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The City Council of the City of Charlotte, North Carolina, met in a televised session on Monday, October 25, 1976, at 7:30 o'clock p. m., in the Education Center with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Planning Commission sat with City Council as a separate body during the hearings on petitions for zoning changes, with the following Commission members present: Chairman Allen Tate, Thomas Broughton, Howard Campbell, Winifred Ervin, Nancy Johnston, Kimm Jolly, Barry Kirk, Margaret Marrash, and Crutcher Ross.

ABSENT: William E. Royal.

The Mecklenburg County Board of Commissioners sat with City Council as a separate body during the hearing on Petition No. 76-66 for a change in zoning of various tracts of land in the Beatties Ford-Hoskins Road area. Commissioners present were: Chairman Elisabeth Hair, Peter Foley, Phillip Gerdes, Rowe Motley and Ed Peacock.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Finley Grissett, Pastor of McQuay Memorial Presbyterian Church.

FOUR RETIRING MEMBERS OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION PRESENTED WITH KNIGHT OF QUEEN CITY AWARDS.

Mayor Belk recognized Mr. William Poe, retiring Chairman of the Board of Education, thanking him for his dedicated service to the community and conferring on him the Knight of the Queen City award. Other retiring School Board members - Mr. E. D. Spangler, Mr. William Booe and Mrs. Jane Scott - were recognized and presented the award in absentia.

BEN E. DOUGLAS, RETIRING MEMBER OF AIRPORT ADVISORY COMMITTEE, PRESENTED WITH RESOLUTION.

Mayor Belk recognized Former Mayor Ben E. Douglas for the many fine contributions he has made to Charlotte and read the following resolution:

WHEREAS, Ben E. Douglas has served the citizens of Charlotte as its distinguished mayor and in many other public capacities which have earned him the respect and admiration of the people of this community, and

WHEREAS, Mayor Douglas has had a long time special interest in the growth and development of the City's airport which has appropriately been named Douglas Municipal Airport in recognition of his interest and contributions, and

WHEREAS, Ben Douglas was first appointed as a member of the Airport Advisory Committee in 1961 and has served on the committee as both a member and as its chairman continuously since that time, giving generously of his valuable time and effort, and

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WHEREAS, his long and distinguished record as a public servant is without parallel in the history of Charlotte, and

WHEREAS, Council policies prohibit the reappointment of Mayor Douglas as a full voting member of the committee since he has served two complete, consecutive terms, and

WHEREAS, the City Council has a desire to recognize the many contributions of Mayor Douglas to the Airport in a special way by appointing him as Honorary Chairman for life of the Charlotte Airport Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte in regular session, duly assembled, that Ben E. Douglas is hereby appointed Honorary Chairman for life of the Charlotte Airport Advisory Committee.

Mayor Douglas responded by expressing appreciation to this Council and to the previous Councils for the full and complete cooperation they have given the Airport Advisory Committee.

MINUTES OF OCTOBER 4 AND OCTOBER 11, 1976 APPROVED AS SUBMITTED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last two meetings on Monday, October 4, 1976 and Monday, October 11, 1976 were approved as submitted.

HEARING ON PETITION NO. 76-66 AND PETITION NO. 76-23(C) (COUNTY) BY NORTHWOOD ESTATES COMMUNITY ORGANIZATION FOR CHANGE IN ZONING OF VARIOUS TRACTS OF LAND IN THE BEATTIES FORD ROAD-HOSKINS ROAD AREA.

The joint public hearing by the City Council, County Commission and Planning Commission was held on the subject petitions for changes in zoning from R-6, R-6MF, O-6, O-9 and I-1 to R-9, R-15MF and O-15 on the portion inside the city limits, and from R-6, O-9, R-9MF, B-1 and I-1 to R-9 and O-15 on various tracts outside the city limits.

Council was advised that a protest petition had been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property inside the city.

Commissioner Peacock asked if this petition has to be approved by six of the seven members of Council plus a majority of the County Commissioners? Mr. Underhill, City Attorney, replied there are two separate petitions, one bearing a county number and one a city number. The City Council will vote on the petition that relates to property within the city limits, and the County Commission will vote on the petition affecting property outside the city limits. The State Statutes permit protest petitions invoking the 3/4 rule for the City; there is no similar requirement in the county. In the case of the City, it will require six out of eight votes, the Mayor being required to vote in matters where the 3/4 rule is in effect. He assumes in County cases, a simple majority would carry the petition.

Mayor Belk requested Mr. Bryant, Assistant Planning Director, to arrange a field trip for Council members and the County Commission to view the area.

Mayor Belk stated so that everyone will have an opportunity to speak to these petitions, each speaker will be limited to five minutes.

Mr. Bryant, Assistant Planning Director, stated this is an extremely complicated and difficult to define area of proposed change. It is divided into a considerable number of parts and the boundary which delineates the area between city and county is very complicated in itself so that his comments will be general in nature.

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He stated the total area involved in the two petitions consists of land that extends all the way from Interstate 85 on the south to Capps Hill Mine Road on the north; from Beatties Ford Road on the east to generally over in the area of Stewart Creek. He stated the city line is so circuitous it is difficult to follow, but the majority of the property included in the two petitions is in the city limits. The portions subject to County consideration are found primarily along Beatties Ford Road, along Capps Hill Mine Road, and along the westerly portion of the area.

He stated most of the requests filed with these two petitions consist of an attempt to upgrade the zoning of the property from various types of zoning - multi-family, industrial, business and office - up to single family residential status. Most of the heart of the area is all requests to upgrade to various types of single family zoning. Right now some of this property is zoned R-6 and a great deal of it has been requested upgraded to R-9.

Most of the property along Interstate 85 and on the easterly side of Beatties Ford Road is a combination of either vacant land or residential uses. There are scattered single family houses along the easterly side of Beatties Ford Road, a business use on the northerly side of I-85 (a massage parlor); a small church on Beatties Ford Road; a medium size multi-family project on the easterly side of Beatties Ford Road.

Northerly along Beatties Ford Road, from Hoskins Road, there is the Piedmont Natural Gas facility, which through an advertising error is not being considered tonight. The petition was filed with the intent of including that with the request to change it from industrial to residential. This area will be considered at a later date. On the westerly side of Beatties Ford Road, there is a church, some business activities, and another church, and the Royal Orleans Apartment project which has been there for a number of years. Other uses are a restaurant, furniture store, a greenhouse. Village Townhouses, a small apartment project, is on Griers Grove Road. That and the Royal Orleans constitute the two major non-single family residential developments which are in the area at the present time. He pointed out the McCrorey YMCA. Generally, from that point westerly, the entire area is predominantly developed with single family uses, and this continues generally down to Hoskins Road. South of Hoskins Road, it is generally vacant at the present time all the way to Interstate 85. The exception to that and not included in the petition, is the property which was formerly the Mecklenburg College site, those buildings now being occupied by offices for Mecklenburg County itself. West of Stewart Creek is Johnson Motor Lines and there begins a very extensive area of industrial warehousing, etc. types of usage. He pointed out the former Sears facility and the former Chevrolet parts building, both of which are vacant at the present time. Along Hoskins Road, Chesapeake and others, there is an extensive amount of industrial development which is generally associated with the Seaboard Park area.

Generally speaking, there is a pattern of mixed uses along Beatties Ford Road, there is a pattern of basically single family usage in the core, or central part of the area, and then there is vacant land on the southerly portion; then the beginning of the industrial developments to the west and outside the bounds of the subject property.

In the portion of land the City is considering, there was an omission of B-1 zoning on the westerly side in the advertisement of this petition - the property is vacant. This will also have to be considered later.

In answer to a question from Councilman Whittington, Mr. Bryant stated there has never been any thought of connecting Barrington Drive with Griers Grove Road. Cindy Lane is the one that Griers Grove Road should connect with.

Councilman Gantt asked about the B-1 area on the west side of Beatties Ford Road. Mr. Bryant replied that was not included in the request for change because there are business uses located there.

The petition would propose to change most of the existing business and office zoning on the easterly side of Beatties Ford Road to an R-9 single family classification, which would form a constant pattern along the

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easterly side of Beatties Ford Road and along the northerly side of Interstate 85. It is proposed that the area generally south of Hoskins Road, which is now zoned a combination of I-1 and R-6MF, be changed to an O-15 office classification. The central part of the petition area is proposed to be changed from R-6 to R-9 single family, retaining the single family characteristic but invoking a slightly larger lot size and a slightly lower density situation.

It is further requested that considerable change be made along Beatties Ford Road as it relates to vacant, undeveloped property which is now zoned for multi-family purposes. There is vacant land which extends from Griers Grove Road on the north to McAllister Drive on the south that is now zoned R-6MF and is being considered for a change to R-9, which would remove the multi-family development possibilities there.

The existing developed areas in multi-family - Royal Orleans and Village Townhouses - it is proposed be upgraded from R-6MF to R-15MF, retaining the multi-family zoning but upgrading the characteristics of the particular type of multi-family zoning. Predominately to the north and northwest there is a rather significant amount of R-6MF zoning that extends generally from the area of the townhouse development all the way up to Capps Hill Mine Road. The request is that all of that R-6MF be eliminated and replaced by R-9 single family zoning. In addition, some other smaller patches of R-6 zoning are requested to be upgraded to an R-9 category.

On the easterly side of Beatties Ford Road, where there is now a significant amount of B-1 and a smaller amount of office zoning, generally from Cindy Lane north, it is requested that be eliminated and replaced also with R-9 single family zoning.

There is an area west of Stewart Creek, extending from Hoskins Road northerly for some distance - it is requested that be changed from an I-1 classification to O-15. The proposal is to install a small buffer area of O-15 to separate the industrial to the west and the single family development east of Stewart Creek.

Councilman Gantt, referring to the large segment in the middle which is proposed as R-9, stated much of that land is already developed and subdivided. How much of it would be non-conforming? Mr. Bryant replied the most significant non-conformity that could be created would be lot sizes. They have found that out of the whole area, only approximately 13 lots out of the approximately 300, would be non-conforming.

Commissioner Motley asked how they are going to jump from R-6MF to R-15MF? Will Royal Orleans and Village Townhouse conform? Mr. Bryant replied this is an area where they will have to give considerably more study before they know for sure what non-conformity would be created. As far as the number of dwelling units in there in relation to the land area, they believe it would still be conforming, but whether or not there are other non-conformists which would be created, such as set-back and yard situations, they are not quite sure until they look at it a little bit more.

Commissioner Gerdes stated he is concerned about the mixing of all of these various uses and parcels of City and County property together in one petition. He asked for a review of the procedure in filing one of these petitions. This is almost impossible to go through in any intelligent, reasonable fashion and really get down to what is the best use for each individual parcel of property. There are 13 people sitting up there with all of these myriads of parcels of land put together and having to listen to all of this at one time, when they have different procedures - it is baffling to him how they are going to be able to arrive at a reasonable decision that will be fair to everybody involved.

Mr. Bryant stated after the hearing is conducted tonight, one of the things the Planning Commission can do is prepare a map for the County Commission, leaving out the city portion and delineating by sections the portion that the County will have to deal with directly and stating for them again in

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clearer map form what the proposed change is. They would do the same thing for the City. He stated the decision to present it as a petition was the petitioner's. It could have been broken up into more than one. He assured them he could give them more detailed information so that they will know precisely what is involved in each particular instance. As the Mayor suggested, it may be helpful if a field trip can be arranged so that they can describe to them on the ground what the proposed change in each area is.

When the Planning Commission does arrive at its recommendation, it would be his belief, subject to Planning Commission agreement, that the recommendations would have to be submitted, not in total, but area by area, and parcel by parcel.

He illustrated the area further through the use of slides.

Speaking for the petitions were three representatives of Northwood Estates Community Organization.

Mrs. Johnsie S. Evans, 1435 North Hoskins Road, Chairperson, stated they are faced with the problem of industrial zoning being next to their residential areas. Often it is less than 50 feet away from very nice houses. They have a problem with noise from the industrial park on Chesapeake Drive and the I-85 access road. Also there is a bad odor caused by the Piedmont Natural Gas plant next to one of their churches and several of their homes. They are requesting rezoning of land now zoned industrial next to land zoned for residential use. This situation exists south of Hoskins Road, west of Stewart Creek and the Piedmont Natural Gas property. They are requesting O-15 zoning on this industrially zoned land as a good use for the land and to provide a buffer between homes and industrial development. They are requesting through these zoning changes to develop a logical, consistent zoning pattern throughout the area.

Reverend Bryant E. Clancy, 1609 Northbrook Drive, stated he lives in University Park North, which is one of the communities they are seeking to have rezoned. They feel threatened by the existence of industrial and business zoning in several places next to their homes, and the potential for development which would be harmful to the quality of the community they hope to develop and maintain. The existence of heavy industrial zoning next to residential areas does not seem to be in the best interest of either party. He stated they are basically seeking R-9 zoning on all land which is currently developed for single family use; the apartment complexes in the community are acceptable to them, but they want future development controlled so they will not have too many apartments. They are seeking office zoning on other areas to provide a buffer between the residential areas and industrial and business development. They are asking that they look at the entire area as a whole and develop a consistent, logical zoning pattern for the community. They are concerned that future development in the area will be in harmony with the existing development, and they are requesting that R-9 zoning be extended to most of the vacant land adjacent to existing residential development. He stated they are asking the City Council, County Commission and Planning Commission to look at the total picture.

Mrs. Bernice Sloan-Ferguson, 1027 Northwood Drive, stated in May, 1973 she and her husband purchased a home in Northwood Park; they saw only a community of beautiful homes with an apartment complex under construction on Griers Grove Road. They felt good about the community because they visualized a community free from blight, a community of caring people, with safe streets and limited traffic. After the aura of newness wore off, they became aware of the fact that in a neighborhood of over 50 homes there is not one common area for leisure. The once new apartment complex is in sad need of repair. They have yet to reckon with a highway extension that is to pass through their community on Griers Grove Road. Recently they learned their home and the ones on Standish Place, the 800 through 1000 block of Plumstead Road, and all the surrounding vacant land is zoned R-6MF. They are very upset to learn the highest density apartments permitted in Mecklenburg County could be built across from them or behind their homes. She

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stated they are requesting R-9 zoning for their homes which is consistent with the development and the Garden City homes nearby. They also want R-9 for the vacant land next to their homes to protect their value and the quality of the neighborhood. The Village Townhouse Apartments are close, and they feel that further apartment development would not be consistent with the overall development of the area.

Speaking in opposition to the petitions were:

Mr. Bailey Patrick, Jr., Attorney representing Howard Nance, Thayer Realty, Inc. and Howard Nance Company, owners of four parcels of land - 18.43-acre tract fronting on Capps Hill Mine Road; a vacant tract of which only the rear portion is included in the petition; 12.4 acres sandwiched in between Griers Grove Road, McAllister Drive and Beatties Ford Road; and the two tracts occupied by the Royal Orleans Apartments. All of this property is located in the city limits. Mr. Nance also spoke briefly, assuring Council that the 147 apartment owners think very highly of their place to live, as do the petitioners who are single family resident owners.

Mr. McDaniel Jackson, 427 East Morehead Street, owner of land on the corner of Griers Grove Road and Beatties Ford Road, currently zoned O-6 and B-1 and proposed for change to R-9, stated the change in zoning would create financial bankruptcy for him, and it would be an implausible change in the life of Charlotte's overall comprehensive plan.

Mr. Ben S. Horack, Attorney representing Coca-Cola Bottling Company, owners of property between Hoskins Road and Interstate 85, portions of which are now zoned R-6MF, I-1 and I-2.

Mr. Jeffrey Davis, Attorney representing Piedmont Natural Gas Company, owners of land near the intersection of Beatties Ford Road and Hoskins Road, as well as adjacent land which is not part of the petition and which is currently vacant. If this land is rezoned Piedmont will not be able to expand its storage facilities and hence cannot guarantee to the citizens of Charlotte that they will always have the gas they need.

Mr. LaFontaine Odom, Attorney representing Barium Springs Orphanage, Alexander Children's Home and the Caldwell heirs, owners of a 22-acre tract of property on North Hoskins Road which is presently zoned I-1; and James Frazer and other residents who own property on Beatties Ford Road and now zoned B-1. Both properties are in the County.

Mr. Dick Thomas represented Cities Service Company, owners of land in the northeast quadrant of Interstate 85 and Beatties Ford Road, approximately 150 x 220 and currently zoned B-1, located north on Beatties Ford about 150 feet from where the controlled access fence stops on the east side of that road.

Mr. Phil Forlidas, President of the Charlotte Homebuilders Association, stated this petition is the last of a number of petitions brought by neighborhood groups to down zone everything around it; that it is a very disturbing trend. Changing the zoning on these properties is tantamount to confiscation without compensation. It is poor planning; it is not logical or thought through. It will scare off investors. It will hamper the growth of this city.

Mr. William H. Trotter, president of William Trotter Company, stated his company has been involved in building and selling new homes in the area of this petition for more than ten years and they were built largely under the present zoning conditions. He stated the plat restrictions which were placed on them by the builders prior to construction give greater protection within these neighborhoods than the rezoning which they have proposed. His company owns a few acres which are undeveloped and the only access is off Capps Hill Mine Road.

Mr. Thomas Grimm, in-house counsel for Urban Systems Development Corporation, owners of a less than 9-acre tract of land next to the Village Townhouse. It is presently zoned R-6MF and proposed for change to single family.

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Councilman Withrow requested that when the Planning Commission refers this petition back to Council they relate all of these zonings to the Comprehensive Plan.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 9:30 p. m., at which time the County Commissioners left the meeting. The meeting reconvened at 9:45 p. m.

HEARING ON PETITION NO. 76-68 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER CHANGING TEXT OF THE ZONING ORDINANCE WITH RESPECT TO CERTAIN SIGNS AND OTHER VERTICAL STRUCTURES LOCATED NEAR HIGH VOLTAGE POWER LINES POSTPONED UNTIL JANUARY HEARINGS.

Council was advised that a request from several sign companies had been received to postpone hearing on the subject petition until the early part of January, 1977.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to postpone the hearing until the January hearing date.

HEARING ON PETITION NO. 76-64 BY PEGGY L. THEVOAS, ET AL, FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF SEVENTH STREET, FROM THE INTERSECTION OF SEVENTH STREET AND FIFTH STREET, NORTHWEST ABOUT 1,045 FEET TOWARD THE INTERSECTION OF SEVENTH STREET AND WEDDINGTON AVENUE, AND PROPERTY FRONTING ON THE SOUTH SIDE OF SEVENTH STREET NORTHWEST TO ABOUT 150 FEET EAST OF LAUREL AVENUE.

The public hearing was held on the subject petition for a change in zoning from R-6MF to O-6 on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on both sides of Seventh Street, beginning on one side at Laurel Avenue, on the other side at Weddington, and extending out to Fifth Street. The property at the present time is predominately utilized for residential purposes, some single family, some duplexes, and a few multi-family structures in the area. There is a vacant lot at Fifth Street, a day care center and a non-conforming office type activity. Throughout the vicinity the general use is for residential purposes, primarily single family but still some scattered duplexes.

He stated there is a concentration of multi-family uses at the intersection of Weddington and Seventh Street. There is a lumber yard on Weddington and along the railroad from the subject point along Seventh Street toward the downtown area there are a number of office type uses - beauty shops, doctor offices, etc.

In the area beyond Fifth Street is the Firemen's Hall, a fuel distribution facility and vacant land along the creek.

The zoning pattern is all R-6MF from Laurel out to Fifth Street and behind it on the south side in the direction of Fifth Street, is a pattern of R-6 single family. That area was changed from multi-family to single family as part of the overall decision reached sometime back on the Elizabeth Community.

On the intown side of the subject property there begins a pattern of O-6 office zoning which extends along both sides of Seventh Street back in the direction of Pecan. Along Weddington there is multi-family zoning as well.

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There is a small industrial area to accommodate the lumber yard. Beyond Fifth Street there is at present a combination of multi-family and B-1 zoning down to the creek.

Mr. Myles Haynes, Attorney representing the petitioner, stated the group he represents call themselves the Rosemont Association. They are the homeowners and owners of properties in the subject area. Of the 46 lots on both sides of the street which are involved, he represents the owners of 35 of those lots - 17 of them are actually owner-occupied homes and the remainder are absentee owners. It is their petition to rezone their property as opposed to somebody else's petition to rezone it for them.

Some of these people have lived on this street for 50 years, with the average span being 25 to 30 years. When they moved over there Seventh Street was a nice, quiet residential street, tree-lined, no zoning problems. They moved there for the purpose of building or buying their homes, raising their families and hoping to stay there until their retirement. As the years have gone by progress has made a transition in that area - Seventh Street has been widened to four lanes, traffic has gotten heavy, many people have sold and moved out for necessary reasons. Others have stayed there, hoping to stay until their final days. As time has gone by there have been efforts to rezone this property. Everytime that has occurred, the majority of these people who are owner-occupied homes opposed those changes. Still it went from a residential classification to the present R-6MF.

Their request is fair because behind them they are surrounded by I-1 and I-2 property on the north side; to the south of them there is R-6, toward Independence Boulevard there is a hodgepodge of everything from office to B-1 and B-2. This group in effect is the last vestige of residential area left on Seventh Street from Independence to Sharon Amity Road. Most of these people have reached their retirement years; they are on fixed income; and they are getting to the place where they may have to get out for practical reasons. They have found they have difficulty selling their property as R-6, but they have had inquiries from prospective purchasers about office use and they cannot sell for that purpose under the present classification.

The request is quite simple - if they can go from R-6MF to O-6, the houses can still be used for multi-family purposes, but if a purchaser wants to make an O-6 offer for a dentist office, etc. they can sell. They may get more for their property or they may get less, but it would give them one additional opportunity to get out if they get the chance.

Referring to the rezoning of Firemen's Hall, he stated if Council intends to rezone that, he asks them to be consistent with these people and allow them to have the same classification.

Mr. Louis Lesesne, President of Elizabeth Community Association, spoke in opposition, stating they feel they have a direct and immediate interest in the rezoning of this property. Unlike the people who live on Seventh Street and are anxious to sell their property and get out, the people who live in Elizabeth are moving in, they want to stay and preserve that area. They think that it would be bad for the area to be rezoned to office space. If the area is rezoned they would just be inviting further deterioration, inviting little dumpy places to fill up that strip of land eventually and inviting business zoning to come in eventually. It would increase traffic; it would increase noise and cause a threat to the areas off of Fifth Street and Greenway. There are some beautiful houses along Seventh and it would be a shame for those houses to be used for offices when they are ideally suited for residences.

Councilman Withrow asked why the Elizabeth Association did not object to the rezoning of Firemen's Hall when it came up previously? Mr. Lesesne replied their understanding of that was that the building would be used as an office for Community Development in conjunction with a park area and it would be a totally different sort of aspect. The building could not be used for residence in the first place. Their Association has been very interested in having that area dedicated for use as a park and they thought

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this was an adequate compromise, that the office for Community Development would be consistent with that; it would not impose the same kind of threat as the wholesale zoning of three or four blocks would.

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

HEARING ON PETITION NO. 76-65 BY RICHARD C. KERLEY FOR A CHANGE IN ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE PLAZA AND KILDARE DRIVE.

The public hearing was held on the subject petition for a change in zoning from R-9 to O-6.

Mr. Fred Bryant, Assistant Planning Director, stated this request involves one lot located one block from the intersection of The Plaza and Milton Road. The property is used at the present time for single family residential purposes. All the property on the west side toward the city is likewise used for single family purposes. From Kildare Drive out to Milton Road there is a drastic change of the land use pattern. It is primarily developed and utilized for business purposes. A service station is located directly across Kildare Drive from the subject property. The same thing is true on the opposite side of The Plaza. The zoning pattern reflects basically the same thing - the subject property is R-9, from Kildare down to and past Milton Road it is B-1.

Mr. Richard Kerley, owner of the property, stated it has been used as a day care center since 1967. In 1972 he bought the property and continued to lease it for that use. He feels the best use for the property is O-6 zoning.

Mr. Robert Mundt, 5811 Whittingham Drive, stated he lives in Hampshire Hills and is part of a group of people who are trying to keep that area the good residential section that it is now. There have been similar requests along The Plaza and Plaza Road Extension in the past and they have opposed them in each case. This is one more example of insipient strip development along The Plaza. There is a high concentration of business development at the intersection of The Plaza and Milton Road and they approve of the level of commercial development that is there as being useful to them but they do not want it to spread. There is a large section of O-6 property already in the area that has not been developed - it is vacant and available for O-6 development. He noted in driving past this subject property that it is up for sale, so there is no specific use planned for this property as of now. They have no idea what will become of it if it is sold.

They are still hopeful that The Plaza will be widened into a four-lane road with a median. This will create some rather substantial changes at the corner of The Plaza and Milton. It would certainly be premature at this time to make any zoning changes concerning that whole area. One thing they do not want to happen is strip commercial zoning, apartment zoning or office zoning to develop and destroy its residential aspects.

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

HEARING ON PETITION NO. 76-67 BY J. L. STANLEY TO CONSIDER A PLAN AMENDMENT TO AN EXISTING B-1(CD) PROPERTY LOCATED ON THE WEST SIDE OF PECAN AVENUE, 210 FEET NORTH OF THE INTERSECTION OF PECAN AVENUE AND SEVENTH STREET.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is property that is located on Pecan Avenue, one block from Seventh Street. At the present time it has approval for use as a butcher shop under B-1(CD) zoning. There are business uses from that point back to Seventh Street; some residences and non-conforming activity back on Eighth Street. The water tower area is directly across Pecan.

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Mr. Stanley previously requested rezoning of this property to a B-1 classification in order to use an existing building for a butcher shop purpose. The butcher shop was not very successful and he now asks that the plan be amended to allow use of the building as a chain saw service and repair facility. Mr. Stanley stated in a letter "the purpose of this change is so that a Mr. Campbell can conduct business in the building at 417 Pecan Avenue. The purpose is to service, repair and sell chain saws and other hardware accessories."

Basically, the plan which was approved at that time allowed the building and indicated that screening would be installed on one side and it would be occupied for a butcher shop. The only change proposed is that the use be for a chain saw repair shop.

Councilman Gantt stated Mr. Stanley had a number of things he was supposed to do as a result of this conditional use on his property. Did he provide the buffer or do any of the things that he said he would do? Mr. Bryant replied the primary thing he agreed to do was the installation of the screen. The building was already there - he indicated at the time that some exterior work was going to be done on the building which has been done. He does not think the screening has been done. Councilman Gantt asked if Mr. Stanley is aware if he changed the use of the building at any time he has to come before Council and get that changed.

Mr. Bryant replied he is not sure. At the time it was a little bit confused. It was delayed at that time so that more study could be given to it so that a CD proposal could be forthcoming to control the use on the property. Mr. Stanley indicated he had a time problem and he needed to go ahead and have approval so at that time it was approved for B-1 with the understanding it would later come back for additional hearings for the B-1(CD). He believes Mr. Stanley was not aware of all the details and ramifications. At that time it was an expedient thing to do in order for him to get the use in there that he desired.

Mr. Louis Lesesne, representing the Elizabeth Community Association, stated Mr. Stanley put up some small bushes which he supposedly considered screening - it was virtually nothing and really does not accomplish anything. The Association opposes this petition. They went along with Mr. Stanley's request for the conditional zoning with the use of the meat store. They thought that was probably a fair trade-off. If the meat store was an extension of his super market and drug store which is part of the neighborhood it was a natural extension of it; that a meat market would be a service to the neighborhood and would blend in and become a part of the neighborhood. On the other hand, Mr. Campbell's chain saw store has absolutely no contact with the community. He has been in another area for a number of years and just moved in recently because it is a place to move in. The clientele that he serves has virtually no connection with the community and he could be as easily anywhere else. This is a significant difference in the use of the property and to approve this petition would be to basically make a joke out of conditional zoning. The only reservation that anyone on their governing board had about opposing this petition was the feeling that Mr. Campbell may have gotten a bad deal. They voted to assist him in moving to another location if this petition is disapproved. They think he would be just as well off in some other place and certainly Elizabeth would be better off without a chain saw shop.

Councilman Gantt asked if Mr. Lesesne disagrees with Mr. Stanley's contention that this type of business is equally a neighborhood type facility in that they mow their lawns and could probably bring lawnmowers in for service. He seems to be saying that there is absolutely no relationship between the machine shop and the community? Mr. Lesesne replied he does not think there is any demand for it since they have a service station right across the street that services lawnmowers. He does not believe that is the main part of Mr. Campbell's business.

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

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ORDINANCE NO. 338-AMENDING CHAPTER 23, SECTION 23-43 OF THE CITY CODE TO CLARIFY THE ZONING ORDINANCE AS IT RELATES TO DAY CARE CENTERS AS ACCESSORY USES TO CHURCHES AND SYNAGOGUES.

The public hearing was held on Petition No. 76-69 by Charlotte-Mecklenburg Planning Commission to consider a proposed clarification of the zoning ordinance as it relates to day care centers as accessory uses to churches and synagogues.

Mr. Bryant, Assistant Planning Director, stated when the ordinance was amended to establish day care centers as conditional uses in residential areas, it was the feeling when one is associated with a church, it could be treated as an accessory and allowed without the normal process of applying for conditional use approval.

As it turns out, the people who administer the ordinance feel there is inadequate reference to this point, and they feel they could not allow this as an accessory to a church. In order to clarify that, and make perfectly clear it was intended, at least on the part of the Planning Commission, that this be permitted as an accessory to a church, it is proposed the ordinance be amended to specifically install a paragraph which says "day care centers, day nurseries and pre-schools are permitted by right as an accessory to churches or synagogues. . ."

Mr. Bryant advised this comes to Council with the recommendation of the Planning Commission.

No opposition was expressed to the proposed text amendment.

Motion was made by Councilman Withrow, seconded by Councilman Gantt, and unanimously carried to adopt the ordinance changing the text of the zoning ordinance as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 23, at Page 405.

HEARING ON PETITION NO. 76-70 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO ASSIGN INITIAL ZONING TO PROPERTY LOCATED ON BOTH SIDES OF BEAM ROAD, ON THE NORTH SIDE OF THE INTERSECTION OF BEAM ROAD AND SHOPTON ROAD AND CONSIDER A SPECIAL USE PERMIT FOR THE INSTITUTIONALLY ZONED PROPERTY.

The public hearing was held on the subject petition to assign initial zoning of R-15, R-12MF, O-15 and Institutional, to the Police and Fire Training property recently annexed into the City.

Mr. Fred Bryant, Assistant Planning Director, stated this property was annexed by the City recently and State Law provides when property is annexed by a municipality, if there is existing County zoning in effect at the time, that County zoning stays in effect a maximum of 60 days. At that time it lapses unless the City has acted to install its own zoning for the area.

The property is now occupied predominantly by the Fire and Police Training Facility. The proposal is that the zoning classification which has been in effect be carried forward, with one exception. The present classification is primarily institutional zoning for everything from Beam Road over to Little Sugar Creek. On the portion west of Beam Road, there is a combination of multi-family and O-15 zoning. The one exception to that pattern is at the time this assignment was made there was a one-acre tract of land owned by a Mr. Karr that the City did not acquire as the original acquisition for the Fire and Police Training Facility. Subsequent to the assignment of zoning to the area the City has now acquired that and it is proposed that be included in the institutional zoning so that everything east of Beam Road would now be included in an institutional zoning classification. The property west of Beam Road was the subject of considerable amount of opposition from the area and as a result it was not included in the plan at that time for the development of the Police and Fire Training Academy. Therefore, the combination of office and multi-family zoning that was on

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the property at that time was just carried forward with no change. It is proposed that Council consider just carrying forward completely the zoning pattern which is on there now with the exception of the one-acre tract.

In addition, it is necessary for them to consider granting a special use permit under the institutional zoning for the operation of the Fire and Police Training Academy. The only thing not included on the already approved plan is a storage building for police purposes and a concrete pad for the landing of the helicopter for training purposes. Basically this is a proposal to carry forward the zoning for this property by the City as it already was in effect by the County at the time of annexation.

Mr. Bryant stated the Planning Commission has not as yet officially considered this. He stated time has not yet run out on the County zoning, but it will run out shortly.

No opposition was expressed to the proposed zoning and special use permit.

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

HEARING ON PETITION NO. 76-62 BY COMMUNITY DEVELOPMENT DEPARTMENT OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING OF PROPERTY FRONTING ABOUT 550 FEET ON THE NORTH SIDE OF SEVENTH STREET (MONROE ROAD), BETWEEN THE INTERSECTION OF SEVENTH STREET, FIFTH STREET AND BRIAR CREEK.

The public hearing was held on the subject petition to change the zoning from R-6MF to O-6.

Mr. Fred Bryant, Assistant Planning Director, stated this request was heard at a public hearing last month and it was found that the publication of the required notice was insufficient. Therefore, it is necessary to go through the formal process of hearing it tonight.

No opposition was expressed to the proposed rezoning.

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

HEARING ON PETITION NO. 76-63 BY HAROLD COOLER AND ASSOCIATES TO CONSIDER AN AMENDMENT TO AN EXISTING CONDITIONAL B-1 SHOPPING CENTER DISTRICT TO ALLOW A RESTAURANT IN LIEU OF AN APPROVED CONVENIENCE STORE, LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF ALBEMARLE ROAD AND DELTA ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request was granted a public hearing previously but the publication of the required notice was insufficient. Hence, the formal process is taking place again.

No opposition was expressed to the amendment.

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

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DISCUSSION OF ESTABLISHING DISTRICTS FOR THE ELECTION OF MEMBERS TO THE CHARLOTTE CITY COUNCIL POSTPONED UNTIL AFTER JOINT MEETING WITH COUNTY COMMISSIONERS.

Councilman Withrow moved the postponement and discussion of establishing districts, and that the Mayor be instructed to set up a joint meeting with the City Council and the County Commission between the dates of December 6 and 15 to discuss city and county problems that relate to joint facilities and operations leading towards the consolidation efforts of the City and County; this discussion to be resumed after that. The motion was seconded by Councilman Whittington.

Rev. Paul Horne, 719 East 36th Street, President of North Charlotte Action Assoc., stated at a meeting of the Delegates Council of the Association on October 19, 1976 he was instructed to come before Council and express their desires concerning district representation.

In 1975 when the City Council elections were being held, and they were running for elective office, each of them outside the Mayor, expressed affirmatively and forcibly an intent to work for district representation, and to do so without reservation. A year has passed and they have finally decided to make a move in that direction.

There are those who either voted for district representation outright or have put the stipulation of waiting for City-County consolidation before working on such a plan. Those who oppose the district representation plan have done an about-face and leave many of them with the question - "Can we trust them again when they say they are for the people?". Those who have put the stipulation of City-County consolidation before considering district representation are simply copping out on their promise. City-County consolidation is several years away at the earliest. We need district representation now. Those who have voted for district representation now have kept faith with the constituents and have shown their true concern for the people of our City. They will be the ones that the common people will vote for come the next election for office of City Council.

They do not ask for district representation with no recommendation as to how it can be done. The University of North Carolina at Charlotte has drawn up several plans for district representation which will give direction in this matter. They recommend these plans for Council's study and implementation. If Council will not accept its responsibility in this matter and get with the job, the people of the City of Charlotte will then be forced to do it for them by means of petition. They promised and to this day, they have not delivered the goods. We will have district representation one way or the other. He trusts Council will listen to, hear and comprehend what the people are saying with regard to district representation; and take the proper action in that direction. They will not be put off or ignored; they mean business; they will work to the end of district representation with diligence and purpose.

Councilman Gantt stated he has told Councilman Withrow earlier he would support his motion to have open discussions with the new County Commission with regard to consolidation. He has also said in previous debates on this issue he personally feels there is no conflict between the effort to seek consolidation of the City and County Governments and the requirement and need for the City to move ahead on district representation. He will support this move in the interest of allowing Councilman Withrow to satisfy whatever ends and purposes he has with the need for getting along with discussion of consolidation. However, he would like to point out the tentative calendar of events that have to occur with regard to moving toward district representation need not be delayed in light of the fact that certain things have to be studied thoroughly. The City Manager's office has indicated it will require four months to prepare the plan. He assumes this includes the study of precinct lines, population and other kinds of factors that necessarily go into a plan. The schedule indicates that we prepare the plan in four

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months; we have to adopt resolutions; have to have public hearings or notice of public hearings; we have to adopt an ordinance ultimately - hopefully at that time without a veto; and a publication of the notice of election. Were we to wait until the end of December to start the preparation of the plans it becomes very clear that there would not be enough time to prepare the plan, go through the proper procedures and allow for the election before the primaries of next year. Once this motion is disposed of one way or the other, he would like to see staff instructed to go ahead with presenting to Council almost immediately some proposal as to how to go about defining these different ways of preparing a plan.

Councilman Withrow stated he would have asked an earlier date but the new Commissioners take their seat December 1, and Council will be in Denver, Colorado for the League of Municipalities, and the next meeting in December is the 6th. That is the very nearest meeting they could have after they take their seat.

Councilman Gantt stated he understands that. He does not mean to say he could have scheduled this any sooner, if in fact you take the position the new Commissioners will have to be installed in their positions. They could have taken the approach those who are elected on the second can have some initial discussions with Council almost immediately; but since he chose that date, all he is suggesting is if they are going to move ahead with this, and the majority of Council seems to want this, then they should at least instruct the staff to begin to prepare the necessary background data.

Councilman Withrow stated Chairman Hair indicated she would rather wait until after they have taken their seats, but if they want to set it up after the election on November 2, it is all right. Councilman Gantt replied the date he has chosen is fine with him.

Councilman Williams stated according to what the City Attorney has advised the resolution on this matter has passed by a simple majority vote. However, the statute requires the matter be framed in the form of an ordinance sooner or later, at which time the veto right of the Mayor would be applicable. That he does not particularly relish the prospect of doing a lot of work and butting heads with each other, and with everybody that has some different idea about how this thing should be worked out, if they are only going to come to the end of the road early next year enacting an ordinance which will not make it. He is a little bit torn as to what to do at this point.

He stated he is still interested in and willing to pursue the matter at this point with that caveat in the back of their minds. He worries about all the time that might be involved in discussions, energy and effort that would be devoted to it and then they might not make it.

With respect to the issue that has been raised about whether districts now conflict with consolidation later, everyone he has heard who talks about consolidation feels that some sort of district plan is inevitable in a consolidated government, and he thinks they would all probably agree with that. If it is inevitable, then if we take a modest step at this time towards some sort of district representation and that system is implemented and it proves to be accepted by the people, and is popular with the people, he does not see we have done consolidation any harm. In fact, we might have just done the contrary and enhanced the prospect of consolidation with the inevitable district system in consolidation a little more.

Another point he wants to make is about the initiative provisions of the State Statute wherein 5,000 names on a petition of community groups can compel the Council to proceed in this matter. That relates a little bit to what he stressed about the modest kind of plan. In Raleigh - they had a Council of seven members elected at large and the neighborhood groups and others in the community decided to get up their own referendum petition. Their plan called for five districts and two at-large, keeping a seven-member Council body. That plan passed and although you hear mixed reports about

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how it is working, he thinks he hears more of the con reports than the pro reports on how the system has been working. He supposes the moral of the Raleigh experience is that a little evolution is more desirable to a revolution sometimes. He has no problems with postponing coming to grips with it until the middle of December. He thinks the four-month timetable for devising a plan was more than ample - he does not think they really need four months, he thinks they can do it in less than a month. For that reason, he does not think they are giving up anything in a crucial way except the possibility of the initiative being taken away from Council, and Council not being able to devise the plan. The statute reads as follows: "The Council may not commence proceedings under this section between the time of the filing of a valid initiative petition pursuant to this statute and the date of any election called pursuant to such petition." He stated in other words, they are frozen at that point, and have to implement, or put in the form of a referendum for the voters what the petition says. The initiative then has been lost.

Councilwoman Locke stated they also have to keep in mind what happened in Mobile, Alabama. The judge mandated all districts for the City Council with a three-man commission with a Mayor and the judge mandated nine districts. Councilman Davis replied he thinks the important thing that happened there is that the City of Mobile was guilty of discrimination.

The vote was taken on the motion by Councilman Withrow and carried unanimously.

Councilman Gantt stated he is going to make a motion to ask staff to begin preparation of this plan. He thinks Mr. Williams may be right to some extent that it will not take that much time. That he really does feel there are some aspects of this thing that we need to begin to look at almost immediately. He refers here to the Planning Commission and the study of one-man, one-vote situation - five, four or three districts. At least that staff make some recommendation on the report done by Mr. McCoy of the University of North Carolina. Council does not have to act on it in any sense, but it needs to be evaluated by someone on our professional staff. We have an adequate planning staff, and he thinks they can at least be doing this kind of work.

Councilman Gantt moved that staff begin to look seriously into the aspects of five or four districts. The motion was seconded by Councilwoman Chafin.

Councilman Withrow stated he does not want to do anything on district representation until we talk to the County. He has asked and pleads with Council to wait. If Mr. Gantt will just leave the motion off and ask the City Manager to work on it, he will do that. He does not want the County Commissioners to say they know we are not going to consolidate; that we are preempting them. Councilman Gantt stated he does not want Mr. Withrow to misconstrue what he is saying. Councilman Withrow stated we should go on the assumption they will talk consolidation. If they do not, then we are in another ballgame. He is pleading with Council to just wait; it is only two or three weeks. Councilman Gantt stated his motion does not ask for a discussion of districts prior to this meeting. He is not asking for a public discussion of this, but he feels there are some things that should be looked at now, and we should begin doing it. All he is asking is that we have some study done of the reports that have already been prepared. That shows a good faith effort to at least try to continue to work on districts while offering the courtesy to Mr. Withrow to discuss this with the County Commission.

Councilwoman Locke stated she has serious problems, as a practical politician with the University's district plan. Councilman Gantt stated that is exactly the point he is making; and he thinks we need to have some advise from staff on that. He is not asking for a recommendation of that plan. He stated we have one plan which is prepared speaking to this issue, and none of us have had a very serious objective analysis done. We are going to ultimately need some recommendations from staff.

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Councilman Gantt stated his motion is that the staff begin to look at the alternatives for district representation. Councilwoman Chafin again seconded the motion.

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

YEAS: Councilmembers Gantt, Chafin, Locke, Whittington, Williams and Withrow.
NAYS: Councilman Davis.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the consent agenda items as follows:

- (1) Loans for purchase and restoration of property in Fourth Ward Area:
 - (a) Cullie M. Tarleton and wife, in the amount of \$55,000, for property located at 326 West Ninth Street.
 - (b) James G. Hester and wife, in the amount of \$55,000, for property located at 324 West Ninth Street.
- (2) Loan agreements for rehabilitating homes in CD Target Areas:
 - (a) Eugene Gregory and Barbara Ann Gregory, in the amount of \$8,050, for rehabilitating their home located in Grier Heights, at 301 Gene Avenue.
 - (b) John Ward, Jr. and Ruby L. Ward, in the amount of \$18,000, for rehabilitating their home and refinancing existing liens on the property located in North Charlotte, at 1125 Woodside Avenue.
- (3) Ratification of all Community Development property rehabilitation loans and grants which have been approved by the City Loan Officer, from June 14, 1976 through October 14, 1976, in the total amount of \$188,507.
- (4) Resolution calling for a public hearing on Monday, November 22 on Amendment No. 3, Redevelopment Plan for Project No. N.C. R-78, Greenville Urban Renewal Area.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 99.
- (5) Contract with N. M. Craig & Son for construction of 690 feet of 6" and 2" water main, with one fire hydrant, to serve Fernbrook No. 2, inside the city, at an estimated cost of \$5,300, with the City to prepare the plans and specifications, and applicant to deposit 10% of the estimated construction cost and to finance the entire project, and the city to own, maintain, operate the mains, all at no costs to the City.
- (6) Agreement with Dr. Paul Kramer, in an amount not to exceed \$2,500, for consulting services in connection with the preservation of the trees on Wendover Road.
- (7) Encroachment agreements with North Carolina Department of Transportation.
 - (a) Agreement to construct several hundred feet of 6-inch water mains within the Pottstown Community.
 - (b) Agreement to place three 3-inch galvanized steel conduit pipes in the concrete sidewalk which will be poured during construction of the East Morehead Street Bridge, over the Southern Railway tracks.
 - (c) Agreement to construct 1700 linear feet of 8-inch C.I. water main in Crestdale Road, and 500 feet of 6-inch C.I. water main in SR 3454 and 300 feet of 6-inch main in SR 3456 to serve Crestdale Community in Matthews, North Carolina.

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- (d) Agreement to construct a proposed 2-inch water main in Peachtree Road, west of Rockwood Road.
 - (e) Agreement to construct a 2-inch water main to serve Capps Hill Mine Road.
- (8) Right of way deed to Duke Power Company for the construction and maintenance of power lines to serve the Police-Fire Training Academy on Beam and Shopton Road.
- (9) Property transactions.
- (a) Acquisition of 15' x 109.46' of easement from Billy Ray Rainwater and wife, Ruth C., at 1040 Cedarwood Lane (off Reddman Road), at \$650, for sanitary sewer to serve Cedarwood Lane.
 - (b) Acquisition of 36.70' x 21.47' x 25.24' x 23.15' of easement from Charlotte Park and Recreation Commission, at 6301 Beatties Ford Road, at \$1.00, for a 16-inch water main along Beatties Ford Road, north of Sunset Road.
 - (c) Acquisition of 15' x 463.65' of easement from Thomas J. Harte, Jr., ux, Maureen G., at 100 River Oaks Lane (off Sharon View Road), at \$663 for sanitary sewer to serve River Oaks Lane at Swan Run Branch.
 - (d) Acquisition of 30' x 445' of easement from Sylvia J. Oates McSwain and husband, LeRoy C. McSwain, at 1000 Gum Branch Road, at \$1,335, for Gum Branch Outfall project.
 - (e) Acquisition of 30' x 246.46' of easement from Robert Brown Quinn, Jr., at 2219 Toddville Road, at \$1750, for Paw Creek Outfall, Phase II.
 - (f) Acquisition of 30' x 1600.90' of easement from Richard M. Barnette and wife, Virginia S., at 7300 Bud Henderson Road (off Beatties Ford Road), at \$3,000 for McDowell Creek Outfall, Phase I.
 - (g) Acquisition of 30' x 918.49' of easement from B.J. Stephens and wife, Carolyn B., at 7900 Bud Henderson Road (off Beatties Ford Road), at \$1900, for McDowell Creek Outfall, Phase I.
 - (h) Acquisition of 30' x 1,425.13' of easement from B. J. Stephens and wife, Carolyn B., at 8100 Bud Henderson Road (off Beatties Ford Road), at \$2600, for McDowell Creek Outfall, Phase I.
 - (i) Acquisition of 30' x 1,199.95' of easement from C. B. Stilwell and wife, Lucy B., at 7700 Gilead Road (off Beatties Ford Road), at \$2,122, for McDowell Creek Outfall, Phase I.
 - (j) Acquisition of 30' x 904.43' of easement from Mark F. Tinkham and wife, Ferry L., at southwest corner of Gilead Road and Ranson Road (26.6 acres), at \$1,000, for Torrence Creek Outfall.
 - (k) Acquisition of 30' x 5,140.58' of easement from Wilburn A. McAulay and wife, Johnsie S., at southwest corner Gilead Road and McCoy Road (off Beatties Ford Road), 44.27 acres, at \$5,450 for Torrence Creek Outfall.
 - (l) Acquisition of 30' x 1747.75' of easement from Wilburn A. McAulay ux. Johnsie S., at northeast corner of Gilead Road and Ranson Road (off Beatties Ford Road) 37.8 acres, at \$2,050, for Torrence Creek outfall.
 - (m) Acquisition of 30' x 819.33' of easement from Melvin B. Wallace and wife, Frances P., at 55 acres off Patterson Road (off Statesville Road), at \$1,000, for Torrence Creek Outfall.

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- (n) Acquisition of 30' x 839.91' of easement from William Patterson Cumming, at 46.26 acres off Patterson Road (off Statesville Road), at \$1200, for Torrence Creek outfall.
 - (o) Acquisition of 30' x 1,270.04' of easement from Melvin B. Wallace and wife, Frances P., at 169 acres off Patterson Road (off Statesville Road), at \$1,450, for Torrence Creek outfall.
 - (p) Acquisition of 30' x 1,932.67' of easement from Charles D. Owens, at 30.721 acres off I-77, at Mount Holly-Huntersville Road, at \$2,050, for Torrence Creek Outfall.
 - (q) Acquisition of 30' x 1,640.2' of easement from Charles D. Owens, at 62.258 acres at northwest corner of I-77 and Mount Holly-Huntersville Road, at \$1,800, for Torrence Creek outfall.
 - (r) Option on 9.10' x 9.88' x 73.92' x 9.70' x 86.11' of property, plus a construction easement, from Kathleen A. Henderson (widow), at 5525 Sardis Road, at \$1,100, for Sardis Road widening project.
 - (s) Option on 2.14' x 200.01' x 9.10' x 200.02' of property, plus a construction easement, from Trustees of the Calvary Presbyterian Church, 5300 Sardis Road, at \$1,570, for Sardis Road widening project.
 - (t) Right of way agreement on 1.35' x 28.97' x 1.38' x 28.97' of property, plus a construction easement, from Lex Marsh and wife, Betty H., at 5200 block Sardis Road, at \$100, for Sardis Road widening project.
 - (u) Option on 10.08' x 231.38' x 4.71' x 230.89' of property, plus a construction easement, from Albert C. Smith and wife, Emma P., at 5143 Sardis Road, at \$1,850, for Sardis Road widening project.
 - (v) Option on 189.99' x 595.47' x 190' x 599.03' of property, plus a construction easement, from W. Randolph Norton, ux., Martha H., at 5201 Sardis Road, at \$1,000, for Sardis Road widening project.
 - (w) Acquisition of 3,725 sq. ft. of property, from W. E. Price & Son, Inc., 140 West Palmer Street, at \$4,200, for West Morehead Community Development Target Area.
 - (x) Acquisition of 10,704 sq. ft. of property from Mrs Charles P. Freeman, Jr., and Mr and Mrs Hal R. Williams, 202 Lancaster Street and 201 Remount Road, at \$10,150, for Southside Park Community Development Target Area.
- (10) Ordinances ordering the removal of weeds, grass, trash and limbs from various locations:
- (a) Ordinance No. 339-X, 1532 Kimberly Road.
 - (b) Ordinance No. 340-X, vacant lot at 2400 block of Elmin Street.
 - (c) Ordinance No. 341-X, vacant lot adjacent to 1955 Arnold Drive.
 - (d) Ordinance No. 342-X, vacant lot adjacent to 4115 Bearwood Avenue.
 - (e) Ordinance No. 343-X, vacant lot adjacent to 1128 S. Kings Drive.
 - (f) Ordinance No. 344-X, vacant lot at 419 East Boulevard.
 - (g) Ordinance No. 345-X, vacant lots at 423 and 413 East Boulevard.
 - (h) Ordinance No. 346-X, 6227 Gaywind Drive.
 - (i) Ordinance No. 347-X, vacant lot adjacent to 1403 Parker Drive.
 - (j) Ordinance No. 348-X, adjacent to 2520 Greenland Avenue.
 - (k) Ordinance No. 349-X, 1400 Morris Avenue.
 - (l) Ordinance No. 350-X, 2320 Kingsbury Drive.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 406.

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- (11) Renewal of special officer permit to James Richard Jenkins for a period of one year, for use on the premises of Charlotte Park and Recreation Commission.

MOTION TO INCLUDE RESOLUTION ON WATER/SEWER BOND REFERENDUM ON COUNCIL AGENDA FAILS TO CARRY FOR LACK OF UNANIMOUS CONSENT OF COUNCIL.

Councilman Davis stated he would like Council's permission to discuss a non-agenda item pertaining to the annexation and forthcoming water and sewer bond issue.

The City Attorney advised that under the Council's rules of procedures, a member of Council may discuss any additional matters which are not part of the agenda after deliberation of the written agenda. Council may not take formal action on any item unless it is unanimously considered as requiring immediate action by Council.

Councilman Davis proposed a resolution on the water-sewer bond issue, and asked for the unanimous consent required to take action tonight. After the reading of the resolution, Councilman Whittington moved that the resolution be placed on the agenda for consideration. The motion was seconded by Councilman Williams, and failed to carry for lack of the unanimous consent of Council by the following vote:

YEAS: Councilmembers Whittington, Williams, Davis, Gantt, Locke and Withrow.
NAYS: Councilwoman Chafin.

CITY MANAGER DIRECTED TO HAVE POLICE CHIEF AT NEXT COUNCIL MEETING TO DISCUSS TWO ITEMS WHICH HAVE BEEN IN THE NEWS MEDIA RECENTLY.

Councilman Davis stated at three of the last four council meetings he has requested that Chief Goodman appear before City Council to discuss two items which have appeared in the news media and which have raised questions as to the capacity and ability of the police department to handle incoming emergency calls, and to properly receive and account for property in the evidence room.

After further comments, Councilman Davis directed the City Manager, subject to being overruled by the majority of Council, to have Chief Goodman at the next Council Meeting to discuss the two items and to give Council members a chance to ask any questions, with the main purpose of the appearance to be to reassure the public of what has been done, and what will be done in these two problem areas.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE SALE OF LAND TO THE COUNTY OF MECKLENBURG IN GREENVILLE REDEVELOPMENT PROJECT NO. N.C. R-78.

Councilman Withrow moved that Council consider a non agenda item, being the resolution authorizing the sale of property in Greenville Area to the County. The motion was seconded by Councilman Williams, and carried unanimously.

Councilman Withrow moved adoption of the resolution approving the sale of land to the County of Mecklenburg for a maintenance shop. The motion was seconded by Councilman Whittington.

Councilman Davis stated at the time the discussion came up, Council anticipated this might become a problem area between the County Commission and City Council because our communication is less than perfect. At the time he requested in whatever manner staff selected to communicate the results of the City vote to

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the County Commission that they make sure they communicated it in a manner that indicated the city's willingness to cooperate with the County in any reasonable way to sell whatever property they wanted in reason; and that the sole purpose of the delay was to give an opportunity to explore whether or not a joint facility might be workable. He thinks this is no more than the responsibility we owe the citizens of Mecklenburg County and the City of Charlotte. He suspects this is an item that has been distorted and may be a source of problem between the County Commission and the City Council. He is going to oppose taking action on this tonight, and he would ask instead the Mayor personally, or through one or more Council members, to send a delegation to communicate directly with the elected members of the County Commission to express City Council's feeling on this.

Councilwoman Chafin requested the City Manager to speak to this as she believes some explanation of the possibility of consolidating services has taken place. Mr. Burkhalter replied the City has been talking to the County about a year on the possibility of considering the consolidation. He cannot say a lot of progress was made, but we were aware of what they were doing, and they were aware of the city's plans, and that Council has authorized a study of combining all of the facilities. He stated they offered to bring them into this picture and recommend to Council that we include the study of their facilities along with ours. Time is a factor with the County. They are anxious to get out of what they are in and he understands their problems. He gave the Chairman of the Commission an uncensored copy of all the discussion that took place in which Mr. Withrow made his motion, and why he did it. They have that information in their possession. They have been told why this was suggested.

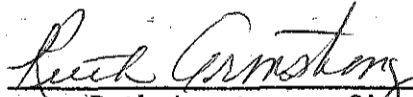
The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Withrow, Whittington, Chafin, Gantt, Locke and Williams.
NAYS: Councilman Davis.

The resolution is recorded in full in Resolutions Book 12, at Page 102.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk