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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, December 6, 1976, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Frank R. Milton, Church of Christ on The Plaza.

MINUTES APPROVED AS CORRECTED.

Motion was made by Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried to approve the minutes of the Council Meeting on Monday, November 22, 1976, with the following correction as requested by Councilwoman Locke:

Minute Book 64 - Page 317, seventh line from bottom of page:  
Change the date "1976" to "1975".

SCHEDULE FOR DECEMBER 1 THROUGH JANUARY 3 APPROVED.

Mr. Burkhalter, City Manager, asked if Council would approve the schedule of meetings as shown in the front of the agenda, as the schedule includes holidays for the city employees and the closing of City Hall.

Councilman Gantt moved approval of the schedule which includes Christmas holidays for Friday, December 24 and Monday, December 27; and New Year's Day holiday on Monday, January 3, 1977. The motion was seconded by Councilman Withrow, and carried unanimously.

HEARING ON THIRD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION PROCESS.

Mayor Belk stated he would like to congratulate the staff and the people in these target areas. They have done an outstanding job on contacting the people in the target areas. They have been very helpful because the people who have seen these programs have been a part of them, and for this reason the program has been very successful. Some of these other Federal Programs have not been as successful as this. Staff has done an outstanding job in taking this on and asking the people who they are.

He stated we will continue to have meetings as long as we have people interested in having these public hearings. Today is one meeting, and tomorrow night at 7:30 p. m. we will have another hearing in this same room.

We are having one this afternoon and one tomorrow night in order that the people who are working today and cannot be here may be able to be here and give their points of view on the Community Development. That he thinks these programs have been very good and he hopes the people will continue to take an interest in these programs in these particular target areas.

Explanation of the Program by Vernon Sawyer, Director of Community Development.

Mr. Sawyer stated there are many requirements that cities must meet in order to continue to be eligible for and to receive the annual block grant of funds under the National Housing and Community Development Act.

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Four of the most important are:

- (1) Each city must prepare an annual Community Development plan for use of the funds. This plan must respond to the city's needs for improving the housing for and affording other benefits to its low and moderate income citizens. This plan must be for a three year period.
- (2) Three year plans have already been prepared and approved by the Mayor and Council, and this will be the third three year plan. The map illustrates the nine Community Development target areas that have been approved for use of the funds during these first two three year periods. Each city must prepare an annual application to the Department of Housing and Urban Development for its grant of funds for which it is entitled, or otherwise eligible.
- (3) Each city must give its citizens an opportunity to participate in the planning process for preparation of the plan and the application, and give the citizens a chance to express their views and then the Council consider the views, requests, statements and suggestions from the citizens.

Those are three very important requirements of the Community Development Act. This public hearing represents the first step in the planning process for preparation of both the plan and the application for the third Community Development year. The estimated amount of money that Charlotte will be eligible for during the fifth year of the six year Community Development program is \$5,520,000. That is the total amount of money that will be allocated this year in the third three year development plan. The other money has been allocated in the first two.

No action regarding the citizens' views, statements, suggestions or requests are required or even expected of the Council today. This is the Council's opportunity to listen to the citizens and to consider their views so that action can be taken at a later time. Then Council can consider what it wants to include in the third year plan and application.

For today, notices and invitations have been sent out to all present and past agencies with whom we have had a contract for social services. We have asked them to appear here today because we thought this would be the most convenient time for them. As stated, the neighborhood organizations and representatives of the Community Development Target Areas have been invited to appear tomorrow night at 7:30 because we thought it might be the most convenient time for them.

Other members of staff are present today to help answer questions. But, as stated, the purpose of the meeting is to listen to the citizens.

Dan Shearer - Belmont Center; Youth Homes, Inc.

He thanked Council for the opportunity to appear and talk briefly about their program. He stated four weeks ago Council approved a contract with Youth Homes, Inc. and a budget for the eight month period, November 1, 1976 to June 1, 1977, for the continued operation of the three existing Youth Homes for children with behavioral problems. The proposal he has prepared - and he hopes Councilmembers have copies - is a request for continuation of funding in the third year, from next July to the following June 30, for the continued operation of these three homes.

Edith Hubbard, 7007 Idlewild Road - Hornets Nest Girl Scout Council.

Ms. Hubbard stated she is with the Girl Scout program. The Community Development, with the Hunter Smith Girl Scout Council, seeks to provide scouting opportunities to a segment of our population which heretofore has not been actively involved in the mainstream of the Scouting program.

Since the inception of the Community Development component, Girl Scouting has been flourishing in the target areas. Girls are becoming heavily involved in all aspects of Scouting - participating in an array of cultural, civic, ecological, social, outdoor, and character building activities. Community Development girls have participated in every facet of their community's life

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(flag ceremonies for naturalization programs, God and Community projects, neighborhood clean-up campaigns, home improvement projects, camping trips, talent productions, etc.).

This project is a critical necessity. It meets a girl where she is, encourages her to use what she has, in order to prepare her for what she can be. Each activity in Community Development Scouting teaches the girl to do something for herself - to develop her own abilities; to use facts and concepts as tools for building a better community.

Their proposed funding level would assist in providing Scouting opportunities in the target areas to girls of all ages. The Community Development component addresses itself to a pressing need that exists in all communities, but more poignantly in the target areas. She stated that attached to the second page of their proposal is a budget which very definitely may change.

Clifton Wood, Executive Director - Nevins Center.

He stated the City has not funded their needs up until this time. As of October 4, 1976, according to the Federal Register, children's workshops are permitted to use Community Development funds for their purposes; that a copy of the Federal Register is included in the material Council received.

Nevins Center is a workshop for the mentally handicapped and also for people training school, started in 1959. Their budget for the year is \$232,000 but they do not have monies sufficient to enlarge the facilities. It takes all of the money they presently have and receive for vocational rehabilitation and mental health to simply run their program. The Long Range Planning Committee for the mentally retarded in Mecklenburg projects that in the next ten years there will be an additional 743 mentally retarded adults who will need services such as Nevins offers. He filed with Council a drawing of an enlargement of the workshop, along with the cost involved.

Melba von Sprecken - Hot Lunch Program for the Elderly.

She stated at this time they are doing a hot lunch per day, five days a week, served to persons 60 years of age or older, or disabled, and living within the target areas. Transportation is provided along with the forty services such as chest X-rays, nutrition education, glaucoma screening, flu shots, recreational outings and programs - films, sewing, craft classes, etc.

Presently, they are serving 580 different elderly persons. Their budget is approximately \$300,000. They anticipate an increase of 100 meals in the North Charlotte area in their second year contract. She has listed the areas in which they are serving these meals.

Linda Ellison, Director - Mecklenburg Court Volunteers.

She stated this is a volunteer program. Their workers work on a one-to-one basis with juveniles and young adults on probation. They presently have a contract with Community Development. They have several matches with probationers in the target areas and their goal is to reduce the recidivism rate. Their study at this time is not complete. They are seeking additional funds from Community Development to continue their program specifically in the target areas, matching more probationers with trained and supervised volunteers.

Ms. John W. Gray, 1726 Washington Avenue - Absent

Francis Jeffries, 3043 Georgia Avenue (Third Ward) - Johnson YMCA.

He stated each of them have the proposal for the Johnson YMCA. They have been funded before - as of June 7, 1976 for the summer program and then another program beginning September 1, 1976. At the end of the proposal are some of the things that have already happened with the participants in North Charlotte. The budget they propose for the third year also has some of the things they would like to do with that.

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Rick Dancy - Methadone Project, Impact Recreation and Leisure Project, and  
Respite Care Home.

Speaking for the Area Mental Health Program he thanked Council for the three projects which they are totally supporting. The Recreation and Leisure education program for the mentally retarded residents of the Community Development target areas has exceeded all expectations for it. They have just gotten encouraging news that, thanks to a group of National Guardsmen here in Charlotte, they have raised the money to send one of their special worker's ice skaters to the National Special Olympics in Denver; that they owe the National Guard as well as Council thanks for that. Another project they have operated is an expanded Methadone Counseling Program through Open House, Inc. They are very pleased because, as all of them know from hearing John Allen before, the Open House program is struggling to keep up with the volume that exists here in the community. They would have had to turn people away had it not been for the funds Council made available. They are very proud of the Respite Care Home which opened last week and they are already starting to get inquiries from parents.

Councilman Gantt asked Mr. Dancy if his program is affiliated with the recent corporate study we saw, and he replied they commissioned it. Councilman Whittington asked if they had been funded in the past and Mr. Dancy replied yes, their third year request is pretty much in line with their initial request dollarwise.

Councilwoman Chafin asked if they are requesting any new programs this year? Mr. Dancy replied no. They just want to continue the programs which are already funded. They like the concept very much of including social programs in with City occupations, because relocation and redevelopment very definitely impact upon the agencies delivering social and health services.

Mrs. Jessie Cuthbertson, 3038 Bellaire Drive.- Absent.

Mrs. Barbara Lucas - Homeowners Counseling Service.

She expressed appreciation for the funding received on the first and second year contract. Their first year evaluation said they are being of meaningful help to the people of the target area. While they cannot be assured of plenty of funding for the third year, they have used it for the second year so as to maximize our productivity. They request they be considered in the third year for approximately \$40,000, and again expressed appreciation to Council and to the Community Development Department for helping them to serve the community.

Councilman Whittington asked how much they have received the last two years? Mrs. Lucas replied the first year they were allocated \$5,300. This year they did not spend all of that; they are matching Title 20 so that their second year contract is for \$2,600 but it is an eight-month contract. If you project that over twelve months it comes right out at about the same level.

Erleen Allen, resident of Lunsford Place.

She stated they want to be included in Area 2. That Woodside Avenue which is a street over from them, in fact is an extension of Lunsford Place, has been included. Lunsford Place is an extension of Woodside and is about three blocks and she does not think that would be too much trouble to include about three blocks more. This is in the North Charlotte neighborhood.

Mayor Belk asked why it is not included? Mr. Sawyer replied it is not in the census tract approved by Council two years ago as a target area and therefore not included.

Ms. Allen asked if there is any way it can be included? That she has petitions signed by almost everyone on the street. She put it in and was told that maybe it could be included in Phase III. Mr. Sawyer stated it can be included if the Council wants to include it. They will check to see why it was not included. Mayor Belk requested Mr. Sawyer bring this information to Council and that it be given to Ms. Allen also.

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James M. Hannah - McCrory YMCA.

He stated they ran what they considered a successful day camp program this past summer and are very appreciative to the Council and Community Development for the splendid cooperation in serving approximately 500 children during that eight weeks period. This summer they are proposing the same type of program. They feel they can serve approximately 625 youths. They have a neutral ground that they would like for consideration and that is a youth basketball recreation activity. It will accomplish a variety of things. One would be that this is for boys and girls ages 8 through 14. It would include a basketball league; it would include gymnastics; it would include swimming and various educations. They have copies of both proposals before them. They hope it will be convenient to start this other youth program the latter part of December, if possible.

Ray H. Wheeling, Executive Director - Housing Authority.

Mr. Wheeling stated we have 3600 units of houses in Charlotte right now. Started 37 years ago, the Charlotte Housing Authority was for most of that time, up until the last three years, without any organization. He thinks all of them know the importance of keeping the maintenance of these units above normal. Modernization to bring them up to standard is the largest standing order in the City of Charlotte - for apartments for middle and low income families.

He thinks they are to a point now where they have to get more modernization in these units than they are giving. He is working with the Department of HUD to get modernization money. As Council knows, they were limited this past year to the amount of money that was appropriated. Any consideration they can give the Housing Authority for modernization and for such things as site improvement and recreation in these high density areas - the target areas - will certainly be appreciated.

Mayor Belk stated in Dalton Village the City can keep up the streets, but those parking lots are in bad shape. Is there any way which Mr. Wheeling could report back that he has gotten those parking lots cleaned? He asked this information be sent to Council and the City Manager.

Ernie Alford - Motion, Inc.

Mr. Alford expressed his thanks for being allowed to appear. He stated Motion began in 1971; it was thought at that time that there was a need to have a program to deal with the problems of housing those people who do not qualify for public housing and yet do not have the income to be able to secure adequate housing on the open market. Motion was developed to address those problems.

He is regretful to say that today, in 1976, they still have a problem. In view of what has happened in the economy, both nationally and locally, as well as what has happened with the cost of housing across the country, their problem is more profound than ever. Recently it was cited, in a problem with our local Housing Authority wherein families have been forced to remain in public housing largely because they have nowhere else to go. This is the very kind of problem and the kind of people that Motion addresses itself to and will continue to address itself to.

He brought them up-to-date on some of their activities of the past six months. In June of 1976 when they came before Council Motion was at that time involved in the development of eight multi-family projects. One project was under construction, another was being processed for mortgage insurance, and two others were in application with the Department of Housing and Urban Development. He is happy that now, six months later, Orchard Park Apartments, the first of these projects, has been completed and has been totally rented out. The fact that two weeks following Councilmembers Whittington's, Gantt's and Chafin's visit to its opening, the project was completely filled and had a waiting list of over 100 families, points out the great need for housing at this level of income.

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Mr. Alford stated that Greenhaven, their latest project, represents a renewal of the Greenville Urban Redevelopment Area. After years of inactivity, Greenville will have affordable rental housing. This proposed housing is a 49-unit townhouse for approximately 274 low income people. The project, when completed, will cost in excess of \$1,000,000. From the charts he has provided they can see graphically the values and the amount of families they are talking about housing in this total program. In addition to the Greenhaven project in Greenville on which construction is to begin in the next 45 to 60 days, representing the first multi-family housing in that area since it was originally redeveloped, they have also supported and been approved for two Section 8 projects - the new multi-family Federal Housing Program. These are continually processed, they are developed under the new status site program pursuant to the City Housing Policy, and we expect 50 units each to be available on the market for these families.

He stated over the past year or two they have been working with the Community Development Department in what they consider a team-like effort to deal with the problems of low income housing and to try to come up with new innovations and develop those other innovations which have already been initiated to see that the housing is brought to the market. With Council's support and the continued effort and support of the Community Development Department they can continue to carry out their task.

In response to a question from Councilman Whittington, Mr. Alford stated the Woodstone Project is in the Derita Road area; the Hollis Road Project is in the South Boulevard area, and they are both in the feasibility stage. Councilman Whittington asked if he could give them some idea of how long it will take to get those two projects to the "8" development stage.

Mr. Alford replied that, first of all, this Section 8 program is new to everybody; they are breaking new ground; it is the very first time out. These projects are in the first wave in this State. But, in their talks with people at HUD they expect to have these two projects under construction sometime in the middle or late part of 1977.

Councilman Whittington asked if it would be of any help to Motion if our Congressmen and Senators were asked to help with these programs? Mr. Alford replied their help would be welcome and would certainly help expedite their situation. Councilman Whittington asked Mr. Sawyer if he would do that; that he is sure that Council would want to support him in that effort.

Councilman Whittington asked if the individual homes on Water Oak Road, which were built as the second project after Mr. Alford came aboard, were finally sold. He replied all four were sold, but unfortunately one of the units has been placed back on the market due to personal or marital situation, but through no fault of their own. Councilman Whittington stated he feels that Motion as part of Community Development and as a part of local government is doing a real fine job and he commends them again for what they are doing.

Mr. Burkhalter asked for confirmation on the groundbreaking date in Greenville and Mr. Alford replied 45 to 60 days.

Paul MacBroom - Central Piedmont Community College.

He stated Council has their proposal for the second funding year. At this point in time they do not have any facts and figures regarding what they would like to do during the third funding year. Mr. Myers, Director of Human Resources and Development, wrote a memo outlining basically some of the things they would be interested in and hopefully they will have a proposal to submit.

They are hoping to do basically two types of training for Community Development Area residents: (1) make it possible for people to complete high school and prepare for job skills, and (2) to actually provide some job skills training. Also, related to economics, is working with small business operators and potential small business operators in developing some expertise. They hope also to conduct some classes for people within the community - elderly people and people who are interested in personal types of skills.

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Responding to a question from Councilwoman Chafin, Mr. MacBroom stated all of their activities are related to the target areas, and by "related" he means they are housed in the target areas. That only target area residents will participate except that outside residents will participate and pay their own way.

Councilman Whittington asked if Manpower is not already doing many of the things he has listed? Mr. MacBroom replied no and yes. That Manpower is doing most of these things to the best ability they have, with the amount of resources they have available. That they are not duplicating Manpower's efforts in that by and large the people they work with have already been turned down by Manpower due to the fact that they do not have the background necessary. They would be serving different people than Manpower.

MAYOR EXCUSED FROM MEETING DURING DISCUSSION OF FOLLOWING ITEM DUE TO CONFLICT OF INTEREST, AND MAYOR PRO TEM PRESIDES DURING ABSENCE.

Mayor Belk asked the City Attorney for a ruling as he is a stockholder and a member of the Board of Directors of Coca Cola Bottling Company. Mr. Underhill replied since Petition No. 76-66 is subject to the 3/4 Rule, the Mayor is required to vote, and it is his opinion that he would probably have a conflict of interest. He would have a financial interest in the outcome of at least a portion of this petition, and should be excused from participating and voting in this matter.

Motion was made by Councilwoman Locke to excuse the Mayor, which motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Williams asked how this will affect the number when they get down to the business of voting. It was agreed it would require six affirmative votes without the Mayor's vote.

(Mayor pro tem Whittington presided until the Mayor returned to the meeting.)

ORDINANCE NO. 382-Z AMENDING THE CITY CODE BY AMENDING THE ZONING MAP OF THE CITY OF CHARLOTTE TO REZONE AN AREA SOUTH OF HOSKINS ROAD, OWNED BY COCA COLA BOTTLING COMPANY FROM R-6MF TO O-15, AND REMAINDER OF PETITION NO. 76-66 BY NORTHWOOD ESTATES COMMUNITY ORGANIZATION REFERRED BACK TO THE PLANNING COMMISSION FOR STUDY AND RECOMMENDATION.

Council was advised that protest petitions sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property under Petition No. 76-66 has been filed. Also the Planning Commission recommends the petition be denied except for the area south of Hoskins Road, owned by Coca Cola Bottling Company, now zoned R-6MF, be rezoned to O-15.

Councilman Gantt asked if Council can approve that portion of the petition the Planning Commission recommends approved - the Coca Cola property - and at the same time request that Council refer this back to the Planning Commission for the remainder of the petition, from the standpoint the Planning Commission's report itself indicates the decision was made on the basis of philosophical reasons. That he is not sure he quite understands what that really means. He would like to have it referred back so they can examine it on the merits of each of the different parcels that were requested for rezoning and make a recommendation on that basis. The petition itself clearly pointed out those specific areas they were interested in and at least Council can find out from the staff whether or not this is good or bad planning. The question of philosophical differences with the petitioning body - in this case the Northwood Estates Community Organization - in his opinion does not constitute grounds for denial of a petition. The system more clearly allows for petitioning by any property owner or citizen for a change or redress of any grievance.

Councilman Gantt stated he would like to make a motion that Council refer it back to the Planning Commission for a specific decision excluding that property which has already been approved. Mayor pro tem Whittington asked if

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it can be done this way? Mr. Underhill replied yes they can act on part of the petition and send the remaining portion back. Procedurally, they can do that. After further studying the request, Mr. Underhill stated Mr. Bryant probably would not agree with him, but he thinks it can be done. Mr. Bryant replied he would not disagree with Mr. Underhill's opinion, he just does not believe there has ever been an instance that he is aware of in which a petition was partially acted upon and partially carried over. Mr. Underhill stated he does not see anything in the general statutes, the City Charter or the Zoning Ordinance which would prohibit Council from acting procedurally in that manner. That is, approve a portion of a petition even though it is one petition, and defer action on the remainder of that petition until the Planning Commission has a fresh look at the situation.

Councilman Gantt moved approval of the portion of the petition recommended by the Planning Commission and that Council refer the remainder back to the Planning Commission for further study and recommendation. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington asked for clarification of the motion. That Mr. Gantt's motion is to approve the recommendation about Coca Cola, and the other part of his motion is that the balance of it be referred back to the Planning Commission for further study and further recommendation. He asked what this does to the property that the County denied. He knows it does not involve any problems as far as inside the city limits is concerned but what does it do to planning if the Planning Commission or if Council would overturn at a later date what has been recommended and the County Commissioners have denied it?

Mr. Bryant replied there may be one or two patterns and circumstances that it would create that might be a little bit illogical but he does not believe it would create any particularly undue problems in that respect.

Councilman Williams stated he is in favor of the motion, but he would say they are now in a better position than they were before because at least they have the constant factor now of knowing what the County has done in the area outside the City.

Mayor pro tem Whittington stated, if Council agrees, he thinks they should go out there and look at all of this property so they will all have the same picture rather than what is on the map. He hopes Mr. Burkhalter will schedule this before a decision is made. Mr. Burkhalter replied it would be better to wait for the Planning Commission's recommendation. Councilmembers Chafin and Gantt agreed. Mr. Bryant stated he knew some of the Planning Commission would want to go with them.

Councilman Davis stated he is going to vote against this motion because he thinks the same thing could be accomplished in a different motion. Some of the property included in this petition appears to have some merit for rezoning and some of the property also would appear to mean a great hardship or an unreasonable hardship on some of the property owners. He has shared the same philosophical opposition expressed by some members of the Planning Commission and he does not think it is fair for one person to petition to rezone the property of another because it can be done in a totally arbitrary manner. As he understands the zoning ordinance, he could put up \$100 and petition to have the Mayor's home rezoned for a pizza parlor and he would be required to come up here before Council and the Planning Commission with attorneys and he would have no assurance that the elected body on any given day might not rule against him. He thinks this is unreasonable to put a property owner in this position. That the same purpose could be achieved if they just go ahead and approve the Planning Commission's recommendation and then let the petition be either brought back up by the Planning Commission or have some individual Councilmember bring it back up. This would remove the philosophical argument advanced by the Planning Commission, the one he shares.

He will vote against the motion and will probably vote against a lump sum rezoning coming up like this, but he would like to see the items the professional planners feel have merit picked out of this and brought back before them.

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Councilman Gantt stated that is what they are requesting, that he feels they are talking about the same thing. Councilwoman Locke stated they did not want to go through the hearing process again. Councilwoman Chafin stated they do not need to; that essentially what they are saying is that Council feels that this area should be analyzed.

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

YEAS: Councilmembers Gantt, Locke, Chafin, Williams and Withrow; and Mayor pro tem Whittington.

NAYS: Councilman Davis.

The ordinance is recorded in full in Ordinance Book 23, at Page 451.

Councilman Withrow asked if there is any reason they cannot send in their Legislative package what they are talking about here and change the law to disallow people asking for rezoning of someone else's property? Mr. Underhill replied he would have a memo for them in the next ten days on that subject. They are looking at two questions: (1) Can you do it without a change in the Legislature; (2) If not, then what legislation would be necessary, and (3) Would either of those approaches be constitutional? It may not require legislation on the part of the General Assembly in order to do that. Their request is being worked on.

Councilman Williams stated he has a map which seems to have attempted to break this down into several areas inside the City and outside and it appears to have ten subdivision areas inside the city. He asked Mr. Bryant if this is right? Mr. Bryant stated that is probably correct. There were fourteen in the County - 24 total segments. Councilman Williams asked if that was done as a tool to aid the Planning Commission? Mr. Bryant replied it was simply a staff attempt to divide the area up into what they thought was a reasonably workable segment for study purposes.

Councilman Williams asked if the Planning Commission takes it back could they comment on the merits of each one of those ten which are inside the city? Mr. Bryant replied if it goes back to the Planning Commission, and they will so entertain that discussion, they are prepared to discuss the merits of those segments.

Councilwoman Chafin asked if it would change the situation if Council did what it did in the Myers Park situation and actually initiated a petition or a series of petitions? Mr. Bryant stated he is a little handicapped in answering that right now because the Planning Commission has on its agenda for the meeting tomorrow night (December 7) a discussion of this subject - the matter of the petitioning for rezoning which is sponsored by persons other than the property owner - what part the Planning Commission could most logically take to fit into that situation. He is a little bit at a loss to try to interpret for them what he thinks the Planning Commission's view right now is. Obviously, their concern at the time the motion was made was that it was in total a petition which was partially an attempt to rezone persons' property who had not requested it and that being the case there were some side remarks to the effect that perhaps this type of zoning consideration should be initiated by some form of government unit.

Councilman Withrow asked how long it would take the Planning Commission if it is deferred back to them to do a thorough job before they come back to Council? He knows when they were doing Eastway Drive, Mr. Bryant said it was impossible to take this big an area and really do it right and come up with the best decision. Are they talking about six months?

Mr. Bryant replied no, he did not think so, in this particular case. He feels like the petitioners in this matter have generally outlined in total the area that is most susceptible to some studies changes. They are not talking about particularly enlarging the area that has been placed under consideration. The staff has done considerable work already, prior to the time the Planning Commission took its action, on looking at these specific areas and were prepared to comment on them individually. They need to keep in mind that this includes everything that is inside the city limits north of I-85 in that area, so they cannot expand on that as far as the city is concerned. He does not think it will take anywhere near six months to follow up on that course of action.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON MONDAY, DECEMBER 20, 1976 ON PETITION NOS. 76-74, 76-76 THROUGH 76-77 FOR ZONING CHANGES.

Councilwoman Locke moved adoption of the subject resolution providing for public hearing on Monday, December 20, at 7:30 p. m., in the Board Room of the Education Center. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 163.

REVISED RELOCATION PLAN FOR THE FIRST WARD URBAN RENEWAL AREA, NCR-79, APPROVED.

Councilman Gantt moved approval of the revised relocation plan for the First Ward Urban Renewal Area, NCR-79. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated he took time to read this and he really finds that it seems to have been well thought out, very reasonable, and "do-able". Councilwoman Locke stated she concurs and is extremely pleased with it.

The vote was taken on the motion and carried unanimously.

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

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

H. MILTON SHORT APPOINTED TO COMMUNITY FACILITIES COMMITTEE.

Councilman Whittington moved the appointment of Mr. H. Milton Short as a member of the Community Facilities Committee. The motion was seconded by Councilman Withrow.

Councilman Davis stated he would vote against Mr. Short's appointment. In voting against such an eminently qualified individual who has served the community so well, he feels as though an explanation is in order. In making appointments to various boards and agencies that advise the City Council there is no particular procedure or form that they follow every time. Some members of Council have indicated that they would consider appointments on a partisan basis. He sees nothing wrong with this as long as the appointees are well qualified and all other things are equal. He does not particularly care who is appointed in this case or any other case as long as they are well qualified. He thinks that the Councilmembers who are influential in these appointments should be attentive to several things in making an appointment, one being that they get broad representation from the Community on our appointed boards and agencies. This particular board is only a five-member board and currently there are four Caucasian males on the board who all live within two or three miles of each other in Southeast Charlotte. There is no woman on the board, no black, no one outside this sector of the City. The remaining members of the Community Facilities Committee have specifically asked for someone that would ideally come from an area that has been recently annexed. The major problem that seems to be facing the Community Facilities Committee for the next several years is going to be annexation and extension of water and sewer facilities into the areas and dealing with consumers in the areas that have problems concerning water and sewer extensions. In voting against this nomination, he hopes that someone will come up with an appointee who would meet these qualifications or at least a portion of them.

Councilman Williams stated that he would like to echo what Councilman Davis has said. He is going to vote against the first nominee, not so much because he wants to vote against him, but in order to save his vote for the second nominee. That when you have equal qualifications - both of these people seem to be highly qualified - he is going to participate in a little affirmative action and save his vote for Mrs. Niccolai.

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

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

MANAGEMENT CONTRACT WITH CITY COACH LINES, INC. EXTENDED FOR THREE MONTHS TO TERMINATE FEBRUARY 28, 1977.

Councilman Whittington moved approval of a three months extension to the existing City Coach Lines, Inc. management contract to terminate February 28, 1977. The motion was seconded by Councilman Withrow.

Councilman Gantt asked if we actually have in hand the proposals from the other six companies he has been hearing about. Mr. Burkhalter replied it is five companies. Councilman Gantt asked if Council is going to get a copy of the proposals or if this is something he prefers working out with his staff before making recommendations? Mr. Burkhalter replied that they are going through an evaluation process now, screening these for legality and otherwise. That what they propose to do is to bring these people in and narrow it down to at least three of them and then invite Council to come in and sit with them so that they will be better acquainted with them as they are discussing their offers. The details have not been worked out, but this is what they are thinking of now.

Councilman Gantt stated he is going to support this proposal but he is doing it with reservations because he thinks a vote in favor of City Coach Lines extending their contract is almost called for - he does not see what choice they have at this point. But, he does want the public to understand that his vote on this matter indicates no confidence in the way this strike is being settled.

Councilman Davis stated he wonders if it would be helpful - it might be harmful - since Mr. Gantt has indicated at least some questions about the competence of the City Coach Lines, would it be appropriate for other Councilmembers to give some indication of their feeling about the management? That at this point since the City Coach Line is not in operation the only thing involved is labor relations or negotiations, so they are, in effect, expressing confidence or lack of it, in their conduct of these negotiations. By expressing confidence or lack of it they may be encouraging one side or the other to press harder for demands or to maybe give in. He would like to hear what other Councilmembers think about this - if they should take a position on this at this point.

Councilman Williams stated as he has already indicated, he thinks this management firm has made a reasonable attempt to settle the strike. Councilwoman Locke stated they will have a chance to bid when their extension is over, to be one of the management firms and then Council can make that decision. Councilman Davis replied that is really not his concern, but he will say that he is going to vote for the extension based on Reason No. 1 in the resource material with no regard to Reason Nos. 2 and 3. Had the strike not occurred they would have been ready to make a decision at the time the contract expired. That, in response to Mr. Williams' and Mr. Gantt's remarks in the informal session, the material that the City Manager provided to Council indicates that a proposal made by the City Coach Lines of a 26 percent increase over a two year period, is a much greater increase than we provide for our own City employees. It is probably a much greater increase than most of the bus riders will expect to receive in their income during the next two years and certainly a greater increase than we expect to see in City revenues from which we have to fund the deficit in the bus line. We do have a problem with the bus drivers being on strike during Thanksgiving and Christmas. It is a hardship not only on them but on the entire community, particularly the downtown business community. He can certainly sympathize with them and the downtown business community and he hopes that something can be worked out quickly. He believes that the proposal made by the City Coach Line represents a more than fair settlement and probably exceeds what might be approved if the matter came before City Council.

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Mr. Burkhalter stated he thinks Council ought to keep in mind - this discussion may lead some people not to understand this - that these employees are employees of the Coach Company, not the City. They are not City employees and the Coach Line is the one that has to deal with it. He does not see how you can possibly change it - you could but you would bring up more issues than he thinks they would care to deal with at the present time.

The vote was taken on the motion and carried unanimously.

ALL BIDS RECEIVED FOR TRAFFIC LOOP DETECTORS NO. 1 REJECTED-AND PERMISSION GRANTED TO RE-ADVERTISE FOR THIS EQUIPMENT.

Councilman Whittington moved all bids received for Traffic Loop Detectors No. 1 be rejected and permission granted to re-advertise for this equipment. The motion was seconded by Councilwoman Locke, and carried unanimously.

CONTRACT AWARDED TO ECONOLITE FOR TRAFFIC LOOP DETECTORS NO. 2.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding subject contract to the low bidder, Econolite, in the amount of \$9,519.00, on a unit price basis, for Traffic Loop Detectors No. 2.

The following bids were received:

Econolite	\$	<u>9,519.00</u>
Traffic Engineering Supply Corp.		10,470.00

CONTRACT AWARDED TO DOHRMANN DIVISION, ENVIROTECH CORPORATION, FOR ORGANIC CARBON ANALYZER.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and carried unanimously, subject contract was awarded to Dohrmann Division, Envirotech Corporation, the only bidder, for one Organic Carbon Analyzer, in the amount of \$9,064.95, on a unit price basis.

CONTRACT AWARDED TO SANDERS BROTHERS, INCORPORATED, FOR NORTH CHARLOTTE COMMUNITY DEVELOPMENT DRAINAGE IMPROVEMENTS.

Motion was made by Councilman Withrow, seconded by Councilwoman Chafin, and carried unanimously, awarding contract to the low bidder, Sanders Brothers, Incorporated, in the amount of \$119,021, for North Charlotte Community Development Drainage Improvements.

The following bids were received:

Sanders Brothers, Inc.	\$	<u>119,021.00</u>
Blythe Industries, Inc.		150,175.00
Crowder Construction Company		197,670.00
T. A. Sherrill Construction Co.		200,880.00

CONTRACT AWARDED TO T. A. SHERRILL CONSTRUCTION COMPANY, INC. FOR GREENVILLE URBAN RENEWAL PROJECT.

Councilwoman Locke moved award of contract to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$1,169,899.50, on a unit price basis, for Greenville Urban Renewal Project. The motion was seconded by Councilman Whittington, and carried unanimously.

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The following bids were received:

T. A. Sherrill Construction Co.	\$1,169,899.50
Crowder Construction Co.	1,196,896.05
Blythe Industries, Inc.	1,205,805.80
Propst Construction Co.	1,211,018.45
Sanders Brothers, Inc.	1,239,997.80
Rea Construction Co.	1,242,966.10

CONTRACT AWARDED TO T. A. SHERRILL CONSTRUCTION COMPANY, INC. FOR NORTH CHARLOTTE PARK CONCRETE WORK.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, contract was awarded to the low bidder, T. A. Sherrill Construction Company, Inc., in the amount of \$11,725.00, on a unit price basis, for North Charlotte Park concrete work.

The following bids were received:

T. A. Sherrill Construction Co., Inc.	\$ 11,725.00
R. N. Wheatley Company	11,915.95
Blythe Industries	13,092.50
Todd Pool Builders	13,300.00
D. R. Mozeley, Inc.	13,505.00
Crowder Construction Company	15,605.00
Moretti Construction Company	16,025.00
Sanders Brothers, Inc.	16,033.00
J. H. Davidson Construction Co.	17,500.00
Cardinal Construction Company	18,850.00
John M. Campbell Company	19,898.00

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM ODESSA G. DEAN, AT 115 JEFFERSON STREET, FOR THE WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA.

The subject resolution was adopted on motion by Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 164.

#### CONSENT AGENDA.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, approving the following consent agenda items:

- (1) Settlements totalling \$8,100.00 for Sharon Amity Road condemnations as follows:
  - a. City vs. Margaret G. Parker, Parcel No. 101.
  - b. City vs. Marvin O. Wilson, Parcel No. 93.
  - c. City vs. Lloyd L. Foster, Parcel No. 92.
  - d. City vs. Linda Marie Neely Sparrow, et al, Parcel No. 103.
  - e. City vs. Joe B. Pierce, Parcel No. 99.
  - f. City vs. James W. Wrape, Parcel No. 102.
- (2) Loan to Mr. and Mrs. L. Tyson Betty, Jr., in the amount of \$55,000, for improvement and restoration of property located at 610 North Pine Street in the Fourth Ward Urban Redevelopment Project Area.
- (3) Applications for Property Rehabilitations Loans and Grants in North Charlotte Target Area:
  - a. Grant to Joseph A. Current and Christine Current, in the amount of \$4,440, for 3004 Holt Street.

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- b. Grant to Irene P. Sawyer, in the amount of \$2,950, for 3009 Whiting Street.
- c. Grant to Lucille B. Smith, in the amount of \$4,435, for 1025 Charles Avenue.
- d. Grant to Alice J. Green, in the amount of \$4,500, for 609 East 35th Street.
- e. Loan to Rodie H. McSwain and Tom McSwain, in the amount of \$1,250, at 730 Herrin Avenue.
- f. Grant to Rodie H. McSwain and Tom McSwain, in the amount of \$3,252, at 730 Herrin Avenue.
- g. Grant to Maude B. Norkett, in the amount of \$3,500, at 446 East 36th Street.
- h. Grant to Milton Penson Bradley, in the amount of \$4,190, at 3318 Alexander Street.
- i. Grant to George F. Oliver and Katie Oliver, in the amount of \$4,395, at 3014 Myers Street.

(4) Ordinance No. 383 amending the City Code with respect to the Soil Erosion and Sedimentation Control Ordinance.

The ordinance is recorded in full in Ordinance Book 23, at Page 453.

(5) Contract with John Crosland Company for approximately 3,120 feet of 8", 6" and 2" water main and three (3) fire hydrants to serve Idlewild South Subdivision, inside the city, at an estimated cost of \$26,500.00.

(6) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 6-inch water main beginning at the intersection of Rea Road to serve Rea Road at Cool Springs Lane.

(7) Contract with Dixon Motor Company for construction of 2,922 linear feet of 8-inch sanitary sewer lines to serve Lake Norman Shopping Park - U. S. 21 at N. C. 72, outside the city, at an estimated cost of \$33,000.00.

(8) Property Transactions:

(a) Option on 12.86 acres of land south off Jim Kidd Road, from James Kidd and wife, Josephine B., at \$19,000.00, for the North Mecklenburg Wastewater Treatment Plant Site.

(b) Acquisition of 30' x 5,101.49' of easement, south off Jim Kidd Road, from James W. Kidd and wife, Josephine B., at \$8,000.00, for the McDowell Creek Outfall.

(c) Acquisition of 15' x 53.01' of easement at 5500 Sharon View Road, from Frances B. Flintom, at \$100.00, for Providence Utility Trunk Relocation Project.

(d) Acquisition of 15' x 35.12' of easement at 5550 Sharon View Road, from Wachovia Bank & Trust Company, Executor & Trustee u/w W. D. Flintom, for the Providence Utility Trunk Relocation Project, at \$100.00.

(e) Acquisition of 3.50' x 118.0' x 117.95' of easement at 7022 Lancer Drive, off 6500 block Old Providence Road, from Robert H. Hice and wife, Frances R., at \$100.00, for Providence Utility Trunk Relocation Project.

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- (f) Acquisition of 15' x 36.63' of easement on 44.87 acres west of Providence Road, from Cal D. Mitchell, Jr. and wife, Tanya L., Mary May Gillespie and husband, Richard, at \$150.00, for the Providence Utility Trunk Relocation Project.
- (g) Acquisition of 15' x 192.73' of easement west of Old Bell Road, from William H. Ross (single), at \$500.00 for the Providence Utility Trunk Relocation Project.
- (h) Acquisition of 30' x 1,867.16' of easement, plus a construction easement, from Richard T. Banks and wife, Margaret P., at \$3,300.00, for the Torrence Creek Outfall Project.
- (i) Acquisition of 15' x 230.39' of easement at 5940 Nations Ford Road, from Ruby E. Coley (widow), at \$280.00, for Sanitary Sewer to serve Housing Authority Site on Nations Ford Road Project.
- (j) Acquisition of 17.98' x 15' of easement at 5800 Nations Ford Road from Housing Authority of the City of Charlotte, North Carolina, at \$1.00, for Sanitary Sewer to serve Housing Authority Site on Nations Ford Road Project.
- (k) Right of Way Agreement on 220.00' x 29.98' x 175.00' x 54.07' of property on the west side of 3600 block of Piney Grove Road, from Katherine W. Hodges, George R. Hodges, John Mason Wallace, III, and Sally Spencer Wallace, at \$330.00, for the Piney Grove Road Extension Project.
- (l) Right of Way Agreement on 68.00' x 30.04' x 64.06' x 30.30' of property on the west side of 3600 block of Piney Grove Road, from NCNB Mortgage Corporation, at \$1.00, for the Piney Grove Road Extension Project.
- (m) Construction Easement on 42.41' x 152.59' x 2.00' x 74.46' x 34.00' x 44.18' x 35.74' of property at 4101 Randolph Road, from Ted S. Lewis, Jr. and wife, Pattie G., at \$3,700.00, for the Randolph Road Widening Project.
- (n) Right of Way Agreement on 60.44' x 11.94' x 62.66' plus a construction easement, at 1800 Ashley Road, from Ms. Mary B. A. Howell, at \$1.00, for Sidewalk Construction Phase V.
- (o) Acquisition of one parcel of real property located in the Southside Park Community Development Target Area, at 2609-11-13-15 Baltimore Avenue, from George D. Allen, in the amount of \$20,500.00.
- (p) Acquisition of one parcel of real property located in the Grier Heights Community Development Target Area, at 135-139 and 147 Skyland Avenue, from John Mason Wallace, Jr., at \$2,500.00.
- (q) Acquisition of three parcels of real property located in the Third Ward Community Development Target Area, as follows:
  - 1). 1029 Westbrook Drive, from Schloss Outdoor Advertising Company, in the amount of \$7,725.00.
  - 2). 29,161 sq. ft. on Greenleaf Avenue, from Mrs. L. L. Rose, et al, in the amount of \$10,000.00.
  - 3). 1123 Greenleaf Avenue and 1st Street, from Mrs. L. L. Rose, et al, in the amount of \$36,500.00.
- (r) Acquisition of five parcels of real property located in the West Morehead Community Development Target Area, as follows:
  - 1). 1127 South Mint Street, from D. L. Phillips Investment Builders, in the amount of \$33,350.00.
  - 2). 302 West Palmer Street, from Louise Summerlin, in the amount of \$8,000.00.

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- 3). 1122 South Church Street, from Essie M. Davidson, in the amount of \$9,100.00
- 4). 1111 South Church Street, from Cal Mitchell, Jr., in the amount of \$30,000.00.
- 5). 1213 Jefferson Street, from E. B. Link, in the amount of \$3,750.00.

(9) Ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code, as follows:

- (a) Ordinance No. 384-X ordering the demolition and removal of the dwelling at 1933 Parson Street.
- (b) Ordinance No. 385-X ordering the dwelling at 1500 Effingham Road to be vacated and closed.
- (c) Ordinance No. 386-X ordering the dwelling at 331 South Crigler Street to be vacated and closed.
- (d) Ordinance No. 387-X ordering the dwelling at 2123 Parson Street to be closed.
- (e) Ordinance No. 388-X ordering the dwelling at 2821 Tuckaseegee Road to be closed.
- (f) Ordinance No. 389-X ordering the demolition and removal of the dwelling at 2846 Seymour Drive.

The ordinances are recorded in full in Ordinance Book 23 at Pages 454 through 459.

#### NOMINATIONS TO AIRPORT ADVISORY COMMITTEE AND HOUSING APPEALS BOARD.

Councilman Whittington placed in nomination the name of Mrs. Frank (Billie) Staff to fill the unexpired term of Mr. Taylor on the Airport Advisory Committee, and requested it lay on the table for one week.

Councilman Williams placed in nomination the name of Kenneth R. Harris to fill the unexpired term of Mr. Taylor on the Airport Advisory Committee.

Councilwoman Locke placed in nomination the name of Mr. William H. Stalljohn for reappointment to the Housing Appeals Board.

#### ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the meeting was adjourned.

*Ruth Armstrong*

Ruth Armstrong, City Clerk