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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 16, 1970, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Milton Short, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilmen Sandy R. Jordan and John H. Thrower.

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 Tate and Commissioners Albea, Godley, Moss, Sibley, Stone, Toy and Turner.

ABSENT: Commissioner Blanton.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimously carried, the Minutes of the last meeting, on Monday, November 9, 1970, were approved as submitted.

RECOMMENDATIONS FROM COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED IN COMPLIANCE WITH THE NORTH CAROLINA BUILDING CODE, HANDICAPPED SECTION, REQUESTED IMPLEMENTED.

Mr. Russell Gray, Chairman of the Mayor's Committee for the Employment of the Handicapped, expressed appreciation to the Mayor for his participation in a tour of the City and County building complexes last week to emphasize the problems that a handicapped individual has in moving through our society.

Mr. Gray expressed appreciation to Mr. Jim Whittington for his interest and his acceptance of the Chairmanship of the Committee for the coming year.

Mr. Gray stated the Committee is composed of representatives from various businesses and organizations concerned with rehabilitation and has as its continuing goal the employment of the handicapped in Charlotte. In order for rehabilitated individuals to become educated, employed and maintain a normal position and dignity in the community, they must first be able to enter and fully use public buildings and businesses. Over 22% of our populations is physically handicapped in some way and this does not include the growing number of senior citizens. According to Dr. Howard Rush of the Institute of Physical Medicine in New York City, by 1980 there will be one person with a physical disability, or a chronic disease or over 65 years of age for every able-bodied person in our society. This is one half of our population who will be directly affected by architectural barriers if something is not done immediately. Our public buildings at present are not accessible to all of our citizens.

For example, is it fair for senior citizens who have paid tax dollars all their lives to be denied use of public buildings simply because of their physical limitations? Handicapped children are frequently denied educational and social opportunities due to inaccessible schools. Many of these schools are often polling places which denies some senior citizens and the handicapped the right to vote. Our own Central Piedmont Community College is now awaiting a grant to finance the correction of inaccessible entrances, which now deny the college's use to a waiting list of handicapped students.

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What do we have to offer our growing number of disabled veterans who are returning from Vietnam to discover they can no longer function as a normal citizen in Mecklenburg County? Winston Salem, High Point and Asheville have already taken the lead in adopting provisions for an accessible environment. The Mayor's Committee for the Employment of the Handicapped believes Charlotte has the opportunity to show progressive leadership in this area also.

Mr. Gray stated the Committee requests the following recommendations be implemented in compliance with the North Carolina Building Code, Handicapped Section, as amended in December, 1967:

City Hall, County Courthouse, Health Department, Law Enforcement Center, Ovens Auditorium and The Charlotte Coliseum:

1. One male and one female restroom with one accessible stall.
2. One accessible public telephone.
3. Special parking provisions for the handicapped.
4. Modification of curbs at all major entrances.

Downtown Post Office:

1. Level entrance.
2. Accessible restroom for male and female.
3. One accessible public telephone.

Main Library:

1. Correction of the narrow heavy entrance doors.
2. One male and one female accessible restroom.

He stated with the present planning and construction in Charlotte and Mecklenburg County and the knowledge of violations of the Building Codes, they request the Building Code Inspectors be officially notified to comply with the North Carolina State Building Code Laws. They also request the Building Inspection Department to notify area architects and builders that these provisions will be enforced.

Mr. Gray stated they feel all the requests made are necessary to ensure the rights of all citizens to the use of these buildings. That a start has been made. As a result of the tour last week, a ramp is under construction at present at the County Courthouse which, until now, has been completely inaccessible to the handicapped.

Mayor Belk thanked Mr. Gray for the fine work he is doing for the community and congratulated Mayor pro tem Jim Whittington for accepting the Chairmanship for the coming year.

HEARING ON PETITION NO. 70-129 BY RICHARD B. LINTON, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON THE SOUTHWESTERLY SIDE OF EAST SEVENTH STREET EXTENDING FROM 2312 THROUGH 2500 EAST SEVENTH STREET.

The scheduled public hearing was held on the subject petition on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised the property in question extends along the southwest side of Seventh Street from a point near Laurel Avenue and extends down and across Cameron Avenue to Dotger and includes one lot on the far side of Dotger Avenue. The area is predominately residential with three multi-family structures on three lots and then a pattern of single family structures, one vacant lot and a Day Nursery at the corner of Dotger Avenue. Around the property is a pattern of residential uses with a combination

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of duplex, single family and one multi-family structure, with single family continuing on down Seventh Street. Behind the property is a pattern of residential usage. Adjacent to the property on the Laurel Avenue side is a use that consists of educational material sales which has been at the location for a number of years and is non-conforming.

He stated there is O-6 zoning along both sides of Seventh Street out to the subject property; beginning at that point and continuing out to Fifth Street there is a pattern of R-6MF prevalent throughout the area on Seventh Street and the adjacent streets. Beginning at Fifth Street, there is B-1 zoning extending down to the creek; along the railroad where there is a lumber yard is a narrow portion of Industrial Zoning.

Mr. John Walker, Attorney for the petitioners, stated Mr. Anderson, Traffic Engineer, has classified Seventh Street as an arterial street, and says that most any arterial street will become business. Mr. Walker stated Seventh Street is four-lanes with a speed limit of 45 MPH; that 45 MPH is not in keeping with a residential zoning. That Officer Coats of the Police Department says 85 percent of the traffic passing the intersection of Fifth and Seventh Street is close to 55 MPH, and this is much less in keeping with residential zoning. The volume of traffic along the area from seven to seven is heavy; 22,800 vehicles pass the intersection of Seventh and North Dotger; in the past three years there have been three automobile accidents; within the last six months two people who live in the area have been hit by traffic passing by as they leave their house in their car, pulling out into the highway. One house was hit by a car.

Mr. Walker stated the property is located between Seventh Street and Fifth Street, and Fifth Street has heavy traffic with 4,881 vehicles in a 12 hour period. There is business one block away at Fifth Street and at the other end is office zoning. Offers have been made to purchase the property if the rezoning is made.

He stated there are 12 lots affected by the rezoning, and nine of the 12 have joined in the petition requesting the rezoning. Two people object. One is an older person who is the owner of the vacant lot, and he is in a nursing home and NCNB is handling his property. NCNB is interested in the rezoning but did not join in the petition. They did not contact the man himself. The other person who did not join in the petition can very easily be excluded from the rezoning strip, next to the religious film building.

Councilman Short asked if there are some owners whose land would be rezoned against their wishes? Mr. Walker replied if the entire strip is rezoned, there will be two. One can be eliminated very easily, and the other owner has not been contacted. Councilman Tuttle stated he does not understand the point on traffic. How will they less likely be hit if they are going in and out of offices? Mr. Walker replied this is an area that is not suited for residential use and definitely not if you have children. If it is rezoned for office the whole area may be rebuilt.

Mrs. Patricia Linton stated she is representing 18 pages of signatures in the area as well as the eleven petitioners. She stated the only people who live along the street are older, retired people whose children have grown up and moved away. A young person cannot sell their house and move away as no one will buy the house unless it is zoned for office.

Mrs. Linton stated the posted speed limit is 45 MPH; that she has never heard of a 45 MPH speed limit in a residential area. That they are living in a sandwich with business one block down and office two blocks up; this means they have to put up with the traffic volume of 22,800 cars in a 12 hour period. It means you only have older people for your neighbors. The retired people feel they must live here until they die and the Planning Commission feels the houses must deteriorate before the zoning is changed. The Traffic Engineer did not listen to sentiment when the street was widened to four lanes. That Robert Anderson, Traffic Engineer, says: "The overall citizens of Charlotte, not the handful of complainers that you will always have is our main concern." Mrs. Linton said if objective facts do not mean anything; if

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HEARING ON PETITION NO. 70-127 BY MISS DOROTHY BALDWIN, ET AL, FOR A CHANGE IN ZONING FROM R-12MF TO O-15 OF PROPERTY ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD, FROM CLOVER ROAD TO A POINT 150 FEET NORTHEAST OF ROBIN ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is located on Sharon Amity Road; the property in question extends from Clover Road to a point past Robin Road. The property is occupied entirely by single family residential structures; it is adjoined across the road with a portion of the Cotswold Apartment area, a duplex, two single family structures and vacant lots along the northwesterly side of Sharon Amity. To the northeast of the property, there is one single family residence and an office building occupied by offices of the Ford Motor Company. To the rear of the property is vacant land and single family residential structures along Westbury Road. Southeast of the property towards Providence Road is property owned by the Honeywell Corporation with a new office facility on the property near Crosby Road.

He stated beginning at Cotswold there is business zoning for the shopping center; across from that and adjacent to the subject property is O-15 zoning; the subject property, as well as the property across Sharon Amity is all zoned R-12MF; on the Providence Road side there is O-15 zoning, so that the subject property is located between two areas of O-15 zoning on Sharon Amity Road. To the rear of the property is a solid pattern of R-15 zoning.

Mr. Bryant stated the property has been zoned R-12MF since 1962, but no part is used for that purpose.

Mr. Robert Percival, a realtor, stated he is speaking in behalf of the petitioner. He passed around aerial photographs and called attention to the property stating it fronts 650 feet on Sharon Amity Road running from Clover Road over to Robin Road, and one block beyond Robin Road. The areas on each side are zoned O-15 and the zones change up to B-2. He stated the zoning is to a depth of 300 feet with the exception of one which is to a depth of 375 feet; the back of the property has a complete buffer of woods so there is no reason for anyone to be bothered by an office use on the property. He called attention to the photographs of the Honeywell and Ford Motor Company buildings and stated this is the type of building which the area has appealed to lately.

Mr. Percival stated in 1969, the North Carolina Highway Department made a 24 hour traffic count along the street and there were 35,800 cars - 16,800 in one direction and 19,000 in the other direction. That they made a count on August 20 of this year from seven in the morning to seven at night, and there was a total of a little over 27,000 cars. At the advent of the improvement of Sharon Lane, from Providence Road to Sharon Road, the traffic will increase through the area. He stated the property has been zoned for R-12MF since 1962 and neither it nor any of the R-12MF property except two or three lots on the other side of the street have been put to that use.

Councilman Alexander asked if there are any plans for development at this time? Mr. Percival replied the petitioner, Miss Baldwin, plans to occupy the building and to give music lessons, and to rent a portion to an architect. One of the other petitioners desires to build at another location because of the change in the neighborhood, and then lease the existing home for office use or to sell it for a new structure.

Councilman Short asked if this will zone anyone's land against their will, and Mr. Percival replied the petition carries all seven names.

Councilman Withrow asked if they plan to close Robin Road, and Mr. Percival replied no, as there are several residents back in the area.

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Mr. Charles W. Ramsey, 2901 Clover Road, stated his property backs up to the subject property. He stated there should be shown a real need and a use for this property to change it to this classification. And neither are shown to him here. That Mr. Percival referred to the fact that the adjacent property was changed to O-15; he appeared before Council in support of the petition because the Honeywell people, through their attorney, came to the residents surrounding the property and told the residents what they wanted to do; they showed them the plans and were very considerate. In looking over their plans, they thought it made a good buffer; the petitioner went so far as to say they would keep a buffer down Clover Road of trees which they have done, and they have lived up to what they said they would do, and it has pleased the residents. Mr. Ramsey stated to rezone the property to an unknown use, they fear. He stated the buffer of trees which Mr. Percival referred to belong to him and his neighbors and when this is cleared out, the buffer is lost. He stated he is not speaking so much in opposition as in consideration of the nature of the neighborhood and if it is needed.

Mr. Mike Reid, 2904 Clover Aod, stated he is not speaking so much in opposition to the proposed rezoning as to find out what is happening. He stated his property is directly behind the Honeywell building. When they built, they came around with their plans, and they were not in objection; that he lost half his buffer but he still has part of it. The main concern of the people on Clover Road is what will be constructed there; as long as a buffer remains and a building such as Honeywell and Ford is constructed, he does not think any of them will object.

Councilman Short asked if Miss Baldwin lives in the house? Mr. Percival replied not yet; she lives on Middleton Road, but she has bought the property and plans to move there. After she got into it, she found her use would not fit in with the zoning; that she can use it as she is presently using her home with one pupil at a time; if she expanded that use, she cannot use the property.

Councilman Short stated the zoning regulations call for the teaching of music where you live in a home in a multi-family area? Mr. Bryant replied the ordinance states that instruction in music, dancing and similar subjects shall be limited to two students at a time.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-128 BY WILLIAM T. MINOR, JR. FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF PROPERTY ON THE WEST SIDE OF EASTWAY DRIVE, EXTENDING FROM NORFOLK SOUTHERN RAILROAD TO COMMERCIAL AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located at the corner of Eastway Drive and Commercial Avenue. At present the property is vacant as is the property immediately to the rear of it down Commercial Avenue; it is adjoined on the south side by the railroad; across the railroad is the Westinghouse industrial facility. At the intersection of Sugar Creek Road is a service station, a restaurant and another service station. To the north and across the street the single family residential usage begins which extends up almost to the Plaza. Down Commercial Avenue there is a series of four duplexes on the north side and then begins a variety of office and light industrial facilities, including a tile and marble company.

Mr. Bryant stated along Eastway Drive beginning at the Plaza, there is B-1 zoning which is buffered with office zoning; then a pattern of R-6MF down both sides of Eastway to a point near Commercial Avenue. At that point O-6 picks up on both sides of Eastway and carries down to the railroad. Beyond the railroad a pattern of I-1 zoning begins which carries down to Sugar Creek Road. Behind the subject property along Commercial Avenue, there is I-1 zoning on both sides leading over to the Plaza.

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Mr. William T. Minor, Jr. stated the subject property was purchased in 1946. The plans for the property have followed along the lines as outlined by his father and Mr. Jack Spratt; the property as originally composed contained 180 acres. He referred to a map and stated the yellow designated lots have been deed restricted to single family lots and are covered by the general federal housing administration restrictions. Excepted from these restrictions are the corner on Eastway and Plaza, the two corners at Commercial and Plaza and the one corner of Commercial and Eastway. The persons who originally set the pattern for the development of the 36 acres excepted Commercial Avenue from the restrictions on both sides. The idea was to have it business or industrial as needed by the residents of the area. When the zoning ordinance first came into being, both sides of Commercial Avenue was zoned industrial. In a letter to Mr. McIntyre in 1955 they stated the plan for the development was to have both sides of Commercial Avenue zoned for business as would be determined from time to time. About two years after the first zoning, this part of the property was changed from I-1 to O-6; that he did not know about it and did not have a chance to say anything about it.

Mr. Minor stated he now has a purchaser for the subject property. It is for a service station and will blend in with the plans they had from the beginning for this 36 acre tract of land. He stated in checking this with the Planning Staff, the question came up about Eastway Drive being a crosstown boulevard. That it was a rule of the Council that no change would be made in the zoning along such a crosstown street. He stated the crosstown boulevard does not come across the railroad; it veers off and turns across Sugar Creek Road to proceed across the Plaza to North 29. Cars coming down Eastway are faced with the blinking light at the railroad.

Mr. Minor stated it is important that he accept this purchaser because it gives him an amount of money which he intends to use to pay off approximately \$45,000 debt on the undeveloped property. He stated the real estate company has had no success in trying to sell the property under the O-6 classification.

Mr. Dick Stoever with the Gibson Smith Realty Company spoke to the petition and passed around pictures of the service station which is planned for the site. He stated it is a "Value" Station which is operated by the Webster Oil Company out of Greenville, S. C. This will be the second station in Charlotte. He stated they had considerable trouble in trying to sell the property under the O-6 classification. That he personally showed the property to two banks and they turned down the location for a bank. They also talked to several dentists and doctors and all have turned down the site. He stated the property immediately behind the site is zoned for light industrial; the property immediately to the left across the railroad tracks is also zoned I-1; the property directly across from it on Eastway Drive and directly across on Commercial Avenue is zoned for office. That the B-2 buffer zone would be very nice to have between the office and industrial property. Mr. Stoever stated the Value Service Stations are very clean and very well-run organizations.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-130 BY KING MOTOR CENTERS, INC. ET AL, FOR A CHANGE IN ZONING FROM R-9MF TO O-6 AND B-2 OF PROPERTY ON THE EAST SIDE OF PINEVILLE ROAD, ALONG BOTH SIDES OF STATE ROAD NO. 3658 SOUTH OF STARVALLEY DRIVE AND NORTH OF LARRY SMITH CHEVROLET, INC.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the east side of Pineville Road; the property is vacant and is adjoined on Pineville Road by vacant property; to the south the property is vacant; to the east there is vacant land with some scattered single family

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residences and farther to the east is the Starmount Subdivision. To the west is J. A. Jones Construction yard and several other light industrial uses. To the north along Pineville Road is a construction company storage yard and office facility and a new small structure which is apparently being used for private school purposes.

He stated the zoning in the area is solidly B-2 zoning along both sides of Pineville Road throughout the area until you get down near the Jones Construction Company facility where I-2 zoning picks up to the west of Pineville Road but continuing the B-2 zoning on the east side. The subject property along with the property to the south and some property to the north is zoned for multi-family purposes and farther to the east it is solidly zoned for single family residential purposes.

Councilman Whittington asked how far the subject property is from the rear property lines of Starmount Subdivision? Mr. Bryant replied it is approximately 300 feet at one point and on the other side it is approximately 250 feet.

Mr. Lloyd McKeithen, Attorney for the petitioners, King Motor Center, Lorick Enterprises and Pineville Road Associates, stated the subject property is presently zoned B-2 for a depth of 400 feet from Pineville Road and as you move south there is a jut and the property is zoned B-2 for a depth of 650 feet. The petitioners are asking that their property be rezoned B-2 for a distance of 650 feet also to be in conformity with the property to the south. He stated they are requesting O-6 zoning for the rear portion of the property so that some use can be made of the property.

Mr. McKeithen presented a layout of the plans by King Motor Center stated if the zoning is changed construction will start at the end of the month. He stated all the service facilities will set a considerable distance off the road. The sales office will be on the front of the property on Pineville Road. He stated they do not have any definite plans for the O-6 portion with the exception of possible use for customer parking. He stated this is for the King Motor Center's property. That the balance of the property will be developed for business purposes. He stated the zoning of 400 feet of business limits the maximum development of the property. There is about 37½ acres of land involved in the petition.

Mr. McKeithen stated the State Highway Commission is requiring that stacking lanes be used for a lot of property that is to be developed for any type of shopping, and with this requirement, the 400 feet will further cramp the use of the property. He stated the King Motor Center's investment is about \$1.0 million. It is a Florida Corporation of which Mr. Gowman is part owner. King Motor Centers will build the property and lease it to Gowan Oldsmobile.

Councilman Whittington asked the property owners between the subject property and the vacant property in Starmount? Mr. McKeithen replied the tax maps indicates it is owned by Mr. Tracy M. Hill, Mr. Billy D. Martin, and Mr. L. Byrum Wilson.

Councilman Tuttle asked what can be done with the land at the back if this building is built? Mr. Bryant replied that would be a question of some study; there are several stub streets that have been stubbed into this property from the Starmount side; at that time it was anticipated that more or less single family construction could be possible continuing a street pattern, laying off lots backing up to the Starmount Subdivision. If this becomes a non-residential use, it will to a certain extent create some problem for the interior property in terms of usage. That this can be related only to individual study.

Councilman Whittington asked why the subject property is B-2 for a depth of 400 feet and just as it passes the property it is 650 feet in depth? Mr. Bryant replied originally there was a solid 400 foot strip all the way down through here. Two years ago they requested an expansion from 400 feet to 650 feet along their frontage, based on some specific plans for shopping center development.

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Also speaking to the petition was Mr. John Rosebro who stated they have been in the process of clearing off the three tracts of land owned by Pineville Road Associates. Pineville Road Associates is made up of Vinson Realty Company, Mr. Lorick and himself. They are taking down trees; they are demolishing two garage buildings. The Planning Commission has had signs posted on the property pertaining to the subject petition; anyone interested in the area could not help but see that something was taking place. He stated they are simply asking for a continuation of the zoning south of them which is B-2 to a depth of 650 feet.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-131 BY JAMES J. HARRIS FOR A CHANGE IN ZONING FROM R-15 TO O-6 OF A PARCEL OF LAND 150' x 405' ON THE EAST SIDE OF SHARON ROAD APPROXIMATELY 750 FEET NORTH OF COLTSGATE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this is an odd-shaped tract of land fronting on Sharon Road; it has on it an abandoned residential structure. There is a single family residential structure on the north side and the Sharon United Methodist Church is in the area. To the south is a large tract of land which has one residence on it; further to the south is a small residential street called Coltsgate Road which has several single family structures located on it. Directly east of the property is vacant property; on the west side of Sharon Road is the SouthPark Shopping Center.

Mr. Bryant stated everything west of Sharon Road opposite the subject property is zoned B-1SCD; the subject property as well as other property to the north, south and east is zoned R-15 coming down to the beginning of some office zoning north of Coltsgate Road. Office zoning extends down to a point near Fairview Road which is the beginning of the service stations at the intersection.

Mr. Irvin Boyle, Attorney for the petitioner, stated the lot is located on the southeast side of Sharon Road adjoining the homeplace of A. A. Porter on the south, Ed B. Caldwell on the north and across the rear the seven acre tract of the Sharon United Methodist Church.

Mr. Boyle referred to a map pointing out the location of the property requested changed from R-15 to O-6. He stated they do not have any plans for the property; there is on the property a residence which is abandoned. The property is located immediately across from the SouthPark driveways. Every automobile that comes out at night with the lights on gives this particular house the full treatment. From the standpoint of residential property, it makes it most undesirable because of the lights and traffic. The traffic is very heavy. They have been informed that its value for residential purposes has decreased considerably within the past several months.

Mr. Boyle stated prior to filing the petition they consulted with Mr. Porter and the Caldwells concerning the proposed change. He stated it is his understanding that the Caldwells are in favor of the request, and the Porters have no objections to it and the other property owners below the Porters whose property is zoned O-6, they did not consult.

He stated it is obvious that the highest and best use to which this lot can be adopted is not residential because of the change in the area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 70-132 BY COKEBURY METHODIST CHURCH FOR A CHANGE IN ZONING FROM R-9 TO B-1 AND O-6 OF A PARCEL OF LAND FRONTING 142 FEET ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD AND 462 FEET ON THE SOUTHWESTERLY SIDE OF HOLBROOK DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property has frontage on Sharon Amity Road and on Holbrook Drive. The property is occupied by the Cokesbury Methodist Church; it is adjoined on the Independence side by a variety of business development including a laundry, a Little General Store, a shoe store and all the miscellaneous uses along Independence Boulevard. On the Holbrook Drive side, leading out of the city, is a Day Nursery, then single family residential uses out Holbrook. Across Holbrook are duplexes located at the corner of Sharon Amity and Whitter Place, then single family residences continuing out. Across Sharon Amity are two single family residences and single family residences continuing up Sharon Amity Road.

He stated there is B-2 zoning along Independence Boulevard, and beyond that point everything is R-9 including the subject property.

Mr. Myles Haynes, Attorney for the Petitioner, stated they are asking for a change from R-9 to B-1 and O-6. That the congregation has outgrown this location and they have purchased property on Idlewild Road where they plan, in a series of stages, to build a church facility which will cost over one million dollars. Mr. Haynes stated the purpose of this petition is to get the present church property rezoned so they can get every possible dollar from the property at its best use.

He stated on the Independence side of the property, they are adjoined by Moore's Building Supply, Commercial Credit Company, Dowskin Wall Paper Company and Kinsey Shoe Company. On the Sharon Amity side, they are adjoined by a Little General Food Store, and a laundrette. Opposing them on Sharon Amity Road is the Kentucky Fried Chicken property, and two residences. On the Holbrook side they are opposed by two duplexes, two residences and on the back of the property there is a residence which is being used as a day care facility.

Mr. Haynes stated they are requesting that the tract be broken into almost equal parts, allowing O-6 on the back portion. He stated the property in its present state of condition lends itself to converting into office use. The B-1 portion they are requesting is the actual level front lawn of the church, and the line falls directly in line with that portion on Sharon Amity which is presently zoned B-1.

He referred to a brochure which had been presented to Council and stated it contains pictures of the interior of the present church facility and the excellent condition it is in and how easily it can be converted for office purposes.

Mr. Haynes stated the church has been in contact with all the surrounding neighbors and he has a statement signed by all the adjoining residential neighbors with the exception of two who say they have no objection to the rezoning request. Of the two who did not sign, one man is an absentee owner and the other man said he would not sign the statement but he would not actively oppose the rezoning change.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 70-133 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER AMENDING VARIOUS SECTIONS OF THE ZONING ORDINANCE TO ESTABLISH A CONDITIONAL MOBILE HOME DISTRICT AND PRESCRIBE STANDARDS AND PROCEDURES FOR LOCATING AND CONSTRUCTING MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated for some time the Planning Staff has been involved in the task of considering the present regulations in the Zoning Ordinance pertaining to Mobile Homes, Mobile Home Parks and Mobile Home Subdivision regulations. Mr. Bryant stated a few weeks ago he discussed with Council some of the reasons why they had gone into the regulations and some reasons why the Planning Commission felt some changes in the zoning ordinance were desirable.

He stated even though this petition is sponsored by the Planning Commission, he understands there are several people present from the Mobile Home Industry who have some things to say that would be pertinent as background information leading up to the actual regulations.

Mr. Bud Coira, Attorney for the Mobile Home Association, stated they have been working closely with the Planning Staff and can endorse the prepared and proposed ordinance. He stated it was farsighted for the Planning Commission to ask the Mobile Home Association to express its opinion and its position. A film was shown of the mobile home business and how it has developed over the years. Photographs were passed around of a mobile home development in the Charlotte area.

Mr. Coira then presented visual statistics stating the growth of mobile home shipments have grown from 46,200 in 1949 to 412,000 in 1969. The graphs showed a comparison of housing starts in all price ranges with mobile home shipments. He stated the housing starts have decreased gradually but steadily where mobile home shipments have increased from 1960 to 1969. He stated as the mobile home shipments increased, the conventional homes have decreased in starts and the apartment dwellings have gone up and down.

He stated the area in which the greatest disparity between on sight building and mobile home difference exists is in the \$15,000 range. That in 1964 mobile homes accounted for 59% of the dwellings produced under \$15,000. Each year succeeding that it has increased until 1969 when 94% is shown for mobile homes, accounting for all but six percent. The average income for families in the United States is \$7,440.00. Of those the mobile family income averages \$6,620.00. He stated 73% of all families living in mobile homes have no children of school age; 50% of all mobile home families have no children at all. He stated approximately 6.0 million people live in a total of 2,400,000 mobile homes. The Bureau of Census shows that 36.7% of the families who live in mobile homes are the professional, technical and manager type; only 7.5% fall in the laboring category. The average cost of a mobile home in 1970 is \$6,000.00; the average cost of a conventional home is \$26,000.00. Mr. Coira stated when you walk into your mobile home, everything is complete - everything but the bed linens in most instances. He stated 49% of the families are under 35 years of age and 22% is over 55 years of age.

Mr. Bryant stated under the present zoning situation mobile home parks are limited primarily to industrial and business zoned areas in the City and perimeter. One of the objectives is to have more advantageous areas available for consideration for mobile home usage and to help improve environmental conditions of the parks. He stated the proposal consists of a basic recommendation to create a mobile home district within the confines of the ordinance. This is text regulations and does not refer to any locations for mobile home parks. They are proposing a mobile home district that would be conditional in its aspect to the extent that any locational consideration could only come after someone proposed a specific park plan to Council. It would go through the normal public hearing procedures and then, if approved, it would have to be developed in accordance with the plans and specifications. He stated the Planning Commission feels a very important feature of the operation is to give continuing control not only to the design and development of the parks but also to the locations in which they may find themselves.

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He stated in the county ordinance, they find they do permit mobile home parks both on a conditional basis in some districts and a usage by right in a couple of other districts. That they have almost come to the conclusion that in all instances they should be conditional.

Mr. Bryant then called attention to the proposed ordinance and explained some of the details as recommended.

Councilman Alexander asked why something such as this cannot be developed for low income subdivisions? Mr. Bryant replied he knows of no reason why this could not be done; there are subdivision regulations that apply equally to all developments. That if he is talking about conventional single family housing subdivisions perhaps there could be some additional criteria such as this developed.

Councilman Withrow asked about the modular homes that are coming? Mr. Bryant replied there are indications that this is coming. The Planning Commission feels this should be a separate study entirely and they expect to get into that when and if it does become a real problem.

Councilman Alexander stated we already have the housing problems and we should go into mobile homes and be thinking about it and getting ready for it.

No opposition was expressed to the proposed text amendment.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:40 o'clock p.m. and reconvened the meeting at 5:10 o'clock p.m.

During the recess, the Youth in Government program sponsored by the Optimist Club was presented.

NO ACTION TAKEN ON REQUEST TO RESCIND COUNCIL ACTION OF OCTOBER 12, 1970 ORDERING THE DEMOLITION OF BUILDING ON DUKE STREET.

Mr. Barry Storick stated he represents Mr. Earl Avant. He requested Council to rescind an order which was issued on October 12, 1970 to demolish Mr. Avant's building on Duke Street. Mr. Storick stated Mr. Avant had no notice of the situation; his building is not used for human habitation; it is used as a commercial building for the storage of equipment. He stated he has talked with Mr. Jamison, Building Inspection Superintendent, to some extent asking for a limited time of approximately 30 to 60 days to bring this building up to city standards.

Mayor Belk asked why the building has not been brought up to standard previously. Mr. Storick replied it was a problem of communication between Mr. Avant and the City. Several notices were sent to an address but there was no one at the address to pick up the mail. That he went to Mr. Jamison's office a few weeks ago and found the bulldozer was at the site; that was the first notice they had that Council had taken this action.

Mr. Jamison passed around a picture of the property, and stated the complaint and notice of a hearing was sent to Mr. Avant in May, 1970 by certified mail addressed to his home. His mother signed for the letter. The finding of fact and order to demolish this structure was sent 30 days after that; he would not accept the mail sent certified. That the Sheriff's Department then hand-carried the mail to the address and it was given to Mr. Avant's mother.

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Mr. Jamison stated in 1968 they tried to get Mr. Avant to repair the building but without success; the roof leaks and the building is deteriorating. That even if he wants to call the building a warehouse the same procedure would have been taken under the building code as it would not comply for a warehouse.

Councilman Whittington moved that Council go on to the next subject. The motion was seconded by Councilman Tuttle and after further discussion, the vote carried unanimously.

ORDINANCE NO. 935-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM INST TO B-1SCD OF A 34.79 ACRE TRACT OF LAND AT THE SOUTHEAST CORNER OF UNIVERSITY CITY BOULEVARD AND THE FUTURE EXTENSION OF HARRIS BOULEVARD.

Councilman Tuttle stated he has talked to two members of the Planning Commission who are not aware of the plans under the subject petition of Construction Brick and Tile Company. One is a real estate man who is going to get some further information for him.

Councilman Tuttle moved that decision on the subject petition be deferred for one week. The motion was seconded by Councilman Withrow for discussion.

Councilman Withrow asked Mr. McIntyre, Planning Director, if he is satisfied with the letter Council has received concerning the walkway; with the timing and phasing of the construction? That he would like for Mr. McIntyre to tell him that he is completely satisfied.

Councilman Tuttle stated he is not talking about the intention; that there is no question but what they intend to build the walkway. What concerns him very much is that it will be built in three stages. They are promising under signature they will start the bridge by the time they apply for a permit for stage three. Stage three could be ten years.

Mr. McIntyre stated one of the factors in establishing the timetable was in the initial stages the center would attract a minor amount of traffic, and tying it into the final stage would relate it to a period of time when the shopping center will be functioning at a very high capacity for a large number of people and it would justify the bridge at that time. He stated he cannot speak for the Planning Commission but he is reasonably satisfied.

Motion was made by Councilman Withrow and seconded by Councilman Tuttle to defer further discussion on the petition until later in the meeting. The vote was taken and carried unanimously.

Later in the meeting, Mr. McIntyre returned to the meeting after discussing the letter with the Planning Commission and stated the Commission believes that a more appropriate provision would be an assurance from the developer that the bridge would be started and completed after the first 35% of the floor space in the center, as planned, is completed.

Mr. Stafford stated an agreement has been drawn up with the 65% in it; they will change the agreement to the 35% and the agreement will be entered.

Councilman Tuttle and Councilman Withrow withdrew their original motion to defer action.

Councilman Whittington moved adoption of an ordinance changing the zoning from INST to B-1SCD of a 34.79 acre tract of land at the southeast corner of University Boulevard and the future extension of Harris Boulevard as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 455.

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PETITION NO. 70-120 BY HAZEL L. HICKS FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A PARCEL OF LAND NEAR THE SOUTHEAST CORNER OF CLANTON ROAD AND INTERSTATE HIGHWAY 77, FRONTING 244 FEET ON THE SOUTH SIDE OF CLANTON ROAD AND 40 FEET ON THE EAST SIDE OF I-77, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject petition for rezoning was denied as recommended by the Planning Commission.

PETITION NO. 70-121 BY CLARKSON JONES, JR. FOR A CHANGE IN ZONING FROM R-5MF TO B-2 OF A PARCEL OF LAND 50' x 30' AT THE SOUTHEAST CORNER OF BLAIRHILL ROAD AND INTERSTATE 77, DENIED.

Councilman Short moved the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION ACCEPTING A FEDERAL GRANT IN THE AMOUNT OF \$1,485,000 FOR SEWAGE TREATMENT WORKS FOR THE CONSTRUCTION OF ALTERATIONS AND ADDITIONS TO THE IRWIN CREEK AND McALPINE CREEK SEWAGE TREATMENT PLANTS.

Motion was made by Councilman Short and seconded by Councilman Alexander to adopt the subject resolution accepting a federal grant in the amount of \$1,485,000 for sewage treatment works for the construction of alterations and additions to the Irwin Creek and McAlpine Creek Sewage Treatment Plants.

Mr. Robert Hopson, Public Works Director, stated at the last meeting of Council, federal grants were accepted in the sewage field of approximately \$615,000. The grants today on the agenda will represent a total of approximately \$1,614,000. These grants are for the Taggart Creek Interceptor and the Irwin Creek Pumping Station addition, and the Irwin Creek and McAlpine Creek Waste Treatment Plant additions. This is a total accepted in grants of \$2,229,000.00 in the past two weeks. The total cost of these projects is a little over \$7.0 million, so that this 30-33% from the federal government will be real helpful in getting the jobs done. This will bring our sewer system up to very good standards and will increase our capacity of treatment from 35.0 million gallons a day to 50.0 million gallons a day. With what the county is doing with the McAlpine Creek sewer and Steele Creek sewer, it represents federal funds which are participating in this area in not only increasing our capacity but in building about 33 miles of sewers.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 160.

RESOLUTION APPROVING SALE TO AND PURCHASE BY THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION OF LAND IN REDEVELOPMENT PROJECT NO. N. C. R-24.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject resolution was adopted approving sale to and purchase by the Charlotte-Mecklenburg Board of Education of Parcels Nos. 14, 15, 17 and 20 in Section 2 of Project N. C. R-24 at a total cost of \$163,780.56.

Councilman Short asked if there is anything in the nature of this sale that would prohibit the School Board from building the Metropolitan High School if they should desire? Mr. Veeder, City Manager, replied there is not.

The resolution is recorded in full in Resolutions Book 7, at Page 161.

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RESOLUTION APPROVING THE SALE OF LAND TO PRITCHARD MEMORIAL BAPTIST CHURCH IN REDEVELOPMENT PROJECT NO. N. C. R-77.

Councilman Whittington moved adoption of the subject resolution approving the sale of 33,173.25 square feet of land known as Disposition Parcels Nos. 2 and 3 to Pritchard Memorial Baptist Church in Redevelopment Project No. N. C. R-77. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 162.

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT THE MODEL CITIES DEMONSTRATION PROGRAM, NO. ME 32-001.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, approving subject contract with Peat, Marwick, Mitchell and Company to audit the Model Cities Demonstration Program No. ME 32-001, in an amount not to exceed \$5,000.00, with the funds fully reimbursable from federal funds.

MR. RAYMOND E. KING, JR. RE-APPOINTED TO FIVE YEAR TERM ON THE REDEVELOPMENT COMMISSION.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, Mr. Raymond E. King, Jr. was re-appointed on the Redevelopment Commission for a term of five (5) years.

ORDINANCE NO. 936-X AMENDING THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM WATER AND SEWER FUND CONTINGENCY TO NON-DEPARTMENTAL EXPENSE - AWARDS AND DAMAGES.

Councilman Tuttle moved adoption of subject ordinance amending the 1970-71 Budget Ordinance authorizing the transfer of \$7,365.00 of Water and Sewer Fund Contingency to Non-Departmental Expense - Awards and Damages. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 456.

RESOLUTION ACCEPTING A FEDERAL SANITARY SEWER CONSTRUCTION GRANT FOR ADDITIONS TO THE IRWIN CREEK PUMPING STATION.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution accepting a federal sanitary sewer construction grant for additions to the Irwin Creek Pumping Station, in the amount of \$82,500.00.

The resolution is recorded in full in Resolutions Book 7, at Page 163.

RESOLUTION ACCEPTING A FEDERAL SANITARY SEWER CONSTRUCTION GRANT FOR TAGGART CREEK INTERCEPTOR.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted accepting a federal sanitary sewer construction grant for Taggart Creek Interceptor in the amount of \$47,100.00.

The resolution is recorded in full in Resolutions Book 7, at Page 164.

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APPRAISAL CONTRACT WITH L. H. GRIFFITH FOR APPRAISAL OF ONE PARCEL OF LAND FOR THE EASTWAY DRIVE PROJECT, APPROVED.

Councilman Short moved approval of appraisal contract with L. H. Griffith for appraisal of one parcel of land at a fee of \$175.00 for the Eastway Drive Project. The motion was seconded by Councilman Withrow, and carried unanimously.

ENCROACHMENT AGREEMENTS WITH STATE HIGHWAY COMMISSION FOR SANITARY SEWER CONSTRUCTION FOR SUGAR CREEK ROAD WIDENING, AUTHORIZED.

Councilman Short moved that encroachment agreements be authorized with the State Highway Commission for existing sewer lines in the widening project of Sugar Creek and for the extension of an 8-inch main 352 feet long. The motion was seconded by Councilman Alexander.

Councilman Whittington asked when the State Highway is going out to contract on the Sugar Creek Road widening? The City Manager replied the design work has been completed for a considerable time as the city did this. Councilman Whittington requested the Public Works Director to get an answer on when the State is going out to contract.

The vote was taken on the motion and carried unanimously.

CERTAIN PROPERTY TRANSACTIONS AUTHORIZED.

The following property transactions were presented for consideration by the Council:

- (a) Acquisition of 5' x 440' of property at 2820-22 and 2826-28 Irby Drive, from William Spier Jr. and wife, Phyllis L., at \$1,500.00, for the Sugar Creek-Briar Creek Flood Control.
- (b) Acquisition of construction easement 10' x 70' at 3126 Westfield Road, from E. A. Abercrombie and wife, Elizabeth F., at \$100.00, for the Sugar Creek-Briar Creek Flood Control.
- (c) Acquisition of 20' x 160' of property at 3321 Willow Oak Road, from Margaret W. Walker, widow, at \$700.00, for the Sugar Creek-Briar Creek Flood Control.
- (d) Acquisition of 20' x 150' of property at the corner of Reese Road and Sugar Creek, from Colonial Realty Company, at \$500.00, for the Sugar Creek-Briar Creek Flood Control.

Councilman Short stated he has in mind to defer approval of these property transactions. That these are tiny bits of land along the edge of Sugar Creek and that Mr. Poley be requested to give Council some written explanation by next week as to what efforts have been made to get this land donated. He stated he would like to have this information as Council is asked to spend \$1500 in one instance, \$700, and \$500 in other instances of the taxpayer's money for the benefit of helping these people to protect their land from flooding. He stated there may be some plausible reason why they cannot donate the land but he wants to know the reason.

Mr. Veeder, City Manager, replied in the \$1500 for William Spier and wife, it is severance damage for 440 feet of chain link fence and assorted trees; the E. A. Abercrombie and wife, in the amount of \$100.00, is for trees; the \$700.00 to Margaret W. Walker is for 200 feet plus, or minus, of chain link fence and assorted oaks and elms; the \$500.00 to Colonial Realty Company is for a construction easement to permit construction contractors to operate vehicles on paved areas of his property. Mr. Veeder stated it is not land per se; it is improvements that have to be removed from the property with a dollar value attached.

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Councilman Short asked why Colonial cannot permit the city to go on its land without charging \$500.00?

Mr. Bobo, Assistant City Manager, stated most of these people have already donated land for the widening. This additional land is required by the Corp of Engineers for haul roads so the contractor can get in and do the actual construction. That the city has had to go back because the Corp of Engineers asked the city to provide access roads for the contractor to work through. Getting outside the creek area involves fences and trees and this type of thing.

Councilman Short asked if this is the last of the acquisitions? Mr. Bobo replied there is one more property owner to be negotiated with and it involves about six pieces of property; then the city can go to the Corps of Engineers and say the city is ready to go to work.

Councilman Short stated when this comes up he would like an explanation of why these people cannot donate this land because so many others have? Mr. Bobo stated actually they are donating the land but are being paid for some of the damage happening to their property.

Councilman Whittington stated he has tried to bring this up before. That Mr. Bobo and Mr. Veeder have made a good explanation here but the people along these creeks will not get this explanation and those who offered their land for the improvement of the flooding along Sugar Creek and Briar Creek did so long before we talked about paying anyone for any improvements. That he said then and again today, that to pay those people for these improvements is a mistake based on the fact that over 75% offered their property on request free. The thing he does not understand further is that up and down this creek, and now we have been over to Irwin Creek and are still buying some of this right of way; that the picture should be put together and see if this is a part of the Sugar Creek development that Mr. Tuttle has been talking about, or if this is just development of land for Model Cities. He stated he is not going to vote to approve this one or any other until the public knows fully what is going on and why.

Mr. Bobo stated there are three projects involved. One is the flood plain property which is before Council today; then there is the project Mr. Tuttle is interested in; then the Model Cities project. The project Council is concerned with today is flooding; this is the parcel from Archdale Drive to Princeton Avenue. This is where Mr. Tuttle's project would begin.

Mayor Belk asked that a meeting be set up and explain all three of the projects, so that Council will have a complete picture.

Mr. Bobo stated the city has worked so long on the flood plain project and the Corp of Engineers is running out of patience; that he would not like to see the City delay it.

Councilman Withrow asked if the City will have to replace the fences? Mr. Veeder replied either replace them or pay for them.

Councilman Tuttle moved that a, b, c and d be approved. The motion was seconded by Councilman Alexander.

Councilman Short stated the way it was explained to him the city is not paying damages on item (d) and he is going to vote against the motion because of (d). Councilman Whittington stated he does not want to vote against it and he respects what Mr. Bobo has said but he thinks as Councilmen we should have more facts than we have, and he is not going to vote for it if a motion is insisted upon today.

The vote was taken on the motion and failed to carry for the lack of an affirmative four (4) votes. The vote was as follows:

YEAS: Councilmen Tuttle, Alexander and Withrow.
NAYS: Councilman Whittington and Short.

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Councilman Tuttle suggested in the future the location be noted on the agenda as to it being between Princeton and whatever street, and this will identify the project.

Councilman Tuttle moved approval of the property transactions under (a), (b), and (c), as follows:

- (a) Acquisition of 5' x 449' of property at 2820-22 and 2826-28 Irby Drive, from William Spier, Jr. and wife, Phyllis L., at \$1,500.00 for the Sugar Creek-Briar Creek Flood Control.
- (b) Acquisition of construction easement 10' x 70' at 3126 Westfield Road, from E. A. Abercrombie and wife, Elizabeth F., at \$100.00 for the Sugar Creek-Briar Creek Flood Control.
- (c) Acquisition of 20' x 160' of property at 3321 Willow Oak Road, from Margaret W. Walker, widow, at \$700.00, for the Sugar Creek-Briar Creek Flood Control.

The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilmen Tuttle, Short, Alexander and Withrow.
NAYS: Councilman Whittington.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY AT 3407 FREW ROAD, FROM JULIA WELCH TORRENCE FOR SANITARY SEWER TO SERVE AALOHA APARTMENTS.

Councilman Short moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of 10' x 20' of property, and 71.35' x 10' decreasing to 4 feet of property at 3407 Frew Road, from Julia Welch Torrence, at a condemnation price of \$296.00 for sanitary sewer to serve Aaloha Apartments. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 165.

CONTRACT WITH JERRY TURNER AND ASSOCIATES FOR DESIGN OF A NEIGHBORHOOD PARK IN THE BELMONT SECTION OF THE MODEL NEIGHBORHOOD, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject contract with Jerry Turner and Associates in an amount not to exceed \$7,800.00 for the design of a neighborhood park on Pegram Street in the Belmont Section of the Model Neighborhood.

REVISIONS IN CITY GROUP LIFE INSURANCE PROGRAM TO INCLUDE ADDITIONAL INSURANCE PROTECTION FOR EMPLOYEES IN THE EVENT OF ACCIDENTAL DEATH OR DISMEMBERMENT, APPROVED AND ORDINANCES TRANSFERRING FUNDS FOR THIS PURPOSE ADOPTED.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the revisions in the City Group Life Insurance Program as follows:

- (a) Revisions in the City Group Life Insurance Program to include additional insurance protection for employee in the event of accidental death or dismemberment.
- (b) Ordinance No. 937-X amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$14,070.00 from the General Fund Contingency Account.
- (c) Ordinance No. 938-X amending Ordinance No. 732-X, the 1970-71 Budget Ordinance authorizing the transfer of \$2,258.00 from the Water and Sewer Fund Contingency Account.

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Mr. Veeder, City Manager, stated this is in direct response to interest Council showed, and it is tied directly to the existing life insurance coverage.

Councilman Short requested that the city personnel be advised of this change in the insurance coverage.

The ordinances are recorded in full in Ordinance Book 17, beginning on Page 457.

ORDINANCE NO. 939 AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF CHARLOTTE BY ESTABLISHING A NEW COMMISSION ENTITLED: "MODEL NEIGHBORHOOD ADVISORY COMMISSION."

The subject ordinance was presented for approval by the Council.

Mr. Carstarphen, Assistant City Manager, stated the Mayor will be designated as one of the City's representatives on the Commission and will serve as Chairman. In the report presented to Council two weeks ago, it was suggested that the Mayor no longer be a member of the Commission. After discussing it with the Model Neighborhood Commission, the Commission recommended by vote, that the Mayor continue to serve as Chairman. The Commission also expressed a concern in addition to the Mayor serving as Chairman, that the City Council's one representative on the Commission continue to serve in that position. He stated the ordinance before Council today will provide for a 16 member commission with the Council's one representative being among that number, as well as the Mayor who will serve as Chairman.

Mayor Belk commended Councilman Alexander for his leadership on the Commission and for the fine and hard work he has done in representing the City; that he does not think it would be as far along if he had not served.

Mr. Carstarphen stated the Model Neighborhood Commission met on November 5 in a special session to review the report. It was presented to the Commission in its entirety and the two recommendations which the Commission made are reflected in the ordinance before Council today. The two relate to the continuation of the Mayor as Chairman, and secondly, to the two year terms for elected neighborhood representatives with the maximum of four years in terms, and one year terms for the appointed members of the Commission with a maximum of four years.

Councilman Alexander stated we should be pleased that the request for the Mayor to remain as the Chairman of this Commission comes from the citizens of the Model Neighborhood. In many instances where there is confrontation with citizens participation, it is well to be reminded of the fact that this has not happened in this instance and we have had very little citizen participation confrontation in our operation of the Model Cities Program. The earnest desire of these citizens to be concerned that our Mayor is Chairman of the Commission and the desire that he remain so reflects the good will that must exist between the citizens, the Mayor and the Council.

Councilman Alexander moved adoption of the subject ordinance establishing the Model Neighborhood Advisory Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, beginning at Page 459.

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TRANSFER OF CEMETERY DEEDS.

Councilman Short moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots. The motion was seconded by Councilman Tuttle, and unanimously carried.

- (a) Deed with James Criswell, Jr. for Graves No. 1 and 2, in Lot No. 707, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Mrs. Doris L. Hill for Grave No. 3, in Lot No. 145, Section 3, Evergreen Cemetery, at \$80.00.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, authorizing the following special officer permits for a period of one year:

- (a) Renewal of permit to James E. Porter for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond.
- (b) Renewal of permit to John H. Miller for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond.
- (c) Renewal of Permit to James R. Wall for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR STREET RESURFACING, BELMONT NEIGHBORHOOD IMPROVEMENT.

Upon motion of Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Blythe Brothers Company, in the amount of \$47,660.36, on a unit price basis, for street resurfacing, Belmont Neighborhood Improvement.

The following bids were received:

Blythe Brothers Company	\$47,660.36
Rea Construction Co.	49,265.70
Asphalt Construction Co., Inc.	51,642.15
Dickerson, Inc.	52,925.40

RE-APPOINTMENT OF LOUIS H. ASBURY, JR. TO THE ZONING BOARD OF ADJUSTMENT.

Councilman Tuttle moved the re-appointment of Mr. Louis H. Asbury, Jr. to the Zoning Board of Adjustment, retroactive to January 30, 1970. The motion was seconded by Councilman Whittington, and carried unanimously.

REPORT ON USE OF CERTAIN STREETS AS PLAY AREAS.

Councilman Alexander asked if anything has been done about his request that certain streets in the Earle Village area be blocked off for play areas? Mr. Veeder, City Manager, replied he has received the first report on the request from the Traffic Engineering Department. In reviewing that report in the office, they thought it would be desirable to sit down with a representative of the Housing Authority and the Park and Recreation before bringing it to Council.

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REQUEST THAT HOUSING AUTHORITY COME TO COUNCIL TO REPORT ON WORK STOPPAGE IN THE WINDSONG TRAIL DEVELOPMENT.

Councilman Alexander stated he read in the paper where the Housing Authority has stopped the development in Arrowood of Windsong Trail. He does not know their reasons but he would like for Council to ask the Housing Authority to come to Council and bring us up to date and explain their reasons for the report he read in the paper.

CITIZENS OF CHARLOTTE URGED TO SEND LETTERS TO HANOI AND TO PRAY FOR SAFE RETURN OF ALL PRISONERS OF WAR.

Mayor Belk requested Council to go on record congratulating Mr. Roddy Dowd and WBT for the excellent work they are doing in writing letters to Hanoi in reference to the POWs and especially at this time of Thanksgiving. Mayor Belk urged every citizen in our community to write a letter to help our POWs so that it will show that Charlotte, North Carolina, above every other city, cares for their citizens. Not only for the citizens of the Queen City of Charlotte but for all of the USA who is making our country as great as it is.


Councilman Short moved approval of the request. The motion was seconded by Councilman Whittington, and carried unanimously.

REQUEST THAT ALBRIGHT FAMILY ON SHARON WOODS LANE RECEIVE INFORMATION GIVEN TO COUNCIL BY CITY ATTORNEY.

Councilman Whittington stated all members of Council have received a letter from the Albright Family on Sharon Woods Lane. That the City Attorney sent copies of his view to Council. He requested that the Albright Family and anyone else who wrote to Council about the problem of their property be answered in the form of the letter Mr. Underhill sent to Council.

ADJOURNMENT.

Upon motion of Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk