

December 17, 1973
Minute Book 59 - Page 401

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, December 17, 1973, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. 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 Boyce, Drummond, Ervin, Finley, Jolly, Kratt, Ross, Royal and Turner present.

Also present for the Joint Zoning Hearing were: County Commission Chairman Harris and Commissioners Foley, Gerdes, Hair and McMillan.

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INVOCATION.

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

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on December 10, 1973, were approved as submitted.

JOINT HEARING WITH THE BOARD OF COUNTY COMMISSIONERS ON PETITION NO. 73-50 BY DOROTHY A. POTTER AND MARTHA A. SUTHER FOR A CHANGE IN ZONING OF APPROXIMATELY 7 ACRES OF LAND AT THE SOUTHEAST CORNER OF PROVIDENCE ROAD AND SARDIS ROAD.

The scheduled public hearing was held on the subject petition for a change from R-15MF to O-15, on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this petition represents a joint effort to rezone property which is partially inside the City and partially within the County; therefore, the public hearing involves both the City Council and the Board of County Commissioners.

He stated the property is northeast of Providence Road and southeast of Sardis Road; a good portion of the property is inside the city limits with a small portion to the east being outside the city and under the County's jurisdiction. The property is vacant and consists of a total of nine acres with a little over six acres inside the city. He pointed out the various uses in the area and stated at the intersection of Providence and Sardis is an Exxon Service Station; there is also a non-conforming service station and small store located on the opposite side of Providence Road. The Pinehurst Apartments are in the area and other than that much of the area is devoted to single family residential purposes.

Mr. Bryant stated the subject property is zoned R-15MF with the other property in the immediate area being R-15 single family. The request is a change from R-15MF to O-15.

Mr. Francis Fairley, Attorney representing the petitioners, stated the owners and Southern National Bank propose to develop this property for a branch bank site, and a dental and medical clinic, with the clinics to be small and all the construction to be one story. That as far back as 1960 when the general development plan was adopted, this corner was proposed for commercial use if

December 17, 1973
Minute Book 59 - Page 402

commercial land use became desirable and needed in this area. He stated they believe it is just a matter of time until some kind of commercial or business zoning is permitted for this land; they feel the appropriate and proper time is now and it will be in the interest of all the people in this area that it be for an office zoning. There has been a great development of medical and dental offices in the Sharon Amity Road and Randolph Road area, but there are no medical or dental offices this far out Providence Road. They believe the creation of a small dental and medical office clinic would serve the people in this general area as well as the people further out and off Providence Road, and would tend to alleviate traffic in the Sharon Amity and Randolph Road area.

Mr. Fairley stated the branch bank site is proposed for 2000 square feet and 5000 square feet in the dental clinic, and they will have a tremendous amount of parking area and it will contain most of the trees there now and a green screen on the various roads involved.

He stated also of great importance is the extension of Carmel Road, which will be called Fairview Road, and has been approved by the State Highway Commission, but is not quite a reality at this time. It will cut through this property so that probably the present Sardis Road or a portion of it near Providence Road will be closed off so that Carmel Road will go straight across. He stated the bank and dental clinic will be to the left of Carmel Road and the medical clinic to the right. There will be limited access into the areas with beautiful landscaped development with very low intensity traffic. They feel the architecture and landscaping will enhance the quality and appearance of the area from what it is now, and will be a credit to the whole area.

He stated immediately across the road on Providence Road is a five or six acre vacant tract; this property is owned by only one or two known opponents to this zoning change, and has already been approved for a very large 102 unit complex on that property. They think this proposed use they are asking will cause less traffic increase than would the 102 unit apartment complex. If they continue to build these apartment complexes there has to be some service areas. The Pinehurst Apartments have about 450 units and there is a tremendous number of apartments being built on Providence Road. He stated if the two governing bodies should feel there should be some additional restrictions such as a possible buffer zone back towards Kings Gates, they will be agreeable to that; also there is a cemetery at the rear of the property which would prevent the construction of apartments on this site. He stated they feel this is a meritorious change and is not an extreme change but a moderate change and it should be granted.

Speaking in opposition was Mr. Randolph Norton, representing the Providence Planning and Improvement Association. He stated this group was formed in 1970 when Council had before it a petition from these same petitioners to rezone this same tract of land away from the residential or multi-family category. At that time their petition in opposition was filed with the City Council and it contained some 300 families. A little more than two years have elapsed and the petitioners are back. That they as homeowners and residents are back to express their concern. This petition for rezoning has much more to it than meets the eye. That two years ago these petitioners were before Council asking for rezoning to business and there was a similar petition from the Marsh Realty Company for a similar rezoning for a part of this tract with 15 acres of it going toward Sardis Road and Providence Road for a shopping center. And Council in its wisdom denied these petitions unanimously. Now both of these owners are coming back - one today and Marsh later on. If Sardis Road is closed the Marsh property becomes completely adjacent to the Suther-Potter property which would already be rezoned if this petition is approved.

Mr. Norton stated the residents in the Sardis, Providence and Carmel area would like to express the following concerns. (1) They are concerned there was a vote two years ago to preserve the character of their residential area; that they do not want to ever be compelled to use the word restore as some of the neighborhoods in the city are now having to do. This petition opens the question of what is to happen to a whole residential area as we look down the

December 17, 1973
Minute Book 59 - Page 403

road. (2) They are concerned to see in the process of rezoning the dangers of individual property owners through such petitions as this determining what their neighborhood is to be like for years to come. (3) They are concerned because when the master zoning plan was adopted in 1962, Council said this should be and should remain residential with some single family and some multi-family.

He stated the first paragraph of the petition for rezoning says that this property is no longer suitable for residential purposes. He stated this is simply not so. If it were, why would the developer be planning a 107 unit complex right across the street. If this were true, it would be doubtful that the property at the intersection of Sharon Road and Sharon Lane would continue to be choice residential property; or that the apartments on Providence and Queens Roads, adjacent to the branch library, would be suitable for residential purposes. He stated there is nothing to show any data or study for the need for a bank or the need for dental facilities or the need for doctors' offices in this area. Neither the zoning petition or the planning staff is presenting data to prove this need. The Planning staff says the distance and existing centers and the traffic arteries, all this goes into determining where this should be located. There are six banks in Cotswold, and one is under construction there. There is another bank on Providence Road, between Sharon Amity and Trinity Presbyterian Church, and there is another bank in Providence Square.

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

COUNTY COMMISSIONERS LEAVE MEETING.

The County Commissioners left the meeting at this time, and Council continued with its hearings.

HEARING ON PETITION NO. 73-46 BY E. C. GRIFFITH COMPANY FOR A CHANGE IN ZONING OF PROPERTY AT THE SOUTHEAST CORNER OF EAST BOULEVARD AND MARYLAND AVENUE, EXTENDING TO QUEENS ROAD WEST.

The scheduled public hearing was held on the subject petition for change from R-12 to R-6MFH, on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

The Assistant Planning Director stated the property is a somewhat irregular shaped parcel of land with frontage on East Boulevard and Maryland Avenue, and a slight overlap on Queens Road West. The request is a change from single family to R-6MFH, a high density residential multi-family classification. The property is vacant; along Queens Road West and along Maryland Avenue is a solid pattern of single family residential usage. The same is true of Sterling Road. Freedom Park is located in the area with the tennis court being the immediate adjacent use located between Sugar Creek and Maryland Avenue. The Junior League Office is located also on Maryland Avenue; along Kings Drive are a number of duplexes, and other than that the pattern is predominately single family residential.

The subject property is zoned R-12 as is all the property on the south side of East Boulevard, all the property on Queens Road West, Maryland Avenue, Sterling Road, Sherwood Road and the other streets in the vicinity. There is existing office zoning of O-6 that extends along both sides of Kings Drive. Along East Boulevard there is a continuation of office zoning for several blocks.

No one appeared to speak on the petition.

December 17, 1973
Minute Book 59 - Page 404

Mr. James C. Cole, Attorney representing the Myers Park Homeowners Association, stated they are in opposition to the rezoning, and present with him are Mr. Charles Marshall, who is the first resident on Queens Road West, and whose property lies adjacent to the property owned by the petitioner; Mrs. T. R. Burroughs who owns property at the intersection of Maryland and Sterling Roads; and Mr. George Hodges, an Attorney with the firm of Moore and Van Allen.

Mr. Hodges stated his purpose is to show the tremendous amount of support they have in the Myers Park area; he displayed a map and stated out of 655 lots, 610 were actually contacted; of those 610, 568 occupants were in favor of opposing this rezoning petition and to maintain this property as R-12. That is 96% of the people living in this area, and he is speaking for 915 people who signed the petition today to help preserve Myers Park as a single family residential area by denying this petition.

Mr. Cole stated that Petitions No. 73-46 and 73-47 are inter-related and the Myers Park Homeowners Association is involved in both. On Petition No. 73-47 they are the petitioner, and on the subject petition they are the protestors. He stated a brochure was given to each member of Council and reading the brochure will state conclusively their position on the many problems involved with the petition for rezoning. The brochure sets out the history and beauty of the Myers Park area, the economics involved in the situation, the equities of the parties, the balance of distribution of apartments, condominiums, co-ops and so forth; the densities, quality of life, neighborhood preservation, public support for their position, and control and stability of neighborhoods. He stated they take the position that is identical with that of the Planning Commission in its summary of its own study of 23 inner-city neighborhoods, including Myers Park; it is also compatible with the study of the Planning Commission of the general residential sectional requirements of the Charlotte-Mecklenburg comprehensive plan. He referred to Pages 7 and 8 of the brochure and read what the Planning Commission has had to say about the very area they are concerned with.

Mr. Cole stated the Myers Park area has stood the test of time; it deserves the continuing chance and opportunity to remain what it has been in the past. He called Council's attention to the hopes they have for Sugar Creek; the plans there call for the tremendous development of Sugar Creek to stop at the boundary of East Boulevard. He stated this petition takes us from the second highest residential classification we have, and most of the lots in the area qualify for R-15, to the very lowest residential classification, and this from a petitioner who developed a great deal of this area, including specifically the areas on Queens Road West, Maryland Avenue and Sterling Road. Their reasons for requesting the change is its proximity to Maryland, East Boulevard and Queens Road West. He stated if that is the case then everything on Maryland, Sterling and Queens Road West should be changed to R-6MFH. There are no plans from them, but according to the acreage, and according to the best estimate they can make, they are talking about building a 10 to 20 story tall building. That is a mighty tall structure for the first time to constitute an invasion, and an intrusion to the Myers Park area.

He stated the petitioner says it is close to the Nalle Clinic and Freedom Park, and says it is similar to the Queens Tower Apartments, but there is no similarity whatsoever. Mr. Cole stated there are serious legal questions involved. They are asking that Myers Park be saved by denying the petition to put a skyscraper on this acreage.

Also speaking in opposition was Mr. Charles Marshall, an adjacent landowner, and Mrs. T. R. Burroughs.

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

December 17, 1973
Minute Book 59 - Page 405

COUNCILMAN SHORT, AND PLANNING COMMISSIONER KRATT LEAVE MEETING.

Mayor Belk asked if any member of Council or any member of the Planning Commission has a conflict of interest in Zoning Petition 73-47 by the Myers Park Homeowner's Association.

Councilman Short stated because he does own some property within the petitioned area he clearly has a conflict of interest and cannot participate in the deliberations on this petition. That because of the large number of speakers present, he has put in a letter some comments concerning his own property and asks the Clerk to put them in the record.

Commissioner Kratt stated this rezoning also involves the changing of his property, and he will also withdraw from the hearing.

Councilman Short's comments in the form of a letter to the Planning Commission are as follows:

"Please allow me to review some facts related to the rezoning petition for Queens Road brought by Myers Park Home Owners Association.

My wife and I own lots 6, 7, 8 and 11 of Block 21, as shown on the attached map. Also, we have contracted to purchase lots 5 and 10. The aggregate market value of the six properties is estimated at \$135,000. The money we have invested is considerable.

We have gradually acquired this property over the last 6 years, in reliance on the present R-6MF zoning. We plan to build an apartment there similar to the adjoining Sutton House. We plan to sell our present home and live in the new apartment, which will be near my business. An architect has been selected, and has done some work on the project.

The impact of the new petition would be to deprive Veegie and me of a plan we have painstakingly set about to execute and into which we have placed a good portion of our savings.

Please note that our property abutts the 49 unit Sutton House and is directly across the street from another fairly new apartment structure. Our property will therefore, have apartments on two sides for the next 40 to 50 years. With these circumstances, clearly we must, and do hereby file a 3/4-vote protest to the rezoning of lots 5, 6, 7, 8, 9, 10 and 11 of Block 21.

Being a member of Council, I assume I would participate in the voting on this petition if it should occur that my own property is deleted. I, therefore, emphasize that I am not expressing or implying any opinion whatsoever about any other property in the petition.

Cordially,

Milton Short"

HEARING ON PETITION NO. 73-47 BY MYERS PARK HOMEOWNER'S ASSOCIATION FOR A CHANGE IN ZONING OF PROPERTY LOCATED ALONG QUEENS ROAD, FROM CASWELL AVENUE TO SHARON ROAD, ALONG SELWYN AVENUE, FROM QUEENS ROAD TO NORMANDY ROAD, ALONG PROVIDENCE, FROM QUEENS ROAD TO HERMITAGE ROAD, AS WELL AS PROPERTY ON DARTMOUTH PLACE AND COLONIAL AVENUE.

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

December 17, 1973
Minute Book 59 - Page 406

Mr. Fred Bryant, Assistant Planning Director, advised this is a rather involved petition as far as area is concerned, and involved in terms of configuration. The area involved lies principally along Queens Road and then along Selwyn Avenue out to a point just before you get to the Hillside Avenue intersection. There are other properties involved, specifically property along Roswell Avenue, property along Providence Road, in the first block from Queens Road intersection; property on Bromley Road, extending from Morehead Street up to Queens Road; property on Henley Place which is a parallel street to Bromley; property on Moravian Lane, Hermitage Court, Dartmouth Place and Colonial Avenue. All the property contained within the area, with the exception of one small area on Providence Road, is shown in orange color on the map indicating it is zoned for multi-family use. The petition, in effect, includes all the multi-family zoned land that now exists along Selwyn, Queens Road, and other streets in the vicinity of the Myers Park area. By and large, it is an attempt to have considered for change to single family residential, the majority of the property that is now zoned a multi-family classification in the area at the present time. A majority of the property is zoned R-6MF; this is a residential multi-family classification which allows development at the rate of about 20 units per acre. Small portions of the area, specifically the property located on Queens Road at the Providence Road intersection, Queens Road coming down into the vicinity of Granville Road and perhaps one or two other locations is zoned R-6MFH; R-6MFH is a high density classification which allows up to about 40 units per acre and in addition there is a small area of O-6 zoning that extends along Providence Road, back in the direction from Queens Road in the direction of Granville Road which is included in the request. Predominately, it is a request to change from R-6MF and R-6MFH to R-12 all the area described.

Mr. Bryant stated the other zoning classification in the general area is predominately single family at the present time. There are large areas of business zoning which extends along Providence Road, and some large areas of office zoning along Morehead Street coming down Kings Drive. But with the exception of the area which is included in the petition for change, it is at the present time zoned a single family residential area classification within the broad spectrum of the area shown on the map.

He stated because this is a very involved petition, they have not yet completed the analyses of all of the sentiments presented in the form of letters, petitions and so forth from people concerned with the request. The information shown on the overlay is not complete; it is complete as of the time the overlay was done, which was the latter part of last week; it does attempt to reflect to a certain extent the scateration that is involved in both the people who have expressed interest in the petition from a favorable standpoint and those who have expressed opposition to this. He stated there are about 360 parcels of land included in the entire area that has been petitioned for change; in addition, some 226 acres of land have been requested for change. At the time the petition was submitted, there were 86 properties represented on the petition; since there has been considerable addition to that, and some of the additions presented they have not had time to analyze. They have analyzed enough to know that as of last week there were 124 parcels represented by signatures. This has been complicated by the fact they had a number of letters from people who have asked that their names be withdrawn. He stated he thinks he can safely say that the number of people who owned property within the area, which has been requested changed, represents something in the excess of 100 or as much as 150 out of the 360 total parcels involved.

He explained the maps with the overlay showing the location of property owners who signed the petition for the change, and the property owners opposing the change, and stated it reflects much of a scattering throughout the area. He stated there is a general sentiment in favor of the petition within the area, and there appears to be a fairly general sentiment opposing it as well. That it is a situation that deserves a great deal of effort in terms of trying to sort out who is in favor of it and who is opposed to it.

December 17, 1973
 Minute Book 59 - Page 407

Mr. Bryant explained the land use map. He stated the yellow area represents areas used for single family residential purposes and the yellow predominates throughout much of the map area; there is a heavy percentage of multi-family usage within the area at present and is along Selwyn Avenue, in the vicinity of Queens Road West coming out as far as Westfield. The Myers Park Baptist Church and Queens College are in the area as well as the Myers Park Methodist Church and the Presbyterian Church located near the Queens Road - Providence Road area. There is further concentration of multi-family usage near the Providence Road intersection with Queens Towers and some other apartments. Along Queens Road is a scattering of multi-family activities; but predominately the area from Queens Road West back up to Granville is predominately single family usage. He pointed out the Edgehill Park, and stated continuing down Queens Road is a combination of single family and multi-family activities. In the Dartmouth, Hermitage Court and Moravian Lane area there is a predominance of single family activities reflected. He pointed out the Little Theatre and the Sutton House right beside it. Generally speaking there is a scattering of multi-family activity throughout the area. He stated in some instances it is very difficult to tell from a field survey what some of the buildings are used for; some have been converted into apartment structures and it is very difficult to tell how many units are in each one.

Mr. Bryant stated they found a total of 49 structures that were used for some form of multi-family activity and this does not include duplexes. There are 14 duplexes counted in the area; but the greater than duplex density they found a total of 49 structures, several with four units all the way up to one which has 80 some units. Within the area there are a number of multi-family uses but at the same time there is a high percentage of single family activity as well. This area is complicated in its form; complicated in its structure and complicated in its pattern of land use, and it deserves a great deal more analyses before a complete picture can be obtained particularly since some of the neighborhood sentiment has been late appearing and they have not had the opportunity to sufficiently analyze it.

Councilwoman Locke asked when it was originally zoned R-6MF? Mr. Bryant replied it was all originally zoned in 1962 when the general zoning pattern was established; there has been at least one change for additional R-6MFH zoning granted at Queens Road, near Granville. Councilwoman Locke asked if there has ever been a request to change it back to single family prior to this request, and Mr. Bryant replied no.

Mr. Jake Wade stated the petitioner for this rezoning is the Myers Park Homeowner's Association, which consists of about 500 families in the Myers Park area, but he would be unfair to say that all the families are in favor of what they are doing. Having been raised in Charlotte, he has observed first hand, the foolish near destruction of old and established and very beautiful inner-city neighborhoods. Especially this is true of Elizabeth, Dilworth and portions of North Charlotte. The newer neighborhoods in southeast Charlotte have elaborate types of restrictions protecting their neighborhoods and there are no problems there. Myers Park was developed in the early 1900's and around these older neighborhoods around which Charlotte thrived and flourished, the concept of restrictions and zoning were almost unknown when these neighborhoods came into being. Then in Charlotte as in the other hundreds of cities throughout the country, the inner-city neighborhoods began to erode, decay and deteriorate because of lack of attention afforded them either by restrictions or by zoning. Then in the mid-century Charlotte, as other cities, enacted zoning laws to protect the inner-city neighborhood as a concept, and this protection was aimed at promoting the general welfare of the entire community, and not any particular owner of property within the neighborhood. The plea of this Association is to preserve their neighborhood; in doing so, it will step on some peoples' toes but this is true of any type of legislature, so you cannot avoid this. They are asking the same relief here, not much unlike the relief given to Elizabeth, Dilworth and North Charlotte.

December 17, 1973
Minute Book 59 - Page 408

Also speaking for the petition was Mr. Lynn Bond who stated the real purpose of any zoning regulation has been stated in the North Carolina General Statutes that the zoning regulations shall be made in accordance with a comprehensive plan, and designed to prevent overcrowding of land, and to avoid undue concentration of population. The statutes also state the regulations shall be made with reasonable consideration of the character of the district and with the view of conserving the value of the buildings there.

He stated the question is how can you reconcile the purpose for which zoning was designed with a 13 story building in the midst of what has been explained as a predominately single family area. He asked the members of Council to go out and take a look at some buildings which are 13 stories in height, and visualize one of these buildings in an area such as Myers Park. The Law Building is only 10 stories in height, Cameron Brown is 12 stories and Sheraton Inn is 13. Visualize that in a single family residential area and see if it can be reconciled with the purpose for which zoning was designed to accomplish.

Mr. Bond stated there is a plan on record with the Building Inspection Department for a permit to build 13 stories right across from the Myers Park Methodist Church, between Pembroke and Sherwood. That is just one building. He stated under the present zoning classification there is no alternative but to request Council in its legislative authority to grant the petition, and hold it status quo, and then for the future it will simply not be for R-6MF. He stated they ask that the status quo be maintained, because if it is allowed to go forward, and the development to go forward, it will have destroyed this area, and it will have a severe effect upon the entire city of Charlotte.

Mr. Mike Childs filed with the City Clerk a petition containing some 2100 names in support of the petition. He stated the support is both broad and general and encompasses the entire area of Myers Park, and he displayed a map showing where the homeowners lived. He stated a number of people who submitted to the Planning Commission a request to change their vote to no on Friday have now resubmitted letters in support of the petition. Except for a specific exemption for one piece of property on Hermitage Court which belongs to Mr. Wolfe, they have the support of the Hermitage community in general to preserve that area as single family; the same is true to a large part on the Dartmouth area. He stated in the Queens Road area where the high rise is proposed, seventeen of the 23 people who own and live in that area are in support of the petition. The same is true for Roswell and the lower end of Selwyn Avenue. The important thing is that people in Myers Park realize that this petition does not only involve the people in this area but it intimately involves all of them. They are asking that the era of the bulldozer and the chain saw in Charlotte come to an end and that an era of conservation and preservation of neighborhoods begin.

Mr. Robert Potter, Attorney stated he is representing Mr. Lee Heath, Mr. Bob Gillis and Mr. Lex Marsh in opposition to the petition. He stated four factors should be considered. (1) The undesirability of attempting to maintain a single family zoning in the entire area included in this petition. Myers Park is a graceful area; it is also an aging area. He stated if you drive down Queens Road today from Fourth Street, and look at the houses along there; some with stair cases outside them, obviously they are being used, if not for apartments, for boarding houses; some with six or eight cars. He stated you are going to find very few people who are interested in buying a 40 to 50 year old house; most people buying these houses are going to go out into an area where they have more land, a new house, modern appliances and conveniences. (2) The unjust economic results. You come in and take people's property and rezone it so they cannot use it and this is a totally unjust concept. The three gentlemen he represents today all own property in this area. Mr. Heath has a piece of property which he had zoned multi-family which is adjacent to multi-family, and the people are talking about rezoning that to single family. Mr. Gillis has property which he purchased for the purpose of building apartments or condominium; Mr. Marsh has a piece of property which is zoned multi-family. They have been paying taxes on this property for a number of years for multi-family zoning; they have not been paying probably what they would if it actually had multi-units on it, but they have been paying more taxes. (3) The desirability of multi-family zoning in this area. That whenever he gets to the

December 17, 1973
Minute Book 59 - Page 409

age where he cannot mow the lawn and cannot find someone to do it, he would like to live in an apartment; but he does not think he would like to go out on Nations Ford Road or Interstate 85; that he would like to live in an area close to town where he can get to church, library, clinics and doctors' offices, and to be able to come downtown on a bus. That this petition will deny these people of this, (4) Instability of zoning results, and difficulties of financing if this mass rezoning continues. That every time he closes one of these transactions he has to come to the Planning Commission to make sure that no petition has been filed to rezone the property. That is an awful situation, and it may be that all national lenders require that; but they are a little skittish of this area as they do not know what is going to happen to it. They might be ready to lend 2 1/2 to 3 million dollars on a piece of property and find the next day after it is closed that somebody has filed a petition to rezone it to make it a non-conforming use.

Mr. Potter stated he thinks they should take each piece of property separately and discuss it with the property owner and find out what the property owner wants.

Mr. John Ingle stated he represents Codgell and Associates and the Craig Corporation, owners of a piece of property in the area requested rezoned. He displayed a map and stated the yellow indicates the people in protest to the petition, and there are a number of them scattered throughout the area. The light blue indicates property owned by colleges and churches, the dark blue represents property zoned for business, and the purple property zoned as office. He stated there are approximately 160-170 people who signed protest petitions and they represent approximately 200 parcels of property in the area. He stated he represents gentlemen who own property at the intersection of Queens Road and Providence Road at Pembroke which is the equivalent of about 3/4 of a block from that intersection. These gentlemen made a decision about a year ago, consultants were hired to make a feasibility study, the land was acquired, architects were hired, plans and specifications were drawn, consulting architects were retained to help with the layouts, and on materials, windows, traffic flow and the like; market consultants were retained; project manager was hired, condominium dockets were prepared, construction and permanent loan commitments were obtained, sales contract exclusive to broker of the units has been signed, some of the tenants were moved at their expense; physical surveys of the site were made; soil tests were made; a building permit was obtained; construction contract was signed and construction loan has been closed. The cost to date for this is over \$400,000.00.

Mr. Ingle stated all these plans were made on zoning that has existed since 1962. All these monies were expended based on this zoning. The Queens Road zoning study made in 1969 said a number of things; it said the land within the study area is amenable to R-6MFH considering the proximity of employment and commercial centers at Elizabeth Avenue and Hawthorne Lane; along East Morehead Street and along Providence Road and considering the function of Queens Road as a major thoroughfare. It said increased density permitted by the R-6MFH district would not significantly burden services now provided to the area and R-6MFH district would not necessarily overcrowd the land any more than the existing R-6MF zoning; that vertical development would be encouraged.

Mr. Ingle stated this is an invitation the city issued and these gentlemen have relied on this and expended over \$400,000 up to this point, and it would be grossly unfair to try to invoke it at this point.

Also speaking in opposition to the rezoning of their properties were the following: Peter Foley, 2227 Selwyn Avenue; Lex Marsh; Harry Wolf; Robert Gillis, who developed Sutton House, Queens Towers and Regency Apartments; Lee Heath, lot on Selwyn Avenue; Morrey Johnston, Attorney representing Blythe Properties, who own property at Selwyn Avenue and Westfield Road; Paul Jamison, Providence Road; Bill Allan, representing his mother, who owns property in the area; James E. Walker, Attorney, representing property owners at 2217 Selwyn Avenue; Tom Ray, representing his mother, Mrs. S. L. Ray, 400

December 17, 1973
Minute Book 59 - Page 410

Queens Road; Robert Morrison, 1333 Queens Road; Troyanne Ross, 600 Queens Road; John Mraz, Attorney representing Mrs. Jim Crockett; Francis O. Clarkson, Jr., representing owners of Charlotte House; and Jim Codgell and his partner, Mr. Turner.

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

COUNCILMAN SHORT AND COMMISSIONER KRATT RETURN TO THE MEETING.

Councilman Short and Commissioner Kratt returned to the meeting at this time.

HEARING ON PETITION NO. 73-48 BY HORACE E. HALL TO CONSIDER CONTITIONAL APPROVAL FOR PETROLEUM PRODUCTS STORAGE UNDER SECTION 23-40 ON PROPERTY NOW ZONED I-2 BETWEEN MONROE ROAD AND SEABOARD COASTLINE RAILROAD NEAR FUGATE AVENUE AND ADJACENT TO ANTIOCH BAPTIST CHURCH PROPERTY.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this is a request for conditional approval of a use that is listed in the zoning ordinance as being allowed in the industrial district subject to the specific approval of that location for that particular use by the City Council.

This is a request to consider a small parcel of land for petroleum storage purposes; it is a conditional use under the existing I-2 zoning that is presently in the area. The property is located south of Monroe Road and along the Seaboard Coastline Railroad. The property is vacant as is much of the property immediately around it; it is adjoined by the railroad on the south side. The Antioch Baptist Church is located adjacent to the site, but the property has been or is in the process of being purchased by the petitioner for this property. Other land uses in the area are predominately of industrial nature.

Mr. Bryant stated the area is predominately zoned I-2 heavy industrial at the present time and this extends all the way up to Monroe Road, with the nearest non-industrial zoning being some R-6MF zoning in the rear along Marvin Road, and some of the streets leading down into the Billingsley-Grier Heights areas. There is B-2 zoning north of Monroe Road.

Mr. Buck Hall of the Hall Oil Company stated he is present to ask for the conditional approval for the storage facilities for the petroleum products. The storage place he has at present is not adequate, and he needs more storage.

No opposition was expressed to the request.

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

HEARING ON PETITION NO. 73-49 BY MECKLENBURG BAPTIST ASSOCIATION BOARD FOR A CHANGE IN ZONING OF PROPERTY AT 700 SUGAR CREEK ROAD.

The public hearing was held on the subject petition requesting a change in zoning from R-9 to O-6 of property at 700 Sugar Creek Road.

Mr. Fred Bryant, Assistant Planning Director, advised this is the former site of the Sugar Creek Baptist Church, and there is a church on the property at the present time. To the south is the beginning of a B-1 area at Argyle, which extends south for some distance. Across the road is single family residential use which is predominate on the west side of Sugar Creek Road; across Argyle from the subject property is single family use; with one building being used for an Accountant's office; to the rear is the beginning of the Hidden Valley residential area.

December 17, 1973
Minute Book 59 - Page 411

There is B-1 zoning beginning south of Argyle and extending along Sugar Creek Road, with one lot of office zoning for the Accountant's office, and the remainder of the office around the subject property being zoned R-9. South of the subject property and west of Sugar Creek Road is some existing office zoning.

Mr. James Caldwell, representing the petitioner, stated the decision on the petition will affect some 70 Baptist churches in Mecklenburg County. The Mecklenburg Baptist Association recently took title to the Sugar Creek Baptist Church, and in so doing assumed the mortgage on the property of \$238,000 repayable in rather large payments. The property is located at the edge of the Hidden Valley Subdivision. He stated by taking over this property it gave them the opportunity to get the additional office space they need and have needed for some time. Presently the offices are located in a five room frame house at 2140 Commonwealth Avenue, and it is inadequate for their needs.

If this change in zoning is approved, the Association offices will be moved into the church building, and there will be ample space for office expansion, conference rooms, for retreats, for monthly and annual meetings of the Association, and also for continued church services. This would enable them to house all their activities in a central location, readily available and convenient to all the Baptist churches in the county. They feel they will be a stabilizing influence on this fast changing area. Their immediate plans are to allow the remaining members of the Sugar Creek Baptist Church to continue to have worship services on Sunday, and if they discontinue, others have expressed an interest in having the use of the building on Sundays. He stated this zoning would be a suitable buffer zone between the business areas to the south and the residential area of Hidden Valley to the north. The large parking lot on the property provides off-street parking, and the church and lot are shielded from the homes to the rear of the church by shrubbery and trees.

He stated they have petitions signed by all the property owners immediately surrounding the property in which they state they have no objections to the rezoning.

Also speaking for the rezoning were Reverend Crouch of the Providence Baptist Church, representing the New Mission Work for the Association, and Reverend Carl Bates of First Baptist Church, representing one of the old Mission Planners for the Baptists.

No opposition was expressed to the proposed rezoning.

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

December 17, 1973
Minute Book 59 - Page 412

HEARING ON PETITION OF URBAN REDEVELOPMENT DEPARTMENT TO CLOSE A PORTION OF THE PUBLIC ALLEY WITHIN THE BLOCK BOUNDED BY EAST TRADE, SOUTH COLLEGE, EAST FOURTH AND SOUTH TRYON STREET, POSTPONED UNTIL JANUARY 28, 1974.

Motion was made by Councilman Harris, seconded by Councilman Whittington, and unanimously carried, to postpone hearing on petition of Urban Redevelopment Department to close a portion of the public alley within the block bounded by East Trade, South College, East Fourth and South Tryon Streets until Monday, January 28, 1974, as requested by the attorney for the petitioner.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, JANUARY 21 FOR ZONING CHANGES, ADOPTED.

Councilman Whittington moved adoption of the resolution providing for public hearings on Monday, January 21, 1974, on Petitions No. 74-1 through 74-3 for zoning changes. The motion was seconded by Councilman Withrow, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:45 o'clock p.m., and reconvened the meeting at 4:55 p.m.

INTRODUCTION OF ELDER CLARENCE OVERSTREET, VISITOR TO COUNCIL MEETING.

Councilman Alexander introduced Elder Clarence Overstreet and stated he is one of Bishop McCuller's promising ministers, and is doing a fabulous job in church development. He stated Elder Overstreet is interested in community involvement for his church, and he told him the best way to learn was to come to City Council and see where things begin. Councilman Alexander stated they are building a new church at Statesville and Moretz Avenue.

ORDINANCE NO. 54-X AMENDING THE 1973-74 BUDGET ORDINANCE TRANSFERRING FUNDS FROM THE GENERAL FUND CONTINGENCY TO PROVIDE THE CITY'S 1/3 SHARE OF OPERATIONS COSTS FOR THE EMERGENCY TASK FORCE.

Councilman Whittington moved adoption of the ordinance amending the 1973-74 Budget Ordinance, transferring \$8,500 from the General Fund Contingency to provide the city's 1/3 share of operation costs for the Energy Task Force, which motion was seconded by Councilman Withrow.

Mr. Edwin P. Latimer, Chairman of the Charlotte-Mecklenburg Energy Conservation Task Force, stated they are in the process of developing a program that will be announced on December 27 when they meet with the representatives of the 40 largest firms in the city, and hope to have their form for matching up pooling for distribution at that time, and a computer program developed.

Mr. Latimer stated they are getting the full support of the community in asking people to serve voluntarily. He stated the city is being asked for 1/3 of what they call cash requirements. This cash requirement will be spent for such things as postage, decals, stationery, bumper stickers, telephones and educational material items. The main portion will be for salaries. A substantial amount is being donated by two supporting firms.

A vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 397.

December 17, 1973
Minute Book 59 - Page 413

Mr. Latimer stated they are going to encourage more use of the existing bus system, and also car pooling. The first phase of the program is car pooling and busing, and combination busing will be the second phase.

REPORT ON ANNUAL PUPPY SALE.

Mr. Bill Guerrant, PSI Director, stated the second annual puppy sale started today. They opened at 11:00 and closed at 4:00 and sold 50 puppies. He stated they will be open all this week as long as the puppies last.

MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the Chair at this time and Mayor pro tem Whittington presided.

ORDINANCE NO. 55-X AMENDING THE 1973-74 BUDGET ORDINANCE AMENDING REVENUES AND EXPENDITURES TO PROVIDE FUNDS FOR RELOCATION ASSISTANCE PAYMENTS IN THE CASE OF HOME FURNITURE COMPANY, ET AL.

Councilman Alexander moved adoption of the subject ordinance amending the 1973-74 Budget Ordinance, amending Revenues and Expenditures, in the amount of \$771,500.00 to provide funds for relocation assistance payments in the case of Home Furniture Company, et al. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 398.

MAYOR RETURNS TO CHAIR.

Mayor Belk returned to the Chair at this time and presided for the remainder of the Session.

ORDINANCE NO. 56 AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF CHARLOTTE DELETING THE REQUIREMENT THAT A TAXICAB DRIVER MUST HAVE A CHAUFFEUR'S LICENSE ISSUED BY THE STATE OF NORTH CAROLINA.

Councilman Short moved adoption of the ordinance amending Chapter 19 of the Code deleting the requirement that a taxicab driver must have a chauffeur's license issued by the State of North Carolina. The motion was seconded by Councilman Withrow and passed by the following vote:

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

Councilman Whittington stated if anyone goes to South Carolina, they have to pay taxes and get permits to operate. Councilman Withrow stated he agrees, but we need a change in the legislation. Mayor Belk stated he is in favor of this change also, and he requested the City Attorney to add this to the legislative package.

The ordinance is recorded in full in Ordinance Book 20, at Page 400.

AMENDMENT TO THE CONDEMNATION SUIT IN THE CITY VS. CAROLINA GOLF CLUB, INC. ET AL, TO SHOW DAMAGES OF \$34,500, DEFERRED UNTIL THE NEXT COUNCIL MEETING.

Mr. Hopson, Public Works Director, displayed a map and stated the whole project for Clanton Road extends from Sergeant Drive, near the school, across Irwin Creek, next to Dalton Village, and this section next to Dalton Village is completed, across West Boulevard and into Donald Ross Road.

The area under discussion is the portion that goes across the Boulevard to Donald Ross Road, where it is involved with the Carolina Country Club. This is the last parcel to be obtained and it should go to contract sometime in January.

Councilman Short stated Council has a letter from the Attorneys for the Golf Course which states that "it is apparent that with any forethought, the road could have been located to avoid the golf course". He asked if this is true, and Mr. Hopson replied no, their engineering section took into account this course was already constructed and would represent a lot of money; in order to go any further to the right, they would have to cut through the Marsh property, which they went through with Council several months ago, and came up with a very good agreement with Marsh in order to protect their land.

Councilwoman Locke asked what the Marsh land is used for and Mr. Hopson replied nothing at present but this was worked out in relationship to any future development.

Mr. Underhill, City Attorney, stated we have a lawsuit with Carolina Golf Club, which is a land condemnation and was filed in April of this year. What Council is asked to do today is to increase the amount of money already deposited when it was filed in April from \$4,100 to \$34,500. This is the results of taking another look at the damages the club is likely to occur because of the realignment necessary to maintain the present PGA rating. Mayor Belk asked if they will settle for this, and Mr. Underhill replied no; the law requires in the condemnation procedure we use that the City, at the time of the filing of the condemnation suit, to deposit in the court the amount of money that is estimated to be the fair market value of the property taken. At that time, the original estimate was \$4,100. We did not know of the damage to the PGA rating and the other things that have come to light since the suit was filed. The \$34,500 represents the City's estimate of the fair market value of the property taken and the amount of money required to realign the property. That they differ with the amount, and that is the problem. He stated when the effect of the PGA rating came to light the City hired Mr. Porter Gibson, professional golf architect, to study the matter, determine what could be done to realign the present layout. He reported back that a couple of the holes would have to be redesigned, a tee would have to be moved, and they would have to buy some additional property, and in his opinion, \$34,500 would pay for the property the city is taking and also pay for the realignment which would have to be done.

Councilman Williams asked if we are irrevocably committed to this route as opposed to vacant land? That this happened before some of them came on Council and he is not familiar with what has happened; but the question has been raised on why we are using land which is already being used instead of using land which is unimproved. Mr. Hopson replied four or five houses have been taken down in order to get to this point, and we would be keeping ill faith with those people; they were not aware they were getting into this problem; they had hoped Carolina Golf Club would donate the land.

Councilman Whittington asked if it is not fair to say that because of the extension of Clanton Road, from I-77, in order to get this alignment, we had to move four houses and also agree to make some arrangements to close off those streets between the housing development which Lex Marsh built. All of that is involved, and you had to come into West Boulevard and Donald Ross in such a way to get a proper angle to head toward Ashley Road.

Councilman Withrow stated it is his understanding that we would only have to come over about 15 feet to clear them, and Mr. Hopson replied this is a critical point on West Boulevard and if we vary this a very few feet, there is a hill and it would be trouble this is one reason they had to come through the middle of the Marsh property, and this was worked out to split the Marsh property rather than to take about 1/3 of the property. Councilman Withrow stated he has talked to some of his friends out there and they stated the City did not have to come over too far to miss this tee.

December 17, 1973
Minute Book 59 - Page 415

Councilman Short stated he would appreciate it if we could put this off and get an exact statement of the thinking of Mr. Gibson, and the factors of the Marsh property. Mr. Underhill stated when we filed the condemnation suit, title and possession of the land passes to the City. The land we are now talking about is now in our title, and we own it; we do not possess it because we agreed with the Golf Course that we would not come in and start work until we got a golf architect to come in and review the situation.

After further discussion, Councilman Short moved that the matter be deferred and put on the agenda for the next Council Meeting. The motion was seconded by Councilman Williams, and carried unanimously.

CONTRACT AND ORDINANCE PROVIDING FUNDS FOR LEAA FUNDED CHARLOTTE-MECKLENBURG BLOOD ALCOHOL EQUIPMENT, DEFERRED.

After discussion, Councilman Whittington moved that the contract and ordinance for the operation of the Charlotte-Mecklenburg Blood Alcohol Equipment be deferred until Chief Goodman and personnel involved in the use of this equipment are present to explain it to Council. The motion was seconded by Councilman Harris, and after further discussion, the vote was taken and carried on the following vote:

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

ORDINANCE NO. 57-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO PROVIDE THE CITY'S SHARE FOR IMPROVEMENTS TO BYRUM DRIVE IN CONJUNCTION WITH THE AIRPORT MASTER PLAN.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted transferring \$100,000 from the Unappropriated Balance of the Airport Fund to provide the City's share for improvements to Byrum Drive in conjunction with the Airport Master Plan.

The ordinance is recorded in full in Ordinance Book 20, on Page 401.

ORDINANCE NO. 58-X TRANSFERRING FUNDS FROM STREET WIDENING, EXTENSION AND IMPROVEMENT BOND FUNDS TO PROVIDE FUNDS TO COVER THE SETTLEMENT OF PARCELS 2 AND 3 OF THE BUTLER PROPERTY FOR THE SOUTH MCDOWELL STREET WIDENING PROJECT.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance transferring \$32,000 from Street Widening, Extension and Improvement Bond Funds to provide funds to cover the settlement of Parcels 2 and 3 of the Butler property, for the South McDowell Street Widening Project.

The ordinance is recorded in full in Ordinance Book 20, on Page 402.

ORDINANCE NO. 59-X TRANSFERRING FUNDS FROM STREET WIDENING, EXTENSION AND IMPROVEMENT BOND FUNDS TO PAY THE CITY'S OBLIGATION ON THE 1972 MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE EASTWAY INTER BELT LOOP.

Councilwoman Locke moved adoption of the subject ordinance transferring \$42,000 from Street Widening, Extension and Improvement Bond Funds to pay the City's obligation on the 1972 Municipal Agreement with the North Carolina State Highway Commission for the Eastway Inter Belt Loop, which motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 403.

December 17, 1973
Minute Book 59 - Page 416

ORDINANCE NO. 60-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO COVER THE COST OF THE ARCHITECTURAL CONTRACT FOR PHASE II OF THE SUGAR-IRWIN CREEK PARK.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted transferring \$40,000 from the Unappropriated Balance of the General Fund to cover the cost of the Architectural Contract for Phase II of the Sugar-Irwin Creek Park.

The ordinance is recorded in full in Ordinance Book 20, on Page 404.

CONTRACT WITH W. CRUTCHER ROSS, ARCHITECT AND ASSOCIATES, FOR DESIGN AND DEVELOPMENT OF IRWIN-SUGAR CREEK PARK PROJECT, PHASE II, AUTHORIZED.

Councilman Whittington moved approval of a contract with W. Crutcher Ross, Architect and Associates for the design and development of the Irwin-Sugar Creek Park Project, Phase II. The motion was seconded by Councilman Harris, and carried unanimously.

ORDINANCE NO. 61-X TRANSFERRING \$60,000 FROM THE PUBLIC LAND ACQUISITION ACCOUNT AND THE GENERAL REVENUE SHARING FUND TO THE CHARLOTTE HOUSING AUTHORITY FOR LAND ACQUISITION.

Councilman Harris moved the adoption of the ordinance transferring \$60,000 for acquisition of additional property for the Housing Authority. The motion was seconded by Councilman Short.

Councilman Whittington stated he would like for the Housing Authority to come in and tell Council exactly what they are doing in Piedmont Courts and in all the other places where this money has been appropriated; that he wants them to come in soon.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 20, at Page 405.

The City Manager advised the Authority has not spent any of this money; that the contract with the Authority will be on the next agenda, at which time they will agree to spend the money exactly as it has been appropriated.

During the discussion, Councilwoman Locke stated she does not want to do into any contract until Council knows exactly what they are going to do with the money. Councilman Harris stated he understands they have a general plan of what they plan to do with this money and he would like to have this presented before Council starts talking about specifics.

ORDINANCE NO. 62-X AMENDING THE 1973-74 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION FOR THE PUBLIC WORKS ENGINEERING DIVISION BY ADDING FOUR ENGINEERING AIDE III POSITIONS.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance amending the 1973-74 Budget Ordinance by amending the Table of Organization for the Public Works Engineering Division by adding four Engineering Aide III positions.

The ordinance is recorded in full in Ordinance Book 20, on Page 406.

December 17, 1973
Minute Book 59 - Page 417

CONTRACTS FOR THE MODEL CITIES DEPARTMENT, APPROVED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the following contracts were approved for the Model Cities Department:

- (a) Two amendments to Cooperation Agreements between the Model Cities Department and the Health Department and the Health Services Research Center.
- (b) Contract with the Association for Sickle Cell Disease of Charlotte-Mecklenburg, Inc. for technical or professional services.
- (c) Amendment to contract with the Charlotte Dental Group for the operation of the Night Medical Services/Dental Group Project to add statements concerning compliance with the provisions of the Clean Air Act and Prohibition of the Elimination of Lead-Based Paint Hazard, and to extend the life of the project through June 30, 1974.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the following contracts for the construction of water mains:

- (a) Contract with The Westminster Company for the construction of 3,100 feet of water main and three fire hydrants to serve a portion of the Stonehaven Subdivision, outside the city, at an estimated cost of \$15,000. Funds will be advanced by the applicant and refunded by the City under the terms of the existing city policies.
- (b) Contract with The Ervin Company for the construction of 500 feet of water main to serve a portion of the Innisfree Subdivision, outside the City, at an estimated cost of \$1,400.00. Funds will be advanced by the applicant and refunded by the City under the terms of the existing city policies.
- (c) Contract with Headen and Company, Inc., for the construction of 350 feet of water main and one fire hydrant to serve the Stonington Project, abutting on Lawyers Road, outside the city, at an estimated cost of \$2,500.00. Funds will be advanced by the applicant and refunded by the City under the terms of the existing city policies.

CLAIM FILED BY MRS. JUSTINE HEDGCOE FOR PERSONAL INJURIES, DENIED.

Councilman Short moved that claim, filed by Mrs. Justine Hedgcoe for personal injuries, in the amount of \$350.00, be denied as recommended by the City Attorney. The motion was seconded by Councilman Williams, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the following special officer permits were authorized:

- (a) Renewal of permit to Jimmie W. Bookout for use on the premises of Jefferson First Union Plaza.
- (b) Issuance of permit to Robert Lee Brandon for use on the premises of Jefferson First Union Plaza.
- (c) Issuance of permit to Caleb Paul Lockey for use on the premises of Jefferson First Union Plaza.

December 17, 1973
Minute Book 59 - Page 418

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO ROBERT MCKINLEY MCLEAR AND WIFE, JEAN C. MCLEAR, LOCATED ON BYRUM DRIVE, IN MECKLENBURG COUNTY, FOR THE BYRUM/WILMOUNT WIDENING PROJECT.

Motion was made by Councilman Harris, seconded by Councilman Short, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert McKinley Mclear and wife, Jean C. Mclear, located on Byrum Drive, in Mecklenburg County, for the Byrum/Wilmount Widening Project.

The resolution is recorded in full in Resolutions Book 9, on Page 358.

APPROVAL OF PURCHASE BY MECKLENBURG SOUTH PROPERTIES, INC. OF RIGHT OF WAY EASEMENT ON CITY LAND OCCUPIED BY THE PINEVILLE WASTE TREATMENT FACILITY.

After discussion, Councilman Whittington moved approval of the purchase by Mecklenburg South Properties, Inc., of 4,403.70 square feet of right of way easement on city land occupied by the Pineville Waste Treatment Facility, at an appraised price of \$625.00, which motion was seconded by Councilman Harris, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 110' x 849' x 110' x 849' of property at Byrum Drive, from Earl Reid Crocker, Jr. and wife, Mildred, at \$9,300.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (b) Acquisition of 110' x 849' x 110' x 849' of property at Byrum Drive, from Havolyn Crocker Knox and husband, Charles, at \$9,300.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (c) Acquisition of 284' x 15' x 285' x 15' of property at Byrum Drive, from Robert O. Byrum and wife, Ruth, at \$1,200.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (d) Acquisition of 278' x 10' x 282' x 10' of property at Byrum Drive, from Robert O. Byrum, and wife, Ruth, and Joseph E. Byrum and wife, Nancy, at \$850.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (e) Acquisition of 239' x 10' x 242' x 10' of property at Byrum Drive, from Robert O. Byrum and wife, Ruth, and Joseph E. Byrum and wife, Nancy, at \$900.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (f) Acquisition of 428' x 10' x 428' x 10' of property at Byrum Drive, from Robert O. Byrum and Joseph E. Byrum, Administrators, at \$1,357.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (g) Acquisition of 251' x 10' x 251' x 10' of property at Byrum Drive, from Tommy W. McAlister and wife, Ruby H. McAlister, at \$600.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.
- (h) Acquisition of 351' x 15' x 347' x 15' of property at Byrum Drive, from Earl R. Crocker and wife, Etta Wylie Crocker, at \$1,000.00, for Byrum/Wilmount Widening Project at Douglas Municipal Airport.

(continued)

December 17, 1973
Minute Book 59 - Page 419

- (i) Acquisition of 25' x 859.25' x 15' x 2,572.60' of easement at 4400 Nevins Road, from James C. Thompson and wife, Lillian, at \$4,180.00, for Derita Woods Area Sanitary Sewer Trunks Project.
- (j) Acquisition of 15' x 349.40' of easement, at 7136 Lakeside Drive, from Luther W. Blevins and wife, Virginia C., at \$650.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (k) Acquisition of 7.50' x 552.97' of easement on 5.11 acres off Linda Lake Drive, from Ti-County Realty Company, Inc., at \$280.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (l) Acquisition of 20' x 132.83' of easement at 6503 Castle Hayne Court, from Jerry W. Stallings and wife, Celia S., at \$400.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (m) Acquisition of 15' x 27.51' of easement at 6900 Bonavie Circle, from Gettys Construction Company, Inc., at \$175.00, for Hickory Grove Sanitary Sewer Trunks Project.
- (n) Acquisition of 25' x 1,445.50' of easement on 40 acres to the south of Leesburg Road, from Gettys Construction Company, Inc., at \$2,300.00, for Hickory Grove Area Sanitary Sewer Trunks Project.
- (o) Acquisition of 15' x 109.23' of easement at 10300 Johnston Road, from Miss Belle Ward Johnston, at \$110.00 for Sanitary Sewer to serve South Point Apartments Project.
- (p) Acquisition of 15' x 236.07' of easement at 301 South McDowell Street, from Fairfax Corporation, at \$235.00, for sanitary sewer relocation for Independence Freeway.

CONTRACT AWARDED NATIONAL POLICE SUPPLY FOR POLICE REVOLVERS.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, National Police Supply, in the amount of \$4,076.22, on a unit price basis, for 63 police revolvers.

The following bids were received:

National Police Supply	\$4,076.22
Charles Greenblatt, Inc.	4,532.00

CONTRACT AWARDED BURGESS FIRE EQUIPMENT, INC. FOR EQUIPMENT FOR FIVE WATER TANKERS.

Councilman Short moved award of contract to the low bidder, Burgess Fire Equipment, Inc., in the amount of \$3,713.05, on a unit price basis, for equipment for five water tankers, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Burgess Fire Equipment, Inc.	\$3,713.05
Action Fire & Safety, Inc.	4,022.00

December 17, 1973
Minute Book 59 - Page 420

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER CONSTRUCTION FACILITIES TO SERVE SOUTHERN BELL PROPERTY AND A 30-ACRE TRACT IN WALDEN.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Thomas Structure Company, in the amount of \$32,061.00, on a unit price basis, for sanitary sewer construction facilities to serve Southern Bell property and a 30-acre tract in Walden.

The following bids were received:

Thomas Structure Company	\$32,061.00
R. H. Wiggins, Inc.	33,129.00
Ben B. Propst	38,688.00
Dellinger, Inc.	44,336.65
Sanders Brothers	46,797.00
Joe R. Abernethy	46,900.00
C. W. Gallant	51,315.00

RESOLUTION ON APPOINTMENT OF COUNCIL MEMBERS TO SERVE ON COMMITTEE WITH COUNTY COMMISSIONERS TO COORDINATE SERVICES TO THE COMMUNITY, PLACED ON TABLE.

Councilman Withrow stated at its meeting this morning, the County Commissioners passed the subject resolution and he was asked to present it to Council this afternoon. That he told them he would present it and let it lay on the table and Council will discuss it and vote on it later. That this Committee will be made up of two members each from the City Council and the County Commission, and they could resolve certain things and when a breakfast meeting is held jointly we will be able to stick to the agenda.

DISCUSSION OF CITIZEN PARTICIPATION.

Councilman Withrow stated he knows of no better time or no better place for citizen participation than when Council has these extra meetings it is talking about. That in our decision making, and when we talk about things pertaining to people, they should be invited to these meetings and get an input. He stated we have asked people to be concerned and to get involved in what we do, and there is no better place than in this way.

The City Manager stated he had hoped that the meeting set for tomorrow would be a meeting where Councilmembers can talk among themselves, otherwise they will never reach a decision at all.

Councilman Withrow stated then he would like to suggest that a meeting be set where the people can come to speak to Council. That it is always at 5:00 o'clock when they are allowed to speak at the regular meetings. That he is saying we do not give people a chance to get involved. That he knows they get involved in zoning, but that is not what he is talking about; that he wants them involved in setting priorities and such.

Councilman Harris stated this new comprehensive plan is going to be the greatest opportunity for getting citizens involved starting in January, and that is where we will start to set priorities. That he would also like to have the Committees, which would allow the separate type meeting so that people can come and talk about specified areas.

Councilman Alexander stated he hopes that each understands what he is talking about when the term "citizenship involvement" is used. That he does not think we are thinking about the same things when we begin to talk about citizen involvement, and we need to come to some decision as to what we mean by "citizenship involvement" and how you want to be involved in "citizenship involvement". You can do a lot of things with citizenship

December 17, 1973
Minute Book 59 - Page 421

involvement; and citizenship involvement can mean anything any citizen wants it to mean. That you do not want to get yourself in a position where all you have is citizens conflation. There is a difference between citizen conflation and citizen involvement. We need to have a clear understanding of what we mean when we talk about wanting involvement from our citizens.

LEGISLATION REQUESTED CONSIDERED REQUIRING PETITIONERS TO BUILD PLANS AS SHOWN AT ZONING HEARINGS WHEN REZONING IS PERMITTED.

Councilman Withrow stated in connection with the zoning petitions today, that it worries people when a petitioner comes before Council on a zoning matter and displays a beautiful picture of what they say the property is going to look like, and then it is rezoned so they can sell it, and they are not even planning on building what they show.

That he thinks we should go to the Legislature and ask them to come up with a law stating if a petitioner presents to Council a proposal for building, that he be required to build that, if the zoning is permitted; otherwise, the property would revert back to the original zoning.

PLANNING STAFF REQUESTED TO GIVE THOUGHT TO SCREENING IDEA FROM SAN JUAN IN CONSIDERING THE WOODLAWN ROAD ZONING PETITION.

Councilman Short stated in one trip through the City of San Juan, he could see that they have a great deal of screening, and the reason for this is because of the wind; they are in the trade winds, and have to have a lot of screening. He stated it occurred to him that this is perhaps a little interesting in connection with our recent discussions about Woodlawn Road. He stated he wonders if it is possible for our Planning Commission, in its consideration of Woodlawn Road to think further about screening. The screening in San Juan is made very attractive by plantings. They have walls and they also have wind breaks created by chain link fencing with the coconut bronze woven into it. That he is getting to the point where screening off houses by block walls and such may not sound like the sort of thing of procedure here in Charlotte, even so, to screen away traffic is something the Planning Commission might consider. That this might be done on the same basis that we repair or build sidewalks and that is for the homeowner to provide the necessary block and mortar and the City forces do the work.

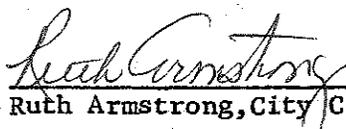
Councilman Short asked that this portion of the minutes be looked into by Mr. Bryant or someone from the Planning Staff.

TRAFFIC ENGINEERING REQUESTED TO LOOK AT CORNER OF THIRD AND COLLEGE STREET WITH IDEA OF PLACING "WALK AND DON'T WALK" INDICATORS FOR PEDESTRIANS.

Councilman Harris asked someone to look at the intersection of Third and College Streets, and see if the "Walk and Don't Walk" indicators can be installed. That this is a real hazard for pedestrians trying to cross. He asked that this be looked into.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk