recreation Commission, 310 North Kings Drive.
- (g) Renewal of permit to Robert Benard Fowler for use on the premises of Charlotte Park & Recreation Commission, 310 N. Kings Drive.
- (h) Issuance of permit to Eric Lyle Hicks for use on the premises of Douglas Municipal Airport.
- (i) Renewal of permit to Lewis James Jackson for use on the premises of Johnson C. Smith University.
- (j) Issuance of permit to Fred C. Skeen for use on the premises of One Jefferson First Union Plaza and 308 South Tryon Street.
- (k) Renewal of permit to Thomas B. Wolfe for use on the premises of Charlotte Park & Recreation Commission, 310 N. Kings Drive.

NICK COLLIAS'S RESIGNATION FROM CIVIL SERVICE BOARD ACCEPTED WITH REGRET.

Councilman Whittington moved that Mr. Nick Collias's resignation from the Civil Service Board be accepted and that he be thanked for his services on the Board. The motion was seconded by Councilman Short, and carried unanimously.

D. GRIER MARTIN APPOINTED TO CIVIL SERVICE BOARD FOR UNEXPIRED TERM.

Councilman Short moved the appointment of Mr. D. Grier Martin to the Civil Service Board to fill the unexpired term of Mr. Nick Collias, who has resigned. The motion was seconded by Councilman Whittington, and carried unanimously.

C. D. THOMAS REAPPOINTED TO THE CIVIL SERVICE BOARD FOR A THREE YEAR TERM.

Motion was made by Councilman Withrow and seconded by Councilman Jordan, reappointing Mr. C. D. Thomas to the Civil Service Board for a term of three years.

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

YEAS: Councilmembers Withrow, Jordan, Alexander, Easterling, Short and Whittington.

NAYS: Councilman McDuffie.

Councilman McDuffie stated he is voting no on the basis he has already served two terms on the Board.

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CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS.

Councilman Jordan moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$42,685.75, on a unit price basis, for street improvements - Shamrock Drive/Tipperary Place and East Morehead Street/Kenilworth Avenue in order to improve traffic flow and safety. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$42,685.75
T. A. Sherrill Construction Company	47,497.20
Blythe Brothers Company	47,603.10
Rea Construction Company	50,856.65

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR A METAL BUILDING TO BE USED AS A SOILS LAB FOR THE ENGINEERING DIVISION.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded the low bidder, Frank H. Conner Company, in the amount of \$14,192.00, for a metal building to be used as the soils lab for the Engineering Division.

The following bids were received:

Frank H. Conner Company	\$14,192.00
Laxton Construction Company	14,831.00
Rodgers Builders, Inc.	15,711.00
Metrolina Builders, Inc.	18,885.30

CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR TRAFFIC SIGNALS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Rosenblatt & Associates, in the amount of \$19,872.00, on a unit price basis, for traffic signals.

The following bids were received:

Rosenblatt & Associates	\$19,872.00
Southeastern Safety Supplies	20,880.00
Econolite	25,476.00

CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR TRAFFIC SIGNALS, ONE WAY.

Councilman Withrow moved award of contract to the low bidder, Rosenblatt & Associates, in the amount of \$23,932.50, on a unit price basis, for traffic signals, one-way, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Rosenblatt & Associates	\$23,932.50
Southeastern Safety Supplies	24,250.00
Traffic Engineers Supply Corp.	24,437.50
Marbelite Company, Inc.	27,567.50
Econolite	32,450.00

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CONTRACT AWARDED AIR MASTERS, INC. FOR AIR CONDITIONING OF FIRE STATION NO. 6.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject contract was awarded to the low bidder, Air Masters, Inc., in the amount of \$4,805.00, for air conditioning of Fire Station No. 6, located at 249 South Laurel Avenue.

The following bids were received:

Air Masters, Inc.	\$4,805.00
Ross & Witmer, Inc.	5,520.00
Climate Conditioning	5,579.86
Moore A/C Company	5,788.00
A. Z. Price & Associates, Inc.	5,891.00

CONTRACT AWARDED QUEENS PROPERTIES, INC. FOR THE DESIGN, CONSTRUCTION AND LEASE OF AN OPERATIONS CENTER FOR THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Queens Properties, Inc., in the amount of \$89,822.30, for the design, construction and lease of an Operations Center for the Charlotte Mecklenburg Utility Department, subject to the approval of the North Carolina Local Government Commission.

The following bids were received:

Queens Properties, Inc.	\$89,822.30
Associates, Ltd.	96,600.00
McGuire Properties, Inc.	99,500.00

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER CONSTRUCTION TO SERVE HUNTERS GLEN APARTMENTS.

Councilman Jordan moved award of contract to the low bidder, Thomas Structure Company, in the amount of \$68,361.00, on a unit price basis, for sanitary sewer construction to serve Hunters Glen Apartments, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Thomas Structure Company	\$68,361.00
Rand Construction	71,283.00
Joe R. Abernethy	72,511.00
Ben B. Propst	80,047.50
Sanders Brothers	90,426.00
Dellinger, Inc.	92,524.65
Blythe Brothers	93,748.00
R. H. Wiggins Company	101,389.50

CONTRACT AWARDED F. N. THOMPSON, INC. FOR REPLACEMENT OF ENTRANCE DOORS TO MAIN TERMINAL BUILDING AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded the low bidder, F. N. Thompson, Inc., in the amount of \$20,010.00, for replacement of entrance doors to Main Terminal Building at Douglas Municipal Airport.

The following bids were received:

F. N. Thompson, Inc.	\$20,010.00
Donald C. Neal Construction Company	21,150.00
Rogers Builders, Inc.	21,527.00

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AGREEMENT WITH CAROLINAS BRANCH, ASSOCIATED GENERAL CONTRACTORS OF AMERICA FOR TRAINING SITE TO BE LOCATED TO THE REAR OF THE HOSKINS FILTER PLANT SITE.

Motion was made by Councilman Withrow, seconded by Councilwoman Easterling, and unanimously carried, approving an agreement between the City of Charlotte and the Carolinas Branch, Associated General Contractors of America for a training site for trenching operations to be located to the rear of the Hoskins Filter Plant Site.

Mr. Silver, Safety Inspector, stated this method of training was started in California, it then moved into Texas and this will be the third site that he is aware of where AGC members have joined hands with municipalities in this endeavor. The City has the open space for the trench, and the availability of the classrooms. AGC does the instructions, and the city provides the space. This will be cancelled when AGC feels it has reached the maximum trainees, or within 60 days of notice by either party.

COST ESTIMATE REQUESTED FOR BRIDGE OVER RAILROAD ON SUGAR CREEK ROAD.

Councilman McDuffie stated he was stopped by the train on Sugar Creek Road again today. That he would like to know if a cost estimate has been made on a bridge out there. That we should consider using some of our revenue sharing money for this.

MOTION TO HOLD EXECUTIVE SESSION, ADOPTED.

Councilman Withrow moved that the City Council hold an Executive Session immediately upon the conclusion of this meeting in the second floor conference room for the purpose of conferring with the City Attorney concerning litigation entitled Nichols vs. City of Charlotte, et al. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER TO STUDY AND MAKE RECOMMENDATIONS ON IDEA OF TIP PROGRAM AND EMERGENCY TELEPHONE NO. 911, PROPOSED BY COUNCILMAN WITHROW.

Councilman Withrow stated he gave most of the councilmembers two ideas he thought a study should be made on. One is the TIP program, and the other was the use of Emergency Telephone No. 911. He requested the City Manager to take this under advisement and give Council a recommendation on each one.

CITY MANAGER TO ADVISE HOW LONG PARK ROAD EXTENSION WILL BE CLOSED.

Councilman Whittington asked how long Park Road Extension, between Park Road and Archdale Drive, will be closed? Mr. Burkhalter, City Manager, replied he does not know but he will get the information for him.

NOMINATION OF JAMES R. SHERIDAN FOR REAPPOINTMENT TO COMMUNITY FACILITIES COMMISSION.

Councilman Short placed in nomination for reappointment to the Community Facilities Commission the name of Mr. James R. Sheridan, to remain on the table until the next meeting.

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NOTIFICATION ON UPCOMING MEETINGS.

Mr. Burkhalter, City Manager, asked Council to place the following meetings on their calendars:


1. Meeting on September 25, from 11:00 A.M. through Lunch for dedication and ground breaking ceremony at the Airport.
2. Breakfast meeting, Wednesday morning at 7:30 A.M., at Downtowner.
3. Breakfast meeting, Friday morning, at 7:30 A.M., at Downtowner with County Commissioners on the highway program.

LETTER OF CONGRATULATIONS AND APPRECIATIONS TO BE SENT TO CURTIS BRANSCOME.

Mayor Belk stated this is Curtis Branscome's last meeting. He requested the City Manager to write him a letter of congratulations on his appointment as City Manager of Decatur, Georgia, and express appreciation for his services to the city.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk