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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Tuesday, January 30, 1973, at 8:00 o'clock p.m., in the Board of Education Auditorium, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Finley, Kratt, Moss, Ross, Royal, Sibley and Turner present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Milton Short.

APPROVAL OF THE MINUTES.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the minutes were approved for the meeting on January 22, 1973.

APPRECIATION EXPRESSED TO STATION WTVI FOR TV COVERAGE OF THE CITY COUNCIL'S MEETING.

Mayor Belk expressed appreciation to Station WTVI for televising the weekly Council Meeting. He stated he hopes it will be beneficial to the citizens of Charlotte.

AWARDS PRESENTED THREE STUDENT WINNERS OF THE ANNUAL ESSAY CONTEST SPONSORED BY THE MAYOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

Mayor Belk stated the Mayor's Committee on Employment of the Handicapped sponsors an annual essay contest for Eleventh and Twelfth Grade Students. This year's winners are as follows:

- First Place - Lester Bowen, Myers Park High School.
- Second Place - Deryle B. Ivey, Myers Park High School.
- Third Place - Scott A. Corzine, East Mecklenburg High School.

Lester Bowen and Deryle B. Ivey were congratulated by each member of Council. Scott A. Corzine was not present to receive his award.

Mayor Belk then introduced Mrs Dorothy Fitzjohn, a member of the Mayor's Committee, and Mrs. Evelyn Stanton, an English Teacher from Myers Park High School.

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HEARING ON PETITION NO. 73-3 BY WEST MECKLENBURG CITIZENS COMMITTEE FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO R-15MF OF ABOUT 51 ACRES OF LAND SOUTH OF TUCKASEEGEE ROAD, EAST OF MULBERRY CHURCH ROAD, INCLUDING PROPERTY ON FORESTBROOK DRIVE AND NORTH STREAM DRIVE.

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

Mr. Fred Bryant, Assistant Planning Director, stated this request has been filed by a neighborhood group and involves a request to change some property that does not belong to the petitioners.

He stated the property consists of approximately 50 acres of land which is located south of Tuckasegee Road, north of I-85 and east of Mulberry Church Road. It is partially utilized by the Forest Brook Apartment development. The remaining portion of the property, principally the portion to the south and east, is now vacant. Directly to the south of the property and fronting on I-85 is the R-C Motor Lines; across I-85 and around the interchange of Mulberry Road are a number of uses including a motel, service station, bakery and the U.S. Postal service facility. To the west along Mulberry Road is a scattering of single family housing; to the north along Tuckasegee Road is single family residential housing; property to the east is vacant.

Mr. Bryant stated about 3/4 of the property is zoned R-6MF with the southerly portion zoned O-6. To the south and east is I-1 zoning; to the north is R-9 and to the west is R-9MF. There is some R-12MF zoning in the area. But in the immediate vicinity of the subject property there is industrial zoning on two sides, single family zoning on one side and multi-family zoning on one side.

He stated the Northwest noise cone area, or flight pattern area related to the airport would be slightly to the east of this property. You can begin to see the configuration of the industrial zoning that is located in the area and this industrial zoning was located where it is in order to discourage residential construction within the noise cone area.

Councilman Short asked if the apartments already located within this area fall within the R-15MF zoning? Mr. Bryant replied they do not; they have analyzed the existing development on the property and as far as density is concerned they fall between the R-12MF and R-9MF; they are a little more dense than R-12MF. That is true if you take only the area located to the apartments. Since this land is all under one ownership, you do not necessarily consider just the property allocated to the apartments at the present time. Density is not quite as important as some of the other criteria. Many of these buildings do not meet the R-15MF requirements for relationship to exterior property lines; they are too close to the exterior property lines than is permitted in R-15MF. If this zoning is changed these buildings will become non-conforming.

Councilman Withrow asked how many acres are in the R-9MF and the R-12MF area? Mr. Bryant replied there is well over 100 acres. Some of it is already utilized for single family housing; but assuming you had 100 acres available for multi-family usage, the R-9MF permits about 16 units per acre, so you could have about 1600 units if you made maximum use of it.

Mr. Cary Whitehurst, representing the petitioners, referred to the map and called attention to the Forest Brook Apartments, Section I, and stated this is built out for the most part, with about 8 or 9 buildings under construction now. The reason they are requesting the rezoning and change from R-6MF and O-6 to a blanket R-15MF is because they could not determine the exact boundaries of the white area shown on the map, without putting a survey party on the property and surveying the bottom portion of the jagged orange line. It is his understanding if the whole area was rezoned then the existing buildings, under a grandfather clause, would not infringe on the R-15MF classification. It is his understanding also that O-6 is interchangeable with R-6MF as far as multi-family is concerned. Mr. Whitehurst stated density is the whole reason for the request. While this area is zoned and set up with utilities for multi-family, what is there now is acceptable to the area with nice buildings, well laid out and it falls somewhere between the classification of R-9 and R-12MF; but certainly not R-6MF.

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Mr. Whitehurst stated this was brought to their attention originally by a request for mortgage insurance by another company who had offered to purchase from the owner some portion of the property to build apartments. This would be under FHA mortgage insurance which would qualify for low-cost to moderate income housing. This would preclude the city from placing housing of this nature, and would be between the purchaser and HUD or FHA as to whether or not this could be built. He stated this is the whole basis of their request. The area has quite a bit of vacant land which will be developed and they hope it will be in an orderly fashion. To the right of this property is property zoned for R-12MF and this means more apartments but it means quality development. That R-6MF is in the middle of R-9MF and R-12MF, and they would like to see it upgraded.

Mr. Bryant stated 262 apartments have been built on the property. Councilman Withrow stated he believes when they applied to the government they used the O-6 along with the R-6MF in their request, and he asked how many apartments can be built on the remainder of the property? Mr. Bryant replied he does not know exactly but considerably more than has been built there now. He stated the O-6 classification carried the R-6MFH designation which would permit 40 units per acre. He would suspect there is in the neighborhood of 30 acres not used at present, so obviously many hundreds of units could be built. Mr. Bryant stated this property was originally zoned in this fashion in 1962 as a part of the overall adoption process. The property was then owned by the Ervin Company and it was requested zoned in this fashion.

Mayor Belk asked if any of this would have a chance for a lawsuit on any type of noise as far as the airport is concerned? Mr. Whitehurst replied not that he is aware of. Mayor Belk asked if we could have that understood with any new construction? Mr. Whitehurst replied he would have to think about it; that he does not see why that would be a problem.

Mr. Ralph Harris, Attorney with Griffin, Gerdes and Harris, stated he is representing Mr. Ed C. Griffin, and they are protesting the petition which was filed by another party. He stated Mr. Griffin is not protesting the rezoning of an adjacent tract of land or even land in the vicinity of land owned by him; but he is protesting the rezoning of property he owns and which is being petitioned for rezoning by third parties who ^{neither} own the subject property nor property adjoining this property. This is a request by a third party asking that someone else's property be rezoned.

Mr. Harris stated Mr. Griffin purchased the land in April, 1970 and the zoning classification at that time was R-6MF and O-6; this existing classification was a factor considered by Mr. Griffin in purchasing this land, and they must assume the seller also considered this factor when he sold the property. He stated they believe if the existing R-6MF and O-6 classification was changed to the R-15MF it would constitute a taking of a valuable property.

He stated there are existing 200 completed units with 62 units under construction. If the zoning is changed it will mean 262 units not in compliance with the R-15MF but would constitute a non-conforming use. He stated the rent range is from \$152 a month for one bedroom; \$189 a month for two bedrooms \$220 a month for three bedroom apartment. There are approximately 15 acres undeveloped in the R-6MF category and 12.2 acres in the O-6 category. He stated it is their feeling the O-6 constitutes a good zoning practice in that this strip of land insulates the residential area from the industrial area.

When Mr. Griffin began to develop this property, Forest Drive was the only means of egress and ingress to the property. Mr. Griffin at his own expense, along with the adjoining landowner, caused Tacoma Drive to be graded, curbed, guttered and paved, opening this to an access road by I-85. The addition of Tacoma Drive makes it more desirable for people living in the complex and visiting in the area to exit south on Tacoma to I-85 access road, down Mulberry Church Road to I-85.

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Councilman Withrow asked if Mr. Griffin offered to sell this piece of property and applied for a government loan for apartments? Mr. Harris replied to his knowledge Mr. Griffin did not; that he has no knowledge of someone else applying for the loan.

Councilman Withrow stated this petition was brought about because Mr. Griffin offered to sell this property to some individual who petitioned FHA for subsidized rental units. These people had to have an option, or it had to be offered for sale for them to petition for subsidized housing through FHA. He stated there would be about 3,100 units in the three tracts, not counting the high density of 40 per acre on the O-6 property.

Councilman McDuffie stated in effect the zoning classifications in the entire city need to be reanalyzed. The Council has talked about this before, and the Planning Commission is supposedly making a study to be considered by the Council with the County Commissioners on whether the R-6MF and R-9MF zones allow too many units to be built per acre. Councilman Short stated there are 62 units under construction, and asked how many units are actually planned as opposed to how many might be built? Mr. Adcock of the Ed Griffin Company replied at present they do not have a completed planned unit for the property.

Mr. Joe Griffin, Attorney, stated there was an option on this property. The option has expired and there is currently no option. He asked the Council and Planning Commission to not single out one person and make him a scapegoat. He stated this is not a zoning his client asked for; this is the zoning of the property when he purchased the property. To some degree this would be condemnation without compensation. To rezone this property and make it less valuable than it now is, is the same thing as him taking money from his pocket and denating it to the City of Charlotte.

Councilman McDuffie stated zoning is not one hundred percent perfect; but what we have seen on the other hand are the people who have investments, and usually their entire investment in their homes and property, and then the City as it grows rezone around them. He has seen case after case when vacant fields with trees were taken down, and apartments placed in our zoning process since 1962. These people's properties are depreciated and they cannot move and sell out. He stated Council is obligated to act on the cases brought to it, working all the time to change the whole city and county as quickly as possible. This is a piecemeal kind of way, and it is not good.

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

HEARING ON PETITION NO. 73-1 BY HOWARD O. GRAHAM FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY ON THE EASTERLY SIDE OF EATON ROAD, BEGINNING NORTH OF MONROE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located on the east side of Eaton Road, north of Monroe Road and is vacant. There is basically vacant property to the north of it; there is a vacant lot to the south which is owned by the petitioner; across Eaton Road is the parking lot for the Oakhurst Baptist Church; the church itself comes out to Monroe Road; along Monroe Road in front of the property is a variety of uses, and is in a transition of a change from single family uses to office uses. To the rear of the property fronting on Lanier Avenue is a duplex but basically single family uses. There is vacant property on two sides, a parking lot across the street and a duplex to the rear.

Mr. Bryant stated the zoning pattern is one of office zoning existing along Monroe Road. Extending all the way from the southerly side of the property to Monroe Road is O-6 zoning; there is multi-family zoning on the north side of Monroe Road to the west of the subject property with single family residential zoning across Eaton Road from it; to the north and continuing along Eaton Road, and then to the rear on Lanier. There is R-9 zoning on three sides of the subject property with O-6 zoning on one side.

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Mrs Howard Graham, the petitioner, stated they have apartments on the front lot facing on Monroe Road; the lot directly behind it is zoned O-6, and they are asking the next lot be rezoned. They would like to make this a presentable rental property; it is running down now, and they need this lot. She stated they cannot sell the lot for residential as no one wants it for that as it is between O-6 and the church parking lot, and backed up to a duplex. They would like to use this lot with their rental property. They now have eight units on the front lot, and they plan to build 15 to 20 units.

Councilman McDuffie asked if she would tear down the building she has now, and Mrs Graham replied she would. Councilman McDuffie stated if she is going to build apartments then R-9MF would do what she wants. Mr. Bryant stated the two lots could remain as office zoning and the subject lot could be rezoned to R-9MF, and it could be worked that way. Councilman McDuffie stated this might protect the neighborhood if that is what the front lot will support and she could still build her apartments.

Mr. Bryant stated the zoning on this particular lot has never been changed. The lot fronting on Monroe Road and the lot adjoining between the subject lot and the front was at one time zoned R-9MF; some years ago there was an effort made to rezone property on Monroe Road to office, and at that point it was changed from multi-family to office. The subject property has never been zoned for multi-family. It was requested at one time but it was denied.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 73-2 BY JAMES F. HARRINGTON, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY ON THE EAST SIDE OF BRADFORD DRIVE EXTENDING FROM RELIANCE STREET TO SOUTH OF ROWAN STREET AND INCLUDING LOTS AT 944 AND 945 ROWAN STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the east side of Bradford Drive, between Reliance Street and continuing south of Rowan Street. The property has several single family residences located on it; there is a non-conforming store on the southeast corner and single family housing in the area. There is single family residential uses extending down the street to the rear of the subject property; to the south is an existing small shopping center; to the north is single family residential use, and across Bradford Drive is an apartment complex; a tax office and a business office.

He stated the subject property is zoned R-6MF as is all the property to the east at the rear of the property; to the north is a one block area of existing multi-family zoning; and this is true on the west side of Bradford. Then there is a general pattern of business zoning already existing in the area particularly across the street in front of the subject property which is all zoned B-1. To the south along Bradford Drive it is a solid pattern of B-1 zoning. To the north is a concentration of business zoning along Bradford.

Mr. Robert Moehler stated he is representing the owners of the petition that have been living in the area for 30 to 35 years and have been unsuccessful in obtaining any contracts or any offers for their property because of the zoning. The character of the neighborhood has changed from residential use; it is now undesirable and all the surrounding property practically is now business. If the zoning is changed from R-6MF to B-1 they would be able to obtain investors or developers. There is about an acre and half of ground that could be used very successfully and improve the neighborhood.

Councilman Whittington asked if the people located at the rear of the subject property favor this petition? Mr. Moehler replied as far as he knows they are. Mayor Belk stated most of the houses are used for some type of business.

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Councilman Short asked how deep the property is and Mr. Moehler replied the deepest point is 245 feet.

Mayor Belk stated the thing that bothers him is that this is a main artery and it would become more popular for automobile traffic; he asked if the property owners would be willing to give another lane to widen the street? Mr. Moehler replied he believes they would.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission

HEARING ON PETITION NO. 73-4 BY THE ERVIN COMPANY FOR A CHANGE IN ZONING FROM O-15 AND I-1 TO R-9MF OF PROPERTY SOUTH OF MILTON ROAD WEST OF BARRINGTON DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is to clarify an existing zoning boundary that exists in an area of Milton Road and Barrington Drive. When the original zoning was assigned to this area, the city limits was defined in a straight line extending from one point way up on the Plaza to another point down on Shamrock Drive, and it was just a cress country determination as to where that line passed through this particular area. At that time the multi-family zoning was laid out a distance of 600 feet to the east and parallel to the city limit line. There was later on some confusion about exactly where the city limit line existed in this area, and as a result there was a narrow strip of land reflected on the zoning map as a combination of industrial and office zoning, and the present owner of the property was under the impression all the property was zoned multi-family at the time it was purchased. This is an attempt to clarify the zoning boundary lines in this area.

Mr. Bryant stated the property consists of a an elongated rectangular area located to the south of Milton Road and just to the west of Barrington Drive. The property is vacant; it is bounded principally by existing vacant land. To the north and across Milton Road is an existing large apartment complex; to the west is vacant property with a developing single family further west; to the east is an apartment project undar construction; and further to the east is the Norfolk-Southern Industrial Park area located along Dillard Drive.

He stated the property is zoned partially O-15 with the rear portion zoned I-1; to the east is a concentration of industrial zoning; there is office zoning separating the industrial area from the Milton Road area; to the west is existing R-9MF and to the north is existing R-9MF across Milton Road; there is a recently approved B-1SCD located at the southeast corner of Milton Road and Barrington Drive.

Mr. Bryant stated O-15 districts permit apartments roughly comparable to R-15MF as far as density is concerned.

Mr. Lee McLarin speaking for the Ervin Company stated because of the confusion about the zoning of the property, they made commitments based on their belief the property was already zoned R-9MF. They feel this would be a logical extension of the adjacent R-9MF property, and will result in a land use that is more compatible with the apartments across Barrington Drive.

No opposition was expressed to the proposed change in zoning.

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

RESOLUTION EXPRESSING THE CONSENT OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO THE ASSIGNMENT OF THE CATV FRANCHISE PREVIOUSLY ASSIGNED TO CABLE TELEVISION COMPANY ON MAY 31, 1971, TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION, APPROVED ON ITS SECOND READING.

Councilman Alexander moved adoption of the subject resolution on its second reading. The motion was seconded by Councilman Whittington.

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Councilman McDuffie stated he understands this franchise was granted for ten years. In 1977 when the federal regulations change, then Council will review the system and what the new regulations are supposed to be, and have an opportunity to make changes with the new owners and Council will be in a position at that time to make changes in how they operate and how many channel are available. Mr. Underhill, City Attorney, replied those type of things are possible at any time because they are established by the city council in ordinance form. Council has the right to amend its ordinance covering CATV operations at any time it so desires. Council can review the ordinance at any time during the life of a franchise; it would not have to hinge on any particular event. Council could not cut short the ten year franchise unless it is done for some cause which the ordinance would permit. Other than that, Council can make almost any change it so desires. Councilman McDuffie stated after last week's conference session, he thinks Council understands better that CATV is more than an antenna system, and the possibilities of it can be expanded to a communication system with a number of channels. That he personally is interested in the revenue the city might obtain in addition to the service of providing cable television. So long as we have the right to protect the city in being able to make that revenue, and to be able to utilize cablevision as a communications system, that way you do not give away those rights in transferring ownerships. When we re-negotiate a franchise we keep in mind all the things other cities are doing, and the fact that when we string lines in front of houses we are saying by granting franchise it is a necessary service. That he thinks the public is entitled to have revenue from it to benefit all the citizens, and not just those who use cablevision.

Mayor Belk stated the important thing at this time is to give service to the community and not try to get revenue out of the citizens.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 10.

RESOLUTIONS FIXING DATE OF PUBLIC HEARINGS ON PETITIONS TO CLOSE PORTIONS VARIOUS STREETS:

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the following resolutions fixing the date of public hearings on Monday, February 26, on petitions to close portions of various streets:

- (a) Resolution fixing date of public hearing on petition of the Redevelopment Commission to close portions of Fontana Avenue and Pharr Street, in Greenville Project No. N. C. R-78.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 12.

- (b) Resolution fixing date of public hearing on petition of the Redevelopment Commission to close portions of Spring Street and Argosy Street in Greenville Project No. N. C. R-78.

The Resolution is recorded in full in Resolutions Book 9, beginning at Page 14.

- (c) Resolution fixing date of public hearing on petition of Mercy Hospital, Inc. to close a portion of Chase Street.

The resolution is recorded in full in Resolutions Book 9, beginning at Page 17.

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EIGHT TRACTS OF LAND TRANSFERRED TO REDEVELOPMENT COMMISSION FOR THE GREENVILLE URBAN RENEWAL PROJECT.

The transfer of eight tracts of land owned by the City to the Redevelopment Commission for the Greenville Urban Renewal Project was presented for Council's approval. Council was advised the parcels of land involved are presently owned by the City and in accordance with a Cooperation Agreement previously executed between the City and the Redevelopment Commission, the city is to donate this land to the Redevelopment Commission in exchange for non-cash grants-in-aid credit.

Mr. Sawyer, Director of Urban Redevelopment, stated the transfer of these parcels will permit the Redevelopment Commission to continue the accumulation of all the property in this section of the Greenville Project area. They were acquired by the city in connection with the acquisition of the right of way for the Northwest Expressway. That Expressway has been completed in this section and the fence has been erected, and these parcels are surplus for any right of way purposes.

Mr. Sawyer stated the Commission will accumulate the parcels and make them parts of larger parcels which will be disposed of. If they lie on the south side of the Northwest Express they will go into residential development or strip parks if they are on the north side. Three of them are located on the north side.

Councilman Short stated if this is conveyed to the Redevelopment Commission it will become a part of the city's 1/3 as credit. Mr. Sawyer replied that is right; these parcels have been surveyed; they have been appraised and the value has been approved for them at \$27,815 in the aggregate. This amount will not be paid in cash to the city but will be given to the city towards its 1/3 share cost of the project.

Councilman McDuffie asked if these properties front on the expressway and Mr. Sawyer replied they do. Councilman McDuffie asked if it would be reasonable to put in restrictions about billboards on the parcels in the future? Mr. Sawyer replied on the south side of the expressway is industrial property. That under certain circumstances the plan would permit the erection of billboards if Council approves them. They are negotiating now with the power company to buy one parcel of land where there is a substation and they plan to expand it. The other next to the H. K. Porter property is a hatched area, and they have no buyer for this at present. The portion between the expressway right of way and the H. K. Porter is a remnant parcel. The best use that could be put to would be to sell it to the H. K. Porter if it is interested in buying it. Otherwise it may have to be maintained as public property. That it is large enough to be used for a billboard but they have no plans to do that. Council has to approve the sell of every parcel of land and will know the use to which it will be put. Before it is sold it is referred to the Council for approval of the sale and development.

Councilman Short moved approval of the transfer of eight tracts of land owned by the City to the Redevelopment Commission for the Greenville Urban Renewal Project. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Short asked if there are any urban renewal projects where billboards are a part of the permitted uses? Mr. Sawyer replied no.

Councilman Alexander stated now that Council has taken over the responsibilities of urban renewal as far as decision makings are concerned, we will not be able to give decisions right off the top of our heads. That he thinks it would be appropriate to arrange, as soon as it can be done, a meeting with the urban redevelopment commission as it is now constituted and its staff so that Council can get an up-to-date understanding of problems regarding everything about the urban redevelopment land and the proposed development as it now exist and an up-date statement on the legal matters involved in our urban redevelopment and personnel, and this type thing that Council should know more about as we proceed to assume this responsibility. That he thinks it is important to arrange such a meeting as soon as possible.

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Mayor Belk requested the City Manager to arrange this meeting as requested.

Mr. Burkhalter, City Manager, stated Council makes all these decisions now. The only thing now is the Redevelopment Commission hears this; and Council will still get the same advise from the same people involved and in the same manner. That he thinks a meeting would be good and he will arrange it.

LEASE WITH CANNON AIRCRAFT EXECUTIVE TERMINAL, INC. AT DOUGLAS MUNICIPAL AIRPORT EXTENDED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the extension of a lease with Cannon Aircraft Executive Terminal, Inc., at Douglas Municipal Airport, from October 31, 1976 to November 30, 1981.

CONTRACT AWARDED BURNS INTERNATIONAL SECURITY SERVICE INC. TO FURNISH SECURITY GUARD SERVICE AT DOUGLAS MUNICIPAL AIRPORT AND PROTEST TO BE REGISTERED TO FAA, CONGRESSMAN AND SENATORS.

Councilman Short moved award of contract to the low bidder, Burns International Security Service, Inc., in the amount of \$4.14 per hour, for private security guard service at Douglas Municipal Airport in accordance with the Federal Aviation Regulations, Part 107, which is required on or before February 6, 1973. The motion was seconded by Councilman Jordan.

Mayor Belk asked if the Federal Government pays for this or if the city has to pay for it? Mr. Burkhalter, City Manager, replied at the present time it is the obligation of the city; the city thinks the federal government should pay for it; or if not, then the airlines should pay for it, and we are negotiating on this basis. The Act of the Aviation Commission Administration directly places this responsibility on the city. Mayor Belk stated he does not think it is fair for the federal government to force this type of action on the city and make us responsible without the city having a say so in this matter. That he would like for Council to proceed to either have the federal government or the airlines to pay for this obligation and not place it on the citizens of Charlotte. He stated we should go along with the federal government and do everything to go with their regulations, but he does not think they should burden the city by this amount.

Councilman Jordan stated all the cities throughout the country have been complaining about having to pay for this.

Councilman Whittington asked if the Federal Aviation Regulations has the authority to say a city must do this or that; or is this an authority given by the Congress? Mr. Underhill, City Attorney, replied there is some serious legal questions in the minds of a lot of attorneys who represent airports charged to do this. For that reason most of the airports that have been submitting these plans put in their plans that the submission of it in no way recognizes the legality of the government to institute such speculation. There are certain aviation oriented organizations who are at the present time retaining legal counsel to administratively protest the legality of this regulation, and failing to win at that level will perhaps file a law suit to contest it.

Councilman Whittington stated he concurs in what the Mayor has said and he thinks the Council should go on record approving this contract but in protest to the federal aviation regulations, and notify the North Carolina League of Municipalities that we want them to go on record supporting the municipalities in this State against this regulation, and refer the same objections to Congressman Jim Martin, and Senators Helms and Ervin. As he sees this, it is a requirement that is going to get much more involved from an expense standpoint, and somebody has to pay it other than the citizens of Charlotte. As far as he is concerned he is willing to vote for \$30,000 coming out of the airport's capital improvement funds; but beyond that, then he thinks there has to be some head knocking to decide who is going to pay this bill.

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Councilman McDuffie asked if the money is coming out of the airport's operating funds or the city's, and the City Manager replied the airport's. Councilman McDuffie stated then in effect the people who use the airport will be paying for this. The report the Council received from the consultant about building a new terminal in the next five to eight years is going to cost \$50.0 million. This is another expense that is going to have to be passed on to somebody. He too objects to the city having to pay this, but the airline passengers will eventually pay it. Articles in the consumers magazines talk about the overcharge people are paying on scheduled airlines now. In fact people on the same airliners were paying different rates and that is because the airlines could not get together on one trunk airline to another. That he would like to ask the Council to have the Mayor appoint a committee to look into the possibility of whether we should have a boarding fee which would pay these expenses.

Mayor Belk stated he does not think we should be obligated. What we have in this country is a nuisance; we do not have any security out of this; yet we are paying for something he does not think is worth what we are paying for. If the federal government is going to pass a law, he thinks we should have the right to say to them that the security should be on the airlines. The airlines should protect their own planes. Councilman Short stated his information is that it can bear on what can happen at an airport in the event there is a highjacking, and is perhaps a reasonable effort to get at what is a territory problem. He asked that the Airport Manager explain just what these people will do.

Mr. Birmingham, Airport Manager, stated he agrees with the statements that have been made. He stated they agree security is needed at the airport; but they do not agree that all of a sudden the airport should have to pay for it; but the burden of the responsibility should be on the airport sponsor. He stated they have gone on record in writing to the FAA and to other organizations protesting the city having to pick this up. Although they believe because of the White House directive we will be forced to comply. He stated we are doing it under protest and have so stated this in writing. The announcement made on December 5 had two parts. The program of the screening procedures was twofold in that it required the airlines to actually screen the air passengers going onto the aircraft. In this directive it also placed the responsibility of local law enforcements on the airport sponsors, in this case the City of Charlotte. That means we will have to put at least one security guard, or one local law enforcement officer, at the point of the pre-departure screening process. This person will have to stand and observe this process during the entire process. He will have to remain at his position at the mouth of the concourse until such time as all passengers board the aircraft, and the aircraft doors are sealed and the aircraft has taxied away from the ramp. Also he will have to be on hand in case the airplane has to come back. He stated there are several bills pending before the Congress to eliminate the possibility of a head tax, and also to place the responsibility, which has previously been federal responsibility, back on the FAA to do the screening. Mr. Birmingham stated they felt on a temporary basis it would be best use these security guards.

Councilman Whittington stated he does not question this. The Airport Advisory Committee has already gone on record in opposition to this enforcement of the FAA. The Council's resolution should state that the City Council of the City of Charlotte objects to this and that the City Attorney be requested to draw a resolution that administration, and to Congressman Martin and our two Senators expressing opposition to this regulation. Also request the North Carolina League of Municipalities to concur and do what they can to see that this regulation does not continue as a burden to the City.

The vote was taken on the motion and carried unanimously.

Councilman Whittington moved that Council go on record in protest to the Federal Aviation Regulations, and to notify the North Carolina League of Municipalities that Council wants them to go on record supporting the municipalities in this State against this regulation, and refer the same objections to Congressman Jim Martin, and Senator Helms and Senator Ervin. The motion was seconded by Councilman Withrow and carried unanimously.

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Mr. Burkhalter stated Mr. Birmingham has explained in detail what is going on. That all the people now screening passengers for the airlines are paid by the airlines. The only thing this does is to add one additional person to stand as an armed guard and is empowered to enforce the local law, and this was assigned the city's responsibility. There have been some half dozen cities who refused to submit a plan and were fined \$1,000 a day until they did. The question has been asked if they can make you do it. They do not have to allow any planes to land at our airport as every flight is controlled by this administration. He stated there is a bill that is getting all haste that will require the federal government to provide this service; in the meantime it also provides you will not be able to have a head tax. Mr. Burkhalter stated providing these guards was done by contract so we will have a fixed cost and is something that can be shown and passed on. That it is not something we are adding personnel but is something that can be passed on. He stated Staff is preparing for conferences with the airlines, and unless Council instructs otherwise, we will ask them to pay for it. Councilman McDuffie stated his position is if local governments sit around and let Washington take all the sources of revenue, we will never get that other source besides property tax. Those cities where they have a boarding tax and will use it for the betterment of the airport, or build a terminal building, paying the police and fire and other things that support the airports, if we continue to refuse to take those sources of revenue from the people who can afford to pay. Mr. Burkhalter stated the cities across the country objected to the federal government doing anything about the head tax; but it was so apparent that it was overwhelming, they passed it in the last Congress, but it was vetoed by the President because of the money involved in another section.

Councilman McDuffie stated he understands the bill they voted for had a provision that the federal government would provide 75 percent for the improvement of airports where they now only provide 50 percent. That again sent money to Washington and filtered it back down to us where we could do our own if we had the boarding tax.

Mr. Burkhalter stated our airport does support itself; and it supports itself on the basis of landing fees the airlines pay. The whole thing is paid for by people who use the airport.

Councilman Short stated it seems to him that we must provide this service as it is a necessity in the present state of highjacking, and we must do anything we can later to adjust the financial situation.

ORDINANCE NO. 718-X TRANSFERRING FUNDS FROM THE AIRPORT FUND TO PAY FOR SECURITY GUARD SERVICE AT DOUGLAS MUNICIPAL AIRPORT FOR A PERIOD OF FIVE MONTHS.

Councilman Alexander moved the adoption of the subject ordinance transferring \$30,000 from within the airport fund to pay for security guard service for five months at the airport in accordance with Part 107 of the Federal Aviation Regulations. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 482.

ORDINANCE NO. 719-X TRANSFERRING FUNDS WITHIN THE CAPITAL IMPROVEMENT BUDGET TO PROVIDE ADDITIONAL FUNDS FOR RELOCATION OF WATER MAINS IN STREET WIDENING PROJECTS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance transferring \$50,000 within the Capital Improvement Budget to provide additional funds for relocation of water mains in street widening projects.

The ordinance is recorded in full in Ordinance Book 19, at Page 483.

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CONTRACTS FOR CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

Councilman Jordan moved approval of the following contracts for construction of sanitary sewer mains and trunks, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Contract with The Ervin Company for the construction of 410 linear feet of 8-inch trunk and 730 linear feet of 8-inch main in Freedom Drive, beginning at the existing sewer on the northeast side of Freedom Drive at Old Cannon Airport Road, then southwest, crossing Freedom Drive, inside the city limits, at an estimated cost of \$16,190.00. The applicant has deposited 100% of the funds and refund is as per agreement.
- (b) Contract with Sugaw Creek Presbyterian Church for the construction of 260 linear feet of 8-inch sewer line, beginning south of Sugar Creek Road to Sugaw Creek Presbyterian Church property, inside the city limits, at an estimated cost of \$2,255.00. The applicant has deposited 100% of the estimated cost and will not be refundable.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow to approve the following property transactions at the Airport:

- (a) Acquisition of 400' x 792' x 159' x 310' x 356' x 386' of property and a one-story brick residence, on Byrum Drive, from W. R. Wallace, Jr. and wife, Betty Jane M., at \$36,000.00, for the Master Plan Land Acquisition Program at Douglas Municipal Airport.
- (b) Acquisition of 150' x 203' x 266' of property on Pinellas Drive, from Walter R. Wallace, Jr. and wife, Betty Jane M. at \$2,800.00, for the Master Plan Land Acquisition Program at Douglas Municipal Airport.

Mr. Birmingham, Airport Manager, stated the airport is entering an era of its largest and most important growth. The master plan which was adopted by Council in 1968, along with the subsequent updates, indicates the next ten years at Douglas will be a period of real phenomenal growth. In the National Airport Transportation Plan, Douglas is regarded as a major integral hub. Enplaned passengers are expected to increase from the one million experienced in 1972 to two point three million in 1980, and over five million in 1990. The master plan acquisition is proceeding and we continue to buy land. Since 1969 to date, approximately one thousand acres has been purchased at a cost of about \$8.0 million. This is being acquired to accommodate a 10,000 foot parallel runway, and a new terminal complex, north of the present complex. The plans are being prepared now for the runway and are being reviewed with the FAA. Hopefully, within the next few months the FAA will approve these plans and construction will begin on the first phase of the runway which is estimated to cost about \$4.0 million.

He stated along with this some of the roads must be adjusted and relocated. These roads are estimated to cost approximately \$10.0 million. He stated they are working with the State Highway Department on some of these roads. By the end of 1975 they hope to have this runway operable. The second phase of construction will include the paving and lighting estimated to cost about \$6.4 million. The total cost of this will exceed \$10.4 million which hopefully has been funded by revenue bonds, the recent bond elections, and with additional 50 percent FAA funding. The completion of the runway is one of the most important phases of the master plan development. The new runway will keep Douglas current with traffic demands and will maximize air safety and minimize the time people will need to get from one place to the other.

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Mr. Birmingham stated they are also in the process of a rate schedule study. Sometime in late winter they will have most of this completed in time to actually begin the consultations with the airlines on increasing the boarding fees. The contracts with the airlines end on June 14, 1974, and we hope by the end of the fiscal year we will be in a position to have our figures together and we will know exactly what it takes to operate Douglas.

He stated in the bill which the city manager mentioned there is a provision to add ADAPT money to take care of all public places in new terminal buildings. If this bill passes and this provision is maintained then it will give some federal money into a terminal building where there are public areas - such as the lobby and the concourse.

Councilman Whittington asked if he can give any specific programs or construction dates in cooperation with the State on the belt road, from South Tryon to York Road and across? Mr. Birmingham replied he talked to Mr. Bill Rose, Assistant Highway Administrator, last week on this project, and on the other roads he has mentioned that have to be moved. From his talks with Mr. Rose and his people, he thinks the State is making an attempt to turn the Airport Parkway loose sometime between now and September. He stated Highway 160 was approved as a project by the State Highway Commission in August of 1972. Councilman Whittington stated he does not want to get ahead of Highway 160 but he thinks the concern of the people who now live inside the city limits in the southeastern section is they have no way to get there. We should not at any time let up on the need for that road which is a part of the belt road which is now 12 years old. Mr. Birmingham replied personally he feels the road will have some real activity in the not too distant future. He thinks they will begin buying right of way, and it is possible they could start construction in the fall.

Mayor Belk stated he would like to emphasize how vital this whole belt road is to the airport and to complete the traffic pattern on the whole west side, not only from the southeast but all the way through the west side to I-85. This is one of the main arteries that will be a link to the whole area.

Mayor Belk stated this is the reason this Council is trying to stress so much this bond package. If we are behind now, with another 100 thousand automobiles in the next ten years we will have to continue to push to get roads in for people who have these automobiles.

Mr. Birmingham stated the new parallel runway will be built 5,000 feet to the west of the present northsouth runway. There is a specific reason for 5,000 feet. Our present operation capabilities are approximately 215,000 operations a year which includes military, general aviation and air carrier operations. During the last 12 months this exceeded 180,000 operations. That we are from 180,000 to about 215,000 being to our capabilities with the present runway configuration. By 1975 we feel we will exceed the 215,000 aircraft operations; that means if this new runway is not operating, then we will be in a position similar to Atlanta. In order that we not do that, it is imperative to get this runway started, and that it be completed by 1975.

Councilman Short asked how many more acres need to be acquired? Mr. Birmingham replied we have almost acquired all the land within the approved boundaries of Douglas Airport. There are perhaps ten or twelve parcels in the area of the clear zone which have not been purchased but they are negotiating with the people and talking relocation with them. They have all the property necessary to construct the runway; Council has either purchased it or taken the necessary legal action to acquire it. There are several pieces of property they are working diligently with, along with Mr. Sawyer's redevelopment people in offering these people relocation assistance.

Councilman Short stated Mr. Birmingham's previous experience in engineering roads for the city has served well in this situation. From the way it has been described several times, he believes the approaches will be real good, and we just have to make sure it is done. Mr. Birmingham has planned it beautifully and particularly there will be a much better way to get from I-85 over to the terminal than there is now.

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Mr. Birmingham stated we will be capable of having simultaneous landings and intakings. Hopefully by 1981, this runway will be instrumented and we will be capable of having instrument landing and take offs.

The vote was taken on the motion to approve the property transactions, and carried unanimously.

MARGARET W. CLAIBORNE NOMINATED FOR REAPPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT.

Councilman Short placed in nomination the name of Mrs Margaret W. Claiborne for reappointment to the Zoning Board of Adjustment for a three year term.

Councilman Short stated it is his understanding that the Zoning Board of Adjustment is now a city board of five members, but the quorum required by law is the same as that of an earlier date when it was a ten member board. The result is in order to have action on this Board every member must be present. They have to have five members in order to have the five man quorum which he understands still applies. He stated if this is the case he would suggest Council have a conference meeting with Mr. John Hunter and the members of this Board to figure how to restructure this Board.

The City Attorney replied back in September when Council considered some action on establishing some uniform terms for its various boards, Council amended the ordinance establishing the zoning board of adjustment. At that time he took the liberty of cleaning up the situation which resulted from the city losing its perimeter jurisdiction. He deleted the requirement that there be five members from the perimeter area and in effect established a five member board with a quorum of three. The action taken by Council at that time should be sufficient to allow them to operate and function if three members are present.

APPRECIATION EXPRESSED TO GRANT WHITNEY AND CITY PERSONNEL FOR THE SERVICE ON SUNDAY FOR THE VIETNAM PEACE PROGRAM.

Mayor Belk stated Mr. Grant Whitney was asked to be in charge of the program on the Vietnam Peace. This was two fold. One was to have all denominations in the City united to recognize those who have been so successful with peace. He requested the City Manager, with Council's permission, to thank Mr. Whitney. He stated at the same time he would like to thank the City Manager, Mr. Bobo, Mr. Hopson and Mr. Bill Guerrant. All of them did an outstanding job on this.

Councilman Jordan stated he would like to approve that request. Also he would like to commend the Mayor for his thoughts in heading this program. It was well done, and he thought there was a wonderful turnout of the citizens of Charlotte. This was a great thing, and the Mayor should be commended.

Mayor Belk stated Mr. Jordan is giving him too much credit. That each member of Council was present and this showed the unity of this Council. He stated he would like to thank each councilmember. That they stand for the things that are good for this community, and they are willing to do whatever it takes of their time and energies for this city.

TREE COMMISSION REPORT TO BE PLACED ON AGENDA FOR NEXT MEETING.

Councilman Withrow moved that the Tree Commission Report be placed on the agenda for consideration at the next Council Meeting. The motion was seconded by Council Whittington, and carried unanimously.

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Councilman Alexander stated around the end of the year in 1969 or the early 1970 he expressed concern to Council about making efforts to preserve for Charlotte that portion of the Thompson Orphanage where the little chapel sits, with hopes in planning our road program, the city in conjunction with the state highway department would handle construction that it would not destroy the site. The site is there. In April, 1970, Mr. Jack Boyte, a local architect, sent a letter to Council and expressed his interest in the idea and offered his services in any way he could to be helpful in preserving this property. In Council Meeting on December 13, 1971, he again expressed concern about this site as one of the last remaining symbols of what was an old Charlotte landmark. This setting surrounded with all those lovely trees could become one of Charlotte's most beautiful inner-city attractions; and certainly a quiet place of meditation. Aside from that, contacts were made with representatives of the Trustee Board of the Orphanage and the Rouse Company which holds important options on this property. The representatives of the Orphanage expressed an interest in this, but they were in no position to grant this land to the city. He stated in meeting on December 4, 1972, he again projected his concern on the possibilities of preserving this chapel on this site. Since then, quite a few of the citizens of the city have expressed their idea and interest in the project. One of the newspapers ran an interesting letter of concern and a picture just the other day.

Councilman Alexander stated now that Council has reactivated the Tree Commission he does not know of any better group who could shoulder the responsibility of preserving this site, and moving the project forward in cooperation with all the interested citizens of Charlotte and the news media and the Chamber of Commerce.

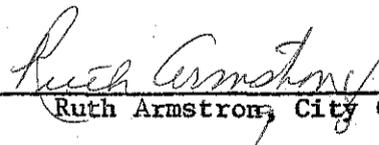
Councilman Alexander moved that Council ask the Tree Commission to undertake the implementation of this project calling upon all interested citizens and organizations to join hands in this worthwhile venture. The motion was seconded by Councilman Jordan.

Councilman Alexander stated for those citizens who are interested and would like to express their desire to help, he asked that they call 374-2040, the City's Information Department, and express their desire and willingness to help.

The vote was taken on the motion and carried unanimously.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk