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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, September 13, 1971, in the Council Chamber, City Hall, at 2:00 o'clock p.m., 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, Godley, Moss, J. Ross, Sibley and Turner present.

ABSENT: Commissioners Blanton and C. Ross.

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#### INVOCATION.

The invocation was given by Reverend Carl S. Miller, Minister of Westover Hills Presbyterian Church.

#### MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, approving the Minutes of the last meeting, on Monday, August 23, 1971, as submitted.

#### CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED MR. LINDSAY DAVIS ON RETIREMENT.

Mayor Belk recognized Mr. Lindsay Davis and presented him with the City of Charlotte Employee Plaque on his retirement. He stated Mr. Davis was employed on June 1, 1951 and retired July 27, 1971. He thanked him for working for the City these twenty years.

#### HEARING ON PETITION NO. 71-73 BY HAROLD TRAYWICK FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF A PARCEL OF LAND 200' x 226' AT THE NORTHWEST CORNER OF KENSINGTON DRIVE AND TIPPAH AVENUE.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the parcel of land is located at the intersection of Tippah Avenue and Kensington. The property is vacant with the surrounding property predominately single family used; property across on Tippah is used for single family purposes with one duplex north of the property; there are single family houses north and west of the property. Across Kensington there is a combination of single family homes and vacant property adjacent to Firth Court. Duplexes are scattered throughout the area with the predominate pattern being single family.

He stated the area surrounding the property is zoned for single family purposes; across Kensington Drive is a tip of an existing R-6MF zone which extends from down to Central Avenue coming up to Kensington; there is R-6MF zoning along Firth Court, Forney and several other streets in the area.

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Mr. Louis Parham, Attorney for the petitioner, stated this is an older neighborhood. Scattered throughout the neighborhood are duplexes; there is a duplex diagonally across the street from the subject property, and one across Kensington Drive from the property. He stated this is approximately a one acre tract of land. A garage apartment is located on the property; the land is low and it will be difficult to develop it for single family use. Under the present zoning, four single family structures could be erected. He stated the petitioner plans to construct some apartments - probably around ten units. The zoning would permit about 20 units, but the property would not permit that number to be constructed.

Mr. Parks Helms, Attorney, stated he represents the approximately 53 protesting petitioners. The people who have protested the rezoning live in the immediate vicinity of this tract. It is predominately single-family-owner-occupied area; it is an older neighborhood. The homes are presently owner-occupied and owner maintained. He passed around photographs of the homes in the area, and one showing the water line that runs across the property in question. He stated if any real large scale development is put on this property, it will create a real burden on the adjoining property owners. All the water from the surrounding neighborhood goes across the center of the subject property. That any kind of large scale construction will create a problem and will make the neighborhood less desirable for those people who are there now maintaining their neighborhood and keeping their homes in the condition they are in.

Mr. Helms stated due to the present neighborhood make-up, the streets are very narrow, the water course, the topography and due to the effect on the neighborhood, it would be poor planning in many respects to consider changing the zoning.

Councilman Withrow asked what zoning category would limit the units to ten, and Mr. Bryant replied R-12MF. Mr. Parham stated there is no way to get 20 units on the property as the front is low. Mr. Helms stated he understands there is a city sanitary sewer easement of at least 10 feet that runs across the property, and that will create a problem. That whatever they do on the property will adversely affect the surrounding properties. Mr. Parham stated they are aware of the drainage and sewer problems.

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

HEARING ON PETITION NO. 71-81 BY FIVE STAR INDUSTRIES, INC. AND MRS. L. A. LOVE FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 3.081 ACRES OF LAND NORTH OF CENTRAL AVENUE AT THE END OF TAMER LANE AND BELSHIRE LANE WITH FRONTAGE ON CARRIAGE DRIVE.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and is sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

The Assistant Planning Director advised the property is located north of Central Avenue, to the east of Carriage Drive and at the end of Belshire Lane and Tamer Lane. The property is vacant as is most of the property south of it with scattered single family homes on Central Avenue; to the north of the property is a solid pattern of single family residential structures. To the west of the property and related to Carriage Drive and Rosehaven Drive are apartments which have been constructed recently on both sides of Rosehaven Drive with frontage on Carriage Drive. Along Central Avenue in the vicinity of Rosehaven are a number of business uses. The pattern of land usage around the subject property is vacant property to the south and single family residential usage to the north.

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Mr. Bryant stated the subject property and all the property to the north is a pattern of single family residential zoning; to the south down to Central Avenue is existing R-9MF zoning; there is business zoning around the Rosehaven-Central Avenue corners and business zoning at Sharon Amity Road.

Mr. Don Lassiter stated he represents the petitioners and Redmon Developing Corporation, the company which is purchasing the property. He stated they intend to develop the property into multi-family usage. He passed around photographs of the site and explained each one. He presented the preliminary site plan which he explained and stated the tip of one building, two whole buildings and 1/2 of another building will be located on the area requested rezoned; that Phase I will be built first and Phase II will not be built for about 18 months. He stated the site plan calls for 352 units, and zoning presently allows 306 units. If they are successful in their rezoning they will be entitled to approximately 370 units. In any event they will not build more than 352 units. They will be two story brick construction. The buildings will be so located that the end portion of the building will face the subdivision. There will be a total of three swimming pools and a very nice club house.

Mr. Lassiter stated there are any number of apartments already located in the immediate neighborhood. Approximately 17 or 22 acres involved are already zoned multi-family. That Tamer Lane and Belshire Lane will not be opened. This was a decision of planning and traffic and was not the petitioners to make. These departments have advised they will require a cul-de-sac. This means the apartment dwellers will not be going through a single family neighborhood. He stated there will not be substantial grading on the site. On the southeast corner the grade is low and will require some fill for drainage purposes.

He stated they want the petition granted as they think this is a perfect situation to put into use the new apartment zoning regulations as it affects the building of apartments. That Redmon Corporation is experienced in the building of apartments; has plenty of money; this is a site suitable for it and all they ask is the rezoning of the property. He stated the closest building to the objectors will be 45-50 feet. If that is too close and if the Planning Staff thinks that is too close, then they are agreeable to putting them anywhere they think they need to be so long as it is reasonable.

He stated they can now build 224 units. To build them without the subject rezoning will mean they will be too compact and too close together and it will do away with all the green space. If the petition is not granted, then economics dictates that Redmon sell off this portion of the property, and it will mean it will be developed by independent builders for single family use, and you lose control. They think it is better to locate the apartments, cutting as few trees as possible; buffering off with trees and fencing, and whatever else the Commission requires to close off the apartments from the single family neighborhood.

Mr. Richard Beard, Vice President of Redmon Corporation, explained who Redmon is and what they try to do in their approach to do business.

Mr. Beard stated they own and operate and manage the properties after they are built on a long term basis, and keep absolute control. This gives them the ability to bring in a management organization who will be headed by someone probably from Charlotte to run this project and whatever other projects they build. He stated basically on the subject project they are talking about 224 units in Phase I. This will include one, two and three bedrooms with the average rental projected at approximately \$220.00 per month. There will be a 4500 square foot club facility. One pool will be mostly for the adults. The basic tenant they hope to market for is the young family project, and that is the reason they have put a separate pool for the children.

He stated the maximum number of units they can build is about 361 units under R-9MF. There will be 16 units per building and the buildings are designed with entrance on both sides with 8 units on the first floor and 8 on the second floor. That they have attempted to get as high a density situation as they possibly can so the ground coverage would be less, thereby creating the open areas.

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Mr. Warren Brill stated he lives at 3930 Tamer Lane and his property directly adjoins the property being discussed for rezoning. He stated there are a number of people present with him today to back up their interest and the fact they do not wish the area rezoned. There were 111 signatures on the protest petition. That one of the adjoining property owners did not sign the protest as he is in Aruba.

Mr. Brill stated the subject property is presently zoned R-9 for single family construction. The property is narrow and it borders land presently zoned R-9MF, and this R-9MF will be developed to multi-family living units and Belshire and Tamer Lane will dead-end into the area for rezoning. He stated one point of their opposition is not so much multi-family living units but leaving the proposed area for a zone change as a suitable and natural buffer zone between the multi-family area and the presently developed single family area. There are a total of 67 homes in the two block area on Belshire and Tamer Lane. He stated for total community development all parties should give consideration to a buffer zone area or a greenway between the two housing areas in question.

He stated over the past few years many apartment units have been built in the area and are presently being constructed in the immediate area. Traffic flow and street conditions are becoming rapidly overcrowded. That Burner Court immediately across Central Avenue contains 73 living units; Granville Apartments facing Sharon Amity, just off Central Avenue, contain 101 apartments; Gerard Apartments facing Sharon Amity, south of Central Avenue, contain approximately 50 apartments; The Lake presently under construction contains 377 apartments. The Barcelona, facing on Sharon Amity and being developed back around to Central Avenue contains 430 units, and the Griffin units located at the intersection of Rosehaven and Central bordering the proposed area for rezoning contains some 96 apartments. In addition there are numerous duplexes off Rosehaven Drive entering the Winterfield area across Central Avenue from the Love property. These existing units and those under construction total approximately 1127 apartment units. The existing R-9MF property facing Central Avenue that adjoins the proposed property for rezoning could support another 352 units. The figures then total 1479 multi-family living units in the immediate area.

Mr. Brill stated it is very desirable to have traffic flow from these major multi-family units into major arterial streets; also it is understandable to have high density multi-family housing traffic not to gain access to their arterial street by first traveling through residential minor access streets. Another reason for leaving the area being considered for R-9 would be to permit each area of the property to develop individually and not have inner-connecting streets which would permit high density traffic flowing out. He stated they have heard that the Planning Commission has seen fit to dead-end both Tamer Lane and Belshire Lane into the back of the development. One thing that has not been pointed out is there is an access road proposed to be cut through to Carriage Drive which would permit quite a bit of high density traffic flowing into an already overcrowded situation.

He stated they have a number of children residing in the two block area known as Belshire and some 100 pre-school and school-age children presently live in the 67 family homes in the community.

Council decision was deferred for recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-79 BY JAMES F. HUNTER FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF 3.169 ACRES OF LAND ON THE NORTH SIDE OF INTERSTATE 85, WEST OF MINERAL SPRINGS ROAD.

The public hearing was held on the subject petition on which a general protest petition signed by 43 persons has been filed.

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Mr. Fred Bryant, Assistant Planning Director, stated the subject property is on the north side of I-85, near Mineral Springs Road area, and east of Sugar Creek Road, and has frontage on the service road with no access to I-85 at this point. The property is vacant as is most of the property in the immediate vicinity. There is one single family structure to the west of the property and a lake area. Along Mineral Springs Road are a number of single family homes.

He stated property on the north and west side of Interstate 85 is zoned R-9. Across I-85 and lying between I-85 and the Tom Hunter Road is R-9MF zoning. The nearest non-residential zoning is industrial zoning which is across the intersection and extends over to North 29. At the Sugar Creek Road interchange is some business zoning.

Mr. Ed Chinnis, with Ed Chinnis Realty, stated there is no purchaser for the property at present. He stated there are no homes in the area other than the one frame home valued at about \$5,000. He stated they are asking B-2 zoning similar to the zoning on Sam Wilson Road off I-85 and would be similar to Singer Sewing Machine Company and others in the area. Mr. Chinnis stated the lake property is owned by Mrs. B. H. Hefner. That he talked with all the adjoining property owners he could talk with including Mrs. Hefner and she had no objection to what he plans to possibly sell the property for. That he felt with ICI just across the interchange they had a very potential manufacturing agent area with over 700 foot of road frontage with a depth of about 150 to 175 feet.

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

HEARING ON PETITION NO. 71-72 BY G. W. MCMANUS AND ELAM RAY WOLFE FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF PROPERTY FRONTING 1,046 FEET ON THE SOUTH SIDE OF MONROE ROAD EXTENDING IN BOTH DIRECTIONS FROM A POINT OPPOSITE ASHMORE DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located on the south side of Monroe Road and is vacant; immediately to the south or the rear the Lemon Tree apartments are under construction. To the west is a Duke Power substation area, and beyond that is the Cemetery. Across Monroe Road from the subject property are several single family homes and the remainder of the property immediately across is vacant. Beyond that down Glendora and Ashmore are single family homes. To the east is one single family residence and then it is vacant on over to Rama Road. McClintock Junior High School is located in the area. Along Independence Boulevard are numerous commercial and business establishments.

Mr. Bryant stated the subject property is zoned R-9MF along with the property to the rear; across Monroe Road is a solid pattern of single family residential; to the west is single family zoning; to the east going out to Rama Road is the O-15 zoning recently approved which extends from the subject property out to Rama, and then the recently approved O-15 area along Idlewild Road on the Independence Boulevard side.

Mr. Sam Williams, Attorney for the petitioners, suggested that on zoning hearings the Planning Commission submit to the petitioner or his representative a map in the scale and of the dimension the Planning Commission is going to use in the hearing in order for the petitioner to relate his zoning request and his zoning material to the scale and area Mr. Bryant shows.

Mr. Williams passed around several photographs which indicate this, while it is in a single family zoned area, is an area related to a highly commercial activity. Adjacent to the property is not only a Duke Power high tension line but there is also a Duke Power substation. Across the street is a highly developed non-conforming use in the form of a grading company.

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He stated this is actually two tracts - the Wolfe tract which extends from a point about 600 feet from Rama Road and the McManus tract extending from that point to the Duke Power substation. Neither tract individually would warrant a B-1SCD development. The Wolfe tract comes out of an 84 acre tract which was acquired by that family over 100 years ago. He has recently sold off a portion of the property for multi-family development. Monroe Road is a highly commercial street and the property is across the street from a grading operation and next door to a Duke Power substation, and in front of a large multi-family development. The property will be used for a convenience store.

Also speaking to the petition was Mr. G. W. McManus, one of the petitioners.

Mr. Fred Hopson, 1201 Burtonwood Circle, stated he has a special interest in the Old Monroe Road, and the general vicinity of East Mecklenburg High School. He stated this petition is a classic example of the "head in the tent" rezoning development. About two years ago the Council and Planning Commission agreed with the petitioners that this particular parcel of property, together with the area to the rear was better suited for multi-family housing than its original classification of R-9. The petitioners at that time asked for R-6MF. Instead of immediately proceeding with the construction of the multi-family areas, construction was finally begun just a few short months ago. Not on the entire tract, but just on the rear portion which was rezoned R-9MF. Mr. Hopson stated he submits that the petition today for B-2 could have been intended even two years ago when it was pleaded that the entire original tract was so urgently needed for multi-family housing. He wonders what will next be characterized as suitable next door to a Duke Power right of way substation. Two years ago it was multi-family housing that would be most suitable instead of single family. Today it is business instead of multi-family. He stated recently Council turned down a request for a business zone at Rama Road and Old Monroe Road. Within the last few weeks Council has granted a rezoning petition which converted many acres of property along the southern side of Independence Boulevard from an office zoning to a business zoning. This insured an abundant amount of convenient, desirable business property just beyond the property in question. Within three blocks of the subject property is the new Independence Shopping Center, and there are tens of thousands of square feet of business space already roofed over and is empty as they do not have the business tenants to go into them.

Mr. Hopson stated they look to the Council to reject the "head in the tent" rezoning effort and to continue with those rezoning efforts prompted by true needs and orderly growth, and not by those probably prompted by purely profit motives.

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

HEARING ON PETITION NO. 71-74 BY TOM MATTOX FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF PROPERTY FRONTING APPROXIMATELY 300 FEET ON THE SOUTH SIDE OF WEST BOULEVARD (NEW DIXIE ROAD), BEGINNING AT TAGGART CREEK AND EXTENDING EASTWARD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property has approximately 300 feet of frontage on West Boulevard; it is vacant and is surrounded by additional vacant property. To the east are several single family residences on the south side of the Boulevard; to the north are the Boulevard Homes and to the east are the Little Rock Apartments; to the west are the Jackson Homes.

He stated both sides of West Boulevard are zoned for multi-family out to Taggart Creek. Beginning on the south side and west of Taggart Creek is I-1 zoning. The subject property as well as the property to the east, north and south is zoned for multi-family and there is I-1 zoning to the west.

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Mr. Dick Robertson, Attorney for the Petitioner, stated Mr. Mattox's property is almost evenly divided between industrial zone and R-6MF zoning. That the property would be much better developed as a 15.75 acre tract rather than 7 1/4 acres R-6MF and the remainder as industrial. He stated a good bit of the property is not suited for apartments as it lies on the low side of the creek.

Mr. Tom Mattox, Jr. stated they do not have any immediate development plans.

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. 71-75 BY TOM MATTOX FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF 2.57 ACRES OF LAND ON THE WEST SIDE OF TACOMA STREET, NORTH OF CHERRY STREET AND INTERSTATE 85.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located to the east of Mulberry Road and north of Interstate 85 and is vacant. A new street is being built in front of the property down to Interstate 85 and connecting what will be a rather large apartment area. Across the new street is a non-conforming business use; there is one single family residence directly across with other scattered single family residences along Mulberry Road. To the rear of the property is the RC Motor Lines located on the north side of I-85, and around the interchange on the south side of Mulberry Road are a number of service stations and a motel.

Mr. Bryant stated there is business zoning around the interchange at Mulberry Road on the north side of I-85 and the beginnings of a rather large industrial zoning pattern that extends along I-85 to the east and actually abuts the subject property on a portion of the easterly boundary. There is then a pattern of office zoning adjacent to the industrial. North of that is the R-6MF where the apartments are being built. To the west of the property is R-9MF. There is a pattern of non-residential zoning related to I-85 and mostly multi-family zoning north of that.

Mr. Dick Robertson, Attorney for the petitioner, stated the purpose of the petition is to allow some development of retail facilities for people who will live in the apartments. He stated he understands there is only one access route from these apartments to any other major road. That Mr. Mattox and Mr. Griffin, developer of the apartments, agrees to run the new road all the way through to the Interstate access road in order to allow two access routes to this property.

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. 71-76 BY JOE N. FINCHER, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD, EXTENDING FROM 5507 THROUGH 5523.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property is on Monroe Road directly across in front of Sharon Memorial Cemetery. It is a number of lots located on the north side of Monroe Road and occupied by single family residential houses, with one structure used for Day Care. To the west is one single family residence, Arthur Smith Studio and Oakhurst

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Volunteer Fire Department. Around the Monroe Road-Sharon Amity intersection are several commercial uses. To the east is another single family residence and a series of vacant lots, and then the grading company storage area which is a non-conforming use. Behind the property are lots facing on Lantana Avenue with several single family homes.

He stated beginning at Sharon Amity Road and continuing eastward is Business zoning around the intersection of Sharon Amity and Monroe Road, and then several single family zoned lots where the Fire Department is located, and one business zoned lot and then two office zoned lots. From that point eastward is a solid pattern of R-9 zoning which applies on both sides of the road. To the rear of the property along Lantana is single family residential zoning.

Mr. John Warren, Attorney, stated he represents the 16 property owners who own the subject property. Directly across from the property is the cemetery; it is an older neighborhood and as the houses go down the only reasonable use would be office as Monroe Road is now a four-lane road and the property is across from the cemetery.

He stated the petition is asking that 657 feet be zoned as office, the same as Arthur Smith Studio. In that 657 feet there are now four non-conforming uses. The property is no longer desirable for single family homes.

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. 71-77 BY BEULAH W., CATHERINE S. AND JOSEPH W. GRIER FOR A CHANGE IN ZONING FROM B-1, O-6, R-9MF, AND R-9 TO B-2 AND O-15 OF PROPERTY ON THE SOUTH SIDE OF ALBEMARLE ROAD, FROM A POINT NEAR CENTRAL AVENUE TO REGAL OAKS DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this is an area that extends from a point east of the Central Avenue intersection to an area short of the Lawyers Road intersection, all on the south side of Monroe Road. He stated the "U" shaped area is being requested for office zoning; the frontage property along the next area is being requested for business zoning, and the area on the other side is being requested for office zoning. Mr. Bryant stated the property is vacant. Across Albemarle Road from the subject property is a variety of uses - single family houses, a service station, the Post Office and the Four-Seasons Apartment building. On the south side of Albemarle Road is the Central Methodist Church with the subject property wrapping around it on three sides, then three single family homes, another Church and the Albemarle Junior High and Albemarle Elementary School located in the area. Around the intersection of Lawyers Road and Albemarle Road are several commercial establishments.

Councilman Short asked Mr. Bryant to point out the property of the recent petition which was denied, and Mr. Bryant replied it was on Farm Pond Road, adjacent to the Idlewild residential area.

Mr. Frances Parker, Attorney, stated he represents the petitioners who together own 140 acres of land located on the south side of Albemarle Road about 3/4 mile beyond the city limits. He stated the purpose of zoning is to provide a systematic system for the growth and development of the community giving due regard to the present and future orderly and maximum benefits of the use of the land. He stated the 140 acres of land has been lying idle for a number of years and it is now felt that it is right and ready for development. That Albemarle Road is an arterial connection with the State Highway System. In the immediate area of the property, the road is dual lane but on the east and west side it is four lanes, and he understands it is expected to become four



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lane in front of the subject property. There is already a business classification on the north side of Albemarle Road where the Post Office is located. Bordering on the subject property are two churches, and two schools. The tract of land on the left is owned by the YMCA and they propose to develop that land for that purpose. The property is presently served by water and sewer and has roadways on it and connected to it. It is within an area that is proposed shortly to be annexed, and will become incorporated into the City.

Mr. Parker stated they believe the proposed change is consistent with good area planning and development, and is in harmony with sound zoning principals. He stated much of the area which is now zoned R-9MF is not requested for a change and will be left in its present classification and they propose that it be observed as a buffer area, between the business area, and the residential area which adjoins on the south of the property.

He stated the property is being sold by the owners under a contracted sale to Koger Properties, Inc. subject to obtaining the proper zoning classification. Koger Properties is based in Jacksonville, Florida and is generally engaged in the business of developing office parks throughout the southeastern and southwestern United States. Koger Properties is proposing to develop an office park in this section of Albemarle Road.

Mr. Parker stated of the 140 acre tract, approximately 23 acres is proposed for Business-2 zone for a depth of about 600 feet adjoining the east side of Central United Methodist Church, and running up to the individual property owners on the west. That 20.28 acres towards Lawyers Road is proposed for O-15, and 55.49 acres towards Central Avenue is proposed for O-15. This leaves 41.7 acres zoned as R-9MF and is not requested for a change.

Councilman Whittington asked the distance from the Idlewild residential development and Mr. Parker replied 1,254 feet.

Mr. Wallace Kinast, Executive Vice President of the Koger Corporation, stated they have been in business 75 years, and they do what they say they will do. That they are the originators of the office-park concept which they began 20 years ago, and they are now in 12 cities. He stated these are administrative offices and there is no retail. They are low rise, one and two story buildings, and they are the same buildings they use in all their centers. He stated it will be a low density, high parking ratio, high landscaping area. The traffic plans have been reviewed with both the land planners and with the planning staff. That Old Orchard Way (Farm Pond) is to be paved by the State. He stated they have asked the State to hold up until they hear the results of this petition. That they allocated certain monies to go with the state monies to raise the grade and improve the drainage and to run curb in.

Councilman Short suggested to the Planning Commission if they recommend approval of this petition, that they also give advice to Council as to whether Council should take some step to re-hear that zoning petition which was turned down about a month ago. He stated he is not saying there is anything remiss but perhaps it would be a little out of order not to at least consider that previous petition if the subject petition is granted. That this is the Miller petition on Farm Pond Road.

Commissioner Moss asked the proposed width of Orchard Lane, and Mr. Kinast replied it will be a 60 foot right of way in the single traffic area and 100 foot in the double lane area.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 71-78 BY VIRGINIA H. COX AND JAMES W. KISER FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF PROPERTY 300' x 500' ON THE SOUTH SIDE OF ALBEMARLE ROAD, OPPOSITE THE U. S. POST OFFICE AND WEST OF REGAL OAKS DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is three individually owned parcels of land opposite the Post Office, with the Grier property under Petition No. 71-77 surrounding it on three sides. That these three lots are the subject of a separate petition apart from the Grier Petition.

Mr. Joe Millsap, Attorney for the petitioners, stated the three parcels of land are carved out of the same tract of land. That they did not oppose the Grier petition as they think it is an excellent plan. He requested Council to give reasonable consideration to the development of a future environment that realizes the greatest possible use and enjoyment of the land of the individual property owners.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-80 BY ROBERT F. PHILLIPS, ET AL, FOR A CHANGE IN ZONING FROM R-9 AND R-9MF TO B-1 OF FOUR LOTS EXTENDING FROM 5220 THROUGH 5232 ALBEMARLE ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is on the south side of Albemarle Road; immediately adjacent is a church and there is a church across the road from the subject property. The properties in question are occupied by several non-conforming uses; one a veterinarian office and a dental office and a single family residence. Adjoining the properties on the Sharon Amity Road side is a service station with service stations on two other corners of the Sharon Amity and Albemarle Road intersection.

Mr. Bryant stated there is business zoning all the way around the intersection of Sharon Amity and Albemarle Road and there is business zoning across Albemarle Road from the subject property and then a solid pattern of multi-family zoning on both sides of Albemarle Road from that point on out. Directly behind the property is single family residential zoning.

Mayor Belk asked if there is any way to get a better plan for the whole section of the intersection? Mr. Bryant replied they have been looking at this and they feel this should be the end. There is only one possible additional area that is either not presently zoned for business around the intersection or not committed to some use.

Mr. William Shuford, Attorney, stated he represents the three petitioners, Dr. Fincher, Mr. Phillips and Dr. Baucom, who request a change from R-9MF to B-1. He stated this property adjoins business both at the corner and immediately across the street all the way to the west. He stated there are service stations next to and across the street from the property in question, and the property has two uses - one a veterinarian clinic and the other a dentist office. The remaining lot is vacant and is adjacent to an unopened street.

Mr. Shuford stated to the best of his knowledge the veterinarian clinic and the dental office will remain for some time with the vacant lot to be used for a convenience store. The church is next to the dentist office.

No opposition was expressed to the proposed change in zoning.

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

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CUT-OFF DATE FOR RECEIVING APPLICATIONS FOR REZONING LAND IN THE PERIMETER AREA SET FOR OCTOBER 13, 1971.

Mr. Fred Bryant stated the Planning Commission is beginning the process to effectuate the change of jurisdiction for the perimeter area - changing from the City control to County control. Part of the process will involve a number of public hearings that the Planning Commission and the Board of County Commissioners will have to hold jointly to actually adopt a zoning plan for the perimeter area prior to January 1. Because of that, the Planning Commission would like for the City Council to consider not receiving any request for rezoning within the perimeter area for hearing in December. They request that the City stop the acceptance of rezoning requests with the November hearing as they will need to have the hearing with the County Commissioners early in December in order to get all the process complete. The final filing date for the receipt of applications to be heard in November will be October 13.

Councilman Short moved approval of the request which was seconded by Councilman Alexander, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:05 p.m. and reconvened the meeting at 4:15 p.m.

PETITION NO. 71-67 BY JOHN CROSLAND COMPANY FOR A CHANGE IN ZONING OF 73.83 ACRES OF LAND ON BOTH SIDES OF QUAIL HOLLOW ROAD, EXTENDING FROM MCMULLEN CREEK TO WITHIN 100 FEET OF CARMEL ROAD, DEFERRED UNTIL OCTOBER 4, 1971.

Councilman Short stated the 1960 General Development Plan upon which the subject Petitioner has very heavily relied proposed a great arterial beltway that would run from North Tryon Street, along Milton Road, Delta Road, and Idlewild Road, and then across several miles of open field and would link with Arrowood Road and on into the York Road. This beltway would have encircled a good portion of the city and in effect would have been a bypass for Highway 29 and Highway 49 traffic so that this could bypass the built up area of Charlotte. This beltway as it was proposed would have crossed Carmel Road at a point about where Tottingham Road is now. In other words about at Kingswood. This plan also proposed that Colony Road would be extended on beyond Sharon Road and it would have come into Carmel Road at this same point creating a complex intersection of these three major streets.

He stated this 1960 plan recommended a district shopping center - that is a large shopping center, as a part of this huge intersection. This shopping center, plus Cotswold, plus the Park Road Shopping Center were according to this general plan of development to be the only three large shopping centers in this part of Charlotte. If this plan had materialized, land which is now Kingswood would have become what is now SouthPark Shopping Center and the intersection of Sharon Road and Fairview Road doubtless would have continued to have only the small Sharon Shopping Center which was there prior to SouthPark. The petitioner has relied on these older maps of 1960 showing the large shopping center on Carmel Road, but several things have occurred since 1960, which make it clear that the plan for putting a large shopping center on Carmel Road has gone by the board.

First, the district shopping center in question has already been built and it is SouthPark. In 1966, the Council changed the zoning at Fairview and Sharon Road and authorized the building of SouthPark, thus placing at this point, rather than on Carmel Road, the last of the three large shopping centers called for by the general plan of development in this part of the city.

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Second, none of this proposed system of beltway has been built. There is no linkage of Arrowood Road with Delta Road and on into North Tryon Street. No corridor has been chosen. If this road should be built; if the plan should be revised, we do not know where it would cross Carmel Road. The open fields across which this beltway would have been built are now built up with hundreds of homes. Also the third road, Colony Road, has not been extended.

Third, in 1968, the Council adopted the planned unit development ordinance setting out standards and guidelines which would be appropriate for the smaller neighborhood development that would be needed. These standards provide for a reasonable mixture of single family, apartment, office and business uses within a given development. Three of these developments have been approved by Council for this vicinity. In one of them the developer sought very definitely to have a zoning for a district size or large size shopping center, but Council required him to cut down to neighborhood size because we already had the three planned large shopping centers in this part of Charlotte.

The petition under consideration today falls into the category of a large shopping center and it clearly does not meet the standards for a planned unit or neighborhood development. A planned unit development on the presently petitioned plan would allow about 5 1/2 acres of business and office; the development as proposed calls for 15.4 acres. A planned unit development concept calls for a small amount of the land to be deeded to the city or to a board of trustees as a park, and the present proposal does not provide for this. Planned unit development calls for a full range of residential types, and he is not sure whether this requirement is met by a plan that calls for 479 apartment units and 62 single family dwellings. He stated some members of Council feel that government setting aside a full area along a six mile arterial as a compulsory exclusive colony with nothing but 15,000 square foot lots as a minimum is questionable in a community where a thousand newcomers a month are moving in. Some members of Council feel it may be fair in view of today's traffic problems to arrange that a six mile long arterial will have a place where residents can be provided with some of their daily needs. It is his belief that the present petition goes too far and it does not meet the planned unit development requirements and would overreach and damage the general plan of development it claims to rely on.

Councilman Short moved that the petitioner be asked to submit to Council on October 4, at Council's next meeting if they so choose, a plan that approximately conforms to the planned unit development requirements and that the decision on the petition be deferred until that time. 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.

Councilman McDuffie stated he was in favor of voting for the petition except for the recommendation that the shopping area was large. That the question now is willingness to compromise as he believes the feeling is that he could never vote for apartments anywhere in the city if he did not vote for the Carmel Road project. That he wants the people to understand that. That there seems to be a feeling there will be some apartments and a small business area, maybe five or six acres. On that basis, if there is a willingness to compromise, then the people may not be too upset. As it stands now, the feeling is that the people out there do not want any apartments or any business, and he personally cannot vote that way.

Speaking in opposition to the petition were Mr. Jim Sawyers, Mr. Douglas Philips, Mr. Tom Sykes and Mr. John Hood.

Mr. Ray Bradley, Attorney for the protestants, asked if there will be an opportunity for another hearing? Councilman Short replied he would suggest if the petitioner wishes to have further presentation as adopted in the motion, then he thinks it should be considered publicly.

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SALE OF FIRE STATION BUILDING ON BELMONT AVENUE TO BE HELD IN ABEYANCE UNTIL THE REQUEST OF THE GOOD GUYS CLUB HAS BEEN CONSIDERED.

Three young men, John Beatty, Dwight Kidd and Larry Walker of the Good Guys Club of the North Charlotte area, appeared before Council asking for help in a recreation program for the young people of the area.

John Beatty stated they are present today because the kids in their neighborhood do not have any recreation outside of Cordelia Park and that is a good way from the Belmont section. He stated they would like to propose a building for the kids in their neighborhood.

Dwight Kidd, President of the Club, stated he would like to present the topic of the old abandoned fire station on Belmont Avenue. The fire station is no longer used and the citizens of the Belmont Community would like to see the building put to use, especially the Good Guys. They would like the underprivileged kids in their community to have a place to go so they would not have to play in the streets. He stated the Good Guys Club was established two years ago and during that time they held their club meetings in a washerette. That was their club house and they had parties for the kids in the Belmont section. He stated they can no longer use the washerette, and the Salvation Army Boys Club is no longer in operation. This has put a strain on the kids because they have no where to go. It is a little too far for the little kids to walk to Cordelia Park or Hawthorne Center. So the kids in the Belmont section have no place at all to go.

Dwight stated he has talked to Detective McGraw, Sergeant Wilson and Patrolman Hinson of the Police Department and they thought the Club's idea was good. That he wrote a letter to Detective McGraw concerning their proposal and he suggested that he write Mr. Paul Bobo. He stated he wrote a letter to Mr. Bobo last week but has not received an answer. Now he is turning to the City Council for its support. He stated he is not saying to turn the fire station over to the Good Guys Club as it is city property; but he and all the Good Guys and citizens of the Belmont community hope the Council can help them so that they can help the kids and the citizens of their community. They are not looking for any action to be taken now, but when the Good Guys walk out of the Council Chamber door they hope the Council members will get their heads together and try to help the Good Guys Club and the Belmont community to occupy the fire station on Belmont Avenue.

Dwight stated the Eastside Homemaking Educational staff has expressed a desire to offer nutrition, cooking and sewing classes, and they would also like to have group meetings at the abandoned fire station. He stated the Good Guys also have the support of several small businesses in the area. He read a portion of a letter from Miss Susan Dial of the Mecklenburg Agricultural Extension Service stating how they could use the facilities also.

Councilman Alexander stated these young men are here because they are concerned and need a place out of which they can operate. That Council and the citizens need to see there are young people in our communities who want to help themselves, and they want to do it positively. They are here today because somewhere when the city discontinued the use of the Belmont Fire Station it was thought that through the police program a club would be directed there for the young people, and this fire station would be used. He stated that has not developed, and no one knows what is being done in that direction. This is why they are here today asking that this fire station be devoted to that type of use so they can have some place out of which they can help direct whatever programs were to take place out of this center.

Councilman Alexander stated these young men come to Council with a well founded suggestion and a sensible request, and he thinks Council should find out what happened to the idea of the club that was to be developed under the police supervision, and see what can be done to structure the type of program to give these young people an outlet to where they put to productive use the energies they have developed in an organized fashion to help improve their way of life and their community.

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Councilman Whittington stated Council instructed the city administration to sell that property. It was in a budget session and it was voted upon. That he agrees with what Mr. Alexander is saying, and these young men come to Council with a good story and a reasonable request. After the building was phased out as a fire station, the police department used it for about six months and then the administration was told to sell it. He stated during budget sessions, Council was trying to cut the budget and trying to find money.

Mayor Belk stated Model Cities has two deals. One is in the Alexander Street School and there is another center that is supposed to be built in the area and will have better facilities than the fire station building. That we already have the personnel and he asked why they are not being used. He requested the City Manager to check into this.

Councilman Alexander stated while we are waiting to get these centers going, are we going to leave these young men in the street doing nothing; confused, having no way to put their services to use for the young people in the area; to help save the young kids in that community. That the fire station is sitting over there and it can be used in this fashion and the police department was making much headway. That he did not know they had ever started any program out of the fire station. That these young people are willing to work with the police department in developing this program, and this is what they are here to tell Council today. He stated this is the first time we have ever had any youths like this to come out of these communities and say they are willing to work with the police department in helping to improve their lot. Mayor Belk stated this is the reason he is recommending the Model Cities which is right there in the neighborhood and to get them to work on it. There is a center over there and every time he has been over there, they have not been doing too much.

Councilman Whittington stated the reason for all this is that Council voted on his motion to sell the fire station during the budget session, and the police department then got out of it. He stated he is willing to help these young people; that what they are saying is worthy and Council should consider their request.

Mayor Belk requested the City Manager to follow up on the Model Cities and the police department program which is already set up in the Belmont area, and to get in touch with them and see if we can fulfill this program they are talking about. He stated the fire building is incidental as far as helping them on their program. That the mechanical part is already set up under these programs.

Mr. Burkhalter, City Manager, stated the last report he had on the fire station was that all departments had been contacted and none had expressed any desire to use the building, including the police department. Then the next step was the appraisals. That it should be at the stage where it is ready to advertise for sale. Councilman Alexander asked what is wrong with stopping this to see what can be worked out; that the use of that building to get a handle on these types of problems is worth more money than the city will get from the building at this time; using that building for a service like this will pay this city off double the dollars it will get from any sale of it at this time.

John Beatty stated in their streets at 12:00, 1:00 or 4:00 o'clock in the morning, any time of night you choose, come through the neighborhood, and you will see little tiny boys running in the streets. That he is not talking about 12, 13 or 14 year olds - he means 6, 7, 8, 4, 2 and 1 year olds; anybody big enough to walk. You know why, they have no place they can call their own; they do not have a center to go to like the other boys; the only thing they have to do is to watch the big boys. The big boys over there grew up with nothing to do and they made their own recreation - like fighting and shooting. He asked what these little boys are going to do? Are they to grow up with this same type recreation in their minds. If Council does not help, who will help? That you always complain about people - black and white - kids fighting and going on. That is the only thing poor kids know how to do. Why? Because nobody stops to take the time out to help.

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Mayor Belk requested the City Manager to follow up on the Model Cities program. He thanked the young men for bringing this to Council's attention. Councilman Whittington stated Council will get them an answer right away.

Councilman Alexander stated he is concerned about the sale of the fire station; that he would hate for the sale of the fire station to come up and it be sold out from under the use of these kids.

Councilman Alexander moved that Council accept the request from Dwight Kidd and the Good Guys Club and take it under consideration, and whatever steps have been taken to sell the fire station on Belmont Avenue be held in abeyance until this matter is resolved. The motion was seconded by Councilman Withrow, and carried unanimously.

#### DISCUSSION OF CONSTRUCTION OF ROADWAYS IN CITY AND COUNTY.

Mr. Tom Sykes stated eight years ago he issued an invitation for some dignitaries to be present at an opening of a business establishment that was forced to leave 513 Central Avenue. That they met the request to vacate the premises eight years ago for progress. Progress at that time was considered to be a road system to relieve congestion. Where is this road system today, eight years later? They ran him off Central Avenue for the purpose of relieving traffic congestion, and yet eight years later he does not believe that it goes to North Tryon Street.

Mr. Sykes stated in these eight years shopping centers have developed. That we are in a condition to where we can placate the needs of our shopping centers and our big banks, and improve the road system surrounding them. Interstate 77 is completed through Arrowood, but I-77 goes nowhere else. We needed this road system eight years ago. That today we have heard traffic flow relative to zoning; we have heard the 1960 beltway mentioned; this is eleven years later. He stated he would like to go over to the southeastern affluent side and be closer to his children's school. But he cannot fight the traffic coming into town from out there. That it took him 40 minutes this morning to come from Randolph and Sardis to the Square.

He stated Council has not accomplished a great deal in a road system for this city, and previous Councils have not done a great deal. There is not a belt road system around this city to go anywhere or do anything.

He asked what Council has done to get the students to the University of North Carolina at Charlotte? Nothing. All the students who go to the University of North Carolina at Charlotte do not use Eastway Drive. It is a little ridiculous to consider 18,000 projected student body in ten years. That Council has not done a thing to get those students out to that college. The road system going out there is at best, secondary. We are still using wagon trails to get across the railroad tracks out there.

Councilman Short stated several members of Council have emphasized the need for some sort of via duct, linking up Plaza and Pecan. That there is a request afoot now to get information on what this would cost. That what is also needed is a diagonal which would allow those coming in towards town on Plaza Road when it reaches Parkwood to just continue straight and go diagonal across that block, and get on over to Union Street. He stated in both of these instances improved circulation out towards the University is highly desirable.

Mr. Sykes stated the traffic flow is coming from Rama Road from the back road section, and no provision has been made to relieve the congestion. He stated leadership from the Council could bear a great deal of influence on the road system and its construction. That programs should be underway immediately on road buildings. That perhaps we should quit zoning business areas for these locations all over the city and perimeter until we get a way to move the traffic. He stated it is going to take two years to get Sugar Creek Road open, and this is ridiculous. It did not take two years to get the roadway system around SouthPark and it is not going to take two years to get the road system built around the Civic Center site. He stated this is a bad situation; there is no belt road system in this city whatsoever, and some crash programs are needed.

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Councilman Calhoun stated he has suggested a comprehensive visit with Mr. Hoose, Traffic Engineer, and his staff on what we have now in the way of road system, and long range planning, and perhaps Mr. Sykes would like to sit in on that meeting.

Mayor Belk stated Mr. Rose of the State Highway says in the next five years we will spend \$80.0 million in the county on the highway system.

Councilman Alexander stated Council cannot do a thing about spending the state's money for highways or that portion they are spending even in the city. That he has been in many meetings about our road system since he has been on the Council and the thing that has blocked all of it has been the lack of enough money to do what we would have to do on the local level. He requested Mr. Sykes to give Council a suggested crash money program to do these things.

Mr. Sykes stated he is appealing to Council to use its influence to get something going to relieve the problems we have witnessed over the past ten years.

ORDINANCE NO. 230-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF 4.69 ACRES OF LAND ON THE SOUTHWEST SIDE OF WALLACE ROAD NEAR ITS INTERSECTION WITH WALLACE LANE AND NEAR THE SOUTHWEST MARGIN OF EAST INDEPENDENCE BOULEVARD, ON PETITION OF ED GRIFFIN REALTY COMPANY.

Councilman Whittington stated he went out to view this property on two occasions and he believes the Planning Commission is wrong in recommending the subject petition be denied. That the Commission says it is opposed to this because there is no office park development on that side of the road. He stated on this side of the road is an access road from this point all the way down to near McMullen Creek where the office development would be fronted by Independence Boulevard, then the right of way of the state, and then this office building. Anything that would be put there now would be better than what is already there. Behind this office development which would be used by the Griffin Company, they own the land and are developing single family homes. He stated he thinks this would be an asset to the Boulevard and an asset to this development.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-12 to O-6. The motion was seconded by Councilman Jordan.

Councilman Jordan stated he also went out to view this property. That he just cannot see the reasoning for turning this one down. As Mr. Whittington said, anything at all would be better than what is there now. They are using the back of this property for single family development and we would be amiss to deny this petition.

Councilman Short stated he has some concern about the proliferation of business on out East Independence Boulevard. That Mr. Burkhalter, City Manager, has suggested the city to seek means of having a study made of what can be done there beginning approximately at Briar Creek Road and running on out, or beginning at Hawthorne Lane, to see what can be done. The Highway Commission is somewhat concerned; the Planning Commission is concerned. He stated he does not want to make a substitute motion as he does not feel that strongly about this one item; but he will vote against this motion as he does not see how we can ask the Highway Commission and others to begin the study and think of some way to repair this situation at what obviously will cost millions of dollars, and we continue to place more business out there.

Councilman Whittington stated if you look at the location of this property, the Boulevard would have to be twelve lanes wide to get to the access road if these improvements were ever made. This is behind the access road.

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

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

The ordinance is recorded in full in Ordinance Book 18, at Page 320.



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ORDINANCE NO. 231-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF SUGAR CREEK ROAD, BETWEEN WILSON LANE AND THE NEW SERVICE ROAD TO I-85 ON PETITION OF BENNETT C. NICHOLSON AND G. WILSON RUSSELL.

Motion was made by Councilman Alexander, seconded by Councilman Jordan and unanimously carried, adopting the subject ordinance changing the zoning from R-9 to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 321.

ORDINANCE NO. 232-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF 4-2/3 ACRE TRACT OF LAND ALONG THE SOUTH SIDE OF I-85, BEGINNING AT TOM HUNTER ROAD AND EXTENDING TOWARD SUGAR CREEK ROAD, ON PETITION OF ELEANOR FLOWE PLUMMER, ET AL.

Motion was made by Councilman Alexander, and seconded by Councilman Calhoun to adopt the subject ordinance changing the zoning from R-9 to B-1 as recommended by the Planning Commission.

Councilman McDuffie stated the service road is not built yet, and the bridge at I-85 is not under contract, and it will be two years or longer that Sugar Creek Road will be dead end four lanes into two lanes, and the people in Hidden Valley have already been inconvenienced. That this will compound it. If the motel is not built until the bridge is built and the clover leaf is in place, then the problem would be much less. To add this to 15,000 cars already and the bridge having to be torn down will make the situation as bad as it is now for the people having to use Tom Hunter Road.

Councilman Whittington made a substitute motion that the decision be delayed until such time as Sugar Creek Road and the interchange is completed. The motion was seconded by Councilman McDuffie.

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

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

The vote was taken on the main motion to adoption the ordinance and carried by the following vote:

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

The ordinance is recorded in full in Ordinance Book 18, at Page 322.

ORDINANCE NO. 233-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY EAST OF PAW CREEK WITHIN THE FOREST PAWTUCKET SUBDIVISION, ON PETITION OF REALTY SYNDICATE, INC.

Councilman Short moved adoption of the subject ordinance changing the zoning from R-9MF to R-9 and from R-9 to R-9MF as recommended by the Planning Commission. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 323.

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ORDINANCE NO. 234-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FRONTING 200 FEET ALONG THE WEST SIDE OF SHARON AMITY ROAD, BEGINNING AT CAMPBELL DRIVE AND EXTENDING TOWARD ALBEMARLE ROAD, ON PETITION OF FRANCES S. CAMPBELL.

Councilman McDuffie moved that the subject ordinance changing the zoning from R-9 and R-9MF to B-1 be adopted and that the odd-shaped rear portion of the petition be denied, all as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 324.

ORDINANCE NO. 235-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF TWO LOTS AT 8210 AND 8216 OLD MOUNT HOLLY ROAD, ON PETITION OF MELVIN CLYDE DAGENHART AND LAWRENCE C. MARLOWE, SR.

Upon motion of Councilman Whittington, seconded by Councilman McDuffie and unanimously carried, the subject ordinance was adopted changing the zoning from R-6MF to I-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 325.

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

Motion was made by Councilman Short to defer the subject petition until the next meeting on October 4. The motion was seconded by Councilman Alexander, and carried unanimously.

PETITION NO. 71-37 BY JAMES B. WATSON, JR. FOR A CHANGE IN ZONING OF 38 ACRES OF LAND LOCATED BETWEEN CINDY LANE AND HUTCHINSON MCDONALD ROAD EAST OF I-77 AND WEST OF STATESVILLE ROAD, DENIED.

After explanation by Mr. McIntyre, Planning Director, Councilman Withrow moved that the subject petition for a change in zoning from R-9 to I-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

PETITION NO. 71-66 BY ARROWOOD-MORGAN CONSTRUCTION COMPANY FOR A CHANGE IN ZONING OF 15.354 ACRES OF LAND ON THE SOUTH SIDE OF IDLEWILD ROAD ADJACENT TO AND EAST OF FOXFIRE APARTMENTS, DEFERRED UNTIL OCTOBER 4, 1971.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried to defer the subject petition until October 4, the next Council Meeting.

ORDINANCE NO. 236-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 4723 SHARON ROAD ON PETITION OF ELLIOTT A. STEWART.

Upon motion of Councilman Short, seconded by Councilman Jordan and unanimously carried, the subject ordinance was adopted changing the zoning from O-6 to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 326.

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RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, OCTOBER 18, 1971 ON PETITION NO. 71-4 (REHEARING) AND PETITION NOS. 71-82 THROUGH 71-88 FOR ZONING CHANGES.

Councilman Alexander moved adoption of the subject resolution setting date of public hearing on Monday, October 18, 1971. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 424.

ORDINANCE NO. 237-X APPROPRIATING FEDERAL GRANT FUNDS FOR EXPENDITURES MADE UNDER THE MODEL CITIES FIRST ACTION YEAR BUDGET.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance appropriating \$3,168,000 of federal grant funds for Model Cities First Action Year Budget.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 327.

AMENDMENTS TO FIVE MODEL CITIES SECOND YEAR PROJECT CONTRACTS, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, amendments were authorized to five Model Cities Second Year Project Contracts reducing the amounts of the contracts, as follows:

1. Summer Youth Employment, Acct. No. 549.70, \$20,000.
2. Vocational Training Supplement, Acct. No. 549.74, \$32,240
3. Employment Services Program, Acct. No. 549.74, \$74,104.
4. Business Development Center, Acct. No. 549.76, \$135,016.
5. MOTION, Inc., Acct. No. 549.80, \$211,533.

ORDINANCE NO. 238-X AMENDING ORDINANCE NO. 190-X, THE 1971 MODEL CITIES BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS TO COVER THE COST OF PROGRAM CHANGES AND AUTHORIZING CHANGES IN ALLOCATED POSITIONS.

Motion was made by Councilman Alexander, seconded by Councilman Calhoun, and unanimously carried, adopting the subject ordinance transferring \$167,210 to cover the cost of recently approved program changes and authorizing changes in allocated positions within the Model Cities Department.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 330.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY DELETING THREE CLASS TITLES WITHIN THE MODEL CITIES DEPARTMENT AND ADDING A NEW CLASS TITLE.

Councilman Whittington moved adoption of the subject resolution deleting the class titles within the Model Cities Department of Research and Evaluation Coordinator, Program Planning Coordinator and Assistant Model Cities Director-Program Evaluation and adding the new class title of Assistant Model Cities Director-Research, Evaluation and Training. The motion was seconded by Councilman Calhoun and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 425.

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CONTRACTS WITH UNITED COMMUNITY SERVICES FOR CONSULTANT SERVICES PROVIDED IN CONJUNCTION WITH THE PLANNING AND IMPLEMENTATION OF THE MODEL CITIES NEIGHBORHOOD CENTERS SYSTEM, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Calhoun, and unanimously carried, two contracts were authorized between the City and the United Community Services of Charlotte-Mecklenburg for consultant services provided in conjunction with the planning and implementation of the Model Cities Neighborhood Centers System, as follows:

- (1) Contract in the amount of \$15,000 for the period October 1, 1970 to June 30, 1971.
- (2) Contract in the amount of \$7,000 for the period July 1, 1971 to December 31, 1971.

ORDINANCE NO. 239-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE ESTABLISHING WITHIN THE PUBLIC WORKS DEPARTMENT THE MODEL CITIES PUBLIC IMPROVEMENT COORDINATOR ACTIVITY AND ESTABLISHING A CIVIL ENGINEER II POSITION.

Councilman Whittington moved adoption of the subject ordinance, subject to the condition that when the funds are exhausted, the Civil Engineer II position will be abolished. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 333.

RESOLUTION CREATING A CITY DEMONSTRATION AGENCY RESIDENT EMPLOYMENT POLICY FOR THE CITY OF CHARLOTTE.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution creating a City Demonstration Agency Resident Employment Policy for the City of Charlotte.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 426.

CONTRACT WITH LEAA FOR A CRIMINAL JUSTICE INFORMATION SYSTEM FOR CHARLOTTE-MECKLENBURG, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject contract with LEAA was approved for a criminal justice information system for Charlotte-Mecklenburg to cover a twelve month period and will involve a \$167,046 grant from the Federal Government and a \$58,386 contribution by local and state government.

ORDINANCE NO. 240-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE ESTABLISHING THE CRIMINAL JUSTICE INFORMATION SYSTEM PROJECT BUDGET AND AUTHORIZING THE ESTABLISHMENT OF TWO POSITIONS TO CARRY OUT THE DUTIES OF THE PROJECT.

Motion was made by Councilman Alexander, seconded by Councilman Short, and carried unanimously, adopting the subject ordinance which provides when federal funding ceases, the two positions will be abolished.

The ordinance is recorded in full in Ordinance Book 18, at Page 334.

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ORDINANCE NO. 241-X, AUTHORIZING THE TRANSFER OF FUNDS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS IN CLOSEBURN AND GLENKIRK ROAD AND THE CONSTRUCTION OF A SANITARY SEWER TRUNK TO ELIMINATE THE YARDLEY PLACE PUMPING STATION.

Councilman Withrow moved adoption of the subject ordinance authorizing the transfer of \$43,516.04 from various accounts. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 335.

RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO TAKE LEGAL ACTION AGAINST THE METROLINA CONCRETE CORPORATION FOR CAUSING DAMAGE TO ITS STREETS AND SIDEWALKS.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted and is recorded in full in Resolutions Book 7, at Page 428.

Councilman McDuffie requested the City Manager to have someone check the condition on North Tryon Street, at Sugar Creek Road, where concrete has been spilled. That Action Line called and someone in a truck came out and chipped away a little of it and left most of it. That it was not a city truck.

RESOLUTIONS AUTHORIZING REFUND OF TAXES COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the following resolution authorizing refund of taxes collected through clerical error and illegal levy:

- (a) Resolution authorizing the refund of certain taxes in the total amount of \$180.06 collected through clerical error and illegal levy.
- (b) Resolution authorizing the refund of certain taxes in the total amount of \$742.35 collected through clerical error and illegal levy.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 429.

RENTAL OPTION AGREEMENT WITH BURROUGHS CORPORATION, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject rental option agreement was approved, at \$825.00 per month, to replace an accounting machine currently in use which no longer operates economically.

CHANGE ORDER NO. 2 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY, APPROVED.

Councilman Jordan moved approval of Change Order No. 2 in contract with Crowder Construction Company for street improvements in Urban Renewal Areas No. 4 and No. 5, increasing the contract price of \$287,890.31 by \$912.10. The motion was seconded by Councilman Short, and carried unanimously.

QUIT CLAIM DEED AND RELEASE TO CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, DELAYED.

Councilman Short moved that decision on the subject quit claim deed and release be delayed. The motion was seconded by Councilman Jordan.

Councilman Whittington requested the City Manager to give Council the whole picture step by step so when the time comes for Council to make a decision, they will have all the facts.

The vote was taken on the motion and carried unanimously.

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PUBLIC HEARING SET FOR MONDAY, OCTOBER 4, 1971 ON AMENDMENT TO SUBDIVISION ORDINANCE TO REQUIRE SIDEWALKS ON BOTH SIDES OF COLLECTOR STREETS.

Councilman Whittington moved that a public hearing be set for Monday, October 4, 1971, on an amendment to Chapter 18, Article II, Section 18.23-1 of the Code of the City of Charlotte amending the subdivision regulations to require sidewalks on both sides of collector streets. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short requested the City Manager to advise by letter the President of the Home Builders Association and the Associated General Contractors that the hearing will be held.

Councilman McDuffie asked if Council can get an amendment to the sidewalk ordinance to make bicycle riding on the sidewalks legal to be considered at the next meeting? Mr. Underhill, City Attorney, replied a hearing is not required on that; that there is no problem in his preparing a proposed ordinance that would authorize or permit bicycle riding on sidewalks.

ORDINANCE NO. 242 AMENDING CHAPTER 11, ENTITLED "LICENSES" OF THE CODE OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Jordan, seconded by Councilman Short, and carried unanimously adopting the subject ordinance amending Section 11-18 by changing the licenses fee of Classification No. 106, Employment Agencies from \$150.00 to \$100.00, and deleting subsection (c) of Classification No. 166 in its entirety and deleting subsection (d) of Classification (d) in its entirety.

The ordinance is recorded in full in Ordinance Book 18, at Page 336.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS, ADOPTED.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Joe D. Withrow and wife, Florence H. Withrow, located at 1416 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Alexander and carried by the following vote:

YEAS: Councilmen Short, Alexander, Calhoun, Jordan, McDuffie and Whittington.  
NAYS: None.

Councilman Withrow abstained from the vote.

The resolution is recorded in full in Resolutions Book 7, at Page 431.

Motion was made by Councilman Short, seconded by Councilman Alexander, to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Joe D. Withrow and wife, Florence H. Withrow, located at 1420 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Short, Alexander, Calhoun, Jordan, McDuffie and Whittington.  
NAYS: None.

Councilman Withrow abstained from the vote.

The resolution is recorded in full in Resolutions Book 7, at Page 432.

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Motion was made by Councilman Short to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles C. Church and wife, Lillie R. Church, located at 1513 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman McDuffie and carried by the following vote:

YEAS: Councilmen Short, McDuffie, Alexander, Calhoun, Jordan and Whittington.  
NAYS: None.

Councilman Withrow abstained from the vote.

The resolution is recorded in full in Resolutions Book 7, at Page 433.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Joe Green Winchester Jr., and wife, Mary Carlina W. Winchester, located at 820 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Whittington, and carried by the following vote:

YEAS: Councilmen Short, Whittington, Alexander, Calhoun, Jordan and McDuffie.  
NAYS: None.

Councilman Withrow abstained from the vote.

The resolution is recorded in full in Resolutions Book 7, at Page 434.

Motion was made by Councilman Jordan, and seconded by Councilman Short, to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Trustees of North Carolina Board of Trustees for the Church of God at Charlotte, and the Trustees of the Parkwood Avenue Church of God, located at 1411 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

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

YEAS: Councilmen Jordan, Short, Alexander, Calhoun, McDuffie and Whittington.  
NAYS: None.

Councilman Withrow abstained from the vote.

The resolution is recorded in full in Resolutions Book 7, at Page 435.

MAYOR BELK LEAVES CHAIR.

Mayor Belk left the Chair during consideration of the following item and Mayor pro tem Alexander presided.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Guy Lee Byerly, Jr. and wife, Sadie W. Byerly, located at 3601 Sharon Road, in the City of Charlotte, for the Sharon Lane Widening Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 436.

MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returned to the Chair and presided during the remainder of the Session.

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PROPERTY TRANSACTIONS AUTHORIZED.

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

BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT:

- (a) Acquisition of 10.02' x 38.36' x 9.26' x 38.11' at 909-11 Parkwood Avenue, from Emma Lee Lominick (single), at \$195.00.
- (b) Acquisition of 4.62' x 49.94' x 4.80' x 49.19' at 815 Parkwood Avenue, from Howard James Foy (single), at \$125.00.
- (c) Acquisition of 9.75' x 50.04' x 9.49' x 50.02' at 828 Parkwood Avenue, from Birdie M. Barber (widow), at \$290.00.
- (d) Acquisition of 5.25' x 50' x 5.25' x 50' at 1104 Parkwood Avenue, from R. E. Robinson and wife, Bessie Hasty, at \$225.00.
- (e) Acquisition of 7.54' x 46.20' x 18.89' x 37.58' x 14.50' at 823 Parkwood Avenue, from Samuel Arthur Beaty and wife, Kitcye J., at \$300.00.
- (f) Acquisition of 4.44' x 50.01' x 4.62' x 50' at 809-11 Parkwood Avenue, from Stanford R. Brookshire, Jr., and wife, Sara M., at \$125.00.
- (g) Acquisition of 11' x 100' at 1428 Parkwood Avenue, from Robert E. Julian and wife, Jane K., at \$1,180.00.
- (h) Acquisition of 10' x 55' at 1400 Parkwood Avenue, from Harold J. Seegars and wife, Betty Jean, at \$790.00.
- (i) Acquisition of 10.80' x 32.53' x 30.77' x 30.90' x 52.01' at 900 Parkwood Avenue, from Alice Lee Hart (unmarried), at \$375.00.
- (j) Acquisition of 9.26' x 116.12' x 11.54' x 120.55' at 919 Parkwood Avenue, from William B. Hunter and wife, Pearl Bradshaw Hunter, at \$790.00.
- (k) Acquisition of 24.56' x 29.39' x 45.44' x 25.85' x 5.28' x 92.55' at 1120-1126 Parkwood Avenue, from E. L. Cornelius (single), at \$1,050.00.
- (l) Acquisition of 5.28' x 55.22' x 5.28' x 55.22' at 1116 Parkwood Avenue, from E. L. Cornelius (single), at \$1,000.00.
- (m) Acquisition of 7.54' x 50.01' x 4.80' x 51.02' at 817-19 Parkwood Avenue, from Hazel B. Crawford and Mrs. Margaret B. McCall, at \$200.00.
- (n) Acquisition of 11.96' x 11.75' x 28.15' x 18.61' x 5.58' x 53.52' at 1001 Parkwood Avenue, from Lucy Campbell (single), at \$345.00.
- (o) Acquisition of 7.83' x 50.10' x 5.39' x 50' at 931 Parkwood Avenue, from Annie Lee Ellis (single), at \$260.00.
- (p) Acquisition of 6.07' x 50' x 6.34' x 50' at 1217 Parkwood Avenue, from NCNB, under Will of A. Z. Price, at \$200.00.
- (q) Acquisition of 1.75' x 34.71' x 34.99' at 1737 Hawthorne Lane, from Mrs. Anne D. C. Kessler, Lenoir C. Kessler, Trustee, at \$45.00.
- (r) Acquisition of 6.86' x 50.02' x 9.36' x 49.88' at 912-14 Parkwood Avenue, from Mark P. Johnson, Jr., and wife, Linda I., at \$250.00.
- (s) Acquisition of 39.05' x 10.91' x 39.14' x 9.36' at 1404-06 Parkwood Avenue, from Stanford R. Brookshire and wife, Edith M., at \$775.00.

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- (t) Acquisition of 3.29' x 77.04' x .79' x 77.58' at 1010 Parkwood Avenue, from Laura Ann Staton (single), at \$275.00.
- (u) Acquisition of 0.79' x 50.44' x 4.36' x 50.10' at 1008 Parkwood Avenue, from Sam Crawford and wife, Lucille, at \$335.00.
- (v) Acquisition of 11.54' x 50.36' x 10.67' x 50' at 923 Parkwood Avenue, from Robert Lee James and wife, Emma Mary James, at \$230.00.
- (w) Acquisition of 10.67' x 51.16' x 7.83' x 50' at 927 Parkwood Avenue, from Robert Lee James and wife, Emma Mary James, at \$295.00.

SANITARY SEWER EASEMENTS:

- (x) Acquisition of 10' x 138.80' at 6350 South Boulevard, from Mildred Hayes (single), at \$140.00, to serve 6325 South Boulevard.
- (y) Acquisition of 10' x 89.37' on Marden Court at Cardigan Avenue, from William Trotter Company, at \$1.00, to serve Eastbrook Woods III.
- (z) Acquisition of 10' x 279.58' on Sunfield Drive, from William Trotter Company, at \$1.00, to serve Eastbrook Woods VI.
- (aa) Acquisition of 10' x 17.37' at 7000 Orr Road, from S. R. Fowler and wife, Anna W., at \$45.00, to serve Eastbrook Woods VI.
- (bb) Acquisition of 10' x 503.92' at 5710 Concord Road, from Thomas and Howard Company, Inc., at \$452.00 to serve Northside Christian School.
- (cc) Acquisition of 5' x 15' at 5621 North Tryon Street, from Amber Incorporated, at \$1.00, to serve 5621 North Tryon Street.
- (dd) Acquisition of 15' x 106.36' at 615 Dawn Circle, from Daisy D. Gulledge (widow), at \$110.00, to serve 5621 North Tryon Street.
- (ee) Acquisition of 15' x 169.16' at 601 Dawn Circle, from John C. McIntosh & wife, Helen S., at \$170.00, to serve 5621 North Tryon Street.
- (ff) Acquisition of 15' x 54.12' at 611 Dawn Circle, from John C. McIntosh & wife, at \$60.00, to serve 5621 North Tryon Street.
- (gg) Acquisition of 15' x 126.15' at 701 Dawn Circle, from Silas P. Risley and wife, Helen M., at \$1.00, to serve 5621 North Tryon Street.
- (hh) Acquisition of 15' x 100.47' at 621 Dawn Circle, from Lewis Dwight Ellis and wife, Linda A. Ellis, at \$250.00, to serve 5621 North Tryon Street.
- (ii) Acquisition of 15' x 102.39' at 629 Dawn Circle, from Lloyd Swinson and wife, Grace M., at \$150.00, to serve 5621 North Tryon Street.
- (jj) Compromise Settlement with Ned W. Spurlin and wife, Annie S., in the amount of \$19,000.00, for 50' x 249.18' x 50' x 249.02' at 3721 Commonwealth Avenue, in the Eastway Drive Widening Project.

APPROVAL OF RIGHTS OF WAY AGREEMENTS.

Councilman Jordan moved approval of the following rights of way agreements; which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Right of way agreement between the City and the State Highway Commission for the installation of a 6-inch water main in the north side of the North Interstate 85 service road in the 900 block of I-85.

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- (b) Encroachment Agreement with the State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of Newell Road to serve Northside Christian School.
- (c) Encroachment Agreement with the Seaboard Coast Line Railroad Company permitting the City to construct a 10-inch sanitary sewer line across the right of way of the Seaboard Coast Line Railroad at a point 447 feet southeastwardly measured along the center line of Licensor's main track from Mile Post SF-325.

CONTRACTS FOR THE INSTALLATION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving contracts for the installation of the following sanitary sewer mains and trunks:

- (a) Contract with Crown Central Petroleum Corporation for the installation of 580 lineal feet of 8-inch main in South Boulevard, inside the city, at an estimated cost of \$2,106.50, with all cost of construction to be borne by the applicant, whose deposit in the full amount, has been received and will be refunded as per terms of the contract.
- (b) Contract with Robinson Builders for the installation of 300 lineal feet of 8-inch main to serve 2225 Irma Street, inside the city, at an estimated cost of \$2,442.00, with all cost to be borne by the applicant, whose deposit in the full amount has been received and is non-refundable.
- (c) Contract with William Trotter Development Company for the installation of 1,479 lineal feet of 8-inch main in Eastbrook Woods, Section VII, outside the city, at an estimated cost of \$11,288, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

Approved by Community Facilities Committee on September 7, 1971.

- (d) Contract with Howard Nance Company for the installation of 1,180 lineal feet of 8-inch trunk to serve San Rafael Apartments, outside the city, at an estimated cost of \$8,255.00 with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

Approved by Community Facilities Committee on September 7, 1971.

CONSTRUCTION OF WATER MAINS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, the following contracts for water mains were approved:

- (a) Contract with Smith's Transfer Corporation to construct 500 feet of water main and one fire hydrant to serve property along Interstate 85, inside the city, at an estimated cost of \$2,700.00. The applicant will advance the full cost for the main and will be reimbursed to the extent of 50% for the main at the rate of 35% quarterly of the revenue derived until full reimbursement has been made or until the end of 15 years, whichever comes first, all under the Partnership Plan.

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- (b) Contract with W. S. Lander Sr. for the construction of 1,080 feet of water main and one fire hydrant to serve property abutting on Parker Drive, inside the city, at an estimated cost of \$6,500.00. The applicant will advance the funds and will be reimbursed the full cost of the main at the rate of 35% per quarter of the revenue derived or until the end of 15 years, whichever comes first, all under the Partnership Plan.
- (c) Contract with the Kingston Corporation for the construction of 820 feet of water mains and two fire hydrants in Barrington Drive, inside the city, at an estimated cost of \$5,300.00. The applicant will advance the funds and will be reimbursed the full cost of the main at the rate of 35% per quarter of the revenue derived until the entire amount has been reimbursed or until the end of 15 years, whichever is first, all under the Partnership Plan.
- (d) Supplementary Contract, to contract dated August 25, 1969, with Providence Utilities, Inc., for the construction of 6,570 feet of water mains and three fire hydrants to serve the Heritage Woods East Subdivision, outside the city, at an estimated cost of \$31,000. The applicant will advance the total cost of the project and will be reimbursed the total cost of all 8-inch mains and 50% of the 6-inch in diameter or less at the rate of 35% of the revenue derived per quarter until the entire amount of the reimbursement has been made or until the end of 15 years, whichever is first, all under the Partnership Plan.

Approved by the Community Facilities Committee on September 7, 1971.

#### STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Councilman Jordan moved that the following streets be taken over for continuous maintenance; which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Beechdale Drive, from McLaughlin Drive to 625 feet west of McLaughlin Drive.
- (b) McLaughlin Drive, from Monroe Road to 290 feet west of Beechdale Drive.
- (c) Farmer Street, from centerline of Dalton Village Drive to 468 feet west of centerline of Dalton Village Drive.
- (d) Pentlow Place, from 142 feet north of Ludwig Drive to 130 feet south of Eastbrook Road.

#### SPECIAL OFFICER PERMITS AUTHORIZED.

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

- (a) Issuance of permit to Robert Bernard Fowler for use on the premises of Charlotte Park & Recreation Commission.
- (b) Renewal of permit to Mrs. Shirley Griffin for use on the premises of K-Mart, 6025 Pineville Road.
- (c) Issuance of permit to Conder L. McCoy for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond.
- (d) Issuance of permit to Harold Lee Richardson for use on the premises of Johnson C. Smith University.
- (e) Renewal of permit to Thomas B. Wolfe for use on the premises of Charlotte Park and Recreation Commission.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Joseph Wheeler McLaney and wife, Margaret B. McLaney, for Lot No. 8, Section 6, Evergreen Cemetery, at \$800.00.
- (b) Deed with Hubbard L. Sullivan and wife, Mabel M. Sullivan, for Lot No. 351, Section 6, Evergreen Cemetery, at \$320.00.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SANITARY SEWER CONSTRUCTION FOR YARDLEY PLACE, MONROE ROAD, CLOSEBURN ROAD AND GLENKIRK ROAD.

Councilman Jordan moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$77,721.35, on a unit price basis, for sanitary sewer construction for Yardley Place, Monroe Road, Closeburn Road and Glenkirk Road. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Crowder Construction Co.	\$77,721.35
Joe R. Abernethy Const. Co.	89,487.00
Spartan Construction Co., Inc.	92,617.25
Sanders Brothers, Inc.	106,394.00

ORDINANCE NO. 243-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE, AUTHORIZING THE ESTABLISHMENT OF THE ALCOHOLIC SAFETY ACTION PROJECT, THE ESTABLISHMENT OF A BUDGET AND THE EMPLOYMENT OF APPROPRIATE STAFF.

Mr. Burkhalter, City Manager, stated the Alcoholic Safety Program is a joint project to be participated in by the City Police, County Police and the State Highway Patrol. That this involves eight officers; the county has already purchased the vehicles and they have six cars on hand. That this will provide for one sergeant and seven police patrolmen. He stated the proposal is to assign men currently on the police force to this assignment, and to hire new people today to replace these men. That they must get these people started in their training so they will be ready to operate by the middle of December. He stated Section 2 of the Ordinance provides that Account 840 (Alcoholic Safety Action Project) is hereby authorized to employ one police sergeant and seven police patrolmen to staff the project subject to the condition that these positions will be terminated on June 30, 1972. This means the positions will have to terminate. He stated at this particular time due to the normal increase in the police manpower, it may be possible that we would not have to actually fire these people, but we would not increase the overall force by this number. This is an experimental program, and they are trying to do something about driving while intoxicated. This is a city-county-state cooperative project which is paid for entirely by the Grant.

Councilman Calhoun moved adoption of the subject ordinance. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 337.

COUNCIL ADVISED THAT MR. CHANNING BROWN HAS BEEN REAPPOINTED TO THE COMMUNITY FACILITIES COMMITTEE.

Mayor Belk stated that he and Dr. Martin, Chairman of the County Board of Commissioners, have re-appointed Mr. Channing Brown for a two-year term as Chairman of the Community Facilities Committee.

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**JAMES SHERIDAN REAPPOINTED TO COMMUNITY FACILITIES COMMITTEE.**

Councilman Whittington moved the re-appointment of Mr. James R. Sheridan to the Community Facilities Committee for a two year term. The motion was seconded by Councilman Short, and carried unanimously.

**APPOINTMENT TO AIRPORT ADVISORY COMMITTEE DEFERRED UNTIL OCTOBER 4, 1971.**

After discussion of re-appointment to the Airport Advisory Committee, the City Attorney stated since appointment can be held over until someone is re-appointed or someone is appointed to take their place, he requested that he be allowed to look into reappointments to the Committee, and bring back a recommendation for Council at its next meeting. Councilman Calhoun suggested that consideration of the appointment to the Committee be deferred until October 4, 1971.

**COUNCILMAN JORDAN LEAVES MEETING.**

Councilman Jordan left the meeting during the following discussion and was absent for the remainder of the Session.

**RECOMMENDATIONS ON TRASH PICK UP ON WEEKS IN WHICH HOLIDAYS FALLS TO BE BROUGHT TO COUNCIL.**

Councilman Calhoun stated he is thoroughly unhappy with the present situation which involves the lack of trash pickup on a week in which we have a holiday on Monday. That he assumes the same would be true if the holiday falls on any other week day. That he witnessed this situation over the Fourth of July and raised some objections to it and deferred doing anything about it. Now Labor Day weekend has come and the same situation prevails. That he would like to put Mr. Hopson on record that something needs to be done to correct the very unsatisfactory situation.

The City Manager stated when a holiday occurs, the garbage is picked up but the trash is not picked up from the front that week. They pick up all the garbage even though it is a day late. Mr. Burhalter stated he will bring recommendations back to Council to try to alleviate this problem.

**CITY MANAGER TO HAVE POLICE PATROL ROADS TO YORK ROAD LANDFILL TO SEE THAT TRASH TRUCKS ARE PROPERLY COVERED.**

Councilman Withrow stated he understood that the York Road Landfill would be kept open until 6:30 or 7:00 at night in order that people getting off work at 5:00 would be able to haul some of their own trash out. He stated he understands they are still closing at 4:30. Also, he understands from the residents who live along the road that people stop before they get to the landfill and put covers on the trucks about 1/2 mile back. This means the trash is flying up and down the road before they get there.

The City Manager replied the city has been attempting to enforce the regulation through the use and control of the landfill. That you cannot use it if you are not prepared. That perhaps the police department should become involved to patrol the road to see that it is enforced.

**TRAFFIC ENGINEER REQUESTED TO CHECK MARKINGS AROUND COUNTRY DAY SCHOOL.**

Councilman Withrow requested that the Traffic Engineer check the roads around Country Day School; that the markings need to be checked.

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TRAFFIC ENGINEER REQUESTED TO INVESTIGATE REQUEST FOR TRAFFIC SIGNAL AT COLONY ROAD AND RUNNEYSMEDE AND GIVE COUNCIL A REPORT.

Councilman Whittington asked if Mr. Burkhalter, City Manager, or Mr. Hoose, Traffic Engineer, had answered the people who are requesting a traffic signal at Colony Road and Runneymede. He requested that it be checked out and that Council be given a report on the intersection.

CITY MANAGER INSTRUCTED TO HAVE THE VETERANS RECREATION CENTER PROPERTY ON EAST MOREHEAD STREET APPRAISED TO FIND OUT WHAT THE SALE VALUE WOULD BE.

Councilman Whittington stated since the first of the year, the VFW has been out of the Veterans Center on East Morehead Street, and it is no longer being used as a veterans center, and it is no longer being leased. That this is one of the most valuable pieces of property on Morehead Street, and all the city is doing is asking the Departments if they need this building. While he sympathizes and went along today with the hold up of the sale of No. 3 fire station on Belmont Avenue, he does not think Council can sit here as a governing body and allow properties like this that sell for \$1,000 a front foot or better, to just stay there vacant as badly as the city needs money to build streets, sidewalks and many other programs.

Councilman Whittington moved that Mr. Burkhalter, City Manager, be instructed to have the property appraised and see what the sale value would be. The motion was seconded by Councilman Alexander.

Mr. Carstarphen, Assistant City Manager, stated each department has been informed and requested to present the City Manager's office any information they might have for the possible re-use of the building. To date they have had at least four departments who have expressed serious desires to utilize the facility, either in its present form or some modified form. A final recommendation to bring to Council has not been made. It is currently being utilized as temporary storage facility by the city. That the seeking of an appraisal would be additional information Council might want to consider.

He stated the Park and Recreation Commission, Civil Defense, The Children's Theatre and one other department has expressed an interest in using the building. He stated some years ago the question was raised as to whether or not the City might wish to destroy the building and create a back entrance to Brooklyn off Morehead Street. That also is a possible re-use.

Councilman Whittington stated several years ago there was a committee of three Councilmen and three members of the Veterans Recreation Commission and Council told the Commission to not extend the lease of the Veterans of Foreign Wars because there was so much criticism about the condition of the building and what it was being used for. That the Commission notified the VFW their lease would not be renewed as of Jan. 1st and were given time to find a new location which they now have on Central Avenue.

That it was considered to use it as an entrance to Blue Heaven in the Brooklyn Redevelopment area if it was feasible. Other than that, the building has been dormant since that time.

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

CITY ENGINEER REQUESTED TO GIVE COUNCIL A REPORT ON THE COST TO COMPLETE CENTRAL AVENUE TO SHARON AMITY ROAD AND WHEN THE WORK CAN BE DONE.

Councilman Whittington asked the status of Central Avenue; that it is out to contract to Kilborne, and he asked what will be done from Kilborne to Sharon Amity? Mr. Clark Readling, City Engineer, replied they are studying this now; there are not sufficient funds made available for this section.

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Councilman Whittington stated he has been told that there would be enough funds left to finish this road from Kilborne to Sharon Amity. He asked Mr. Reading to tell Council how much it will cost and when it can be done.

Councilman Short stated Mr. Hopson has indicated we could go a little further if the sidewalks were omitted, but that was so little further that Council voted to stick with the lesser distance.

Councilman McDuffie asked if the money left from the wage freeze can be used to complete Central Avenue? Councilman Alexander replied you cannot do that; when the freeze is released that money is for the employees. Councilman McDuffie replied you cannot do that as it is not retroactive. Councilman Alexander stated the city does not know that yet, and will not know.

District Fire Chief Brown stated the city employees are very concerned and there should be some information given them. It is not clear to the employees what their status is; that he has had many of them call him from many different departments about this raise. That he agrees this money is the city employees and he would like to know the City Attorney or the City Manager's position to find out what can be done. That he knows that other cities, the school boards and different ones are going ahead. He stated the city employees should be notified of what position is taken as there is a deep concern. That nothing has come out in the form of a letter; there has been a few things on television and the radio. There should be something given in regard to where the city employees would understand it.

Mr. Burkhalter, City Manager, stated all department heads have been notified, and they were to notify their employees. He stated there is no secret about it. There is not going to be any raise until the wage freeze is over on November 13. It is against the law and the city has been told this, and the department heads have been notified.

Chief Brown stated it has not been channeled down; that he has checked the bulletin boards and nothing has been placed on them concerning this.

Councilman Whittington suggested that with the next pay check a one paragraph letter be sent out to the employees about where the employees stand and where the city stands in relation to the freeze.

Mayor Belk stated he would like to make it perfectly clear that he is not in favor of using this money for work on Central Avenue.

**CITY ATTORNEY REQUESTED TO DRAW UP PAPERS FOR COUNCIL APPROVAL PERMITTING WINTERFIELD BOOSTER CLUB TO USE PORTION OF EVERGREEN CEMETERY PROPERTY AS PARK.**

Councilman Whittington stated the Winterfield Booster Club is located out off Central Avenue in the area of Sheffield Park. There are 400 families in the area; they have six football teams, eight little league teams, twelve minor little league teams, ten girls softball teams, one pony league team and a basketball program. Annually, they spend in excess of \$15,000 in this locality supporting youth programs.

He stated the city has some 15 acres of land that is a part of Evergreen Cemetery, between Winterfield Drive and Rosehaven Drive which is contiguous to Sheffield Park. These people have asked the City to allow them to use this land for the Winterfield Booster Club and the 400 families who live in Winterfield as a park. They will maintain it and develop it and be responsible for it, and when they no longer have use for it, then it will go back to the City for use as a part of Evergreen Cemetery when that need arises, or if the city needs to take the land back for another reason, the people in Winterfield will be willing for it to be taken back by the City.

Councilman Whittington moved that the City Attorney look into this request and draw up the necessary papers and bring it back for Council's approval. The

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motion was seconded by Councilman Short.

Councilman Whittington stated he has checked this out with Mr. Haas, Superintendent of Cemeteries, and Mr. Hopson and Mr. Beaver and they see no reason this land cannot be used for a park.

The vote was taken on the motion and carried unanimously.

COUNCIL DISPENSES WITH COUNCIL MEETING SCHEDULED FOR OCTOBER 11, 1971.

Mayor Belk stated he and a number of Councilmembers will be out of the city on October 11th and he wonders if Council would like to cancel the meeting.

After discussion, Councilman Alexander moved that Council dispense with the Council Meeting scheduled for Monday, October 11. The motion was seconded by Councilman Whittington, and carried unanimously.

CITY MANAGER DIRECTED TO ARRANGE A CONFERENCE SESSION ON THE STATE WATER AND SEWER BOND ISSUE.

Councilman Short moved that Council direct the City Manager to arrange a conference session on the state water and sewer bond issue which was arranged by the last session of the Legislature. The motion was seconded by Councilman Calhoun, and carried unanimously.

CITY MANAGER REQUESTED TO REPORT TO COUNCIL ON WHAT CAN BE DONE TO GET A STUDY UNDERWAY FOR CONSIDERATION OF THE TRAFFIC PROBLEMS ON EAST INDEPENDENCE BOULEVARD.

Councilman Short stated the situation on East Independence Boulevard is one of the worst problems we have. That the problem does not need to be described; that there is no need to try to identify the traffic situation out there as a problem. It is one of the worst problems in this city. Various people have been very concerned about this. He stated he thinks it is time to begin to give consideration of it.

Councilman Short moved that Council ask the City Manager to report back to Council what can be done to get underway with the study and consideration of this problem; what money would be needed; what could be arranged with the Federal government, State Highway Commission and Wilbur Smith Associates. The motion was seconded by Councilman McDuffie, and carried unanimously.

CITY MANAGER REQUESTED TO ADVISE COUNCIL WHAT STUDIES MIGHT BE ARRANGED TO COME TO GRIPS WITH THE BELT ROAD INTERSECTIONS.

Councilman Short stated the belt road was planned approximately a decade ago. That he thinks it will be a good idea to consider the design factors at some of the intersections along the remaining portion of this road. That he is getting at the point of whether we need some actual separation or interchange at Monroe Road, Randolph Road, Providence Road, Sharon Road, Selwyn Avenue, Park Road or any of these. That this road was advertised as another city street, and all of this sort of remarks were made and properly so at the time the road was planned and adopted about a decade ago. Ten years later we would simply need to come to grips with the fact that some of these intersections will be tremendously involved with traffic. That if you consider the number of vehicles that will have to go north or south on Providence Road each day and meet the traffic going east and west on the belt road, we would be remiss as a governing body if we did not get into consideration, to the extent that we can, of what should be done towards either separation or interchange at one or more of these intersections.



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Councilman Short moved that Council ask the City Manager to advise Council after considering what studies might be arranged to come to grips with this problem. The motion was seconded by Councilman Withrow, and carried unanimously.

REPORT REQUESTED FROM TRAFFIC ENGINEER ON TRAFFIC PROBLEMS AT BEATTIES FORD ROAD AND I-85 IN THE MORNINGS AND AFTERNOONS.

Councilman Alexander requested the City Manager to ask Mr. Hoose, Traffic Engineer, what progress is being made on breaking the traffic bottleneck at Beatties Ford Road and Interstate 85, in the mornings and afternoons.

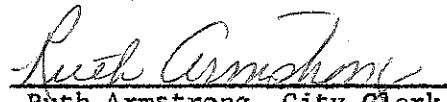
CITY MANAGER REQUESTED TO HAVE OLD SECTION OF PINE STREET, BETWEEN WEST TRADE AND FIFTH STREET, CLEANED UP.

Councilman Alexander stated on Pine Street, where the new Pine Street was opened up, between West Trade and Fifth Street, a little section of the old street was left. He stated this section needs cleaning up. There are wine bottles and all other kinds of trash in there; there are rats in there and all the weeds around the fence on Fifth need to come down.

He requested the City Manager to have this section cleaned up.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk