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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, November 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, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate, and Commissioners Albea, Boyce, Moss, C. Ross, Sibley and Turner present.

ABSENT: Commissioners Blanton, Godley and J. Ross.

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#### INVOCATION.

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

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Calhoun, and unanimously carried, the minutes of the last meeting, on November 8, 1971, were approved as submitted.

#### FRIDAY, NOVEMBER 19, 1971 PROCLAIMED AS LAW OFFICER APPRECIATION DAY.

Mr. Myles Haynes, Chairman of the Law Enforcement Committee of the Charlotte Chamber of Commerce, stated the Chamber is sponsoring, this Friday at 12:30 p.m., at the Park Center, a luncheon in honor of all law enforcement officers of Mecklenburg County. It is called Law Officer Appreciation Day. The purpose of the day and the luncheon is simply to honor the hundreds of men and women who serve in the capacity of law enforcement officers for the protection of all of us and the betterment of our community. He stated they feel this day should be a banner day so that every citizen of this county can have an opportunity to say to these fine men and women "we appreciate what you are doing for this community, and we appreciate the knowledge that you are there for our protection."

Mr. Haynes requested the Mayor and City Council to join with the County Commissioners in the proclamation which was passed this morning by resolution of the County Commissioners.

Mr. Michael Allen, Chairman of the Law Officer Appreciation Day, stated the high point of the Law Officer Appreciation Day is a banquet at Park Center where we will honor all law enforcement officers in Mecklenburg County. This will be city police, county police, sheriff's department and Mecklenburg County A.B.C. Officers. They will be the guests of the Chamber and the City of Charlotte for a luncheon. Mayor pro tem Alexander will preside at the luncheon in the absence of Mayor Belk. The main speaker will be Attorney General John Mitchell. Lieutenant Governor Pat Taylor will be present and a singing group will entertain during lunch.

Mr. Allen stated tickets are on sale to members of the general public, and he would like members of Council to be there, and they can purchase the tickets at the Chamber of Commerce Office.

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Mayor Belk thanked Mr. Haynes and Mr. Allen for accepting this responsibility and recognizing our law officers; that we are very proud of all our officers. That in these trying times we have to have outstanding law enforcement, and we think we have the best. That officers operating ten years ago do not operate the same way today. He stated our officers are as well trained as any group in the country.

Mayor Belk then presented the following proclamation:

"WHEREAS, a peaceful and orderly society is essential to the welfare of every citizen in our community, as well as his right to be secure in his person and property from those who would deprive him of either; and

WHEREAS, the dedicated and loyal men and women who serve among the ranks of local law enforcement agencies stand ever vigilant to protect the lawful and pursue the lawless, often under trying and dangerous circumstances, and at great personal sacrifice to themselves and their families; and

WHEREAS, it is right and appropriate that every law abiding citizen have the opportunity to express his support and appreciation of local law enforcement agencies and the hundreds of officers who diligently serve to protect our community;

NOW, THEREFORE, the Mayor of the City of Charlotte and the Chairman of the Board of County Commissioners of Mecklenburg County do hereby proclaim Friday, November 19, 1971, as

LAW OFFICER APPRECIATION DAY

and call upon the citizens to join with us in paying tribute to our law enforcement officers.

Given under our hands this 15th day of November, 1971.

James G. Martin, Chairman  
County Commissioners

John M. Belk, Mayor  
City of Charlotte."

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

PETITION NO. 71-104 BY WARREN J. REDD, ET AL, FOR A CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF REDDMAN ROAD, SOUTH OF ALBEMARLE ROAD AND EXTENDING SOUTHWARD, WITHDRAWN.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, approving the request of the petitioner to withdraw the subject petition.

COUNCIL ADVISED THE HEARINGS TODAY WILL BE THE FINAL PETITIONS COUNCIL WILL HEAR IN THE PERIMETER AREA.

Mr. Fred Bryant, Assistant Planning Director, stated the zoning petitions before Council today are all in the perimeter area. That this is officially the last lineup of perimeter zoning cases which Council will be hearing.

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HEARING ON PETITION NO. 71-90 BY SCHOENITH, INC. FOR A CHANGE IN ZONING FROM R-15 TO B-1SCD OF 9.024 ACRES OF LAND AT THE SOUTHWEST CORNER OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD.

The public 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 six (6) affirmative votes of the Mayor and City Council in order to rezone the property. Also, a general protest has been filed and contains approximately 36 signatures.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located at the intersection of Providence Road and Old Providence Road. At the intersection of Providence and Old Providence Road is a small non-conforming retail establishment which has been there for a number of years; on the back portion of the property is one building used for a residence. Across Providence Road is the Providence Square Development. Immediately to the south are single family residences on large lots; across on Old Providence is one residence and some vacant property; from that point it is basically a pattern of single family uses and vacant property.

He stated the subject property, as well as all the land on the west side of Providence Road is zoned for single family residential purposes only. On the other side of Providence Road is the R-15MF that has existed for some time; further back is the more recently approved B-1SCD and the R-20MF beyond that. North of Sardis Lane is single family residential zoning.

He stated the plan for the development of the property has been filed and consists of one central structure and a service station proposed for the intersection area, and a bank proposed to face on Providence Road. The remainder of the property will consist of parking and landscaping.

Mr. Eddie Knox, Attorney for the petitioner, stated the property is owned by Schoenith, Inc., a family corporation, owned exclusively by Dorothy Schoenith McMillan and Dr. Tom McMillan. The property consists of approximately 9 acres, and is located right at the intersecting point of Providence Road, a four lane road running east and west, and Old Providence Road. The property is located and readily accessible to three or four major housing developments. He stated the property is zoned R-15 and it is their position this property can never be used as single family residential use purposes. The existing traffic on Providence Road and the future existing traffic which will be created as a result of the proposed belt line which will merge into Old Providence Road necessarily precludes any use of this property in terms of anything other than some type of business use. He stated the nearest first class service station is all the way back at Sardis Road which is approximately 1.5 mile; the nearest grocery center is all the way back at Cotswold which is approximately 2.5 miles.

Mr. Knox stated the petitioners have contracted with Humble Oil Company for the sale of this property. The Humble Oil, through Wheatley and Whisnant Associates, have developed some extensive plans for the development of the area. He presented the plans and stated a service station would be at the point; there is a planned mall in the center; some convenience centers are proposed on one side, a grocery center will be located on one side, and a drug store. At the right portion, a bank is proposed. The topography of the land is such that the parking will be in a bowl situation so that with the screening for all practical purposes the parking will not be readily visible from the road. He stated it is not a crowded area and they are talking about a potential 400,000 square feet and using approximately 70,000 square feet on nine acres of property. Just across the road in the Providence Road, they have approximately 7 acres with 80,000 square feet being used out of a total of approximately 300,000 square feet.

Mr. Knox stated there are a number of reasons why this petition should be granted. The property is unsuitable for single family purposes. There is a need in the community for this; it would permit the removal of an eyesore by

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removing the present building and putting a better modern-day facility on that corner. It would permit the establishment of a grocery-drug center in the area.

He stated the shopping center in Providence Square is being constructed for the use and benefit of the residents of that apartment complex. He stated they want something that will serve "Joe Q. Public" who lives outside that particular area. He stated the belt road which will merge into Old Providence Road will produce more traffic. If the property was used for single family, it would be located in the middle of two thoroughfares, and it is not logical to think it can ever be used for single family purposes.

That the four lane road would afford a smooth flow of traffic in and out of the shopping center. They believe the projected development of new housing developments just south on Providence Road, and diagonally across the street are further reasons why every consideration should be given to changing this zoning.

He stated Schoenith Corporation is not a large corporation but is a family-owned corporation with roots in the community as it has been here a long time. Its stockholders are spirited-minded people who have seen fit to turn something back into the community; they gave the 40 acres where Old Providence School is located; they gave ten acres on Carmel Road for a park; they have given tremendous amounts of money in terms of scholastics for students at UNCC, Belmont Abbey, Davidson and nurses at Central Piedmont. That from a standpoint of equity these people have made returns to the community. While they have been returning something to this community, they have had to wait since 1962 for the opportunity to put this property to a reasonable use consistent with merit. Yet the larger corporations, like Ervin Company, continue to come in and demand more and more of the zoning market. He stated it is not right, it is not fair and it is not good planning. He stated this petition should be granted.

Mr. William L. Wollard, Attorney representing some of the adjoining land owners. stated last week they filed petitions signed by the owners of every piece of property surrounding the subject area on all sides of Providence Road and Old Providence Road.

He stated in addition he would like to file protests from the residents of Providence Woods, Olde Farm, Landsdowne, Olde Providence, Singing Springs, Providence Square and Oxford Park. He stated these petitions contain 523 names in protest to the petition.

He stated they undertake to take nothing away from what the Schoenith Family and the Schoenith Foundation has done for the community; that they applaud their efforts. But that is no reason to either award or deny rezoning to any citizen of the community. The reason for denying or allowing the petition should be on the basis of logic, merit and good zoning. They submit in this instance, there is no need for another shopping center at this particular intersection. The area involved is adequately served by the shopping center at Cotswold and at SouthPark. In connection with the thoroughfare plan, alluded to by Mr. Knox, is merely an extension and opening up of existing streets. In the area involved of Providence and Old Providence Road, it is not contemplated to realign or change the streets. It does contemplate widening Old Providence Road from a two lane street to a four lane street. That the fact of converting it into a four lane thoroughfare does not change the character of the community from what it is basically a top quality residential area into a business area which this zoning would do.

In addition to Cotswold and SouthPark, this body has recently approved zoning for two additional shopping centers in this area. One being at Quail Hollow Road and the other Providence Square Shopping Center. If there was ever <sup>low</sup> need for B-1 shopping center in the area, the need has been met; having been met, they see no need to put another shopping center of similar size and facilities directly across the road.

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He stated the plans prepared by Wheatly and Whisnant indicates from first observation a tremendous amount of foliage and greenery, and what could be characterized as a buffer planting strip. However, an examination of the plan filed with the Planning Commission indicates that the only thing separating the property lines of his clients and the bank is about 12 or 15 feet. He stated the plan presented today is slightly different from the plan that was filed last week when he examined it in the Planning Office. The bank now appears to back up against Providence Road, whereas previously it backed up against the corner of the turn which is only about 12 feet from the property line of his clients. That does not change the complexion because you still have your parking areas substantially right on the property lines. There is no significant buffer zone. Even if there were a buffer provided, it does not alter the fact that what this undertakes to do is to step the zoning all the way down from the most highly restricted to the least restrictive; it goes from an R-15 to B-1SCD. There is no buffer of multi-family or office zoning or anything else. He stated there is no demonstrated need for a shopping center in this area directly across the street. It is not good planning or zoning; everything on that side of the road is R-15. By going from R-15 to B-1SCD amounts to spot zoning. Third, they content it will create problems in traffic. He filed a letter from the State Highway Commission in which they stated at their last traffic count in 1970, the traffic on the west side of this intersection was 8,400 vehicles; on the other side was 6,800 and on Old Providence it was 3,000 vehicles per day. That is a substantial amount of traffic which can only be increased by putting additional business development in this area.

Mr. Woolard stated the people in the community have been there for a long time; they have spent a lot of money developing their homes and their home sites; this property is contemplated to front upon private family dwellings. Insofar as the John Q. Publics, referred to by Mr. Knox, these are all the John Q. Publics he knows of that would be involved, and these people have spoken and they say they do not want it and they do not need it.

Mr. Tom Creasy, Attorney with McCleneghan, Miller, Creasy and Johnston, stated they represent a number of petitioners who oppose this change of zoning. He stated Providence Road is about the only main thoroughfare leading from the City of Charlotte that is not cluttered entirely with business at this time. The petitioners opposing the change in zoning fear that the establishment of a major shopping center at the intersection of Providence Road and Old Providence Road will not only create a severe traffic hazard but will only be the beginning of major business encroachments in the years to come. They are given to understand that the property requested rezoned from R-15 to B-1SCD lies within a triangle bounded by Providence Road and Old Providence Road. A general plan for the zoning of the area in close proximity to the subject property is apparent upon examination of the zoning maps of the general area. In this general area, through the use of zoning buffers, maximum development of the business potential of Providence Road has been achieved while at the same time the high quality residential character of the neighborhood has been maintained. To allow change in the character of the neighborhood would destroy this carefully planned and presently existing buffer zone system. The difference is major between R-15 and B-1. The practical effect if the present zoning is changed would be to permit a shopping center to be erected in this area. The problems instant to the establishment of such proposed high density business complex are manifestly apparent. Ingress and egress to and from the business complex into Providence Road is of primary and vital importance. By careful review of the rendering of the shopping area, it is apparent that the exits would create a severe traffic hazard for more than a city block on both Providence Road and Old Providence Road, and its intersection. Traffic is heavy during the night time hours and traffic is slow on Providence Road. At other peak traffic hours the flow of traffic on Providence Road has to be controlled in many areas by uniformed police officers. The non-existence of traffic control lights at intersections in the area already create a situation in which long lines of traffic develop awaiting entry into Providence Road from the intersecting streets. The problems would be increased when multiplied by traffic from the proposed complex. Garbage and maintenance trucks would be compelled to service the proposed business complex thereby compounding the traffic problems.

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Mr. Creasy stated in the immediate vicinity are a number of large homes; these homes were erected in an effort to get away from the threat of business encroachment. They feel a shopping center is not needed nor desired in the area.

Mr. Ben Horack, Attorney, stated the Ervin Company is the owner and developer of the Providence Square Apartments and its own B-1SCD to which reference has been made. He stated he represents no one else nor is he in league with the neighborhood, and he is here only in behalf of Ervin for a very narrow reason. That his comments are directed solely and entirely to the pertinence of the development of the Providence Square area as it relates to this. The Providence Square development got a full blown hearing with consideration of all the factors that have been presented today. That was a little over a year ago. The Providence Square area with its apartments and B-1SCD facilities are now under construction and it will be a very short time before they evolve and can be used by the people in the area. All of that was a part of a very, very comprehensive plan. The proposal of the petitioner here is completely out of step with everything that was considered and that ultimately evolved out of the Providence Square proposal by Ervin. In the original request of Ervin was a request for 14 acres of B-1SCD. The Planning Commission came forth with its recommendation of B-1SCD area reduced down to ten acres; after the Planning Commission's recommendation, ultimately at the request of Council, it was reduced down to 7.3 acres. The main thrust of the recommendation approving the then Ervin proposal was really two fold.

No 1, it was a concern that this request of Ervin's should be allowed up to the very limited extent because it provided facilities that could be available for the area including those apartment dwellers in the Providence area. Second, the shopping center was located near the center of the development rather than being on Providence Road. He stated just a little over a year ago, the Ervin Company who owned a whole doughnut - the Providence Square of over 100 acres - and also the hole in the doughnut, was asked to put its B-1SCD, trimmed down to a little over seven acres, in the center of the doughnut to provide the buffering and to alleviate the congestion and the traffic that was thought might otherwise concur. He stated the subject petition before Council today is exactly the very opposite from everything that was thrashed out on the other occasion.

Mr. Calvin Chesson, Partner in the law firm of Cole and Chesson, stated he is present, representing himself and the members of his community, Providence Woods. He stated he feels there is not a sufficient necessity for the proposed rezoning. The members of his community and those in and around have two very large shipping areas available to them, both in SouthPark and Cotswold, and within about 100 yards of where the proposed rezoning is taking place. That not more than two years ago he spent ten months trying to find a location to have a home for his children to be able to play in safety. Today he feels again he may have to search further. The shopping center is not needed and it is not wanted.

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

HEARING ON PETITION NO. 71-103 BY BENJAMIN F. PRESSON FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF PROPERTY ON BOTH SIDES OF ROAD NO. 3765 EAST OF SOUTH BOULEVARD (PINEVILLE ROAD) AND SOUTH OF STARBROOK DRIVE.

The scheduled public hearing was held on the subject petition on which a protest petition was filed and is sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property. Also, a general protest petition was filed containing over 400 signatures.

The Assistant Planning Director stated this request is generally in the Starmount Area of South Boulevard. The subject property is occupied by a single family residence; to the front on the South Boulevard frontage side is

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a construction company which has a storage yard and an office facility; there is a small private school which has been built beside that facility. Most of the property in question is vacant. It is adjoined immediately on three sides by a solid pattern of single family residential development. Generally speaking, the South Boulevard area is developed and developing with a variety of business activities. But the majority of the property in the general vicinity is developed for single family.

Mr. Bryant stated there is B-2 zoning along South Boulevard; then a parallel area of multi-family which was placed there in 1962. From that point eastward, it is a solid single family residential pattern.

Mr. Edward T. Cook, Attorney for the petitioner, stated the request is for the rezoning of property from R-9 to R-6MF to conform with the front portion which is presently zoned R-6MF. There is approximately 4-1/2 acres zoned R-6MF, and the request is for approximately 8-1/2 acres for a total of 13 acres. The natural intent of the rezoning is the development of the entire tract for apartment construction.

Mr. Cook stated in reference to the protest petition there has lately been wide spread public concern and an outcry over low cost, low rent, commonly called public housing. That he feels such a concern lies behind the majority of the protestors involved in this matter. He stated Mr. Presson does not intend to develop the land himself. That he assured him he has not been approached in regard to putting in low cost public housing, and he will not consider a sale for any such project. That he will consider a sale only for conventional or FHA 236 financing. Mr. Cook stated if Mr. Presson so desired he already has 4-1/2 acres which would hold approximately 80 units of housing of such nature if he wished to place it there. He stated low density of R-6MF zoning does not lend itself to the type of housing which may be feared by the protestors.

Mr. Cook stated should anyone place multi-family structures on the property it would leave the remainder of the property useless for all times as it borders on business and industrial zoning. There is a construction company on South Boulevard that backs up to the property. He stated there is a state maintained public gravel surfaced road that enters the property, and there is no access to the subject property from Starmount or the surrounding areas. The only access is that state maintained road from South Boulevard. If the front portion of the property is used for multi-family purposes, it would leave 8 acres of land in the back that no one would have any practical use for. It would not seem right to deprive Mr. Presson or anyone from the use of that property.

Mr. Cook stated Mr. Presson's request corresponds with existing parallel situations. The Bordeaux Apartments are located in the area and they go back into the single family residential area. Then the Yorktowne Apartments are further up and then the Southgate Apartments. All of these go into and border upon single family residential areas. He stated the subject property is now fenced. A small lake is located on the property and there are two or three small houses. There is a wooded area which would be a natural buffer and then the lake area. That the rest of the terrain would be conducive to buffering from the single family residences.

Councilman Whittington asked Mr. Cook if he is aware of how long C. W. Gallant has been located on South Boulevard; that they have been there for 20 some years. Councilman Whittington stated he mentioned there is no way to get into this property other than through South Boulevard. He asked if they have a right of way to get in through the Gallant property, or the school property? Mr. Cook replied Road 3765 is a public road which comes down behind Mr. Gallant's property. Councilman Whittington asked how long Mr. Presson has owned this property, and Mr. Presson replied for 25 years.

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Councilman Short asked what would keep the purchaser of the property using the property for anything allowed in R-6MF zone? Mr. Cook replied nothing, unless the contract of sale so restricts the property. Councilman Short asked if these deed restrictions would not be in Mr. Presson's favor and Mr. Cook replied they would; but once the land is developed, it would be a mute question.

Mr. Ross Peckham stated he is one of the property owners which adjoins Mr. Presson's land. He passed around booklets containing a summary of points in opposition to the subject petition which he referred to.

He stated they submit that the petition should be dismissed as it has defective and erroneous information in it. That Petition 71-103 stated the title to the property described in the office of the Register of Deeds for Mecklenburg County, in Book 1175, Page 59, is in the name of Benjamin Franklin Presson and Laura Presson. A certified copy of this deed shows a Mrs. Frances Pittman Wolfe to be the real and lawful owner of the property listed in this deed.

Councilman Alexander asked if a person has to be a property owner in order to petition for a rezoning of a piece of property? Mr. Underhill, City Attorney, replied anyone can file a petition. That Council can petition for a change in zoning on its own motion. Property ownership is not a prerequisite to petitioning for a change in zoning. Councilman Alexander stated he is opposed to anyone petitioning for the rezoning of anyone else's property, but he wanted the City Attorney's reply incorporated into the record.

Mr. Peckham referred to Page 10 of his booklet and stated it is a map showing the area which lies just outside the city limits, and that 90% of the property owners adjacent to this property have signed the petition opposing the rezoning of the land. That the property lies in an area completely built up by single family residences. He stated the conditions have not changed in the neighborhood; the conditions under which they bought their homes and wished to raise their families are the same. They feel with the multi-family units it would change the conditions materially.

Also speaking in opposition to the rezoning was Mr. Don Chaplin, Chairman of the Starmount Community Association, and Mr. Tom Smitherson. Mr. Chaplin stated the Board of Directors of the Starmount Community Association has gone on record voting unanimously to deny the zoning classification. Mr. Smitherson stated with the intrusion of further apartment development into the area up to 900 people could be concentrated in this area. The area is so narrow if you built six streets into it a street would border the single family lots on two sides. This would mean a street in the front yards and back yards of some of the residents. He stated the slope of the land slopes entirely from South Boulevard down towards two lots on Starvalley Drive. All the drainage drains into this area now. If sewage facilities were built in the area, a gravity feed would feed to the low point. A lift station would have to be built and force the sewage to South Boulevard. This would put two residents with their kitchen window looking at the sewage lift station. He stated in storm drainage, the existing drainage runs between two lots, and the drainage now flows in a southward direction and flows down through an open creek and down to the main creek in the area. He stated in times of excessive rainfall, the storm drainage system has overflowed and backed water into the yards. That they do not feel this is bad as it does not happen normally. If the land is developed for apartments they would have an excessively high paved area and excessively high roof area. He then read from Section 9-15 of the Civil Engineer's Handbook concerning runoffs.

Mr. Bryant stated the only alternative to the lift station would be to try to get a right of way through one of the side lots to get a tie in back to the sewage system that is already there. Councilman Short asked if that means the property cannot be developed for any purpose. Mr. Smitherman replied absolutely not; that it can be developed for apartments, and it can be developed for homes. But unless you can get rid of the sewage, he does not



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know how you could develop it. It can be done; the only thing they are concerned about in connection with the sewage facilities is normally that a lift pump station is at the low point, and the lower elevation is directly on the fence line of a couple of the residents of Starmount. That their lots are not real large. If you put apartments in, there would not be enough open land for the flow.

Councilman McDuffie asked how many units can be built under R-6MF, as opposed to R-12MF? Mr. Bryant replied approximately 160 units under R-6MF and approximately 125 units under R-12MF.

Councilman Alexander asked if Mr. Smitherman is saying if a developer who put apartment complexes in that area did not arrange to have a sewer lift station it would be the same situation there as where developers do not develop an adequate water system and you get low pressures of water? Mr. Smitherman replied the difference between the sewage system and a water system is that the water system is constantly under pressure; a sewage system is not necessarily so. One is designed around gravity and the other around force.

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

HEARING ON PETITION NO. 71-91 BY JAMES F. ROSS FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF 2.07 ACRES OF LAND AT THE SOUTHWEST CORNER OF NEWELL-HICKORY GROVE ROAD AND ST. JOHN'S CHURCH ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is just north of the Plaza-Newell-Hickory Grove intersection. It is actually at the intersection of Newell-Hickory Grove and St. John's Church Road. It has on it a single family residence and there are single family residences to the south of it for a considerable distance. Across Newell-Hickory Grove Road is a long-standing country store-service station type of facility, and a residence beside that. To the north, across St. John's Church Road, is a large tract with a single family residence. There is a small mobile home park located in the area east of Newell-Hickory Grove Road.

He stated the entire area is zoned for single family residential purposes with the exception of all four corners of the Newell-Hickory Grove Road and the Plaza intersection which are zoned B-1.

Mr. Winifred Ervin, Attorney for the petitioner, stated this is an extension of an existing business zone. The Reverend Mr. Taylor owns the part immediately south of this on which a residence is located and it is under option to sale. That his client owns the property next to Mr. Taylor which is on the left side of Hickory Grove-Newell Road going out. If it is rezoned, it will be under option to sale. Directly south of it is zoned for business; directly across the street the zoning is for business for about 150 feet. The property will front about 240 feet and has a depth of about 420 feet.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-92 BY JOHN CROSLAND FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF 30.093 ACRES OF LAND BEGINNING 600 FEET SOUTHWEST OF MONROE ROAD AND SOUTHEAST OF MCALPINE CREEK EXTENDING TOWARD SARDIS ROAD NORTH.

The scheduled public hearing was held on the subject petition on which general protests were filed by Mrs. J. F. and Miss Margaret Sigmon and Mr. and Mrs. E. P. McAteer.

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The Assistant Planning Director stated the property in question is south of Monroe Road and east of McAlpine Creek. The area around the subject property is predominately vacant although there are a few uses in the area. Immediately abutting the property near the Monroe Road side of the property are two single family residences. Across Monroe Road at McAlpine Creek is an oil company and a service yard for a garbage pick up service. A restaurant is located beside the railroad on Monroe Road; then the Mecklenburg County Landfill presently operated on Monroe Road is in the area. Beyond the subject property, going out Monroe Road, is the Pic. & Pay Shoe warehouse and then Delmar Publishing Company has a printing operation; a small 7-11 Store is located near Sardis Road North, then a single family residence and to the east of the property on Sardis Road North are several single family residences.

Mr. Bryant stated all the property along Monroe Road is zoned I-1; there is a large area of I-1 zoning which extends south of Monroe Road and west of McAlpine Creek; there is an area of industrial zoning which extends southward 600 feet from Monroe Road out to a B-2 district at Sardis Road North intersection. Other than that the area, including the subject property, is all zoned single family residential.

Mr. Robert Perry, Attorney for the petitioner, stated they own not only the property in question but all the surrounding property except that owned by the two protesting people. That John Crosland owns the property facing on Old Monroe Road which is zoned I-1 for a distance of 600 feet. He stated they do not own the property all the way over to Sardis Road, but they do have a right of way into Sardis Road North. There is a good access. They are asking for R-12MF. They will build single family residential in the same area and it will be a graduation from I-1 to R-12MF to R-12, if the zoning application is approved. The area between the subject property and the creek to the north of the property will be maintained in its natural state or improved by vegetation. It will be a greenway; there will also be a greenway maintained of lesser width between the property for which the application has been filed and the adjoining R-12 property. He stated they are asking for a lesser density than they could ask for in a multi-family zone. They are asking for an R-12MF as opposed to a more permissive classification. The property will be developed with what they hope will be all the good planning methods in producing an attractive area. The present plan is to put a small neighborhood shopping center on the Old Monroe Road. They are not asking for a piece of property which they can turn around and sell to an unknown party but one they themselves can develop and in keeping with good land planning practices.

Councilman McDuffie asked if they are saving any space for the McAlpine Greenway? Mr. Perry replied they own all the property on this side of the creek and he assumes it would be for the greenway. Mr. Bryant replied the line has been drawn with reference to the proposed boundaries of McAlpine Greenway.

Councilman McDuffie asked if the zoning in the present ordinance is sufficient to enforce leaving the amount needed for the Greenway? Mr. Bryant replied not forcing; but there are a couple of things involved. Since the flood plain area is not included in the request for rezoning, then the only alternative use for it would be single family residential. Also, by having to go now through a sub-division approval process to get the ultimate plan for apartment development approved, at that point, we can preclude that there would be any development within the flood plain area. While we cannot force the dedication of the land, we can insure that it will not be actually used for development purposes. The important point is that the Greenway area has been defined in this area as being the flood plain area.

Councilman McDuffie asked if the apartments will be regular as opposed to 235 units? Mr. Perry replied the apartments will probably be the medium low income type apartment project, because Sardis Woods is located there and it is a low income type housing project. It will be rental property.

Councilman Whittington asked how many units are in Sardis Woods? A representative of John Crosland replied there are 100 units.

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Councilman Whittington asked how they get into Sardis Woods, and the representative replied off Old Monroe Road and it will continue all the way to Sardis Road North.

Councilman Short stated in connection with the flood plain land that Crosland owns the land, and it is not included in the subdivision plan? Mr. Perry replied that is right. Councilman Short asked if he is not saying that Crosland will make it available, or in a sense, providing it for usage as a part of the McAlpine Greenway, but he is saying they are not using it for anything else. Mr. Perry replied that is right; that he does not feel he can speak for the Company and say they will be willing to give the land; that he does not know their feelings about that. He does have the authority to say it is not going to be developed. Because of the city's control of the development of the area you can see that streets do not come out into that; that there will not be any way to get in and out of there. Councilman Short asked if this is not a broad low flood plain; bigger than a flood plain is in a lot of areas? Mr. Bryant replied not so much as right through this immediate area; there are some very broad areas that exist between Old Monroe Road and Independence. The area through here is a more normal flood plain area.

Councilman Whittington asked how many apartments can be built in the area, and Mr. Bryant replied a little in excess of 400 units could go in.

Mr. Sham K. Blackley, 801 Sardis Road North, stated he is not sure he opposes the petition; that he is interested as a neighbor. That he speaks for at least a dozen of the neighbors in that area. They do not think they oppose this as a matter of good planning. But it is apparent there are a lot of loose ends, and that this has been a hurry up situation to get it before Council as one of the last perimeter items to be considered.

Mr. Blackley stated one of their concerns is the matter of the connection into Sardis Road North. It does go through land not owned by the petitioner, and it ties into Sardis Road North which is a 16 foot wide road. It was paved in 1948 and it is too narrow. There has to be some more planning before you can tie this much development into that size road. The other question is the uncertainty about the disposition of the Greenway and how it might be affected. Also he understands that the landfill has completed its purpose and will be closed about the first of the year, and he would not want that to influence Council too much. They as neighbors, have been generally pleased with the way the County has operated the landfill; one problem has been traffic and trash spilled on the road, but the landfill itself has been handled very well. That there are several other items of this category, particularly of the nature of single family dwellings, that should be considered in the total picture.

Mrs. Sigmon, one of the near neighbors, stated she opposes these turnkey apartments because they adjoin her front yard. They have a quiet neighborhood and they built there with the understanding that single family houses would be built there, or they would not have bought there. Since her husband has deceased it has left her stranded there. With all these children going to school it will be a hazardous place. She stated she has lived here for 19 years; that this land was to be developed within five years after they moved there for single family units.

Mr. Blackley stated he and his neighbors do not necessarily object to the development if it is developed on a sound basis and looked at deliberately. That he would want to make certain if the road is opened to Sardis Road North that Sardis Road North can be improved to take the flow of traffic; that the tie in, the site distance and the other matters there would be looked into. That the property is R-12 at the present, and there are some above average homes in the area. That he does not object to the general concept of the plan but there are some other matters that should be considered.

Councilman McDuffie requested Mr. Bryant to write the petitioners and ask for their position on the Greenway, and if they will send a letter stating they intend to open this road up to Sardis Road North. He stated he received a letter recently on the Viewmont Road apartment zoning, off the Plaza, which indicated that Crosland was to open up a road and now Viewmont Road will provide the only access to the area. That this seems to be contradictory to the

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information Council had. That the letter says Crosland now indicates there will not be a road through Orr Road. Mr. Perry stated he made that presentation, and if this is so, it is a surprise to him. That he went to a lot of trouble to get that right of way. He stated they will be glad to write Council a letter about the road and about the Greenway. Councilman McDuffie stated it would be good if Council can get that in the next week or so. Mr. Perry stated he remembers saying that a road would be opened to Orr Road, and he would like that cleared up. Councilman Whittington stated the letter points out that Crosland has now withdrawn that road, and he would like to make sure what the facts are before Crosland proceeds any further with that project.

Councilman Short stated he called some of the Crosland people when he received the letter, and some of their management assured him that letter is not correct; that this is not the case at all. Mr. Perry stated they went to a lot of trouble to get that property just for that right of way.

Councilman McDuffie stated he would like to have some kind of letter also about opening the road to Sardis Road North.

Councilman Short stated the advice given to him was that any trees cut down in the buffer because of sewer lines would be replaced and the road running on out into Orr Road will be built.

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

HEARING ON PETITION NO. 71-94 BY WILLIAM P. ALLAN, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF PROPERTY ON THE NORTHWEST SIDE OF WILMONT ROAD, BETWEEN TAGGART CREEK AND VON KUYKENDALL DRIVE, AND EXTENDING ALONG BOTH SIDES OF VON KUYKENDALL DRIVE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property lies along the east side of Taggart Creek and northwest of Wilmont Road; it is occupied by several single family residences on Wilmont Road and four or five residences on Von Kuykendall Drive; in addition, there are single family residences along Wilmont adjacent to the property, as well as across Wilmont Avenue. There is a non-conforming small business at one point and a larger non-conforming industrial use at Taggart Creek. He pointed out the prison facility operated by the State of North Carolina on Wilmont Road. He stated the Irwin Creek Disposal Plant is back down on Irwin Creek, and a good bit of the property in the area is affiliated with that usage. Otherwise the area is vacant, particularly to the north and to the east.

He stated the entire area, within the scope of the map is predominately zoned R-6MF; this includes all the property along Wilmont, all the subject property, and all the property to the southeast of Wilmont. There is the edge of a fairly large industrial zoned area that extends adjacent to the subject property. This industrial zone is associated back with the Airport. He stated the airport road would be just adjacent to the subject property. It is expected that the airport road would come up roughly parallel to Yorkmont, cross Wilmont near the creek, and run up on the present property side of the creek, and this would be adjacent to the subject property.

Mr. William Allan stated he is one of the 15 petitioners involved in the petition. That he has talked with Mr. Grandee of the State Highway Commission and to Mr. McDonald with the firm of Whitehead and Associates, and nothing in this "vail of tears" is certain, but they used the words "highly unlikely, and most improbably" that the design of that road would be shifted from the prison camp side of the creek back over to their side.

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Mr. Allan stated they all got together when he first bought his nine acres and wanted to put apartments on his acres. That they decided they would come to Council and present a united front and say they have changed their minds and would like to go industrial. He stated the property is not well suited for residential development because of the adverse influences. No. 1 is the airport noise; that they are approximately 1,100 feet from the back end of the property that faces on Horseshoe Lane, and approximately 1,500 feet from Horseshoe Lane where there are four lawsuits pending. That it seems good planning to forestall the building of 900 to 1,000 apartments that could be affected by airport noise and lay the City open to further potential lawsuits. No. 2 is the proximity to the Irwin Creek Disposal Plant. The airport is on the north and the sewage plant is on the south. On the west is the prison camp farm. There is also the industrial use by the State Highway Department at the intersection of Wilmont and Yorkmont Road, plus the marginal value of some of the houses. The Southern Railway Crossline passes between the subject property and town and in the past has acted as a barrier for the extension of city water lines. The eminent construction of the airport parkway with its noise and heavy traffic has a chilling effect on proposed residential construction. He stated because of these adverse influences, private lenders have been extremely reluctant to even consider a loan application for residential construction.

He stated light industrial use of this land is both likely and suitable. That its nearness to the airport is an advantage for light industrial use. The airport is growing and it is going to need suitable industrial type land, particularly for air freight and airport related activities. He stated water and sewer are readily available for industrial use. If it goes industrial they can get the water across the railroad track. Industrial use would be in keeping with surrounding property.

Councilman Alexander asked what type of development is planned? Mr. Allan replied they do not have any plans; they would like to develop it as an industrial park. That they do not have a single customer yet. He stated about 45-50 acres is involved in the petition.

Councilman Withrow stated he agrees with Mr. Allan on this petition. That all of this R-6MF should be changed; it should be upgraded to R-12MF or be put into industrial. He stated he has asked that this whole west side be considered, and in three years, he has not gotten anyone to go out and reconsider the west side property; it is all R-6MF. It should be changed.

Mr. Bryant replied they have a project underway now; there are a couple of pending petitions on the west side that have been held up pending an overall study of the west side. In addition, the subject area is being studied as part of the total airport study area.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-97 BY ARNOLD W. JOHNSTON FOR A CHANGE IN ZONING FROM R-12 TO O-6 OF A PARCEL OF LAND 222' x 402' EXTENDING FROM GIBBON ROAD TO DERITA AVENUE OPPOSITE ROBBINS STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located between Gibbon Road and Derita Avenue. It is mostly vacant with one single family residence facing Derita Avenue. Across the railroad is the rear of a number of uses fronting on Sugar Creek and Browns Road. To the west across Gibbon Road are basically single family residences in the area and a large area of vacant property.

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Mr. Bryant stated there is business zoning along Sugar Creek Road and Browns Road; on the east side of the railroad is I-2 zoning to the north of the subject property between Derita Avenue and Gibbon Road; then business zoning to the west of Gibbon Road. Other than that the area including the subject property is zoned R-12.

Mr. Macks Justice, with the firm of Grier, Parker, Poe and Thompson, stated he is representing the petitioner, Mr. Johnston. He stated the zoning pattern around the property impinges upon the use of this property for residential purposes. The property is immediately adjacent to an industrial zone; immediately adjacent to the property is a car wash and another business facility. Immediately across Gibbon Road there is residential and business zoning which comes to the corner. On the other side is the railroad and is a considerable amount of business development. Mr. Johnston in asking for the rezoning of the property is not coming in asking for a very high zoning classification to turn a fast dollar. Mr. Johnston would like to use the structure which is on the property and he and his wife will operate a beauty salon. That Mr. Johnston has talked to the property owners in the residential zone immediately surrounding his property, and these people are not opposed to the change in zoning. He filed a handwritten petition, signed by the property owners immediately adjacent to the subject property indicating they do not have any opposition to this property being rezoned for use as a beauty salon. He stated this property is immediately abutting an industrial zone. There is no transition and there is no buffer; it is industrial and then residential. That he would suggest that an O-6 zoning classification would be an ideal, logical and worthwhile transitional zone.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-100 BY JACQUELINE C. JONES FOR A CHANGE IN ZONING FROM R-12 TO B-2 OF PROPERTY 300' X 300' AT 7300, 7314, 7318 WALLACE ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised Wallace Road comes from Monroe Road over towards Independence, turns and runs parallel to Independence and back into Independence Boulevard. The subject property is on the southwest side of Wallace Road at the point where it is parallel to Independence Boulevard. The property is used for single family residential purposes as is most of the property fronting on this side of Wallace Road all the way down and into the beginning of Woodberry Forest. Along Independence Boulevard are a number of non-residential uses; the closest being a little restaurant and hardware store at the intersection of Wallace Lane and Independence Boulevard; to the south is a doctor's office and several other business uses in the area; to the west, towards Monroe Road, is vacant property which has a subdivision plan for a residential area.

Mr. Bryant stated it is a solid strip of business zoning along Independence Boulevard. Adjacent to the subject request is the recently approved office zoning for the Ed Griffin Company; surrounding that is the R-12 zoning.

Councilman McDuffie asked how we can somewhere make a mark and have a service road along there? Mr. Bryant replied this has been looked at a number of occasions by request and it is always bogged down in cost factor situation. You either have regulations that would require some sort of service road treatment in the area that is not yet developed. The only other thing is to buy up the right of way for a service road. Mr. Bryant stated in this instance the property does not front on Highway 74 directly; it fronts on Wallace Lane. In effect, the configuration is almost one of a service road parallel to Independence.

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Mr. Paul Whitfield, Attorney, stated Mrs. Jacqueline Jones has married a Mr. Parker, and he is representing Mr. and Mrs. Parker who live on the property and would like to rezone the front portion of that property for about 300 feet; they own another 700 to 800 feet and it will be left as a buffer. He stated they have owned the property 11 or 12 years and they want to continue to use their house on the property and to start a family business on the property. Mr. Parker has been in the automobile business for about 15 or 20 years at several local dealerships and he wants to set up a dealership of his own on his own property. The structure adjacent to Mr. and Mrs. Parker belongs to a man who is in the salvage business and most of his business is in his front yard.

Mr. Whitfield stated the property next door has been rezoned to O-6 and there is another office zone across Wallace Road and abutting on Independence Boulevard with business in front of it and business on either side of subject property and O-6 directly beside it on the west; it would appear that the logical thing to do in lieu of R-12 would be to rezone the property either B-2 with the buffer on the rear or perhaps O-6 or B-1. That apartments would be better development for this property than R-12. People are not going to build single family dwellings on this property.

He stated if Council does not see fit to rezone it B-2, Mr. and Mrs. Parker will continue to live on it. If it is rezoned, it will be put to a business use and it would generate jobs and would generate tax revenues.

Councilman Short stated in the larger picture of Independence Boulevard, we are asking the Highway Commission and the Federal Bureau of Roads to do something to make that street more nearly passable and reasonable. Their attitude obviously is why in the world did you ever allow this situation to develop? That they are referring to the area beginning back miles closer into town. He asked Mr. Whitfield how he would feel about Council attempting to get them to broaden this road, or add more lanes, or to bypass it in some way, or improve it and make it usable? Yet we are still doing the very thing they are objecting to and that is zoning more and more for business. He asked if he has any comments relating to the broad picture of what has happened out there for a period of four or five miles? Mr. Whitfield replied he cannot say for four or five miles; but he does recall twice standing on Wallace Road, and unfortunately people who work in the downtown area and live in these apartments out this way or who are going to Monroe or points east do not use Independence Boulevard; they zip down Monroe Road and onto Wallace Road and use this road like Polly Flock would use it, at 70 MPH. Something should be done about it.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-101 BY HOWARD T. NANCE FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF PROPERTY ON BOTH SIDES OF FLORENCE AVENUE BEGINNING BEHIND THE FRONTAGE PROPERTY ON RAMA ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located on both sides of Florence Avenue which is a dirt road leading from Rama Road eastward; the property has one single family house on it on the south side, and the property to the north side is vacant. There are several single family homes on Florence Avenue, and several others at the end. The property to the north of the subject property is presently being developed as an apartment project - the Lemon Tree Apartments. The property to the east along Rama Road has single family residences and then McClintock Junior High School.

Mr. Bryant stated the subject property is zoned R-12 as is most of the property on Florence Avenue with the exception of the very corner at Rama Road. O-15 zoning was installed from Florence Avenue, along Rama Road up to Monroe Road. The adjacent property to the north is R-9MF; other property in the area to the west, south and to the east is R-12.

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Mr. Ray Bradley, Attorney representing Mr. Howard T. Nance, stated Mr. Nance is developing the R-9MF section referred to as the Lemon Tree Apartments. That this petition is a request for an extension of the R-9MF down to the other two lots that back up to this property which contains about five acres. The area at Monroe Road and Rama Road is a wide open area. There are five houses on Florence Avenue in addition to the house on the subject property. They are all on very large tracts and they are all modest dwellings. He stated at this time Mr. Nance has not designed any particular apartment dwellings for this area, but would merely tack it on to his present Lemon Tree apartments and use it as recreational facilities until he needs to expand that particular apartment project.

Councilman McDuffie stated from what he has seen lately he is about ready to stop voting for R-6MF and R-9MF because of the congestion; that six and nine appear to put too many together without leaving any open space. He asked how Mr. Nance would feel about R-12MF? Mr. Bradley replied the request is for R-9MF and he would like to keep it consistent with the other zoning.

No opposition was expressed to the proposed change in zoning.

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

REPORT OF CHAMBER OF COMMERCE ON SUGGESTION OF METROPOLITAN FINANCIAL PLANNING COUNCIL ACCEPTED WITH STEPS TO BE TAKEN TO WORK TOWARDS ITS QUICK IMPLEMENTATIONS.

Mr. W. J. Smith, representing the Chamber of Commerce, stated they are not trying to be critical of anything that has taken place in connection with the City Council in the management of our financial affairs. To the contrary, they wish to express their appreciation for the fine job they have done in the past.

Mr. Smith stated today they would like to try to bring to the public's attention and to Council's attention some problems Council will face in the next several years. To bring this to the attention of the Council and the public at this point then perhaps they can be of some help, and the public can be of some help in attacking what they think will be a very knotty problem.

Mr. Smith stated for a number of months a committee of the Chamber of Commerce has been studying the city and county budgets. The committee wanted to determine what these budgets would look like over the next several years; more specifically they thought if there were problems on the horizon, the earlier they were brought to public attention the greater the possibility that proper planning would take place towards reaching satisfactory solutions.

To project city and county budgets in the future they have observed percentages of changes in both revenue and expenditures that have occurred during recent years. To the cost of providing municipal services, they have calculated the future costs of serving the capital expenditures that are in the capital budgets published by the city and county in July, 1970. They added \$5.0 million per year to the county capital expenditures for school construction; although school officials indicate this figures is not large enough. It should be added that in considering capital expenditures for both governments, some people feel there are a number of major projects which should be implemented that are not included in these figures. They are here today to officially present to Council a copy of their report and to ask Council's cooperation and participation in a planning Council which they are suggesting. A summary of their findings shows the county tax base is growing faster than the city tax base. The four years prior to revaluation the county base was growing 8.3% per year as compared to 5.3% for the city. In 1966-67, the City tax base was 72% of the county's. This has been reduced to the present 63%. The cost of furnishing city municipal services is also growing much more rapidly than county services that are financed from local revenues. Based on these trends, and assuming the City and County spend the



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capital expenditures which were projected last year, the city tax rate will rise in three years from the present \$1.64 to \$2.27. Forty-seven cents of this amount will be for debt service requirements. The remaining \$1.80 would exceed the \$1.50 limit for general fund purposes. The County tax rate would rise during the same period of time from the present \$1.56 to \$1.73. The County has the capacity much easier to accomplish their objectives in what is going to take place than the City has. The City is going to have some very severe problems even with next year's budget. It seems probable that the Council will not vote these large increases, nor will the voters or taxpayers tolerate them to this extent.

Our community is facing the alternatives of decreased services, a major source of additional revenue and/or a significant stretch out program of the proposed capital expenditures which are in the budget figures. A parathetical thought is appropriate at this point. The time has come, especially in the City, for the governing bodies to establish priorities for capital projects. This should be done prior to the next request for a bond referendum. The voters will want to know the priority ranking of the various projects you are asking them to consider. To study these problems, they are recommending the formation of a Metropolitan Financial Planning Council.

This Council should, after much study and open debate, suggest solutions, well in advance of the next legislative session. The Committee should consist of the following members. Two members from this Council, appointed by the Mayor, two members from the County Commissioners, appointed by the Chairman; one state Senator, appointed by the Chairman of the Legislative Delegation and one State Representative, appointed by the Chairman of the Legislative Delegation; two members from the School Board, appointed by its Chairman; two members of the Chamber of Commerce appointed by the President; and four members at large with two each appointed by the Mayor and the Chairman of County Commissioners.

The Chairman of this Council should be elected by its members at the first meeting. It is noted that the Council would have representation from all levels of government. That is elected officials. He stated they have restricted their suggestions to those officials which are actually elected. The problems pointed out by this report are inner-related in that all levels are competing in our community for, in some cases, the same tax dollars. The solutions can be worked out better through cooperation and thoughtful study on a community wide basis.

Mr. Smith stated Council's support for this Council and the immediate appointment for the Council's two representatives will be appreciated.

Councilman McDuffie stated he is concerned about only two members of the State Legislative group; it seems to him there has been communication in the past from other elected officials to them about the need for additional sources of revenue. Often times there is no feeling from them to pass the legislation. That it seems to him all those people should be directly involved. That they are the ones holding up progress.

Mr. Smith stated he agrees. That the question of domination and having two members from each of these groups was the overriding point that they mentioned only two. It is going to take the involvement of all the Legislative Delegation to accomplish anything, as it will require the involvement of all members of Council as well as the other Bodies mentioned. That having taken all these things into consideration, they think the appropriate number is two from each Body so that no Body gets into a dominating position in the discussion. This is a cooperative thing and needs to involve a number of elements all over the County and the City. They believe this is the proper representation.

Councilman Alexander stated the more we hear these various reports of conditions that face us, the more he is concerned over the fact that all these things relate to why we needed consolidation. That as these matters come up

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we should pinpoint them so they can be documented, so we can go before the community from time to time, selling them on the need for a reconsideration of consolidation. That he thinks it is solely important to our existence that we do this. Mr. Smith stated he agrees with Mr. Alexander.

Councilman Whittington stated he agrees with the conclusion, but he thinks you have to be realistic. When that was turned down by the majority of the people, he does not see someone getting up on the stump and running back out to preach consolidation. That everybody in this room realizes our financial situation. It was pointed out very vividly by the City Manager and his staff at the budget sessions that down the road and not very far away we are in trouble. That he concurs in what Mr. Smith said today, and had intended to make some remarks later about the Chamber Committee helping the City Council find ways to get this revenue. This is nothing new. Last week, Mr. Calhoun spoke to the same subject in the Charlotte News. Councilman Whittington stated he does not think we should wait until the next session of the Legislature or until next year; that he thinks the Mayor should appoint the Council's members now, and hopefully, Jim Martin will do the same thing, and Jim Vogler likewise. Let's begin working now with our staff because these needs have to be met. Councilman Whittington suggested that Council appoint its members immediately and ask the other agencies to do so, and let them begin to work with our staff and their staff.

Mayor Belk stated he has a little different feeling. His office has sent out a letter to all elected officials of the three governmental bodies. That he feels this is their responsibility and that they should come up with some solution as a group. That he thinks there has been a lack of coordination between the City, County and the Delegation. He stated the letters have been sent out but he has not received much reaction. That he has talked to the majority of the people and they seem to think a meeting should be set for something between the 10th and 15th of January. That he thinks we can do a better job of coordinating these three governmental elected bodies. That this is where it should start. These people have been elected and this is where the information will be coming from. Information should be included from all these people. The responsibility is still on the ones elected.

Mayor Belk stated he thinks the ideas and the objectives of the Chamber Committee are excellent, and they should be complimented. That Mr. Smith is one of the best informed financial people in the community and he can aid in these problems.

Councilman Whittington asked if the Mayor is not saying the same thing as Mr. Smith is saying, except Mr. Smith is suggesting a committee composed of members of each elected governing body. The meeting the Mayor is talking about has to come about, and obviously we cannot get new revenue without the help of the Delegation. If we wait until January for the County to start on theirs and the City to start on theirs and then meet with the Delegation, we will be two or three months behind, when this much preliminary work can be done in the meantime by the Council and the County Commission Committee.

Mayor Belk stated the City already has the information it needs on what we will be doing in the next few years. The thing now is how to fit this pattern in with the Delegates and the County. This is where we are lacking coordination. That he thinks the City was at fault partly in not getting a better point across to the Delegates. There was almost no communication. Everytime we went up there they would sort of laugh at us and then we would come back. That we need them to work with the City, and he believes the County is the same way. By getting the three groups together he thinks we can do a better job than we have ever done.

Councilman Calhoun asked Mr. Smith how many different studies and reports his Committee has prepared over the years for attacking this problem, and if he has anything currently in process? Mr. Smith replied they do not have

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anything currently in process; but the work in the past covered different periods of time. That he does not think anytime they have ever done this in the past that there has been the degree of rise in anticipated tax rates as we will see in the next three years. They have done this before, and have never seen this potential increase in the tax rate as they see over the next three years. We are in more critical position today than we have ever been.

Councilman Calhoun stated, as he recalls, the program of the Chamber for 1971 included some specific suggestions with the thought in mind that these would be studied and considered specific recommendations in due course; they were never followed up with the exception of one or two. The hotel-motel tax was one, and there may have been one other source where it fell flat. Mr. Smith stated if you get this problem solved, it has to be a major source of revenue; the hotel-motel tax and the other taxes other than a 1% additional increase in sales tax or 1% payroll tax will not produce enough revenue to begin to touch this particular problem. One of the biggest problems in the city right now is that the city has so many capital projects that it badly needs to accomplish; there is no way to accomplish all those tax increases even with a 1% increase in either the payroll tax or the sales tax. Even if you have both those, you are going to have to stretch out your capital expenditures and you are going to have to give attention to your capital expenditures in such a way that for the first time you are going to have to come up with a publicly declared priority system so you can sell your bond issues. We are in a time now where the taxpayers are very much antagonistic toward bond referendums.

Mayor Belk stated we failed completely in Raleigh because we were not coordinated before they went over there, and we were not coordinated after they got there; they did not even think the same thing, and there was a lack of communication. If we do not get the three governmental bodies together better than we have been functioning in the past ten or twenty years, we will never be able to get the citizens to back up anything. That he is saying we should get the three groups together first; then when you have a unit of this type, go about the approaches Mr. Smith is talking about. Our governmental bodies are going to still have to take a stand and show the unity of the three working together.

Councilman McDuffie stated what Mr. Smith is trying to say is that we need dedicated people to go to Raleigh before they are elected to be committed for this kind of tax. It will be another year before they stand for election, and all of us know that these people who run for office in Raleigh have not been involved in local government. Two of the State Senators are not going to run again, so that body is going to change. If Mr. Smith's committee cannot do anything else but to zero in on people and what the needs are before these elections come about, and the people do not go down there but for one purpose and that is to get additional revenue for Mecklenburg, they have done us a service.

Councilman McDuffie stated some of the city functions could be county; we can combine the City and County Recreation Departments and relieve the City of that shorage we will be faced with; that he understands it is legal without any legislation. He stated if the Chamber of Commerce group would work to that end in the next year, we could combine the City and County Recreation Department and get the tax base over the whole county. Otherwise the eight cent has already been supplemented by the city budget, and we would eliminate that need and it could run on its own. That is one thing, and he has always though the Coliseum was another thing with 68% of the people from outside the county. All those put together add up to the tax rate.

Mr. Smith stated they are not recommending a Chamber of Commerce Committee; they are recommending a public committee. Also, they are not recommending any specific tax at this time; they are here today because they feel the

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urgency to do something right now. They would like to see some effort made, preferably the route they have suggested, and that work begin immediately. They would like for some recommendations to come out of this Committee in sufficient time for all people running for office - City Council, County Commissioners, and State Representatives - that we can ask them in advance what their position will be with respect to these recommendations. If they will support them or if they will not support them. He stated they would like to have their commitments in advance and to get that accomplished we should go to work and go to work in a hurry.

Councilman Whittington stated two or three times the Mayor has mentioned coordination or cooperation; that he says if we do not do these things now, and have this package together when we all get together then we do not have any direction in which to go. That he would urge the Mayor and Council to do what is suggested by these people who have made this report for the past twelve years. He urged Council to do something about it now rather than waiting until next year. It is a feasible, reasonable and accurate way to get going.

Following more discussion, Councilman Alexander stated if we have done nothing else, we can at least start with this Committee and see if we can get impetus moving and at the same time be plugging up all these other loopholes.

Councilman Alexander moved that Council accept the report of the Committee as submitted and take those steps that are necessary to work toward its quick implementation. The motion was seconded by Councilman Whittington.

Councilman Whittington asked Mr. Alexander if he is saying to take whatever steps are recommended by Mr. Smith? Councilman Alexander replied yes, and at the same time keep on working to see if we can have a meeting of the minds of these three political forces that are necessary. That we have to do both of these things at one time. Councilman Whittington stated you cannot meet with the three bodies until you get a program together, and that is what the Committee is for. Councilman Alexander stated it is alright to get this Committee; there are some facts we know need to be given consideration; that we can start with the Committee; we can take an indepth consideration of what our fiscal needs are from a city point of view in conjunction with whoever else needs to be a party to it. This is all he is saying. Certainly we can put two facts together with what is coming from this Committee with the impetus from outside and political forces all together.

Councilman Short stated the Mayor is saying he is trying to fend off defeat for this Committee. That he thinks he has a point. If we just had several appointed from each of these Boards and they got off somewhere in a room and came back and say we need this 5th cent of sales tax, that will not produce this 5th cent of sales tax. It will go down. That Committee will be ineffective. The Mayor is saying if we could give this Committee a big send-off from an appearance of substantial unanimity of consensus and this sendoff would involve a summit meeting; at this meeting Mr. Smith and anyone else who has a plan could be present and present it. From this meeting perhaps a Committee could be put together that could operate forward from that point, and might have some chance of success.

Councilman Jordan stated what the Mayor is asking is true, and what Mr. Smith is trying to get across is the fact that you are going to have to get these people committed to do these things. We have had meetings with all three Bodies this past year and we did not get anywhere. We had no cooperation. What Mr. Smith is saying is we should get these people committed in the beginning. If we go ahead with the Committee now and get it set up and get it moving, it will be a step forward.

Following more discussion, Councilman Short made a substitute motion that the Mayor be requested to try to bring together a meeting of the four groups or boards that we have mentioned, as quickly as possible, and at that meeting there be a discussion of appointing this Committee. The motion was seconded by Councilman Withrow.

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Councilman Alexander stated his motion is to accept the report of the W. J. Smith Committee and we proceed in those steps necessary to implement this report. He stated in so doing if that includes what the Mayor says about calling the three elected groups together to help move towards implementation, the room is open to do it. This motion does not stop anyone from doing anything it wants to do toward resolving the problems that have been submitted today by this Committee.

The vote was taken on the substitute motion and failed to carry by the following vote:

YEAS: Councilmen Short and Withrow.

NAYS: Councilmen Alexander, Calhoun, Jordan, McDuffie and Whittington.

The vote was taken on the main motion and carried unanimously.

Mayor Belk stated he thinks Council has dropped some of its responsibility in the approach that is being taken.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 5:50 o'clock p.m. and reconvened the meeting at 6:05 o'clock p.m.

ORDINANCE NO. 304-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF MONROE ROAD, EXTENDING IN BOTH DIRECTIONS FROM A POINT OPPOSITE ASHMORE DRIVE.

Petition No. 71-72 by G. W. McManus and Elam Ray Wolfe for a change in zoning from R-9MF to B-2 of the subject property was presented for Council's consideration.

Councilman Whittington moved that the petition be delayed until he has had time to study it from an office classification rather than the B-2 as requested. The motion was seconded by Councilman Calhoun.

Mr. Sam Williams, Attorney for the petitioners, stated he would like to present the request in final fashion.

Councilman Whittington and Councilman Calhoun withdrew the motion.

Mr. Williams stated they have about a six acre tract. He passed around photographs taken last week of the Lemon Tree Apartment area and stated they have attempted to recognize the fact that the City Council is trying to support the Planning Commission in either deferring or totally eliminating commercial zoning on Monroe Road beyond the cemetery. They have about six acres; it is located in front of a couple hundred apartment units. O-15 is grand but every day there is a new announcement of O-15 development and business is needed in this area for the convenience of the people. The highest and best use of this property is clearly O-15 at one end so there is no problem with the zoning at Rama and Idlewild, and a very light B-1 use for the restaurant, hardware, a 7-11, a service station, drive-in cleaners and a drive-in bank and a doctor's clinic in the O-15. They are proposing a light development of six acres of land. They have received approval on the drive way, cuts and the parking; there is a natural barrier with the cemetery. Part of it is Duke Power and part of it is a tree line on their right of way. There is a natural buffer at the other end with the office property. They are proposing a change to O-15 of 100 feet on the far side; then the remainder of the property approximately 1,300 feet on Monroe Road to B-1. He stated to make it easier he will ask that it be changed to B-1SCD.

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Councilman Jordan moved that the zoning be changed to B-1SCD. The motion was seconded by Councilman Withrow.

Mr. Bryant, Assistant Planning Director, stated this will not meet the requirements of B-1SCD as the area is not large enough. You must have a three acre minimum for B-1SCD. This tract is split by a public right of way, and technically, this has to be considered two separate parcels, and one parcel does not meet the requirements.

Councilman Whittington made a substitute motion to delay decision. The motion did not receive a second.

After further discussion, and after the City Attorney advised that he does not have enough information to rule on whether or not the property will meet the requirements of a B-1SCD, Councilman Short made a substitute motion to rezone the property as O-6. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Short, Whittington, Alexander, Calhoun, McDuffie and Withrow.

NAYS: Councilman Jordan.

The ordinance is recorded in full in Ordinance Book 18, at Page 400.

#### RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted providing for public hearings on Monday, December 20, on Petitions No. 71-107 through 71-109 for zoning changes.

The resolution is recorded in full in Resolutions Book 7, at Page 487.

#### APPROVAL OF THE USE OF BELMONT FIRE STATION BY BELMONT "GOOD GUYS" CLUB" UNDER JOINT SPONSORSHIP OF CITY POLICE DEPARTMENT AND MODEL CITIES DEPARTMENT.

Motion was made by Councilman McDuffie, seconded by Councilman Alexander, and unanimously carried, approving the use of the Belmont Fire Station by the Belmont "Good Guys" Club", under the joint sponsorship of City Police Department and the Model Cities Department.

Councilman Alexander stated he is impressed with what was done by the Staff in trying to find out how they could make such a proposal. This shows there does exist within the confines of what we are doing on governmental levels to find solutions to our inner-city problems ways they can be done if we move at it hard enough.

Councilman Whittington asked where we stand with some of these recreation facilities. Every Monday we buy land for the Model Neighborhood in the Belmont Villa Heights Area and we have been buying creek land for two years. He asked when one of the community facilities will be ready? Mr. Norman Williams, with Model Cities, replied the first one will be in the Greenville area and the second one will be in the Belmont-Villa Heights area. The bids should be let for the Greenville Area and announced in December; occupancy should be in November or December 1972.

Councilman Withrow asked who approves these plans? Mr. Williams replied the City Council; that the Department of Social Services has input, the Department of Health, Department of public instruction, all the recreation departments have input even before the specifications are drawn. Councilman Withrow asked if there is any way the City Council, in approving the plans, can see the inputs of these groups. That he has other information from agencies who say they have no input. Mr. Williams stated they have offered

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to all agencies connected to send in requisitions for office space for agencies to operate some programs in the centers. He stated the Director, Mr. Wilson, is forwarding copies of the information to the City Manager's Office.

Mr. Dwight Kidd, President of the Good Guys' Club, thanked the Mayor and City Council for approval of their use of the station; that their special thanks go to Mr. Fred Alexander.

**APPROVAL OF THE ISSUANCE OF \$4.0 MILLION IN AIRPORT REVENUE BONDS FOR CAPITAL IMPROVEMENT PROJECTS.**

Councilman Jordan moved that the Finance Director be authorized to proceed with the necessary negotiations toward the selling of the subject revenue bonds for capital improvement projects at Douglas Municipal Airport. The motion was seconded by Councilman Alexander, and carried unanimously.

**AGREEMENT WITH DUKE POWER COMPANY FOR THE INSTALLATION OF UNDERGROUND WIRING ON THE EAST SIDE OF MCDOWELL STREET, APPROVED.**

Upon motion of Councilman Short, seconded by Councilman Calhoun, and unanimously carried, the subject agreement with Duke Power Company, was approved for the installation of underground wiring on the east side of McDowell Street, between East Fourth Street and Independence Boulevard, at an estimated cost of \$120,000 with funds available in the Redevelopment Commission accounts.

**RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH ILLEGAL LEVY.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, to adopt the subject resolution authorizing the refund of certain taxes in the total amount of \$250.00, which were collected through illegal levy because the tax has been deemed and determined in a Court of Law to be unconstitutional.

The resolution is recorded in full in Resolutions Book 7, at Page 488.

**LEASE BETWEEN CITY AND WINTERFIELD BOOSTER'S CLUB, INC. FOR A PARCEL OF LAND LOCATED AT THE END OF WINTERFIELD PLACE, APPROVED.**

Councilman Whittington moved approval of a lease with Winterfield Booster's Club, Inc. for a parcel of land located at the end of Winterfield Place to be used by the Club for community recreational purposes and activities only. The motion was seconded by Councilman Withrow.

Councilman Short asked if the lease is such that the public will be allowed to use this as a recreational area? Mr. Underhill, City Attorney, replied the clause in the lease states that the improvements will be used solely for community recreational activities sponsored by the lessee. The lessee intends to build baseball and football fields. Councilman Short asked if the Park and Recreation Commission has some sort of liability insurance that would not apply here as it is leased out to this private organization? Mr. Underhill replied under the terms of the lease this organization will be required to keep in force without limiting its liability, liability insurance and a minimum property damage in the amount of \$100,000, and personal liability in the amount of \$300,000.

Councilman Alexander stated the City is leasing this land to the club; he asked if the club has any discrimination in its membership, or is there any

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discrimination in the activity? Councilman Calhoun stated he has seen the Winterfield teams perform and he would say there is no discrimination involved as far as representation on the youth football teams are concerned. That he does not know what the bylaws of the organizations say, but they are well represented in the youth program. Councilman Whittington stated he does not know the percentage of ratio, but he has never met a bunch of adults that had a better program anywhere in Charlotte than they do. They involve children from six year up to 14 or 15 years. Councilman Alexander stated he is not questioning the intent; he just wants to be sure we do not do something today so that we will get tied up in some legal problems.

Mr. Underhill stated he has not examined the bylaws of this club, but he would be happy to do so; that he can insert a provision in the lease to cover this.

Councilman Alexander requested the City Attorney to insert in the lease the necessary restrictions that would keep us from being involved in any legal hassel based on discriminatory practices. Mr. Underhill replied that can be done as far as the City is concerned; that he has been working with the Club's attorney, and he would assume they have no opposition to such a clause in the lease. The lease has a provision where it can be cancelled with a six months notice at anytime by either the City or the Club.

Mr. Underhill stated he will see that the necessary clause is included in the lease.

The vote was taken on the motion and carried unanimously.

CITY ATTORNEY REQUESTED TO GIVE COUNCIL A MEMO ON HOW FAR IT CAN LEGALLY GO IN TERMS OF POLICY ON REQUEST FOR USE OF CITY PROPERTY.

Councilman Short stated Council is arranging for these people to provide this recreational facility in the Central Avenue area. That the land is tax free land and there are other organizations such as the Salvation Army that have recreational lands and they are paying taxes on it. That he thinks we need to have something further about how far we can legally go in this sort of thing. We are faced with a baseball park request, and the Children's Theatre request.

He requested the City Attorney to give Council a memo on whether Council can legally do this sort of thing and what the boundaries of it are. That we should consider how far we want to go with this sort of thing in terms of policy.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Councilman McDuffie moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Clarence P. Street and Ruth W. Street, located at 2727 Sharon Lane in the City of Charlotte, for the Sharon Lane Widening Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 489.

Motion was made by Councilman Withrow to adopt a resolution authorizing condemnation proceedings for the acquisition of property of Walter Ben Bost and wife, Beulah H. Bost, located at 1614 North Davidson Street, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 490.



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Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property of George Franklin Jones, and wife Ruby L. Jones, located at 826 Belmont Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 491.

Motion was made by Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to William V. Wiley, Jr. and James A. Wiley, Julia B. Wiley and Margaret P. Wiley, located at 1721 North Davidson Street, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 492.

**CITY OWNED PROPERTY RECOMMENDED ADVERTISED AND OFFERED FOR SALE AT 511-519 AND 525 EAST THIRTIETH STREET.**

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, recommending the city-owned property located at 511-519 and 525 East Thirtieth Street, purchased in the course or right of way for East Thirtieth Street Project, be advertised and offered for sale.

**PROPERTY TRANSACTIONS AUTHORIZED.**

Councilman Whittington moved approval of the following property transactions which motion was seconded by Councilman Alexander, and carried unanimously:

- (a) Acquisition of 25.40' x 352.82' x 47.49' x 352.18' in the second block of East Trade Street, from North Carolina Railroad Company and Southern Railway Company, Lessee, at \$94,880.00, for the Civic Center.
- (b) Acquisition of easement of 87.64' x 179.20' x 205.47' x 179.81' off Inverness Road near Manning Drive, from George R. Trotter and wife, Susan C. and William P. Allan and wife, Martha H., at \$650.00, for Lower Briar Creek Interceptor.
- (c) Acquisition of easement 25' x 84.01' at 2000 Runnymede Lane, from J. J. Harris and wife, Angelia M., at \$84.00, for the Lower Briar Creek Interceptor.
- (d) Acquisition of 25' x 249.96' at 3521 Windsor Drive, from T. C. Markham and wife, Shirley, at \$250.00, for Lower Briar Creek Interceptor.
- (e) Acquisition of 4.43' x 41' x 0.90' x 4' x 5.27' x 45.0' at 1201-03 Parkwood Avenue, from Eugene M. Cole Foundation, at \$300.00, for Belmont Neighborhood Improvement Project.
- (f) Acquisition of 0.36' x 50' at 1315 Parkwood Avenue, from Walter W. Smith and wife, Lucille K., at \$120.00, for Belmont Neighborhood Improvement Project.
- (g) Acquisition of 3.90' x 48.98' x 3.67' x 49.06' at 1312 Parkwood Avenue, from Walter W. Smith and wife, Lucille K., at \$350.00, for Belmont Neighborhood Improvement Project.
- (h) Acquisition of 3.67' x 54.58' x 3.42' x 54.52' at 1310 Parkwood Avenue, from Walter W. Smith and wife, Lucille K., at \$200.00, for Belmont Neighborhood Improvement Project.

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- (i) Acquisition of 15.29' x 15.99' x 52.63' x 37.18' x 6.68' x 100' at 920 Parkwood Avenue, from Walter W. Smith and wife, Lueille K., at \$465.00, for Belmont Neighborhood Improvement Project.
- (j) Compromise settlement in the amount of \$3,200.00, with J. Z. Griffin and wife, Wincy Griffin, for 20' x 150' x 20' x 150' at 1328 Eastway Drive Widening Project.

#### TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Mrs. Emma Lindley Graham, for Lot No. 804, Section 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Wade F. Coley and wife, Louise B. Coley, for Lot No. 222, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with Mrs. Helen D. Cover for Graves No. 3 and 4, in Lot No. 841, Section 6, Evergreen Cemetery, at \$160.00.

#### SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, approving the following Special Officer Permits for a period of one year:

- (a) Issuance of permit to Cleophus Hill for use on the premises of Jefferson Standard and Tryon Plaza.
- (b) Renewal of permit to Nezzie O. King for use on the premises of K-Mart, Inc., 3700 North Independence Boulevard.
- (c) Issuance of permit to Marilyn S. Metcalf for use on the premises of K-Mart, Inc., 4101 North Tryon Street.
- (d) Issuance of permit to Walter Ellis Scholz for use on the premises of William Trotter Company property on Plumstead Road, Northwood Drive and Fern Valley Road.

#### CONTRACT AWARDED E. F. CRAVEN COMPANY FOR ONE LANDFILL COMPACTOR.

Councilman Jordan moved award of contract to the low bidder, E. F. Craven Company, in the amount of \$54,669.00, on a unit price basis, for one landfill compactor. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

E. F. Craven Company	\$54,669.00
Arrow Equip. Sales, Inc.	54,754.00
Mitchell Distributing Co.	55,275.00
Spartan Equip. Co.	56,000.00

#### CONTRACT AWARDED INTERSTATE EQUIPMENT COMPANY FOR ONE MOTOR GRADER.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Interstate Equipment Company, in the amount of \$23,018.90, on a unit price basis, for one motor grader.

The following bids were received:

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Interstate Equip. Co.	\$23,018.90
Western Carolina Tractor	23,800.00
Carolina Tractor & Equip.	26,607.00
E. F. Craven Company	34,830.00

CONTRACT AWARDED QUEEN CITY EQUIPMENT COMPANY FOR ONE CRAWLER TRACTOR WITH HYDRAULIC LOADER.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, awarding the subject contract to the low bidder, Queen City Equipment Company, in the amount of \$11,833.62, on a unit price basis, for one crawler tractor with hydraulic loader.

The following bids were received:

Queen City Equip. Corp.	\$11,833.62
Allison International	14,994.78
Utilities Service, Inc.	17,685.74

CONTRACT AWARDED CHARLOTTE FORD TRACTOR COMPANY FOR ONE RUBBER-TIRED BACKHOE LOADER.

Councilman Jordan moved award of contract to Charlotte Ford Tractor Company, the low bidder, in the amount of \$9,567.57, on a unit price basis, for one rubber-tired backhoe loader. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor	\$ 9,567.57
Case Power & Equip. Co.	10,459.50
Allison International	10,993.38
Utilities Services, Inc.	11,199.00
Spartan Equip. Co.	11,650.00

CONTRACT AWARDED QUEEN CITY EQUIPMENT COMPANY FOR ONE TRACTOR, HEAVY DUTY, WITH HYDRAULIC BACKHOE.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Queen City Equipment Company, in the amount of \$13,712.41, on a unit price basis, for one tractor, heavy-duty, with hydraulic backhoe.

The following bids were received:

Queen City Equip. Corp.	\$13,712.41
Charlotte Ford Tractor	13,895.00
Case Power & Equip. Co.	14,561.87
Spartan Equip. Co.	15,000.00
Allison International	16,574.28
Utilities Service, Inc.	17,437.28

CONTRACT AWARDED CHARLOTTE FORD TRACTOR COMPANY FOR ONE TRACTOR WITH HYDRAULIC BACKHOE AND LOADER.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving subject contract with the low bidder, Charlotte Ford Tractor Company, in the amount of \$8,736.92, on a unit price basis, for one tractor with hydraulic backhoe and loader.

The following bids were received:

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Charlotte Ford Tractor	\$ 8,736.92
Allison International	9,392.54
Case Power & Equip. Co.	9,933.00
Utilities Service, Inc.	10,664.00
Spartan Equip. Co.	10,900.00

CONTRACT AWARDED CHARLOTTE FORD TRACTOR COMPANY FOR ONE TRACTOR WITH FRONT END LOADER AND BACKHOE.

Councilman Jordan moved award of contract to the low bidder, Charlotte Ford Tractor Company, in the amount of \$8,412.17, on a unit price basis, for one tractor with front end loader and backhoe. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor	\$ 8,412.17
Allison International	9,279.64
Case Power & Equip. Co.	9,698.00
Utilities Service, Inc.	10,534.00
Spartan Equip. Co.	10,900.00

CONTRACT AWARDED SPARTAN EQUIPMENT COMPANY FOR SEVEN AIR COMPRESSORS, 175 CFM.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Spartan Equipment Company, in the amount of \$30,800.00, on a unit price basis, for seven air compressors, 175 CFM.

The following bids were received:

Spartan Equip. Co.	\$30,800.00
A. E. Finley & Assoc.	31,850.00
Contractors Ser. & Rentals	32,179.00
N. C. Equip. Co.	32,515.00
Interstate Equip. Co.	38,395.00
Western Carolina Tractor	39,359.50
Mitchell Distributing Co.	41,300.00

CONTRACT AWARDED INTERSTATE EQUIPMENT COMPANY FOR SIX PAVING BREAKERS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Interstate Equipment Company, in the amount of \$2,400.00, on a unit price basis, for six paving breakers.

The following bids were received:

Interstate Equip. Co.	\$ 2,400.00
N. C. Equip. Co.	2,592.00
Spartan Equip. Co.	2,640.00
Contractors Ser. & Rentals	2,669.40
Mitchell Distributing Co.	2,670.00
A. E. Finley & Assoc.	3,258.00
Western Carolina Tractor	3,360.00

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES FOR TWO STREET SWEEPERS.

Councilman Whittington moved award of contract to the low alternate bidder, A. E. Finley & Associates, in the amount of \$30,600.00, on a unit price basis, for two street sweepers. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

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BASE BID: (4-Wheel, Twin Engine)

Interstate Equip. Co.	\$31,306.00
Western Carolina Tractor	31,332.50
E. F. Craven Co.	32,370.00

ALTERNATE BID: (3-Wheel)

A. E. Finley & Assoc.	\$30,600.00
Interstate Equip. Co.	33,950.00

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR 22 CONTROLLERS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$33,785.00, on a unit price basis, for 22 controllers.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$33,785.00
Econolite	52,314.22

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR TEN LOOP DETECTOR AMPLIFIERS.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder, Southeastern Safety Supplies, Inc., in the amount of \$1,000.00, on a unit price basis, for ten loop detector amplifiers.

The following bids were received:

Southeastern Safety Supplies, Inc.	\$ 1,000.00
Jack Rosenblatt & Assoc.	1,020.00

CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR CABLE AND CONDUIT.

Councilman Jordan moved award of contract to the low bidder, Mill Power Supply Company, in the amount of \$5,408.31, on a unit price basis, for 34,650 feet of cable and conduit. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Mill-Power Supply Company	\$ 5,408.31
Southeastern Safety Supplies, Inc.	5,872.90
Westinghouse Elec. Supply Co.	9,754.77

CONTRACT AWARDED PRISMO UNIVERSAL CORPORATION FOR PAVEMENT MARKING MATERIAL.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded the only bidder, Prismo Universal Corporation, in the amount of \$19,620.00, on a unit price basis, for pavement marking material.

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CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF DISTRIBUTION SYSTEM WATER MAIN CROSSING PROPOSED EASTWAY DRIVE EXTENSION, BETWEEN INDEPENDENCE BOULEVARD AND COMMONWEALTH AVENUE AT HIDDENBROOK DRIVE.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$39,615.00, on a unit price basis, for construction of 24-inch diameter distribution system water main crossing proposed Eastway Drive Extension, between Independence Boulevard and Commonwealth Avenue at Hiddenbrook Drive.

The following bids were received:

Crowder Construction Co.	\$39,615.00
Blythe Brothers Co.	46,310.00
Sanders Brothers Co.	47,600.00
Thomas Structure Company	52,570.00
Rand Construction Company	56,050.00

APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE METROPOLITAN FINANCIAL PLANNING COUNCIL.

Mayor Belk announced his appointment of Mayor pro tem Alexander and Councilman Calhoun to the Metropolitan Financial Planning Council as presented to Council today by Mr. W. J. Smith of the Chamber of Commerce.

REPORT ON STREET LIGHTING FOR QUEENS ROAD WEST REQUESTED.

Councilman Withrow asked how long it will be before the contract is let for the street lights on Queens Road West. That he has received calls from the people out there and they say it is not their wish to have these street lights. That Duke Power wants to put the lights overhead and all the trees will have to be trimmed and cut in the median. That a number of the people called and said they did not want the trees cut, and they want to know if they have to take the street lights.

The City Manager replied the City receives so many requests for lights, it would be good not to have to install some that have been planned. But the reason these were considered is that the City has received a lot of requests for them. He stated he will give Council a full report before taking any further action.

Councilman McDuffie stated he would hope that the lights are installed because they are needed and not because someone wants them or does not want them.

RESOLUTION OF APPRECIATION TO BE DRAWN AND SENT TO MR. RAYMOND E. KING, JR. FOR HIS CONTRIBUTIONS TO THE CITY AND ITS PEOPLE AND THE URBAN REDEVELOPMENT COMMISSION.

Councilman Whittington stated last week the City Council and the Mayor received a letter from Mr. Raymond E. King, Jr. tendering his resignation as a member of the Redevelopment Commission.

Councilman Whittington moved that Council accept the resignation with regrets and thank Mr. King appropriately by resolution, to be drawn by the City Attorney, for his contributions to this City and to its people and the Urban Redevelopment Commission, and for all the other things he participated in. The motion was seconded by Councilman Short, and carried unanimously.

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STATEMENT BY COUNCILMAN SHORT CONCERNING HIS MOTION ON THE METROPOLITAN FINANCIAL PLANNING COUNCIL.

Councilman Short stated his suggesting another procedure other than the one we are using for the implementation of the Metropolitan Financial Planning Council was not intended, in any way, to derail it or shelve it. But he does see the virtue of it to the utmost. If there was any confusion on that point, he wants to clear it up.

APPOINTMENTS TO THE REDEVELOPMENT COMMISSION.

Councilman Alexander stated Council has just passed a resolution on the resignation of Mr. Ray King from the Redevelopment Commission along with a resolution commending him for his community service. He stated he would like to put before Council for consideration and approval the name of an individual who is well versed in the work of the Redevelopment Commission, who knows about it from its beginning, and worked steadily with it for a number of years. That we are at a point in the Redevelopment Commission activities where we need this type of insight that will enable us to move steadily ahead and not be able to be thrown for a loss in having to re-group our positions from the loss of Mr. King.

Councilman Alexander placed in nomination the name of Mr. William J. Veeder who served quite a long time as City Manager.


No further nominations were made.

Councilman Alexander moved the appointment of Mr. W. J. Veeder to fill the unexpired term of Mr. Raymond E. King, Jr. on the Redevelopment Commission. The motion was seconded by Councilman Short, and carried unanimously.

Councilman McDuffie moved that Mr. Thomas C. Rickenbaker be reappointed to the Redevelopment Commission for a five (5) year term. The motion was seconded by Councilman Short, and carried unanimously.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk