

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, January 15, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Godley, Sibley, Stone, Tate, Turner and Wilmer.

ABSENT: Commissioners Ashcraft and Gamble.

INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

HEARING ON PETITION NO. 68-3 BY PYRAMID DEVELOPMENT CORPORATION FOR CHANGE IN ZONING FROM R-12 TO R-9 OF A TRACT OF LAND ON THE EAST SIDE OF CAMPBELL CREEK BEGINNING APPROXIMATELY 2600 FEET SOUTH OF HICKORY GROVE ROAD, AND EXTENDING SOUTHWARD APPROXIMATELY 1,150 FEET ALONG THE CREEK AND EASTWARD TO WALLACE ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located in the Delta Road-Hickory Grove-Sharon Amity area. It is a large rather irregular shaped tract of land consisting of about 77 acres, and is completely vacant. The property to the west of the subject property is predominately single family residences and Campbell Creek forms the westerly boundary. Wallace Road comes almost in to the subject property. There is a scattering of single family residences along Wallace and Delta Road; the Lawrence Orr Road comes off Hickory Grove Road and comes into the property and it is developed with scattered single family residences. Predominately the property is vacant in the immediate vicinity.

Everything to the west of Campbell Creek is zoned R-9 and everything to the east of the Creek is zoned R-12. This request is to extend the R-9 across the creek and along the boundaries of the subject property. The petitioners own property across the creek which is already zoned R-9.

Mr. Fred Hoover, 6423 Verndale Road, speaking for the opposition, read Section 23-3 of the Code and stated the people of Verndale Road and adjoining streets have upgraded their property from R-9, with perhaps a few exceptions. The houses range in price anywhere from \$20,000 to \$35,000 and in several instances there are those valued up to \$60,000. That they

have pride in ownership, and the Planning Commission used reasonable consideration in zoning the area R-12, but there was an error in zoning the land west of Campbell Creek to R-9.

Mr. Hoover stated as Treasurer of the group opposing the change in zoning he now has the money necessary for filing a petition to upgrade the R-9 district to R-12 with signatures of 156 property owners. He stated they oppose the reduction of the R-12 property east of Campbell Creek as stated in the subject petition; that the signers of his petition are residences of Verndale Road, Barcliff, Dale Avenue, Lakefield Drive and Theolo Drive.

Councilman Smith asked if the lots in this subdivision are large enough for R-12 zoning or would it be necessary to own two lots? Mr. Hoover replied they would register for R-12; that they would like to have R-15 but their petition is for R-12 and when it comes to Council, if they should so decide, then it can be zoned R-15.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-4 BY HARVEY MORRIS FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF PROPERTY ON THE EAST SIDE OF HICKORY GROVE-NEWELL ROAD, FROM NEAR NORFOLK-SOUTHERN RAILROAD TO NEAR HICKORY GROVE ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this property is located on the east side of Hickory Grove-Newell Road. At the intersection of Hickory Grove Road and Hickory Grove-Newell Road are several business uses with a small shopping center and a service station, a bank, another service station and a volunteer fire department station on Hickory Grove Road. The subject property is primarily vacant with one residence located on Hickory Grove Road. Across the road from the subject property are a few scattered single family residences; out Hickory Grove-Newell Road is a church and the old Marco Engineering Building; out Pence Road are several single family residences. There is a great deal of vacant property in the area.

The subject property is zoned R-9MF as is the property on the west side of Hickory Grove-Newell Road so that the majority of the property from the railroad to Hickory Grove is zoned R-9MF with the exception of the small area of I-1 zoning adjacent to the railroad on the east side of the road; then business zoning around the intersection of Hickory Grove and Hickory Grove-Newell Road. On the east side of the property the zoning is R-12 out to the railroad and R-15 across the railroad.

Mr. Henry Fisher, Attorney for the petitioner, stated there is one house located on the subject property; that Mr. Morris also owns all the property immediately across the road. He stated located in the area is a control service company, a drug store, a hardware store, a florist shop, dry cleaning shop, barber shop, fire department, electronic office and ladies ready-to-wear shop.

Councilman Short asked how many cases have been heard in the past year involving contiguous property? That this corner comes up so often; and he wonders if it would be a good approach to ask for a comprehensive review by the Planning Commission in this immediate area? Mr. Bryant, Assistant Planning Director, replied over the last year or eighteen months, there have been at least four cases and there is a natural course of procedure the Planning Commission will have to follow in considering this particular

petition and that is the zoning of all the area. Obviously, if you zone for industrial purposes on one side of the road, you will affect the property across, and residential zoning becomes unrealistic.

Mr. Morris, the Petitioner, stated on the front of the property, it is already zoned for business, and the back part of the property is zoned industrial at the railroad.

Mr. Fisher stated Council could on this petition grant a change to business rather than the requested industrial; and with what Mr. Morris has in mind for the property, if it was rezoned to business it would accomplish his purpose. Mr. Morris stated he plans to sell some of the lots; that Baucom Printing Company wants to construct a building to be used for a printing house and if it is rezoned, he will sell the three lots to Baucom. Mr. Bryant advised the printing house would require an industrial zoning.

Councilman Short stated it seems that Mr. Morris would ask for a buffer from the industrial with a B-1 or B-2 zoning. Mr. Morris stated he would like it all rezoned Industrial.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-5 BY NORTH CAROLINA NATIONAL BANK FOR A CHANGE IN ZONING FROM R-12MF TO O-15 OF A LOT 235' x 275' AT THE SOUTHEASTERLY CORNER OF N. C. HIGHWAY 49 AND MALLARD CREEK CHURCH ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated recently a section of N. C. Highway 49 was renamed University City Boulevard. That the subject property is at the corner of Highway 49 and Mallard Creek Church Road. The property is vacant and there are about three single family residences on the in-town side of the property; all the property across from the subject property is college property. Across Mallard Creek Road from the subject property is the Alexander Tank and Equipment Company; the diagonal corner from the property is occupied by a Phillips Service Station; there are several scattered single family residences down Mallard Creek Road; the same is true as you go outward on Highway 49. There is a concrete mixing operation in the vicinity on the Old Concord Road, between the Road and Southern Railroad.

The zoning of the subject property, as is all the property in the immediate vicinity on the in-town side, is R-12MF; there is I-2 zoning to accommodate the Alexander Tank Company; there is B-2 zoning on the diagonal side at the service station. Other than that the area is zoned R-12MF. Mr. Bryant stated this is on the edge of the perimeter area with the Southern Railroad as the boundary for the perimeter area.

Mr. J. W. Kiser, representing the Petitioner, stated the property is zoned R-12MF and the bank feels this is a good place for a branch bank to serve the growing university area and growing residential area. On one corner is an industrial development, on another a service station and a business development. The people in the neighborhood have been contacted because when the bank bought the property there were restrictions on the property for residential use only, and the modification of the restrictions was obtained from all the other members of the Ridgewood Section, so he does not

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believe there will be any opposition to the request. The bank thinks this is a logical and appropriate spot for 0-15 and for a branch bank.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-6 BY BROCK EXTERMINATING COMPANY, INC., ET AL,
FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF SIX LOTS ON THE WEST SIDE OF
BRADFORD DRIVE, BEGINNING AT NORTH AVENUE AND EXTENDING NORTHWARD 310 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated Bradford Drive runs from Freedom Drive in a northwesterly direction through the heart of the Thomasboro Community, curving away and coming into the Hoskins Area.

He stated the subject property is about two blocks on one side and about 1/4 of a block on the other side from the Thomasboro Elementary School. It has on it a mixture of single family and one duplex structure; in the immediate vicinity along Bradford Drive is a mixture of land uses with the school, a business almost directly across from the school; between Key Street and North Street is a full block of small business type uses. At the corner of Rowan and Bradford is a non-conforming grocery operation; beyond this property is another grocery store in the curve of Bradford. Other than that the intervening area is predominately developed with single families, a few duplexes and a few vacant lots.

The zoning is B-1 on both sides of Bradford Drive up to North Street; beginning at North Street the zoning is R-6MF on both sides for about three blocks and then B-1 zoning in the area around Willard and Bradford Drive. To the east, the zoning is R-6MF; to the west, the zoning is R-6MF and somewhat removed from the subject property further to the west is R-6 zoning.

Mr. Bryant stated there is only one non-conforming use between the two business areas which is the little grocery store at Rowan Avenue.

Mr. Charles Henderson, representing the petitioners, passed around several pictures of the principal building located on the sweep of the curve across from Rowan Avenue and stated the building is flanked by two vacant lots. That the immediate purpose of the petition is to use the building for something other than residential purposes. He stated today the petitions have been concerned with moving out into distant areas from the square; we need to develop some of the vacant lots, some of the property on which now deteriorated and obsolete buildings have been set up whenever possible without calling upon the local, state and federal government to assist. This is a community that started out with modest homes years ago, and practically no new homes have been built in the immediate vicinity of the subject property in a long time. The houses are clean and well kept generally, and most are rental property. The lots are small, it is a rental neighborhood and the street is much too busy for residential purposes.

Mr. Henderson stated they are asking Council to enlarge the existing Business-I zoning by moving it over the width of six 50-foot lots in order that the building shown in the picture and the two vacant lots may be used for various business uses. The immediate plan is to use the property for office type use, and there will be only a minor business use under the present plans.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-7 BY ERVIN INDUSTRIES, INC., FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF A 1.225 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND FAIRDALE DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located at the intersection of Beatties Ford Road and Fairdale Drive and consists of slightly in excess of one acre of land which is vacant. The property to the south is vacant as is the property across Beatties Ford Road; directly across Fairdale is the site of the Friendship Baptist Church; to the west across Fairbrook Drive is a row of duplexes; beyond that to the west is the Northwoods Estate Subdivision developed with single family residential structures. Further to the south along Beatties Ford Road is a 7-11 Store; a just completed church and the area behind it is the Piedmont Natural Gas Company pressure station; on the east side of Beatties Ford Road is an apartment building in the process of being completed.

He stated beginning at Hoskins Road on the west side of the road the zoning is B-1 all the way along Beatties Ford Road up to the subject property; on the opposite side is O-6 zoning for the same distance from just slightly south of Hoskins Road. The subject property is zoned R-6; the property behind is zoned R-6MF; property to the north is R-6 as is all the Northwoods Estate. Directly across from the subject property the zoning is R-9.

Mr. Ben Horack, representing the petitioner, stated the Postal Authority is in search of a location for a branch post office in this area and has looked with some favor on the subject property. That he has been advised that things have come to a temporary halt due to fiscal and monetary problems of the Post Office Department. He stated the petitioner would like to put the property in shape so that it will be properly zoned when the Post Office decides. If the postal proposition does not come to pass, it is proposed to use the location as a site for professional offices. That the need is there either for the post office branch or for the professional office building; that either one of the uses are indicated to serve this area. Mr. Horack stated it is not suitable R-6 property fronting on Beatties Ford Road in view of the fact that R-6 is only 200-foot frontage on Beatties Ford Road; it sides up to existing B-1 zoning and the other corner will be a mobile oil site.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 68-8 BY DOROTHY ALEXANDER POTTER FOR A CHANGE IN ZONING FROM R-15MF TO B-1 OF A 1.072 ACRE TRACT OF LAND AT THE SOUTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD.

The scheduled hearing was held on the subject petition on which a protest has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director stated the subject property is located at the intersection of Sardis Road and Providence Road and is vacant. Directly across the street is an Atlantic Service Station, and on the opposite side of Providence on the in-town side is an existing Sinclair Station - more a country store type of building; and adjacent to that from that point, all the way back to McMullen Creek is the Pinehurst Apartment Development. Other than that the area is considerably vacant. Just down Carmel Road from Providence Road is the Columbine Circle residential development with a large number of single family houses; on out Providence it is heavily developed with single family residences on both sides as well as on most side streets.

Mr. Bryant stated the two existing businesses are non-conforming. He stated all the area around the intersection of Sardis Road and Providence Road is zoned R-15MF; and with that exception everything else is zoned R-15.

Mr. Ben Horack, Attorney for the petitioner, stated a party in interest in the petition is the Shell Oil Company who has an existing lease with the petitioner. He stated the two non-conforming uses are the store with the Sinclair service station owned by the Hechenbleikners and the Atlantic station that built in their location just before the zoning came into being, and is stagnated and will not be able to expand or do anything other than to continue its existing operation. He stated he understands that Atlantic has one of the gold mines at that location in the City of Charlotte; and is one of the prime locations because they have a monopoly on the business at that location. That the Atlantic Station will be there as long as it can be glued together as an accomplished fact.

Mr. Horack stated as far as an up-to-date service station going out Providence Road, you will not find one until you get to Waxhaw; go out Carmel Road and you will not find one until you get to Pineville; go out Sardis Road and you will not find one until you come to Matthews; go out Sardis Road and turn left on Rama Road, and you will not find a station until you reach Independence Boulevard; go down Providence Road towards town, you can veer off and get to Cotswold, but if you go down Providence Road, you will not find one until you reach Myers Park Methodist Church.

He stated this would not affect immediately any existing established residences. He called attention to the preliminary plans for the Carmel Road Extension as set forth in the Thoroughfare Plan - that it will extend from Fairview to tie into Carmel, from Carmel it will extend over to Sardis and from Sardis over to Independence Boulevard. He presented a rendering that was made with reference to this site, and stated that Shell knows they will be on the spot at this location if the petition is granted. As a result, Shell intends and will go to special efforts. They want to give ample site lines across the corner from a safety standpoint; that the restrooms, snacks and other facilities are all inside; it is designed to minimize the clutter associated with any kind of station.

Mr. Horack stated the neighborhood facilities should be dispersed, and unless this is done it backwashes into town and the city ends up with a problem; that business should be given some consideration; business says it likes Charlotte and it will like Charlotte as long as its legitimate needs

are recognized. That there is some feeling that this location should be considered as part of the Master Plan with a larger development but he does not know if that is fair to the property owner or the leaseholder owner.

At the question of Councilman Whittington, as to where the men opposing the petition live, Mr. Crowder stated he lives at 4315 Columbine Circle and Mr. Pritchard stated he lives at 4111 Columbine Circle.

Dr. Hechlenbleikner, representing the opposition, asked who will build an apartment next door to a filling station as it will generate a tremendous amount of traffic. That Providence Road is a high speed road coming in from Waxhaw and all the developments beyond the city limits. He asked what the addition of another filling station would do to this intersection. That Hunters Store has been there many years before any zoning; it is not a service station in that sense as it has nothing to offer an automobile except emergency supply of gas; that the store will be phased out before long. If people need full services of filling stations they can go to the intersection of Randolph and Sharon Amity Road where there are five filling stations.

He stated if this petition is granted, what is to prevent Mrs. Dorothy Schoenith McMillan from getting a rezoning on her corner; what is to prevent Mrs. Bertha Hechlenbleikner from getting a rezoning on her corner, but stated Mrs. Hechlenbleikner has not asked for any rezoning.

Mr. J. P. Pritchard, 4111 Columbine Circle, stated he objects to the rezoning of the property.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-9 BY FIRST UNION NATIONAL BANK, AGENT FOR LOUISE W. DUNAVANT HEIRS, FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF A 35.06 ACRE TRACT OF LAND SOUTH OF SOUTHERN RAILROAD AND BEGINNING 300 FEET EAST OF DONALD ROSS ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated Donald Ross Road turns left off Wilkinson Boulevard and runs over to West Boulevard; the subject property is east of Donald Ross Road and is 35 acres of entirely vacant land. He pointed out the Southern Railroad leading out of the city, American Cyanamid which is on both sides of Donald Ross Road, the Golf Course, the Mt. Hope Machinery Company, which is adjoined by the American Legion Building. He stated the land is then vacant until you reach West Boulevard; along West Boulevard is a scattering of single family residences. On Dr. Carver Road there is a new multi-family development - Kings Park. Other than that the area is predominately vacant.

The subject property, as well as property to the west, is zoned I-1 and this includes property on the west side of Donald Ross Road which is a portion of the golf course; there is a small parcel of 0-15 to accommodate the American Legion Building, and other than that the property is R-6MF to the south and east. I-2 zoning is on the north side of the Wilkinson Boulevard side of the railroad, and on the area east of the subject property.

Mr. Charles Henderson, Attorney for the petitioner, stated along Wilkinson Boulevard is the American Cyanamid Company, Southern Engineering Company,

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the School Board's Maintenance Shop, and the concrete mixture plant.

He stated there are certain things you can do in I-2 that you cannot do in I-1 area. That the 300-foot strip was not included in this request in order to protect the American Legion Building and the New Hope Industry and it will continue as I-1. That West Boulevard with the residential structures makes available the labor supply that will be convenient to heavy industrial usage along the railroad tracks. Any use that they will make of the industrial property to the adjacent residential property requires fences and such. That a considerable size piece of property is needed, so the reason this particular piece of property was chosen is it is close in.

Mr. Henderson stated the proposed use of the land is for a type of metal industry that has to do with the bailing and compressing of metal; that it is not a junk yard but a metal processing; materials will come in that will be immediately converted and put on freight cars to go out to be melted down. That most anything that goes into an I-2 area will not be residential in its appearance. He stated the property is not easily visible from where anyone lives; it is hilly; it is fairly heavily wooded and has a deep ravine in it.

Mr. Henderson stated a major highway is proposed to come through the property; that it will cross the back edge of the American Legion property, and the residences will be isolated by the proposed highway. That it is the Ashley Road-Clanton Road Connector.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-10 BY JOHN L. CRIST, JR. FOR A CHANGE IN ZONING FROM R-6MFH TO O-6 OF TWO LOTS, ONE AT 210 SOUTH CASWELL ROAD AND ONE AT 311 QUEENS ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is two lots - one facing on Caswell Road and the other facing Queens Road and there is a structure located on each. On Caswell is an apartment building, and Queens Road at one time was single family and has perhaps been converted into apartments. Adjoining on the Caswell Road side is the Providence Medical Center and down Providence is a couple of new office structures; the Randolph Medical Center is located on Randolph Road; there are a number of apartment structures in the area including one directly across Caswell from the subject property; there is single family residential structures also on Caswell in the same block and a single family structure adjoining the Caswell lot in question. The uses along Queens Road is a combination of single family and multi-family.

The zoning along East Third Street, Providence Road, Randolph Road and Caswell Road down to the subject property is all O-6; the subject property as well as all the property in this block of Queens Road is R-6MFH; all the zoning in the immediate area is multi-family.

Mr. John McDonald, of McDonald Realty Company, stated they manage the Providence Medical Center Building and they need some relief on parking for this facility. The Providence Medical Center Building is 30,000

square feet, three-story medical building with thirty physicians as tenants. Quite a few afternoons cars ride around and around the building looking for a place to park. He stated they have received calls from their tenants; that the building is 90% full and has never been any more than 90% full.

Mr. McDonald stated located on the Caswell Road lot is a two story brick veneer four-family apartment which is in reasonably good condition and is about 35 years old. That the tenants are elderly - one couple and three widows. That on the Queens Road property is a single family residence which has been rented for the past several years. That they would like to demolish the detached garages for the apartment and house and create a parking area on the rear of the property, leaving the structures with a minimum rear yard.

Councilman Short asked if this could be accomplished by a conditional zoning and Mr. Bryant, Assistant Planning Director, replied that it could.

Mr. McDonald stated they found the biggest fault is ~~the~~ building is about half big enough and the owner has accumulated these two lots, and if he can accumulate several more it would make a fine thing for Charlotte and for the doctors in this area to build a companion building, which is what they would like to do in the future.

Councilman Tuttle stated this is a new building and it is out of parking space; he asked if this indicates a breakdown or something wrong with the regulations regarding parking? Mr. Bryant replied if it meets the requirements of the ordinance it may indicate that at least for medical purposes the parking is not adequate. That the parking regulations for medical buildings were cut back from the original concept; it started out requiring one space for each one hundred to one hundred and fifty square feet and it ended up one for every 200 square feet. That it is not now what it originally was for parking.

Mr. McDonald stated there is an area between Memorial Hospital and Presbyterian Hospital and the hospitals are fixed and the doctors have to be in close proximity and it seems that future planning might look towards the development of this area for this purpose.

Mr. Henry Allison, 304 Queens Road, stated he is not appearing particularly in objection to the petition but the property facing on Queens Road is restricted to residential purposes.

Mayor Brookshire asked Mr. Allison if he would object to limiting the parking to the backyards of the two houses? Mr. Allison replied he does not know that he would have any objections but he would be interested in knowing what it does to the general subject of deed restrictions as he has an interest in the wide spread question.

Council decision was deferred for one week.

HEARING ON PETITION NO. 68-11 BY LONE STAR BUILDERS, INC. FOR A CHANGE IN ZONING FROM R-15 TO R-15MF OF A 19.64 ACRE TRACT OF LAND ON THE EAST SIDE OF QUAIL HOLLOW ROAD, BEGINNING 601 FEET SOUTH OF SHARON ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

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Mr. Fred Bryant, Assistant Planning Director, stated the subject property is a 20 acre tract fronting 800 feet on Quail Hollow Road and is entirely vacant; it is adjoined on one side by an apartment that is under construction; that Beverly Woods East is in the process of developing single family. Property along Quail Hollow is predominately vacant; that Sharon Hills Road has a number of houses along it and other than one house in the vicinity the area is vacant.

The area is entirely zoned R-15 with the exception of the two parcels that are zoned R-15MF.

Mr. Henry Lomax, representing the Lone Star Builders, stated this property was purchased in August, 1967 from David McConnell who had previously had it rezoned to R-15MF. That the petitioner proceeded with the development of 150 unit apartment project on the tract at the intersection of Quail Hollow Road and Sharon Road. That some units will be ready for occupancy in February and should be completed by May. Because of the interest in the apartments they immediately started looking for additional property and in November they contacted Mr. and Mrs. James J. Harris and entered into a contract with them for the purchase of 20 acres contingent upon rezoning. The intent is to expand the project along the same lines as presently being constructed. This will have more green area, nine foot ceiling, will be carpeted and the rent will be from \$200 to \$300.

Mr. Lomax stated the sewer and water are there and the property is ready for development and it is not particularly near any single family development and it would be an easy thing to expand what is already there. There are 150 units on the McConnell property and they will probably build 150 to 200 units on the additional 20 acres which will represent a \$4 million valuation.

He stated they have arranged with Mr. Harris to change the location of the road leading to Mr. Lee Heath's home so that they will have the entire property for development.

Mayor Brookshire asked if the rear of the apartments will face the street, and Mr. Lomax replied there is one building that the rear is to Quail Hollow Road, but will be further off the road.

Mr. Irvin Boyles, Attorney for Mr. and Mrs. James J. Harris, stated their position is not to block a school; the question to be determined is the particular tract of land that the School Board has now decided it wants.

He stated the history goes back to 1961 when the School Board started negotiations for the Rhyne land; on July 24, 1962 the School Board authorized condemnation of the 27 acres for a school site; on the 22nd day of May 1963, they abandoned the condemnation proceeding because they did not want to go as far into court with it as it appeared they would have to go. In January 1966, three years after they abandoned it, they approached the Harris interest with reference to obtaining a site in the area. Between 1962 and 1966, they completed the Quail Hollow Junior High School and found they were in some difficulty about a sewer easement; they came to the Harrises and they gave them an easement across the considerable tract of land. A few months later the State Highway Commissioner came to them and said they had a traffic jam at South High and Quail Hollow Junior High and needed a road. Without cost to anyone they were given the right-of-way for a road to help the school. When they came back and wanted to talk about this site, there were three sites discussed.

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He stated Quail Hollow Road extends from Sharon Road to Carmel Road and there is not a structure completed facing the road; the only thing in progress is the apartment building. That the same property owners have approximately 350 acres of land in this area and the School Board has said this is the tract.

Mr. Boyles stated one tract has three paved roads - Quail Hollow Road, Sharon Road and Sharon Hills Road. In addition it has sewer and water already installed in the street in front of the property, but it did not suit them.

The next tract has a frontage on two roads. The last tract is further down Quail Hollow Road and Carmel Road and negotiations were stopped for this.

He stated that Mr. Davis, the realtor for the school, was informed that the Harrises did not want to negotiate for the sale of the land before Council today; that a contract had been entered into for the sale of the land for the construction of an apartment building; the contract of sale was entered into on the 15th day of November, 1967 and subsequently he personally informed the attorney for the School Board that it had been executed. On the 18th day of December, 1967, the School Board filed a petition for condemnation. Mr. Boyles stated in response he has filed an answer taking the position that the School Board's insistence upon this particular tract is arbitrary and capricious. The matter is in the courts now. If the property owners should lose it will go to an appellant court.

If the School Board is successful in its action, he asked what assurance the property owner has they will not follow the same pattern and abandon it as they did in the Rhyne land. Also you would again have the very thing that is in the paper now, a school next to an apartment as they are faced with at Sedgefield. Also, he has noticed in the paper a difficulty that has arisen between the School Board and the Traffic Engineering, and he has been informed that they have not been consulted. The land across the road with the road frontage eliminates the traffic pattern and has water and sewer available. Until the court decides what should be done and that is - "Does the School Board, under these circumstances, have the right of condemnation?" - that no action could be taken here. If it is adverse to the owners he suggests that Council should disregard the suggestion of the School Board to vote against it in order to control the price. The School Board has no right either directly or indirectly to try to control the price of real estate; this is an undue and unreasonable interference with the property rights of the property owners in the City who are entitled not only to a hearing here but are entitled to protection from the City Council.

Mr. Frank Newton, President of Sharon P.T.A., stated Sharon School is one of the oldest in Mecklenburg County. The enrollment from 1960 to 1967 is up 33-1/3 per cent. From May 1967 to September 1967, it is up 17 per cent. That 26 per cent of the classrooms are considered substandard; the auditorium has been converted into partial rooms. That they contacted a number of contractors who say they are going to build as many houses in the area as they can; Lone Star has already started the 150 apartments. If this land is rezoned, they will probably build another 200. If there is a minimum of one child per apartment, this will mean an additional 350 school children and will make the problem at Sharon more acute. He stated they feel this request should be denied in order for the School Board to acquire the property to build a school for their children.

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Mr. Cleve Davis, representing the Board of Education on Real Estate matters, stated they are concerned with the dollar bill. He stated the Board of Education has filed condemnation on the land and it is pending for a hearing.

He stated the Rhyne property was proposed for a Junior High School; now they propose to build an elementary school to serve the Beverly Woods East, Mountainbrook and surrounding areas.

In 1965, they negotiated with Mr. Harris for a site on Quail Hollow Boulevard and reached an agreement as to the location but there was a complete disagreement as to price; the property was to be bought from advance site money but they spent the money and had no funds and held off on negotiations. After the Bond Election early last year they reopened the negotiations for this site, and were told that Mr. Harris would like for them to relocate the site that had been agreed upon; they were given a map and asked to check out any of the three locations in order to leave that particular one free. That the site in question today is one of the three they were asked to consider.

Mr. Davis stated the Board considered the three different sites. The first site was too low and they did not want to locate on a creek bank; the other site was directly across from the original site and was low; and this particular site is a good site for school purposes and fronts on Quail Hollow Boulevard and backs up to Beverly Woods East. They were given a price of \$5,250 an acre and agreed to bring the water and sewer to the site for this price; this was in October and in May Mr. Harris wanted to withdraw the property from the market. They were given two more sites to look at, and one had a price of \$10,000 an acre. Directly behind was another site at \$6,000 an acre without water and sewer but it did not have the right dimensions, and did not suit their purposes.

Mr. Davis stated they are asking Council to deny the zoning because if the land is rezoned to multi-family, the price in the court will be far higher.

Councilman Smith asked Mr. Davis if the School Board has had any discussion with the Traffic Engineering Department on the traffic site, and Mr. Davis replied their normal procedure, once they acquire a site, is to submit to the City Manager a survey of the land acquired and the architect works with city officials and the various departments to work out the necessary traffic arrangements.

Mr. Davis stated they propose to put 600 children in the new school; the School Board is interested in dealing in good faith and this site was offered them by Mr. Harris and the School Board agreed to acquire the property and while they were finalizing their negotiations, apparently he received a better deal.

Councilman Tuttle asked if it would not be better to check with the Traffic Department about a traffic pattern before land is purchased? The City Manager stated the Traffic Engineering Department can be of most use to the School Board on the actual plot planning as it relates to sites; the City is happy to work with them in every way possible before sites are acquired, but can be of the most use when the architect has some preliminary ideas on how to place the structure on the site; then the access to the structure is where the City can be the most useful.

Mr. Ben Huntley of the School Board stated the map pertaining to this particular tract was drawn in October 1967. It outlines just what might take place including the little country road. The negotiations were completed by the Harris interest with Lone Star Builders in November. It seems to him that maybe the School Board was on little firmer grounds as they were first. They started the negotiations back in May on this particular site.

Councilman Short asked if he feels any owner of property actually owes the School Board anything before the Board concludes the deal? Mr. Davis replied any property owner that agrees to sell a particular tract of land to any individual or School Board should stand behind it rather than trying to get something at a higher dollar.

Mrs. Avery Rhyne, President of P.T.A. at Sharon, stated the Rhyne's were not against the School Board in 1961, it was just they could not come to terms and in the meantime the Board found other land. Also in 1961 Sharon School was not in the situation it is now.

Mrs. Rhyne stated she is speaking for the parents and when they attend the school they see crowded classrooms and substandard classrooms; they see six classrooms in the auditorium and the stage also has been converted into classroom space. They now have four trailers and they see the children freezing in the winter or burning up because the heating plant is substandard; in the fall and spring it is so hot they almost cannot learn.

She stated had she known of the meeting soon enough she could have called a PTA Meeting and brought before Council a petition signed by the full membership asking that the petition be denied because they cannot afford to have any more children in this area without a school.

Mr. R. Beverly Webb stated he represents Mr. and Mrs. M. Lee Heath and they are adjoining property owners who live at the end of the little country road. As adjoining property owners they are objecting to the petition. They are concerned because the Heath property ties in with property under consideration. To the side of their property is a flank of woods which protect the property from Beverly Woods; to the other side is a deep ravine which starts at the Harris land and circles the Heath property on three sides. From the Heath property you look directly across the property requested rezoned into the present Lone Star Apartments.

Mr. Webb stated they believe the highest and best use of the Harris land and of the Heath property is multi-family residential; they object to the petition at this time because they are not included and would ask to be included. At no time has the Heaths asked of their own accord for any rezoning of this property. The first time the petition came before this Body was in 1962 when the area across Quail Hollow Road, across the multi-family area, was petitioned for rezoning. At that time the owner of the land asked the Heaths to join in the petition and that the entire area be subject to some study by the Commission and Council. They joined in the petition, and the area was studied and the entire petition was denied. Subsequently a petition was granted for the rezoning of the McConnell land which is the adjoining property. After that, and in order to protect themselves, Mr. Heath petitioned for a rezoning and the petition was denied, and he has remained silent until the present petition came up.

Mr. Webb stated they object on the basis that the petition should be delayed until Council can grant them the right to appear also with a

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petition to rezone ^{the} Heath's land and that the entire area be considered as one unit. That they are hindered by the two year rule and as a part of their appearance they ask Council to grant the right to appear as is Council's prerogative, with the consent of the Commission.

He stated Mr. Heath feels if there is to be a rezoning and since there has been rezoning and there is talk of a school going into the area, that his property will be adversely affected, and Council should consider all properties involved. The character of the land along Quail Hollow Road will completely determine the character of the Heath property.

Mr. Toy, Chairman of the Planning Commission, advised the Commission can defer any decision on the subject petition on a temporary basis or upon instructions from the Council.

Councilman Alexander asked if what is happening around Mr. Heath's property now places it in a position where it will be a sufficient change to entitle them to request rezoning again; are the changes sufficient to bring them out from under the two year rule? Mr. Underhill, Assistant City Attorney, replied if Council sees fit to honor Mr. Webb's request, they should seek the advice of the Planning Commission and a recommendation from them as to whether or not there has been substantial changes in conditions or circumstances. Then, if City Council feels there has been sufficient changes in conditions or circumstances it can allow Mr. Webb's Client to file a petition for rezoning short of the two year period. Only until these determinations have been made by the Planning Commission and the Council, can he file his petition.

Mr. Webb stated at the time the McConnell petition was granted, it was contemplated that an entirely different type of development would go in than what is presently there. The type of development that is under construction they feel is quite an adverse change as far as the Heath property is concerned and determines the character of the neighborhood.

Mr. M. Lee Heath stated the change in the neighborhood was started by Mr. Parrott some years ago and if he had gotten his apartment off the ground it would have been a credit to the neighborhood. That he got into the picture by trying to help a neighbor out, and when Mr. McConnell asked him to join in their petition for a change, he did. The Planning Commission approved Mr. Parrott's project, and Council turned the entire petition down. Subsequent to that, Mr. McConnell came back several years later and he went along with him; that Mr. McConnell had his property rezoned and today the third application is being applied to this property. Mr. Heath stated he is asking for equity; that he does not want to enter into any argument with the School Board or with Mr. Harris or the Lone Star Builders. That Mr. McConnell made the statement when his petition was heard that there would be no more units on the property than there would be single family housing; now there are 150 units under construction.

Councilman Tuttle stated Mr. Heath has made a good point here, and that is the question of conditional aspects in all zoning. This property was approved for Mr. McConnell on the assumption that no more than 75 units were going to be built, but he sold the land and 150 units have been built. That this concerns members of Council greatly and the day is coming when something will have to be done about the zoning so they will know what they are told will be built is going to be built or the zoning will revert back to its present zoning.

Councilman Short requested the Planning Commission to advise Council with reference to Mr. Heath's request.

Council decision was deferred until the next Council Meeting.

COUNCIL MEETING RECESSED AT 4:45 P.M. AND RECONVENED AT 6:00 O'CLOCK P.M.

Mayor Brookshire called a recess of the Council Meeting at 4:45 o'clock p.m. for an informal joint session with the Board of County Commissioners.

The meeting reconvened at 6:00 o'clock p.m.

ORDINANCE NO. 779-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE GRANTING CONDITIONAL APPROVAL OF OFF-STREET PARKING ON PROPERTY ZONED R-12MF FRONTING ON CROSBY ROAD EAST OF SHARON AMITY ROAD, AND EXTENDING TOWARD PROVIDENCE ROAD.

Councilman Smith moved the adoption of the subject ordinance. The motion was seconded by Councilman Short.

Councilman Smith stated the protest has been withdrawn and apparently it has been worked out with the Tropicana and they cannot develop the corner for office use without additional parking, and if the corner is not developed it will remain red clay. Councilman Short stated the law requires and the agreement Mr. Creel has made requires him to provide screening which is for the protection of these people. Under the existing situation they have no right to any screening and he could cut the trees off his property under any circumstances.

The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Smith, Short, Alexander and Whittington.

NAYS: Councilmen Jordan, Stegall and Tuttle.

The ordinance is recorded in full in Ordinance Book 15, at Page 192.

ORDINANCE NO. 780 AMENDING CHAPTER 23, ARTICLE I, SECTION 23-2, AND ARTICLE IV, DIVISION 1, SECTION 23-41, AND ARTICLE IV, DIVISION 1, SECTION 23-41 AND 42 ESTABLISHING A USABLE OPEN SPACE REQUIREMENT FOR MULTI-FAMILY USES IN R-6MFH DISTRICT.

Councilman Whittington moved the subject ordinance be approved as recommended by the Planning Commission. The motion was seconded by Councilman Stegall.

Councilman Short stated he feels the recreation building is more appropriate for something like the new planned community as presented by Mr. Bryant of the Planning Commission. If a developer asked him why he could not cover up the ground with what he needs to cover it up with, but can cover it with this type of building under this zoning, he would not know how to answer him.

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

YEAS: Councilmen Whittington, Stegall, Alexander, Jordan, Smith and Tuttle.

NAYS: Councilman Short.

The ordinance is recorded in full in Ordinance Book 15, at Page 193.

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ORDINANCE NO. 781-X, AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING ON PROPERTY IN THE AREA OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

Upon motion of Councilman Stegall, seconded by Councilman Smith, and unanimously carried, the subject ordinance was adopted changing zoning from I-2 and B-2 to I-1 and O-6 as recommended by the Planning Commission on the following property.

- (a) Change from I-2 to I-1 the area bounded on the south by Brookside Lane and Brookside Lane Extended; on the east by Highway 29; on the north by the rear of lots fronting on the south side of Clark Boulevard, Clark Drive South and a straight line extension to I-85;
- (b) Change from B-2 to O-6 the lots fronting on the west side of Highway 29 having a depth of approximately 400 feet beginning with the southerly property line of the Ancrest Motel and extending northward to the southerly property line of the University of North Carolina at Charlotte property.

The ordinance is recorded in full in Ordinance Book 15, at Page 194.

ORDINANCE NO. 782-X, AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON THE WEST SIDE OF SHARON AMITY ROAD, NORTH OF MONROE ROAD.

Councilman Stegall moved adoption of the subject ordinance changing the zoning from B-1 to B-2. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Stegall, Whittington, Alexander, Short and Smith.
NAYS: Councilmen Jordan and Tuttle.

The ordinance is recorded in full in Ordinance Book 15, at Page 195.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MONDAY, FEBRUARY 5 ON PETITION NO. 68-12 FOR ZONING CHANGE.

Motion was made by Councilman Smith, seconded by Councilman Short, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 6, at Page 43.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, FEBRUARY 19 ON PETITIONS No. 68-13 THROUGH 68-19 FOR ZONING CHANGES.

Councilman Smith moved adoption of the subject ordinance which was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 44.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING THE PURCHASE OF LAND BY THE CITY OF CHARLOTTE IN REDEVELOPMENT PROJECT NO. N. C. R-14 TO BE USED FOR RIGHT OF WAY FOR THE WIDENING OF BOUNDARY STREETS IN THE PROJECT.

Upon motion of Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted, and is recorded in full in Resolutions Book 6, at Page 45.

AMENDMENT TO LEASE WITH AIRPORT AUTO SERVICE TO EXCLUDE RENTAL CAR PARKING SPACES FROM PERCENTAGE-OF-GROSS COMPUTATIONS.

Councilman Smith moved approval of the subject amendment to lease with Airport Auto Service. The motion was seconded by Councilman Jordan.

Mr. Ross Knight, Airport Manager, presented a map of the area and explained it in full.

Councilman Stegall stated in the overall picture the charges will not be enough and asked how long the lease is set up or if the price can be raised at some later date? Mr. Knight replied the lease covering the whole area is a 15 year lease and it specifies the maximum charges; this could be changed by a mutual agreement between the lessee and the lessor.

(COUNCILMAN TUTTLE LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

The vote was taken on the motion and carried unanimously.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, the following contracts for the installation of water mains were authorized:

- (a) Contract with the American Bakeries Company for the installation of 1,790 feet of water mains and one fire hydrant to serve American Bakeries Company's property that abuts on I-85 between the Piedmont and Northern Railway Avenue and Gossett Avenue, inside the city, at an estimated cost of \$16,200.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction costs;
- (b) Contract with Roseland Apartments, Inc., for the installation of 2,520 feet of water main and three fire hydrants to serve the Roseland Apartments located on Pressley Road, inside the city, at an estimated cost of \$10,800.00. The City will finance all construction costs and the applicant will guarantee an annual gross revenue equal to 10% of the total construction cost.

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RIGHT OF WAY AGREEMENT BETWEEN THE CITY AND SEABOARD COASTLINE RAILROAD COMPANY, AUTHORIZED.

Councilman Short moved that the Mayor and City Clerk be authorized to execute a right of way agreement between the City and the Seaboard Coastline Railroad Company for the installation of a 12" water main beneath their tracks in Dupress Street. The motion was seconded by Councilman Smith, and carried unanimously.

CONTRACT FOR CONSTRUCTION OF SANITARY SEWER TRUNK TO SERVE CRANBROOK ROAD, AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Short, and unanimously carried, approving a contract with Dr. Carlisle Adams for the construction of 405 feet of 8-inch sanitary sewer trunk to serve property fronting on Cranbrook Road, inside the city, at an estimated cost of \$2,225.00 with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

APPRAISAL CONTRACTS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the following appraisal contracts were approved:

- (a) Contracts with Leo H. Phelan, Jr. for the appraisal of one parcel of land for the South Boulevard Intersections, and one parcel for the Northwest Expressway;
- (b) Contracts with D. A. Stout for the appraisal of three parcels of land for the South Boulevard Intersections, two parcels for the Northwest Expressway and one parcel for Kings Branch Pumping Station;
- (c) Contracts with William E. Etchison for appraisal of one parcel of land for the Kings Branch Pumping Station, and one parcel for the Northwest Expressway.

CONTRACT WITH SPRATT-SEAVER, INC. FOR PRELIMINARY FIELD SURVEYING ON BARCLAY DOWNS DRIVE, AUTHORIZED.

Councilman Alexander moved approval of the subject contract for field surveying work on Barclay Downs Drive, from Fairview to the vicinity of Runnymede, in the amount of \$5,225.00. The motion was seconded by Councilman Whittington, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. LaVera S. Wagner for Graves No. 2 and 3, in Lot No. 180, Section 2, Evergreen Cemetery, at \$120.00;
- (b) Deed with Jerry W. Harrison and wife, Marpessa Harrison for Lots No. 478 and 479, Section 6, Evergreen Cemetery, at \$480.00;

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- (c) Deed with Robert E. McGuirt for Graves No. 5 and 6, in Lot No. 183, Section 2, Evergreen Cemetery, at \$120.00;
- (d) Deed with Mrs. Ann H. Long for Graves No. 5 and 6, in Lot No. 192, Section 2, Evergreen Cemetery, at \$120.00;
- (e) Deed with Ralph E. Torrence for Grave No. 4, in Lot No. 180, Section 2, Evergreen Cemetery, at \$60.00.

FEASIBILITY STUDY FOR CENTRAL BUSINESS DISTRICT PARKING AUTHORIZED.

Councilman Smith moved approval of the feasibility study for parking in the Central Business District. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON FEBRUARY 5 ON REQUEST OF CHARLOTTE AMBULANCE SERVICE, INC. FOR AN INCREASE IN RATES.

Motion was made by Councilman Short approving the subject resolution setting the date of hearing on Monday, February 5, at 3:00 o'clock p.m. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 46.

ORDINANCE NO. 783-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND CONTINGENCY APPROPRIATION TO RECONSTRUCT AND RELOCATE PARK DRIVE.

Councilman Jordan moved adoption of the subject ordinance transferring \$13,000 to Engineering, Street Maintenance to be used for the reconstruction and relocation of Park Drive. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 196.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 8,132 sq. ft. of property at 728 Wesley Avenue, from Carl W. Plyler and wife, in the amount of \$6,600.00 for the East Thirtieth Street Project;
- (b) Acquisition of 3,878 sq. ft. of property at 520 Charles Avenue, from King A. Hagler and wife, at \$5,800.00, for the East Thirtieth Street Project;
- (c) Acquisition of 7,216 sq. ft. of property at 504 North McDowell Street, from M. M. Murphy Estate and NCNB Trust Department, at \$6,900.00, for McDowell Street Project;

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- (d) Acquisition of 11,884 sq. ft. of property at Old Tenth and Eleventh Streets, from NCNB and Ellen A. Hook as Co-Tr. u/w Walter W. Hook for Ellen and NCNB Tr. U/a W. W. Hook, Jr., at \$11,800.00, for Northwest Expressway.
- (e) Construction easement of four square feet, at 309 South Summit Avenue, from Mrs. Lester H. Morton (widow), at \$50.00, for West Fourth Street Extension;
- (f) Acquisition of easement of 3,302 sq. ft. at corner of McDowell and Tenth Street Extension, from Sarah Keesler Thompson and Wesley C. Thompson, at \$5,380.00, for Northwest Expressway;
- (g) Acquisition of easement of 1,580.32, sq. ft. at corner McDowell and Tenth Street Extension, from K. Martin Waters, Jr., and wife, at \$1,345.00 for Northwest Expressway;
- (h) Acquisition of 7,329.3 sq. ft. at Sharon Road West and Pineville Road, from J. M. Coley and wife, Ruby E., at \$732.93, for Kings Branch Pumping Station;
- (i) Acquisition of 2,502.1 sq. ft. of vacant land on Sharon Road West, from Ben F. Stamey, at \$250.21, for Kings Branch Pumping Station;
- (j) Acquisition of 29,968.1 sq. ft. at Pineville Road, from Lance, Inc., at \$2,996.81, for Kings Branch Pumping Station;
- (k) Acquisition of 3,508 sq. ft. at East 5th Street and Independence Boulevard, from Central Piedmont Community College, at \$1.00 for Central Piedmont Community College Sanitary sewer easement;
- (l) Acquisition of 3,810 sq. ft. at 2901 Cricketeer Drive, from Mary E. Neely Streater, at \$152.41, for Garden Park Sanitary Sewer easement;
- (m) Acquisition of 3,238 sq. ft. in Garden Park, Lots 35, 36, 43, and 44 of Block 5, at \$1.00, from Howard Nance Company, for Garden Park Sanitary Sewer easement;
- (n) Acquisition of 505.1 sq. ft. at 1557 South Clarkson Street, from Dixie Electric Motor Service, Inc., at \$50.51, for sanitary sewer relocation of Irwin Creek Outfall;
- (o) Acquisition of 161.4 sq. ft. at 1559 South Clarkson Street, from W. S. McClure and wife, Mary B. and R. B. McClure and wife, Laura W., at \$16.14 for sanitary sewer relocation of Irwin Creek Outfall.

CONTRACT WITH SYSTEMS DEVELOPMENT CORPORATION AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Stegall, and unanimously carried, a contract was authorized with Systems Development Corporation.

CITY MANAGER REQUESTED TO HAVE NEED FOR ADDITIONAL FIRE HYDRANT IN AREA OF CHARLOTTETOWN MALL INVESTIGATED.

Councilman Stegall stated recently, at Charlottetown Mall, there was a fire and the fire department had to lay a line from a block and a half away to get to the Mall. The hydrant was located at the corner of Baxter Street and Pearl Street. That there is not a fire hydrant on the west side of the Mall on the street or even in the parking lot. If they should have a real fire, it would be a detriment to the fire department, and he requested the City Manager to have it looked into.

PUBLIC HEARING SCHEDULED FOR MONDAY, JANUARY 29, AT 3:00 O'CLOCK P.M. ON PROPOSED NEW WATER AND SEWER EXTENSION POLICY.

Councilman Short stated last April, the City got away from its policies of many years standing on water and sewer policies, by adopting two policies D-1 and D-2. That it very soon became evident this was a good approach and from this beginning the City should develop further and broader policies applicable to the entire Charlotte-Metropolitan area.

He thanked those who have worked on this project for all these many months - they include Mr. Bill Veeder, Mr. Jack Fennell, Mr. Walter Franklin, Mr. L. C. Cheek, Mr. Jake Wicker of the Institute of Government, and Mayor Brookshire and all the Councilmen.

He stated the beginning point of the new policies is a differentiation between local service lines which will continue to be provided by the citizens and trunk mains which will involve government under now six plans instead of the two that the city previously had. One of the new plans is aimed at acreage development by developers; another is aimed at sharing the cost for transmission lines between the city and industrial developments; another at cooperation with communities around Charlotte; another is a Council initiation plans. The financing plan involves the revolving fund into which money will be feed from all the outside surcharges and from acreage charges and from connector fees which will be charged those who connect to the city system. There is a refund provision on all the plans where citizens are involved in the financing of transmission mains.

Councilman Whittington commended Councilman Milton Short for the work he has done in trying to bring Council a plan as a committee of one representing the Council. That sometimes in the committee assignments the others do not realize the amount of time and effort individuals put in a particular project. Mayor Brookshire stated these comments are timely and appropriate; that more than any other one person, except the staff itself, Mr. Short has contributed to the formation of this new policy. That this is another evidence of the city's willingness to show an awareness of the total metropolitan needs and to try to develop a metropolitan system of water and sewer that will serve the total community. This comes on the heels of our inability to work out any cooperative arrangement with the County Commissioners. That this is a further refinement and extension of the new policy adopted last spring.

Councilman Short moved that a public hearing be scheduled for January 29 at 3:00 o'clock p.m., on the proposed new policies. The motion was seconded by Councilman Alexander, and carried unanimously.

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RESOLUTION APPROVING APPLICATION OF THE PROVISIONS OF SECTION 23 OF THE UNITED STATES HOUSING ACT OF 1937, AS AMENDED, TO THE CITY OF CHARLOTTE, NORTH CAROLINA.

Councilman Whittington stated Mr. Alexander, Mr. Jordan and he were assigned to a Housing Committee by the Mayor. That they have had many meetings with officials from Atlanta, Greensboro and locally.

Councilman Whittington stated the Committee would like to present the following resolution:

WHEREAS, under the Provisions of Section 23 of the United States Housing Act of 1937, as amended, the Housing Assistance Administration is authorized to provide financial assistance to local public housing agencies in providing low-rent housing by leasing dwelling units in existing privately-owned structures; and

WHEREAS, said Section 23 provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, as follows:

The application of the provisions of Section 23 of the United States Housing Act of 1937, as amended to the City of Charlotte, Mecklenburg County, North Carolina, is approved.

The City Manager advised the resolution would indicate approval on the part of Council for the Housing Authority to make use of various programs aimed at leasing dwelling units in existing structures. That following a session the Committee had with representatives of the Housing Authority, the Authority took another look at this program and has indicated more interest than originally, and has asked Council to approve their proceeding further towards utilizing this program.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the resolution was adopted.

RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF WILLIAM N. HOVIS.

Councilman Jordan presented and read the following resolution:

WHEREAS, it was with deep regret that the City Council learned of the passing of William N. Hovis on January 11, 1968; and

WHEREAS, William N. Hovis was a dedicated and devoted civic leader having served on the City Council for five terms beginning in 1935, and serving as Mayor Pro-Tem for one of these terms. He was a member of the Planning Boards for both the Charlotte Memorial Hospital and Douglas Municipal Airport;

WHEREAS, he served his community long and faithfully for 39 years as one of Charlotte's leading morticians until his retirement in 1965. He was President of the Charlotte Jaycees, a Vice President of the North Carolina Jaycees, and a Director and District Governor of the United States Jaycees, and was awarded the Junior Chamber

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of Commerce Distinguished Service Award in 1936 for dedicated service.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that this Council does hereby declare its deepest regret at the passing of William N. Hovis and does convey its sincere sympathy and condolences to his family; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to his family and that this resolution be spread upon the minutes of this meeting.

The resolution was unanimously adopted by the Council.

REPORT ON RETIREMENT SYSTEM FOR EMPLOYEES OF THE PARK AND RECREATION COMMISSION.

Mr. Veeder, City Manager, stated Council has expressed an interest in the retirement system for employees of the Park and Recreation Commission. That he has met with Mr. Diehl, Superintendent of the Park and Recreation Commission, and explained what is necessary on the part of the Commission to make the benefits available to the employees of the Commission and the steps necessary including bringing an auditor in from the State System, to determine the actual cost required for them to participate. That Mr. Diehl indicated a very high interest in the project and was proceeding towards the end of having cost estimates made. He stated he also discussed this with the Chairman of the Commission, and he is most interested in following through on it.

CITY EMPLOYEES COMMENDED FOR JOB WELL DONE DURING ADVERSE WEATHER CONDITIONS.

The City Manager stated an outstanding job has been done by the employees of the Street Division, Sewer Division and Sanitation Division within the last several days because of the adverse weather conditions. The employees of the street maintenance division have been on a 12-hour basis since the close of the normal work hours last Tuesday; they have logged a total of more than 12,000 man-hours; more than 1,200 cubic yards of slag has been put on the streets; they have moved more than 1,000 truck loads of snow from the streets in the downtown area. That in anticipating the school system needs they have cleared over 90% of the school bus routes which are ready for use today. He stated he is proud to be associated with them as they have done an outstanding job.

Councilman Whittington moved that the City Manager send to all departments a letter of thanks from the Mayor, City Council and City Manager for a job well done. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the meeting was adjourned.

Ruth Armstrong

Ruth Armstrong, City Clerk