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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, October 15, 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, Milton Short and Joe D. Withrow present.

ABSENT: Councilman McDuffie came in during the hearing on Petition No. 73-40, and Councilman Whittington after Petition No. 73-42.

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

ABSENT: Commissioners Kratt, Ross and Royal.

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INVOCATION.

The invocation was given by Councilman Short.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of both meetings, on October 1, 1973, were approved as submitted.

HEARING ON PETITION OF THE URBAN REDEVELOPMENT DEPARTMENT OF THE CITY TO CLOSE A PORTION OF THE PUBLIC ALLEY WITHIN THE BLOCK BOUNDED BY EAST TRADE, SOUTH COLLEGE, EAST FOURTH AND SOUTH TRYON STREETS, CONTINUED UNTIL MONDAY, DECEMBER 17, 1973.

Council was advised that Mr. Jim Allison, Attorney for the petitioner, had requested that this hearing be postponed for a period of sixty days as parties involved in the Federal law suits connected with the Downtown Urban Renewal Project have indicated their objection to the abandonment of the alley at this time. Also, the Urban Redevelopment Department is negotiating with Home Federal Savings and Loan Association and Independence Square Associates in an attempt to arrive at an arrangement satisfactory to all parties for use of the land within the alley.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, to postpone the hearing until Monday, December 17, 1973.

HEARING ON PETITION NO. 73-40 BY DRUID HILLS ACTION COMMITTEE FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY IN AN AREA KNOWN AS DRUID HILLS AND BOUNDED GENERALLY BY STATESVILLE AVENUE, NORRIS AVENUE, OLANDO AVENUE AND CARTER AVENUE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question is an area between Statesville Avenue and Graham Street, and is predominately used for single family residential purposes. There are some areas of non-single family usages at Olando Street and a scattering of multi-family and duplex at some other locations within the area.

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He stated there is a total of 429 parcels within the area requested for change; the petition submitted was signed by 160 of the property owners within the area which constitutes slightly less than 40% of the total ownership in the area. The area is surrounded by other types of uses and other types of activities. There is a large amount of industrial uses along Woodward Avenue; along the north side of Woodward is a trucking terminal, a warehouse, sign company and several other industrial type activities. On the south side is Consolidated Edison and other light industrial activities. Along the Graham Street side is the railroad running parallel to Graham and then a predominance of light industrial warehouse distribution activities along Lucena Street and coming back as far as Olando Avenue. North of Kohler Avenue there are a number of retail activities, including a number of grocery stores. An apartment project occupies an essential part of the westerly side of Statesville Avenue which is the Double Oaks Apartment area; to the north along Norris, Rodney and other streets there is residential usage, but much more of a mixture and not so much concentration of single family.

Mr. Bryant stated the zoning within the area requested rezoned is entirely R-6MF; there is industrial zoning adjoining on two sides; on Statesville Avenue, there is a predominance of B-2 as far as Badger Court and B-1 in the vicinity of Norris, Rodney and some of the other streets.

He stated at the present time there are 420 parcels within the area, and if the area is rezoned for single family, there will be a total of 54 nonconforming uses created. Forty two are duplexes, leaving only 12 that would be of the non-duplex type. There will be six triplexes, four quadplexes, one seven unit apartment and one 16 unit project.

Speaking for the petition was Mr. James Ellis, 944 Druid Circle who stated many of the residents have been in this neighborhood since the early 50's and have large investments in their homes. The neighborhood is stable, the homes and yards are well-kept; many of the people are retired or are approaching retirement. They like their neighborhood and want to keep it a good, quiet and settled place to live.

Mr. Coker Hare, 1626 Montreat Street, stated even though the area is single family developed it has been zoned for multi-family use since zoning was first established in 1962. They maintain high quality and good living conditions in the neighborhood. A more stable zoning will help and they ask Council to approve the petition to rezone the area from R-6MF to R-6. If Druid Hill and Tryon Hill are to remain attractive and pleasant areas for moderate and middle income families, serious consideration must be given to limited industrial expansion and to zoning the hundreds of housing units now in the industrial district to residential. Every effort should be made to maintain areas such as this for the residents now living there. This type of preservation can be carried out to combinations of zoning to protect neighborhoods from encroachment by non-residential rehabilitation if necessary and to create reuse to bring into portions of these areas new housing and community facilities.

Mr. Luther Caldwell, 2430 Statesville Avenue, stated he has no objections to the rear part of Statesville Avenue being rezoned. That he did not move there for speculation but since it has come to what it is now they are speaking of two blocks where there are eight or nine houses and across from this property is Double Oaks and to the left is a grocery store, a dry cleaning plant, service station and across from this a shopping center. That he cannot see how much good it will do to change the two blocks to single family when most people know when I-77 is opened up it will be impossible to get out. In the event Statesville Avenue is widened, the street will be in the door and you would not be able to handle it as single family. That he can agree to the balance of the petition, but not Statesville Avenue.

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Councilman Short asked why the boundary stops just before you get to the school; that right on the other side of Norris Avenue is the school which is surrounded with single family homes. Why not include all this in the request? Mr. Bryant replied he does not know exactly why the boundary was drawn, but the request does include everything except the school property itself; so if the request is granted, it would include all the housing that is adjacent to the school. Councilman Short stated he is really thinking of some of those just to the west. Councilman Alexander replied there is no boundary there; but it is the original Druid Hill section as such and the other has been developed since then. They were concerned with their immediate neighborhood which was originally known and established as Druid Hills.

Councilman McDuffie stated if this kind of rezoning is the way Council is going to rezone the city in piecemeal fashion those people living in the area Councilman Short is talking about should get their own petition. This leads him to believe he must be unpatriotic because he does not have a petition for Eastway Drive to be rezoned from multi-family and he thinks it is the responsibility of the Planning Commission and the City Council to do this kind of rezoning, and do it all at one time in an orderly fashion rather than each neighborhood group to have to go through the organization and expense to come before Council and do it one block or two at a time. This is not good planning, not good zoning and the whole thing needs to be done over and at one time.

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

COMMENT ON CAPITAL IMPROVEMENT PROGRAM BOOK AND THE FACT IF ADOPTION DATE IS INCLUDED, IT IS IN ERROR.

Councilman Alexander stated before these people from Druid Hills leave, he would like to make a statement about the Capital Improvement Program. That if any of them have a copy of the program and it refers to the date of adoption, that this is in error. These items listed in the Capital Improvement book have never been adopted as such. They are proposed and before any of them can be activated or anything done about them, they must be passed on by Council one at a time, and none of these items have been passed in that fashion so that page is in error and should not have a date of adoption on it.

HEARING ON PETITION NO. 73-41 BY EDWARD SMITH FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF SIX ACRES OF LAND LOCATED AT THE NORTH END OF HOLABIRD LANE AT THE SOUTHERN RAILROAD, NORTH OF WEST BOULEVARD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the property involved in this request is an irregular shaped parcel of land consisting of six acres located north of West Boulevard, at the end of Holabird Lane which is the first street to the right going out West Boulevard beyond the railroad. The property is vacant and the property around it is vacant with the exception of some single family homes located at the end of the street leading off Holabird Lane. Across the railroad is predominately single family usage and the Ponderosa Apartments are located on the front portion of the property on West Boulevard. Farther west of the property is a predominance of multi-family or apartment usage with the Little Rock Homes Apartments and the Boulevard Home Apartment. Along West Boulevard is a combination of single family and apartment usage. The property directly to the south is vacant as well as the property to the west.

Mr. Bryant stated the subject property is R-6MF as is all of the property to the west. To the south is a B-1SCD Shopping Center District that extends out to and along West Boulevard. There is a small area of O-6 zoning located just north of Faye Street in the area; across the railroad is a combination of multi-family and single family zoning. The subject property has residential zoning on three sides and business zoning on the other side.

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Mr. Edward Smith, petitioner, stated he has lived at 3324 Holabird Lane for approximately 40 years and has 22 acres of land. In the past couple of years he has tried to sell this property, and there is no multi-family being built out in that section at this time, and it will not be for a long time to come. He stated he has a buyer for six acres of the property provided it is rezoned to light industrial. That Mr. Rowe-Motley is handling the property and he thinks it should be rezoned for something like warehouses and this would provide employment for some of the people in the area. Mr. Smith stated the property is growing up in weeds and bushes and he cannot do anything with it; it is idle and he feels the city can utilize the property to a better advantage and get more taxes from it if it is rezoned.

Councilman Short stated Council has for consideration today a warehouse and distribution zone which calls for some 32 or more uses. It is rather comprehensive and does not allow the more noisy type of industrial use; it does allow for storage and warehousing and such. He stated Mr. Smith's property is surrounded by residential zoning and under the circumstances would just raise the possibility that he could talk to Mr. Motley about this and advise the Planning Commission whether he feels this distribution zone would fit the property. It may be that the purchaser would find it fits his needs completely and would solve this situation and at the same time afford some protection to the abutting property.

Mr. Smith stated this is on the railroad siding and he cannot see building apartments and houses against a railroad siding. Councilman Short stated on the other hand he would not want to build a forging operation or a motor line truck terminal near the residential areas.

Councilman McDuffie stated there are the questions Council has had in the past about building homes near railroads and whether or not it is allowed, and the property is zoned for multi-family; and we have an obligation under a court agreement that we will not build low-income or multi-family units on the west side. This is inconsistent with this man's needs and Council's direction if we do not give consideration to changing it from what it is. This man is going to be tied up with the property and prohibited from using the land for housing.

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. 73-42 BY BLANCHE A. SHERRILL AND E. PRESTON ANDREWS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 100' X 300' AT 1065 EAST MOREHEAD STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request to change one lot located on one parcel of land on East Morehead Street. It has on it a vacant residence, and on either side, the property is being used for office. Across Morehead Street is Covenant Presbyterian Church and the Christian Science Church located at the corner of Arosa and Morehead Street. Coming back in the direction towards Morehead Street are various types of uses. Along Morehead Street in the direction toward Kenilworth is almost a solid pattern of office uses on both sides, with one residence in the midst of them. To the rear of the property is a portion of the Brooklyn Urban Renewal Area.

He stated the property has a combination of predominately office and institutional uses. Morehead Street is a solid pattern of O-6 zoning from about the intersection of Dilworth Road continuing in the direction of Romany Road. To the rear along Harding and Greenwood Cliff is office zoning. The Brooklyn Renewal Area is zoned for B-2 and adjoins immediately to the rear. As you cross Morehead and behind the frontage property on Morehead Street is the Dilworth Area with a predominance of single family residential zoning. The property in question has office zoning on two sides and adjoins a corner of B-2 zoning of the Brooklyn Area to the rear.

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Mr. Bryant stated the application filed indicated the property would be used for restaurant purposes.

Mr. Ham Wade, Attorney for the petitioners, stated when you go all the way up to South Tryon Street, you have a solid business zoning pattern on the north side of Morehead Street, and for a good part along the south side of Morehead Street. If you go out towards Kings Drive, about 1500 feet from this property, there is another business zone. There is business zoning on the north side of East Morehead Street all the way from Tryon out to Kings Drive with the exception of about 2000 feet along this area. In addition you have business zoning directly behind this lot. He stated the fact the petition is for a single lot is not an indication they are asking for spot zoning. That he just does not represent anyone along the Street from the Cavalier Bowling area up the road, and if Council and the Commission decide to allow this zoning, it would probably be implicit that the area, at least up to Berkley, be rezoned for business. He stated if you ride by this area you will see the business influence on the north side of East Morehead. The Children's Theatre, the Woman's Club and a couple of vacant lots which are unsightly, and one which is being used by an insurance company using a mobile unit on the back. The office complexes along the street are dying; there is not any demand for office space out there. The residences are not being used and the best use for the property is some type of light business.

Mr. Wade stated they have all but a binding commitment to put up a nice high class restaurant similar to the El Villa on Providence Road. The traffic would be less offensive than the traffic now generated by some of the uses on Morehead Street. He stated although the rezoning would not restrict them, they can only say they propose and have a definite plan to put a restaurant in the existing house and the lot. He stated there is no way they can utilize the property for office purposes at this time. The other uses along the street would not be affected too much. The Salvation Army building will retain that use as an office; the Woman's Club, the Children's Theatre and two doctors offices will all retain their use. There will not be a large influx of business or a large influx of petitions to rezone in the event Council should see fit to rezone this to a light business use.

Mr. Wade filed three letters with the Clerk from Morehead Investment Company, Cavalaris Realty Company and Dr. A. Chalmers Hope in which each stated they have no objections to the rezoning request. Also they have contacted the Church members from Covenant and Christian Science and they have indicated they have no objections to the rezoning.

Mr. Tom Allen, owner of a large portion of the surrounding property, indicated he has no objections to the rezoning.

Mr. Jeffery Hubberman, 1607 Dilworth Road, stated he is President of the Dilworth Community Development Association, and they are concerned about this rezoning. They believe the zoning not only has an effect on today, but has a tremendous effect on tomorrow. Morehead Street has been used for some years as office, and is characterized by large oaks, sidewalks and one and two story office buildings. This type of structure acts as a buffer to the residential uses behind it on Dilworth Road and Greenwood Cliff. They believe the zoning must be maintained the way it is.

Mr. Michael Finch, Chairman of the Planning and Zoning Committee of the Dilworth Community Development Association, and Mr. Leo Phelan also spoke in opposition to the rezoning. Mr. Finch stated any rezoning that is done should be in accordance with the overall objectives of growth and change in any particular community. Second there is no guarantee within the present zoning that the future use of this property, if it is rezoned to B-1, will be as compatible with the neighborhood as the proposed high class restaurant. If this venture were to fail, the property could easily fall prey to one of the plastic steak house chains. This type of development would be entirely incompatible with the character of the neighborhood. Third, a business of any type will only increase the traffic congestion that already exists along Morehead Street. The amount of parking that would be required would prove incompatible with the existing pattern.

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

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COUNCILMAN WHITTINGTON COMES INTO MEETING.

Councilman Whittington came into the meeting at this time and was present for the remainder of the Session.

ORDINANCE NO. 966 AMENDING CHAPTER 23, SECTION 23 BY ADDING A NEW SECTION ENTITLED B-D DISTRIBUTIVE-BUSINESS DISTRICT.

The public hearing was held on Petition No. 73-43 by Charlotte-Mecklenburg Planning Commission to consider an amendment to the text of the zoning ordinance to establish a Distributive-Business District designed to allow warehouse, distribution and light industrial uses under a controlled process with many uses requiring Special Use Permits and extensive screening requirements.

Mr. Bryant, Assistant Planning Director, explained the amendment.

Mr. Tate, Chairman of the Planning Commission, stated this is greatly changed from the original B-D District that was permitted in the county, and the Planning Commission recommends the amendment to the Council.

No one appeared in opposition to the amendment.

Councilman Short stated he thinks it is entirely appropriate to have a wholesale distribution district. It will be a low activity zone, or it will be a quiet zone. That he believes it will get some land out of so-called limbo in this community. This does not offer the opportunity for someone to claim some certain use and then put in what we are seeking to avoid, and that is very dense housing, because under the nature of this zone, housing is not permitted.

Councilman Short moved adoption of the ordinance as recommended. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, beginning at Page 298.

PLANNING STAFF REQUESTED TO GIVE COUNCIL A COMPARATIVE REPORT OF THE ZONING CLASSIFICATIONS OF THE CITY AND COUNTY.

Councilman McDuffie requested Mr. Bryant to give Council a comparison of the zoning classifications in the city and county.

ORDINANCE NO. 967 AMENDING CHAPTER 18, ARTICLE II, SECTION 18-21 OF THE SUBDIVISION REGULATIONS.

The scheduled hearing was held on the proposed amendment to the Subdivision Ordinance to establish regulations pertaining to the extension of streets across streams when property is being developed or subdivided. The regulations will require the subdivider to be responsible for the crossing except the city will participate when arterial or secondary streets are involved or when the formula proposed for cost sharing between two subdividers does not provide sufficient funds. In addition, rules are proposed to establish a process for refunding deposited funds to developers if the street has not been constructed within a specified time period.

Mr. Bryant, Assistant Planning Director, stated this is a proposal of the Planning Commission and the Public Works Department, and will establish rules and processes whereby developers would participate in the cost of carrying streets across streams or drainage ways. It would set up a process and procedure and a formula where separate property owners exist on two separate sides of the stream, and this would set up the formula where the property owner of the first subdivided property would deposit 50% of the estimated cost of the crossing at that time. That would remain in escrow until such time as the second property owner decided he was ready to develop his property. At that point he would put up his 50% and the crossing would then be built. He stated this will not do anything to correct those already in existence; it will apply to those that come about in the future.

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The formula proposes a system whereby there is a differential shown between a developer's responsibility based on the nature of the function of the street. For minor residential streets or minor streets of any description, developers would be expected to pay the full cost. For arterial or secondary streets there would be a limit of the cost that would be incurred by the developer. That limit would be placed at the normal cost of what it would take to provide for a maximum of 48-inch drainage structure to cross the creek. The cost above that is proposed to be borne by the City of Charlotte. If over a period of time, it is obvious the City is not going to participate and is not going to provide the funds to complete the crossing, there is a process set up whereby the money can be refunded to the developer. From their discussions they have had with the Home Builders Organization, the one area in which they did not fully agree was on the basis of refund. It is proposed that refunds be made based on the time after the second property owner had deposited his funds. If the city does not move in and provide its share of cost within five years after the second developer has deposited his share of the money, then it would be refunded to the developers. The Home Owners Association would like that to be five years from the time the first property owner deposits his money, rather than the second. This is right much of a difference because they never know when the first property owner subdivides his property how long it will be before the second one decides to develop his property. If refund is made on the basis of the time relationship to the first developer then there is no guarantee we would ever get anything from the second. Five years is not an unlikely time span between two pieces of property being developed.

Mr. Bryant stated the ordinance details how the cost estimates will be arrived at; it provides a system whereby the developer may challenge the cost estimate which has been provided by the City Engineer; it also provides a method whereby temporary deposits can be made in lieu of the determination of what the final cost estimate will be. The ordinance also provides a method whereby the stream crossing will be provided for prior to the time the developer gets down to the very last lot. Anytime final approval is sought for any area within 200 feet of the proposed drainage way, the money for the crossing will have to be deposited, or in lieu of that, anytime the developer starts to get final approval for the last 25 percent of the lots within the development, at that time the deposit will have to be made. He stated no one wants any more stream crossing than absolutely necessary. This is not to get stream crossings every 400 feet, or every 800 feet or every 1200 feet. The more bridges you build and the more culverts installed, the more problems you cause from a drainage standpoint. Therefore the very last paragraph of the ordinance is important. It says: "Streets shall be required to cross drainage ways only where it has been determined by the Planning Commission, at the recommendation from the City Engineer, that they are needed to provide an adequate circulation system. The intent of this statement is to indicate that unnecessary crossings, particularly those involving the crossing of a major stream with a minor street will be discouraged, and the total number will be kept to a minimum. Alternative street patterns, such as the use of cul-de-sacs, shall be encouraged in order to decrease the number of crossings." He stated this is a clear statement of the intent to not require any more crossings than is absolutely necessary to provide a good and sufficient circulation.

Councilman Alexander stated he has used the words "drainage ways" and the word "streams". That he wonders if they mean the same thing. There are some drainage ways that do not carry a lot of water, but in some cases he is aware of, they were never covered and the street runs to the drainage ditch and stops and there is no way to get to the other side. He asked if his ordinance will take care of that? Mr. Bryant replied the language in the ordinance is "drainage ways". This would cover anything carrying water at any time. That his use of the word "stream" was his own. The ordinance language is drainage ways, which could be Sugar Creek, or could be a wet weather ditch.

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Mr. Bryant stated as of right now, there is very little development going on in the City of Charlotte; most of the development is outside the city. With annexation there will be coming into the city considerable areas subject to development; it is a problem that will continue. But to a large extent we have lost an opportunity back through the years in not having this a long time ago. He stated this cannot be recommended to the county as the county is not in the road business. Outside the city, the State assumes all responsibility for roads so there is no way to move into the county, and have the county participate in this. They can provide a formula whereby the developers can be required to participate and hopefully work out something of a limited nature. But the key is the ability of the city to move in and to participate.

No opposition was expressed to the proposed amendment to the subdivision ordinance.

Councilman Whittington stated this is an opportunity for us to do something about the future as we have done in the past about sidewalks when we did not have sidewalk requirements in subdivisions.

Councilman Whittington moved that Council adopt the ordinance as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, beginning at Page 303.

MOTION TO DEFER PETITION NO. 73-39 FOR CHANGE IN ZONING OF PROPERTY ON WEST SIDE OF MILTON ROAD, SOUTH OF JOYCE DRIVE, LOST FOR LACK OF FOUR AFFIRMATIVE VOTES.

Councilman Alexander stated the petitioners on the subject petition would like an opportunity to talk with the Planning Staff to see if something can be worked out in compatible buffers for this area, and he moved that the petition be deferred until October 29. The motion was seconded by Councilman Jordan, and lost by the following vote:

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

MEETING RECESSED AND RECONVENED.

Mayor Belk recessed the meeting at 3:25 o'clock p.m., and reconvened the meeting at 3:40 o'clock p.m.

PETITION NO. 73-39 BY MARY S. AND SARA LEE CURRIE AND ED GRIFFIN DEVELOPMENT COMPANY FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY ON THE WEST SIDE OF MILTON ROAD, SOUTH OF JOYCE DRIVE, IN THE AREA OPPOSITE PERTH COURT, 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 Short, and carried unanimously.

WEEK OF OCTOBER 14 THROUGH 20 PROCLAIMED AS "CLEANER AIR WEEK".

Mayor Belk recognized Dr. Donald Davis and presented him with a proclamation declaring the week of October 14-20 as "Cleaner Air Week".

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Dr. Davis accepted the proclamation on behalf of the University of North Carolina at Charlotte, Department of Engineering, and the Metrolina Lung Association. He stated the Environmental Group is sponsoring a "Smokers' Withdrawal Clinic", at the Charlotte News and Observer beginning tonight at 7:30, and continuing through Friday. Also, this Saturday at SouthPark, from 10 till 4 o'clock the group is sponsoring an automotive testing program. This is free and they invite the Mayor and members of Council to come out and have their automobiles tested free. They can tell them if their automobile is polluting or is not polluting. The results of last year's program indicated that 67% of all automobiles did not meet the ECA guidelines.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS FOR ZONING CHANGES ON PETITIONS NUMBERED 73-44 AND 73-45.

Motion was made by Councilman Alexander, seconded by Councilwoman Easterling, and unanimously carried, adopting the subject resolution providing for public hearings for zoning changes on Monday, November 19, 1973, on petitions numbered 73-44 and 73-45.

The resolution is recorded in full in Resolutions Book 9, at Page 321.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, APPROVING PURCHASE AGREEMENT FOR SALE OF LAND TO SEABOARD COASTLINE RAILROAD COMPANY IN REDEVELOPMENT PROJECT NO. N. C. R-78.

After explanation by Mr. Sawyer, Director of Urban Redevelopment, Councilman Jordan moved adoption of the subject resolution approving purchase agreement for sale of land to Seaboard Coast Line Railroad Company in Redevelopment Project No. N. C. R-78, at a total price of \$391.32, which motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 322.

REPORT ON LIGHT INDUSTRIAL PLANT FOR INDUSTRIAL AREA OF GREENVILLE AREA TO BE GIVEN TO COUNCILMAN ALEXANDER.

Councilman Alexander stated there has been discussion with the Chamber of Commerce about the possibility of a light industrial plant to go into the industrial section in the Greenville Urban Renewal Area, and he asked Mr. Sawyer if he can give a report on the progress? Mr. Sawyer replied he does not know what progress has been made but he will get a report back to Mr. Alexander.

ORDINANCE NO. 968-X TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT BUDGET TO PROVIDE FUNDS FOR THE DEMOLITION OF AN ABANDONED RAILROAD BRIDGE AT SOUTH COLLEGE STREET.

Councilman Whittington moved adoption of the subject ordinance transferring \$8,500 within the Capital Improvement Budget to provide for the demolition of an abandoned railroad bridge at South College Street. The motion was seconded by Councilwoman Easterling, and carried by the following vote:

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

The ordinance is recorded in full in Ordinance Book 20, at Page 306.

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ORDINANCE NO. 969-X TRANSFERRING FUNDS WITHIN THE UTILITY FUND CAPITAL IMPROVEMENT BUDGET TO PROVIDE FUNDS TO PAY THE CITY'S LIABILITY ON 35 PERCENT REFUNDABLE WATER AND SEWER ACCOUNTS.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance transferring \$85,000.00 within the Utility Fund Capital Improvement Budget to provide funds to pay the City's liability on 35 percent refundable water and sewer accounts.

The ordinance is recorded in full in Ordinance Book 20, at Page 307.

ORDINANCE NO. 970-X AMENDING CHAPTER 20, SECTION 25, SCHEDULE V, "DESIGNATED TRUCK ROUTES".

Councilman Whittington moved adoption of the subject ordinance amending Chapter 20, Section 25, Schedule V, "Designated Truck Routes", by adding the following streets, which motion was seconded by Councilman McDuffie:

- (a) Hovis Road, between Tar Heel Road and Belhaven Boulevard (N.C. 16).
- (b) West Fourth Street, between Tuckaseegee Road and Grandin Road.
- (c) Grandin Road, between West Fourth Street and West Trade Street.

Councilman Alexander asked that an amendment be made to the motion that Grandin Road be dropped from this proposal, which amendment was not accepted.

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

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

NAYS: Councilman Alexander.

The ordinance is recorded in full in Ordinance Book 20, at Page 308.

Councilman Alexander moved that Grandin Road, between West Fourth Street and West Trade Street, be declared off-limits for truck traffic. The motion did not receive a second.

CHANGE ORDER NO. G-2, WITH F. N. THOMPSON, INC. FOR THE CONSTRUCTION OF MARSHALL PARK, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, Change Order No. G-2 was approved with F. N. Thompson, Inc. for the construction of Marshall Park, representing a reduction of \$2,169.50 in the general contract, and changes the net amount of the contract from \$445,550.00 to \$443,380.50.

ORDINANCE NO. 971-X TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT BUDGET TO PROVIDE FUNDS FOR THE FINAL PAYMENT ON THE DOWNTOWN STREET IMPROVEMENT CONTRACT.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance transferring \$1,200.00 for the final payment to Ralph Whitehead & Associates for engineering plans on the Downtown Street Improvement Project.

The ordinance is recorded in full in Ordinance Book 20, at Page 309.

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RESOLUTION AUTHORIZING A SUPPLEMENTAL MUNICIPAL AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A PORTION OF THE INDEPENDENCE FREEWAY, FROM KENILWORTH AVENUE TO MCDOWELL STREET.

Councilman Whittington moved adoption of the subject resolution authorizing a Supplemental Municipal Agreement between the City and the North Carolina Board of Transportation for a portion of the Independence Freeway, from Kenilworth Avenue to McDowell Street, which motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Pages 323-324.

CONTRACTS FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following contracts were approved for water mains and sanitary sewer construction:

- (a) Contract with Coble Dairy Products Cooperative, Inc. for the construction of approximately 970 feet of 8" C. I. water main and one (1) fire hydrant to serve property in Orr Road and University Commercial Place, 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.
- (b) Contract with Century Properties for the construction of approximately 3,185 linear feet of 8-inch trunk and mains in Ameron Industrial Park, off North Graham Street, and north of Johnson Road, inside the city, at an estimated cost of \$48,065.00. The applicant has deposited 10% of the estimated cost plus the estimated cost of right-of-way for this project. The City will own, maintain and receive revenue from same and refund to the applicant is as per agreement.

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

Council was advised that the property owners had indicated they would not contest the orders declaring the subject housing unfit for human habitation.

Motion was made by Councilman Withrow, seconded by Councilwoman Easterling, and unanimously carried, adopting the subject ordinances affecting housing declared unfit for human habitation under the provisions of the City's Housing Code, as follows:

- (a) Ordinance No. 972-X ordering the demolition and removal of the dwelling at 800 East 16th Street.
- (b) Ordinance No. 973-X ordering the demolition and removal of the dwelling at 2919 Ross Avenue.
- (c) Ordinance No. 974-X ordering the demolition and removal of the dwelling at 114 Williamson Street.
- (d) Ordinance No. 975-X ordering dwelling at 516 West Park Avenue to be vacated and closed.
- (e) Ordinance No. 976-X ordering the demolition and removal of the dwelling at 1404 North Caldwell Street.
- (f) Ordinance No. 977-X ordering the dwelling at 713 East 13th Street to be vacated, demolished and removed.
- (g) Ordinance No. 978-X ordering the dwelling at 400 East 15th Street to be vacated, demolished and removed.
- (h) Ordinance No. 979-X ordering the demolition and removal of dwelling at 515 North Alexander Street.

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 310.

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ORDINANCE NO. 980-X ORDERING THE DEMOLITION AND REMOVAL OF A COMMERCIAL BUILDING AT 1316 NANDINA STREET PURSUANT TO THE BUILDING CODE OF THE CITY OF CHARLOTTE AND SECTION 6.61, ARTICLE IV, CHAPTER 6, CHARTER OF THE CITY OF CHARLOTTE.

Councilman Alexander moved adoption of the subject ordinance ordering the demolition and removal of a commercial building at 1316 Nandina Street pursuant to the Building Code of the City of Charlotte and Section 6.61, Article IV, Chapter 6, Charter of the City of Charlotte, which motion was seconded by Councilman McDuffie, and after explanation by the Assistant Superintendent of Building Inspection, carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 318.

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 Whittington, seconded by Councilman Withrow, and unanimously carried, the subject ordinances ordering the removal of weeds and grass were adopted, as follows:

- (a) Ordinance No. 982-X ordering the removal of weeds and grass at 3514 Warp Street.
- (b) Ordinance No. 983-X ordering the removal of weeds and grass at 509 Beatties Ford Road.
- (c) Ordinance No. 981-X ordering the removal of weeds and grass at 513 Beatties Ford Road.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 319.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 60' x 40' x 80' of easement at 10200 Industrial Drive, from Southland Industrial Park, at \$500.00, for Irwin Creek Crossover Sanitary Sewer Construction Project.
- (b) Acquisition of 15' x 187.13' of easement at 7219 Lakeside Drive, from James W. Foy and wife, Beulah H., at \$400.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (c) Acquisition of 15' x 166.78' of easement at 6330 Grove Park Boulevard, from Glenn H. Liner and wife, Carolyn F., at \$400.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (d) Acquisition of 15' x 100.81' of easement at 6901 Linda Lake Drive, from Jennings Bradley Reid and wife, Catherine F., at \$800.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (e) Acquisition of 15' x 171.41' of easement at 6831 Linda Lake Drive, from Ray L. Pritt and wife, Ann H. Pritt, at \$500.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (f) Acquisition of 20' x 162.76' of easement at 8301 Lawyers Road, from Key Homes of Charlotte, Inc., at \$1.00, for Willowlake Court Outfall - Sanitary Sewer Project.

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- (g) Acquisition of 11.55' x 200.0' of easement at 6715 Terry Lane, from Joseph Thomas Howell and wife, Doris M., at \$450.00, for Hickory Grove Area Trunks - Sanitary Sewer Project.
- (h) Acquisition of 15' x 60.41' of easement at 6824 Sterling Court, from D. L. Funderburk and wife, Pauline T., at \$125.00, for Hickory Grove Area Trunks - Sanitary Sewer Project.
- (i) Acquisition of 20' x 291.8' of easement at 8301 Lawyers Road, from Key Homes of Charlotte, Inc., at \$1.00, for Trotters Ridge Road Outfall - Sanitary Sewer Project.
- (j) Acquisition of 15' x 579.79' of easement at 3500 Highway 51, Matthews-Pineville Road, from Samuel Zell, Trustee, at \$579.00, for Sanitary Sewer to serve Oakcreek Apartments - Highway 51 Project.
- (k) Acquisition of 15' x 91.34' of easement at 6530 Randy Drive, from George Welch, Jr. and wife, Margaret M., at \$92.00, for Hickory Grove Area Trunks - Sanitary Sewer Project.
- (l) Acquisition of 15' x 352.73' of easement at 6500 Water Mill Court, in Hampshire Hills, from John Crosland Company, at \$1.00, for Hickory Grove Area Trunks Sanitary Sewer Construction Project.
- (m) Acquisition of 15' x 146.68' of easement at 6500-02 Grove Park Boulevard, from Robert Letcher Crane and wife, Shirley B., at \$225.00, for Hickory Grove Area Trunks Sanitary Sewer Construction Project.
- (n) Acquisition of 10' x 35' of easement at 5120 South Boulevard, from Autopair, Inc., at \$1.00, for Sanitary Sewer to serve 5120 South Boulevard Project.
- (o) Acquisition of 10' x 175' of easement at 5124 South Boulevard, from Metrolina Investments, at \$175.00, for Sanitary Sewer to Serve 5120 South Boulevard Project.
- (p) Acquisition of 7.5' x 160.04' of easement at 6600 Rosecran Drive, in Hampshire Hills, from William H. Harwell and wife, Martha W., at \$200.00, for Hickory Grove Area Trunks Sanitary Sewer Construction Project.
- (q) Acquisition of 15' x 310.17' of easement at 8231 Newell-Hickory Grove Road, from First Advent Christian Church, at \$550.00, for Hickory Grove Area Trunks Sanitary Sewer Construction Project.
- (r) Acquisition of 80' x 10' x 10' x 326' x 15' x 76' of easement at 8800 Monroe Road, from Edwards Lumber Company, at \$1.00, for Sanitary Sewer to serve 8800 Monroe Road Project.

RESOLUTIONS OF CONDEMNATION DEFERRED FOR NEXT AGENDA.

Councilman Short moved that the following resolutions be deferred until the next agenda; which motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert Henry Smathers and wife, Margaret Brown Smathers, and Kathleen Lewis Bundy, located in Stonehaven Development between Lido Avenue and Sardis Road, in connection with the Stonehaven Lift Stations.
- (b) Resolution authorizing condemnation proceedings for the acquisition of property belonging to Katherine Lewis Bundy and husband, Charles W. Bundy, located in Stonehaven Development, northeast of Sardis Road, in connection with the Stonehaven Lift Stations.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE MCALPINE CORPORATION, LOCATED AT 6901 MATTHEWS-PINEVILLE ROAD, HIGHWAY 51, IN MECKLENBURG COUNTY, FOR A SANITARY SEWER TO SERVE SOUTHERN BELL PROPERTY AND 30-ACRE TRACT IN WALDEN.

Motion was made by Councilman Whittington, seconded by Councilwoman Easterling, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to the McAlpine Corporation, located at 6901 Matthews-Pineville Road, Highway 51, in Mecklenburg County, for a sanitary sewer to serve Southern Bell property and 30-acre tract in Walden.

The resolution is recorded in full in Resolutions Book 9, at Page 325.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO EDGAR HALL HAND, JR. AND FIRST UNION NATIONAL BANK, CO-TRUSTEES OF TRUST UNDER WILL OF EDGAR HALL HAND, LOCATED IN MECKLENBURG COUNTY FOR THE IRWIN CREEK CROSSOVER SANITARY SEWER CONSTRUCTION.

Councilman Withrow moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Edgar Hall Hand, Jr. and First Union National Bank, Co-Trustees of Trust Under will of Edgar Hall Hand, located in Mecklenburg County for the Irwin Creek Crossover Sanitary Sewer Construction, which motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 326.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JOHN STEPHEN MILLER AND WIFE, ANNE S. MILLER, LOCATED IN MECKLENBURG COUNTY FOR THE IRWIN CREEK CROSSOVER SANITARY SEWER CONSTRUCTION.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to John Stephen Miller and wife, Anne S. Miller, located in Mecklenburg County for the Irwin Creek Crossover Sanitary Sewer Construction.

The resolution is recorded in full in Resolutions Book 9, at Page 327.

SPECIAL OFFICER PERMITS, AUTHORIZED.

Councilman Jordan moved approval of the following special officer permits for a period of one year, which motion was seconded by Councilman Withrow, and unanimously carried:

- (a) Issuance of permit to Jimmy Leroy Sutton for use on the premises of Douglas Municipal Airport.
- (b) Renewal of permit to Luke F. Quinn for use on the premises of Southern Railway Company.

CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC. FOR ESTIMATED YEARLY REQUIREMENT OF STEEL U-POSTS TO BE USED IN CONNECTION WITH TRAFFIC SIGN INSTALLATION.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Vulcan Signs & Stampings, Inc., in the amount of \$7,125.00, on a unit price basis, for estimated yearly requirement of Steel U-Posts to be used in connection with traffic sign installations.

The following bids were received:

Vulcan Signs & Stampings, Inc.	\$7,125.00
Southeastern Safety Supplies	9,765.00

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CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR ESTIMATED YEARLY REQUIREMENT OF CAST IRON PIPE TO BE USED TO CONSTRUCT NEW PIPE LINES AND FOR REPAIRS OF WATER MAINS IN EXISTING SYSTEM.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding subject contract to Lynchburg Foundry Company, in the amount of \$190,052.00, on a unit price basis, for estimated yearly requirement of cast iron pipe to be used to construct new pipe lines and for repairs of water mains in existing systems.

The following bids were received:

Lynchburg Foundry Company	\$190,052.00
Glamorgan Pipe & Foundry Co.	191,789.00
Clow Corporation	192,370.00
American C. I. Pipe Co.	192,783.00
U. S. Pipe & Foundry Company	193,526.00

CONTRACT AWARDED THE PERKIN ELMER CORPORATION FOR THE PURCHASE OF ONE ATOMIC ABSORPTION SPECTROPHOTOMETER FOR CRIME LABORATORY.

Councilman Withrow moved award of contract to the low bidder, The Perkin Elmer Corporation, in the amount of \$13,132.00, for the purchase of one Atomic Absorption Spectrophotometer which will be used in the Crime Laboratory, which motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

The Perkin Elmer Corporation	\$13,132.00
Varian Associates	15,214.00
Fisher Scientific Company	19,768.00

CONTRACT AWARDED CUMMINS CAROLINA, INC. FOR THREE DIESEL ENGINES FOR THE FIRE DEPARTMENT.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded the low bidder, Cummins Carolina, Inc., in the amount of \$21,100.00, on a unit price basis, for three diesel engines for the Fire Department.

The following bids were received:

Cummins Carolina, Inc.	\$21,100.00
Covington-Diesel, Inc.	23,414.48

CONTRACT AWARDED U.S. STANDARD SIGN COMPANY, INC. FOR ALUMINUM TO BE USED IN THE FABRICATION OF VARIOUS STREET SIGNS.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding subject contract to U. S. Standard Sign Company, Inc., in the amount of \$9,252.00, on a unit price basis, for 600 sheets of aluminum to be used in the fabrication of various street signs.

The following bids were received:

U. S. Standard Sign Co., Inc.	\$9,252.00
Vulcan Signs & Stampings, Inc.	9,612.00
Southeastern Safety Supplies	10,872.76

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CONTRACT AWARDED HENSLEY & MOSLEY, INC. FOR FURNISHING ELECTRICAL MATERIALS AND LABOR FOR WIRING AND CONNECTING COMPUTER ROOM EQUIPMENT AT THE LAW ENFORCEMENT CENTER.

Councilman Withrow moved award of contract to the low bidder, Hensley & Mosley, Inc., in the amount of \$5,493.00, for furnishing electrical materials and labor for wiring and connecting computer room equipment at the Law Enforcement Center, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Hensley & Mosley, Inc.	\$5,493.00
Interstate Electric Co., Inc.	5,700.00
Howard Brothers Elec. Co., Inc.	5,750.00

CONTRACT AWARDED WORTH KEETER, INC. FOR LEAF BOX CONTAINERS TO BE USED BY THE SANITATION DIVISION.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Worth Keeter, Inc., in the amount of \$11,814.00, on a unit price basis, for 11 - leaf box containers to be used by the Sanitation Division.

The following bids were received:

Worth Keeter, Inc.	\$11,814.00
Quality Eqpt. & Supply Co., Inc.	13,145.00
Municipal Eqpt. Co., Inc.	15,708.00
Cook Body Company	17,374.50

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES FOR FORKLIFT.

Motion was made by Councilman Jordan, seconded by Councilwoman Easterling, and unanimously carried, awarding contract to the only bidder, A. E. Finley & Associates, Inc., in the amount of \$9,240.00, for one forklift which will be used by the Traffic Engineering Department on Ott Street for loading and unloading stock material.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR THE DEMOLITION OF SOUTHERN RAILROAD BRIDGE OVER SOUTH COLLEGE STREET.

Councilman Withrow moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$7,700.00, on a lump sum basis, for the demolition of Southern Railroad Bridge over South College Street, which motion was seconded by Councilman Whittington, and carried as follows:

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

NAYS: Councilman Short.

The following bids were received:

Crowder Construction Company	\$7,700.00
Piedmont Grading Company	12,000.00
Rike Wrecking Company	13,000.00
D. H. Griffin Wrecking Co., Inc.	42,000.00

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CAROLINA

COMMENTS ON ANNUAL MEETING OF THE NORTH/LEAGUE OF MUNICIPALITIES, AND COUNCIL ADVISED THAT COUNCILMAN WHITTINGTON IS NOW FIRST VICE PRESIDENT OF THE LEAGUE.

Mayor Belk stated Councilman Whittington is now the First Vice President of the North Carolina League of Municipalities. That all members of Council are proud of him on receiving this honor. That he heard nothing but good comments on the way he conducted the Luncheon at the meeting in Pinehurst the other day.

Councilman Whittington stated this meeting was primarily important to all of us because the Friday sessions were devoted to federalism, regionalism and nationalism as it relates to governments. One of the things that impressed him about these programs is what our own Manager said to him several months ago - "Jim, these programs are going to continue to come, and they are going to come very rapidly. If we aren't ready for them, then we are not going to be able to qualify for these funds to do these programs." He said he wanted to say that in behalf of David Burkhalter.

Councilman Whittington stated they had speakers like John Morrissey, the first full time city attorney the City of Charlotte had; Allen Pritchard, Executive Vice President of the National Cities in Washington; Paul Harrington, Secretary to the North Carolina Board of Natural Resources, and Mr. Hartman, Executive Director of the National Association of Regional Councils in Washington. He stated all three of these men pointed out that the national government feels the local government can do a better job in programs, and they are looking for a scapegoat if these federal programs do not work, then the responsibility is on local government, not the federal government. Councilman Whittington stated it was a good meeting, and a lot of good things are coming for the state and local governments if we all do a better job.

Councilman Whittington stated Council needs to ask its representative, Milton Short, to keep Council continually apprised of what is going on in our Council of Government, because regional governments, council of governments, are here to stay and this is the only way that local government is going to be able to effectively operate in the future. There is no such thing as our responsibility ending at the city limit and Mecklenburg's responsibility ending at the county line. Together, local government, city, county and Cog, the state Cog, the Governor's office, on up to Washington, through the Regional Councils, are going to do a better job. He stated it is our responsibility to get in gear on all these programs.

PRESENTATION OF ADDITIONAL PETITION FROM GRIER HEIGHTS COALITION ON TRAFFIC HAZARDS IN AREA.

Mrs. Hazeline Grier of the Grier Heights Coalition stated she is present to request the opening of Dunn Avenue where it intersects with Monroe Road for two way traffic with appropriate stop and go traffic signals installed.

She stated Dunn Avenue has been closed at that intersection and trucks are being brought through one block of Gene Avenue, and the other block down Montrose back to Monroe Road. She stated the traffic has been rerouted through the community; they are asking that Dunn Avenue intersection be opened with traffic signals.

Mrs. Grier stated they are asking for the installation of stop and go signals at the intersection of Orange Street and Randolph Road. In the peak hours in the mornings and in the afternoons it is a problem to get in and out of Randolph Road, Gene Avenue, and from Montrose out into Monroe Road.

She stated she was at the School last Monday night for a PTA meeting, and they are behind the Coalition 100 percent as they are having trouble getting in and out when they bring their children to school.

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Mrs. Grier stated there is a traffic light at the corner of Fifth and Seventh Streets, and the next traffic light is at Monroe Road and Briar Creek Road. That gives cars five blocks to make their own speed in coming around the curve. If a traffic light is installed at Dunn and Monroe Road many lives will be saved and many wrecks will not occur. She filed a petition with approximately 100 more signatures, and requested Council to give it their consideration and approval.

Councilman Whittington stated these people came before Council about a month ago and they were told they would receive an answer. Mr. Burkhalter, City Manager, replied the surveys have been made and it will probably be about two weeks before they are analyzed, and what recommendations that will be made will be determine then.

PETITION REQUESTING IMPROVEMENTS IN TRAFFIC CONDITIONS IN ASHLEY ROAD, TUCKASEEGEE ROAD AND FREEDOM DRIVE AREA.

Mr. Ray Burris of Peddler's Pantry and Sun Oil Company Service Station at 4241 Tuckaseegee Road stated he appears on behalf of himself and his partner, and some of the businesses in the Ashley, Freedom and Tuckaseegee Road area.

He presented the following petition:

"We the undersigned, express with this document our extreme displeasure with the present traffic patterns in the Ashley Road, Tuckaseegee Road and Freedom Drive area.

Ashley Road has, for many years, served as a major link between Wilkinson Boulevard and Interstate 85, allowing easy access for the residents and businesses of this area to shop, work and transact business.

However, because of street changes occurring on and about August 30th and 31st of this year, this is no longer the case.

The rerouting of Ashley Road traffic into already crowded Freedom Drive has resulted in massive confusion, inconvenience and hazardous driving conditions.

We represent businesses that have been adversely affected by these traffic changes and on these and the grounds following, demand the reopening of Ashley Road between Gene and Jimmy's American station and Tuckaseegee Road to two-way traffic.

Whereas we recognize the need to alleviate traffic backup onto Interstate 85 at the exit ramp during rush hour traffic, we also recognize that:

1. The present patterns have created a dangerous and congested intersection where Ashley Road joins Freedom Drive.
2. Traffic flow is extremely confusing.
3. The residents and businesses of this area have been unreasonably inconvenienced.
4. The location of the new stretch of Ashley and the circumstances surrounding its opening appear to be extremely patronizing towards the new Richway shopping center.

We have read and do agree with the statements of the preceding page.

Signed by:

Ray L. Burris, Peddler's Pantry, 4241 Tuckaseegee Road.
Robert R. Banks, Days Inn, 4419 Tuckaseegee Road.
Jimmy E. Eudy, Gene & Jimmy's Amer, 1216 Ashley Road.
Gene Bolton, Freedom Auto Parts.
Ralph Moody, R.M.I., Inc.
Jerry D. Bell, Mgr. Western Auto Supply, 3302 Wilkinson Boulevard.
Donnie Terry, Mgr., Winn-Dixie Stores, 3200 Wilkinson Boulevard.
Daniel L. Delbert, Gen. Mgr., Woolco Department Store, 3130 Wilkinson Boulevard
Robert M. Fodel, Southern 500 Restaurant
Charlie Brown, Charlie Brown's 60 Minute Cleaners
D. Tony Sipe, Peddlers' Pantry."

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Councilman Withrow asked when the decision was made to put the new cut in. He stated he would like to know all about this. Mr. Hoose, Traffic Engineer, replied the relocation started some two or three years ago; the traffic was backing up on the old location at the ramp and it was quite dangerous. They worked with the people in the area affected by the change-over and this was the State Highway Commission's approval. This was done through the efforts of a private developer, City of Charlotte and State Highway Commission. Mr. Hoose stated he will be glad to study the petition; that he does not have all the answers right now.

Councilman Withrow stated some of the businesses are hurting and he asked Mr. Hoose to go out and take a look at it.

Also speaking for the petition were Mr. Tony Sipe of Peddler's Pantry and Mr. Jack Williams of Sun Oil Company.

COMMENTS AND REQUEST FOR BETTER BUS SERVICE FROM MEMBERS OF THE ASSOCIATION FOR BETTER PUBLIC TRANSPORTATION.

Mrs. Kathryn Speidel, 2606 Eastport Road in Darby Acres, stated she represents the Association for Better Public Transportation. She stated they are a group of clubs and organizations in the City who are here to find out the needs for changes in the present bus system. The need of changes did not originate with their organization. Much thought and study has gone into it by other groups. The city itself engaged the Wilbur Smith Corporation to make an analysis of the present bus system. Their findings and recommendations were handed to the Council in 1972. The City, in turn, appointed a Committee of Citizens to further study the situation. The Committee study confirmed the Wilbur Smith findings and they were handed to the Council in the Spring. There have been exhaustive studies but no tangible action has been taken.

Mrs. Speidel stated the action they want is extended routes, more frequent buses, crosstown bus service with elimination of transferring at the Square, reduced fares and a conformity to a code of courtesy. She asked if the City is going to saddle its progress with an outmoded, outdated bus system that cannot nearly meet the need of Charlotte's people. The need for changes in the bus service is evident now.

She stated she is a member of the Senior Citizens in Charlotte of which there are 30,000 in Mecklenburg County; one seventh of the voting population. Many of these people must depend on a bus to go to their doctor's appointments, to their churches, and to their social functions. The handicapped persons, the high school student who has an after school job and the college student must ride the buses.

She stated they look to Council as their elected representatives for changes in their behalf. Better mass transportation is not merely a problem for the aged or the poor; it is everyone's problem. Our cities are shrouded in pollution from thousands of automobiles, and as we grow in size mass traffic congestion occurs. She stated everyone will benefit by good bus system. Riding the bus can be the thing to do if the service is convenient, inexpensive, safe and courteous.

She stated they trust that Council is concerned enough to provide them with the financial and the legislative assistance that will create a bus system to adequately meet the needs of the people.

Reverend Mrs. Nicholson stated she is Vice-Chairman of the Association for Better Public Transportation, an organization of 21 or more groups and other well wishers of the city. She stated she wants to talk about fares and she is qualified to talk about fares as she rides five times, five days a week. She stated the Association is asking that inner-city college students receive the same consideration of reduced fares that high school students receive; they ask that the ten cents transfer be taken off; they ask that senior citizens fares be reduced or they be given a special pass. She stated senior citizens live on a fixed income and they ride buses often. The dime affects them also because they have to have the right change and this often creates a problem; and the dime would help towards riding another time.

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Mayor Belk stated he is in favor of reducing senior citizens' fares. That a survey is being made now, and as soon as it comes back he is sure they will see some changes.

Mr. Bill Lenfesty, 2112 Floral Avenue, stated they are the Association for Better Transportation, but they do not claim to represent all the public, but they feel they have a good number of the public behind them. They held a convention on September 23 and they had 200 people present representing some 20 odd groups. He stated they are distressed at the way this issue has been mishandled in the past couple of years. As has been pointed out, in 1971 the Wilbur Smith study was made and there were several recommendations for major and minor improvements of the bus system. Where are these improvements? The Wilbur Smith study itself was studied by the Braswell Committee and the report made this summer. As far as they can tell, those recommendations have not been acted upon. Apparently there is another study in the city now being done.

He stated two days after the formation of their convention, the City Council and the bus company held a private meeting to discuss the problem of improved mass transit; the public was not invited. If the City and the bus company want public input, this was a flat contradiction of that policy. They were not notified and they did not contribute anything to that meeting. They decided to go on to the bus company itself last week and found they could have spent their time better elsewhere.

Mr. Lenfesty stated they would like to ask the Mayor and City Council to meet with the public in a public hearing to discuss the issues of mass transit in the next two weeks. He stated they would like to know the Mayor and Council's answer, and would like to know it now.

Mayor Belk stated Council has had a meeting with the bus officials, and it was a public meeting; it was not a private meeting, the news media was there. There were no concrete results from it, but he will guarantee that the people will see some improvements in the bus system itself. That the City has some things working, but it will still have to work through the bus officials.

Mr. Lenfesty asked if the Mayor will call a meeting, or if his organization calls the meeting, will the Mayor and Council attend in the next two weeks to get this in the open. Mayor Belk replied he thinks it is in the open, and he appreciates what these people are doing on it; that he will be glad to come to a meeting if he possibly can; that he would think the members of Council will have to check their schedules also to see if they can attend.

Councilman McDuffie requested the City Manager to give a time table of the Wilbur Smith updated report. Once Council knows when that report is to be made, then they are supposed to be given some alternatives to some operations to take over or not take over, lease back, what the costs are, and supposedly that is what we are waiting for. That he does not think any meeting will solve any question we want to know. If we reduce fares for the elderly, have student discounts, have more buses, and all the things they are asking for, somebody has to say how much this will all cost, and somebody will have to say who is going to pay. Will it be a sales tax, or will it be subsidized out of the general fund? Those are the questions we are waiting to get someone to give a report on how much it will cost. That he needs a timetable from the city staff to tell him when the report will be available to say when the bus company can no longer provide the services we want, and what are the alternatives. He asked how soon some of these questions can be answered?

Mr. Burkhalter, City Manager, replied if these people would outline the various problems they have and bring them all to Council's attention, then they could be built into any plan they have. It would be better for Mr. Lenfesty to sit down and put in writing the faults he finds with the system so that Council can have that information.

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He stated a number of things that have been pointed out today that Council has been aware of and they have been discussing them with the bus company, and the bus company has agreed to do something about them. The bus company is aware of the problems of the drivers and the courtesy of drivers; they have purchased 16 new buses; they are installing a new system of washing buses. That 29 thousand people ride the buses, and they are more concerned about the buses being there, and being there on time, and not who the driver is, so that they could get to work on time. He stated they are concerned about transfers; but this is something that needs a great deal of detailed information before anything can be done on this. They have employed people now to make these surveys and to determine what can be done.

Councilman McDuffie stated when the Braswell report was made, Council was told that it could move the people off the Square for the changing point on transfers, but could not decide on building a terminal because we did not know what the Wilbur Smith report would say; and we were to wait until we received that report and would have something to make decisions on. That he thinks everyone is agreeable to moving the people off the Square to get some type of building or some location that is more desirable; also to improve the transfers and try to do something about reducing the rates. If the report that is to come out in December is going to tell us that, then that is what we are waiting for. If it is not what we are waiting for, then we can make decisions based on what we have.

Councilman Withrow stated all of this points up the fact that we need to hire a transportation man to do this sort of thing and to keep Council informed.

COMMENTS ON REASONS WHY ZONING PETITION OF THE ELIZABETH COMMUNITY ASSOCIATION IS NOT ON AGENDA FOR DECISION TODAY.

Mr. E. T. Shaffner, Chairman of the Elizabeth Community Action Association, stated they would like to know about the delay in the decision on their zoning petition. That they have followed the rules and procedures and the Planning Commission has made a recommendation after doing a real good job of going over the Elizabeth section. He asked why is there a delay in making a decision on this?

Councilman Whittington stated Council received this information on Friday, and he has no intention of voting either way on this petition until he has had an opportunity to talk with the Planning staff and the people who are affected both ways; and then have the opportunity to walk and ride over the area to see the changes as recommended. That he does not think Council would be rendering a decision worthy of the seat they represent or the people they represent to anything less. There is no delay; but this is a very controversial, and very complicated zoning request and decision by the Planning Commission.

Councilman Short stated he studied this yesterday for two and half hours; this is one of the most complicated zoning petitions he has ever seen. This involves millions of dollars in property values when you consider the overall. That he likes a lot of the effort that has been put into this, but he does not expect to just jump off right quick on the basis of the fact that someone handed him a piece of paper and said vote for it.

Mr. Shaffner stated then Council thinks it need to study this individually themselves. Mayor Belk stated he grew up in that neighborhood, and he has been over it several times and is much more acquainted than the councilmembers, and he can understand why they need more time to go over it.

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Councilman Short stated one question that comes to his mind is an apartment located on Kenmore Avenue on three lots, and this apartment is recommended for no change; it would not become a non-conforming use. There are eight other apartments there, and he is not referring to the duplexes, that are recommended for change and they will become non-conforming. What is the difference? That he has already been asking the Planning Commission this question. That he is not ignoring this petition; he is giving it the utmost attention.

Mr. Shaffner stated the whole thing is to stop deterioration, and to at least hold it where it is without further deterioration of the area. He stated he will present this information to the steering committee.

PETITION REQUESTING RELIEF FROM TRAFFIC HAZARDS AFFECTING SAFETY OF STUDENTS ATTENDING DEVONSHIRE ELEMENTARY SCHOOL FILED.

Councilman Jordan filed with the City Clerk a petition from Mr. Donald Young, Principal of Devonshire School, requesting relief from traffic hazards at Milton Road and Barrington Drive, and along Barrington Drive in the vicinity of the School. He stated he understands from Mr. Young that he has been working closely with Mr. Hoose, Traffic Engineer, and that Mr. Hoose has made some changes and is in the process of making some more. Councilman Jordan stated the petition contains several hundred names, and Mr. Young hopes that Mr. Hoose will continue to follow up on this request.

CONSIDERATION OF BUILDING RAMP AT FOURTH AND COLLEGE STREET ENTRANCE TO CIVIC CENTER FOR HANDICAPPED REQUESTED.

Councilman Alexander stated when he attended the Oktoberfest at the Civic Center he noticed there is no place for the handicapped people to move in and out. He requested that the possibility of building a ramp at the entrance on Fourth and College Streets be looked into. That he believes this is the shortest section of stairs on the entrances. He asked that consideration be given to this and see what can be done.

PLANNING COMMISSION REQUESTED TO CONSIDER A DUPLEX ZONE AS QUICKLY AS POSSIBLE.

Councilman Short stated now that we have the matter of the distribution zone handled, he suggested that Council give consideration and ask the Planning Commission to work on, as quickly as they can, a duplex zone. The principal reason he has this in mind, if Council does proceed with the Elizabeth rezoning it will create 46 non-conforming duplexes. If Council proceeds with the Druid Hills zoning, it will create 42 non-conforming duplexes. In addition this is a valuable tool in zoning and will be in keeping with an idea that he is sure all members of Council had in not having huge complexes of housing, but rather smaller units of housing.

HOUSING AUTHORITY REQUESTED TO CONSIDER THE PROBLEM OF THE PEOPLE TOO POOR FOR PUBLIC HOUSING AND ARRANGE A MEETING WITH COUNCIL TO CONSIDER THE PROBLEM.

Councilman Short stated for all the years he has been on Council there have been comments about what we would do about the many citizens who are too poor for public housing.

He asked that the Housing Authority be requested to consider this problem, and then Council arrange to meet with them to see if there is some answer.

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Councilman McDuffie suggested that someone get in touch with Congressman Martin and pursue the question of why the law was changed that put us in this predicament. Also to find out how we can get the County involved with aiding the Housing Authority, and if the County should not be involved in some contribution.

JAMES R. SHERIDAN REAPPOINTED TO COMMUNITY FACILITIES COMMITTEE.

Councilman Short moved the reappointment of Mr. James R. Sheridan to the Community Facilities Committee for a two year term. The motion was seconded by Councilman Whittington, and carried unanimously.

CITY MANAGER REQUESTED TO ISSUE INVITATION TO THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES TO MEET IN CHARLOTTE AT THE EARLIEST POSSIBLE TIME, AND DISCUSSION OF FUNDS FOR VARIOUS PROGRAMS.

Councilman Whittington stated he has given each member of Council a copy of the Legislative Package of the North Carolina League of Municipalities, and the talks by Mr. Hartman and Mr. Pritchard.

With Council's permission, he requested the City Manager to issue an invitation to the League to meet in Charlotte at the earliest possible date they can schedule the convention here. Next year they meet in Asheville, and hopefully they can meet in Charlotte the year after.

Councilman Alexander asked if there was anything in the meeting about the attempts being made, through the League's efforts, to unfreeze funding, and move ahead with various governmental programs that are tied up on further implementation for the Better Communities Act? Councilman Whittington replied it was pointed out there that the very purpose of COG in local government is to get together and get enough clout with state government to release some of these programs that are bottled up. That Mr. Pritchard said these grants are here and they are here to stay.

Mr. Burkhalter, City Manager, stated he was interested in what the Attorney General and Mr. Hartman said that in no way are the Councils of Government supposed to be another level of government imposed upon the local government. Second, it is a source and way that localities can gather and express the will of a region rather than of an individual.

Councilman Whittington stated Mr. Pritchard said the special grants, revenue sharing, general revenue sharing and special revenue sharing will all continue.

Councilman Alexander stated since COG is here to stay and the federal government recognizes COG now as a new force on state level, he feels it should become a strong leveler for use in letting the administration know how local communities feel and how they are hamstrung by the constraints that come from all the fundings being held up, and the implementation of these various programs under these various acts so you can expand opportunities in local communities out of the grants that are existing.

Councilman Whittington stated one of the things brought out was we have to remember the picture in Washington, and we cannot get the answers up there now.

Mr. Burkhalter stated any county or region of councils that has one representative representing 250,000 in Charlotte does not have any kind of clout so you might just as well forget that. That they will pay a lot more attention to this city coming up there. Councilman McDuffie stated what he is saying is that we do not have our weight in regional council voting, and they cannot speak for us.

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Later in the meeting, Councilman Short stated the fact that we do not have one man-one vote in the COG has never harmed Charlotte in any way up to now. Even if it has or ever does, COGs are creatures of the local government and we can set it up any way in the world we want to. We are the enabling body, and whatever we do will be satisfactory with the state and the feds. Cities and counties are created by the state, but the enabling body for regional agencies is local government; they are creatures of cities and counties, and it can be set up any way we want it set up.

COMMENTS ON PEOPLE WHO APPEARED BEFORE COUNCIL ON TRANSPORTATION PROBLEM AND ELIZABETH COMMUNITY ZONING PETITION, AND CONSTANT WORK BEING DONE AT MCDOWELL AND MOREHEAD STREETS.

Councilman Whittington stated these people who were up here this afternoon about the transportation system are sincere; but at the same time all Council can do is react to what they said. That he thinks the wise thing for Council to do is to wait until we get this information from Wilbur Smith and until Mr. Burkhalter makes a recommendation for the coordinator and for these programs the city is implementing and the bus company is implementing, then we will have something we can tell citizens who want to know what we are doing about bus service.

He stated in fairness to Mrs. Speidel and Mr. Lenfesty, everything they asked Council to do today was either reduced fares or let them ride free. He stated the other question is who is going to pay the bus company. Is this going to be out of tax revenues? Supplementing and buying are two different things.

Councilman Whittington stated we need to get all these facts as soon as we can and then make some decision on what is best to do.

Councilman Whittington stated he is sorry that he had to speak to Mr. Shaffner as he did about the zoning, but for Council to take action to deny or approve what the Planning Commission recommends, and what he saw this morning for the first time is premature. He stated all Council is doing is reacting and we need programs of positive action so everyone will know where we are going.

Councilman Whittington stated to give an example of how people get distressed and upset, the intersection of McDowell and Morehead has been torn up the year 1973. The beautiful McDowell Street was widened and then came the TOPICS Program and six weeks ago they started that. Then they got the curb in, and they came back last week and dug two holes right in the middle of the street at that intersection. Today they have six trucks down toward Kenilworth in the middle of the street trying to cut off a valve. This is not any type of coordination or cooperation with merchants or traffic.

SUGGESTION THAT DUMPSTERS BE PLACED ON DONALD ROSS ROAD AND OTHER PLACES WHERE TRASH IS BEING PUT OUT.

Councilman Withrow stated on Donald Ross Road there seems to be another landfill, and the people out there are very concerned. The city had a bulldozer out there and pushed the stuff off one day. He stated we need some dumpsters in locations like this, even with a fence around it where people can come and put this trash in. This should not only be done on Donald Ross Road, but there are a lot of other locations where dumpsters could be placed with a fence around it. That the county could do the same thing.

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CITY MANAGER REQUESTED TO CONTACT JUNIOR WOMAN'S CLUB ABOUT PROGRAMS FOR EMERGENCY NUMBER AND TIP PROGRAM.

Councilman Withrow stated he spoke to the Junior Woman's Club the other day about the Emergency Number 911, and the TIP Program to turn in pushers. They are very much interested in this, and he requested the City Manager to contact these ladies about these programs.

STATUS REPORT ON PLAZA ROAD IMPROVEMENTS REQUESTED.

Councilman McDuffie requested the City Manager to give him a status report on exactly where we stand on Plaza Road? Mayor Belk replied it was voted on in the bond package and it is in there just like the people voted on it. Councilman McDuffie requested the Manager to give Council a report on exactly where we stand on this.

REQUEST THAT ENTRANCE TO NEW APARTMENTS ON SHAMROCK DRIVE AND ENTRANCE TO METHODIST HOME BE CHECKED AND SOME CHANGES BE MADE.

Mayor Belk requested the City Manager to have someone check the entrance to the new apartments on Shamrock Drive, and the entrance coming out from the Methodist Home Nursing Home, and see about changing it and have a traffic signal.

REPORT THAT LEAVES WILL BE PICKED UP AT THE CURB EVERY DAY DURING THE LEAF PICKUP SEASON.

Councilwoman Easterling asked the schedule for leaf pickups? Mr. Burkhalter, City Manager, replied the leaves will be collected at the curb every day; the best way to get the leaves picked up is to put them in plastic bags, and they will be picked up on Wednesday.

COUNCILMAN SHORT COMMENTS THAT MRS. SPEIDEL'S STATEMENT THAT STICKING WITH THE PRESENT SYSTEM SIMPLY MAKES IT DIFFICULT TO IMPROVE IN THE FUTURE, VERY CONSTRUCTIVE.


Councilman Short stated in talking about transportation earlier, Mrs. Speidel stated something that was constructive, and that was sticking with the present structure of public transit simply makes it difficult for us to improve in the future. As far as he is concerned, this within itself is a sufficient reason why we should proceed with something considerably different from what we have.

COUNCIL ADVISED THERE WILL BE NO MEETING ON OCTOBER 22.

The City Manager advised Council will not meet next Monday on October 22.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk