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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, April 19, 1971, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Jerry Tuttle.

The Planning Commission sat with the City Council and, as a separate body, held its public hearings on the zoning petitions with the following members present: Chairman Tate, and Commissioners Albea, Blanton, Ross, Sibley and Turner.

ABSENT: Commissioners Godley, Moss, Stone and Toy.

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INVOCATION.

The invocation was given by Reverend William A. Dysard, Jr., Minister of Mulberry Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on Monday, April 5, 1971, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO RETIRING EMPLOYEE.

Mayor Belk recognized Mr. Gordon L. Huggins, Treatment Plant Operator, and presented him with the City of Charlotte Employee Plaque. Mayor Belk stated Mr. Huggins was employed October 16, 1954 and retired March 17, 1971. He expressed Council's appreciation for the services he has rendered to the City and wished him well in his retirement.

HEARING ON PETITION NO. 71-19 BY A. H. RODDEN, SR. FOR A CHANGE IN ZONING FROM R-12 TO R-MH OF 14 ACRES OF LAND WEST OF NEAL ROAD, NORTH OF MINERAL SPRINGS ROAD, ADJACENT TO THE I. R. MISENHEIMER PROPERTY, CONTINUED FROM COUNCIL MEETING, ON MARCH 15, 1971.

Council was advised that Mr. Carl W. Howard, Attorney, for the subject petition, has filed a letter requesting that the petition be postponed until the next hearing date as the petitioner, Mr. Rodden, has made arrangements to have a detailed plan made of the property, and the Engineer has been unable to complete the plans and the percolation test due to bad weather.

Councilman Thrower moved that the hearing be postponed until the next hearing date. The motion was seconded by Councilman Withrow.

Mr. Fred Bryant, Assistant Planning Director, stated this was scheduled for hearing last month, and at the hearing it was determined that a sufficient plan as required by the ordinance had not been filed, and the hearing was continued until today so that the petitioner might have an opportunity to prepare such a line, and the information today is that he does not have such a plan ready.

Mr. Charles Henderson, Attorney for the protestants, stated his people are here today; that they were present at the hearing in March. That the protestants felt then that the matter should have been referred to the Planning Commission and ruled against this petitioner because of the

topography and the fact that Mr. Rodden owned only one small area of the creek, and a great many other reasons which were outlined at the hearing in March. Mr. Henderson stated at that time he went into a great many reasons why this would be spot zoning and would violate the traffic patterns, school facilities and all the rest. Mr. Henderson stated Mr. Howard did not show the protestants the courtesy of giving notice that he was asking for another continuance. He asked Council to refer it to the Planning Commission today for a recommendation, rather than continuing the hearing.

Councilman Withrow withdrew his second to the motion.

Councilman Whittington moved that the petition be referred to the Planning Commission for recommendation, and notify both parties when the petition is placed on the docket for decision. The motion was seconded by Councilman Jordan.

Councilman Short stated the motion should include the wording that this hearing is now terminated and the petition is now referred to the Planning Commission.

Councilman Whittington stated this is agreeable with him.

Councilman Alexander stated a hearing was held on the petition, and the hearing was continued in order that the petitioner could file the proper plan. He asked if anything has been filed with the Planning Commission? Mr. Bryant replied a plan has not been filed. Councilman Alexander stated the motion now is to refer the petition to the Planning Commission for recommendation. Councilman Whittington replied that is right.

The vote was taken on the motion and carried unanimously.

HEARING ON PETITION NO. 71-26 BY BREVARD S. MYERS TO CONSIDER CONDITIONAL APPROVAL FOR OFF-STREET PARKING UNDER SECTION 23-39 ON PROPERTY NOW ZONED R-9 ON THE SOUTH SIDE OF DREXEL PLACE WEST OF PARK ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed and is sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request for conditional parking approval on property located on the south side of Drexel Place. That Drexel Place is a one block street that leads to the west off Park Road, one block north of Woodlawn Road, and opposite the Park Road Shopping Center area. The area consists of a tract of land that has about 342 feet of frontage on Drexel Place, and extends for a depth of 125 feet south of Drexel Place; it is part of a large tract of land which now extends all the way through to Woodlawn Road.

The large tract has on it, one single family residence. The surrounding land uses are entirely single family residential. Along Park Road most of the property on the west side of Park Road is now being devoted to some type of office activity; there is a service station at Woodlawn Road. The area on the north side of Woodlawn and adjacent to the subject tract is utilized for apartment purposes. Other than that the immediate vicinity is a solid single family residential pattern.

He stated all the property on Drexel Place is zoned R-9. Adjacent to the subject property coming all the way out to Woodlawn and extending down Woodlawn towards Park Road is an area of R-6MFH zoning; along Park Road itself is a combination of mostly office zoning on the west side of Park Road and business zoning on the east side.

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Mr. Brevard Myers, the petitioner, stated he heard on Friday there was opposition to the petition and he has endeavored since then to contact the people and see if there is some way in which to reach an agreement that would be acceptable to both parties.

Mr. Myers stated they propose a four-story apartment on the front portion of the property which will have parking on one end and the other end will have parking and will be four stories in height. The apartment complex will have 104 units and 208 parking spaces. He stated without changing the present zoning they can build what they plan to build. However, they believe the logical development of this property and the best interest of the high neighborhood is to change their plan and not cut off the back part and use only the front part. Therefore, they propose an alternate plan in which they will endeavor to make maximum use of the natural vegetation and trees on the property. They propose to move the apartment back so that it will be approximately 80 feet from one street and approximately 100 feet from the other street; they do not propose any parking within 40 feet from the back street; there will be access from the back street, and there will be screening as indicated on the drawing and as provided by the planning ordinance. He stated it is not a question of whether they will build the apartment unit, but the layout and the planning. That in the best interest of the entire neighborhood, it is best to set it back off the front street and try to pull the parking in off the perimeter so that the adjoining residents on the west side will not be blocked by an apartment close to the street, and they will pull it off both sides with an encroachment into the rear lot not more than 85 feet.

Mr. A. H. Daniels, Jr., 1314 Drexel Place, stated he is a property owner and is representing a majority of the residents and property owners on the street. That the petition which was filed contains 25 resident's names and there are only 25 residents on Drexel Place. That they feel a conditional parking on the street at this time will lead to future rezoning to where their property will become devalued. They also feel 140 parking spaces that close to their homes will encroach upon their rights as citizens and will become an annoyance and nuisance to them as residents. In the Register of Deed's office, Book 1688, Page 279, there is a restriction on this property, binding until January 1, 1985, which states that nothing shall be built on this property other than single family units, and that nothing shall be done on the property that will, or may become, an annoyance or nuisance to the neighborhood. He stated they feel if the property is zoned for conditional parking, in a matter of a few years it will then be rezoned so that they would have access to Drexel Place. At present there are only approximately 80 automobiles going in and out of Drexel Place, and this includes part of the rezoning on Park Road of the two lots on the corner. That they are situated between two traffic lights and at any peak hour of the day, it is almost impossible to get in and out of their street; any additional traffic would be murder to their street. Also, there are some 40-odd children, under sixteen years old, who live in this two block area, and they feel the parking lot will endanger the children even though a fence is placed around the parking lot.

Mr. F. W. Pelone, 1345 Drexel Place, stated he has six children and they live directly across the street from the proposed parking lot. That it gives his family great pleasure to walk out on their front porch every morning and there are three or four cherry trees some 40 to 50 feet tall on the lot; also the apple trees are now flowering. If this plan is carried out, this beautiful site will probably be removed.

Mr. John Nelson, 1315 Drexel Place, stated the property that lies just adjacent to the property in question goes straight through from Woodlawn Road to Drexel Place. That if this property is allowed, it would be setting a precedent. That he believes it would not be too optimistic to assume that this piece of property would also stand a chance of being rezoned to multi-family. If the subject property is rezoned, a precedent will have been established and it will no longer be strictly residential.

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Mr. Myers stated certain apple trees will be left; that they will preserve all they can on the entire lot by moving the improvements around to keep the natural advantages that are there.

Mr. Bob Bradshaw, Attorney for the petitioner, stated the rear 150 feet of the property involved is subject to restrictions to other than single family residences; that they do not intend to violate those restrictions as there will be no residences constructed there. That they have given an opinion and obtained insurance from Lawyer's Title Insurance that parking on this area will not be a violation of these restrictions. As far as parking being a nuisance, these people always have the right to invoke the court's aid in violation of any valid restrictions. He stated it is interesting that there is no opposition from Mr. Ralph Clontz, the next door neighbor to the property on the side.

Councilman Withrow asked if this is the same plan presented to Council for high-rise on Woodlawn Road? Mr. Bryant replied it is the same area; it is a different plan proposed for the development of the property. He stated for an R-6MFH zoning, there is no plan approval required; they did show some plans at that time but it is not tied in as a part of the approval process.

Councilman Whittington stated at that time the proposed development was by Mr. Harold Cooler and Mr. Faison Barnes; he asked if they are still a part of the development? Mr. Myers replied he purchased the property from that group; they met with economic and other problems; that he changed the entire concept from garden type arrangements to the high-rise arrangement in keeping with the zoning in a manner that will provide more open area and set the project back from the street.

Mr. Myers stated he is agreeable to sit down with the opposition and to seek any manner of adjustment to make it more compatible with them. Mr. Daniels stated he will be happy to sit down with Mr. Myers and discuss this; that there are objections to the rezoning just as close to the property as Mr. Clontz; that Mr. Clontz is sitting next to the apartments and he would imagine this might enhance the value of his property on the Woodlawn side for future apartment buildings, and this may be the reason for no objections from Mr. Clontz. Mr. Daniels stated if they can sit down with Mr. Myers and discuss it and cannot come to an agreement, then what they have said today would stand and it would be up to Council to make a decision; if they do sit down with Mr. Myers and decide they can reach an agreement, he asked the future?

Councilman Whittington asked if it is in order for Mr. Daniels and the other people on Drexel Place to meet with Mr. Myers and then report to the City Attorney and the Planning Staff on what they have resolved, and bring it back to Planning Commission for a recommendation? Mr. Underhill, City Attorney, replied this can be done without the necessity of another public hearing; the Planning Commission can be asked to consider the petition but to wait until after this meeting between the parties.

Mr. Nelson stated at the time the property on Woodlawn was zoned for multi-family, he talked to Mr. Clontz and was assured that he knew about this and that none of this would encroach on Drexel Place. That he understands that the plans for the building which Mr. Myers wishes to put up now is not the same that was presented at that hearing. He stated the question now comes up that a lovely plan is presented today for a parking area with no access to Drexel Place, and set back. If the plans can be changed, what will happen if something happens to Mr. Myers and someone else buys the property two or five years from now? The traffic on Woodlawn is bad and they cannot get in and out and that they need an access on Drexel Place. This precedent has already been set.

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Mr. Bryant stated this is a conditional process, and if Council chooses to approve the plan, it can approve the specific plan and it cannot be changed without coming back to Council. There are things that can be explored with conversation between the two parties. Under the proposal the parking area is pulled back almost 40 feet from Drexel Place so it would be a simple matter to leave 30 or 35 feet, not included in the conditional parking zoning and that would preclude any additional access onto Drexel without going through another public hearing process.

Councilman Withrow stated what he does not understand is a petitioner comes in and shows a beautiful high rise development, and Council zones the property; then that does not mean anything; why should they bring in the pictures anyway. That he voted on the change because of the beautiful high rise building they were going to build. He asked if it is fair to come in and show a beautiful structure and then change it.

Councilman Whittington asked that the hearing be concluded today and that the petitioner and protestants get together and they come back to Mr. Bryant and the City Attorney, and then advise Council whether a compromise has been reached, and the Planning Commission then make a recommendation to Council.

Mr. Bryant stated the Planning Commission will not meet again until the first Monday in May, assuming a decision is reached then, it can be brought to Council for decision by the 10th of May.

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

HEARING ON PETITION NO. 71-29 BY GREEN ACRES, INC. FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A TRACT OF LAND ON THE WEST SIDE OF FARM POND ROAD, BEGINNING ABOUT 1,800 FEET SOUTH OF ALBEMARLE ROAD.

The scheduled 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 the affirmative vote of six (6) Councilmen in order to rezone the property; also, a general protest petition has been filed containing 74 signatures.

The Clerk advised Council that the protest petition invoking the 3/4 Rule has been withdrawn and the City Attorney has ruled that it is no longer in effect.

The Assistant Planning Director advised Farm Pond Road is an unpaved street connecting Albemarle Road, basically with the Idlewild Farms Subdivision. The property is a rectangle parcel on the west side of Farm Pond Road and has about 380 feet of frontage on Farm Pond Road and extends back a considerable distance crossing Campbell's Creek. The property is vacant with some farm buildings located on it; the property around it immediately is vacant with the exception of one single family residence across Farm Pond Road from the subject property. The property to the south out to Campbell's Creek is planned for subdivision but has not been developed as such. Some of the streets have been cut and some are in the process of being constructed, but the lots adjacent to the subject property have not been developed. On Albemarle Road, the United Methodist Church has recently constructed a new building; there is a restaurant at one point and single family residences. The Four Seasons Apartment Complex under construction is located on the north side of Albemarle Road.

Mr. Bryant stated the subject property and everything south of it and west of it is zoned for single family residential purposes; beginning at the subject property and extending up to Albemarle Road, it is all zoned for R-9MF zoning. On Albemarle Road there is some business zoning and office zoning. Basically, around the subject property, it is a pattern of single family zoning to the south and west and multi-family zoning to the northeast.

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Councilman Whittington asked if there is a natural barrier between the subject property and the single family homes in Idlewild? Mr. Bryant replied no; the only natural barrier in the area is Campbell's Creek. Councilman Whittington asked how much of the subject property is in the flood plain? Mr. Bryant replied a good majority of it; according to some information submitted with the application, out of the almost 12 acres involved, there is only five or so above flood plain.

Mr. Henry McFadyen stated he is in the real estate business and is representing Mr. John Miller, who is the petitioner. He stated there is an old house on the lot across the street which he sold to the Westbrooks; that the Westbrooks are remodeling the house and plan to make their home there. Mr. McFadyen stated the property is presently zoned single family; that about six months ago the property went up for sale and he took the property to practically every single family developer in the area, and had no success in developing the property as single family.

He stated this property would not sell for single family as it is mostly flood plain; it is so narrow and the only way it can be developed is to have one street down the middle which would result in a cul-de-sac; the property is so small that the single family developers were not interested in it; the topography of the land is poor; it floods away from the road in such a manner that single family homes would not have a nice elevation. The Ervin Company considered the property very carefully and said they were not interested. That since it did not appear to be suitable for single family, he decided it might be better developed for multi-family. The main reason it would be suited for multi-family development is the flood plain. That this is open land now but if it is not cared for it will turn into a briar patch. If the property can be developed for multi-family, particularly on the front, then it becomes economically feasible to take care of it. That this property will tie in better with the multi-family to the north than with the single family to the south. He stated the area including north of Albemarle Road has been designated as an apartment area. A good bit of the Grier property to the immediate north has been committed to school and YMCA.

Under the present plan submitted by the Ervin Company no house will face this property; it will all be the backyards. He stated last week Mr. Westbrook was approached and told that this was spot zoning and the R-9MF area was single family and was being rezoned for multi-family. That this is not the case and that is the reason for the withdrawal of the protest petition.

Mr. McFadyen stated Mr. John Miller is in the business of caring for elderly people; that there are no plans for the development of the property, but he wants to consider the site for a development for the elderly. If he cannot use it for the elderly, he has an alternate piece of property, and for that reason they are requesting an extension of the multi-family zoning.

Mr. Bill Echols, Attorney, stated he represents nearly 384 households in the Idlewild Farm area; that he also owns a home in that area. That the people in the area are sincerely interested in what is going on in this subdivision and the surrounding area; that they have some 20 petitions in addition to the general protest petition that was filed earlier. That the 20 petitions are signed by 192 families; that 97% of the households in the area have expressed their interest in fighting this change. Only one percent was neutral and only two percent were not contacted. He read the petition and filed them with the City Clerk.

Mr. Echols stated he also represented Mr. Westbrook who protested and then decided not to protest. That he did not tell him this was spot zoning but told him the ramifications of the zoning across the road from him. At the time, he did not know it was zoned out to the road either. Mr. Westbrook is a good friend of the gentleman who owns the property across the road and he decided to withdraw his petition.

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Mr. Echols stated the property within the proposed zoning area is within the old property line of the Idlewild Farm; that Mr. & Mrs. Flowers lived in the house which Mr. Westbrook has purchased. There are horses and a stable on the tract; that Farm Pond Road is a dirt road that leads out to Albemarle Road. The property was purchased by Mr. Miller some six months ago knowing it was zoned for single family. Mr. Echols stated they feel they have certain rights even though they are not located close enough to invoke the 3/4 Rule. He stated a large number of the residents use their streets; on his street alone there are some 55 children; of these 55 children, there are no more than five older than elementary school age and there is not a single sidewalk on the street; there is going to be a lot of traffic on these streets. He stated they will have enough apartments in their area without rezoning this property. That they do not think it will help their values; that they are fighting the dollar against the rights of the people; they are middle income people and most of them have children; they have their life savings tied up in their homes, and they think this rezoning will adversely affect their property values.

Mr. Echols stated they do not feel that this property should be zoned for multi-family just because the area north of it is zoned for that purpose. To rezone this area would in effect violate that property line of the old farm; the area proposed for change would be the only area within the boundaries of that old tract which would be a different zoning than that which they have as single family.

Mr. Echols stated for all these reasons they request that the petition be denied.

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

HEARING ON PETITION NO. 71-27 BY RAM CORPORATION TO CONSIDER CONDITIONAL APPROVAL FOR OFF-STREET PARKING UNDER SECTION 23-39 ON PROPERTY ZONED R-6MF ON THE WEST SIDE OF CHERRY STREET, BEGINNING ABOUT 100 FEET SOUTH OF BAXTER STREET, AND ON PETITION NO. 71-28 BY RAM CORPORATION TO CONSIDER CONDITIONAL APPROVAL FOR OFF-STREET PARKING UNDER SECTION 23-39 ON PROPERTY ZONED R-6MF ON BOTH SIDES OF CHERRY STREET EXTENDING TO TORRENCE STREET, SOUTH OF BAXTER STREET.

The public hearing was held on the subject petitions.

Mr. Fred Bryant, Assistant Planning Director, advised the subject petitions are located less than one block apart, and are filed by the same petitioner.

Petition No. 71-27 is a parcel of land located on Cherry Street, and Petition No. 71-28 is a parcel with frontage on Torrence Street, extending back to Cherry Street. That the first parcel is adjacent to an office building located at the corner of Baxter Street and Cherry Street; the subject property has one house located on it and one vacant lot; adjacent to it there are single family residences on Cherry Street and predominately single family with at least one multi-family structure on the other side of Cherry Street.

The second parcel under Petition No. 71-28 is a rectangular shaped parcel that begins at Torrence Street and extends through to Cherry Street; the portion on Torrence Street is vacant; the portion on Cherry has a duplex located on it; then there are single family residences up Cherry Street and up Torrence Street from the subject property.

Mr. Bryant stated the property to the south is all vacant with one single family in the area, and the land coming out to Kings Drive is vacant.

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There is B-2 zoning along Kings Drive and that business zoning comes up to the two sites; there is R-6MF zoning throughout the remaining portion of the area. That basically, this is a request to extend conditional parking onto these two sites which are adjacent to the existing business zoned area.

Mr. Brevard Myers stated they intend to use their Kings Drive property for multi-story office structures and they would like to expand the parking into this property so that it can be developed all as one package.

Councilman Whittington asked if he plans to build two office buildings on Kings Drive from his present facilities down to Saco Lowell? Mr. Myers replied that is correct; in their overall development plan, Nat Speirs office would have to go; that he does not want to be held to two buildings; if a tenant wants all one building, he would like to be able to provide that.

Mr. Myers stated he has sufficient parking now for a smaller building, and this would enable him to expand the overall property to a higher use; that he is continuing to try to buy the property in the area to expand further. That the buildings are projected at 60,000 square feet, and with parking better than the city's ratio. He has ratio of one to 200 square feet and the city has one to 300 square feet. That you have to have more parking than the city requires to make the buildings economically feasible.

No opposition was expressed to either petition.

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

HEARING ON PETITION NO. 71-30 BY C. D. SPANGLER CONSTRUCTION COMPANY TO CONSIDER CONDITIONAL APPROVAL FOR OUTDOOR COMMERCIAL AMUSEMENT UNDER SECTION 23-40.02 ON PROPERTY NOW ZONED I-1 ON CRISMAN STREET AT PACIFIC STREET IN FREEDOM VILLAGE SHOPPING CENTER AREA.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is vacant land in the vicinity of the Freedom Village Shopping Center area, between the K-Mart area, the Southern Bell building and the Freedom Village Shopping Center area. Behind it is a very large vacant tract of land extending back to the rear of lots on Royston and Marlborough Roads. Basically the property has vacant property behind it, vacant property in front of it out to Freedom Drive, and the existing development on either side of it.

He stated the zoning is entirely I-1 zoning. The nearest non-industrial zoning would be multi-family zoning that lies behind the lots on Royston Road. The Freedom Village Shopping Center has already been given conditional approval for outdoor commercial amusement.

No opposition was expressed to the petition.

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

HEARING ON PETITION NO. 71-31 BY ARTHUR T. LAWING, JR. FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A PORTION OF A LOT ON THE NORTH SIDE OF BRUNS AVENUE, BEGINNING 298 FEET WEST OF TRADE STREET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated Bruns Avenue begins beside the Ice & Fuel Plant on West Trade Street, and comes away from Trade Street. The subject property has on it a single family residential structure; it is

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adjoined on the Trade Street side by business type activities. Immediately adjacent is property owned by the petitioner on which he operates a fuel equipment sales and repair operation. There is a Lounge located on Bruns Avenue, and a cleaners in the corner. Most of the frontage along Trade Street in the area is developed for some type of commercial or business activity. On the other side of the property coming on down Bruns Avenue, it is developed for single family residential usage. Basically, there is a pattern of commercial uses from the subject property to Trade Street, and residential uses from the subject property westward.

Mr. Bryant stated there is B-2 zoning all along the Trade Street area, with B-2 zoning being both to the side and to the rear of the subject property. There is a small area of I-1 at the corner of Bruns and Trade Street for the ice and fuel plant. Beyond that it is R-6MF to the west.

Mr. A. T. Lawing, the petitioner, stated he is the owner and operator of Charlotte Oil Equipment Company, which is located next to this property; that 2/3 of this property adjoining is zoned B-2; that he is asking that the small portion on the front be rezoned so that he can pave it and build a warehouse. He stated he owns all the property up to Whitehaven; that he owns 10 houses in there. That all of the storage will be inside. That he has talked to Reverend White who bought the Westerly Methodist Church, and he has asked if they can use the parking lot on Sundays for the congregation.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-32 BY WILLIAM L. RUSH FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A LOT AT 225 MARSH ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a petition to change one lot located on the north side of Marsh Road, near South Boulevard. It has on it a single family residence; to the east along Marsh Road, it is solidly developed with single family residential usage; to the west it is adjacent to the parking lot of the North Carolina National Bank branch located on the other corner of South Boulevard and Marsh Road. Adjacent to Krispy-Kreme Doughnut facility on Marsh is a vacant commercial structure and adjacent to that on Melbourne and Marsh Roads is a house converted to an office use and it is directly across from the subject property.

He stated there is business zoning along South Boulevard; there is one lot on each side of Marsh Road adjacent to the business zoned for office purposes; from that point on there is a solid single family R-9 classification. The lot in question is directly across from the office zoned lot and the rezoning would result in the straightening of the line and would not be pushing the line any further down Marsh than it is on the other side of the street.

Mr. M. W. Sloan, with Wyman Realty Company, introduced the owner of the property, Mr. Bill Rush, and stated Mr. Rush is retiring; that he has lived here for about 20 years and now wants to move into a single family neighborhood.

Councilman Thrower asked the intended use of the property, and Mr. Sloan replied they are asking for O-6 zoning and will develop it for whatever is permitted under that zoning.

No opposition was expressed to the proposed change in zoning.

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

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PROPOSED STUDY OF PLANNING AND ZONING PROCEDURES REQUESTED.

Mayor Belk stated in recent weeks, there has been a considerable amount of discussion about the need for revising some aspects of the city-county planning and zoning procedures. That the local legislative delegation has been a part of these discussions and has considered a number of suggestions put forward by citizens and members of the delegation. Chairman Jim Vogler has appointed Senators Moore and Baugh, and Representatives Cobb and Lawing to a delegation committee to consider a number of recommendations and to meet with City Council and the Board of County Commissioners to review these proposals.

Mayor Belk stated last Friday he talked with Mr. Allen Tate and Chairman Jim Martin of the County Board of Commissioners, and as a follow up to that discussion, he would like to recommend to City Council that it join with the Board of County Commissioners in requesting the Charlotte-Mecklenburg Planning Commission to begin a thorough review of the planning and zoning regulations applying to Mecklenburg County, the City of Charlotte and the other incorporated communities within the county. That he would also recommend that the City join the county in requesting the Planning Commission to meet with the delegation committee recently appointed by Chairman Vogler to consider proposed changes in the planning and zoning laws of this county. That he is recommending that these groups get together and bring back to the City Council and the Board of County Commissioners one solution so that we will not have any problems about the perimeter zoning or the fact that the city is taking an unfair advantage of any citizen outside the city limits.

Councilman Thrower moved adoption of the recommendations. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXI-CAB SERVICE PROPOSED BY THE APPLICATION OF METROLINA CAB COMPANY FOR THE ISSUANCE OF THIRTY-FOUR (34) CERTIFICATES FORMERLY HELD BY BAKER CAB COMPANY.

The scheduled hearing was held on the petition of Metrolina Cab Company for transfer of thirty-four (34) certificates of public convenience and necessity from Baker Cab Company, Inc.

Mr. Bobo, Acting City Manager, advised that the Taxicab Inspector has investigated the request and recommends approval of the transfer.

Mr. John Ingle, Attorney for the petitioners, stated he is present to answer any questions; that the two principals in the company are also present if there are any questions.

No objections were expressed to the transfer.

Councilman Thrower moved adoption of the resolution declaring the public convenience and necessity require the taxicab service proposed by the application of Metrolina Cab Company for the issuance of thirty-four certificates formerly held by Baker Cab Company. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Jordan stated he has received a letter from a resident about the elderly and retired people who use the taxicabs for going to the grocery stores. That these people say they are not being treated right by the drivers. He asked if either Mr. Brown or Mr. King of Metrolina can reply to this complaint? Mr. Brown replied he is sure these complaints are legitimate; that it is not the wish of their company and whenever they receive such a complaint, the driver is called into their office and they talk with him.

Councilman Jordan stated all the Taxicab companies should be notified of this complaint and see if they cannot help these people; that most of them are too old and cannot drive cars and this is the only way they can go to the grocery store and to the doctors.

The resolution is recorded in full in Resolutions Book 7, at Page 288.

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REQUEST OF COX-COSMOS, INC. TO ASSIGN ITS CATV FRANCHISE TO CHARLOTTE CABLEVISION COMPANY.

The City Council considered the request of Cox-Cosmos, Inc. to assign its CATV franchise to the Charlotte Cablevision Company .

Mr. J. Carlton Fleming, Attorney for Cox-Cosmos, Inc. stated Cox-Cosmos, Inc. has entered into an agreement to sell its CATV assets in Charlotte to Charlotte Cablevision Company. That Council has been furnished with the formal request in the form of a letter dated April 8, 1971, and with additional information which is in brochure form having to do with the necessity for this transfer. He stated the transfer is required by reason of a Federal Communications Commission ruling that neither Cox Broadcasting Company, which operates WSOC, nor Cosmos Broadcasting which operates WISTV in Columbia, can have any interest in a Charlotte CATV operation. That the other CATV franchise holder in Charlotte is under the same disability that his client is, and under FCC regulations, they will be required to divest themselves of their CATV operation in Charlotte as well.

He stated Cox-Cosmos feels it has obtained for the community, a very fine new corporate citizen assuming Council looks with favor upon the request for the transfer. This is an organization that is well qualified to run an extremely high type service to the public. The organization is called Charlotte Cablevision Company; it is a director and share holder in the Shelby system.

Mr. Street stated they want to assume Cox-Cosmos position in Charlotte in the CATV Company and would like to grow from there and render a more valuable service to the people of Charlotte. He stated the company is new. That he has been in the business about 10 years; Cable Corporation of America was formed two years ago, and they have been actively looking for a CATV system to invest in and to operate and use as a basis of what they feel will be a very large corporation someday. He stated he has been in business briefly in Charlotte; that he has spent a lot of time in Charlotte; that their Corporation feels Charlotte is probably the second best or the first best market in the South.

Mr. Street stated their idea is to improve upon the services now being provided to the residents of Charlotte. That there are two systems in town and they have been talking to the other system; hopefully, they will consolidate both systems, and will consolidate the lease-back from Bell Telephone Company, which is important to the economic visibility of this system. That they believe they can work as a single unit and improve and provide a very good service.

He stated technically they have two areas of the city served by different headends, and they want to consolidate this into one. There is some new technical equipment out now to allow them to do this better; they will employ these new techniques if the franchise is transferred to them.

Mr. Street stated he is President and Chief Operating Officer of Charlotte Cablevision; that he is also President of S. S. Street & Associates, a CATV consultant's service in Washington. That he will be leaving that capacity and working full time in Charlotte on the CATV system. Mr. Jack Weglarz, a general partner, is President of the Home Buyers Center, Inc., in Chicago, Illinois; Mr. H. Phillip Becker is Secretary and Director of CCA, is an attorney and investment counsellor in Chicago; Mr. George Schallman is Treasurer and Director of CCA, is a CPA in the field of Weisgal, Field and Schoenbrod in Chicago.

Mr. street stated initially they are capitalized at \$1.2 million; they feel this will be a good start in this system; that it will take a lot more money to do what they want to do; they are prepared to spend whatever money is necessary to make this system really go. He stated they want to get into

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local origination, which is cable casting. This is something they will be required to do by the FCC; they have already planned to do it and they want to do a lot of local cable casting which is televising over cable which only the subscribers to the cable system can receive. They would rather pick minority type programming, meaning people who are interested in gardening, fishing or sports programs. This type of programming will come from the people; if they want to see it, then they want to show. They do not plan to make any money on cable casting; it is more of a service to help get subscribers. The originations will be in color and cable telecast; that they plan to do this within a year; the FCC might tell them to do it in the next six weeks, and they would be prepared to do that if so ordered.

Mr. Warren Braun, CCA's engineer, stated there is wholly different technology involved in constructing large systems; that type of technology does not fit with the existing technology and the currently existing operation; it is now necessary for them to make some substantial changes in the system itself which will take time; it involves a different system of inter-linking the various component parts of the system. This provides a wholly different type of technology and a wholly different type of solutions which can be implemented to bring greater service to the public. Mr. Braun stated if they are privileged to work with the City of Charlotte, that is what they will do.

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Councilman Alexander asked if they are saying there will be a continuation of the present program selections plus the fact they will be producing their own programs? Mr. Street replied that is right. Councilman Alexander asked if this will also provide a new arena of news media? Mr. Street replied Cox-Cosmos is already carrying a news channel over the cable; that they could provide news from local sources also; that he is not here to say exactly what they are planning to do as far as programming. The first thing they want to do is to do a survey in Charlotte and find out what the people want.

Mr. Bobo, Acting City Manager, stated the City would like financial statements on the new company. Mr. Fleming replied that Mr. Street is in a position to deliver the statements to Council.

Councilman Jordan asked that this proposal be taken under consideration and get the financial statements before Council makes a decision. Mr. Street stated they are anxious to get started in Charlotte as they have waited over a year to find the right place, and they feel that Charlotte is the right place.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:00 o'clock p.m. and reconvened the meeting at 4:51 o'clock p.m.

MAYOR, COUNCILMEMBERS AND AUDIENCE INVITED TO ATTEND PROGRAM ON DECENCY AT COLISEUM.

Mr. Edgar Hair stated he is appearing as a representative of the Charlotte and Mecklenburg Citizen's for Decency. That he is here to extend to the Mayor and Councilmembers a very sincere and an urgent invitation to come tomorrow evening to the Coliseum at 7:30 o'clock, as special guests, and join with those who have expressed a concern through this organization toward the trends in our personal and moral behavior here in Charlotte. They hope not only to express a concern for it but through the presence of all to say that we object and we do not want to have this sort of image as a City. He stated they would also like to extend an invitation to all those in the room and to those within the sound of his voice. He stated they have a very distinguished speaker who has a wealth of experience in his background to tell us what we can look forward to if we leave these elements in.

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Mr. Hair stated they know that the Mayor and Council share a concern for the City otherwise they would not be sitting here in this position. He asked them to please come so that this group will have the full cooperation of all our officials, and hopefully, all of our citizens.

Mayor Belk thanked Mr. Hair for the invitation. He stated he is looking forward to attending the meeting. He congratulated Mr. Hair and his group for trying to make Charlotte a better place in which to live. He stated it is people like them who will make it a better place.

FIRE CHIEF ANNOUNCES INTENTION TO RETIRE AFTER BUDGET IS ADOPTED.

Fire Chief Walter J. Black stated he would like to express his wishes to the Mayor and members of the City Council relative to his retirement from the Charlotte Fire Department.

Chief Black stated he joined the Fire Department when he was 22 years old. That he has 39 years service with the City, eight of them as Chief of the Fire Department. He stated his experience has been very enjoyable, very rich and very broad over the years.

He stated there have been differences among themselves in the Fire Department as well as with others. That this is to be expected among almost five hundred men.

Chief Black stated it has been said that he has a persistent manner, is military minded and possibly controversial in some instances. Some firemen have said that he has been tough but fair. He stated he does not deny any of the allegations.

He assured the Mayor and City Council that they have a well-trained, highly skilled, professional Fire Department. Although the City has doubled in size and population in recent years, the fire insurance classification has remained the same. The fire insurance rates are much lower than many other cities of comparable size.

Chief Black stated with the permission of the Mayor and members of the City Council, he would like to apply for retirement immediately after the City Budget is adopted. That he feels the Fire Department's budget this year is of utmost importance. He stated he is looking forward to retirement. That he is scheduled to head a 10,000 member fraternal organization in the near future which will require considerable time and considerable travel. That he would like to devote the necessary time to this program.

Chief Black stated he would like to express his thanks to everyone for their cooperation and many courtesies shown him through the years. That he especially thanked Miss Ruth Armstrong, and Mr. Paul Bobo, two very fine, very capable people who have aided the Fire Department at every opportunity through the years that he has been associated with them.

Councilman Jordan stated this is quite shock; that he knows the organization he is referring to is the Shrine organization of which will be Potentate next year. This is a great honor and will take a lot of time from Chief Black. He stated he is sure he will do an excellent job. That he is looking forward to serving with him in that group. That he hates to see him leave the City after this many years. That he will be hard to replace.

Councilman Thrower stated he is left without words; that he regrets very deeply that Chief Black sees fit to retire at this time. That he knows it is everyone's goal in life to retire and enjoy life a little bit more. But Charlotte will certainly be at a loss.

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Councilman Whittington stated this is a shock to him and he is sure to everyone else. He thanked Chief Black for the services he has rendered to this City for 39 years and for the tremendous job he has done, not only in the Fire Department, but for the community as a whole.

Mayor Belk stated he is very surprised. That he knows of the fine work Chief Black has done in the Fire Department. Being a Shriner himself, he knows the leadership that will be thrown on Chief Black's shoulders, not only before he becomes a Potentate but during this year also. That this is quite an honor as Mr. Jordan has said, and the Shriners are looking forward to Chief Black's leadership as Potentate.

Councilman Short stated the facts given by Chief Black were given very humbly, but it is something that he can be very proud of; that we have doubled the size of the City while he has been in the Department, and there has been a great increase while he has been Chief. Our record has been good; our fire insurance rates remain good, and this is something for Chief Black to be proud of also.

TOM SYKES REQUESTS THAT APPOINTMENT OF AIRPORT MANAGER BE MADE FROM EMPLOYEES PRESENTLY EMPLOYED IN THE AIRPORT DEPARTMENT.

Mr. Tom Sykes stated he is here to appeal to this Council once more that they not go off into far distance places to fill another vacancy in our government. He stated he did not know there would be two vacancies today. That he is referring to the position of Airport Manager. He stated there are qualified people in our government who can run our airport. The last import for this position lasted nine months. This Council should consider appointing someone who has a record of service to the taxpayers that the taxpayers can depend upon. Mr. Sykes stated he personally knows several people, presently employed in our local government, airport employees, who are well qualified to fill this position, and who have long years of dedicated service to this community.

Mr. Sykes appealed to Council to name one of these employees to this position. To do less than this would certainly be unfair to those employees who have given long years of service to this community. As are all employees, they are striving to be named to positions that would compensate them for loyalty. He stated he would also add to this, the Chief of the Fire Department. That he believes they do come up through the ranks. That the position of the Airport Manager should receive Council's careful consideration. That he does not think they should go north, south, east or west; that they should stay home and find someone that our people know and who know these people who pay the bills. That local people in positions of this nature are very vital and very important. He stated if Council has any say-so about the Airport Manager position, he would like to see one of those people who deserve it for longevity in service be appointed.

Councilman Jordan stated he did not know that Mr. Sykes was going to make this presentation. He stated he did intend to say something about this later on. Again, he would like for Council to take a look in our own organization before going out of town again. That he knows this appointment comes under the City Manager with the City Council's approval, but it seems we have been unsuccessful in some attempts in hiring personnel from out of town. That the last one as mentioned, was only here nine months. Again, he would like to plead with Council that we try to get someone within our own organization for this position. That we do have the personnel, and we have the qualified personnel, and it is right that we try to place this personnel in these positions when they come open.

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FIVE YEAR MORATORIUM SUGGESTED ON CONSTRUCTION OF NUCLEAR POWER PLANT ON LAKE NORMAN.

Mr. Jess Riley stated he is present today as a citizen and scientist concerned about the nuclear power facility proposed on Lake Norman. That this is a matter that involves the citizens of the City and the County and he would like to make sure it does not fall between the chairs. Because there are possible hazards to the community associated with the operations of such a plant, it is his desire to convince the governmental authorities to declare a five year waiting period before the project is begun. During this moratorium, we may learn from the operation of other nuclear power facilities of this size and design more about the probable risks; also about the risks in transporting these intensively radioactive fuels; and you will learn more of the dangers to the environment of reprocessing the fuel and its position of highly radioactive waste. The time for informed public discussions of the danger is now. Warnings are being sounded by many scientists concerning the hazards of the widespread use of nuclear power - over 100 plants are projected on the books.

He stated although Council lacks the specific legislative authority to deal directly with this matter, it can request the local delegation to provide suitable legislation.

Mr. Riley cited incidents of how this would affect the water system, and then cited the route of the reprocessable fuel as it would pass through Charlotte from the McGuire Plant.

Mr. Riley asked if it is worth the risk to take this chance. That Duke Power proposed to supply the projected power needs of this community, to invest \$431.0 million in the McGuire Nuclear Power Plant.

He stated with serious questions concerning health hazards to our community and possible loss of lives, tremendous financial risks, he urged Council to do all in its power to prevent opening this Pandora's Box at this early date; that he would like to urge Council to initiate a five year moratorium proposal on the construction of the plant. Specially during that period, he suggests that a joint City-County fact finding group of qualified persons, with no vested interest in the matter, be commissioned to report findings to the Council and Commission and to the Community. After a thorough study reconsideration of the project might be proposed. That there is too much at stake to do less.

Mr. William S. Lee, Vice President and Engineer for Duke Power Company, stated the need for energy for the people in our community is growing at a very fast rate; it is necessary and Duke's responsibility as the public utility serving this area to meet that need. If they fail to meet the need, and they would fail if there is a five year moratorium on a major generating facility like the nuclear power plant on Lake Norman, then they might as well have a five year moratorium on new homes, new classrooms, new jobs, lifting our brothers from poverty, economic growths of all kinds and on the very quality of life in our community. It is necessary to have energy to sustain this sort of improvement in our community, and this plant is designed to meet that need. He stated they selected nuclear as a source of fuel for this generating plant after an exhaustive study of all the alternatives available. The result of that study clearly showed that nuclear would result in the lowest cost of energy to the consumer compared to any other alternative. In addition, nuclear was more compatible with our environment in Mecklenburg County, Charlotte and the surrounding communities than any other alternative. It represents an investment in this community of \$431.0 million. He stated they have two nuclear plants in operation in South Carolina which are very successful. There are some 21 large nuclear plants in service in the United States at present, and there are many others under construction. He stated to build one requires an array of regulatory and licensing procedures. For building the plant in South Carolina they appeared before 61 separate and distinct entities of government in order to obtain the necessary licenses, permits, contracts and agreements to build and operate that plant.

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Mr. Lee stated for McGuire Nuclear Station, they have a similar long list of governmental agencies from whom they will be obtaining licenses and permits. A number have already been obtained. The plans for the plant have been reviewed by the North Carolina Board of Water and Air Resources, and the necessary permits and certifications have been issued; the plans have been reviewed by the North Carolina State Board of Health, and they have testified in a public proceeding that based on their review of the technical information included in the application, the plant does protect the public health and safety of the citizens of this state. They have pending a proceeding leading to the issuance of the certificate of convenience and necessity which is necessary from the Public Utilities Commission of North Carolina to build any type of generating plant. They also have an application to the atomic energy commission for their license to build the plant. This licensing procedure is long and it will culminate in a public hearing in our community at which time any member of the public or any official body or any individual will have an opportunity to be heard. The subject of the hearing will be the public health and safety associated with the nuclear plant. There is a forum for review of this entire process before they can proceed with the plant.

Mr. Lee stated the water leaving the McGuire Nuclear Station as far as radioactivity is concerned, you can hold a cup in the pipe and you can drink it and it will fully meet the U. S. Public Health standards with respect to radioactivity for drinking water. The radioactivity from that plant will be so low that their estimates now show that the water treatment facilities in this plant will be so efficient that the radioactivity content leaving the plant will be lower than the radioactivity that nature put in the Catawba River.

Mr. Lee stated with respect to the fact finding group and the five year moratorium he can summarize by saying if they stop all progress in our community for five years then they can do without additional electricity. A fact finding group does exist in the form of representatives of the people and in the form of government agencies who are reviewing the various applications for the plant.

He commended the plant to Council as the most economic source of energy for our citizens in the future and as the source of energy that is the most compatible with the environment of our community; that it deserves the Council's support.

Mr. Lee stated a public hearing will be conducted by the Atomic Safety and Licensing Board of the Atomic Energy Commission in this community; it will be announced at the appropriate time.

REVISIONS IN PLANS FOR R-20MF APARTMENT PLAN OF SHARON VIEW PROPERTIES, APPROVED.

Mr. Fred Bryant, Assistant Planning Director, stated about two years ago there was a zoning process whereby property on Sharon View Road at McMullen Creek was approved for R-20 multi-family zoning, which is a conditional classification requiring a site plan to be approved. At that time the plan was approved. The developer, Mr. Howard T. Nance, now finds that some changes in the plan would be desirable. He stated some very significant open-space features have been incorporated in the plan, particularly along the creek area. Also access to the parking lots have been changed which results in fewer intersections along the major roads.

Mr. Bryant stated this is an improvement over the original plan and the Planning Commission recommends the revisions to Council.

Motion was made by Councilman Whittington, and seconded by Councilman Jordan to approve the revisions in the plan as recommended by the Planning Commission. The vote was taken on the motion and carried unanimously.

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RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, MAY 24, 1971, ON PETITION TO CLOSE A PORTION OF PRESSER STREET.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, the subject resolution fixing date of public hearing on Monday, May 24, 1971, was adopted.

The resolution is recorded in full in Resolutions Book 7, at Page 289.

AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY EXTENDING COUNTY-WIDE JURISDICTION TO OFFICERS ASSIGNED TO THE AIRBORNE SUPPORT SECTION OF THE CHARLOTTE POLICE DEPARTMENT, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, approving subject agreement between the City of Charlotte and Mecklenburg County, extending county-wide jurisdiction to officers assigned to the Airborne Support Section of the Charlotte Police Department.

Mayor Belk requested the Acting City Manager to give Council a report on what will be necessary to extend the activities of the patrol division to eliminate the complications between the two departments. Councilman Whittington asked if the two departments can be consolidated by action of the two Boards, and Mr. Bobo replied they can. Councilman Thrower asked that the cost sharing be looked into also.

RESOLUTIONS RESCINDING ACTION OF COUNCIL ON MARCH 8, 1971 AND ADOPTING RESOLUTIONS ACCEPTING DEDICATION OF LAND IN THE DOWNTOWN URBAN RENEWAL AREA AND APPROVING THE PURCHASE OF LAND IN THE DOWNTOWN URBAN RENEWAL AREA.

Motion was made by Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, adopting the following resolutions rescinding action of Council on March 8, 1971 and adopting resolutions accepting dedication of land in the Downtown Urban Renewal Area for street widening and purchasing of land for the site of the Civic Center.

- (a) Resolution of the City Council of the City of Charlotte Rescinding a Resolution accepting Dedication of Land to the City of Charlotte in the Downtown Urban Renewal Area, Project No. N. C. A-3, adopted March 8, 1971.
- (b) Resolution of the City Council of the City of Charlotte, Accepting Dedication of Land to the City of Charlotte in the Downtown Urban Renewal Area, Project No. N. C. A-3.
- (c) Resolution of the City Council of the City of Charlotte Rescinding a Resolution approving purchase of land in Downtown Urban Renewal Area, Project No. N. C. A-3, adopted March 8, 1971.
- (d) Resolution of the City Council of the City of Charlotte approving purchase of land in Downtown Urban Renewal Area, Project No. N. C. A-3.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 291.

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PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 10' x 119.16' of easement at 4800 Jackson Place, from Charlotte Park and Recreation Commission, at \$60.00, for Airport Sewer relocation.
- (b) Acquisition of 3' x 25' of easement at 3134 Amy James Avenue, from Western Properties, Inc., at \$1.00, for Amy James Avenue sidewalk.
- (c) Acquisition of 3' x 25' of easement at 3132 Amy James Avenue, from Charles Torrence and wife, Ethel Latimer, at \$1.00, for Amy James Avenue sidewalk.
- (d) Acquisition of 3' x 75' of easement at 3148 Amy James Avenue, from Willie Johnson and wife, Arty Bell, at \$1.00, for Amy James Avenue sidewalk.
- (e) Acquisition of 3' x 100' of easement at 3138 Amy James Avenue, from Nathan Wegodsky and wife, Rebecca B., at \$1.00, for Amy James Avenue sidewalk.
- (f) Acquisition of 3' x 100' of easement at 3116 Amy James Avenue, from Nimrod Cautious Calhoun (widower), at \$1.00, for Amy James Avenue sidewalk.
- (g) Acquisition of 71.09' x 2.84' x 71.04' at 3614 Eastway Drive, from George Edwards Midgett and wife, Loretta, at \$2,180.00, for Eastway Drive Widening Project.
- (h) Acquisition of 108.20' x 107.87' x 75.96' at 1226 Rollins Avenue, from Mary E. Kelbaugh (widow), at \$2,900.00, for Eastway Drive Widening Project.
- (i) Acquisition of 9.81' x 60.55' x 9.55' x 60' at 3736 Commonwealth Avenue, from John S. Staton and wife, Allene B., at \$4,100.00, for Eastway Drive Widening Project.
- (j) Acquisition of 140.65' x 18' x 9.35' x 81.55' x 103.06' x 133' at 3747 Commonwealth Avenue, from Mary W. Christmas, at \$20,200.00, for the Eastway Drive Widening Project.
- (k) Acquisition of 126.55' x 108.20' x 216.29' x 264.54' at 1222 Rollins Avenue, from William Carey Scarborough, at \$8,600.00, for the Eastway Drive Widening Project.
- (l) Acquisition of 10' x 209.38' of easement between Montieth Drive and Elgywood from Hobart Smith Construction Company, at \$210.00, for Elgywood sanitary sewer trunk to serve John Crosland property.
- (m) Acquisition of 30' x 1,400.63' of easement on North Carolina Highway 51, from W. G. Johnston Estate, at \$1,401.00, for the McMullen Creek Outfall.
- (n) Acquisition of 100.34' x 30' of easement at 3525 Johnny Cake Lane, from Richard H. Peniston and wife, at \$100.00, for McMullen Creek Outfall.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AT 1221 NORTH MCDOWELL STREET, ADOPTED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property at 1221 North McDowell Street, from Gerald R. Walton and wife, Vata M., for Sugar Creek-Irwin Creek Open Space N. C. OSC-32.

The resolution is recorded in full in Resolution Book 7, at Page 295.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AT 716 EAST 17TH STREET, ADOPTED.

Councilman Whittington moved subject resolution be adopted authorizing condemnation proceedings for the acquisition of property at 716 East 17th Street, from David Kinney and wife, Effie C., for the Sugar Creek Irwin Creek Open Space N. C. OSC-32. The motion was seconded by Councilman Thrower, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 296.

CONTRACT WITH FROEHLING AND ROBERTSON, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR IMPROVEMENTS TO COLLEGE, SECOND, THIRD AND FOURTH STREETS, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and carried unanimously, contract was approved with Froehling and Robertson, Inc., in an estimated amount not to exceed \$6,987.52, for professional engineering services of inspection, sampling and testing required under the provisions of the Downtown Street contracts for improvements to College, Second, Third and Fourth Streets.

CHANGE ORDERS IN CONTRACTS FOR THE RENOVATION OF THE AUDITORIUM-COLISEUM, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following Change Orders in contracts for the renovation of the Auditorium-Coliseum:

- (a) Change Orders 5 and 6 in contract with Laxton Construction Company, increasing the contract price of \$430,933.23, by \$3,258.06.

Change Order No. 5.

Footing revisions due to encountered poor soil - ADD \$1,838.26

Substituting epoxy paint in dressing rooms in lieu of vinyl fabric - MINUS 57.70

Change Order No. 6.

Removal and replacement of concrete sidewalk around the Coliseum - ADD \$1,477.50

TOTAL ADDITIONS - \$3,258.06

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- (b) Change Order No. E-1 in contract with Driggers Electric and Control Company, increasing the contract price of \$139,449.00, by \$3,914.95, as follows:

Installing 13 light fixtures in shower stalls -	ADD	150.15
Re-routing & relocating telephone lines -	ADD	303.50
Electrical changes in ticket office -	ADD	1,736.30
Two outside light poles -	ADD	1,405.00
Underground conduit for outside lighting -	ADD	<u>320.00</u>
TOTAL ADDITIONS -		\$3,914.95

AMENDMENTS TO CONTRACTS WITH SUB-CONTRACTORS FOR THE INTEGRATED MUNICIPAL INFORMATION SYSTEM, APPROVED.

Councilman Whittington stated he just does not understand this program. Mr. Bobo, Acting City Manager, replied this is extending contracts which have been approved by Council previously. That Council has been extending the contracts month by month because of the shortage of money, and HUD has now appropriated money for the remainder of the fiscal year, and it is now a matter of extending the contracts.

Motion was made by Councilman Thrower, and seconded by Councilman Alexander approving the following amendments to contracts with sub-contractors for the Integrated Municipal Information System:

- (a) Amend contract with System Development Corporation to extend funding through June 30, 1971 and increase the total obligation from \$300,000 to \$965,000.
- (b) Amend contract with University of North Carolina at Chapel Hill to extend funding through June 30, 1971, and increase the total obligation from \$28,000 to \$48,124.00.

Councilman Whittington asked why there is an increase from \$300,000 to \$965,000? Mr. Bobo replied this is for the remainder of the fiscal year. Councilman Whittington asked if this is any of the same information that is being documented by Senator Ervin and the Senate and everyone else? Mr. Bobo replied there is no relationship to it; that information is being gathered for use by the various departments concerning their operations; that the City is not violating those trusts which Senator Ervin is talking about. Councilman Whittington asked what information this would furnish Mr. Franklin as Superintendent of the Water Department? Mr. Bobo replied for one thing it would furnish him the cost analysis of what it is costing to produce water.

Councilman Thrower stated Mr. Whittington missed the meeting several weeks ago when Mr. Branscome appeared before Council in a Conference Session and explained the whole process. Councilman Whittington stated he has never understood this. That he has not been shown where this will be of value to the City; that maybe it will and he hopes it will.

Councilman Alexander stated at the meeting with Mr. Branscome, he raised the question as to whether or not any personal information would be stored, comparable to the type of information that Senator Ervin was discussing, and Mr. Branscome said no. Councilman Alexander stated he feels he dwelt on it enough to be sure that his answer was no and that we would have no fear of storing up that type of personal information on anyone.

The vote was taken on the motion and carried unanimously.

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SETTLEMENT WITH MARY A. FUNDERBURK, ET AL, FOR PROPERTY LYING ALONG BRIAR CREEK FOR THE BRIAR CREEK OUTFALL, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, the subject settlement, in the amount of \$1,150.00, was approved for a tract of land containing somewhat less than two acres lying along Briar Creek for the Briar Creek Outfall.

Councilman Short stated she has wanted a larger return for her property because she thought it might have some business potentials. He asked if it has this kind of potential? Mr. Underhill, City Attorney, replied it does possibly; the development of the property is hampered in that the city's line is some 60 feet from the creek right of way; this is vacant property now but it could have been developed. That it is a settlement of a condemnation suit.

The vote was taken on the motion and carried unanimously.

PAYMENT TO GERTRUDE DELLINGER FOR DOGWOOD TREES AND VARIOUS SHRUBS FOR EASTWAY DRIVE WIDENING PROJECT, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, approving additional payment of \$200.00 to Gertrude Dellinger (widow), for dogwood trees and various shrubs in the area of the construction easement, and not taken into consideration in previous settlements for the Eastway Drive Widening Project.

DEED CONVEYING TO THE STATE HIGHWAY COMMISSION THE RIGHT OF WAY FOR THE NORTHWEST FREEWAY, FROM INDEPENDENCE BOULEVARD TO GOUGH STREET, NEAR THE I-77-NORTHWEST FREEWAY INTERCHANGE, APPROVED.

Councilman Thrower moved approval of the subject deed to the State Highway Commission which was seconded by Councilman Whittington, and carried unanimously.

RIGHTS OF WAY AGREEMENTS, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following rights of way agreements were authorized:

- (a) Right of way Agreement between the City and the N. C. State Highway Commission for the installation of a 6-inch water main in Belhaven Boulevard (N. C. Highway 16), between McGee and Linwood Streets.
- (b) Right of Way Agreement between the City and the Southern Railway System for the installation of a 12-inch water main in East Second Street between Southern's tracks in connection with the changes in East Second Street brought about by the construction of the Civic Center.
- (c) Right of way Agreement between the City and the Plantation Pipe Line Company for the installation of a 26-inch pipe line between the City's raw water lines in the Paw Creek Township.
- (d) Right of Way Agreement between the Seaboard Coastline Railroad Company and the City of Charlotte Water Department relative to the installation and operation of a spur track at the Water Department's Maintenance Division, 811 Fairmont Street.
- (e) Right of Way Agreement between the City of Charlotte and the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of Belhaven Boulevard to serve Webster Oil Company.

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CONTRACTS FOR THE INSTALLATION OF WATER MAINS, AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following contracts for the installation of water mains:

- (a) Contract with Webster Oil Company for the installation of 200 feet of 2-inch water line in Belhaven Boulevard, inside the city limits, at an estimated cost of \$500.00. The applicant will advance the full cost of the main and will be reimbursed 50% of the sum over a period of time, according to the revenue yield, all in compliance with the Partnership Plan.
- (b) Supplementary Contract to Contract dated July 13, 1970, with George Goodyear Company, for the installation of 4,850 feet of water mains and three (3) fire hydrants to serve Mountainbrook Subdivision No. 7 through a master meter, outside the city limits, at an estimated cost of \$21,000. The applicant will pay the entire cost of the project and will be reimbursed by the City at such time as the area in which the water mains are located are annexed to the City, all in accordance with the Partnership Plan.

CONTRACTS BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND FIVE AGENCIES COVERING THE OPERATION OF VARIOUS MODEL CITIES SECOND YEAR PROGRAMS.

Councilman Alexander moved approval of the subject contracts between the City of Charlotte Model Cities Department and the following five agencies covering the operation of various Model Cities Second Year Programs. The motion was seconded by Councilman Whittington and carried unanimously.

- | | |
|---|-------------|
| 1. Community Health Association, Incorporated - | \$42,261.00 |
| 2. Florence Crittenton Services, Incorporated - | 182,302.00 |
| 3. Mecklenburg County Health Department - | 83,087.00 |
| 4. Mecklenburg County Mental Health Center - | 34,357.00 |
| 5. Johnson C. Smith - | 1,825.00 |

Later in the meeting, Councilman Short asked what the Mental Training Program is? Mr. Wilson, Director of Model Cities, stated it will be a collaborative effort to train those highly technical professional and people who have been recruited and selected to work with them in a para-professional relationship to them.

Councilman Short asked if it is true that a model neighborhood resident will provide, in a sense, psychiatric aid to other model neighborhood residents? Mr. Wilson replied not as such; their main job is to be leg men for these psychiatrists and psychologists who will be in the center.

Councilman Alexander stated the important thing is the tying-in of the Model Cities Program with the community agencies; this is what they set out to do and this is what they are beginning to get now.

LEASE AGREEMENT BETWEEN THE CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND RONALDO INVESTMENT CORPORATION FOR OFFICE SPACE AT 501 NORTH CHURCH STREET, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject lease agreement was approved for 4,895 square feet of office space at \$1.04 per square foot, or \$425.00 per month, for eight months from May 1 through December 31, 1971 to house the Citizens Participation Unit of Model Cities and to provide office space for other components of the Citizens Participation Structure.

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STATEMENT CONCERNING THE OPERATION OF MODEL CITIES SANITATION AND STREET SWEEPER CREWS.

Councilman Whittington stated the other day he was on Pegram Street and noticed the Model Cities sanitation and street sweeper crews; there were three different crews over there and they were not doing any work. That he watched them go to a house across the street from where he was standing and they picked up everything that was in a box and left the remainder which was more than was in the box. That he then went down Hawthorne Lane and all of them were under the shade trees near Belmont Park United Methodist Church at 11:00 o'clock in the morning. He stated both Mr. Wilson and Mr. Hopson should be aware of this as this was poor workmanship and it would have been better if they had not been there at all.

Mr. Wilson stated they have some concern about this equipment and the people; that they have had a meeting with Mr. Hopson; that they do not implement the program; they are the planning agency.

ORDINANCE NO. 72-X ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLE PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance ordering the removal of an abandoned motor vehicle located on premises at 1804 Summey Avenue, pursuant to Article 13-1.2 of the City Code and Chapter 160-200(43) of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 18, at Page 139.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, TRASH AND RUBBISH ON PREMISES PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the following ordinances were adopted ordering the removal of weeds, trash and rubbish:

- (a) Ord. No. 73-X ordering the removal of weeds, grass, trash and rubbish on premises in the 1100 block of Commercial Avenue.
- (b) Ord. No. 74-X ordering the removal of weeds, grass, trash and rubbish on the premises at 1101 Beatties Ford Road.
- (c) Ord. No. 75-X ordering the removal of weeds and grass on premises adjacent to 520 Ridgeway Drive.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 140.

CLAIM BY MRS. ANNE R. COE FOR DAMAGE TO HOME, DENIED.

Councilman Thrower moved subject claim in the amount of \$190.00 for property damage, at 3701 Tuckaseegee Road, be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

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SPECIAL OFFICER PERMITS, AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the following Special Officer Permits for one year:

- (a) Issuance of Permit to Albert H. Mandell for use on the premises of Jefferson Standard Life Building, 301-07 South Tryon Street.
- (b) Renewal of Permit to Daniel Hoyt Shealy for use on the premises of Kings College, 322 Lamar Avenue.
- (c) Renewal of Permit to Mrs. Bettie D. Burnett for use on the premises of Belk Brothers Company.
- (d) Renewal of Permit to Fred R. Andrews for use on the premises of Charlotte Park and Recreation Commission.
- (e) Renewal of Permit to James K. Hamlet for use on the premises of Charlotte Park and Recreation.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with William G. Cooper for Grave No. 3, in Lot No. 707, Section 6, Evergreen Cemetery, at \$80.00.
- (b) Deed with William G. Cooper for Grave No. 4, in Lot No. 707, Section 6, Evergreen Cemetery, at \$80.00.
- (c) Deed with Mr. and Mrs. Lanier Branson, Sr., and Mr. and Mrs. Lanier Branson, Jr., for Lot No. 202, Section 3, Evergreen Cemetery, at \$946.00.

APPRAISAL CONTRACTS, AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with James L. Varnadore for appraisal of two parcels of land at fees of \$125.00 each for Fire Station No. 4.
- (b) Contract with B. Brevard Brookshire for appraisal of two parcels of land at fees of \$125.00 each for Fire Station No. 4.

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR CONSTRUCTION OF WATER MAINS, FROM WESTWAY DRIVE TO WILKINSON BOULEVARD.

Councilman Alexander moved award of contract to the low bidder, Thomas Structure Company, in the amount of \$296,875.00, on a unit price basis, for the construction of water mains from Westway Drive to Wilkinson Boulevard. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Thomas Structure Co.	\$296,875.00
A. P. White Associates	309,170.00
Blythe Brothers	325,514.00

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CONTRACT AWARDED KENNEDY VALVE MFG. COMPANY, INC. FOR CHECK VALVES AND GATE VALVES.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Kennedy Valve Mfg. Company, Inc., in the amount of \$4,825.62, on a unit price basis, for check valves and gate valves.

The following bids were received:

Kennedy Valve Mfg. Co., Inc.	\$4,825.62
Grinnell Company, Inc.	5,062.29

CONTRACT AWARDED FRANK H. CONNER FOR METAL BUILDING FOR STREET & SEWER DIVISION.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Frank H. Conner, in the amount of \$17,533.00, for metal building for Street and Sewer Division.

The following bids were received:

Frank H. Conner Co.	\$17,533.00
Rodgers Builders, Inc.	17,589.00
Myers & Chapman, Inc.	18,012.00
Laxton Const. Co., Inc.	18,355.00
Gray R. Boone Const. Co.	22,700.00

CONTRACT AWARDED ROSS & WITMER, INC. FOR HEATING & AIR CONDITIONING FOR METAL BUILDING FOR STREET & SEWER DIVISION.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Ross & Witmer, Inc., in the amount of \$6,770.00 for heating and air-conditioning for metal building for Street and Sewer Division.

The following bids were received:

Ross & Witmer, Inc.	\$ 6,770.00
E. P. Nisbet Company	6,870.00
General A/C of Charlotte	7,504.00
Air Masters	7,874.00
Shanklin A/C, Inc.	7,940.00
Climate Engr. of Charlotte	7,950.00
A. Z. Price & Assoc., Inc.	8,877.00

CONTRACT AWARDED INTERSTATE ELECTRIC COMPANY, INC. FOR ELECTRICAL WORK FOR METAL BUILDING FOR STREET & SEWER DIVISION.

Councilman Jordan moved award of contract to the low bidder, Interstate Electric Company, Inc., in the amount of \$4,340.00, for electrical work for metal building for Street & Sewer Division. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Interstate Elec. Co., Inc.	\$4,340.00
Reid Electric Co., Inc.	4,744.00
Ind-Com Electric Co.	4,820.00
Beam Electric Co., Inc.	5,478.00
Air Masters	5,928.00
Howard Bros. Elec. Co.	5,956.00
Entron Elec. Co., Inc.	6,276.00
Austin Elec. Company	6,492.00
Driggers Elec. & Control Co.	8,363.00

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CONTRACT AWARDED CITY PLUMBING COMPANY FOR PLUMBING WORK FOR METAL BUILDING FOR STREET & SEWER DIVISION.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, City Plumbing Company, in the amount of \$1,552.00, for plumbing work for metal building for Street & Sewer Division.

The following bids were received:

City Plumbing Company	\$1,552.00
J. V. Andrews Company	3,000.00
A. Z. Price & Assoc., Inc.	3,174.00

CONTRACT AWARDED CHARLOTTE FORD TRACTOR SALES FOR ONE TRACTOR WITH MOWER.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder, Charlotte Ford Tractor Sales, in the amount of \$3,541.44, on a unit price basis, for one tractor with mower.

The following bids were received:

Charlotte Ford Tractor Sales	\$3,541.44
Carolina Tractor Supply Co.	3,825.00
Queen City Equip. Corporation	3,994.61

CONTRACT AWARDED MECKLENBURG ENGINEERS & CONTRACTORS, INC. FOR SANITARY SEWER FOR HAMPSHIRE HILLS NO. 4.

Motion was made by Councilman Alexander, to award contract to the low bidder, Mecklenburg Engineers & Contractors, Inc., in the amount of \$22,786.35, on a unit price basis, for sanitary sewer construction for Hampshire Hills No. 4. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Mecklenburg Engineers & Contractors, Inc.	\$22,786.35
Sanders Brothers, Inc.	26,919.70
Poore Bros. Const. Co.	28,802.60
Propst Const. Co., Inc.	29,944.36
Thomas Structure Co.	31,254.60

RECOMMENDATIONS FOR CITY ARBORIST AND CITY COUNCIL NEIGHBORHOOD ADVISORY COMMITTEE GIVEN COUNCIL BY COUNCILMAN WITHROW.

Councilman Withrow stated he has a proposal for a city arborist, a protector of trees. He passed around copies of the proposal to all members of Council.

Councilman Withrow recommended to City Council for its study a City Council Neighborhood Advisory Committee. He passed around copies of the proposal to all members of Council. He asked Council to look over the proposal and stated he will bring it up at a later date.

ACTING CITY MANAGER REQUESTED TO CONTACT COUNTY REGARDING EXTENDING THE TIME FOR FILING GRIEVANCES IN PROPERTY REVALUATIONS.

Councilman Withrow stated the property revaluation sent out in the past two weeks has caused a great deal of concern to property owners. In most instances the property revaluation has increased by as much as 50% and in some cases more. That City Council does not set the tax rate for the year until after the presentation and adoption of the budget. The budget is submitted to Council late in May, and at that time, the new tax rate

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will be set, and Council will take into consideration the increase in property revaluation at that time; that with revaluation, Council can raise the same amount of money by adopting a lower tax rate. He stated it is unfortunate that the revaluation figures mailed to the people at this early date did not allow a comparison with the new tax rate so that they can figure what their actual tax will be. That he proposes Council request the County Commissioners to extend the time of grievances on the revaluation until after the tax rate has been set.

Councilman Thrower suggested that the Acting City Manager consult with the County Attorney to see if this is possible? Mr. Bobo replied he knows of no state statute that places a limit on how long this is held open for hearing; that he will confer with the County Manager concerning the request. He stated one problem is that you have to have a certain valuation before setting the tax rate. That he understands Council's concern and he will meet with the County Manager.

REQUEST FOR STREET PAVING IN FRONT OF UNITED SCRAP PROCESSING COMPANY TO BE INVESTIGATED BY CITY MANAGER.

Councilman Withrow stated United Scrap Processing has a street in front of their property which they keep up themselves, and is supposed to be maintained by the City. That the city garbage trucks and everyone else uses the street, and they would like the street paved. He requested the Acting City Manager to look into this; that the street is located off Steele Creek Road.

COUNCIL TO REQUEST PERMISSIVE LEGISLATION FROM GENERAL ASSEMBLY TO ALLOW THE CITY TO APPROPRIATE FUNDS TO THE CAROUSEL PARADE.

Councilman Thrower stated he sent out with the Council Agenda a notice asking Council to consider appropriating funds to the Carousel Parade annually - either funds or services. That he is sure all are aware of what this Parade does for the City of Charlotte and Mecklenburg County. That if is not underwritten by anyone; a group of hard working men go out and solicit ads and get the money wherever they can to put on this fine program.

Councilman Thrower stated in asking for permissive legislation, it does not mean the City has to give them the money. In some instances, the City paid in excess of \$1,000.00 for off-duty policemen to direct traffic for the Carousel. That this cannot be construed as a downtown activity or any local activity. That he hopes Council will see fit to request permissive legislation for non-tax revenue, or services, from the General Assembly.

Councilman Thrower moved that Council request the General Assembly for permissive legislation to allow the City to appropriate funds to the Carousel Parade to help carry out its program. The motion was seconded by Councilman Whittington, and carried unanimously.

MASS TRANSPORTATION COMMISSION TO BE APPOINTED AS EXECUTIVE COMMITTEE WITH TECHNICAL COORDINATING COMMITTEE REQUIRED BY STATE AND FEDERAL HIGHWAY COMMISSIONS TO BE APPOINTED AS SUBCOMMITTEE.

Councilman Thrower stated Mr. McIntyre, Planning Director, appeared two weeks ago and asked Council to appoint a 20-man committee to oversee the general layout of the state and federal-funded highway expressways. He stated he has talked to both Mr. McIntyre and has asked Mr. Bill Bowen to Chair this committee. That he has talked to a couple members of the County Commission. That it seems to him if a separate committee is appointed, there

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will be a lot of duplication. He stated the Transportation Committee itself will probably be one of the most important committees this City will have in ten years. For the Planning Commission to have to deal with two committees doing practically the same thing is just about impossible. Councilman Thrower stated he talked with Chairman Martin and he had some objections to calling it a Transportation Commission, but it can be called about anything.

Councilman Thrower stated the two people he talked with from the County agreed with his suggestion; that he has not had any static. That he is suggesting it be drawn up and sent to the County Commissioners for action in two weeks.

Councilman Thrower moved the appointment of a Transportation Commission as an executive committee and the appointment of the Technical Coordinating Committee Mr. McIntyre is required by law to have as a subcommittee to come under the Executive Committee. The motion was seconded by Councilman Short.

Councilman Whittington asked who is appointing this mass transportation committee? Mr. Bobo, Acting City Manager, stated this should be a joint appointment between the City Council and the County Commission. The City Council would appoint half and the County Commissioners would appoint half.

Councilman Thrower stated you would have your base committee consisting of about seven people; and then you would have a subcommittee as required by State and Federal Highway Commissions.

Councilman Alexander stated it seems to him that it would be better if the existing Committee would get together and ferret out where we are and then come back to Council with a proposal to incorporate what Mr. Thrower is suggesting.

Councilman Thrower stated that is exactly what we are trying to do now. First the Mass Transportation Committee was approved two weeks ago, and no one has been named to this Committee. Secondly, Mr. McIntyre has asked Council and the County Commission to appoint a 20-man Committee. That this will be a second committee but it should be a subordinate committee to the mass transit committee.

Councilman Alexander asked what the second committee will do? That this is his point. Whoever it is should get together and have a meeting of the minds on what is necessary regarding these two ideas and come to Council with what we should have. Mr. Bobo stated Mr. Thrower is saying there will be the Mass Transportation Committee who will be selected for some expertise or some knowledge of the problem. The Technical Coordinating Committee requested by Mr. McIntyre is to meet federal requirements for citizens participation. This committee would have different qualifications. Councilman Thrower stated all the motion today consists of is that these two committees be drawn and put together and submitted to the County Commissioners for their approval. Mr. Bobo stated he thinks they will be able to come back with something along this line.

Councilman Short stated he seconded the motion because he believes something is evolving that might not be confusing. What is evolving is some sort of Commission or executive group that would have under it, not just one, but several other groups, and the Chairmen of the several groups would probably be under Mr. Bowen to be a member of the executive committee. That it appears to him we would have this executive committee and under that would be subcommittees for (1) Parking; (2) Mass Transit; (3) Federal liaison, and this is basically what Mr. McIntyre is aiming at; (4) City Streets and Traffic Control Matters. That it appears to him we could have this Transportation Committee under which there could be about four individual groups. That he thinks this is a good structure.

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Councilman Thrower stated all he wants to do is to get the idea over to the County Commissioners and let them approve it, and then bring it back to Council. Mr. Bobo stated this is a regional problem and will require county participation.

(MAYOR BELK LEFT THE MEETING DURING THE DISCUSSION AND WAS ABSENT FOR THE REMAINDER OF THE SESSION, AND MAYOR PRO TEM WHITTINGTON PRESIDED.)

Mayor pro tem Whittington stated this is the most important thing that Council has involved itself in in a long time; that he hopes under the direction of Councilman Thrower and Councilman Short that these Committees will get us in the right direction and get us off on solid footings. It is a regional thing and is something that not only Charlotte-Mecklenburg County but the whole Piedmont Crescent will be involved in as we proceed towards Mass Transportation.

The vote was taken on the motion and carried unanimously.

TRAFFIC ENGINEER REQUESTED TO RECOMMEND TEMPORARY RELIEFS FOR TRAFFIC PROBLEMS AT BEATTIES FORD ROAD AND I-85.

Councilman Alexander stated several weeks ago, he requested that the Traffic Engineer look at the traffic situation at Beatties Ford Road and I-85, on both sides of the overpass. He stated he received an answer but it was not what he had asked for; that he received a map showing the designs of the new ramp; and he has had that for sometime. That he knows how the ramp is going to look. That he wanted an answer to the backing up of traffic every morning and every afternoon. That he wanted to know if there is any solution to the traffic tie-up and if there is not some way to get that traffic moving in the mornings and afternoons.

Mr. Bobo stated the answer given was for the long range solution, and Mr. Alexander is asking for a temporary solution. Councilman Alexander stated the immediate problem is the traffic backing up there every morning and in the afternoons on both sides of the overpass and it is impossible for the people to move. He requested Mr. Bobo to get him an answer on this.

ACTING CITY MANAGER AND DEPARTMENTS COMMENDED FOR PROGRESS REPORTS ON BOND PROJECTS AND OTHER PROJECTS OF THE CITY.

Councilman Short stated he was impressed with the quarterly report of the bond project given Council by Mr. Bobo, and the list of activities of four departments. That this is excellent reporting and excellent work on the projects by the Departments. This makes it apparent there is a positive attitude here at City Hall, and things are being done for the betterment of the City to serve the citizens.

ACTING CITY MANAGER TO WRITE CHARLOTTE ASSOCIATION OF LIFE UNDERWRITERS FOR CONDUCTING ANTI-LITTER CAMPAIGN.

Councilman Short stated Council has received from the Charlotte Association of Life Underwriters a letter advising that they are conducting an anti-litter campaign. He stated he would like to commend them for this. One of the basic recommendations of the Anti-Litter Committee was that this sort of campaign be emphasized. The Chairman of the Committee, Mr. Tuttle, asked him at that time to try to make some public comment about the importance of campaigns for volunteer litter control. That this is a major part of the campaign. He stated if any other group wants to put on such a campaign that he for one will try to visit them and help them get it organized, and he is sure other Councilmembers will do the same. That any organization that conducts such a campaign should get some attention and it should be reported by the news media.

Mayor pro tem Whittington requested Mr. Bobo, Acting City Manager, to write a letter to the Life Underwriters commending them for this effort.

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CITY MANAGER AND MR. FRANKLIN AND ALL STAFF REQUESTED TO GO INTO THE MATTER OF LARGE WATER TRANSMISSION LINES, AND GIVE COUNCIL A REPORT.

Councilman Short stated under the water extension plan, called the partnership plan, the City no longer has the obligation to purchase water lines built by developers or citizens when they have been self-sustaining for 12 months. This practice has been eliminated and it means the City does not have to hold in reserve, substantial sums of money that it formerly had to or to make lump sum purchases of water lines. Councilman Short stated this gives us an opportunity to shift our emphasis to large transmission mains which he thinks are very important for the orderly growth of our community.

Councilman Short stated the time has come that the City should give consideration to certain further major extensions of our water system; that Mr. Franklin and his staff and the City Manager and his staff for years have been planning for the extension of our system. He stated we should zero in on some major transmission extensions.

Councilman Short requested that the City Manager and Mr. Franklin and all of our staff go into this matter as promptly as possible and come back and let Council hear from them on this matter. He stated this would be a matter of using current revenue in the water operation that is in the rates for this purpose.

ENGINEERING AND TRAFFIC ENGINEERING DEPARTMENTS REQUESTED TO MAKE SURVEY AND GIVE COUNCIL LAND COST AND CONSTRUCTION COST ON ELIMINATING THE "T" INTERSECTION AT SHAMROCK DRIVE AND SHARON AMITY ROAD.

Mayor pro tem Whittington stated about six months ago, he asked the Engineering Department and the Traffic Engineering Department to make surveys and bring back to Council the land cost and construction cost to eliminate the "T" intersection at Sharon Amity Road and Shamrock Drive with the possibility of swinging that road, eliminating that "T" intersection and giving another direct road from Shamrock Drive and Eastway to Independence Boulevard and over to Sharon Road. That this road is already there; Council has widened Shamrock and a great deal of Sharon Amity, and is in the process of going out to bid to widen Sharon Lane. Until the "T" is eliminated there is not a direct route. He asked the Acting City Manager to give Council a report on this.

PLANNING COMMISSION REQUESTED TO GIVE COUNCIL A REPORT ON THE ANNEXATION OF AREAS ON WOODLAWN ROAD, YORK ROAD AND INDEPENDENCE BOULEVARD.

Mayor pro tem Whittington stated on March 29, he asked for a report from the Planning Commission on annexation of these areas - Woodlawn Road, York Road and Independence Boulevard; so far Council has not received this report, and perhaps they have not had enough time. But this is very important, and Council would like to move on this.

Mr. Bobo, Acting City Manager, replied he has discussed this with Mr. McIntyre and he assured him that he would get into this just as soon as possible. That he does have a backlog but he realizes that Council is interested in this and he plans to get into it.

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RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF LLOYD IRVIN BLACK.

Mayor pro tem Whittington stated two weeks ago, we lost Deputy Fire Chief Lloyd Irvin (Speck) Black, and he would like to read the following resolution:

"WHEREAS, it was with deep regret that the City Council learned of the death of Lloyd Irvin Black on Saturday, April 10, 1971; and

WHEREAS, "Speck" Black was a faithful and conscientious member of the City's Fire Department for 29 years, and was a Deputy Fire Chief at the time of his death;

WHEREAS, the City of Charlotte is indebted to Mr. Black for his long and dedicated service as a member of the Charlotte Fire Department;

WHEREAS, in addition, he was active in the work of his church as well as having been instrumental in organizing the American Legion Baseball Hall of Fame of which he was a member of the Hall of Fame Committee when he died, and was a former State Commissioner for American Legion Baseball.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session assembled, this 19th day of April, 1971, that the deepest sympathy of the members of the City Council is hereby extended to the family of Lloyd Irvin Black, and that his name be and the same is hereby memorialized and honored; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family, and that this resolution be spread upon the minutes of this meeting."

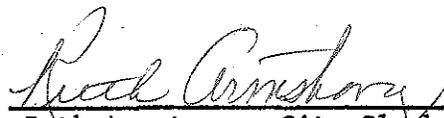
Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, as everyone stood in a moment of silent prayer.

APPROVAL OF PROMOTION OF HARRY A. TAYLOR IN PUBLIC WORKS DEPARTMENT WITHHELD UNTIL COUNCILMAN TUTTLE CAN DISCUSS IT WITH CITY MANAGER AND COUNCIL MEMBERS.

Mayor pro tem Whittington stated Mr. Tuttle is out of the city and before he left, he requested that Council take no action on the promotion of Harry A. Taylor in the Public Works Department, until his return so that he would have an opportunity to discuss it with the City Manager and other members of Council.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk