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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 30, 1970 at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

PETITION OF CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND VARIOUS SECTIONS OF THE ZONING AND SUBDIVISION ORDINANCES TO ESTABLISH NEW REGULATIONS TO GOVERN MULTI-FAMILY RESIDENTIAL DEVELOPMENTS DEFERRED AND PLANNING COMMISSION TO SCHEDULE ANOTHER HEARING BEFORE THE JOINT BOARDS.

Councilman Whittington moved that decision on the subject petition be deferred and the Planning Commission be requested to have another hearing before the Board of County Commissioners and the City Council as it relates to apartment zoning. The motion was seconded by Councilman Jordan, and carried unanimously.

DECISION ON ORDINANCE AMENDING CHAPTER 10A ENTITLED: "HOUSING" BY REPEALING IN ITS ENTIRETY CHAPTER 10A AND SUBSTITUTING IN LIEU THEREOF A NEW CHAPTER 10A ENTITLED: "THE HOUSING CODE OF THE CITY OF CHARLOTTE", DEFERRED FOR TWO WEEKS.

Motion was made by Councilman Thrower, and seconded by Councilman Withrow to defer decision on the subject ordinance for two weeks. The vote was taken on the motion and carried unanimously.

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

Councilman Tuttle moved that the subject petition be approved changing the zoning from O-6 to B-1 in lieu of the requested B-2. The motion was seconded by Councilman Jordan.

Councilman Whittington stated when Council thinks about Eastway Drive, it should be reminded of what the Planning Commission has recommended from the beginning and what the City Council has tried to do from the time this road was made four-lane, and that is not to strip it business from one end to the other. He stated there is no business zoning at this location; the nearest business is at the corner of Eastway Drive and the Plaza. He thinks Council would make a serious mistake to consider this corner for business at all. If you go just across the railroad track and look at the strip from Garinger High School all the way to the Burger Chef, you would be reminded of the three times that those people who own that property have come here and requested business on their property. To do this just across the railroad track would be a serious mistake and he would urge Council not to vote for this motion.

Councilman Short stated he would like to suggest that all the industrial land in this area be rezoned to a more restrictive zoning - at least up to B-1, and when the decision is given on the general reorganization, that Council consider Mr. Minor's petition along with this. That if Council has to vote for Mr. Minor's petition alone in the face of what Mr. Whittington has pointed out, he cannot vote for the petition; but, if Council can consider the entire area along there and at the same time give some consideration to Mr. Minor's request, then he would be willing to consider it on that basis.

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Councilman Short made a substitute motion to set a public hearing on Monday, December 21, 1970 at 2:00 p.m. to consider changing the zoning of property on Eastway Drive south of the Norfolk-Southern Railroad from I-1 to B-1 and B-2. More specifically, the property involved would be the east side of Eastway, from the railroad through one lot south of Purser Drive, and the west side of Eastway Drive, from the Westinghouse property to Sugar Creek Road. All this will be considered for a change to B-1 except the southeast corner of Eastway and Finchley and the southeast corner of Eastway and Purser. These two corners will be considered for B-2 since they are now occupied by uses requiring B-2 zoning. Further, that a decision on Petition 70-128 be taken up at the same time as the decision on this new hearing and petition. The motion was seconded by Councilman Thrower.

Councilman Thrower requested Mr. Short to make a few minor modifications. That rather than specifically trying to pre-determine any way the Council and Planning Commission might want to rezone the property that Council just hold a public hearing and leave out the recommendations. Councilman Short replied these are not recommendations, they are matters that would be listed on a legal petition to rezone the property from one classification to another. In order to have a legal petition these matters would have to be included in the petition. That this is not put forth as a suggestion but as the ingredients of a petition; you cannot have a petition without putting the specifics in it. Councilman Thrower asked the City Attorney if Council cannot have a general hearing rather than a hearing on specific properties? Mr. Underhill replied you must define the areas under consideration and define what zoning classification would be under consideration.

Councilman Tuttle stated in this motion it is asking that the land be reviewed by the Planning Commission for the purpose of zoning it I-1, B-1 and B-2. Why delay the petitioner when B-1 is the lesser of the very zonings that the study will be on? How can you have a lesser zoning than B-1? Councilman Short replied he is not asking for a study; this is approximately 1,100 feet when you consider both sides of the road, and it is simply asking to upgrade the zoning along here from Industrial to several other categories that are more restrictive.

Councilman Withrow stated when he first came on City Council, Mr. Gene Johnson had a petition before Council for rezoning on Eastway Drive. He stated he was told at that time that the Planning Commission had set aside Eastway Drive for no business. That if Council is going to start rezoning property along Eastway Drive as Business, then Mr. Johnson's property should be included. He stated he thinks if you are going to business, then you should go farther than the railroad tracks. Councilman Jordan stated there is some industrial zoning along there now and this is asking to upgrade the zoning to B-1.

Councilman Withrow stated Council needs to decide what it is going to do with Eastway Drive; whether business will be allowed or whether business will not be allowed.

Councilman Short stated he has discussed this matter with one of Mr. Dick Stoeber's associates, and this party indicated the motion he made is a procedure that is agreeable to the petitioner.

After further discussion, the vote was taken on the substitute motion by Councilman Short, and lost by the following vote:

YEAS: Councilmen Short and Thrower.

NAYS: Councilmen Alexander, Jordan, Tuttle, Whittington and Withrow.

Councilman Whittington made a substitute motion to deny the petition. The motion was seconded by Councilman Thrower, and carried by the following vote:

YEAS: Councilmen Whittington, Thrower, Short and Withrow.

NAYS: Councilmen Alexander, Jordan and Tuttle.

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ORDINANCE NO. 953-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND FRONTING 142 FEET ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD AND 462 FEET ON THE SOUTHWEST SIDE OF HOLBROOK DRIVE.

Councilman Whittington moved that the subject ordinance be adopted changing the zoning from R-9 to O-6 rather than the requested B-1 and O-6. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 483.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Jordan moved the following property transactions be authorized. The motion was seconded by Councilman Whittington, and unanimously carried.

- (a) Acquisition of construction easement at 1901 Sharon Lane, from H. F. Harrelson and wife, Sarah W., at \$50.00 for the Sharon Lane Widening.
- (b) Acquisition of construction easement at 2125 Sharon Lane, from Fred D. Collins and wife, Effie E., at \$125.00, for the Sharon Lane Widening.
- (c) Acquisition of construction easement at 1940 Sharon Lane, from Claire J. Hefelfinger, widow, at \$85.00, for the Sharon Lane Widening.
- (d) Acquisition of 10.08' x 70.91' x 10' x 72.28' of property at 3621 Eastway Drive, from Walter Lee Hughes and Emma Louise F. Hughes, at \$750.00, for the Eastway Drive Project.
- (e) Acquisition of 26.96' x 75' x 23.74' x 75.06' of property at 3727 Eastway Drive, from Mrs. Hulda Bridgeman King, at \$1,950.00, for the Eastway Drive Project.
- (f) Acquisition of 75' x 21.52' x 75.03' x 23.74' of property at 3721 Eastway Drive, from Louis Henry Borchert and Margaret B. Borchert, at \$1,920.00, for the Eastway Drive project.
- (g) Acquisition of 17.15' x 75.02' x 19.02' x 75' of property at 3720 Eastway Drive, from Martha J. Allen (divorced), at \$1,850.00, for the Eastway Drive Project.

PROGRESS REPORT REQUESTED ON SHARON LANE AND EASTWAY DRIVE PROJECTS.

Mayor Belk requested the City Manager to give Council an up-to-date progress report on Sharon Lane and Eastway Drive Projects.

SPECIAL OFFICER PERMIT AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, a Special Officer Permit was approved for a period of one year to Mrs. Nezzie O. King for use on the premises of K-Mart, Inc., 3700 North Independence Boulevard.

CONSTRUCTION OF SANITARY SEWER TRUNK, AUTHORIZED.

Councilman Withrow moved approval of a contract with Smith's Transfer Corporation for the relocation of 485 lineal feet of 10-inch trunk on the north side of I-85 near Mason Dixon Motor Line, inside the city, at an estimated cost of \$5,389.45. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and is non-refundable as per terms of the agreement. The motion was seconded by Councilman Jordan, and unanimously carried.

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RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR A CENTRAL BUSINESS DISTRICT SIGNAL STUDY.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted authorizing the execution of a municipal agreement between the City of Charlotte and the North Carolina State Highway Commission for a Central Business District Signal Study contained in the Topics Program.

The resolution is recorded in full in Resolutions Book 7, at Page 195.

ORDINANCE NO. 954-X AMENDING THE 1970-71 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FROM THE UNAPPROPRIATED BALANCE OF GENERAL FUNDS TO BE USED TO COVER THE ADDITIONAL COST OF PURCHASING AUTOMOBILES FOR THE POLICE DEPARTMENT.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, adopting the subject ordinance amending the 1970-71 Budget Ordinance, authorizing the transfer of \$33,218.00, of the Unappropriated Balance of General Funds to be used to cover the additional cost of purchasing automobiles for the Police Department.

The ordinance is recorded in full in Ordinance Book 17, at Page 484.

CONTRACT AWARDED DODGE COUNTRY, INC. FOR 42 AUTOMOBILES FOR THE POLICE DEPARTMENT.

Councilman Withrow moved award of contract to the low bidder, Dodge Country, Inc., in the amount of \$131,782.88, on a unit price basis, for 42 - 8-cylinder automobiles for the Police Department. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Dodge Country, Inc.	\$131,782.88
Carolina Chrysler-Plymouth	133,942.30
Town & Country Ford	135,029.90
Young Ford, Inc.	136,699.70
LaPointe Chevrolet Co.	138,369.62

CONTRACT AWARDED DODGE COUNTRY INC. FOR 9 AUTOMOBILES FOR VARIOUS DEPARTMENTS.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, contract was awarded to the low bidder, Dodge Country, Inc., in the amount of \$25,416.27, on a unit price basis, for nine 8-cylinder automobiles for various departments.

The following bids were received:

Dodge Country, Inc.	\$ 25,416.27
Town & Country Ford	25,533.81
Young Ford, Inc.	25,753.77
Carolina Chrysler-Plymouth	25,810.38
LaPointe Chevrolet Co.	26,580.06

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CONTRACT AWARDED TOWN & COUNTRY FORD FOR TWO STATION WAGONS FOR PLANNING AND TRAFFIC ENGINEERING DEPARTMENT.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Town and Country Ford, in the amount of \$6,424.82, on a unit price basis, for two 8-cylinder Station Wagons for Planning and Traffic Engineering Departments.

The following bids were received:

Town & Country Ford	\$ 6,424.82
Young Ford, Inc.	6,492.82
Dodge Country, Inc.	6,525.80
Carolina Chrysler-Plymouth	6,572.12
LaPointe Chevrolet Co.	6,684.68

REPORT ON CONTROLS OF WATER SYSTEMS BEYOND THE CITY WATER SYSTEM.

Councilman Alexander asked what controls the number of families that can hook up to a water system which is located beyond the city water system? Mr. Underhill, City Attorney, replied generally, if it is beyond the city's system, it is controlled by the N. C. Public Utilities Commission; that the Commission operates primarily in the area of rates, but also in the area of adequacy of service. The Health Department might have some control. That anyone serving a group of residents would be required to follow all the procedures set forth in the law for operating a public utility. The Utilities Commission has staff people who check on these operations.

MAP STREET ACT TO BE PRESENTED AT CONFERENCE SESSION.

Councilman Short requested a report on the Map Street Act. The City Attorney advised he has discussed this with Mr. Josh Birmingham of the Public Works Department, and they plan to present this to Council at a conference session.

COUNCIL REQUESTS ON SITE VIEW OF STREET AND ROAD PROJECTS.

Councilman Tuttle stated he cannot walk a block or have lunch around a group of men at any time in this city without getting questions about Rea Road, Sugar Creek Road and I-85 and other projects. That it is most difficult to intelligently answer these questions when you are not thoroughly familiar with the work that is going on all over town.

He asked the City Manager to comment on the feasibility of Council viewing these projects as a group every 60 to 90 days? Mr. Veeder replied he would be delighted to schedule this; that it can be done on any pre-determined interval that Council wishes. That he will come back to Council with positive suggestions.

PLANNING COMMISSION AND INSPECTION DEPARTMENT REQUESTED TO REPORT ON SURVEYS BEING MADE IN DILWORTH AREA.

Councilman Whittington requested the City Manager to have the Planning Commission to give Council a report on the survey they are making in Dilworth. That Council was informed over 60 days ago it would be about 45 days before the report would be ready. That there is at least one zoning petition being held up because of this study. He stated he has also had a lot of inquiries from church people since he made the statement as it relates to Dilworth and the need for enforced inspections in this area, and he would hope that the City Manager would ask Mr. Jamison to keep Council advised on the progress his department is making there.

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MAYOR TO WRITE LETTER OF APPRECIATION TO COMPANIES MAKING CONTRIBUTIONS FOR MINI PARK.

Councilman Whittington stated he read in the newspaper last week about the contribution that Jones Construction Company and another company made for the mini-park which will be located off Caldwell Street, behind the Red Carpet Inn. That these two firms have furnished the money for this park.

He requested the Mayor to write a letter of appreciation to these people on behalf of the Mayor and Council.

DECEMBER 24 GRANTED AS ADDITIONAL CHRISTMAS HOLIDAY FOR CITY EMPLOYEES.

Councilman Tuttle moved that Thursday, December 24th be granted as an additional Christmas Holiday for City Employees. The motion was seconded by Councilman Thrower, and carried unanimously.


REQUEST THAT SOME CONFERENCE SESSIONS OF COUNCIL BE HELD IN COUNCIL CHAMBER.

Mayor Belk stated he talked with Mr. Bobo, Assistant City Manager, this morning about the Conference Sessions. That some of the Conferences should be held in the Council Chamber rather than in the Conference Room. Councilman Tuttle stated he has never seen the point in sitting in the Conference Room crowded up when the conference meeting could be held in the Council Chamber.

Mayor Belk requested the City Manager to take this idea into consideration in planning the Conference Sessions.

MEETING ADJOURNED UNTIL 10:00 A. M. TUESDAY, DECEMBER 1, 1970.

Councilman Jordan moved that the meeting be adjourned until 10:00 o'clock A. M. Tuesday, December 1, 1970. The motion was seconded by Councilman Tuttle, and carried unanimously.


Ruth Armstrong, City Clerk