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The City Council of the City of Charlotte, North Carolina, met in regular session, on Monday, May 15, 1972, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short and Joe D. Withrow present.

ABSENT: Councilman Whittington at the beginning of the meeting.

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, Godley, C. Ross, Sibley and Turner present.

ABSENT: Commissioners Moss and James Ross.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting on Monday, May 8, 1972, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO JAMES W. BRASWELL ON RETIREMENT.

Mayor Belk recognized Mr. James W. Braswell, Firefighter Engineer, who was employed in the Fire Department on February 1, 1945 and retired May 1, 1972, and presented him with the City of Charlotte Employee Plaque. Mayor Belk and each member of Council thanked Mr. Braswell for his services and wished him well in his retirement.

HEARING ON PETITION NO. 72-23 BY ANNA C. GOEBEL FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF THAT PORTION OF THE HILLCREST GOLF COURSE WITHIN THE CHARLOTTE CITY LIMITS, AND NOW ZONED R-9 EAST OF SHARON AMITY ROAD AND SOUTHEAST OF ALBEMARLE ROAD.

The public hearing was held on the subject petition on which a protest petition has 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 since the Charlotte City Limit lines go through this property, it was necessary to have two separate hearings - one before the Board of County Commissioners to consider that portion outside the city, and now one before the City Council to consider that portion inside the Charlotte city limits. Last Monday, the portion outside the city was considered by the County Commission, and the Planning Commission deferred action in order to have the advantage of this hearing before making any recommendation.

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He stated the total property is used at present for golf course purposes; it is adjoined on the various sides by several different types of land uses. To the south there is an area solidly developed with single family residential use; on the Sharon Amity Road side, the westerly side, there are some single family homes along Sharon Amity on some very deep lots which extend back to the subject property. Down Sharon Amity to its intersection with Albemarle Road, there is a service station, a veterinarian, and a dentist. Along Albemarle Road is a church which property extends through from Albemarle Road back to the subject property. On the northerly side along Starkwood Drive are a combination of single family homes and lots which have been subdivided for single family purposes. To the east is a large area of vacant land.

Mr. Bryant stated the zoning pattern is one of basically multi-family and business zoning along Albemarle Road and Sharon Amity. Along Sharon Amity is a solid pattern of multi-family R-9MF zoning that extends to the property with frontage on Albemarle Road. For a distance along Albemarle Road there is business property and then multi-family zoning extending out Albemarle Road. The remainder of the area including the subject property is all zoned for single family residential purposes.

Mr. Gibson Smith, Jr., Attorney with the law firm of Fleming, Robinson and Bradshaw, stated he is representing both the petitioner, Miss Anna Goebel, who is an elderly New York resident, and Kasubba Development Corporation, the potential developer of the subject tract.

Mr. Smith stated the entire tract is presently operated as the Hillcrest Golf Course and about 2/3 of the tract is located in the county, and 1/3 in the city. He stated Miss Goebel has held this property basically as an investment; at present due to the increase in the ad valorem taxes this past year, and the expected taking in of this entire tract into the city next year, there will be a tax burden which will be approximately 50% of the income of the property. At present there is an \$8,000 a year payment being made for the lease of the property, and they project \$4,000 a year in taxes. Due to this fact, and due to the fact that Miss Goebel is a non-resident and has no way to personally manage the property, she decided to sell the property, and entered into a contract with Kasubba Corporation for the purchase of the property.

He stated at present Kasubba is rated by a number of publications as the largest apartment builder in the nation; they have a great deal of expertise and they have made a very substantial commitment to the City of Charlotte. At present they are developing an apartment complex which has a potential, after the final four phases are completed, of 1,000 units at the intersection of Highway 49 and Highway 29 near UNCC complex. This is their northern arm and they are looking for two more areas in the city to build apartments so they can solidify their commitment.

Mr. Smith stated the zoning of the property at present is R-9MF with respect to the portion adjacent to North Sharon Amity Road which is not part of the petition. The remainder of the tract is zoned R-9. He stated at the time the petition was filed they did not have a real design concept of the project. Since that time they have received some preliminary plans from Mr. Stephen Ginocchio, the architect, and it now appears that though they have asked for R-9MF, their plan would be satisfied with the rezoning to R-15MF.

Mr. Smith stated at this time he is saying they are asking for R-15MF rather than R-9MF, and they will ask that for the County parcel as well.

Mr. Smith stated there are no single family residences adjacent to the subject property on the north portion of the property within the city. There are two single family residences adjacent to the county portion. The rear of the property is part of the Old Horace Pittman farm, and at present is open fields. To the south is the Coventry Woods Subdivision, and the biggest protest has come from these residents. One of the initial protests was that the rezoning would deprive the residents of Coventry Woods the beauty and

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open space created by the golf course. He stated this is not a situation where a developer has built a golf course and then enticed the residents to come in with the representation that this golf course would remain. They do not feel this is a strong argument as it is asking the owner to pay for the existence of a recreational facility for the surrounding residents.

Mr. Smith stated there was a real concern about the handling of automobile traffic created by the apartment complex. There is a connector that comes into the county portion of the tract which is called Alrose Drive. At present that is closed off and dead-ends into the creek on the golf course property. The engineering department at one time said they would like to have this opened up to provide access to Albemarle Road. Mr. Smith stated it is not the desire of the developers to have that little spur opened up. The developers would much rather not have it opened up as they do not want the traffic from Coventry Woods and they have no real need to go out through a winding road subdivision. He stated they also thought this would throw all the traffic from this multi-family development into North Sharon Amity Road. There is an un-named street which comes down from Albemarle Road at present, and there is an easement, but the street has not been constructed. He stated it is intent of the developers, if the rezoning is allowed, to pay for the opening and dedication of that un-named street. Further there has been a request by the Engineering Department that an additional connector be run from North Sharon Amity Road across, to potentially tie into Redman Road. Mr. Smith stated they are willing to dedicate a road and construct it to meet with the city or county specifications whichever applies at the time of construction, so eventually there will be three accesses from this area. Initially there will be two accesses - one from North Sharon Amity Road and one to Albemarle Road. Potentially there will be access from Redman Road. He stated from talking to the members of the Planning group, it is projected that North Sharon Amity Road will be four lanes by 1975 which is in the time area when they will complete the first phase of the project.

Mr. Smith stated the developer plans a buffer area of 130 to 200 feet in width between the perimeter of the tract and the proposed buildings along the southern boundary. He stated there is between 50 to 100 feet between the houses in Coventry Woods and their rear property lines. That they do not plan to use this property, and with a little forethought probably would not have asked for the rezoning of that portion of the property.

Mr. Stephen Ginocchio, Architect, stated he has walked over this land and is very enthusiastic about it. He feels they can maintain the character of the golf course, although it will not remain a golf course, but they will retain some of the holes for practice tees as part of the recreational facilities. He stated the road they intend to dedicate on the north side which will tie into Redman Road will act as a buffer with residential on one side, and they plan a greenway buffer on the south side. He stated due to the residential neighbors, they designed the development inward. The multi-family housing is oriented on courtyards and away from the property lines. Along with the roads and the buffer on the perimeter, they turned the recreational facilities toward the center. He stated around the recreational area they generally locate their smaller units which are designed to attract young people; towards the rear of the project they go with the family units and the larger townhouses with the more affluent retired tenants. They feel by keeping the units oriented towards the center of the site with a little higher density, and keeping the greenway around the perimeter they will be a good neighbor to the surrounding property owners.

Mr. Ginocchio then presented some renderings of about six different types of buildings which he explained. He stated there are a variety of building elevations; they are using the warm colors and they plan to get away from the institutional look in large apartment complexes. He stated they work with the contours and maintain as much of it as possible. There are some great stances of trees on the site which they plan to retain; a portion of buffer zones which will be retained and will make every effort in the remainder of the site to save them all. They plan to develop this in two

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phases, with the north side first, as this is where the streets will have to be, and the south side the second phase. By the time they get to the south side they feel the rough will have grown and filled in and will make a positive screen between the buildings and the residential neighborhoods. If this is not satisfactory, they will come in and berm, building up four or five grades for screen, or use fences to blend in with the trees.

Mr. Bob Percival, realtor, stated the one bedroom apartments will start around \$185; the two bedrooms up over \$200; and the three bedrooms on up. That this will closely resemble the first section of Providence Square. It will not have the four bedroom, \$400.00 apartments, but will stop at the three bedrooms.

Mr. Smith stated under the present financial situation it is definitely impossible for Miss Goebel to continue to operate the golf course. The lease has just been negotiated this year at a price of \$8,000, and this is with knowledge of what the tax structure is going to be. He stated something else besides a golf course is going to be located on this property sometime. That they argue strongly in favor of the Kasubba Development Corporation developing the property.

Mr. Percival stated Mr. Ginocchio oriented his plans to getting the buildings as far away as possible from the residential area, and they range from a near of about 130 feet to as much as 190 feet to the property line. From the aerial photographs it appears the homes on the street vary from a minimum of about 60 feet from the back door of the house to the back of the property lines up to 85 or 95 feet. That Mr. Ginocchio was endeavoring to keep at least 200 feet from the back of the residential houses to the front of the apartments. Also the front doors of the apartments will face out towards the residential neighborhood with the living of the apartments going inward.

Councilman McDuffie asked if the County Commission decides the 100 foot buffer should not be zoned, can it be done, and Mr. Bryant replied the 100 feet could be left out of the area.

Mr. P. L. Gupton, 5123 Glenbriar Drive, stated his property is adjacent to the Hillcrest Golf Course; that he lives at the corner of Glenbriar and Alrose Drive. That he is one of three or four speaking today in opposition to the request. As interested property owners whose homes would be affected by the rezoning, they filed a petition to invoke the 3/4 Rule. The petition included 162 individual signatures, or 97 property owners. They all live within the Coventry Woods area. He stated there are now more than a dozen high density apartment complexes within a mile and half of Coventry Woods. They feel the population in this area has already reached an uncomfortable level. In the 15 apartment developments there are now 3,000 individual apartment units. The developer asking for the rezoning today is proposing to build 460 to 500 apartment units on this 40 acres of land. This will bring the total number of single unit apartments within this mile and half area to 3,500. That Foxfire appears to be building 150 more units; that this number of 3,500 units is actually larger. With two persons per unit this is 7,000 people or more living in apartments within this immediate area. This addition of people will greatly add to the existing problems they have such as overcrowding of schools in the area, and will add to the traffic congestion. He stated the parcel of land behind the golf course is vacant, and they feel this piece of property could be purchased and rezoned R-9MF or R-15MF which would completely surround the area they live in with apartments. Though they hold no title or claim to the Hillcrest Golf Course property, they all purchased homes there with the feeling the beauty of the golf course and the open land of the golf course would always enhance the value of their land. He stated there is very little open space left anywhere within Mecklenburg County today, and we do need recreational facilities; we need to strive to try to preserve all the open land and green areas possible. He stated they would like to see every possibility exhausted to develop this land either as public recreational facilities such as a park or public golf course or anything of this nature as there is nothing in this area now for the community to use. If the land could be left as it is or developed into a park, this would be land not just for the people in Coventry Woods but property everyone in the community could benefit from.

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Councilman Alexander stated in order to preserve the golf course, public recreation would have to take it over, and the land is priced beyond the public recreation taking it over. He asked if a sentiment is growing where citizens would not object to an increased tax rate to make this type of money available? Mr. Gupton replied he cannot speak for everyone. That he can only speak for himself. That he would be willing to pay a small additional increase in his taxes if he could keep the land open for public use.

Mayor Belk asked if it would make any difference if the zoning was to R-15MF, and Mr. Gupton replied they still oppose it. If it was developed into single family he does not believe there would be any opposition. He stated they are interested in keeping it open land as a public recreational facility; they are opposed to the apartments. That he thinks most of the people would be willing to accept it if it is developed for single family in lieu of not being able to develop it for public recreation.

Councilman McDuffie stated he does not know that it is priced out of the range of the park and recreation kind of land. That when looking at recreational facilities, and talking about a profit making outfit, that you do not say that parks or schools are supposed to make money. Until we have a study that shows what other golf courses in other parts of the country do as far as municipal operations go, he does not think it is the proper time to discuss whether we should buy it and convert it into a golf course or not. The rezoning will probably have to hinge on whether there are too many units in the area, and whether the streets and schools are overcrowded or not. The possibility of paying high prices for land is on the shoulders of this council and the county commissioners that do not provide any money for buying park land.

Also speaking in opposition to the rezoning request were Mr. Jerry Smith, 5117 Glenbriar Drive, whose property adjoins the subject property, Mr. Andy Zwemer, 5023 Glenbriar Drive, and Mr. David Jordan, 4900 Coronado Drive. Mr. Smith stated they feel any decision on rezoning should be withheld until studies can be made and that the respective governing bodies exhaust all means to preserve this open space for future recreational facilities for the good of the entire community. Mr. Zwemer stated there are two major concerns to him - one is the traffic congestion. The main exit road would lead into Sharon Amity Road adding to the existing problems. Sharon Amity is the only road going north and south that you can go around Charlotte; it is a two lane road in this area, and it cannot handle the capacity required. Second would be the opening of Alrose Lane. That Alrose Lane could possibly be opened against the wishes of the developer. There have been indications to the people in the community that the traffic department has expressed a desire to open the road. With the opening of the road, the residents of the apartment complex would of necessity use the road as an alternate route to Sharon Amity. He stated their existing roads have no sidewalks, no center markings, no shoulders, no traffic signs, very narrow lands and on-street parking. He stated their objective is to preserve the present open space and the second objective is not to add 500 people on a 40 acre plot of land. Mr. Jordan stated he is really concerned about the density. There is already an overload in the school situation; that Winterfield School is using temporary class rooms, and Villa Heights is overcrowded. There are no recreational facilities in the neighborhood; the closest park is adjacent to Winterfield School or the one at Methodist Home Park.

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

HEARING ON PETITION NO. 72-21 FOR CHANGE IN ZONING DEFERRED UNTIL LATER IN THE MEETING.

Mayor Belk advised the Attorney for the subject petition is in Court and has asked that Council defer the petition until later in the meeting.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, authorizing the hearing of the subject petition out of order.

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MOTION TO HAVE JOINT HEARINGS ON ZONING PETITIONS WHERE PORTION OF THE REZONING REQUEST IS LOCATED INSIDE AND OUTSIDE THE CITY LIMITS.

During the presentation of the previous zoning petition, Mayor Belk asked why this was not a joint hearing with the County Commissioners so that the people would not have to appear twice? Mr. Bryant, Assistant Planning Director, replied it can be done if the City Council and the Board of County Commissioners agree to this.

Councilman Short moved that the City and County Boards have joint hearings when the property requested rezoned is partly inside the city and partly outside the city. The motion was seconded by Councilman Withrow, and carried unanimously.

Mr. Bryant stated the advertising and the voting will have to be separate, but there is no reason why the hearing cannot be held as one hearing.

HEARING ON PETITION NO. 72-22 BY ELOISE TANCREDI, JAMES D. WILLIAMS, AND H. L. WALTERS FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF PROPERTY AT 4431-4435 MONROE ROAD AND 4422 COMMONWEALTH AVENUE.

The public hearing was held on the subject petition for a change in zoning.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located at the corner of Commonwealth Avenue and Monroe Road; the Oakhurst Elementary School is across the street. Property along both sides of the street in the immediate area is still used for residential purposes. Basically around the area residential uses are in effect with the exception of the school, and a number of businesses on the south side of Monroe Road leading out to Richland Drive. The St. John's Methodist Church is located in the area.

He stated there is business zoning along Monroe Road with the only exception being the subject property. There is B-1 on the north side of Monroe Road and B-2 on the south side throughout the area. Other zoning to the north and to the rear of the subject property is R-9MF.

Ms. Veda Bumgardner, realtor representing the petitioners, stated there are three lots in question. One faces Commonwealth Avenue and the other two face Monroe Road. That she has had this property listed for nine months and has been unable to sell it. There were about four interested parties who wanted to open businesses along Monroe Road, but they decided against it as they did not have the time to try to get it rezoned. All three of the properties are owned by aged people. They feel if the property is changed to B-1 they can effect the sale and allow these people to relocate in another area.

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. 72-21 FOR ZONING CHANGE TO BE TAKEN UP WHEN ATTORNEY FOR PETITIONER COMES IN FROM COURT.

Councilman Jordan moved that Petition No. 72-21 for zoning change be taken up when attorney for the petitioner comes in from Court. The motion was seconded by Councilman Alexander, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:30 o'clock p.m., and reconvened the meeting at 3:45 o'clock p.m.

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COUNCILMAN WHITTINGTON COMES INTO MEETING.

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

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, JUNE 26, ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, adopting a resolution providing for public hearings on Monday, June 26, 1972, on Petitions No. 72-24 through 72-32 for zoning changes.

The resolution is recorded in full in Resolutions Book 8, at Page 241.

RESOLUTIONS APPROVING THE FILING OF APPLICATIONS FOR CODE ENFORCEMENT GRANTS FOR THE DILWORTH AREA.

Motion was made by Councilman Whittington, and seconded by Councilman Alexander to adopt the following resolutions:

- (a) Resolution approving the filing of an application for Code Enforcement Grant for the Dilworth Area.
- (b) Resolution approving the filing of an application for Code Enforcement Grant for the Wilmore Area.
- (c) Resolution approving the filing of an application for Code Enforcement Grant for the North Charlotte Area.

Councilman Withrow stated someone called him and said that about 25% of the houses in the Belmont NIP program worked on in the Belmont area would not meet the city code. That he thinks we should study the Belmont area, and have it looked into as to whether it is feasible for us to go into another project. That we should be very careful if we go into these projects that we are not doing houses that are not feasible. He stated he understands the real estate people got into this and bought these houses. There was a transitional period where people were selling the houses, and moving. He stated the city code was not followed in improving the houses. The city code states if the house cannot be improved for 1/2 the appraisal price then it cannot be improved. Houses they appraised at approximately \$2,500, were improved and about \$8,000 was spent, and sold to people. When people found this out they moved out and left their mortgage.

Mr. Carstarphen, Assistant City Manager, stated none of the three areas proposed for treatment today are similar to the Belmont area in terms of the extent of deterioration that has taken place and continues to take place; nor are the social conditions which were so much a part of the problem in Belmont - the change from white to black ownership in residents as was the case in Belmont. He stated there is deterioration going on in each of the three areas recommended for consideration. It is proceeding at a rate greater in some than in others, and the possibility exists if no action is taken either by city or by the residents or by a combination thereof for one or more of these three areas to approach the condition found in Belmont.

Mr. Carstarphen stated in Belmont there were serious time delays on the part of the city and on the part of the Department of Housing and Urban Development in approving the Belmont project originally. Council was approached and approval was given initially in 1968. Because of the problems with the sales tax revenues and because of delays encountered by the Department of Housing and Urban Development, the starting date of Belmont was delayed approximately 12 months. During that time the rate of deterioration not only continued at the pace it had been identified at, but it accelerated. Rather than facing a program that was originally designed to accommodate deterioration in approximately 500 to 600 dwellings, we

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found ourselves with a program that required attention to in excess of 1100 dwellings. The results, while not an optimum, represent a significant improvement in the living conditions of those dwelling units. These are dwelling units which people are living in and will continue to live in because of the economic market we are dealing with. Of the 11,048 residential structures in the Belmont area, 955 of those were found to be in violation of the code and as of April 30, 919 of them had been brought up, repaired and renovated to meet the code requirement that applied under the Neighborhood Improvement Program. These are the code requirements of the City of Charlotte. They have not only met local code requirements, but also the conditions put on them by the Department of Housing and Urban Development. There was difficulty with the construction process, and some of the checks and balances involved. Charlotte was the second program in the southeast United States, and we learned quite a bit. Those weaknesses in administrative procedures have been corrected, and in the last few months, the project has received commendation from the Department of Housing and Urban Development for its procedures and for the effect on the homes they have been working with.

Mr. Carstarphen stated if there were any negative aspects or serious difficulties with the project, and regrets at this point in time, there are two. One by delaying the financing of local improvements in the area, some three quarters of a million dollars, we seriously reduced the amount of competence the residents had in the project initially. We failed to deliver on street improvements, sidewalk improvements, curb and gutters, and other improvements which go a long way in giving a neighborhood the psychological feeling of confidence it needs to go through one of these programs. These delays were unfortunate and unavoidable. Our tax dollars were tied up in tax litigation, and we were in tight financial straits as a city. The second aspect that is a disappointment is that while we succeeded in improving the interior conditions of almost 1,000 homes, and more living units than that, we have not met the same success of improving the overall environment in the area, including yards, disposal of refuse, the care and treatment of private property. This is a problem the Neighborhood Improvement staff has worked on, the sanitation department has worked closely with, and the Model Cities program has attempted to develop programs to instill this type of feeling for maintenance responsibility. Unfortunately they have not succeeded to the level we would like to see.

Mr. Carstarphen stated the reason for this is a combination of things. One, in Belmont there are a large number of non-owner residents. When the Belmont program was initiated, we had a majority of owner-occupancy. Now we have a substantial minority. This is not the case in the three areas proposed for Council's consideration today. Second, this is dealing with a neighborhood whose people have recently come to it; some from lesser environment than what they are in now, and probably have not reached the point of being able to provide for not only their individual financial situations, but for enough money and enough attention to keep their yards, and their immediate environment up on their own.

Councilman Alexander asked if the city's subsidy is started at this time in the three proposed areas, can it do the things which Mr. Carstarphen said it could not do in the Belmont NIP program in regards to streets, curb and gutters and such? Mr. Carstarphen replied assuming favorable vote in the fall on the proposed bond referendum, yes. He stated there is a distinct limit on what the city as a public corporation can do to encourage private maintenance. We have our codes and we may enforce those minimum codes on a structure. In terms of the condition of a person's backyard, frontyard, sideyard or the condition of maintenance of a lot in an area, we have to rely on the Community Improvement Division which has more strength than it did. But there is a limit. We think the condition and the amount of resident involvement through organized neighborhood associations is such in the three areas that we can avoid this type of problem to a much greater degree than in Belmont.

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Mayor Belk asked if, at the end of the program, will the city's zoning code be met and avoid the problems we had in Belmont? Mr. Carstarphen replied in terms of zoning, we are required by the law which governs these programs to rehabilitate only properties which are zoned for residential use, with minor exceptions. Those have to be commercial properties which support the total neighborhood such as a neighborhood grocer. That we have drawn our boundaries specifically in response to that. He stated in some instances the Planning Commission will be asked to upgrade some zoning, and be asked to remove some of the business and commercial zoning which is intruding into a neighborhood to stop the intrusion and to further protect the residential qualities of a neighborhood. He stated we will be rehabilitating only properties zoned residential.

Councilman Alexander asked if the Belmont NIP program is complete? Mr. Carstarphen replied at this point it is. That 96% of the dwelling units which received attention under the NIP program are completed and meet the minimum requirements the program required. We are now in the phase-out period. All the public improvement contracts have been let. That we expect to close it out no later than the last part of July.

Councilman Withrow asked if the same criteria to bring a house up to standard is used as the city code? If it is deteriorated to the stage it cannot be rehabilitated for 50%, is it turned down, or are they allowed to go ahead with the improvements and spend \$7,000 on a \$2,000 home? Mr. Sawyer, Executive Director of Redevelopment, replied the final decision is left to the property owner. If he chooses to spend the money and will apply for a loan in the amount necessary, then they go along with him. The standards of the code are the minimum.

Councilman Withrow stated he is trying to protect the poor man; that real estate men have gone out and have bought the houses, rehabilitated them and sold them to poor people who have assumed these loans at a ridiculous amount. Mr. Sawyer replied he does not believe that any rehabilitated by loans obtained through them have been sold this way. One of the requirements is that the loan be taken off immediately once it changes hands. Councilman Withrow stated he has some he will discuss with Mr. Sawyer later.

Mr. Sawyer stated this charge is not new. It was so serious that HUD sent a special investigator down to see if any of the federal laws were violated.

Mr. Sawyer stated regardless of whether it is a owner-occupant or a owner resident or absentee owner, as soon as he sells the property the loan is due. It is a 3% loan, and is not a loan that the federal government will allow for speculation. Councilman Withrow stated an owner of a building is more careful about the amount of money he spends on a resident and is more careful as to how much obligation he has, but a non-owner is what he is talking about. Councilman Whittington asked if the non-owner can be eliminated from loans? Mr. Sawyer replied a non-owner is not eligible.

Mr. Carstarphen stated the neighborhood improvement program and the concentrated code enforcement program which the United States Congress enacted is designed basically to start a little bit lower and go a little bit higher than the city's minimum codes. It is designed to provide assistance to people who, if we simply applied the code, would have to vacate their house in some instances, or the cost would be prohibitive for them to take care of the improvement. This is why the low interest loans and the out and out grants are provided in the program. It picks up some residences that would be lower than our city code would make it practical for people to pick up in other instances. Some are resident owners and some are non-resident owners. It also provides money and resources in terms of loans and grants to take a home above our minimum code. We encourage and have achieved in some instances improvements which exceed our minimum.

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Councilman Alexander stated we have permitted these loans to be applied to houses that should not have been handled in the first place; he asked if that is not a fact? Mr. Carstarphen replied that would depend on what your initial goals are. In some instances the goals of the NIP program were not thoroughly communicated, and in some instances people did not realize the very low level of deterioration some of the houses had fallen into when the program started. Councilman Alexander stated this is the point he thought perhaps the various authorities who handled the NIP program would control. If the houses that should not have been improved were cut out; this gives an opportunity to decide the other housing programs on a replacement basis; this is a side that we have never gone into.

Mr. Carstarphen stated 30 homes in Belmont were demolished.

Councilman Withrow stated he is not against the program, and he is not against appropriating money to rehabilitate homes; that he does not think we should use two rules of thumb where they can bring substandard housing up to standard when the city code will not permit a homeowner to bring up one in the same condition to standard.

Councilman Whittington stated everything that has been said about the NIP program in Belmont-Villa Heights area is perhaps true. That we can do a better job with an area that is not nearly as bad when we talk about Dilworth, Wilmore and North Charlotte. Many do not understand that this neighborhood and the people who live there had been deprived so long and these houses were in such a state that anything that was done was an improvement. When you think about it, you have improved 919 houses to meet the city requirement, and you have demolished 30 some. That we have made real progress provided we do not make the same mistakes in these other three areas. That he believes we can go forward with this experience and do a better job and make sure that we do not let another area get in this shape in the future. We have prevented 1,000 homes from being eliminated. We cannot have all Southside Homes, or Belevedere Homes; we have to have some between that and public housing, and we have done that out there. In the future we can do better if we adhere to top level management and keep real estate people out of it. That he says this kindly toward realtors, but as Mr. Withrow has said, that was the problem.

Councilman Short stated Mr. Carstarphen has stated one of his regrets on Belmont was that we did not put in enough public money, quick enough, on the public facilities to give the occupant the psychological feeling of an improved area, and they were not enthusiastic about it, and this program mostly depends on the private individuals more than it does on the public effort. He asked if it is a mistake for us to piecemeal three areas as we have now decided to do? Does that not amount to doing the same thing again, and putting in a little bit of public money in three areas on a slow process that will really not create the private enthusiasm necessary to prompt people to get into these 3% loans and so forth, with the alternative being would we be better off in our bond issue and in our application to HUD to concentrate on two areas, and really make a big go of it, instead of getting into the three, with one of the three areas being very old? Mr. Carstarphen replied they think what is recommended to Council today takes note of that concern and balances it off with the reality of the amount of that limit obligation Council is faced with, and the other pressing projects of the city; plus the amount of federal money we anticipate being available to Charlotte, North Carolina for this program. If we had succeeded in raising both locally and the 2/3 matching funds federally for each of the three larger areas, it would have been a shock, but a very pleasant one. What is designed here is the first of what is hoped to be a continuous smaller step in each of the three larger areas, and we have chosen to recommend that we start in the three sub-portions which most need this action now.

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Councilman Short stated he asked this question because Council decided to piecemeal it and go forward with it subsequent to the original recommendation of the three areas more for a bond issue consideration than a NIP consideration. He asked if he feels it is still in order to proceed with all three of these areas? Mr. Carstarphen replied he does and that is why it is recommended to Council in this way.

Mr. Burkhalter, City Manager, stated if the money Council is asking for today in the applications for the three areas was approved the city could not do them all if we had the money tomorrow. The likelihood of getting the three projects approved is very dim, and Council will have to make a decision sometime before we start work on which one of the three is preferred. If we get funds it will be for one of these projects at a time. In connection with the bond issue, we knew this, but wanted to tell Council what bond money was essential for all projects to complete it. He stated in order to continue the staff we have available for this purpose, we may have to start this program prior to July 1, which means a supplemental appropriation of funds somewhere from the general funds to match our part of the program.

Mr. Carstarphen stated it is recommended that the first new NIP project be initiated no later than July 1. He stated we fully realize the sale of bonds, assuming their approval in September, will not take place until probably January; therefore it is recommended Council consider in the upcoming budget a supplemental appropriation of approximately \$100,000 which together with the modest surplus achieved in the Belmont project, will be adequate to initiate the first program July 1. This is done for two basic reasons: Timing is of the essence in the programs, and we have a good core staff which we would like to maintain and not have to disintegrate and reassemble in order to start again.

Councilman Short stated these resolutions before Council in this motion are for the most deteriorated sections, and not for the entire Wilmore area, Dilworth area or North Charlotte area as outlined? Mr. Carstarphen replied that is correct. He stated we have been informed by the HUD officials that they think they will be able to approve one of these grants prior to July 1. As indicated, staff is recommending approval of all three areas, and the staff group which has studied each of these areas, feel we should begin in the area which needs it worse, and their figures at this point indicate that is the Wilmore area.

The vote was taken on the motion, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 8, beginning at Page 242.

Later in the meeting, Mr. Carstarphen continued stating what has been approved are resolutions authorizing the Manager to file applications with the Department of Housing and Urban Development for federal grant funds to assist the City in carrying out three Neighborhood Improvement programs located within the greater Dilworth, greater North Charlotte, and greater Wilmore areas.

He stated the Wilmore area is bounded by West Boulevard, Northside Freeway, Wilmore Drive, Merriman Avenue, and Dunkirk Drive. The North Charlotte area is bordered by Charles Avenue, Davidson Street, 36th Street and Norfolk-Southern tracks. Third is the Dilworth area which basically wraps around Latta Park, taking in most of the property facing Kingston Avenue on either side down to Euclid Avenue where it turns and continues up Euclid and back into the area around and behind the property fronting on Mount Vernon, Templeton and Lexington Avenue.

He stated the total cost for the Dilworth area is \$761,094 with the city's share \$275,431; North Charlotte's total cost is \$828,904 with the city's share \$266,915, and Wilmore's total cost \$719,891 with the city's share \$226,397.

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Mr. Carstarphen stated they are recommending that Council also consider in the upcoming budget deliberations the appropriation of \$100,000 in current revenue capital improvements to be used together with the approximately \$50,000 surplus that exists in the original appropriations for Belmont to initiate the first of these projects July 1. This is based on an anticipated federal action which we have been given encouragement from the Greensboro office of HUD that they would approve one of these projects by July 1. It is recommended to Council in order to start that process and not have to wait for the bonds. Further, it is recommended that while all three of the areas be pursued, that the initial startup project be the one located in the Wilmore area. This is done for a number of reasons. First the amount of owner-occupancy of the three areas is highest in the Wilmore area; some 60% of the people in that area of Wilmore own the homes that need the attention. Second, the rate of deterioration in Wilmore is quite rapid; and they think it exceeds those in the other two areas. Third, they think the type of structures in Wilmore are the type of structures, modest but basically sound, will respond best to this type of treatment. He stated they concur with the recommendations the Charlotte-Mecklenburg Planning Commission made in December, 1971 in which they strongly urged a neighborhood improvement effort in the Wilmore area. The housing in the area represents a very vital housing resource for the total city; it is a close-in residential community for moderate and low income persons. Finally, the amount of local dollars committed to this first project is less in this area than any of the three. The Dilworth area and the North Charlotte area both have an owner-occupancy which is relatively high; it is approximately 51%. Both of these areas have very active citizen resident groups. Reverend Horne, Chairman of the North Charlotte Action Committee, and Mr. Bob Fitzpatrick, his principal staff member, are present today. In addition to working with Reverend Horne and Mr. Fitzpatrick, staff has also worked with Mr. Pete Verna and Mr. Doug Aiken, the chairman and vice-chairman of the Dilworth Community Improvement Association. He stated both of these groups have given their endorsement to the program.

Councilman Whittington requested Mr. Carstarphen to prepare for Council the statements made today. That on July 1, Council will have to have more information than is presented on this item; all of this will be very helpful.

Councilman Whittington asked the City Manager if he anticipates the \$100,000 which has been talked about? Mr. Burkhalter replied he is giving it very serious consideration. Councilman Whittington asked if this money will be paid back if Council appropriates it? Mr. Carstarphen replied if the bond money is approved Council may elect to reimburse the general funds. Councilman Short stated if the City puts \$100,000 in, and this unleashes \$200,000 of federal funds, it would be \$300,000. He asked if the bond issue is not successful, would we have a \$300,000 program in Wilmore? Mr. Carstarphen replied staff would come back to Council and suggest that an additional \$76,000 be appropriated to continue the funding of the second half of the first year. The total estimated cost of the first year project in Wilmore is \$719,000, with the local share being \$226,000. With the \$100,000 requested appropriated out of current revenue, plus the \$50,000 surplus achieved in Belmont, it will take care of \$150,000 of the \$226,000. If the bonds are not approved, there will be a deficit in the project of approximately \$76,000. This is a wise investment of funds that will prevent the requirement that we go back and invest much heavier in a complete renewal program.

Councilman Withrow stated when looking over these houses that are deteriorated to the point where you can tear it down and build a house for the same amount, do not re-do those. That is all he is asking. Mr. Carstarphen replied the redevelopment people and the city's staff will try to be completely sensitive to that concern.

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Councilman Jordan asked if public relations is involved when the homes are renovated to continue to keep them up and not allow them to get in that shape again? Mr. Sawyer stated a social service component is involved with this to encourage the people to keep up the property, and to help with any problems. Mr. Carstarphen stated the level of resident participation which has been identified is sufficiently high enough that we will have a great number of resources to meet that concern.

Reverend Paul Horne, President of North Charlotte Action Association, stated this proposal for a NIP program is not simply another federal program which will transform the landscape of another portion of the City. If approved, it will have a dramatic impact on the lives and the homes of many people, including the people he represents in the North Charlotte Community.

He stated the people of North Charlotte are very much in favor of a NIP program operating in the community. That North Charlotte Action Association's Delegate Council unanimously approved it, and the North Charlotte Action Association distributed over 500 questionnaires to homeowners and absentee landlords asking for an opinion about NIP. The responses received overwhelmingly favored NIP coming to North Charlotte.

He stated when he refers to NIP, he means specifically a federally subsidized program offering low interest loans to homeowners for home repairs; direct grants to eligible persons for home repairs; and a comprehensive program of public improvements including upgrading of street pavements and construction of curbs, gutters, sidewalks and storm drains. These public improvements were presented to the NCAA Steering Committee and approved by the members. He stated the people of the community feel equally strong about another aspect of this program, and if this aspect is not included, then the people are opposed to a NIP program in the community and will oppose any attempt to put one there. This aspect is the involvement of the people of the community in the decisions of the program and the operation of the program.

Reverend Horne stated all the improvements to North Charlotte proposed in the NIP proposal have been issued which the North Charlotte Action Association has fought for in the past year and a half - concentrated housing code enforcement to prevent deterioration; upgrading of the poor street pavement in the community; improvements to the inadequate drainage, which every year damages property and homes. They have maintained from the beginning if the city is committed to supporting strong and decent communities in Charlotte, these improvements are essential. In this proposal to HUD they hear the City of Charlotte saying these same things to federal officials. So, if we are now in such clear agreement for the need of these things, whether NIP is approved for North Charlotte or not, we should be able to work together to see them carried out.

He stated complementing these improvements which the city proposes to HUD, the NCAA has fought for the clearing of overgrown vacant areas, improved services from the public health department, a better community school, health care facilities for their part of town, and improved city services like trash collection. In NIP they see a tremendous opportunity for this program to operate effectively, efficiently, and with the fullest benefits. This can happen because the people are already working for the very improvements NIP proposes, and because the people want to be involved in supporting and assisting the operation of the program.

Reverend Horne stated they realize there are some problems in operating a federally funded program, meeting HUD guidelines and regulations, and at the same time making allowance for local input. All over the country we hear people saying at the polls they are tired of governments acting without their consent, approval or involvement. He stated they feel it is this sort of resentment which has caused great problems in some federal and local government programs. Perhaps, if the community had been more directly involved some of the problems experienced in the Belmont NIP project could have been avoided.

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He stated to make community involvement a concrete reality, the NCAA has drawn up ten points which have been presented to city officials as "conditions" on which the community would accept NIP. They have felt strongly enough about community involvement that they have said if these conditions are not agreed upon, they will not accept NIP. The Delegates' Council approved NIP contingent on these conditions, and their questionnaire did also. However, they do consider these conditions negotiable. He stated copies of these points have been given to City officials, and mailed to city councilmembers, so he assumes they are familiar with them. He stated in their meetings with Mr. Carstarphen and Mr. Lindsey Wiggins, Belmont NIP project director, both men called their conditions entirely reasonable and probably very beneficial to the program, if met. And they indicated in plain language they expected the City to be able to agree to these points with very little difficulty.

Reverend Horne stated the North Charlotte community wants and favors a NIP program coming to the community. If the improvements outlined in the NIP proposal are carried out, this will be a much stronger community.

Councilman Withrow asked Mr. Carstarphen if he has read over the ten points; that community involvement would eliminate what he was talking about a moment ago? Mr. Carstarphen replied they have met with Reverend Horne and his Executive Committee; they have reviewed the points and believe all of them to be reasonable. Only one has given a bit of a problem, and they think they have found a way to accommodate both sides of that. This relates to the provision that was originally included in the NIP program from the federal side for a social service coordinator. Reverend Horne's organization is, in fact, operating more or less as a social service coordinator in the neighborhood now, and he, with some real justifications, has requested the city to make every effort to see that rather than building a duplicating bureaucracy, that we make available resources to continue and strengthen the neighborhood basis system. The suggestion is good; that he and Mr. Wiggins met this morning and they feel they can accommodate them in this. The other basic programs revolved around reviewing the plans before they were approved, which has been done, and allowing for continuing communication and information through the existing neighborhood organization to the neighborhood. He stated they see this as constructive and do not see any problem with complying with the vast majority of them, and the others can be negotiated to the point they are acceptable.

PLANNING COMMISSION PRESENT FOR ZONING HEARING.

Members of the Planning Commission returned to the meeting at this time for the Zoning Petition which had been delayed earlier in the meeting.

HEARING ON PETITION NO. 72-21 BY RUSSELL J. GEDDINGS FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF 144' X 210' OF PROPERTY AT 4400 ROZZELLS FERRY ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this petition requests business zoning on a parcel of land that has frontage of about 144 feet on Rozzells Ferry Road, about two and half to three blocks beyond the Hoskins-Rozzells Ferry Road intersection. It has on it a house which is being used for the sale of antiques, furnishings and appliances which is not in accordance with the present zoning. The adjoining land uses consist of single family residential structures on the intown side extending for several blocks. Across Rozzells Ferry Road is the railroad and then a solid area of single family structures beyond that. To the west of the property is vacant property for some distance, and vacant property to the rear. Beyond that point is a variety of industrial and business type uses.

Mr. Bryant stated the zoning is basically multi-family zoning on the northeast side of Rozzells Ferry Road through the area of the request coming back towards Hoskins Road. Beyond the subject property is the beginning of a rather massive area of industrial zoning beginning with a small area of light industrial and then proceeding into I-2. Across Rozzells Ferry Road from the subject property is also a strip of I-2 zoning to accommodate the railroad and the railroad switching operation which occurs in the area.

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Mr. William Hamel, Attorney for the petitioner, stated the property fronts approximately 144 feet on Rozzells Ferry Road and is zoned R-6MF and they are requesting a B-1 zone so that Mrs. Geddings can operate an antique shop in the building which is now on the premises. He stated Mrs. Geddings received notice that the operation is in violation, and he has talked with the Zoning Inspector who has agreed not to take action in the matter until the zoning petition has been decided by the City Council. He stated 75 feet to the northwest on Rozzells Ferry Road begins an industrial tract; further on the same side of Rozzells Ferry Road is also zoned industrial; directly across Rozzells Ferry Road from the subject property is the Seaboard Railroad tracks and that is zoned I-2. Three or four hundred feet towards town on Rozzells Ferry Road is the intersection and the zoning is B-1. The building used as a residence right beside Mrs. Geddings is owned by Mr. and Mrs. McGhee at 4324 Rozzells Ferry Road; a few lots south, a house is owned by Mrs. Estelle Johnson, 4216 Rozzells Ferry Road, and both of these people have signed a petition indicating they do not object to the rezoning. Mr. Hamel filed a copy of the petition with the City Clerk. Mrs. Creola Moore owns the tract to the north of Mrs. Geddings which is about 70 feet wide and that small tract separates Mrs. Geddings from the industrial tract. Mrs. Moore also owns about five acres directly behind this. That he received a call from an attorney today and he indicated Mrs. Moore's son now owns that property, and that he would not object to the rezoning.

Mr. Hamel stated if the zoning is changed to B-1, Mrs. Geddings will continue to operate the antique shop; if not, she will have to move out.

No opposition was expressed to the proposed change in zoning.

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

ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF THE CITY ENTITLED "FIRE PROTECTION AND PREVENTION", DEFERRED.

After discussion, Chief Lee was requested to give Council a written summary of the proposed amendments to the Code, and upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the ordinance was deferred for two weeks.

ORDINANCE NO. 458-X TRANSFERRING \$11,000 FROM 1969 REDEVELOPMENT BONDS TO THE BROOKLYN URBAN RENEWAL II ACCOUNT TO BE USED TO PAY A PORTION OF THE COST OF INSTALLING UNDERGROUND ELECTRIC LINES ON MCDOWELL STREET, FROM FOURTH STREET TO INDEPENDENCE BOULEVARD.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance transferring \$11,000 from the 1969 Redevelopment Bonds to the Brooklyn Urban Renewal II Account to be used to pay a portion of the cost of installing underground electric lines on McDowell Street, from Fourth Street to Independence Boulevard.

The ordinance is recorded in full in Ordinance Book 19, at Page 70.

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

Council was advised that each property owner had indicated the orders declaring housing "unfit" would not be contested.

Councilman McDuffie moved adoption of the following ordinances affecting housing declared "unfit" for human habitation under the provisions of the City's Housing Code, which motion was seconded by Councilman Whittington and carried unanimously:

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- (a) Ordinance No. 459-X ordering housing at 1218 East 36th Street to be demolished and removed.
- (b) Ordinance No. 460-X ordering housing at 400 Ingle Street to be demolished and removed.
- (c) Ordinance No. 461-X ordering housing at 234 Goff Street to be closed.
- (d) Ordinance No. 462-X ordering housing at 3740 The Plaza to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 19, at Pages 71 through 74.

CHANGE ORDERS IN CONTRACTS FOR THE WEST CONCOURSE ADDITION, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the following change orders in contracts for the west concourse addition were approved:

- (a) Change Order No. 1 in contract with Southern Comfort of Charlotte, in the amount of \$125.00, for addition of a metal access door in the mechanical equipment room on the west concourse which was inadvertently left off the plans.
- (b) Change Order No. 1 in contract with Mecklenburg Plumbing Company, in the amount of \$442.00, increasing sanitary sewer pipe size from five inch C. I. pipe to six-inch C. I. pipe to meet the city's plumbing code requirements.

CONTRACT WITH CHIPS REALTY COMPANY, A SUBSIDIARY OF THE CHARLES INVESTMENTS, INC., FOR THE INSTALLATION OF WATER MAIN AND HYDRANT, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving a contract with Chips Realty Company, a subsidiary of the Charles Investments, Inc. for the installation of 800 feet of 8-inch C. I. water main and one fire hydrant to serve a portion of the Airport Industrial Center, outside the city, at an estimated cost of \$4,800.00 with funds to be advanced by the applicant under the terms of the existing city policies, and the applicant to be reimbursed 100% of the cost of the 8-inch mains at the rate of 35% per quarter of the revenue derived until the entire eligible amount has been reimbursed or until the end of 15 years, whichever comes first.

APPROVAL OF SANITARY SEWER MAINS AND TRUNKS CONSTRUCTION.

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

- (a) Contract with Southern Real Estate and Insurance, Inc. for the installation of 1,515 feet of 8-inch VC sewer line, to serve the Freedom Mart Shopping Center, on Freedom Drive. The applicant will bear the entire cost of the project and will dedicate same to the City upon acceptance by the city for maintenance and operation.
- (b) Contract with L. David Berryhill, Jr. for the installation of 150 feet of 8-inch VC sewer line, on Campbell Drive, inside the city limits, at an estimated cost of \$1,180.00. The applicant will advance funds covering the total cost of the project, and as this portion under construction is a trunk sewer which will later serve property beyond this area, the applicant will be reimbursed the final cost of the work in accordance with existing policies, wherein refunds will be made at the rate of 35% of monthly sewer service charges collected until the entire amount has been refunded or until the end of 20 years, whichever comes first.

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RIGHT OF WAY AGREEMENT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN ACROSS WILMOUNT ROAD AT PIPER LANE.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, approval was made of a right of way agreement between the City and the North Carolina State Highway Commission for installation of an eight inch cast iron water main across Wilmount Road at Piper Lane.

RESOLUTION RESCINDING AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS, ADOPTED.

Councilman Short moved adoption of a resolution to rescind authorization to institute condemnation proceedings against property belonging to A. Lloyd Goode Contracting Company, located at 117 East Fifth Street, in the City of Charlotte, for the widening of East Fifth Street. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 248.

Upon motion of Councilman McDuffie, seconded by Councilman Whittington, and unanimously carried, a resolution was adopted to rescind authorization to institute condemnation proceedings against certain property owned by James Garland Thomas, and wife, Jo Ann Thomas, located at 815 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 8, at Page 249.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Alexander moved approval of the following property transactions, which motion was seconded by Councilman Jordan, and carried unanimously:

- (a) Acquisition of 209' x 203' x 303' x 223' of property on Pinellas Drive, from Lee E. Hearn and wife, Sarah B., at \$29,500.00, for clear zone for the south end of the proposed new parallel runway.
- (b) Acquisition of 200' x 200' x 200' x 200' of property from Clarence Morell Smith and wife, Carolyn Mills, at \$28,500.00 for clear zone for the south end of the proposed new parallel runway.
- (c) Acquisition of 150' x 304' x 110' x 454' x 150' x 319' x 244' of property, from Herbert B. Howie and wife, Lilla S., at \$38,000.00 for clear zone for the south end of the proposed new parallel runway.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following special officer permits were authorized for a period of one year, with each of the applicants having been approved by the Police Department:

- (a) Issuance of permit to Thomas Mebane Allen for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.
- (b) Issuance of permit to George Kenneth Edwards for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., One Charlottetown Center.
- (c) Issuance of permit to Forrest DeLane Kelly for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.

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- (d) Issuance of permit to Robert Luther Mattern, Jr. for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.
- (e) Issuance of permit to Edward W. Moss, Sr. for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.
- (f) Issuance of permit to John Henry Petty, for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.
- (g) Issuance of permit to John Carl Sheldon for use on the premises of Charlottetown Mall, Inc., Cinema I & II, Cargill Wilson Bldg., and One Charlottetown Center.

CONTRACT AWARDED RAND CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER CONSTRUCTION FOR LOWER BRIAR CREEK INTERCEPTOR SUBJECT TO FINAL APPROVAL BY THE OFFICE OF WATER AND AIR RESOURCES AND THE ENVIRONMENTAL PROTECTION AGENCY.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Rand Construction Company, Inc., in the amount of \$495,064.00, on a unit price basis, for sanitary sewer construction for Lower Briar Creek Interceptor, subject to final approval by the Office of Water and Air Resources, and the Environmental Protection Agency.

The following bids were received:

Rand Construction Co., Inc.	\$495,064.00
Thomas Structure Co.	555,189.00
Blythe Brothers Co.	607,403.00
Sanders Brothers, Inc.	785,136.60

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER CONSTRUCTION FOR KINGS BRANCH OUTFALL.

Councilman Short moved award of contract to the low bidder, Thomas Structure Company, in the amount of \$221,785.00, on a unit price basis, for sanitary sewer construction for Kings Branch Outfall, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Thomas Structure Co.	\$221,785.00
Brown Construction Co.	235,142.20
Dickerson, Inc.	238,199.75
Rand Construction Co., Inc.	239,793.00
Ben B. Propst	275,093.00

CONTRACT AWARDED REA CONSTRUCTION FOR STREET RESURFACING.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Rea Construction Company, at a negotiated price of \$192,467.07. for street resurfacing of approximately nineteen miles of various streets within the city, and approximately 1,000 feet of landfill roadway.

The following bids were received:

Rea Construction Co.	\$196,520.75
Rea Construction Co. (negotiated)	192,467.07
Blythe Brothers Co.	198,796.98
Dickerson, Inc.	230,866.00

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REPORT ON INVESTIGATION OF COMPLAINT OF MR. BOB BINNER, CRAZY HORSE BOOK STORE.

Mr. Robert Binner requested that the report of the investigation conducted by the City Manager's Office concerning the alleged firing upon by police officers of the Crazy Horse Book Store, be read.

Councilman Short stated everyone has read the report, and he moved that the report be incorporated in the Minutes, which motion was seconded by Councilman Jordan, and carried unanimously:

"TO: Mayor and City Council May 11, 1972
FROM: David A. Burkhalter, City Manager
Subject: Complaint of Mr. Bob Binner, Crazy Horse Book Store

At your request, the Manager's Office has conducted an investigation of the complaint presented before City Council last Monday concerning the damaged property at the Crazy Horse Book Store, 110 East Sixth Street. The Office of the Chief of Police and the Internal Affairs Section of the Police Department assisted this office in the investigation.

At approximately 2:30 a.m., May 5, Mr. Binner and Miss Patricia Rupert filed a complaint of damage to property at the Crazy Horse Book Store with the Police Department. The complaint stated that damage to the book store window had occurred while two police cars had been stopped in front of the store on East Sixth Street. In his report Mr. Binner stated that he did not see any kind of weapon, but heard a noise he thought was an air pistol or a rifle.

Officer Callaham and Officer Catlett, on assignment patrolling the central district on the morning of May 5, were contacted and interviewed by the Internal Affairs Section. Officer Callaham reported that he and his partner, Officer Griffin, carried out a routine check of the Crazy Horse Book Store at approximately 2:30 a.m. on May 5. While Officer Callaham's patrol car was stopped in front of the book store, a one-man patrol vehicle occupied by Officer Catlett pulled up along side and a brief conversation followed.

Officer Callaham stated that as the one-man patrol car began to pull away, a young man who they recognized as one of the persons who ran the store came out of the store and stated that he wanted to talk to the officers. After making the statement, the young man, who was later identified as Mr. Binner, re-entered the book store without saying anything. The officers then drove off. Officers Callaham and Catlett both stated that they had not caused any damage to the book store.

A member of the Manager's staff visited the book store on May 11. The windows at the store exhibit four small funnel-shaped holes approximately the size of a BB shot and the windows of the adjoining building at 108 East Fifth Street, which is vacant, has five similar holes. In his complaint, Mr. Binner stated that some time on May 4 a portion of the front glass of 110 East Sixth Street had been broken out. There is no positive way to determine when or how the small holes were made in the glass. The investigation is continuing."

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Mr. Binner then made the following statement:

"Originally I had expected a more responsive audience of a citizen's complaint, particularly from the City Council. What we find here before us is just a sham. We might suggest that those who engineered this investigation be considered as conspiring to deny citizens their legal right to seek relief from those elected representatives whose responsibility it is to protect its citizenry from malicious attacks of others, including as well, attacks brought against citizens and property by police officers. It is more than clear at this point then that this Council is not the format or form through which we must proceed to bring about a process to determine jurisprudence. I suggest to you then that we perhaps might see one another again in some form in the future in court."

Councilman McDuffie stated he read the report, and he heard Mr. Binner last week, and he heard a civil liberties attorney on the radio in the last week who talked about cases like this. That he got the impression from what was said that if anyone went to court on either side, and you happen to be in a car outside, where shots were fired, you would not expect to be convicted because no one can say they saw you firing a shot. That he really does not see how Mr. Binner can expect any reasonable group of people to take any action based on his statement that he could not see how the windows were broken.

Mayor Belk stated he thinks the report is very responsible and it indicates the investigation will be continued and if anything is found, then something will be done.

Councilman Whittington stated the investigation is not over; so it is not a closed book. Mr. Binner replied he would be more than interested to see if anything else is done.

PETITION FROM RESIDENTS OF HICKORY GROVE AREA PROTESTING PROPOSED ANNEXATION OF THEIR AREA TO THE CITY.

Mr. Ron Brown, 6500 Teaneck Lane in the Hickory Grove area, stated he is with the Citizens Rights' Association. That sitting in the audience today, he has heard that a lot of things depend upon the proposed bond issue; that they are determined to beat the city on this and he hopes the city loses.

He filed a petition with the City Clerk containing over 390 signatures which he stated were gathered in a 24 hour period from registered voters in Area 3, Hickory Grove, which petitioned to have their area deleted from the proposed city annexation.

There followed a discussion of the cost of the annexation and the city services that would be necessary for annexation. During this discussion Mr. Brown stated they are to be taken into the city and they have no representation; it is annexation without representation; they have no one on Council who decides they should come into the city. He asked if the tax rate is \$1.64 or \$1.69, and he was advised in June 1971, it was \$1.69, and in fiscal 1971-72 it was lowered to \$1.64. Mr. Brown stated every citizen in Charlotte is indebted for \$400 for bond issues already passed. If the proposed bond issue goes through, every citizen will be indebted for \$530 per person. If everyone in City government was to stop work today and not another dime was to be paid out to anyone, and no services rendered or anything, it would take three years to pay off the indebtedness.

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Mr. Brown stated according to the Planning Department, the City will spend \$2.9 million to bring water and sewer to the Hickory Grove residents; they are now on wells and have septic tanks; that it will take ten years for them to hook up to the city system. That the estimated revenue from 600 residents is \$60,000 a year; it will take 50 years with no interest to get that \$3.0 million back if everybody hooked up today. He stated annexation is not profitable for the city. That his tax rate will be doubled and he will not get a dime more in services. That as far as garbage collection is concerned, it will cost \$67,000 for the city to provide this service, and private enterprise is doing it for \$25,000 now.

ACCEPTANCE OF HENNINGSON, DURHAM, AND RICHARDSON REPORT ON CHARLOTTE-MECKLENBURG SOLID WASTE STUDY.

Mr. Burkhalter, City Manager, stated on May 1, 1972, Council heard the HDR report on solid waste, and in order to pay for that report, it is necessary for Council to formally accept the report.

Councilman McDuffie stated Council can vote to accept the report and at a later conference session, it can be discussed; that he is not sure he is in favor of the ten hour day.

Councilman Short moved that Council accept the report. The motion was seconded by Councilman Jordan.

Councilman Short stated although the report was criticized a little bit, he is not going into detail; but it had some very good points; and it changed his thinking on some points.

The vote was taken on the motion and carried unanimously.

EXECUTIVE SESSION OF COUNCIL SET FOR COUNCIL TO DISCUSS LEGAL MATTERS WITH CITY ATTORNEY.

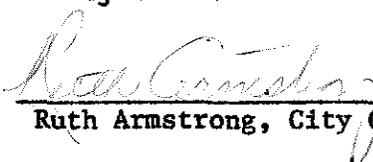
Mr. Burkhalter, City Manager, advised the City Attorney has some information for Council concerning legal matters and such - and Council might wish to call an executive session at this time.

Councilman Short moved that Council meet at this time in executive session with the City Attorney in the Mayor's office. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Underhill stated he would like the opportunity to discuss with Council some pending litigation and some recent developments in some of the pending litigation. He stated discussions of this subject are permitted under the Open Meeting Act.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk

SPECIAL MEETING
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The City Council of the City of Charlotte, North Carolina, met in Special Meeting on Monday, May 15, 1972, at 6:10 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: None.

* * * * *

RIGHT OF NOTICE WAIVED FOR SPECIAL MEETING.

All members being present, the City Council waived right of notice, and called a special meeting of Council, and requested the City Manager to act as City Clerk.

SALE OF CITY OWNED PROPERTY, AUTHORIZED.

Councilman Short moved that Council approve the sale of city owned properties at 828 North Church Street and 829 North Tryon Street to Mr. P. L. Stewart, the high bidder in the amount of \$1,900.00, which property had been offered for sale on March 20, 1972 at public auction and the bid held open for the required ten days. The motion was seconded by Councilman Withrow, and carried unanimously.

ADJOURNMENT.

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

David A. Burkhalter, Acting as City Clerk