# AGENDA

| | |
|---|---|
| Meeting Type: | B |
| Date: | 11-16-1981 |

City of Charlotte, City Clerk's Office

# Charlotte

IN MEETING ON MONDAY, NOVEMBER 16, 1981

12 00 Noon - Council/Manager Luncheon
Civic Center - Trade Street
VIP A & C Rooms

2 00 P M - Citizens Hearing
2 30 P M - SpringFest '82
3 00 P M. - Council Meeting
Council Chamber

ITEM NO.

1 Invocation

2 Consideration of minutes of the last meeting on Monday, October 26, 1981, with the following amendment

Minute Book 77 - Page 16, Second Paragraph, add the word "not" at the end of the first line

PUBLIC HEARING

3 Hearing to consider a proposal by Biddleville Housing Corporation for purchase and development of vacant land in the Five Points Neighborhood Strategy Area

Adoption of a resolution approving the sale to Biddleville Housing Corporation of five parcels of vacant land, located at 311, 317 and 329 Cemetery Street, 221 French Street, and 215 Mill Road, Five Points Neighborhood Strategy Area, at a price of $16,370 78

(continued)

## City Council

Mayor Eddie Knox  Mayor Pro Tem Betty Chafin

L David Berryhill, Jr
Don Carroll
Tom Cox, Jr
Charlie Dannelly
Laura Frech
Ron Leeper
Pat Locke
George K Selden, Jr
Herbert Spaugh, Jr
Minette Conrad Trosch

3. (continued)

This action authorizes a land sale by negotiation to a non-profit corporation under North Carolina Urban Redevelopment Law A fair market disposition value for the five parcels was established by a committee of three professional real estate appraisers. The property will be used for construction of single-family housing units in accordance with the approved Redevelopment Plan.

Attachment No 1.

## POLICY AGENDA

### Community & Economic Development

4. Consideration of a report from the City Council Community Development and Housing Committee on the following subjects·

- Housing development proposals submitted by the Charlotte Housing Advisory Committee.
- Proposed acquisition of a ten-unit apartment building on Beal Street.
- Performance contract with Motion, Inc , for housing rehabilitation

5. Consideration of the proposed Albemarle Road Neighborhood Plan recommended for adoption by the Planning Commission

The plan has as its main objective "a commitment to preserve the existing quality of life within the Albemarle Road Neighborhood while providing innovative housing and additional employment opportunities", and includes proposals for vacant land along Reddman Road, Wilora Lake Road near Eastland Mall, and Albemarle Road near Delta Road

City Council may wish to call a public hearing on Monday, December 14, at 3 00 p m , in the Council Chamber to receive additional public input before plan adoption.

The City Manager's office is coordinating a review of the plan proposal through additional staff departments, and that information will be available prior to the public hearing

Attachment No 2.

6. Decision on Special Use Permit No 81-2 by Knights of the Guiding Star of the East for a special use permit approval for a fraternal organization in an R-6MF district for a .207 acre parcel located at the southwest corner of Mattoon Street and Campus Street.

The Planning Commission recommends the petition be approved.

In making a decision on the petition, the City Council may use the findings of fact as set out by the Planning Commission

City Council deferred action on this recommendation in meeting on October 19 in order that the City Attorney could provide response to various questions. A copy of his memo to Mayor and City Council on this subject is attached.

Attachment No. 3

7. Decision on Petition No. 81-48 by Grand Cafe, Inc., for a change in zoning from O-6 to B-1 of a .04 acre parcel located about 230 feet off the east side of Providence Road, in the block bounded by Fenton Place and Altondale Avenue.

A protest petition has been filed sufficient to invoke the 3/4 Rule requiring nine affirmative votes of the mayor and city council in order to rezone the property.

The Planning Commission recommends the petition be approved.

City Council deferred action on this recommendation in meeting on October 19 for a period of 30 days to allow an opportunity for additional discussion and negotiation within the neighborhood. Councilmember Selden also had questions regarding seating and parking and a meeting has been set for Thursday, November 12 in the City Attorney's office to discuss this.

Transportation

8. Consideration of a report from the City Council's Transportation Committee on the McArthur/LaSalle Street situation.

Attachment No. 4

9. Recommend adoption of a Memorandum of Understanding previously adopted by the six small towns and Mecklenburg County Commissioners.

This revision has been prepared bv the North Carolina Department of Transportation based upon the June 19, 1981 Memorandum of Understanding adopted by all governmental bodies except the City of Charlotte. The following corrections have been made.

1) Reference to superseded Federal regulations have been removed.
2) North Carolina Board of Transportation has been changed to North Carolina Department of Transportation
3) The weighted vote defined by the Governor has been included.
4) Insertion of the phrase "Members will vote on matters pursuant to authority granted by their respective governmental bodies." (This statement was agreed to by local governmental jurisdications.)
5) Paragraph 4 on Page 3 has been reworded to include the North Carolina Department of Transportation as a member of the Charlotte-Mecklenburg Metropolitan Planning Organization in concert with the general purpose local governments

Staff has reviewed this document and feel that it is identical in substance to the Memorandum already approved by City Council, and therefore recommend approval.

Attachment No 5

Policy Formulation & Administration

10 Recommend the following actions in the settlement of the McMillan/Beatty Lawsuit

(a) Report the action of Council approving a settlement in executive session in McMillan et al vs City of Charlotte (CC-77-255) and enter the settlement terms in the minutes

(b) Adopt an ordinance amending the 1981-82 budget ordinance transferring $57,000 from the general fund contingency to the awards and damages account for expenses related to the McMillan/Beatty Lawsuit

Attachment No 6.

11. Recommend approval of a contract and pension agreement with John B Fennell for financial services to the City of Charlotte for a 20-month period, beginning February 1, 1982

Mr. Fennell will contract with the City for financial services covering the areas of resource recovery, airport expansion, uptown development, water/sewer rates, and City office space The contract is for 20 months, in the amount of $6,000 per year The pension agreement is for $33,300 for a period of three years

Attachment No 7

12. Recommend adoption of an ordinance amending Chapter 13 of the City Code, entitled "Offenses and Miscellaneous Provisions," to grant the Director of Parks and Recreation, or his designee, the authority to issue permits for the possession or consumption of any alcoholic beverages, beer, or wine while in the parks in accordance with policies established by the Director

Adoption of this code amendment would provide administrative review and approval or disapproval by the Director, with appeal to the City Manager's office Administrative regulations would specify receipt of application five days in advance of the event, and payment of a $25.00 permit fee

Attachment No. 8.

13 Consideration of an amendment to the resolution establishing the Charlotte Historic District Commission

The amendment as proposed by the present Commission opens up the nominations for appointment to the Commission.

- Provides for the removal of the requirement that appointments be filled from certain designated agencies or institutions in the city and county.
- Provides that a majority of the members must have demonstrated special interest, experience or education in history or architecture
- Provides that all members must reside in the corporate limits of the city
- Provides that the Historic District Commission may submit names of nominees for each vacancy on the Commission.
- Provides that one appointment be filled by a property owner of each designated district, with the neighborhood association to provide nominations for the district and that such nominations be recommended by the Board of Directors of the Neighborhood Association.
- Provides that the six member commission be expanded by the addition of one member owning property within any newly designated historic district or districts designated by the City of Charlotte

Attachment No. 9

14 Consideration of further nominations to fill two positions on the Historic District Commission

(continued)

14. (continued)

The following nominations have been made

(a) Nancy Betty's position -

1) Dr Tolly Kennon, nominated by Councilmember Leeper
2) Mr. Tom Fennimore, nominated by Councilmember Chafin

(b) Dean Charles C. Hight's position -

1) Professor Eric Sauda, nominated by Councilmember Carroll

The Historic Properties Commission has submitted the name of Donald Yelverton, Charlotte architect, to fill one position, and the Friends of Fourth Ward have nominated Tom Fennimore to fill the second vacancy The Commission has submitted the name of Susan Jernigan, a member of the Charlotte-Mecklenburg Planning Commission to fill the expiring term of Peggy Culbertson. (This is an appointment to be made by the Mayor.)

Attachment No. 10

15 Consideration of nominations to fill nine positions on the Clean City Committee

1) Judy Ranson's term expired She has completed two full terms and is not eligible for reappointment Appointment is to expire June 30, 1984.
2) Richard Shields has completed one term Appointment is for a term to expire June 30, 1984
3) Ike Jones has completed one term, and is eligible for reappointment to expire June 30, 1984
4) David B Waymer (resigned). Appointment is for unexpired term to expire June 30, 1984
5) Shirley Farrar (resigned) Appointment is for an unexpired term to expire June 30, 1982.
6) Billy J. Reid (resigned) Appointment is for an unexpired term to expire June 30, 1982.
7) Darrell Holland (resigned). Appointment is for an unexpired term to expire June 30, 1982
8) Vacant position. Appointment is for an unexpired term to expire June 30, 1982
9) Vacant position. Appointment is for an unexpired term to expire June 30, 1982

The Clean City Committee's recommendations are attached for your consideration

Attachment No 1_

16. Consideration of appointments as follows·

(a) Council on Aging - one unexpired term to expire March 30, 1982.

The following nominations have been made

1) Dorethia Lakin, nominated by Councilmember Chafin.
2) Don Curry, nominated by Councilmember Frech.
3) Bertie Kizer, nominated by Councilmember Leeper.

(b) Private Industry Council - one unexpired term to expire May 18, 1982

The following nominations have been made

1) Jack Benson, nominated by Councilmember Dannelly
2) Dr Peter Myer, nominated by Councilmember Chafin

Attachment No 12

BUSINESS AGENDA

17. Recommend approval of a request by Sheraton Center Hotel to serve beer at their employees' tag football competition at Dilworth Elementary School football field (Latta Park), November 22, 1981, 2 00 p m. to 6 00 p.m.

Attachment No 13

18. Recommend approval of the transportation marketing contract with Lawrimore Communications, Inc to assist in the implementation of the Transportation Marketing Program.

The contract calls for a $1,000 minimum monthly retainer fee for which the agency will provide up to twenty hours of service per month before additional fees may be charged. The term of the contract is one year.

The consultant will work with the Transportation Marketing Specialist to implement the goals of the Transportation Marketing Program, which includes conducting transportation marketing research, improving transit user information aids, increasing ridership and revenues, and developing a public relation campaign.

Attachment No. 14

19. Recommend adoption of a resolution of condemnation authorizing acquisition of property for the Third Ward Neighborhood Strategy Area.

This action is for a partial take of land only, and temporary construction easement for intersection improvements at Waccamaw and South Irwin Street The owner has refused the city's offer and counter-offer based on appraisals and federal guidelines. Owner refused to make a counter offer.

Attachment No 15.

* * *  * * *

The City Attorney advises that Agenda Items No. 20 through No. 56 may be considered in one motion However, any member of Council may request an item be divided and voted on separately

* * *  * * *

20 Recommend award of contracts as follows

(a) Award contract to the low bidder, ITT Grinnell Corporation, in the amount of $45,215, on a unit price basis for 2700 water meter yokes and accessories for Utility Department.

(b) Award contract to the low bidder, Hersey Products, Inc , in the amount of $25,769 94, on a unit price basis, for 29 detector check valves for Utility Department

(c) Award contract to the low bidder, Pump & Lighting Company, in the amount of $24,780, on a unit price basis for 3,000 water meter boxes and lids for Utility Department

(d) Award contract to the low bidder, Hajoca Corporation, in the amount of $67,484.76, on a unit price basis for 36,500 l f. of galvanized steel for Utility Department

(e) Award contract to the only bidder, 3 M Company, in the amount of $55,375 52, on a unit price basis for scotchlite letters, numbers and material, for Transportation Department

(f) Extension of present contract with Stroupe Security Patrol, Inc for security guard service for Neighborhood Centers, at a yearly cost of $32,055, from November 1, 1981 through October 31, 1982

(continued)

20. (continued)

(g) Extension of present contract with SDI Security System for electronic security for neighborhood centers, at a yearly cost of $3,600, from November 1, 1981 through October 31, 1982.

(h) Award of contract to the low bidder, Wayne Bus Sales, in the amount of $62,500, on a unit price basis for two shuttle buses at Airport

(i) Award of contract to the low bidder, Carolina Concrete Pipe Company, in the amount of $60,336, on a unit price basis for reinforced concrete pipe for Operations Department

21 Recommend approval of contract with J N. Pease Associates to review and revise previously prepared construction plans and specifications and to furnish contract administration for the construction of a 12.0 million gallon water clearwell at the Hoskins Wastewater Treatment Plant, in an amount not to exceed $15,000

This action relates to the completion of the clearwell construction, final segment of additions to the Hoskins Plant, which was postponed earlier due to non availability of local funding. The necessary funds were made available in the April 1981 bond referendum for water and sewer improvements

22 Recommend award of contract to the low bidder, Cummings Incorporated, in the amount of $357,368 to furnish all labor, material and equipment necessary to install interior and exterior signage for new terminal facility

An MBE goal of 15 percent for the installation portion was established for this contract Guerra Signs of Charlotte, an MBE currently listed in our data bank will perform signage installation for approximately 23 4 percent of the installation portion of the contract

23 Recommend rejection of all bids received for contract for construction work related to parking lot shelter and toll plaza.

Rejection is requested since all bids received greatly exceeded the project budget, and the first and second low bidders were not responsive to the MBE requirement Plans and specifications will be revised to lower project costs and requests for bids readvertised

24. Recommend rejection of all bids received for contract for electrical work related to parking lot shelter and toll plaza for airport

Rejection is requested because the first, second and third low bidders failed to submit required MBE documentation and the fourth did not have an electrical contractors license. Contract will be readvertised for bid.

*25. Recommend approval of contract with J R Crenshaw and Associates to provide analysis and development of manpower and staffing requirements for transition to the new terminal complex, in an amount not to exceed $30,000, plus maximum of $2,000 for incidental expenses

The purpose of this study is to examine current physical operations, administration, and accounting procedures to effect a smooth transition to the new and larger facility in the spring of 1982 An independent professional consultant is being recommended with proven experience in the aviation industry, particularly airport staffing and organization, terminal start-up and transition procedures Staff believes that utilization of an outside consultant as opposed to existing administrative support staff will facilitate the shorter response time needed to have important decisions in place before the new terminal opens

26. Recommend approval of advertising concession agreement with Ackerley Airport Advertising, Inc., for advertising concession in new terminal building for five years. The agreement includes a total five-year minimum guarantee of $540,000, and 51% of gross receipts.

Ackerly Airport Advertising, Inc , is a successor in interest to TDI-Mid-Eastern Airports Advertising, Inc , the current concessionaire. The proposed concession agreement represents an anticipated increase of over $187,000 in return to the city compared to the past five years.

27. Recommend approval of contract with David M Griffith & Associates for assistance in development of an indirect cost allocation plan for the fiscal year ended June 30, 1981, at a fixed fee of $14,280

The contract will provide an update to the Fiscal 1980 Central Services Cost Allocation Plan developed by the consultant. Federal Management Circular 74-4 requires that a new plan be developed in each subsequent year based on actual expenditures for the year involved. The fixed fee for 1982 is an increase of 5 percent over that of 1981

An indirect cost allocation plan allows the city to recover allowable costs incurred by administrative departments involved in federal grant and enterprise operations Additional dollars recovered in Fiscal 1981 totalled $222,800, which was returned to the general fund

28 Recommend approval of agreement extending through June 30, 1982 with Harris-Miller-Miller, Inc., to provide expert testimony in noise litigation against the City of Charlotte in an amount not to exceed $100,000.

City Council approved a contract, in the amount of $100,000, with Bolt, Beranek and Newman last summer Since that time, the project principal has left to begin his own consultant operations. Therefore, Staff is proposing that the City Council approve a new agreement with Harris-Miller-Miller, Inc., as well as continue the services of Bolt, Beranek and Newman The total amount obligated under both contracts will not exceed $100,000.

29. Recommend appoval of the following actions to fast track design and construction of the East Concourse expansion, and to finance change orders and terminal facility signage

(a) Approve change orders to contracts to construct new terminal facilities at Charlotte Airport, increasing total contract amounts by $712,466.52.

(b) Adopt an ordinance appropriating $1,231,443.10, for the new terminal project

Source of funding includes the 1978 Airport Bond Fund, and the 1981 Airport Revenue Bond Fund.

30 Recommend approval of Supplemental Agreement No. 3 to License No DOTFA78S0-11279 with the Federal Aviation Administration to install, operate and maintain lighting system for runway 18R at Charlotte Airport

This supplemental agreement will allow FAA to install, operate and maintain an approach lighting system to provide additional guidance for aircraft landing from the north All costs associated with the Supplemental Agreement will be borne by the FAA

31. Recommend adoption of a resolution amending the pay plan to establish ten classifications necessary to complete implementation of the Engineering Aide Study and to deletethe five Engineering Aide classifications

The Personnel Department has re-evaluated the duties of twenty-eight Engineering Aide positions in completion of a city-wide Engineering Aide Study. The recommendation is to delete the five Engineering Aide classes and to add the following ten classifications needed for seventeen positions in the Utility and Transportation Departments

(continued)

31 (continued)

| Classification | Pay Range | Number of Positions |
|---|---|---|
| Traffic Counter I | 6 | 1 |
| Traffic Counter II | 8 | 1 |
| Transportation Technician | 11 | 5 |
| Graphics Technician | 11 | 3 |
| Utilities Technician | 11 | 1 |
| Traffic Count Supervisor | 12 | 1 |
| Transportation Analyst | 18 | 2 |
| Technical Graphics Supervisor | 18 | 1 |
| Signal Systems Specialist | 18 | 1 |
| Signal Systems Supervisor | 20 | 1 |

The remaining eleven positions are recommended for assignment to classes already established

32. Recommend adoption of a resolution amending the pay plan to replace the classification of Fire Inspector I and II with Fire Inspector, and Fire Investigator I and II with Fire Investigator

The Personnel Department has completed a review of thirteen positions assigned to the Fire Prevention Bureau, identifying the need to combine several current classifications in order to equitably compensate for work performance The recommendation is to establish single classifications of Fire Inspector and Fire Investigator, assigned to Pay Range 17 ($16,261 - 20,754 annually), and to delete the classifications of Fire Inspector I and II, Pay Range 15 and 17 respectively, and Fire Investigator I and II, Pay Ranges 16 and 18 respectively

33 Recommend adoption of a resolution amending the pay plan to add the classification of Transportation Operations Superintendent, Pay Range 26 ($25,227 - 32,196 annually), and Transportation Electronic Manager, Pay Range 25 ($24,026-30,663 annually).

The Personnel Department has completed a review of two positions in the Transportation Department and identified the need to establish classification titles at higher pay ranges which better describe and compensate for the duties performed

*34 A Recommend adoption of a resolution amending the pay plan to delete the classification of secretary to the Mayor, to change the pay range assignment of the Administrative Secretary II, from Pay Range 12 to 13, and to add the classifications of Assistant to the City Manager I, II, and III

(continued)

34. (continued)

The Personnel Department has conducted a study of several positions in the City Manager's Office The changes requested will result in four Administrative Secretary II positions which support the Assistant City Managers being increased from Pay Range 12 to 13 ($13,378-17,074 annually). The current Secretary to the Mayor, Pay Range 13 is being administratively reclassed to Administrative Assistant I, Pay Range 14 ($14,047-17,928 annually) making the current classification unnecessary. The current Administrative Assistant I, II and III positions will be assigned to a new class series Assistant to the City Manager I, Pay Range 15 ($14,749 - 18,825 annually), Assistant to the City Manager II, Pay Range 22 ($20,754 -26,488 annually), and Assistant to the City Manager III, Pay Range 26 ($25,227 -32,196 annually) resulting in a one pay range assignment change for the Administrative Assistant I and a two range change for the Administrative Assistant II

B Recommend adoption of an ordinance to amend the 1981-82 Budget Ordinance to provide supplemental appropriation to fund personnel reclassifications for positions in the Mayor and City Manager's office, in the amount of $4,900.

35 Recommend adoption of a resolution amending the pay plan to add the classification of Treatment Plant Engineer, Pay Range 22 ($20,754-26,488 annually)

The Personnel Department has completed a review of two remaining Civil Engineer I positions, which was excluded from the original civil engineer study due to the diverse nature of duties and responsibilities Results of the review indicate the need to establish a new classification of Treatment Plant Engineer assigned to Pay Range 22

*36 Recommend approval of Thursday, December 24, 1981, as an additional Christmas Holiday for city employees.

*37 Recommend approval of a new loan agreement for $56,244 between the City and Hassan Ali Mohamed, doing business as Go Clean Laundry and Dry Cleaners, in the West Morehead Neighborhood Strategy Area.

Action is necessary in order for the city to make loan funds available to Hassan Ali Mohamed to pay off the economic development loan balance of $53,840 39 which has been in default by Mr Clarence Gibson since June, 1981, doing business as Dalton Coin Operated Laundromat, and to make structural improvements in the building The Gibson loan agreement was authorized by City Council although staff investigation at the time indicated potential risk.

(continued)

37. (continued)

The new loan will be secured by a First Deed of Trust on the land, building and equipment. The term of the loan will be five years, with a balloon payment and an interest rate of 6% per annum

38. Recommend approval of a loan agreement with Simon A White, Jr., for the rehabilitation of a house located at 328 S Cedar Street, in Third Ward Neighborhood Strategy Area, in the amount of $35,000

The loan application has been carefully reviewed by the City Loan Officer, Community Development Department and all criteria for qualifying for financial assistance has been met by the applicant in accordance with the requirements outlined for the Community Development Loan and Grant Program approved by City Council on November 3, 1975 as amended.

39 Recommend approval of loan for permanent financing to purchase property in the Fourth Ward Redevelopment Project Area, as follows

(a) James A & Essie M. Frieson, $97,500, 208 W 8th Street
(b) Frank C. and Nancy E. Newton, $82,350, Unit #15, St Peter's Condominiums
(c) Frank P Jonas, $61,650, Unit #15, Barringer Square
(d) Sharlene Carico, Donald D & Gloria DiSanza Thomas, $61,650, Unit 18, Barringer Square
(e) David C. & Maureen D. Blackwell, $59,850, Unit 10, Barringer Square.
(f) David M Phillips & Robert C Phillips, $54,900, Unit 91, Springfield Square
(g) James M Whitesides and Cal Kardous, $59,850, Unit 13, Barringer Square.
(h) E I & Kathryn V Clancy, $56,250, Unit 104, Springfield Square
(i) Alonzo & Maxine R Mackins, $90,000, 509-A N. Poplar Street
(j) Larry V. & Gwendolyn Mackins, $90,000, 509-B N. Poplar Street
(k) Kurt A & Susan Marwitz, $78,550, Unit 22, Hackberry Court
(l) William Paul & Kathryn T Jennings, $78,300, Unit 14, St Peter's Condominiums.
(m) David E Whitaker and Richard H. Whitaker, Sr , $76,900, Unit 4, Graham Court
(n) Kenneth W Gronager & Elizabeth Mary Olson, $58,950, Unit 85, Springfield Square
(o) Joe A Jones, $67,500, Unit 3, Barringer Square

39 (continued)

The Community Development has received and reviewed loan applications prepared by North Carolina National Bank. The loan applications contain sufficient information to form the basis for approval of the loans

40 Recommend adoption of an ordinance amending the 1981-82 Budget Ordinance, estimating revenues from the sale of two LEAA-funded vehicles and appropriating funds to the Police Department for the purchase of a new van for the Crime Prevention Program, in the amount of $13,985 06

Two vans purchased with LEAA funds in 1975, but which no longer met departmental needs, were sold at public auction for a total of $13,985 06. The LEAA, with concurrence of Budget & Evaluation, has agreed to allow the Police Department to purchase a new utility van to be used for the transport of crime prevention literature and exhibits with the revenue received

41 A Recommend adoption of a resolution approving sale of a house and lot, located at 809 East 8th Street, in First Ward Urban Renewal Project, to the Charlotte Housing Authority, in the amount of $29,000

This action authorizes a land sale by negotiation to a governmental entity under North Carolina Redevelopment Law The Charlotte Housing Authority will resell the house to an eligible purchaser who meets the requirements of the Kannon vs HUD, et al lawsuit settlement agreement. The Housing Referral Section of the Community Development Department has furnished the Housing Authority with the name of an eligible purchaser who will occupy the house upon transfer of the title

B Recommend approval of a loan agreement between the City of Charlotte and the Charlotte Housing Authority, in the amount of $29,000 from the general revenue sharing housing account for the purchase of a new single family housing unit located in First Ward

An eligible buyer will assume the mortgage note from the Housing Authority, and will pay the mortgage over 30 years at 3% per annum

42. Recommend approval of the acquisition of four residential parcels of real property located in the Five Points Neighborhood Strategy Area, and demolition of the three structures on two residential parcels

Property is needed to make space for new housing and expansion by Johnson C Smith University The residential units are not presently occupied

A total of 118 parcels have been acquired in Five Points Twenty-one for the site of the neighborhood park, 52 for the expansion of Johnson C Smith University, and 45 for new housing The current plan projects the acquisition of 144 more parcels, 95 for new housing sites, 35 for the expansion of the university, and 14 along North Summit for the new entranceway into the university

*43. Recommend adoption of the following ordinances, and approval of contracts to renovate two dwellings declared unfit for human habitation using the In Rem Remedy

(a) Ordinance affecting dwelling located at 200 Wavt Street (also 1220 Person Street),
(b) Ordinance affecting dwelling located at 1909-11 Wayt Street

The dwellings are located in a depressed area - complying with the current Housing Assistance Plan. The cost for repairs will be less than 50 percent of the value of the dwellings The owners have neglected to comply with order to make the necessary repairs The dwellings are now occupied.

Approval of the ordinances will allow the city to accomplish the necessary work to correct the problems. A lien will be placed against the property for the cost incurred

44. Recommend approval of contracts for the construction of water mains as follows, at no cost to the city

(a) Contract with Klutts Realty & Construction Company for the construction of 645 feet of 6-inch water mains and 525 feet of 2-inch water mains to serve Lakedell Subdivision, inside the city, at an estimated cost of $12,130

Located south of The Plaza and east of Eastway Drive

(continued)

44 (continued)

(b) Contract with Ralph Squires Homes for the construction of 1,945 feet of 8-inch water mains, 265 feet of 6-inch water mains and 2,550 feet of 2-inch water mains to serve Alexander Place Subdivision, inside the city, at an estimated cost of $57,000.

Located west of North Sharon Amity Road, and north of Shamrock Drive

(c) Contract with NCNB as Trustee NCNB Real Estate Fund for the construction of 2,885 feet of 12-inch water mains and 440 feet of 8-inch water mains to serve Oakhill Business Park, inside the city, at an estimated cost of $76,000

Located north of Arrowood Boulevard and west of I-77.

45. Recommend approval of property transactions, as follows

(a) Acquisition of 294 54 feet of additional sanitary sewer easement from Kathleen L. Saliby (widow), 6433 Windyrush Road, at $1 00, for Providence Utility Trunk Relocation.

(b) Acquisition of 814 10 square feet of water line right of way, from Albert D Nance and wife, Nettie S. Nance, and Allen C Nance and wife, Elsie H. Nance, on Little Rock Road, as part of gas station at 6100 Wilkinson Boulevard, at $1,000 for right of way for existing water line at intersection of Wilkinson Boulevard and Little Rock Road.

(c) Option to acquire a partial take of land only and temporary construction easement for intersection improvements, from David D Malphurs, Sr and Pauline E Malphurs, 1009 Waccamaw Street, $150, for Third Ward Neighborhood Strategy Area

46 Recommend adoption of two resolutions authorizing the refund of taxes, in the total amount of $2,343 95, which were collected through clerical error and illegal levy against 28 tax accounts

47 Recommend approval of an additional payment, in the amount of $500, to Barbara Bland Lane, for loss of trees associated with the Toddville Road Culvert Project

48 Recommend approval of settlement in City of Charlotte vs Walter T Pierce and wife, Elizabeth W Pierce, et al, in a condemnation action for a 15-foot permanent sanitary sewer easement, in the total amount of $1,000, for Sanitary Sewer to serve Albemarle Road Area - Parcel #1-35

49 Recommend adoption of resolutions of intent to abandon rights of way, and calling public hearings on Monday, January 11, 1982

(a) Resolution of intent to abandon the right of way portion of North Long Street and Haley Place, in the First Ward Urban Renewal Area

(b) Resolution of intent to abandon the right of way of a portion of an un-named street and alleyway, located between Euclid Avenue and Cleveland Avenue.

50. Recommend adoption of a resolution changing the departmental name of the Charlotte-Mecklenburg Office of Civil Preparedness to Charlotte-Mecklenburg Emergency Management Office

The change has been suggested by the North Carolina Division of Emergency Management to make the local name consistent with state and federal components. The Mecklenburg County Commission approved the name change on October 19, 1981

*51 Recommend adoption of a resolution calling a special City Council Meeting on Thursday, December 3, 1981, 6 00 P M., Council Chamber, City Hall, for the purpose of considering pending zoning decisions.

52 Recommend adoption of an ordinance amending the 1981-82 budget ordinance re-establishing appropriations for Community Development Human Resource Programs initiated in Fiscal 81, in the sum of $226,790 62

This ordinance is needed for proper accounting purposes and does not represent any new or additional funds

53. Recommend approval of an increased loan amount of $3,150 to David C Thomas for permanent financing to purchase residential Unit No 36, in Springfield Square, Fourth Ward Redevelopment Project Area

The Community Development Department has received this request from NCNB on behalf of the proposed purchaser

54 Recommend authorization for Offer of Judgment in condemnation action for property associated with the York Road Landfill Site

The proposed offer of judgment will be submitted before trial, and could result in payment over the original $50,000 deposit, in an amount not to exceed $29,500 The offer of judgment is a procedural device to limit liability of the City should this matter proceed to trial

55. Recommend adoption of a resolution providing for public hearings on Monday, December 21, 1981, 6 00 p.m , Education Center, on Petitions No. 81-68 through 81-77 for zoning changes

56 Recommend approval of the issuance of special officer permits for a period of one year for use on the premises of Charlotte Park and Recreation Department, as follows

(a) Samuel Sylvester McNeil, Jr
(b) Terry Lee Pittman
(c) Jerry Lamar Hanna
(d) Sharon Denise Johnson

- - - - - -

## SCHEDULE OF MEETINGS
## NOVEMBER 16 THRU NOVEMBER 20

| | | |
|---|---|---|
| Monday, November 16 | Council/Manager Luncheon<br>Civic Center - Trade Street<br>VIP A & C Rooms<br>.. Economic Development Program<br>. Airport Landscaping | 12·00 Noon |
| | Citizens Hearing | 2·00 P M. |
| | Council Discussion | 2 30 P.M. |
| | Council Meeting<br>Council Chamber<br>City Hall | 3 00 P.M. |
| Tuesday, November 17 | Council's Environmental Health & Protection Committee<br>Second Floor Conference Room<br>City Hall | 4·00 P.M. |
| Wednesday, November 18 | City Council, Council-Elect, County Commission & Planning Commission | 7 30 A.M |
| | Transportation Action Program Breakfast<br>Sheraton Center - Carolina Ballroom<br>Salon A | |
| | Transportation Advisory Committee<br>Cameron Brown Building<br>First Floor Conference Room | 7 30 P M. |
| Thursday, November 19 | New City Councilmembers Orientation Session<br>Second Floor Conference Room<br>City Hall | 8 30 A.M. - 10 00 A.M. |
| | Council's Transportation Committee<br>Council Chamber<br>City Hall | 4 00 P M |

# Attachments

# Request for Council Action

Charlotte

To the City Manager

October 27, 1981
Date

From Harry L. Jones, Sr., Director, Community Development Department

Action Requested Recommend and request the City Council at its November 16, 1981, meeting adopt a "Resolution of the City Council of the City of Charlotte Approving Sale to Biddleville Housing Corporation for the Purchase and Development of Vacant Land Located in the Five Points Neighborhood Strategy Area".

Action is necessary to permit the City to negotiate the sale to Biddleville Housing Corporation of five parcels of property for construction of single-family housing units thereon. This action is in accordance with the Redevelopment Plan approved for the Five Points Neighborhood Strategy Area.

The parcels, known as Block No. 28, Parcels Nos. 1, 2 and 4; Block No. 30, Parcel No. 1; and Block No. 31, Parcel No. 14, are located at 311, 317 and 329 Cemetery Street; 221 French Street and 215 Mill Road, respectively. A fair market disposition value for the five parcels was established by a committee of three professional real estate appraisers at $16,370.78.

A public hearing is scheduled to be held by the City Council on November 16, 1981, which is required by State Statute prior to a negotiated sale to a non-profit association or corporation.

Representatives of Biddleville Housing Corporation will be present at the City Council meeting and will be prepared to answer any questions which might arise.

Attachment:
- Resolution
- Map

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING SALE TO BIDDLEVILLE HOUSING CORPORATION
FOR THE PURCHASE AND DEVELOPMENT OF VACANT LAND
LOCATED IN THE FIVE POINTS NEIGHBORHOOD STRATEGY AREA"

WHEREAS, on the day of November, 1981, the City of Charlotte received from Biddleville Housing Corporation, a non-profit corporation, organized under the laws of North Carolina, a proposal to purchase by negotiation five parcels of property and to construct single-family housing units thereon, identified as Block No. 28, Parcels Nos. 1, 2 and 4, on a "Map Showing Property of City of Charlotte, Parcel 28, Lots 1-4, Five Points Community Development Area, Charlotte, North Carolina," prepared under the supervision of R. Dennis Smith, N. C. Registered Surveyor, dated January 17, 1980; as Block No. 30, Parcel No. 1, on a plat entitled "City of Charlotte, North Carolina, Community Development Department, Map of Parcel 30-1, Five Points, Property of The City of Charlotte, Charlotte, N. C.," prepared under the supervision of Frank H. Giesen, N. C. Registered Surveyor, dated September, 1979; and as Block No. 31, Parcel No. 14, on a "Map Showing Five Points Neighborhood Strategy Area, Property of City of Charlotte, French Street, Charlotte, N. C.," prepared under the supervison of R. Dennis Smith, N. C. Registered Surveyor, dated January 9, 1981; and

WHEREAS, a fair market value of $16,370.78 has been established for the five parcels of property, which is not less than the fair market value agreed upon by a committee of three professional real estate appraisers currently practicing in the State and which price has been agreed upon by the City and developer; and

WHEREAS, the proposed developer has submitted a Purchase Contract, a Redeveloper's Statement for Public Disclosure, and Redeveloper's Statement of Qualifications and Financial Responsibility; and

WHEREAS, Section 160A-514(d) of the North Carolina Urban Redevelopment Law, as amended, requires that the sale of all urban renewal land shall be subject to the approval of the Governing Body of the Municipality.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte does hereby approve the sale by negotiation of five parcels of property referred to above to Biddleville Housing Corporation, at a price of $16,370.78, in the Five Points Neighborhood Strategy Area for the construction of single-family housing units thereon, all in accordance with the Redevelopment Plan for the Area.

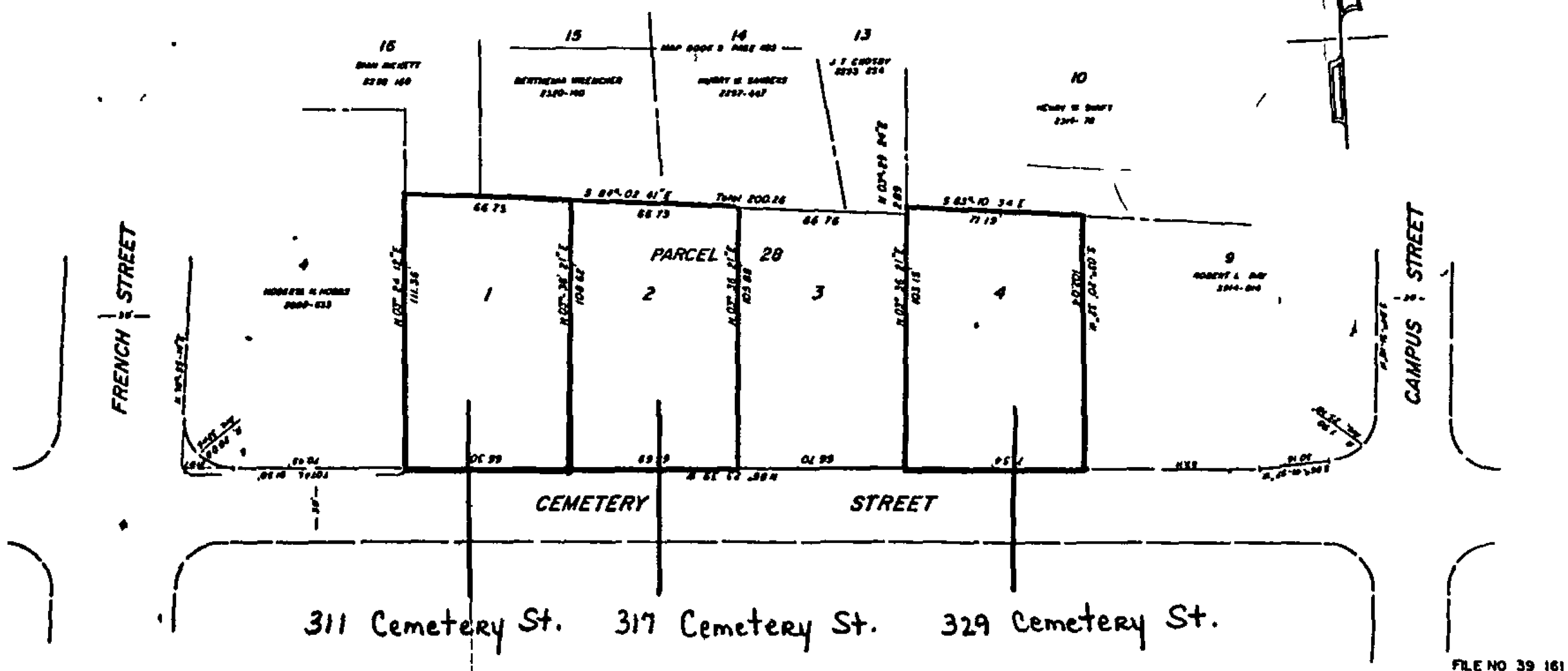
# Map Showing Property Of City Of Charlotte

## Parcel 28 Lots 1-4

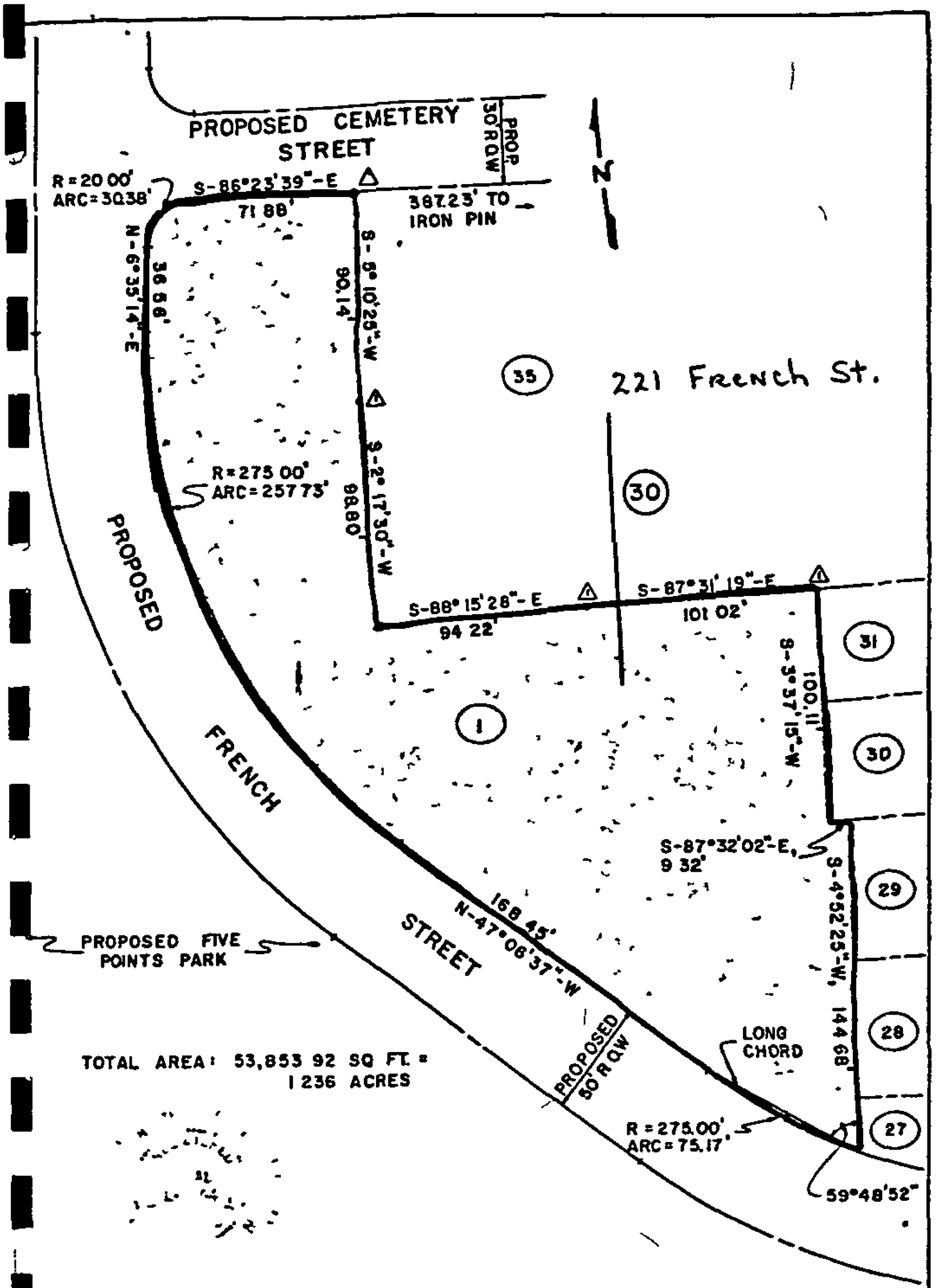
FIVE POINTS COMMUNITY DEVELOPMENT AREA

CHARLOTTE NORTH CAROLINA

SCALE 1" = 30'  DATE JAN 17 1980




FILE NO 39 161




This Plat was prepared under my supervision

Frank H Thurston L-1594
N C Registered Surveyor Reg No

NOTE Iron pins shown • were located by actual survey △ denotes iron pins that are actual property corners

CITY OF CHARLOTTE
NORTH CAROLINA
COMMUNITY DEVELOPMENT DEPARTMENT

| | | |
|---|---|---|
| | MAP OF PARCEL 30-1 FIVE POINTS | 75175 |
| | PROPERTY OF THE CITY OF CHARLOTTE | |

429

# MAP SHOWING

FIVE POINTS NEIGHBORHOOD STRATEGY AREA
PROPERTY OF

## CITY OF CHARLOTTE

FRENCH STREET

CHARLOTTE N C
DATE JAN 9 1981

MECKLENBURG CO.
SCALE 1"=100

BAR SCALE

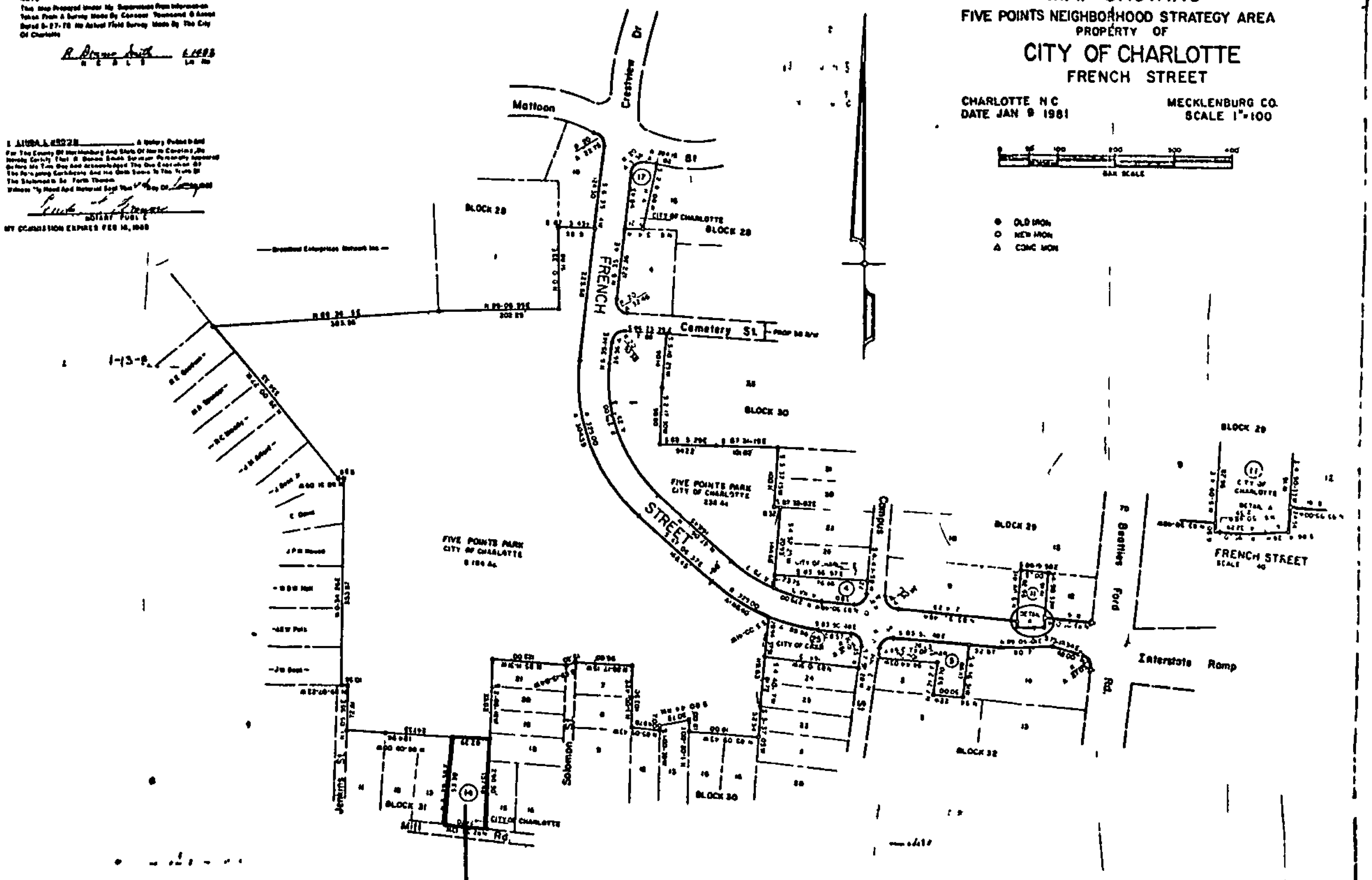
● OLD IRON
○ NEW IRON
△ CONC MON

NOTE
This Map Prepared Under My Supervision From Information Taken From A Survey Made By Conover Townsend & Assoc Dated 6-27-78 Or Actual Field Survey Made By The City Of Charlotte

R. Bruce Smith 4,1983
R E G I S T E R Lic No

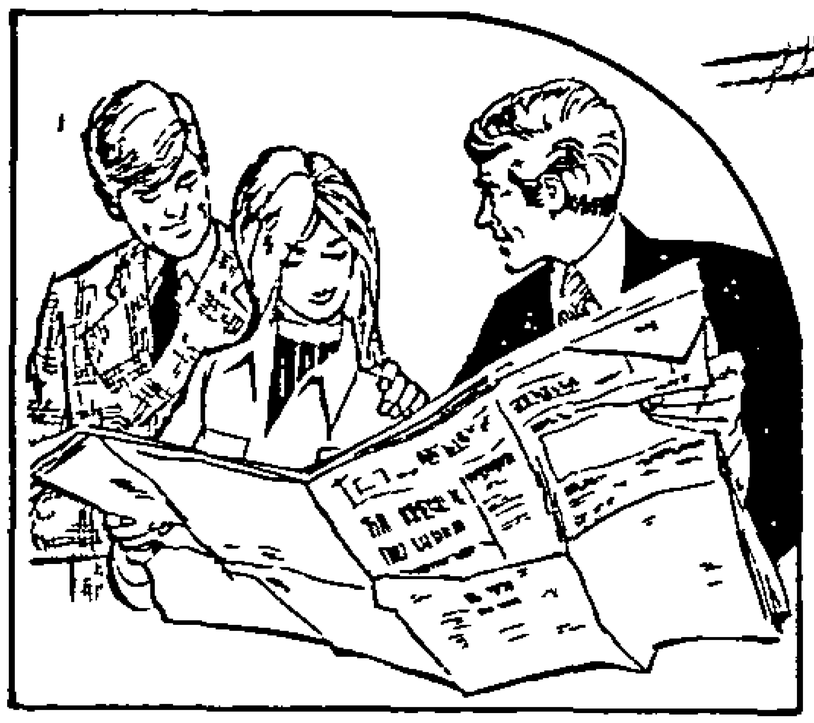
I, Linda J. Hoover, A Notary Public And For The County Of Mecklenburg And State Of North Carolina, Do Hereby Certify That R. Bruce Smith Surveyor Personally Appeared Before Me This Day And Acknowledged The Due Execution Of The Foregoing Certificate And He Made Same In The Form Of The Statements Set Forth Therein
Witness My Hand And Notarial Seal This 4th Day Of January 1983

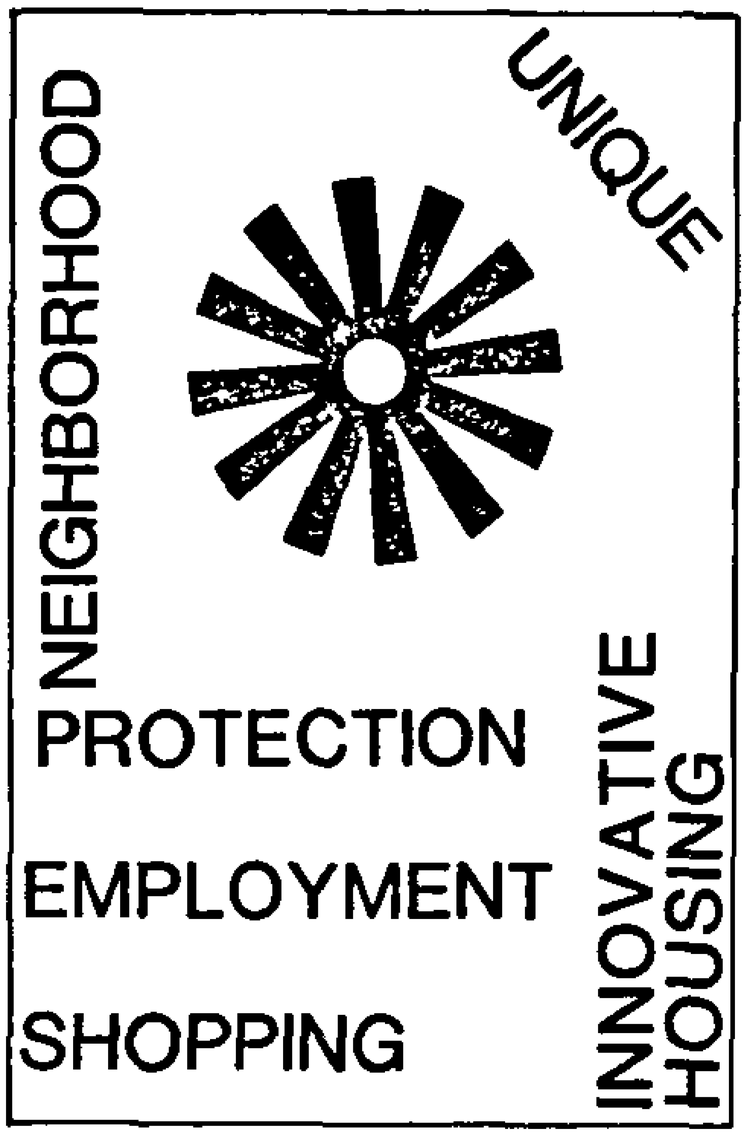
Linda J. Hoover
NOTARY PUBLIC
MY COMMISSION EXPIRES FEB 16, 1985

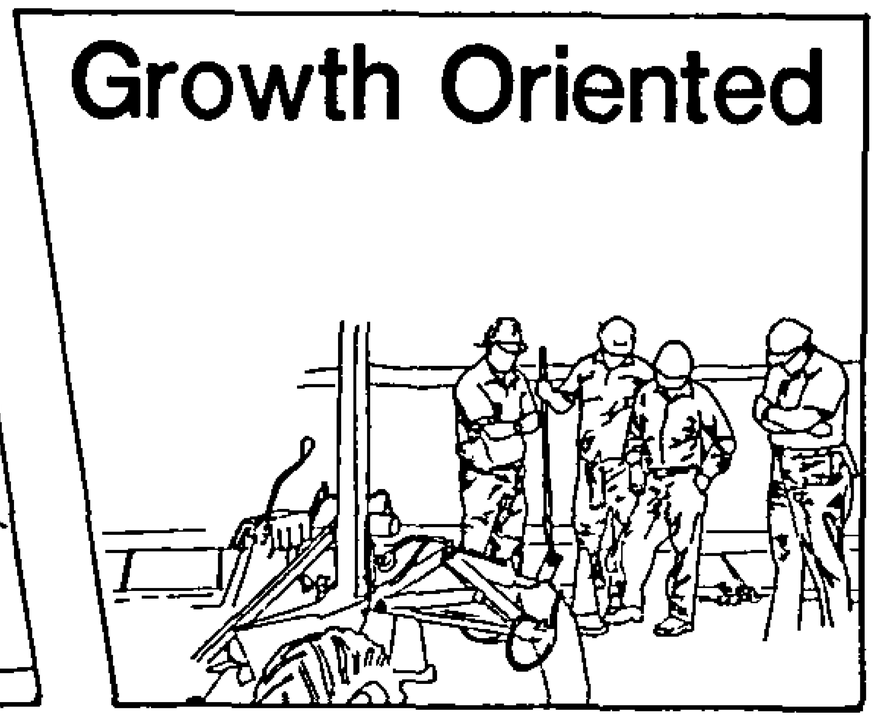



215 Mill Rd.

# ALBEMARLE ROAD
## NEIGHBORHOOD PLAN







COMPREHENSIVE PLAN VOLUME II

NEIGHBORHOOD PLAN SERIES

CHARLOTTE-MECKLENBURG PLANNING COMMISSION 301 SOUTH MC DOWELL STREET CHARLOTTE N.C 28204

# ALBEMARLE ROAD NEIGHBORHOOD PLAN

## INTRODUCTION

This plan reflects a land use direction preference and is not an inflexible land use or zoning statement Acceptance of this plan is not intended to imply approval of any type of zoning amendment before such has been fully considered through a public review and hearing process

## PLAN OBJECTIVES

The Albemarle Road Neighborhood had its beginnings in the late 1940s with the construction of homes along Verndale and Wilora Lake Roads Growth continued through the 1960s as more homes were added by the Idlewild Farms, Cedars East and Coventry Woods subdivisions The area's appearance changed from rural to urban with the completion in 1975 of Eastland Mall This decade has brought a rapid expansion of shopping centers and apartments This change and growth of the past is coupled with today's problems of increased housing and transportation costs A challenge for the future has been created Can new growth be coordinated and purposeful instead of incidental and incremental? Recognizing that challenge the plan that follows has as its main objective

> A commitment to preserve the existing quality of life within the Albemarle Road Neighborhood while providing innovative housing and additional employment opportunities

An unique situation exists in the Albemarle Road Neighborhood because it contains Eastland Mall office parks and three major roads all near large amounts of vacant land The neighborhood contains the elements necessary for an Urban Development Center (UDC) Therefore the plan also seeks to incorporate a number of broader community objectives

- increase housing density in coordination with transportation capabilities
- assure housing and employment are close to each other
- protect existing housing stock and established neighborhood character and stability
- develop areas of mixed land uses with special design attention paid to the relationship between housing and employment
- prepare a detailed land use concepts plan for Urban Development Centers (UDC) in high opportunity areas

## PLAN PROPOSALS

### REDDMAN ROAD AREA

The largest concentration of vacant land within the study area lies along Reddman Road Nearly all of it is now zoned R-9 which allows an average of four (4) single family detached homes per acre Access to the land is from two thoroughfares Albemarle Road and Sharon Amity Road and from four stub streets Alrose Court Scelina Court Starkwood Drive and Hollins Drive A unique situation

ccurs at this location the permanent closing of Reddman Road provides an opportunity for additional housing which if it occurs as the plan proposes minimizes any impact on the surrounding eighborhood

### Housing

Single family attached dwellings such as patio homes, townhouses or cluster subdivisions are ecommended in order to provide additional opportunities for home ownership

An overall density of eight (8) dwellings per acre is proposed within a varying range of from ix (6) to ten (10) dwellings per acre The higher density development is recommended either within the mapped one-quarter mile walk to transit or as a result of a possible density bonus ystem to be adopted at a later date

### Road Extensions and Improvements

The road connections are an integral part of this plan Therefore any deviation requires a re-valuation of all parts of the plan because there are so many interdependencies

- Provide a traffic signal at Executive Center Drive and Albemarle Road intersection in order for adequate access and egress from the Koger Office Park and to help relieve neighborhood through traffic on Farm Pond Lane
- Improve turn lanes at Albemarle Road and Farm Pond Lane when neighborhood through traffic problems are solved in Idlewild Farms Neighborhood
- Avoid future neighborhood through traffic by not extending Starkwood Drive Scelina or Alrose Courts or connecting Reddman Road to Sharon Amity Road
- A road connection between Hollins Drive and Reddman Road is necessary with the proposed density increase This connection should be circuitous and consist of several different streets in order to prevent additional through traffic in Idlewild Farms

### Retail Development

Retail development is proposed on Albemarle Road between Starkwood Drive and Reddman Road All arcels should be developed and designed in a coordinated fashion with a minimum of curb cuts and compatible with surrounding housing Special attention should be given to the center's rear No dditional retail development is mapped along Reddman Road but it is possible if for the convenence of the immediate neighborhood and does not encourage non-neighborhood traffic

### Parks

One additional neighborhood park is necessary within this area as the result of the increased ensity however no specific location is indicated The adopted Greenway Plan is supported by this proposal and would provide an excellent open space between new and existing housing

## WILORA LAKE ROAD AREA

he second largest concentration of vacant land nearly 75 acres lies along Wilora Lake Road near astland Mall The area contains about 25 homes along Jenkins Drive Lamarr Street and Wilora

ake Road It is now zoned primarily R-12 which allows an average of 3 5 single family detached homes per acre Business zoning exists along the Albemarle Road frontage Access to the vacant and is possible from two thoroughfares, Albemarle Road, and Sharon Amity Road as well as two stub streets, Verndale Road and Jenkins Drive

Because Eastland Mall is so near, it presents an unusual opportunity for this area to develop as part of an Urban Development Center containing both employment and housing The existing housing and street configuration require careful attention to the plan in order to minimize any impact on the surrounding properties

## Mixed Land Uses

mixture of offices housing and some minor retail uses are proposed for the central core of this area Mixed use means a mixture of uses within a single development project or a mix of uses within a defined geographical space specified by the plan The offices and housing are expected to develop in an integrated manner as the primary uses Office use will also extend along the property abutting Eastland Mall while housing will extend from the core along the remaining edges The proposed office and retail uses along Albemarle Road should provide an attractive gateway with an orientation toward the interior core instead of the roadway

## Housing

A mixture of housing types which promote home ownership are proposed for this area An overall density of eight (8) dwellings per acre is proposed within a varying range of from six (6) to ten (10) dwellings per acre The higher density housing will occur within the mixed use core with density decreasing as the new housing reaches the edge of the existing single family housing Higher density housing may also occur as a result of a possible density bonus system adopted at a later date

## Road Extensions and Improvements

The road connections are an integral part of this plan Therefore any deviation requires a re-evaluation of all parts of the plan because there are so many interdependencies

- Develop a cul-de-sac for Wilora Lake Road in order to avoid large amounts of future neighborhood through traffic
- Connect Wilora Lake Road to provide a loop within the new development Jenkins Drive would provide the primary access from Albemarle Road because left turns cannot now or in future be made from Albemarle Road onto Wilora Lake Road
- Realign Jenkins Drive at Albemarle Road in order to intersect at the same location as Executive Center Drive A traffic signal at this location will also help access to any egress from Roger Executive Office Park
- Do not extend Verndale Road south into the new development in order to avoid future neighborhood through traffic

## Parks

The additional neighborhood park is necessary to serve the anticipated increase in population Either the existing neighborhood or the new mixed use development is a suitable location The adopted Greenway Plan is supported by this proposal

## ALBEMARLE ROAD NEAR DELTA ROAD

Approximately 65 acres of vacant land is found within the study area along Albemarle Road just west of Delta Road The interior of this area is now zoned R-12MF (multi-family) and the frontage along Albemarle Road is O-15 (office) Road access to the property is from one thoroughfare Albemarle Road and two stub streets Regal Oaks Drive and Bonneybrook Lane An approved plan now exists for apartments in the area zoned R-12MF

A potential opportunity for mixed uses of office and housing was identified for this area if the parcels could be developed in a coordinated manner No changes in land use from the existing zoning are proposed However if the owners determine mixed uses are desirable their proposal should be evaluated Any proposal should address the following plan objectives

- Prevent any land use intensification with access to Bonneybrook Lane causing neighborhood through traffic
- Do not connect Delta Road to Albemarle Road to avoid neighborhood through traffic
- Assure new development is compatible with existing surrounding housing

## ALBEMARLE ROAD FRONTAGE

This planning process has identified aesthetic and traffic problems resulting from the rapid retail growth along Albemarle Road The formation of a Commercial Association consisting of the property owners and businesses along the road frontage is recommended It is suggested the Association identify specific problems and joint public and private actions which remedy these problems

## OTHER VACANT LAND

Several other smaller parcels of vacant land exist within the study area Review of these parcels resulted in a proposal for apartments along Starkwood Drive No other changes to the existing density or zoning were identified Future stub street extensions and cul-de-sacs are mapped

## TRANSPORTATION IMPROVEMENTS

The need for a strong commitment to residential land use within the study area along the major thoroughfares Sharon Amity Albemarle Road and Delta Road was identified as necessary to provide aesthetically pleasing and efficient roadways

This plan proposes a number of transportation improvements which have not been previously discussed These unfunded transit roadway, and intersection needs are listed below in two groups

Identified In Other Previous Studies

- Independence Boulevard
- Delta Road-Hickory Grove
- Sharon Amity/Central Avenue Intersection
- Sharon Amity/Albemarle Road Intersection
- Albemarle Road/Lawyers Road Park and Ride Lot

Identified in Albemarle Road Plan

- Transit Service Improvements
- Central Avenue/Albemarle Road Park and Ride Lot

It was agreed that through traffic on Farm Pond Lane and in the Idlewild Farms Neighborhood was a problem However because of the complexity of the situation and the lack of consensus no solution was proposed for the problem

### Idlewild Farms Neighborhood Through Traffic

Idlewild Farms Neighborhood representatives met with the Charlotte Department of Transportation (D O T ) staff and an agreement was reached to resume the neighborhood through traffic study It is recommended that D O T staff work with the neighborhood to identify and test a progressive series of solutions until relief is realized Some suggested methods include signs to limit speed prohibit left turns and/or prohibit through traffic a traffic maze street cul-de-sac

Pedestrian and bicycle path locations are mapped Additional paths should be provided in open space or buffering areas in order to link neighborhoods to each other to shopping to parks and to the greenway

## IMPLEMENTATION

The more intense development and broader mix of uses proposed in the Albemarle Road Plan can not be implemented under the existing residential regulations New residential standards need to be flexible enough to encourage innovative design and to provide individual site consideration of surrounding properties

A site plan ordinance will be proposed by the Planning Commission as an alternative to traditional and conditional zoning requirements The review process to be administered by the Planning Commission staff would allow design options and flexibility based on a review of the site's characteristics and project features in relation to the surrounding area This site plan ordinance will be proposed by the Planning Commission using the recommendations of a representative community-wide study group

The mixed land use areas proposed as part of an Urban Development Center (UDC) will require revised zoning provisions

The acceptance of this plan does not preclude the application for and consideration of zone changes under the current ordinance

## CONCLUSION

This Plan concludes with a look beyond the study area Intensification of land use within the study area presupposes less intensive apartment development near the Albemarle Road/Delta Road intersection It is recommended a study be conducted identifying both housing and employment options for this area

This Plan also anticipates that the intensification of land uses within the study area will slow the low density development occurring in eastern Mecklenburg County Also of importance is the need to carefully examine any future retail expansion along Albemarle Road to measure the effects on the study area surrounding neighborhoods and Albemarle Road traffic capacity

### EXISTING AND PROJECTED POPULATION

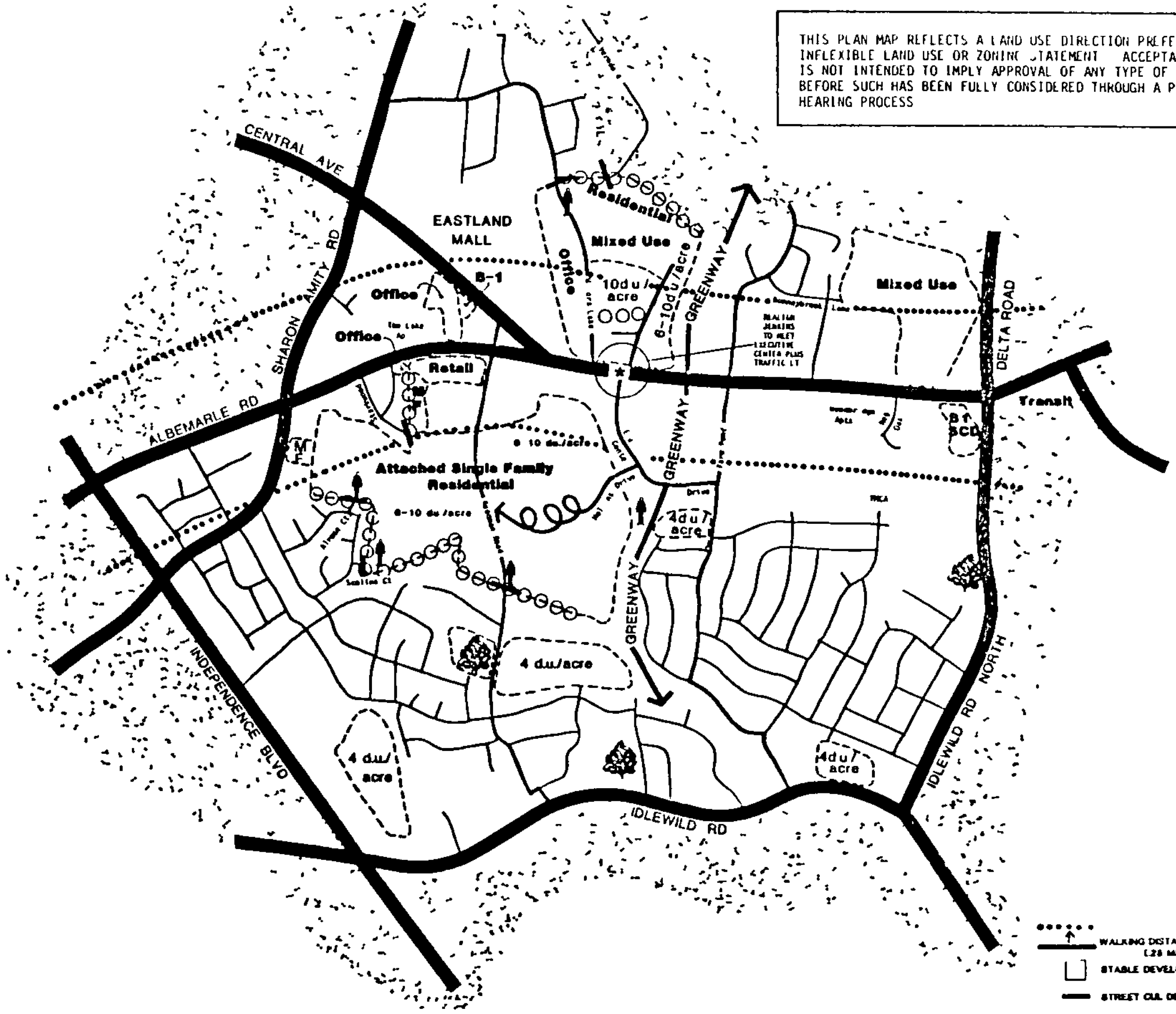
| YEAR | POPULATION | DWELLING UNITS |
|---|---|---|
| 1970 | 4 639 | 1,567 |
| 1980 | 9 693 | 3 960 |
| 1981 | 12 315 | 5 034 |
| 1990 | 19 603 | 8 523 |

SOURCE

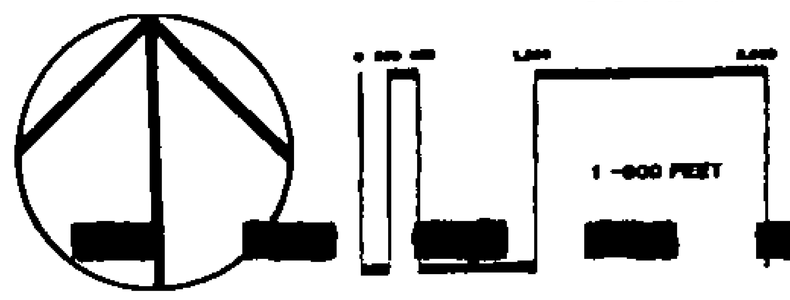
1970 Census of Population

Charlotte-Mecklenburg Planning Commission

THIS PLAN MAP REFLECTS A LAND USE DIRECTION PREFERENCE AND IS NOT AN INFLEXIBLE LAND USE OR ZONING STATEMENT. ACCEPTANCE OF THIS PLAN MAP IS NOT INTENDED TO IMPLY APPROVAL OF ANY TYPE OF ZONING AMENDMENT BEFORE SUCH HAS BEEN FULLY CONSIDERED THROUGH A PUBLIC REVIEW AND HEARING PROCESS

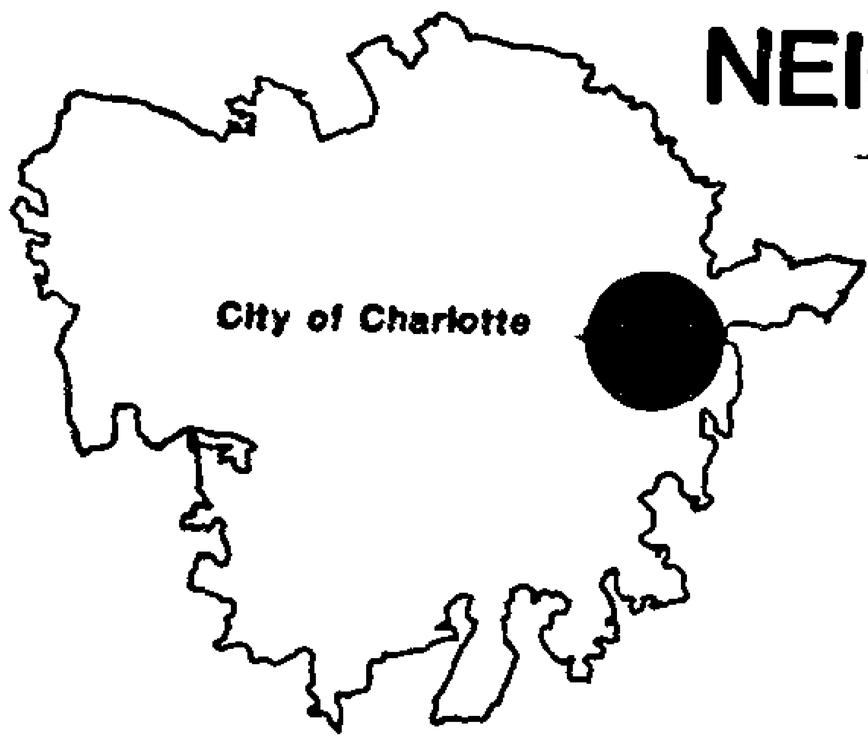


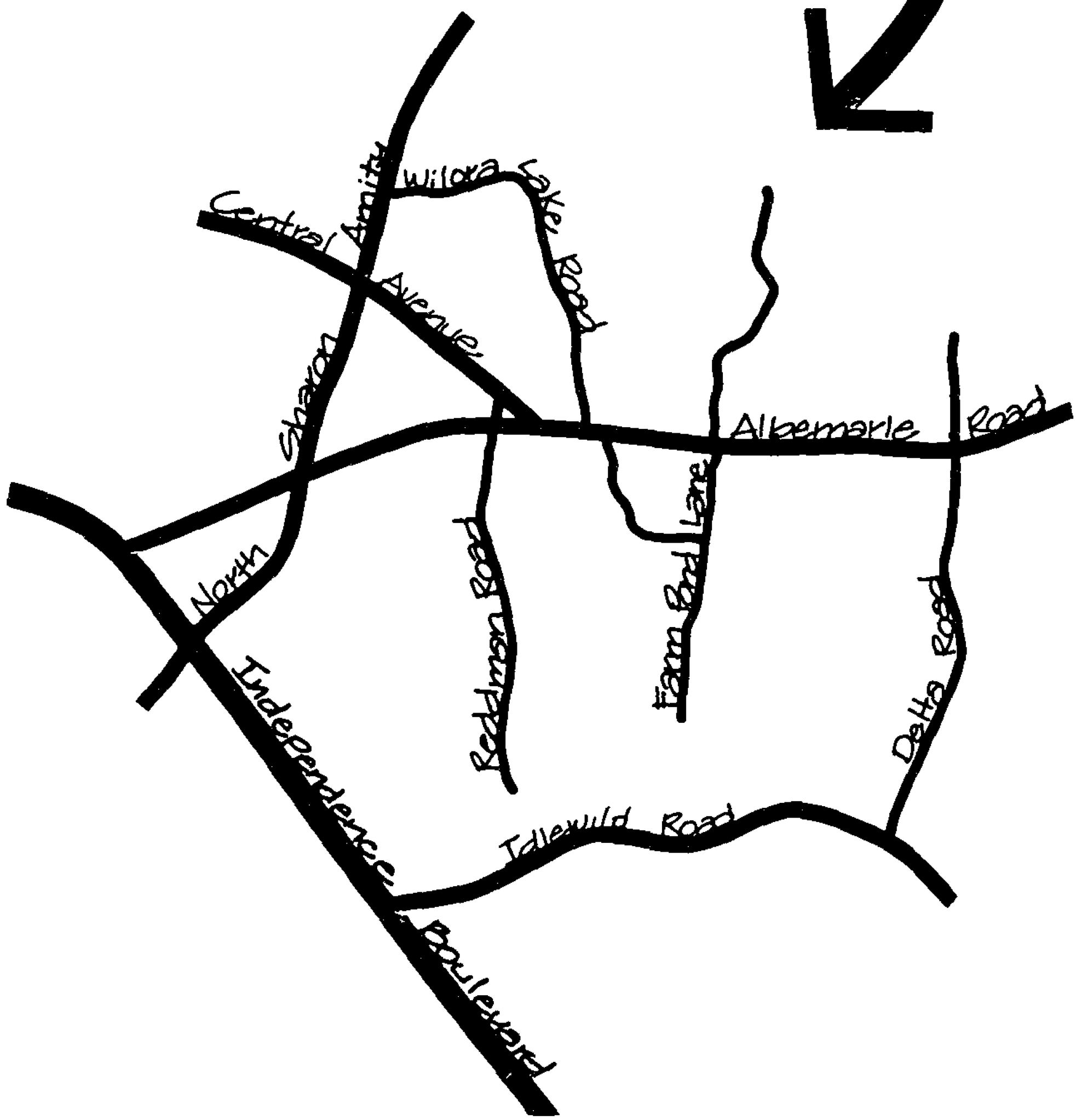

# ALBEMARLE ROAD NEIGHBORHOOD PLAN




WALKING DISTANCE TO TRANSIT (.25 MILE)
STABLE DEVELOPED AREA
STREET CUL DE SAC
BUFFER
GREENWAY
PEDESTRIAN PATH
TRAFFIC LIGHT
PARK
OUTS[redacted] AREA

# ALBEMARLE ROAD NEIGHBORHOOD TASK FORCE PROPOSAL



THIS RECORD OF PROCEEDINGS AND THIS PROPOSAL FOR FUTURE DEVELOPMENT IS PRESENTED TO THE PLANNING COMMISSION WITH THE RECOMMENDATION THAT IT BE CARRIED FORWARD AS A PLAN FOR THE ALBEMARLE ROAD NEIGHBORHOOD. IT IS ALSO RECOMMENDED THAT THE PLAN BE ADOPTED BY THE CHARLOTTE CITY COUNCIL AND CITY DEPARTMENTS BE INSTRUCTED AS NECESSARY TO IMPLEMENT THE PLAN.

TABLE OF CONTENTS

PAGE NO.

I. Task Force Proceedings Record

Neighborhood History..... 1
Planning Process Background..... 2
Issues, Objectives, and Implementing Actions..... 4
Plan Time Frame..... 4
Neighborhood Through Traffic..... 5
Transportation..... 10
Stub Streets..... 11
Education..... 13
Recreation..... 14
Vacant Land..... 15

II. Task Force Proposal

Overview..... 17
Reddman Road Area..... 18
Wilora Lake Road Area..... 24
Albemarle Road Near Delta..... 29
Other Vacant Land..... 31
Albemarle Road Businesses..... 31
Transit and Road Improvements..... 32
Conclusion..... 32
Albemarle Road East of Delta..... 32

TABLES | PAGE NO.

Table 1 Task Force Members..... 3

Table 2 Issues, Objective and Implementing Actions..... 6

Table 3 Transportation Improvements..... 12

FIGURES

Figure 1 Reddman Road Area..... 19

Figure 2 Wilora Lake Road Area..... 25

Figure 3 Albemarle Road Near Delta Road..... 30

Figure 4 Land Use Proposal..... 40

APPENDICES

Appendix A Schedule of Meetings..... 34

Appendix B Albemarle Road Neighborhood Stub Streets..... 35

Appendix C Idlewild Elementary School PTA Mobility Report.... 36

# RECORD OF TASK FORCE PROCEEDINGS

TASK FORCE RECORD

## ALBEMARLE ROAD NEIGHBORHOOD HISTORY

Significant amounts of residential development in the Albemarle Road Neighborhood began in the late 1940's and early 1950's with the construction of homes in the Verndale and Wilora Lake Road area. At that time the surrounding neighborhood was primarily forested or farm land at Charlotte's urban edge.

Large subdivision development started in the early 1960's with the building of Idlewild Farms. This type of residential construction continued in 1967 and 1968 with the homes in Cedars East and Coventry Woods. The neighborhood became even more urban with the development of the Four Seasons Apartments and Townhouses in the early 1970's.

Rapid non-residential growth was spurred in 1973 with the development of Eastland Mall and by the growth in regional significance of Albemarle Road. As a result the area developed a commercial orientation with offices, stores, restaurants, shopping centers, banks and gas stations lining Central Avenue and Albemarle Road.

With the improvements and widening of Albemarle Road and Sharon Amity Road commercial growth continued into the 1980's. Apartment development surged again in 1980 and 1981 with the construction of nearly 1000 units within the study area.

The initial growth in the Neighborhood has occurred along the three major roadways Sharon Amity Road, Albemarle Road, and Idlewild Road with significant amounts of vacant land still remaining between these thoroughfares.

PLANNING PROCESS BACKGROUND

In September 1979 the Charlotte Traffic Engineering Department completed a six month report on Reddman Road Neighborhood Through Traffic. The study was completed in accordance with the requirements of City Council and its resolution on neighborhood through traffic. By design, the study considered only existing conditions and development. No projections were made concerning the future development or traffic impacts along Reddman Road.

The Fiscal Year 1981 Charlotte-Mecklenburg Planning Commission staff work program included the preparation of a Detailed Neighborhood Plan for the Cedars East-Idlewild Road area. The work program also called for further evaluation of Eastland Mall as an Urban Development Center.

In August 1980, as the Reddman Road Report came before City Council; information was requested from the Planning Commission staff about the area's future. The Planning Commission recommended a neighborhood plan focusing on the critical relationship between land use and transportation be completed for the area. Planning Commission staff also prepared a short report indicating a wide range of possible futures along Reddman Road to assist City Council in the Reddman Poad decision.

City Council voted on October 6, 1980 to permanently close a portion of Reddman Road. They also directed the Planning Commission to undertake a new planning process in the Reddman-Albemarle Road area. Representatives of all affected neighborhoods, businesses, and landowners were to be appointed to a planning task force. Composition of the task force

was to be determined by the City Manager's office and the Planning Commission staff.

In November 1980 task force members were notified and series of meetings scheduled. A schedule of the meetings held is found in Appendix A. Listed below are the Albemarle Road Task Force members and the groups which they represent.

TABLE 1

ALBEMARLE ROAD NEIGHBORHOOD TASK FORCE

| NAME | ADDRESS | AREA (INTEREST) |
|---|---|---|
| Warren/Marion Redd | 6037 Reddman Road | Vacant Property Owner |
| Bryan Pittman | 2700 Wachovia Center | Vacant Property Owner |
| Chris Mathisen | P.O. Box 1393, Matthews | Residential Developer |
| Charles Allison, Jr. | 2141 Hastings Drive | Vacant Property Owner |
| John Sykes | 7528 Glencannon Drive | Community Rep. |
| Coy Shields | 122 E. Stonewall St. | Vice-Pres. Faison Assoc. |
| James Walker | 5500 Executive Center Drive | Project Manager-Koger Office Park |
| Marilyn Dotson | 6831 Reddman Road | Neighborhood Rep. |
| Thomas Mattingly | 4817 Coronado Drive | Neighborhood Rep. |
| Rev. Jerry Ward | 3032 Iveydale Drive | PTA Representative |
| Tom Cassens | 5930 Amity Place | Neighborhood Rep. |
| Don Parham | 7538 Foxhunt Road | Neighborhood Rep. |
| Ruth McCoy | 6010 Pepperhill Road | Neighborhood Rep. |
| Lloyd Funderburk | 6126 Farm Pond Lane | Neighborhood Rep. |

An account of the proceedings of the meetings in a generally sequential time frame follows.

## ISSUES, OBJECTIVES, AND IMPLEMENTING ACTIONS

Identification of issues was the main activity for the first two meetings held on November 13 and December 4. Additional issues were also obtained verbally and in writing at a community wide meeting held December 11. The discussions about issues often included identification of long range objectives as well as the actions necessary to solve problems.

Table 2 summerizes these identified issues, objectives, and implementing actions.

## PLAN TIME FRAME

One issue of primary concern during the initial meetings was the length of time of the plan's validity and application. Some members felt that in order to provide for protection for existing property owners, for stability, and to properly plan for future growth a long range plan was necessary.

Staff informed the group that the current land use forecasting model, CAM, indicates that for the area included the study area that no vacant developable land would be available within 15 years.

The 20 year time frame was determined to be the minimum length of the planning period.

NEIGHBORHOOD THROUGH TRAFFIC

An important issue discussed at both the initial issue meetings and at several subsequent meetings was neighborhood through traffic. Three roads were identified as having now, or in the future potential for, neighborhood through traffic. They were Wilora Lake Road, Farm Pond Lane north of Albemarle Road, and Farm Pond Lane south of Albemarle Road.

The negative effects of through traffic on a neighborhood cited were ownership instability, loss of property value, and negative home buyer perception. In addition, residents felt peace and quiet, child safety, neighborhood interaction, and use of yards decreased with high traffic volumes. These negative effects were most directly experienced by homes adjacent to the through traffic street. However, over time, the negative affects influence the entire neighborhood.

Wilora Lake Road. Although the problem at present along Wilora Lake Road is speed rather than volume, new development along the road and road improvements are expected to increase traffic volume. The present route allows vehicles to by-pass congested Central Avenue, the Central Avenue/Sharon Amity intersection, and Eastland Mall traffic. A decision on how to prevent through traffic on Wilora Lake was dependent on future land use, and a decision was postponed until a plan was proposed later in the process.

Farm Pond North of Albemarle Road. A through traffic study was completed for this road in April 1980. Speed was identified by

## TABLE 2

## ISSUES, OBJECTIVES, AND IMPLEMENTING ACTIONS

| ISSUES | OBJECTIVES | IMPLEMENTING ACTIONS |
|---|---|---|
| *1 Increase residential density | *1 Protect existing neighborhoods | *1A Require buffers between new and existing housing<br>*B Require buffers between single family and multi-family housing |
| *2. Traffic problems & congestion on Albemarle Road | 2A Improve traffic flow & capacity in area<br>B Insure environmental quality | *2A Light at Albemarle & Executive Circle<br>*B Light at Albemarle & Democracy Drive<br>*C Provide access between commercial development without using Albemarle Road |
| *3 Neighborhood through traffic problem in Idlewild Farms neighborhood | *3 Protect Idlewild Farms neighborhood | *3A Medians on Idlewild Road<br>*B Prohibit left turns from Idlewild Road<br>*C Assess all other control measures<br>*D Do not funnel Reddman Road traffic into neighborhood<br>*E Do not block Idlewild Farms Streets<br>*F Limit speed to 25 MPH in neighborhood |
| *4 Future of vacant land on Reddman Road | *4 New development must be compatible with existing land use | *4A Time and phase development<br>*B Set aside green space<br>*C Commitment to land use plan<br>*D Transportation system |
| *5 Extension of Reddman Road | 5 Function adequately as residential collector | *5A Re-open Reddman<br>*B Permanently close Reddman Road |
| *6 Connector between Idlewild and Albemarle Road | 6 "Ideal" thoroughfare spacing | 6 |
| 7 Plan must be long range (20 yr.) | 7 Ensure property owners protection & certainty about the future | 7 Political commitment for specified time |
| 8. School facilities | *8 Adequate facilities to meet future needs, transit problems | 8 |
| *9 Transit | *9 Good service | *9A Additional service, park and rides lots test routes<br>*B Service to areas other than downtown, including SouthPark |

| | | | | | |
|---|---|---|---|---|---|
| *10 | Parks | *10 | Adequate facilities to meet future needs | 10 | |
| *11 | Commercial growth on Albemarle Road | *11 | Can growth be concentrated without negative affect on area | *11A | Prevent encroachment into residential areas |
| | | | | *B | 100' buffer between businesses and residences |
| | | | | *C | Limit commercial development at Lawyers Road |
| *12 | Pyramid zoning | *12 | Use specified in plan be what is developed | *12 | Conditional zoning |
| *13 | Future neighborhood through traffic | *13 | Protect existing neighborhoods when extending | *13A | Identify future of all street stubs |
| | | | | *B | Prevent future problems on Lawrence Orr Road-Farm Pond Lane |
| *14 | Owner's plans for vacant property | *14 | Respect their wishes while protecting neighborhood | *14 | Survey and interviews |
| *15 | Implementation Strategy | *15 | Not to force vacant land to develop immediately | 15 | |
| 16 | Transportation system problems on Farm Pond | *16 | Access and safety problems must be addressed | *16A | Left turn lane and light at Farm Pond Lane at Albemarle Road |
| | | | | *B | No right turn from Executive Center Drive onto Farm Pond |
| | | | | *C | Improve access to commercial development |
| 17 | Transportation system problems on Sharon Amity | 17 | Improve Verndale and Wilora Lake Road neighborhood access and egress | *17A | Prevent U-turns from Eastland at Wilora Lake Road |
| | | | | *B | Difficult to get on Sharon Amity from Wilora Lake Road |

NOTE The above may conflict with each other

* Identified by Task Force

the report as the problem rather than high traffic volume. The report contained statements regarding the increase in response time for emergency vehicles, and in the distance for City services if the road is closed. The report was submitted to City Council in March 1981 upon a city wide resumption of the through traffic study process.

This area's representation within the group was not felt to be sufficient to make a recommendation regarding the road's closing. However because of the long delay between the report's completion and the City Council's consideration it was recommended council members meet with neighborhood to review the situation.

Farm Pond Lane South of Albemarle Road. A great deal of time was spent discussing the problems caused by, and possible solutions to the through traffic problem in Idlewild Farms.

A Neighborhood Through Traffic Study was begun for this portion of Farm Pond Lane in 1979. The process was stopped before completion because of disagreements and counter petitions among segments of the neighborhood. The City Transportation Department had at that time proposed several different traffic mazes.

A series of component parts and problems were identified which contribute to the through traffic problem on Farm Pond Lane. These include:

(1) Traffic volume was counted at 6,808 vehicles on January 14, 1981 on Farm Pond Lane south of Executive Center Drive (This would equal an Average Annual Daily Weighted Volume of 7,100).

(2) New development along Albemarle Road, including Woodbridge Apartments would generate additional through traffic.

(3) The traffic light at Farm Pond Lane and Albemarle Road functions at Level of Service (LOS) "E". However improvements to the intersection, such as left turn lanes, would probably increase through traffic.

(4) The lack of a light at Executive Center Drive, and the poor level of service at the Farm Pond Lane intersection encourages employees of Koger Office Park to use the Idlewild Farms route for trips to and from work.

(5) School traffic to and from Albemarle Road Elementary School adds to the through traffic problem.

(6) Emergency services must enter Idlewild Farms from the south via Idlebrook Drive, while most shopping and services are to the north via Farm Pond Lane.

(7) The through traffic problems are caused in part by thoroughfare deficiencies. (Necessary improvements are cited in the Transportation Issues Section.)

(8) Future development along Reddman Road if tied via Executive Center Drive could cause additional through traffic.

Although it was agreed through traffic was a problem on Farm Pond Lane, because of the complexity of the situation and lack of consensus no solution was proposed for the problem. Instead those who represented the Idlewild Farms Neighborhood met with Charlotte Department of Transportation (D.O.T.) staff. The D.O.T. staff agreed to conduct another Through Traffic Study.

It was recommended that the D.O.T. staff work with the Idlewild Farms Neighborhood representatives to identify and test a progressive series of solutions methods until relief is realized. Some suggested methods to be tested include:

(1) Signs which limit speed, prohibit left turns, and prohibit through traffic.

(2) A traffic maze.

(3) Street Cul de Sac

TRANSPORTATION

Transportation problems and solutions were identified throughout the planning process, however most of the discussion occurred on January 8 and 22. The main focus was on existing and future road capacity, transit, and park and ride lots. The amount of traffic generated by various land uses was examined with special attention given to the differences between single family and multi-family residences and the differences between types of commercial land uses.

Agreement was reached about general transportation objectives. First, there is a need to make thoroughfares function well enough so that drivers use them rather than residential streets. This desire for improved capacity and flow on thoroughfares however must also be balanced with a good environment. Several transportation solutions of a more general nature were identified as necessary for all of Charlotte: increased auto occupancy and transit ridership; more sidewalks and bicycle paths; and a decrease in the distance between home and work.

Many of the specific transportation needs within the Albemarle Road neighborhood have previously been identified by local transportation staff. They include some trouble spots where solutions have been scheduled; others where the answers are still being studied; and some where only the problem has been identified. The various transportation problem areas and solutions are listed in Table 3.

STUB STREETS

On January 8 discussion focused on the extension of stub streets. Stub streets are street ends which provide future access to vacant land. The extension of a stub street can result in the connection of two thoroughfares in a manner causing neighborhood through traffic.

A list of all stub streets within the study area was reviewed. The opportunities and constraints affecting each street extension were evaluated. The factors considered included the amount of vacant land, possibility for neighborhood through traffic, topography, and the interdependency between road extensions. Of major concern was the potential for conflict between the landowner's right and desire for access, and a neighborhood's character and integrity.

The consensus after the stub street evaluation was to leave the specific direction, location, and extension of most streets until land use decisions were made later in the planning process.

Agreement to two general and two specific statements was reached·

(1) The street system should not be extended in such a manner to encourage neighborhood through traffic.

(2) In general a subdivision should not have direct access to two parallel thoroughfares.

TABLE 3

TRANSPORTATION IMPROVEMENT

Scheduled Thoroughfare Improvements

Central Avenue-Albemarle Road Signal Coordination

Independence Boulevard-Sharon Amity Intersection Improvement

Improvements In Planning Evaluation

Independence Boulevard

Central Avenue Bus Pre-emption System

Identified Problem Areas

Hickory Grove-Delta Road

Idlewild Road

Central Avenue-Sharon Amity Intersections

Albemarle Road-Sharon Amity Intersections

Additional Transportation Needs Identified By the Task Force

Farm Pond-Albemarle Road Intersection

Executive Center Drive-Albemarle Road Light

Park and Ride Lots at Albemarle Road and Delta/Lawyers Road, and Central Avenue and Albemarle Road

Albemarle Road-Regal Oaks Light

Additional Bus Service and Shelters

Additional Park and Ride Lots

(3) Reddman Road should not be tied to Sharon Amity, Such a connection could encourage high volume neighborhood through traffic.

(4) No new streets should cross the Reddman barricade in order to prevent a similar situation.

The list of street stubs within the study area where vacant land could allow street extension is found in Appendix B.

EDUCATION

The quality of education and the adequacy of school facilities were also issues addressed. The Albemarle Road Neighborhood contains service areas for five elementary schools: Albemarle Road, Idelwild, Merry Oaks, Winterfield, and Windsor Park. The only junior high within the study area is Albemarle Road.

At present all five elementary schools have enrollments which are under the school's physical capacity. Student population at Albemarle Road Junior High is presently slightly over the school's designed capacity. Planning staff from the Mecklenburg County Board of Education anticipates an overall decline in school enrollment because of a decrease in school age population. The increase in population cause by new households moving to the now vacant land within the study area is expected to stabilize the student population below the capacity of the facilities.

The quality of education as measured by student performance and staff time per student was discussed as the result of a report presented by

the Idlewild Elementary School PTA. This group had completed a survey to measure student mobility (See Appendix C). The PTA felt mobility has a negative affect on student performance, and that a large number of apartments contributes to student mobility. It was agreed to consider mobility as a factor on decisions regarding land uses and density.

RECREATION

Recreation needs for the existing and future population was another concern. Current City and County Park and Recreation Departments specify acreage needs per 1000 people for various types of parks.

Neighborhood Park standards require a minimum of 2000 people within a 1/2 mile area. Two acres are suggested for each 1000 persons. A review of the study area south of Albemarle Road provided the following information. Idlewild Elementary School Neighborhood Park now services a population of approximately 2300 people in the Cedars East Area. At a new park, Cedarwood, eight acres are being developed to serve 4000 persons in Coventry Woods. The Idlewild Farms neighborhood is served by the Albemarle Road School complex which functions as both a neighborhood and district park.

The portion of the study area north of Albemarle Road contains no neighborhood parks because the existing population of 1400 people does not meet the minimum population criteria.

District Park standards require a minimum population of 6500 people. The service area is one to three miles dependent on socio-economic characteristics. The study area is currently served by three existing

parks; the Albemarle School Complex, Mason-Wallace Park, and Independence High District Park. A district park complex is currently being developed on Kilborne Drive, and another is proposed at the Harrisburg Road Landfill site.

Campbell Creek, with its large flood plain, bisects the study area. The County Greenway Site Selection Committee has proposed Campbell Creek be developed as one of the greenways in a county-wide park system. Funds are available for development of the creek area south of Albemarle Road as proposed in Phase I of the Greenway Plan. The land north of Albemarle Road is to be developed under Phase II for which funds are not yet available.

VACANT LAND

After examining the many components of a land use plan on February 12 the large vacant land parcels were the focus. There are three major concentrations of vacant land of over 60 acres within the study area. These areas, lie along Reddman Road, Wilora Lake Road, and Albemarle/Delta Roads.

Specific location, acreage, and ownership was identified for each of the large parcels. Owners of the parcels along Reddman Road were invited to come to speak in order to learn of the owners plans for future development. Staff was requested to attempt to contact all other owners of large vacant properties within the study area for the same information. Most of the vacant land owners expressed a desire to increase residential density but had no definite plans.

Information such as the topography, flood plains, stub streets, road capacities, adjacent land uses, and new construction which affected the

vacant land was also reviewed.

As a next step three land use alternatives for the vacant land along Reddman Road were presented by staff. The alternatives explored the opportunities and constraints for new residential development in three differing situations: with existing zoning; with a density increase, and with a density decrease. Each possible future indicated the increase or decrease in dwellings, population and traffic generation. Each alternative's requirements for public facilities such as recreation, roads, transit, and pedestrian ties were also evaluated.

On February 26 the next phase of the planning process began as small sub-groups were formed. Using the type of format described above alternative land uses proposals were identified and discussed by each sub-group.

The small groups continued to meet on March 5 and 12 to work on alternative land use proposals. Each addressed one or more of the vacant land areas. On March 19 staff presented the land use elements common to each group's alternative. The balance of the meeting was spent achieving consensus for the remaining land use components. It is this proposal which follows in the next section. Figure 4 displays the Land Use proposal for the entire study area.

# TASK FORCE PROPOSALS

## TASK FORCE PROPOSAL

### OVERVIEW

The Land Use Proposal which follows is based on a commitment to preserve the quality of life within the Albemarle Road Neighborhood while providing additional housing opportunities. It should be stressed that the expectations of current homeowners within the study area are that the vacant land will be developed similar to their own homes. However an unique situation has been created because of the presence of Eastland Mall, three major transportation corridors and a great number of shops and offices. The large amount of vacant land within this area provides an opportunity to limit city sprawl and lower housing costs by locating innovative housing near services, jobs, and transit.

Weighing the unique housing opportunity against protection of the existing neighborhood results in a Task Force Proposal which indicates general land use categories or residential densities rather than zoning classifications. This allows for flexibility not found in the existing zoning ordinance and provides an opportunity for review of all proposed housing projects. All requests for the increase in housing density or in intensity of land use should be rezonings of a "conditional" type which include a design review by neighborhood representatives and planning commission staff. This is to assure the objectives and standards identified in this proposal are met. Design elements which should be reviewed include:

(a) height and its affect on solar systems;

(b) visual and audio screening;

(c) location of lighting, parking, and recreation facilities;

(d) buffers based on topography, vegetation, and distance to existing housing;

(e) pedestrian paths and bikeways preferably located in buffer areas,

(f) road connections which do not induce neighborhood through traffic;

(g) density bonuses based on the provision of neighborhood amenities such as parks, bus shelters, and extraordinary buffering or screening.

(h) housing style and type compatable with existing housing.

In addition rezonings should not be of a pyramid nature. That is, the land use type identified in the proposal should be the only type built.

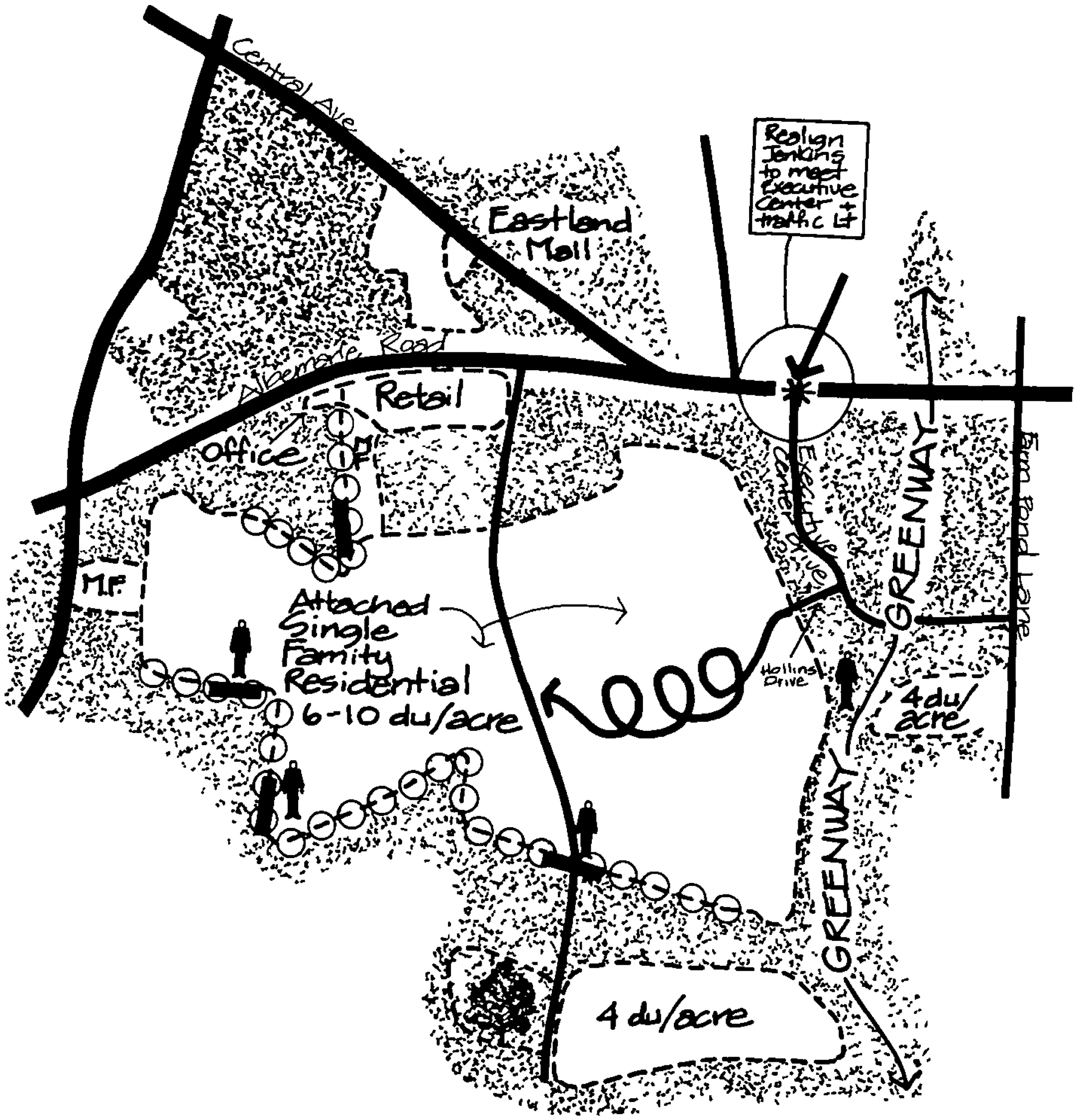
The specific plan components for several geographical areas now follow. Figure 4, found at the end of this section, presents the entire land use proposal.

REDDMAN ROAD AREA

The largest concentration of vacant land within the study area lies along and near Reddman Road. This area, shown in Figure 1, contains approximately 235 acres. The land has access to two thoroughfares; Albemarle Road and Sharon Amity Road. Entrance to portions of the vacant land is also possible from four stub streets; Alrose Court, Scelina Court, Starkwood Drive, and Hollins Drive. About half of the vacant land has frontage on Reddman Road.

Most of the vacant land is currently zoned R-9 which allows for single family lots of a minimum size of 9000 square feet. R-9 zoning averages

# Figure 1 REDDMAN ROAD AREA




key

Pedestrian

Barricade

M.F. = Multi Family Units

* = Traffic Light

Buffer

Park

about four dwellings per acre. Multi-family zoning is currently found on vacant parcels along Sharon Amity and Albemarle Roads. Commercial and office zoning also exists on the frontage of these two streets.

Opportunities and Constraints in Future Development

As previously described the location of Eastland Mall and the surrounding businesses and services provide for a unique development opportunity. The permanent closing of Reddman Road allows for an increased residential density, which coupled with the proposals outlined below, will minimize any impact on existing neighborhoods.

The potential problems with an increase in residential density are listed below:

(a) The existing neighborhood's expectation of housing like their own (R-9 zoning) requires any intensification of development to be in scale and harmony with their homes.

(b) A road connection between Reddman Road and Sharon Amity Road will induce through traffic from Eastland Mall and Albemarle Road.

(c) A direct route between Hollins Drive and Reddman Road could induce through traffic, and add to the through traffic on Farm Pond Lane.

(d) The total number of new dwellings on this vacant land is limited by the need for two intersections for access; and by the intersection capacities of Reddman and Albemarle Roads, Executive Center Dr and Albemarle Rd., and Farm Pond Lane and Albemarle Rd.

Reddman Road Area Proposal Components

Residential Density. An increase in residential density to from 6 to 10 dwelling per acre is proposed, subject to the following provisions:

(a) Density should average eight (8) dwelling per acre, with a bonus of up to ten (10) dwellings per acre for large buffers, park land donation, pedestrian paths, bikeways, and other neighborhood amenities.

(b) Design Review to assure the proposed development is in harmony and scale with existing homes. The design review should address lighting, buffers, parking, setbacks, and location of common recreation facilities.

(c) Assurance of owner-occupied rather than multi-family rental units.

(d) Dwelling type should be single family attached units such as patio homes and townhouses, or cluster subdivisions.

(e) Buffers between new and existing housing.

(f) Road connections as specified, with higher density development traffic not routed through lower density neighborhoods.

Multi-family units are proposed for two areas. A portion of the vacant parcel fronting on Sharon Amity Road is now zoned multi-family, and a change is not proposed. Also proposed as multi-family is a narrow parcel of land east of the homes on Grafton Place. A multi-family rental development has recently received approval on the land which abuts to the east of this parcel.

Greenway and Parks. The adopted plan for greenways is supported by this proposal. The plan identifies this portion of Campbell Creek to be

acquired by 1983. The greenway will make a excellent buffer between existing and proposed development.

At least one neighborhood park is also necessary, due to the proposed increase in residential density. Bicycle and pedestrian paths should be provided to all parks and the greenway. Sufficient donation of land by a developer for a park, greenway land, or pedestrian and bicycle paths should provide for an opportunity for density of ten (10) dwellings per acre.

Buffers. Buffers are proposed between all existing single family neighborhoods and those areas approved for an increase in density. The amount or type of buffer is not specified but it is suggested instead that the buffers be dependent on topographical features and development plans. Buffering objectives are as follows:

(a) the existing neighborhoods be buffered from light, noise, and proximity to structures;

(b) a suggested buffering width of 100 feet and containing screening vegetation, or berms.

(c) the buffer areas contain pedestrian paths and bicycle ways to link neighborhoods to parks, shopping, and the greenway.

(d) easements on power lines are suitable with screening vegetation.

Road Connectivity and Improvements. The proposals for road extension and connectivity are an integral part of the land use proposal. The interdependent nature of the road extensions means any deviation requires a careful examination of all land use components. It is proposed that:

(a) Alrose and Scelina Court not be extended if residential densities are increased, but pedestrian access be maintained.

(b) Starkwood Drive not be extended if residential densities are increased, but pedestrian access be maintained.

(c) A connection between Hollins Drive and Reddman Road is necessary if density is to be increased. However, this connection should be circuitous and consist of several different streets in order to prevent additional through traffic on Farm Pond Lane.

(d) A traffic light is necessary at Executive Center Drive to relieve through traffic problems on Farm Pond Lane and ease Koger Office Park employee access and egress.

(e) Upon identification of a solution to the Idlewild Farms Neighborhood through traffic problem, turn lane improvements are necessary at Farm Pond Lane and Albemarle Road.

(f) A connection between Reddman Road and Sharon Amity Road is not recommended.

Retail and Office Land Use. Retail land use is proposed along Albemarle Road west of Reddman Road if a planned and coordinated center is developed. Primary vehicle access from Reddman Road is recommended with few if any curb cuts on Albemarle Road. The design of the center should be sensitive to the surrounding residential development, including the rear of the center. Pedestrian links, lighting and signage should be also subject to design review.

Additional retail development along Reddman Road is not mapped. It is possible within the vacant land area only if for the convenience of the

immediate neighborhood and as a part of a planned residential development. Pedestrian links would be necessary and such a facility should be small and not encourage non-neighborhood traffic.

WILORA LAKE ROAD AREA

The second largest concentration of vacant land, nearly 75 acres, lies along Wilora Lake Road next to the Eastland Mall. The area, shown on Figure 2, has access to Albemarle Road on the south and Sharon Amity on the north. Entrance to portions of the vacant land is also possible from two stub streets Verndale Road and Jenkins Drive. Most of the vacant land has frontage along Wilora Lake Road. The area contains about 25 homes along Jenkins Drive, Lamarr Street, and Wilora Lake Road.

This land is now zoned R-12 (which allows single family lots of a 12,000 sq. ft. minimum) except for the business zoning along Albemarle Road. R-12 zoning averages about 3.5 dwellings per acre.

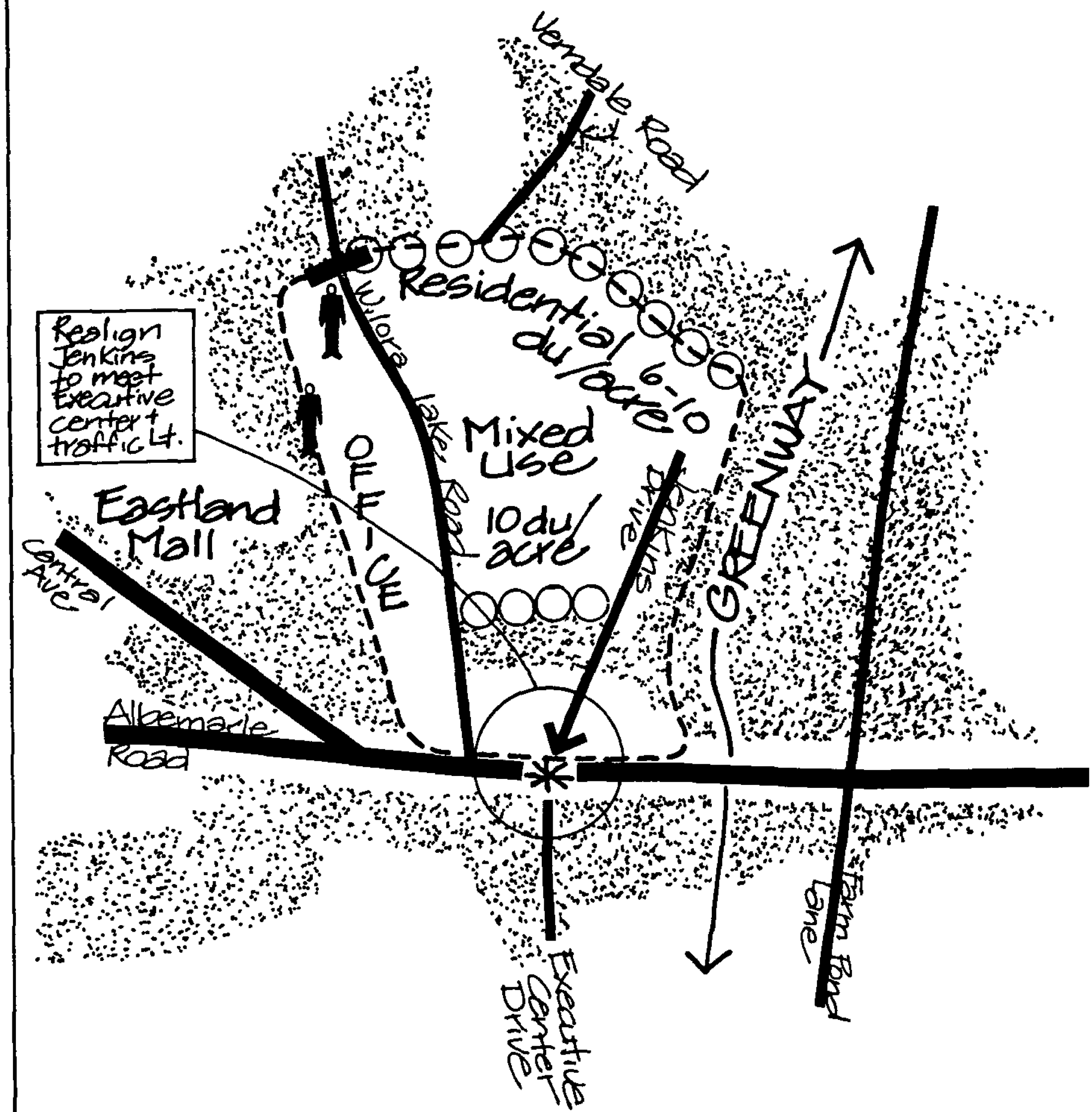
Opportunities and Constraints for Future Development

The close proximity to Eastland Mall provides both an opportunity and constraint for this area's future development. The land has potential for development as part of an Urban Development Center (UDC) containing housing and employment. Within walking distance to Eastland Mall are both services and shopping.

Potential problems or constraints to more intensive development of this land are:

(a) Improvements to or development along Wilora Lake Road will increase through traffic from Albemarle Road to Sharon Amity Road.

# Figure 2 WILORA LAKE ROAD AREA




**key**

Stable developed area

Buffer

Pedestrian Path

Cul de Sac

Traffic Light

← Greenway → Greenway

(b) The existing north Wilora Lake Road neighborhood's expectation of residential development at R-12.

(c) Connectivity between Verndale Road and the vacant property will cause neighborhood through traffic.

(d) The total amount of development is limited by intersection access problems. The median on Albemarle Road prohibits left turns on to Wilora Lake Road. The median is necessary for the channeling traffic at the Albemarle-Central intersection. The only access point is Jenkins Drive.

(e) The vacant land abutting the Eastland Mall parking lot is not desirable for residential development.

Wilora Lake Road Area Proposal Components

Mixed Use Development. The development of the Wilora Lake area is proposed as a concentration of mixed land uses with development as specified below. Residential, office, and minor retail development are expected to function in a coordinated energy efficient manner. Such a development would be subject to a design review to assure proper scale and harmony with existing residential land uses. A design review would address such features as residential density, the mix of land uses, pedestrian and vehicle connections, buffers, parking, transit, lighting, and neighborhood amenities. Specific design objectives for each land use component follow in the remainder of this section.

The mixed use center is envisioned to develop in the following manner:

(a) At the edges which now abut existing residences, new residential development averaging eight units per acre;

(b) In the center a combination of residential, office, and minor retail structures with a residential orientation,

(c) Along the Eastland property, office development; and

(d) Frontage along Albemarle Road providing an aesthetically pleasing gateway without additional strip commercial.

Residential Density. An increase in residential density to from 6 to 10 dwelling units per acre is proposed with lower densities around the edges and higher densities at the center of the area. Residential development should be subject to the following provisions.

(a) Design Review to address lighting, buffers, parking, setbacks, and location of common recreation facilities.

(b) In fringe residential areas, the dwelling type should be single family attached, patio homes, or cluster subdivision.

(c) Buffers be provided between new and existing housing.

(d) Road connection as specified.

Greenway and Parks. The adopted plan for greenways is supported. The plan identified this portion of Campbell Creek to be acquired during Phase II. The greenway will make a good buffer between existing and proposed development.

With the increase in population one neighborhood park will be needed. It should be located within either this area or to the north in the existing neighborhood. Bicycle and pedestrian paths should be provided to the park and the greenway. Sufficient donation of land for a park, greenway, or pedestrian and bicycle paths should provide an opportunity

for density of up to ten (10) dwellings per acre.

Buffers. Buffers are proposed between the existing single family neighborhood and new residential development. The amount or type of buffer is not specified, but it is suggested that the buffers be dependent on topographical features and development plans. Buffering objectives are as follows:

(a) existing neighborhoods be buffered from light, noise, and proximity to new structures;

(b) the suggested buffering width is 100 feet and they should contain screening vegetation or berms.

(c) the buffer areas contain pedestrian paths and bicycle ways to link neighborhoods to parks, shopping, and the greenway.

(d) easements on power lines are suitable with screening vegetation.

Road Connectivity and Improvements. The proposals for road extension and connectivity are an integral part of the land use proposal. The interdependent nature of the road extensions means any deviation requires a careful examination of all land use components. It is proposed that:

(a) Wilora Lake Road from Sharon Amity should be made into a cul-de-sac below Verndale. The street has a potential for neighborhood through traffic under existing conditions and new higher intensity development will induce large amounts of traffic. Pedestrian access should be maintained.

(b) Wilora Lake Road (from Albemarle Road) and Jenkins should be connected to provide a loop for new development. Left turns will continue not to be allowed on to Wilora Lake Rd. from Albemarle Road.

(c) Jenkins Drive should be realigned at Albemarle Road in order to intersect at the same location as Executive Center Drive. A light at the intersection will be necessary for the new development as Jenkins Drive will provide the primary entrance. This light will also provide better access and egress to Koger Executive Office Park.

(d) Verndale Road should not be extended south into the new development in order to avoid future neighborhood through traffic. The road could be tied back to Wilora Lake Road north of the cul-de-sac.

ALBEMARLE ROAD NEAR DELTA ROAD

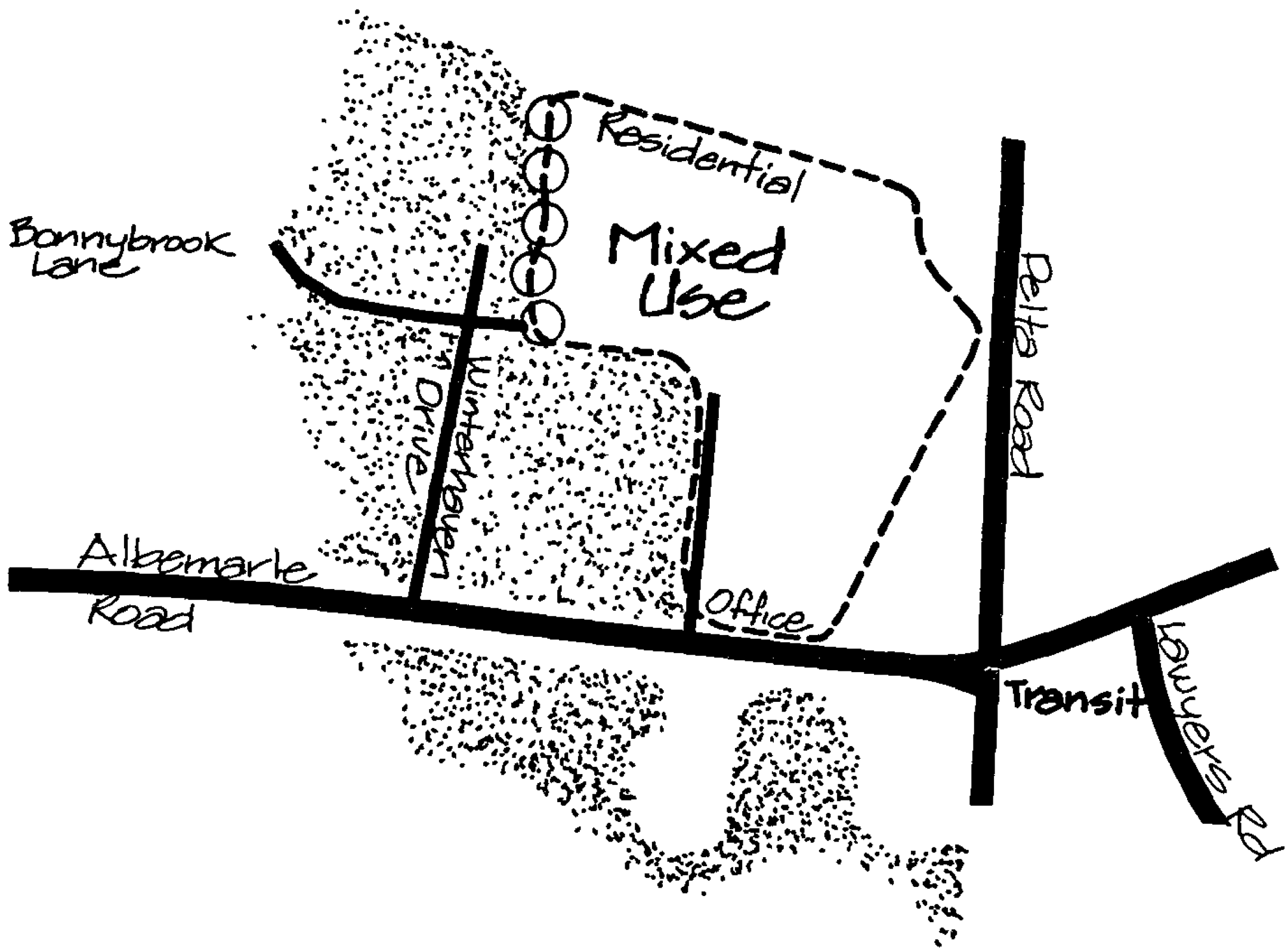
Approximately 65 acres of vacant land is found along Albemarle Road west of Delta Road. See Figure 3. Road access to this property is from Albemarle Road via the Eastpark Office Complex. The interior of this area is now zoned R-12MF and the frontage along Albemarle Road is O-15. An approved plan for apartments exists for part of the multi-family area.

A potential opportunity for mixed office and residential use was identified if the parcels can be developed in a coordinated manner with a residential orientation. No changes in land use from the existing zoning are specified. A mixed use development proposal would be subject to many of the same design review and land use objectives identified for the Wilora Lake Road area. The specific areas of concern are listed below:

(a) close evaluation of any intensification of land use which has a road connection to Bonnybrook Lane.

(b) no road connection between Delta Road and Albemarle Road, in order to prevent future through traffic.

# Figure 3 ALBEMARLE NEAR DELTA




**key**

Stable developed area

OO Buffer

Transit - Park & Ride

(c) residential development in scale with the existing neighborhood.

(d) buffers be required between existing homes in Four Seasons and any new development.

OTHER VACANT LAND

Several other smaller parcels of vacant land exist within the study area. No changes in current zoning are proposed, in order to protect existing stable residential areas. See Figure 4. Stub street extensions and cul de sacs are indicated on this map.

Another major concern is the growth in the number of commercial land uses along the major thoroughfares. It is recommended no additional properties be rezoned for commercial use along Sharon Amity Road, Albemarle Road, or Delta Road.

ALBEMARLE ROAD BUSINESSES

Since the development of Eastland Mall several small shopping centers and many businesses have located along Albemarle Road. Several concerns and problems along the road frontage have been identified:

(a) the frequent curb cuts decrease road capacity,

(b) many businesses have poor interior traffic circulation and traffic is prevented from going from one business to another by curbs;

(c) road frontage is unattractive and confusing due to poor signage and lighting,

(d) there is absence of landscaping, trees, and other vegetation;

(e) pedestrian access is often not provided to neighborhoods;

(f) building rears are unattractive and often not screened.

The formation of a Commercial Association is recommended in order to solve these problems and to better integrate the retail and office land uses into surrounding neighborhoods.

Transit and Road Improvements

Table 3 summarized the necessary transportation improvements within the study area. Transit improvements and road improvements were also discussed in the first section. One potential park-and-ride lot location is expected within the study area on Albemarle Road at Delta as indicated in Figure 4. A large park-and-ride lot located here would be at the end of the longest possible express bus distance along Central Avenue.

## CONCLUSION

This Land Use Proposal concludes with a look beyond the study area. The need for another detailed plan for neighborhoods east of the study area was identified during this planning process. Intensification of land use within the study area presupposes less intensive residential development near the Albemarle Road/Delta Road intersection. The vacant land around this intersection now contains a very large amount of multi-family zoning. It is recommended less dense residential and better employment options be identified and studied for this area.

The land use proposal also anticipates intensification of residential land within the study area will slow the low density residential develop-

ment in eastern Mecklenburg County. Also of importance is the need to carefully examine future commercial rezonings requests along Albemarle Road to measure the affects on the study area, on nearby properties and Albemarle Road traffic capacity.

# APPENDICES

# APPENDIX A

## MEETINGS SCHEDULE

### Task Force Meetings

November 13

December 4

January 8

January 22

February 12

February 26

March 5

March 12

March 19

### Community Wide Meetings

December 11

April 30

### Vacant Property Owners

March 26

APPENDIX B

ALBEMARLE ROAD
STUB STREETS

Easthaven Drive

Marlbrook Drive

Barcliff Drive

Jenkins Drive

Verndale Road

Bonnybrook Lane

Stonecrest Drive

Alrose Court

Starkwood Drive

Scelina Drive

Elm Forest Drive

Hollins Drive

Aspendale Lane

APPENDIX C

Idlewild Elementary School
PTA Report on Mobility

CHILDREN FROM RESIDENCE:

| | Apartments | Single Homes |
|---|---|---|
| Less than a year | 48% | 13% |
| 1 year | 19% | 11% |
| 1 years | 10% | 16.5% |
| 3 years | 6% | 11% |
| 4-9 years | 14% | 33% |
| 10 & above | 3% | 15.5% |

67% of Children from apartments have lived in their present residence a year or less. In contrast, 24% of Children from single homes have lived there one year or less.

Only 17% of children from apartments haved lived in their present residence over 4 years. In contrast, 48.5% of children from singlr homes have lived there four or more year.

A crucial concern of educators at Idlewild, one K-3 elementary school in this area, is the high turnover of students. A survey was conducted at Idlewild at the beginning of the school year, to which approximately 79% of parents responded. Of those responding 28% of the children had lived in their present residence a year or less, with 66% of the children having moved within the past three years.

Consequently, continuity in education and assessment of individual and group achievement involves a significantly increased amount of time and difficulty for staff. Effect of mobility on family involvement, adjustment of the child and his achievement are also concerned. The negative impact of excessive mobility among students is confirmed in a study by Jacob Abramson.

In research, he shows a direct relationship between mobility (defined as being in a school two years or less) and test scores on reading achievement Mobile students in both low and average income districts have significantly lower reading achievement scores than non-mobile students.[1] Since Idlewild draws approximatly 1/3 of its students from the Lincoln Heights area, these figures will not totally reflect composition of students from the surrounding area. Since Lincoln Heights has only a small number of apartments, figures from these students would likely lower the mobility rate rather than raising it.

1. Abramson, Jacob, "The Effect of Continuity of School Environment On Reading Achievement of Fifth Grade Pupils, Northeastern Educational Research Assn. Paper, Nov, 1974.

Idlewild P. T. A. Questionnaire

# Responded-371 of 471 students- 78.8%

1. How long have you lived in your present residence?

| | | | |
|---|---|---|---|
| Less than a year | 28.0% | | 104 |
| 1 year or less | 43.5% | (104)+ | 57 |
| 2 years or less | 56.5% | (161)+ | 48 |
| 3 years or less | 66.0% | (209)+ | 35 |
| 4-9 years | 24.0% | | 90 |
| 10 years and above | 10.0% | | 36 |
| Total | 100% | | 370 |

2. What type of family dwelling do you have?

| | | |
|---|---|---|
| Single home | 206 | 55.5% |
| Apartment | 158 | 42.5% |
| Condominiums | 3 | 1.0% |
| Other | 4 | 1.0% |
| | 371 | 100.0% |

3 & 4. How many parents are in the home? How many working outside?

| | | | |
|---|---|---|---|
| Two parents in the home Both working outside | 122 | 33% | N.A. 3 |
| Two parents in the home One working outside | 133 | 36% | % rounded off to the nearest .5 of 1% |
| One parent in the home One working outside | 70 | 19% | |
| One parent in the home-none working outside | 31 | 8.5% | |

Having a large number of highly mobile students in any one school increases the educational burden on the school.

The turnover rate at Idlewild, for example, is greatly increased by the present impacting of apartment complexes in this area. Forty two percent of the school population(of those responding to the questionnaire) are from apartments. Of these, 67% have lived in their present homes a year or less. In contrast, 24% of children from single home families have lived in their homes a year or less. Thus, it seems clear that in such areas, the building of more single family dwellings or individually owned condominiums, rather than apartments, could bring greater stability to the schools and community. (The relatively high turnover, even within single family dwellings suggests the importance of building homes of adequate size for a growing family.)

One other crucial factor is the discovery that 48% of the apartment children are from one parent families, in contrast to 11% of children from single homes. Numerous studies have shown "a greater probability of problems in school occuring with children from single-parent families (defined as one parent presently living in the home). [2]

Data from an extensive study [3] (8,555 students from fifteen elementary and secondary schools in different areas reflects significant differences in a number of factors. It shows significantly lower school achievement, a higher tardiness rate, greater truancy, more discipline problems, more suspensions, more expulsions and dropouts, and greater student mobility for one-parent families. Poor academics, more difficult behavior and adjustment [4] and an emotional attitude of inferiority [5] are other facotrs isolated in studies available.

We have seen from this report a higher rate of mobility and a higher incidence of living with one-parent in apartments. From educators assessments and from studies considering these factors, we see likely additional educational pressure for schools with a high number of apartments.

While each school is expected to handle some of these problems, placing too great a burden on a few schools can so burden the staff that educational achievement and development of all children in that school will suffer. Thus, housing associated with high mobility should be discouraged in school districts where a large number of apartments exist already. Conversely, residence promoting stability should be developed.

2. Brown, B. Frank, "A Study of the School Needs of Children from One-Parent Families, Phi Delta Kappa, April, 1980.
3. Ibid.
4. Ellison, Edythe, "Classroom Behavior and Psychosocial Adjustment of Single-Society for Research in Child Development, March, 1979.
5. Bentley, Eloise, "Children and Broken Homes:Source for the Teacher" 1975.

# FIGURE 4

Attach #3

MEMORANDUM

Date: October 23, 1981

To: Mayor and City Council

From: Henry W. Underhill, Jr.
City Attorney

Henry W. Underhill Jr.

Subject: Petition No. SUP 81-2
Knights of the Guiding Star of the East

At the October 19th meeting, the City Council considered a recommendation by the Planning Commission that the above-captioned petition be approved to allow a fraternal organization in an R-6MF zoning district for a parcel located at the southwest corner of Mattoon Street and Campus Street. During the course of the deliberations, several councilmembers expressed some degree of concern about what the City would be able to do in the event the petitioner deviated from its representations regarding its proposed use of the property. Of particular concern was the potential lack of compliance with Standard No. 4 relating to the establishment of fraternal lodges in residential districts which reads as follows: "That the proposed use will be compatible with the general living environment of the area, particularly with respect to noise level." Furthermore, there was some questions about enforceability of this Standard if the property were subsequently conveyed by the petitioner to another fraternal organization. The Council deferred a decision on this petition and asked that I address these expressed concerns.

In my opinion, the zoning ordinance provides adequate tools for dealing with subsequent deviations from the representations made in order to obtain the special use permit, since, in my mind, such representations constitute the conditions upon which the permit is granted. Section 23-36 (f) provides in part that, "It shall be unlawful to develop or use real property in violation of an approved special use permit, any conditions attached thereto, or the ordinance authorizing a special use of real property upon approval of a special use permit." Section 23-36 (j) reads as follows: "Upon receipt of a true copy of a final judgment of a court of competent jurisdiction declaring that a particular special use permit has been violated and that the party responsible for such violation, after reasonable opportunity, has refused or failed to correct the violation, the city council shall revoke the special use permit."

Thus violations in any of the development or use of the property or any conditions attached to its use are unlawful and if a court finds such a violation, the city council shall revoke the special use permit. The City's right of enforcement for violations would be equally applicable to the present petitioner or any other fraternal organization which may become the subsequent owners of the property in question.

As a reminder, please keep in mind that the issuance or denial of special use permits call into play certain standards not applicable to decision-making in the more frequent rezoning situations. These standards are found in the case of Humble Refining Company v. Board of Aldermen, 284 N.C. 458. In that decision, then Chief Justice Sharp stated: "When an applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions which the ordinance requires for the issuance of a special use permit, prima facie he is entitled to it. A denial of the permit should be based upon findings contra which are supported by competent, material, and substantial evidence appearing in the record."

I trust this memorandum sufficiently addresses the questions raised by members of Council. If anything further is desired, please advise.

HWUjr:ps

cc: Fred Bryant

action 4 Cm

# Request for Council Action

Charlotte

To the City Manager

November 6, 1981
Date

From Tom Cox, Chairman, Council Transportation Committee

Action Requested Approve the Attached Resolutions Relative to the Transportation System for Charlotte-Mecklenburg. Resolution #1: Amend Thoroughfare Plan to Add Facility Connecting North Graham Street/Atando Avenue Intersection from the End of Asbury Place to the Intersection of Statesville Avenue/LaSalle Street. Resolution #2: Amend Transportation Improvement Program to Include Project for Upgrading McArthur Avenue.

**SUMMARY**

Since 1977, the Charlotte-Mecklenburg Thoroughfare Plan has not included a connecting facility between North Graham Street and I-77 in the vicinity of the LaSalle Street/I-77 Interchange. This area of the Thoroughfare Plan has been evaluated by staff, and a connecting facility has been recommended. The attached two (2) resolutions amend the Thoroughfare Plan and the Transportation Improvement Program (TIP) for the Charlotte-Mecklenburg area.

**BACKGROUND**

In 1977, a Thoroughfare Plan was presented to the appropriate governmental bodies which included a connecting facility between LaSalle Street/I-77 Interchange connecting both North Tryon Street and North Graham Street. This project was initially proposed as a continuation of Matheson Avenue and has been frequently referred to as the Thirtieth Street Project. The City Council, in adopting the Thoroughfare Plan on the 22nd day of August, 1977, specifically omitted this project and several others from the approved Thoroughfare Plan which was later approved by the Transportation Advisory Committee.

On April 19, 1979, a Task Force of the Technical Coordinating Committee (TCC) presented a report that was approved by the TCC which documented that there continued to be a need for a thoroughfare/truck route connecting I-77 and North Tryon Street which utilized the interchange on I-77 at LaSalle Street. The Task Force reviewed land use considerations in concert with travel desires to reach this conclusion. At our Transportation Committee meeting on November 5, 1981, we heard from citizens who favored the facility in general and some who were opposed to the use of a specific facility.

Based upon our review of staff documents and the comments at the aforementioned meeting, the Council Transportation Committee recommends adoption of the attached resolutions.

RESOLUTION AMENDING THE CHARLOTTE-MECKLENBURG URBAN AREA THOROUGHFARE PLAN TO INCLUDE A PROPOSED FACILITY CONNECTING NORTH TRYON STREET, NORTH GRAHAM STREET AND I-77 VIA THE LASALLE STREET INTERCHANGE.

---

WHEREAS, the Charlotte City Council adopted a Thoroughfare Plan for the Charlotte-Mecklenburg Urban Area on the 22nd day of August, 1977, and

WHEREAS, said plan did not include a proposed facility connecting North Tryon Street, North Graham Street and I-77, and

WHEREAS, the Technical Coordinating Committee has reviewed a proposed North Carolina Department of Transportation project to improve McArthur Avenue and determined that there exists a need to have a connector between North Tryon Street, North Graham Street and I-77, and,

WHEREAS, the Technical Coordinating Committee further determined that the Environmental Impact Study underway should address the lack of a circumferential facility connecting I-77 with US 74 between Brookshire Freeway and I-85 in the northeast quadrant of the City, and

WHEREAS, the Technical Coordinating Committee also concluded that the Environmental Impact Study should address the conflict between land use plans and current zoning patterns in the area of McArthur Avenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte in regular session duly assembled, concludes that a need for a thoroughfare connecting North Tryon Street, North Graham Street and I-77 at the LaSalle Street interchange does exist and amends the Charlotte-Mecklenburg Urban Area Thoroughfare Plan adopted the 22nd day of August, 1977 to include a proposed facility connecting North Graham Street/Atando Avenue Intersection from the end of Asbury Place to the intersection of Statesville Avenue/LaSalle Street.

Approved as to form:

Henry W. Underhill Jr. by H. Marshall Jr.
City Attorney

RESOLUTION AMENDING THE TRANSPORTATION IMPROVEMENT PROGRAM FOR CHARLOTTE-MECKLENBURG TO INCLUDE THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT FOR UPGRADING MCARTHUR AVENUE

---

WHEREAS, the Charlotte City Council has amended the Charlotte-Mecklenburg Urban Area Thoroughfare Plan to include a proposed connector between North Tryon Street, North Graham Street and I-77 via the interchange at LaSalle Street, and

WHEREAS, the North Carolina Department of Transportation has a project to upgrade McArthur Avenue and to connect LaSalle Street with Asbury Avenue via McArthur Avenue;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte in regular session duly assembled recommends that the Transportation Advisory Committee amend the Charlotte-Mecklenburg Transportation Improvement Program to include the North Carolina Department of Transportation project for McArthur Avenue as a project that will identify through the Environmental Impact Study a facility connecting North Graham Street/Atando Avenue Intersection from the end of Asbury Place to the intersection of Statesville Avenue/LaSalle Street.

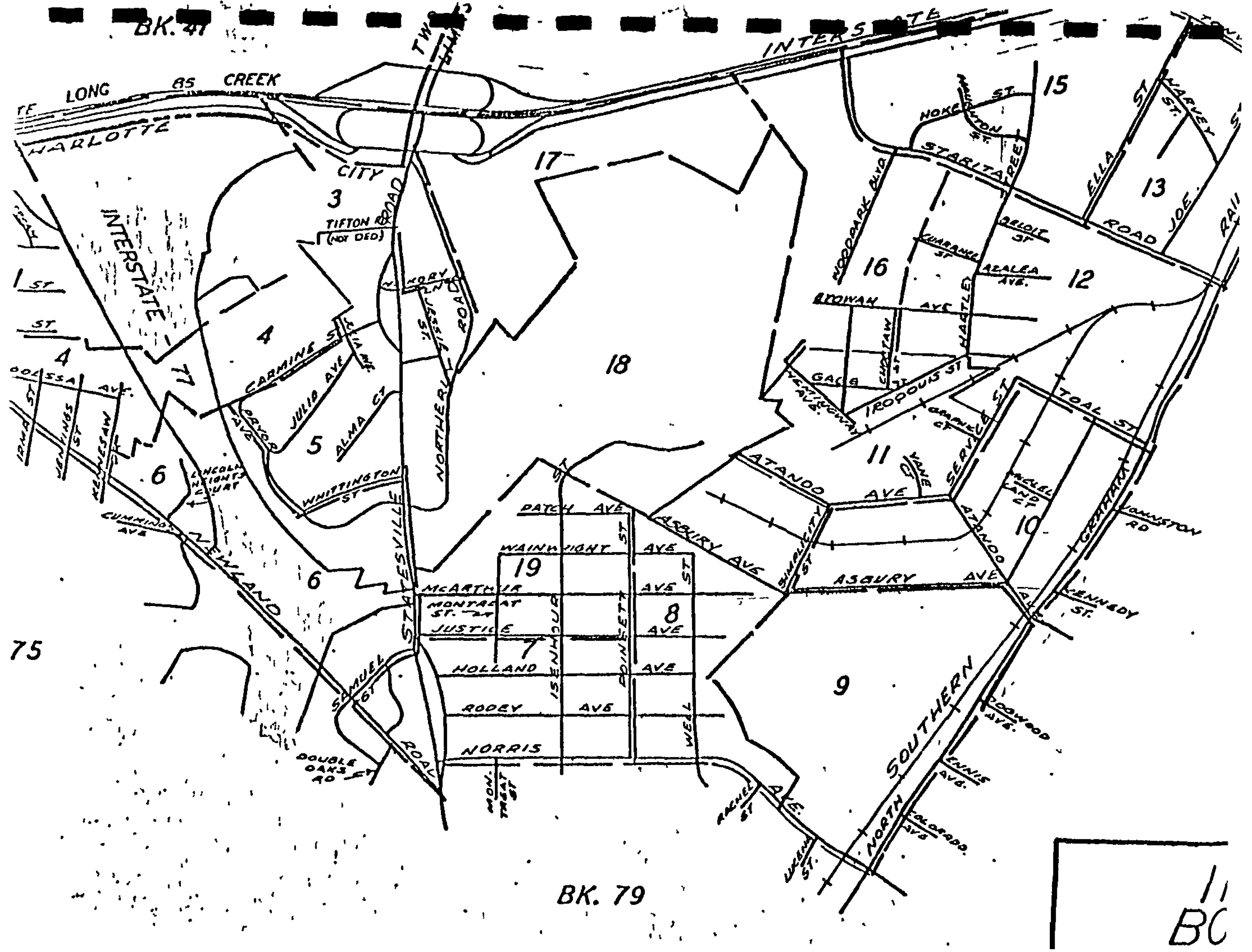
Approved as to form:

Henry W Underhill Jr by H Mitchell Jr
City Attorney

McArthur/LaSalle Improvement
Chronology of Events

| | |
|---|---|
| January 13, 1975 | The Charlotte-Mecklenburg Planning Commission, after a public hearing, voted 6-3 to leave the LaSalle Street system on the Major Thoroughfare Plan element of the proposed 1995 Comprehensive Plan. |
| May 5, 1975 | The Charlotte City Council held a public hearing on the 1995 Comprehensive Plan, hearing from several citizens a request to delete the LaSalle Street system from the plan. |
| May 12, 1975 | On amendment for approval of the 1995 Comprehensive Plan, the LaSalle Street system was removed by Charlotte City Council from the 1995 Comprehensive Plan. |
| August 22, 1977 | Charlotte City Council approved the 1977 Thoroughfare Plan, without the LaSalle Street system. |
| November 25, 1977 | The Charlotte Transportation Planning Coordinator was notified that the N. C. Department of Transportation, upon petition from area citizens, had included a project to improve McArthur Avenue, part of the LaSalle Street system. |
| November 28, 1977 | The transportation staff of Charlotte was notified regarding new project. |
| February, 1978 | The new North Carolina Highway Improvement Program released for public distribution. |
| June 5, 1978 | Charlotte City Council received for review and approval the "Charlotte-Mecklenburg State Highway Improvement Program and Priority List of Proposed Projects", prepared by local staff. This document included the McArthur Avenue project. |
| November 20, 1978 | Charlotte City Council received a presentation on the State's highway program. There was a brief discussion of McArthur Avenue project. |
| April 18, 1979 | TCC prepared task force report on project recommending that circumferential thoroughfare/truck route needs in the area be thoroughly evaluated, and that the State EIS evaluate that need. |
| August 3, 1979 | State hires consultant Madison & Madison International to develop planning report and EIS. |
| August 22, 1979 | Local staff met with consultant on project. |

| | |
|---|---|
| October 17, 1979 | Consultant releases study overview, holds first public meeting at Druid Hills Elementary School. About 25 persons attended the meeting, including Councilmember Dannelly. Most persons were opposed to the project. |
| November 14, 1979 | Consultant held second public meeting at Druid Hills Elementary School. 30 persons attended, and most opposed to the project. |
| May 7, 1980 | State advises City of alternatives developed. |
| September 2, 1980 | City staff requested by State to review preliminary Draft EIS. |
| September 29, 1980 | City staff submitted comments on preliminary Draft EIS. |
| October 29, 1980 | City staff submitted further comments on preliminary Draft EIS. |
| Undetermined | Right-of-way acquisition and construction. |


BK. 41
INTERSTATE
LONG
CREEK
CITY
TIFTON ROAD
(NOT DED)
INTERSTATE
CARMINE ST
JULIA AVE
ALMA CT
WHITTINGTON ST
NORTHERN
STATESVILLE
ROAD
PATCH AVE
WAINWRIGHT AVE
McARTHUR AVE
MONTREAT ST.
JUSTICE AVE
HOLLAND AVE
RODEY AVE
NORRIS
ISENHOUR
POINSETT
WELL
ASBURY AVE
ATANOO AVE
SIMPLICITY ST
ASBURY AVE
SAMUEL ST
DOUBLE OAKS RD
MOODPARK BLVD
STARITA STREET
HOKE
ELLA ST
HARVEY ST
ROAD
JOE
ALOIKA AVE
ALEALEA AVE.
HARTLEY
GAGE
IROQUOIS ST
TOAL ST
SERVICE
SOUTHERN
NORTH
KENNEDY ST.
JOHNSTON RD
GRIFFITH
ENNIS AVE.
COLORADO AVE
ARCHEL ST
LUCENA ST.
MON. TREAT ST
CUMMINGS AVE
NEWLAND
75
BK. 79

Attachment 5

# Request for Council Action

Charlotte

To the City Manager

November 3, 1981
Date

From Carol M. Loveless, Assistant City Manager

Action Requested Recommend Adoption of Memorandum of Understanding (Previously Adopted by the Six Small Towns and Mecklenburg County Commissioners).

Carol M. Loveless

**SUMMARY**

The attached Memorandum of Understanding has been prepared by the North Carolina Department of Transportation using a locally prepared document as the base. The document has been changed to remove references to superseded Federal documents, replace North Carolina Department of Transportation for North Carolina Board of Transportation, reflect weighted vote defined by the Governor, voting authority of representatives and inclusion of the North Carolina Department of Transportation in the Charlotte-Mecklenburg Metropolitan Planning Organization (CMMPO).

**BACKGROUND**

During the month of August, 1981, the North Carolina Department of Transportation developed a Memorandum of Understanding for Transportation Planning in the Charlotte Urbanized Area using as their base a document prepared locally. Staff had conversation with NCDOT staff on a number of occasions which resulted in the development of a document as near to the one prepared locally as possible. We were advised that changes in the local document were necessary in order to comply with State legislation. While we were not totally in agreement, we accepted the explanation and submitted a document to you on September 14, 1981 for your approval.

On September 16, 1981 the same document was submitted by NCDOT staff to the TAC. The TAC received the document for further study with some discussion. On September 21, 1981 at the County Commission meeting, Commissioner Fountain Odom expressed considerable concern over the differences in the NCDOT document and the document adopted by the County and the six small towns on June 19, 1981.

On October 1, 1981 staff was invited to attend a meeting with NCDOT staff, Commissioner Odom, TAC Chairman Pollard and County staff to discuss the Memorandum of Understanding proposed by NCDOT. At that meeting, Commissioner Odom and TAC Chairman Pollard urged the State to review the June 19, 1981 Memorandum of Understanding adopted by all governmental bodies, except the City of Charlotte, and accept that document with changes in superseded Federal regulations, North Carolina Department of Transportation rather than North Carolina Board of Transportation, the weighted vote

defined by the Governor and insertion of a phrase relative to voting authority granted members by their governmental bodies. Since this meeting, the State has been reviewing the Memorandum of Understanding and has concluded that they will accept the June 19, 1981 Memorandum of Understanding by making the following corrections:

1) Reference to superseded Federal regulations has been removed.

2) North Carolina Board of Transportation has been changed to North Carolina Department of Transportation.

3) The weighted vote defined by the Governor has been included.

4) Insertion of the phrase "Members will vote on matters pursuant to authority granted by their respective governmental bodies." (This statement was agreed to by local governmental jurisdictions.)

5) Paragraph 4 on Page 3 has been reworded to include the North Carolina Department of Transportation as a member of the Charlotte-Mecklenburg Metropolitan Planning Organization in concert with the general purpose local governments.

Attached for your approval is the Memorandum of Understanding for Transportation Planning in the Charlotte Urbanized Area.

Staff has reviewed this document and feel that it is identical in substance to the Memorandum already approved by City Council and, therefore, recommend approval.

Attachment

11-4-81

# MEMORANDUM OF UNDERSTANDING

for

TRANSPORTATION PLANNING - CHARLOTTE URBANIZED AREA

between

THE CITY OF CHARLOTTE, TOWN OF CORNELIUS, TOWN OF DAVIDSON, TOWN OF HUNTERSVILLE, TOWN OF MATTHEWS, TOWN OF MINT HILL, TOWN OF PINEVILLE, MECKLENBURG COUNTY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH

THAT WHEREAS, Chapter 136, Article 3A, Section 136-66.2(a) of the General Statutes of North Carolina require that: "Each municipality with the cooperation of the Department of Transportation; shall develop a comprehensive plan for a street system that will serve present and anticipated volumes of vehicular traffic in and around the municipality. The plan shall be based on the best information available including, but not limited to, population growth, economic conditions and prospects, and patterns of land development in and around the municipality, and shall provide for the safe and effective use of streets and highways through such means as parking regulations, signal systems, and traffic signs, markings, and other devices. The Department of Transportation may provide financial and technical assistance in the preparation of such plans."; and,

WHEREAS, the said Chapter 136, Article 3A, Section 136-66.2(b) provides that: "After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the Department of Transportation as the basis for future street and highway improvements in and around the municipality. As part of the plan, the governing body of the municipality and the Department of Transportation shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State Highway System and which streets will be a part of the Municipal street system. As used in this article, the State Highway System shall mean both the primary highway system of the State and the secondary road system of the State within municipalities."; and,

WHEREAS, the said Chapter 136A, Article 3A, Section 136.66.2(d) provides that: "Either the municipality or the Department of Transportation may propose changes in the plan at any time by giving notice to the other party, but no change shall be effective until it is adopted by both the Department of Transportation and the municipal governing board."; and,

WHEREAS, Section 134 (a) of Title 23 United States Code states: "It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transportation in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary shall cooperate with the State and local officials in the development of transportation plans and programs which are formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans, development objectives, and overall social, economic, environmental, system performance, and energy conservation goals and objectives, and with due consideration to their probable effect on the future development of urban areas of more than fifty thousand population. ~~The planning process shall include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing transportation facilities. The process shall consider all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate based on the complexity of the transportation problems.~~ After July 1, 1965, the Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section. No highway project may be constructed in any urban area of fifty thousand population or more unless the responsible public officials of such urban area in which the project is located have been consulted and their views considered with respect to the corridor, the location and the design of the project."; and,

WHEREAS, a transportation planning process includes the operational procedures and working arrangements by which short and long-range transportation plans are soundly conceived and developed and continuously evaluated in a manner that will:

1. Assist governing bodies and official agencies in determining courses of action and in formulating attainable capital improvement programs in anticipation of community needs; and,

2. Guide private individuals and groups in planning their decisions which can be important factors in the pattern of future development and redevelopment; and,

WHEREAS, various sections of the Federal-Aid Highway Act of 1973, Public Law 93-87 provides for new transportation programs and modifies some existing programs, and,

WHEREAS, it is the desire of these agencies that the previously established continuing, comprehensive, cooperative transportation planning process, as set forth in the Memoranda of Understanding dated June 24, 1965 and April 8, 1975 be revised

and updated to comply with 23 U.S.C. 134; Sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended, (UMT Act) (49 U.S.C. 1602, 1603(a), and 1604); and 49 CFR 1.48(b) and 1.50(f), the following Memorandum of Understanding is made:

Section 1. It is hereby agreed that the CITY OF CHARLOTTE; TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MATTHEWS, MINT HILL, PINEVILLE; MECKLENBURG COUNTY; and THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION in cooperation with THE UNITED STATES DEPARTMENT OF TRANSPORTATION, will participate in a continuing transportation planning process with the responsibilities and undertakings as related in the following paragraphs:

1. The area involved, the Charlotte Urban Transportation Planning Area, will be the Charlotte Urbanized Area as defined by the United State Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty-year planning period. This area is Mecklenburg County and is hereinafter referred to as the Planning Area. The projected Planning Area boundary will be periodically reassessed and revised in the light of new developments and basic data projections for the current planning period.

2. The continuing transportation planning process will be a cooperative one and all planning discussions will be reflective of and responsive to the comprehensive plans for growth and development of the Planning Area.

3. The continuing transportation planning process will be in accordance with the intent, procedures, and programs of Title VI of the Civil Rights Act of 1964.

4. A Charlotte-Mecklenburg Metropolitan Planning Organization hereinafter referred to as the CMMPO, is hereby established with responsibility for coordinating transportation policy of member local governments within the Planning Area and will consist of the Chief Elected Official or a single representative appointed by the Chief Elected Official from the following Boards of General Purpose Local Government and a representative of the North Carolina Department of Transportation:

   Charlotte City Council
   Cornelius Town Board of Commissioners
   Davidson Board of Commissioners
   Huntersville Board of Commissioners
   Matthews Town Board
   Mint Hill Board of Commissioners
   Pineville Town Council
   Mecklenburg County Board of Commissioners
   North Carolina Department of Transportation

The vote for each General Purpose Local Government and the North Carolina Department of Transportation shall be as follows:

| Governmental Body | |
|---|---|
| Charlotte | 6 |
| Mecklenburg County | 2 |
| Huntersville | 1 |
| Mint Hill | 1 |
| Pineville | 1 |
| Davidson | 1 |
| Cornelius | 1 |
| Matthews | 1 |
| Department of Transportation | 1 |
| TOTAL | 15 |

Members will vote on matters pursuant to the authority granted by their respective governmental body.

In addition, representatives from each of the following bodies will serve as non-voting members:

-Charlotte-Mecklenburg Planning Commission.
-U. S. Department of Transportation.
-Other Local, State, or Federal agencies impacting transportation in the Planning Area at the invitation of the CMMPO.

5. The term of any designated representative shall be one calendar year.

6. The CMMPO shall have a Chairman and Vice-Chairman and meet as often as it is deemed appropriate and advisable.

7. The duties and responsibilities of the CMMPO are as follows:

   a. The CMMPO in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified in the U. S. Department of Transportation Program Manuals and shall develop the planning work programs, transportation plan, and transportation improvement program specified in such manuals.

   b. The CMMPO shall be the forum for cooperative decision-making by principal elected officials of general purpose local government and therefore shall function as a Transportation Advisory Committee in conformance with the North Carolina Highway Action

Plan. However, this shall not limit the CMMPO's local responsibility for (1) insuring that the Transportation Planning Process and the plans and improvement projects which emerge from that process are consistent with the policies and desires of local government; nor, (2) serving as a forum for the resolution of conflicts which arise during the course of developing the Transportation Plan and the Transportation Improvement Program.

c. The CMMPO shall not set policy for the planning area but shall establish goals and objectives for the transportation planning process reflective of and responsive to comprehensive plans for growth and development in the planning area adopted by Boards of General Purpose Local Government.

d. The CMMPO shall annually review and approve the Unified Planning Work Programs, Transportation Plan and Transportation Improvement Program.

e. The CMMPO as required shall review, approve, and endorse amendments to Unified Planning Work Program, Transportation Plan and Transportation Improvement Program.

f. The CMMPO shall have the responsibility for keeping boards of general purpose local government informed of the status and requirements of the transportation planning process; assisting in the dissemination and clarification of the decisions, inclinations, and policies of these boards; and ensuring meaningful citizen participation in the transportation planning process.

g. The CMMPO shall review, approve and endorse changes to the Federal-Aid Highway System and Federal-Aid Urbanized Area boundary.

h. The CMMPO shall review, approve, and endorse a Prospectus for transportation planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process; and

i. The CMMPO shall review and approve related air quality planning in conformance with federal regulations.

j. The CMMPO shall review and approve energy conservation planning and energy contingency planning for the transportation system in conformance with federal regulations.

k. Any other duties identified as necessary to facilitate the transportation planning process further.

8. The CMMPO shall have the primary responsibility for citizen input to the continuing transportation planning process. During transportation plan reevaluation, citizen involvement in the planning process shall be encouraged during reanalysis of goals and objectives and plan formation. This citizen involvement will be obtained through goals and objectives surveys, neighborhood forums, and public hearings in accordance with procedures outlined in the "North Carolina Highway Action Plan."

9. A Technical Coordinating Committee, hereinafter referred to as the TCC, shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the planning area and with the responsibility for making recommendations to the respective local and State governmental agencies and the CMMPO regarding any necessary actions relating to the continuing transportation planning process. The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Unified Planning Work Program, Transportation Improvement Program, Federal-Aid Urban Systems and Boundaries, revisions to the transportation plan, planning citizen participation and documentation reports of the transportation study.

Membership of the TCC shall include technical representatives from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area Initially, the membership shall include the following or their official designee:

a. Charlotte Department of Transportation Director

b. Charlotte Engineering Department Director

c. Charlotte-Mecklenburg Planning Commission Director

d. Mecklenburg County Engineering Department Director

e. North Carolina Department of Transportation, Public Transportation Division Director

f. North Carolina Department of Transportation, Highway Division, Manager of Planning and Research Branch

g. U. S. Department of Transportation, Federal Highway Administration, North Carolina Division Administrator

h. U. S. Department of Transportation, Urban Mass Transportation Administration, Region IV, Office of Planning Assistance Director

Other local agencies, upon filing a request, will be informed of all meetings of the TCC and may attend meetings. Such agencies would include:

- Town Manager Offices
- Charlotte-Mecklenburg Schools
- Various City and County Departments/Offices
- Centralina Council of Governments

The TCC shall meet when it is deemed appropriate and advisable and at least once quarterly. The Committee may select a member of the Committee or ask the Coordinator for Transportation Planning to act as Chairperson.

10. Administrative coordination for the CMMPO and the TCC will be performed by a Coordinator for Transportation Planning who shall report to the Director of the Charlotte-Mecklenburg Planning Commission. The coordinator will serve as the secretary for the CMMPO and TCC with the responsibility for such functions as follows:

- Arranging meetings and agendas
- Maintaining minutes and records
- Prepare a Prospectus and Unified Planning Work Program
- Assembling and publishing the Transportation Improvement Program
- Serve as custodian of the Transportation Plan
- Monitor the Transportation Planning Process to insure its execution is in accordance with goals and objectives
- Prepare an Annual Report on transportation planning process for public consumation
- Perform other coordinating functions as assigned by CMMPO from time to time

- Lead responsibility for structuring public involvement in the transportation planning process

The Coordinator for Transportation Planning shall be hired by the Director of the Charlotte-Mecklenburg Planning Commission. The Planning Director shall report to the Charlotte-Mecklenburg Planning Commission at its regular monthly meeting on the administrative coordination activities; and further shall provide notice to the Planning Commission of actions scheduled for consideration by the TCC and CMMPO.

11. All transportation and related Federal Aid planning grant funds available to promote the cooperative transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by CMMPO. Administration of funding in support of the Transportation Planning Process on behalf of the CMMPO will be conducted by the City of Charlotte who will execute appropriate agreements with funding agencies as provided by the Unified Planning Work Program.

Section 2. Subscribing agencies to this Memorandum of Understanding may terminate their participation in the Continuing Transportation Planning process by giving thirty days written notice to other parties prior to the dates of termination. After two (2) years from the date of adoption of this document, the terms of this agreement will be evaluated by the participating members. It is further agreed that these agencies will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus. Additionally, these agencies shall coordinate zoning and subdivision approval in accordance with the adopted Transportation Plan.

Section 3. IN WITNESS WHEREOF, the parties to this Memorandum of understanding have been authorized by appropriate and proper resolutions to sign the same, the City of Charlotte by its Mayor, the Town of Cornelius by its Mayor, the Town of Davidson by its Mayor, the Town of Huntersville by its Mayor, the Town of Matthews by its Mayor, the Town of Mint Hill by its Mayor, the Town of Pineville by its Mayor, the County of Mecklenburg by its Commission Chairman and the Department of Transportation by the State Highway Administrator this _____ day of _____, 19_____.

ATTEST

CITY OF CHARLOTTE

(Seal)

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal)

TOWN OF MATTHEWS

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) TOWN OF MINT HILL

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) TOWN OF PINEVILLE

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) TOWN OF DAVIDSON

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) TOWN OF CORNELIUS

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) TOWN OF HUNTERSVILLE

_____ By _____
Clerk Mayor

Resolution Date _____

(Seal) MECKLENBURG COUNTY

_____ By _____
Clerk Chairman

Resolution Date _____

DEPARTMENT OF TRANSPORTATION

By _____
State Highway Administrator

Approved as to Form and Legality
for Rufus Edminsten
Attorney General

By _____
Asst. Attorney General

# Request for Council Action

Charlotte

To the City Manager

November 9, 1981
Date

From Henry W. Underhill, Jr., City Attorney

Action Requested (a) Report the action of Council approving a settlement in executive session in McMillan et al vs. City of Charlotte (CC-77-255) and enter the settlement terms in the minutes. (b) Adopt necessary budget ordinance.

Henry W. Underhill Jr.

On October 26, 1981, during a duly convened executive session, the City Council took action to approve a negotiated settlement in McMillan et al vs. City of Charlotte This is a request that a report be made publicly of the terms of that settlement and to enter such terms into the minutes of a Council meeting within a reasonable time after the executive session.

An outline of the Consent Decree which contains all of the terms of the settlement is attached. The text of the Consent Decree has been placed in the Offices of the City Attorney and the City Clerk for public inspection. Before the settlement can become effective, it must be approved by the United States District Court, Western District of North Carolina, Charlotte Division.

No additional vote is required by the Council to approve this settlement. The only action required is to have a public report on the settlement made a part of the minutes of the Council's meeting of November 16, 1981.

Council will also need to adopt the attached budget ordinance to make necessary funds available to comply with the settlement.

# OUTLINE OF PROPOSED CONSENT DECREE

I. Definitions

A. The proposed settlement is limited to 8 departments: Personnel, Parks and Recreation, Transportation, Community Development, Employment and Training, Planning, and Community Relations.

B. The proposed settlement is limited to permanent, full-time employees in the specified departments who have been denied promotion or have been suspended without pay or demoted on the basis of race since February 19, 1976 or who have been terminated on the basis of race since November 1, 1976.

C. Other terms are also defined.

II. Scope and Limitations.

A. The suit is properly maintained as a class action.

B. The proposed settlement resolves all disputes between the individual Plaintiffs and the City and also all claims of discrimination and promotion, discipline, and termination of the class members.

C. The City's liability is limited to monetary payment in the form of backpay. The City may not be required to employ, promote, or otherwise alter the employment status of any person with the City under the proposed settlement.

D. The term of the proposed Consent Decree is two (2) years.

III. Non-Discrimination

A. The City is enjoined from discriminating against black employees in violation of Title VII and 42 U.S.C. 1981 with respect to promotion, discipline and termination.

B. The proposed Consent Decree cannot be construed to require the City to alter the employment status of any person with the City or to create any job, change any existing personnel policy, or change any class specification.

IV. General Description of Current Promotion Practices.

V. General Description of Current Performance Appraisal System.

VI. A. The City agrees to maintain its promotion and performance appraisal system as generally-described in Parts IV and V without substantial modification, unless such changes are implemented within stated procedures.

B. Substantial modifications in these personnel systems may be made by notifying the Plaintiffs' counsel of such change.

1. The proposed change can be implemented if no timely objection is made.

2. The proposed change can be implemented if the adverse effect on black employees is no greater than the effect on white employees.

3. The proposed change can be implemented after 30 days have passed, regardless of any objection by Plaintiffs' counsel.

4. The implementation of the proposed change can be stopped, only if the Plaintiffs' counsel raises valid objections and convinces the Court to issue an injunction pending further review by the Court.

C. A modification can be made in the promotion and performance appraisal systems as described at any time if the modification is not substantial without any notice to Plaintiffs' counsel.

D. The following are examples of modifications set forth in the proposed Consent Decree which can be made with no notice to Plaintiffs' counsel, regardless of the effect upon black employees:

1. Any modification of class specifications, e.g. changes in minimum qualificiations or duties and responsibilities.

2. Elimination or addition of positions or classes of positions.

3. Reorganization of departments and/or divisions.

4. Any changes in the pay plan.

5. Any modification in selection standards, e.g. use of unvalidated tests.

6. Any modification of any employment practice concerning reinstatement.

7. Any modification of any job dimension or performance level used in the performance appraisal system.

8. Any modification of any employment practice that does not apply to the settlement departments.

E. The ability to make changes in the personnel systems, as described in the immediately preceding section does not insulate the City from charges of discrimination and resulting legal action independent of the proposed settlement.

VII. A. No affirmative action goals or timetable is adopted because the City's utilization of black employees in all occupational categories in these departments exceeds the percentage of qualfiied blacks available for such work in the relevant labor markets.

B. The Court retains the authority under the proposed settlement to consider the need for such relief, if the City's utilization of black employees falls below certain agreed percentages. These percentages are generally the ones which have been used in the City's past affirmative action plans.

C. The proposed Consent Decree cannot be interpreted to require the City to give preferential treatment to any employee on the basis of race.

VIII. A. Class members will be given an opportunity to file claims for relief on the basis of alleged race discrimination in the areas of promotion, discipline and termination.

B. Class members must follow a specified procedure to file claims. Claims may be settled or referred to a Special Master for hearing.

C. Each claimant must prove discrimination in order to receive any relief. The City does not bear the responsibility of proving that no discrimination occurred.

D. The City will pay the costs of all notices to the class members and of the proceedings before the Special Master. If any claim is determined to be frivolous or to involve deliberate misrepresentation, the claimant will pay the costs attributable to his/her hearing. Such claim will not be considered further. In the event of deliberate misrepresentation, the claimant will also pay the City's reasonable attorney's fees.

E. All proceedings before the Special Master concerning a specific claimant shall be closed, unless requested to be open by the claimant.

IX. The Court approves the proposed settlement with the individual Plaintiffs. The monetary aspect of this settlement totals approximately $41,000. The claims of two individual Plaintiffs have not been successfully negotiated. As a result, they would be allowed to present their claim for review and determination by the Special Master.

X. A. The Personnel Director is responsible for the implementation of the proposed settlement.

B. Two reports will be filed with the Court on approximately the first and second annual anniversaries of the entry of the Consent Decree.

C. Such reports will contain the following information from the settlement departments:

1. A summary of the distribution of employees by race and job title.

2. A summary of the promotion of employees by name, race, date of promotion, job titles involved and pay raise involved.

3. A summary of involuntary terminations by name, race, job title, date of termination, and reason for termination.

D. All such reports shall be considered confidential. The Court's copy shall be sealed and shall not be opened, except upon order of the Court. Such reports shall not be accessible except by Plaintiffs' counsel, his clerical employees and such other person(s) as may be necessary. The reports shall be used for no purpose which is unrelated to the Consent Decree.

XI. A. The Court approves the payment of attorney's fees and expenses for the work performed and expenses incurred by Plaintiffs' as of the entry of the Consent Decree. This amount totals $39,000.

B. The City agrees to pay the attorney's fees for the claimants' counsel of $50 per hour as well as other expenses normally assessed as costs of Court. All attorney's fees shall be based upon the amount of time reasonably required by experienced counsel. No attorney's fees for claimants will be allowed where claims are determined to be frivolous or to involve deliberate misrepresentation.

C. The aggregate attorney fees and expenses to be paid by the City for all claimants is not to exceed $33,000. The Court determines this limit to be reasonable. However, if all approved attorney fees and expenses exceed this limit, the Court may order the City to pay an additional aggregate of $5,000 for unpaid, approved, reasonable attorney fees and expenses of successful claimants.

XII. The parties agree to use good faith to resolve any disputes that may arise as to compliance with the Consent Decree.

XIII. The proposed Consent Decree is to be binding and effective for a period of two years.

XIV. The Court finds the proposed Consent Decree to be reasonable and approves the proposed settlement.

ORDINANCE NO._____

AN ORDINANCE TO AMEND ORDINANCE NO. 980-X, THE 1981-82 BUDGET ORDINANCE, TO PROVIDE FUNDS FOR THE SETTLEMENT OF THE MCMILLAN/BEATTY LAWSUIT.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina,

Section 1. That the sum of $57,000 is hereby transferred from the General Fund Contingency (530.00) to the Awards and Damages account (530 82) for expenses related to the McMillan/Beatty Lawsuit.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

Approved as to form:

Henry W Underhill Jr by JO Underhill Jr
City Attorney

# Request for Council Action

Charlotte

November 2, 1981
Date

From O. Wendell White, City Manager

Action Requested Approval of a contract and pension agreement with John B. Fennell for financial services to the City of Charlotte for a 20 month period beginning February 1, 1982


Summary

Mr. John B. Fennell, in view of his proposed retirement, has agreed to contract with the City of Charlotte for financial studies covering the areas of resource recovery, airport expansion, uptown development, water/sewer rates and City office space. The contract is for 20 months in the amount of $6,000 per year. The pension agreement is for $33,300 for a period of three years.


Background

Mr. Fennell approached me earlier this year expressing an interest in retiring from City government. Due to Mr. Fennell's expertise in financial matters that has greatly benefited Charlotte in the past and foreseeing the financial challenges of the future, I felt it imperative that Mr. Fennell continue in a consulting relationship with the City of Charlotte. I asked Mr. Fennell to outline the conditions under which he would contract with the City of Charlotte. The terms of the contract, as well as the pension agreement, are financially in the best interest of the City and are less expensive than contracting for the services of an outside accounting firm.

Given the benefits the City would obtain, I recommend that the City Council approve the contract and agreement.

OWW:cm

NORTH CAROLINA

MECKLENBURG COUNTY

CONTRACT

THIS AGREEMENT, made and entered into on this _____ day of _____, 1981, by and between the City of Charlotte, North Carolina, a municipal corporation of the State of North Carolina, (hereinafter referred to as "City") and John B. Fennell of Charlotte, North Carolina, (hereinafter referred to as "Consultant").

WITNESSETH:

WHEREAS, during the next several years the City will be considering the expenditure of City funds for various projects and improvements, and the investment of available funds to obtain maximum returns for the citizens of the community.

WHEREAS, Consultant is qualified to conduct studies of such possible expenditures and investments,

NOW, THEREFORE, the parties hereto, for consideration hereinafter set forth, mutually agree as follows:

1. Consultant will conduct financial studies as determined by the City Manager in order to identify advantages/disadvantages to various potential expenditure/investment strategies. Written and/or oral reports summarizing the Consultant's findings will be provided to the City as deemed appropriate. Such studies will cover the areas of Resource Recovery, Airport Expansion projects, Uptown Development projects, Water and Sewer Rates, and City Office Space. The Consultant will also be available for consultation on other topics related to the financial planning of the City.

2. The City agrees to provide the Consultant access to whatever records and other properties occupied by the City as are necessary to accomplish the purposes of this study, and agrees to secure the cooperation of its employees for the same purpose.

3. The Consultant hereby agrees to hold harmless the City from all claims, causes of action, and liabilities due to any negligence on the part of the Consultant in conducting this study.

4. The total professional fee the consultant will receive for the work described herein will not exceed $6,000 annually. The Consultant shall submit a quarterly statement for work completed during each three (3) months of the contract period. The City shall have at least thirty (30) days from the receipt of a correct payment request for processing payments. No interest shall accrue for either partial or final payments under this contract.

5. The City shall reimburse the Consultant for reasonable expenses associated with conducting work under this agreement, such as travel expenses; the City shall also provide reasonable support services such as typing and making of copies for work conducted under this agreement.

6. None of the rights or obligations created by this agreement shall be assigned or otherwise transferred, in whole or part, by either party, without the prior, written consent of the parties.

7. This agreement shall be for the term of twenty (20) months, beginning on February, 1, 1982 and ending on September 30, 1983. Either party may terminate the agreement prior to the end of the specified term by providing at least thirty (30) days advance notice in writing to the other party.

8. The legal status of the parties hereto is that the Consultant is an independent contractor.

IN WITNESS WHEREOF, the parties hereto have duly caused this agreement to be executed.

ATTEST:

JOHN B. FENNELL

ATTEST:

CITY OF CHARLOTTE

Approved as to form:

City Attorney

North Carolina

Mecklenburg County

# PENSION AGREEMENT

THIS AGREEMENT, made and entered into this 26th day of October, 1981, by and between the CITY OF CHARLOTTE, North Carolina (hereinafter referred to as "The City") and John B. Fennell (hereinafter referred to as "Mr. Fennell").

WHEREAS, Mr. Fennell has been employed by the City as Finance Director since March 1, 1963, and has performed his duties as Finance Director in an examplary fashion;

WHEREAS, Mr. Fennell will retire as the City's Finance Director on January 30, 1982; and

WHEREAS, the City desires, pursuant to G.S. Section 160A-163, to supplement the benefits that will be provided to Mr. Fennell by the Local Government Retirement System.

NOW, THEREFORE, in consideration of the receipt of One Dollar ($1.00), and other valuable consideration, the City agrees:

I. PAYMENT

To pay to Mr. Fennell, for a period of 3 years, the sum of Thirty-Three Thousand Three Hundred Dollars ($33,300.00) per year. The first annual payment shall be due on February 1, 1982, and succeeding annual payments shall be due on the 1st day of each year thereafter for a total period of 3 years.

II. APPROPRIATION OF FUNDS

Payment under this agreement shall be appropriated from the regular fund from which the City pays retirement contributions.

III. ASSIGNMENT OF BENEFITS/PROTECTION AGAINST CREDITORS

The payments established by this agreement shall be payable only to Mr. Fennell or his personal representative, or to his beneficiaries in case of his death, as they become payable under the terms hereof. To the extent permitted by law, payment hereunder shall not be subject to the claims of any creditors of Mr. Fennell or to execution or to legal process.

IV. AGREEMENT NOT REVOKABLE

It is the intent of the City that this agreement be binding upon future City Councils and not be revoked or otherwise terminated.

V. LATE PAYMENT

The City will not be liable for interest or late payment for failure to make payment within the prescribed time.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on the date entered on the first page hereof.

CITY OF CHARLOTTE

Attest:

By: _____
Mayor

Attest:

_____

_____
John B. Fennell

Approved as to form:

Attm 8

# Request for Council Action

Charlotte

To the City Manager M. F. Billups, Jr. November 3, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Department

Action Requested Modification of the current process for application and approval of requests for beer and wine permits in the Charlotte Park System.

Due to the many requests for permission to serve beer/and or wine in the Charlotte Park System the Parks and Recreation Department requests that the current permit process be modified as follows

1. Application for a permit for the possession and consumption of beer and/or wine be made five (5) working days prior to the planned event.

2. Information listed on Attachment A would be supplied to the Director of the Parks and Recreation Department for review.

3. If approved by the Director of the Parks and Recreation Department, a permit (see Attachment B) would be issued upon payment of a twenty-five dollar ($25.00) fee which would help offset the expense involved in placing the proper information in the central reservation system computer and the subsequent inspection visit by the Park Rangers to ensure compliance with all laws, rules and regulations by the permittee.

The Parks and Recreation Department feels that this procedure will speed up the permit process and serve to insure that regulations controlling beer and wine are met.

# CHARLOTTE PARKS AND RECREATION DEPARTMENT

## WINE AND BEER PERMIT PROCESS

The following process is provided to ensure that adequate information is presented by any person or group requesting permission to possess of consume wine or beer in the Charlotte Park System. The below listed data will be submitted to the Director of the Charlotte Parks and Recreation Department for consideration at least five (5) working days prior to the date requested for issuance of the permit. A twenty-five dollar ($25.00) permit fee will be paid by the requesting person or group for each permit granted. Once granted, a permit for consumption of wine or beer in a Charlotte park may be revoked by the Director of the Charlotte Parks and Recreation Department, Park Rangers or other proper authority upon finding that the stipulations which formed the basis for the granting of such permit were not met or for other valid reasons (violations of law, violation of park rules, etc.). When a permit is revoked the permit fee is non-refundable.

The following information will be provided by any person or group requesting a permit for the possession or consumption of wine or beer in a Charlotte park.

1. Name and address of the applicant.
2. Name and address of the person, persons, corporation or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired
4. The park and/or portion thereof for which such permit is desired.
5. An estimate of the anticipated attendance.
6. The specific area within the park which will be used for the dispensing and consumption of wine or beer.
7. The specific quantities of the beverages to be served.
8. The specific control measures that will be instituted to assure that the dispensing or servicing of the beverage is restricted to those persons not prohibited by law from receiving it.
9. The name, address and telephone number of the person responsible for enforcement of the control measures referenced in #8.
10. Other information as may be required by the Director of the Parks and Recreation Department.

This permit is to certify that the holder of same has been authorized to possess and consume beer/wine in the Park noted.

NAME _____
(Contact Person)

_____
(Organization)

_____
(Address)

_____
(Telephone)

_____
(Activity)

Park And Location _____

_____

_____

_____
(Date)

_____
(Time: From To )

Date Approved _____

_____
(Signature)

This permit may be cancelled at anytime by the Director of Park And Recreation if activity is found not to be in the best interest of the Department of Parks And Recreation.

The bearer of this permit is responsible for leaving the area used in a park as clean and safe as he/she found it.

## APPEAL PROCESS

Upon the determination of the Director of the Parks and Recreation Department or his representative, that a request for a permit should be denied the requesting person may appeal to the City Manager for a final determination. Such appeal should be made in writing to the City Manager's Office.

Note: The approved permit must be on the park premises and available for inspection during the planned activity. Failure to present the approved permit when required by proper authority can result in a revocation of such permit.

ORDINANCE NO._____ AMENDING CHAPTER 13

AN ORDINANCE AMENDING CHAPTER 13, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte that:

Section 1. Chapter 13, Section 13-61(a), of the City Code is hereby repealed and replaced with the following language so that no person shall:

"(a) Possess or consume any alcoholic beverages, beer, or wine, while in a park, except pursuant to a permit issued by the Director of Parks and Recreation, or his designee in accordance with policies established by the Director."

Section 2. This ordinance shall become effective February 1, 1982.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____day of_____, 19____, the reference having been made in Minute Book_____, and recorded in full in Ordinance Book_____, at Page_____.

Ruth Armstrong, City Clerk

HISTORIC DISTRICT COMMISSION

EDWIN TOWERS
201 WEST 10TH STREET BOX B
TELEPHONE 704 374 2302

# City of Charlotte

Charlotte North Carolina 28202

October 26, 1981

Ms. Ruth Armstrong
City Clerk, City of Charlotte
City Hall
Charlotte, N. C. 28202

Dear Ms. Armstrong:

Attached is an amendment to the resolution establishing the Charlotte-Mecklenburg Historic District Commission for City Council approval.

The change the Commission proposes opens up the nominations for appointment to the Commission.

If you have any questions please call the director, Beverly Allen at the Commission office.

Sincerely,

Ed Perzel (BWA)

Ed Perzel, Chairperson
Historic District Commission

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AMENDING A RESOLUTION ESTABLISHING THE CHARLOTTE HISTORIC DISTRICT COMMISSION.

WHEREAS, on 7 June 1976, the city council adopted a resolution establishing the Charlotte Historic District Commission, and

WHEREAS, on 22 June 1977, the city council adopted a resolution, amending the 7 June 1976 resolution, changing the requirement that two members of the Historic District Commission must be members of the Charlotte-Mecklenburg Planning Commission to a requirement that only one member of the Historic District Commission must be a member of the Charlotte-Mecklenburg Planning Commission and to permit the Planning Commission to recommend to the city council one member, who would not be serving as a member of the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, city council is desirous of removing the requirement that appointments to the Historic District Commission must be filled from certain designated agencies or institutions in the city and county.

NOW, THEREFORE, BE IT RESOLVED by the city council of Charlotte that the Charlotte Historic District Commission shall consist of six members, a majority of the members of such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the corporate limits of the City of Charlotte, all of which is required by North Carolina General Statute §160A-396; and the Historic District Commission may submit names of nominees for each vacancy upon the Commission.

BE IT FURTHER RESOLVED that one appointment on the Historic District Commission shall be filled by a property owner of each designated historic district and that the neighborhood association for said designated historic district shall provide the Mayor and city council with nominations for an appointment for that particular designated historic district and such nominations shall be recommended by the board of directors of the neighborhood association in compliance with the neighborhood association's by-laws.

BE IT FURTHER RESOLVED that the six members of the Historic District Commission shall be expanded by the addition of one member owning property within any newly designated historic district or districts to be designated by the City of Charlotte after this date.

BE IT FURTHER RESOLVED that any provisions of the 7 June 1976 resolution establishing the Historic District Commission, that are contrary or inconsistent with this resolution shall be null and void and the 22 June 1977 resolution is null and void.

Except as specifically amended herein, the terms and conditions of the 7 June 1976 resolution shall remain in full force and effect.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the city council of the City of Charlotte, North Carolina, in regular session convened on the_____ day of_____, 1981, and the reference having been made in Minute Book_____page_____and recorded in full in Resolutions Book____page_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the_____day of_____, 1981.

_____
Ruth Armstrong, City Clerk

HISTORIC DISTRICT COMMISSION

EDWIN TOWERS
201 WEST 10TH STREET BOX B
TELEPHONE 704) 374 2302

# City of Charlotte

Charlotte North Carolina 28202

October 26, 1981

Ms. Ruth Armstrong
City Clerk, City of Charlotte
City Hall
Charlotte, N. C. 28202

Dear Ms. Armstrong:

The Charlotte-Mecklenburg Historic District Commission would like to submit two names to City Council to fill two upcoming vacancies on the Commission.

The nominees are:

1 - Susan Jernigan, a member of the Mecklenburg County Planning Commission who was recommended by Planning Commission. (Mayor's appointment
2 - Donald Yelverton, Charlotte architect.

Friends of Fourth Ward, the neighborhood association, nominated Tom Fennimore to fill a third vacancy on the Historic District Commission. This nomination was made in a letter dated September 14, 1981 to Wendell White from Cullie Tarleton, President, Friends of Fourth Ward.

If you have any questions, please call the director, Beverly Allen at the Commission office.

Sincerely,

Ed Perzel (BWC)

Ed Perzel, Chairperson
Historic District Commission

Keith Armstrong

TO Mayor and Members of City Council

FROM Jerry Page, Chairman
Charlotte Clean City Committee

RE. Clean City Committee Appointments

It is our pleasure to recommend to you the following names for your consideration as appointees to our Committee

NEW APPOINTMENTS

- Sally Schulte, IBM Personnel Trainer for a 3-year term to replace Judy Ranson.

  1321 Woodland Avenue
  Charlotte, N 28205
  536-1172 (home)
  598-1000 (business)

- Roger Suiter, Chemist, Virginia Chemicals, Inc (subsidiary of Celanese Corp ) to a 3-year term to replace Richard Shields

  5410 Sharon Road
  Charlotte, N C 28210
  553-0645 (home)
  332-1138 (business)

- Reverend C V Owens, First Mt Zior Baptist Church to fill unfilled 3-year term (Recommended by Councilmember Leeper).

  1108 Rocky Ridge Drive
  Charlotte, N C 28210
  525-8774 (home)
  332-8335 (business)

Charlotte Clean City Committee
301 South McDowell St.
Suite 500
Charlotte NC 28204
(704) 374-2547

- Bob Wujciak , Textile Machinery Repair (self-employed) to fill unfilled 3-year term (Recommended by Councilmember Selden)

  800 Brockbank Road
  Charlotte, N C. 28209
  527-3485 (home)
  372-3290 (business)

REAPPOINTMENTS

- Joan Lam, Vice President, Charlotte Council of Garden Clubs to a second 3-year term

  3331 Champagne Street
  Charlotte, N C 28210
  552-1144 (home)

- Ike Jones, retiree to a second 3-year term.

  2236 Vernon Drive
  Charlotte, N C. 28210
  366-4386 (home)

- Bill J Reid, Corporate Director of Personnel, Rexham Corporation who had to temporarily resign for business reasons to a 1-year term to fill the remainder of his term (7/82)

  Rexham Corporation
  Post Office Box 4068
  Charlotte, N C 28204
  371-5852 (business)

The remaining 5 vacancies to be filled at the Council's discretion are as follows

- Two 2-year terms (7/83)
- Two 1-year terms (7/82)
- One 3-year term (12/84)

If you have any further questions, please contact the Clean City Coordinator, Barbara Gammon at 374-2547

# CHARLOTTE CLEAN CITY COMMITTEE MEMBERSHIP

19 members, 1 Ex-officio

| | Date Appointed | Term | Expiration Date | Vacant Term |
|---|---|---|---|---|
| Jerry Pace (Chairman) | 10/80 | 1st | 6/83 | |
| Mark Leggett (Vice Chairman) | 10/80 | 2nd | 6/83 | |
| Stan Thompson | 10/80 | 1st | 6/83 | |
| Ron Fisher | 10/80 | 1st | 6/83 | |
| Mary McDaniel | 10/80 | 1st | 6/83 | |
| Joan Lam | 10/80 | 1st | 7/81 | (1) 3-year |
| Ike Jones | 7/78 | 1st | 7/81 | (1) 3-year |
| Lee Bailey (Filling unexpired term of Ellen Davis) | 2/81 | 1st | 7/82 | |
| Woody Fox (Filling unexpired term of David Waymer) | 2/81 | 1st | 7/82 | |

## Vacancies Due to Attendance Policy

| | Date Vacated | Term | Expiration Date | Vacant Term |
|---|---|---|---|---|
| Shirley Farrar | 5/81 | 1st | 6/83 | 2 yrs. remaining |
| Ed Reule | 5/81 | 1st | 6/83 | 2 yrs. remaining |
| Darrell Holland | 9/81 | 1st | 7/82 | 1 yr. remaining |
| Johnny McCoy | 11/81 | 2nd | 7/82 | 1 yr. remaining |
| Bill J. Reid | 5/81 | 1st | 7/82 | 1 yr. remaining |

## Vacancies Due to Expired Terms

| | Expiration Date | Vacant Term |
|---|---|---|
| Judy Ranson (ineligible for reappointment) | 7/81 | (1) 3-year |
| Richard Shields (ineligible for reappointment) | 7/81 | (1) 3-year |

## Vacancies Unfilled

(3) 3-year

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA OUTLINE ON CANDIDATES FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION OR BOARD COUNCIL ON AGING

NAME: Dorothea Lakin SEX & RACE:

ADDRESS: 2538 Roswell Avenue DISTRICT NO. TELE. Home
Charlotte, NC 28209

EDUCATIONAL BACKGROUND: Office

High School: College: University of Western Ontario

Type of Course: B.A. in French and German & Certificate in Business Administration

Presently Employed By: UNCC

Job Title: Program Director

Duties Performed: Director of Office of Extension and Continuing Education.

Current membership in organizations and offices held:

University Forum Council - Aging Advisory Board - Member
Secretary to Council of Administration -
University Food Service Committee -
North Carolina Adult Education Association - Member

Past membership in organizations and offices held:

Meck. County Council on Aging - Former Chairman

Additional information and comments: Ms. Lakin formerly served and has been in the Senior Scholars Program and through her work at the University has previous experience, she is uniquely qualified to serve and would contribute to the work of the Council on Aging

Date 11/17/81

Betty Chafin
Signature Betty Chafin

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA OUTLINE ON CANDIDATES FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION OR BOARD COUNCIL ON AGING

NAME: Donald Currie, Jr. SEX & RACE: M/W

ADDRESS: 7116 Chapparall Lane DISTRICT NO ___ TELE. 536-7246 Home

597-2275 Office

EDUCATIONAL BACKGROUND:

High School: Pinehurst Public School College: UNC-Chapel, UNCC

Type of Course: Received B. S. & M. B. A. & M. Ed. Administration

Presently Employed By: UNCC

Job Title: Affirmative Action Officer

Duties Performed:

Current membership in organizations and offices held:

Handicapped Services Advisory Committee

Affirmative Action and Equal Opportunity Committee

Safety and Health Committee

Committee on Insurance and Retirement

Past membership in organizations and offices held:

Additional information and comments: Don is very familiar with current Age Discrimination Legislatures, and has a keen interest in financial problems of the aging population. He would welcome the opportunity to serve Charlotte as a member of the Council on Aging.

Date 11/17/81

Laura Frech

Signature Laura Frech

126-51

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA OUTLINE ON CANDIDATES
FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION OR BOARD PRIVATE INDUSTRY COUNCIL

NAME: Jack Benson SEX & RACE: M-B

ADDRESS: 4920 Ridgely Drive
Charlotte, NC 28208
DISTRICT NO. ____ TELE: 394-0021 Home
392-9955 Office

EDUCATIONAL BACKGROUND:

High School: Second Ward High College: Mecklenburg College & Fordham College

Type of Course: Liberal Arts

Presently Employed By: Beacon Club

Job Title: Co-owner

Duties Performed: Management

Current membership in organizations and offices held:

Mayor's Transportation Committee

Past membership in organizations and offices held:

Additional information and comments: Through his experiences in the areas needed for the Private Industry Council, Jack will be an asset to the Council.

Date: 11/17/81

Charlie Dannelly Charlie Dannelly
Signature

12 b 4

CITY OF CHARLOTTE, NORTH CAROLINA

BACKGROUND AND PERSONAL DATA OUTLINE ON CANDIDATES
FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION OR BOARD PRIVATE INDUSTRY COUNCIL

NAME: Peter Myer SEX & RACE: M/W

ADDRESS: 5815 Brookhaven Road DISTRICT NO. ___ TELE. 553-7235 Home

332-7121 Office

EDUCATIONAL BACKGROUND:

High School: ___ College: Queens Colleye (N. Y.) - Columbia Univ.

Type of Course: Philosophy

Presently Employed By: Queens College

Job Title: Executive Director - Queens Institute for Life long Learning

Duties Performed: Responsible for the conceptualization, planning, and delivery planning, and delivery of all non-credit activities of the college.

Current membership in organizations and offices held:

American Council on Education
Task Force on Educational Credit & Credentials

Southern Association of Colleges & Schools

The Alliance

Western International University - Advisory Board Member

Past membership in organizations and offices held:

Additional information and comments: Dr. Myer, although, new to the Charlotte community has an extensive background in program development and adult education. He is eager to get involved with the Charlotte community, would take the responsibility very seriously and would bring an important perspective to the work of the group.

Date 11/17/81

Betty Chafin

# Request for Council Action

Charlotte

To the City Manager M. F. Billups, Jr. October 26, 1981
Date

From Marvin F. Billups, Jr., Director, Parks and Recreation Dept.

Action Requested Recommend approval of the request presented by Sheraton Center Hotel to serve beer at their employees' tag football competition at Dilworth Elementary School football field (Latta Park) on November 22, 1981, from 2 00 p.m. to 6·00 p.m.

By letter, Sharron Campbell, Director of Personnel for Sheraton Center Hotel, is requesting permission to serve beer during an employees' tag football competition.

Applied in writing 21 days in advance.

Approximately 7 cases of beer will be served.

Dispensing will be supervised by Sharron Campbell

Dispensing will be from 2 00 p.m. to 6 00 p.m.

Control measures will insure that all ABC regulations will be followed and no one under the age of 18 will be served. Supervision of enforcement will be by Sharron Campbell.

Parks and Recreation Department recommends approval.

# Request for Council Action

Charlotte

To the City Manager _____ November 7, 1981 Date

From B. A. Corbett, Jr., P.E., Director, Department of Transportation

Action Requested The Charlotte Department of Transportation Recommends Approval of the Transportation Marketing Contract With Lawrimore Communications, Inc. to Assist in the Implementation of the Transportation Marketing Program.

SUMMARY

The annual Transportation Marketing Budget is approximately $234,000 of which almost one-half will be allocated for media purchases. An additional $74,000 is budgeted annually for printing fees for schedules, transfers, etc. for the Charlotte Transit System. Exact amounts due the agency cannot be specified since it is desirable to have staff and the agency work together in further defining specific expenditures that will best serve the overall Transportation Marketing efforts. However, all work done by agency staff must be authorized by the Charlotte Department of Transportation prior to the beginning of the work. The agency will be paid on a specified hourly fee schedule for work performed by its employees. Subcontract fees are prohibited. The contract is for one year - from November 18, 1981 to November 18, 1982.

Since the agency is working without media commission, the agency will bill the Charlotte Department of Transportation the cost of authorized services and planned media purchases at the beginning of the month so that payment may be received within 30 days. The agency will submit a full account of all services and media cost and will adjust the next month billing to resolve any discrepancies between anticipated costs and actual costs.

BACKGROUND

The Charlotte Department of Transportation sent a letter describing the goals of the Draft Transportation Marketing Plan to the approximately ninety (90) agencies listed in the yellow pages of the telephone book in the Public Relations and Advertising Agency categories. Sixteen agencies responded and four of the six members of the review panel selected five agencies to interview for the Transportation Marketing Contract. The six members of the review panel attending the presentation were B. A. Corbett, Jr., P.E., W. R. Deaton, P.E., Lilla Hoefer, Dave Hines, Meade Telfair and Bill Guerrant.

The five agencies appearing before the panel were Al Munn and Associates, Lawrimore Communications, Inc., Hensley-Unger & Stromberg, Eve Communications, Inc., and Epley Associates, Inc.

The selection process for the Transportation Marketing Contract consisted of a review panel of six staff members utilizing a format for evaluation. Each person of the review panel had a score sheet for each agency outlining three categories to judge the agency's performance. The three categories were: (1) Public Relations; including interpersonal communication skills, contact with business ad community groups, creative solutions to public relations problems and the ability to interpret transportation planning issues to the public; (2) Creative graphics and audiovisual capabilities including art work, photography, design for brochures, ad campaigns, static displays; and,. (3) Media Relations and Media Buying Skills which included contacts with the Charlotte media in the areas of sales, news and editorial staffs.

All of the agency presentations were impressive, but the panel scored Lawrimore Communications, Inc. substantially higher than the other agencies. The Transportation Marketing Contract with Lawrimore Communications, Inc. will replace the previous advertising contract with Ed Myrick, Inc. which expired September 30, 1981.

D R A F T
ACTION PLAN - TRANSPORTATION MARKETING
October 1, 1981 - December 30, 1982

I. Goal: Write and issue Request for Proposal (RFP) on advertising, communications, public relations, and graphics support by October 15, 1981.

Objectives:
A. Screen responses to RFP and interview top candidates November 2 and 3.
B. Submit recommendation of Marketing Review Panel to City Manager's office for inclusion in action items for City Council on November 16.
C. Have contract prepared and signed on November 18, 1981.

II. Goal: Conduct transportation marketing research to develop demographics, attitudinal, and awareness data of users and non-users of transit. Research to include shopping habits of both groups.

Objectives:
A. Conduct onboard and telephone surveys (using heavy media reinforcement).
B. Analyze data

III. Goal: Improve Transit User Information Aids

Objectives:
A. System Route Map
B. Schedule review
C. Uptown Information Center

1. Survey - telephone
2. Information outlets
3. TRAC Pass outlets
4. Schedule printing and distribution procedures
5. Staffing

D. Bus signage -interior and exterior
E. Improve information formatting for buses
F. Riders' newsletter
G. Audio-visual equipment investigate VTR unit 1/2" tape with repeated use.
H. Bus rollers/digital signs (destination signs)
I. Telephone book ad - improve map
J. Prepare and distribute static displays on transportation for the airport, hotel, and large employers.

IV. Goal: Increase ridership of CTS buses

Objectives: A. Fill up express routes (highest dollar return for premium service)

B. Fixed route service

1. Commute
2. Off peak

V. Goal: Increase revenue for CTS

Objectives:
A. Increase ridership
B. Increase TRAC Pass sales
C. Increase charter service - review hearings for charter eligibility
D. Increase transit advertising
E. Seek additional funding sources (Merchandizing on board with coupons, sale of newspapers)
F. Increase Park N' Ride lots.

VI. Goal: Accelerate multi-modal transportation/land use educational campaign

Objectives:
A. Meet with corporations to develop TSM plans and develop employee participation in utilization of alternative modes of transportation to single vehicle occupancy.
B. Expand use of Park N' Ride facilities in Charlotte to include carpooling.
C. Coordinate with Ride Share and van salesmen
D. Review staff impact on items A-C

VII. Goal: Develop public relations campaign supporting Transportation Departmental objectives.

Objectives:
A. Establish community relations program - ie., join Uptown Promotion Development Committee, meet with Chamber of Commerce members, Personnel Managers Club and key citizens groups.
B. Meet with opinion leaders for open dialogue on transportation needs of Charlotte.
C. Make personal contact with appropriate media representatives including editorial staff, news, public service and sales.
D. Participate in and develop special events for Charlotte including: Energy Fair, Airport Parkway presentation, Christmas parades, etc.
E. Develop multi-modal static display.
F. Develop multi-modal slide show
G. Develop news features on transit/pedestrian mall, transit garage, bus shelters, bus drivers and other CTS employees and human interest stories.
H. Write quarterly columns for Ride Share Transit column.

VIII. Goal: Improve employee relations

Objectives: A. Sensitivity training for drivers.
B. Improve CDOT communications with employees

1. Check-off list for bus information and ads with Winston Network.
2. Increase utilization of radio as information aid and traffic watch report.

C. Develop employee recognition programs
D. Develop employee incentive program
E. Improve customer service report to include internal response
F. Publish monthly employee newsletter

IX. Goal: In conjunction with agency, develop advertising, promotional campaigns, including public service announcements and paid advertisements.

December 1981

1. "Package" the TRAC passes for sale as "The Stocking Stuffer" for Christmas.
2. Consider developing plans with Uptown merchants to increase Christmas sales by having merchants pay for free shopping buses, "The Shoppers Special" for four Sundays before Christmas to Uptown stores (to estimate cost, add 25% to the usual ridership figures.)

January and February 1982

1. Use bad weather theme and have a few articulate bus drivers do ad "I'm _____ and have driven the bus _____ years without an accident. I drive Route _____. Come ride with me."
2. Air spot for A.M. driver - Male : ages 18-49
   Off peak: female ages 18-49

March and April 1982

1. Sell TRAC passes
2. Radio
3. Statement stuffers - try to use local banks or Duke Power instead of utility bill.
4. System route map

May, June, July 1982

1. Youth fare for summer - good for discounts at participating stores.
2. Get kids radio station to help promote

August, September 1982 - Back to School

1. Have radio representatives talk to mall merchants and have them share spots with CTS.
2. Look into having a radio station sell youth I.D. card and use "their" van for I.D. pictures.

October 1982 - TRAC Passes

November 1982 - Energy Fair

December 1982 - Christmas

1. Consider having radio station and bank do promotions and displays of local artists work. Have a committee select a winning piece of art; have a cocktail party at bank and have bank use reproduction of art work to use as its gift to favored customers to commemorate Christmas-1982 in Charlotte.
2. Continue "Shoppers Special" program
3. Review "Stocking Stuffer" program.

DEPARTMENT OF
TRANSPORTATION

600 EAST TRADE STREET

# City of Charlotte

Charlotte, North Carolina 28202

October 16, 1981

Dear Sir or Madam:

The Charlotte Department of Transportation (CDOT) is seeking an agency to assist in implementing its Transportation Marketing Program from November 18, 1981 to November 18, 1982. If your firm is interested in submitting an application for the contract, please submit a one or two page statement of capability and an hourly fee schedule for all staff to be assigned to the account to: Ms. Meade Telfair, Transportation Marketing Specialist, City of Charlotte, Department of Transportation, 600 East Trade Street, Charlotte, North Carolina, 28202, by 5:00 p.m. on October 23, 1981. Following an initial review of the agencies' capabilities and fee schedules, all applicants will be notified if they have or have not been selected to appear before a review panel.

CDOT is interested in contracting with an agency or agencies who possess expertise in the areas listed below which are goals of the Transportation Marketing Plan:

- Conducting transportation marketing research to develop demographics, attitudinal, and awareness data of users and non-users of transit.

- Improving transit user information aids, including developing a system map, static displays, etc.

- Increasing ridership and revenues for the Charlotte Transit System.

- Accelerating the multi-modal transportation/land use educational campaign.

- Developing a public relations campaign which will include extensive community contact and promotional campaigns.

- Developing employee communication and employee relations programs for CTS personnel.

- In conjunction with an agency, develop advertising, promotional campaigns supporting transportation programs.

Agencies interested in applying for the contract may obtain a complete copy of the Draft Marketing Plan from the CDOT. The marketing budget for FY 81-82 is approximately $234,000; the majority of the budget is allocated to media buying. The final Marketing Plan will be decided upon after an agency has been retained.

Contract requirements for this project will permit agencies not possessing all of the skills necessary to implement the plan to team with another agency or individual to submit a joint request for the contract. The joint venture contract, if used, will prohibit subcontract fees and the Department of Transportation reserves the right to issue project contracts that do not go to the agency or agencies retained. Media placement commissions must be rebated to the Department of Transportation, but payment for staff time utilized in this area will be paid on an hourly basis. The lead agency must have an office in Charlotte, but may if necessary, collaborate with an agency or individuals in other locations. The Transportation Marketing Specialist will work directly with the key staff members assigned to each area as well as the designated account executive.

The Department of Transportation will pay a $1,000 minimum monthly retainer fee (to be subdivided by collaborating agencies as they deem appropriate) for which the agency will provide up to 20 hours of services per month before charging additional fees. All work done by agency staff must be authorized by the Transportation Marketing Specialist prior to the beginning of the work.

Those agencies selected to appear before the panel on November 2 or 3, 1981, will be requested to:

1. Give a brief overview of their professional background;

2. Review and demonstrate, where appropriate, their expertise in the following areas:

   a. Public relations and community contacts (especially in the business community);

   b. Graphics, including art work, signage, advertising campaigns, static displays, mapping, slide shows and filming capabilities; (Creativity and message impact will be key factors - applicants are not required to have previous experience in all categories);

   c. Promotional capabilities - may include product and project promotionals;

d. Media buying - may include radio, television, newspapers, magazines, and billboards;

The total length of the presentation to the review panel will be limited to 45 minutes.

The Department of Transportation appreciates the interest of agencies in this contract and looks forward to establishing a good working relationship with the agency selected. The CDOT is committed to providing opportunities for Minority Business Enterprises and seeks to include them in its programs. Questions about the proposal should be directed to Ms. Meade Telfair at (704) 374-2261.

Thank you for your interest.

Sincerely,

B. A. Corbett, Jr., P. E.
Director

BACjr/MT/kb

Attach No 15

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR CONDEMNATION ACTION IN THE THIRD WARD NEIGHBORHOOD STRATEGY AREA"

WHEREAS the City of Charlotte has undertaken the execution of the Third Ward Neighborhood Strategy Area, the same being an Urban Redevelopment Project, to be executed in accordance with the provisions of Article 22 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS the Urban Renewal Law as set out in said Article and Chapter provides for the acquisition, preparation, sale, sound re-planning, and redevelopment of property within a redevelopment area, as defined by said law; and

WHEREAS such area has been established in accordance with the requirements of such law and the said Third Ward Neighborhood Strategy Area approved by the Governing Body of the City of Charlotte; and

WHEREAS such law specifically provides for the exercise of power of Eminent Domain in order that the purpose of the law as set out in said Article 22 of Chapter 160A to be achieved and accomplished, such purposes being in the public interest and designed to promote the health, safety and welfare of the inhabitants of this community and locality, and

WHEREAS the City of Charlotte has, under the applicable laws and regulations relating to such procedure, endeavored to establish a fair market value on properties within the area, and has in good faith through its proper agents endeavored to negotiate for the acquisition of properties within the fair market value thereof, the City of Charlotte recognizing in such negotiations that it needed to acquire said property in accordance with the said redevelopment plan previously approved; and

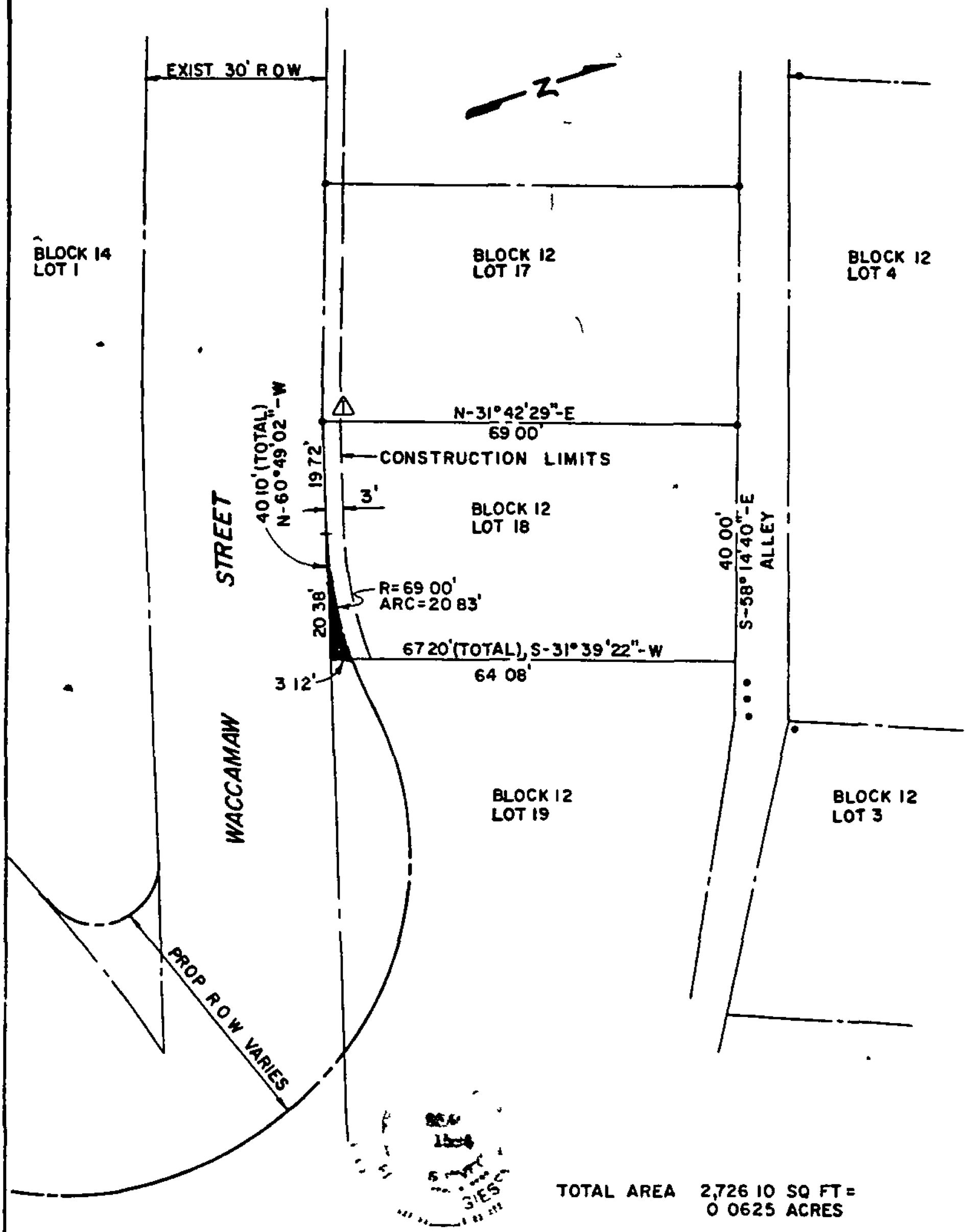
WHEREAS the City of Charlotte, after such fair negotiations, has of this date been unable to acquire such properties as hereinafter set out and this acquisition of such properties being essential to the achievement of the plans and accomplishment of the purpose of the redevelopment law as the same relates thereto; and

WHEREAS it therefore appears that it will be necessary for the City of Charlotte to institute condemnation proceedings under the provisions of the North Carolina Law of Eminent Domain and the exercise of powers thereunder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Council approves and hereby orders the institution of condemnations proceedings in its proper corporate name with respect to the following properties:

| Block and Parcel | Owner | Fair Market Value |
|---|---|---|
| *12-18 | Golden Rule Realty | $25.00 |

*Partial take of land only and construction easement for intersection improvements - Waccamaw and S Irwin St




This Plat was prepared under my supervision

Frank Johnson L 1594
N C Registered Surveyor Reg No

NOTE Iron pins shown • were located by actual survey ⚠ denotes iron pins that are actual property corners

This plat was prepared for the purpose of obtaining right-of-way, only and is not intended to be boundary survey of the property shown

Bearings are based on SURVEY

TOTAL AREA 2,726 10 SQ FT = 0 0625 ACRES

AREA TAKEN 20 92 SQ FT = 0 0005 ACRES

AREA REMAINING 2,705 18 SQ FT = 0 062 ACRES

CITY OF CHARLOTTE
NORTH CAROLINA
COMMUNITY DEVELOPMENT DEPARTMENT

| | | |
|---|---|---|
| REVISIONS | WACCAMAW STREET | 75175 |
| | PROPERTY OF P B McNEELY, JR | |
| DRAWN BY CTA | | |
| CHECKED BY | | |
| ENGINEER | DATE FEB 1981 | SCALE 1"=20' |