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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, December 22, 1975, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmembers Louis M. Davis, Harvey B. Gantt, Pat Locke, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk and Councilmember Betty Chafin.

Sitting with the Council as a separate body for the Zoning Hearings was the Charlotte-Mecklenburg Planning Commission, with the following members present: Chairman Tate, and Commission members, Boyce, Ervin, Finley, Jolly, Marrash and Ross.

ABSENT: Commissionmembers Kirk and Royal.

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#### INVOCATION.

The invocation was given by Fred Bryant, Assistant Planning Director.

#### PRESENTATION MADE TO FORMER MEMBER OF PLANNING COMMISSION.

Mr. Allen Tate, Chairman of the Planning Commission, recognized Mr. John G. Turner and presented him with a plaque for his services on the Commission from July, 1960 until his retirement from the Commission June, 1975. Mr. Tate stated he and all the members of the Commission appreciate the fine services he rendered to the Commission and to the City during his tenure.

#### MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the public hearing on December 11, 1975 and the Council Meeting on December 15, 1975 were approved as submitted.

HEARING ON PETITION NO. 75-50 BY J. L. STANLEY FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING 50 FEET ON THE NORTHERLY SIDE OF PECAN AVENUE AND ABOUT 200 FEET NORTHEAST OF THE INTERSECTION OF SEVENTH STREET AND PECAN AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, presented slides of the area showing the property requested rezoned and the surrounding area. He stated the request is for a change from O-6 to B-1. The property is bounded on two sides by B-1, on one side by R-6MF and to the rear by R-6. Today the property is vacant; it has been used for a number of commercial purposes in the past, and is a legally constituted non-conforming situation as far as the structure is concerned.

Mr. John Warren, Attorney for the petitioner, stated to the rear of the property is the Moore Heating and Air Conditioning which is a non-conforming use and has been there about 20 years. The vacant lot next to the subject property is tied up in an estate. He stated in petitioning for this change they felt it is a part of the business complex already there, Stanley Drugs, Roy White Flowers and several other businesses. Stanley owns this property

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and would like to put it to some useful benefit. Although it is zoned for residential, it is not suitable for residential. There is a large parking lot adjacent to the subject property which serves Stanley Drug Store and the buildings which face on Seventh Street, and there is plenty of parking without changing the traffic flow, or adding to it.

Councilman Gantt asked if there is a strip of B-1 zoning located adjacent to the subject property? Mr. Bryant replied it is R-6MF. The original zoning in the area was business zoning on Seventh Street, one lot of office zoning, and then the beginning of multi family pattern which carried down to Eighth Street, and then the beginning of single family zoning. A request was filed for business zoning of the corner of Pecan and Eighth Streets; the request for business was denied, but it was decided the best pattern of transitional zoning and use would involve office zoning. Those two lots were zoned O-6 at that time, leaving one lot zoned R-6MF. The only reason it remains is that it has not been requested for a change. This logically should be zoned office. As they approach the overall look at the zoning, this sort of thing will be cleared up.

Speaking in opposition to the rezoning was Mr. Don Carroll, 708 Clement Avenue, President of the Elizabeth Community Association. He stated they are very much opposed to the rezoning even though most of them feel strongly that Stanley's is a neighborhood institution. They feel that Pecan Avenue is heavily travelled, and traffic is often backed up past this establishment during the morning and afternoon. This is a further stripping away of the residential area, and it will be a severe problem to the neighborhood. They feel this neighborhood is livable and it needs help from problems of continuing inroads of office and business use which is gradually making it more unpleasant for the people who live there to continue to live there because of the traffic and having businesses as your neighbors.

Mr. Carroll stated there are a number of other non-conforming uses on Eighth Street and they would like to see those go back to residential uses also. They would not like the fact that it is a non-conforming use be a precedent for changing it to office.

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

HEARING ON PETITION NO. 75-51 BY OAKHURST VOLUNTEER FIRE DEPARTMENT FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY FRONTING 160 FEET ON THE NORTHERLY SIDE OF MONROE ROAD AND ABOUT 200 FEET SOUTHEAST OF THE INTERSECTION OF SHARON AMITY ROAD AND MONROE ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director presented slides of the area, and explained the land uses and the zoning in the area. He stated this is the site of a fire station that was operated for a number of years as a volunteer fire station. With the total area around it having been annexed by the City there is no further need for it to be utilized as a fire station facility, and they would like to dispose of the property.

Mr. Bryant stated the subject property is zoned R-9 with business zoning on both sides, R-9 zoning to the rear, and R-9 across Monroe Road which is the cemetery.

Mr. George Miller, Attorney for the petitioner, stated the Oakhurst Volunteer Fire Department purchased the property in 1956, and used it continuously as a volunteer fire department. With the recent annexation the area served by the volunteer department has been taken into the City, and the volunteer department is no longer necessary.

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The purpose of the petition is to sell the property; they have a contract subject to the rezoning to be sold to be used as a retail appliance business. It will be in keeping with the other B-1 business located beside the property. The rezoning will allow the sale and will allow the property to be on the tax books for the purpose of collecting taxes. Proceeds of the sale will be distributed back to the other volunteer fire departments in Mecklenburg County as provided by the law.

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. 75-52 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER A TEXT AMENDMENT TO THE ZONING ORDINANCE WHEREBY PARKING MAY BE ALLOWED IN THE SETBACK IN R-1.0 MF DISTRICT WITH USE OF SPECIAL USE PERMIT.

Mr. Fred Bryant, Assistant Planning Director, stated this is a proposal for a text amendment which will allow special consideration for unusual designed instances where it might become desirable to allow parking in the setback area for the R-1.0MF District. This district is a high density residential district which is applicable at present only to the Fourth Ward area of the City. It does allow high density type residential development. At present, parking is prohibited in the front setback, which is 20 feet. He stated there are very intensive efforts underway to encourage development in the Fourth Ward Area. One of the first proposals and one that has been under consideration for sometime, involves a proposal by the Salvation Army to build housing for the elderly in the area. In terms of the design use of their property, the prohibition of parking within the setback area provides some degree of hardship for them. In keeping with the overall study which is now going on as far as the Fourth Ward area is concerned, as far as the Fourth Ward plan of development which has been approved by the Planning Commission, it appears it would be desirable to allow flexibility in the design feature for usage which may be encouraged to locate in that particular area.

Mr. Bryant stated they plan to come to Council very soon with some proposals for some fairly drastic changes in the zoning concept, and the zoning control methods for the Fourth Ward area in keeping with the plan that has been discussed with Council before.

Mr. Bryant stated in the meantime the particular situation does have some kind of consequence to it, and it was felt it was desirable to bring this amendment to a public hearing to allow, upon approval of a special use permit, the possible parking of motor vehicles in the front setback in the areas within the Fourth Ward Area. The special use permit involves consideration by both Planning Commission and the governing body but not requiring a public hearing. Site plans have to be submitted to both Bodies to be considered by them, and if favorably reviewed receive approval.

He stated this proposal does not give anyone the right automatically to design a facility with parking in the setback area; but gives the opportunity of the possibility of such a design to be submitted for consideration.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 75-53 BY M. H. OF CHARLOTTE FOR A CHANGE IN ZONING FROM R-15 TO R-12 OF PROPERTY FRONTING 990 FEET ON THE EAST SIDE OF RANDOLPH ROAD SOUTH OF THE INTERSECTION OF HODGSON ROAD AND RANDOLPH ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the intent is to have considered a change which would allow the addition of some 20 beds to the nursering care facility which is now located on Randolph Road. The facility has been there for some two or three years. Under the present zoning they are limited to 80 beds; under the proposal they would be allowed to increase that to 100 beds. This does not involve any proposal to change the exterior or the dimensions of the building; but would involve interior alterations to provide for the additional 20 beds. Since a recent amendment to the ordinance, this type of facility becomes a conditional use under residential zoning. If this request is to be favorably considered it will require the granting of conditional approval of the request along with the rezoning from R-15 to R-12. This can be accomplished through the action which is before Council at this time.

He then presented slides of the areas detailing the land uses and the zoning in the area.

Mr. Sol Levine, Attorney for the petitioner, stated when the property was purchased they thought they had enough square footage to comply with the zoning requirements. Later they found because they could not use the road they could not put in the additional 11 beds. The building was constructed to house 100 beds. There will be no changes made in the interior of the building; the rooms are there, and they are not being used. There will be plenty of room for parking, and he cannot see any objections to increasing the number of beds when nothing else will be increased except for the additional people that may come in on Sunday to visit.

Mr. Levine stated the Nurse Care of Atlanta came into North Carolina and built six care centers. All were built the same way, and all built to conform to the same set of plans. It was only in Charlotte, the home base, they found what happened about the zoning. All are 100 beds, and they have nothing to do inside to change a thing.

Mr. Bryant stated they have checked with the Traffic Engineering Department to see if any additional parking would be required by this change. At this time they have 18 excess spaces, and there would be none required. If the conditional approval is granted, this would freeze it to the present circumstances, both in parking designs, building structure, and everything so that no change can occur. In order to increase the allowance for the number of beds to be placed on the property, they are requesting a change in zoning from R-15 to R-12. In addition, this type of use is a conditional use within the ordinance. If the change is going to be allowed, the change should be from R-15 to R-12 and the granting of a conditional approval based on the plans which have been submitted, and is a reflection of what is there now, at the present time.

Mr. Robert Jackson, 4632 Randolph Road, appeared in opposition. He stated he lives directly across the street from the vacant property of the nurse care center. He stated he has been in his house for six years, and in that time, there have been five different changes within 700 feet of his property. Even though the existing buildings are zoned for R-15, they are still businesses; the five houses on the south side of Randolph Road, in the 4600 block, are now isolated. He requested Council to vote against this petition to keep any future erosion of the area.

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Also speaking in opposition was Mr. Park Helms, Attorney, who stated he is a resident of the area, and is speaking for the residents. He stated their real concern is that in the last few years, they have been involved in a number of zoning changes. The concern most of them have is the intervening vacant land; there is about 500 feet down Randolph Road which runs back to a residential area, which is not used for any purpose. It has not been seeded or landscaped, and is not used for parking but is a very prominent corner as you go into Randolph Park. If as Mr. Levine says the purpose of the change is to increase the capacity of the nurse care from the 89 beds to the 100 beds, then they obviously would have no objections to that interior change. But they are concerned with this unused land, and they should sell off this unused land. A lot of the people in the neighborhood are not only concerned about the layout of the building but the quality of the construction itself. It does have a detrimental effect on that neighborhood. It seems to them this opens up a lot of possibilities that they cannot foresee, and for that reason they object to this. He stated he did file a petition of protest which is signed by every homeowner of the lots which abut the property on the rear and on the side.

Mr. Bryant stated the property would be tied up in two different ways. One, the change to R-12 would allow a maximum of 100 beds which means the entire parcel of land associated here is necessary in order to be associated with a 100 bed facility. More significantly is the approval of the conditional plan which shows the entire parcel of land associated with that structure. In his opinion that would tie it to the use itself, and the sell off of any land or the attempt to use the land would be a violation of the zoning ordinance.

Mr. Helms stated if they could be assured that the land could not be sold off; and there would not be any additional construction he would think that would do away with any objections they would have as a practical matter. It is already there. They do have about 500 feet on the corner which is not landscaped and is not seeded. They do not really object to that if that is all it is going to be, if they keep it up and not allow it to get any worse. They would object if they could sell it off, and perhaps come back in to rezone it as business or otherwise.

Mr. Bryant stated if Council begins the process of examining the site plan for conditional approval it would offer the opportunity to ask for some care of the area, through seeding or otherwise, to take it out of the field sort of look. You do get involved in the site plan approval process.

Mr. Helms stated this is a petition to rezone to R-12, and they did not have the issue of whether or not it required a conditional approval. That he thinks that would probably solve the problem.

Mr. Levine stated he is sure he can have his client agree that they will not sell off any part of that land; that they have no intention of doing so. Second they have had a loss because of the lack of the eleven beds, of about \$85,000. He stated he will see to it that they seed that property, and keep it up.

Mayor pro tem Whittington stated in the past, Council has had some people who brought this type of petition to bring this to the City Attorney in writing, and record it at the proper place at the Courthouse so that this could not be done. Mr. Levine replied he will be happy to do that if that is the wish.

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

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HEARING ON PETITION NO. 75-54 BY SARAH LEAH ARENSON FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 70 FEET ON THE NORTHWEST SIDE OF HAWTHORNE LANE, ABOUT 245 FEET SOUTH OF THE INTERSECTION OF HAWTHORNE LANE AND INDEPENDENCE BOULEVARD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, presented slides of the property requested rezoned and the surrounding area. He stated there is a pattern of B-1 zoning coming down from Independence Boulevard for some length; then one lot zoned O-6 which is adjacent to the subject lot; beginning with the subject lot begins the pattern of R-6MF down to Eighth Street. Across the street is a similar pattern of business and goes directly into multi-family along Hawthorne without the intervening office zoning. The subject lot has office zoning on one side, business zoning to the rear, multi-family zoning to the side and across the street.

Councilman Withrow asked if there has been a study made of that entire area for office zoning? Mr. Bryant replied there has been some spot studies made; but not a concentrated study that extended from Seventh Street to Central Avenue. This particular area was included in the Elizabeth study as a result of the rezoning request several years ago. When you have the facilities such as the church and existing apartment structures in an area such as this, that provides a form of community facility which is good. The apartment structures are substantial, and they provide a form of housing in keeping with the neighborhood, and is of value to the neighborhood. With that in mind he would question whether or not at this particular time if a solid pattern of office would be acceptable for the area. But it is an area that should not be encouraged for single family use, and some spot changes may be in order.

Mr. Jerry Leonard representing the petitioner stated the request for the change to O-6 will not change anything because immediately adjacent is the Atlas Marketing Company and is zoned O-6. He passed around photographs of the area explaining each. He stated the change will not damage the area as it exists now. On the other side of the property is a rooming house, and it makes it undesirable for this house to be used as single family. Next is the Young Life House.

Speaking in opposition was Mr. Don Carroll, President of the Elizabeth Neighborhood Community Association. He stated there is a row along Independence Boulevard of business and office zoning which goes down into the community. They feel this is one that goes down a little further than the rest, and is another step of bringing an office or business use into the community. They would like to see this part of the neighborhood hold its own as far as residents go. They feel this is another hole in the dike and they would like to plug it up.

Mr. Leonard stated this change will not adversely affect the neighborhood. The apartments across the street have cars parked in the front yard, and that is not quality residential. The structure as it exists will not have any aesthetic change; and it will not increase traffic. That is one of the busiest intersections, 200 plus people, in Charlotte.

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

HEARING ON AMENDMENT TO SUBDIVISION ORDINANCE AMENDING SECTION 18-12 ADDING A NEW PARAGRAPH RELATING TO LANDSCAPING, IDENTIFICATION SIGNS OR STRUCTURES TO BE LOCATED INSIDE STREET RIGHT OF WAY.

The public hearing was held on the subject amendment to add a new paragraph at the end of Section 18-12(a), as follows:

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"Any landscaping, identification signs or structures proposed to be located inside the street right of way shall be subject to review and approval by the City of Charlotte Public Works Department, Landscape Division."

Mr. Bryant, Assistant Planning Director, stated sometime ago they were contacted by the Public Works Department with a concern about having an opportunity to review plans for new subdivisions where it would propose to establish in the street right of way some form of landscaping, whether it be trees, shrubs or what. So it seems appropriate to propose for a public hearing consideration of a change in the subdivision ordinance which does not do anything other than indicate that anytime a developer is proposing to establish landscaping, signs or structures within the street right of way that these shall be subject to review and approval by the City of Charlotte, Public Works Department, Landscaping Division. He understands this has been occurring for sometime now through an informal referral of these plans, and this is putting it into a proper form for its written installation into the subdivision ordinance.

Councilman Withrow asked how this will affect areas like Mountainbrook where the people have to pay to maintain the medians out there? Mr. Bryant replied this alone would have nothing to do with that problem. Since it is being installed into the subdivision ordinance, it does not have anything to do with existing circumstances. Where someone is proposing a new street that comes under the provisions and standards of the subdivision regulations this would apply.

No opposition was expressed to the proposed amendment.

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

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

The public hearing was held on petition of the Community Development Department to close a portion of East Fifth Street Extension. Council was advised the petition had been investigated by all departments concerned with street rights of way, and there were no objections to the closing.

Mr. Sawyer, Director of Community Development, explained the location of the property, stating it lies between Fifth Street and Sixth Street, and was purchased and used by the City while the Northwest Expressway was under construction, when Fifth Street and Sixth Street were tied in together and brought into Seventh Street. There is no access to the Street, and the City owns all the property abutting it. This will allow the City to consolidate all the property in that block.

No opposition was expressed to the closing of the street.

Upon motion of Councilman Withrow, seconded by Councilman Williams, and unanimously carried, the resolution was adopted closing a portion of East Fifth Street in the City of Charlotte, North Carolina.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 195.

RESOLUTION CLOSING CERTAIN PORTIONS OF PYRON STREET, BLUFF STREET, WHITE STREET, PHARR STREET, KENDRICK STREET, CANTON STREET, MAVIS STREET, POLK STREET, SNOWBALL STREET, FONTANA AVENUE, JOHNSON STREET, MCCALL STREET, CALLAHAN STREET, MAXWELL STREET, 13TH STREET, 12th STREET, BURTON STREET AND OLIVER STREET, IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The public hearing was held on the resolution to close portions of the subject streets located in the Greenville Urban Renewal Area, Project N. C. R-78.

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Mr. Sawyer, Director of Community Development, explained the location of the streets, stating they are portions of streets throughout the Greenville Area. He stated the city now owns all the land and all the families have been re-located, and all utilities have been taken care of.

No opposition was expressed to the closing of the streets.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the resolution closing certain portions of the streets in Greenville Urban Renewal Area, Project N. C. R-78.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 197 and ending at Page 224.

RESOLUTION CALLING PUBLIC HEARINGS ON MONDAY, JANUARY 19, 1976 ON PETITIONS NO. 76-1 THROUGH 76-6 FOR ZONING CHANGES.

Councilwoman Locke moved adoption of the resolution calling the public hearings on Monday, January 19, 1976, at 7:30 o'clock p.m., in the Educational Center, Board Room. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 225.

PUBLIC REVIEW OF STREET IMPROVEMENTS ON MEDIAN CONSTRUCTIONS ON REMOUNT ROAD AND ON RANDOLPH ROAD SET FOR MONDAY, JANUARY 5, 1976.

Councilman Gantt moved that Council have a public review of street improvements on median constructions on Remount Road, from West Boulevard to South Boulevard; and on Randolph Road, from Cranbrook Road to Sardis Road, on Monday, January 5, 1976, at 3:00 o'clock p.m. The motion was seconded by Councilman Withrow, and unanimously carried.

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE COMMUNITY DEVELOPMENT PLAN AND THE REDEVELOPMENT PLAN FOR FIRST WARD REDEVELOPMENT AREA, ON MONDAY, JANUARY 12, 1976.

Councilman Withrow moved adoption of the subject resolution calling for a public hearing on Monday, January 12, 1976 at 3:00 o'clock p.m. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington asked if this is the thing to do after the Judge's ruling of last week concerning First Ward? Mr. Watts, Deputy City Attorney, replied he does not think adoption of this resolution will make any difference as far as the Judge's order is concerned.

Mr. Sawyer, Director of Community Development, stated this is outside the First Ward Urban Renewal Area. He pointed out on a map the nine target areas for Community Development and stated this is a small four block area which abuts the Urban Renewal Project. It is on both sides of 12th Street, between Caldwell Street and Brevard Street and goes to below Eighth Street, south of the Expressway.

Councilman Williams asked if this is all scheduled for demolition and clearance? Mr. Sawyer replied it is eventually over the three year period. Councilman Gantt asked if this is the redevelopment plan Council has already looked at in the preliminary CDRS Program? Mr. Sawyer replied this is the first time this plan



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will be presented to Council. Councilman Gantt asked if he sees any linkage between that plan and the proposed plan now under consideration in First Ward? Mr. Sawyer replied he sees it as another action to improve the total environment. The primary use of the First Ward Urban Renewal Project is residential, and the residential uses go out to Caldwell Street. This is just across Caldwell between Brevard and Caldwell Streets. It is adjacent to and includes the Ninth Street School.

Councilman Gantt stated in view of the present situation of First Ward is it likely that we may be making some adjustments in the first plan - the original development plan. He asked the implication of delaying the public hearing on this aspect of the plan now; to hold this back for a re-evaluation of the First Ward plan? Mr. Sawyer replied he does not think any great damage would be done. However, it is not physically or legally a part of the First Ward plan, and he does not think it would affect the Judge's order. Councilman Gantt stated he is more concerned if we are getting into a redesign or reconsideration of the First Ward Plan, and whether or not this Council wants to adopt or even hear public opinions on a plan for another portion of First Ward which might very reasonably change, based on what is done with the larger portion. Mr. Sawyer stated if First Ward is going to be re-evaluated then this would be a part of it, and he thinks should be under the same review at the same time. It is a logical extension, and was a part of the original area. It was cut out originally because of money shortage.

Mr. Sawyer stated this is on the agenda as they are pursuing a schedule originally established in the priority order to get all the community development programs into execution during the first year. The hearing can be held and then stop it there, or the hearing can be postponed. Councilwoman Locke stated she thinks the hearing should be held. Councilman Gantt stated he thinks it should be postponed as he believes we will have to make some adjustments in the redevelopment area, and also this area.

During the discussion that followed, Councilman Davis stated he wants to have the public hearing but he is also in sympathy with Mr. Gantt; that he thinks it would be helpful to know the outcome of the court action on First Ward before going to the public hearing. He made a substitute motion that Council proceed with the public hearing, but defer setting a date for it at this point. The motion did not receive a second.

Councilman Gantt stated he does not know what the outcome of the First Ward will be. But at some point in time the city will have to make a judgement, probably in executive session, to find out what the legal position will be. On the other hand it is becoming very clear to him that some adjustments will have to be made in the First Ward Plan. That he cannot separate one portion of First Ward from the other portion. It is all one area to him.

Mr. Burkhalter, City Manager, stated we are talking about a law suit here that no one knows what the order says yet. It may be months before the Judge clarifies what his preliminary order is. This could be a long time. After he does that, then there will be a hearing on it. No hearing is set on this yet, and the Judge has instructed the City to do some things before he will grant a hearing. As soon as our attorneys can decide and go back to the Court with some clarifications, they intend to have Council together and make them aware of what the order is. Also as far as doing this is concerned, the Council sets the timetable. We are now six months in the year in which we have funds to do these projects, and we are getting very slow starts. Any delay, delays it that much longer. Council can have the hearing and not do it; or not have the hearing.

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

YEAS: Councilmembers Withrow, Locke, Davis and Williams.  
NAYS: Councilman Gantt.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 226.

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RESOLUTION STATING AN INTENT TO CLOSE AND ABANDON PORTIONS OF TREMONT AVENUE AND FAIRWAY LANE, AND CALLING A PUBLIC HEARING ON THE QUESTION ON MONDAY, JANUARY 19, 1976 ON PETITION OF B & B THEATRES CORPORATION.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution stating an intent to close portions of the streets, and calling a public hearing on Monday, January 19, 1976, at 7:30 o'clock p.m.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 231.

RESOLUTION CALLING FOR JOINT PUBLIC HEARINGS BEFORE THE CITY COUNCIL AND THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION, ON MONDAY, JANUARY 19, 1976 ON VARIOUS PROPERTIES.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the following resolutions were adopted:

- (a) Resolution calling for a hearing on the question of the designation of the "Mint Museum of Art" as Historic Property.
- (b) Resolution calling for a hearing on the question of designation of the former "First Baptist Church" as Historic Property.
- (c) Resolution calling for a hearing on the question of designation of "Biddle Memorial Hall" as Historic Property.
- (d) Resolution calling for a hearing on the question of designation of "Carter Hall" as Historic Property.
- (e) Resolution calling for a hearing on the question of designation of "Fire Station No. 2" as Historic Property.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 233 and ending at Page 245.

DISCONTINUANCE OF APPOINTMENT OF SPECIAL OFFICERS BY CITY COUNCIL TO PATROL PRIVATE PREMISES WITH CERTAIN EXCEPTIONS.

Councilwoman Locke moved that City Council discontinue the practice of appointing Special Officers to patrol private premises with the following exceptions:

- (a) Park police employed by the Charlotte Park & Recreation Commission, and other city departments which use special officers.
- (b) Federal Reserve Bank special officers.
- (c) Interim appointment of special officers for the Douglas Municipal Airport.

The motion was seconded by Councilman Gantt, and carried unanimously.

CONTRACT WITH THE PITOMETER ASSOCIATES FOR WASTEWATER SURVEY.

Councilman Gantt asked if the same contractor always makes the wastewater survey for the City? Mr. Dukes, Director of Utilities Department, replied this is not something that just anyone can do; it is specialized.

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Councilman Gantt stated he does not have any objections to this; but he asked that in the future on contracts such as this we continue to offer proposals to those firms who can bid.

Councilman Gantt moved approval of the subject contract in the amount of \$7,900.00. The motion was seconded by Councilman Withrow, and carried unanimous

CONTRACT WITH WILLIAM E. UNDERWOOD, JR. FOR LEGAL SERVICES FOR THE AIRPORT, AND ORDINANCE TRANSFERRING FUNDS TO COVER THE LEGAL COSTS.

Councilwoman Locke moved approval of a contract with Attorney William E. Underwood, Jr. for legal services required by the Airport, as recommended by the Airport Manager. The motion was seconded by Councilman Williams, and after discussion carried unanimously.

Councilman Withrow moved adoption of Ordinance No. 983-X transferring \$60,000 from the Unappropriated Balance of the Airport Fund to provide an appropriation to cover legal costs in connection with the North/South Runway Construction. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 479.

CHANGE ORDER NO. 1 IN CONTRACT WITH BOLT, BERANEK AND NEWMAN, INC. TO PROVIDE NOISE INFORMATION IN PREPARATION OF THE REQUIRED AMENDMENT TO THE ENVIRONMENTAL IMPACT STATEMENT.

Councilman Gantt moved approval of Change Order No. 1 in contract with Bolt, Beranek and Newman, Inc., Environmental Noise Specialists, to provide noise information in preparation of the required amendment to the Environmental Impact Statement, increasing the contract price by \$14,400, for a total sum of \$48,560.00. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated he notes this is adding four additional items. He asked if this is based on some additional information needed that came from the Judge? Mr. Birmingham, Airport Manager, replied it is based on a meeting they had with the FAA on December 2, and some people from Washington and others to review the project. At that meeting they found they had to have these four items to complete the information which would ultimately be sent to the Court. He stated the City is paying the total cost for this information now; but he has information that in the future grants they will pay up to 75 percent of these costs as they are eligible.

Councilman Gantt stated he is in support of anything that needs to be covered to clarify this whole situation with this runway. It did not appear that this was a situation where the contractor was just asking for these additions. Mr. Birmingham stated it was initiated from the city.

The vote was taken on the motion and carried unanimously.

CHANGE ORDER NO. 2 IN CONTRACT WITH NELLO TEER COMPANY FOR SITE PREPARATION, GRADING AND DRAINAGE OF RUNWAY 18R/36L AT DOUGLAS MUNICIPAL AIRPORT.

Councilwoman Locke moved approval of Change Order No. 2 in contract with Nello Teer Company for site preparation, grading and drainage of Runway 18R/36L at Douglas Municipal Airport, increasing the contract price by \$180,544.80 for a total contract price of \$5,974,466.25. The motion was seconded by Councilman Withrow.

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During the discussion that followed, Councilman Gantt asked if it is possible to have a turn around time to allow the Council to decide whether or not it wants the change order prior to the contractor doing the work without hindering his general progress. There should be something that would allow Council to make a decision on these without hindering the contractor. Also, Councilman Williams requested the City Manager to set up a briefing or even a hearing on what is happening at the Airport.

Mr. Burkhalter, City Manager, requested the City Attorney to prepare a resolution to have an executive session and after the executive session to have the hearing. That this should be done in light of the legal information.

The vote was taken on the motion and carried unanimously.

**CONTRACT WITH LAW ENGINEERING TESTING COMPANY FOR ADDITIONAL TESTING OF COMPACTION OF GRADED AREAS ON SITE FOR NEW NORTH/SOUTH RUNWAY.**

Councilman Williams moved approval of a contract with Law Engineering Testing Company, in the amount of \$15,000 for the purpose of additional testing of compaction of graded areas on the site for the new North/South Runway. The motion was seconded by Councilwoman Locke, and carried unanimously.

**CONTRACTS FOR TECHNICAL OR PROFESSIONAL SERVICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT PROGRAMS.**

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, the following contracts were authorized:

- (a) Contract for Technical or Professional services between the City of Charlotte and Mecklenburg County for a THERAPEUTIC LEISURE EDUCATION PROGRAM for developmentally disabled Community Development Area Youth through a Subcontract with the Area Mental Health Board who will in turn contract with Impact Enterprises, to provide the services required by the contract. The contract amount is \$88,500.00.
- (b) Contract for Technical or Professional Services between the City of Charlotte and Mecklenburg County for a HOT MEALS PROGRAM for elderly and/or disabled Community Development Area residents to be undertaken in cooperation with the Mecklenburg County Agricultural Extension Service. The contract amount is \$303,383.00.
- (c) Contract for Technical or Professional Services between the City of Charlotte and Mecklenburg County for a CHORE SERVICES PROGRAM for elderly and/or disabled Community Development Area residents through a Subcontract with Homemakers Upjohn, Inc., who will provide the services required by the contract. The contract amount is \$60,000.00
- (d) Contract for Technical or Professional Services between the City of Charlotte and Mecklenburg County for a METHADONE TREATMENT PROGRAM for opiate addicted Community Development Area residents through a Subcontract with the Area Mental Health Board who acting through its agent, OPEN HOUSE, INC., will provide the services required by the contract. The contract amount if \$11,000.00

**PETITION OF CITY OF CHARLOTTE TO ANNEX SATELLITE FACILITY ON MONROE ROAD, DEFERRED.**

The petition of the City for the annexation of 21.0 acres of land on the east side of Monroe Road for a satellite facility was presented.

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Mr. Walter Hendrix, John Crosland Company, reviewed the history of the Crosland Company's participation in the tract. He stated they are requesting Council to consider the denial of the petition for annexation.

Councilman Gantt asked if their wanting to move the entrance road to the southern most point has to do with getting it away from the entrance to Sardis Woods Development? Mr. Hendrix replied that is right. Councilman Gantt stated their other objection is that the road itself is not sufficient to carry the traffic? Mr. Hendrix replied primarily they feel the area is of residential character rather than industrial character; that he is aware the zoning is I-1. If this facility is allowed to be built, the zoning would have to be changed to I-2, which would be spot zoning of a sort. That the warehouses up the road do not generate traffic such as this facility would generate.

Councilman Williams stated he understands the need for such a facility because of the growing population and such. On the other side are the economics of the situation; there are a couple of other pieces of land which have been mentioned such as Tyvola Road and I-77, and the land where the Police and Fire Academy is being built. But his biggest objections is annexing this so that we can have the rezoning authority over the property. That he believes he would rather make his petition to the county for rezoning, and take our chances with them.

Councilman Davis asked if the city owns the land? Mr. Watts, Deputy City Attorney, replied the city owns it right now. It already owns the land and he does not believe the city can give it back to the owners; that it would have to go through the procedures to sell it now as it is ours. It is a difficult thing to back out of when you condemn land and pay for it and have ownership in it. Then you come under the problem of selling it, or what are you going to do with it.

Councilwoman Locke stated she is opposed to this site, and has been from the very beginning because of the road with all that traffic from those big trucks. She will vote against this, and she has felt all along it is a bad place.

The City Manager stated the cost of this is going to be greater without a satellite facility. This is the only logical place that would be found at this cost where it could operate well. He does want to caution Council about having the County to rezone it. This was done on the police facility; the County did rezone it and there was some flack about the county having our problems. Now this would be turning over something to them that is controversial. That is the reason it is presented to Council in this way. If this is going to be done, and Council is going to do it, then Council should make the decision and not ask someone else to do it for them.

Mayor pro tem Whittington stated he agrees that this is the city's problem, and Council has to resolve it one way or another. The issue is whether or not the property will be annexed.

Councilman Withrow moved that the petition be deferred until the next Council Meeting. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated his concern right now is the basic objections raised by the Crosland Company - traffic generation; expansion of the facility. This is now talking about 40 garbage trucks. As that area grows is there enough property to expand this by 40 to 70 vehicles? Mr. Hopson, Public Works Director, replied there is not enough property for that as quite a bit of the land is in the flood plain, and the City cannot build in the flood plain when it does not allow anyone else to build there. He assumes eventually the land will be part of the McAlpine Flood Plain.

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Mr. Hopson stated this is a rather small facility, and they will be back to Council for another facility in the west side. All cities are going to these as they grow. He stated he spent two years personally trying to find a place, and he does not know anything better. He stated professional appraisers appraised the Tyvola Road property at \$320,000; no one has come forward to buy it at that price. Also it is not as centrally located as the Monroe Road land. It is unstable and whoever buys it will have to spend a lot of money on foundations.

Mr. Hopson referred to the model of the satellite facility pointing out the McAlpine Creek situation. That reference has been made to moving the entrance; and if it is a request of Council they can move it; but it makes it better from staff's viewpoint to have it where it is. He stated he sees no problems with the turning and twisting of the road; they will just have to slow the trucks down to get them through. There are many more streets in the city worse than this. It was suggested that they come across the creek to get away from the subdivision; but it would be very costly to get across McAlpine Creek. All the area, including the old landfill owned by the County, is flood plains. The only additional land they will have available to improve would be about 35 percent. He pointed out the entrance for the private vehicles, and if Council should decide they could move the vehicle entrance to get it away from the entrance to the subdivision.

He stated he has spent many hours soul searching on this; looked at about 20 places in the southeast. The other place that would be nice would be the fire-police training school; but several members of Council said at the time they bought the last 60 acres over there they did not want to put anything else there. He stated the Monroe Road property was purchased by City Council on May 26, 1975.

Councilman Gantt stated he does not understand the logic of the police and fire training site other than the fact that we own land over there, and there is available acreage. He asked if it is the plan to have the satellite facilities in the area they serve. Would the police and fire training site not be out of the area that would be served? Mr. Hopson replied it would be an additional three or three and a half miles to drive each way. The Monroe Road site is ideal. When Council begins to see the new annexation maps which will be presented soon, it is right in the area where we need to go. Councilman Gantt asked if he sees any major expansion of that to have 200 vehicles in there? Mr. Hopson replied no; that we would have to then go to another satellite. One will be needed in the northwest section somewhere. He would like to see at least a small one on York Road at the landfill itself, which would be no larger than this one on Monroe Road. They have about 20 acres finished at the York Road landfill which could be used for this purpose, and it is right against the road.

Mr. Hopson stated they need the area, and the money has been appropriated for the Monroe site. That wherever it is recommended, no one wants the 40 garbage trucks.

Councilman Withrow asked if they will be allowed to take short cuts through these housing developments with the trucks? Mr. Hopson replied no; that could be stopped. None will go through there unless it is annexed, and they need to go through to service the area. The trucks can be kept out of there, and they can move the entrance if that will help.

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

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ORDINANCE NO. 984 AMENDING CHAPTER 16A OF THE CITY CODE, ENTITLED "EROSION AND SEDIMENTATION CONTROL."

Councilman Gantt moved adoption of the subject ordinance amending Chapter 16A of the City Code to comply with the North Carolina Sedimentation Control Commission and the requests of the Homebuilder's Association. The motion was seconded by Councilman Williams.

Mr. Bill Berry of the Homebuilders' Association, stated they worked with the Department of Public Works Engineering Division on these revisions after Council directed that something be resolved on some of the minor problems. He stated they agree with all the revisions; however, they made one recommendation that is not before Council. The City of Charlotte has in the ordinance, contrary to the County, a fee which is very nominal; but with the current economical conditions and the problems their industry is feeling they recommend that in additions to the amendments before Council that the fee be eliminated as presently being charged.

Mr. Burkhalter, City Manager, stated in most cases where the City does a tremendous amount of work only for the benefit of the person it is being done for, it is customary to charge a fee for it. That he appreciates the position of the building industry right now; but \$43.00 an acre is not a very expensive fee, and is in line with what is being done in other inspection services.

Councilman Withrow stated the building industry has had a setback in sewer extension, water extension and you just keep adding - \$43.00 here and \$43.00 there - this becomes a burden to the builders. As you add on to the builder, you add on to the cost of housing, and it becomes a great burden.

Mr. J. J. Delaney stated the ordinance specifies what shall be done; the city is not asked to do the work, and it is not a tremendous favor to the builders. They have already had to spend several hundred dollars to comply with the State sedimentation act. He asked that this be amended to eliminate a non-productive fee.

Mr. Burkhalter stated the reason for the costs involved is the fact you have an ordinance requiring certain things for environmental protection. It is true it does not produce money returned; but it does protect environment. Council has decided it wants to protect environment and has a choice of how it should be paid for. The taxpayers generally can pay for it, or the builders can pay for it.

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

YEAS: Councilmembers Gantt, Williams, Davis and Locke.

NAYS: Councilman Withrow.

The ordinance is recorded in full in Ordinance Book 22, at Page 480.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilwoman Locke, seconded by Councilman Williams and unanimously carried, authorizing the following streets to be taken over for continuous maintenance by the City:

- (a) Haines Street, from Cummings Avenue to 165' south of Cummings Avenue;
- (b) Julia Avenue, from Carmine Street to 150' north of Carmine Street;
- (c) Wingate Street, from end of present city maintenance 400' east of Mayfair Avenue to Mayfair Avenue;

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- (d) Ocracoke Street, from Wingate Street to Mayfair Avenue;
- (e) Brownstone Street, from Hatteras Avenue to 420' north of Hatteras Avenue;
- (f) Irma Street, from end of present City maintenance 345' south of Newland Road to Newland Road;
- (g) Keller Avenue, from Irma Street to 165' west of Irma Street;
- (h) Richland Avenue, from Walker Road to 270' north of Walker Road;
- (i) Kennesaw Drive, from Cummings Avenue to 225' south of Cummings Avenue;
- (j) Orlando Avenue, from end of present city maintenance 350' south of Norris Avenue to 620' south of Norris Avenue;
- (k) Madrid Street, from Cummings Avenue to 250' north of Cummings Avenue.

**WATER AND SEWER CONTRACTS AUTHORIZED.**

Upon motion of Councilman Williams, seconded by Councilman Davis, and unanimously carried, the following contracts for construction of water mains and sewer mains were authorized:

- (a) Contract with The Ralph Squires Company for construction of approximately 3,240 feet of 8" and 2" water main and three (3) fire hydrants, to serve Timber Creek Subdivision, Section 4, outside the City, at an estimated cost of \$30,600.00. The applicant has requested that the City prepare the plans and specifications necessary for the construction of the water mains to serve the subject project. A deposit in the amount of \$3,060.00, which represents 10% of the estimated construction cost, has been advanced by the applicant. The applicant will finance the entire project with no funds required from the City.
- (b) Contract with Ed Griffin Company for construction of approximately 6,510 feet of 8", 6" and 2" water main and seven (7) fire hydrants, to serve Sardis Oaks Subdivision, outside the city, at an estimated cost of \$59,350.00. The applicant has requested that the City prepare the plans and specifications necessary for the construction of the water mains to serve the subject project. A deposit in the amount of \$5,935.00, which represents 10% of the estimated construction cost, has been advanced by the applicant. The applicant will finance the entire project with no funds required from the City.
- (c) Contract with Westminster Company for construction of approximately 839 linear feet of 8" sanitary sewer to serve Eastwoods - Section 2, outside the city, at an estimated cost of \$16,000.00. The applicant is to construct the entire system at their own proper cost and expense and the City is to own, maintain and operate said system. The City is to retain all revenue at no cost to the City.
- (d) Contract with State Employee's Credit Union for construction of 700 linear feet of 8" sanitary sewer to serve East Third Street at Little Sugar Creek, inside the city, at an estimated cost of \$14,570.00. The applicant has deposited 10% of the estimated construction cost. The remaining 90% will be deposited by the applicant before construction by City forces. Refund to the applicant is as per agreement and no funds are needed from the City.

**FUNDS TO COMPLETE THE CHARLOTTE HISTORY MUSEUM IN FY76 AND FY77 AUTHORIZED.**

Motion was made by Councilwoman Locke, and seconded by Councilman Gantt to approve a total of \$164,097 to be provided in FY76 and FY77 to complete the Charlotte History Museum, as follows:



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1. Designation of funds to the Mint Museum of \$60,000 of 1974 General Revenue Sharing Funds, originally set aside for historic site preservation.
2. Reappropriation to the Mint of \$18,143 originally given to the Hezekiah Alexander Foundation.
3. Appropriation of \$42,143 from the 1975-76 General Fund Contingency.
4. Statement of intent to appropriate \$42,977 in the 1976-77 Budget.

After comments from Mr. Joe Claud, Chairman of the Mint Museum, and Mr. Milton Short, former Councilmember, and discussion, the vote was taken on the motion and carried unanimously.

Ordinance No. 985-X is recorded in full in Ordinance Book 22, at Page 482.

ORDINANCE NO. 986-X AMENDING ORDINANCE NO. 684-X THE MODEL CITIES CLOSEOUT ORDINANCE REVISING APPROPRIATIONS WITHIN THE MODEL CITIES FUND TO PROVIDE SUFFICIENT FUNDS TO COMPLETE IN THE MODEL CITIES RELOCATION PROGRAM, ADOPTED.

Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, adopting the subject ordinance revising appropriations in the amount of \$12,000 to provide relocation payments to individuals and businesses displaced as a result of the code enforcement action in the Model Cities neighborhood.

The ordinance is recorded in full in Ordinance Book 22, at Page 483.

ELECTRICAL SERVICE AGREEMENT WITH DUKE POWER COMPANY TO SUPPLY POWER TO THE IRWIN CREEK WASTEWATER TREATMENT PLANT, APPROVED.

Councilman Williams moved approval of the electrical service agreement with Duke Power Company for supplying power to the Irwin Creek Wastewater Treatment Plant. The motion was seconded by Councilman Withrow, and carried unanimously.

ST. MARY'S CHAPEL APPROVED FOR RENOVATION, AND TWO STORY HOUSE ADJACENT TO CHAPEL TO BE DEMOLISHED.

Motion was made by Councilman Williams, seconded by Councilwoman Locke, and after discussion carried unanimously authorizing the renovation of St. Mary's Chapel at a cost of approximately \$30,000, and the demolition of the two story house adjacent to the Chapel at a cost of \$2,000.00, all a part of the former Thompson Orphanage Property.

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DEMOLITION OF ABANDONED FIRE STATION AT 1021 BELMONT AVENUE, AUTHORIZED.

Councilman Williams moved that the Public Works Department be authorized to demolish the abandoned fire station at 1021 Belmont Avenue. The motion was seconded by Councilman Withrow, and carried unanimously.

SPOUSE BENEFIT UNDER OPTION 65 AUTHORIZED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, authorizing the Spouse Benefit under Option 65, effective January 1, 1976, as recommended by the Personnel Director.

RESOLUTIONS AUTHORIZING THE REFUND OF CERTAIN TAXES.

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, resolutions were adopted authorizing the refund of certain taxes, in the total amount of \$2,191.37, which were levied and collected through clerical error.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 246.

SETTLEMENT IN THE CASE OF CITY VS. EARL L. AVANT AND WIFE, AUTHORIZED.

Councilman Gantt moved approval of the proposed settlement in the case of the City vs. Earl L. Avant and wife, Pauline L. Avant, in the amount of \$15,900.00, for the purpose of acquiring necessary rights of way across property at 2108 Oaklawn Avenue, as recommended by the City Attorney. The motion was seconded by Councilman Williams, and carried unanimously.

SETTLEMENT IN CLAIM OF WILFIRE, INC. AUTHORIZED.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, approving settlement in the claim of Wilfire, Inc., in the amount of \$800.00, as recommended by the City Attorney.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS, TRASH AND AN ABANDONED MOTOR VEHICLE.

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, the following ordinances were adopted ordering the removal of weeds, grass, trash and an abandoned motor vehicle:

- (a) Ordinance No. 987-X ordering the removal of trash and rubbish at 2649 Mayfair Avenue.
- (b) Ordinance No. 988-X ordering the removal of trash and rubbish at the Westover Shopping Center, West Boulevard and Remount Road.
- (c) Ordinance No. 989-X ordering the removal of weeds and grass at vacant lot adjacent to 2028 Russell Avenue.
- (d) Ordinance No. 990-X ordering the removal of weeds and grass at vacant lot adjacent to 2006 Russell Avenue.
- (e) Ordinance No. 991-X ordering the removal of weeds and grass at 723 McAlway Road.
- (f) Ordinance No. 992-X ordering the removal of weeds and grass at 2319-2323 Carmine Street.
- (g) Ordinance No. 993-X ordering the removal of weeds and grass at 4518 Crestmont Avenue.
- (h) Ordinance No. 994-X ordering the removal of an abandoned motor vehicle at 2739 Grimes Street.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 484 and ending at Page 491.

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ORDINANCE NO. 995-X ORDERING THE DEMOLITION AND REMOVAL OF DWELLING AT 2620 SIMS ROAD PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE, AND ARTICLE 19, PART 6, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION.

Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, adopting the subject ordinance ordering the demolition and removal of dwelling at 2620 Sims Road.

The ordinance is recorded in full in Ordinance Book 22, at Page 492.

#### ENCROACHMENT AGREEMENTS AUTHORIZED.

Motion was made by Councilman Gantt, seconded by Councilman Williams, and unanimously carried, approving the following encroachment agreements:

- (a) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 6" water main crossing Woodlawn Road at Old Woods Road.
- (b) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 12" water main in Oakdale Road and Pleasant Grove Road, between Peachtree Road and Leolillie Lane.
- (c) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8" and a 12" sanitary sewer at Wilkinson Boulevard and Tuckesegee Road.
- (d) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 2" water main in Green Street, east of Rozzells Ferry Road.

#### ACQUISITION OF SANITARY SEWER EASEMENT FOR ANNEXED AREA.

Councilman Withrow moved approval of the acquisition of one parcel of sanitary sewer easement for the Annexation Area I (11) Sanitary sewer trunk. The motion was seconded by Councilman Williams, and carried unanimously.

#### RESOLUTION FOR CONDEMNATION ACTION IN FIRST WARD URBAN RENEWAL PROJECT NO. N. C. R-78, DEFERRED.

Councilman Withrow moved that the resolution of the City Council for condemnation action in the First Ward Urban Renewal Project No. N. C. R-79 for three parcels of property be deferred. The motion was seconded by Councilman Gantt, and carried unanimously.

#### RESOLUTIONS OF CONDEMNATION.

Councilman Gantt moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Boyete A. Neal and wife, Catherine H. Neal, located at 403 Creston Circle (Off Mr. Holly Road) in the County of Mecklenburg, for the Long Creek Sanitary Sewer Outfall Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 249.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to James Wellington LaFane, III (single), located at 1200 Meadowood Lane at Randolph Road, in the City of Charlotte for the Randolph Road Widening Project.

The resolution is recorded in full in Resolutions book 11, at Page 250.

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PROPERTY TRANSACTIONS AUTHORIZED.

After discussion of the various projects, Councilwoman Locke moved approval of the following property transactions, which was seconded by Councilman Gantt, and carried unanimously:

- (a) Acquisition of 11.38' x 13.80' x 26.15' of easement at 5648 Central Avenue, from Horace H. Pittman and wife, Mildred H., at \$1.00, for Sanitary Sewer to Serve Reddman Road and Central Avenue.
- (b) Acquisition of 15' x 114.54' of easement at 3763 Wendwood Lane (off Randolph Road), from John T. Bayne and Mary Bayne, at \$700.00, for Sanitary Sewer to serve Billingsley Road.
- (c) Acquisition of 15' x 196.61' of easement at rear of 4336 Connelly Circle, from Willette Woods, Nora Herron, Charlie Mae Wells and Samuel C. Wells, Jr., at \$200.00, for Sanitary Sewer to serve Jason Street, Carlotta Street and Connelly Circle.
- (d) Acquisition of 15' x 1,176.55' of easement at 5908 Carmel Road, from James H. Whitner III and wife, Elizabeth V. E., at \$1.00, for Sanitary Sewer to serve Sturnbridge, Phase II.
- (e) Acquisition of 15' x 3,588.13' of easement west of Monroe Road, at McAlpine Creek, from Westminister Company, at \$1.00, for Sanitary Sewer Right of Way for a portion of Stonehaven Subdivision.
- (f) Acquisition of 15' x 799.79' of easement at 101 Arrowhead Road (off North 29) from John Crosland Company, at \$1.00, for Revision of Sanitary Sewer Right of Way to serve Willington Hall Apartments.
- (g) Option on 97.17' x 150.0' x 123.62' x 152.31' of property at 2405 Elsie Street (off Beatties Ford Road), from Clifton Arnold Ezell, at \$2,000.00, for Northwest Junior High Park Site Project.
- (h) Option on 112.28 acres of property at 3000 Rocky River Church Road, from The Gramson Company, a N. C. Partnership with Charles J. Henderson, Melvin T. Graham and Clyde M. Graham, Partners, at \$215,000.00, for Proposed Park Site - Rocky River Church Road (Plaza Area) Project.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried the following special officer permits were authorized for a period of one year:

- (a) Renewal of permit to Harold Keith Gebhart for use on the premises of Charlotte Park and Recreation Commission.
- (b) Issuance of permit to Fuller Garnett Moragne for use on the premises of Douglas Municipal Airport.
- (c) Issuance of permit to Nathaniel Williams for use on the premises of Douglas Municipal Airport.

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CONTRACTS FOR VARIOUS ITEMS AUTHORIZED.

Councilwoman Locke moved award of contract to the low bidder, Crane Pipe Company, in the amount of \$5,751.42 on a unit price basis for pipe fittings, C.I. mechanical joint. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Crane Supply Company	\$ 5,751.42
ITT Grinnell, Incl	6,171.02
B & H Carolinas	6,427.52
Glamorgan Pipe & Foundry Co., Inc.	6,782.86
American C.I. Pipe Co.	8,435.36
U. S. Pipe & Foundry Co.	8,918.41

Councilman Withrow moved award of contract to the low bidder, Flange Pipe Company, in the amount of \$5520.20 on a unit price basis for pipe fittings, flange. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Flange Pipe Company	\$ 5,520.20
B & H Carolina	5,792.50
ITT Grinnell, Inc.	6,003.68
Crane Supply Company	6,656.01
American C.I. Pipe Co.	7,270.46
Lynchburg Foundry Co.	7,424.64
U. S. Pipe & Foundry Co.	9,768.50

Councilwoman Locke moved award of contract to the only bidder meeting specifications, Concrete Products Company, in the amount of \$18,130.00 on a unit price basis, for plastic water meter boxes and lids. The motion was seconded by Councilman Williams, and carried unanimously.

Bids received not meeting specifications:

ITT Grinnell, Inc.	\$11,340.00
Pump & Lighting Co.	11,740.00
Southeastern Distributors	26,846.40

After discussion, Councilwoman Locke moved award of contract to the low bidder, Behr Construction Company, in the amount of \$33,657.00 for rehabilitation work to be performed on structure located at 708 East 9th Street. The motion was seconded by Councilman Gantt, and carried on the following vote:

YEAS: Councilmembers Locke, Gantt, David, Williams.  
NAYS: Councilman Withrow.

The following bids were received:

Behr Construction Co.	\$33,657.00
Andrew Roby, Inc.	42,500.00
Moretti Construction, Inc.	43,947.00

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Councilwoman Locke moved award of contract to the low bidder, International Harvester Company, in the amount of \$196,933.64, on a unit price basis, for twelve 35,000 GVW truck cabs and chassis. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

International Harvester Co.	\$196,933.64
Tar Heel Ford Truck Sales, Inc.	202,542.78
Mack Trucks, Inc.	247,015.00

Councilman Gantt moved award of contract to the low bidder, Pomona Pipe Products, in the amount of \$34,599.69, on a unit price basis, for vitrified clay pipe for sanitary sewer construction and maintenance in the drainage system of the city. The motion was seconded by Councilwoman Locke, and carried unanimously.

The following bids were received:

Pomona Pipe Products	\$34,599.69
Griffin Pipe Products Co.	35,573.00

Councilman Gantt moved award of contract to the low bidder, Brown Steel Contractors, in the amount of \$521,600 on a lump sum basis, for construction of Huntersville Elevated Water Tank. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Brown Steel Contractors	\$521,600.00
Pittsburg-Des Moines Steel Company	547,700.00
Caldwell Tanks, Incorporated	601,178.00
Universal Tank and Iron Company	647,535.00

Councilman Williams moved award of contract to the low bidder, Rosenblatt & Associates, Inc., in the amount of \$10,170.00 on a unit price basis, for traffic loop detectors. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Rosenblatt & Associates, Inc.	\$ 10,170.00
Traconex, Inc.	12,495.00

Councilman Withrow moved award of contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$25,850.00 on a unit price basis, for 100 school signal flasher controllers. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$ 25,850.00
Traffic Engineers Supply Corp.	26,163.00
Traconex, Inc.	33,311.00
Rosenblatt & Associates, Inc.	43,300.00

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Councilwoman Locke moved award of contract to the low bidder, Moretti Construction Company, in the amount of \$14,623.00 for construction of equipment shed, at Charlotte-Mecklenburg Utility Department's wastewater collection division, 3001 Wilmont Road. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Moretti Construction Co.	\$ 14,623.00
Norman D. Reynolds, Gen. Con.	19,781.00
Donald C. Neal Construction Co.	20,902.00

Councilwoman Locke moved award of contract on the low alternate bid of Poe Corporation, in the amount of \$21,212.00 for truck paint spray booth to be installed at the Motor Transport Maintenance Facility. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

BASE BIDS

Poe Corporation	\$ 11,875.00
Industrial & Textile Supply Co.	12,506.00
Ross Paint & Supply Company	12,731.80
Dillon Supply Company	15,222.20

ALTERNATE BIDS

Poe Corporation	\$ 21,212.00
Ross Paint & Supply Co.	24,046.80
Dillon Supply Company	25,897.20
Industrial & Textile Supply Co.	25,990.00

Councilwoman Locke moved award of contract to the low bidder, The Blythe Company of Puerto Rico, Inc., in the amount of \$197,971.00 on a unit price basis, for the Wilmore Neighborhood Assistance Project to include the construction of curb, sidewalk, curb and gutter, storm drainage systems, and resurfacing. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

The Blythe Company of Puerto Rico, Inc.	\$197,971.00
F. T. Williams Co., Inc.	198,349.50
Crowder Construction Co.	232,155.50
T. A. Sherrill Construction Company, Inc.	234,200.00
Rea Construction Company	240,032.25

ORDINANCE AMENDING CHAPTER 13 OF THE CITY CODE WITH RESPECT TO NOISE, DENIED.


The amendment to Chapter 13 of the Code with respect to noise which would permit the ringing of a bell for 200 consecutive hours in commemoration of the bicentennial was presented.

Councilman Withrow moved adoption of the ordinance, which motion was seconded by Councilwoman Locke, and failed on the following vote:

YEAS: Councilmembers Withrow and Locke.  
NAYS: Councilmembers Davis, Gantt and Williams.

ADJOURNMENT.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried adjourning the meeting.

  
Ruth Armstrong, City Clerk