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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, September 17, 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 Boyce, Ervin, Finley, Jolly, Kratt, Royal and Turner present.

ABSENT: Commissioners Drummond and Ross.

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INVOCATION.

The invocation was given by Reverend Paul Horne.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on September 10, 1973, were approved as submitted.

WEEK OF SEPTEMBER 23 THROUGH SEPTEMBER 29 PROCLAIMED AS CONSUMER BUSINESS ARBITRATION WEEK.

Mayor Belk welcomed Mr. Ted Law of the Better Business Bureau and Members of the Board to the meeting, and thanked the Bureau for what it has done in making Charlotte a better place for all to live.

He presented the Piedmont Better Business Bureau with a proclamation declaring the week of September 23 through 29 as Consumer Business Arbitration Week.

HEARING ON PETITION NO. 72-39 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.

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

Mr. Fred Bryant, Assistant Planning Director, stated the property is a little more than four and half acres of land located on the southwest side of Milton Road, southeast of The Plaza. He stated for the most part the property is vacant with one single family residence located on one portion. There are a number of apartments located across Milton Road; and Cochran Junior High School entrance is just opposite the corner of the property. Near Barrington Drive is the Devonshire Elementary School. To the south of the property along Ruth Drive, the predominate use is single family. There is some vacant property in this area with some scattered single family housing on it. To the northwest along Joyce Drive is a combination of several businesses; down Joyce Drive is single family residences, a small apartment development and then it goes back into single family development. Up Milton Road to The Plaza is a large area of business activities. Then going out Milton Road is a solid pattern of single family usage.

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Mr. Bryant stated there is single family zoning to the south, multi-family zoning across Milton Road at Perth Court and some multi-family zoning adjoining it to the rear; then begins the B-1 district to accommodate the business activities. The property has residential zoning surrounding it on all but one very small point, and that adjoins business zoning.

Councilman Short asked if this is about the last of the undeveloped land in the area, and Mr. Bryant replied no; there is a duplex at the corner of Joyce Drive and Milton Road that is zoned and not used; there is some additional depth that is zoned and not used; there is a small area on Milton Road that is zoned and not used and as you go up The Plaza there is considerable business zoning, most of which is still vacant. Councilman Whittington asked what is next to the subject property going back towards The Plaza? Mr. Bryant replied a Kentucky Fried Chicken Restaurant; that the request for rezoning extends from the Kentucky Fried Chicken Restaurant all the way down to the little creek.

Councilman Alexander stated with the existing property around it, the chances for residential use for this last piece of property facing Milton Road is more or less minor. Mr. Bryant replied that is a matter of opinion and he thinks it would be very difficult for single family usage, but he would not rule out multi-family apartments.

Mr. Bryant stated a good part of the vacant adjoining land is flood plain. Some years ago this was the subject of a rezoning request, and one of the real concerns at that time was the amount of flood plain, and the low lying aspect of the property.

Mr. John A. McRae, Jr., Attorney for the petitioners, stated Mrs. Mary Currie and her daughter, Sara Lee, own the lot next to the Kentucky Fried Chicken Restuarant on Milton Road, and their lot is odd shaped and has a 95 foot frontage, and that is the reason for the joint petition with Ed Griffin Development Company. That Mr. Mike Gallagher has a local franchise and he wants to build a Shakey's Pizza Parlor on the property; that they have not signed a contract with Mr. Gallagher at this time; but everything has been done with the exception of the signing of the contract, to put a supermarket in with this plan. That Ed Griffin was asked to come in on the petition because 250 feet more frontage was needed. That instead of going to the natural boundary, they went to the creek; that Mr. Griffin owns the property all the way to the road on the other side of the creek.

Mr. McRae stated they are not thinking in terms of a big supermarket such as found in a regional shopping center; but it will be on a smaller scale. That the people now have to go all the way back to Eastway which is approximately one and half miles; there are about 25,000 people within a three mile area of the site they are requesting rezoned.

Mr. Daniel Warnicke, 5915 Ruth Drive, spoke in opposition to the rezoning. He stated his property as well as that of Mr. and Mrs. Julian Mason and Mr. and Mrs. Thomas O'Barr back up to the property involved, and the three families referred to represent more than 1/5 of the owners and properties involved in the rezoning request. They and others in the neighborhood asked that the petition be denied which would further involve the character of their neighborhood.

He stated their first objection is on the basis of strip zoning. From previous statements by the planners they have understood the most desirable of shopping conveniences are to be found by locating stores and businesses in one large tract of appropriately zoned area. That such a tract is located and operable in the form of the Hampshire Hills Shopping Center. In addition, adequate B-1 zoning is found on both sides of the Plaza extension and both sides of Milton Road in the immediate area of the intersection of these two roads. Approval of this petition will extend the strip of B-1 zoning south on Milton Road, which presently backs up to single family zoned land. The second concern is the increase in traffic. Close to 2,000 children are in the area every day going to and from Cochran Junior High and Devonshire Elementary School. A third question is the need. Within 300 to 400 yards of

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the property in question there are five grocery stores, plus a giant supermarket which is due to open in the Hampshire Hills Shopping Center, plus 25 other assorted businesses. Another concern is the topographical effect that clearing and paving of the property in question will have. Already the construction of the Pinecrest Apartments is backing up to single family property in Shannon Park and has created a water run off problem that completely submerges portions of the back yards. Further clearing and paving could only aggravate a condition that has already affected their use of their own property.

Mr. Warnicke stated they feel that a buffer area should exist between business zoned and single family zoned land. They suggest the land in question might be considered for duplex use rather than business; realizing that multi-family zoning is presently required for duplexes, they urge the Planning Commission to adopt a separate zoning district for duplexes only. In many situations duplexes do compliment the area while apartment complexes do not.

He stated they also request that zoning notice signs, such as those now adopted by the County, be used in the city to more completely inform neighborhoods of impending change. He stated it is time to stop unrestricted, unplanned and unconscious growth.

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

CITY MANAGER REQUESTED TO INVESTIGATE AND REPORT BACK TO COUNCIL ON REQUEST TO CHANGE ZONING PETITION SIGNS.

Councilman Withrow asked if the city and county zoning signs are not the same? Mr. Bryant, Assistant Planning Director, replied no. The county recently became a little concerned about their signing program and they prepared and adopted some new and much larger, and more highly visible type signs for zoning purposes. They have green backgrounds with a large orange "Z" on them. He stated these are expensive signs; much more expensive to prepare. Second, they are difficult to install. They found that where the Planning staff had been responsible for installing zoning signs in the past, these new signs were so large and heavy they could not handle them, so the County assigned this responsibility to the County Public Works Department. He stated there are some things that need to be investigated and decided upon in order for the city to go into a new and different sign. Councilman Withrow stated perhaps the city could use the same colors to make it more visible. Mr. Bryant replied the colors are the key to the visibility plus the size of it. Also, they are working out a system whereby they are installing in most instances more than one sign. If it happens to be a situation where B type signs would be more visible, or putting a sign on each side, or in some cases back to back, this has helped also. He stated it is a highly effective program, but it is one that requires a good deal more effort to carry out.

After further discussion, Councilman Withrow moved that the City Manager work out the colors and the cost of using these signs, and report back to Council. The motion was seconded by Councilman Jordan, and carried unanimously.

HEARING ON PETITION NO. 73-38 BY FARINGTON PROPERTIES TO CONSIDER A CHANGE IN THE TEXT OF THE ZONING ORDINANCE WHICH WOULD ALLOW INCIDENTAL RETAIL SALES OF FOOD AND BEVERAGES IN A RECREATIONAL OR SOCIAL FACILITY IN A RESIDENTIAL GROUP OR APARTMENT PROJECT CONTAINING AT LEAST 50 DWELLING UNITS.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a request to consider amending the text of the zoning ordinance to allow certain things that are now being allowed. Some few months ago there was considerable publicity about the fact that certain apartment groups were operating social clubs, including the sale of alcoholic beverages in the form of beer, with legitimate ABC licensing being involved. Due to the present wording of the ordinance, the Zoning

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Inspection Department sent notices to these apartment developments stating this was in violation of the zoning ordinance. He stated this was appealed through the Zoning Board of Adjustment for interpretation of the ordinance as to whether or not this was the correct interpretation, and the Board agreed that it was. As a result, all these operations in the City in apartment complexes carrying on the sale of beer, were forced to stop. Since then, there has been considerable discussion back and forth as to some things that could happen and ways this could be carried out short of changing the ordinance. None of these worked out and so Council has a request that has been filed by Farington Properties who own the Barcelona Apartments on Sharon Amity to consider a text amendment.

Mr. Bryant stated the proposed text change is as follows:

"Incidental retail sales of food and beverages for consumption on the premises, which sales are restricted to and conducted solely for the convenience of residents and their accompanying guests and which are incidental or accessory to the maintenance of a recreational or social facility restricted and limited to residents and their accompanying guests in residential group developments of apartment projects containing fifty or more dwelling units. The building containing the facility in which such sales are conducted shall be no less than fifty feet from any exterior property line of the development or project or from any publicly maintained street, sidewalk, or roadway. No outside advertising sign shall be displayed with the exception of one identification sign containing a maximum of six square feet mounted flat against the building announcing only the name of the facility and the general character of the facility's primary activity."

Mr. Bryant stated this does not mention the sale of beer, but instead relates it to the retail sale of food and beverages, which could include a number of other items as well. This would be intended to be primarily for the use of residents and their accompanying guests, and it would have to be in an apartment project involving at least 50 dwelling units. He stated this is the proposal as submitted by the petitioner.

As he understands this, most want to operate this on a continuing day to day basis. In other words, have it available for their tenants on a day to day basis and not necessarily be limited to an occasional party.

Mr. Charles Wood, Attorney for the petitioners, stated the Barcelona Apartments contain 216 units; now under construction is an additional number of 176 units for a total of 392 units within the development. In the planning and development of this complex, they have tried to provide as wide a range of social and recreational facilities as is practical and economically feasible for the residents. This includes two swimming pools, tennis courts and a recreational area for teenagers exclusively. Also included is a Social Club designed and operated for the purpose of providing a place where the residents of Barcelona and their invited guests can gather for parties and informal get togethers. The club includes card tables, pool tables, dance floor and a lounge area with a bar.

He stated the petitioners applied for and obtained a beer and wine license from the State ABC Board and they are operating the club selling food and beverages. They were informed this activity was in violation of the zoning law and they ceased the activity and petitioned the Board of Adjustment which sustained the Zoning Inspection's interpretation. He stated they have determined the best means would be a proposed text change which would allow the retail sale, under restricted circumstances, within these social clubs. He stated they do not want to open the door to general retail sales within this particular area which is zoned R-6MF.

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Mr. Wood stated the sales have to be incidental or accessory to the maintenance of a social or recreational facility. The primary purpose of the facility cannot be retail sales; it has to be providing recreational facilities or a social club for the benefit of the residents. The food and beverages to be sold have to be consumed on the premises; they cannot be removed from the premises. The sales can only be made to residents and their accompanying guests. The proposed text also requires that the facility must be a part of a residential or apartment project containing at least 50 units.

He stated they have also included a restriction which would limit the nuisance or access of this facility to the general public; they have required the facility cannot be located closer than 50 feet to any exterior property line or any public maintained street, sidewalk or roadway. In addition, they have required that no outside advertising be displayed to be noticed by the general public except one sign containing no more than six square feet planted flat against the building, indicating only the name of the facility and the general activity of the facility. With these restrictions, they feel they can prevent this being turned into a license to change the nature of a residential neighborhood. At the same time, it would give the residents of the community a right to maintain a social club for their own use and benefit.

Councilman Withrow asked if this should not be cleared through the Home Builders Association; or if they have been notified? Mr. Woods replied they have not, they have been waiting a determination from the Council before going into this. Commissioner Jolly asked if they were selling this on a day to day basis or if it was for parties or special events? Mr. Wood replied it was operated on a day to day basis, usually from 7 p.m. to 11 p.m.

Councilman Alexander asked how an ABC license can be issued to conduct a business such as this when the operation is against the zoning regulations; he asked if they do not follow these regulations? Mr. Underhill, City Attorney, replied it is a question of coordination between the two governmental agencies. Now the local ABC Board and the State ABC Board have established a policy of checking the zoning before issuing such a permit. Mr. Bryant stated it is a matter of record that for years, the ABC Board had been checking with local agencies before they would issue a permit. Then for some reason, for a time period, they stopped and it was during this time period that these permits were issued. It is his understanding this has now been reinstated by the State Board as a practice prior to the issuance of permits that they are now checking with the local Building Inspection Departments and Zoning Authorities to be sure they are in agreement.

Councilman Short asked if apartment units are permitted a coin-catering operation? Mr. Long of the Zoning Department advised this is permitted. Councilman Short asked if they could put a coin-operated beer dispensing machine in these apartments now regardless of the zoning? Mr. Bryant replied he does not know what the ABC regulations are, but as far as zoning is concerned vending machines are allowed within an enclosed building for the convenience of the occupants of the building; it could not be outdoors.

Councilman McDuffie stated he does not think a beer dispensing machine would be legal as you could not control it; somewhat like cigarettes are not controlled and should not be sold to minors. Having a machine without supervision surely would be improper.

Councilman Short asked if we are now in a situation where you can do this by vending machine, but should not do it across the counter? Mr. Bryant replied not in this instance as the zoning ordinance permits vending machines within a building for the benefit of the people within that building. In this instance you have a building that does not have people living in it. Councilman Short asked if a vending machine would be allowed in this social building? Mr. Long replied they have permitted vending machines in these projects. Councilman Short stated then if someone had a beer vending machine, the machine would be permitted. Mr. Long replied yes, but it is a violation of the State ABC law.

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Councilman Withrow stated multi-family zoning has been allowed in a lot of residential areas, and he thinks the Home Builders Association should have been notified of this hearing and citizens where the apartment complexes are located should be aware of this. This is not a petition to allow it in this one apartment complex, but to allow it in all of them.

Councilman McDuffie asked if this in effect would not allow them to have a small country club without having to go through the prior approval of the Planning Commission and Council for a PUD classification.

Councilman Alexander stated if such a change is approved, and using Double Oaks Apartments as an example, and a community building was built on the Double Oaks Apartments reservation, would this permit the sale of beer? Mr. Bryant replied it would permit the sale of any beverage in a social club as an accessory to the apartment regulations.

No opposition was expressed to the proposed change.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:00 o'clock p.m., and reconvened the meeting at 3:10 o'clock p.m.

MAYOR BELK AUTHORIZED TO APPLY FOR MANPOWER PROGRAM.

Mayor Belk stated at its meeting this morning, the Board of County Commissioners authorized the Mayor and City Council to apply for the Manpower Program. He stated this has been worked on since April; that it is complicated and they have been trying to get all the federal agencies, with all the various manpower program together, and it will work out a lot better from this angle. He stated he feels the City and County should work on this together and not have a separate operation, although they have to apply separately. That he suggested the same appointments be kept with half by the City and half by the County.

Mayor Belk stated there is a Bill before Congress now that will make this exactly the way the City asked the County Commission to vote, and the County has agreed.

He requested the City Manager to write each of the County Commissioners and thank them on behalf of the City Council for taking this action. The important thing is getting the job done for the people in the community.

Mr. Burkhalter, City Manager, stated about a year and half ago, the re-organization of the Manpower Planning Council for this county was done on a joint basis with the City and County and an administrative board. Since the inauguration of the Labor Act, which gives grants to the Mayor for staff purposes, the Mayor has given this grant to this Board. The new directives coming from the Labor Department requires, in order to continue the program, that there should be a prime sponsor - that is one sponsor. But under certain provisions of the Act, the City cannot do this for the County unless the County asks the City to do it. Under certain provisions the County could operate separately within the county. But everyone involved has felt it would be ridiculous to operate two manpower training programs, and both parties felt it should be one. The Mayor has been working with the Chairman of the County Commission, to make this a unified program. This morning, in order to meet the requirements of the Department of Labor, the County requested the City to do the County's part so that the City can be the prime sponsor.

Councilman Alexander stated this is a great step forward, and he moved that the Mayor apply for the Manpower Program so when they get their situation established we will not lose any time, and we can move right ahead. The motion was seconded by Councilwoman Easterling, and carried unanimously.

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CLARIFICATION OF MOTION ADOPTING THE 1973-74 BUDGET AND THAT THE CAPITAL IMPROVEMENT BUDGET FOR 1973-78 HAS NOT BEEN ADOPTED.

Mr. Burkhalter, City Manager, stated at the time of the adoption of the City Budget on June 18, 1973, Councilman Short made the following motion:

"Councilman Short moved that Council approve the recommended budget, set the tax rate of \$1.69 for 1973-74, and ask the staff to prepare the necessary formal ordinances for Council approval at the July 2 meeting. That as a part of his motion, there is the provision that the 1972-73 five year Capital Improvements Program remain unchanged; that is, to those years subsequent to 73-74 until Council considers the program following the presentation of the new thoroughfare plan. Councilman Withrow seconded the motion."

Mr. Burkhalter stated Council made it very clear to him and all the Staff they were not adopting a new capital improvements program; but as things do happen and it happened in this case, since the printing is done by someone else, and the formal procedure for the last ten years has been to change the dates, the flyleaves were misprinted and said Council had adopted it. He stated he understands this has been some embarrassment to some of the Council members and they have called and asked him about them. Mr. Burkhalter stated the flyleaf is wrong, and they have been reprinted, and it does not include the approval.

ORDINANCE NO. 937-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON MONROE ROAD AND LANTANA AVENUE, AS PETITIONED BY EDWARD C. GRIFFIN AND OTHERS.

Motion was made by Councilman Jordan, and seconded by Councilman Alexander to adopt the subject ordinance amending the zoning map by changing the zoning of property on Monroe Road and Lantana Avenue, as recommended by the Planning Commission that the property on the north side of Monroe Road be changed to R-15MF except that an area on the north side of Lantana Avenue encompassing the lake be deleted and remain single family zoned, and that two lots at the westerly end of the request, on the south side of Lantana Avenue, also be maintained as single family zoned areas and that the 0-6 portion be approved.

Councilman McDuffie stated the people in the area are concerned about the entrances. Based on the fact there are to be exits on Monroe Road, and that part of the property is deleted from the rezoning, this seems to be the best possible use for this land where a lake has been, with the reservation only, that we need to revamp the zoning classifications to more nearly coincide with R-20MF where site plans are approved. That this is the best we can do with this piece of land and under these circumstances, and he hopes the people on Lantana Avenue will understand this.

The motion was taken and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 268.

PETITION NO. 73-32 BY HENRY E. DAVIS FOR CHANGE IN ZONING OF A PARCEL OF LAND AT THE NORTHWEST CORNER OF LAKEWOOD AVENUE AND KALYNNE STREET, POSTPONED.

Councilman Whittington moved that decision on the subject petition be postponed as he has not had an opportunity to look at the property. The motion was seconded by Councilman McDuffie and carried unanimously.

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ORDINANCE NO. 938-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY NORTH OF MONROE ROAD ON PETITION OF LOUIS G. GOOD.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning from O-6 to B-2 of a parcel of land beginning 200 feet north of Monroe Road and being the rear of 4225 Monroe Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 20, at Page 269.

ORDINANCE NO. 939-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND ON THE NORTHWEST SIDE OF LOMBARDY CIRCLE, BEGINNING NORTHEAST OF EAST BOULEVARD.

Motion was made by Councilman Whittington, seconded by Councilwoman Easterling, and unanimously carried, adopting the subject ordinance changing the zoning from O-6 to B-1 of a parcel of land 100' x 150' on the northwest side of Lombardy Circle, beginning 150' northeast of East Boulevard, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 20, at Page 270.

ORDINANCE NO. 940-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF COLONIAL AVENUE, EXTENDING FROM CASWELL ROAD TO NEAR PROVIDENCE ROAD.

Councilman Short stated these petitioners have put together a block of land which was about 60 percent office zoned already, and they paid essentially O-6 prices for the land. That it was not an effort to buy land that was zoned in a less expensive way and rezone it more expensively. This was the block they were able to put together regardless of the zoning. They made several efforts over a period of time to put together some land. The Planning Commission referred to the fact that there is other office zoned land nearby, but he does not believe that is much of a point when this other land is fragmented residential lots which cannot be put together. He stated he feels this development will not be harmful to this neighborhood, in fact, it would be a little shortsited on our part to not provide facilities for doctors when we are greatly expanding the hospitals nearby. For safety, he thinks the zoning of this land should be O-15 rather than O-6. The intersection of Colonial and Providence is going to be another one of those crowded difficult intersections as this is the main entrance into Mercy Hospital, and there will be hundreds of people there making turns. That he thinks it is in the public interest to make mandatory the maximum advantage the Traffic Engineering Department can for traffic flow.

Councilman Short moved that this land in this petition be zoned O-15. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 271.

ORDINANCE NO. 941-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY IN THE NORTH CHARLOTTE AREA INCLUDING PORTIONS OF HERRIN AVENUE, ESSEX STREET, SWEETBRIAR STREET, SPENCER STREET, OAKWOOD AVENUE AND HOLT AVENUE, AS PETITIONED BY THE NORTH CHARLOTTE ACTION ASSOCIATION.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning of property in the North Charlotte Area from R-6MF to R-6 except for frontage on the east side of Academy Street and on both sides of Anderson Street extending one-half block south of Spencer Street, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 20, at Page 272.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS FOR ZONING CHANGES ON OCTOBER 15, 1973.

Councilman Withrow moved adoption of the subject resolution providing for public hearings for zoning changes on Monday, the 15th day of October, 1973, on petitions numbered 73-40 through 73-43. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 308.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE EXPANDING THE MEMBERSHIP OF THE AIRPORT ADVISORY COMMITTEE FROM FIVE TO SIX MEMBERS.

Upon motion of Councilman Short, seconded by Councilman Whittington and unanimously carried, the subject resolution was adopted expanding the membership of the Airport Advisory Committee from five to six members.

Councilman McDuffie stated he hopes Council will keep in mind that other Boards and Commissions need expanding, and they can use the same terminology and phrases on citizen representation.

The resolution is recorded in full in Resolutions Book 9, at Page 309.

NOMINATION OF RODDEY DOWD TO AIRPORT ADVISORY COMMITTEE FOR THREE YEAR TERM.

Councilman Short placed in nomination the name of Mr. Roddey Dowd to the Airport Advisory Committee for a three year term.

Mayor Belk stated the nomination will remain on the table until the next meeting.

CONTRACT AMENDMENT BETWEEN MODEL CITIES DEPARTMENT AND LEGAL AID SOCIETY OF MECKLENBURG COUNTY, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the subject contract amendment between the City of Charlotte-Model Cities Department and Legal Aid Society of Mecklenburg County for the operation of Legal Aid, increasing the contract price from \$26,326.00 to \$26,936.04, to cover additional expenditures incurred since the last amendment and to close out the project account.

SUPPLEMENTAL AGREEMENT WITH WALKER & WHITESIDES, INC. FOR WORK AT DOUGLAS AIRPORT, APPROVED.

Councilman Whittington moved approval of a Supplemental Agreement with Walker & Whitesides, Inc., in the amount of \$2,614.44, covering the adjustment of certain ramp flood light poles which were installed under contract dated June 29, 1972, at Douglas Airport. The motion was seconded by Councilman McDuffie, and carried unanimously.

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

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing refund of certain taxes, in the total amount of \$42.50, which were levied and collected through illegal levy against one tax account.

The resolution is recorded in full in Resolutions Book 9, at Page 310.

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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.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the following four (4) ordinances ordering the removal of weeds and grass:

- (a) Ord. No. 942-X ordering removal of weeds and grass at 329 Lander Street.
- (b) Ord. No. 943-X ordering removal of weeds and grass adjacent to 1905 Beatties Ford Road.
- (c) Ord. No. 944-X ordering removal of weeds and grass adjacent to 1404 Beatties Ford Road.
- (d) Ord. No. 945-X ordering removal of weeds and grass at corner of Oaklawn Avenue and Mulberry Street.

The ordinances are recorded in full in Ordinance Book 20, beginning at Page 273.

ORDINANCE NO. 946-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 701 LOUISE AVENUE (REAR) PURSUANT TO ARTICLE 13-1.3 OF THE CODE OF CHARLOTTE AND CHAPTER 160A-303 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved adoption of the subject ordinance ordering the removal of an abandoned motor vehicle located at 701 Louise Avenue (rear) pursuant to Article 13-1.2 of the Code of Charlotte and Chapter 160A-303 of the General Statutes of North Carolina. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 277.

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

Council was advised that all property owners had indicated the subject orders would not be contested.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following ordinances were adopted affecting housing declared "unfit" for human habitation, under the provisions of the City's Housing Code:

- (a) Ord. No. 947-X ordering dwelling at 1008-10 North Church Street to be vacated and closed.
- (b) Ord. No. 948-X ordering dwelling at 711 East 13th Street to be vacated and demolished.
- (c) Ord. No. 949-X ordering dwelling at 1708-10 North Davidson Street to be vacated and demolished.
- (d) Ord. No. 950-X ordering dwelling at 209 Lancaster Street to be vacated and demolished.
- (e) Ord. No. 951-X ordering dwelling at 205 Lancaster Street to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 20, beginning on Page 278.

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CONTRACTS FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION, APPROVED.

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

- (a) Contract with Chips Realty Company for construction of approximately 980 feet of 8" C.I. water main and two (2) fire hydrants to serve the Airport Industrial Center, outside the city, at an estimated cost of \$6,200.00. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (b) Contract with The Ervin Company for construction of approximately 5,985 linear feet of 10" and 8" sewer trunk and mains to serve the Meadowbrook Subdivision, outside the city, at an estimated cost of \$60,000.00. The applicant is to construct entire system at their own expense with no cost to the city. The City will own, maintain and receive all revenue from the entire system.
- (c) Contract with The Ervin Company for construction of approximately 6,125 linear feet of 12" and 8" sewer trunk and main to serve Innisfree Subdivision on Carmel Road Extension, outside the city, at an estimated cost of \$61,000.00. The applicant is to construct the entire system at their expense with no cost to the city. The City will own, maintain and receive all revenue from the entire system.

LEASE EXTENSION FOR SUITE 201 IN EXECUTIVE BUILDING, APPROVED.

Councilman Whittington moved approval of a lease extension for Suite 201 in the Executive Building for the City Accounting Department for a nine months period at a rate of \$765.93 monthly, which motion was seconded by Councilwoman Easterling, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 486.22' of easement at 7408 Linda Lake Drive, from Carson-Cromartie-Davis, Inc., at \$490.00, for Hickory Grove Area Trunks.
- (b) Acquisition of 15' x 640.54' of easement at 7717 Lisa Circle, from Carson-Cromartie-Davis, Inc., at \$640.00, for Hickory Grove Area Trunks.
- (c) Acquisition of 15' x 73.91' of easement at 6410-12 Grove Park Boulevard, from Eunice C. Cooke (widow), at \$210.00, for Hickory Grove Area Trunks.
- (d) Acquisition of 15' x 26.28' of easement at 7023 Lakeside Drive, from Lloyd E. Greene and wife, Margaret H., at \$30.00, for Hickory Grove Area Trunks.
- (e) Acquisition of 15' x 153.20' of easement at 6728 Lakeside Drive, from James A. Parrish and wife, Sarah K. Parrish, at \$700.00, for Hickory Grove Area Trunks.
- (f) Acquisition of 15' x 27.19' of easement at 6727 Lakeside Drive, from R. Michael Hinshaw and wife, Floreen W., at \$30.00, for Hickory Grove Area Trunks.
- (g) Acquisition of 15' x 101.02' of easement at 6734 Lakeside Drive, from Mildred G. McCuller and husband, Cecil L., at \$100.00, for Hickory Grove Area Trunks.
- (h) Acquisition of 5' x 170.80' x 12.15' x 174' of easement at 6412 Lake Drive, from Mrs. Eunice Borders (widow), at \$225.00, for Hickory Grove Area Trunks.

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RESOLUTION AMENDING A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO COSTULA K. KOKENES, LOCATED ON TERMINAL ROAD AT BROWHILL CIRCLE, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE LAND ACQUISITION PROGRAM FOR THE AIRPORT.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution amending a resolution authorizing condemnation proceedings for the acquisition of property belonging to Costula K. Kokenes, located on Terminal Road at Browhill Circle, in Berryhill Township, in connection with the Land Acquisition Program for the Airport.

The resolution is recorded in full in Resolutions Book 9, at Page 311.

APPROVAL OF AMENDED CONDEMNATION OF PROPERTY AND THREE OUTDOOR ADVERTISING SIGNS FROM COSTULA K. KOKENES AMENDED TO INCLUDE SCHLOSS OUTDOOR ADVERTISING AND NATIONAL ADVERTISING COMPANY.

Councilman Whittington moved approval of Amended Condemnation of 29' x 377' x 344' x 149' x 277' of property and three (3) outdoor advertising signs, from Costula K. Kokenes, widow, amended to include Schloss Outdoor Advertising and National Advertising Company, subsidiary of 3M Company, at Terminal Road and Browhill Circle, in the amount of \$5,300.00, for the Master Plan - Land Acquisition at Douglas Municipal Airport. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO RALPH ALBERT SUTTLE AND WIFE, BEATRICE M. SUTTLE AND LESSEE, RALPH HERBERT SUTTLE, SR., LOCATED AT 7800 WILKINSON BOULEVARD, IN MECKLENBURG COUNTY, IN CONNECTION WITH A WATER MAIN TO SERVE S. R. 1662 AND U. S. 74.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Ralph Albert Suttle and wife, Beatrice M. Suttle and Lessee, Ralph Herbert Suttle, Sr., located at 7800 Wilkinson Boulevard, in Mecklenburg County, in connection with a water main to serve S.R. 1662 and U. S. 74.

The resolution is recorded in full in Resolutions Book 9, at Page 312.

APPOINTMENTS TO THE BUILDING STANDARDS BOARD.

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

- (1) Mr. H. C. Champion for a three year term.
- (2) Mr. R. P. Cochrane for a two year term to fill unexpired term of John Ross.
- (3) Reappointment of Mr. Jack T. Gray for a three year term.
- (4) Reappointment of Mr. H. F. Porter for a three year term.

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MAYOR AUTHORIZED TO ENTER INTO A CONTRACT AGREEMENT WITH THE DEPARTMENT OF LABOR TO OPERATE THE NEIGHBORHOOD YOUTH CORPS.

Councilman Whittington moved that the Mayor be authorized to enter into a contract agreement with the Department of Labor, in the amount of \$65,000 to operate the Neighborhood Youth Corps, which motion was seconded by Councilman Short, and unanimously carried.

SPECIAL OFFICER PERMIT AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, a special officer permit was approved for a period of one year to Carl B. Miller for use on the premises of SouthPark Shopping Center.

CONTRACT AWARDED GRAYBAR ELECTRIC COMPANY, INC. FOR TRAFFIC CONTROL CABLE.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Graybar Electric Company, Inc., in the amount of \$8,084.20, on a unit price basis, for traffic control cable to provide electric service from signal controllers to signal lights.

The following bids were received:

Graybar Electric Co., Inc.	\$8,084.20
Delco Wire & Cable, Inc.	8,273.92
Mill-Power Supply Company	9,951.49
Westinghouse Electric Supply Company	10,323.12
Clifford of Vermont, Inc.	11,226.00

CONTRACT AWARDED PIEDMONT GRADING COMPANY FOR DEMOLITION OF STRUCTURE AT 300 WEST THIRD STREET.

Councilman Withrow moved award of contract to the low bidder, Piedmont Grading Company, in the amount of \$13,995.00, on a lump sum basis, for demolition of structure at 300 West Third Street, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Piedmont Grading Company	\$13,995.00
D. H. Griffin Wrecking Company	19,280.00
Rike Wrecking Company	22,000.00

COMMENTS REGARDING THE 1972-77 CAPITAL IMPROVEMENT BUDGET.

Mrs. R. W. Burns stated representatives of the Charlotte Neighborhood Council met with Mr. Short and Mr. Whittington on September 11 to discuss the adoption of the 1973-78 Capital Improvement Plan. She stated they learned there has been a mistake made. That Sharon Road and Radcliffe Avenue were no longer in the proposed plan, but the remainder of the street and road projects still remain there. Some had been moved up a year or two from the 72-77 Plan. They also learned the 73-78 Plan was invalid, and it was misleading to the public. Therefore, the Citizens want a public explanation and clarification of this plan. They want it clarified as to the meaning of Mr. Short's motion at the June 18th Council Meeting. It is their understanding, based on their meeting with Mr. Short and Mr. Whittington, there is no 73-78 plan. The 72-77 plan is the adopted plan you are following until the restudy plan is completed. Sharon Road and Radcliffe Avenue, therefore, is still in the plan, along with the others, and will remain there until the Council proceeds to take it out.

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Mrs. Burns stated they do not need any misleading information; all citizens want to know exactly where they stand on these road projects since this is an election year, and they will know how to vote accordingly.

Councilman Short stated Mrs. Burns' version of the record is correct. The record is not hard to understand except for the fact there was the word "adopted" on a later capital improvement program, but this has now been deleted in the comments Mr. Burkhalter gave to Council a few minutes ago. He stated you have to look several places to find the record; but Mrs. Burns has, and he thinks her statement of it is essentially correct.

Mr. Burkhalter, City Manager, stated in connection with capital improvements, he received a call from Congressman Martin's office this morning and asked him to announce to Council that an airport program has been approved. This is the overlaying of our taxiways. It is a \$500,000 grant which matched by \$166,000 of local money will complete the overlaying of all taxiways in the area.

MEETING RECESSED UNTIL 4:00 O'CLOCK P.M.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the meeting was recessed at 3:35 o'clock p.m., until 4:00 o'clock p.m., at which time Mr. Jim Rumley has asked to speak to Council.

MEETING RECONVENED AT 4:00 O'CLOCK P.M., WITH COUNCILMEMBERS EASTERLING AND WHITTINGTON ABSENT.

Mayor Belk reconvened the meeting at 4:00 o'clock p.m., at which time Councilmembers Easterling and Whittington were absent.

CITY MANAGER REQUESTED TO HAVE POLICE DEPARTMENT CHECK ON PERSONS SELLING MERCHANDISE ON SIDE OF ROAD.

Councilman Withrow stated all over town on Saturdays, especially on vacant lots, you can find trucks parked, loaded with furniture, and chairs placed on the property for sale. He stated he has received a number of calls from furniture dealers wondering if these people have city licenses to sell furniture, glass wear and all items in this way. Also if they are paying the sales tax to the State they collect. He requested the City Manager to have the Police Department to seek these people out and see if they have the proper license and also that the tax people be notified to see if they are paying sales tax on these items.

JIM RUMLEY SPEAKS ON DEPRESSION CONDITIONS.


Mr. Jim Rumley appeared before Council and stated a number one issue in the city right now is that people are faced with a depression; that a whole economic collapse is underway. That in making preparation for this, we have to build a new government; we have to build a working class government in this city and in this country. In his statement he stated that unemployment lines are growing across the country, and across the world. That the people are going to be facing bread lines; they are going to be facing starvation. That you have to begin to prepare for it and to begin to build.

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Mr. Rumley also stated they went down to the Sanitation Department and talked to some of the fellows to find out if anything has been done about what he brought to Council's attention last week. That they found out nothing has been done. That horrible things are going on down there, and these people are being victimized. Also the Bowman strike is still on and scabs are being allowed to cross the picket lines, and there are no policemen there to assure these people that these scabs cannot take their jobs.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk