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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, March 15, 1971, at 2:00 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, Joe D. Withrow 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 Tate, and Commissioners Albea, Blanton, Godley, Moss, Sibley, Stone, Toy and Turner.

ABSENT: Commissioner Ross.

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INVOCATION.

The invocation was given by Reverend H. L. Ferguson, Minister of Thomasboro Baptist Church.

MINUTES APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the minutes of the last meeting, on Monday, March 8, 1971, as submitted.

HEARING ON PETITION NO. 71-13 BY JAMES HUGH MILL TO CONSIDER CONDITIONAL APPROVAL FOR OFF-STREET PARKING UNDER SECTION 23-39 ON PROPERTY NOW ZONED R-6MF AT 2030 VAIL AVENUE.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and is 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, stated the request is for conditional parking approval on property that is now zoned R-6MF on Vail Avenue. The subject property is a single lot and is used for a single family residential purpose as is all the property immediately surrounding it. He stated at the corner of Chase Street and Vail Avenue is a church and the Mercy Hospital is located on Vail Avenue all the way over to Fifth Street. Along Randolph Road are several office facilities. With those exceptions, the area is predominately used for single family residential purposes.

He stated the subject property, as is property on both sides of Vail Avenue, is zoned R-6MF; the property on Randolph Road behind the property in question is zoned O-6 and this is true along both sides of Randolph Road out to Van Ness. It is basically a pattern of O-6 zoning along Randolph Road and one block of Vail with the remaining part of the area R-6MF.

Mr. Bryant stated there is a lot directly behind the subject property facing on Randolph Road on which he understands the petitioner desires to build an office building and use the subject lot for parking in conjunction with that building.

Mr. Ned Wallace, Realtor, stated he is representing the petitioner, Mr. Mill. That they propose to build an office building on the Randolph Road side of the property and to utilize the Vail Avenue property for parking. They

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understand some of the houses that now exist on Vail Avenue will be utilized for parking for Mercy Hospital. There are some office buildings which adjoin their property with parking that goes back to the houses that now exist on Vail Avenue. He stated the neighborhood is changing and office is coming in on Randolph and they feel this will be a very reasonable use of the property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 71-15 BY DON'S, INC. AND ALICE DEW COMPANY, INC. FOR A CHANGE IN ZONING FROM R-9 TO O-6 AND B-1 OF PROPERTY FRONTING APPROXIMATELY 105 FEET ON THE NORTH SIDE OF HUNTLEY PLACE, BEGINNING 250 FEET EAST OF PROVIDENCE ROAD.

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

The Assistant Planning Director advised the subject property is located on Huntley Place and has on it a building being utilized for a beauty shop. He stated the present business zone line which is defined as 250 feet back from Providence Road goes through the building located on the lot so that a part of the request is to change the portion of the lot that is affiliated with that building to a B-1 classification and move the business line about 35 feet to include all the property that is associated directly with the building through which the zoning line now goes. The adjoining lot is vacant but is being used partially for parking. It is now zoned single family and the request is to zone that lot O-6.

Mr. Bryant stated beginning with the subject lot and proceeding down Huntley Place towards Cherokee the area is solidly developed for single family residential purposes. Bolling Road intersection is opposite a portion of the subject property and down Bolling, it is also single family residential structures. He pointed out the shopping center on Providence Road which includes a number of stores, service station and Myers Park Hardware.

He stated the B-1 zoning extends down Huntley Place 250 feet from Providence Road; there is business zoning along Providence Road adjacent to Perrin Place, Middleton and Cottage Place. Behind the business zoning is a tier of office zoning along Cottage, Middleton and Perrin Place. Along Huntley Place, from the 250-foot business zone line, the single family residential zoning begins and continues down Huntley. There is business zoning on Providence to accommodate the shopping center. Basically, there is a configuration of B-1 zoning along Providence Road, and single family residential zoning down Huntley Place.

Councilman Short stated behind most of the property on Providence Road, there is an office buffer; he asked if that is true of the subject property? Mr. Bryant replied Huntley Place is the exception to that rule. There is a spot of office zoning on Perrin Place which comes to the rear corner of the subject property.

Mr. Irvin Boyle, Attorney for the petitioners, stated the petition involves two lots which have street access on Huntley Place. The lots are contiguous; the front lot faces the rear of a Shell Oil station which fronts on Providence Road; the rear line of the second lot is marked by a brick wall and running lengthwise of that lot also is a wall. The property was acquired in 1966 and in 1968. At that time the front lot contained the old Hemby residence which had been used as a beauty parlor for 12-15 years. The present owners of the property are the same persons who were leasing it and using it as a beauty parlor during that period of time. The rear lot for that number of years has been used for employee parking.

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Mr. Boyle stated in July, 1970, the present owners applied for a building permit to add a small portion on the building which was on the front lot. In September, 1970, the Building Department, after an inspection of the building, notified the owner that a portion of the front lot was zoned B-1, the remainder was zoned R-9 and the lot to the rear, which had been used for parking, was zoned R-9, and they could not use the rear portion of the front lot and the rear lot for vehicles that were associated with the business being conducted in the front of the house.

He stated this is the only lot zoned B-1 from Dartmouth Place all the way to Huntley Place which does not have between the B-1 zoning and the residential zoning a buffer of office zoning. The scope of the request is to extend B-1 zoning on the front lot to the rear line of the lot; and to provide a buffer zone between the B-1 and the residential area by putting O-6 which would permit the use of the lot for parking. If that is done, it will place the subject property on the same basis as all other property similarly situated on Providence Road, and would eliminate the discrimination.

Mr. Boyle stated it would have suited them to continue using the property as they had been using it if the city had not cited them for the violation. He stated they should be put on the same basis as any other property owner. He stated it would suit them to have the conditional zoning on the property. All they want is to use the front lot as B-1 and the back lot for employee parking. If conditional parking instead of office zoning will do it, the owners will be satisfied.

Mr. Edgar Love stated he is a resident of 223 Huntley Place and is an attorney. He stated he is appearing as a resident with the other residents of Huntley Place and Bolling Road. He stated they have petitions from every single resident of Bolling Road and every single resident of Huntley Place in opposition to the petition for a change in zoning. He filed the petition with the City Clerk.

Mr. Love stated the residents are unanimously opposed to the petition, and many are with him today. He stated this is the third time this question has come before Council for rezoning. The line 250 feet back, as business, was established in 1954; in 1960 there was a petition to rezone the back part of the front lot on which Don's, Inc. sits as B-1, and a petition to rezone the vacant lot to a different residential use; that petition was unanimously defeated.

He stated Huntley Place and Bolling Road are solid residential streets; Eastover School is located at one end of Huntley Place and a Library at the other end of Huntley Place; the point where the lot is situated is where Bolling Road, a turn around street, comes into Huntley Place; there is an alley from the back of the A & P Store which empties onto Huntley Place at the point where Bolling Road comes into Huntley Place and where the lot is; it would create a terrible traffic situation at the top of the street. That Mr. Boyles says that Don's, Incorporated and Alice Dew, Inc. want to use the back lot as parking; but he has not filed a conditional petition. Mr. Love stated they must deal with the petition as a petition to rezone the property B-1 and O-6 and they must consider what possible uses of the property can be made with that zoning. Once the property is zoned, it will not be changed and they must consider it as a potential part of a larger purchase; they must consider that the parcel could be added with other parcels behind it and along side it to put up whatever the zoning would call for. The petitioner also says that rezoning the lot would create a buffer zone between business and residential property like the buffer zone which exists behind other lots on Providence Road. That those lots are not zoned the same as the lot on Huntley Place; they are zoned R-6MF. Huntley Place is zoned R-9, and no buffer is needed.

Mr. Love stated the petitioner bought the lot with the zoning line going through the house in 1968; now she says it is discriminatory to have no O-6 behind. Why should it be changed now? Other people have built relying upon that zoning and they should not be penalized by the proposed change. Mr. Love stated they oppose any change for rezoning; they oppose any conditional use. That any parking which has been going on has been in violation of the zoning ordinance and protests have been made about it.

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Mrs. Robert Howerton stated she is very interested in Eastover School which is located at the dead-end of Huntley Place, between Middleton and Huntley on Cherokee Road; the plans are in the making to renovate the school and to add to the school. When that is done, it will cut off all the playground area on the side the school is on; and the children will have to cross Cherokee Road when they have their outdoor play period. That the increased traffic on Huntley would be very detrimental to the children of Eastover School.

Mr. Harry Faggart stated he is an attorney but he is appearing today as a resident of Huntley Place protesting the petition. He stated as he understood the Minutes of the Meeting in 1960, the use of the entire house for business purposes was allowed as long as that building stood. In 1954, it was decided that the business zoning on Huntley Place would run no further back than 250 feet; that was reaffirmed in 1960. That Mr. Boyles mentioned there is an office zoning strip all the way down to the business zoning on Providence Road until you reach Huntley Place. He stated you should consider the differences in the neighborhood and the other streets. There is an intersection which is 100 feet from one of the most heavily traveled intersections in Charlotte at East Morehead, Queens Road and Providence Road; there is a great deal of shopping in the strip of business along Providence Road; there is an alley from the shopping center going out the rear into Huntley Place; there is a great deal more congestion than you would have at any of the other streets. Much of the traffic in Eastover in coming to the shopping center comes out Huntley Place. He stated all the valid reasons against rezoning in 1960 are still applicable today but to a greater degree. He stated the traffic on Providence Road in 1962 was 6400 automobiles per day from 7:00 A.M. to 7:00 P.M. The traffic in 1970 is 11,400 per day, from 7:00 A.M. to 7:00 P.M. He referred to an editorial from the morning's Observer about balancing neighborhood wishes with community needs, and stated there is no need for further business in the area; they have all the business that is needed in the shopping center and along Providence Road. He stated if residential neighborhoods are to be maintained then zoning lines as drawn must be defended against encroachment.

Mr. A. C. Edwards, 1030 Bolling Road, stated he is representing the residents of Bolling Road, which is a dead-end turn-around street, and they are opposed to the rezoning because of the safety of their children and their homes.

Mr. Erwin Jones, President of Eastover Resident's Association, stated he is representing the Board of the Association and they are opposed to the proposed change in zoning. He stated in the paper recently he saw where the Director of the Planning Commission was reported to say "The most important government policy that affects the future area is zoning; if zoning policy is firm and stable providing a firm commitment to continual residential use of the area now zoned for that use, then existing homeowners and people considering the purchase of homes in that area can have confidence in their residential investment. The residents of a particular community should consider the formation of a citizen's association for the purpose of preserving and enhancing the continuing livability of their neighborhood." Mr. Jones stated this is what they did two years ago; and they have over 300 families involved. They like their neighborhood and they think they have a fine residential area and they would like to keep it that way.

Mrs. Susan Summers, of 226 Huntley Place, stated she has two children under 12 and she is speaking as a representative of 27 children under 12 on Huntley Place. That they are counting on the Council to not let the zoning request pass.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 71-18 BY LEWIS H. PARHAM, JR. FOR A CHANGE IN ZONING FROM R-12 TO R-6MF OF 43.9 ACRES OF LAND ON THE NORTH SIDE OF ARROWOOD ROAD, WEST OF IRWIN CREEK.

The scheduled hearing was held on the subject petition on which a protest petition containing approximately 206 signatures has been filed and is not sufficient to invoke the 3/4 Rule.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request for a change in zoning from single family to multi-family of a tract of land located on Arrowood Road on the north side extending to Taggart Creek having about 1,200 feet of frontage on Arrowood Road and in excess of 2,000 feet distance at its deepest point. The property is vacant as is much of the property in the immediate vicinity of the tract; to the west is vacant property; across Arrowood Road is predominately vacant property with a house or two located; to the east is vacant property along Arrowood Road.

He stated the area is predominately R-9; the exception is near the interchange with I-77 where there is some B-2 zoning between I-77 and Taggart Creek on the north side of Arrowood and on the south side there is some I-1 zoning. The large area of I-1 is under the county's jurisdiction and the perimeter line is 300 feet south of Arrowood Road. Basically, the area is all zoned R-9.

Mr. Lewis Parham, Petitioner, stated at the time the petition was filed, they did not anticipate any objections and several of the residents have spoken to him about the requested zoning change, and appear to be concerned with the density problem. He stated it would be satisfactory to amend the zoning petition to request an R-9MF as opposed to R-6MF. He stated the requested change is from single family zoning to multi-family zoning. The property lies between I-77 and York Road and is approximately 1,500 feet from the entrance to I-77, and most of the property is vacant. There is a subdivision which borders on the creek which is Nations Ford Homes. Except for the one spot on the creek at present most of the land is vacant. With the near access to I-77, they feel apartment use would be preferable. With the increased activity in the York Road area and Arrowood area, they feel there is a need for apartments. Mr. Parham stated the topography of the land is such that apartments could not be built all over the property; there is a lot of land that is unuseable as it is low in the creek area and the York Road side would be the only feasible place to plan any units. Arrowood Road is heavily traveled now; it is narrow and in all probability something will be done concerning it. This is the only means of access from South Boulevard to the York Road area further out than Woodlawn Road. He stated there are no immediate plans for the building of any apartments; a purchaser is interested depending upon the rezoning.

Mayor Belk asked where Arrowood Road would be widened? Mr. Bobo, Acting City Manager, replied the road is widened at the access to Arrowood Road; that to his knowledge there are no plans to widen it further. Mr. Parham stated there is a 60-foot right of way and he did not intend to imply there would be more than the 60-foot right of way taken.

Councilman Short asked if rezoning flood plains as part of a tract means there is an opportunity to thicken it up in the remaining portions of the tract, or does it bear upon the recently adopted apartment ordinance in some undesirable way? Mr. Bryant replied to a certain extent both. The allowable density is figured on the total land area so that you would get credit for the flood plain area; however, the recently adopted apartment regulations would specify that the site plan would have to meet various requirements as to the relationship of adjoining property. Also, the flood plain would count as a part of the required open space.

Mr. Frank Aycock, Attorney with the law firm of Mraz, Aycock and Casstevens, stated they represent something over 200 people in the Arrowood area. He stated the protest will take three forms. First as to the protest petition itself. It has been offered that the petition was insufficient; they do not think it is insufficient; they think it is entirely sufficient as a protest and the six votes will be required. The sign was not noticed by any of the residents until last Monday as it was in a very difficult spot to see it. On Monday, someone saw it and a petition was typed on Monday night without benefit of Counsel and the next day, Wednesday morning, over 200 people signed it; it was then filed and on Friday, after it had been reportedly determined as not sufficient, they came to the law office and asked for advice. Mr. Aycock stated he has examined the petition and discussed the matter with those who have examined it and he thinks it is entirely sufficient. The defect reportedly is that several people signed for their spouses. In his opinion, if someone is sitting around the breakfast table in the morning and says "Honey, you sign that petition for me today", that is agency. If you have agency, you have a valid petition. His understanding of the law is that anyone can appoint an agent to do for him what he can do for himself.

He stated he has been instructed to advise Council if the rezoning is approved by less than six members of Council, the matter will be taken to court to test the sufficiency of the protest petition. Secondly, they contend the entire perimeter zoning ordinance is unconstitutional; these people cannot vote for Council or against Council; they are being zoned by people they cannot vote for or against; the property is being affected by representatives that do not represent them; the Supreme Court has said the only constitutional way to have representation is to have one man, one vote. What you have in the perimeter is one man, no vote. This is unconstitutional. He stated he has been instructed if this matter is rezoned that they will test the constitutionality of the entire perimeter zoning ordinance or legislation as passed by the General Assembly. Third, as to the merit of the zoning itself. Most of the property is very low; there is a spot where you can see mud eight, ten or twelve feet high by the creek bank. Mr. Aycock stated he is advised by the residents that this property and the adjoining property does not drain properly. They have been told by the residents, in their opinion, if a large number of people are placed out there, or any construction is done, or if it alters the shape of the land in any way, it will have unforeseeable effects, not only on the land in question but on all the neighboring land. They are putting the petitioner on notice now, if anything is built on that property which makes the water come up one inch higher than it does now on anyone else's property, or leaves a pool where there has been no pool before on anyone else's property, that they are to go to court with that to see if they can abate the whole thing as a common nuisance in the community. These people feel very strongly about this and this is indicated by the fact that over 200 signed the petition in one day.

Mr. Aycock stated the people feel they have not been represented out there; there are several things there now they do not like; and they do not like this any better. There is a landfill on Highway 49 and everytime they drive into town they have to come by the landfill; there is a turnkey development on I-77 and if they come on I-77 they have to look at that, and they don't like that. To the west, on Arrowood Road, there is a single family subdivision developing and all those people signed the petition; across the road, Mr. Green, Mr. Ashton and several others signed the petition; the owner between the land and the creek signed the petition.

Councilman Short asked Mr. Aycock to explain about the agency factor; if he is saying that a verbal assertion of agency was not allowed by the City Attorney? Mr. Aycock replied he has not talked to Mr. Underhill; he understands the defect is that one or two people signed as "Mr. and Mrs." and this has been held to be the signature only of the one who signed. If the signatures that were put down in that fashion were counted as valid, there would be a sufficient resident along one side of the property to have a valid protest petition.

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Mr. Underhill, City Attorney, stated his opinion is based on court decisions as opposed to what the code or the North Carolina Statutes might say. To change his opinion, the general statutes on zoning would have to be changed to permit one person to sign for both residents of that particular property. That it would require a change in the existing general statutes to permit this practice. That Mr. Aycock is right in that there is no North Carolina opinion on the subject. Other state courts have held along the lines of his ruling, and that is the reason for the ruling.

Mrs. John Ashton stated she lives across the road from the subject property. That she has talked to the Planning Commission, Mr. Parham and Mr. Harris, and they are trying to compromise; that they cannot tell them they cannot use their land; the land does not lie well and she does not think it would ever be sold for single family housing; a lot of it floods very badly. She stated they have been holding out for a low density multi-housing; not R-6MF, but probably R-9MF. She stated she is speaking for the two nearest property owners across the road but she does not know what the adjacent property owners feel. They do not want too many people. That there is so much unzoned and vacant land that they will have some tough decisions to make to protect the community. That I-77, Arrowood and Westinghouse are out there and split it up; that Choyce Avenue section has 300 houses which were built 20 years ago and is rapidly becoming a slum section. They need the protection of the zoning commission and Council to build the best possible, and not build a slum.

Mr. Parham stated it is his understanding whenever there is a requirement for any written matter, protest or otherwise, then the authority to sign would have to be in writing. That he cannot understand where the 206 property owners are as the area is not that populated. With respect to the constitutionality of Council to zone that, he has not investigated that but he would assume if there was no authority, then there would be no zoning; and then they could build anything they liked.

Councilman Tuttle stated Council hears so often the argument that signs are difficult to see. He asked Mr. Bryant if he has seen the sign, and Mr. Bryant replied he has and in his opinion, it was not difficult to see; that he knew about where it was located before he went out; that it was placed at the usual place beside the road; there is overgrown bushes in the area but to his eye it was visible. Councilman Tuttle stated he saw one where the sign was well placed but the sign was driven into the ground with growth coming up halfway over the sign. That he would suggest that the growth be cut when the signs are put down.

Mr. Bob Hugh stated he lives on Arborwood Lane and the sign is in a bad place as it is on top of a hill, and in the bush. That about 150 yards prior to where the sign is located, there is a straight stretch of road with no overgrowth where the sign could have been placed.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 71-19 BY A. H. RODDEN, SR. FOR A CHANGE IN ZONING FROM R-12 TO R-MH OF 14 ACRES OF LAND WEST OF NEAL ROAD, NORTH OF MINERAL SPRINGS ROAD, ADJACENT TO THE I. R. MISENHEIMER PROPERTY, CONTINUED TO APRIL 19, 1971.

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

The Assistant Planning Director advised this request is for a change to Mobile Home zoning and is filed under the provisions of the recently adopted ordinance to permit mobile homes. The subject property is a 14-acre tract

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which does not have actual frontage on Neal Road; that he believes the petitioner owns the property out to the road and if the development is approved, he will build a street out to Neal Road. The property is vacant; to the south is the Misenheimer Mobile Home Park which is non-conforming; to the rear are single family residential structures with frontage on Ridge Lane Road; to the north is predominately vacant with scattered single family houses along Neal Road.

Mr. Bryant stated there is solid R-12 zoning in the area.

He presented the development plan which was filed by the Petitioner, and stated it does not meet many of the provisions of the mobile home ordinance requirements and the petitioner has been so informed. It consists of a street coming in from Neal Road and a series of parallel private drive streets on which the mobile home lots would be located with one way streets being installed. This would be solid back to the property at the back portion of the property. He stated if it is to be approved, the plan itself must be approved as part of the zoning process.

Mr. Carl Howard, Attorney, stated he is representing the petitioner, Mr. Rodden. He stated the property is adjacent to an existing mobile home park which has approximately 32 mobile homes on it. Mr. Rodden's land is contiguous to the Park for a distance of 1,650 feet; the area is not built up and developed; the land across the street from the subject property is vacant field; the property on one side is the mobile home parks and on the other side is a vacant field. The houses in the area are located about one mile from the subject property; this is more or less a rural area.

Mr. Howard stated Mr. Rodden has owned the property for almost 30 years; that his home is located on the property and he will continue to live on the front portion. He plans a first class mobile home development. The area is close to the University of North Carolina at Charlotte and he proposes to provide mobile home facilities for the married couples from the University. That he has had many requests from students for this purpose. He stated Mr. Rodden intends to comply in every respect to every ordinance pertaining to mobile homes; he feels this would be a very desirable use for the property.

Mr. Howard stated Mr. Rodden owns the land all the way to Neal Road and his home is on the front and he plans a 60-foot wide street running back to the property.

Also speaking to the petition was Mr. A. H. Rodden, Sr., the petitioner, who stated he is building a first class mobile home park and he is going to follow the specifications right down the line; that he has been working with the Planning Commission. Each mobile home will have its independent tank sewage system. That his daughter will have a home on the back side of the property, and each of his children will have home sights on the property; that he has eight children.

Mr. Charles Henderson, Attorney for the protestants, stated the subject property is like the topography of Latta Park; steep, forest wood, with a creek in the middle and a high rise on one side, high rise on the other side. That Mr. Rodden owns one short section along the creek as most of the creek area is owned by Mr. Jim Thomas who lives there with his wife and children. Mr. Henderson presented a sketch of the area to describe the location of the property.

He stated one of the problems in the area is that people cannot get out of Mineral Springs Road at peak hours. Another problems is that Neal Road, a dead-end road, that comes off Mineral Springs Road, comes into a traffic artery and they cannot get out because of the traffic. That the subject property lies between Neal Road on one side and Ridge Road on the other side. He pointed out the location of the protestants homes, Mr. Thomas, Mr. Kevins, Mr. Faulk and Mr. Blanchette.

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Mr. Henderson presented a general protest petition containing over 150 signatures of the neighbors on Ridge Road, Mineral Springs Road and Neal Road. He stated there are two beautiful subdivisions on Mineral Springs Road with individual homes all through the area. He also passed around pictures of the homes in the area and explained the location of each.

He stated the community has not yet developed a road system that will take care of the dense population in the Neal Road area; they have the two dead-end situations; that Mineral Springs Road is such that two school buses probably cannot meet each other without both having to get off the highway; the road is so narrow that it would require considerable upgrading for several miles in order to properly serve the area. He stated he had a long conversation with Mr. John Phillips who is in charge of the elementary education and with Mr. Suber and this team tells him that the Derita Elementary School is designed at this point for 648 students; they have an overload with 805 students in the school at present. Hidden Valley is designed for 648 students and it already has 919 students. He stated there are no schools planned in the area for dense population. The only apartments in the area is a small apartment complex in the area with the remainder being beautiful sparse single family residences. He stated there have been problems on the septic tanks on Mr. Misenheimer's property, and there have been no tests on Mr. Rodden's property; that an application was filed by Mr. Misenheimer to put in a major sewer system and it was turned down because the little creek is simply insufficient to carry the affluent from a major sewer plant. Mr. Henderson stated there are no playgrounds shown on Mr. Rodden's plans; there are no open areas shown on the plans. There is no method where property that has this kind of topography can be screened; therefore, it will sit there like something on a stage. The ingress is poor. Mr. Henderson asked that the creek and the property owners be protected.

Councilman Short asked if a plan does not have to be presented at the hearing? Mr. Bryant replied a plan has been submitted, but it is totally inadequate and does not meet the requirements. That Mr. Rodden was informed of this. Councilman Short asked what position this leaves Council in? Mr. Bryant replied in his opinion we do not have a valid plan filed that would enable Council to approve the request.

Mr. Howard requested that his client be given an opportunity to present a revised plan.

Councilman Short moved that the hearing be continued to the next zoning hearing date, April 19, 1971. The motion was seconded by Councilman Thrower, and carried unanimously.

HEARING ON PETITION NO. 71-22 BY LILLIE W. AND MARY E. HENDERSON FOR A CHANGE IN ZONING FROM R-15 TO O-15 OF A PARCEL OF LAND 387' x 613' ON THE SOUTHEASTERLY SIDE OF SHARON AMITY ROAD, BEGINNING 230 FEET NORTHEAST OF ADDISON DRIVE.

The scheduled hearing was held on the subject petition on which a protest petition has been 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, stated this is a request for office zoning for a five acre tract of land located on Sharon Amity Road. The subject property has one residential structure on it; it is adjoined on the northeast side by the Amity Country Club; it is adjoined on most of the other sides by single family residential structures, including directly across Sharon Amity Road. The area is predominately utilized for single family residential purposes within the immediate vicinity of the subject property with the exception of the Amity Country Club.

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He stated the zoning is all single family residential with a combination of R-15 and R-12. The nearest non-single family zoning is the beginning of R-12MF down Sharon Amity Road at Hardwick and office and business zoning in relation to the Randolph Road intersection.

Mr. Francis Clarkson, Attorney, stated he is representing the petitioners and the Joppa Lodge who has an option to purchase the property. He stated the purpose of the rezoning is so that a Lodge Building can be constructed on the property. There was a protest filed by Mr. & Mrs. C. L. Cheatam. That they have indicated they wish to withdraw the protest and he presented a written request for the withdrawal. Mr. Clarkson stated the other property owners who are contiguous to the property have signed a statement saying they have no objections to the proposed rezoning. To make sure the property would be used as the owners have said it would be used, the purchasers have indicated to the sellers they would like a restriction in the deed so that the property can be used for a Masonic Lodge Hall only during the first five years of their ownership.

Mr. Clarkson presented photographs of the existing single family residence on the property and a rendering of the proposed lodge building. He stated all the trees with the exception of a few on the right hand side of the rendering are existing and the idea is to integrate the single story building into the setting so that it will not disrupt the present landscape. He stated the building will be located 200 feet back from the street line. In order to put the lodge building on the property, it is necessary to rezone it from residential to office; however, in residential zoning you can build a church, a YMCA or YWCA, a college, a country club, a swim club, a community recreation center, a hospital, and a nursing home. That this lodge will be done in excellent taste suited for the neighborhood and will be the highest and best use of the property. That it would be impossible to use this property for one single family residence and to subdivide it all the trees would have to be cut and grading would have to be done, and it would ruin a beautiful piece of property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 71-14 BY ROBERT OSCAR BOWMAN FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF THREE LOTS FRONTING 150 FEET ON THE SOUTH SIDE OF SHAMROCK DRIVE, BEGINNING 218 FEET WEST OF EAST FORD ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is vacant; it is adjoined on the east side by an existing service station; on the west side by a service station under construction; beyond that there is a convenience food store under construction; across Shamrock Drive from the subject property there is an area of two streets solidly built with duplexes; to the rear of the property and across East Ford Road there is a pattern of single family residential uses. He stated the Shamrock Elementary School is in the area.

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Mr. Bryant stated the zoning is predominately residential with the exception of the one block of land on which the subject tract is located. Extending from East Ford Road there is B-1 zoning and with that exception the surrounding property is zoned R-6MF. A short distance to the east there is the beginning of single family residential zoning.

Mr. Nelson Casstevens, Attorney for the petitioner, stated the proposed rezoning of the land has been necessitated because Mr. Bowman and his wife desire to build a short order restaurant. That the Inspection Department informed Mr. Bowman that he would need to have the property rezoned from B-1 to B-2 when he applied for a permit. Mr. Casstevens stated in checking with the city code, he ascertained the restaurant which serves the patrons inside the building only needs a B-1 zoning. There is a provision in the city code which requires that a restaurant with a drive-in service needs a B-2 zoning. He stated he is not sure whether the B-1 or B-2 would be required for the property as it is the intention of the petitioner to have something comparable to Hardee's or McDonald's. That he does not intend nor does he desire to furnish curbside service. According to the plans he has prepared, he will have some inside seating; there will be no curbside service and there will be a carry-out.

Mr. Casstevens passed around pictures showing the surrounding property. He stated the Bowman's have owned most of this property since 1967 and they request that the property be rezoned to enable them to run the short order restaurant. If there is any way that the short order restaurant can be established without requiring a B-2 zoning, they would be agreeable to that. There will not be a substantial increase in traffic and there will not be an increase in the noise. Because of the physical dimensions of the property, it cannot be used for more of a business property than the petitioner's intend.

Councilman Short asked if the B-2 zoning is needed for the proposed use? Mr. Bryant replied he is not aware of that question as it has not been discussed with him; the application was filed for B-2. Before answering the question he would prefer to see the plans for the building. Mr. Casstevens stated he was informed by the Inspection Department if you have a restaurant in which people go in and are seated and served, there is no question about whether it is B-1 or B-2 zoning. If you have a restaurant in which there is drive-in and curbside service and where people are fed in their automobiles and food is taken to them, that requires a B-2 zone. According to the Inspection Department, if you have a packaged restaurant in which you pick it up and carry it off the premises for consumption, a B-1 zone would be sufficient. He stated they are asking for the same type zoning that Hardee's, McDonald's and all the other short order restaurants require with no curbside service afforded.

The City Attorney stated he is aware of the definition problem and he will be happy to look at the request along with Mr. Bryant.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

PETITION NO. 71-4 BY B & W REALTY, INC. FOR A CHANGE IN ZONING FROM R-12 TO R-MH AND B-1 OF A PARCEL OF LAND ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE AND AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DOUGHTERY DRIVE, DEFERRED.

Councilman Whittington stated over the weekend he went out to look at this property so that he could fully acquaint himself again with all the deletions the Planning Commission had made and he could not find the signs.

Councilman Whittington moved that the subject petition be postponed until he can go back out there with Mr. Bryant, Assistant Planning Director. The motion was seconded by Councilman Short, and carried unanimously.

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MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:10 o'clock p.m., and reconvened the meeting at 4:25 o'clock p.m.

HEARING ON PETITION NO. 71-16 BY SCHLOSS OUTDOOR ADVERTISING TO CONSIDER AMENDING THE TEXT OF SECTION 23-83(c) TO PERMIT ADVERTISING SIGNS ON PREMISES OCCUPIED BY OTHER USES PROVIDED THE SIGN IS AT LEAST 50 FEET FROM ANY BUILDING AND WITHIN 5 FEET OF THE PROPERTY BOUNDARY.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request for amending the text of the ordinance. This amendment is in the form of a request to change the ordinance to permit advertising signs in B-2, I-1, I-2 and I-3 districts where they are now permitted except they would be permitted to be located on premises already occupied. At present they are not permitted on any portions of property that is otherwise occupied by a permitted use. This request is to amend the text to permit advertising signs with some limitations on properties that are now occupied for other uses.

Mr. Ben Horack, Attorney for the petitioner, stated Mr. Mark Silverman, head of Schloss Outdoor Advertising, is present with him; that Schloss does about 60 percent of the Outdoor advertising; that he is interested in upgrading the sign industry; further, he is anxious to evolve something that will tend to alleviate signs that have become unsightly due to non-conformance and due to unduly stringent and unrealistic regulations in the existing ordinance.

Mr. Horack stated under the existing ordinance advertising signs are allowed in B-2, B-3T, and Industrial districts. They are not allowed in B-1 or any residential districts or in the central business district. They do not propose any change with reference to the districts where advertising signs are to be permitted. He stated advertising signs are permitted on land or premises where no other business or permitted use is established. It can be put on the premises where an established use exists provided the sign is at least 75 feet away from any portion of the existing or established use on that premise.

He referred to the existing Section 23-83(c) and stated advertising signs can be put where there is no other business or permitted use established. In effect, he gathers it can be put on a vacant premises; a free standing vacant premise where no other use exists. One of the problems is the lack of definition of premises. The sign can be placed on another premises where there is another "established" use, including off-street parking, as long as the advertising sign is 75 feet away from it. Under the existing ordinance, it can be vacant land or it must be 75 feet from an established use. He asked 75 feet from what kind of established use? Basically any established use. That also means the existing ordinance says if you have an advertising sign, it must be 75 feet from any established use which would mean a flue factory; junk yard or a concrete mixing plant or where the concrete mixing plant parks its trucks. Mr. Horack stated this is not protecting homes or B-1 establishments as the signs cannot be placed anywhere except in B-2, B-3T and industrial areas. The net results of the restrictions have been that locations are hard to find and there is not much land available. Urban renewal is taking them up, the street widening is taking them, the commercial developments are taking them; once vacant land now is being used for an established use.

Mr. Horack stated you can put a sign on a premises that has no other use; if it is on a premises that is partly vacant and partly has an established use, then you have to stay 75 feet away. That regulation caters only to the fly by nighters who, by circumvention, go right up to the established use and they go to the landlord from whom they rent their site and get a separate

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premise created and set a hanky-pank deed to it and record it with understanding from the landlord and they get their sign up against the established use. He stated that is what Mr. Silverman has not done, and he does not want to do it, and he thinks there should be a more realistic regulation and alleviation of unnecessary stringent requirements.

He stated this past February 1 indicated that Mr. Silverman's outdoor signs were for banks and department stores 15 percent; general business 49 percent; charities 9 percent which is donated space; political about 7 percent; radio and TV about 6 percent and others about 14 percent. The advertising signs have a place in our scheme of things and they should not be unfairly dealt with by unnecessary regulations.

Councilman Thrower suggested that Mr. Horack, Mr. Bryant and Mr. McIntyre get together and come back with some reasonable proposition that Council can hear.

Mr. Horack stated he has discussed this in great detail with Mr. Bryant. Councilman Whittington stated he thinks this is what these people have been trying to do for years.

Mr. Horack referred to a sketch and stated it is his concept of a parking lot and relates to the existing ordinance and to the proposed ordinance. That under the proposed ordinance as long as no building is involved, they say a sign can come on the boundary within five feet of the boundary of the established use. The present ordinance treats the junk yard and parking lot the same way as an established use which consists of a building. Under the proposed ordinance they think that fifty feet from the building is sufficient.

Councilman Tuttle asked if the man who buys the five foot strip on premises actually has to buy and record the deed? Mr. Horack replied the common practice has been to record it with a side agreement that the landowner can get it back.

Councilman Short stated what he is trying to do is to make a distinction between a housed-type of use and non-housed use; the non-housed might be parking, a garden, or grapevine or a septic tank.

Councilman Alexander stated the last time there was a discussion on the sign proposals we were all hoping that the vagueness would be clarified. But it looks as though we are still confused with the same element of vagueness. Councilman Alexander asked if there is any distinct advantage to be gained from the additional 25 feet? When it was discussed before he was not quite sure he agreed that something could not be done on a building; that he has been tickled that Ivey's has come up with a beautiful psychedelic change in the side of their building which has added to the appearance of the whole area. He asked the real value of the additional 25 feet? Mr. Bryant replied if that was all that was involved he would agree. At the time the 75 foot requirement was put in several years ago there was no permitted signs on any piece of property regardless of its size if any part of it had any use established on it. It was determined this was excessive and perhaps changes should be made; it would recognize the vacancy of a certain amount of the property. But that is not all we are talking about. We are talking about a vast difference between the area in which advertising signs are permitted and in which they are not. You are not talking about changing this from 75 to 50 feet; you are talking about changing it from 75 to 5 feet. That regardless of the size of this tract of land, as long as there is no building within 50 feet of the side line you can put an advertising sign and any number of advertising signs down the property line as long as you do not extend into the property more than five feet. This would mean if you take a street like South Boulevard which is zoned B-2 and you had a series of 150 foot lots and the buildings were placed not more than 50 feet from each one of the property lines, then you could line up advertising signs right down the street on each property line. This would change the whole context of the ordinance whereby for the first time, you recognize that advertising signs

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can go on land that is otherwise used - whether it is parking lots, buildings or what not - this is the basic distinction you are making. Right now that use can have only one detached 100 square foot business sign; if you move it around and say in effect that in addition to that 100 square foot business sign, you can also locate any number of advertising signs on the same piece of property, then he questions that you could any longer say they have only one 100 foot business sign. That you would be getting into an almost uncontrolled sign situation in terms of where a sign might be placed.

Councilman Alexander asked if you could not be more explicit with the definition of a building? Mr. Bryant replied the definition of a building becomes pertinent only if you accept the fact that the sign should be regulated in relation to the building rather than in relation to other parts of the property, such as parking lots. That at present we are dealing not with just building but any use of land which can be any sort of open use of land as well as structures. If the building size does become a factor, it should be defined.

Councilman Short asked Mr. Bryant if he agrees that the term "established use" is a rather vague piece of terminology? Isn't it possible that the term of a concept of a housed established use is much more clearly defineable? Would this not be a more fair and understandable way to word it and write it? That an established use could be a grape vine, a septic tank or something such as a Christmas tree lot. Mr. Bryant replied it gets back to realistic administration of the ordinance; in his mind, he would not have that difficulty; that he would not take a grapevine as an established use; he would not take a septic tank as an established use because it is underground; it does get to the point where it becomes a matter of realistic administration.

Councilman Alexander stated he would agree with Mr. Thrower's suggestion that perhaps there could be a meeting of the minds with the Planning Commission, Mr. Horack and Mr. Silverman to see if we can come a little closer to an agreement.

Mr. Bryant stated an attempt can be made to see if more appropriate language can be found. Councilman Alexander stated he would like to see some type of proposal that would, as close as possible, resolve this matter for a long enough time for enough changes to take place to re-design the whole sign ordinance. That he would hope this could be done this time.

Mr. Bryant stated he would be interested in finding out just how much difficulty has occurred in the administration of the ordinance in terms of differences of opinion of the administrators and the people who are seeking a permit as to what constitutes permitted uses.

Councilman Whittington asked if this is not something that can be done when the Planning Commission meets. That all are trying to find a way to be more lenient but at the same time do what is right; that he thinks we should dispense with the hearing and when the Planning Commission meets and needs more information, then Chairman Tate can call Mr. Horack and Mr. Silverman to confer with them and then come back to Council with some recommendation.

Mr. Horack stated he would want it clear that they will be invited in.

No opposition was expressed to the proposed text amendment.

Chairman Tate stated this is being referred to the Planning Commission in the normal fashion and the Commission will bring a recommendation back to Council. He stated they will converse with Mr. Horack.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 71-17 BY MARY M. NISBET, ET AL, FOR A CHANGE IN ZONING FROM B-1 to B-2 OF THREE LOTS AT THE SOUTHEASTERLY CORNER OF ALBEMARLE ROAD AND LAWYERS ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located on the corner with 572 feet of frontage on Lawyers Road, and 471 feet of frontage on Albemarle Road. There are a number of different types of uses on the subject property; there is an auto-parts sales facility; behind that on Albemarle Road, there is one apartment structure; a repair facility and a single family residence. On the Lawyers Road side, there is one single family residence. Across Lawyers Road there are several retail facilities; there is basically single family structures across Albemarle Road. The other land use is principally vacant with some scattered single family use down Lawyers Road and down Albemarle Road.

Mr. Bryant stated there is B-1 zoning on most of the corners of the intersection. One corner is B-1SCD; other than that there is O-6 on Lawyers Road and the remaining area is R-12MF.

Mr. Joe Grier, Attorney for Mrs. Mary Nisbet and the adjoining property owners, Mr. Christenbury and Mr. Hobbs, stated the Nisbet property is the service station property at the intersection of Lawyers Road and Albemarle Road; it was for many years an Esso Station and it is now a Texaco Station. The problem arises that in addition to the service station, they wish to operate a business in which automotive parts are sold. It is alright to sell automotive parts in a B-1 area as retail but it is prohibited to sell them as wholesale. The business as presently operated is majority retail but to some extent they sell to other service stations. Mr. Grier stated they approached the Christenburys, who have operated a garage down the road and which requires a B-2 classification and is presently non-conforming; they have contacted the Hobbs and they have joined with Mrs. Nisbet in asking for the change. The area included in the petition is all presently zoned as B-1; the B-2 area which they have requested will not comprise all the present B-1 area, but will leave a B-1 buffer around it.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 71-20 BY THE VECTOR COMPANY, INC. FOR A CHANGE IN ZONING FROM I-2 TO R-6MF OF A LOT 50' x 205' AT 221 WEST THIRTIETH STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request for a change in zoning of a single lot and is a follow up on a previous request that was considered sometime ago for the changing of some property from industrial in the vicinity of 30th Street, 29th and 28th Street for a turnkey housing project which is now underway. This one lot was mistakenly left out of the original request and should have been included. It is located on 30th Street and has on it a vacant single family residence; it is adjoined on the Tryon Street side by another single family residence; the remaining property surrounding it is vacant with the property to the north being developed for a housing project.

He stated there is R-6MF zoning for all the property to the north with the remaining part down to Tryon Street being industrial. This will move the residential industrial boundary line one lot nearer Tryon Street.

Mr. Tom Ruff, Attorney for the petitioner, was present to answer any questions.

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. 71-21 BY REALTY SYNDICATE, INC. FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 39 ACRES OF LAND LOCATED WEST OF SULLINS ROAD IN THE FOREST PAWTUCKET SUBDIVISION.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for multi-family zoning of a tract of land which is not adjacent to any established land use pattern or road system at present; it is part of a large tract of land that is in the process of being developed as part of the Forest Pawtucket Subdivision by Realty Syndicate. The tract is located south of Moores Chapel, west of Little Rock Road, and north of Tuckasegee Road. The request is for multi-family zoning in an area that is presently basically vacant.

Mr. Bryant stated the zoning pattern is one of solid single family residential zoning with the exception of the property along Moores Chapel Road, which is zoned business and multi-family. He stated while this is not a planned unit development, it retains some of the features of that type of development inasmuch as there is a full golf course facility planned as part of the project with single family houses around the golf course with a club house and facilities. The area under consideration is adjacent to the club house and adjacent to the golf course area.

Mr. Lewis Parham, Attorney for the petitioner, stated over the past several years, Realty Syndicate has acquired approximately 1,000 acres of land in Paw Creek Township which lies to the north of I-85 and extends to Little Rock Road, Moores Chapel Road and on the north side of Moores Chapel Road to Freedom Drive. The 39 acres in question is bordered by Number 1 and Number 2 Fairways and No. 1 Green of the golf course. In acquiring the land, Realty Syndicate planned to develop the land in order to provide a total community. The facility plan consists of single family, multi-family dwellings, church and shopping centers. Some of the areas are almost totally developed; they have streets and the homes are occupied. There are about 200 occupied houses within the 1,000 acre tract and the plans are to construct 700 more. The Swim and Racquet Club has become a reality as the contract for the construction of the club house and bath house has been signed. Construction was begun on the golf course about five years ago; it is to be an 18-hole championship course. Construction has started on the golf shop, a golf pro and club manager has been hired, and plans are to open the facility in May or June of this year.

Mr. Parham stated the homes are from medium to upper medium price range and are available to a large segment of the population. The 39 acre tract adjoins and lies to the north of the golf shop; it is bordered on the east by Pawtucket Road. He stated they plan to construct 300 townhouse luxury type apartments. Access to them will be from Pawtucket Road (Cross Ridge Road) and the buildings will be screened from the road by the woods. The number of units planned will not be excessive to the extent that it will create a traffic or density problem. The location of the apartments should be considered ideal from a planning standpoint because of their location to the golf course and the other recreational facilities. These apartments are part of the plan for the entire tract. The number of acres to be used for multi-family is small in comparison to the total number of acres of land that is being developed. They feel this is a good plan and they ask for favorable consideration to approve the petition.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

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HEARING ON AMENDMENT NO. 2, REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3.

The public hearing was held on Amendment No. 2, Redevelopment Plan for Downtown Urban Renewal Area, Project No. N. C. A-3.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated this is a hearing on the amendment to the Redevelopment Plan for the Downtown NDP Project which was originally approved over a year ago for this three block area.

He stated they are proposing six (6) changes to the already approved plan which are necessary for the next NDP action year which will begin July 1, 1971 and end June 30, 1972.

Mr. Sawyer explained the changes as follows:

- (1) On Page 1 of the Redevelopment Plan, they have added the phrase "Amended March 19, 1971."
- (2) On Page 2 of the Plan they have indicated the revised date of the maps which are exhibits to the Redevelopment Plan.
- (3) On Page 6 of the Plan the change is in the middle of the page under the column "Common Space Elevation". It was formerly 758 to 760 feet, allowing a tolerance of two feet only in the elevation of the common space. As agreed when the concept plans for the Civic Center were approved, this has been increased to a maximum of 770 feet which is the exact elevation of the plaza level of the Civic Center; but they have dropped the elevation to 755 feet which is the elevation at the intersection of Fourth and Tryon Street. They did this in order to give maximum flexibility to the planners employed by the City to design a pedestrian system throughout the downtown project area. As soon as the system is designed and approved by Council, then the plan subsequently can be amended to conform it to the exact elevations necessary. In the meantime, this gives a full range and a maximum flexibility to the planners and they can control any structures that take place in the meantime administratively.
- (4) On Page 8 of the Plan the change concerns the off-street loading and unloading space and amends the plan as agreed at the time the Civic Center plans were approved. This adds the phase concerning a special permit being obtained from the City of Charlotte in order to conform to the plans already approved.
- (5) On Page 15 of the Plan the change concerns the cost estimate and method of financing. This provides a budget for the second NDP year of total city funds plus cash and non-cash of \$1,166,667.00; the total federal capital grant of \$2,333,333.00 for a total financial assistance of special and local to the project of \$3,500,000.00. The local grant in aid is broken down to a cash requirement, which is not really cash but is made up of tax credits of \$3,667.00 only with the remainder of \$1,163,000 as credit to be obtained from the structure of the Civic Center itself.
- (6) On the last Page of the Plan the change concerns a boundary change. This change was necessary to approve the additional right of way that was granted to the city by the Southern Railroad and Charlotte Development Associates so that the site improvements which go on that right of way will be entirely within the project boundary. That is along Fourth Street, the southern boundary of the project and it amounts to changing it 13 feet on the Brevard Street and 10 feet on the College Street side.

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Mr. Sawyer stated these are the six changes proposed at this time to conform the plan to the second NDP Action Year. In addition, they have had the relocation plan for the next year on display.

Mr. Hugh Casey, Attorney, stated he is representing Denton Furniture Company, Home Furniture Company, People's Furniture Company, Charlotte Fish and Oyster Company, Pat Stuart's Clothing, Quick Wike, Simpson Photo Service of Charlotte, Tanners, Lebo's Shoe Store, Harry Park and Liner's Fine Shoes. He stated Council has seen the problems that have arisen so far with the carrying out of the first year NDP program in the City of Charlotte. That he knows they wish to avoid these problems arising again. Therefore, he urged Council to consider some of the suggestions that the people he represents have made. Some of the suggestions have been made in the form of pleadings filed in the federal court; some were made in the meeting last Wednesday with the Relocation Committee.

Mr. Casey requested the Council to not approve the present plan but to consider some of these suggestions and to urge the Redevelopment Commission to meet with the businesses in the three block area - these businesses that will be affected in the next two years by the plan as it will be carried out.

Some of the suggestions are to change the re-use schedule in the Redevelopment Plan to provide that the first story or two stories of any structure constructed in the area be limited to certain uses, retail shops and stores, eating establishments, repair shops. That developers provide the business concerns already in the Downtown area an opportunity of obtaining space in the new development; using such concepts as first refusal. That the Commission not demolish any structure in a purchased site until the Commission has demonstrated an immediate need for them. Not simply to demolish buildings and leave land vacant. To go ahead and buy the building and leave the people there. Then when you have a developer coming in then demolish the building. That present business concerns in the project area be informed who will be the prospective developers so they will have the opportunity of working with the developers.

Mr. Casey requested that Council not approve the plan as submitted today but to give time for the Redevelopment Commission to meet with these businesses within the three block area and consider some of the suggestions. This area could serve as a retail shopping center for people of all classes and races using public transportation. It could serve as an amusement and recreational center, attracting people from all over the city by private or public transportation. Such an area could also serve as an office center by simply providing that buildings above the second or third floor could be used for offices. This concept is used in other cities. The present federal statutes and HUD regulations provide a wide range of tools.

He stated the basic objective of the 1949 Housing Act under which all federal funds are to be spent by the Department of Housing and Urban Development provides as an objective "a suitable, living environment for every American family". He stated Charlotte has the unique opportunity of providing better places to live.

Mr. Dave Pliner, representing the Emergency Effort to Save Central Charlotte, stated the second phase of Downtown urban Renewal has no realistic relocation plans; it circumvents the fundamental problem of providing suitable and adequate facilities for displaced businesses prior to demolition. The Charlotte Redevelopment Commission is primarily a demonstrative agency; the Commission does not have the capacity, the power nor the ability to solve the relocation problems of downtown. What is needed is a realistic, reasonable and equitable relocation plan formulated within the context of the present conditions. The new so-called plan operates under the premises that enough buildings will become vacant next

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year to accommodate displaced downtown businesses. There is not statistical evidence to conform that adequate space will be available. The Redevelopment Commission uses square footage as the only criterion for determining the suitability of a relocation site; not taking into consideration the multitude of other factors that contribute to the success of a given business. He stated there are acres of vacant land in Downtown Charlotte that could be used for the purpose of relocation. On North College Street, between Sears, Roebucks and East Fifth Street, there is enough land to accommodate the majority of Downtown businesses that will be displaced by urban renewal and the proposed municipal parking area. These businesses do not object to relocation; they do not object to erecting their own buildings; but some land must be made available for that expressed purpose. There simply are not enough suitable buildings in Downtown Charlotte to effect the successful relocation of every business that wishes to remain Downtown.

Mr. Pliner stated when they met with the Committee on Assistance in Relocating last Wednesday, three bankers from the largest trust departments in the City acknowledged the scarcity of land and buildings downtown. The few buildings that are vacant are in deplorable shape and they are not suitable for anyone. He stated the Redevelopment Commission is not empowered to buy the land and make plans; they act primarily as the administrative unit. Only the City Council has the power to make land available to displace merchants. That this is one simple solution to the problem. These people would gladly erect new buildings; but someone has to make it available. To date no one has done this.

Councilman Whittington stated what the Trust Departments representatives said was that at that particular time they had no buildings available through their banks; that he does not think they said there was not enough vacant property Downtown. Mr. Pliner replied they said they had none in trust that they knew of and could be used for that purpose. That he is saying it has not been made available for this particular purpose.

Councilman Alexander stated as he understood Mr. Casey, he is suggesting that consideration be given to existing merchants for first offer for relocation in this Redevelopment ^{that} area? Mr. Casey stated some of the suggestions he mentioned were/the first or second floor constructed in the area be made available for retail stores, shops and such and above that level it would be used for office. Councilman Alexander asked to what extent is this proposal at variance with what is planned, if any? Mr. Sawyer replied it is permitted under the plan if the particular developer chooses to do that. What Mr. Casey is suggesting is that the Redevelopment plan require any developer of property in that first block to devote the first two floors to shops that might accommodate the merchants. These are contained in memorandums that have been filed with the courts; the Commission has considered these. On this one they considered it too much of a penalty to put on the developer of this property. The uses are permitted but if a bank wanted to buy the frontage between the proposed park and the Home Federal Building and did not want to devote two floors to shops, this would prohibit that type of development. He stated they have learned through experience that urban renewal land is pretty heavily penalized anyway with all the other requirements that have to go on. This is one they feel would be a penalty that would not only penalize the project but the future development of the land.

Councilman Alexander asked if there are any restrictions involving timing that would prevent any consideration of discussing with these people this possibility? One contention in the present setup was there was no prior discussion regarding the development of the area? Mr. Sawyer replied they are on a schedule now that requires the plan to be submitted by April 1 in order to be approved by July 1 and to maintain continuity in the two years operation. He stated they met prior to the current plan with the merchants; they discussed the plans and no such proposal was advanced at that time; they maintain a continuing contact with the merchants in the

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area. Not on a day to day basis, but on a regular basis. That they have not held a meeting prior to this plan with the merchants as a group.

Councilman Alexander stated in view of the fact that the present lawsuit exists and the same questions come up in the lawsuit, if the plaintiff should win in court their position would that mean that the Redevelopment Commission would have to allocate the type of properties as suggested by Mr. Casey today? Mr. Underhill, City Attorney, replied no; if the plaintiff should prevail in the pending case, he does not think the fact that they would prevail in the suit would require the City to adopt that particular re-use plan; that this is merely a suggestion on behalf of Mr. Casey as how the plan could be amended. That other suggestions were made in his recommendations to the court and to the Relocation Committee. Councilman Alexander stated if this suggestion has any merit he cannot see anything wrong with offering these people an opportunity to sit down and discuss it.

Councilman Whittington stated for the last two weeks on Wednesday, the Relocation Committee has met and has had cooperation and has shown the City's concern to the three tenants and to others who will be affected in the future. He suggested that Council not take any action on this today, and ask Mr. Sawyer to meet with these people on the suggestions that Mr. Casey has made here again today and, if it is feasible, the item be placed back on the docket for next Monday; if not, the following Monday. He stated he wants it to be known that all, including the Redevelopment Commission, are going the last mile to try to cooperate. If an agreement cannot be reached at that time, then obviously, Council will have to approve the plan.

Councilman Alexander moved that action on the subject be deferred. The motion was seconded by Councilman Whittington.

Councilman Short asked Mr. Sawyer to state again the extent to which he has already discussed this with the merchants? Mr. Sawyer replied Mr. Casey speaks for a number of merchants who are doing business within the project area. That Mr. Casey has been speaking for these merchants and the Redevelopment Commission has had the recommendations under consideration because they were filed with the Court in December. That Mr. Casey did not read all the proposals that he had made. Mr. Sawyer stated they have given the proposals consideration both from a practical standpoint and a legal standpoint. The Relocation staff in the project area are contacting the merchants concentrating on helping the ones in property that is acquired. That they have surveyed recently the 26 businesses which they propose to relocate next year. Eleven of the businesses are in property they have acquired or will acquire this year, leaving only 15 to be acquired next year. They started this year under a heavy priority to clear the site for the Civic Center. He stated they see no such priority next year. So the 15 do not all have to be relocated; some of them can remain into the third year if necessary and if it suits their convenience. Mr. Sawyer stated they have mailed out information from time to time.

Councilman Short asked the difference between what is suggested by Mr. Whittington and what the Redevelopment Commission has been doing? Mr. Sawyer replied he understands Mr. Whittington's motion to call a meeting of all the merchants, not just those Mr. Casey represents, and give them a chance to speak. Councilman Whittington stated his intent was based on what has been done for the last three weeks; that Council take no action today, and that Mr. Sawyer meet with Mr. Casey and the tenants that he has mentioned, and if Mr. Sawyer thinks it is necessary, other tenants, and attempt to present the facts about what the Redevelopment Commission is doing through the NDP Program. If he has not answered their questions by the time Council has to approve the amendment, then Council will have to approve it. That he is simply saying through concern and cooperation that the Redevelopment Commission and Council and Mayor are doing all they can to cooperate and to be concerned with their problems.

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Councilman Withrow asked if it is possible to buy the property under the rules and regulations of HUD, leave the merchants in the property and sell the properties with the buildings there so that the merchants could negotiate with the buyers to stay in the area? Mr. Sawyer replied they cannot sell off their obligations for relocation; that they have to complete the relocation of the tenant; that they do not have to demolish; they could sell the building with the provision that it would be demolished; that the merchants are entitled to assistance that the Commission can give them; and they are entitled to certain payments of moving cost and small business displacement payments, if they are eligible. That the Commission has to complete the relocation responsibility.

The vote was taken on the motion and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, APRIL 19, 1971, ON PETITIONS NO. 71-26 THROUGH 71-32 FOR ZONING CHANGES.

Councilman Short moved adoption of the subject resolution providing for public hearings on Monday, April 19, 1971, on Petitions No. 71-26 through 71-32 for zoning changes. The motion was seconded by Councilman Withrow and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 272.

ORDINANCE NO. 46-X AUTHORIZING THE TRANSFER OF FUNDS FROM THE SALE OF STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS TO THE CAPITAL IMPROVEMENT PROJECT ACCOUNT FOR THE SHARON LANE WIDENING.

Motion was made by Councilman Whittington, and seconded by Councilman Short, to adopt the subject ordinance authorizing the transfer of \$315,000 to be used for the Sharon Lane Widening. The vote was taken on the motion, and carried unanimously.

Councilman Tuttle stated he would assume that the City will do some replanting out there. Mr. Bobo, Acting City Manager, stated there are plans to replant many trees; where there are no trees now, we would like to plant in the planting strip.

Councilman Short stated it is fortunate that the City has operating within the last 3-4 years the beautification department which is much more well funded than it used to be. They can get back into this situation, and he is sure they will, and this area will be beautified to the extent possible and as quickly as possible.

Mrs. Claire Skurla asked Council to please not cut the trees down on Sharon Lane; that there is an alternative. That she has talked to Mr. Birmingham and he says that both Sharon Lane and Fairview Road are needed to take care of future traffic projections. That she wonders why the City does not try to widen and build Fairview Road first and see if we cannot do with the one lane street on Sharon Lane and Wendover Road.

Mr. Bobo, Acting City Manager, stated all the facilities mentioned by Mrs. Skurla are needed now; that it is not a matter of buying time as we are running out of time; the extension of Fairview Road is needed even with the widening of Sharon Lane; the Belt Road is also needed. That all of the facilities will be needed in the future to take care of the traffic for that area.

(COUNCILMAN JORDAN LEFT THE MEETING DURING THE DISCUSSION AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

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Mr. Bobo stated all the alternatives have been investigated. That there are plans for belt roads further out in the future; all of this will be needed to serve the area.

Councilman Short stated while the City is waiting on the state on Fairview Road, the new trees that will be planted along Sharon Lane will be growing.

Mrs. Skurla stated the trees on Sharon Lane are unique and she would rather have them; that once you lose all that beauty on Sharon Lane, you can never get it back; all you will have is another wider road. That just because you cut down on Monroe Road and cut down on Eastway Drive, does not say you have to cut down on Sharon Lane.

The ordinance is recorded in full in Ordinance Book 18, at Page 112.

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting at this time and returned as noted in the Minutes.

ORDINANCE NO. 47-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE LONGEVITY ALLOWANCE ACCOUNT TO THE TRAFFIC CONTROL ACCOUNT.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$12,200.00 to be used for the construction, materials, and supplies for specialized traffic warning devices.

The ordinance is recorded in full in Ordinance Book 18, at Page 113.

COUNCILMAN WHITTINGTON RETURNS TO MEETING.

Councilman Whittington returned to the meeting at this time and was present for the remainder of the session.

AREA IN OAKLAWN CEMETERY DESIGNATED AS "CITY GROUND".

Councilman Whittington moved that a site on the west side of Oaklawn Cemetery be designated as "City Ground" (pauper graves), as recommended by the Superintendent of Cemeteries and Director of Public Works. The motion was seconded by Councilman Thrower, and carried unanimously.

ORDINANCE NO. 48 AMENDING CHAPTER 7, SECTION 15, "CEMETERIES" OF THE CODE OF THE CITY OF CHARLOTTE DELETING CHARGES FOR CITY GROUND GRAVES.

Motion was made by Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance deleting the following charges for city ground graves:

"City Ground Graves (Ground and opening)	
Infants	\$17.50
Adults	27.50"

The ordinance is recorded in full in Ordinance Book 18, at Page 114.

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CONTRACT WITH LEWIS CLARK ASSOCIATES, LANDSCAPE ARCHITECTS FOR DESIGN OF LIBRARY PARK, AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject contract in the total amount of \$7,500.00, was authorized to cover the preparation of preliminary designs, working drawings, cost estimates, bid documents, travel and construction inspection for the Library Park.

CONTRACT BETWEEN CITY OF CHARLOTTE MODEL CITIES DEPARTMENT AND EARL M. REDWINE AND ASSOCIATES, AUTHORIZED.

Mr. Jim Wilson, Director of Model Cities Program stated Model Cities is in its 21st First Year Program Month. It has taken 21 months to do what was contracted with HUD last year to do in 12 months. That because of their displeasure, HUD has added a lot of stipulations. One of which requires the City to go back and in effect re-do most of what was done in terms of planning so they can see the effect of staff administration programming, evaluation and management as that effect is not reflected in what they received for the Second Year Plan. Not only are they not pleased with the proposed second year project, but there are some programs which operated in the first year that they will not continue to fund. He stated much of this is reflected in their consideration and review of the proposal which indicated that little or no real effort was made to support this program package. That model cities, although never conceived as such, was treated as an island unto itself for some time. In fact, the movement towards the management and direction of model cities really started after the end of what should have been the first program year. Mr. Wilson stated they have taken all this into consideration as they look ahead and are already two and half months into the second program year. Charlotte has been approved for an additional \$3.168 million which by contract is supposed to be programmed effectively and efficiently the same way and spent by December 31, 1971. The difference this year is that Charlotte is still under an amendment to that contract which says if it is not, and if the impact expected on the model neighborhood has not been required, that any funds left over will be sent back to HUD.

Mr. Wilson stated he does not think the proper and efficient use and management of better than \$3.0 million, plus something like \$150,000 left over from that 21 month year, is going to be done with the established group we now have because of its limitations and past experience. There is a great deal of potential for built-in second and third year failure in the continued extension of previous practices. Not only do we have to do what should be done for the third year plan, but do what needs to be done to undo the second year plan. It will be impossible to do this without very hardnose, highly competent people who have the contact needed in a variety of places to get additional resources to support this program and to effectively expend the funds this program already is obligated to expend in the fiscal year as stated.

He stated model cities monies have always been available, in effect, to purchase other federal dollars on a matching basis just as if they belonged to the City of Charlotte; this is an exception to the usual federal rule. This has not been done. That the McManus report essentially analyzed and evaluated what had transpired previously; it offered a method of operation organizationally to begin the process of doing the job correctly. McManus provided the reorganizational strategy which is being implemented; they provided the beginning of policies and procedures for the department; they provided the emphasis needed to effect a marriage with Model Cities Department and the City structure; they provided the design for evaluation.

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Mr. Wilson stated early in his tenure he began to search around for some consultant and contract firms who had a history of doing good work in this area; that he received about six responses; among them Earl Redwine & Associates. That Mr. Redwine has had serious and successful experience in other model cities in North Carolina, and in other parts of the southeast. His records indicate his success not only in other model cities in North Carolina, but in other areas of this kind of planning work; he has successfully committed and carried out contracts under his guidance over the last several years.

Councilman Alexander stated in the last 10-12 minutes Mr. Wilson has presented Council with more facts concerning conditions of our Model Cities program than we have ever had. We must not overlook the fact that the model cities program was to do several things when it came into a community; its chief beneficiary would be the development of programs that would generate other sources of federal income. This is one of the chief purposes. It is evident that our program did not do just that. That we got all that McManus was hired to do. But through these new funds we are getting more than that and more assistance and more direction from actual experience as what to do with programming, and how to do it and who to contact and assistance in bringing in those that would be necessary to improve our program. To his mind this is the main thrust of what we have before us, and the generation of programs that will direct into our community other federal funds is a point that is utmost here in that we will benefit better from it for the investment in this type of consultant service which we have not had and should have had from the beginning.

Councilman Tuttle moved approval of a contract between Charlotte Model Cities Department and Earl M. Redwine & Associates in the amount of \$72,000.00 for consultant services in the area of management, planning, programming and program implementation. The motion was seconded by Councilman Alexander.

Councilman Short asked if Winston-Salem had the same problems? Mr. Wilson replied Winston-Salem attempted to and was successful in planning, programming and budgeting the program to the extent that as it was scheduled, Winston-Salem committed all its funds; started all its projects and has them well underway. That within two weeks after receiving their contract, thirteen of the nineteen contracts were let and programs were operational; even then they had monies left over which they were able to re-program and get additional matching funds to do other things. Mr. Wilson stated Charlotte has an excellent original first year master plan. Somewhere between that and implementation the ball was dropped.

The vote was taken on the motion and carried unanimously.

APPRAISAL CONTRACTS, AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, approving the following appraisal contracts:

- (a) Contract with William W. Finley for appraisal of one parcel of land at a fee of \$125.00 for sale of city-owned property.
- (b) Contract with Charles M. Owens for appraisal of one parcel of land at a fee of \$175.00 for Eastway Drive Project.
- (c) Contract with Leo H. Phelan, Jr. for appraisal of one parcel of land at a fee of \$175.00 for Eastway Drive Project.

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- (d) Contract with B. Brevard Brookshire for appraisal of one parcel of land at a fee of \$175.00 for Eastway Drive Project.
- (e) Contract with Harry G. Brown for appraisal of Park and Recreation Commission property (Rose Garden), at a fee of \$500.00, for the Northwest Expressway.
- (f) Contract with D. A. Stout for appraisal of Park and Recreation Commission property (Rose Garden) at a fee of \$500.00, for the Northwest Expressway.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FROM HUGH P. CALDWELL AND WIFE, BLANCHE G., FOR THE SUGAR CREEK IRWIN CREEK OPEN SPACE PROJECT.

Councilman Thrower moved adoption of the subject resolution authorizing condemnation proceedings for the acquisition of 22' x 152' x 42' x 100' at 801 East Fifteenth Street, from Hugh P. Caldwell and wife, Blanche G. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 273.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 10' x 189.08' of easement at 1118 Northwood Drive, from William Trotter Development Company, at \$1.00, for sanitary sewer extension to Northwood Park II.
- (b) Acquisition of 100' x 130' x 101' x 155' at 2200 Wayt Street, from Willis Irwin Henderson and wife, at \$700.00 for the Open Space N. C. OSC-51 Project.
- (c) Acquisition of 10' x 134.64' of easement on nine acres of undeveloped property adjoining Rama Road and the Seaboard Railroad from the First Union National Bank of N. C., Trustee under will of I. G. Wallace, at \$135.00, for sanitary sewer to serve Monroe Road and Yardley Place.
- (d) Acquisition of 18.99' x 75.04' x 16.49' x 75.00' at 3700 Eastway Drive, from William Carroll Teague and wife, Winnie M., at \$2,700.00, for the Eastway Drive Project.
- (e) Acquisition of 30' x 139.41' of easement at 3401 Johnny Cake Lane, from Norman D. Zeigler and wife, Eileen L., at \$140.00, for the McMullen Creek Outfall.
- (f) Acquisition of 30' x 125.68' of easement at 3339 Johnny Cake Lane, from Charles D. Bing and wife, Sylvia R., at \$125.00, for the McMullen Creek Outfall.
- (g) Acquisition of 30' x 208.41' of easement at 3405 Johnny Cake Lane, from Lewis H. Parham, Jr. and wife, Elizabeth H., at \$210.00, for the McMullen Creek Outfall.

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CONTRACTS FOR EXTENSION OF SANITARY SEWER LINES, AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, approving extension of sanitary sewer lines, as follows:

- (a) Request of Webster Oil Company, Inc., for the extension of 360 lineal feet of 8-inch sanitary sewer main in Lynwood Avenue, inside the city, at an estimated cost of \$2,638.90. All cost of the construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Request of Cities Service Oil Company for the extension of 695 lineal feet of 8-inch sanitary sewer main in Tyvola Road, inside the city, at an estimated cost of \$4,474.25. All cost of the construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Request of Gowen Oldsmobile for the extension of 80 lineal feet of 8-inch sanitary sewer main and 385 lineal feet of 8-inch trunk, in Starvalley Drive, outside the city, at an estimated cost of \$5,176.49. All cost of the construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

CHANGE ORDER NO. E-1 IN CONTRACT WITH NATIONAL ELECTRIC COMPANY, INC. FOR ALTERATIONS AND ADDITIONS TO WATER DEPARTMENT STORAGE FACILITIES AT 811 FAIRMONT STREET, AUTHORIZED.

Councilman Tuttle moved approval of the subject change order reducing the contract price of \$25,407.00 by \$25.00. The motion was seconded by Councilman Short, and carried unanimously.

CHANGE ORDER NO. G-3 IN CONTRACT WITH LAXTON CONSTRUCTION FOR ALTERATIONS AND ADDITIONS TO WATER DEPARTMENT STORAGE FACILITIES AT 811 FAIRMONT STREET.

Motion was made by Councilman Withrow to approve the subject change order increasing the contract price by \$9,275.00. The motion was seconded by Councilman Whittington, and carried unanimously.

AMENDMENT TO LEASE WITH ERVIN COMPANY FOR SPACE IN EXECUTIVE BUILDING, AUTHORIZED.

Councilman Thrower moved approval of an amendment to the lease with the Ervin Company for space in the Executive Building occupied by Data Processing on Fourth Floor with the City to pay the utility bill which is an estimated \$259.40 per month from May 1, 1970. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Whittington requested the City Manager to give Council the amounts of money being paid monthly and annually by all these departments for outside leases.

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RESOLUTION AUTHORIZING MR. L. P. BOBO, ACTING CITY MANAGER, TO EXECUTE AND FILE ALL DOCUMENTS PERTAINING TO SANITARY SEWER CONSTRUCTION GRANTS UNDER P. L. 660.

Motion was made by Councilman Thrower, and seconded by Councilman Tuttle to adopt the subject resolution. The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 274.

ORDINANCE NO. 49-X ORDERING THE DEMOLITION AND REMOVAL OF A DWELLING AT 1621 PEGRAM STREET, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Withrow moved adoption of the subject ordinance ordering the demolition and removal of dwelling at 1621 Pegram Street. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 115.

ORDINANCE NO. 50 AMENDING CHAPTER 6, ARTICLE VI, ENTITLED "COMMUNITY ANTENNA TELEVISION SYSTEM" OF THE CODE OF THE CITY OF CHARLOTTE TO PERMIT PROGRAM ORIGINATION AND THE SELLING OF ADVERTISING.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 18, at Page 116.

CLAIMS ON BEHALF OF DONALD EUGENE GREGORY FOR PROPERTY DAMAGE DENIED.

Motion was made by Councilman Whittington to deny the subject claims in the amounts of \$1,226.00 filed by Interstate Fire Insurance Company and \$321.00 filed by Robert F. Rush, Attorney, as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

CLAIM FILED BY O. E. WALKER INSURANCE AGENCY ON BEHALF OF JOHNNY BOY KING FOR TRUCK DAMAGE DENIED.

Councilman Withrow moved that subject claim in the amount of \$184.46 be denied as recommended by the City Attorney. The motion was seconded by Councilman Whittington and carried by the following vote:

YEAS: Councilmen Withrow, Whittington, Short, Thrower, and Tuttle.
NAYS: None.

Councilman Alexander abstained from voting as Mr. King is one of his employees.

APPOINTMENTS TO THE PARK AND RECREATION COMMISSION.

Councilman Tuttle moved the reappointment of Mr. A. Eugene Warren to the Park and Recreation Commission to succeed himself for a five year term. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Withrow moved the appointment of Mr. John T. Black to the Park and Recreation Commission for a five year term. The motion was seconded by Councilman Whittington.

Councilman Withrow stated Mr. Black is a retired fireman; he lives on the west side on Ashley Road, and will have time to participate in the Commission's work. Mayor Belk stated he has done a lot of good work for the young people in his church. Councilman Whittington stated he is very active in the Calvary Methodist Church; that he is active in scouting and in Little League Ball.

The vote was taken on the motion and carried unanimously.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow and unanimously carried, Special Officer Permits were authorized issued for a period of one year as follows:

- (a) Issuance of Permit to Braxton D. Fincher for use on the premises of Celanese Fibers Technical Center, 2300 Archdale Drive.
- (b) Issuance of Permit to Thomas L. Simms for use on the premises of Celanese Fibers Technical Center, 2300 Archdale Drive.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Short, seconded by Councilman Tuttle and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mr. Charles Grier and wife, Sally Jackson Grier, for Lot No. 512, Section 8, Oaklawn Cemetery, at \$320.00.
- (b) Deed with Charles Ernest Killian for Lot No. 32, Section 10, Oaklawn Cemetery, transferred from Mr. and Mrs. Allen Killian, at \$3.00, for transfer deed.
- (c) Deed with Mr. and Mrs. Allen Killian for Lot No. 31, Section 10, Oaklawn Cemetery, at \$3.00 for new deed.
- (d) Deed with Sam McNeely, Jr. and wife, for Lot No. 350, Section 6, Evergreen Cemetery, at \$320.00.
- (e) Deed with Mrs. Spyridoula Zarkali Triantis for Lot No. 74, Section 4, Evergreen Cemetery, at \$252.00.
- (f) Deed with L. A. Murray for Lot No. 254, Section 6, Evergreen Cemetery, at \$320.00.
- (g) Deed with Mrs. Eliza Bair Bumgardner for Lot No. 295, Section 6, Evergreen Cemetery, at \$320.00.
- (h) Deed with Mrs. Sheldon M. Ward for Graves No. 3 and 4, in Lot No. 755, Section 6, Evergreen Cemetery, at \$160.00.
- (i) Deed with Mrs. Sheldon M. Ward for Grave No. 3, in Lot No. 754, Section 6, Evergreen Cemetery, at \$80.00.
- (j) Deed with D. D. St. Clair for Lot No. 934, Section 6, Evergreen Cemetery, at \$320.00.

CONTRACT AWARDED BEAM ELECTRIC COMPANY, INC. FOR ELECTRICAL WORK FOR FIRE ALARM FACILITIES.

Councilman Withrow moved award of contract to the low bidder, Beam Electric Company, Inc., in the amount of \$5,808.09 on a unit price basis, for electrical work for fire alarm facilities. The motion was seconded by Councilman Tuttle and carried unanimously.

The following bids were received:

Beam Electric Co., Inc.	\$5,808.09
Driggers Electric Control Co.	6,352.00
Interstate Electric Co., Inc.	8,200.00
Air Masters	8,279.00
The Industrial Electric Co.	9,246.00
Ind-Com Electric Co.	10,135.00

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CONTRACT AWARDED GENERAL AIR CONDITIONING FOR HEATING AND AIR CONDITIONING WORK FOR FIRE ALARM FACILITIES.

Motion was made by Councilman Thrower, seconded by Councilman Whittington and unanimously carried, awarding contract to the low bidder, General Air Conditioning, in the amount of \$3,973.00 on a unit price basis, for heating and air conditioning work for fire alarm facilities .

The following bids were received:

General Air Conditioning	\$3,973.00
L & H Heating & A/C	4,463.00
A. Z. Price & Associates	4,876.00
Air Masters	4,948.00
Ross & Witmer, Inc.	4,970.00
Moore Air Conditioning Co.	5,242.00
Shanklin Air Conditioning	5,355.00
Morris Heating & Cooling Co.	5,761.57

CONTRACT AWARDED KENNEDY VALVE MFG. COMPANY FOR GATE VALVES.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Kennedy Valve Manufacturing Company, Inc., in the amount of \$24,786.50 on a unit price basis, for gate valves.

The following bids were received:

Kennedy Valve Mfg. Co., Inc.	\$24,786.50
Pump & Lighting Co., Inc.	27,035.00
Grinnell Company, Inc.	28,388.60
American Cast Iron Pipe Co.	30,943.50

CONTRACT AWARDED JOE R. ABERNETHY CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION FOR PINE VALLEY SUBDIVISION.

Councilman Withrow moved award of contract to the low bidder, Joe R. Abernethy Construction Company, in the amount of \$74,599.00 on a unit price basis, for sanitary sewer construction for Pine Valley Subdivision. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Joe R. Abernethy Const. Co.	\$74,599.00
Thomas Structure Company	78,108.70
Sanders Brothers, Inc.	85,409.50
Propst Construction Co., Inc.	86,743.60

TRANSPORTATION COMMITTEE AUTHORIZED ESTABLISHED.

Councilman Thrower presented the following statement:

"Transportation is of concern to Charlotte, to Mecklenburg County and to the regional area in which the City and County are located. This concern has been evidenced in several ways. The City and County have joined together to finance a professional planning study of public transportation that will cover Charlotte-Mecklenburg. In its current program of work the Chamber of Commerce has proposed action on the development of public transportation in the metrolina Area. At its meeting on February first the City Council adopted an action program that called for developing a mass transit plan for Metrolina and the Piedmont Crescent of North and South Carolina. On February 12 a resolution was introduced into both houses of the General Assembly that calls for the creation of a Commission 'to investigate and plan for an economical, efficient and rapid means of transportation among the cities of the Piedmont Crescent.'

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These wide ranging interests in transportation now have no central focus in the government of the City or the government of the County. Yet the County and City will inevitably be a principal hub in any system of regional transportation. If the development of regional transportation facilities here follows the same pattern that has been experienced elsewhere the City and County governments may have some responsibilities in the financing of such facilities.

In the context of the above cited transportation interests and activities a transportation committee could serve several purposes. It is suggested that a committee be established as a joint City-County agency. It is further suggested that the Committee be the government's spearhead in working towards the development of regional mass transit systems. In this area the committee would cooperate with the Chamber of Commerce to further the development of mass transit in the Metrolina area. As an agency of the City and County the committee would be in a good position to establish communication and liaison with other governmental jurisdictions in the Metrolina area to develop interest in and action on improved transportation.

The development of mass transportation facilities to inter-connect the communities of the North and South Carolina Piedmont is a project of great magnitude as well as a project of great importance to the future of the region. A great deal of groundwork will have to be laid to develop interest in and support for the idea. The proposed transportation committee could be the source of initiative on this matter in the Crescent area. It could, through contact with other governmental jurisdictions develop an interest in, an understanding of and support for the development of mass transportation facilities in the region.

If the General Assembly acts favorably on the proposal to create a mass transit study commission for the North Carolina Piedmont the Charlotte-Mecklenburg transit committee could lend interest and support to the work of this Commission and could represent the interests of the City and County in the Commission's work.

While the City and County have vital interests in regional transportation they also have greater interests in and definite responsibilities for the effective and efficient movement of people from one part of the community to the other. These interests and responsibilities involve several things. They involve an adequate network of major traffic arteries for private passenger vehicles. They involve adequate street facilities for the movement of buses. They involve concern for the adequacy and effectiveness of the local bus system as expressed in the City-County sponsored study of public transportation that is being done by Wilbur Smith.

They involve concern for Central Business District bus loading, unloading and transfer facilities as expressed in the Central Business District study now being done by Ponte, Travers and Wolf associates. They involve the City's already expressed concern with the adequacy of parking facilities in the Central Business District.

In these areas of local transportation concern the Committee could serve as an action arm of the governments to push forward the implementation of the many existing plans and the prospective plans as cited above that are designed to improve transportation in the community. The committee could develop local interest in and support for transportation improvements. It could pursue State and Federal funds for the development of transportation facilities and recommend programs that will make maximum use of these outside sources of funds for transportation improvements."

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Councilman Thrower stated he would like to thank Mr. Short, Mr. McIntyre and Mr. Hoese for their help in this proposal.

Councilman Thrower moved approval of the recommendations in the report. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF H. F. KINCEY.

Mayor Belk read the following resolution:

"WHEREAS, on the 8th day of March, 1971, death brought to a close the active life of H. F. Kinsey; and

WHEREAS, Mr. Kinsey earned the admiration and respect of the people in the City of Charlotte, being active for almost four decades in its commercial and civic life; and

WHEREAS, the stature he attained in this community by his life and achievements was recognized during his lifetime; and

WHEREAS, the sense of bereavement felt by his family is shared by the City Council, the citizens of Charlotte, and his many friends and associates.


NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Charlotte, in regular session assembled on this 15th day of March, 1971, does hereby express its sincere sympathy to the members of Mr. Kinsey's 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."

Motion was made by Councilman Short, seconded by Councilman Withrow and unanimously carried as everyone stood for a moment of silent prayer.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk