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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, June 26, 1972, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Ruth M. Easterling, James D. McDuffie, Milton Short, and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan for the entire session, and Councilmen Fred D. Alexander and James B. Whittington, at the beginning of the session.

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, C. Ross, Sibley and Turner present.

ABSENT: Commissioners Finley, Godley, Moss and J. Ross.

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#### INVOCATION.

The invocation was given by Councilman Joe D. Withrow.

#### MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on June 12, 1972 were approved as submitted with the following correction:

Page 225 - Line 24 from top of page, change the word "absent" to "present".

#### ENDORSEMENT OF COUNTY BOND REFERENDUM BY CITY COUNCIL.

Councilman Withrow stated the county bond referendum is coming up and he moved that City Council endorse the bond referendum. The motion was seconded by Councilman Short, and carried unanimously.

#### RECOGNITION OF GEORGE SIBLEY, RETIRING MEMBER OF PLANNING COMMISSION.

Mayor Belk stated Mr. George Sibley has served as a member of the Planning Commission for 20 years; that he served as Chairman of the Commission for nine years. Today is his last meeting. Mayor Belk thanked him for his services, and requested Mr. Bill Guerrant, Director of Public Service and Information, to prepare a news release so that the public will also know about Mr. Sibley's contributions to the city and county in serving on the Commission.

#### COUNCILMAN WITHROW LEAVES MEETING.

Councilman Withrow stated he has a conflict of interest on the first three zoning petitions to be heard, and he asked to be excused. Mr. Underhill, City Attorney, advised that Councilman Withrow leaving the meeting at this time will not affect the quorum; according to the City Charter he was present to begin the meeting when a quorum was present. Councilman Withrow then left the meeting, and returned as noted in the minutes.

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COUNCILMAN ALEXANDER AND WHITTINGTON COME INTO MEETING.

Councilman Alexander and Whittington came into the meeting during the presentation of the next item, and were present for the remainder of the session.

HEARINGS ON PETITION NO. 72-27 BY WILFORD M. SMITH FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A LOT 195' X 552' AT 700 WOODLAWN ROAD; PETITION NO. 72-28 BY GEORGE S. GOODYEAR FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 11.3 ACRES ON THE SOUTH SIDE OF WOODLAWN ROAD, BETWEEN FAIRBLUFF PLACE AND MURRAYHILL ROAD; PETITION NO. 72-29 BY JOE D. WITHROW FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 2.5 ACRES OF LAND ON THE SOUTH SIDE OF WOODLAWN ROAD, BETWEEN FAIRBLUFF PLACE AND MURRAYHILL ROAD.

The scheduled hearings were held on each of the subject petitions on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property on Petition No. 72-28 by George S. Goodyear and Petition No. 72-28 by Joe D. Withrow.

Mr. Bryant, Assistant Planning Director, stated the three requests are being considered together as they are adjacent parcels of land.

He stated all the property is located on the south side of Woodlawn Road, between Murrayhill Road and Fairbluff Place.

Mr. Bryant stated Petition No. 72-27 by Wilford Smith is on the easterly side of the parcel; it has about 187 feet of frontage on Woodlawn Road with a depth in excess of 500 feet, running south from Woodlawn Road.

Petition No. 72-28 by George S. Goodyear is the largest parcel involved and is the center portion.

Petition No. 72-29 by Joe D. Withrow lies along the westerly side of the tract and is a rectangular, elongated parcel of land.

He stated each of the properties have at least one single family house located on the front portion; other than that the rear portions are vacant; a little branch runs to the rear of the property roughly parallel to Murrayhill Road. The general land use is for single family residential uses. Murrayhill Road is solidly developed with single family residential uses which for the most part back up to the rear of the properties involved. Across Woodlawn Road at the corner of Rockford Court is a combination service station and convenience food store; there are additional single family homes across Woodlawn from the subject property. About in the center of the area under consideration across Woodlawn is a rather large day care facility. Grace Methodist Church is located in the area and there is a small building used for church purposes at the very end of Fairbluff Place. With those exceptions the remaining pattern of land use is single family except for some scattered vacant lots.

Mr. Bryant stated the area in general is zoned for single family residential purposes with the exception of Rockford Court and Woodlawn where there is a small B-1 zone to accommodate the service station and convenience center.

Councilman Whittington asked Mr. Bryant to explain how the service station and convenience store became located in the area. Mr. Bryant replied initially the property was not used for a service station; the non-conforming aspect was for a combination of uses - dry cleaners, drug store and a couple of offices and a wholesale jewelry establishment. The service station was built after the other building was torn down. The business activity was established there before zoning, but it was recognized with a spot of business zoning at the time the 1962 zoning ordinance went into effect. It was not initially a service station. This came later.

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Mr. Edward Cook, attorney for Dr. Smith on Petition No. 72-27, stated there is a single family residence located on the property which is owned and occupied by Dr. Smith; there is a grove of pine trees along one side and this creates a natural buffer along the side of the property. He stated his first indication in looking at the property is the property can never be developed for single family residence beyond what it is now. The zoning has changed somewhat with the business zoning across the street and the large day care center across the street; and the best use of the subject property is for multi-family use. Woodlawn has been widened, and it is not attractive for single family residences. Although there appears across the city and county a decrease in the need for apartments, he does see a need in this particular area for apartments.

He stated the Graham property in the area is completely covered with a large business complex; there are two other large office complexes being constructed down Woodlawn Road near I-77.

Mr. Cook stated their site plan proposes one four story building, using less than ten percent of the open space; it will consist of 25 apartments of approximately 1100 square feet each. That can be switched around so that the apartments can be one, two or three bedrooms. It is designed so that the four stories will be below the existing trees, and it will be in line with the proposed development next to it.

Councilman Short asked if there is any intent to put this together with the adjoining property, and Mr. Cook replied there is not; that it was filed under three separate petitions with three separate interests.

Mr. A. C. Coggins, 4651 Fairbluff Place, stated they filed a petition in opposition and it contained 36 signatures of property owners surrounding the total property. That on petition No. 72-27, the protest petition did not invoke the 3/4 Rule and he asked the City Attorney why it did not meet the requirement? Mr. Underhill, replied the law in this state requires that when property is owned jointly by husband and wife, both husband and wife must sign a protest petition as they are each individual property owners. In the case of this particular petition, there were five parcels of potential property owners that could invoke the 3/4 Rule. Of four out of the five there was only one where both the husband and wife signed.

Mr. Coggins stated in the case of the James H. Browns', they are separated. That Mr. Linker does not have a wife, and Mr. Tucker signed but his wife was sick and could not sign it. That both Mr. and Mrs. Myers signed the protest. Mr. Coggins asked if they are separated, or not married, do they need both signatures? Mr. Underhill replied the records in the Register of Deeds office show the property is owned by James H. Brown, Jr. and wife, Anne. If the property is still owned by husband and wife jointly, then both are required to sign. If they are divorced and there has been some other disposition, it does not reflect in the Register of Deeds office; it would make a difference. The tax records in the Register of Deeds office indicate the property of Mr. Linker is owned by Harry A. Linker, Jr., and wife, Cathey.

Mr. Coggins read from the protest petition which stated their objections as follows: (1) A strong liklihood of congestion of automobiles and people in a quiet residential area; (2) Safety of their children. They would quite possibly be endangered to an unnecessary degree. There was a school bus wreck at the corner of Woodlawn Road and Murrayhill Road a couple of months ago during school. There is a bus stop at Murrayhill and Fairbluff Place and in front of the Tenneco Station, as well as other stops up and down Woodlawn Road. (3) The devaluation of established residential property. Where can you find a three or four story building that abuts up to a residential home which does not devalue it? (4) No other property in the immediate area has been zoned for anything other than single family residences. He stated this is their primary purpose and this is why they try to keep the homes in this area as neat and nice as possible. They want to raise their families there.

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Mr. Coggins stated in an article in the Charlotte News of June 19, it stated the Board of County Commissioners delayed passage of any zoning requests that involved multi-family housing, awaiting clarification and possible formulation of new policies on apartment zoning. That a report was presented to the Board from the Planning Commission which in effect said much land was already zoned for apartments and wherever possible that should be utilized rather than rezone other land. He stated there are apartments up and down Woodlawn Road out to I-77; from Park Road to South Boulevard there are two or three complexes. He asked if they are being moved out or run out in order to keep building apartments. They feel they have enough in this particular area traffic-wise, safety-wise, as well as trying to get in and out of their streets as it is today.

Mr. Myles Haynes, Attorney for George S. Goodyear under Petition No. 72-28 for change in zoning from R-9 to R-9MF, stated this is the largest of the three tracts; the actual acreage being 11.69 acres. The property is bounded on the west side by a small tract owned by Mr. Withrow, and on the east side by the tract owned by Dr. Smith. The rear of the property abuts lots which face onto Murrayhill Road, and the property line is a creek which runs behind the houses. The land from Woodlawn towards the creek runs downhill, and the backyards of the Murrayhill houses are elevated substantially above the creek.

He stated the property fronts on Woodlawn Road which is a four-lane circumferential road. This has left this property in a state where it will never develop for single family homes. It has made an island of a great big piece of land which is surrounded on the back and on the two sides by single family houses. Also Woodlawn Road would provide good access to the property going into the multi-family property. He stated to rezone this to multi-family would mean the subject tract would represent a transitional zone from the business across the street against these apartments and back to the houses on Murrayhill Road. The creek to the rear of the property will serve as a natural buffer between single family and will constitute a natural zoning change boundary.

Mr. Haynes stated he went onto this property with a photographer to get some pictures. He stated there are vines and the creek is plugged with trash. He stated there were things such as an old automobile motor, cans, bottles, tires and a great deal of debris which appears to be yard refuse or trash or grass cuttings. It is somewhat stagnant and has a very distinctive odor. That while he was walking up the creek bed he had occasion to see one snake, two rats and a lot of other varmints. Also he saw one little boy with an air rifle and he said he came there all the time to shoot rats.

Mr. Haynes stated the property is under option to the Klingbeil Company of Columbus, Ohio, who is presently developing out in the Arrowood Area and other places along Woodlawn. If the property is rezoned, they will exercise the option. They intend to build one unit to be known as the Tivoli. They will build a total of 198 units within five buildings on the property. They will have a swimming pool, club house and tennis deck. It is their intention to clean out all the underbrush at the creek, but to leave all the natural trees and to add new vegetation to assure there will be a dense wooded screen between the backs of the homes and the apartments. He stated the people should not be able to see the apartments from their backyards.

Councilman Short asked if the apartments will be in the flood plains, and Mr. Haynes replied they will not.

Mr. Haynes stated the apartment buildings will be between the parking lots and the homes so that the traffic noise will not be projected directly to the homes. He stated he has read the petition in opposition, and he does not see how anything on this project can increase the traffic on the residential street of Murrayhill Road as the traffic will go in and out on Woodlawn Road; there are no outlets from this project to Murrayhill Road; that he does not see how this project can endanger the children; and to clean the creek up and get the underbrush out and make it a park-like atmosphere can do nothing but enhance the value of their houses.

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Councilman Whittington asked the name of the street that comes in off Murrayhill and also backs up to this property and how far away from that street the buildings will be located? Mr. Bryant replied Murrayhill continues around and curves around to the back of it. Councilman Whittington asked if Mr. Haynes can put it into the record that his developers will not plan any ingress and egress from the streets on the back? Mr. Haynes replied he can; there is no way to get through to them as a matter of fact; the whole thing is surrounded by single families. Councilman Whittington asked if there has been any consideration by the three property owners to put this development together rather than three parcels, and increase it to R-12MF rather than R-9MF? Mr. Haynes replied there has been no discussion about putting any of this together to make one development. However, each party has been aware of the type of buildings that will be put on this property, and they have all tried to plan to keep their building quality equal so that each will compliment the other. That a feasibility study has been made by the Klingbeil Company, and with the price of the land in this area, the economic breaking point of this land is R-9MF. They cannot economically come out of this project if they have to go to R-12MF. He stated he understands this is true with both the Smith and the Withrow properties.

Councilman McDuffie stated it would appear the 198 units in the Goodyear parcel and 25 in the other is quite a number of people to be in a 15 acre area. That it is a little unreasonable to put that many people into one area to dump out onto Woodlawn Road. He stated his inclination is that R-9 is a zoning that might be thrown out. Areas have been rezoned before that back up to houses already built; and it seems to be unfair. People who live on the back of this property with 175 to 200 feet between them and the residents are not too bad off; but to the people who live on Fairbluff, it would be almost in their backyards. That he believes these people have strong reasons to object. Mr. Haynes replied he thinks it is a question of good will and good planning on the part of Dr. Smith and Mr. Goodyear. That he does not think it is the desire of any of these people to go in and tear up a neighborhood. They are trapped on large islands of land they will never be able to develop into single families.

Councilman McDuffie asked how many residential units can be placed under the R-9? Mr. Bryant replied about four to an acre when you count the public street that would have to come out of that. Councilman McDuffie asked how many less units will they be able to build under R-12MF than R-9MF? Mr. Bryant replied R-9MF is 17 1/2 units per acre and R-12MF drops down to about 14 units.

Councilman Short asked if 198 units is a firm figure, and Mr. Haynes replied that is in the site plan which he presented.

Councilman Short asked if they are getting into the flood plain? Mr. Bryant replied he does not think so; that they have not attempted to locate the natural boundary of the flood plain line there; the creek does not carry a large volume of water. However, any plan they present is subject to the apartment review process and at that stage they will identify the flood plain boundary and they would not be permitted to build in it.

Mr. A. C. Coggins stated without going through his opposition again, he would like to point out they have signatures in opposition around this property. There are a total of 36 signatures on the protest against the three petitions, and on this petition No. 72-28 there are a total of 23 signatures against the rezoning. He stated he would like to reiterate the safety of the children with the buses picking up the children along Woodlawn Road. He stated he is on Fairbluff Place, next to the little Belk's Chapel and the creek is his property line between the chapel and 185 feet down. That he has seen water one time that measured about 65 feet across the creek to the basement of the church on the other side. That his property is two, three or four feet higher. That this was an unusual situation; but it has occurred and the water has never stopped running in the creek. It is real neat and since the soap company has stopped dumping the soap in the creek, they do not get any unusual smell.

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Mrs. Russell stated she lives on the other side of Fairbluff, also adjoining the creek. She stated she would like to take exception to Mr. Haynes' remarks about the condition of the creek. It is not swimming pool sanitary; but she has never seen a rat in the two years she has been there, not has she seen a snake; that she has two children, 11 and 12 years of age, and they live in that back forest. That she has been back in there herself. He is correct in that it is quite tangled and forest-like; but she has never seen a rat or anything unsanitary back there. She has seen children there with guns, and they have had the police out there; but this has nothing to do with the forest area. She stated if Mr. Haynes and his clients think it is overgrown, then the residents think they should clean it up since they own it. She stated she has 25 feet stepped off from her door to the beginning of this property. Unfortunately all the trees in her backyard are on the petitioners property within a foot or so of the line.

Mr. John Whitley, Attorney representing Mr. Joe Withrow under Petition No. 72-29, stated he would like for the Council and Commission to consider those ideas and arguments given by Mr. Cook and Mr. Haynes. He stated he has examined the property and it has two rental houses on the front half of the property. Over half of the property is unused and has a very low utility value at this time. That because of the dimensions of this lot, 150 on the front and some 750 to 800 feet in depth, and about 200 feet in the area and no access from the side lines, it is impossible to utilize this property under the present zoning. Mr. Withrow's property is directly across from the Sunoco Convenience Store and service station. They believe the R-9MF will not only benefit the petitioner, but it will benefit the neighborhood and the community at large. He stated they do not propose to build an apartment complex, but if the rezoning is approved, they plan to build six apartment buildings with the buildings increasing in size as you go backwards on the tract. The roof line of the building at the back will be some 10 feet lower than the building at the very front on Woodlawn. There are beautiful oak trees and other hardwood trees on the tract, and most of them can be preserved. The petitioner proposes to build small buildings, attractively set out and landscaped.

There will be nothing unsightly about the plan. He proposes to build six buildings with 42 units; half will be garden apartments and half efficiency apartments. They will be two story buildings.

Mr. Whitley stated there are about 2 1/2 acres in the tract; they plan 42 units which will be about 16 1/2 units per acre with 75 parking spaces.

Councilman Whittington stated there will be approximately 265 units on the three parcels.

Mr. A. C. Coggins stated they have the same objections to Petition No. 72-28 with the proper signatures. He stated again they object for the four reasons he set out earlier - strong likelihood of congestion of automobiles, people in a quiet residential area; the safety of their children which could be endangered to an unnecessary degree; devaluation of established residential property and no other property in the immediate area has been zoned for anything other than single family residences. He stated in connection with the Withrow property, there is a speed regulator at the intersection of Murrayhill Road stating if flashing you are going over 45 miles an hour. He stated from Park Road to South Boulevard they are being squeezed up by apartments. To them this seems to be completely out of line.

Mayor Belk asked if they have the same opposition to all three petitions, and they would not favor one against the other? Mr. Coggins replied they have the same objections to all three petitions.

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Councilman McDuffie asked if there is not some land between the Withrow property and the residential property? Mr. Bryant replied there is apparently one lot facing on Murrayhill Road that extends back; there are some additional long lots that front on Woodlawn Road that separate the subject property from the rear of the houses on Murrayhill Road. Mr. Whitley stated Mr. George Ketchie, Sr. owns that property and he did not sign the protest petition; that he understands he does not have any objections to the rezoning.

Mr. Haynes stated the Klingbeil people have said they would be delighted to put in writing that they will leave those trees at the back of their property. He stated the plan calls for them not only to leave the existing vegetation but to add to it. Also the apartment buildings do not have a front side and back side.

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

HEARING ON PETITION NO. 72-32 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM I-2 TO R-9MF OF PROPERTY ON THE EAST SIDE OF EASTWAY DRIVE, NORTH OF SOUTHERN RAILROAD.

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

The Assistant Planning Director stated some weeks ago the Planning Staff presented a report concerning zoning and land use along Eastway Drive. One of the conclusions of that report was there were about three areas that would be considered for changes of zoning. The subject petition is one of the three.

Mr. Bryant stated the property is on the east side of Eastway Drive immediately north of the Southern Railroad. The property is being used for an apartment group and it is zoned industrial and at present is non-conforming. Directly across Eastway Drive is a solid pattern of single family residential structures, most of which back up to Eastway Drive. Prince Charles Street has reverse frontage lots facing on that street and reversing themselves onto Eastway Drive. Adjoining the property on the northeast side is an area under initial grading process for development of a shopping center - this is the NorthPark Shopping Center.

He stated there is industrial zoning along North Tryon Street and now coming down Eastway Drive all the way to the railroad to include the subject property. There is multi-family zoning across Eastway Drive and then begins a pattern of business zoning coming down to the Plaza. Basically around the subject property is the industrial zoning to the north; multi-family zoning across the street and the combination of business and multi-family zoning across the railroad.

Councilman McDuffie asked why they did not recommend a business zoning rather than multi-family? Mr. Bryant replied the only reason for recommending any change is the fact it is used residentially, and this is to have the zoning conform to the land use. That business zoning would make the apartment both conforming and available for other uses in the future.

Mr. T. LaFontaine Odom, Attorney representing the objecting property owner, stated this is almost spot zoning in reverse. They are already next to the shopping center that is being developed; then the railroad track is on the other side. He stated he represented Mr. Flowe in 1969 when he purchased the property, and one of the first things he checked on was the zoning. That he did purchase the property in great reliance on the zoning. That Mr. Flowe has not had any conferences with the Planning Commission; no one asked



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his advice on what he planned to do with the property. Mr. Odom stated he would prefer to leave it just the way it is now. He stated it does not seem to make good planning sense to now change the property to multi-family although there is some across the street. There are only two single family homes on that side. He stated Mr. Flowe has leased part of the railroad right of way in order that he can keep the grass cut and keep it under control. It would not make it suitable in the future for any substantial new multi-family dwelling. The structures on the property now are frame dwellings, and they will soon outlive their life usefulness, and at that point a decision would have to be made. They do not feel it is in the best interest of Mr. Flowe to go back and change this property and put it between business and industrial shopping center and the railroad.

Councilman McDuffie asked if he would be agreeable to a business zone? Mr. Odom replied probably not; that they have not discussed that point. The main thing is the property was purchased almost three years ago, and it was purchased in great reliance upon what the zoning was. That in viewing the surrounding property it makes sense to leave the zoning as it is.

Councilman Short stated to leave this at its present zoning is a little bad in terms of public policy. It is not good public policy to have anything that is non-conforming, as that can only deteriorate. Also it is bad public policy and a difficulty to Council in trying to relate the entire extent of the belt road. To have anything as I-2 enables others to come along and ask why they cannot at least have an apartment. He stated if Council knew what he had in mind when he was relying on the zoning it would help. Mr. Odom replied at the time the property was purchased one of the possibilities discussed was a shopping center. That is the way it is developing right next door now. But Mr. Flowe is not in a position to see that far down. He is not going to put anything in there that would be detrimental to the neighborhood.

Councilman McDuffie stated there should be some discussion with the owner about some zoning other than I-2; that across the railroad it is zoned multi-family. That we are trying to regulate to some degree the belt road, and if Mr. Flowe can get by with the shopping kind of zoning perhaps it should be changed to something other than R-9MF or leave it as I-2. Mr. Odom replied they would be happy to discuss this with the Planning staff; they heard by word of mouth there would be some change, and then the next thing they knew the signs went up.

Councilman McDuffie asked if Mr. Bryant and Staff can discuss this with the owner and see if they can arrive at some compromise.

Councilman Short moved that the Planning Commission be requested to study this zoning further. The motion was seconded by Councilman McDuffie and carried unanimously.

HEARING ON PETITION NO. 72-24 BY CHARLES M. CARROLL FOR A CHANGE IN ZONING FROM I-1 TO R-9MF OF 8.19 ACRES OF LAND ON THE SOUTH SIDE OF GLORY STREET, BEGINNING 155 FEET EAST OF CRAIGHEAD ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Glory Street, which runs between Sugar Creek Road and Craighead Road. The property is vacant as is property on both sides, along with certain property along Tryon Street. K-Mart is located on North Tryon Street as is the Holiday Inn. Directly across Glory Street is a solid pattern of existing apartment development. At the intersection of Glory and Craighead is a convenience center. Basically there is vacant property on three sides of the subject property, and multi-family use across the road.

He stated there is industrial zoning extending from Glory Street over toward Tryon Street, then multi-family zoning on the other side of Glory Street. Industrial zoning surrounds the property on three sides with multi-family zoning on the fourth side.



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Mr. Ray Bradley, Attorney for the petitioner, Mr. Charles M. Carroll of Nashville, Tennessee, stated the subject property was purchased on October 9, 1968. About two years before he purchased three tracts that front on North Tryon Street, and one of those tracts backs up to an alleyway which is at the rear of the subject property. The three pieces on North Tryon Street are between the K-Mart tract and Holiday Inn. That Mr. Carroll bought all the property relying on the zoning in anticipation there would be a great development in the area. The property obviously has a high value for tax purposes and is not the type of property that can sit around idle very long. As soon as the property was bought, it was put in the hands of several of the best commercial property agent people in Charlotte for development and leasing that Industrial-I allows. To this point nothing has happened. It appears there is a lot of I-1 property in this area still idle; there is a complete saturation of I-1 uses all around North 29, and back to Glory Street. Something had to be done and Mr. Carroll began to look into what could be done, and he looked across Glory Street and saw the English Village apartments and the Aaloha apartments. At the corner of Craighead and Glory is a small convenience type shopping center. On down Glory towards Sugar Creek Road are two single family residents perhaps 600 feet from this property. He stated it is obvious the multi-family housing market in this area is not soft. Just three months ago, a very large and well-known apartment syndicate came in and bought the English Village apartments for a big price.

Mr. Bradley stated the tract has several large wooded areas, and the architect in his plans utilized this property for approximately 140 apartment units and to use the wooded areas. He stated Mr. Carroll has already been encouraged by several lending institutions about the financing of a project of this kind in this area. He is talking in terms of conventional financing rather than government financing, and it is to cost approximately \$1.5 million and possibly more. He stated the architect is Mr. Harold Cooler. The property adjoining this piece of property on Glory Street and on the same side of the street out toward Craighead Road is vacant; it backs up to the Holiday Inn property. Property adjoining the tract towards Sugar Creek Road is also vacant, with a large part of it taken up by a road that leads into the K-Mart Project that fronts on North Tryon Street. He stated it is obvious the area is not developing for I-1 and it is apparent the most compatible use of the property is multi-family use.

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. 72-25 BY PET, INCORPORATED FOR A CHANGE IN ZONING FROM B-1 TO I-1 OF A LOT 85' X 167' AT 1402 HERRIN AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this is a very small parcel of land located on the south side of Herrin Avenue. The property has had on it a residential structure and it is in the process of being removed. Adjoining the property is the present facility operated by Pet, Incorporated. Adjoining the property along Herrin coming out to the Plaza is the A & P Store; across the street on Herrin is Shoney's Restaurant, and adjoining the subject property on the other side is a row of single family homes facing on Winston Drive.

Mr. Bryant stated there is predominately a business zoning pattern along The Plaza with the exception of the existing Pet property which is already zoned for I-1. The subject property is zoned business; it is adjoined by business zoning on the Plaza side, industrial zoning on the existing Pet property and by multi-family zoning on the Winston Drive side, and there is an area of office zoning across Herrin Avenue. The property has existing non-residential property on all but one side.

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Councilman Whittington asked if this petition is granted will everything in the block with the exception of the A & P property be I-1? Mr. Bryant replied that is correct. Councilman Short stated there are setbacks required when industrial zoning or buildings are against residential buildings. Mr. Bryant replied that is correct and there are requirements for screening as well.

Mr. R. E. Wardlow, Attorney for the petitioner, stated at the time the petition was filed they needed the extra 100 foot lot to put in required washing facilities for trucks that haul the milk produce. After a fair amount of planning, the Company was able to put that building in a different location which would be more for the protection of their neighbors that back up to them on Winston Drive. The specific use of this lot now will be for the parking of the panel type trucks that haul the ice cream and milk to the retail stores during the day time, and a driveway along one part that may be used from time to time.

Mr. Wardlow pointed out their present property and stated in the front of it off The Plaza is their parking area; then the old building runs nearly all the way across the front of it. An old quonset hut building has been torn down in the last few days. The new building will be a metal building; the property is fenced all the way around, and the subject property will be fenced all the way around, and it will have a locked gate. The parking of the trucks which are used as an integral part of carrying on the milk and dairy business requires the property on which the trucks are stored to be industrial.

The company is aware of the fact that where business or industrial zones adjoin residential property screening is required. The fence is in now; their next move is with the nursery people to come in and put the qualifying natural plantings not only on the line next to the residences to the back on Winston Drive, but completely around the entire property. He stated the Pet Dairy's people have called on the neighbors and they have seen what has been done. They are in the process of getting rid of an old army type barrack used for a duplex; they have already put in fencing. The neighbors have signed a statement in which they state they do not object to the rezoning. The petition in support of the rezoning was filed with the City Clerk.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-26 BY J. B. BOULWARE FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT 50' X 125' ON THE SOUTHWEST SIDE OF MARVIN ROAD, OPPOSITE VILLA COURT.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the request is for a change of a single lot on the south side of Marvin Road on which a duplex structure is located. The area around the subject property is residential with a scattering of single family houses in the vicinity. Basically the area around the subject property is residentially used with some vacant property to the rear.

The zoning is basically multi-family; there is industrial zoning along the railroad and there is a B-1 area at the corner of Marvin Road and Beal Street.

Mr. Calvin Brown, Attorney for the petitioner, stated this is a vacant lot rather than having a duplex located on it. He stated the petitioner first got the idea for the zoning change by his contact with the people in the community. The property is surrounded by multi-family homes and a large number of people live out there. The community has only one business area and it is some distance away. They feel this particular lot practically in the heart of where the people live would be suitable for a convenience store. Many of the people have problems of transportation and getting back and forth to shopping areas.

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Mr. Brown filed with the City Clerk a petition signed by the residents of the area in support of the rezoning. He stated the petition has been signed by more than 200 people who live within the area.

He stated Marvin Road has become almost a main street coming in and out of the area.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 72-30 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR CHANGES IN ZONING ON EASTWAY DRIVE, COMMONWEALTH AVENUE AND INDEPENDENCE BOULEVARD.

The public hearing was held on the subject petition for a zoning change from R-6MF to O-6 of property on both sides of Eastway Drive, north of Independence Boulevard Interchange; change from O-6 to R-6MF property east of Eastway Drive and to the rear of lots along Dresden Drive; change from R-9 to O-6 of property on both sides of Commonwealth Avenue east of Rollins Avenue; change from O-6 to R-9MF property within the interchange right of way at Eastway and Independence.

The Assistant Planning Director advised this is the major portion of the recommendation for changes in existing pattern of zoning related to Eastway Drive and in particular to the Eastway-Independence interchange. The properties consist of several parts. One of the major parts is recommending office zoning along both sides of Eastway Drive adjacent to the ramp area so that some alternative use other than single family residential could be possible for those parcels directly affected by the interchange itself at Eastway. There is much more frontage involved on the easterly side than on the westerly side. He stated there is still an area of office zoning that extends along an existing pattern of lots laid out coming back from Independence Boulevard. With the attempt to square off the office zoning, it is felt the triangular shaped parcel should be changed to a residential pattern in order to conform with the zoning on each side. Those parcels involved are all tied in with properties that have frontage either on Eastway Drive or in one instance on Dresden Drive. This is an adjustment in the area to recognize the validity of non-residential usage right on the interchange itself.

The next portion consists of changing property basically on Commonwealth Avenue, from Rollins Avenue down to the existing office zoning on Commonwealth, and changing that area to office. This is related to the ramp area. The ramp coming off Eastway Drive comes around and then comes down Commonwealth Avenue to Independence Boulevard. Because of the relationship these lands have to the ramp area it was felt these were affected to the extent they were no longer desirable for residential properties, and the recommendation is to change it to office. It does tie into existing office zoning on Commonwealth, where there is existing business along Independence.

The final part is an attempt to remove an area of office zoning that has no further function. The area is to the south of Independence Boulevard that once fronted on Commonwealth Avenue, but is entirely within the right of way of the interchange itself.

Mr. Bryant stated basically there are four parts to this. One is the zoning along Eastway Drive which is recommended changed to office zoning; the small triangular parcel which is recommended changed from office to residential; the area along Commonwealth, from Rollins Avenue down to near Independence Boulevard to be changed to office, and the area removing office zoning from the small tract.

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Mr. John Staton stated he is interested in the third part of the petition pertaining to Commonwealth Avenue. He stated the office zoning would not help them much. He stated today there is a bank of dirt approximately 36 inches in front of his house about four steps from his door, and the highway department had to cut down a portion of it to let him out today. He stated they are trapped. At the back is the Midas Muffler shop; on the other side is a house that has been demolished and then the church that is to be torn down. The noise is horrible. The children come out and throw the parts of those mufflers in the creek; the muffler shop is working all day. He stated he has owned his home for 26 years. He stated he does not think the office zoning would do them much good. He stated about 1/10 of his property is zoned for business already. That he is the fourth building from the Burger King. The property from 3726 Commonwealth Avenue to the Burger King should be zoned for business.

Councilman Short moved that Council ask the Planning Commission to consider the reasons for and against continuing the lines, which is the B-2 line paralleling Independence Boulevard, on to Commonwealth Avenue. That he thinks there would be arguments both for and against. That he does not think it is out of order to ask them to consider and present specifically their comments about continuing that one line on into Commonwealth Avenue. The motion did not receive a second. Mr. Bryant stated the only thing wrong is this would be splitting lots. Councilman Short replied splitting a lot happens sometimes. That he thinks it is reasonable to consider this and to have a statement by the Planning Commission.

Councilman Whittington stated he does not agree unless you are going to consider Eastway on both ends and Commonwealth on both ends for the same thing. Whatever you do here you have to treat everyone alike. Councilman Short stated with the exception of this case it seems we have done this.

Mr. Richard Curlee stated he is speaking for his mother-in-law who lives on Commonwealth Avenue, three lots from Rollins Avenue. The right of way takes half of her lot. The loop comes through the back portion of her lot. He stated if Council is going to consider this petition for other than O-6 this property should be included. The loop takes 25 feet of a 50 foot lot; they did not take her house, and the fence will come within 7 feet or less of her house; the exact footage from the side of her house to the curb is around 35 feet. Mr. Bryant stated he is referring to the first lot remaining facing Commonwealth after you pass the interchange area. He stated they felt the right-of-way did enough damage so that this lot plus the other two should be considered for office zoning and not residential.

Councilman Short stated to treat everyone the same on this is to draw those lines in a regular way, regardless of who owns, and it seems to him that is what has been done. The four hundred foot line shown on the map he has already cuts through properties. To the left on the map it cuts through various property lines. Surely the 400 feet back from Independence which he is seeking to continue is an arbitrary line without reference/lines all the way back to Waterman Avenue. Councilman McDuffie stated it would have a little better order at major intersections if it is left to individual lots.

Mr. Curlee stated he feels that all this property is undesirable as residential property. That he does not think the office zoning will give them the type of money they need to relocate.

Mr. A. C. Webb, 3705 Commonwealth Avenue, stated he would like to recommend that this either be left as it is or that it be zoned for business. That suppose they build a motel or office 16 or 18 stories, what will they have. It will be right over the top of those houses next door. That he does not think this has really been thought out. That he would appreciate it if Council would consider leaving it like it is or rezone it to B-1.

Mr. J. Allan Wood stated he lives at 1045 Dresden Drive West. He stated he and his wife have a lot that adjoins the Belk property. That they are now negotiating with Mr. Belk and it would give him about 75 more feet. He stated they would appreciate it very much if this is left as O-6 zoning. Mr. Bryant stated Mr. Wood is referring to one of the lots that is proposed changed from office to residential use.

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Mr. James Funderburk stated he would like to speak on behalf of his mother, who owns property adjoining Mr. Staton's property. He stated the property on Independence Boulevard is zoned business. Directly in front of the homes is property owned by the State for right of way. Anyone who might want to take the property facing Independence Boulevard and connecting it with property on Commonwealth Avenue, it would not be possible. There would be business zoning on Independence and then O-6 as you come back to Commonwealth Avenue.

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

ORDINANCE NO. 487-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON THE EAST SIDE OF EASTWAY DRIVE, FROM PURSER DRIVE TO NORFOLK SOUTHERN RAILROAD ON PETITION OF THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

The public hearing was held on the petition to change the zoning from I-1 to B-2.

Mr. Fred Bryant, Assistant Planning Director, stated this is considering an area on the east side of Eastway Drive extending from Purser Drive up to the railroad. The property is presently zoned I-1; it is the only industrial zoning that extends to the east side of Eastway Drive anywhere along it. It has on it uses all of which conform to a business classification. There is a restaurant at the corner of Finchley; there is an upholstery shop and a service station at the corner of Purser and Eastway Drive, and a vacant building that was used for the offices of a barbeque company which has gone out of business. There are no industrial uses in this segment at all. The recommendation is that the industrial zoning be replaced with a business zoning and this would eliminate the possibility of some industrial type usage.

No opposition was expressed to the proposed change in zoning.

Councilman Short moved adoption of an ordinance amending the zoning map by changing the zoning from I-1 to B-2 on property on the east side of Eastway Drive, from Purser Drive to Norfolk Southern Railroad, on petition of the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman McDuffie, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 103.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:25 o'clock p.m., and reconvened the meeting at 4:35 o'clock p.m.

ORDINANCE NO. 488-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 4400 ROZZELLS FERRY ROAD ON PETITION OF RUSSELL J. GEDDINGS.

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

The ordinance is recorded in full in Ordinance Book 19, at Page 104.

PETITION NO. 72-23 BY ANNA C. GOEBEL FOR A CHANGE IN ZONING OF THAT PORTION OF HILLCREST GOLF COURSE WITHIN THE CHARLOTTE CITY LIMITS, NOW ZONED R-9 EAST OF SHARON AMITY ROAD AND SOUTHEAST OF ALBEMARLE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman McDuffie, and unanimously carried, to deny the subject petition for a change in zoning from R-9 to R-9MF, as recommended by the Planning Commission.

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He stated they believe the fence will have three very good effects in dealing with the problems they see and face at Revolution Golf Course.

First it will discourage the casual trespasser who uses Revolution Golf Course as a short cut, or sees it as an extension of Revolution Park and comes on it for casual pleasure in the process of which he endangers himself by getting himself in line of the flight of golf balls on the course. He also annoys players on the course. Second, they think a fence will provide the golfers and the public with a measure of confidence in the security at the golf course that no other single factor would provide. Third, for the person who comes onto the course, or who might in the future, come onto the golf course to commit a crime of violence they think a fence at the least will serve to cut off his avenues of escape, and will serve as a deterrent to him at the time he forms the intention to come on.

Mr. Walker stated they do not believe the fence is going to be in and of itself an answer. A fence will be cut; holes will be snipped in a fence as they are in every fence they maintain. None the less when a person cuts a hole in the fence and comes on with the idea of committing a crime, then there is only that hole to get out, and his avenues of escape will be limited. With the other measures they will take, with their own funds, it will keep to a minimum the instances.

Mr. Walker stated he is requesting City Council to spend either \$34,500 or \$43,500 independent of their budget appropriation to enable them to erect a fence around the course.

Mayor Belk stated he would like to congratulate Councilman McDuffie, Senator Knox and Mr. Ben Tyson on their idea of a golf match to benefit the two families in this tragedy. Not only will it help from that viewpoint but it will bring a lot of people out on the golf course which he understands has declined since this tragedy.

After further discussion, Councilman Whittington moved that Council receive this request as information and have the City Manager to give a recommendation at budget time. The motion was seconded by Councilman Withrow, and carried unanimously.

**APPROVAL OF REQUEST OF THE GUILD OF CHARLOTTE ARTISTS TO PROMOTE A METROLINA SIDEWALK ART SHOW TO TAKE PLACE ON THE WALKWAY BETWEEN THE EDUCATION BUILDING AND THE COURT HOUSE.**

After presentation of the request by Mr. R. Dean Barber, President of the Guild of Charlotte Artists, Councilman Alexander moved approval of the request of the Guild of Charlotte Artists to promote a Metrolina Sidewalk Art Show to take place on the Walkway between the Education Building and the Court House on September 10, 1972 between the hours of 12:00 and 7:00 P.M. The motion was seconded by Councilwoman Easterling, and carried unanimously.

**CITY MANAGER AUTHORIZED TO APPROVE FUTURE REQUESTS FOR USE OF THE WALKWAY BETWEEN THE EDUCATION BUILDING AND THE COURT HOUSE.**

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the City Manager was authorized to approve all future requests for use of the subject walkway.

Councilman Short stated he wishes there was some way this walkway could be used on Saturdays for an open market. There are a lot of attic sales; a lot of times you see amateur and professional art sales along Providence Road and other places; there are farmers who want to bring in produce. This area is closed down on Saturdays. There is a big parking lot there. That if we could establish a sort of tradition of farmer's produce and attic type home goods, and art work being displayed on Saturday morning, it would be a valuable and interesting use of the walkway.

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He stated he thinks this would be a real interesting thing for the community - a people-oriented thing. That he wishes it could be initiated. There is a market of the type he is talking about in Charlotte now, but it is a private operation on private property, and it is not publicized. That he thinks this could work into a real nice, well used interest.

APPROVAL OF CONVEYANCE OF AIR RIGHTS OVER CERTAIN CITY STREETS TO GEORGIA INDUSTRIAL REALTY COMPANY, A SUBSIDIARY OF SOUTHERN RAILWAY COMPANY.

Mr. Jim Hewson, Attorney for Southern Railway Company, stated the subject air rights provides another link in what Council was just talking about. That he supposes we will be groping in Charlotte for a long time in the developing use of this concept - walkways. As we have it longer and as we fill in the gaps, we will have an asset which will make Charlotte grow bigger and bigger. This particular link has been a long time coming. Before he came to Council today, he got his file in order and discovered there were 17 drafts of the bill before it finally went through the legislature. He stated he thinks they accommodated everybody who had a suggestion.

Mr. Hewson stated the deed, or instrument, is virtually a quotation from the legislation; it contains no new matter.

Councilman Short asked Mr. Hewson to state for the record the legal difference between property used for railroad purposes and non-railroad purposes, and whether it is intended or whether it would happen that this would be used for railroad purposes. Mr. Hewson replied he does not think there is any question but that this property would be analogous to the city's proprietary interest. This is not providing for pedestrian walkways and development over the city streets in that respect. You are not giving any rights to anybody for railroad purposes. You are not giving anything more than you are giving to a non-railroad interest in this respect. Councilman Short asked what this means legally? Mr. Hewson replied he supposes what he is concerned about is the fact the City might have limited condemnation rights in the event of some unforeseen development in the need for street right of way, might have some problem in condemning it if the property were used for railroad purposes. As you know, railroads have a right of condemnation for railroad purposes; the railroads are a public utility; the municipality is a public body and the two rights sometime conflict. Legally that is not involved in this situation at all.

Mayor Belk stated this ties in and he would like to congratulate Southern Railway and other subsidiary companies on what they have done to help open up that whole area in that 24 acres that Southern owns. This is people-oriented where you can cross without being run over by an automobile or a truck. This is the intent that we tried to accomplish. That he does not know how many thousands of dollars Southern has given just so we could widen those streets, which we would never had had the opportunity had it not been for the generosity of Southern by giving this land. That he would like to thank the many associates of Southern. He stated the relationship the City and Southern has now is excellent.

Councilman Withrow asked if the City will have any rights of approval of drawings or of what is going to be built in this air rights, or will we have right of refusal? Mr. Hewson replied it is built into the legislation that the City shall have full rights to approve what goes in there.

Councilman Short moved approval of the conveyance of air rights over certain city streets to Georgia Industrial Realty Company a subsidiary of Southern Railway Company. The motion was seconded by Councilman Whittington.

Councilman Short stated he was a little concerned whether the First Union Bank knew what action was being taken; that he has since been advised they did not know what action was to be taken, but now they do, and he is sure it is in order to proceed. Mr. Hewson stated they have been aware of the development from the beginning.

The vote was taken on the motion and carried unanimously.



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Councilman McDuffie asked what will happen to the bank at Charlotte Fish and Oyster where the railroad is now; this is just dirt? That it occurred to him probably it would be useful, somewhat like the walkway, if it were paved and there were some elevations, benches and such with the idea that people could use the bank. Mr. Hewson replied he cannot answer what will be done, but it sounds fascinating. Councilman McDuffie stated the bank could be useful; that he would like for everyone to be thinking about something useful; that the same thing would apply under the bridges. This could be useful and there could be some type of little stands that could be of use. He stated he has written a letter to the President of the Southern Railway today asking him about taking advantage of all this transportation running through the city. The railroad is so convenient, two blocks from the Square, and he suggested a small type of vehicle that could be used as a shuttle perhaps from the K-Mart, South Boulevard area where people could park their cars along side the railroad and ride into town. That he has written him and asked if we cannot get some type of experimental transportation to see if people would be interested in that kind of conveyance.

ACTUARIAL REPORT RECOMMENDATIONS ON COST OF LIVING ADJUSTMENT TO RETIREMENT INCOME OF FIREMEN APPROVED TENTATIVELY PENDING RECOMMENDATIONS FROM CITY MANAGER ON METHODS OF FINANCING THE PLAN.

Mr. A. H. Scott, City Accountant and Secretary of the Charlotte Firemen's Retirement System Board, presented the facts leading up to the recommendations for Council's consideration today. He stated Bowles and Tillinghast was asked to make a complete actuarial study and the Board makes recommendations as follows:

1. Provide a one-time 2% cost-of-living adjustment for all presently retired firemen. This would increase each retired fireman's present monthly income 2% for each year from his original retirement date until January 1, 1972. It would not provide any adjustment for future increases in the cost-of-living. The cost to fund this adjustment would be:

\$195,500 as a single sum  
or  
\$ 44,500 yearly over 5 years  
\$ 24,700 yearly over 10 years  
\$ 18,200 yearly for 15 years.

The recommendation in this paragraph is contingent only upon the passage by the City Council of the recommendation set forth in Paragraph 2.

2. Modify the present retirement plan to provide an annual 1.75% cost-of-living adjustment for firemen who will retire in the future, beginning July 1, 1972. Such adjustment dependent on an increase of 1.75% or more in the preceding year's Consumer Price Index. The cost to fund this would require changing the present rate of matching contributions by both the City and the active firemen from 8.13% to 10.1% of gross salary, an increase of 1.97%. Based on present payroll costs this amounts to an annual cost increase to the City of \$92,700 per year. Active firemen will contribute an equal amount.
3. Provide for presently retired firemen and those retiring before July 1, 1972, future cost-of-living adjustments of 0.875% annually dependent on an increase in the Consumer Price Index of 1.75% or more. This is one half of the adjustment for members retiring July 1, 1972 or later, and would be totally funded by the City as a single sum or over a period of time as follows:

\$140,000 as a single sum  
or  
\$ 31,900 yearly over 5 years  
\$ 17,700 yearly over 10 years  
\$ 13,000 yearly over 15 years.

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Councilwoman Easterling asked if this is different from the regular retirement funds for city employees, and why the firemen come under a different system from the regular city employees? Would there not be ever any plan for including them in the regular system along with all the others? Mr. Alex Josephs, Chairman of the Retirement Board, stated they have made many recommendations in the past; about 12 or 13 years ago they recommended they come under social security and these firemen voted it down; that the employees could vote on whether or not they wanted social security coverage. They had their own funds. He stated they felt the only thing the city was interested in was how much it paid towards the firemen's retirement fringe benefit, and how much it paid towards the police. Mr. Josephs stated the City is paying 10.2% towards the police and paying 8.1% towards the firemen. The policemen have more benefits.

Councilwoman Easterling asked why the firemen would not want the same benefits? Mr. Josephs stated he talked for an hour trying to persuade them to take social security and a representative of the social security board talked with them, but they voted differently.

Councilman Whittington stated under Chief Henricks Palmer's administration as Chief of the Fire Department, the firemen elected to set up their own retirement system and put \$200,000 in the fund. Through annuities and interest since that time, they now have a fund that is worth about five and half million dollars. The firemen voted against coming under social security, and the city puts less into their fund than it does the other employees with the city. But the firemen have elected to go this way all these years, and they believe they have an excellent retirement system, and perhaps better than any other department in the city or state government.

Councilman McDuffie asked what the city contributes to the regular employee and Council was advised a total of 9.7%.

Mr. Burkhalter, City Manager asked if this system is sound and would it continue as it is now? Mr. Royal Dedrick, Actuary, replied it is. If the cost of living adjustment is not approved, the new matching contribution rate will fund the system keeping it at the proper rate. He stated they are recommending a slight increase in the matching contribution rate; it would still be sound, but they are recommending a slight increase. If the cost of living adjustment is added for future retirees only they are recommending a 1.97% increase in the matching contribution rate.

Councilman Short stated the only part that gives him some concern is Paragraph 3 which in effect provides not only for the accumulative inflation that has beset the present retirees, but it attempts to set up a fund that would protect against inflation for the present retirees in the future. He stated from those he has talked with they are not expecting this much protection and assistance and it is very expensive for the city to do all this, including that. With that thought in mind he would like to make a motion that is a little bit different from the recommendation. He stated a number of groups have worked very hard on this matter trying to extricate the present retirees from a problem that began some 20 years ago when they voted not to have the type of protection that Mrs. Easterling is talking about and did not have an inflation factor in their pension.

Councilman Whittington stated he came today prepared to vote for all three of the recommendations as the Board recommended because he has been concerned for a long time about the retired firemen. He stated in Paragraph 1, the 2% cost of living adjustment for the presently retired firemen, 49 men will be covered under this recommendation. He asked what happens to the other six men now presently retired? Are they covered in No. 2? Mr. Josephs replied they will not be covered in No. 2. It is presumed their cases would not have any inequities because their salaries have been increased right up until the date of their retirement which has been about six months ago.

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Councilman Whittington stated this may be covered in the motion, but he thinks down the road, that all of us are kidding ourselves if we do not think about the future retirees because they will be caught up in the same thing that the retirees are caught up in today. If firemen back then had voted for social security, as he thought they should have done, their problem would not be as bad as it is today. But they did not do it. He stated he wants to make sure they are covered. He asked if the Board members concur in that Council should wait and not take any action on the third recommendation, and if so, why? Mr. Josephs replied the third recommendation was made with this in mind. If Council approved one and two that takes care of the future retirements and takes care of the 2% yearly cost of increase, and the city's cost would be no higher; they would be paying all the cost, and that would be giving them only 0.875% cost of living increase. They did this to keep from coming back to Council eight, ten or twelve years from now saying they were given the increase in 1972, but look what has happened to inflation. He stated they are saying if the city has the money and can afford No. 3 they think it would be a sound movement.

Councilman Whittington stated these 55 men, the 49 he mentioned and the six who retired recently, have put 1700 years of service into this community, and a good many of them are infirmed and disabled today and are living off just a meager pittance. Whatever we do to help them is the right course and a right cause.

After further discussion, Councilman Short moved that Council tentatively approve the plan as follows - that he says tentative in the sense that he would include as a part of the motion that Council refer this back to the City Manager with instructions to check it out and immediately bring it back before Council and advise Council how it can fit this plan into the upcoming 1972-73 budget. The plan would be to:

No. 1. Proceed with the recommendations in Paragraph One and that it be funded at the operation figure given of \$44,500 a year over a period of five years. This part of the plan will give the 2% per year inflation assistance to the present retirees, with the exception of those who have retired since January 1, 1972.

No. 2. Adopt the recommendation of Paragraph No. 2, except that we made this retroactive to January 1, 1972 and in so doing waive the employees' contribution between January 1, 1972 and June 30, 1972. This will give a little bit less but still have some inflation protection for the present actives when they retire, and will help these five or six who have retired or will retire between January 1, 1972 and June 30, 1972.

No. 3. Require effective immediately that all firemen employed hereafter will go on the same retirement system as all other city employees. These arrangements and provisions will take care of the present retirees up to this date, and the future actives.

After discussion, Councilman Short change his motion to approve No. 1 and No. 2 as stated. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Short moved that Council ask the City Manager, City Attorney, City Accountant, City Finance Director, City Personnel Director, Firemen's Retirement System Board and others as designated by the City Manager to study and present to City Council all possibilities, pro and con, with reference to putting future active firemen on the same retirement and social security system as other city employees. The motion was seconded by Councilman Withrow and carried unanimously.

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RESOLUTIONS FIXING DATES OF PUBLIC HEARINGS, ADOPTED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the following resolutions were adopted:

- (a) Resolution fixing date of public hearings on Monday, July 24, on Petitions No. 72-34 through 72-40 for zoning changes.

The resolution is recorded in full in Resolutions Book 8, at Page 262.

- (b) Resolution fixing date of public hearing on Monday, July 24, on petition of the Redevelopment Commission to close a certain portion of the public alley within the block bounded by East Trade, South College, East Fourth and South Tryon Streets, in the Downtown Urban Renewal Area.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 263.

- (c) Resolution fixing date of public hearing on Monday, July 24, on petition of the Redevelopment Commission to close portions of Fontana Street and Pharr Street in the Greenville Urban Renewal Area.

The resolution is recorded in full in Resolutions Book 8, at Page 265.

ORDINANCE NO. 489-X AMENDING ORDINANCE NO. 905-X DESIGNATING THE OFFICIAL DEPOSITORIES FOR THE FUNDS OF THE CITY OF CHARLOTTE BY ADDING THE BANK OF NORTH CAROLINA AND REPUBLIC BANK AND TRUST COMPANY TO THE OFFICIAL LIST OF CITY OF CHARLOTTE DEPOSITORIES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject ordinance was adopted amending Ordinance No. 905-X, adopted October 26, 1970, designating the official depositories for the funds of the City of Charlotte by adding The Bank of North Carolina and Republic Bank and Trust Company to the official list of City of Charlotte depositories.

The ordinance is recorded in full in Ordinance Book 19, at Page 105.

ORDINANCES TRANSFERRING FUNDS AND INTERIM ORDINANCE.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, Ordinance No. 490-X transferring and reallocating funds for several capital improvement projects was adopted and is recorded in full in Ordinance Book 19, beginning at Page 106.

Motion was made by Councilman Whittington to adopt Ordinance No. 491-X transferring \$12,000 within the Capital Projects Fund to satisfy the results of a court judgment dated May 30, 1972. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 109.

Councilman Withrow moved adoption of Ordinance No. 492-X transferring \$11,000 within the Capital Projects Fund to extend sewer lines in the area along Denver Avenue, east of Mulberry Church Road. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 110.

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Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, Ordinance No. 493-X appropriating funds for paying usual expenses of the city pending adoption of the 1972-73 Budget Ordinance was adopted and is recorded in full in Ordinance Book 19, at Page 111.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, to adopt Ordinance No. 494-X, amending Ordinance No. 176-X, the 1971-72 Budget Ordinance, authorizing the transfer of funds within the General Fund, in the total amount of \$54,200.00, and is recorded in full in Ordinance Book 19, beginning at Page 112.

Councilman Whittington moved adoption of Ordinance No. 495-X amending Ordinance No. 176-X, the 1971-72 Budget Ordinance, authorizing the transfer of funds within the Utilities Fund in the amount of \$101,000.00.

The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 114.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE TO DELETE CLASS 360, ASSISTANT WATER SUPERINTENDENT AND CLASS NO. 361, WATER SUPERINTENDENT, AND ADDING NEW CLASSES.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted amending the pay plan of the City of Charlotte to delete Class No. 360, Assistant Water Superintendent and Class No. 361, Water Superintendent and to add the following:

<u>CLASS NO.</u>	<u>CLASS TITLE</u>	<u>PAY RANGE</u>	<u>PAY STEPS</u>
344	Chief Engineer, Utilities, Engineering & Planning	45	A-F
348	Chief of Operations, Water and Waste Water Distribution and Collection	46	A-F
350	Chief of Operations - Water and Waste Water Pumping & Treatment	46	A-F
378	Director of Utilities	54	A-F
392	Illustrator	26	A-F

The resolution is recorded in full in Resolutions Book 8, at Page 266.

ORDINANCE NO. 496-X SUBSTITUTING POSITIONS IN THE UTILITIES DEPARTMENT AND PUBLIC SERVICE AND INFORMATION DEPARTMENT TO ACCOMMODATE CHANGES IN JOB RESPONSIBILITIES.

Motion was made by Councilman Whittington, seconded by Councilman McDuffie, and unanimously carried, adopting the subject ordinance substituting positions in the Utilities Department and Public Service and Information Department to accommodate changes in Job Responsibilities.

The ordinance is recorded in full in Ordinance Book 19, beginning at Page 115.

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ORDINANCE INCREASING AUTHORIZED STRENGTH OF THE PERSONNEL DEPARTMENT BY ADDING ONE POSITION OF PERSONNEL ASSISTANT AND AMENDING THE 1972-73 BUDGET OF THE PERSONNEL DEPARTMENT BY ADDING FUNDS FOR THE POSITION, DEFERRED.

Councilman Whittington requested that Council not take action on the subject ordinance so that he can study some manuals he has in his office and can have more opportunity to talk to Mr. Earle about this, and knows more about the reasons for the necessity of this extra person. That he does not want to vote against it and he does not want to vote for it as he does not know enough about it.

Councilman Whittington moved that the subject ordinance be deferred until the next Council Meeting. The motion was seconded by Councilman Short, and after further discussion, the vote was taken on the motion and carried unanimously.

EXTENSION OF SERVICE GRANTED TO EIGHT EMPLOYEES OF THE CITY 65 YEARS OF AGE AND OLDER.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following employees, 65 years of age and older, were granted an extension of service through June 30, 1973:

NAME	BIRTHDATE	CLASSIFICATION	DEPT.
Milton Clapp, Jr.	5-04-06	Industrial Waste Eng.	Utility
Ben Davis	1-03-07	Laborer I	Utility
W. I. Green	6-18-07	Accounting Clerk	Public Works
R. L. Gregg	12-09-05	Water Serviceman	Utility
C. L. Harrison	6-15-07	Laborer I	Utility
W. C. Lee	5-05-05	Service Dispatcher	Public Works
James Murray	5-25-06	Laborer II	Utility
W. M. Franklin	6-09-05	Director	Utility

RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS BY ADDING A NEW SUBSECTION ON RESIDENCE REQUIREMENT.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution amending the Personnel Rules and Regulations by adding the following:

Rule I, Section 6. Residence

All persons regularly employed in the City's service shall be residents or become residents of Mecklenburg County within six months after the date of their employment and shall remain residents of Mecklenburg County during the period of their employment.

The resolution is recorded in full in Resolutions Book 8, at Page 267.

BRIEFING ON PROPOSED COMMUNITY DEVELOPMENT AND REVENUE SHARING PROGRAMS, DEFERRED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow and unanimously carried, delaying the briefing on the proposed Community Development and Revenue Sharing programs.

ORDINANCE NO. 497-X TO ESTABLISH PLANNING AND MANAGEMENT GRANT REVENUE AND EXPENDITURE ACCOUNTS.

Councilman Alexander moved the subject ordinance be adopted to establish Planning Management Grant Revenue and Expenditure Accounts, effective July 1, 1972, which motion was seconded by Councilman Short, and carried unanimously.

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The ordinance is recorded in full in Ordinance Book 19, at Page 117.

During the discussion, prior to the motion, Councilman Short requested that the Mayor and City Manager be requested to touch base with Mr. George Selden before anything is done to expedite this. Mr. Carstarphen, Assistant City Manager, stated Mr. Selden is aware of this.

Councilman Whittington stated he thinks a better job could be done of explaining these items. That Council has a great deal of difficulty in getting an agenda on Friday afternoon and then be expected to know what it is all about on Monday, without having an opportunity to consult with some member of the Staff, and not knowing how to research an item.

CONTRACT WITH PUBLIC SYSTEMS, INC. PROVIDING CONSULTANT SERVICES IN THE PREPARATION OF A COMMUNITY DEVELOPMENT PLAN.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject contract in the amount of \$38,890.00 was approved.

PROPOSED ORDINANCE AMENDING CHAPTER 10 OF THE CITY CODE DEFERRED UNTIL NEXT MEETING.

Councilman Short moved that the subject ordinance amending Section 10-16(h) relating to vehicles hauling garbage or rubbish be deferred and placed on the agenda at next meeting. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 498 AMENDING CHAPTER 4, ARTICLE II, SECTION 12 OF THE CODE OF THE CITY OF CHARLOTTE ENTITLED "GROUND RULES".

Councilman Whittington moved adoption of subject ordinance amending Chapter 4, Article II, Section 12, "Ground Rules" by adding the following new subsection, which motion was seconded by Councilman Withrow, and carried unanimously:

"(j) The Airport Manager shall have the authority to promulgate safety rules and regulations pertaining to all ramp and taxiway areas located on airport property. Said safety rules and regulations shall include, but not be limited to, driving rules and regulations for ground vehicles."

The ordinance is recorded in full in Ordinance Book 19, at Page 118.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF A GRANT AGREEMENT FOR PROJECT NO. 8-37-0012-03.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted authorizing a grant to accept a grant authorizing, adopting, approving, accepting and ratifying the execution of a grant agreement in the amount of \$2,497,600 for Project No. 8-37-0012-03, Capital Improvement Project Land Acquisition for Future Capital Improvement Project Land Acquisition for Future Runway 18R/36L, Clear Zone, Strengthen Terminal Apron, Construct Northeast and Southwest Bypass Taxiway to Runway 5/23; install Terminal Apron Flood Lighting and Security Fencing and Relocation Assistance for Fifty Families.

The resolution is recorded in full in Resolutions Book 8, at Page 268.



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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF ELOISE M. WILSON (WIDOW), LOCATED ON OLD DOWD ROAD, IN BERRYHILL TOWNSHIP, FOR A CLEAR ZONE FOR A NEW PROPOSED RUNWAY IN CONNECTION WITH THE AIRPORT EXPANSION PROGRAM.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property of Eloise M. Wilson (Widow), located on Old Dowd Road, in Berryhill Township, for the Clear Zone for a new proposed runway in connection with the Airport Expansion Program.

The resolution is recorded in full in Resolutions Book 8, at Page 269.

PURCHASE OF AVIGATION EASEMENT FROM HAROLD B. AND CARRIE S. PRESSON, WHIPPORWILL SUBDIVISION, APPROVED.

Councilman Alexander, moved approval of the purchase of an avigation easement from Harold B. and Carrie S. Presson, Parcel 227, Whipporwill Subdivision, at \$6,000.00. The motion was seconded by Councilman Whittington, and carried unanimously.

PROPERTY TRANSACTIONS FOR DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the following property transactions were approved for Douglas Municipal Airport:

- (a) Acquisition of 635' x 280' x 238' x 188' x 337' x 419' of property on Byrum Drive, from C. Stough Garrison and wife, Pauline L., at \$50,000.00, for Master Plan Land Acquisition Project.
- (b) Acquisition of 79' x 255' x 65' x 245' of property on Piney Top Drive, from Herbert B. Howie and wife, Lilla S., at \$3,000.00, for Master Plan Land Acquisition Project.
- (c) Acquisition of 197' x 280' x 155' x 250' x 100' of property on Sylvan Way, from C. W. Ballard and wife, Evelyn S., at \$24,000.00, for Master Plan Land Acquisition Project.

RESOLUTIONS AUTHORIZING AN INCREASE IN THE TOTAL FUNDS PROPOSED FOR THE ACQUISITION AND DEVELOPMENT OF SITES FOR FIVE MINI-PARKS AND ONE NEIGHBORHOOD PARK IN CHARLOTTE'S MODEL NEIGHBORHOOD.

Councilman Short asked if the five mini-parks are being deleted which the citizens had reason to believe might have been built when they voted for the bond issue? If so, he thinks there should be some explanation. Mr. Carstarphen, Assistant City Manager, stated the bonds were voted in a lump sum for unspecified parks in the Model Neighborhood. The five deletions that are recommended as part of these resolutions have received the approval of the Citizens Participation structure and the Charlotte Model Neighborhood Commission.

Motion was made by Councilman Short, and seconded by Councilman Withrow to adopt the following resolutions:

- (a) Resolution of the City Council authorizing filing of application for grant to acquire and develop open space land for Project No. NC OS-51.
- (b) Resolution of the City Council authorizing filing of application for grant to acquire and develop open space land for Project No. NC OS-73.

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Mr. Carstarphen stated the deletions are small parks that because of their relative location to other recreational facilities and because of difficulty in securing the property, and difficulty in developing the property were deleted. The five will be identified on maps which will be made a part of this record and placed on file in the office of the City Clerk.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 8, beginning at Page 270.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Withrow moved adoption of the following five ordinances ordering the removal of weeds and grass pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina, which motion was seconded by Councilman Short, and carried unanimously:

- (a) Ordinance No. 499-X ordering the removal of weeds and grass at 1554 Wilmore Drive.
- (b) Ordinance No. 500-X ordering the removal of weeds and grass at 520 Spruce Street.
- (c) Ordinance No. 501-X ordering the removal of weeds and grass at 1143 Bethel Road.
- (d) Ordinance No. 502-X ordering the removal of weeds and grass at 2424 Wilkinson Boulevard.
- (e) Ordinance No. 503-X ordering the removal of weeds and grass at 1041 Rosada Drive.

The ordinances are recorded in full in Ordinance Book 19, beginning on Page 119.

APPROVAL OF THE SALE OF CITY OWNED PROPERTY AT 717-721 WESLEY AVENUE TO HIGH BIDDER.

Upon motion of Councilman Alexander, seconded by Councilman McDuffie, and carried unanimously, approval was made of the sale of city-owned property at 717-721 Wesley Avenue to Mr. & Mrs. James C. Kirby for the high bid of \$3,600.00.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, approving the following special officer permits for a period of one year to each of the following applicants who have been approved by the Police Department:

- (a) Issuance of permit to Lee Roy Green for use on the premises of Charlottetown Mall, Inc., One Charlottetown Center, Cargill Wilson Building, and Cinema I and II.
- (b) Issuance of permit to Gena Williams Kirby for use on the premises of Charlottetown Mall, Inc., One Charlottetown Center, Cargill Wilson Building, and Cinema I and II.

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- (c) Issuance of permit to John Lance Harmon for use on the premises of Charlottetown Mall, Inc., One Charlottetown Center, Cargill Wilson Building, and Cinema I and II.
- (d) Issuance of permit to James Thomas Good for use on the premises of Jefferson First Union Plaza.

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT THE BROOKLYN URBAN RENEWAL PROJECT NO. NCR-37, SECTION NO. 3, APPROVED.

Councilman Alexander moved approval of subject contract with Peat, Marwick, Mitchell and Company, in an amount not to exceed \$800.00, to audit the Brooklyn Urban Renewal Project No. NCR-37, Section No. 3 to comply with the City's contractual agreement with HUD. The motion was seconded by Councilman McDuffie, and carried unanimously.

MAYOR LEAVES CHAIR AND MAYOR PRO TEM PRESIDES.

Mayor Belk left the Chair during the motion and vote on the next item and Mayor pro tem Alexander presides.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER LINES AND INSTALLATION OF WATER MAINS, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the following contracts for the construction of sanitary sewer lines and water mains were approved as follows:

- (a) Contract with John Crosland Company for construction of 5,790 feet of sewer line to serve the Rockbridge Subdivision, outside the city, at an estimated cost of \$56,000. The applicant will bear the entire cost of the project and will dedicate the same to the city upon acceptance by the city for maintenance and operation.
- (b) Contract with Remount Appliance and Furniture Company for the construction of 660 feet of 8-inch sewer line in Parker Drive, east of Remount Road, inside the city, at an estimated cost of \$3,000.00. The applicant will pay the total cost of the project, and will be refunded the estimated \$2,278.80 of the amount under existing city policies.
- (c) Contract with John Crosland Company for construction of 1,865 feet of 8-inch sewer lines in Elgywood Lane, near Arrowhead Road, outside the city, at an estimated cost of \$11,700.00, with the applicant to pay the total cost of the project, and to be refunded the estimated \$9,100.00 of the amount under existing city policies.
- (d) Contract with Alta Enterprises, Inc. for construction of 1,979 feet of sewer lines to serve Foxcroft East, Phase II, outside the city, at an estimated cost of \$19,000.00, with the applicant to bear the entire cost of the project, and will dedicate same to the city upon acceptance by the city for maintenance and operation.
- (e) Contract with the Ervin Company for the construction of 1,322 feet of sewer line in Arrowood Road, and Orren Court, outside the city, at an estimated cost of \$11,610.00, with the applicant to pay the total cost of the project, and to be refunded the estimated \$6,770.00 under existing city policies.

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- (f) Contract with Seaboard Coast Line Railroad Company and Coca-Cola Bottling Company of Mid-Carolinas for the installation of 4,660 feet of 12" C. I. water main and two fire hydrants at an estimated cost of \$57,000, and installation of 5,070 feet of 12" C.I. water mains and six fire hydrants, at an estimated cost of \$58,000, to serve a portion of the Seaboard Coast Line Railroad's Industrial Park No. 2, and properties of the Coca-Cola Bottling Company, all outside the city limits. Funds will be advanced by the applicants under the terms of existing city policies as related to such water main construction.
- (g) Contract with The Ervin Company for the installation of 1230 feet of 8" C. I. water main and 350 feet of 2" main, and three fire hydrants, at an estimated cost of \$8,800.00 to serve the Foxboro Subdivision No. 1, outside the city. Funds will be advanced by the applicant under the terms of existing policies related to such water main construction.
- (h) Contract with Hideway Hills, Inc. for the construction of 425 feet of 8" C.I. water main and one fire hydrant to serve an apartment complex on Nations Ford Road, outside the city, at an estimated cost of \$3,400.00. Funds will be advanced by the applicant under terms of existing policies related to such water main construction.
- (i) Supplementary contract, to contract dated May 3, 1971, with Idlewild Utilities, Inc. for the construction of 6,900 feet of 8" C.I. water main, 3,220 feet of 6" C. I. water main, and 1,580 feet of two inch C.I. water main, and 8 fire hydrants, to serve the Four Seasons Subdivision, outside the city, at an estimated cost of \$56,350.00, with the applicant to finance all pipe lines and system and own and operate and maintain same and retain all revenues derived until such time as any part is incorporated into the city, at which time it will become the property of the city without cost or further agreements.

MAYOR RETURNS TO CHAIR.

Mayor Belk returned to the Chair at this time and presided for the remainder of the Session.

APPROVAL OF AGREEMENTS WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the following agreements with the North Carolina State Highway Commission:

- (a) Encroachment agreement with the North Carolina State Highway Commission for the construction of an 8-inch sewer line in S. R. 2554, between Holbrook Road and N. C. 115.
- (b) Right of way agreement with the North Carolina State Highway Commission for the construction of an 8-inch water main in Tom Hunter Road, between White Plains Road and Echo Glenn Road.
- (c) Right of way agreement with the North Carolina State Highway Commission for the installation of water and sewer mains at (1) Independence Boulevard, Caldwell and Stonewall Street Intersections, and (2) Dilwort Road, Morehead Street and McDowell Street intersections.
- (d) Right of way agreement with the North Carolina State Highway Commission for installation of 2,000 feet of 12" C. I. water main in Auten Road, extending east and west from Chesapeake Drive.

- (e) Encroachment agreement with the State Highway Commission for the construction of an 8-inch sanitary sewer line within the right of way of Orr Road to serve WICA Chemical Company.

CONTRACT WITH HENSLEY-SCHMIDT FOR PHASE III OF CENTRAL BUSINESS DISTRICT COMPUTERIZED SIGNAL SYSTEM, APPROVED.

After explanation by Mr. Corbett, Assistant Traffic Engineer, Councilman Whittington moved approval of the subject contract with Hensley-Schmidt for Phase III of Central Business District Computerized Signal System, which motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH STATE HIGHWAY COMMISSION AND THE FEDERAL HIGHWAY ADMINISTRATION PROVIDING FOR CHANGES IN THE FEDERAL-AID ANNUAL TOPICS WORK PROGRAM MUNICIPAL AGREEMENT, PROJECTS 8.6100313 AND 8.6100314, F.A.T. 8014(13).

Council was advised the City Council approved an agreement with the N. C. State Highway Commission on November 8, 1971, covering 18 projects to be carried out under the Topics Program. The total cost of the projects was estimated to be \$102,360 with the city's share to be \$5,460. Five of the projects are on the city's roadway system and thirteen on the state system. According to the agreement the city must fund 50% of the cost of projects on its system and the State Highway Commission will fund 100% of the cost of the projects on its system. In recent weeks, plans and specifications on some projects and construction work on other studies have been completed and the total cost will be \$195,160. The City's share will now be \$42,035 rather than \$5,460; the increase is due to the fact the city must pay 50% of the cost of improvements proposed for the intersection of Central Avenue and The Plaza which now totals \$79,000 with the city's share being \$39,500.00.

Councilman Short asked what is being done at The Plaza and Central that costs so much money? Mr. Corbett replied it is concerned with widening The Plaza to five lanes on both approaches; the pavement has to be widened back on each side; the median has to be moved on the north side; storm sewers must be run from the intersection of The Plaza and Central, and from Commonwealth to The Plaza; that alone is some \$30,000.

Councilman Whittington stated he can see where this would cost more; but this is the first time he knew anything about this agreement where it cost the city more. Mr. Corbett replied this is the first time it has been brought up; the plans were done in-house by the City's Public Works Department, and they determined the storm sewer should be done and it was necessary to the project. This is one of the projects where the city must pay 50% of the cost.

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried, to adopt the subject resolution.

The resolution is recorded in full in Resolutions Book 8, at Page 274.

Councilman McDuffie stated in the widening that is being done on Central Avenue at Sharon-Amity, the lane on the right hand side is narrower than the one across the street, and it does not look like it is reasonable that we widen the road in that section smaller than the one facing on the other side of the street.

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RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION COVERING THE WIDENING OF TUCKASEEGEE ROAD, FROM ASHLEY ROAD TO FREEDOM DRIVE.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting the subject resolution authorizing a municipal agreement with the North Carolina State Highway Commission covering the widening of Tuckaseegee Road, from Ashley Road to Freedom Drive, with the Highway Commission to purchase the right of way and carry out the construction at no cost to the city and the City to install all traffic control devices and to be reimbursed 100% for the cost.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 275.

RESOLUTION AUTHORIZING A MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR COST SHARING ON THE INDEPENDENCE FREEWAY FROM KENILWORTH AVENUE TO INTERSTATE 77.

Councilman Short stated this provides for 1/3 contribution by the city towards the right of way, and the Metropolitan Finance Study Committee has conferred with the legislative members about trying to relieve the city of this \$5.0 million burden; this is U. S. 74; the county does not pay; no county pays based on local county traffic and you could make a case that it is a little hard to see why the city should have to pay based on the local city traffic. If we do not have to do this immediately, he thinks it would be good to let the Metropolitan Finance Committee study this further.

Councilman Whittington asked if is not true that when I-77 was built from the Northwest Expressway to Morehead Street that the agreement there was considerably less than this. Mr. Bobo, Assistant City Manager, replied this is the Independence Expressway going through the redevelopment area. He stated there is \$4.0 million in the upcoming bond referendum, and this money is owed to the Redevelopment Commission who has already purchased the land and is holding it for us.

After further discussion, Councilman Whittington moved adoption of the resolution authorizing the agreement with the State Highway Commission for cost sharing. The motion was seconded by Councilman Alexander.

Councilman Short made a substitute motion to delay action and that it be brought up later this summer. The motion did not receive a motion.

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

YEAS: Councilmembers Whittington, Alexander, Easterling, McDuffie and Withrow.

NAYS: Councilman Short.

The resolution is recorded in full in Resolutions Book 8, at Page 277.

EXTENSION OF JANITORIAL SERVICES CONTRACT WITH ROLLINS SERVICES FOR LAW ENFORCEMENT BUILDING, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract was approved for extension for three years at no change in the \$54,444.00 per year price.

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PAYMENT TO E. F. CRAVEN COMPANY COVERING EMERGENCY REPAIRS TO TRACTOR-DOZER AT YORK ROAD LANDFILL, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approval was made for the payment in the amount of \$8,980.35 to E. F. Craven Company, covering emergency repairs to Tractor-Dozer at York Road Landfill.

CONTRACT AWARDED REA CONSTRUCTION FOR SITE PREPARATION FOR AIRPORT DEVELOPMENT AID PROGRAM PROJECT AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Short moved award of contract to the low bidder, Rea Construction Company, in the amount of \$607,788.05, on a unit price basis, for site preparation for Airport Development Aid Program Project 8-37-0012-03 at Douglas Municipal Airport, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Rea Construction Co.	\$607,788.05
Blythe Brothers Co.	636,104.95
Propst Construction Co.	661,256.75
Dickerson Company	693,891.00

CONTRACT AWARDED PROPST CONSTRUCTION FOR SEAL COAT FOR AIRPORT DEVELOPMENT AID PROGRAM AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Propst Construction Company, in the amount of \$59,274.00, on a unit price basis, for seal coat for Airport Development Aid Program Project 8-37-0012-03 at Douglas Municipal Airport.

The following bids were received:

Propst Construction Co.	\$59,274.00
Rea Construction Co.	69,975.00
Blythe Brothers Co.	74,655.00

CONTRACT AWARDED WALKER & WHITESIDES, INC. FOR LIGHTING WORK FOR AIRPORT DEVELOPMENT AID PROGRAM PROJECT AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Walker & Whitesides, Inc., in the amount of \$75,629.05, on a unit price basis, for lighting work for Airport Development Aid Program Project 8-37-0012-03 at Douglas Municipal Airport.

The following bids were received:

Walker & Whitesides, Inc.	\$75,629.05
Rockwell Radio & Elec. Co.	82,494.50
R & G Construction Co.	83,800.15
Bryant Elec. Repair Co.	84,743.10

COMMENTS FROM RESIDENTS OF HICKORY GROVE COMMUNITY CONCERNING CITY BOND INDEBTEDNESS.

Mrs. Lauris Nichols of the Hickory Grove Community stated she is from the Citizens Rights Association and in going over the computer output on the present outstanding City bond issues, she finds outstanding bonds back to 1931. She stated they passed a hat and came up with some money to help pay off this outstanding debt of 1931 before the present bond issue goes to vote.



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Mr. Ron Brown stated in going over the city's indebtedness the picture is very clear that bonds are an opium on the city government to pass a \$30.0 million referendum in 1969, and then turn around and ask the citizens to pass a \$54.0 million bond. According to the print-out that was given out Wednesday, there are \$160 million more in bonds the City wants passed in the next five years. This is an opium the city has gotten into and cannot get out. Everytime you sell some, you have to sell some more. He stated he did a little computation the other day and he figured the pay off rate on a \$54.0 million. The average tax payer will have to pay back \$1,600.00 over a 20 year period.

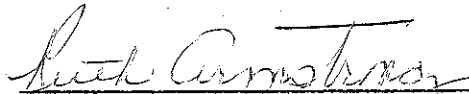
Mr. Brown stated on TV last night the City Manager stated bond issues are real important for a fast growing city like Charlotte, and when you look at how fast Charlotte is growing it is less than 1 1/2 percent a year. Yet you turn around and offer a 11.9 budget increase for a population increasing less than 1 1/2 percent.

He stated he knows the Council is interested in passing the bond issue. That it has been brought to his attention that time is available on TV if Council would like to openingly discuss it. He stated they could go into all these ramifications. Channels 9, 18 and 3 have made time available and all three would very much like for the council members to come and the Citizens Rights Association will have its group and they can discuss the issues.

Mayor Belk replied the TV stations have not contacted the city; but he will be glad to talk to them. Mr. Brown asked if they are willing to meet with his group any time, and Mayor Belk replied he is.

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk