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The City Council of the City of Charlotte, North Carolina, met on Monday, August 26, 1974, at 2:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred Alexander, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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

ABSENT: Commissioners Boyce, Drummond, Ervin and Kratt.

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INVOCATION.

The invocation was given by Reverend Leonard H. Bullock, Minister of Thomasboro Presbyterian Church.

MINUTES APPROVED, AS AMENDED.

Councilman Short stated on Page 375 of the minutes of August 12, 1974, in the sixth paragraph, the question he was asking there was "if it would not be necessary for the City to appoint this Board", not whether the City could provide tax funds.

Councilman Short moved that the minutes of August 12, 1974 be approved with the above correction. The motion was seconded by Councilman Alexander, and unanimously carried.

CERTIFICATE OF MERIT PRESENTED TO MR. C. T. BROWN.

Mayor Belk recognized Mr. C. T. Brown and stated he would like to present a Merit of Award to him in acknowledgement and appreciation of outstanding service to the City of Charlotte. He stated Mr. Brown served on the Civil Service Board from 1956 until May of 1974. That he gives this certificate on behalf of the City for his many days of service.

Mayor Belk and Council thanked Mr. Brown for his services and wished him well.

SOUTHERN REGIONAL DIRECTOR OF N.O.W. PRESENTED WOMEN'S EQUALITY DAY PROCLAMATION.

Mayor Belk recognized Ms. Jackie Frost, Southern Regional Director of NOW (National Organization for Women) and presented her with a proclamation for Women's Equality Day on August 26.

Ms. Frost stated she is before Council today representing a large group of women in North Carolina and 52% of the population of this county. That August 26th is National Women's Equality Day; a Bill was signed by President Ford on August 22nd commemorating the 54th anniversary of the ratification of the 19th Amendment which gave women the right to vote, signed into law in 1920.

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She stated it was on this day that the Tennessee Legislature was the last state to ratify the 19th Amendment which gave women the one right under the Constitution, the right to vote and the right to fully participate as voting citizens of the United States.

That on this historic day, on the anniversary of women's suffrage, Mecklenburg ERA United, an organization of many groups which are dedicated to the ratification of the 27th Amendment to the United States Constitution, received with pride and with a great deal of thanks, this Proclamation from Mayor Belk, declaring today "Women's Equality Day in Charlotte."

Ms. Frost stated in Charlotte-Mecklenburg County, 52% of all women over age 16 work, either full time or part-time as compared to 38% nationally. In 1970, at the beginning of this decade the Task Force on Women's Rights and Responsibilities, reported to the President that a national commitment was needed to bring about changes which would bring women into the main stream of American life. Today, 31 million women work as a labor force, and they average only \$3.00 for every \$5.00 earned by similarly employed men.

That President Ford, upon signing the Proclamation last Thursday, stated that it has been his observation that women, over the many years he has been in politics, have had to do twice as well in order to get credit. He stated we have to change that. Unfortunately, 54 years later, after the voting rights amendment, women still do not have full equal protection under the Constitution. Women still face discrimination in government, in industry, in professions, in our churches and political parties, in judiciary and the labor unions, in education and science, medical, in the field of law and in the arts.

Ms. Frost stated they urge that the states that have not yet ratified the Equal Rights Amendment do so, so that in 1975, which is the year of our celebration of our United States Bi-Centennial, we can have a true celebration of independence and self determination for all Americans, 100%. With only 5 states to go to ratify the Equal Rights Amendment, they feel it seems certain that full equality can be the law of the land as we enter the last quarter of the 20th Century today.

She thanked Mayor Belk and Council for the proclamation today and introduced the following ladies: Audrey Mayhew, Marilyn Huff, Marilyn Bissell, Carolyn Mathis, Dr. Molly Davis, Lib Sykes, Dr. Jonnie McCloud, Pat Locke, Dennie McGuire, Pat Butler, Ann Hardy, Mary Hopper, and Kim Jolly.

COUNCILMEN SHORT AND WITHROW EXCUSED FROM COUNCIL MEETING.

Motion was made by Councilman Williams, seconded by Councilwoman Locke, and unanimously carried, excusing Councilmen Short and Withrow from the Council Meeting to attend a funeral.

HEARING ON PETITION NO. 74-35 BY CATHOLIC DIOCESE OF CHARLOTTE, FOR A CHANGE IN ZONING FROM O-15 AND R-9 TO B-1 OF A TRACT OF LAND FRONTING APPROXIMATELY 470' ON NATIONS FORD ROAD, SOUTH OF GREENWOOD DRIVE, AT I-77.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request was made to change from a combination single family residential - office zoning to a business classification of a little better than 10 acres of land located on the westerly side of Nations Ford Road. He pointed out on a map the location of the property in the area of I-77.

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He stated the property is at the present time vacant. There are several uses in the general area; north of it is a convenience food store and a gasoline service station. Across Nations Ford Road, is a non-conforming old-type of service station and grocery store which has been there for a number of years. At that point begins a solid pattern of single family residential uses that extend generally along the easterly side of Nations Ford Road. He pointed out the Woodlawn Volunteer Fire Department site which is inside the city. Other than that, the land use in the area, across Interstate 77, although not particularly affected by this property, is residential single family. Generally the remaining portion of the interchange at this point is vacant at the present time.

Mr. Bryant stated the street coming in from the east, in a circular fashion, is Archdale Drive. The zoning pattern at the present time is a combination of office zoning along the frontage portion of Nations Ford Road, then the rear portion is zoned R-9, single family. Generally, all the property to the south of this site is zoned R-9 single family.

Across Nations Ford Road, there is a continuation of the office zoning, O-15, and extends for some distance in this vicinity. There is business zoning immediately north of the property, a small area going up to the interchange; there is also B-2, business zoning, located on the easterly side of Nations Ford Road and I-77. North of Archdale, there is more business zoning. Immediately surrounding the subject property is a pattern of single family zoning to the south, office zoning to the east and business zoning to the north.

Councilman Whittington asked where the Belk Presbyterian Church is located and Mr. Bryant pointed out the location on map.

Mr. Robert Potter, attorney representing the petitioner, stated the property is across the street from B-2 zoning, a service station and convenience store and was purchased by the church back in 1960 and was originally intended for a church and a school. Since that time, the highway department has taken a part of the 14 acres, the power company has taken a part of it, so the church is now down to about 10 acres and really does not have any other good use for it. That no one will be building a house on an interchange, right on I-77; probably no one would even want an apartment house there, but it would be satisfactory for offices.

He stated it would be an asset to the neighborhood to have a shopping center of this size. That as far as he knows, there are no shopping centers in the area for two or three miles and the people out there would probably welcome this.

No opposition was expressed to the rezoning of the property.

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

HEARING ON PETITION NO. 74-36 BY SARA P. LITTLE AND HELEN IRENE LITTLE PICKARD FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A TRACT OF LAND FRONTING 150.2' ON SHARON AMITY ROAD, SOUTH OF THE INTERSECTION OF ALBEMARLE ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the area referred to in the petition is actually incorrect. The 1.63 acres is the total land owned by the petitioner at this location and the petition is only for a portion of it. The portion involved in this request has only about 150' of frontage and only about 80' of depth on one end and somewhat more on the other end. That this is only a portion of the 1.63 acre tract of land that is involved in this particular request for rezoning.

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He stated the property involved is located on the westerly side of Sharon Road, south of the intersection of Albemarle Road. It is vacant at the present time although there is a single family house on another section of the property. There is some vacant property across from the subject property; there is also one single family residence.

Along Albemarle Road, the property is used for commercial purposes. At the corner of Sharon Amity-Albemarle Road intersection, there is a service station which has been converted into a beverage sales facility; a service station on the other corner; a restaurant under construction on a corner; another service station, and generally, along Albemarle Road, in the direction of Independence is a variety of business and commercial activities.

Mr. Bryant pointed out the Hillcrest Golf Course on the map. Immediately adjacent to the property are several duplexes. He noted the location of the Amity Presbyterian Church.

The zoning pattern is basically one of business zoning along Albemarle Road, both sides; there is B-2 zoning coming from Independence and then B-1 zoning well past Sharon Amity, to this location. The subject property is zoned R-9MF as is the remaining portion of Sharon Amity continuing in this direction. Generally, you have only two types of zoning in the area, the zoning along Albemarle Road and multi-family zoning along Sharon Amity Road. The property in question has business zoning on two sides and multi-family on the other two sides.

Mr. Irvin Boyle, attorney, stated he represents Dr. Sara P. Little and her sister, Mrs. Irene Little Pickard. That in making this presentation to Council, the Planning Commission did not point out that the inception of this petition arose because of the change in zoning, R-9MF and the B-1, bi-sects this lot. He stated it did not do it at such a point that would render the R-9MF area of much value. The portion above that is the subject of this hearing and that corner belongs to Dr. Little and her sister, Mrs. Pickard. That all this property is the 1.63 acres altogether, both the part that is not involved in the petition and this which is being asked for a change.

He stated his petitioners did not buy this property through which there was a change in zoning or a zoning line. This property was inherited from the mother of these two ladies. This particular zoning has been for some period of time because the mother of the present owners attached little or no importance to zoning at the time she was alive.

Mr. Boyle stated there is an 80' depth to this property on the Sharon Amity side. The rear of it is diagonal as it nears to the Albemarle Road side of it and gets a little larger, but you relate the whole thing to the portion of it which is now designated as R-9MF and it is difficult, if not impossible, for the present property owners to use that portion of the land for an R-9MF use because when you comply with the setback restrictions, you do not have enough property left there to utilize it. He stated his clients would like to have all of this property, the whole 1.63 acres changed to B-1 which is what the major portion of it is now.

He stated the R-9MF strip could not be considered as a buffer zone because behind that for some considerable distance, is R-9MF. It is just a little piece that is stuck there in the corner and ended up that way. The property that adjoins it at the rear is property owned by a single owner and is also facing the B-1 section as well as R-9MF. The property immediately adjacent to it, the duplexes, are owned by parties not objecting to this change.

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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HEARING ON PETITION NO. 74-37 BY PLASTI-VAC, INC. FOR A CHANGE IN ZONING FROM R-6MF TO B-D OF PROPERTY AT 225 PLYMOUTH AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is in an area where Council has had a number of requests over the years for changes in zoning. The property is a small area of one lot located on Plymouth Avenue. He stated Plymouth Avenue begins down at the intersection of Dalton Avenue and runs toward the intersection with Graham Street.

Mr. Bryant pointed out other streets in the immediate vicinity and stated the property is one lot and at the present time has single family residential use as does the adjoining properties along both sides and directly across the street on Plymouth. To the rear of the properties are a number of light industrial, mostly distribution-type activities, located along Dalton Avenue.

He stated Plastic-Vac Corporation, the petitioner, has its own facilities and adjoins the property under consideration. There are some commercial activities at the intersection of Plymouth and generally along Tryon Street. The subject property does have residential relationships along Plymouth with the commercial relationships to the rear along Dalton.

The zoning pattern at the present time, the one lot, is R-6MF, as is all the property surrounding it on the Plymouth Avenue side and also across the street. The rear along Dalton Avenue, is I-2, and is generally true all in this area and all along Tryon Street as well.

One lot removed from the subject property is the beginning of a small area of office zoning, O-6, which extends both along Plymouth and all along Sylvania and acts as a transition of buffer area to the industrial uses along Tryon. The subject property has multi-family along three sides and industrial to the rear.

Mr. Irvin Boyle, attorney representing the petitioner, stated this property at the present time is zoned R-6MF. It is property which belongs to Plasti-Vac, Inc., a company engaged in plastic forming and plastic machinery business. The request for the change in zoning was in the alternative; the request was for B-1 or B-D.

He stated on Plymouth Avenue, at the rear of this property, is a lot which fronts on Dalton Avenue. This lot is the one which houses the Plastic-Vac, Inc. principal place of business and there at this place of business is where they manufacture plastic forming machinery. This particular lot, which is contiguous to that lot on Dalton Avenue and adjoins it at the rear, they would like to have it used for two purposes.

Purpose number one would be an industrial school, where they would teach the persons who acquire this machinery, the methods of using them. The secondary use would be for warehouse purposes for the plastic which is used for instructional purposes and used in connection with the machinery.

At the present time there is a residential structure located on this lot which is in bad state of repair and the owner has decided that the amount of money to put that particular residence back into first class condition where it could be an income producing unit is so great that any repair of it is not feasible.

Mr. Boyle stated he does not have an architect's rendering to show the building that would be put there. It would not be something with a great esthetic value - it would have a very practical value; that is, for use as classroom and as a warehouse. That this is the purpose for which the petitioner has requested the change.

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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MERIT OF AWARD PRESENTED TO EAST MECKLENBURG SENIOR LITTLE LEAGUE TEAM.

Mayor Belk recognized the East Mecklenburg Senior Little League Team and stated Charlotte is very proud of the fine job that the Coach and boys have done in becoming the state, regional and national champions. That he and Council would like to recognize each one of them and give them an award on behalf of the City.

Mayor pro tem Whittington stated he would like for the parents to know and those in the audience to know that he has been Commissioner for the Little League Baseball for nearly twenty years and has waited a long time to have a national champion, Number One in the United States and Number Two in the world. That these boys know that the other leagues in this district are proud of them and he certainly is proud today to bring them down before Council and honor them in this way.

Mayor Belk introduced each player and their coach and presented them the Merit of Award Certificates. Each player was congratulated by Councilmembers.

Mayor Belk stated this is something these boys will remember all of their lives because they earned it themselves.

HEARING ON PETITION NO. 74-38 BY THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A TRACT OF LAND FRONTING ON THE SOUTH SIDE OF PARKWOOD AVENUE, BETWEEN SUGAR CREEK AND NORTH MCDOWELL STREET.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised this change has been requested officially by the City of Charlotte and is a request to change from a multi-family classification to office of property which is located on Parkwood Avenue and is proposed to be utilized for the Belmont Regional Center. This Center will be utilized for a variety of functions, including a division office for Social Services health needs for the neighborhood and also for office facilities for the Neighborhood Center Department.

The property involved in this request is a somewhat irregular shaped tract of land located on Parkwood Avenue. He pointed out the general area on a map and stated it is across the street from the Cordelia Park and is generally vacant with three old homes on it that are ready to be torn down at the present time.

The land uses in the area, other than the park, are single family residences along Davidson, single family along Nineteenth Street and also along McDowell, with single family frontage on Parkwood. The vicinity of the property is mostly single family, with the park across the street.

Zoning is one of predominately R-6MF throughout the area. The park area and for some distance beyond the park is zoned R-6 single family at the present time. The subject property has been requested to be changed R-6MF to an O-6 classification.

No opposition was expressed to the proposed change in zoning.

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

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ORDINANCE NO. 332-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF PARKWOOD AVENUE, BETWEEN SUGAR CREEK AND NORTH MCDOWELL STREET.

Later in the meeting, Council was advised that the Planning Commission recommended that the last petition, Petition No. 74-38, be approved.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, the subject ordinance was adopted, changing the zoning of a tract of land approximately 2.5 acres fronting about 500' on the south side of Parkwood Avenue from R-6MF to O-6, as recommended by the Planning Commission. The motion was carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 212.

PETITION NO. 74-39 BY IMPERIAL GROUP, LTD. FOR A CHANGE IN ZONING FROM R-9 AND I-1 TO O-15 OF A TRACT OF LAND ON THE SOUTH SIDE OF TUCKASEEGEE ROAD AT CHESHIRE AVENUE, WITHDRAWN.

Council was advised that a letter had been received from Mr. Reginald S. Hamel, Agent, requesting that this petition to be withdrawn from today's hearing.

Mr. Henry Underhill, City Attorney, advised that Council may allow the withdrawal of a petition when the petition is not one which is subject to the 3/4 protest requirement, which this one is not. Council must act on this request for withdrawal prior to the hearing.

Mr. Hamel stated Imperial Group Limited was the purchaser and contract of sale which was to close on the 15th of August and they have defaulted and the owners do not want them affecting the zoning of their property since they are going to have to resell it and the new purchaser might not want it zoned that way.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, to allow the withdrawal of the subject petition from hearing today.

HEARING ON PETITIONS NO. 74-40 AND 74-41 BY THE KRANER COMPANY FOR CHANGES IN ZONING FROM I-1 AND R-9 TO R-12MF OF TRACTS OF LAND LOCATED SOUTH OF TUCKASEEGEE ROAD, ACROSS FROM THE INTERSECTION WITH IRENE STREET.

The scheduled public hearing was held on the subject petitions.

Mr. Fred Bryant, Assistant Planning Director, stated the first petition for a change in zoning is for property located south of Tuckaseegee Road, across from the intersection with Irene Street. He pointed out the new day care center which has just been opened; this property adjoins it on two sides.

The subject property is west of Browns Road going on out on Tuckaseegee from Browns Avenue. The property must withdrawn is between this property and I-85.

Mr. Bryant pointed out Hayes Nursery and stated this is now being developed for multi-family purposes and some of the subject property is a part of Hayes. He stated this first petition is a rectangular shaped tract of land now zoned I-1 and has been requested for a change to R-12MF multi-family.

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The property is vacant at the present time and the property to the east is also vacant although in a planned industrial development state and the street coming off Interstate 85 has recently been built. This part of the development has been planned but has not been opened and developed on the ground as yet.

To the west of the property is an area which is being developed for multi-family purposes. An apartment project is now under construction on this property with some of the units already being occupied.

The land uses along Tuckaseegee Road include a new day care center which has been recently built, a building being used as a Baptist Church, a site for the new Tuckaseegee Park Community Center, built by the City and opened just recently, several single family uses scattered along Tuckaseegee Road. Along Browns Avenue are more concentrated single family developments.

The subject property has vacant property on two sides of it, with multi-family on the third side. The existing zoning pattern is I-1, light industrial, as is all the property to the east and to the south, all the way down to Interstate 85.

The zoning along Tuckaseegee Road has been maintained for a number of years as single family residential, along both sides and then the multi-family zoned property, which was the subject of a petition about two or two and a half years ago. The request now would be to extend the R-12MF zoning into the area which is now zoned for industrial.

Mr. Bryant stated it might be well to consider both of these petitions at the same time. That Petition No. 74-41 is also being requested for multi-family zoning also. That it has one single family residence located on it and other than that the property is vacant and is zoned R-9 single family. That these two requests are together and are both being asked for R-12MF zoning.

He stated the petitioner thought it would be better to request these changes separate in terms of the consideration that are involved.

Mr. William Egan, Vice President of the Kraner Company and agent for the petitioner, stated they do intend to drop their petition for rezoning for Petition No. 74-41. This comes after conversations with Mr. Bryant and the Planning Commission at which time they indicated they would prefer to retain the integrity of the single family zoning along Tuckaseegee Road and it is their intention to do as they wish.

Mr. Underhill, City Attorney, stated according to the City Code, to withdraw a petition, a petitioner may withdraw his petition only with the approval of the City Council. Requests to amend or withdraw petitions for rezoning must be filed with City Council prior to the date established for the public hearing. He stated it would be too late to withdraw this petition at this time.

Mr. Egan stated he was not aware of that requirement; that the decision to withdraw the application was made this morning after conversations with their officials.

Mr. Egan stated with regard to Petition No. 74-40, this land was properly initially brought before Council about two and a half or three years ago when it was owned by another company. That his company bought this property from them on February 15th of this year. The subject property, coupled with 20 acres of R-12MF that is presently being constructed of 288 luxury townhouse and garden apartment units. They also bought 12 acres of R-12MF undeveloped property, as well as 8.703 acres of the R-9 single family along Tuckaseegee Road.

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He stated the rezoning request today is being for two reasons. Firstly, previously the Planning Commission thought that it was inconsistent in terms of the site plan work that was done. That it is his argument today that in taking the R-12MF that presently exists, coupled with light industrial land, they can give a site plan that is more equitable in terms of traffic and a site plan with open space. Secondly, at the time the previous owner considered zoning the entire tract R-12MF, there was a spectra of a noise cone which was established by the FAA which pertained to a certain segment of the tract, that being the light industrial area. The FAA has now redesigned their noise cone specifications and it was most of the incoming and outgoing traffic from the airport that went across a certain portion of the light industrial ground. The new specification, predicated on the new runway pattern, is now out of the FAA noise cone area, making it acceptable for residential type of dwelling units they are contemplating to develop there.

Mayor Belk asked if their company would be willing to sign a statement that they would not sue the City for noise from the airport and Mr. Egan replied he would agree to this at this juncture. Mayor Belk asked if they would agree to this from now on and Mr. Egan replied if the map provided by the FAA is accurate, he would say absolutely yes.

Councilman Alexander asked if Council could legally approve a petition like this on the condition that the owner relieve the City of any liability as to the noise angle and Mr. Underhill stated he would strongly advise against this type of agreement.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 74-42 BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE TO REQUIRE ALL RETAIL SHOPPING FACILITIES OVER 100,000 SQUARE FEET IN SIZE TO SECURE CONDITIONAL APPROVAL PRIOR TO BEING PERMITTED, CONTINUED UNTIL SEPTEMBER 16.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this petition comes to Council in a little different form than some of the Planning Commission's proposed petitions come, that is, this one is coming to Council merely as recommendation for public hearing only. That the Planning Commission would like to reserve the opportunity to make a decision on making a recommendation to Council after the hearing has been held.

This is a fairly simple proposed amendment to the zoning ordinance which would, in effect, begin to regulate large scale developments of a commercial nature, under a controlled system of usage. Several times in the past some interest has been expressed in the matter of controlling shopping centers and shopping center sizes a little bit more than they are at the present time.

Mr. Bryant stated that if the property is zoned either a business classification or an industrial classification, the shopping center of any size or design may be placed on that property without any sort of site plan review or approval being necessary. Now that the Comprehensive Development Plan has been completed as far as the preliminary draft is concerned, the plan begins the process of establishing the most desirable location for shopping facilities. Equally critical are the large ones, the regional shopping centers, hopefully being associated with the metropolitan service center concept, it now becomes even more important that we have some control over large scale commercial developments.

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He stated in the last few weeks, Planning had a regional shopping center proposed which would have totally obliterated the possibilities of securing a shopping center in a location which was suggested by the Comprehensive Development Plan and it so happened that the property was already zoned for industrial purposes. Therefore, the property owner could have, at the present time, made that use of the property without any question or decision being involved. In the critical time between now and the time when the Comprehensive Plan is adopted, and later implemented through some very extensive zoning changes, it becomes particularly critical that large scale commercial developments be regulated in a little more strict fashion than are at the present time.

This proposal is one that would establish that all commercial usages greater than 100,000 square feet in size, or occupying more than ten acres, be subjected to a plan review process. Basically, it would mean, in effect, that any commercial proposal of this size would have to secure the site plan review and approval by the Planning Commission and the City Council at a public session. This is a proposal that would do that and would do it for the purpose of controlling these large scale establishments to the extent that they could be fitted into a better plan of overall development for the City and County.

Mr. Bryant stated this same proposal will be made to the County so that it will hopefully be installed both in the City and County ordinances; therefore, any proposal for large scale commercial development could be subjected then to the site plan review process which we now experience through the B-1SCD control.

After discussion, Councilman Harris asked if the County will have a public hearing also and Mr. Bryant replied yes, the same proposal will be made to the County and would require the same type of public process as today.

Mr. Bryant stated Council should keep in mind that this is a text change and does not involve any specific property. It is a change in the wording of the ordinance and not related to the rezoning of any property. That he would not know how to begin to contact people who might possibly be potential shopping center developers. Councilman Harris stated every effort should be made to notify all concerned.

Councilman Alexander asked what definite notices are given on text changes and Mr. Bryant replied the only notice that was given was the legal notice required published in the newspaper. This does not affect directly any pieces of property; it is impossible to notify property owners or to post property so that the only public notice given is the public notice placed in the newspaper. This meets the requirements of the law.

Mayor pro tem Whittington asked when this petition will go before the County Commissioners and Mr. Bryant replied the hearing will be sometime in September. Mayor pro tem Whittington stated an effort should be made to contact the developers and realtors to let them know about this hearing.

Mr. Tate, Chairman of the Planning Commission, stated this is basically what the Planning Commission is doing today. It is different from most Planning Commission procedures. The Planning Commission would like the benefit of a public hearing which is what they are asking for today and there may be some in the audience who would like to speak to it.

He stated the Planning Commission is not planning to act quickly on this since they want to give the public an opportunity to respond to this type of ordinance. There has been an attempt to speak to those people who are basically involved and hopefully some of them are here today. They have been requested to come to Council today for the public hearing. That an additional attempt will be made to contact the people who are involved in this process.

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He stated this particular proposal represents a rather substantial change in our present procedure and deserves all of our attention and should take place at a public hearing, first of which takes place here and possibly Council will want to have others, depending on what we hear today.

Councilman Alexander asked if someone wants to speak at a future time on this, now having had knowledge of it and the hearing is over with, will they have permission to be heard and Mr. Tate replied the Planning Commission would be delighted to hear from people who have interest in these matters as they go through their decision-making processes. They can appear before the Planning Commission before a recommendation is made back to City Council. The recommendation will not be made until after the County hearing is held.

Mr. Tate stated the fact that this discussion is taking place today, the press will give additional public notice that this type of ordinance is being proposed. Councilman Alexander asked if this is the same process that can take place on any hearing and Mr. Tate replied it is.

Mr. T. Aldred stated he is in commercial real estate and feels this is a vehicle whereby that plan is allowed to have a chance to present itself, be implemented and be good for the development of the city and county. That the opportunity for others to speak should be afforded, but if you do, it is a matter of putting emphasis and pressing on the judgement of those appointed to put this thing into effect.

He stated if it is needed, it is not going to suit everybody and he is sure a lot of developers would have ten thousand different ideas of why it is bad and some why it is good. That as he understands it, its a way whereby the Comprehensive Development Plan can be given a chance to work through the city and county development and for that reason, he feels it is necessary.

After discussion, Councilman Harris stated all he is saying is that he is for the restriction but the idea should be of communication to it so that it will not be a surprise to them when they come down and want to start building a shopping center.

Mr. Bryant stated if there is enough feeling that more time should be given to a public airing of this proposal, it would be possible for Council to continue this hearing until the next zoning hearing date, September 16, and, in the meantime, Planning could make some additional effort to get comments from the Board of Realtors, and others.

Mr. Tate suggested that this hearing be continued with the instruction to the Planning Commission that a request for a response be sent to the usual groups that the staff contacts.

Councilwoman Locke moved that this hearing be continued until September 16, with the instruction to Planning that a request for response be sent to the usual groups that Planning contacts, such as Board of Realtors, etc. The motion was seconded by Councilman Harris and unanimously carried.

DECISION ON PETITION NO. 74-32 BY WACO CORPORATION, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING ON THE SOUTHEASTERLY SIDE OF COLONIAL AVENUE BETWEEN CIRCLE AVENUE AND RANDOLPH ROAD, DEFERRED AND REQUESTED SENT BACK TO PLANNING FOR A MAJORITY RECOMMENDATION.

Councilwoman Locke moved to defer decision on the subject petition with the request that this petition be sent back to the Planning Commission for a majority vote as there were four votes for and two votes against and she would like to see a majority vote on this recommendation. The motion was seconded by Councilman Whittington, and carried unanimously.

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ORDINANCE NO 333-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHEAST CORNER OF MULBERRY ROAD AND DENVER AVENUE, AS PETITIONED BY NORMAN B. CARR.

Councilman Whittington moved adoption of the subject ordinance amending Chapter 23, Section 23-8 of the City Code of the City of Charlotte amending the zoning map by changing the zoning of property at the northeast corner of Mulberry Road and Denver Avenue from R-9 to a Distributive-Business Classification and to I-1, as recommended by the Planning Commission. The motion was seconded by Councilman Harris, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 213.

ORDINANCE NO. 334-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EASTERLY SIDE OF NORLAND ROAD, SOUTH OF CENTRAL AVENUE, AS PETITIONED BY A. H. GUION.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance was adopted changing the zoning from B-1 to B-2 of property on the easterly side of Norland Road, beginning South of Central Avenue, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 21, at Page 214.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS NO. 74-44 THROUGH 74-46 FOR ZONING CHANGES ON SEPTEMBER 16, 1974.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution providing for public hearings on Monday, September 16, 1974, on Petitions No. 74-44 through 74-46 for zoning changes, at 2:00 o'clock p.m., in the Council Chamber, on the second floor of City Hall.

The resolution is recorded in full in Resolutions Book 10, at Page 84.

RESOLUTIONS PROVIDING FOR THE SALE OF \$5,500,000 CITY OF CHARLOTTE BOND ANTICIPATION NOTES.

Councilman Alexander moved adoption of a resolution which read: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$4,000,000 SANITARY SEWER BOND ANTICIPATION NOTES." The motion was seconded by Councilman Whittington and passed by the following vote:

YEAS: Councilmembers Alexander, Whittington, Harris, Locke and Williams.
MAYS: None.

The resolution is recorded in full in Resolutions Book 10, at Page 85.

Thereupon, Councilman Whittington moved adoption of a resolution which read: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$1,500,000 AIRPORT BOND ANTICIPATION NOTES", which motion was seconded by Councilman Harris, and passed by the following vote:

YEAS: Councilmembers Whittington, Harris, Alexander, Locke and Williams.
MAYS: None.

The resolution is recorded in full in Resolutions Book 10, at Page 86.

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Thereupon, Councilwoman Locke moved adoption of a resolution which read: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$5,500,000 BOND ANTICIPATION NOTES, TO BE ISSUED UNDER DATE OF SEPTEMBER 23, 1974, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF SAID NOTES". The motion was seconded by Councilman Alexander, and passed by the following vote:

YEAS: Councilmembers Locke, Alexander, Harris, Whittington and Williams.
NAYS: None.

The resolution is recorded in full in Resolutions Book 10, at Page 88.

PURCHASE OF PROPERTY IN FIRST WARD URBAN RENEWAL PROJECT, PROJECT NO. N. C. R-79, BY THE URBAN REDEVELOPMENT DEPARTMENT, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the following properties were authorized to be purchased by the Urban Redevelopment Department:

- (a) Acquisition of 9,310 square feet at 516 East 9th Street, at \$7,500.00;
- (b) Acquisition of 4,900 square feet at 519 East 9th Street, at \$7,000.00;
- (c) Acquisition of 9,251 square feet at 905-07 North Davidson Street, at \$10,000.00;
- (d) Acquisition of 9,801 square feet at 712 North Davidson Street, at \$7,000.00;
- (e) Acquisition of 6,160 square feet at 605 East 10th Street, at \$4,690.00;
- (f) Acquisition of 9,225 square feet at 617 East 9th Street, at \$7,900.00;
- (g) Acquisition of 6,525 square feet at 627 East 9th Street, at \$8,000.00;
- (h) Acquisition of 8,446 square feet at 218 North Myers Street, at \$23,000.00.

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ORDINANCE NO. 335-X AMENDING ORDINANCE NO. 214-X, THE 1974-1975 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO ESTABLISH AN APPROPRIATION FOR THE TAX STUDY MODULE OF THE CHARLOTTE-MECKLENBURG CONSOLIDATION COMMITTEE.

Motion was made by Councilwoman Locke, seconded by Councilman Williams and unanimously carried, adopting the subject ordinance transferring \$2,500.00 from the General Fund Contingency to establish an appropriation for the Tax Study Module of the Charlotte-Mecklenburg Consolidation Committee.

The ordinance is recorded in full in Ordinance Book 21, at Page 215.

ORDINANCE NO. 336-X, AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE POLICE DEPARTMENT.

After discussion and explanation by Sgt. John Horton of the Police Department, Councilman Whittington moved adoption of the subject ordinance amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, amending the Table of Organization for the Charlotte Police Department to add five (5) radio dispatchers, which motion was seconded by Councilwoman Locke.

A vote was taken on the motion, and carried by the following vote:

YEAS: Councilman Whittington, Councilwoman Locke and Councilmembers Alexander and Harris.
NAYS: Councilman Williams.

The ordinance is recorded in full in Ordinance Book 21, at Page 216.

COUNCILMEN SHORT AND WITHROW RETURN TO MEETING.

Councilman Short and Councilman Withrow returned to the meeting at this time and were present for the remainder of the meeting.

ORDINANCE NO. 337-X TRANSFERRING FUNDS FROM THE 1969 UTILITIES BOND FUND TO PROVIDE A CONTINUED APPROPRIATION TO CONSTRUCT WATER MAINS IN THE ANNEXATION AREAS.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance was adopted transferring funds in the amount of \$1,095,000.00, from the 1969 Utilities Bond Fund to provide a continued appropriation to construct water mains in the Annexation Areas.

The ordinance is recorded in full in Ordinance Book 21, at Page 217.

RESOLUTIONS AUTHORIZING STATE CLEAN WATER BOND FUND APPLICATIONS FOR ANNEXATION AREA III-6 AND THE NORTH MECKLENBURG WATER MAINS PROJECT.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, adopting the following resolutions authorizing State Clean Water Bond Fund Applications for Annexation Area III-6 and the North Mecklenburg Water Mains Projects:

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- (a) Resolution Authorizing Mr. David A. Burkhalter, City Manager, to file application requesting State Grant Assistance for Water Works Improvements for Annexation Area III-6.
- (b) Resolution Authorizing Mr. David A. Burkhalter, City Manager, to file application requesting State Grant Assistance for Water Works Improvements at North Mecklenburg Project.

The resolutions are recorded in full in Resolutions Book 10, beginning on Page 92.

RESOLUTION AUTHORIZING THE PLANNING COMMISSION OF THE CITY OF CHARLOTTE AND THE COUNTY OF MECKLENBURG TO EXECUTE AGREEMENTS WITH THE NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION FOR THE ALLOCATION AND USE OF FEDERAL PLANNING FUNDS PROVIDED BY SECTION 112 AND FEDERAL-AID HIGHWAY ACT OF 1973.

After discussion and explanation by Mr. McIntyre, Planning Director, Councilman Whittington moved adoption of the subject resolution authorizing the Planning Commission of the City of Charlotte and the County of Mecklenburg to execute agreements with the North Carolina State Department of Transportation for the Allocation and Use of Federal Planning Funds provided by Section 112 and Federal-Aid Highway Act of 1973. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 96.

ORDINANCE NO. 338-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO PROVIDE THE CITY'S SHARE FOR RECONSTRUCTION OF TAXIWAY D AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the subject ordinance was adopted transferring funds in the amount of \$30,000.00, from the Unappropriated Balance of the Airport Fund to provide the City's share for reconstruction of Taxiway D at Douglas Municipal Airport.

The ordinance is recorded in full in Ordinance Book 21, at Page 218.

PROPOSAL FROM LAW ENGINEERING TESTING COMPANY TO PROVIDE TESTING SERVICES FOR THE RECONSTRUCTION OF TAXIWAY "D", APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the subject proposal at a total cost not to exceed \$8,000.00.

PROPOSAL FROM LAW ENGINEERING TESTING COMPANY TO PROVIDE TESTING SERVICES FOR IMPROVEMENTS TO BYRUM DRIVE, APPROVED.

Councilman Short moved approval of the subject proposal at a total cost not to exceed \$1,000.00. The motion was seconded by Councilman Withrow, and unanimously carried.

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AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND PIEDMONT NATURAL GAS COMPANY, INC. TO RELOCATE A SIX-INCH GAS LINE, LOCATED ALONG OLD DOWD ROAD, FOR THE MASTER PLAN DEVELOPMENT, DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject agreement, in the amount of \$37,600.00, between the City of Charlotte and Piedmont Natural Gas Company, Inc. to relocate a six-inch gas line, located along Old Dowd Road, for the Master Plan Development, Douglas Municipal Airport, was approved.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE BY ADDING THE POSITION OF FINANCE SYSTEMS ANALYST, AT A PAY RANGE OF 30.

Motion was made by Councilman Whittington, and seconded by Councilman Short, adopting the subject resolution amending the Pay Plan of the City of Charlotte by adding the position of Finance Systems Analyst, at a Pay Range of 30.

After discussion and explanation by Mr. Fennell, Finance Director, a vote was taken on the motion, and carried by the following vote:

- YEAS: Councilmembers Whittington, Short, Alexander, Locke and Withrow.
- NAYS: Councilmen Harris and Williams.

The resolution is recorded in full in Resolutions Book 10, at Page 98.

ORDINANCE NO. 339-X AMENDING ORDINANCE NO. 214-X, THE 1974-75 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION OF THE FINANCE DEPARTMENT BY ADDING CLASS NO. 425, FINANCE SYSTEMS ANALYST, TO ACCOUNT NO. 200.00.

Councilman Alexander moved adoption of the subject ordinance amending Ordinance No. 214-X, the 1974-75 Budget Ordinance amending the Table of Organization of the Finance Department by adding Class No. 425, Finance Systems Analyst, to Account No. 200.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, beginning on Page 219.

CONTRACTS FOR THE CONSTRUCTION OF WATER AND SANITARY SEWER MAINS, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following contracts for the construction of water and sanitary sewer mains were approved:

- (a) Contract with Ralph Squires Company for the construction of approximately 1,225 feet of 6" and 2" water mains, at an estimated cost of \$5,700.00 to serve Olde Savannah Subdivision, Section 5, outside the city. Funds will be advanced by applicant under the terms of existing city policies as related to such water main construction.
- (b) Contract with John Crosland Company for construction of approximately 8,107 linear feet of sewer trunk and main, at an estimated cost of \$95,000.00, to serve Chesnut Lake Subdivision, south of Lawyers Road and adjacent to Fairfield Park, outside the city. The applicant is to construct the entire project at their own proper cost and expense and the City will own at no cost and will maintain, operate and receive all revenue from same.

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- (c) Contract with Monumental Properties of North Carolina, Inc. for the construction of approximately 780 linear feet of 8-inch sanitary sewer, at an estimated cost of \$10,630.00, to serve Arrowood Road, outside the city. The applicant has deposited 100% of the estimated cost and city forces are to construct. The City is to own, maintain and operate and refund is as per agreement.
- (d) Contract with Westminster Company for construction of approximately 4,435 linear feet of 8-inch trunk and main, at an estimated cost of \$53,000.00, to serve Eastwoods, Section I Subdivision, south of Albemarle Road, outside the City. The applicant is to construct the entire project at their own proper cost and expense and the City is to own, maintain and operate the system and receive all revenue from same.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH ILLEGAL LEVY AND CLERICAL ERROR.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes collected through illegal levy and clerical error, in the amount of \$2,204.77, from nine (9) tax accounts.

The resolution is recorded in full in Resolutions Book 10, at Page 99.

ORDINANCES AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION.

Councilman Whittington moved adoption of the following ordinances affecting housing declared "unfit" for human habitation:

- (a) Ordinance No. 340-X ordering the dwelling at 709 East 8th Street to be vacated and closed.
- (b) Ordinance No. 341-X ordering the dwelling at 2802 N. Davidson Street to be vacated and closed.
- (c) Ordinance No. 342-X ordering the demolition and removal of dwelling at 112 Dupree Street.

The motion was seconded by Councilwoman Locke, and unanimously carried.

The ordinances are recorded in full in Ordinance Book 21, at Page 220.

ORDINANCES ORDERING THE REMOVAL OF TRASH, WEEDS, GRASS, RUBBISH AND AN ABANDONED MOTOR-VEHICLE PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 AND ARTICLE 13-1.2 OF THE CODE AND CHAPTER 160-A-303 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

- (a) Ordinance No. 343-X ordering the removal of trash, weeds, grass, and rubbish adjacent to 2312 Richardson Drive.
- (b) Ordinance No. 344-X ordering the removal of trash, weeds, grass, and rubbish at vacant lot adjacent to 501 Bascom Street.
- (c) Ordinance No. 345-X ordering the removal of trash, weeds, grass and rubbish at rear of 1213 Pegram Street, vacant lot.
- (d) Ordinance No. 346-X ordering the removal of trash, weeds, grass and rubbish at 2323 Shamrock Drive.

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- (e) Ordinance No. 347-X ordering the removal of trash, weeds, grass and rubbish adjacent to 2401 N. Sharon Amity Road.
- (f) Ordinance No. 348-X ordering the removal of trash, weeds, grass and rubbish adjacent to 4948 Charmapeg Avenue.
- (g) Ordinance No. 349-X ordering the removal of trash, weeds, grass and rubbish adjacent to 229 Fox Street.
- (h) Ordinance No. 350-X ordering the removal of trash, weeds, grass and rubbish at 2300 block Beatties Ford Road.
- (i) Ordinance No. 351-X ordering the removal of trash, weeds, grass and rubbish at 2126 Stratford Avenue.
- (j) Ordinance No. 352-X ordering the removal of an abandoned motor vehicle at 4213 Hiddenbrook Drive.

Councilman Short stated he would like for the City Manager to look into the problem to which Reverend Horne referred to earlier in today's meeting.

The ordinances are recorded in full in Ordinance Book 21, beginning at Page 223.

PROPERTY TRANSACTIONS, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 20' x 272.89' of easement at 2114 Salome Church Road (State Road #2469), from Rosie Lee Alexander, at \$275.00, for sanitary sewer to serve Union School Road Project.
- (b) Acquisition of 1,163 sq. ft. of easement at 1051 Pressley Road, from Reule-Fonville Investments, at \$1.00, for sanitary sewer to serve Pressley Road Project.
- (c) Acquisition of 15' x 210.30' of easement at 5643 Merrymount Drive, from O. Heyward Bellamy, III, and wife, Sarah M., at \$360.00, for sanitary sewer to serve Carmel South Project.
- (d) Acquisition of 15' x 70.00' of easement at 1939 Remount Road, from John Olin Hawfield and Mabel E., at \$175.00, for sanitary sewer to serve Remount Road Project.
- (e) Acquisition of 15' x 75.00' of easement at 1823 Remount Road, from Martha Pettice (widow), at \$170.00, for sanitary sewer to serve Remount Road Project.
- (f) Acquisition of 5.40' x 48.10' x 34.69' x 7.97' x 35.11' x 48.04' of property, plus a construction easement, at 2633 North Sharon Amity Road, from Cheung Lan Hoi Loo, at \$1,000.00, for Sharon Amity Road Widening Project.
- (g) Acquisition of 4.53' x 72.51' x 3.89' x 71.91' of property, at 2819 North Sharon Amity Road, from Marvin C. Tilley, and Betty L. Tilley, at \$450.00, for Sharon Amity Road Widening Project.
- (h) Acquisition of .64' x 132.02' x 5.39' x 132.02' of property, plus a construction easement, at 2922 North Sharon Amity Road, from Robert Burton Keller and wife, Alice S., at \$1,000.00, for Sharon Amity Road Widening Project.

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- (i) Acquisition of 6.0' x 85.07' x 6.0' x 85.24' of property, plus a construction easement, at 3200 North Sharon Amity Road, from Margaret B. Brown (widow), at \$550.00, for Sharon Amity Road Widening Project.
- (j) Acquisition of 45.95' x 5.40' x 46.68' of property, plus a construction easement, at 2627 North Sharon Amity Road, from Cheung Lan Hoi Loo, at \$700.00, for Sharon Amity Road Widening Project.
- (k) Acquisition of 6' x 70' of property, plus a construction easement, at 2710 North Sharon Amity Road, from Josephine R. Hayworth, at \$300.00, for Sharon Amity Road Widening Project.
- (l) Acquisition of 58.50' x 87.3' x 31.21' x 91.46' of property, with a one-story frame dwelling at 2100 Oaklawn Avenue, from Blanche Hayes Samson Heirs, at \$14,750.00, for Oaklawn Avenue Widening Project.
- (m) Acquisition of 4.72' x 89.24' x 89.81' of property, plus a construction easement, at 5624 Barrington Drive, from John Crosland Company, at \$140.00, for Barrington Drive Culvert Project.
- (n) Acquisition of 15' x 18.05' of easement at 5624 Barrington Drive, from John Crosland Company, at \$18.00, for Barrington Drive Culvert Project.
- (o) Acquisition of construction easement at 6500 Covecreek Drive, from Sidney L. Kokes and wife, Betty B., at \$500.00, for Barrington Drive Culvert Project.

ACQUISITION OF PROPERTY AT 2724 BEAM ROAD, DENIED.

Councilman Harris stated that he could not approve of the acquisition of property at 2724 Beam Road as one of the property transactions previously approved.

Councilman Withrow asked the location of the property on Beam Road and Mayor Belk replied it is off Highway 49 to be used for the Police and Fire Training Facility Project. Councilman Withrow asked if this was additional property and Mr. Harris replied it is.

After further discussion and explanation by the City Manager, Councilman Harris moved to deny acquisition of this property. The motion was seconded by Councilman Williams, and carried by the following vote:

YEAS: Councilmembers Harris, Williams, Locke and Withrow.
NAYS: Councilmen Whittington, Short and Alexander.

UTILITY EASEMENTS FOR SERVICE TO THE ANNEXED AREAS, APPROVED.

Councilwoman Locke moved approval of the following 62 utility easements. The motion was seconded by Councilman Williams, and unanimously carried.

- (a) CAMPBELL CREEK SANITARY SEWER OUTFALL
7 easements
- (b) ANNEXATION AREA I (2) SANITARY SEWER COLLECTOR MAINS
27 easements
- (c) ANNEXATION AREA I (3) SANITARY SEWER TRUNKS
3 easements

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- (d) ANNEXATION AREA I (4) SANITARY SEWER TRUNKS
1 easement
- (e) ANNEXATION AREA II (7) SANITARY SEWER ADDITIONS
10 easements
- (f) ANNEXATION AREA I (11) SANITARY SEWER TRUNKS
9 easements
- (g) ANNEXATION AREA I (1 & 12) SANITARY SEWER TRUNKS
4 easements
- (h) DERITA WOODS AREA SANITARY SEWER TRUNKS
1 easement

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ELLA MAE BARNETTE; MARY B. COFFEY AND HUSBAND, JOHN COFFEY, JR.; M.A. BARNETTE AND WIFE, HAZEL BARNETTE; FRANK BARNETTE AND WIFE, BARBARA BARNETTE; ROBERT FRANKLIN BARNETTE; AND H & W DEVELOPING CORPORATION, LESSEE, LOCATED AT 2707 NORTH I-85 (OFF STATESVILLE ROAD) IN THE CITY OF CHARLOTTE FOR THE DERITA WOODS AREA SANITARY SEWER TRUNKS PROJECT.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 10, at Page 100.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO A. H. ALEXANDER AND WIFE, HELEN W. ALEXANDER, LOCATED AT 7801 PLAZA ROAD EXTENSION AT JAMES ROAD IN THE CITY OF CHARLOTTE FOR ELEVATED WATER TANK SITE.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 10, at Page 101.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO FLETCHER L. HONEYCUTT AND WIFE, SALLY T. HONEYCUTT, LOCATED AT 549 TWILIGHT ROAD (OFF PARK ROAD), IN THE CITY OF CHARLOTTE FOR THE ANNEXATION AREA I (1 & 12) SANITARY SEWER TRUNKS PROJECT.

Councilman Harris moved adoption of the subject resolution. The motion was seconded by Councilman Williams, and unanimously carried.

The resolution is recorded in full in Resolutions Book 10, at Page 102.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO F. L. HONEYCUTT AND WIFE, SALLY T. HONEYCUTT; THOMAS C. RUFF, TRUSTEE; AND THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, LOCATED AT 7730 PARK ROAD, IN THE CITY OF CHARLOTTE, FOR THE ANNEXATION AREA I (1 & 12) SANITARY SEWER TRUNKS PROJECT.

Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 10, at Page 103.

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ENCROACHMENT AGREEMENTS, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the following encroachment agreements.

- (a) Encroachment Agreement with Tryon Investors, Inc. to allow construction for concrete foundations for exterior light standards for the new Wachovia Center.
- (b) Encroachment Agreement with the Department of Transportation and Highway Safety permitting the City to construct a 24-inch and 18-inch sanitary sewer line within the right of way of Wilkinson Boulevard and Moores Chapel Road.
- (c) Encroachment Agreement with the North Carolina Department of Transportation to construct a 24-inch VCP sanitary sewer line on the northern right of way of I-85.
- (d) Encroachment Agreement with the North Carolina Department of Transportation to construct an 8-inch VCP sanitary sewer line located in Huntersville beginning at an existing manhole in Cemetery Street and running easterly to St. Phillips Baptist Church.
- (e) Encroachment Agreement with the North Carolina Department of Transportation for the construction of a 42-inch RCP sanitary sewer line crossing Arrowood Road at Irwin Creek.
- (f) Adoption of a Resolution authorizing the Mayor and City Clerk to execute an Encroachment Agreement with Seaboard Coast Line Railroad Company for the construction of an eighteen-inch sanitary sewer line on the property of the Seaboard Coast Line Railroad Company property fronting on Berryhill Road near the intersection of Freedom Drive.

The resolution is recorded in full in Resolutions Book 10, at Page 104.

SPECIAL OFFICER PERMITS AUTHORIZED.

Councilman Short moved approval of the following applicants for Special Officer Permits for a period of one year. The motion was seconded by Councilman Withrow, and unanimously carried.

- (a) Renewal of permit to Sydney Edward Bradley, Jr. for use on the premises of Southpark Shopping Center.
- (b) Renewal of permit to James T. Cureton for use on the premises of Charlotte Park and Recreation Commission.
- (c) Renewal of permit to Robert T. Deese for use on the premises of Southpark Shopping Center.
- (d) Issuance of permit to Susan H. Lumsden for use on the premises of Sam Solomon Company, 3225 Freedom Drive and 5809 E. Independence Boulevard.
- (e) Renewal of permit to Fred C. Skeen for use on the premises of Jefferson First Union Plaza and 308 South Tryon Street.

RESOLUTION OF THE CITY COUNCIL REQUESTING THE BOARD OF COUNTY COMMISSIONERS TO EXPRESS THEIR INTENT TO FRANCHISE AMBULANCE SERVICE.

Motion was made by Councilman Alexander and seconded by Councilman Whittington to adopt the subject resolution of the City Council requesting the Board of County Commissioners to express their intent to franchise ambulance service.

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After discussion, a vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 105.

MOTION FOR CITY COUNCIL TO HOLD AN EXECUTIVE SESSION IN THE SECOND FLOOR CONFERENCE ROOM IMMEDIATELY FOLLOWING THIS MEETING, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Harris, and unanimously carried, that the City Council hold an Executive Session in the Second Floor Conference Room immediately following this meeting for the purpose of discussing with the City Attorney certain matters involved in litigation in a lawsuit captioned Kirkland Jones v. City of Charlotte.

CONTRACT AWARDED CUMMINS CAROLINA, INC., FOR DIESEL ENGINES.

Councilman Whittington moved award of contract to the low bidder, Cummins Carolina, Inc., in the amount of \$13,750.00, on a unit price basis, for two (2) diesel engines, which motion was seconded by Councilman Harris and carried unanimously.

The following bids were received:

Cummins Carolina, Inc.	\$13,750.00
Covington Diesel	17,263.40

CONTRACT AWARDED DOUBLE ENVELOPE CORPORATION FOR WATER BILL ENVELOPES.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, subject contract was awarded the low bidder, Double Envelope Corporation, in the amount of \$11,082.12, on a unit price basis, for water bill envelopes.

The following bids were received:

Double Envelope Corp.	\$11,082.12
Atlantic Envelope Company	11,129.52
Unijax, Inc.	11,556.12

CONTRACT AWARDED MOORE AIR CONDITIONING COMPANY, INC. FOR FURNISHING AND INSTALLING A CENTRAL AIR CONDITIONING SYSTEM FOR FIRE STATION NO. 8.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, awarding subject contract to the low bidder, Moore Air Conditioning Company, Inc., in the amount of \$6,341.00, for furnishing and installing a central air conditioning system for Fire Station No. 8.

The following bids were received:

Moore Air Conditioning Co, Inc.	\$ 6,341.00
Air Masters, Inc.	6,932.00
Climate Conditioning of Charlotte, Inc.	7,260.00
Ross & Witmer, Inc.	7,265.00
Mechanical Contractors, Inc.	7,544.00

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CONTRACT AWARDED GLOBE TICKET COMPANY FOR DATA PROCESSING CARDS.

Councilwoman Locke moved award of contract to Globe Ticket Company, the low bidder meeting specifications, in the amount of \$14,053.20, on a unit price basis, for data processing cards. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Globe Ticket Co.	\$14,053.20
National Electronic Card Co.	14,150.20

Bid not meeting specifications:

IBM Corporation	\$13,430.10
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CONTRACT AWARDED JOHN MILLER & ASSOCIATES, INC. FOR OFFICE FURNITURE FOR FIRE STATIONS 3, 19 AND 20.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded the low bidder, John Miller & Associates, Inc., in the amount of \$9,099.40, on a unit price basis, for office furniture for Fire Stations 3, 19 and 20.

The following bids were received:

John Miller & Associates, Inc.	\$ 9,099.40
Miller's Office Equipment	10,511.25
O. G. Penegar & Company	10,838.32
R. L. Bryan Company	11,492.09

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR FALL RESURFACING 1974 CONTRACT.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, awarding subject contract to the low bidder, Blythe Brothers Company, in the amount of \$635,316.89, on a unit price basis, for Fall Resurfacing 1974 Contract.

The following bids were received:

Blythe Brothers Company	\$635,316.89
Rea Construction Company	637,674.08
Dickerson, Inc.	659,620.65

CONTRACT AWARDED ASSOCIATED EQUIPMENT COMPANY FOR CONSTRUCTION OF TRUNK SEWERS IN ANNEXATION AREA III (6).

Councilman Harris moved award of contract to Associated Equipment Company, in the amount of \$556,927.50, on a unit price basis, for construction of trunk sewers in Annexation Area III (6). The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received.

Associated Equipment Company	\$556,927.50
Breece & Burgess, Inc.	560,634.50
Ben B. Propst Contractor, Inc.	571,953.17
Wells & West, Inc. and Thomas Construction Company, Inc.	681,603.50
Propst Construction Company	699,370.66
Sanders Brothers, Inc.	709,664.00
Thomas Structure Company	753,672.00

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ORDINANCE NO. 353-X, AMENDING ORDINANCE NO. 708-X, THE 1973 MODEL CITIES BUDGET ORDINANCE, REVISING REVENUES AND EXPENDITURES TO RE-PROGRAM THE UNAPPROPRIATED BALANCES FROM THE FOURTH ACTION YEAR PROGRAM TO FUND THREE ON-GOING PROJECTS THROUGH JUNE 30, 1975.

After discussion and explanation by Mr. John Bethel, Director of the Model Cities Program, Councilwoman Locke moved adoption of the subject ordinance. The motion was seconded by Councilman Harris. A vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 233.

ORDINANCE NO 354-X AMENDING ORDINANCE NO. 363-X, THE 1972 MODEL CITIES BUDGET ORDINANCE REAPPROPRIATING THE UNENCUMBERED BALANCE OF THE RELOCATION ACCOUNT TO ESTABLISH AN APPROPRIATION FOR A PRE-SCHOOL DAY CARE PROJECT.

After discussion and explanation by Mr. John Bethel, Director of Model Cities Program, Councilwoman Locke moved adoption of the subject ordinance, in the amount of \$50,184.94. The motion was seconded by Councilman Harris, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 21, at Page 235.

MR. ROBERT BECK NOMINATED FOR TERM ON THE COMMUNITY FACILITIES COMMITTEE.

Councilman Short nominated Mr. Robert Beck for a two year term on the Community Facilities Committee.

MR. JOHN THROWER APPOINTED TO CHARLOTTE ADVISORY COMMISSION ON URBAN REDEVELOPMENT.

Councilman Withrow moved the appointment of Mr. John Thrower for a three year term on the Charlotte Advisory Commission on Urban Redevelopment. The motion was seconded by Councilwoman Locke and passed by the following vote:

YEAS: Councilmembers Withrow, Locke, Harris, Short, Whittington and Williams
NAYS: Councilman Alexander.

CITY MANAGER REQUESTED TO FURNISH ADDITIONAL INFORMATION ON FUNDS FOR HOUSING AND DEVELOPMENT.

Councilman Harris stated recently in watching TV, he saw the Secretary of HOusing and Urban Development talking about the new housing and it was very informative. That he was talking about 2 1/2 billion dollars the first year in the Bill and about block grants in lieu of these previous seven separate programs.

He stated the Secretary mentioned two things that he would like to have further clarification on from the city staff and one was that the cities would be assured of the same level of funding that they have had in the past for the next three years. Then, that the Need's Formula would be something new and actually, if we have the needs under that as far as larger cities, that increases in housing and community development areas, we could get additional funds.

Councilman Harris stated the Secretary said there is no plan to withhold or impound funds as previously done.

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That there was considerable discussion about the community that this thing had more impact on the community area than it did in the housing area, the community development area. He stated he would like to have a better understanding here on the formula.

Mr. Burkhalter, City Manager, stated we will get ten million dollars this year. Councilman Harris stated this is very important and he would like to have more information on this; that this was an additional adjunct to revenue sharing, in effect.

Councilman Whittington asked whether community development was in addition to revenue sharing and Mr. Burkhalter replied that it is.

Councilman Harris stated the emphasis was placed on the community development rather than housing and he felt the staff should review the 10 million dollars. Councilman Whittington asked if community development was a law now and Councilman Harris replied yes.

After discussion, Mr. Burkhalter stated his staff is working on a report regarding this information and as soon as it is collated, it will be given to Council.

MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the meeting at this time and Mayor Pro Tem Whittington presided for the remainder of the meeting.

INFORMATION REQUESTED REGARDING RECREATIONAL FACILITIES FOR BOULEVARD HOMES AND DALTON VILLAGE.

Councilman Harris stated recently there was an editorial in the afternoon paper about a place to play for the Boulevard Homes and the Dalton Village Area. That he is concerned that we should try to find some money in our own budget or go to the Housing Authority to find some money but we have to do something out there in that area for recreational facilities for these two areas.

He stated the paper mentioned the 2,000 children who live in that area and Marion Diehl talked with Council about 2 months ago and said there were no plans at present to put parks on the west side of Charlotte. That something has got to be done in that area and he would like for the City Manager to try to find some money for this.

Mr. Wylie Williams, Assistant City Manager, stated members of the City's staff have already gone out to the area and have provided playground supervisors, one male and one female, who are there all day, continuing until school starts, with the possibility of continuing them after school starts part-time. That grading the area near Boulevard Homes has been discussed and some piping has to be done on the private property. He stated the Army will be making about five acres available for the people at Boulevard Homes.

Councilman Harris stated he would like to have a report back on this.

INFORMATION REQUESTED CONCERNING BRICK WALL AROUND SWIMMING POOL AT GREENVILLE NEIGHBORHOOD CENTER.

Councilman Alexander stated sometime ago he talked about the brick wall around the swimming pool at the Greenville Neighborhood Center. That he cannot understand why it is taking so long to get rid of a brick wall. He stated this is the location where a child drowned and a brick wall should have never been built. A wire fence should be installed around this pool for security reasons so you can see what goes on in the pool.

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He stated he is certain this wall can come down and a wire fence put up there and he would like for this information to be brought back to Council at the next meeting.

CITY MANAGER TO GIVE COUNCIL A REPORT ON COMPENSATION TO POLICEMEN FOR OVERTIME AND COURT-PAY.

Councilman Alexander stated at budget time Council discussed some changes that would take place in the method in which policemen were reimbursed for their overtime. That he thought it has been worked out satisfactorily, but he finds that it has not been worked out and in order to clarify whatever exists and get a report on what system is in operation and whether or not this is what we thought Council was recommending, he would like to see this item put on the agenda for discussion of overtime and court-pay of our police as it is now being implemented.

CITY MANAGER REQUESTED TO GIVE INFORMATION RELATING TO FLOOD CONTROL AND DRAINAGE.

Councilman Short stated Council needs a session, or a memo, on drainage, dredging or flood control. That he continues to get a considerable number of approaches from citizens on this and needs to know what is planned in the way of dredging of the creeks and what part the City will play in it and what part the County will play in it.

He stated we need to alert the citizens as to what the rules and regulations are about drainage. Many of them just assume that since the City has a storm-sewer system, that they handle all the drainage problems. He asked the City Manager to give Council a report on this.

RENTAL OF CIVIL AIR PATROL BUILDING TO BE PLACED ON NEXT AGENDA.

Councilman Withrow stated he would like for the rental of the Civil Air Patrol Building to be placed on the next meeting's agenda for discussion. That he would like to discuss the possibility of letting these people have this building for \$1.00 per month instead of the \$150 we are now charging for the simple reason that at the time the building needs to be moved, they would have accumulated the money to move the building themselves and to set it up in another location rather than the City having to do it.

DISCUSSION OF PLANTING AND BEAUTIFICATION OF INTERSTATE HIGHWAY CLOVERLEAFS.

Councilman Withrow stated for years he has said time and time again that we should get in touch with the Highway Commission regarding interstate highways with the idea of having them do some planting on the highways. That the paper recently mentioned the planting of these strips.

He stated the City has hired an arborist and he thought this was his job to see that the City was beautified along these interstate highways, along these median strips, and cloverleaves.

That he would like the City to get into some type program to make these cloverleaves look better all over the city.

Councilman Whittington stated this would be a real significant accomplishment if Council could get something done in this area.

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DISCUSSION OF STREET LIGHTS.

Councilman Withrow stated he wishes this Council would go on record of saying that they will put street lights in high crime areas. Other areas that are not high crime areas, if the people will call in and ask for street lights, when a certain percentage of people on that street ask for them, the City will put them in.

DISCUSSION OF INSULATION OF HOUSING.

Councilman Withrow stated we need an ordinance on insulation of housing. That most states require that all housing be fully insulated. This might have to go to the State Legislature to get the State to come out for it. Mr. Underhill stated it would have to come out of the State Building Code Council.

CITY MANAGER REQUESTED TO GIVE COUNCIL INFORMATION ON HISTORICAL PROPERTIES BEFORE NEXT BUDGET DELIBERATIONS.

Councilman Whittington stated he would like to suggest that Mr. Burkhalter and his staff, before budget deliberations in 1975, give Council some recommendations which would tell what they should spend, what is historical and what is not historical.

That he is talking about the Historical Properties, the Hezekiah Alexander Home, the Latta Home, and others. It seems to him that Council needs an individual or a group of people to tell Council before the next budget deliberations.

INFORMATION RELATIVE TO LOWERING BUS RATES FOR HANDICAPPED REQUESTED.

Councilman Whittington stated he does not know how many handicapped people must use the buses for transportation. That Council ought to make an effort to do for the handicapped, the same thing they did for the elderly by lowering the cost of transportation by bus.

He requested that Mr. Hoose and Mr. Feahr investigate this request. This is something the Mayor's committee is working on and this information should be available when the time comes.

MOTION TO POSTPONE ACTION ON ELECTING CHAIRMAN FOR TRANSIT COMMITTEE, DENIED.

Councilwoman Locke asked when a full Committee of the Transit Committee is going to meet and who will Chair that Committee. Councilman Short replied this Committee is now a Committee of the whole; that he has discussed this with Mayor Belk and he indicates that he will consider himself the Chairman.

Councilman Short stated he has urged the Mayor to continue the Committee format because he thinks it is very good.

Councilman Harris stated when Council makes a Committee of the whole of the Council, then that is the same as it created a committee with the County for special purpose. When that Consolidation Committee met, it had no legal authority to act as Councilmembers or Commissioners. This is the same thing as a committee of the whole on the Council.

He stated Council does not include the Mayor even though we would like to have the Mayor on the Committee. That Council would need to add this as a part of the Committee. He stated he would assume that Councilman Short would still be the Chairman until the next meeting.

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Councilman Short replied that he was not quite sure about this and he discussed it with the Mayor and received the answer he just gave to Council.

He stated the basic idea of a Committee as a whole is something established in Robert's Rules of Order and may necessitate that the presiding officer be the presiding officer.

Mr. Underhill, City Attorney, stated Council voted to follow Robert's Rule of Order as their parliamentary procedure for meetings and this is a part of Robert's Rules of Order, to allow the Committee as a whole to be established.

After further discussion, Councilman Alexander moved to postpone this matter and that further consideration be given to this at the next meeting. The motion was seconded by Councilman Withrow, and failed to carry by the following vote:

YEAS: Councilmen Alexander and Withrow.

MAYS: Councilmembers Locke, Harris, Short and Williams.

COUNCILMAN SHORT NOMINATED TO BE CHAIRMAN OF TRANSIT COMMITTEE.

Councilman Harris nominated Councilman Short to be Chairman of the Transit Committee.

MAYOR BELK NOMINATED TO BE CHAIRMAN OF TRANSIT COMMITTEE.

Councilman Withrow nominated Mayor Belk to be Chariman of the Transit Committee.

ADJOURNMENT.

There being no further business before Council, the meeting was adjourned.


Louise Comfort, Deputy City Clerk