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The City Council of the City of Charlotte, North Carolina, met on Monday, June 16, 1975, at 8:00 o'clock p.m., at the Education Center, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate, and Commissioners Boyce, Finley, Heard, Jolly, Kratt, Ross, Royal and Turner present.

ABSENT: Commissioner Ervin.

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#### INVOCATION.

The invocation was given by Reverend Joseph L. Kellerman.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Harris, and unanimously carried, the minutes of the last meeting, on June 2, were approved, with the following correction:

Minute Book 62 - Page 53 - Fourth Paragraph, Change the vote on the substitute motion to show Councilman Withrow voting for the motion, as follows:

"Yeas: Councilmembers Harris, Short and Withrow.

NAYS: Councilmembers Gantt, Locke, Whittington and Williams."

#### HEARING ON THE PRELIMINARY 1975-76 BUDGET FOR THE CITY OF CHARLOTTE AS REQUIRED BY THE NORTH CAROLINA BUDGET AND FISCAL CONTROL ACT.

The public hearing was called on the Preliminary 1975-76 Budget for the City of Charlotte. The Mayor advised that each speaker would be limited to no more than five minutes each.

The following spoke at the hearing:

#### (1) Beverly Webb, Attorney, and President of the Charlotte Symphony.

Mr. Webb stated the Charlotte Symphony is a collection of people performing a service for the community. It consists of 75 musicians, approximately 20 of them full time working only for the Symphony; the remainder are part time musicians and work in schools and other nine to five jobs during the day. There is a Board of Directors, a staff of five, including the music director, and about 500 women who work full time as volunteers selling tickets, raising money and doing the miscellaneous work that it takes to keep together the complex organization. These are only the people involved. The work that is done is of prime importance - service to the community. The Charlotte Symphony is engaged not only in performances at Ovens Auditorium and in Dante Auditorium - 12 a year - but engage primarily in work within the schools.

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When the school changed four or five years ago, they had to change their program. They found they were unable to bring school children into Owens Auditorium for concerts as had been done in the past, and they had to hire musicians to go into the schools to perform. This they did with the help of the City. They hired 22 musicians, who together with the help of local part time musicians perform about 120 concerts a year in the schools of Charlotte Mecklenburg.

The Symphony players are available and perform in every musical endeavor in the City, from working with the opera to traveling Broadway shows, to teaching in the schools, assisting the youth orchestra - a collection of some 80 high school students who audition to play in an orchestra of their own - to having counsel in clinics within the schools, to individual instructions which they do with the help of women's associations which raise money for students to get scholarships, to performances all over town, whenever and wherever people will hire them, and even out of town.

This is a complex program with a budget of about \$400,000, and complex sources of revenue. Now they receive funds from the Arts Council, from ticket holders who pay approximately \$125,000 a year to hear the Symphony, to patrons who pay an additional \$25,000 over and above their contributions to the Arts Council; they receive funds from the County, the State Legislator, the National Endowment of the Arts, and the Cities.

Over the last couple of years their budget, because they have to make commitments based on hope in a large degree, that the commitments have been made and the revenues in these times of economic illwill have not matched up to the revenues. They have a deficit in the Symphony, and have had to borrow. Even worse, they have had to tell musicians they would not be able to raise salaries for next year, which is the third year in a row for most of these musicians. As a consequence they have lost some of their better musicians who have brought in the community, and who are already members of the community. These they must replace. They have found the better musicians can find better jobs elsewhere than they can in Charlotte playing for the Charlotte Symphony. Their loss is the community's loss, because the Symphony is a community asset.

They are here to ask for a behest of \$50,000 as originally requested. With that money they intend to continue the symphony program as it presently exists, not to expand it, and to make adjustments in salaries that are necessary. They believe this interim support will be a good investment in the Charlotte Symphony.

(2) Robert Middleton, President of the Local 660, Firefighter's Union

Mr. Middleton stated last year they asked for a change in the policy that then existed for dealing with public employees of the city. Somewhere along the line a change was made. This year when they discussed the proposal of the firefighters they received very courteous treatment; their ideas were received before the budget was brought together into a package, and they feel they had some input into that budget.

They, as firefighters, realize that they are in the midst of a depression; there are some signs that seems to show a way out; and in the coming year they hope it will be better. The Manager and his staff are to be commended for submitting a budget that requires no tax increase. Even though three percent is not enough, they feel they will just have to struggle along, tighten their belts, the same way every other individual in this city has had to do, and hope for a better year in 1976. The firefighters are also taxpayers in this community; their property has been revalued as everyone elses, and they are going to be paying more taxes. But they would like to urge Council tonight to adopt a budget the City Manager has submitted as it relates to public employees of this city. They feel in this year this is what is needed.

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(3) Gary Alden, 6613 Elm Forest Drive

Mr. Alden stated he is an MBA out of the University of Massachusetts and has had experience with budgets before. The thing of interest to him in looking through the budget this year, and it is the first city budget he has had the opportunity to look through, he found himself at a loss in all his training in attempting to put some logic behind the city budget in any manner whatsoever. The apparent failure to provide figures that he could do any type of comparative analysis on a time interval whatsoever struck him as rather ironical.

In column six of the budget we see what the 1973-74 actual budget is. Column seven is 1974-75 we see what was actually budgeted. His understanding is those figures represent what was budgeted and put before the Council, plus or minus any adjustments made over the year. In column eight it shows what was an estimated figure - that was for 1974-75. He assumes, in talking with the Budget Evaluation Department those figures represents some type of projected estimate of how well we will meet the budget to date. As he looked at the figures, he could not make a comparative analysis of the goings on.

He would propose that the Council might suggest to the staff that we might follow the following ideas. In column six, he would like to know the actual budgeted figures. You see some figures that represent a 73-74 actual budget. If we look at budgets from a control standpoint, and as a manager, we are interested in how well a department met its budget. What the actual figures were, compared to what was budgeted. Then we could assess how well that particular department head is operating that department. In column six we might show a budget and an actual figure, and perhaps go on and suggest some percentage variance in that particular area. In column seven he would suggest that represents what was budgeted last year. But it also represents the figures that are plus or minus, the appropriations approved over a period of a year. These are not pointed out in any kind of manner whatsoever. He would suggest those particular variances occur, plus or minus figures. Did you have a supplemental appropriation, and if so, where did it go.

In column eight he would suggest that the estimated might give a little more percentagewise. If you have up to date figures for the ten months period in the year, you operate in the dark for two months, but we could take the budgeted figures for that ten months period of time, and represent that as the percentage. That is to say they are 100 percent on budget as of the tenth month, or they are 90 percent of budget, but looking good.

He would suggest this to Council to perhaps recommend to staff, and to take a look how they present the budget.

Mayor Belk requested the City Manager to take note of these suggestions.

(4) H. R. Thompson, 9700 Sunway Drive, Police (FOP)

Mr. Thompson stated the Fraternal Order of Police supports Mr. Burkhalter's proposal of three percent. They realize that times are hard; however, they realize that the entire three percent, over the city employees, will run approximately \$1.3 million which is a drop in the bucket to what the city budget amounts to. They would ask that this three percent be put into effect on July 1 as was the small raises received last year.

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They also ask and hope Council will sincerely consider the proposals on the hospitalization plan for the city personnel. This plan has needed some revamping for sometime. They feel the proposals of Mr. Bob Earle stated to them will upgrade and may not be the best, but will take a large step towards upgrading it. They also ask the proposals that the city pick up half of the family's side of the hospitalization be implemented also. This is pure money. This is non-taxable and taxes have already been paid out of it, and the employee will realize the entire amount that is budgeted for this. They would also ask that the police department be considered in longevity pay. In effect, Durham, Greensboro and Winston-Salem start out at two to five percent in five to nine years, and go to seven and a half percent at 20 years. This is in comparison with Charlotte which starts out at zero, five to nine years, one percent from ten to fourteen, and four percent 25 years and above. It would take the police department for police personnel seven and a half percent, overall, including longevity pay to reach Wiston Salem and Greensboro.

The pay plans which he passed out have been approved by Mr. Bob Earle. Mr. Earle stated this year he stated that our pay plan was more correct than his last year, and sent Lynn Burleson to these cities, Winston-Salem, Raleigh and Greensboro, to study their pay plan. The only discrepancy they found was down in police cadet in Winston Salem which was two dollars off.

If they had not been behind for sometime, he could not ask for any more than three percent. He would say they are on the right track. However, we have been behind for sometime, and they would ask that you upgrade this. Winston Salem has 2.51 police officers per 1,000 population. This in comparison with Charlotte's 1.77 police officer per 1,000 population. Charlotte is presently below Winston Salem in this respect, per 1,000 population. Providing the crime rate is equal in both cities, the Charlotte Police Officer is doing 41.8 percent more work in comparison to Greensboro, they have 2.3 police officer per 1,000 population. That is 29.9 percent greater than Charlotte.

He asked that Council reconsider portions of the training academy which were deleted - these portions being the firing range. In respect for a firing range for a police officer it is a very important facility, Classroom training can be handled in several avenues. However, the firing range - we have no civilian firing ranges that qualifies to what the police officer should know. This firing range proposed will have pop-up rargets, good guy-bad guy type targets, split second decision making targets. This is fooling with the lives of the Charlotte citizens. They would ask for the citizens of Charlotte that they be allowed to go ahead with the firing range and the driving range.

(5) Ann Burns, 2334 Belfast Drive

Mrs. Burns stated she has two items to take up.

One, as a delegate from WCO, and it is the widening and extension of Ashley Road. Second, as an individual taxpayer, and that is Dimensions of Charlotte-Mecklenburg.

She stated she led a group of Ashley Park residents to stop the widening and extention of Ashley Road. They came before this Council with petitions, and they talked with Mr. Withrow in his office. They have a signed statement from Mrs. Locke stating she was not in favor of the widening of Ashley Road. Last year they came before Council and asked the status of the Ashley Road widening. They received from Mr. Burkhalter a letter stating how important the widening and extension of Ashley Road was to the Major Thoroughfare Plan.

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On June 9, 1975, a delegation went to the Planning Commission to review the capital improvement plan, and the thoroughfare plan. They met with Mr. McIntyre and members of his staff. They asked Mr. McIntyre to state to them the status of the Ashley Road widening. They received a reply, parts of which read as follows: "In late 1973 when we began a full scale reevaluation of our thoroughfare plan, the staff believed the Ashley Road-Donald Ross Road system to be relatively important to safe and efficient movement, and therefore retained it as part of the preliminary 1995 major thoroughfare plan. However, upon further examination, and with serious questions expressed by area residents at neighborhood meetings held in the area, the plan was changed. Specifically, the Donald Ross Road realignment was dropped from the plan, and it became apparent that long range projections did not support the need to widen Ashley Road. The change in this plan was recommended by the staff to the Planning Committee, and by the Planning Commission to the City Council. When the Council approved the plan, they accepted it with the deletion of the Donald Ross Ashley Road extension. As far as we are concerned the extension is no longer an issue. Regarding Capital improvement plans, the most recent one prepared and presented to the City Council does contain the extension. However, in as much as it was in preparation during Council's deliberations on the new plan, and the old plan did include the extension, preliminary capital improvement plan also contains the extension. Having adopted a new plan without the extension, it is reasonable to assume that Council will eliminate this project from the program."

Mr. Burns stated if this decision was made by this Council, after this Council had approved \$50,000 for the purchase of the small corner of Carolina Golf Course, the Planning Commission has recommended that this plan be deleted. What is Council's plan for this project? Is Ashley Road extension and widening out of the major thoroughfare plan?

Councilman Withrow replied he believes it has been deleted. Mayor Belk stated this is not a part of the budget, it has been deleted.

Mrs. Burns stated the second item is the Dimensions for Charlotte-Mecklenburg. She challenges the use of tax funds for this project, and the way this project is being represented to the people of Charlotte. This program is represented as a volunteer citizens group, open to all citizens of Charlotte-Mecklenburg. One hundred hand picked people were selected to propose goals for all people of Charlotte-Mecklenburg. Many who were asked to be placed on the goals committee were rejected. This makes the group a closed private operation. It represents to us as a volunteer citizens organization, in fact Dimensions is a tax supported special interest group. It has a paid organizer, who is supported with tax funds. The citizens who are involved in it do not pay for the organization. Why has the City Council elected to put funds into only one citizens organization, and discriminate against all the many other citizens groups in Charlotte.

Mayor Belk asked Mrs. Burns if she is not a member of that? Mrs. Burns replied that is why she is here tonight. They have discriminated against all the citizens groups in Charlotte. It is improper for tax funds to be used for citizens groups. The only difference between the dimensions and all other citizens groups is that the Dimensions was started by Mayor Belk. The Dimensions is represented to us as reflecting the views and opinions of the people of Charlotte. The last bonds which Dimensions supported and endorsed was defeated by a majority vote. She calls to Council's attention the Sugar Creek Canal project, which Dimensions supports. This Council has shown that Sugar Creek was not supported by the public. For these reasons she calls on Council not to fund this project again. With tax increases for homeowners and with the budget needing to be cut, this is one place they can cut the budget. If Dimensions is supported by the people involved in it, they will pay for it. The taxpayers should not be asked to pay for this project.

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Mrs. Burns stated \$50,000 has been spent on Dimensions, making it a tax funding project. She asked if a public accounting of every cent that Dimensions has spent will be given and how it was spent? She has observed a suite of offices, extensive advertising, and publications, and a tax supported trip for the select few to a mountain retreat to discuss the goals for Dimensions. For this reason, the taxpayers are entitled to an accounting. She called on Council to give this accounting before placing any more tax funds in this project. Will they give this public accounting?

Mayor Belk requested Mr. Burkhalter, City Manager, to have the Director, Moe Ward, give Mrs. Burns an accounting.

(6) Bill Brawley, 808 Vickory Drive, Firefighters Local 660.

Mr. Brawley stated over the past four years this Council has held the city budget without a tax increase. During this period of time, the firefighters and other city employees of Charlotte have received wage increases far below the cost of living. This year the cost of living is up again. We were willing to accept three percent proposed in Mr. Burkhalter's budget. They realize these times are hard, but they come down and find out somebody thinks they're lucky that they have a job. Nobody thought they were lucky they had a job the night the tanker overturned on Independence Boulevard and it was on fire. Nobody thought that when the tanker caught on fire in front of Mercy Hospital - nobody at Mercy Hospital thought they were lucky to have a job that night. He does not think people think they're lucky to have a job in the winter time when they spend ten hours waiting for Duke Power to come and fix a power line in the freezing rain and snow. He stated they were out for ten solid hours and froze like a block of ice. They were not lucky those nights. But when budget time comes around they're lucky.

He stated he cannot believe that this city wants a fire department that is lucky to have a job.

Mayor Belk stated they are very proud of our fire department.

(7) L. C. Coleman, 1470 Plumstead Road - Westside Improvement Association

Mr. Coleman stated it seems their pleas and their needs have been ignored. They have appeared several times and told Council there is no park to serve the Biddleville neighborhood and the only reply they heard is that there are more parks in that area than any other part of town. They have presented statistics from the city's own departments that show clearly that the west side (west of Tryon Street) has less than one-third of the total park land in Charlotte, and most of the westside parks are mini-parks with only a few pieces of play equipment and one basketball court. He stated they have met with the professional staff of Park and Recreation and the Planning Commission, and they agree that a park is needed in the neighborhood. The Biddleville area is the oldest established Black community in Charlotte. They have paid taxes all their lives, and they need parks, sidewalks and many other things some people take for granted.

The proposed budget includes \$334,000 for a park in the Fourth Ward area during the coming year. There are about 500 people in that area, and they feel there is no need for a park when there is no one there. So much money is being spent in the wrong direction. About \$450,000 or more is planned to build bridges from one private business to another; that is not fair.

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They are citizens of Charlotte who are concerned about their community; they need a park, not to encourage development, but because they are already over-crowded in population. They have public housing, but no parks or recreation facilities; they are locked in by major highways. The Park and Recreation Commission has removed the only thing on the west side for recreation this summer - that is the Northwest Junior High. One year the Westside Improvement Association sponsored this program itself for over 500 children a day.

The next year they co-sponsored it and furnished equipment and manpower but they took it out this year; they want to see if the City can open the pool for them; they need <sup>the</sup> pool, gym and the grounds. Now they have nothing. They need a full size park out there. Before looking in the budget for the park in the Fourth Ward, they asked that the budget be changed, and include money for 1975-76 for the purchase of land for a park.

(8) Mrs. Ethie P. Watermann, 2419 Twinfield Drive - University Park Improvement Association

Mrs. Watermann stated in quoting from his statement from the minutes of the City Council on May 5, 1975, she can only reiterate that "the Comprehensive Plan has found justification for the need for a park in this area, including University Park and Biddleville, and we only desire that the plan be implemented."

The need for adequate recreational facilities and open space is growing as population, income and leisure time become more plentiful. Growth is placing greater demand on the need for recreational and open space, just as growth is continually making natural open space more rare. By 1995, Charlotte-Mecklenburg will have to add more than four times as much park land as it now has in order to keep up with growing demand. The neighborhood parks should include hard surface areas, play fields, play equipment and quiet areas. There is no park of either this kind or district park in the Biddleville-University Park area. The lever to halt runaway progress for progress sake can only be governed by officials such as the City Council. The area they wish to be considered is presently in a state where development of a park would be an asset to the community. The Northwest Community Action Association has met with all appropriate groups concerning their request for a park. At the meeting on May 22, 1975, the Park and Recreation Commission voted unanimously to request a recommendation from the Planning Commission on the need for a park in their area and to notify them of this. However, they have not heard anything, and she assumes no action has been taken.

Far too little money is proposed for parks and recreation in the General Fund. The value of human resources can hardly be compared with buildings and storage yards which is what the allotment for parks is equal to. The eight cents per tax dollar for parks is totally inadequate. They feel the Park and Recreation Commission should be a department of the City so that it would be more accountable for its program and facilities.

Why is there money in the Capital Improvement Program for development of Jackson Homes Park and Clanton Park Community Center when both are in the West Boulevard Community Development Area? Part of the Jackson Homes Park property will be taken for the Airport Parkway. This may be a problem because the Park and Recreation Commission is not a city department. It is apparent that various departments of the City need to work more closely with one another. The amount of money for the three mentioned projects amounts to \$1,115,000 which could be used elsewhere more profitably.

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There are some other questionable expenditures in the Capital Improvement Program such as money for a pro shop at Park Road Park; enlargement of the amphitheatre at Freedom Park; money for the Hezekiah Alexander Reception Center, as well as others. Why not have the organizations that will benefit most from the installation of new lighting at Memorial Stadium provide the lights? The new lights are to permit televising the World Football League games, not for the High School games played there. Where is the recreation for the handicapped to be located. Why a separate facility at the cost of \$550,000 when the trend in the field is to integrate the handicapped with the community? Why is there no money for land purchase for 1975-76? The amount mentioned in this particular section is \$328,500. The total amount equals to \$1,993,000 that could be appropriated for other needed parks.

(9) Reverend F. M. Cunningham, 216 Skyland Avenue

Reverend Cunningham stated he would like to point out a minimum of \$60,000 that could be taken from one department and put to another where it is more needed. For six or seven years he worked for the Charlotte Park and Recreation until he fell and had to quit work and give up his church. Many times he wondered why it took three people to work at the recreation centers. The minimum wage is now about \$6,000 a year for each one, and the maintenance crew comes by and cleans up, wipes the floors, and cuts the lawns, and many other things that are done at the centers. In his opinion this costs the taxpayers an average of \$20,000 per year for labor for each center, plus all other expenses. This means ten centers at \$20,000 for labor alone, not including other expenses as utilities and fuel bills - cost to the taxpayers of \$200,000 per year.

Why cannot the Park and Recreation officials allow one of the directors to come in at 7:30 in the morning and clean up the floors and rest rooms in one hour, then open up the building, and stay until around 3:00 in the afternoon, and then the other one would come in and work until 10:00 at night. In this way it would eliminate the janitor's salary of \$6,000 a year which would save \$60,000 or more to be used somewhere else. To have three people to come in and sit down with a newspaper or magazine and read, and doze off to sleep does not make sense. That he is speaking from personal experience.

Mayor Belk requested the City Manager to pass this information on to the Park and Recreation Commission.

(10) Sydnor Thompson, President Charlotte Opera Association

Mr. Thompson stated he is present to represent a form of entertainment that was viewed by eight million Americans last year, and it is a form of singing - it was the opera. That he is an officer of the Charlotte Opera Association, and the people with him are also officers. He introduced each one.

He stated in the last two years the City Council has supported the Charlotte Opera and made it possible for them to become one of 35 opera professional companies in the United States, and they appreciate the appropriation that was made to them last year, and they appreciate the appropriation that they understand has tentatively been decided for this year. But they would like for the City Council to do more for them.



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The Charlotte Opera Association has a very tight budget of \$140,000. That \$4,000 can mean the difference between whether it is able to present its three operas twice in one year or not. That is the difference between what Council has indicated tentatively it will give them, and what they have requested. That \$4,000 is what makes it possible for them to bring Maria Pelligrini to Charlotte to sing Madam Butterfly in October. They must have that \$4,000 in order to meet their budget. He stated they have already received their money from the Arts Council, and the Arts Council had a very successful campaign. They raised more money than they ever raised before. They increased what they gave them, but they did not give them enough in order to meet the budget. There are more and more governmental units giving money to performing arts - more people are recognizing that man does not live by bread alone. That Dick Banks had a column recently in which he stated that people will support governing bodies who recognize that man does not live by bread alone.

Mr. Thompson asked that this be taken into account to try to give them the \$19,000 they require for their budget for next year.

Councilman Gantt stated Ms. Watermann raised a question in her request. He stated Council has asked staff for a report and recommendation from the Planning Commission with regard to the park on the west side, and the petitioners claim they had a piece of land that they wanted looked into. He stated he recalls a report of some kind coming back that outlined the number of parks west of Tryon Street; but never heard a specific or recall receiving a specific recommendation as to that particular park location from the Planning Commission. He asked the status of that report, and requested that a report be made to Council.

Mr. Burkhalter, City Manager, replied that he will look into that tomorrow and sent the report to Council.

Councilman Gantt stated this group is speaking about a specific piece of property, and he wonders if staff has done an evaluation on it.

Mayor Belk stated this ends the public hearing on the budget. He thanked the press for giving this information to the public and he thanked them for continuing to give the information to the people so that they will understand the problems of the City Council as they try to set the tax rate, which will be set on the 30th of June. Since he has been Mayor this has been the biggest assembly to listen to the budget. Normally there are not this many people who are willing to sit and listen.

#### MEMBERS OF THE PLANNING COMMISSION COME INTO THE MEETING.

The members of the Planning Commission came into the meeting at this time to sit as a separate body for the hearings on zoning petitions.

HEARING ON PETITION NO. 75-14 BY DOROTHY K. McMILLIAN FOR A CHANGE IN ZONING FROM R-15 TO R-9MF OF AN 11.29 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND CARMEL ROAD.

The scheduled hearing was held on the subject petition 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.

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Mr. Fred Bryant, Assistant Planning Director, stated there are actually two petitions that are in the same area, which have been filed separately and will have to be considered and presented separately; but for the purpose of his discussion it is best that he identify the area that is represented by each of the petitions. This is Petition No. 75-14 by Dorothy K. McMillan, and Petition No. 75-15 by Reva Carpenter and Ruby Starr.

He stated Petition No. 75-14 involves a tract of land of about 11.3 acres located at the southeast corner of the intersection of Providence Road and Carmel Road. The property has on it one single family residence. Across Providence Road in front of the subject property there are a few single family homes; there is a church, and beginning at that point on Providence Road it picks up a more constant pattern of single family land uses which extends out Providence Road on both sides. Across Carmel Road at the intersection of Providence Road there is a multi-family apartment project which is still under construction, called Carmel on Providence. There are several non-conforming uses in the area. A service station at the intersection of Sardis Road and Providence; there is a store, country store, located on Providence Road. Coming down Carmel Road from the subject property are a number of single family residential structures on Carmel. There is some vacant property scattered in the area. With the exception of the apartment project and the Pinehurst Apartments the area that is developed is solidly single family.

The zoning is a combination of single family residential zoning which is R-15 and extends out Carmel Road on both sides of Providence Road for a considerable distance. The same is true along Carmel Road which is generally a pattern of single family zoning. The exception to the single family zoning is the large tract of R-15MF which is located on both sides of Providence Road out to Carmel Road and extends all around the intersection of Sardis Road and Providence Road and includes property that is developed by Carmel on Providence Project, the Pinehurst Project, and still vacant land on Providence Road. It is a combination of R-15 MF and the massive beginning of R-15 in the area.

Councilman Whitting asked if the area across Sardis Road, across Providence from the property in question was rezoned in 1960? Mr. Bryant replied in 1962 when the generalized zoning pattern was adopted. There have been absolutely no changes in the zoning pattern in this area since 1962. A number have been attempted; but none have been made.

Mr. Charles Knox, Attorney, representing Mrs. Dorothy McMillan and her husband, the owners and petitioner in this case, stated they are asking that this property be rezoned multi-family in order that they might be able to construct a multi-family condominium development. They feel this is the highest and best use of this property at this time. Apartments have been built right up to this property.

Carmel Road is being widened to four lanes up to a point near this intersection, and from that point on to the intersection, it will be six lanes. Providence Road is already four lanes. That three of the four corners to be formed by Carmel and Providence Roads, when Carmel is extended, have already been zoned multi-family, and only the fourth corner, the McMillan Corner, is the only corner that will not be multi-family. The petitioners want to use their fourth corner in the same fashion as the owners of the other three corners so they will be able to use their property for multi-family. The subject property cannot be economically developed as single family residential in the intersection after the widening takes place, and the extension takes place.

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If the petition is approved the McMillans will hire an architect to draft a first class condominium - they plan to own one and live there themselves. There have been protests. It seems every time you mention something on Providence Road there is a protest. That he finds no quarrel where they live in the vicinity of the affected property. One of the persons who signed the petition to invoke the 3/4 Rule lives across the street on multi-family property. In this instance, it is typical of Providence Road zoning. He lives two miles down Carmel Road, and the petition was circulated to him. That he has serious doubt that living two miles away he should be able to dictate what someone two miles down the road does to his property. But his secretary lives eight miles down Providence Road, beyond 51 and off to the left, and she was canvassed to petition against this property.

He stated the City Council and Planning Commission are the planners, not how many people parade in to stand up, and he urged them to look at this situation and where there are three corners already developed multi-family, it is only logical to him that the fourth corner be rezoned.

Councilman Harris asked about the extension of Carmel Road through the area? Mr. Bryant replied the extension of Carmel Road is actually a part of the Fairview Road extension plan, and it ties into Carmel Road at the curve, and extends along Carmel and across at an angle to tie in to Sardis Road to eliminate the double intersection.

Councilman Short asked if it is correct to say that the 3/4 vote protest would not apply to this situation except for the protest of those who themselves live in multi-family zoned property? Mr. Bryant replied he did not investigate the requests; that he does not know who signed the protest. Council was advised that residents on Cedar Lane signed the protest to invoke the 3/4 Rule, and the City Attorney has advised it is sufficient.

Mr. Walter Shapiro, 5228 Carmel Park Road, stated those in opposition would like to reserve their time in order to speak to both Petitions No. 75-14 and 75-15 as one. Mayor Belk replied that would be permitted.

HEARING ON PETITION NO. 75-15 BY REVA N. CARPENTER AND RUBY C. STARR FOR A CHANGE IN ZONING FROM R-15 AND R-9MF OF PROPERTY LOCATED AT 819 CARMEL ROAD AND 4540 PROVIDENCE ROAD.

The scheduled public hearing was held on the subject petition 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.

The Assistant Planning Director advised he would take time in this instance to identify the property that is involved here and not give a description of the area. That Council should keep in mind the previous petition involved the 11.3 acres of land at one point, and this petition involves two parcels of land, one which adjoins the first petition on the Carmel Road side and has frontage on Carmel Road, extending all along the southerly boundary of the McMillan property and involves about four acres of land at that location.

He stated the second part of the petition involves a tract of land which adjoins the initial petition on the Providence Road side and involves 1.7 acres of land. That the total of the two is four acres on Carmel Road and 1.7 acres on Providence Road and both have requested R-9MF as in the previous petition.

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Mrs. Reva Carpenter stated she owns the four acres adjoining the McMillan property and when they moved to Carmel Road in 1950, it was a rural area and they had real nice rural atmosphere in this neighborhood. That all of their neighbors had considerable land surrounding them.

She stated as Charlotte grew, some of the neighboring land was developed into smaller lots and homes built. For the past few years they have had no rural atmosphere at all. That as a matter of fact, they have within sight of their home, an apartment building.

Mrs. Carpenter stated she does not wish to hinder the growth of the city, even if she could afford to and that her reason for asking for the rezoning of her property on Carmel Road is that she has four acres adjoining the McMillans, three acres of which is totally unused and she simply cannot afford to pay taxes on land which she can never use.

Mrs. Ruby Starr stated she owns the land on Providence Road adjoining the McMillans. That they bought their property in 1946 and built their house in 1949. At that time everybody in the neighborhood had large lots or acreage but since then the neighborhood has changed completely and most of the property has been subdivided and for that reason she would like to have her property rezoned since the other three corners are already zoned for multi-family.

Mr. Walter Shapiro stated he is a thirty-seven year resident of Charlotte and President of the Carmel Park Homeowners Association, an area that adjoins the property in question, Chairman of a Council of East Southeast Section of Charlotte, a Council of Homeowners Associations, arranging from Rama Road through the Carmel-Providence-Sardis Road Areas. That their Council encompasses some 2,500 or more households. That he lives just a block from the property of the petitioners. That he is joined here tonight by several residents and very concerned citizens from the neighborhood affected by these petitions, and the effect has very broad range as indicated by Mr. Knox. He stated for all these people present and more he rises in opposition. He presented petitions of protest containing over 350 signatures of residents of the general area.

They can see by zoning that already exists that they are under massive assault. This assault is out of proportion to any reasonable yard stick of normal growth or any near normal growth for the City of Charlotte. Ten years ago there were six residences contained on the properties in question - all the property surrounding the corner of Carmel and Providence, including those already with apartments. Present zoning already granted on the other multi-family properties not yet developed will enable an additional 1300 living units to be constructed; thereby a total of 1900 living units on this one intersection, without even the consideration of the position of the petitioners.

According to the Chamber of Commerce, Mecklenburg County has grown 27 percent in the last ten years, and at this moment the 500 units approximately that exist there already represent living units of a growth pattern over the original of 8,600 percent in ten years. Assume the balance of the site already zoned multi-family developed over the next five years, they will have an increase in the number of living units compared with ten years ago of over 30,000 percent by percentile. This is a comparison of six living units now, to 1900 living units already zoned. The Chamber of Commerce says Charlotte will grow 63 percent between 1965 and 1980, and their corner will have grown by 30,000 percentage. At their intersections alone they have the opportunity of overtaking the growth of Atlanta. This does not take into consideration the 473 apartments just beyond them at Providence Square. He feels they are being overburdened in that area. They have a potential of over 50,000 cars a day traffic impact at that intersection some years hence after the new Fairview Extension Beltway, between I-77 and Independence Boulevard, passes this corner.

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The impact on this corner will be great. The residents are trying to comprehend the social transitions, the people transitions, the lifestyle of conversion brought down on them as a community with a population increase potential in the magnitude of 366 times at that intersection.

How will they enter Carmel Road and Providence Road from their respective streets after the zoning already granted and completed into housing, let alone the request of the petitioners? How will they cope with the aspects of people explosions, environmental assaults, crime and fire protection? Will they have a neighborhood that is population-wise out of proportion with the growth of Charlotte by many, many dimensions.

Reverend Jodie Kellerman stated his backyard goes into this property. As did others in their neighborhood they chose this location because of the spaciousness of the area, and the actual living space for themselves and their family. That he hopes the neighborhood will not be jeopardized by permitting multi-family construction to abut their back yards. They are aware of the individual rights of persons; they also have a condition of societal regression when the rights of one, two or three persons override the rights of many other persons in the same locality. Studies indicate that when you put too many people in one place, it develops conflicts and tension. Every human being needs a little bit of living space for a healthy physical and emotional environment. Those who live in Carmel Park chose that place for this particular reason, and they ask that these petitions be denied.

Mr. Tom Lucas stated they live in the south part of the property on Cedar Lane; they and their neighbor George Kerr signed the abutting petition for the McMillan property; their other neighbors, Hills, Kerrs and Burrs signed the other abutter's petition, and this alone is enough to invoke the 3/4 Rule. Also on the left side of the Carpenter-Starr property, the Rule has been invoked. Their entire street, to the person, signed either the abutter's petition or the general petition next to the abutter's petition. These people are very concerned about what is happening here. This would destroy their neighborhood. These people have taken petitions out to the adjoining streets, and some are reflected. That should be a reflection of their neighbors concern who live in this immediate area.

He stated current zoning allows 0-6 units per acre; to change this would immediately and very adversely affect the quality of life in this region. There will be a drainage problem. That he spent thousand dollars for his property dealing with it. His next door neighbor has standing water in his yard currently. The problems are going to be much, much greater if this goes through, and this cannot be allowed.

Mr. Jim Patterson stated as residents living in close proximity to the Providence and Carmel Road intersection they wish to express strong opposition to the Petition No. 75-14 and No. 75-15. He filed the petition with the City Clerk.

He stated as a resident of Carmel Park Drive there are drainage problems in their area. They talked with and walked with the U. S. Soil Conservation people, and from that they have told them that right now the amount of water run-off through their area is 17 cubic feet per second. That is a lot of water. It gives them very bad flooding conditions to the existing drainage. As to this development, they are told the water runoff would increase to an estimated 83 cubic feet per second. With this in mind, how can they help but project extremely bad flooding conditions to come?

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He stated he has neighbors who now have water standing in their yards after every rain; that he personally can stand in the middle of the road in front of his house, knee deep in water when the rain is heavy and prolonged over a period of hours. That he can stand and watch top soil, fertilizer and other things headed for Waxhaw. He does not have to tell them what is happening in other parts of the city where there has been over-building and the extreme use of asphalt and concrete. People's homes are being flooded causing untold financial loss, not to mention the possibility of the loss of lives.

Mr. Patterson stated they fear for their younger children's lives, that in the moment of play, could be caught up in that traffic and congestion and change the lives of untold peoples. Even getting out of the Carmel Park area during peak hours is through the generosity of other motorists who let them in. The rezoning requests here are in opposition to the Comprehensive Plan just passed by the City Council in that the Plan calls for dispersing multi-family units more broadly. Too, the land use map shows that these properties should remain at a density of no more than six units or less per acre.

That in viewing existing plans with problems of drainage, it will change the complexion of the area, for those who live in the immediate area of Carmel Park Drive; they are business people, professional people, who have lived in this community for many, many years. They built their homes and have been the only families to occupy them. They are not transients; they are permanent residents, and do not want to move away. That he has lived there for over 20 years. He has walked the area with the developer and talked of the future of the area, and the importance of keeping it quiet and peaceful. Two of his children have grown up in the community, and they love it. That he knows he speaks for all who have done the same. He wants his other two children to have the same advantages and thrills this beautiful community affords them. Their roots are there, and they want to continue their support to this community with their time and their efforts to make it the kind of place people want to live in. They have been there a long time, and they want to stay.

Mr. Louie B. Davis, 11108 Providence Road, stated he has lived in this general area practically all his life. That he lives in the lower Providence area at this time. When he first lived there this was a peaceful place in which to live; there were individual homes, and loving families there. At present it is rapidly growing, and he would like to ask the Council to not put multi-family on this corner.

He stated he was born and reared at Rama and Sardis Road and he lived on Sardis Road right beside the Alexander Home until 1944 when he went into the service.

Mr. Shapiro then summarized the feelings of all the opposition.

Councilman Short asked how many acres at that intersection are zoned multi-family and Mr. Shapiro replied he does not have the exact number, but it is something like 17, the petitioner's property, plus approximately 80, the Marsh property, plus Alexander property, plus the Pinehurst and Carmel on Providence Apartments which now exist. He stated at this moment we have zoning for 1,900 living units at this same intersection. Mr. Bryant stated there are approximately 100 acres already zoned in that area. The R-15MF allows a density of a ratio of 12.5 units per acre. The actual number he has arrived at is generally correct as stated by Mr. Shapiro. If this request is granted, and if this property were developed to its maximum capability, which it is not likely to have, it would allow approximately 2,100 units in that acreage.

Councilman Gantt asked if the logic here is that they terminated the multi-family zoning at Carmel Road, at Sardis Road and Mr. Bryant replied generally that is correct. The intent was to bring it around to Carmel at the location he pointed out, and the areas which were requested for multi-family zoning in 1962 and granted, centered around the intersection of Sardis and Providence Roads, and did bring it down to Carmel at that point. The reason the other side extended beyond, he does not remember.

Councilman Gantt stated they are talking about extending Carmel Road into Sardis Road, which will be four lanes. What would be the impact of adding additional land to that inventory, and are the streets proposed designed to accommodate the eventuality of having that entire intersection multi-family and Mr. Bryant replied the real intent of the road is not to provide access to the higher density at the intersection. The intent and basic function of the road is much broader than that. It is designed and related to a more tolerable traffic situation. The higher density you arrive at, the more complicated it is going to become in the pattern of road uses there that will affect the capability and the desirability of the road.

Mr. Knox stated we have kicked around 2,200 units. Their petition, if granted, would add 186 units. He stated this area is not better than any other section of the county. Even though he lives out there, it is no better than any other place. These people talk about diminishing the value of the place where they live, apartments are there, right up to the intersection. When they extend the road across, and a part of Sardis Road will be abandoned, and there will be a regular four-cornered intersection. There is no logical reason why three corners should be multi-family and they should be left out when it cannot be developed as single family.

Council decisions on Petition No. 75-14 and 75-15 were deferred for recommendations from the Planning Commission.

HEARING ON PETITION NO. 75-13 BY ELIZABETH W. YOUNG FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF PROPERTY LOCATED AT 2911 NORTH SHARON AMITY ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a tract of land located on the east side of Sharon Amity Road, between Albemarle Road and Independence Boulevard. It is one lot and consists of about 1.4 acres with frontage of approximately 160 feet on Sharon Amity Road. It has one single family residence located on it. It is adjoined on the north by other properties which have single family homes; across Sharon Amity are also single family residences; to the south is the Coventry Woods Apartments Project; the Hillcrest Golf Course is located in the area, and the Amity Presbyterian Church is located at the corner of Pierson Drive and Sharon Amity Road. The subject property is associated with single family uses to the north of it; to the west of it across the road, the multi-family project to the south, and the Golf Course to the east. All the other is a large massive area of single family which is Coventry Woods.

The subject property is zoned R-9MF as is all the property with frontage on Sharon Amity Road. The subject property has multi-family zoning on both sides of it and across in front of it; to the rear is the beginning of the large area of R-9 single family zoning to accommodate the golf course and the Coventry Woods single family subdivision.

No one spoke for the petitioner.

Speaking in opposition was Mr. Sam McElhaney who stated he represents the Coventry Woods Community Association. They are most concerned that any rezoning could lead to strip zoning; they fear that office, or business zoning would bring the criminal element closer to their doors. Statistics

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provided by the Police Department show that the crime rate has risen sharply in the last few years. This is in direct relationship with business. The Baker 4 Police Team states that every time they make an arrest for burglary, shoplifting, etc., this ups the rate. It gives their neighborhood a very unsafe image. More business would mean more crime. It is hard for the Police to give the residential area proper patrolling now, without additional manpower because of the attention they must give to the business community.

Traffic through their community is another factor against rezoning. North Sharon Amity is now being widened to four lanes to provide for the increased traffic flow for Eastland Mall, and other large businesses out Albemarle Road. According to the Traffic Engineer, there will be only two openings in the median on Sharon Amity, between Albemarle Road and Independence Boulevard. To rezone the property along this stretch of road to office, or business, will only cause congestion and defeat the purpose of a more efficient traffic system.

A survey made by the Coventry Woods Community Association asked the residents to list, according to their importance, their areas of community concern. Crime rated first, zoning second, and preserving the character of the neighborhood third. Rezoning affects the other two. They, in Coventry Woods, fear the flight of residents to other suburban areas, and they ask that the City Council help them to protect and preserve the quality of their neighborhood.

Mrs. Joyce Gillon, 4714 Calico Court, stated Coventry Woods is composed of approximately 600 families. Along the entrance of their community, on Sharon Amity, there are approximately five blocks which are still residential. The property up for rezoning lies within this area. In so many areas of our city, good residential neighborhoods have been changed by the creeping in of business. It is their fear that once the barrier is down that other property along Sharon Amity will also be rezoned. They realize that the widening of Sharon Amity has caused concern for the property owners there and that is the reason they could not get the petition for the three quarter rule. They are anxious about the value of their property, and how the widening will affect it.

She stated they are most opposed to any rezoning that would lead to strip zoning along this section. They have been wedged in between business on Albemarle Road and Independence Boulevard. There are office and business spaces available on both of these main roads, within a one mile radius which have not been utilized. When offices move in they usually require parking areas. This means more concrete; some houses in their neighborhood are receiving the run-off water from apartment parking lots. They are very concerned about changing the land table more. They are trying to preserve the character of Coventry Woods so that they will not have to go the route of Dilworth and other communities to restore. This is costly to the residents and to the taxpayers. They feel there is enough density of business in the immediate area without any more.

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

HEARING ON PETITION NO. 75-16 BY T. B. ALLEN ENTERPRISES, INC. FOR A CHANGE IN ZONING FROM B-1 TO I-1 OF PROPERTY LOCATED ON THE SOUTH SIDE OF GIBBON ROAD, BEGINNING ABOUT 264 FEET FROM THE CENTERLINE OF THE INTERSECTION OF NEVIN ROAD AND GIBBON ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request represents a change in property in the Derita Community; it has frontage on Gibbon Road. To the rear is a street called Eargle Road. The property has a number of commercial uses on it; a portion of the property is vacant. That it is the intent of the petitioner to allow an operation for an automobile transmission facility. To the north of the property between Gibbon Road and the Railroad



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is a service station and other miscellaneous uses. East of the property is a sufficient amount of single family uses. To the west in the direction of Nevin Road is a service station, and a used car facility; west of Nevin Road is a generator and starter facility; north of Gibbon Road is a bottle gas facility. Along Gibbon Road and along Eargle Road are other single family facilities, and a large amount of vacant property.

Mr. Bryant stated the subject property is zoned B-1 and it extends to the east of the property and also extends southwest all the way around and then coming back to involve the property on both sides of Nevin Road. Adjacent is some I-1 zoning; between the property and Niven Road, and across Niven Road and between it and the Railroad, there is I-2 zoning. There is a combination of I-2 zoning and B-1 zoning the proximity of the subject property. Farther away is R-9MF and then the beginning of a large area of R-12 zoning.

Mr. Tom Allen, President of T. B. Allen Enterprises, Inc., stated he is petitioning for the rezoning from B-1 to I-1 so that Rollins Transmission, who now leases a sales office on the property, can have additional space to assemble transmissions and power drives. Immediately in front of this property there is I-2 zoning, about 300 feet behind the property is Southern Railroad. On the left it is B-1 for about 800 feet, and on the right side, it is I-1. In the rear it is zoned B-1 for an additional 200 feet. The pattern of growth in this area is I-1.

No opposition was expressed to the proposed rezoning.

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

HEARING ON PETITION NO. 75-17 BY HOUSING AUTHORITY OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FROM R-9 TO R-20MF OF AN 11.05 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF ARCHDALE DRIVE, BEGINNING ABOUT 1,097 FEET WEST OF THE SUGAR CREEK BRIDGE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this involves approximately 11 acres of land located on the southerly side of Archdale Drive, with about 200 feet of frontage on Archdale. It is vacant property. Property extending eastward over to Sugar Creek is also vacant. To the west is the large area occupied by the Celanese Company; across Archdale begins a very large single family residential area, consisting of the Montclair Subdivision. Some of the near streets in the vicinity are Rosevalley Drive, which comes down to a dead end just short of Archdale; Shady View Drive and Emorywood are secondary collector streets over to the South Boulevard area. He stated there is a band of property around the subject property which is owned by the City of Charlotte. The band extends up and encompasses the Park Road Park Area. To the east of the creek is a church, located at the intersection of Old Reid Road and then begins another pattern of single family residential development. To the west beyond the Celanese property is a continuation of the single family residential pattern. Immediately east of the creek is a large tract of land that is vacant.

The primary and the predominate zoning pattern in the area is single family residential. That it is either R-9 or R-12. The exception is the Celanese property which is zoned as I-1. That adjoins the subject property on the west side.

The request is for R-20MF, and this is a conditional multi-family district. This means it is conditional, not only as far as the rezoning of the property, but it is also conditional upon the approval of a site plan.

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The site plan was reviewed by Mr. Bryant. He stated they propose to build 48 units of housing. The circulation pattern will consist of one private street off Archdale Drive, running through the project on the west side of the property, and having a number of small parking areas running off that. A playground area is proposed to consist of two basketball courts and a community center located near the center of the project. The 48 units proposed on the 11.4 acres figures out to be 4.46 units per acre. On the present zoning, R-9, it will allow about three and a half units. The R-20MF allows up to eight and a half units. The plan that has been submitted becomes binding and it shows 4.46 units per acre. Any change in this plan would have to be reviewed by the Planning Commission and the City Council.

Mr. Bob Sink, Attorney for the Housing Authority, stated in the audience are several members of the Commission, members of the Staff and the Architects for this particular property.

He stated in April, 1973, the Housing Authority, Planning Commission and City Council entered into a Memorandum of Understanding. That it was an agreement of the parties suggesting a plan of action for providing low and moderate income housing, over the short haul, for the City of Charlotte. It does not solve the issues before Council tonight; it does not bind Council in that respect. In that Memorandum of Understanding, three parties affirmed the principle, the concept of providing low and moderate income housing in small concentration, widely-scattered housing throughout the city, outside of areas of impaction and blight. It was with that commission and that Plan that the Housing Authority embarked on a search for sites, and employed the best architectural assistance it could find, and hired new staff members. In February of this year the Housing Authority announced the scattered sites program which included four family sites, only one of which required rezoning. That is the one before Council. In that Memorandum of Understanding, the City Council and the Planning Commission acknowledged what had long been the policy and practice that it would consider on rezoning matters, those matters solely that were germane to land use planning. It is on those conditions that the Housing Authority asked for this petition to be judged. It did not commit you to rezone this site; it did not commit you to rezone any site. But they of the Housing Authority believe this site can stand on good planning considerations consistent with a reasonable comprehensive land use plan which constitutes the zoning ordinance of this city.

The Archdale site is now zoned R-9, and they propose that it be R-20MF, which is a controlled low density multi-family use. It adjoins an industrial zone, and there are a substantial number of precedents for considering a phasing in or a buffer zone for a transitional zone from industrial zoning into single family by way of multi-family use. That is what they propose in this instance.

They have a proposed land use that permits an optional use of this heavily wooded and steep site that will require only a minimal interference with its natural features constituting its environment. Large numbers of trees can be maintained; the change in grade is minimal.

The density can be controlled. The comprehensive land use plan for this general area is from zero to six units per acre; the use plan in question permits only 4.40 units per acre. There is control over the site plan itself. Whoever the owner of the property, if he wants to do other than what is proposed, must come back to Council and ask for approval. The Housing Authority has engaged for this project, Mr. and Mrs. Paul Braswell, who are responsible in conjunction with their meetings and attempts to coordinate with the Staff of the Planning Commission the land use plan.

Mr. Sink stated there is a single entrance that begins at the highest point on Archdale Road; there is a setback of some 275 feet including existing trees.

The site has its own recreation areas, its own community building. There is no high rise; it has four one story buildings, and ten two story buildings for a total of 48 family units that would be expected under the present mix to provide dwelling for some 178 people. There is underground wiring; concrete curbs and gutters; no signs are planned to state this is a Housing Authority project. They feel this to be consistent with the idea that housing should be compatible with a neighborhood. The site provides for adequate parking. It is opposite the Park Road Park which helps support their petition for a multi-family zoning; it is near shopping and employment, which are criteria for this type of housing; the site will provide a minimal degree of congestion onto Archdale, the number of parking spaces being some 53 spaces.

The materials selected by the architect are brick and wood. The roofs are shingle and pitched; the site meets every traditional criteria of good land use planning, and the site plan will represent credit to the larger neighborhood in which it will exist, and a credit to the community.

Mr. Myles Haynes, Attorney representing the opposition, stated between seven and eight o'clock tonight, he took five minutes to bring the Council abreast of how they came to be here.

He stated Council now has a copy of the Memorandum of Understanding before them. That they should now agree that they are under no court order to do anything in this case; the Judge simply gave the city and its agencies an opportunity to try to work out something with the plaintiffs so the Court would not have to enter an Order in the case.

He stated 200 years ago, citizens in Mecklenburg County rebelled against oppressive government and taxation without representation, and signed the first Declaration of Independence. Tonight he stands here representing thousands of citizens who agree in principle, and several thousand people in South Mecklenburg who agree directly that they now begin to feel themselves oppressed by government and who find themselves in a position where they may be taxed without representation. While they do not propose to rebel, as our forefathers did, they do come here to ask that the merits of their position be considered based on his comments and their thoughts about the Memorandum of Understanding.

If you look at the Memorandum, the City Council, Housing Authority, the Planning Commission and the Redevelopment Commission, when they signed the agreement on April 30, 1973, committed themselves to go forward with scattered housing in the City of Charlotte in compliance with the intent of that agreement. That being the case, he sees no way, even though that Memorandum is not legally binding on any of them, that they could morally refuse, as signatories of that agreement, not to go forward. If that be the case, he fails to see how the Planning Commission, the Planning Staff, or this Council can give an impartial hearing to these people who protest the plan and whose job it is to come and present their arguments.

Once that Memorandum was signed, the Housing Authority and the Planning Commission set out looking for sites to accommodate the scattered housing. That he does not think they had any trouble with the problem until they got to Park Road Extension, which is the north-south line. They had no problem because the land values in that area were within keeping of the budget of the Housing Authority. When they got to that point and started looking on the easterly side, the land values jumped, and they could find no place between Park Road Extension and Rama Road where they could put low income housing within keeping with their budget. He submits the day will never come when you will ever see low income multi-family housing in that area between Park Road Extension and over at the Rama Road site. Confronted with that problem and having to put in eight sites, they very graciously gave his people two of them. They gave them the home for the elderly at the corner of Park Road and Park Road Extension, and Fairview; and then within one mile as the crow flies, they gave them a low income multi-family housing site off Archdale.

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In the suit, the Plaintiffs say they were being discriminated against to segregate black housing, or low income housing, on one side of town, and the City denied this as did all the agencies. But the Plaintiffs said not only was that true, but they were being denied equal land use, equal right to the amenities that went with scattered neighborhoods over in the white sections, and they were being denied equal opportunity for job opportunities by virtue of not being scattered around the city.

We now know how the site became to be selected, because he knows when the Housing Authority people looked at this, they said this was a good one and it will be an easy one because right next door is an industrial zoning. He stated but that is not a coal burning plant; that is a chemical laboratory that they do not know is there. There is never any noise; the only thing it does is generate a little heavy traffic in the morning and late in the afternoon when the people go to and from work. It does not bother these people; there is no noise at night, there is no fighting; there is no anything. They said this is a natural because: (1) the City owns it, and all they had to do, under the statutes is ask the City to sell the property, and this could be done without any public hearing on the merits of selling the site or on the value of anything; (2) that he expects they said, this is a good place to put 48 of these units because there is nothing in here between this industrial site and the Sugar Creek, and there is just enough land in there that is flat to get in about 48 units on the 11 acres. Beyond that low side there is about a 35 degree incline, down to Sugar Creek.

Look at the site improvements proposed under this plan. They say there is a site improvement plan under R-20MF and that is controlled. Once they say they are going to build it, it cannot be changed. First the site plan says there is no land dedicated for parks and playgrounds on that site. It is true they show a basketball court and a small playground area, but that it is not dedicated. Those buildings are aesthetically unattractive. He understands the architects had to work within the framework of the budget which the Housing Authority has to work with. But if you look at them, and in particular the two story, they are basically rectangular; they have guttering only over the hallway entrances; there are no windows in the end of any of the units; the windows and doors on the front and back are small; they build an entrance road and it is almost in the middle of a curve, just over the brink of a hill on a road that he is told is carrying now 13,000 cars a day. Archdale is heavily travelled. That site just does not lend itself to the avowed purpose of scattered housing as the plaintiffs conceived it in their complaint, and as the signatories to that Memorandum conceived it to be by virtue of what they signed. This site is tucked away.

Where are the supporting services? Where do these people go to shop? They have to go one mile to the west to SouthPark area or they have to go another mile and a half in the other direction over to surrounding stores. There is not one sidewalk in any direction from this site for these people to walk. One of the basic principals of scattered housing is that if you take one socio-economic group and put them in the middle of another socio-economic group this is supposed to uplift them by the association between the groups. That may be true; but he submits that if this project is allowed to be built on this site, that it is just isolated enough from the surrounding neighborhoods that there will not be any social traffic, and they will not have any opportunity to be assembled into the neighborhood, and to get the benefits which he understands the housing provides.

What does it do to the people who are there? Madison Park neighborhood is 20 years old. There are people in this group who moved there; raised their families there, and their children out of school and gone. This is their home. Their lifestyles are established. They are fearful, and he thinks they are right, if this site is put there, their lifestyles may change because they do not know what to expect. That may be good and it may be bad.

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He stated this is what he sees about the project, and this is what he thinks is wrong with the site plan, with the site, and the purpose of putting it there in the first place. With all those behind us, there is one other point. In his opinion, and in view of the fact that the City and the agencies signed that Memorandum, there is no way that this can be given a fair and impartial hearing as they should be given and as the Council and Planning Commission should give to these protestors. Therefore, the signatories of this Memorandum disenfranchise these people. They are disenfranchised because they cannot get a fair hearing. While Council and the Commission are not legally bound, he thinks they are morally bound. Since they cannot give a fair and impartial hearing on this site, he asks them to deny the zoning petition, to refuse to sell the land, and let these people go back with the feeling they have some confidence in their elected representatives.

Mr. Sink stated he appreciates the clarification with respect to the Memorandum of Understanding as to its nature. The Memorandum of Understanding was not imposed upon this Body; it did suggest a direction and in any planning process, there must be some direction. The concept of scattered housing has been that direction, and the specific site is before Council, and they ask that they weigh the questions of traffic; the questions of the lack of sidewalks; the questions of the distance to shopping; and weigh those, though they may even be potential disadvantages, against the advantages of the site. They submit that finding the perfect site for public housing and scattered housing is not possible. If this site can respond as best they are able to the needs of the people for whom they are building, and the response the City, Planning Commission and Housing Authority is prepared to make.

Councilman Gantt stated Mr. Haynes made a statement that there was no dedication of any land for parks and recreational activities. In looking at the site plan, suggesting it varies and in fact what we are doing is approving only the density of housing without the amenities that they say they are going to put in. He asked if in the application to HUD they intend to include the basketball area and so forth? He wonders if Mr. Haynes misinterpreted the intent of this, or in fact, are we actually talking only about the density of housing on the site? Mr. Bryant replied under the terms of the zoning ordinance everything that is shown on the site plan becomes binding. It is not talking about just the density; it is the placement of structures; the open space that is shown; the parking and the circulation arrangement and any other amenities that are shown on the plan. All of this becomes binding under the zoning regulations.

Councilman Gantt stated there has been a question asked about the proximity to shopping and other things. He asked if there are plans to provide public transportation to this particular location? Mr. Sink replied they are advised that the nearest public transportation now is about 6/10 of a mile. It is hoped that the area will soon command even better transportation. Mr. Bryant stated the closest point is at the intersection of Emerywood and Farmbrook - that is Route No. 4, and that is 2/10 of a mile. Mr. Sink stated the 6/10 of a mile is at Colchester and Old Reid Road, and is Route No. 18; that goes to SouthPark.

Councilman Gantt stated in terms of the surrounding single family housing, he asked if Mr. Bryant can talk about the population in that census tract? In terms of the total number of houses. That is talking about 178 people, not families, on this one site. Mr. Bryant replied he is not able to quote the figures at this time, but he will be able to address that. He is not able to quote the figures out of his head.

Councilman Short asked the density per acre? Mr. Bryant replied under the R-9 it is actually four and half units per acre. That 9,000 square feet per lot is the permitted number.

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

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HEARING ON PETITION NO. 75-18 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE TO REDUCE THE AMOUNT OF OFF-STREET PARKING REQUIRED BY SENIOR CITIZEN HOUSING AND DEFINE SUCH HOUSING TO INCLUDE PROJECTS CONSTRUCTED BY SEMI-PUBLIC NON-PROFIT INSTITUTIONS SUCH AS THE SALVATION ARMY.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this involves a consideration of a proposed change to the text of the zoning ordinance, and involves a proposal that does basically two things.

First, it proposes to reduce the amount of parking space required for senior citizens project - housing for the elderly. At present it requires that .5 parking spaces per dwelling unit be shown. By actual experience, it has been demonstrated this is excessive. It is proposed that the parking be reduced to .25 spaces per unit. It reduces it from 1/2 space to 1/4 space for each unit. Experience has shown this amount of parking is not needed, and there is no need to provide parking if it is not going to be used. That space can be taken up in green space, and open space rather than parking areas.

Second, is to make available to non-profit organizations the same type of parking allowance that is now made available to the Housing Authority itself. If a private agency, such as the Salvation Army, is providing housing that is comparable to that being provided by the Housing Authority, that is low income, or housing for the elderly, the feeling is they should have the same advantage of reduced parking spaces allowed as the Housing Authority. At present only public housing perse has the advantage of the reduced amount of parking. This would alter the language of the ordinance to stipulate that semi-private, non-profit institutions, such as the Salvation Army, can take advantage of the reduced parking arrangement for housing for the elderly, and low income type housing.

Councilman Short asked if this is related to some particular project, such as the Addison Apartments and Mr. Bryant replied it is not related to the Addison but it is related specifically to the new senior citizens projects which the Housing Authority is constructing, Baxter Street and Park Road. Second, the Salvation Army has been working on a project in the Fourth Ward area; this would allow them the advantage of a reduced amount of parking.

Councilman Whittington stated in his opinion, this is a step backward. He would hope this Council and the Housing Authority and the Planning Commission would not come in and recommend to Council that it reduce off-street parking requirements. That he would not vote for this reduction.

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

LEASE ON THE HEZEKIAH ALEXANDER HOME SITE, AND CONTRACT BETWEEN THE MINT MUSEUM AND CITY OF CHARLOTTE, AUTHORIZED.

Councilman Short stated he believes the Mayor and Councilmembers are entirely familiar with this project as it has been discussed in group form as well as talking about it one on one. The Boards of the two groups involved have unanimously endorsed this project; and the money has been included in the budget.

Councilman Short moved approval of the lease and the contract, as follows, which motion was seconded by Councilwoman Locke:

- (a) Three party lease among the Methodist Home Foundation, Inc., the Hezekiah Alexander Foundation, and the City of Charlotte for the land and buildings known as the Hezekiah Alexander Home Site. The lease is for 75 years at one dollar per year.

(continued)

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(b) A contract between the Mint Museum, Inc. and the City of Charlotte for the maintenance and operation of the Hezekiah Alexander Home site including the conversion of the reception center into a history museum.

The City of Charlotte will furnish funds to the Mint for construction, maintenance and operation of the site. The Mint, in turn, will agree to oversee the completion of the site, open the buildings as quickly as possible, and care for the facility during the life of the 75 year lease from the Methodist Home.

Councilman Williams asked if the lease has been drafted, and if so, where is it, and also the contract. He asked how much money is being committed under paragraph (3), where it says the City will furnish funds to the Mint for construction and operation of the site? How much is anticipated; and particularly how much over the ongoing years?

Councilman Short replied as to the money, \$125,000 is the sum. Councilman Williams stated that is a single shot as he understands it to complete the funds already committed to the project to build the building. This talks about operation. His question concerns how much will it cost to operate? Councilman Short replied Mr. Burkhalter can talk about the budget, but the amount involved at present is \$125,000.

The City Manager stated what was proposed to Council was \$125,000; that we proposed to give the Mint Museum to finish and operate the center this year. The operational cost will depend upon what they present in the budget, and what is approved in the budget. It will depend to what extent they wish to program this, and to what extent Council wishes to approve it.

Mr. Cleve Scarborough, Director of Mint, stated anticipating that all parties would agree, he was asked by the Manager's Office to come up with some possible operating figures. They did as much research as they could in terms of electrical bills, utility bills and so forth, with some very tentative staffing requirements, and they came up with an appropriate figure of around \$25,000 the first year, and around \$57,000 operating 1976-77.

Councilman Williams asked again if the lease and contract had been prepared and Mr. Coffman, Assistant City Manager, passed around copies for Council to view.

Councilman Harris stated he thinks all the people involved in this are outstanding people, and it is hard to discuss something of this magnitude without relating to the people involved. But he thinks this is a mistake. That he has been out there, and he would urge everyone else to ride by there and take a look at this building. That we have appropriated \$180,000 up-to-date, and they are asking for another \$125,000; that is over \$300,000. That he thinks the Hezekiah Alexander Home itself is a fine institution, but the idea of the reception center, and now talking about making it a history museum on Shamrock Drive, is something he would have to ask a lot more questions about.

Councilman Harris stated he would recommend that before proceeding at all on this matter, that we have an independent audit done of the funds todate, made for the City by an independent CPA, so that Council will have the full knowledge of the use of the funds that have been appropriated todate.

The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Short, Locke, Gantt, Whittington and Withrow.  
NAYS: Councilmembers Harris and Williams.

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ORDINANCE NO. 637-X AMENDING SCHEDULE I AND I-A OF SECTION 20-60 OF THE CITY CODE OF THE CITY OF CHARLOTTE RELATIVE TO PARKING RESTRICTIONS.

Motion was made by Councilman Gantt, and seconded by Councilman Williams to adopt the subject ordinance amending Schedule I and I-A of Section 20-60, as follows:

- (a) No Parking Anytime on both sides of Tryon Street, from Fourth Street to Fifth Street.
- (b) No Parking Anytime on both sides of Trade Street, from Church Street to College Street.
- (c) No Parking from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on both sides of Tryon Street, from Morehead Street to Fourth Street and from Fifth Street to Eleventh Street.
- (d) No Parking from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on both sides of Trade Street, from Graham Street to Church Street and from College Street to McDowell Street.

Councilman Williams stated he hopes this will not be construed as a substitute for the downtown transit center. Councilman Whittington stated he cannot vote for this motion; that downtown, as we know it today, has a lot of problems, and he does not think this will help the problem; that he thinks it will hurt it.

Councilman Whittington made a substitute motion to approve (a) and (b) and deny (c) and (d). The motion was seconded by Councilman Harris.

Mr. Jack Farr, President of the Automobile Dealer's Association, stated they are particularly concerned with the uptown automobile dealers to the degree that the additional two hours banning will, not only affect their business, but the many more small merchants along Trade and Tryon, and off Trade and Tryon. To this degree they have not only talked to the automobile dealers, but they have talked to over 100 small merchants along Trade and Tryon. They have signed a petition requesting that such banning not be put into effect. Their livelihood is gained mainly from the people who park and come into their places of business. They feel additional encroachment on this banning will certainly reduce the incomes of these small merchants.

He stated he talked to a man today who formerly lived in Atlanta and he was speaking of how this total banning of parking in the City of Atlanta has really made a ghetto out of downtown Atlanta, and the fronts have been boarded up in areas. That we have a good situation here. By putting the additional two hours, and maybe next year another two or three areas banning, it will hurt. That the downtown merchants need all the people they can get. That they ask Council to give them consideration along this line.

Councilman Short asked if the 7 to 9 a.m. hurt anyone? That a business is usually not open at that hour? Mr. Farr replied they are really concerned about the 4 to 6, but the encroachment aspects concern them.

Mr. Farr filed a petition with the City Clerk and stated it contains over 125 names of merchants downtown, and professional people, indicating they would like to see Council deny this ordinance.

Councilman Gantt stated the substitute motion would still ban parking between Fifth Street and Fourth Street on Tryon Street, between College and Church Street on Trade. He asked Mr. Farr is this would be a better alternative than the original motion and Mr. Farr replied most of them are aware of Fourth and Fifth becoming one way; they used to have parking on both of those streets, and there is very little parking off Trade and Tryon now for four or five blocks; there is hardly any place to park unless you drive into the garages.



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Mr. Jim McGuire stated if this ordinance is passed, he will have to close his newsstand down, and that means one more set of lights going out downtown. That he is the only business open from nine to 10:30 at night; this is the only place they can get change to get on and off the buses after five o'clock. That he realizes there is a problem. But he submits there are other alternatives than taking away the last few parking spots down the street. One of the reasons the hearing was postponed was because Council did not feel the downtown merchants were aware of it. That he has had several businessmen who would like to have been here tonight.

Mr. McGuire stated if the parking is banned, what happens to the loading zones. That he has spent some time out in the street, and his son has been on the street looking; and 90% of the time, from 10:00 a.m. to 4 p.m. there are trucks parked in the middle of the block unloading. If we are doing away with the parking, and also the loading zone, it means people delivering will have to come a block and a half in the rain to deliver. If the loading zones are going to be there, then you will not have this straight through lane of traffic for the buses. That he understands several of the Chamber people who did a study on this are having second thoughts on their recommendations. He stated if these parking spots are eliminated, it will hurt his business. Before voting on this, there are several alternatives. There is a traffic circle with one way streets - College and Church Streets - the cross streets are one way, and why can't the buses make the traffic circle around there, and never cross the Square; spread out the transfer points and there will not be any big crowds on any one or two corners. Or, Mr. Miller of the Central Charlotte Association has said he has suggested on one occasion of taking the land behind the Civic Center and making a bus turn around, or bus station, at least temporarily until the transportation center or whatever is developed. To continue to eliminate on-street parking downtown will have a direct affect on all the businessmen down there, at least the small ones.

Councilman Short stated he does not see much way to help Mr. McGuire; there are just no other places for the buses to be marshalled in the downtown area. It is almost a necessity to take care of the buses. In the matter of the hours of parking, apparently the people are not too concerned about the 7 to 9, and he does not see why we cannot help the people to work by adopting the 7 to 9. As to the hours in the afternoon, he wonders if this could not be from 4:45 p.m. to 6:00 p.m. That would give the people a chance to get out of the office before five and get home ahead of the rush and clear the streets during that period.

Mr. Underhill, City Attorney, stated that Mr. Short can amend an amendment which is what the substitute motion is.

Councilman Short moved that the motion be amended as he has just stated. The motion did not receive a second.

Mayor Belk suggested that Council take each section separately and vote on them.

Councilman Short moved that Council proceed by voting on (a) through (d) separately. The motion was seconded by Councilwoman Locke.

Councilman Harris asked what will be done about the loading zones in the first block of these streets? Mr. Corbett, Director of Traffic Engineering, replied they plan to provide loading zones in each of the blocks beginning at the Square and going one block north, east and south. Those will not all be put in until they determine the exact location in which each of the bus stops, and how much space will be required. Loading is a very important problem which must be solved, and they intend to do so. Councilman Harris stated then, in effect, there will be parking in those blocks. Mr. Corbett replied only for a very short period, but this will be during the times when the peak hour restrictions are not in effect, which they have proposed

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as from 7 to 9 and 4 to 6. He stated one of the problems they have with the present restrictions which begins at 8:00 o'clock is getting the vehicles cleared out of the way so they can make adequate use of those lanes where parking is prohibited. Now it sometimes takes the Police Department thirty minutes to clear the lanes. They need adequate time to get the vehicles cleared out of the way in order to accommodate the peak hour demand.

Councilman Withrow asked what he thought about 7:30 to 9:00 and 4:30 to 6:00? Mr. Corbett replied it would be better than what we have now, but they feel they need the two hours.

Councilman Gantt moved approval of the restriction of "No parking anytime on both sides of Tryon Street, from Fourth Street to Fifth Street." The motion was seconded by Councilwoman Locke, and carried unanimously.

Councilwoman Locke moved approval of the restriction of "No parking anytime on both sides of Trade Street, from Church Street to College Street." The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington moved that the restriction of "No parking from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on both sides of Tryon Street, from Morehead Street to Fourth Street, and from Fifth Street to Eleventh Street", be denied. The motion was seconded by Councilman Harris.

Councilman Short made a substitute motion that the time be from 7:30 to 9:00 and from 4:45 to 6:00. The motion did not receive a second.

The vote was taken on the motion to deny and carried as follows:

YEAS: Councilmembers Whittington, Harris, Locke, Short, Williams and Withrow.  
NAYS: Councilman Gantt.

Councilman Whittington moved that the restriction of "No parking from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. on both sides of Trade Street, from Graham Street to Church Street, and from College Street to McDowell Street", be denied. The motion was seconded by Councilman Harris, and carried by the following vote:

YEAS: Councilmembers Whittington, Harris, Locke, Short, Williams and Withrow.  
NAYS: Councilman Gantt.

The ordinance is recorded in full in Ordinance Book 22 at Page 95.

ORDINANCE NO. 638-X AMENDING CHAPTER 20, SECTION 86, OF THE CHARLOTTE CITY CODE RELATIVE TO SPEED RESTRICTIONS.

Motion was made by Councilman Harris, and seconded by Councilman Whittington, to adopt the subject ordinance, amending Chapter 20, Section 86, of the City Code relating to speed restrictions.

Councilman Short stated all the streets are listed as 25 MPH speed limit near schools and 45 MPH speed limits elsewhere, with the exception of some streets on Page 8 of the ordinance, one of which is the Newell Hickory Grove Road, and two or three others which is 55 MPH. Personally, he thinks that is too fast for two lane roads inside the city, or for those various other roads listed. That he thinks Council should consider making those 45 MPH. That he is speaking of Hickory Grove-Newell Road, South Boulevard, South Boulevard, South Tryon Street and Yorkmont Road.

Councilman Short made a substitute motion accordingly. The motion was seconded by Councilwoman Locke.

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Mr. Corbett, Director of Traffic Engineering, stated the necessity for these ordinances were generated by a new state law which came into effect this year, which says to the fact that the speed limit inside the city limits of any city within North Carolina is 35 MPH unless otherwise posted. The speed limits before Council today in no way change the speed limits which were previously in effect on any of these roads. Those which are 25 MPH were always 25; those which are 45, have been 45 for many years, and those which are 55, have been 55 for many years. The areas that they recommend as 55 MPH are generally undeveloped, such as the landfill on South Tryon; areas along Hickory Grove Road which are generally undeveloped, or where residences do occur they are many, many feet back from the edge of the roadway. In each case, the facility is perfectly capable of accommodating the 55 MPH speed limit.

The vote was taken on the motion and carried unanimously.

Council was advised this vote was on the substitute motion.

Councilman Withrow moved that Council reconsider the previous motion. The motion was seconded by Councilman Williams and carried unanimously.

Councilman Whittington called for the question on the original motion to approve the ordinance as recommended. The motion was seconded by Councilman Withrow.

The vote was taken on the original motion, and carried as follows:

YEAS: Councilmembers Withrow, Whittington, Gantt, Harris, Locke and Williams.  
NAYS: Councilman Short.

The ordinance is recorded in full in Ordinance Book 22 beginning on Page 96 and ending on Page 104.

**FILING FEES FOR THE OFFICES OF MAYOR AND CITY COUNCIL ESTABLISHED.**

Councilwoman Locke moved that the Council filing fee for the 1975 Municipal Elections be set at \$45.00. The motion was seconded by Councilman Williams and carried unanimously.

Councilman Short moved that the filing fee for the office of Mayor be set at \$110.00. The motion was seconded by Councilman Whittington, and carried unanimously.

**ORDINANCE NO. 639-X AMENDING ORDINANCE NO. 209-X, THE 1974-75 MANPOWER ORDINANCE, AMENDING REVENUES TO ACCEPT A SUPPLEMENT GRANT FROM THE U.S. DEPARTMENT OF LABOR AND REVISING APPROPRIATIONS TO REFLECT ESTIMATED EXPENDITURES FOR THE 1974-75 FISCAL YEAR; AND AMENDMENT TO CONTRACT WITH CHARLOTTE-MECKLENBURG SCHOOL FOR THE OPERATION OF THE YOUTH WORK EXPERIENCE PROGRAM,**

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the subject ordinance accepting a grant in the amount of \$554,518.00 was adopted and contract approving the amendment to the contract dated September 16, 1974 for the operation of the Youth Work Experience Program was approved.

The ordinance is recorded in full in Ordinance Book 22 at Page 105.

**ORDINANCE NO. 640-X APPROPRIATING FUNDS FROM COMMUNITY DEVELOPMENT BLOCK GRANT TO TARGET AREAS FOR PHYSICAL AND HUMAN RESOURCES PROGRAM.**

After explanation by Assistant City Manager, Councilman Harris moved adoption of the ordinance appropriating \$10,594,000 of Community Development Block Grant Funds to nine Community Development target areas for physical and human resources programs, which motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22 at Page 106.

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CONSULTANT CONTRACT WITH ERIC HILL ASSOCIATES (LEAD CONSULTANT) AND HENSLEY SCHMIDT FOR PLANNING AND ENVIRONMENTAL ASSESSMENT SERVICES FOR COMMUNITY DEVELOPMENT PROGRAM AUTHORIZED.

Councilwoman Locke moved approval of a consultant contract with Eric Hill Associates (lead consultant) and Hensley Schmidt for Planning and Environmental Assessment Services for the Community Development Program, not to exceed \$148,000 for all environmental assessment and planning work required. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCES FOR YEAR END BALANCE ADJUSTMENT WITHIN VARIOUS FUNDS TO COVER ALL EXPENDITURES ANTICIPATED WITHIN THE FISCAL YEAR AS REQUIRED BY STATE FISCAL CONTROL ACT.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the following ordinances:

- (a) Ordinance No. 641-X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, authorizing the transfer of funds within the General and Utilities Funds, and the transfer of funds to the Capital Improvement Fund.
- (b) Ordinance No. 642-X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, revising appropriations within the Debt Service Funds, in the amount of \$49,500.00.
- (c) Ordinance No. 643-X amending Ordinance No. 214-X, the 1974-75 Budget Ordinance, revising revenues and expenditures in the General Fund to provide for the transfer of interest earnings to the Municipal Debt Service Fund and transferring interest earnings from the unencumbered balance of certain Capital Project Funds and Bond Funds to appropriate Debt Service Funds.
- (d) Ordinance No. 644-X transferring funds from the General and Utilities Fund balance, re-establishing appropriations for maximum inventory levels.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 107 and ending at Page 114.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS OR TREE LIMBS 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 160A-193 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Whittington moved adoption of the following ordinances ordering the removal of weeds, grass or tree limbs 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 160A-193 of the General Statutes of North Carolina, which motion was seconded by Councilman Gantt, and unanimously carried:

- (a) Ordinance No. 645-X ordering removal of weeds, grass or tree limbs from vacant lot at 201 North Irwin Avenue.
- (b) Ordinance No. 646-X ordering removal of weeds, grass or tree limbs from lot adjacent to 126 Martin Street.
- (c) Ordinance No. 647-X ordering removal of weeds, grass or tree limbs from vacant lot at 513 Beatties Ford Road.
- (d) Ordinance No. 648-X ordering removal of weeds, grass or tree limbs from vacant lot at 509 Beatties Ford Road.
- (e) Ordinance No. 649-X ordering removal of weeds, grass or tree limbs from 2331 Booker Avenue.

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- (f) Ordinance No. 650-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 2044 Garnette Place.
- (g) Ordinance No. 651-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1909 St. Mark Street.
- (h) Ordinance No. 652-X ordering removal of weeds, grass or tree limbs from vacant lot at corner of St. Paul & Haines Streets.
- (i) Ordinance No. 653-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1829 St. Paul Street.
- (j) Ordinance No. 654-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1916 Welch Place.
- (k) Ordinance No. 655-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1701 Newcastle Street.
- (l) Ordinance No. 656-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1414 Cummings Avenue.
- (m) Ordinance No. 657-X ordering removal of weeds, grass or tree limbs from 3514 Warp Street.
- (n) Ordinance No. 658-X ordering removal of weeds, grass or tree limbs from vacant lot adjacent to 1807 Montford Drive.
- (o) Ordinance No. 659-X ordering removal of weeds, grass or tree limbs from 9901 Garthwood Road.
- (p) Ordinance No. 660-X ordering removal of weeds, grass or tree limbs from 4032 Sunnycrest Lane.
- (q) Ordinance No. 661-X ordering removal of weeds, grass or tree limbs from 2222 Edison Street.

The ordinances are recorded in full in Ordinance Book 22 beginning on Page 115. and ending at Page 131.

**RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO RENFROW DEVELOPMENT COMPANY, INC., FOR THE TYVOLA ROAD RELOCATION PROJECT AND OPTION ON PROPERTY AT 1001 TYVOLA ROAD AUTHORIZED.**

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following resolution rescinding previous action of Council and authorizing option on property at 1001 Tyvola Road, as follows:

- (a) Resolution to rescind authorization to institute condemnation proceedings against property belonging to Renfrow Development Company, Inc., for the Tyvola Road Relocation Project.
- (b) Option on 114.73' x 196.02' x 58.47' x 211.46' of property with a one-story frame house, at 1001 Tyvola Road, from Renfrow Development Company, Inc., at \$16,500.00, for the Tyvola Road Relocation Project.

The resolution is recorded in full in Resolutions Book 11, at Page 4.

**SANITARY SEWER EASEMENTS FOR ANNEXED AREAS, APPROVED.**

Councilwoman Locke moved approval of the following seven (7) sanitary sewer easements for annexed areas, which motion was seconded by Councilman Whittington and carried unanimously:

- (a) Annexation Area I (2) Sanitary Sewer Additions  
5 parcels
- (b) Annexation Area I (4) Sanitary Sewer  
2 parcels

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## PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15' x 39.60' of easement at 1038 Patch Avenue (off Statesville Avenue), from Clarence Hudson and Minnie Hudson, at \$150.00, for sanitary sewer to serve Patch Avenue.
- (b) Acquisition of 15' x 32.85' of easement at 3441 Jason Avenue (off Morris Field Drive), from John G. Hudson and wife, Nancy E., at \$100.00, for sanitary sewer to serve Jason and Carlotta Streets.
- (c) Acquisition of 15' x 177.37' of easement at 3501 Jason Avenue (off Morris Field Drive), from Robert W. Elliott and wife, Bobbie H., at \$350.00, for sanitary sewer to serve Jason and Carlotta Streets.
- (d) Acquisition of 15' x 994.60' of easement at the rear of 4600 block of Morris Field Drive, from Howard R. Biggers, Sr. and wife, Irene R., at \$2,755.00, for sanitary sewer to serve Jason and Carlotta Streets.
- (e) Acquisition of 15' x 600' of easement at 6400 Albemarle Road, from Day Realty of Charlotte, Inc., at \$1.00, for sanitary sewer to serve Albemarle Road.
- (f) Acquisition of 15' x 995.36' of easement at 5625 Farm Pond Lane (off Albemarle Road), from Koger Properties, Inc., at \$1.00, for sanitary sewer to serve Albemarle Road.
- (g) Option on 3.06' x 125.35' x 2.73' x 125.08' of property, plus a construction and drainage easement, at 5512 Randolph Road, from Robert A. Smity and wife, Judith A., at \$890.00, for the Randolph Road Widening Project.
- (h) Option on 2.00' x 135.00' x 2.02' x 135.04' of property, plus a construction easement, at 5412 Randolph Road, from John Duncan Warren and wife, Rowena C., at \$1,700.00, for the Randolph Road Widening Project.
- (i) Option of 6.00' x 150.00' x 6.00' x 150.00' of property, plus a construction easement, at 3731 North Sharon Amity Road, from United Federal Savings and Loan Association of Rocky Mount, North Carolina, at \$1.00, for the Sharon Amity Road Widening Project - Section III.
- (j) Right of Way Agreement on 32.75' x 546.64' x 6.00' x 518.41' x 36.98' of property, plus a construction easement, at 4000 North Sharon Amity Road, from Calvary Church of the Nazarene, at \$1.00, for the Sharon Amity Road Widening Project - Section III.
- (k) Option on 10.46' x 101.69' x 57.06' x 48.56' x 113.40' of property, plus a construction easement, at 4474 Randolph Road, from Gulf Oil Corporation, at \$28,900.00, for the Randolph Road Widening Project.
- (l) Option on 34.30' x 186.01' x 12.90' x 162.45' x 35.85' of property, plus a construction easement, at 101 South Canterbury Road, from Charlie James Guthrie and wife, Gladys, at \$5,150.00, for the Randolph Road Widening Project.
- (m) Acquisition of 15' x 211.16' of easement off Arrowood Road on Nevada Boulevard, from Foard Construction Company at \$1.00, for sanitary sewer line Arrowood Industrial Park Project.
- (n) Acquisition of 15' x 835.66' of easement off Arrowood Road on Nevada Boulevard, from The Ervin Company, at \$1.00, for sanitary sewer line Arrowood Industrial Park Project.

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**ASSIGNMENT OF ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY COMPANY TO ADM MILLING COMPANY, APPROVED.**

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the assignment of an Encroachment Agreement with Southern Railway Company to ADM Milling Company.

**STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY CITY.**

Councilman Whittington moved that the following streets be taken over for continuous maintenance by the City, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Montcrest Drive, from 550' south of Cherrycrest Lane to 550' south.
- (b) Ashley Road, from Freedom Drive to 1,400' southwest.
- (c) Arrowridge Boulevard, from Arrowood Road to end, 3,350' southwest.
- (d) High Meadow Lane, from Farmhurst Drive to Archdale Drive.

**REQUEST TO DESTROY CERTAIN RECORDS IN FINANCE DEPARTMENT, APPROVED.**

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, approval was given to the request by the Director of Finance to destroy certain records which have passed the required retention period by the State Division of Archives and History Municipal Records Department, in accordance with the provisions of General Statutes 121.5(b).

**RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY FROM TEN TAX ACCOUNTS.**

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution authorizing the refund of certain taxes which were collected through clerical error and illegal levy from ten (1) tax accounts, in the amount of \$350.47.

The resolution is recorded in full in Resolutions Book 11, at Page 5.

**SPECIAL OFFICER PERMITS AUTHORIZED.**

Councilman Gantt moved approval of the issuance of the following Special Officer Permits for a period of one year each, which motion was seconded by Councilman Short, and unanimously carried:

- (a) Renewal of permit to Henry Elmore Gillard for use on the premises of Douglas Municipal Airport.
- (b) Renewal of permit to Paul Zollie Hill for use on the premises of Douglas Municipal Airport.

**CONTRACT AWARDED KOPPERS COMPANY, INC. FOR EMULSIFIED ASPHALT.**

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded the only bidder, Koppers Company, Inc., in the amount of \$89,504.38, on a unit price basis, for Emulsified Asphalt.

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**CONTRACT AWARDED PROPST CONSTRUCTION COMPANY FOR WATER MAIN CONSTRUCTION - ARROWOOD ROAD.**

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Propst Construction Company, in the amount of \$397,382.00, on a unit price basis, for Water Main Construction - Arrowood Road.

The following bids were received:

Propst Construction Company	\$397,382.00
Sanders Brothers	401,922.00
C. M. Allen and Company, Inc.	412,484.50
L. S. Craver and Son Construction Co.	414,300.50
Thomas Structure Company	420,778.00
J. J. Motley and Sons, Inc.	423,260.50
Dickerson, Inc.	445,319.00
Spartan Construction Company	455,548.50
W. M. Paris and Associates	465,254.68
Breece and Burgess, Inc.	471,535.00
Dellinger, Inc.	518,991.40

**ALL BIDS REJECTED ON THE DEMOLITION OF THREE STRUCTURES ON POPLAR STREET BETWEEN TRADE STREET AND FOURTH STREET AND PERMISSION GIVEN FOR READVERTISEMENT.**

Councilman Harris moved that all bids be rejected on the demolition of three structures on Poplar Street between Trade Street and Fourth Street, and permission be given to readvertise, which motion was seconded by Councilman Short, and unanimously carried.

**CONTRACT AWARDED HICKORY CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF TYVOLA ROAD RELOCATION FROM FARBROOK DRIVE TO PARK ROAD.**

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded Hickory Construction Company, in the amount of \$1,858,755.60, on a unit price basis, for the construction of Tyvola Road Relocation from Farmbrook Drive to Park Road.

The following bids were received:

Hickory Construction Company	\$1,858,755.60
Blythe Brothers Company	2,025,958.95
T. A. Sherrill Construction Co., Inc.	2,300,572.50
Crowder Construction Company	2,348,968.55
Rea Construction Company	2,791,118.85

**CONTRACT AWARDED CROWDER CONSTRUCTION FOR DOWNTOWN URBAN RENEWAL PHASE II-A.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$44,961.00, on a unit price basis, for Downtown Urban Renewal Phase II-A.

The following bids were received:

Crowder Construction Company	\$44,961.00
Rea Construction Company	47,796.25
Blythe Brothers Company	50,701.50



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NORTH CAROLINA STATE LEGISLATURE REQUESTED TO SUPPORT THE PROPOSED LEGISLATION TO RE-ORGANIZE THE GOVERNOR'S COMMITTEE ON LAW AND ORDER.

Councilman Short moved that Council request the N. C. State Legislature to support the proposed legislation for the re-organization of the Governor's Committee on Law and Order to provide a great deal larger representation to a local government. The motion was seconded by Councilman Williams, and carried unanimously.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING ACCEPTING AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 8-37-0012-10 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE, NORTH CAROLINA FOR LIGHTING SYSTEM NEW NORTH/SOUTH PARALLEL RUNWAY AND EAST TAXIWAY SYSTEM.

Councilman Whittington moved adoption of the subject resolution approving the Grant Offer for reimbursement of construction cost in the development of the Airport Master Plan, in the amount of \$773,589 which represents over 75% of the total estimated project cost of \$999,498. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 7.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT NO. 2 TO GRANT AGREEMENT FOR PROJECT NO. 8-37-0012-05 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHARLOTTE, NORTH CAROLINA, FOR STRENGTHENING TAXIWAYS "AEC" AND CONNECTING TAXIWAYS.

Councilman Short moved adoption of the subject resolution approving Amendment No. 2 to Grant Offer increasing federal participating from \$500,250 to \$518,639.90 for the project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 8.

MOTION TO CONSIDER CHANGING EFFECTIVE DATE OF LITTER ORDINANCE FAILED TO CARRY FOR LACK OF UNANIMOUS VOTE.

Councilman Short moved that Council at this time, take up the subject of the date when the new litter ordinance will go into effect. The motion was seconded by Councilman Harris, and failed to carry for lack of unanimous vote, as follows:

YEAS: Councilmembers Short, Harris, Gantt, Withrow.  
NAYS: Councilmembers Locke, Whittington, Williams.

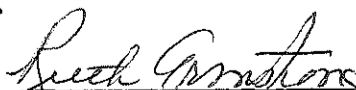
Councilwoman Locke stated she wants it put on the agenda for the 30th for discussion.

ZONING PETITION OF CARL J. SCHNEIDER REQUESTED PLACED ON THE NEXT AGENDA.

Councilman Whittington requested that the zoning Petition No. 75-10 of Carl J. Schneider be put on the agenda for Council's decision at the next meeting.

ADJOURNMENT.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the meeting adjourned.

  
Ruth Armstrong, City Clerk