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The City Council of the City of Charlotte, North Carolina, met in a regular meeting on Monday, September 25, 1978, at 2:30 o'clock p. m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gantt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, Jr., and Minette Trosch present.

ABSENT: Councilmember Don Carroll (for the first part of the session).

Sitting with City Council, as a separate body, were members of the Charlotte-Mecklenburg Planning Commission, during the hearings on zoning petitions. Present were Chairman Tate and Commissioners Broadway, Campbell, Culbertson, Curry, Kirk, McCoy, Royal and Tye.

ABSENT: Commissioner Ervin.

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INVOCATION.

The invocation was given by Reverend Harold T. Smith, Eastway Baptist Church.

PRESENTATION OF CITY OF CHARLOTTE EMPLOYEE PLAQUE.

The Mayor recognized Mr. Aaron Dixon, Automotive Service Assistant II, Motor Transport Division of Public Works, and presented him with the City Employee Plaque. Mr. Dixon was employed October 30, 1968 and retired August 31, 1978.

APPROVAL OF MINUTES.

The Clerk noted two corrections to the minutes of September 11th as submitted to Councilmembers: The addition of Ron Leeper's name to Councilmembers being present; the addition of the words "operating budget" to the end of Paragraph 4, Page 39.

On motion of Councilmember Chafin, seconded by Councilmember Selden, and carried unanimously, minutes of the meetings of September 11 and September 18, 1978 were approved.

HEARING ON PETITION NO. 78-35 BY D. S. MacRae, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY FRONTING ABOUT 720 FEET ON THE SOUTH SIDE OF WOODLAWN ROAD, BETWEEN DREXMORE AVENUE AND HALSTEAD DRIVE, DEFERRED UNTIL NOVEMBER 20.

Councilmember Selden advised that the petitioner has requested that this hearing be deferred until November 20, and moved for the deferral to that date. He stated that he had advised the leader of the opposition, who was present, that it would be deferred. That he had correspondence in early September regarding the deferral and Planning Commission staff advised him that it would have to be deferred by a Councilmember by motion at the scheduled hearing. The motion was seconded by Councilmember Dannelly.

Councilmember Trosch stated there is another request to defer another hearing by an individual. She would like to have Mr. Underhill's comments as to what kind of precedent has been established and what the Councilmembers' discretion is on these kinds of requests.

Mr. Underhill, City Attorney, replied the Council has the discretion to defer any matter that is scheduled before them for a public hearing. In the past, he has always advised - assuming the advertisement of the public hearing has already been published - that Council take that action on the date scheduled for the public hearing so that all present will be put on notice of the deferment. The law does not require that it be advertised again if it has

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been deferred. That he has always advised that the motion be specific as to the deferral date. That Councilmembers have the prerogative to do this; it has been done in the past, at the request of the petitioner.

He stated if they wish to go ahead and hear it today they can; or if they wish to defer it, they have the power to do so. He stated it always has to be done by the Council; all the petitioner can do is ask; only the Council has the authority to actually defer it.

Replying to a question as to the reason for the deferment, Councilmember Selden stated there is a very high likelihood that the problem can be resolved if it is deferred, whereas if it comes before a hearing today, he does not feel it will be resolved to the satisfaction of the two parties.

Mayor Harris stated the importance of public hearings is to have public notice given; that the signs have been up out there for several weeks. That people have taken the time to come down here today and the petitioner decides, or requests, to have it deferred. It is a little bit of a problem as to the credibility of our public hearing system.

Councilmember Gantt stated the concern he might have would be the extent of injury to either side if they defer it. That having read Mr. Selden's note to Councilmembers in which he indicated his intention of asking for the deferment, he was quite willing to go along because he also indicated that he would take it upon himself to inform the opposition of his intentions. That he would like to know from the other side what their reaction to this is.

There was further discussion in an effort to determine how many citizens were present in opposition, with Mr. Selden stating that he did not think from what he knew of the petitioner's plans that it can be resolved at this meeting; and the Mayor stating that the purpose today, of course, is to give a fair hearing, not to make a decision.

Mr. L. F. Meisenheimer, 4443 Halstead Drive, speaking for the opposition, stated he was quite sure they could reach agreement; that maybe deferring would be quite all right, he had no objection to deferring the issue. If they can reach an agreement he would like to see that done, but he will need the City Council's and the Planning Commission's cooperation to do it.

The vote was taken on the motion to defer this hearing until November 20 and carried unanimously.

HEARING ON PETITION NO. 78-46 BY B. R. HOWARD FOR A CHANGE IN ZONING FROM R-6MF TO R-9 OF APPROXIMATELY 12 ACRES OF PROPERTY GENERALLY LOCATED IN THE 2500 and 2600 BLOCKS OF ARNOLD DRIVE.

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

Mr. Robert Landers, Principle Planner, stated this petition has been submitted by Mr. Howard and others, all residents of the area of Arnold Drive. The area is located on the westerly side of Eastway Drive and along both sides of Arnold Drive; it is approximately 12 acres of land and there is a mixture of single family development on both sides of Arnold Drive; an area of multi-family, the Aztec Apartments, on the southerly side; and the single family pattern continues along Arnold Drive as it continues to Central Avenue.

On the north side there are several parcels of vacant land, mixed in with the single family houses (about 6) along the northerly side. That the vacant land is the major portion of the concern which precipitated this petition to rezone to single family. Further to the north, are the Fountain Square Apartments of about 410 units. To the west of the area is the Charlotte Country Club golf course, and further north is again a single family pattern. There is a mixture of single family and multi-family along Eastway on the eastern side.

South of the property in question, in addition to the Aztec Apartments are churches and a day care center; and further to the south is Merry Oaks Elementary School.

He stated the zoning pattern for the area is basically R-9; the R-6MF pattern was established basically in 1962 with the original zoning formula. That R-6MF as a multi-family classification permits about 21-1/2 units per acre; that on study they will find that the Fountain Square Apartments are actually more in the neighborhood of about 12 units per acre.

Mr. Jim Carson, Attorney, stated he represents Mr. Howard, the petitioner. He stated that Mr. Howard and others acquired lots there in the early 1950s and there were no apartments there at that time. In the early 1960s Fountain Square was built at which time a 100-foot buffer zone was retained along the southerly boundary of Fountain Square, which was to protect the existing and future housing from the apartments. He stated the buffer zone has never been fully set aside and if this is not done it will completely destroy the buffer zone which was put there by the landowners in order to protect the existing houses.

He stated the vast majority of the citizens in that neighborhood are very much in favor of rezoning this back from R-6MF to R-9. That the neighborhood presumed it was R-9 until a couple of years ago when someone tried to get a loan to purchase a house there and was turned down because the zoning was multi-family. There are numerous reasons the residents site for wanting this rezoned - they thought it was R-9 to start with, there are of course plenty of apartments there, they are sandwiched in between the Aztec and Fountain Square complexes as it is. That to allow the multi-family zoning to continue in the area covered by the petition would completely ruin the residential character of the neighborhood. There is no real reason to have any more apartments on Eastway - that everyone is aware of the congestion in that area now. Merry Oaks School is very close by and allowing apartments to be built on this land would just further increase the obvious traffic problems and congestion problems already existing in that neighborhood.

He stated there has been quite a bit of vandalism on the houses fronting on Fountain Square and they do not need more apartments there to further compound the existing problems.

Councilmember Cox asked if Mr. Carson represents each of the property owners in the area. Mr. Carson replied no, he represents Mr. B. R. Howard who filed the petition. That he does not know of anyone in the affected area who opposes the change.

Mr. Landers pointed out on a map the various land ownership in the general area. He stated the Folidas property is not in the area being requested for rezoning.

Councilmember Trosch asked about the statement that had been made about the rezoning having been made "unbeknownst to the petitioner."

Mr. Carson stated that Mr. Howard has told him that when the Fountain Square land was rezoned a sign was put on Eastway Drive in the northeasterly corner of the land, facing on Eastway; that the neighbors did not know that the land on Arnold Drive was being rezoned until some years after it took place.

Mr. Landers stated that in checking the records, there was a misunderstanding on that. The Fountain Square zoning was established in 1962 and was not actually subject to any rezoning for its development. There has been one zoning strip in the immediate area - at the corner of Arnold and Eastway on the southwesterly side.

Councilmember Cox asked if that was the first time the Fountain Square property had been zoned? Mr. Lander replied not really, there had been earlier zonings under old ordinances.

In answer to a question by Ms. Trosch, Mr. Landers stated the zoning pattern was established by Council, for the entire city, in 1962 and if that is the action the petitioners are referring to, it was a comprehensive, citywide, action.

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Councilmember Short asked, as a counterpart to Ms. Trosch's question, whether this petition is being brought without some of the owners' knowing about it? Mr. Carson replied they have all been notified. Mr. Short asked if they know about it personally from information he has provided, and Mr. Carson replied he has provided no information, but Mr. Howard has.

Replying to a question from Councilmember Short about the procedure followed in notifying property owners that their land is being considered for rezoning, Mr. Landers stated that under the Planning Staff procedure, Mr. Dave Howard, Community Service Planner, does send a letter to the property owners so that they are aware of the petition. In addition, letters are sent to all surrounding property owners.

Councilmember Frech asked if Mr. Howard and others already had houses on those single family lots and they had been single-family zoned and they were not aware when the City put in a comprehensive zoning plan changing it to multi-family? Mr. Carson replied that is correct. She referred to the undeveloped land, and asked if the problem is that people have difficulty getting loans for houses because it is zoned multi-family? Mr. Carson replied yes.

(COUNCILMEMBER CARROLL ENTERED THE MEETING WHILE THE NEXT SPEAKER WAS MAKING HIS REMARKS, AND WAS PRESENT FOR THE REMAINDER OF THE SESSION.)

Mr. A. J. Cliff, 2238 Arnold Drive, stated they have enough apartments out on Arnold Drive. It is a very small street - just a paved cowpath - and the speed limit is 20mph. Since the apartments were built the traffic has picked up and the motorists pay very little attention to the speed limit. That lights have been put up at every house; that he notices now that a sidewalk is going to be put in. That he is telling them this to show that the traffic out there is just going up and up; and this is supposed to be a residential street. They get all kinds of pollution and it just looks like they are continuing to destroy Charlotte. That they should stop building apartments; he cannot say where to build them, but surely they can look and see that they have enough out there.

Mr. Neil Williams, Attorney, stated he represents protestors from within, in this case - specifically, E. C. Davis, Ethel Wentz Davis and Louise Davis, who own property within the affected area. He distributed material to the Councilmembers and Planning Commissioners to support his remarks; and also filed two additional protests with the City Clerk from property owners within the affected area.

Mr. Williams explained that the map which he has prepared shows the area within the petition which is approximately 12 acres; that also indicated is the property owned by his clients, which is almost 7 of the 12.3 acres. That the two protests which he has just filed are also from within the area and are designated as Lot 9 (1.25 acres) and Lots 19 and 20. That No. 9 is owned by Geneva Ford; 19 and 20 by Margie Harrington. Lot No. 18 is owned by a lady named Cook who lives in Wilmington and elected to stay neutral in this fight, although she has been in a fight before to rezone it to some sort of commercial activity fronting on Eastway - it was unsuccessful. Also indicated on the map was the property owned by the people who signed the petition. He stated that according to the material he had, 22 people signed the petition. Ten of those people lived within the affected 12-acre area; twelve of them lived outside and their residences were also noted on the map.

He stated that of the 12.3 acres, people who signed formal protest petitions own about 8.5 to 9 acres. He stated that under the ordinance, only 20 per cent is needed to file a protest from within; that he wants to emphasize that it is from within that his clients are protesting - Mr. Forlidas is protesting from without.

Mr. Williams stated this is another example of some people trying to rezone someone else's land; and in this case, rezone a lot more than they own. That makes it different from other cases that Council considered, as with Myer's Park, Northwood Estates and Plaza-Midwood, where a great deal of the

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area was being rezoned, and was being petitioned by property owners in the area. But, here that is just not true; here we have people who own 65 to 70 percent of the land in opposition to this rezoning petition.

He stated he would go back a little bit in history, too. That this property has been in the Davis family for generations and generations. It goes back to when they owned a couple of hundred or more acres there. That in the 1920s Mr. Davis granted some of the land to the State for Eastway Drive; the Davis family has given some of the land for Arnold Drive. He stated he does not know what the zoning on this property was prior to 1962, or even if it had any zoning at all prior to that time. If it did not have any zoning, of course you could do anything you wanted to do with it. But, in 1962, as part of the Citywide zoning ordinance, this property was zoned the way it is now - R-6MF. He stated his clients are not land speculators who have bought some land and are coming in surreptitiously by night to try to get it rezoned, and neither have they done that at any time in the past. He emphasized that this whole thing was part of the citywide zoning done back in 1962 and it has been just like that since then.

Mr. Williams stated that the character of this neighborhood is somewhat already established toward multi-family. If they will look at the Planning Commission map which shows the land-use of the area, they will see the area which is already multi-family as well as the area around it which is single family. If they should rezone this piece, they will have Fountain Square (multi-family) to the north; then there will be a spot of single family and then more multi-family (the Aztec Apartments) to the south. He stated there is not a great deal of vacant multi-family zoned land in that area. That unless they want to change some of the single family areas to multi-family, they are looking at about what is available for use as multi-family on the map; and when you think of it in that perspective, it is not so overwhelming.

He stated that the Comprehensive Plan of 1995 shows ten to twenty dwelling units per acre on this property. That by way of arteries and major roads and transitional zoning, he thinks it is a little bit ironic that on the same agenda today (although they did not take it up) they have folks on Woodlawn whose property is zoned single family petitioning to change it to office or something else; that Woodlawn is part of this same Inner Belt Loop. Now, here on this leg of the Loop, they have people whose property is now zoned multi-family attempting to rezone it back to single family. That it must just depend on perspective of parties as to what position you take in these kinds of things. But, they should look at it from the standpoint of zoning near major arteries; major arteries are difficult to deal with at best. But, he would suggest that one way to do it is to allow multi-family in an area like this, especially if it has been that way for a long time, so that people's expectations can be met; and not change it at the last minute. This property is close to an artery which is there to move traffic; and if you are going to have traffic generated by apartments you want to get it on an artery and out of the neighborhood.

He stated that some of this land is low-lying, especially Ms. Ford's; it is not very practical to develop this for single family lots - there is a sewer line running between Parcel No. 9 and Parcel No. 34, and Parcel No. 36 is not even accessible by road.

He stated that after Council considers all of this, he would urge them to think carefully about rezoning this property and reject this petition.

In rebuttal, Mr. Carson requested that the residents who are asking for the rezoning stand and be recognized. He stated that in trying to sum up Mr. Williams' argument in a nutshell, there are two conflicting views - the proponents of the zoning could talk about children, litter, noise, beer cans, traffic - all the other things that affect a neighborhood. The only reason that the Davis' want this kept multi-family is not for the neighborhood, but it is for their own financial gain; that is abundantly clear to everyone here. He hopes Council and the Planning Commission will put the concerns of the neighborhood over the individual financial concerns of the Davis' and rezone this to protect what is there already for the people who have lived in the area since the early 1950s. They surely need some protection.

Councilmember Frech asked about the reference made to a buffer zone which is supposed to be there. Mr. Landers stated it refers to a 100-foot wide lot; it is a tract of vacant land, and as far as their records go it is not mentioned as a buffer area.

Councilmember Gantt stated the fact that it is buffer zoning would have very little impact on the Arnold Drive area for that portion that would remain multi-family zoning.

Councilmember Chafin asked if the undeveloped portion of the subject property is developed as multi-family, how many units would they be talking about? Mr. Landers replied the approximately six acres would probably include the house in the back, at the R-20MF density, it would be about 120 units; the R-6MF density is perhaps an overstatement and is not characteristic of the type of multi-family we have.

Councilmember Cox asked if it was appropriate to ask about the alternatives, and the Mayor replied this hearing is just to hear the public; that when the Planning Commission comes back with a recommendation, it would be appropriate to ask about the alternatives at that time. Mr. Cox stated he hates to consider alternatives on the day they are supposed to decide. He asked if we have, in our ordinances, the capability, given this petition in its present form, to grant the multi-family but yet deny access to Arnold Drive for those automobiles that the addition of multi-family will generate? Mr. Landers replied he thought not.

Mr. Cox stated but they can, when it comes decision time, take individual parcels of land; they do have that flexibility. In other words, they could if they chose to, take all of the shaded areas on the map and make it multi-family and keep all of the developed area as single family. He stated he is not proposing that they do that.

Councilmember Gantt stated there are a couple of questions he needs to have resolved by the Planning Commission in their deliberations. A substantial amount of comment has been made about traffic in the neighborhood. He is not quite sure he understands the impact additional houses will have on the entire Arnold Drive area. He asked that Traffic Engineering provide Council with some data. Mr. Landers replied they do work with Traffic Engineering, and they will in this instance.

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

HEARING ON PETITION NO. 78-32 BY CITY COUNCIL OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF PROPERTY FRONTING THE EAST SIDE OF TOOMEY AVENUE LOCATED BETWEEN TREMONT AVENUE AND REMOUNT ROAD, DEFERRED UNTIL OCTOBER 16, 1978.

Motion was made by Councilmember Leeper, seconded by Councilmember Short, and carried unanimously, to defer the subject hearing until October 16, 1978.

HEARING ON PETITION NO. 78-45 BY CATHERINE HUDGINS FOR A CHANGE IN ZONING FROM O-6 TO I-2 PROPERTY FRONTING ABOUT 50 FEET ON THE SOUTH SIDE OF McALWAY ROAD, APPROXIMATELY 100 FEET NORTH FROM THE INTERSECTION OF CRAIG AVENUE WITH McALWAY ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Robert Landers, Principle Planner, identified the area on the map, stating that the northerly boundary of the property forms the existing zoning boundary between the office district and the industrial zoning which extends up to Monroe Road and midway down toward Craig Avenue. He pointed out the R-9 single family zoning along Craig Avenue, and the multi-family pattern extending along McAlway and Beal Street. Also, the B-2 and B-1 pattern extending along Monroe Road.

The landuse map reflects a good bit of this zoning pattern. Located along the north side of Craig Avenue is an older, un-named park and Grayson Park a newer one is also in the area. There is a residential neighborhood along McAlway and Craig which has been there for a long time; that the opening of the belt road has significantly given this area back to the neighborhood.

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He pointed out two industrial plants to the north of the property; and a convenience store which immediately adjoins the property, and an auto repair store beyond that. He stated that actually, although there is a I-2 pattern, the specific usage adjoining the property is commercial. To the south of the property is a beauty salon and across the street there is a skating rink, single family houses, a furniture reupholstering facility and an antique shop. There is a mixture of use activity taking place right around the subject property. Also, to the south are a congregation of apartments.

Mr. Bob Hudgins stated he is speaking on behalf of the petitioner. That he has contacted all of the people around this property and no one has objected to the petition for the I-2 rezoning. He stated the reason for the requested rezoning is that the business located on the property has outgrown its present facilities. They need more space for offices and are also planning in the future to carry some merchandise for companies which they represent.

Councilmember Gantt asked if he understands correctly that he is going to be stocking a certain kind of item in his inventory that cannot be stored under the present zoning?

Mr. Hudgins stated in order to get the additional 1,800 square feet, they will have to go within 20 feet of the fence; that the present zoning will allow them to go back only 40 feet from the fence, which would cut in half their problem for added space. Mr. Gantt asked why does it require I-2 instead of I-1? Mr. Hudgins replied he does not know what I-1 represents; he has been told that I-2 is what he has to have to get within 20 feet of the back lot line and 10 feet from the side lines.

Councilmember Selden asked about the chemical processing equipment, and Mr. Hudgin replied it is the storage of the equipment, not the chemicals.

Councilmember Trosch asked if trucks come and pick this up or does he deliver? Mr. Hudgins replied that United Parcel does their delivering.

No opposition was expressed to the petition.

Councilmember Cox asked Mr. Landers if the property has to have I-2 zoning? Mr. Landers replied he is not sure of the details of the use activities with respect to manufacturers representatives. From what he understands the principle concern is yard requirements. The office use requires a greater rear yard than the industrial use.

Councilmember Frech asked if he had considered asking for conditional use zoning, since what he is asking for is not really an industrial use? That perhaps the conditional use zoning would be a better solution than just the straight I-2. She asked Mr. Landers if the petition could be altered at this stage? Mayor Harris stated the Planning Commission can consider that in their deliberations.

Councilmember Selden asked the width of the property that is zoned O-6? Mr. Hudgins replied 50 feet on the front, 67 on the back.

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

HEARING ON PETITION NO. 78-48 BY ROBERT PHILLIPS FOR A CHANGE IN ZONING FROM O-15 TO B-1 OF A 1.5 ACRE PARCEL LOCATED IN THE SOUTHWEST CORNER OF THE MONROE ROAD AND RAMA ROAD INTERSECTION, FRONTING 165 FEET ON MONROE ROAD AND 484 FEET ON RAMA ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Bob Landers, Principle Planner, stated this is in an area where there has not been too much activity in recent years. He pointed out on the map Rama Road as it extends out from the city towards Matthews and across Independence Boulevard where it becomes Idlewild. He stated the subject site is about 1.5 acres in area with the long side along Rama Road. That the immediate adjoining activity is office, and under construction to the rear of the property is office. On the southerly side of Rama Road there

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rear of the property is office. On the southerly side of Rama Road there is an existing, almost landmark, light house. Along Monroe Road and both sides of Idlewild Road the property is presently vacant. Farther along Monroe Road, on the south, there are the Cobblestone Apartments; and single family housing. He pointed out McClintock Junior High School located farther to the south, the Florence Avenue Apartments now under construction, and the Lemon Tree Apartments.

The zoning pattern closely reflects that usage.

Mr. Robert Stevens, Attorney, stated he is speaking on behalf of the petitioner. That this petition was filed because over the last fifteen years in which Mr. and Mrs. Phillips have owned this property it has remained and is vacant, undeveloped and unproductive. They are persuaded that the reason for that is because of the zoning classification. There have, in fact, been three attempts to rezone this property, all of which Mr. and Mrs. Phillips were involved in. In 1964 there was an attempt to rezone it from R-9 to B-1, but City Council denied that request; in 1970 there was an attempt to rezone it from R-9 to B-1SCD and that request was likewise denied by City Council; in 1971 a final request to rezone from R-9 to O-15 (at that time it was part of a larger tract) and that petition was approved.

He stated that the marketplace does not evidence any desire or interest in the property with the O-15 zoning classification. There has been a sign out there that is so weatherbeaten and worn that it will probably fall down at any time which evidences the fact that there simply has been no interest for the property on an office basis. To the contrary, there has been an enormous amount of interest in the property for business purposes. They have in their files letters of intent from the Gulf Oil Corporation, and from Li'l General Food Stores, to use the property for convenience food store facilities. It would be their purpose to use it for that if this Council decides it is appropriate to approve their petition.

Mr. Stevens stated that Mr. Landers pointed out the office zoning around this property, but he thinks there is a more important thing that he would like to direct Council's attention to. That is, that to the east of that property is an enormous single family residential area; to the the north-east of the property is multi-family; to the southwest of the property is additional multi-family. There is some public housing that is directly southwest of the property.

He stated that what they intend to do is consistent with the neighborhood concept - to try to provide a neighborhood service that would allow all of these people in this residential area a service in the form of a convenience food store facility, without having to travel to Independence Boulevard which already is so heavily traveled - to eliminate the funneling of people into that area. They would stop at this point of Rama and Monroe Roads. They are mindful of the problems; they are mindful of the traffic problems.

He stated the property is zoned O-15. If anyone has been on that property at 8 o'clock in the morning and 5 o'clock at night, they are aware of the problem. That it occurs to them that if the property were to be developed for office purposes, that the traffic problems at those peak hours would be heightened and aggravated. To the contrary, if the property were to be zoned for business purposes, it would have a tendency of eliminating some of the traffic problems at those hours because it would have the effect of spreading traffic out more uniformly over the period of the day.

They are also advised that the Rama Road area is still a link, and will be a part of the Fairview Belt Road, that ultimately will connect Park Road to Independence Boulevard. If that does become an accomplished fact, Rama will be widened to four lanes and hopefully the traffic that may be a problem today will be alleviated by that widening.

They are also mindful of the problem that perhaps this might establish a precedent for business zoning because there is no business zoning at that intersection. He suggested that there is no reason why this must be a precedent for any further zoning. As a matter of fact, it makes an immense

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amount of sense to him, and there is a very logical argument, that this should not be a precedent for any further zoning, simply because Monroe Road and Rama Road, at this point, are two major thoroughfares, heavily traveled. As such, they would argue that they represent natural barriers to any further business and commercial development out Monroe Road, east of there. That as such, Council can take the position that business or commercial development should end at that intersection, but should be approved for that intersection.

That the current zoning, O-15, is out of step with the realities of the situation today; that it is inconsistent with the character of that neighborhood today. That the marketplace is some indication of that, and they ask that Council favorably consider this petition.

Councilmember Short stated there was some discussion at the time that this property was zoned O-15 about the street widening; that the set-back of O-15 is 40 feet and the set-back of B-1 is 20 feet. That he wonders if it will be real easy to accommodate the road widening if there is a building there just 20 feet back.

Mr. Stevens replied he has not seen any plans, but if they are available, he assumes they are subject to change. That whether or not Rama Road is to be included and widened is still a matter that is very much up in the air and highly controversial.

Councilmember Trosch stated that it is a convenience type of store that is planned for the property; is he aware that just a half block up the street there is a convenience store - between this property and Independence Boulevard?

Mr. Stevens replied they are aware of that - further back, south of that, is a convenience store, but it is considerably further back. Their argument is that there is a great deal of interest from Li'l General, which is a division of the General Host Corporation and the Gulf Oil Corporation for the purposes of putting a convenience food facility there; that their analysts say that this is a . . .

Councilmember Trosch asked Mr. Landers to point out the location of the other convenience store on the map. Mr. Landers replied there are two convenience stores in this area - one is Rama Station, down at the railroad track, that is a non-conforming situation and was improved only because it was non-conforming; it was not so zoned. He pointed out the location of an existing 7-Eleven, right next to the bank; and across Independence Boulevard the new Lawsons.

Mr. Stevens stated that is true; but the thrust of their argument is that they do think this property is suitable for that purpose, to avoid the problem of the people in that very large residential area having to cross Monroe Road to get into the Independence Boulevard area to get convenience products.

Councilmember Selden asked if the office building behind, and the office building beside, are still owned by Phillips Company? Mr. Stevens replied no, not now but at one time they were. Mr. Selden asked what is the depth back from Rama Road? Mr. Stevens replied along Rama Road it is 485 feet; the depth is 165 feet.

Mr. Wayne Henry, 2106 Wellwood Circle, stated he is speaking primarily for the residents of Woodburn, but he has also consulted with the homeowners of McClintock Woods and other residents along Rama Road and in Lemon Tree Apartments.

That he wishes to make several points today:

1. All of the residents he has contacted expressed considerable concern that a ruling allowing this property to be zoned business constitutes strip zoning and would result in similar requests from other property owners, particularly the other corner property owners. Allowing this change would certainly not be in the best interest of nearby communities, as his other points will illustrate.

2. That discussion with several Lemon Tree residents indicate much apprehension about what is happening to their neighborhood. Of course, at present most Lemon Tree residents probably are not even aware of this proposed rezoning. However, they are well aware of the Florence Avenue scattered housing site. That he realizes the petitioners may have had no involvement with the public housing site, however, if Lemon Tree dwellers view a rezoning (whether rightly or wrongly) as an extension of what is happening in their neighborhood, it presents a very real problem.

3. That this point is similar to point 2 in that many residents of Woodburn will also view a rezoning as an extension of something being imposed on their neighborhood. That Woodburn has, to date, survived rather well several recent impacts. That the locating of the public housing site was a shock - perhaps more so because the land was procured in secrecy and no hearing was held than the actual fact that their neighborhood was chosen.

He stated that, of course, the residents of the housing project have yet to move in, and he is sure Councilmembers are all aware of the continuing admission rules controversies with these sites. That other major impacts have been several school system pupil reassignments, the most recent on January 24, 1978.

4. That the significant point about the housing site is that the locating of the site is now history; that they must now assure that they give this site and its neighborhood the best possible assistance in making this project work. That he contends that a zoning change to business would be just as unfair to the scattered housing residents as it would be to his neighborhood, and that rezoning the neighborhood would be contrary to the whole concept of scattered public housing. That it would be as ridiculous as the original version of the last pupil reassignment plan which proposed to bus the scattered housing residents out of their neighborhood for the same goal that they were placed in the neighborhood. He pointed out that they were successful in changing that portion of the pupil reassignment plan which he feels contributed greatly to current acceptance of the scattered housing project.

5. That attempts to determine the petitioners' specific plans have been futile (he added that he has learned more today than he had been able to learn from talking with the petitioners before); however, the present office zoning has allowed development which blends well with the neighborhood, and he, personally, cannot conceive of any business they need on Rama Road that is not already available on Independence Boulevard or Monroe Road. He understands that Gulf Oil and Li'l General are very interested and he cannot think of two things they need less - there are already two convenience stores within easy walking distance, if not within sight, of this property. He hopes he does not need to convince anyone of their total contempt for a gas station at this location. That the petitioners have indicated they "just want it zoned business" which indicates that the highest bidder would be granted a lease without regard to the neighborhood needs or wishes.

Mr. Henry stated he can assure Council that they have done their homework. That in addition to the aforementioned residents who were contacted, they have voiced their concerns to Mr. Howard of the Planning Commission staff and Mr. Lloyd of the Housing Authority. That he believes records will verify their attempts over the last several years to maintain the integrity of their neighborhood; and they request that Council deny this proposed rezoning and help them maintain their neighborhood.

In rebuttal, Mr. Stevens stated that Mr. Henry's concerns about the public housing project recently located there are another matter, except for the fact that it would seem that is some further justification for a convenience food facility at that site. If there is public housing in that area, there very likely may be people there who do not have access to transportation, or do not have the ability to operate a car or spend time away from their homes to travel to Independence Boulevard to get the kind of things that a convenience store would provide.

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

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HEARING ON PETITION NO. 78-49 BY JOHN ANDREWS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING 100 FEET ON THE EAST SIDE OF EAST MOREHEAD STREET, ABOUT 800 FEET SOUTH FROM THE INTERSECTION OF EAST MOREHEAD AND DILWORTH ROAD, DEFERRED UNTIL OCTOBER 16, 1978.

The Clerk advised Council of a request to defer this hearing until October 16, whereupon Councilmember Chafin moved for the deferment until that date. The motion was seconded by Councilmember Selden, and carried unanimously.

HEARING ON PETITION NO. 78-50 BY F. G. DEVELOPMENT/MANAGEMENT FOR A CHANGE IN ZONING FROM O-6 AND R-9 TO B-1 PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE MONROE ROAD AND EATON ROAD INTERSECTION, FRONTING ABOUT 94 FEET ON MONROE ROAD AND 425 FEET ON EATON ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Robert Landers, Principle Planner, located the property on the map. He stated that at the present time there is a single family structure located on the site; it is an old, very attractive home. Opposite the site is Oakhurst Baptist Church. In the immediate vicinity the pattern along Monroe Road is office, a day care center at the intersection of Rossmore (diagonal from the subject site); and as you go down Monroe Road toward the city there is a mixture of existing older homes, commercial and office activity along the southerly side. On the northerly side, there is more of a pattern of single family housing mixed in to the west of the church, until you get down to the Hudson Hosiery factory located at Chippendale and Monroe Road. Beyond that there is a definite pattern of single family neighborhood, along both sides of Monroe - backing away from the frontage property. At the intersection with Sharon Amity, there is Sharon Memorial Park (cemetery) and commercial activity on the other three corners.

The landuse pattern is pretty much reflected by the present zoning pattern. The O-6 extends toward the city, back away from the commercial at Sharon Amity, down to Eaton, at which point you pick up a multi-family pattern with the one industrial area reflecting the hosiery factory. Behind that is a pattern of R-9 single family zoning. He pointed out that most of the area which is zoned I-1, backing away from this site, is for the most part vacant.

He stated the petition indicates that the intent is for a conversion of the existing structure to utilize it for restaurant purposes, but the petition requesting a B-1 classification, of course any uses permitted in the neighborhood business would be a candidate for this site.

Mr. Farley Gharagozlou, representing the petitioner, stated that having lived in Los Angeles for 22 years and seeing that city turn into a "garbage town," their taking all the trees down for parking lots and everything else, is one of the reasons he lives in Charlotte. He brought his family here and loves it.

As a developer, he is interested in keeping this house as is; that is where his personal interest lies; that his office is a couple of blocks from there on Monroe Road. That he is representing a friend who came to visit and saw this house, loved it, and wanted to see if they could turn it into a restaurant - a nice restaurant with ample parking. This is why he is acquiring the rest of the land so that he will have almost twice as much parking space as the Building Department probably requires. In addition, they would have valet parking. He stated his friend and his wife would put every cent that they have (and they are not exactly poor) into this venture and operate the restaurant themselves. It will not be a chain restaurant. They think that it will not hinder in any way the traffic of Monroe Road; it will not take away from the neighborhood; it will preserve this beautiful building as is; and will serve Charlotte with a very beautiful restaurant.

Councilmember Selden stated it is a beautiful building; that suppose the B-1 zoning was granted, and the restaurant was not successful; the zoning would still be B-1 and some undesirable use was made of the land. Would he consider conditional zoning?

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Mr. Gharagozlou replied that the people who will own this and operate it have had 12 restaurants - he has spent all of his life in the restaurant business in Los Angeles, in an area where within half a block was a great restaurant. That makes him believe that he will make a success out of this. However, he would have no objection to the conditional use zoning.

Councilmember Leeper asked about a piece of R-9 property at the rear; is it developed now? Mr. Landers replied that on the main property there are some existing garage apartments behind the main structure; that the property behind it is vacant - it stands opposite the parking lot of Oakhurst Baptist Church.

Councilmember Selden stated there are two lots that are relatively cleared behind the subject property - one of them is grassed and appears to belong to the house nextdoor; the other one is undeveloped. He asked if Mr. Gharagozlou would identify whether one of the two lots is the lot that appears to belong to the house nextdoor.

Mr. Gharagozlou stated the property is like an "L". The front lot on which this house is located, and the two lots which are side by side.

Councilmember Selden stated, to rephrase his question, the first house on Eaton behind the subject property - is that on the lot next to the lot on which is requested a zoning change, or the second lot down?

Mr. Gharagozlou replied both lots are included, there are three altogether. He stated also that the estimated cost of refurbishing this property is \$290,000; that is another sign of stability.

A question was asked about the age of the house, and Mr. Gharagozlou replied he personally checked it and would estimate about 60 years. He stated that at one time it was changed to five separate units; the existing stairway was closed and a new one put in. That what they are trying to do as part of the refurbishment is to take all of those petitions away and put it back in the shape it was before.

No opposition was expressed to the petition.

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

HEARING ON PETITION NO. 78-51 BY LUTHER CREEL FOR A CHANGE IN ZONING FROM O-15 TO B-1(CD) FOR RESTAURANT USE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PROVIDENCE ROAD AND SHARON ROAD INTERSECTION.

The scheduled public hearing was held on the subject petition.

The Principle Planner advised that this petition is for the purpose of converting the existing Northwestern Bank into a restaurant. It would be the only business activity that would be contained in this petition. The property is opposite a church on one corner, and on the other two corners there is existing single family housing. That along the south side of Sharon Amity, going in a northerly direction toward Randolph Road, there is a shopping center and office activity extending all the way to opposite Cotswold Shopping Center and the apartments at Randolph and Sharon Amity. With these exceptions and the activities associated with the immediate area, there is a very strong single family residential pattern.

The zoning for this area shows basically that pattern. There is a multi-family classification extending from Cotswold all the way down to Providence Road on the northerly side - about 14.5 units per acre. On the south side there is O-15 zoning extending to Crosby Street and then a pattern of B-1, one lot of O-6, and then B-1 to the shopping center and O-15 for the subject site. Behind the subject site there is conditional off-street parking extending between Bermuda and Crosby Streets, associated with the subject site; and adjoining that is an apartment building.

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He stated the petitioner, as required, has submitted a plan of development outlining the activity and what he proposes to do. He pointed out the drive-in service facility which had been a bank facility, stating that drive-in activity would approach and go through between the auxiliary and the main building. That at the present time, under the office classification, a restaurant is permitted in an office building provided it is enclosed and is subject to floor area limitations. The existing restaurant is a very small activity; it would expand its activity, extending the building out and connecting into the branch bank facility, covering all of that in and making that the restaurant activity.

He stated all of the other areas would remain office activity and would be limited to that. He pointed out the parking area, stating that this facility has been assessed by the Traffic Engineering Department and the proposed use would comply with the parking standards.

Councilmember Short stated an outside sign is not allowed for an office restaurant, and Mr. Landers replied that is correct. He stated there is one sign that they would be using.

Councilmember Trosch asked if she understood correctly that if they were not going out into the auxiliary building, they could do it within the existing structure? Mr. Landers replied that as he understands, there is about as much square footage being used as the office district will allow.

Mr. Bailey Patrick, Attorney, stated he represents the petitioner and the Cafe Eugene who has prompted this petition. That the Cafe Eugene has been located in this building for approximately seven years. They have had problems with lack of space which have been generated by this type of zoning and the restrictions on the use that have not permitted them, for example, to have restroom facilities for their employees or patrons within their square foot area. They have not been able to have an outside entrance to their cafe; they do not have adequate kitchen space to accommodate a freezer which would give them economic advantages that they do not have now.

He stated the Northwestern Bank has been a tenant of this partnership since the building was built. After they occupied the premises, a median was run from the intersection of Sharon Amity and Providence Roads, in both directions along the property, so that you cannot make lefthand turns into the east end of the building. That simply rendered the thing not advantageous to Northwestern as a branch banking operation because of the lack of accessibility and, to make a long story short, they gave notice that they were going to terminate their lease at the end of the term, which is November of this year.

He stated that Mr. Ostrow had been negotiating with the owners for some years to try to get additional space; that when Northwestern gave notice that they would not renew their lease, this prompted this petition.

He emphasized that this is a conditional use request; they are not putting in a new facility; it is an expansion; that they are not going to really increase too significantly the number of patrons - from 60 or 70 to 112 or 120 - given the nature of Cafe Eugene. It is a high quality type sit-down restaurant and they just do not have that many customers.

He stated there is an existing sign that Northwestern used. It is already there in concrete. They would take advantage of that sign only; no other sign would be placed along the facility. That the primary limitation is that this is the only B-1 type use to which this property could be used.

Councilmember Short stated he can see that Mr. Patrick is of the mind to keep this restrained - using the existing sign and that sort of thing - but he is just wondering what kind of precedent this would be with a business like that fronting on Providence Road. That he knows from matters of the past that they have tried to keep Providence Road clean and unsprawled from Queens Road to Waxhaw. What would they say to someone like at the corner of Beverly Drive who are existing only under the grandfather clause, if they said "why cannot we have the same thing that Bailey has out there?"

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Mr. Patrick stated Mr. Short has raised a good question and he is glad he did so. That, of course, this 0-15 zoning has been there. Mr. Short stated that was a compromise within itself. Mr. Patrick stated the 0-15 does permit a restaurant usage. That the thought occurred to him that if he were sitting on this Council, this restaurant use only might give him some concern that it would permit a Hardee's or something of that nature to come in there which obviously Council does not want, the neighbors would not want, and his petitioner does not want.

That in answer to Mr. Short's question, should there be any desire of this Council to further limit their use to the purpose they are seeking - namely, a sit-down type restaurant with no more than 4 or 5 percent take-out - that is fine with them. He feels that by going from a branch bank type operation that they are going to ease the traffic situation out there, so long as they are restricted to the type restaurant that Cafe Eugene operates. That the branch bank operation is a high traffic generator during the peak hours; Cafe Eugene's peak hours are between 8 o'clock and 11 or 11:30 at night, and they are very sheltered from the neighborhood out there because of the shopping center, etc. He sees this as a real plus to the community and the people who are trying to get to and from Charlotte on Providence Road.

Mr. Short stated the fact is, though, that the bank can operate as an in-and-out operation in office zoning and a restaurant cannot. Mr. Patrick stated you can have a restaurant in the office zoning. Mr. Short replied he knows, but not one that is a drive-in, take-out type of thing. Mr. Patrick replied right, and of course they do not want that either. They would be willing to stipulate against the taking out.

Councilmember Gantt asked how much square footage are they talking about? Mr. Patrick replied his understanding is that it is about 2,500 square feet.

Mr. Fenton T. Erwin, Jr., stated he appears for the owner of the single family residence that is nearest on Providence Road to the subject property. That attorneys have been blessed with poetic license to make alternative arguments and he would make one today.

He stated his client is concerned with the increase in nighttime traffic and the effect that it has on his single family residence. They are concerned about the possibility of the later drive-in, take-out type of restaurant. That for those reasons, should Council grant this petition, they would ask that they look favorably in defense that the property is single family, and the property would be destroyed, and they render and look kindly on a petition to rezone this individual's property.

Councilmember Gantt asked in a conditional district petition like this, is it possible within the category of an eating facility to specifically define the type of facility; or are we dealing with a class of restaurants; are they defined as drive-in restaurants, sit-down restaurants or white cloth restaurants - can we be that specific?

Mr. Underhill, City Attorney, replied he thinks the answer to that is yes. That the general purpose and statement in the conditional district portion of the zoning ordinance is what he is looking at. Councilmember Gantt asked that he get that information for him. Mr. Landers stated under the conditional classification it specifies you can specify a use that is listed in the table of permitted uses. The restaurant will appear in the generic term with only the differential of the drive-in or curb service. So under the zoning ordinance, restaurant is a general term. Under the conditional plan approach, you can further specify on the plan something that is more specific than is contained in the zoning ordinance. Mr. Underhill stated he would agree with that. Mr. Landers stated such as the seating; such as take out service, that it not be a fast food.

Mr. Patrick in rebuttal stated they as the property owner are voluntarily agreeing to do this. They would be willing to make any of the stipulations he has heard. The seating capacity would go from approximately 60-70 to 112-120 customers.

Councilmember Cox asked Mr. Erwin if his client resides in the house next to this property? Mr. Erwin replied one of the principals has resided in the house in the past. He does not at present.

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Councilmember Selden asked the number of parking spaces they have at present; and if there would be a reduction or increase in that number? Mr. Landers replied there would not be an increase in the existing number; that no additional parking spaces would be necessary now the banking activity has been taken out.

Mr. Patrick stated the parking that is there would meet the code requirements; there are 125 spaces around the building, and an additional 105 in the lower lot. That Mr. Ostrow tells him he does not have that many customers; they will park around the building.

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

MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 4:15 p.m., and reconvened the meeting at 4:25 p.m.

LAND USE POLICIES DEVELOPED IN THE SOUTH PARK AREA STUDY, ADOPTED AS RECOMMENDED BY THE PLANNING COMMISSION.

Councilmember Selden moved adoption of the South Park Policy recommendations of the Planning Commission with one change - the deletion of the words "once Colony extension is built" which appears at the bottom of the page. The motion was seconded by Councilmember Cox, and carried unanimously.

The Land Use Policies Statement is on file in the Office of the City Clerk.

LAND USE POLICIES DEVELOPED IN THE WOODLAWN ROAD AREA STUDY, ADOPTED AS AMENDED.

Councilmember Selden moved adoption of the Woodlawn area study with the deletion from the policies the following paragraph: "That it is the policy of City Council to seek to preserve insofar as practical existing housing stock along this thoroughfare consistent with the housing needs of the community." And from the conclusions, "The single family homes along Woodlawn Road have many additional years of service and represent an irreplaceable part of the housing stock."

Mr. Selden stated the single family homes along Woodlawn Road, in 1970, by ownership value, represented 45.2 percent of the housing stock in the county altogether. There have been quite a number of additional houses of that same value. Also, there has surfaced, very specifically, that lending agencies will not recognize the same locational money for Woodlawn Road that prevails in a defined and separated residential area.

He stated basically he totally agrees the thoroughfare / needs to have a reduction in driveways, if possible; it needs to fundamentally go towards condominium or apartment structures where landuse would permit, without detriment to adjacent properties. In other words the things that are referred to, except he does not want it written in stone, so to speak, that this is an irreplaceable part of the housing stock of this city, and this county. Because factually it is not.

The motion died for lack of a second.

Councilmember Trosch moved adoption of the Woodlawn policies as recommended by the Planning Commission. The motion was seconded by Councilmember Dannelly.

Councilmember Short stated he thinks the plan was a good one; but he could not understand the exceptions.

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Councilmember Gantt called attention to the fact that the agenda attachment on this item includes the conclusion or opinions drawn by Staff, and then the policies which Council is being asked to adopt. That Mr. Selden's first concern about the irreplaceable stock is the conclusion drawn by the staff; that the more important thing is the policy that Council would like to adopt. That is one reason he could not go along with the motion; it is not the fact that he did not agree with him.

Councilmember Selden stated he would be willing to simply delete the paragraph on the first page and leave the other in terms of preserving insofar as practical.

Councilmember Gantt stated that now his motion is dead, so they are only talking now about the policies as recommended by the Commission.

Councilmember Short asked if Mr. Selden wants to delete the statement that the homes along Woodlawn have many additional years of service? Mr. Selden replied yes he does, but primarily because lending agencies themselves are restricting the length of years on which they will make loans on housing along Woodlawn Road. This is a fact. That the lending agencies themselves refuse to accept that there are many years of service left in the houses that face along Woodlawn.

Councilmember Cox stated that Mr. Selden's question does bring up a concern that he had when he read this report. That the plan talked about at least five approaches to this area, and pointed out that on one extreme there was the approach of leaving everything basically as it is; the other extreme was the approach of leaving everything not as it is, changing everything. That he felt, in reading the report, that what it leaned to was the flexibility along the way to allow for lots to be assembled and for their use to be changed from single family to multi-family, but still residential use; and that that would be the only way we could get rid of the driveway problem. Are they saying that the housing stock on Woodlawn is irreplaceable, and down the road, as this policy guides them, would say that they would not welcome the assemblage of single family lots for purposes of getting rid of the driveway problem, on the basis that that housing stock is irreplaceable?

Councilmember Gantt stated when they are talking about inventory housing, to lose the housing along Woodlawn Road is something we cannot replace. If they continue with residential development there - if it is not single family residential, it is townhouses or some other kind of use, in effect to eliminate five single family houses and create a scene for providing townhouses and minimizing the driveway as they have insisted with this policy, they have replaced five single family houses, maybe with twelve, but they have not lost those five to office, commercial or other uses.

Councilmember Cox stated he wanted clarification because Councils from now on will be looking at this policy, and it says clearly "to seek to preserve". It does say "insofar as practical" and he hears that; but nobody three to six years from now is going to know what that meant. That it appears to him that they want to keep the existing housing and not the existing inventory. That is the distinction it clearly makes, and to which he agrees.

Councilmember Gantt stated he does not think they want to throw out the housing that is there. Mr. Cox replied he does not either. Mr. Gantt stated but if there is proposed rezoning and someone comes in and says one way to consolidate driveways is to put a large development in there, that would be inconsistent with what they are saying here.

Mr. Bryant stated Mr. Gantt has really hit the key as far as the Planning staff viewpoint is concerned; that the key word is housing stock. Housing stock does not necessarily mean the exact housing that is there now, but at least from a practical point of view, the existing units which are there would be replaced or maintained in some form so that it would form a compatible housing market as far as the needs are concerned. He stated it certainly was the intent, or the total thrust of this proposal, to open the way for some rehabilitation, or reuse in some cases, along Woodlawn Road.

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That they all recognize that this is an absolute necessity over a period of time, but that the key thing is that they wanted the recognition of the fact that there is still good quality housing on Woodlawn, and that could be recognized and kept as one of the policy goals.

Councilmember Cox stated he would like to say that explicitly he has no problems.

Councilmember Selden stated that as of today there is already a house boarded up on Woodlawn Road in this section which has been vacated, because of the lack of a market for the housing on Woodlawn Road. That is today.

Councilmember Gantt stated that for a policy statement he really cannot agree with what he thinks Mr. Selden is driving at.

Councilmember Short suggested that the word "existing" be deleted, and Mr. Selden agreed he would be much more comfortable with that. Mr. Short stated that right below there they just simply invite owners to get together and use creative suggestions, etc.; and if they have the word existing it is confusing. Ms. Trosch agreed to this amendment to her motion.

The vote was taken on the motion and carried unanimously.

Councilmember Trosch stated with the overall plans they have just adopted there is a need for coordination of various departments - Public Works, Traffic Engineering, Planning Commission - in their implementation. She requested that the City Manager, in six months, report to Council on where we are in relationship to the implementation of such things as the Mass Transit Terminal negotiations and reducing the noise impact.

Councilmember Selden requested that Traffic Engineering begin the traffic study on Barclay Downs, one of the policy recommendations in the SouthPark Plan, since the Woodlawn/Wendover Belt Road is now open.

The Land Use Policies Statement is on file in the Office of the City Clerk.

AMENDMENT TO CONTRACT BETWEEN FAMILY HOUSING SERVICES, INC. AND COMMUNITY DEVELOPMENT DEPARTMENT TO CONTINUE THE EXISTING PROGRAM TO OCTOBER 30, 1978.

Motion was made by Councilmember Chafin, seconded by Councilmember Dannelly, to approve an amendment to the contract between the Family Housing Services, Inc. and the Community Development Department to continue the existing program to October 30, 1978 for a total cost of \$8,000.

Councilmember Leeper asked what the problem with the contract is that they are extending this another month?

Mr. Vernon Sawyer, Community Development Director, replied they have been negotiating a new contract with Family Housing Services as Council directed - a contract calling for new and additional services. That it just became obvious to staff members who are working on this new contract that they might not be able to submit it to the Manager in time to get it on the agenda to be approved before the expiration date. The amendment was submitted in order to protect the contractor and maintain the services to the CD residents uninterrupted.

Mr. Leeper asked if they have completed the negotiations, and Mr. Sawyer replied they have completed a contract but it has not been placed on the Council agenda.

Mr. Burkhalter, City Manager, stated he has the contract before him; he has just gotten it. That in all contracts, he is requiring a Budget and Evaluation review before he makes a recommendation. That Councilmember Carroll called him last week and asked him to look into this matter, which he did. They have the contract and it will be up for Council approval right away. That this contract, as best he can ascertain in the short period of time he has had it, meets what Council instructed them to do. That this does not mean that they like it or recommend it, but it is what Council asked them to do. That he wants to be sure that everyone understands what this

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contract does when they approve it. He stated when this contract went through the various departments that are involved, even they did not understand what Council had asked to be done. That he got this from each department - from Neighborhood Centers, this contract takes things that they have been doing and now someone else is going to do them.

He stated he wants to be sure that Council understands the problem they will have - they will be taking additional money to perform a service that we already have people performing, employed for, in three major areas. These people will be performing duplicate services. That it is very important that this be understood because at this time we are getting less CD money.

Councilmember Dannelly asked if he is saying that to provide these services they are duplicating what CD is already doing that the funds are going to have to come from some place they have already been assigned? Mr. Burkhalter replied that is right.

Mr. Sawyer stated the only place they can come from is from the budget that has already been approved from each of the target areas. That Council has allocated certain monies to each of these areas and there is no other place for the money to come from.

The Mayor stated that money was set aside in the budget for this purpose even though it is a duplication. Mr. Dannelly asked if it was for the additional contract or the one that is running out?

Mr. Burkhalter stated that in order to be sure they are all talking about the same thing - that he re-read the amendments and they said they would take so many dollars from this and put on this - take it out of First Ward, Second Ward, or whatever.

Councilmember Carroll stated it just said allocate the money, not where it was to be taken from.

Mr. Sawyer stated the way they understood the amendments they were instructed to take \$20,000 from each of the Five Points and Third Ward budgets and contract for Family Housing Services for additional services over and beyond those that they had under contract at that time.

Mr. Edward W. Gormley, Five Point Community Organization, stated he has just learned about this today. That he has lived in the Five Points area since January 1, 1977. That if someone is going to give him something extra, fine. Who is going to refuse it, unless someone else is going to be deprived of something. If it is a question of shifting from one area to the other, fine; he has no problems with that, except he feels he should be consulted about it, since he lives out there. That they are the ones being worked on out there and they enjoy it; they have some problems out there and they want them cured.

That to use an analogy - if he goes to a doctor complaining about his arm and he decides that instead of operating on his arm he would rather have his leg operated on, then he feels he should have a right to suggest to the doctor to take care of his leg instead of the doctor making the decision. That they are conscious out there. That regardless of what is going to happen, from a personal standpoint, he would like to have some input about it. He yields to the City Fathers and has no problem with that because they have empowered them with the authority to act for them, but they should have something to say about things that are going to affect him.

Mayor Harris interrupted Mr. Gormley to ask if he is speaking about the new contract as this item is just to continue the old contract for a month. Does he want input into the new contract?

Mr. Gormley replied he wants input as a general statement, on anything that is going to happen to them out there. That as an organization they have not had any input, at least since he became an officer in July of this year.

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Mayor Harris asked Mr. Sawyer if he has met with the Five Points Neighborhood Association about this contract? Mr. Sawyer replied that he has not met with Mr. Gormley personally, but if Council remembers the chronology of this contract proposal it was mandated back in February. That during those public hearings, in all that discussion, the officers of the neighborhood organization at that time did have some things to say about it and were involved.

Mayor Harris asked if they have been back at all since that time? Mr. Sawyer replied they have people in the area and have met with them, but not on this particular contract; they do not normally do that.

Ms. Barbara Lucas, speaking for Family Housing Services, stated that to her knowledge, there has been at least three extensive meetings with Neighborhood Centers, the CD staff and other interested people to be sure that the contract they arrived at was not a duplication. Because of the length of those meetings and the time consuming factor of making sure they were cooperating with all departments, they were not able to finalize the contract and that is why the amendment is on the agenda today. They have visited the Five Points neighborhood organization and the Family Housing Service representative; Mr. Jerry Springs, has worked with that group. She has personally spent approximately an hour this morning with Mr. Springs and Mr. Gormley going over the contract. That during the next week they will go to the organizations which are involved and work with them on the provisions of their services.

She stated they have a reputation in Charlotte of continually striving to present their services in a helpful and cooperative manner; that she promises them and guarantees that those things which they do in the community will be done with the full cooperation of the communities and in conjunction and cooperation with the CD staff.

Councilmember Carroll stated he understood from his last meeting with Mr. Sawyer that there was some hardship with staffing on the part of Family Housing Services with the delay; that they had people on line ready to take over the additional duties; that he is concerned that they try to minimize that problem if they can. That he had a very helpful meeting with Mr. Sawyer and other staff members about this and they seemed to be agreed on almost everything - this was about ten days ago. That he feels it is not duplicating the services; that they are very important services; that the things that bothers all of them the most is relocation. He had a report from Mr. Sawyer the other day that some of the families they visited when Council was in the West Morehead Target Area have still not been relocated. He is hopeful that Family Housing Service, with some expertise that they have, will help them deal better with that problem and that they will have a sort of multiplying effect on what our own staff is doing so that we will get a lot more done in all of the Community Development Areas we are working in. That whatever questions Mr. Gormley is raising, he is hopeful can be worked out so that they will know that the community understands exactly what the contract is about. They will need to be 90 percent of the effort to make it work.

Mayor Harris requested that Mr. Burkhalter write a memorandum to him and Council, before this contract is voted on, of the exact staff comments about duplication of services.

Mr. Burkhalter replied he has it here; that Mr. Sawyer has virtually agreed that this contract meets the requirements and has agreed to do it. That his concern was that Council understood this because they are bound to hear from various ones that it is a duplication.

The Mayor stated he would like it item by item - what service, what they are providing presently with CD staff that this contract will provide. Mr. Burkhalter stated their normal procedure would be to have Budget and Evaluation review this for Council and tell them what they think about it and that is what he will ask them to do, if that meets with Council approval. That he will mail this to Councilmembers, with staff comments, sometime this week and will have it on the agenda next week and if they do not want to act then, they can postpone it.

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

RESOLUTION STATING COUNCIL'S INTENT TO IMPLEMENT A PROGRAM OF PARKS ACQUISITION AND DEVELOPMENT IF BOND ISSUE IS PASSED ON NOVEMBER 7, 1978.

Councilmember Frech introduced the following Resolution and moved its adoption, seconded by Councilmember Chafin:

WHEREAS, the Charlotte-Mecklenburg Planning Commission after a study of the City and County park needs issued on October 7, 1977, a Short Range Park Plan setting forth a \$30 million program for the City and County to meet their short range park needs;

WHEREAS, the City Council directed the holding of citizen meetings during the spring of 1978 in all of the City's seven Council districts on the Short Range Park Plan which identified to all citizens how this plan would serve their needs;

WHEREAS, the City Council held a public hearing on April 17, 1978 concerning the Short Range Park Plan;

WHEREAS, the Short Range Park Plan suggests how the need for parks and park facilities can be met jointly by the City and County;

WHEREAS, the City and County have both authorized a bond referendum to fund the majority of the needs identified in the Short Range Park Plan;

WHEREAS, the City Council has authorized a bond referendum in the amount of 9.7 million dollars;

WHEREAS, the City Council deems it necessary and appropriate for the citizens of Charlotte to know the purposes for which it is intended that the bond monies would be spent;

WHEREAS, the City Council Finance Committee has recommended that the money be allocated for certain parks;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Charlotte that if the City's bond issue is passed on November 7, 1978, it is the intention of the City Council to implement a program of parks acquisition and development as follows:

Plaza Road Natural Preserve Acquisition	\$1,000,000
Plaza Road Development	300,000*
Community Parks	850,000
Statesville Landfill Development	
District Parks Acquisition & Development*	1,800,000
Evergreen; Randolph; Lakeview (including development at Lakeview School; Ramblewood	
*Contingency Fund	200,000
(to be used either for development at district parks or at Plaza Road Park)	
District School Parks	650,000
Albemarle Road; Cochrane; Devonshire; West Charlotte; Garinger; Myers Park; Old Providence; Carmel Junior High; Harding	
Neighborhood School Parks	400,000
Alexander Graham Junior High; Allenbrook; BOE (Archdale Drive); Bruns Avenue; Chantilly; Collingswood; Druid Hills; Graham Learning Center; Highland; Idlewild; Lansdowne; Mason Smith Junior High; McClintock Junior High; Merry Oaks; Piney Grove; Foxcroft; Starmount; Montclair; Oakhurst; Oaklawn; Pinewood; Rama Road; Randolph Junior High; Sedgfield; Spaugh Junior High; Thomasboro; Tryon Hills; J. T. Williams; Pawtucket; Park Road.	

Neighborhood Parks	\$1,200,000
Green Oaks Road; Griers Grove; Boulevard Homes; Derita Creek; Viewmont Drive; Tom Hunter Road; Pressley Road; Sharon Woods; Briarcreek; Cedarwood; Shannon Park.	
Park Improvements	500,000
Special Population	400,000
Recreational Facilities	<u>2,400,000</u>
TOTAL	\$9,700,000

WHEREAS, the City Council of the City of Charlotte deems it important to set forth the park needs which it intends to fill upon the passage of the bond referendum;

NOW THEREFORE, BE IT FURTHER RESOLVED THAT the City Council intends to implement the foregoing parks program pursuant to the following principles:

- 1) In order to minimize the impact on debt service and the operating budget the City will program expenditures and necessary bond sales over a 3-1/2 year period.
- 2) The City will use funds for the upgrading and construction of new recreation center facilities based on the criteria of need, population served and user demand.
- 3) A portion of the funds provided for recreational facilities may be used for the development of a swimming facility, or facilities, if a program for their joint development and funding can be agreed upon by the City and County and/or the Board of Education.
- 4) The City will seek to develop a program with the Charlotte-Mecklenburg school system for use of school gymnasiums and school facilities for recreational programs.

Ms. Frech explained that this proposal is basically the same allocation of funds that was in the Carroll-Leeper-Cox plan, with the exception that it does not state specific amounts of money for each park. It takes \$200,000 from the total for district parks acquisition and development and puts it into a contingency fund to be used for either a district park or at Plaza Road Park.

Mr. Tom McGill, 1625 McAlister Drive, stated that since this was last considered by Council, he has been appointed to the Charlotte-Mecklenburg Parks for the Future Committee, which he graciously accepted. But, to try and go back and sell this bond package to the black community in the way that they have been shortchanged in their community in the past, is more of a task than anyone with good sense would try to do.

He stated that these parks that are proposed, and the land acquisitions, the district parks, the extensions for parks adjacent to the schools - they all know what happened to the black schools in their neighborhoods. They no longer exist. So, how will they benefit? Out of a total of twelve of those district parks, there is only one primarily for blacks. Out of forty-one neighborhood parks, only eight will benefit blacks.

He stated he supports the bond package, but he is only going to support it to a degree that when they build a park in a black neighborhood that they get away from the rubber duck concept; they are tired of the little rubber duck on a string and with people calling that a park in a black neighborhood, when they visit other areas and find the finest type of recreational apparatus that is. That is his only concern for the park bond referendum. They can live with what Council has offered - the small amounts. That is nothing, but they want a guarantee that they will not have the little rubber duck, but will have ample and adequate facilities. When they say district parks, that a district park on the east side of Charlotte will be same as on the west side; the same for a neighborhood park, mini-park or whatsoever.

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Mayor Harris thanked Mr. McGill and stated he appreciates his serving on the committee. That the only park this Council has participated in opening was the Hornets' Nest Park, which is a fine park. That that is not the kind of "rubber duck" he is speaking about.

Mrs. Ella Talley, 428 Woodvale Place, stated she is Chairman of District 2 and is not speaking for one hundred percent of the citizens, but for the majority. They have not really done their homework because they did not have a chance; but they have taken a look at a proposal for parks that are going to be given to District 2 if the bond referendum passes. They notice that the proposal is for priorities. They feel that on the west side, in District 2, they have been caught short. They are a little tired; they want to be the whipped cream on the top of the cake this time; they want to be first. They want the things other areas have. She is talking about people who do not own two or three cars, they cannot walk from here to there. They have a mixture of residents in District 2. They are concerned and are here to let Council know. They want them to look at them and let them know that Council cares about them. They are hopeful that they will really take District 2 into consideration, because if it comes out and they start making plans and they do not suit them, they will let Council know. They are going to be before Council at all times; they are concerned about every citizen over there and they want to work to help it to pass if they will say this is going to be the first priority.

Rev. Welch Caldwell, Sr., 211 Lakewood Avenue, stated he is from the Lakeview Community. That recreational facilities are needed in that particular area. There are no facilities for the youngsters as well as the others in the area, that are in a safe walking distance. They are bounded on one side by Brookshire Freeway and on the other side by Tuckaseegee Road and there are no recreational facilities in that area.

He stated he has not done all of his homework, but they have been looking around hoping that they have a site for a district park in that area, if not in the immediate Lakeview area, in an area close enough that their youngsters and whoever else wants to use it can walk to it safely.

Councilmember Gantt commended Ms. Frech for her efforts in achieving some success on a very emotional issue. That probably because he is an at-large Councilmember he believes he has a perspective over-view on this whole thing; it occurs to him that the area that gives him some concern, since it seems they resolved the issue of the neighborhood and district parks, is that there are certain kinds of central facilities that make for a more complete recreational program which have been pretty much ignored. That if they examine either of these proposals, they are going to have probably about a million dollars left for swimming pools. He does not know where they are going to get anything reasonably decent in that area. He would like to have seen, out of the \$20 million, \$2.5 million allocated for a central facility that the entire community could use. That would benefit every neighborhood.

He stated no real mention has been made of what they are going to do for those people in our community who like golf. We just do not have an adequate facility as compared with other areas. There are some incomplete aspects in all of the proposals, and he has felt this way all along that they have certainly not yet resolved. But, he is not willing to tamper with what appears to be consensus on the Council, except that he would like to see them add a resolution to the effect that they do look forward to other sources of funds that they now have, or know that this Council will have the power to act on - such as, the General Revenue Sharing Bonds which are guaranteed for next year - to probably supplement, if this thing passes, in terms of some additional funds for recreation, primarily recreation that will have more of a central purpose for the entire community. That might be a more appropriate use for General Revenue Sharing Funds. He has specifically in mind, swimming facilities and golf.

He stated that with the new Office of Special Projects he hopes the city is going to aggressively move to try to match every dollar raised in bonds, if possible. That some of them just came back from Seattle where they talk in

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terms of \$118 million in park and recreation bond issues. That we should fully understand that with \$20 million, we still have not scratched the surface of really providing the kind of complete and diverse recreation program we want. He does not think we have paid enough attention to the fact that these dollars ought to be looked at as dollars that might be leveraged to gain funds from other sources. He really hopes that they will not lose their desire to pick up some of these other funds from other places.

Councilmember Trosch suggested that they add to the resolution an Item 5 which would state "the City will require as a first step, neighborhood involvement in the planning and design process, and will utilize services of CRC where necessary to insure adequate citizen participating in park planning and design." Ms. Frech agreed to adding that as an amendment to her motion.

Councilmember Selden stated that in the discussions that resulted in the Finance Committee's recommendations there was mention of certain allocation of funds to community, district. This package, under the present motion, combines either \$300,000 or \$500,000, depending upon whether the floating \$200,000 goes to community or to district parks - that much more money for district parks and \$210,000 more for neighborhood parks. That in the Committee discussion Budget & Evaluation explained the annual operating costs that measured up to the ultimate Finance Committee recommendation.

Mr. Selden stated he would like an approximation of what additional operating costs this shift of funds will represent. He is not asking for a study; just an opinion of what it will represent.

Mr. Finnie, Budget Director, replied he does not know; that he just saw this resolution this afternoon. Mr. Selden stated he guesstimated on the figures Mr. Finnie had, and it is something like \$300,000 more in operating costs by the end of the period. Mr. Finnie stated that seems a little high, but the maximum right now of the full impact was close to \$1.0 million. It would increase it some; but he does not think it would increase \$300,000.

Councilmember Frech stated the things Mr. Gantt is concerned about are in fourteen principles that Mr. Carroll had in his memorandum of September 18. It was thought those could be considered as separate instructions to staff. She does not think it is necessary to be a part of this resolution.

Councilmember Gantt stated he wants Council to make a commitment to reservation of certain funds - he does not like to commit other Councils - but this Council has one more year of operating. That Council should recognize that if this total program is not complete, it may be a while before we get around to another \$20.0 million bond issue. That there are constituents in the community who would like to see, and they have spoken to Council on every occasion, certain other services provided; and he does not think they have been considered.

Councilmember Chafin replied she has a problem with that because she thinks they have made a commitment for swimming pools. And, they are saying they fully expect the County to participate with the City in this. There is an informal commitment on the part of the County. Secondly, the golf issue did not come up until pretty late in the game. She does not think Council ignored it.

Mayor Harris stated the private sector has indicated they could probably help raise some funds for the swimming pools. Councilmember Gantt replied he is not privy to any of that information, but what he is saying is that the commitment of \$900,000 does not buy any swimming pools of any size. Councilmember Chafin stated she thinks it is a fair commitment on the City's part.

Councilmember Gantt stated he would like to see Council commit itself to the use of funds out of our next Revenue Sharing budget. Mayor Harris stated the only thing is you can draw a rubber band only so tight; and you cannot define too much in the future; that they have a three-and-a-half year commitment with this.

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Mr. Gantt stated he would not want to define swimming pools as such; that he is not sure on the question of golf if the County agreed to do anything about it. He would like to hear more discussion on that.

Councilmember Dannelly stated some of the Councilmembers must have been working hard to try to come up with some workable plans; that he is seeing the proposal today for the first time, although he heard one little bit of information after a meeting in his district one night this week - that was to the effect that supposedly only a small portion of the proposed site that the Planning Commission had projected for a district park in Lakeview would be available. That they could not get right-of-way, or whatever the case might be. He stated he feels somewhat disturbed that the Planning Commission would look on a map (he assumes this is how it happened) and designate an area as a proposed district park without checking out the rest of it - if all of this is so.

At any rate, and he hates to make this statement, out of all the talking that has been going on to bring about what is supposedly a consensus on this, he has yet to talk with anybody, yet he found out that the poor west side is losing supposedly \$200,000 to some other area. That when it comes to recreational facilities, the west side is grossly lacking. He just cannot accept that. Why move it someplace else? Thomasboro is undeveloped. It needs a great deal of money to get some kind of park - a neighborhood school park is not adequate for Thomasboro. Lakeview is boxed in by freeways and highways and the interstate. Those people have a very difficult time. He has no problem with the proper expenditure of funds, but he sees the same thing happening - someone is making decisions without including some people who ought to be in on the decision making. He knows that Council will be making the decision, but proposals come up - and this is his first knowledge of it - yet District 2 is to lose maybe \$200,000. He feels they are going about it in the wrong way. He thanked Councilmember Short for letting him know that at least the land for a district park in the Lakeview area was somewhat in question.

Mayor Harris stated that is a point well taken concerning the sincerity of everybody here in trying to work out a definitive compromise on something as complex as this, as relates to dollars. That he is sure that was not the intent of anyone (and he has not been in on it either).

Councilmember Short stated that upon being advised, somewhat by accident, last week that there was a question about the Lakeview site of some 40 acres, he got into a conversation with some of the Planning Commission and Park and Recreation Department people and went with some of them to see what was wrong with that site. That the site is indeed impossible; it is a solid forest of substations. If you look at it on an aerial photograph you can see trees, etc. and you do not pick up buildings, but it is a solid construction of electrical towers and substations. Just how it occurred to think of this as a park site, he does not know; but those who had thought of it as a park site were saying to him that they had made an error, that they had something like a hundred different sites to examine, and their information on this one was less than perfect. He is sure they feel a little regretful, but they are only human beings like the rest of them.

He stated they got into a discussion of whether another site in that area was available, and found a site which appears to him to be an excellent site, it has no substations, in fact nothing of any sort - it is almost like the Indians left it, but it contains 27 acres instead of 40. He has contacted the person who owns this site who indicated a cooperative attitude. He stated it is a very well known local developer - Spangler.

He stated a park is indeed needed in that area; that he was out there yesterday afternoon and there were children galore playing in the streets. That the Code states it is against the law to play baseball in the street in Charlotte. Well, they do not recognize that out in that area because they were all playing baseball in the street. But, recognizing that if they were going to do anything in the area, some kind of change of this sort had to be made, he made inquiries as to what would be the cost of developing the 27 acre site.

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He stated the suggestions made to him - and they were largely "top of the head" suggestions - were that it would not cost as much to purchase and develop the 27 acres as it would have cost to develop the 40 acres. That to get the 40 acres away from Duke Power Company would have cost millions of dollars - it was impossible. So, he made the suggestion to Ms. Frech that if money were saved here perhaps it could ease her feelings with reference to the development money at Plaza Road Park.

In preparing the September 25th plan, Ms. Frech has left as it was the lower amount of money for the development of Plaza Road Park, but she did make mention of the fact that if some money was saved from somewhere, perhaps more could be used at Plaza Road Park. He believes the money left for the Lakeview area is the same as it was - about \$600,000.

Mayor Harris stated to Mr. Dannelly that in summary, he is not losing \$200,000.

Councilmember Frech stated that her proposal just does not specify any particular amounts for any district park. That it was the feeling of the Finance Committee originally that it would be better not to get that specific. That the original recommendation that Mr. Carroll made for the development of Lakeview was \$600,000; that the total that he recommended for acquisition and development of district parks was \$2.0 million. The figure in her resolution is \$1,800,000. The \$200,000 is what they would expect to be saving out of the Lakeview development. If it is necessary it can go back to Lakeview, but if not then it goes elsewhere.

Councilmember Short stated that upon running into this situation last week, the first person he went to was Mr. Dannelly; that he would have to take a little bit of exception to his comment about making decisions in the absence of someone. No decisions that he knows of were made; it has all just been conversation one with another. That the first person he mentioned this to was Mr. Dannelly and he gave him the maps, etc., so nothing in the world has been going on about Lakeview behind his back.

Councilmember Dannelly replied he believes he stated, in making his comments, that the decision would be made here; but a great deal of discussion apparently went on and that is why he thanked Mr. Short for at least letting him know that he found out some information that eliminated that district park. That, of course, coming from the west side and seeing the kinds of problems they have had in the past is why he still has problems with that thing they call specificity, because they have come up short. That they are very proud of Hornets' Nest Park.

He stated that the second paragraph on this proposal does indicate that there is \$600,000 for each one; that anyone looking at this would assume that they would have at least \$400,000 to do something with. That his only problem is that there are so many other destitute areas when it comes to recreational facilities right in that surrounding area. That they are going to be hearing from Thomasboro soon if they do not get more than a neighborhood school park, and that is one of the oldest neighborhoods in Charlotte-Mecklenburg. But, it has less recreational facilities than any neighborhood of its size, even in walking distance. So, why even think about taking this amount of money from people in Lakeview, Hoskins and Thomasboro, who would rather work together with it, than to see it move completely out of the west side; not even to imply that it moves out of the west side, because there is too much needed there.

Councilmember Short stated this comment refers to an effort to achieve consensus - he will admit that - but he does not think the west side has been harmed by the setting up of a potential fund which if it is not spent and cannot be used somewhere else, might be used at Plaza Road. That the intent is that the west side area would have the first claim on the money.

Councilmember Leeper commended other Councilmembers - Short, Frech, Carroll and Cox who he knows specifically have spent a great deal of time in trying to come up with some kind of agreement on how they can best put some equity in the park plan development and get some unanimity in trying to prepare a particular proposal. It just seems there is one minor error that

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they keep brushing over that seems to be the problem; that it might just be the wording that seems to be bothering people - that is, that the Lakeview Park's \$200,000 is going to be placed in a contingency fund. To be honest, it kind of bothers him too. It bothers him particularly when they all know that the figures that came up for all of these district parks came from the Planning Commission's recommendation. They were not figures that the Councilmembers pulled out of the air. So, the \$2.0 million basically says that they all know where these parks are going to be developed and they know what it is going to cost to purchase them and develop them. They are just not going to tell the public that.

Mayor Harris stated he would take issue with that.

Mr. Leeper stated he can live with it as long as they are identifying the parks they are going to develop, but his real concern now is that they not take \$200,000 out of the district parks and put it in a contingency fund. That if it does not take but \$5,000 to build a particular park in a district area, then they all can agree that only these funds from this particular bond package can be used for park development anyway. That they can decide at any point, if there are some funds left over, where they are going to put those funds. He would be opposed to taking \$200,000 out of that district park. He would, however, agree to the fact that if there are some funds left over from district park development, wherever it might be - whether it was in Ramblewood, Evergreen or Randolph - that they consider using those funds for further development of Plaza Road. He would just rather leave the money in there, because he thinks it is the perception of what people are hearing them say rather than what they actually intend to do. If that is the only problem they are having with the people perceiving that they do not intend to do certain things, then all they have to do is leave the money in there and that will destroy that concern that people may have.

Councilmember Leeper stated if that is the case, then all we have to do is leave the \$200,000 in the total package rather than sitting it in the contingency. If we do not use all the funds for district parks then we can put it into any other development. That the only thing we can use the money for is park development.

Councilmember Dannelly stated we could end up having more than \$200,000 left.

Councilmember Frech stated quite clearly we are going to develop a park in Lakeview; also included is the development of the school park at Lakeview School; which has not been included before. This was not originally scheduled for a neighborhood school park. She stated she would like to respond to a statement someone made that the west side is being asked to give up something. She would like to remind them the original planning staff report and the original recommendation of the Budget and Evaluation Department was \$1.0 million for development of Plaza Road. It is a large natural preserve intended for the whole community; it is the only one we have. She does not consider it something for the east side; it is for the whole community. That \$700,000 has already been taken out of that, and has been given to other things. She cannot see that we are taking something away from an area. She would prefer not to think of it divided into districts and this one getting this, and this one getting that. On the basis of the discussion she would like to leave it as it is.

Councilmember Frech called the question, which did not receive a second.

Councilmember Carroll stated in a way it is exciting what is being talked about. Everyone is concerned; the need is great; there are feelings of the depth of that need and concerns of a lot of people for the development of parks. The need is so great, we are having a hard time cutting the pie. This is something that shows why we need to get these bonds passed more than anything else. Very often in settling a lawsuit it is considered a good settlement if nobody is happy. Maybe with this compromise we have some unhappy people with exactly where the pie has been cut; but maybe that is arriving the best we can a fair solution to provide scarce resources to a very great need. This proposal is not his first choice; but he is willing to go along with it as representing a consensus either with the change Mr. Leeper suggested or whatever, thinking it is an important step for meeting a lot of basic needs throughout the city. In no place in this plan did

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we take a park out here or a park there. If we had to cut back, what we did was decide the limit of the amount of development. But we are including those parks in every area in the city the Planning Commission staff identified as needing parks. That is extremely important. That Council needs to thank Mr. Short as he has been the "Camp David" of the 'Sadat-Begin' factions, trying to reach a compromise. He is the one who found out there was a problem at Lakeview. He took him out there yesterday, and they saw 20-25 kids playing in the street; and the area he has found might be the spot to serve as a park rather than a substation. In addition to that there is also included some development of a school park at Lakeview which would go a long ways to alleviating the fact this other site does not have as much acreage in it. He thinks it has been a difficult process arriving at this because of the great need. He hopes we can get together and go out and sell everybody's needs to the public so that we can get these bond funds passed.

Councilmember Cox stated Mr. Carroll's perspective on this whole discussion is appropriate and entirely accurate. He stated he recently moved into a new house. This past two weeks have reminded him of the experiences of that new house. They took all their furniture from six rooms and basically moved it all into one room; every night his wife moves the furniture around. The problem with that is the light switch when you get up at night to go to the kitchen is on the opposite wall. So you have to walk through the dark. The first time you do this, you run into a table; the next time you do it, the wife has changed it around again. The point he is trying to make is that throughout the last two weeks all members of Council have been very active in trying to find, trying to cut up this pie in a way that will reflect the big need we have. He will be the first to admit this plan is not his first choice. But in terms of a good way to cut the pie and try to address the very large need that Mr. Gantt, Mr. Carroll have spoken of, and in terms of the specificity that we have all spoken of and all learned about in the last couple of weeks, he thinks we should go ahead and do it, and get on with the business of presenting the facts to the voters, and let them decide whether we have a good plan or not. He urged that we all look at this as exactly what it is - a statement of intent.

Councilmember Short stated he feels the Council Members generally must have somewhat the attitude that Mr. Leeper has mentioned. If money is left anywhere, that tail end balance, this would be a good place to put it.

Councilmember Dannelly stated particularly since we have already passed a proposal indicating that neighborhoods in our community will have input into the development of parks, that he could live with whatever funds are left out of the district parks would be utilized, as this Council indicates, and he has no problems with Plaza Road. It may end up being more than \$200,000. He does not want to designate a contingency fund out of the west side area at this point for that kind of thing. But he can live with it being open as "district park monies to be utilized otherwise".

Mayor Harris stated he hears agreement all around the table.

Councilmember Selden stated Council designated \$9.7 million for roughly 2/3 of the total short range park program as designed. That we did not contemplate you would do this in one bash, and stop. There is more yet to come sometime. There is also the revenue sharing funds for various and sundry uses. He thinks we have gotten down to almost "ward type politics" in terms of parks here and parks there, failing to look at the overall perspectives, the overall fiscal responsibilities with respect to operating costs and so on. He does not contemplate this will be the last of the parks; that he thinks we would have been much better off if we had not designated specific sums and specific parks. As it now stands the people who want swimming pools are in effect left out; that is just one swimming pool possibly to the detriment of other areas. We have not looked into what the changes in operating costs are; and other things.

Councilmember Selden stated for these reasons, though he will probably be the only one, he is not going to vote for the motion on the floor.

Councilmember Gantt stated he had hoped Mr. Selden would not do that. That in all fairness we should be very concerned about what this is going to mean; but we are also adding approximately \$10.0 million in new park facilities and lands in this process.

Councilmember Gantt stated he thinks we would be irresponsible if we did not say to the community to put those into operation is going to require an increase in the general funds. He does not think a citizen out there believes this can happen without that. We will also be providing additional services, and services we think the people want. The \$300,000 or \$500,000 will represent a penny on the tax rate at the time these would go into operation. He does not think that is a big issue, and he is quite willing in campaigning for these bonds to say there is going to be some increase in the operating expense. Any logical citizen will understand that. It is important to him that Council feel comfortable with this package. It is not exactly what we all want; but for want of something better we have to go with it. It is fair. That the only issue that is new in the whole ballgame is the contingency fund which some members of Council have some exceptions about that might be more, not their concern, but translated in terms of their constituency. Personally, he does not see anything wrong with the fact that various districts are concerned about given bonds. There is nothing wrong with that. One of the interesting things about the Seattle trip was that people perceived those multi-million dollar bond issues in terms of what it will do for their neighborhoods. There is something healthy about that too. Particularly when it is done before an open forum when the entire public can watch.

Councilmember Gantt stated it seems to him we have consensus; and what we are talking about is probably no less than the way of development in the Plaza Road area. We have taken those figures presented by the Planning Commission, and treated them as if they are the gospel truth, and anyone here involved in development knows that is not the truth. What we have done is specified parks in general areas, and attached maximum dollar figures to them knowing full well this Council may not be the one that will actually carry out the implementation. So it is the principal it seems to him they are hanging on to at this point to insure that ultimately any leftovers will go to Plaza Road Park. He thinks all are in agreement that the natural preserve is needed. He would like to ask one more time if Ms. Frech will consider taking the \$200,000 and putting it back in district parks.

Councilmember Frech stated she is concerned about how binding a statement of principle will be to Plaza Road.

Councilmember Locke stated we have committed ourselves to giving money to the Plaza Road preserve, and have for many years. That she has been opposed to that year in and year out; and to hang on to \$200,000 for the Plaza Road preserve is holding up progress.

Councilmember Locke made a substitute motion to accept Ms. Frech's proposal with the amendment, and delete the contingency fund for Plaza Road, and put it in district parks. The motion was seconded by Councilmember Dannelly.

Councilmember Frech stated she is not happy with that unless there is a statement that money left over from district parks will go to Plaza Road. Councilmember Gantt asked about money left over from neighborhood parks? Councilmember Cox stated Ms. Frech has a point. We have made a commitment to Plaza Road; we are going to develop it; we are going to do all of these things. But as Mr. Gantt says there is no way this Council, without a plan report of exactly how and when these parks are going to be developed, can say exactly to the \$100,000 figure how much it will cost to acquire property; to develop it. In the Randolph Road area the only property he knows of that is available for a good size district park, the owner may not want to give it to us. We do not know. We are dealing with a room full of chairs, and we do not know where the chairs are. He urged Council to go ahead and put those things behind us, and say we have made a commitment, and how those dollars turn out in the end is fine. We have made a commitment to develop Lakeview, Ramblewood. The problem we are dealing with now is what it is going to cost to fulfill that commitment.

Councilmember Leeper stated we may be talking about \$2.0 million rather than \$200,000. He asked if Ms. Frech would accept the fact if Council says it is committed to further development of Plaza Road Park? Councilmember Frech replied she would like a statement that could be added as No. 6 on the resolution on the last page - "We are committed to further development of Plaza Road Natural Preserve; that any funds left over from \$2.0 million allocated for district parks...." Mr. Leeper stated his point is there may be some monies left over

from other areas. Let's not be that specific. Say we are committed to developing wherever funds are left over. Ms. Frech stated for a while it was all wanted to be very, very specific, and now no one wants to be specific.

Councilmember Locke stated she will accept as an amendment to the substitute motion - "We are committed to further develop Plaza Road Park." Ms. Frech asked her to add "if funds are available from" Councilmember Locke stated no; she could not accept that.

Councilmember Locke stated she will accept an amendment to read as follows: -
"We are committed to further development of Plaza Road Park if funds are available from this bond issue."

The question was called, and carried unanimously.

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

YEAS: Councilmembers Locke, Dannelly, Carroll, Chafin, Cox, Frech, Gantt, Leeper, Short and Trosch.

NAYS: Councilmember Selden.

The resolution is recorded in full in Resolutions Book 13, beginning at Page 452.

Mayor Harris stated Mr. Rod Alford is present, and he is the one who will have to deliver this message to the people as far as the city bond package is concerned. He stated he is pleased to see Mr. Carroll's comments concerning the press conference because he thinks it was a well covered event.

Mayor Harris stated there is also a joint city-county committee on park consolidation which will have a press conference on Friday morning. That committee is very good and very capable.

NOMINATIONS TO THE CHARLOTTE AREA FUND BOARD OF DIRECTORS.

The following nominations were made to the Charlotte Area Fund, Board of Directors:

(a) Thomas Ingram's position

1. Councilmember Leeper nominated Mr. Thomas Ingram to succeed himself for a one year term.

(b) Edna Gaston's position

1. Councilmember Dannelly nominated Mrs. Edna Gaston to succeed herself for a one year term.
2. Councilmember Gantt nominated Ms. Delores Smalls for a one year term.
3. Councilmember Carroll nominated Mr. Paul McBroom for a one year term.

(c) Arthur Lynch's position

1. Councilmember Leeper nominated Mr. Freddie Dewalt for a one year term.
2. Councilmember Dannelly nominated Ms. Ella Talley for a one year term.
3. Councilmember Short nominated Mr. Eddie Byers for a one year term.

The nominations to remain on the floor for appointment until the Council Meeting scheduled for Monday, October 9th.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

(1) Upon motion of Councilmember Cox, seconded by Councilmember Chafin, and unanimously carried, the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles E. Hendricks and wife, Brenda Hendricks; Mercer J. Blankenship, Jr., Trustee, and Mary S. Howard, located at 6112 Paw Creek Road, in the City of Charlotte for the Annexation Area 8 Sewer Project, was adopted.

The resolution is recorded in full in Resolutions Book 13, at Page 456.

(2) Councilmember Short moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Richard Eugene Stikeleather and wife, Angelina R. Stikeleather, located at 6903-6917 Calton Lane, in the City of Charlotte, for the Annexation Area 8 Sanitary Sewer Project. The motion was seconded by Councilmember Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 457.

COUNCILMEMBER COX EXCUSED FROM VOTE ON CONTRACT WITH AMICO, INC.

Councilmember Cox requested that he be excused from voting on the following action of Council on contract with Amico, Inc. for data processing cards.

Motion was made by Councilmember Dannelly and seconded by Councilmember Chafin to excuse Mr. Cox from voting as requested. The vote was taken on the motion and carried unanimously.

CONTRACT WITH AMICO, INC. FOR DATA PROCESSING CARDS, EXTENDED.

Upon motion of Councilmember Selden, seconded by Councilmember Dannelly and unanimously carried, the contract with Amico, Inc. for data processing cards was extended in accordance with State Statute 160A-17 effective September, 1978 through August, 1979.

CONTRACT AWARDED VULCAN SIGNS & STAMPINGS, INC. FOR ALUMINUM.

Councilmember Cox moved award of contract to the low bidder, Vulcan Signs & Stampings, Inc., in the amount of \$15,834, on a unit price basis, for aluminum. The motion was seconded by Councilmember Trosch, and carried unanimously.

The following bids were received:

Vulcan Signs & Stampings, Inc.	\$15,834.00
U. S. Standard Sign Company	16,200.00
American Highway Sign Co., Inc.	16,242.00

CONTRACT AWARDED ACTION FIRE & SAFETY, INC. FOR FIREFIGHTER BUNKER BOOTS.

Motion was made by Councilmember Cox, seconded by Councilmember Chafin and unanimously carried, awarding contract to the low bidder, Action Fire & Safety, Inc., in the amount of \$5,416.80, on a unit price basis, for firefighter bunker boots.

The following bids were received:

Action Fire & Safety, Inc.	5,416.80
Zimmerman-Evans, Inc.	5,945.00
Goodall Rubber Company	6,214.82
Action Fire & Safety, Inc.	6,714.50
Burgess Fire Equip., Inc.	6,999.42

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SARDIS ROAD BRIDGE.

Upon motion of Councilmember Cox, seconded by Councilmember Short, and unanimously carried, subject contract was awarded the low bidder, Crowder Construction Company, in the amount of \$506,852.05, on a unit price basis, for construction of Sardis Road Bridge.

The following bids were received:

Crowder Construction Company	\$506,852.05
Blythe Insutries, Inc.	537,318.30
Rea Construction Company	611,677.00

CONTRACT AWARDED STROUPE SECURITY PATROL, INC. FOR SECURITY SERVICE AT CITY HALL BUILDING AND CITY HALL ANNEX BUILDING.

Councilmember Cox moved award of contract to the low bidder, Stroupe Security Patrol, Inc., in the amount of \$16,086.21 per year for security service for City Hall Building and City Hall Annex Building. The motion was seconded by Councilmember Chafin.

Councilmember Leeper asked about the additional services we can get under the contract for security? Mr. Hopson, Public Works Director, replied this will pick up about 2500 square feet that we are not presently covering; we will have uniformed guard on duty; there have been some thefts here at City Hall; there will be a signed registry the same as they do at Cameron Brown Building. It will be a better service all the way around.

Mr. Burkhalter, City Manager, stated if we need additional services from these people we can get it at a fixed hourly rate without going back to another contract.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Stroupe Security Patrol, Inc.	\$16,096.21
Southern Security Services, Inc.	17,748.84
The Wackenhut Corporation	18,977.28
Stegall Security & Protective Service	19,655.04

CONTRACT AWARDED WILSON FINLEY COMPANY FOR COMPLETE UNDERCARRIAGE FOR INTERNATIONAL CRAWLER TRACTOR.

Motion was made by Councilmember Cox, and seconded by Councilmember Chafin to award contract to the low bidder, Wilson Finley Company, in the amount of \$7,124, for complete undercarriage for International Crawler Tractor. The vote was taken on the motion and carried unanimously.

The following bids were received:

Wilson Finley Company	\$ 7,124.00
Western Carolina Tractor Co.	8,990.25

CONTRACT AWARDED E. J. SMITH & SONS, FOR RIDING LAWN MOWERS.

Councilmember Chafin moved award of contract to the only bidder meeting specifications, E. J. Smith & Sons, in the amount of \$50,671.90, on a unit price basis, for riding lawn mowers. The motion was seconded by Councilmember Dannelly.

Councilmember Carroll asked who we purchased our last lawn mowers equipment from? Mr. Brown, Purchasing Director, replied in the past we have purchased them from different companies. These are larger mowers and will be used by Park & Recreation. Councilmember Carroll asked if the last ones purchased were from E. J. Smith & Sons? Mr. Brown replied some could have been; he does not have that answer right at this point. Councilmember Carroll stated he mentions there are two, three or four people who bid on these. Does he think if we re-bid them we would get more than one bid to qualify? Mr. Brown replied no; they have checked this very thoroughly. With all the medians, it is necessary to have mowers with hydrolic lifts. After looking at each of the bids submitted and making an evaluation, they recommended what they think will work out best. Councilmember Carroll asked if he thinks this could be re-bid and get more than one bidder on this? Mr. Brown replied he does not think they could unless they reduce the specifications.

Councilmember Carroll stated he thinks we have a serious problem if we are coming up with specifications and can only get one supplier; also it is Fall and time for lawn mowers to be on sale. Mr. Brown stated there has been a price increase. Councilmember Carroll asked if we are paying the list price or is he below the list price? Mr. Brown replied below list price.

Councilmember Selden asked the size of the city's fleet? Mr. Brown replied this is replacing some of our old equipment. That he does not know the size of the fleet at this time. Councilmember Selden stated at another time when we have a bid of this type, he would be interested in knowing what share we are replacing.

Councilmember Selden stated he would like to point out that Porter Bros bid on the same type at \$5100 a piece, and this is at \$3900 a piece; and Engine Service bid at about \$3100 a piece on the nine they bid on. So this is a range of prices and this is roughly in the middle.

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The following bids were received not meeting specifications:

Engine Service Products Co.,	\$27,800.00
Porter Brothers, Inc.	20,560.00

CONTRACT AWARDED BEN B. PROPST CONTRACTOR FOR WATER DISTRIBUTION IMPROVEMENTS-1977 ANNEXATION AREAS 7, 8 AND 9.

Upon motion of Councilmember Selden, seconded by Councilmember Locke and carried unanimously, contract was awarded the low bidder, Ben B. Propst Contractor, in the amount of \$655,026.80, on a unit price basis, for Water Distribution Improvements - 1977 Annexation Areas 7, 8 and 9.

The following bids were received:

Ben B. Propst Contractor, Inc.	\$655,026.80
Sanders Brothers, Inc.	672,709.00
Blythe Industries, Inc.	745,923.00
Dellinger, Incorporated	775,576.00
Rea Brothers, Inc.	914,648.50

CONTRACT AWARDED DICTAPHONE CORPORATION FOR 40 CHANNEL TAPE RECORDING EQUIPMENT.

Motion was made by Councilmember Chafin, seconded by Councilmember Trosch, and carried unanimously, awarding contract to the low bidder, Dictaphone Corporation, in the amount of \$29,495.50, on a unit price basis, for 40 Channel Tape Recording Equipment.

The following bids were received:

Dictaphone Corporation	\$29,945.00
Magnasync/Moviola Corp.	30,711.00

CONSENT AGENDA APPROVED.

Councilmember Leeper requested that Agenda Item No. 23 be removed from the consent agenda.

Motion was made by Councilmember Selden, seconded by Councilmember Short, and carried unanimously, approving the consent agenda with the exception of Item No. 23:

- (1) Adoption of a Resolution providing for public hearings on Monday, October 16, 1978, at 8:00 o'clock p.m., on Petition Nos. 78-32, 78-52 and 78-54 for zoning changes.

The resolution is recorded in full in Resolutions Book 13, at Page 458.

- (2) Approval of a Public Hearing on October 19, 1978, at 7:30 o'clock p.m., in the Education Center, to allow citizens to review the Community Development Program.
- (3) Approval of an Electric Service Agreement with Duke Power Company to supply power to the Irwin Creek Wastewater Treatment Plant.
- (4) Approval of a Loan to Michael W. and Susan M. Trent, in the amount of \$46,100, for purchase and restoration of property located at 400 North Poplar Street, in the Fourth Ward Project Area.

(5) Approval of the following property transactions:

- (a) Acquisition of 10,351.64 square feet, plus temporary construction easement, at east side of Sardis Road, at McAlpine Creek, from Mecklenburg County, at \$1.00, for Sardis Road Bridge at McAlpine Creek.
- (b) Acquisition of 2,613.60 sq. ft., plus temporary construction easement, at west side of Sardis Road at McAlpine Creek, from Mecklenburg County, at \$1.00, for Sardis Road Bridge at McAlpine Creek.
- (c) Acquisition of 15' x 223' of easement, plus temporary construction easement, at 5000 block of Tuckaseegee Road, from The Heritage Ltd, at \$230, for Annexation Area 8 sanitary sewer.
- (d) Acquisition of 15' x 1,064.67' of easement, plus temporary construction easement, on 8 acres on 1000 block of McDonald Road, at \$1,083, from Ulton Beatty, Constance M. Beatty and Faye Singleton, for Annexation Area 8 sanitary sewer.
- (e) Acquisition of 7.50' x 68.70' x 15' x 94.33' of easement, plus temporary construction easement, at 201 Stillwell Oaks Circle, from Bette Galloway Lee, at \$1,000, for Annexation Area 2 Sanitary Sewer.
- (f) Acquisition of 15' x 2,793.06' of easement, plus temporary construction easement, on 55 acres at end of Kendall Drive, from Gaynor Development Company, at \$2,793, for Annexation Area 8 Sanitary Sewer.
- (g) Acquisition of 15' x 263.54' of easement, plus temporary construction easement, at 8200 Kerrybrook Circle, from Michael L. Singleton, ux, Norma J., at \$4,200, for Annexation Area 8 Sanitary Sewer.
- (h) Acquisition of 15' x 913.06' of easement, plus temporary construction easement, at 1925 W. Sugar Creek Road, from Joseph S. Ratcliffe and Louis G. Ratcliffe, Jr., at \$1.00, for Annexation Area I Sanitary Sewer.
- (i) Acquisition of 15' x 231.87' of easement, plus temporary construction easement, at 2141 W. Sugar Creek Road, from Louis G. Ratcliffe, Inc., at \$1.00 for Annexation Area I Sanitary Sewer.
- (j) Acquisition of 15' x 1,627.07' of easement, plus a temporary construction easement, at 46.7 acres east of U. S. 29 at Rocky River Road, from Rock Investment Corporation, at \$3,500.00, for Annexation Area I Sanitary Sewer.
- (k) Acquisition of 15' x 242.19' of easement, plus a temporary construction easement, at 5434 North Graham Street, from William M. Herrin and wife, Alice B., at \$442.00, for Annexation Area I Sanitary Sewer.

ACQUISITION OF PROPERTY FOR DOUGLAS MUNICIPAL AIRPORT DEVELOPMENT.

For discussion purposes, Councilmember Leeper moved approval of the following property acquisitions for Douglas Municipal Airport Development; which motion was seconded by Councilmember Locke:

- (a) Acquisition of 23,300 sq. ft., containing one story single family brick residence, at 7411 Old Dowd Road, from John M. Freeman and wife, Velma, at \$39,500.
- (b) Acquisition of 16,125 sq. ft., containing one story single family frame residence, at 7417 Old Dowd Road, from John M. Freeman and wife, Velma, at \$31,500.
- (c) Acquisition of 43,000 sq. ft., containing one split level, single family brick residence, at 3615 Besser Drive, from J. E. Chandler Martin and wife, Marianna C., at \$71,000.

Councilmember Leeper stated he has no objections to these acquisitions. His concern is we are doing a study out there as to what we are going to do in the whole area. That he would like to see that study at some point. He asked where we are with that study? The overall plan of development for the Airport?

Mr. Burkhalter asked if he is talking about the area we own, or that we do not own? Councilmember Leeper replied the area we do not own? Mr. Burkhalter replied he cannot answer that; that will be the Planning Commission. Mr. Birmingham, Airport Manager, talked with Mr. Leeper from a map indicating the locations of some of the properties.

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

REPORTS FROM LIAISON COMMITTEE TO BE CIRCULATED TO MAYOR AND COUNCIL.

Councilmember Trosch stated she and Mr. Leeper have some reports from the Liaison Committee, and asked for the appropriate time to present them.

Mayor Harris requested that she have Staff to send the reports out to the Members of Council.

MR. LANDERS TO PUT IN WRITING HIS VIEWS ON ZONING PETITION ON PARK ROAD.

Councilmember Cox stated he wants to bring up an item in the near future; possibly the next meeting. Today, Council acted on the Woodlawn Study Plan. About six months ago, Council took action on a petition on Park Road property. Several members of Council voted against the petition in the absence of a plan for streets of this type.

Rules regarding the re-petitioning say after significant changes, re-petitioning can occur. He stated he is going to ask this Council to put on its agenda a relook at that petition so that Council can give the developer a yes-no vote on the merits of the petition, and not on the merits of whether or not there was a plan for the total area.

Councilmember Carroll stated Council had asked for a plan on Park Road; that is what we did not get, and what we still do not have. Councilmember Cox stated in talking to Mr. Landers his response to him was "the concepts in the Woodlawn Study will apply equally as well to Park Road." He stated that is the one point that needs to be made. Councilmember Chafin stated she has a hard time with that. Councilmember Cox replied this is what Mr. Landers says. He stated he wanted to bring this up now as he did not want to talk about it during the Woodlawn policies. That he thinks the petitioner was done a disservice by voting his plan up or down. That some of them chose a way out that was convenient. That he plans to ask Council to take another look at it even though it may be a very unpopular thing to do. He stated he is talking about the Hicks property across from the Y.

Mr. Underhill, City Attorney, advised that once a petition for a zoning amendment has been denied it cannot be instituted earlier than two years from the date of denial unless the City Council, after considering the advice of the

Planning Commission, shall find there has been substantial changes in conditions or circumstances bearing on the application.

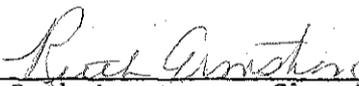
Councilmember Cox stated Mr. Landers informs him, at least in his view, whatever Council did today would constitute the language Mr. Underhill has just expressed.

Mayor Harris requested him to have Mr. Landers put that in writing to the City Council that will address the point.

Councilmember Cox replied he would do that. That he thinks the petition should be voted up or down based on its merits.

ADJOURNMENT.

Upon motion of Councilmember Carroll, seconded by Councilmember Short, and carried unanimously, the meeting adjourned.



Ruth Armstrong, City Clerk