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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 29, 1976, at 2:30 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

Sitting with City Council as a separate body during the zoning hearings were members of the Charlotte-Mecklenburg Planning Commission, with Chairman Tate and Commissioners Campbell, Finley, Jolly, Kirk, Ross and Royal present.

ABSENT: Commissioners Boyce, Ervin and Marrash.

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INVOCATION.

The invocation was given by Councilman Joe Withrow.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the minutes of the last meeting, on March 22, 1976, were approved as submitted.

ANNUAL AWARDS BY MAYOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

Mayor Belk recognized the Committee on Employment of the Handicapped and stated he is proud to present the following awards:

Employer of the Year - Over 200 Employees Category - Mercy Hospital for their attitude in hiring handicapped persons.

Mayor Belk recognized Sister Mary Jerome and Mr. Russell Gray of Mercy Hospital and presented them the award.

Mayor Belk stated Mayor pro tem Whittington is Chairman of the Mayor's Committee and he expressed his appreciation for the work he is doing in this area. He stated Ms. Peggy Matheny is Vice Chairman of the Committee and he thanked Ms. Matheny and her employer, Kemper Insurance Company, for the fine job they have done in this endeavor.

Handicapped Citizen of the Year - Mrs. Macie Benton for her work as Club Coordinator for the Venturers Club, which is sponsored by Cerebral Palsy of North Carolina. Mrs. Benton also works from her wheelchair for a broker as an answering service - R. T. McManeus, Jr.

Mayor Belk presented certificates to Mrs. Benton and Mr. McManeus. He also recognized Mr. Eric Reitzen.

Essay Contest, entitled "A Profile of Achievement: How a Handicapped Person Approaches Life."

- Third Place Winner - Abigail Stuckey
- Second Place Winner - John H. Thrower, Jr.
- First Place Winner - David S. Snapp

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Poster Contest - Hire the Handicapped: An American Asset

Darwin Huffman

Mayor Belk stated Ms. Evelyn Stanton is the teacher for these students. He asked that she stand and be recognized.

Councilman Whittington, Chairman of the Committee, stated he would like to recognize some of the people in the audience who have been serving on the Mayor's Committee for many years, and they have made a real contribution. Some of the results have been seen today.

He recognized Ms. Peggy Matheny who does all the work, and is Vice Chairman of the Committee. Mrs. Evelyn Stanton, who every year brings forth winners, locally and statewide. Mrs. Dorothy Fitzjohn; Mrs. Bruton; Mr. Royal, Principal of Myers Park, who works with Ms. Stanton and helps in the program; Charlotte Helms, a member of the Committee and Mr. Gus Boukowrolas, Central Piedmont Community College.

Councilman Whittington stated this Committee, in addition to the awards already made, submitted three names to the Governor's Committee in Raleigh. The three names submitted were also selected as State Winners. As Chairman of the Committee, it is his honor to say that Dr. William H. Tracy is being honored posthumously as "Outstanding Physician of the Year." Last year, Dr. Tracy was given an award and shortly thereafter he passed away.

He stated in the 200 Employees or Over, Mercy Hospital is the State Employer of the Year.

That Mr. Davis Stanford Snapp was the First Place Winner in Ability Counts Essay Contest. He stated David's essay is not here - it has been sent to Washington, D. C. for judging on a National level. That we hope the President's Committee will recognize it in the same light the State has and perhaps he will be the National Winner.

Councilman Whittington stated the important thing these people are doing is recognizing we have these people in our community that we can help. That he would like to say to the Mayor's Committee that they are doing a great job. He thanked the Mayor, Council and the City Manager for helping them. He stated Russell Gray was Chairman of the Committee for about four years, and he is carrying on at Mercy Hospital with Sister Jerome, and doing a fantastic job in giving handicapped people the opportunity to get into gainful employment.

AMENDMENT TO RESOLUTION CALLING FOR PUBLIC HEARING ON ZONING CHANGES IN MYERS PARK AREA.

Councilwoman Chafin stated she would like to make a minor amendment in her resolution on the rezoning of Myers Park which was adopted by Council at the last meeting.

She moved that an amendment be made to Amendment No. 1 of that resolution which consisted of lots on each side of Dartmouth, Hermitage and Moravian Lanes to change the zoning from R-6MF to simply R-6, rather than R-6 and R-9. The motion was seconded by Councilman Williams.

Councilwoman Chafin stated they have done some further investigations in the past week and find that R-6 would be the appropriate zoning for that area.

The vote was taken on the motion and carried unanimously.

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HEARING ON PETITION NO. 76-17 BY SARAH A. GOINS FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 100 FEET ON THE SOUTH SIDE OF ARNOLD DRIVE, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ARNOLD DRIVE AND EASTWAY DRIVE.

The scheduled hearing was held on the subject petition 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, explained the location of the property, land uses and zoning of the property and adjoining properties. He stated the property is located at the southwest corner of Eastway Drive and Arnold Drive. It has on it a duplex residential structure, with the surrounding land uses predominately residential and residential related. On the northeast corner of the intersection is shown a single family residence, and there is an illegal business operation being carried on in that location at present. The owner of that property has been cited by the Building Inspection Department for violating the zoning ordinance operating an automobile repair and sales operation out of that location. That case has been tried in the District Court, and the owner was convicted, and he has now appealed it to Superior Court.

There is R-6MF zoning in the entire immediate vicinity of the subject property; there is R-9 single family zoning along Arnold to the east and further down Eastway and on to the west.

He presented slides of the subject property and the surrounding area.

Speaking for the petition was Mrs. Sarah A. Goins, who stated they built the duplex 22 years ago and she has lived there ever since; that they have seen a lot of changes in the neighborhood. When the widening of Eastway started at North Tryon Street, it ended right beside a bedroom; when it started again to go on to Woodland, she had to enjoy all the dust and all this both times. This highway is a nuisance as far as enjoying their yard; they cannot cook out any more or even sit out and talk to each other.

She stated they would like to try to sell to a doctor or dentist so that the present structure could be used. They have two driveways coming in from Arnold and there is a driveway from Eastway. If the present structure is used, it would not harm the neighborhood as far as appearance is concerned, and it would look better than a car sales lot or a mechanic which is being carried on across the street.

Councilman Gantt asked Mr. Bryant in his description to the Planning Commission, to say how much office inventory is in that general area? Mr. Bryant replied he does not have it in terms of the actual acreage or area available for office. In terms of the general patterns of zoning, you have to keep in mind that office uses are allowable in business areas as well as office zoned areas. The closest office or business area is just south of this extending back from Central Avenue where there is business zoning and it has a small amount of office zoning associated with. North, along Eastway, the next amount of office zoning is merely a transitional type of office zoning laid out around Shamrock Drive; practically all of that is buffered with transitional office zoning. Those are the two closest areas. Along Central Avenue there are several locations where office development is possible.

Speaking in opposition to the petition were Mr. H. A. Cliff, 2238 Arnold Drive and Mr. Angelo Forlias, part owner of Aztec Apartments.

Mr. Cliff stated he is about three blocks back of this lot; that his objections is that it is like cancer - it starts there and moves to the next and the next. This house faces Arnold and not Eastway. If it faced on Eastway, he might be able to go along with it; but it faces Arnold and they now have a lot of traffic on that street, and he thinks it will continue to come down that way. If it is made business, he would like them to consider putting in a light as they have a lot of trouble getting out now.

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Mr. Forlias stated he filed the petition invoking the 3/4 Rule. That initially he did not have too much objection; but after making a visual inspection, he would like to point out this is spot zoning, and it would encourage other corners. About 3,000 feet, near the intersection of Central Avenue and Eastway Drive, there is a business area and there is quite a bit of shopping. This whole area is buffered with office zoning, and at present, he would estimate about 50 percent of it is not being used. Some of the houses in the buffered area are single family and are being used as residences, and there is not any demand for office space in the area. There are numerous lots and parcels for sale for use as office.

Mr. Forlias stated he does not feel this would be in the best interest of the neighborhood.

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

HEARING ON PETITION NO. 76-18 BY LOYAL ORDER OF MOOSE TO CONSIDER THE CONDITIONAL USE OF A FRATERNAL ORGANIZATION IN AN R-9 DISTRICT, FRONTING 23 FEET ON THE EASTERLY SIDE OF NEVINS ROAD, ABOUT 570 FEET SOUTHWESTERLY OF THE INTERSECTION OF NEVINS ROAD AND SMALL AVENUE, ABOUT 600 FEET SOUTHEASTERLY OF THE INTERSECTION OF SMALL AVENUE AND NEVINS ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised that one of the facts of the recent change in the institutional uses regulated in residential areas was to establish fraternal organizations as a conditional use within residential districts, and as such requires a public hearing.

Mr. Bryant explained the location of the property, the land uses and the zoning of the area. He stated the subject property has a minor amount of frontage on Nevins Road and is located generally south of Nevins Road in that area, and is easterly along Nevins Road from the Nevins Center facility. It is an irregular elongated tract of land consisting of about 21.5 acres and generally extends along the westerly side of the Tanglewood Subdivision.

The subject property is vacant, and the zoning pattern in the immediate vicinity is an R-9 classification. To the south begins a rather involved area of industrial zoning, a small amount of BD zoning that extends out to I-85.

Mr. Bryant stated a site plan has been submitted. The building proposed is 100' x 150' and is about 15,000 square feet. It proposes a swimming pool and tennis courts on the property. The rear portion of the property is shown unused at the present time. Screening will be installed along the area east of the location to screen the residential portion of the Tanglewood Subdivision. The driveway entrance is proposed off the end of Small Avenue coming into the property.

He then presented slides showing the subject property and the area in general.

Mr. Sol Levine, Attorney for the petitioner, stated they feel they can establish a buffer zone along the side to the right where the houses are located so not to disturb any of the housing pattern in the area. The lake is already there and a great deal of work will be done by the Order to make the lake nice for fishing and other purposes. The parking will be to the rear and will have a buffer zone. The pool, the parking, the tennis courts and everything will be buffered with high trees and there would be no trouble for the people in the area. The remainder of the area will be used for a camping site for the Order. The organization is

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a family fraternal organization; it supports several charities; it does a great deal of work with the Nevins Center which is located in the area. They have made great contributions to the N. C. Zoological Association. The organization has 456 members and is very active.

Mr. Levine stated they want to establish a place for themselves in that area.

Councilman Gantt stated he is concerned about the impact of a facility of 15,000 square feet on a dead end street with a few residential units along it when it seems they could have come directly from Nevins Road without having any significant impact on the people who live around that small neighborhood. Mr. Levine replied the Transportation Commission who discussed the matter with them has established not only one access at this entrance but another. He feels this can be worked out. They do not want to go across the lake. Councilman Gantt stated it seems coming in from Nevins Road they would end up directly in the large parking area. A member of the Order stated at the present time they have not acquired enough land to meet the Traffic Engineer's requirements to put a road in there. They desire to use the other side to control the flow of traffic into the property.

Commissioner Jolly asked if they will leave the natural vegetation in the area? Mr. Levine replied they plan to establish a buffer zone all the way around the area to have as much privacy as possible and to eliminate anything any of the residents might object to. That the buffer zone planned is 25 feet but the Planning Commission did not give them any definitive information for the present. They plan to do the same for the parking lot to put up trees and vegetation to establish a buffer zone.

No opposition was expressed to the proposed conditional use.

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

HEARING ON PETITION NO. 76-19 BY PAUL STACK COMPANY, INC., FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING ON THE NORTHWEST SIDE OF NORLAND ROAD, ABOUT 500 FEET SOUTHWEST OF THE INTERSECTION OF NORLAND ROAD AND CENTRAL AVENUE.

The public hearing was held on the subject petition of property fronting 100 feet on the northwest side of Norland Road, about 500 feet southwest of the intersection of Norland Road and Central Avenue.

Mr. Fred Bryant, Assistant Planning Director, explained the land uses and zoning of the area, and presented slides showing the properties in the general location.

The subject property has on it a single-family residence and there are other single-family residences adjacent to it in the direction of the Junior High School. Across the road in front of it is a house as well as three others in the area. Adjacent to the property to the north all the way back to Central Avenue is a variety of commercial facilities. Immediately adjacent is the warehouses of the wholesale facility operated by the petitioner, and it is their desire to expand that use onto the subject property. Adjacent to that are other commercial facilities going back to Central Avenue. Behind the property along Sheridan Drive is a solid pattern of single-family residential usages and a cemetery in the area. The zoning pattern in the area is R-9 extending south along Norland Road back along Sheridan Drive. To the rear, to the south, as well as across the street, the zoning is R-9 at present. North of it is B-2 and O-6 zoning and other B-2 and B-1 zoning back to Central Avenue. Basically it is a pattern of business zoning down to the subject property, and there begins a pattern of residential zoning.

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Mr. Ed DeArmon, Attorney for the Petitioner, stated this company is a manufacturers representative and deals in sump pumps and that sort of material, gauges and fittings, which are shipped in to sell and shipped back out. The subject lot was purchased about four years ago with the idea of expanding the operation. They now have 1,500 square feet of office space and 20,000 square feet of warehouse space which they hope to double. He stated the petitioner owns the residence next door and the next two lots down the street are owned by an individual who has not objected. The house across the street is abandoned at present.

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. 76-20 BY HUGH AND MARY EUDY FOR A CHANGE IN ZONING FROM O-15 TO B-1 OF PROPERTY FRONTING 250 FEET ON THE SOUTHERLY SIDE OF ALBEMARLE ROAD, ABOUT 265 FEET EAST OF THE INTERSECTION OF ALBEMARLE ROAD AND GRAFTON PLACE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director explained the location of the property, the land uses and the zoning in the area. He stated the subject property, as well as property immediately around it, is vacant at present, particularly to the east, to the rear, to the south, and on the Albemarle Road frontage side. The primary land uses consist of the Lake Apartments, the Hartford Insurance Company facility, a bank under construction at the intersection of Reddman Road and an existing bank at Central and Reddman. To the west along Albemarle Road is a pattern of single-family housing along Grafton Place. The subject property is primarily related to office zoning adjacent to it and multi-family and single-family in the area.

Mr. Bryant presented slides of the subject property, and the surrounding properties.

Speaking for the Petitioner was Mr. S. R. Cranford, a Realtor. He stated the taxes on this property are approximately \$3,000 a year; the petitioners feel they would like a different zoning which would allow a reasonable use of the property. There is not much demand for office space on Albemarle Road. Since Hardee's and banks are located on the other two corners they would like to have a favorable position on rezoning of their property.

Mr. Tim Nells, 7420 Easthaven Drive, spoke in opposition to the rezoning stating he represents the Lake Forest Homeowners Association, and others. They feel the office zoning is a better of the two evils at this time. He stated they should all drive down Albemarle Road in front of Four Seasons and see what they have out there. The Koger Building, the Hartford Building, are something to be proud of; they are good developments. But if any more need to be developed they would like to see it go in that direction.

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

HEARING ON PETITION NO. 76-21 BY W. R. BLALOCK FOR A CHANGE IN ZONING FROM B-1 TO I-1 OF PROPERTY FRONTING 25 FEET ON THE NORTHERLY SIDE OF NORTH DAVIDSON STREET ABOUT 235 FEET. SOUTHWEST OF THE INTERSECTION OF NORTH DAVIDSON STREET AND EAST THIRTY-SIXTH STREET.

The public hearing was held on the subject petition.

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Mr. Fred Bryant, Assistant Planning Director, explained the locations, the land uses and zoning of the area, and presented slides showing the areas.

He stated this is a portion of the North Charlotte Neighborhood which in the past has been the central commercial area for the North Charlotte community, being that portion of Davidson Street between 35th and 36th Streets. The property involved is a very small parcel of land having only 25 feet of frontage on Davidson Street, extending back about 125 or 126 feet. It extends back about half way from Davidson Street to the railroad. The structure on the property has been used in the past for commercial purposes; it experienced a fire some time ago and is vacant. Generally the area around the subject property is a combination of vacant commercial structures and existing retail and other types of activities. The zoning is a solid pattern of B-1 zoning all along Davidson Street for the entire area between 36th and 35th Streets and extends on in the direction of the downtown area. Behind the property there is a large area of I-2 which extends along the railroad area.

Mr. Bryant stated the proposal is to change this small parcel of land to an industrial classification which would allow for a machine shop type of operation.

Commissioner Jolly asked what the Comprehensive Plan and Community Development have in mind for this area? Mr. Bryant replied on both the Comprehensive Plan and in the thinking of the Community Development it is to try some way to revitalize this area as a commercial area and find a way to sustain the commercial characteristic and provide a service function to the people of North Charlotte.

Councilman Gantt asked if there is a requirement for parking or any such other requirements of I-2? Mr. Bryant replied there would be under normal circumstances. But here they are not dealing with the creation of a new building. These buildings were built before there were any requirements of off-street parking requirements in effect. This is only talking about a change in use. As such, they would not have the opportunity to apply required parking standards to it. There is no way for parking; the lot is filled with buildings.

Councilman Whittington asked if this is being considered for I-1 or I-1 conditional? Mr. Bryant replied the request was filed for I-1; but the petitioner indicated they would be receptive to I-1 conditional. Officially the petition filed is for I-1.

Mr. W. R. Blalock, the Petitioner, stated this has been in his family since 1943. His father had an office there for years and then it was rented for office space and then used as a grill. He stated his son-in-law and he would like to open a light machine shop and put it back in condition for use. There is over 50 percent vacancies in the shops and offices and other buildings in the area. Their tax assessment on this property, boarded up, is \$4,750 which represents about 50 percent of what it was before it burned. The zoning change requested is a type of zoning which would allow them to use it as a light machine shop. Before filing they talked with a number of people in the area; they talked with people who owned business property there with the exception of four, and they did not have any objections including from the North Charlotte Community Action Committee. These people even offered to help them.

Mr. Blalock stated this would include a lathe or two, some punches and that type of operation in the light machine shop. That his son-in-law designs and manufactures automobile parts, a good bit of which is for people in racing. That 50 percent of the building would be used for the shop and about 40 percent for office. It would not increase the noise level; that it is pretty high now with the street and trucks that come by. There would be no outside work; it would all be inside.

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Councilman Gantt asked if there would be any pedestrian traffic to the building to make purchases? Mr. Blalock replied very little, if any. Councilman Gantt asked if they would be shipping most of the parts out to outside contractors, and if they would have to have some sort of trucks which would pick up these for delivery, and if there would be any parking problem? Mr. Blalock replied no. There is an alley behind the building which comes in from 35th Street, and they have access to it, and this would not give any problem to the street parking and loading and unloading.

Reverend Paul Horne, stated he is speaking for the North Charlotte Action Association, and they have had much discussion with and questioning of Mr. Blalock concerning this matter. That the Steering Committee voted unanimously to support the request for the conditional use at 3213 North Davidson Street. They support the request in that the property can be used only for the purpose stated. The building is now an eyesore and will be renovated and made attractive. This will return to this area a business activity which in turn can bring back the confidence the people in North Charlotte can support and be proud of. He stated present businesses welcome the proposed use of this property if kept within the bounds as Mr. Blalock outlined. Considering all the pros and cons as presented to them for this proposed plan for the business, they feel this will be an asset to their area rather than a liability.

Reverend Horne stated they are asking Council to grant this request. They trust Mr. Blalock as he has presented this plan to them; however, if there is any major deviation from the proposed plan, they will be just as much against the deviation as they are for the present plan. They look forward to having Mr. Blalock and his firm as part of their business community.

No opposition was presented to the proposed rezoning.

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

MEETING RECESSED AND RECONVENED:

Mayor Belk called a recess at 3:50 o'clock p.m. and reconvened the meeting at 4:05 p.m.

PETITION NO. 76-11 BY NORTH PARK CENTER, INC., FOR CONSIDERATION OF CONDITIONAL APPROVAL FOR A PROPOSED SHOPPING CENTER IN AN I-2 DISTRICT IN EXCESS OF 100,000 SQUARE FEET, LOCATED ON THE EAST SIDE OF THE INTERSECTION OF NORTH TRYON STREET AND EASTWAY DRIVE, DENIED.

The subject petition was presented for Council consideration.

Councilman Gantt requested Mr. Bryant to explain the specific ordinance in terms of intent. He wonders if Council has the right to turn the vote up or down on a facility; it appears they are asked to approve certain conditions of the site plan.

Mr. Bryant, Assistant Planning Director, replied he can go into what they felt was the planning rationale for it; but cannot go into detail as to what was specifically in the minds of either the Planning Commissioners individually or the City Council when they voted for it. But the original concern shown with this sort of situation basically dealt with two things. First of all, it dealt with the need for an opportunity to review in detail site plans for any facility as large as 100,000 square foot shopping centers because of the impact which such a facility can have on everything from traffic to relationship to adjoining properties, relationship to

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adjoining development, etc. He believes the first objective was to gain an opportunity to review the site plans for such a facility and be able to input into this design some of the criteria from a planning viewpoint they feel would be desirable for a center of that size. Another facet of it that is also a consideration in the intent of the ordinance was to give some consideration to sites, locations for such facilities, keeping in mind that with the advent of the comprehensive development plan there was from that time on available a document which does give some general guidance into the circumstances to a certain extent the general locations, the general indications of where shopping facilities should be encouraged. This goes so far as to break these down into various size categories. It was felt with the vast amount of property which is now zoned industrial or business scattered throughout the city that it would be possible to have even a regional size shopping center located in a situation and circumstance which is completely inappropriate as far as carrying out the general accomplishments and objectives of the plan. They had at one time a proposal for just preliminary consideration which would have involved the location of a regional size shopping center. The Comprehensive Plan is going to be encouraging that regional size shopping centers be associated with the metropolitan service center concept and very carefully located in the overall community. One of the important facets of this sort of consideration is how such an important and significant generator of traffic, not only vehicular but pedestrian, can fit into the total concept for transit planning. He stated the metropolitan service center locations have generally been shown to be ultimately the centers for transit locations and transit hubs. If a regional center is in a location completely inappropriate to fit into the overall transit objective, then this can do some very serious harm to the eventual accomplishment of an overall transportation system. In this instance the location which was being considered was, they felt, entirely inappropriate. It was on land zoned industrial and could have been built at that time without any consideration whatsoever. With that example, he would have to say there are two primary factors involved in the original intent for beginning this. One is design control; the other is some consideration to location.

Councilman Withrow asked if this is approved would the Planning Commission ask the petitioner to take care of runoff if approved? Councilwoman Locke stated they have agreed to do that.

Councilman Gantt stated one of the things that gave him some concern was the nature of the ordinance itself and he believes Mr. Bryant has clearly answered that. That they have a responsibility to look not only at the specific elements of the design itself, the site plan layout, but the efficacy of whether or not this particular location is appropriate or consistent with those of the Comprehensive Plan this Council has adopted. He stated the Planning Commission's report on this item seems to suggest it is not inconsistent with the Comprehensive Plan if the Comprehensive Plan is viewed as a general document and not a specific guide. He suggested that Council in anticipation of trying to seriously implement the Comprehensive Plan should take a much more careful look at something as important and as substantial as a shopping center. It is his opinion this particular site might best be utilized in another manner rather than a shopping center. He is not convinced from the data concerning traffic whether or not it is a good thing to come up to the volumes which are anticipated by 1995 in 1976. What it means to him is that while those arteries are sufficient today to handle the shopping center, they have to evaluate what is down the line; whether or not five years from now they may not be talking about street widening bond issues to accommodate what may be intensive development. He stated they also have to anticipate what may be the additional problems with other development which may want to piggyback on this particular shopping center. In addition, the petitioner has never really established clearly the need for this facility. He stated they did indicate they had market studies presented and he has

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had to ask himself whether or not it is their responsibility to decide how much any private investor wants to invest in his property; that should be left to him to make that decision. On the other hand, he believes they have the responsibility to decide that if a facility goes in it does have some community impact - traffic, land use, safety, etc., in the additional sense of whether or not citizens are being served well by commercial, health and other kinds of facilities. He stated it is his opinion in the North Tryon Street area they do have a substantial number of facilities of similar type in easy reach of most of the people in that area and there is no real need for this kind of development. He does believe somewhere along the line, they should be asking a lot more about their developers. They may need to look at incentives they can offer to developers to build a certain large impact facility, like the shopping centers, in the locations they prepare and indicate on instruments such as the Comprehensive Master Plan or long-range plans. In this case, he wonders about the development of this shopping center in relationship to the efforts to develop future shopping centers in locations where they anticipate or would like to use public investment to encourage growth.

Councilman Gantt moved they deny the petition, which was seconded by Councilwoman Locke.

Councilman Whittington stated he had talked to Mr. Rowe who has considerable interest in this petition and to Mr. Horack who represented the Arlen Company. He stated he is going to vote against this zoning request for the following reasons: First, this petition is before them today because it is zoned I-2. In order for it to be used for a commercial development under the 100,000 foot ordinance, Council has to review it and has to consider it on the basis of flood control, traffic - ingress and egress, and the Comprehensive Plan relationship. Council is in a very bad way in this particular type of zoning and they should ask the Planning Commission to review this ordinance and take out such conditions by right. If it is zoned industrial, then let it stay industrial; if it is zoned commercial, then let it stay commercial until somebody comes along and wants to change it. This should be the first thing they should do after they decide on these two ordinances. When they talk about traffic as it relates to this site, he referred Council to the information the Planning Commission gave them which says, "An analysis of the effects of the traffic which would be generated by this center indicates that, in general, the intersection itself would not be unduly impacted by traffic created but that other segments of the roads, particularly Tryon Street south of Eastway, and Eastway near The Plaza, would be considerably affected by this increase in volume. It is estimated that between 14,000 and 15,000 trips per day would be generated by the center which is proposed on the site. If the assumption is made that the trips will be equally assignable to Tryon and Eastway, this would mean that the volume on Eastway would increase from 10,200 vehicles per day to 17,600. At the same time, Tryon would increase from 15,500 to 23,000 a day." He stated that Mr. Gantt mentioned the most noticeable effect of this increase would be that a rather large segment of the projected 1995 level of traffic would be created in a very short period of time. The projected 1995 volume for Eastway is 28,200 vehicles per day and on Tryon it is 60,600. He stated Page 3 of this same report points out a shopping center generates over 800 trips per day per acre of land, while most industrial activities generate less than 28 trips per day. So, because of the traffic conditions, he cannot vote for this shopping center.

The second reason is they already have a shopping center called the Tryon Mall on Sugar Creek Road between the Southern Railroad tracks and North 29. Then just south of that, they have a K-Mart on North Tryon next to Sugar Creek Presbyterian Church. Then they have a shopping center at Plaza and Eastway Drive; and another shopping center just north of this present site beyond Orr Road where the Plantation supper club used to be. The

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important thing here is in the Comprehensive Plan as it relates to the metropolitan service center which says the next service center should go at the University of North Carolina on University Boulevard at Harris Road. They spent weeks on this institutional zoning as it relates to UNC-Charlotte in order to protect that area and this was where the service center was to go and it was planned by the Comprehensive Plan. If they allow this to go, then they have to continue to allow strip zoning to go up and down 29 and there will be no need for such a center about that time.

He stated those are the two reasons he cannot vote for this and he apologized to friends in the audience who feel this is the wrong way to do it but he has given it a lot of thought and is convinced this is the right thing to do. He is also convinced Council should posthaste get this "use by right" out of the zoning ordinance so they will not be in this situation in the future.

Councilman Williams stated he is going to vote against the motion to deny because, although he is not excited about being in favor of this, but in weighing the equities of the situation he thinks it unfair to the petitioner not to allow it because this property has been zoned industrial sometime. Taxes have been paid on the property at an industrial value and a shopping center was allowed until recently "by right" in an industrial area until this most recent restriction. He believes the government may be doing indirectly what it has not been willing to do directly by tacking on this type of conditional approval. He stated if this Council is of the opinion this particular site is inappropriate for a shopping center or other similar activity they should rezone it in such a way it would not be a temptation to the land owner or to some developer.

He was checking through the table of permitted uses in an I-2 area and some of them will knock your eyes out. They could put it out there right now as a matter of "right" with no approval by Council at all. For example, an abattoir, a junk yard (as long as there is a fence around it), freight terminal, foundry, lumber yard, chemical manufacturing, feed and fertilizer manufacturing and all kinds of obnoxious uses which would affect the whole neighborhood just as much as increased traffic would.

He stated he has a couple of principles which he tries to apply in zoning cases. We live in a free country and as long as it is such, a person should be free to do what he wants to do as long as it does not adversely affect somebody else. They have heard of the expression by Jed Holmes who said "One person's freedom ends where the next person's nose begins." This is the same sort of thing and he thinks the same maxim applies to property rights and the freedom to develop property until it begins to adversely affect someone else. He stated he had tried to think through how this shopping center might adversely affect somebody else. The three major concerns he heard mentioned about it are (1) the water runoff. The petitioner has cured that by agreeing to install a catch basin. (2) It was not exactly in accordance with the Comprehensive Plan. But then it is not exactly not in accordance with it either according to the information from the Planning Commission. If it is not in accordance with the Comprehensive Plan, then it should be rezoned and Council should not be afraid to rezone to office or whatever other purpose the Planning Commission suggests, but not leave it in this kind of state of limbo. And where it might affect people is (3) the increased traffic volume. He has trouble believing this place is going to attract that many new vehicles that would not go somewhere else anyway in the same neighborhood out there. It is going to increase the traffic as the Planning Commission pointed out but he does not know if they are new trips or just trips that have been diverted from somewhere else in the neighborhood. If they move this half a mile away or 3/4 of a mile away, presumably this same number of people

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will be going to it and the automobiles will be in the same area anyway - the same general area, if not the same specific area. In thinking of what good would come of the shopping center, of course, it would pay a considerable amount in taxes to the City and County; it would provide a lot of jobs for people during the construction of it and after construction in the businesses there. Councilman Williams stated he is reluctant to go against the advice of the Planning Commission which was a 6-2 opinion in this situation unless he has an overriding reason for it. He cannot find that overriding reason in this case. For that reason, he would approve it.

Councilman Davis stated when the public hearing was held on this petition Council asked the Planning Commission to return with considerable detailed information on the three major factors they have just been discussing - water runoff, traffic, and relationship to the Comprehensive Plan. He stated he shares the concern of other Council members who have brought out certain considerations about these areas that they still have questions or concern about. He has tried to look into these carefully and read the information and talk with members of the Planning Commission and their professional staff.

He stated in order to express another line of reasoning he would like to offer a substitute motion that we approve this petition, subject to the following condition: That a combination of storage and control release of storm water runoff shall be included in the site so that the development be calculated to peak storm water runoff resulting from ten year frequency storms shall be no greater than that which would result from a ten year frequency storm on the same site prior to the development. The petitioner had agreed in substance to this condition. Also, the professional staff reported back that as far as the traffic impact that although it would be some substantial increase in traffic along the two major roads - Eastway and North Tryon - the roads could take this. It was not a condition likely to call for widening the roads or building new roads through the existing neighborhoods. He stated anywhere you build a shopping center, if they are going to continue building shopping centers anywhere, it is going to result in some traffic being generated. According to the reports from their professional traffic staff members, the road network here would carry the traffic just as well as anywhere else and probably much better. He feels from a traffic standpoint this center seems to be ideally located. They have agreed to handle the water runoff and this will be just like the center was not there which would be much better than any shopping center in town. As far as the Comprehensive Plan, it is not really in conflict with that. He thinks it possible to get quality growth or even control growth but if they are to do this, he thinks it should be done by the application of uniform high standards in zoning and not through this Council trying to interpret need - not only this Council, but the Planning Commission or any governmental body should do so. For us to presume to say a center is needed or not needed, gets us into an area that has been fraught with hazard and difficulty for any governmental agency that has attempted to do it in this country or any other country. He thinks decisions like "is a new shopping center needed?" are best left to the consumer who is free to cast his or her vote in the market place every day. He has no quarrel with anyone who opposes the center on any basis of zoning such as traffic or water runoff if they put a different interpretation on the information presented. He stated he does shudder to think of the precedent we would be setting to make this or any zoning decision on the basis of need. The First example that comes to his mind is the Russian five-year economic plan where the government mapped out exactly what type of production was needed for each individual; decided how much land it would take to do this; and within a couple of years they were depending upon the United States to feed them. He thinks a better example locally is our Post Office. This is an area where government has complete control over where a Post Office is located, what hours they operate, etc. He stated he

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would rather do any kind of shopping there is rather than go to a Post Office. The last thing he would urge Council members to consider is if they extend the idea of making their zoning decisions based on need, this means they must determine whether or not they need another barber shop, restaurant, and another shopping center. Not only that, they would be in the business of determining if they have presently too many and they should take one out. For these reasons, he would like to make the substitute motion subject to the previously stated condition.

The substitute motion was seconded by Councilman Williams.

Councilman Withrow stated having lived on the west side for 22 years he hates to vote against the people there. He believes they are better off with a shopping center than they would be with the I-2, heavy industrial, heavy trucks and this sort of thing coming in as Mr. Williams mentioned. He stated he will vote for the substitute motion for this reason and the other things Mr. Williams mentioned today. He stated eventually the people would say they were right. That he has to vote his convictions because he lived under these conditions at one time.

Councilwoman Chafin stated she is going to have to vote against the substitute motion and for the main motion. She too has a deep concern about the relationship to the Comprehensive Plan. She thinks it a document this Council needs to take very seriously and they need to ask the Planning Commission to take a look at the zoning of that area which she thinks inappropriate in terms of what the Comprehensive Plan has recommended. She stated she is very concerned about the impact of the traffic on Eastway Drive which they have already intensified through other governmental action. The flooding problem has been dealt with and she appreciates the willingness of the developer to agree to put in a permanent retention facility on the flooding. She stated she heard the arguments about the need and recognizes Council cannot make decisions based on need in an area but she does think it is something they have to look at as a factor. She has had call after call from residents in that area who question the need and question the impact on the general area, particularly on the residential area or residential areas in that general vicinity. Primarily on the basis of its relationship to the Comprehensive Plan and on the traffic congestion, she will have to vote for the main motion.

Councilman Gantt stated he believes Mr. Davis' point bears some rebuttal here on the question of need but it is not his intention to begin to suggest anything that might smack of a Communist state. On the other hand, he thinks a number of people determine need on any project in the private sector; the developer who wants to speculate takes a chance; the financial institutions that make loans to him for his mortgage are in effect determining the need in the efficacy of a project like this. He stated he also thinks the City government should determine need too and have some say about this. After all, we will make an investment ourselves to accommodate the facility. We have to decide whether the investment they are going to make is justifiable. Suppose they widen the road in that area to accommodate the traffic and the particular facility goes out of business in two years and they do not need the road any longer? That is a question of community impact and whether or not they have justifiably spent funds. He does not believe the developers themselves would argue that some adjustment will have to be made in the alignment of roads in that area, notwithstanding the impact on traffic.

The vote was taken on the substitute motion, and lost as follows:

YEAS: Councilmembers Davis, Williams and Withrow.
NAYS: Councilmembers Chafin, Gantt, Locke and Whittington.

The vote was taken on the main motion to deny the petition, and carried as follows:

YEAS: Councilmembers Whittington, Locke, Chafin and Gantt.
NAYS: Councilmembers Davis, Williams and Withrow.

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PETITION NO. 76-12 BY J. E. CARTER, J. H. CONNER, CLIVEDON PROPERTIES, INC., ET AL, FOR CONSIDERATION OF CONDITIONAL APPROVAL FOR A PROPOSED SHOPPING CENTER IN AN I-2 DISTRICT IN EXCESS OF 100,000 SQUARE FEET, LOCATED ON THE SOUTH SIDE OF TYVOLA ROAD EXTENSION, ABOUT 1200 FEET EAST OF THE INTERSECTION OF TYVOLA ROAD AND INTERSTATE-77, DENIED.

The subject petition was presented for Council's consideration.

Councilman Whittington moved the petition be denied. The motion was seconded by Councilwoman Locke.

Councilman Williams stated someone wanted to be heard on this. Mayor Belk stated it was Mr. Bob Mills and the Chair ruled it is out of order unless Council changes it. Councilman Williams moved the suspension of the rule to hear from Mr. Mills and one person in rebuttal in order to be fair to both sides. The motion was seconded by Councilwoman Chafin.

Councilwoman Locke stated Council has already had a hearing; and everyone had an opportunity to speak at that hearing. Not only at the hearing but in the Planning Commission they had a chance to rebutt, and she will have to vote against this motion. She believes it would set a very dangerous precedent by doing this. They will have people coming to them on the zoning decisions and she believes it is unfair to everyone who has had a reasonable input all along the way. They knew the petition was coming up; they had an opportunity to speak at the hearing; they had an opportunity to speak to the Planning Commission; and they had the opportunity to speak at the rebuttal.

Councilman Davis stated he wishes to speak in opposition to Mr. Mills being heard. He is concerned about the precedent also. That Mr. Mills wrote to him and said he would call him but he was out of town over the weekend and could not get together with Mr. Mills. He did contact one member of Council and was able to make arrangements to be on the informal agenda and could have been heard there. He does not think it is reasonable to expect the petitioner to be prepared on such short notice to appear and be prepared to discuss whatever he might have to say. In trying to be fair to both sides, he will have to oppose this motion.

Councilman Whittington stated he would like to say to Mr. Mills that he discussed with him his letter and told him to call Miss Armstrong this morning and she would tell him how he could appear on the agenda. That he told Mr. Mills it would be up to the Chair to decide whether he could be heard or not, and he asked this be part of the record. He is not defending what he himself did; but he is just telling Council that out of courtesy he called this gentleman and told him what the procedure was and apparently he did not elect to take the procedure he gave him yesterday.

Councilwoman Locke stated it has also been said that Council waivers this rule in favor of developers and she would like to be on record as saying it has never happened since she has been on the Council and thinks it is very unfair of anyone to say that.

The vote was taken on the motion to suspend the rule and lost as follows:

YEAS: Councilmembers Williams, Chafin and Gantt.

NAYS: Councilmembers Davis, Locke, Whittington and Withrow.

Councilwoman Locke stated she thinks all the arguments presented on Petition No. 76-11 can apply to this petition No. 76-12. The floods, the traffic, all the facility needs, the safety, the impact on the citizens, the fact that Council will eventually have to make a decision with streets, sidewalks and so forth. All these same arguments apply to this, and for that reason she will vote to deny the petition.

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Councilman Williams asked if anyone knows how far this site is from the closest shopping center in the area? Someone from the audience replied 850 yards. Councilman Whittington stated there is continuous commercial zonings from Woodlawn Road to Arrowood on both sides of South Boulevard; there is a Woolco 800-odd feet across the railroad track at South Boulevard and Tyvola Road now. On the other side of Tyvola from Old Pineville Road to I-77 the area is zoned I-2.

Councilman Davis stated he would like to make the same substitute motion he offered in the previous petition, that is that they approve this petition, subject to the same storm water runoff provision. The only new line he would introduce would be that our citizens by virtue of shopping every day have elected primarily to shop in shopping centers. Council is not in a position to tell them where to shop. They are in a position of reacting to the patterns they have established by their own free choice. They have had this proposed shopping center which appeared to be a very high quality arrangement; it has been approved by the Planning Commission; all their professional staff have approved it from the standpoint of traffic, water runoff and as far as its relationship to the Comprehensive Plan. He feels the only reason they are deviating from what their staff and Planning Commission have recommended to them is on the basis of need. He reiterated this is a terribly hazardous reason to deviate from established policy. Councilman Davis made the substitute motion, which did not receive a second.

A vote was taken on the motion to deny Petition No. 76-12, and carried as follows:

YEAS: Councilmembers Whittington, Locke, Chafin, Gantt and Withrow.
NAYS: Councilmembers Davis and Williams.

Councilman Gantt stated he would like to refer back to a point Mr. Whittington made earlier. It is clear to him there needs to be a really serious adjustment in the zoning ordinance. He is hoping the Planning Commission is hard at work on this whole area of fine tuning the entire zoning method to eliminate the kind of problem they faced today. Not only in the area of cleaning up I-2 "use by right" situations, but also in being able to more specifically set those areas aside for such large impact uses as shopping centers. He stated there is no question they have had a substantial impact on this community. But what this Council has said today is Hey! Whoa! Let's step back and take a look at this before we move much further into this area. Mr. Bryant stated this will be part of the total analysis of zoning in relation to carrying out the policies and objectives of the Comprehensive Plan. They expect not only to fine tune the zoning maps as Mr. Gantt suggested but also the entire content of the zoning regulations themselves. Just as important as the maps are the tax regulations. They have a section now made up of four people who are working full time on this. They will be coming before Council before long with some beginning components of that.

Councilman Williams stated he could not agree more because he thinks it is misleading to a property owner to think he has a right to use his property for one purpose and is paying taxes for that type use which makes his property more valuable; consequently, he pays more taxes and then finds out he is thwarted at a time like this. He feels there is not much use in having a Comprehensive Plan if it is not implemented by the zoning ordinance. Councilwoman Locke agreed and said they have the same thing in 76-16.

Councilman Whittington stated he discussed this I-2 "use by right" with Mr. Bryant and he said they were doing everything they could to come back and fine tune this ordinance. He believes that has to be done and agrees with what Ms. Locke and Mr. Gantt have said. He thinks Council was in the middle and on the spot here today because of this part of the ordinance.

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PETITION NO. 76-16 BY J. C. RUSSELL AND ASSOCIATES, INC. TO CONSIDER REVISION TO EXISTING SITE PLAN OF A B-1 SCD DISTRICT, LOCATED ON MORRISON BOULEVARD, ABOUT 200 FEET EAST OF BARCLAY DOWNS DRIVE, DENIED.

The subject petition was presented for Council consideration.

Councilwoman Locke stated B-1 SCD allows the kind of development these people are asking for and here we go again in the same argument we had the last time. She thinks this one should be sent right back to the Planning Commission. She stated many Planning Commission members had told her they feel this area should be developed for office. It is not zoned office; it is zoned B-1 SCD. These people have been paying taxes on this for years and probably a higher tax. She stated she is really between a rock and a hard place on this and feels it should be deferred back to the Planning Commission for a little more study and a little more thought, then brought back to Council.

Councilman Gantt asked Ms. Locke suppose a developer has been paying taxes on a piece of property based on a certain valuation, zoning given for it business or what have you, and Council comes back and decides that zoning was bad and initiated the zoning petition and got it changed to something of not so high value. Does she think it makes any sense to rebate the owner for all the years he paid taxes at that high rate? Councilwoman Locke replied she would like to see that happen but they could never do it because their General Assembly would never allow it. Councilman Williams stated they should not string him along in the future either. Councilman Gantt stated what he is saying is, the SouthPark situation is about ten years old and it became some kind of office or transitional zoning. He has always had a question as to why they went across that road, allowing that kind of possibility for that kind of act of commercial development. It just seems to him they got into a transitional area that they should never have gotten into in the first place. That what Ms. Locke is suggesting is actually having the zoning of that property resubmitted, not this specific development they had before them today. Councilwoman Locke stated she believes they are going to have to do that.

Councilman Withrow asked Mr. Bryant if they can rezone it back to office under this petition? Mr. Bryant replied they cannot under this petition. Council has a right to consider any zoning of any property but it would have to be handled as a separate petition. Councilwoman Locke asked why this part was zoned B-1 SCD to begin with? Mr. Bryant replied this goes all the way back to the original proposal of the SouthPark Shopping Center area. When the original proposal was submitted for SouthPark, at that time they were dealing with a preliminary plan of development. The property outline which was attached to that preliminary type of development is the outline they see now as far as the total B-1 SCD area. In the later processing of the design of SouthPark and reorientating the design for the facility, etc., it ended up with the SouthPark Center itself being contracted somewhat within that original B-1 SCD area with Morrison Boulevard being shown as a perimeter road related to the SouthPark Shopping Center itself and this was leftover land. It is really a process of the involvement of design for the SouthPark Center that resulted in this leftover land on the north side of Morrison Boulevard.

He stated in the initial concept which was submitted originally, when the original boundary lines were drawn, Morrison Boulevard was not even in the concept at that time. Councilwoman Locke stated he did not have many comments on this. They had a dissenting vote but not that much comment. Mr. Bryant replied in submitting the written recommendation they are limited in terms of expressing only the comments which the individuals themselves make. They cannot presume to put their own connotations on the vote. In this instance, he thinks this was reflective of the comments made at the time the Commission acted on it. Councilman

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Gantt stated his own personal bias is that particular site would be very ~~unadvantageous~~ ^{advantageous} for certain kinds of low traffic generated type commercial and office space. He stated that is within the bounds of B-1 SCD to do that. He believes other portions of that area are already developed in that fashion. Mr. Bryant stated to keep in mind that office uses are allowed under B-1 SCD so that the property could be used for that. That is exactly what they are dealing with. They are dealing now with a specific plan for the use of the property. In effect some of them are saying they do not believe commercial is the correct usage for that B-1 SCD zoning of land so that if a developer saw fit he could come back under the B-1 SCD and propose office use, and they could then approve it. Councilman Gantt stated except that he would go through a number of reiterations until he finally gets that message from Council. Maybe they are saying they should specifically say that to him since he understands this is the second or third time they have been back trying to do something with this property.

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Councilman Whittington asked Mr. Bryant if this is the property from Roxboro and Morrison Boulevard down to the undeveloped road? Mr. Bryant replied no, not as far as this particular petition is concerned. Roxboro is the existing road that extends from Morrison Boulevard over to Colony Road. What they are talking about as far as this petition is concerned is land that is between two unopened stub roads which is closer to Barclay Downs. There would remain outside the bounds of this petition a block of undeveloped land that extends from Roxboro Road in the direction of Barclay Downs for about a full block for which no use has yet been proposed. Councilman Whittington asked if behind this property is O-15? And between the undeveloped O-15 and this property going toward the people who live off Barclay Downs is R-12? Mr. Bryant replied yes.

Councilwoman Locke stated she has made a motion to send it back to the Planning Commission. Councilman Gantt asked if the motion is to send the petition back or to ask the Planning Commission to rezone that area, or just consideration? Councilwoman Locke replied consideration. To come back to Council with more input about this particular petition, and recommendations. The motion was seconded by Councilman Gantt.

Councilman Davis asked if she will amend her motion to deny the petition with the stipulation it be referred back to the Planning Commission for possible rezoning? Why leave them on the hook about approving or disapproving it. Councilman Gantt stated he agrees with Mr. Davis on that, and Council should say one way or the other on this petition.

Councilman Davis made a substitute motion to deny the petition, and ask the Planning Commission to restudy the area for possible rezoning to a lower land use classification. The motion was seconded by Councilwoman Locke.

Councilwoman Locke withdrew the main motion and Councilman Gantt agreed to the withdrawal.

The vote was taken on the motion by Councilman Davis, and carried as follows:

YEAS: Councilmembers Davis, Locke, Chafin, Gantt, Withrow and Williams.
NAYS: Councilman Whittington.

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PETITION NO. 76-8 BY SCHLOSS ADVERTISING COMPANY FOR A CHANGE IN ZONING FROM B-1 TO B-2(CD) OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF LAMAR AVENUE AND EAST INDEPENDENCE BOULEVARD, DENIED.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, denying subject petition as recommended by the Planning Commission.

ORDINANCE NO. 49-Z AMENDING CHAPTER 23, SECTION 23-8 OF CITY CODE OF THE CITY OF CHARLOTTE BY AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM O-6 TO B-2 OF PROPERTY FRONTING 100 FEET ON THE NORTH SIDE OF WEST BOULEVARD, 110 FEET WEST OF THE INTERSECTION OF WEST BOULEVARD AND SOUTH TRYON STREET, AS PETITIONED BY MANUEL AND LUCY CAMPBELL.

Councilman Gantt moved adoption of subject ordinance changing the zoning from O-6 to B-2 of property on the north side of West Boulevard, west of the intersection of West Boulevard and South Tryon Street. The motion was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 23, at Page 58.

ORDINANCE NO. 50-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-6MF TO O-6 OF AN IRREGULARLY SHAPED TRACT OF LAND AT THE WESTERN END OF LESTER STREET, ABOUT 150 FEET WEST OF THE INTERSECTION OF LESTER STREET AND AMAY JAMES AVENUE, AS PETITIONED BY THE CITY OF CHARLOTTE COMMUNITY DEVELOPMENT DEPARTMENT.

Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to O-6 of an irregularly shaped tract of land at the western end of Lester Street, about 150 feet west of the intersection of Lester Street and Amay James Avenue, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 23, at Page 59.

ORDINANCE NO. 51-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 FROM R-15MF TO B-1(CD) ON THE WEST SIDE OF PROVIDENCE ROAD NORTH OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDIS ROAD, AS PETITIONED BY HERBERT HECKENBLEIKNER.

Mr. Bryant, Assistant Planning Director, stated the Planning Commission recommendation on this was to recommend approval subject to the removal of the dry cleaning portion.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, adopting the subject ordinance as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 23, at Page 60.

ORDINANCE NO. 52-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 FROM B-1 TO B-1(CD) ON THE WEST SIDE OF PECAN AVENUE AND SEVENTH STREET, AS PETITIONED BY J. L. STANLEY.

Councilman Whittington moved adoption of the subject ordinance as recommended by the Planning Commission, which motion was seconded by Councilman Withrow, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 23, at Page 61.

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RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,465,000 PUBLIC IMPROVEMENT BONDS, SERIES 1976.

Councilwoman Locke introduced the following resolution: RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,465,000 PUBLIC IMPROVEMENT BONDS, SERIES 1976.

Council was advised the funds would be used as follows:

Street Widening, Extension, and Improvement Bonds	\$3,125,000
Public Transportation System Bonds	2,500,000
Sidewalk Bonds	1,500,000
Bridge Bonds	730,000
Street Land Bonds	610,000

Councilman Whittington stated he would like to vote for each of these individually. Mr. Underhill, City Attorney, advised that the proceedings are set up so that they are all in one resolution, and cannot be separated. He would advise against deviating against what has been prepared by the Bond Attorneys.

Councilwoman Locke moved adoption of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$8,465,000 PUBLIC IMPROVEMENT BONDS, SERIES 1976." The motion was seconded by Councilman Gantt.

Councilman Whittington asked in connection with the \$2,500,000 for public transportation system bonds, if the people voted for the City to buy the system, but voted against the money to run the system? The Finance Director replied that is right. These funds are for capital improvements or acquisition of capital facilities, which is mainly to match the UMTA grant for the acquisition of the facility. It does not include any operation monies at all.

Councilman Whittington stated that is beginning to worry him. That he asked several weeks ago for the cost to the City for the operation of the transit system to date. That the Budget Director sent a report to the City Manager on the 16th of March. Including projected expenditures through June 30, 1976, the City spent or will have spent \$908,016.00 in General Funds in connection with the operation of the transit system and related costs. This figure covers cost for FY 75 and 76. That it goes on to say that in FY 75, the first year of the City's contract with City Coach Lines, the City contributed \$197,000. This was lower than the \$418,000 originally budgeted for this purpose due to the receipt of a large grant from UMTA. He stated the memo goes on to explain the reason it is up. It is gas, transit operation costs, the fact that we now have a Transit Planner, and that revenue factors are down.

Councilman Whittington stated he is getting to the point that he is having a real problem with himself voting to go on with this transportation system. Out there, the public who is going to pay for it, does not know what we are getting involved in. Right here is a good example of that. That Mr. Withrow, who has just returned from a trip, has said that in Houston and other places, the ridership was doing the same thing as it is doing here. Some of the Councilmembers went to Toronto and they pointed out there the most modern transportation system in the world or in North America, and the millions of dollars they pour into the system every year. That BART is another example. The last time he checked, they were paying 57 cents out of every dollar for that system. Our own consultants are saying you cannot do this with the system - you cannot provide a system for people and they use it unless we get to the point where there is no gas. He stated he is beginning to worry. All he is asking is that Council be honest with the public in saying that we are going forth and spending all this money. If it continues to go up, they will have to pay for it - that is the cost of operating it. History will prove that a transportation system is not working anywhere else.

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Councilman Withrow asked how long it takes to have a bond referendum. That he is concerned about the operation of it. That maybe the people were wrong in voting not to give the money to operate the system. Before we get in too deep, would it not be advisable to go back to the people and let the people tell us once again if they want to buy the system, and they will give the right to get the operating funds.

Mr. Underhill, City Attorney, stated what was voted down by the voters was the levy of a tax. That would take approximately 60 to 75 days to go through the legal procedures necessary in order to put the question to the voters on the levy of a tax. A referendum on the question of the levy of a special tax cannot be held 30 days prior to an already called election or ten days after.

After further discussion, the vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Locke, Gantt, Chafin, Davis, Whittington, Williams and Withrow.

NAYS: None.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 359, and ending at Page 366.

CONSIDERATION OF APPOINTMENTS TO PARK AND RECREATION COMMISSION.

Council was advised there are two appointments to be made to the Park and Recreation Commission. At the meeting on March 1, Councilman Davis placed in nomination the name of Mr. B. D. Allen to succeed Mr. John Black on the Commission.

Councilman Withrow moved that consideration of the appointments be deferred as he is convinced we need to find someone from the west side to serve on this Commission. The motion was seconded by Councilman Whittington.

Councilman Davis stated Mr. Withrow mentioned earlier that he wanted to defer this item, and had some good reasons for it. That he would just as soon Council vote on his nomination of Mr. Allen.

Councilman Davis stated he has had major concern about the Park and Recreation Commission and the activities of the Commission. That he is concerned how equitably they are meeting the recreation requirements of this community in three particular areas - on the north side, on the west side, and for the handicapped. He has had some communication with the Park and Recreation Department and he previously made a commitment to the community, particularly those on the west side and on the north that he felt the Park and Recreation should give priority to these areas. He is concerned that they be served adequately as well as anyone else in the community. This is his commitment to the west side. He has no such commitment about who we appoint to the Commission. That he thinks this is less important. What is important is to get the services on the west side.

He stated there are some special reasons why he wanted to nominate Mr. Allen. Park and Recreation is not a department of City government. Therefore, it presents some unusual problems in City Council trying to deal with them. Although it is not a department of City Government, it is not independently financed. They do require some tax money from the City. Last year we gave them over half a million dollars. They are spending this tax money as well as the tax money they get from a direct levy. There is also the question of consolidation. This is one department that urgently needs to be consolidated. When we consider Park and Recreation

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activities in the City we are generally talking about the County. That he doubts we will build any more parks in the City. The Park and Recreation Commission operates their own police force. This makes three with jurisdiction in the County. They operate their own landscape division, which duplicates a department in the City government. This is one area where we need aggressive capable leadership. That he thinks Mr. Allen has this to offer. He is a graduate of Harvard School of Business; has a Masters in Business Administration; and has done a good job in the community. He has the time and the resources he can put to work in this area, and he would do a good job for us.

Councilwoman Locke stated she thinks it should be deferred, and then give Council a choice or two.

Councilman Davis stated he would just as soon have Mr. Allen's nomination acted on today. Councilman Withrow stated there are two vacancies on this Board. That he has heard everyone on this Council say they believe in district representation. That he believes he went to every meeting and every member of this Council said they wanted district representation on all boards, even on the City Council. That he is only asking for the courtesy of a deferment as he has been out of town, and did not know that Mr. Black was going to resign.

The vote was taken on the motion to defer and carried unanimously.

B. D. ALLEN'S NOMINATION TO PARK AND RECREATION COMMISSION WITHDRAWN.

Councilman Davis stated he would like to withdraw the nomination of Mr. B. D. Allen to the Park and Recreation Commission.

A. EUGENE WARREN NOMINATED TO SUCCEED HIMSELF ON PARK AND RECREATION COMMISSION.

Councilman Whittington placed in nomination the name of Mr. A. Eugene Warren to succeed himself on the Park and Recreation Commission for a five-year term.

CONCILIATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND ROSA BLACK, APPROVED.

Councilman Gantt moved approval of the conciliation agreement between the City of Charlotte and U. S. Equal Employment Opportunity Commission and Rosa Black. The motion was seconded by Councilwoman Chafin.

Councilman Williams stated he is going to vote for this. This does not have some of the same opinions paragraphs the last ones had. That he would be willing to vote this type of agreement for the others.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED A. Z. PRICE & ASSOCIATES FOR FURNISHING AND INSTALLING A CENTRAL HEATING AND AIR CONDITIONING SYSTEM IN THE OLD THOMPSON ORPHANAGE CHAPEL.

Motion was made by Councilman Withrow, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, A. Z. Price & Associates, in the amount of \$17,487.00; for furnishing and installing a central heating and air conditioning system in the Old Thompson Orphanage Chapel.

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The following bids were received:

A. Z. Price & Associates, Inc.	\$17,487.00
Mechanical Contractors, Inc.	17,791.00
Climate Conditioning, Inc.	19,160.00
Ross & Witmer, Inc.	20,472.00

CONTRACT AWARDED SANDERS BROTHERS, INC., FOR CONSTRUCTION OF WATER MAIN ALONG OAKDALE ROAD AND PLEASANT GROVE ROAD.

Councilwoman Locke moved award of contract to the low bidder, Sanders Brothers, Inc., in the amount of \$105,324.65, on a unit price basis, for construction of a 12-inch water main along Oakdale Road and Pleasant Grove Road, which motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

Sanders Brothers, Inc.	\$105,324.65
Thomas Structure Company	108,575.00
Propst Construction Company	113,827.50
McWhirter Grading Company	114,086.00
RDR, Incorporated	114,635.00
Associated Equipment Company	120,515.00
Ben B. Propst Contractor, Inc.	121,500.00
Dickerson, Incorporated	131,572.00
Rand Construction Company (incomplete bid)	115,250.00

CONTRACT AWARDED PROPST CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION IN ANNEXATION AREA II(7) ADDITIONAL MAIN SEWERS.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, Propst Construction Company, in the amount of \$469,367.45, on a unit price basis, for sanitary sewer construction in Annexation Area II-(7) Additional Main Sewers.

The following bids were received:

Propst Construction Company	\$469,367.45
Rand Construction Company	494,690.00
Ben B. Propst Contractor, Inc.	515,377.25
RDR, Incorporated	546,639.65
Sanders Brothers, Incorporated	546,919.00
P & H Construction Company	547,540.00
Thomas Structure Company	595,699.00
Dickerson, Incorporated	599,954.00
Associated Equipment Company	802,954.75

DIRECTOR OF UTILITY DEPARTMENT REQUESTED TO HAVE CONTRACTORS' WORK POLICED TO PREVENT LEAVING BIG MESS ON VARIOUS JOBS.

Councilman Whittington stated he would like for the Utilities Director to know that he has received numerous complaints about Propst Construction Company. That since last week he has received a number of complaints from people on Sharon Road, and it may not be this contractor. But he would ask Mr. Dukes to have these contractors policed, and see that they do not leave a big mess, and the same thing on weekends where roads cannot be traversed by vehicular traffic, particularly in bad weather. Councilman Withrow stated he has received the same type of calls, not about this company.

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CONTRACT AWARDED BURRIS CHEMICALS, INC., FOR ALUMINUM SULPHATE.

Motion was made by Councilwoman Chafin, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Burris Chemicals, Inc., in the amount of \$67,152.15, on a unit price basis, for aluminum sulphate.

The following bids were received:

Burris Chemicals, Inc.	\$67,152.15
American Cyanamid Company	68,948.25
Allied Chemical	69,000.75

CONTRACT AWARDED MORELAND CHEMICAL COMPANY FOR HYDRATED LIME.

Councilwoman Chafin moved award of contract to the low bidder, Burris Chemicals, Inc., in the amount of \$38,855.20, on a unit price basis, for hydrated lime, which motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

Moreland Chemical Company	\$38,855.20
Asher-Moore Company	43,683.74

CONTRACT AWARDED MORELAND CHEMICAL COMPANY FOR ACTIVATED CARBON.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, Moreland Chemical Company, in the amount of \$23,448.00, on a unit price basis, for activated carbon.

The following bids were received:

Moreland Chemical Company	\$23,448.00
Burris Chemicals, Inc.	38,880.00

CONTRACT AWARDED JONES CHEMICALS, INC., FOR LIQUID CHLORINE.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Jones Chemicals, Inc., in the amount of \$113,520.00, on a unit price basis, for liquid chlorine.

The following bids were received:

Jones Chemicals, Inc.	\$113,520.00
Burris Chemicals, Inc.	123,200.00
Moreland Chemical Co.	123,200.00

CONTRACT AWARDED GARDINIER, INC., FOR SODIUM SILICOFLUORIDE.

Councilwoman Chafin moved award of contract to the low bidder, Gardinier, Inc., in the amount of \$24,480.00, on a unit price basis, for sodium silicofluoride, which motion was seconded by Councilman Whittington, and carried unanimously.

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The following bids were received:

Gardinier, Inc.	\$24,480.00
Burriss Chemicals, Inc.	31,224.00

CONTRACT AWARDED BURRIS CHEMICALS, INC., FOR LIQUID HYDROGEN PEROXIDE.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, Burriss Chemicals, Inc., in the amount of \$41,490.00, on a unit price basis, for liquid hydrogen peroxide.

The following bids were received:

Burriss Chemicals, Inc.	\$41,490.00
Shell Chemical Company	41,692.50
Ashland Chemical Company	41,797.50
Moreland Chemical Company	41,797.50

CONTRACT AWARDED BATTERY & IGNITION DIST., INC., FOR BATTERIES.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Battery & Ignition Dist., Inc., in the amount of \$21,928.94, on a unit price basis, for batteries.

The following bids were received:

Battery & Ignition Dist., Inc.	\$21,928.94
Goodyear Service Stores	23,392.51
Baucom Battery Service	23,775.05
Dixie Auto Parts	25,221.70
International Harvester Co.	30,833.03

CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC., FOR STREET MARKER HARDWARE.

Councilman Whittington moved award of contract to the low bidder, Vulcan Signs & Stampings, Inc., in the amount of \$8,672.20, on a unit price basis, for Street Marker Hardware, which motion was seconded by Councilwoman Locke, and unanimously carried.

The following bid was received:

Vulcan Signs & Stampings, Inc.	\$8,672.20
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Bids not meeting specifications:

Hall Signs, Inc.	\$7,628.40
Dave Smith & Co., Inc.	(incomplete)
Southeastern Safety Supplies	(incomplete)

CONTRACT AWARDED SYRO STEEL COMPANY FOR GUARD RAILS AND POSTS.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, subject contract was awarded to the low bidder, Syro Steel Company in the amount of \$12,317.50, on a unit price basis, for guard rails and posts.

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The following bids were received:

Syro Steel Company	\$12,317.50
Anderson Safeway Guard Rail Corp.	12,688.00
Whitmyer Bros., Inc.	12,707.50
Allison Fence Company	14,560.00

CONTRACT AWARDED MINNESOTA MINING & MFG. COMPANY FOR SCOTCHLITE MATERIAL, CUT-OUT LETTERS AND NUMBERS.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, awarding subject contract to the only bidder, Minnesota Mining & Mfg. Company, in the amount of \$24,970.25, on a unit price basis, for Scotchlite material, cut-out letters and numbers.

CONTRACT AWARDED PENEGAR INTERIORS FOR FURNITURE.

Councilman Whittington moved award of contract to the low bidder, Penegar Interiors, in the amount of \$8,861.06, on a unit price basis, for furniture, which motion was seconded by Councilman Williams, and unanimously carried.

The following bids were received:

Penegar Interiors	\$ 8,861.06
Kale Office Outfitters, Ltd.	9,704.00
White Office Furniture, Ltd.	10,898.33
Miller's Office Eqpt. Co., Inc.	11,051.00

COUNCILMAN GANTT EXCUSED FROM VOTE ON THE ITEM RELATING TO BELMONT CENTER.

Motion was made by Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried excusing Councilman Gantt from the vote on the following item relating to the Belmont Center.

CONTRACT AWARDED JOHN MILLER & ASSOCIATES FOR PARTITIONS AT BELMONT CENTER.

Upon motion of Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried, subject contract was awarded to the low bidder, John Miller & Associates, in the amount of \$5,111.00, for partitions at Belmont Center.

The following bids were received:

John Miller & Associates	\$5,111.00
Clyde Rudd & Associates	5,299.52
Penegar Interiors	6,681.51
O. G. Penegar Company	7,481.26
The R. L. Bryan Company	7,487.59
Miller's Office Eqpt. Co.	7,702.68

CONTRACT AWARDED BLYTHE INDUSTRIES, INC., FOR HEZEKIAH ALEXANDER RECEPTION CENTER PARKING LOT.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, Blythe Industries, Inc., in the amount of \$77,541.75, on a unit price basis, for Hezekiah Alexander Reception Center Parking Lot.

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The following bids were received:

Blythe Industries, Inc.	\$77,541.75
Rea Construction Company	78,201.50
Crowder Construction Company	79,383.00
T. A. Sherrill Construction	87,843.00

CONTRACT AWARDED ALLISON FENCE COMPANY FOR FENCING AND GATES FOR THE CHARLOTTE POLICE AND FIRE TRAINING ACADEMY.

Councilwoman Chafin moved award of contract to the low bidder, Allison Fence Company, in the amount of \$33,810.00, for the fencing and gates for the Charlotte Police and Fire Training Academy, which motion was seconded by Councilwoman Locke, and unanimously carried.

The following bids were received:

Allison Fence Company	\$33,810.00
Wilson Fence Company	38,535.00
Hartsell Bros. Fence Company	48,830.00

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY FOR GRIER HEIGHTS COMMUNITY DEVELOPMENT.

Upon Motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, subject contract was awarded the low bidder, T. A. Sherrill Construction Company, in the amount of \$64,707.00, on a unit price basis, for Grier Heights Community Development.

The following bids were received:

T. A. Sherrill Construction	\$64,707.00
Crowder Construction	66,017.00
Mathisen Company	67,276.30
Blythe Industries	70,713.25
Rea Construction	72,444.75

CONTRACT AWARDED ALABAMA MAINTENANCE & CONSTRUCTION COMPANY, INC., FOR SEDIMENTATION BASIN REPAIR TO VEST TREATMENT PLANT.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Alabama Maintenance & Construction Co., Inc., in the amount of \$27,700.00, on a lump sum basis, for sedimentation basin repair to vest treatment plant.

The following bids were received:

Alabama Maintenance & Construction Co.	\$27,700.00
Indiana Gunite & Construction Co., Inc.	35,200.00
Western Waterproofing Co., Inc.	38,987.00
Pressure Concrete Construction Co.	39,895.00

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CONSENT AGENDA ITEMS APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the following consent items:

- (1) Contract with Waters Construction Company for construction of approximately 2,905 feet of 8" and 6" C.I. water mains, and one fire hydrant, to serve Mountainbrook No. 8, Phase I, inside the city, at an estimated cost of \$25,000, with the applicant to finance the entire project with no funds required from the City. The City will prepare the plans and specifications for the construction and a deposit representing 10% of the estimated construction cost has been advanced by the applicant. The City will own, maintain and operate the mains.
- (2) Change Order No. 1 in contract with Parke Construction Company, for the Charlotte Police and Fire Training Academy, Phase II, increasing the contract price of \$454,500.00 by \$33,234.00 for adding curb and gutter, catch basin and pipe on roadways within the complex.
- (3) Acquisition of tenant interest in real fixtures from Evergreen Flower Shop, 818 East 7th Street, in the amount of \$3,215.00 in the First Ward Urban Renewal Project.

SETTLEMENTS IN VARIOUS CASES AUTHORIZED.

- (1) Councilman Gantt moved approval of the settlement in the case of the City of Charlotte v. Robert McKinley McLearn and wife, Jean C. McLearn, Byrum-Wilmount Widening Project, Parcel 813, in the amount of \$1,800.00 as recommended by the City Attorney. The motion was seconded by Councilwoman Chafin, and carried, unanimously.
- (2) Councilman Whittington moved approval of the settlement in the case of the City of Charlotte v. Carolyn Wyche, Oaklawn Avenue Widening Project, Parcel 41, in the amount of \$5,000.00 as recommended by the City Attorney. The motion was seconded by Councilwoman Locke, and carried unanimously.
- (3) Motion was made by Councilman Whittington to approve the settlement in the case of City of Charlotte v. Herman Robert Mauney and wife, Loma Bell Mauney, Annexation Area I(11) Sanitary Sewer Project, in the amount of \$650.00, as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.
- (4) Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, approving settlement in the case of City of Charlotte v. Horace G. Porter and wife, Thelma S. Porter, for Annexation Area I(11) Sanitary Sewer Project, in the amount of \$325.00 as recommended by the City Attorney.
- (5) After explanation by the City Attorney, Councilman Gantt moved approval of the settlement in the case of City of Charlotte v. Joe B. Williams ux, Airport Expansion, Parcel 445, in the amount of \$60,525.00. The motion was seconded by Councilman Whittington, and carried unanimously.
- (6) After explanation by the City Attorney, Councilman Gantt moved approval of the settlement in the case of City of Charlotte v. John Stephen Miller and wife, Anne S. Miller, for the Irwin Creek Crossover Sanitary Sewer, in the amount of \$35,000.00. The motion was seconded by Councilman Whittington, and carried unanimously.

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COMMENTS AND REQUESTS BY COUNCILMAN WHITTINGTON.

Councilman Whittington requested that the Traffic Engineering Department make a study immediately of the need for a traffic signal at Murrayhill Road and Woodlawn Road.

Councilman Whittington requested that the Director of Traffic Engineering give Council his thoughts on reducing the speed limit on streets like Woodlawn Road, Sharon Road and Sharon Amity Road from 45 MPH to 35 MPH.

Councilman Whittington stated he along with Councilmembers Gantt, Davis and Williams attended a meeting Thursday night with the Woodlawn Road Association, and these people are again complaining about the tractor trailers using streets like Woodlawn Road. He stated he does not know what other cities do but it seems to him we could do something different from what is being done about tractor trailers. He stated these are the things Council would like to get on the agenda as quickly as possible in order to take some action.

Councilman Whittington requested that the Dillard Drive Extension be placed on the agenda for next week in order that Council can dispose of it one way or the other.

Councilman Whittington requested that the annexation of the satellite facility on Monroe Road be put on the agenda so that Council can dispose of it one way or the other.

COMMENTS AND REQUESTS BY COUNCILMAN WITHROW.

Councilman Withrow stated he received a call about old tires that have to be disposed of, and he thinks it is a good idea. Now you cut them into and take them to the landfill, and a lot of people are disposing of them in open fields. That Polly Hansen called him about a tire shredder. A lot of people have bought tire shredders and put them at the landfill, and charge ten cents per tire, and it is paying for itself.

He requested the City Manager to check into the cost of a tire shredder, and whether or not the tire dealers would be interested in this idea. The City Manager stated he would like to see them shredded as cutting them in half is not the answer.

Councilman Withrow stated earlier in the meeting Mrs. Gathings mentioned that a bridge has been built on Eastway Drive, between Tryon Street and The Plaza without rails. This is a dangerous situation and he asked that it be checked into.

COMMENTS AND REQUESTS BY COUNCILWOMAN CHAFIN.

Councilwoman Chafin stated she continues to receive calls, some complimentary and some not so complimentary, about the computerized traffic signals system. She requested that the Director of Traffic Engineering come to Council in the near future with an up-date on the system. Some people feel it is working very well and others do not.

Councilwoman Chafin requested that the Kingston Avenue issue be placed on the agenda for next week.

Councilwoman Chafin stated Council recently had a very well prepared presentation on flood management. She asked if this can be placed on the agenda for further discussion, and to give Staff instructions on it. That there is a possibility of working out some type of agreement with the Urban Institute to help develop a comprehensive management program.

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Councilman Davis stated when this is done he would request that Mr. Hopson's portion of the presentation be given as it was slighted due to cutting the presentation short. He would like when this is on the agenda that Mr. Hopson's portion start it off.

The City Manager suggested that a special meeting be scheduled on this. It was the consensus of Council that this be a special meeting.

COMMENTS AND REQUESTS BY COUNCILMAN DAVIS.

Councilman Davis stated July, 1974, Council adopted a resolution concerning Boards, Commissions and Committees stating "Any member who fails to attend at least 75% of the regular and special meetings held during any one year period shall be automatically removed from said Commission, Committee, Board." That he has been visiting a number of these Boards and Agencies. That he has been a little disturbed in talking to some of the members that there seems to be a great deal of misunderstanding about the attendance record. He talked to one Chairman who was embarrassed by the revelation of the information that one of his members was delinquent. He visited another Board meeting where they were discussing a person who was never there. They did not want to say anything to him and they discussed making him an honorary member.

Councilman Davis stated on the Park and Recreation Commission there is a member who has been delinquent in all five of his years of service. That the Council sends them money and they are using tax money. If this man voted at any meetings he voted illegally. If he has been counted to make a quorum it is illegal. He stated he thinks there should be some business like management representatives on some of these Boards and Agencies, if we are going to pay any attention to them.

Councilwoman Locke stated Council passed this resolution two years ago, and the City Manager has written all the Chairmen and they are supposed to send in a report. That the City Clerk has also asked for the reports. That she thinks it is time the City Manager again explained just what this is.

Councilman Davis stated based on what is happening to these Boards and Agencies it would be appropriate to find out how wide spread the violation of this resolution is.

Councilman Withrow stated Council might consider changing the resolution to all regular scheduled meetings. Councilwoman Locke stated that might be right as some do have a number of called meetings.

Councilman Davis stated these meeting dates are publicized through the news media so that it will be convenient and possible for the public to know what is going on in local government. That he has attended some of these meetings that start late. That he attempted to attend one last week, and it did not happen. He went to the place where it was scheduled and learned that it had been cancelled. If we publicized the meetings and times and places, then we should publicize through the same channels when a meeting is cancelled or changed to other locations.

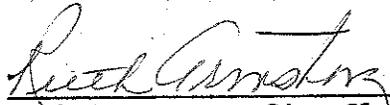
Councilman Davis stated the City Manager's office or the PSI should send a letter of apology to Mr. James W. Schout on Sedgfield Road who tried to attend the meeting of the Municipal Information Review Board scheduled last week, and found it cancelled.

Councilman Davis stated he has received a number of calls and there has been a good bit in the news media about municipally owned or operated parking lots. He stated he would like to have a report on how many of the city owned or operated lots are operating at some cost to the taxpayers. A good bit was written about it, but he does not think any conclusion was ever drawn by the news articles. That he would like to know which, if any of the lots are a drain on the tax revenue, and why.

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ADJOURNMENT.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and
unanimously carried, the meeting adjourned.


Ruth Armstrong, City Clerk