

December 20, 1976
Minute Book 64 - Page 374

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, December 20, 1976, at 7:30 o'clock p. m., in the Board Room of 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 Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Chairman Allen Tate and Commissioners Harry Kirk, Tom Broughton, Margaret Marrash, Nancy Johnston, Kimm Jolly and Willie Royal present.

ABSENT: Commissioners Winifred Ervin and Howard Campbell.

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INVOCATION.

The invocation was given by Reverend Bill Pruitt, Jr., Dilworth Baptist Church.

HOLIDAY WISHES EXPRESSED TO MAYOR AND CITY COUNCIL BY DR. WARNER HALL.

Dr. Warner Hall stated it is his happy privilege to express to City Council the Christmas greetings and good wishes of the people of Charlotte. That back in the mid-30's when he was a student at the University of Edinburgh, Scotland, he was very much impressed with the government of that great city. Even in those desperate times they sought to add great touches of beauty to what was already a lovely city; they sought to feed and house the poor; they struggled to improve the general economy of the city. At the head of its government was a very distinguished gentleman who was the president and chief executive officer of the largest department store in Edinburgh. He had brought to his office all of the skills that had caused his own business to prosper; he dedicated himself to the well-being of that city. He thought at the time what an excellent arrangement it was; that we should emulate that good example - he is grateful that we have. The chief reward of the Lord Mayor of Edinburgh was knighthood, for immediately on being elected to the office of Lord Mayor he became Sir John.

Since we have no knighthoods to pass out tonight, words will have to suffice. Those words are words of gratitude on the part of so many who wish to say "Thank you very much and a very Merry Christmas!"

To the members of Council, he expressed the admiration and appreciation of the people of Charlotte for the services they have so conspicuously rendered to this community. It may be his chauvinism, but he feels that we are blessed in this matter far beyond our sister cities that he has any knowledge of. We marvel at and are helped by the kind of dedication which they constantly evince - the hours of hard work that they put in; the fact that they seriously seek to listen to the citizens' many, many pleas and the all-to-often complaining; the times they spend thinking about the City and how we can improve the quality of life. He constantly gets the impression that they know our City and love it and yet they constantly seek its common good. Because of their faith and faithfulness, he thinks they have improved the quality of life within our City and he says a profound "Thank you."

He will be specific. They have done many things, many of which he knows little about, but he does know that through the program of beautification the city has gone on and they have strengthened it and kept it going and added many touches of beauty during the past year. They have given strength and direction to the programs of human service - the revitalization of some of the old downtown areas; the buttressing of older communities such as Myers Park by very thoughtful and careful rezoning; the initiation of a hot

December 20, 1976
Minute Book 64 - Page 375

meal program for the elderly; the upgrading of a number of our communities by providing sidewalks and funds for the rehabilitation of existing houses.

They came to Council at one time requesting a community center in the Amay James area and they initiated that; they have strengthened the community programs in many other places which is a very positive plus. These are only a few examples of the things that they notice about their concern for the well-being of this community and all of its citizens.

He realizes there are no words of thanks that are quite adequate to repay them for the kind of dedication, the kind of work, the kind of long hours that they have devoted to our well-being, but he assured them of the community's appreciation. He wished them all of the solemn joys, all of the high happiness of Christmas and expressed the hope that the New Year will bring them much good.

JERRY COFFMAN, ASSISTANT CITY MANAGER, PRESENTED WITH KNIGHT OF QUEEN CITY AWARD FOR HIS SERVICES TO THE CITY.

Mayor Belk recognized Jerry Coffman, Assistant City Manager, and presented him with the Knight of the Queen City Award. Mayor Belk stated Mr. Coffman has accepted the position of City Manager in East Lansing, Michigan. That we are proud to have had Mr. Coffman and his family with us for this period of time.

The Mayor and each member of Council wished him well in his new position.

Mr. Coffman accepted the award with appreciation, stating he has enjoyed his nine years in Charlotte.

COMMENTS FROM CLEAN CITY COMMITTEE AND HOLIDAY SCHEDULES FOR GARBAGE COLLECTIONS AND CURBSIDE PICK UP EXPLAINED.

Mayor Belk recognized Mr. Jeff Huberman, Chairman of the Clean City Committee, and thanked him for the outstanding work his committee has done. That Charlotte has been an extremely clean city and, because of his committee, has done a lot to continue and improve the standards of Charlotte.

Mr. Huberman stated, on behalf of the Clean City Committee, he wanted to assure Council and the rest of the community that they are not responsible for the month and a half of rain that has been washing our city. That the reason he is here is to give a very short report on the concerns of the committee since it was formed about two and a half years ago.

The massive household refuse at this time of year is extremely high due to the number of people who are home, to the Christmas gifts, parties, etc. The City gives holidays to its employees both at New Year's and Christmas and traditionally also gives an extra day at Christmas. This year Council has given its employees Friday preceding Christmas off as well as Monday after Christmas, plus the Monday following New Year's. This has been a concern of the Charlotte Clean City Committee because it will put a burden on the homeowner/residents because there will be no curbside collection for three weeks, plus we have just had several holidays during November.

His committee went to the Public Works Department to see what they could do in order to work out some sort of a resolution that the City could live with during these holidays. What they were able to work out is this: There will be no curbside collection this week, however, next week - the week following Christmas, although there is still a holiday on Monday, they will be collecting both curbside pick-up and backyard pick-up on one of the two days that is normal for a particular segment of the City. The week after New Year's there will be no curbside pick-up. To educate the public about this, they have placed newspaper ads and will place them each week during this period. There are also spot advertisements on radio and television, using members of the Charlotte Clean City Committee. He thanked the staff for making these arrangements for the citizens and also thanked Council for consideration of their programs over the past year.

December 20, 1976
Minute Book 64 - Page 376

Another concern is the leaf collection. They discussed this also with the Public Works Department and have been assured that they will pick up all leaves by the January 15th deadline.

Mayor Belk stated he has noticed that the City has been calling attention during the Christmas season to lights and fires. This is also another good precaution.

CITY OF CHARLOTTE EXPLORER GROUP RECOGNIZED AND PROJECTS OF THE GROUP EXPLAINED BY MAYOR SALLY WIEBLER.

Mr. Uly Ford, City of Charlotte Director of Explorer Posts, stated a few of the explorers who are in the Post this year are present tonight. He presented Ms. Sally Wiebler, Mayor of City Government Explorer Post 258, stating she is a senior at South Mecklenburg High School, a member of the post for four years. At South Mecklenburg she is a member of the South Key Club and on the Annual staff. She is active in the CYO in her church.

Ms. Wiebler introduced their new council and department heads - Mayor pro tem Teresa Jones; Councilmembers Becky Gaither, Steve Long, Greg Williams, Ann Stewart, Monteith Womble and Michael Petty; Post Attorney Linda Lawing, Post Manager Paul Jernigan; PS&I Director Jay Easton; Post Clerk Katherine Wiebler. As a group, they are set up along the lines as the City Organization. They get involved in projects that the city gets involved in. For example, they worked for the water bond referendum, the promotion of the new bus system, bicycle paths, Keep America Beautiful program; and they are trying to establish a sister city youth program. Also, this year they took part in a Boy Scout Rotary Exposition and won a blue ribbon. The first night over 150 people attended and 56 new members which made the largest roster in the history of their post. Future projects include attending the National Explorers Club Congress in Washington, D. C.; the Sister City Youth Program and the Charlotte Clean City Committee. At some of their meetings they also have speeches. For example, Assistant City Manager Wylie Williams; City Manager; Board of Elections and Civil Preparedness. They plan to have other speakers in the future.

MINUTES APPROVED.

Motion was made by Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried to approve the minutes of the Council Meetings of December 6 and December 7, 1976, as presented.

HEARING ON PETITION NO. 76-77 BY GARY L. SMITH FOR A CHANGE IN ZONING FROM R-6MF AND R-9 TO O-6 PROPERTY FRONTING 103 FEET ON THE SOUTH SIDE OF ARCHDALE DRIVE AND FRONTING 210 FEET ON THE EAST SIDE OF INGLESIDE DRIVE, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF ARCHDALE DRIVE AND INGLESIDE DRIVE.

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 affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this petition involves property located in the southern part of the city. It constitutes two separate lots, the locations of which he pointed out on the map, relating them to South Boulevard and Emerywood Drive, I-77 and Old Pineville Road. The lots front on Ingleside Drive. They are occupied at the present time by single family residential structures. There is single family residential usage to the south of the subject property; a solid pattern of single family residential structures to the rear. Across Archdale Drive from the subject property there is also single family residential usage fronting on Archdale Drive. Beyond the corner lot, going North there begins a pattern of general duplex usage - there are a few scattered single

family homes but for the most part it is a duplex residential pattern. The land use pattern changes completely from Ingleside Drive going west along Archdale because all of the area from Ingleside out to South Boulevard in this vicinity is used entirely for commercial purposes. Immediately adjacent to the subject property, actually across Ingleside Drive from them, is the rear of a Goodyear Store and the Starmount Shopping Center, all of which fronts on South Boulevard.

To the north of Archdale there is a continued pattern of commercial use - the K-Mart facility and a number of other stores extending all the way up to Emerywood Drive. The entire block between Ingleside and South Boulevard is solidly utilized for commercial purposes at the present time. After you cross South Boulevard, west of the boulevard, there is also a continuation of the commercial pattern.

The zoning pattern for the vicinity follows very closely the land use pattern. Pointing out the subject property on the zoning map, he stated the property on the east side of Ingleside Drive is all zoned R-6MF which reflects the reasonableness of the duplexes. To the east of the subject property there is a very solid pattern of single family R-9 zoning; to the west, from Ingleside Drive to South Boulevard there is a constant pattern of B-2 zoning. The subject property is zoned R-6MF at the present time. He also illustrated the property and its location with slides, pointing out that there is a good white pine screen that has been installed between Ingleside and the commercial uses in the area.

Mr. Gary Smith, petitioner, stated he has owned the property in question since April of 1972. For personal reasons he needs to sell the property. He has been renting it as a single family dwelling. He listed it in mid-August with Real Estate Associates and after several months on the market, Dr. Henry Goldman who has a practice in the Starmount Shopping Center approached his broker and proposed that he purchase the property with the intention of locating his doctor's office there. This, of course, will require the rezoning from R-6MF and R-9 to O-6. Also, in order to provide sufficient room for the office and the associated parking, they approached the owners of the lot next door and received their permission to include their property in the petition. It does, therefore, include both his property and the one next door.

According to the information which was given to him by the broker, this property has become more or less undesirable as a single family dwelling. This is due to a number of facts: There is an increasing level of traffic along Archdale and there has been an increase in the occurrence of automobile accidents at this corner. The reason for the problem at this corner is the median in the area of Archdale which sides the K-Mart Shopping Center. Immediately after, or at his corner, the road narrows down and results in some accidents. There have been some reflectors on the corner of his property set up specifically to warn people that the road narrows down.

It is his understanding that an apartment complex has been approved on Archdale, down in the Sugar Creek area. This will of course create more of a traffic problem. Along with this and the associated noise level there is also the problem of refuse going over from the shopping centers across the street which has aggravated his tenants in no small amount.

All of these facts have led him to the conclusion that there is a better and a safer use for the property on the corner. These lots were originally and are presently zoned R-6MF - in particular the buffer of lots along Ingleside behind the shopping centers. They were put in as a buffer zone between the commercial area and the residential area and he certainly agrees with that philosophy. They are already zoned R-6MF so he could conceivably go ahead and put a duplex or an apartment on the lot, but he feels that this defeats two important factors: (1) safety because most apartments have children as residents; (2) he does not feel it will contribute to the long term stability of the whole Starmount area. He does feel that a doctor's office, built according to the intentions of Dr. Goldman, designed to blend with the surrounding neighborhood, would contribute to the long term

December 20, 1976
Minute Book 64 - Page 378

stability of the area. It will provide for greater safety and it would maintain the original concept, a buffer between the commercial area on South Boulevard and the Starmount residential area.

Dr. Henry Goldman spoke briefly, stating he has been in the area practicing for nine years. There is a very obvious lack of professional office space for doctors in the Starmount-Montclair area. There is a very definite need for doctors in the area and it is his understanding many professional men have not located there as a result of there not being adequate office space. The Kluttz Building on the corner of Ingleside and Emerywood is the only professional space in the area. He is located in the shopping center; there is a physician two blocks up in the Woolco Shopping Center and all of them who are there feel as though the physical setting of a shopping center itself really does not enhance the practice of professional practices. They feel as though the building would enhance the property; that they would be an attribute to the community as they have been in the past. All they are asking is for a site to practice in a professional manner.

Speaking in opposition was Mr. James Laudate, 6201 Rosecrest Drive, who read the following petition signed by 180 persons, representing 114 households in the Starmount area:

"We, the undersigned who live in the Starmount section of Charlotte, request that the proposed zoning change in the 6100 block of Ingleside Drive, Starmount, from R-6MF and R-9 to O-6 be denied. We feel that this request to rezone is not in our interest or the interest of anyone in this residential section. We feel that this change would be detrimental to our investments here and in maintaining it as a good place to raise our families and our children. A rezoning change like this would set a bad precedent as it often establishes a pattern of further rezoning changes which have ruined many Charlotte residential areas."

As Mr. Smith pointed out, traffic is congested on Archdale and we feel that additional traffic due to the business would only increase that congestion. There would be a lack of privacy for neighbors, possible water run-off to adjacent property to the parking lot which would be detrimental to the persons living next door; that the use of Rosecrest Drive, Ingleside and Springwood and other residential streets to avoid Archdale would create an additional traffic hazard to our children.

Mr. Laudate pointed out that the same conditions exist today that existed in 1972 when Mr. Smith purchased the property. Also, they feel that Mr. Smith now feels he made a poor investment and is asking them to pay for his mistakes.

In rebuttal, Mr. Smith stated he agreed with some of the points that the counter-petitioner made - that is, that the residents are concerned with the stability of their neighborhood. He is too, because he owns another house in that very area. He has no reason to contribute to the degradation of the neighborhood. He does feel that the traffic scene on Archdale has increased since he originally bought the property in 1972. It has been a sound investment. It is a nice house, a good house, and he has worked hard to take care of it. It is a rather cheap shot as being a poor investment. It has been a solid investment. He is seeking to sell it. He is trying to be forthright with Council in contending it will contribute in the long term stability of the neighborhood.

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

December 20, 1976
Minute Book 64 - Page 379

HEARING ON PETITION NO. 76-74 BY FAIRVIEW ROAD PROPERTIES TO CHANGE THE ZONING FROM O-6 AND R-15 TO B-1 OF PROPERTY ON THE SOUTH SIDE OF FAIRVIEW EXTENSION, ABOUT 200 FEET EAST OF THE INTERSECTION OF FAIRVIEW EXTENSION AND SHARON ROAD, AND ON THE EAST SIDE OF SHARON ROAD, ABOUT 270 FEET SOUTH OF THE INTERSECTION OF SHARON ROAD AND FAIRVIEW EXTENSION.

Mr. Bryant, Assistant Planning Director, stated this property is actually in an "L" shape configuration as indicated on the map. He pointed out its location in relation to Sharon Road, Morrison Boulevard and Southpark Shopping Center and Fairview Road. The property is vacant at the present time, although currently it is being used for the sale of Christmas trees.

The immediately adjoining property configuration, across Fairview Road, shows vacant property which is the residue of property which was left over from the place where a texaco Service Station was located before the Fairview Road Extension occurred. A little bit farther east, along Fairview Road, there are about four residential structures and then more vacant property. On Coltsgate Road, leading easterly from Sharon Road, has a number of single family homes on it.

To the south of the property there is the Mutual Savings and Loan building facing on Sharon Road and immediately adjoining the subject property. He pointed out the location of the Sharon School property configuration, which as of last Friday officially closed, moving to the Foxcroft area - it is school property but now no longer being utilized for elementary school purposes. Across Sharon Road from the subject property is the Sharon Shopping Center. It is a neighborhood shopping facility which has been there for a number of years. On the corner of Fairview there is a service station; then a drug store and grocery store closest to Sharon Road but there are a number of uses in that shopping center.

To the rear of the property, along Fairview, is generally a vacant parcel tract of pattern - no uses as yet located in that area.

The zoning pattern in the area of the subject property is partially R-15 which coincides with the solid pattern of R-15 zoning which is present along Fairview Road extension to the east and it is partially zoned O-6 at the present time, a classification with the same relationship out to Sharon Road. To the south there is also O-6 zoning and then the pick up of the R-15 pattern beyond that. A portion of the property which is owned by the petitioner, the actual corner of the intersection of Fairview and Sharon, is already zoned for business purposes. There is also B-1 zoning directly across the road from it to accommodate the Sharon Shopping Center; and more removed is the B-1SCD which accommodates Southpark. There is additional O-6 zoning along Sharon Road.

He showed a series of slides of the subject area.

Councilman Gantt stated he has a question that probably does not relate directly to this specific petition as much as the concern he has about just looking at the map of Fairview Road Extension and the very large amount of abutting property that is zoned R-15 and anticipating future petitions to rezone that property. He would hope that when development does start to occur, assuming it occurs in a single family fashion, or if no one seeks to change the zoning, that Council would try to employ some of the techniques they talked about in the Comprehensive Plan - reverse frontage, to remove residential property directly from a four-lane facility of 45-mph. He is sure they can see the importance of this if it is to be any kind of reasonable residential area then they are going to have to do some different things in the long view for single family residential areas.

Councilman Whittington stated that is a good point.

December 20, 1976
Minute Book 64 - Page 380

Mr. Bryant replied he thinks that is very definitely true and the Planning Commission has been carrying out an overall study of this entire area, including this immediate vicinity; that one of the very real concerns being expressed in that study is the future of Fairview Road and the relationship of land uses along it.

Councilman Davis asked what is going to happen to the access road to Sharon School? Mr. Bryant pointed out on the map the configuration of the road as it comes down from Fairview Road, bends around and stops at the school property and stated it would remain open - there is no intent that he knows of right now to close it.

Mr. Roy McKnight, Attorney representing the owners of the property of the subject petition, stated the property is owned by a limited partnership which was formed in the early part of 1972. The general partners in this partnership were citizens, residents and businessmen of the Charlotte community; the limited partners also members of the local community. When this property was acquired there was a total acreage of approximately seven acres. It was the intent, hope and plan of this group of individuals to develop this whole piece of land as one tract into a development which Charlotte would be proud of. Then, the Board of Transportation came along and for reasons which are "over the dam" now, cut a service road right through the middle of their property and divided it. As an after thought they said this might be a blessing in disguise since they recognize the problems, the protest, the congestion and everything which the Southpark area has been going through. But, by the cutting of this service road through the property, and as far as they know, it is a permanent road, the State Board of Transportation has acquired this full right of way. This makes this tract of land an island. He thinks this property is probably very unique in the City of Charlotte because of the zoning on it. On this approximately four acres of land, you have three different zoning classifications. The corner which has frontage on Sharon Road of approximately 222 feet, frontage on Fairview Road of approximately 175 feet, is zoned B-1. The property lying to the right and next to Mutual Savings & Loan, is another very odd piece of property which is zoned O-6. The back property and also the property across the service road is zoned R-15. This zoning apparently came about through the years when the old city limits line divided at that point and at that time they probably just followed property lines giving the city limits line.

When this property was purchased by the present owners and over a period of about three years they held several conferences with the administrative staff of the Planning Commission. He thinks everybody recognized that this piece of land needed some zoning changes, but nobody knew what kind of change should be put into this property. As Mr. Bryant indicated, the Planning Commission staff has been making a study of the Southpark area. By its report dated September 1976, on Page 15, the study commission for the Planning Commission states this about this property: "Although this study has focused on broad land use relationship, a more detailed examination must be given to the zoning of property in the vicinity of Sharon Road and Fairview Road intersection. The construction of Fairview Road Extension alters significantly the zoning and land use pattern for that immediate area. It should be recognized that some additional non-residential development will occur but it should be confined to the immediate area of the intersection."

Mr. McKnight stated this is what they are asking to be done. They feel that there is no greater confinement of non-residential zoning than the piece of property which is virtually an island - you have the service road which covers one whole side and half of another; you have Fairview Road and Sharon Road on the other two sides. He knows that one of the main objectives to the development of property in this area gets back into the traffic flow. They feel, although they have not made a detailed traffic study, that by the construction of this service road, it gives this piece of property a traffic flow unique to no other property he knows of in the City of Charlotte.

December 20, 1976
Minute Book 64 - Page 381

He does not believe that they do have good means of ingress and egress to this property without creating traffic problems.

By allowing the rezoning of these two tracts it will make the whole tract one. What he has referred to he thinks can be considered as the natural boundaries - you have the natural buffer between this property and the R-15 property. They do own the adjoining piece; the piece beyond that is owned by the Phillips estate, and is a 14 x 18 acre tract of land. He feels certain, as Mr. Gantt has said, there are going to be some more zoning petitions in this area. He thinks Council and the Planning Commission should consider this very seriously, but he does not believe they can say this property in that particular area is R-15 zoning. They consider the highest and best use of this property, from not only the economical standpoint but also from a zoning standpoint, can best be served by making it business.

To the best of his knowledge there are no protests filed. This is very significant when you consider the protests that have been filed and the tremendous opposition that has been raised by other requested zoning changes in this immediate area. He asked them to pay considerable attention to that. The buffer situation on this property is almost absolutely perfect.

Councilman Williams asked what use the property is going to be put to? Mr. McKnight replied the plans are not complete. At this time, they have a commitment to put a national grocery store on one section of it, and a national drug chain on another section. The property is now situated so that the O-6 can accommodate quite a few businesses. He thinks banks are interested in going into this property. The B-1 can service fast food right now if necessary. The overall plan is not complete; but these are commitments which are more or less in the process of being made depending upon zoning.

Councilman Gantt asked how it is possible to have a protest petition on this particular piece of property? Mr. McKnight replied the statute says that anyone within 100 feet can file the petition, and it is 100 feet right across Fairview Road and you have adjoining property.

Councilman Williams stated they probably have their eyes on rezoning. Councilman Gantt stated that was what he was not quite sure on. Mr. McKnight stated the property on the other side, in his opinion, is pretty well protected with residential restrictions.

Councilman Gantt stated it is his understanding they simply want to clean up the zoning of the three different pieces; but they really do not have a specific use as of now for the property. Mr. McKnight replied he would not try to mislead Council. But as he told Mr. Williams, yes they are right now negotiating. Councilman Gantt stated so they are planning some specific use? Mr. McKnight replied they are.

Mr. Walter Shapiro, 5228 Carmel Park Drive, stating he is speaking in opposition to the petition, and is representing several neighborhoods in the vicinity of the subject property. Out their way they feel the letter "Z" is becoming the most popular letter in the alphabet, and they are being beckoned before Council at ever increasing frequency. As citizens they appreciate the opportunity of appearing before Council in the interest of preserving their neighborhoods, but they do not want to lose their credibility by supporting a non-viable position.

He stated while the petition now before Council requests business zoning in an area so obviously commercialized as SouthPark to argue against the petition in the interest of neighborhood preservation might, on the surface be viewed as unreasonable, fighting a lost cause; however, when viewed

December 20, 1976
Minute Book 64 - Page 382

in the broader perspective as it should be, the impact and consequences of granting this petition in conjunction with recent zoning action already taken by Council, establishes the beginning of a course of causing perhaps an extended strip of commercialization into what, hertofore has been virtually 100 percent residential area. At a minimum, he is referring to the area between SouthPark and Providence Road along the new Fairview Road Extension. Having just last month granted business zoning for the establishment of a bank at the corner of Providence Road and Fairview Road, they will have established two polarity points between which a commercial zoning assault will begin to raise.

This is evident by the quantity and frequency of petitions requesting rezoning to business which are coming before Council; and more, it appears evident are on the horizon. Unless a defined and inviolate line is drawn and drawn now, right where we stand at this moment, then the degree of pressure and the frequency of pressures upon this Council to continue spot zoning and strip zoning is going to be like hail on a tin roof - coming very quickly. He stated the division and stability and resistance of neighborhoods to decay caused by lack of planning is an ingredient which must be inserted into our city with urgency before all of the beauty of Charlotte that nature and pride has built for us is dissipated neighborhood by neighborhood.

Should this petition be granted, Council's action would be moving in contradiction to the most desirable directions for the area which appear to be concluded from the recent SouthPark land use study conducted by the Planning staff of the area between Sharon Road and Providence Road, along Fairview Road. It would be entirely reasonable that the subject petition be denied. Then, the old business zoning of the small portion of land on the corner where formerly there was a service station, or at least there was existing business zoning, that this business zoning then should be reversed thereby establishing a clean line for the beginning of a residential area. This is the strength of conviction; this is the strength of the position and the stability thereby derived which has sustained the beauty of the neighborhood in areas which he has seen in other cities. A city composed of a series of residential villages or neighborhoods can still be ours if we draw the line. For all the citizens for whom he speaks, he asks Council to hold firm now by drawing the line at the most logical point for the beginning of the Foxcroft neighborhood and the end of the SouthPark universe. That logical point is the corner of Sharon Road and Fairview Road at the precise location of this petition. That is why they judge it so crucial and why the denial seems logical, reasonable and necessary and not a whimsical issue on their part for a lost cause. It is a viable position.

He called Council's attention to the fact that the concept of zoning has evolved not in protection of any given property at any given moment, but rather in protection of the properties of the many which surround or relate to a property in question. Zoning is a principle for the protection of many as opposed to one.

He stated they are watching once again to see what Council considers the object of zoning legislation.

Councilman Williams asked Mr. Shapiro if he acknowledges and understands the difference between office zoning, and business zoning? Mr. Shapiro replied yes. Councilman Williams asked if he would not say there is quite a difference. On one hand you have a professional office for example with office zoning, and on the other hand you might have a drug store, super market or fast food outlet under business zoning? Mr. Shapiro replied in all due respect he would say the answer to that question is not finite. It depends on what location specifically you are asking the question. For example, an office or a business structure on the triangle at Providence Road and Fairview Road, and Carmel Road is totally objectionable to the neighborhood that is unspoiled from the business and commercial standpoint.

December 20, 1976
Minute Book 64 - Page 383

An office as compared to a business at the corner of SouthPark, Sharon Road and Fairview Road would be a different story. It depends on where your question is related.

Councilman Williams replied he seems to be lumping them together, and when he mentions the intersection of Providence and Carmel, he is talking about office zoning that permits a branch bank. That is quite a bit different from a fast food outlet at that particular location. Mr. Shapiro stated he would say from the point of view of a totally undisturbed neighborhood, one is as commercial as the other. He is not saying the traffic flow is identical; that the traffic hazards are identical; but from the deteriorating of the neighborhood - from the beginning of the end - it is equally as objectionable.

Mr. Charles Klapheke, 1701 Runnymede, also spoke in opposition, stating he represents some citizens in the Barclay Downs Area, and they are protesting. He does not think we should be misled that this petition, the partnership with limited voting members with a lawyer representing them "got snuck up on" by the Highway Commission with a five lane road. He thinks they probably knew it was coming right through the property.

That what disturbs the people in the community is that this petition comes before the Council less than two months before the Fairview Road Extension was opened. When that road was opened they were promised it would not be used as a wedge to open up a residential area to commercial development. Now here we are and it is happening. The road was constructed with all the character and beauty of an airport runway. There is no median, there is no landscaping; there is nothing out there except a lot of left turn lanes and the farm land, which raises the question of what is the intent of everybody out there. It is also two months before the submission of a study not yet completed. The study has been referred to several times tonight. The Planning Commission has not yet voted on voting out that study. The community has worked hard providing input, and they have gone through several literalizations with the Planning Commission on developing some broad use policies for the whole area. Here we have a petition that is going to possibly negate the recommendations of that study.

He stated the congestion that is there already with two corners vacant is incredible. On a dark rainy night with two left turn lanes going in all directions, you can easily get hit by drifting out of your lane. There is a very real possibility that intersection will be another "Eastway-Independence". At that time the City is going to have to acquire the land just as they did out there and improve the intersection. Before anything is allowed to be built there, he thinks some study should be completed on what is going to happen in the intersection when all the land is developed in any pattern.

Mr. Klapheke stated he thinks the petitioner should be given a chance to withdraw the petition as the timing is wrong. If he refuses to do that, he does not see that the Council and the Planning Commission has any other alternative but to deny it right now. The process that everyone out there is trying to go through is a logical development of what was a farm into one of the five regional areas of Charlotte. What we are going to have to do is to develop that center from the inside out. When the major arteries are saturated, then it is time to stop. You do not define the outer limits, and then build into the middle. Then you do not have any options. That is what this piece of land is. It is on one fringe. The other part he assumes will be back before the Commission in a couple of months will be the part that directly concerns them on Morrison Boulevard.

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

December 20, 1976
Minute Book 64 - Page 384

HEARING ON PETITION NO. 76-76 BY SQUIRES REALTY, INC. FOR A CHANGE IN ZONING OF PROPERTY ON THE WEST SIDE OF PECAN AVENUE, NORTH OF THE INTERSECTION OF PECAN AVENUE AND CENTRAL AVENUE.

The public hearing was held on the subject petition for a change in zoning from B-1 to B-2.

Mr. Bryant, Assistant Planning Director, described the land uses, the zoning pattern and miscellaneous activities of the area. He stated the property involved has residential use to the north and the other sides are either a mixture or solidly utilized for commercial purposes.

The subject property is zoned B-1; property to the east across Pecan, to the south fronting on Central and to the west over to Clement is all zoned B-2. The subject property already has B-2 zoning on three sides, with the fourth side a solid pattern of O-6 which has been installed from that point up to Hammorton Place.

Mr. Jimmy Carter, Squires Realty Company, stated B-2 zoning is consistent with the adjacent properties - with the properties to the rear, to the front and to the side of their property. This property has been vacant for all of 1976, mainly because the parties interested would be for B-2 zoning only.

No opposition was expressed to the proposed change in zoning.

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

ORDINANCE NO. 400-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF SEVENTH STREET, BETWEEN THE INTERSECTION OF SEVENTH STREET, FIFTH STREET AND BRIAR CREEK ON PETITION OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

Councilwoman Chafin moved adoption of the subject ordinance changing the zoning from R-6MF to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 471.

ORDINANCE NO. 401-Z AMENDING CHAPTER 23 OF THE CITY CODE BY AMENDING AN EXISTING CONDITIONAL B-1 SHOPPING DISTRICT TO ALLOW A RESTAURANT IN LIEU OF AN APPROVED CONVENIENCE STORE NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF ALBEMARLE ROAD AND DELTA ROAD, ON PETITION OF HAROLD COOLER AND ASSOCIATES.

Councilman Gantt moved approval of the subject ordinance to amend the B-1SCD Plan, as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 472.

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 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, DEFERRED.

Councilman Gantt moved that the subject petition on which a protest petition has been filed be denied, as recommended by the Planning Commission. The motion was seconded by Councilwoman Chafin.

Councilman Whittington made a substitute motion that Council re-submit the petition to the Planning Commission and ask them to consider the north side of Seventh Street, between Laurel Avenue and Fifth Street, at the bottom of the hill, for office institutional, before Council denies it. The motion was seconded by Councilwoman Locke.

Councilman Whittington stated it has been pointed out to Council both in rebuttal and in the public hearing that one side of this section of Seventh Street; from Fifth Street back to Laurel is the only two or three blocks that is now multi-family. The reason he asked the north side be re-submitted

December 20, 1976
Minute Book 64 - Page 385

so that Council will have the total picture. On the north side, much of this property is backed up to what is now already industrial property - a lumber yard, and a Seaboard Railroad mainline. It seems to him the case is not as strong^o that side of the street as it is on the south side of the street. For that reason he would like it to be re-submitted and get the Planning Commission's recommendation before Council takes action on the total petition.

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

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, DENIED.

Motion was made by Councilwoman Chafin, seconded by Councilwoman Locke, and unanimously carried, to deny the subject petition for a change in zoning from R-9 to O-6 as recommended by the Planning Commission.

PETITION NO. 76-67 BY J. L. STANLEY FOR AMENDMENT TO AN EXISTING B-1 (CD) PLAN ON THE WEST SIDE OF PEACH AVENUE, NORTH OF THE INTERSECTION OF PECAN AVENUE AND SEVENTH STREET, DENIED.

Councilman Gantt moved that the subject petition for an amendment to the B-1 (CD) Plan be denied, as recommended by Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 402-Z AMENDING CHAPTER 23-8 OF THE CITY CODE BY ASSIGNING INITIAL ZONING TO THE POLICE AND FIRE TRAINING PROPERTY ON BOTH SIDES OF BEAM ROAD, NORTH OF THE INTERSECTION OF BEAM ROAD AND SHOPTON ROAD.

Councilman Whittington moved adoption of the subject ordinance assigning initial zoning of R-15, R-12MF, O-15 and INST to property on both sides of Beam Rd. on the north side of the intersection of Beam Road and Shopton Road. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, beginning at Page 473.

ORDINANCE NO. 403-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTH SIDE OF IDLEWILD ROAD, WEST TO THE INTERSECTION OF IDLEWILD ROAD AND BOST AVENUE, ON PETITION OF THE GIRL SCOUT AREA HEADQUARTERS.

Councilwoman Locke moved adoption of the subject ordinance changing the zoning from R-9 to O-15(CD), as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 474.

ORDINANCE NO. 404-Z AMENDING CHAPTER 23 OF THE CITY CODE BY AMENDING THE ZONING MAP TO GRANT CONDITIONAL USE APPROVAL FOR A PROPOSED GROUP HOME IN A RESIDENTIAL DISTRICT ON THE WEST SIDE OF PARK ROAD, AT THE INTERSECTION OF PARK ROAD AND TOWNES AVENUE, ON PETITION OF THE Y.W.C.A.

Councilman Gantt moved adoption of the subject ordinance granting the conditional use approval for the Group Home as recommended by the Planning Commission, and the Findings of Fact, as follows:

December 20, 1976
Minute Book 64 - Page 386

Findings Regarding Requirements Prescribed for Schematic Plans:

The schematic plan and other materials submitted with the petition at time of filing complies with each of the requirements of Section 23-40.01(d) of the Charlotte Zoning Ordinance.

Findings Regarding Prescribed Standards:

The following findings are made from the record evidence presented at the hearing with respect to the two standards prescribed by Section 23-40.01(e)(1), with the basic facts relied on in support of each finding being set forth below:

Finding No. 1. The use is compatible with existing and probable future adjacent land uses and will contribute to a desirable overall development pattern for the area involved.

Facts Supporting Finding No. 1.

(a) The property in question is bounded on two sides by an existing institutional use, the Charlotte Y.W.C.A., on the third side by Park Road, and on the fourth side by a single family residence on a very large lot separated from the subject structure by a driveway leading to the Y.W.C.A. building.

(b) The only change which can be expected for the immediate adjoining property would be that on the southerly side where the existing single family structure exists and a change here would not be likely to involve any use relationship which would be anymore undesirable than that which now exists.

(c) Since the use which is proposed by this petition is very closely related to both the residential and institutional character of adjoining uses, an overall desirable development pattern will be achieved for the area.

Finding No. 2. The proposed use provides for safe and adequate access to the public street system without causing undue congestion or placing excessive traffic loads on local streets.

Facts Supporting Finding No. 2.

(a) Access to the public street system is provided by way of an existing drive which would serve not only the proposed use, but the existing Y.W.C.A. as well.

(b) The additional traffic which would be generated by the anticipated use is extremely minimal and would not increase problems of ingress and egress from Park Road as it now exists.

(c) Access from the subject use would be directly from Park Road which is a major artery and therefore the proposed use would not place excessive traffic loads on local streets since the amount of traffic generated by it would be unnoticeable in relation to the amount of traffic already carried by Park Road.

The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 475.

December 20, 1976
Minute Book 64 - Page 387

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 19, 1977 ON PETITION NO. 77-2 FOR CONDITIONAL USE ZONING REQUEST FOR PARKING IN A RESIDENTIAL DISTRICT, IN THE SOUTH BOULEVARD AREA.

Motion was made by Councilwoman Locke, seconded by Councilman Chafin, and unanimously carried, adopting the subject resolution providing for the public hearing on Wednesday, January 19, 1977, at 2:30 o'clock p.m.

The resolution is recorded in full in Resolutions Book 12, at Page 169.

CONTRACT BETWEEN CITY OF CHARLOTTE AND CENTRAL PIEDMONT COMMUNITY COLLEGE FOR COMMUNITY EDUCATION PROGRAM TO SERVE COMMUNITY DEVELOPMENT TARGET AREA ADULTS, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, contract for technical or professional services, in an amount not to exceed \$128,508, was authorized between the City of Charlotte and Central Piedmont Community College for community education program to serve not less than 1,055 Community Development Target Area adults, with the contract to begin January 1, 1977 and end December 31, 1977.

AMENDMENTS TO COMMUNITY DEVELOPMENT CONTRACTS WITH MECKLENBURG COUNTY AUTHORIZED.

Motion was made by Councilman Gantt, seconded by Councilman Davis, and after discussion, unanimously carried to approve amendments to contract with Mecklenburg County, as follows:

- (a) Contract for Chore Services Program to extend the contract for three months from its expiration date of December 31, 1976 through March 31, 1977, at no increase in funds.
- (b) Contract for Hot Meals for the Elderly Program to extend the contract for two months from its expiration date of January 1, 1977 through February 28, 1977, at no increase in funds.
- (c) Contract for Therapeutic Leisure Education Program to extend the contract for six months from its expiration date of January 1, 1977 through June 30, 1977, increasing funding from \$88,500 to \$126,904.

DEED OF GIFT FROM DOROTHY H. HUTCHINSON FOR ONE-HALF UNDIVIDED INTEREST IN SMALL PARCEL OF LAND LOCATED IN MAMMOTH OAKS SUBDIVISION, AUTHORIZED.

The City Manager advised that a long time back, Council indicated some interest in this property, and Council probably would want to accept this with the idea of getting the other half of the property.

Councilman Whittington asked that the record state that Don Whittington, for whom the park will be named, is not related to him.

Councilman Withrow asked if the City will receive the other half in the next year, and the Public Works Director replied yes.

Councilwoman Locke moved approval of the deed of gift from Mrs. Hutchinson for the parcel of land to establish and maintain a small park. The motion was seconded by Councilman Whittington, and carried unanimously.

December 20, 1976
Minute Book 64 - Page 388

GIFT OF LAND NEAR COMMONWEALTH AVENUE IN FLOOD PLAIN ACCEPTED BY CITY.

Councilman Whittington requested the City Attorney and Public Works Director to speak to the gift of land offered by William P. Allan on December 13.

Mr. Underhill, City Attorney, stated he understood Mr. Allan last week to say if Council wishes to take some action accepting this gift this year that Mr. Allan be permitted to actually deed the property to the City at a later point in time. He stated if it is Council's wishes to accept this gift, he suggest they do so only upon the condition it is conveyed to the City free and clear of all liens and encumbrances so that the City is not taking property that has some encumbrances or liens that the City would inherit the responsibility.

Mr. Hopson, Public Works Director, stated this is a piece of property, practically all in the flood plain near Commonwealth Avenue. He went out and took a look at the property this afternoon in the rain. The two advantages he sees if the city wishes to accept the land is it gives us a chance for a greenway in the area in the future. Also, if and when, some day in the future we take on the maintenance of streams, this would be a start in that direction.

The disadvantages would be that it might accumulate trash, and we would have to keep the trash off it as in other city lots. At this point, the advantages outweigh the disadvantages.

He stated the property is back of the Duke Power installation at Commonwealth and Briar Creek; it is about five acres, and Mr. Allan is offering to give the City an ingress and egress to the property.

Councilman Whittington moved acceptance of the land on condition it is free and clear of all liens and encumbrances as recommended by the City Attorney. The motion was seconded by Councilwoman Locke, and carried unanimously.

The City Manager asked if the Mayor and Council would like to write Mr. Allan expressing their thanks? Mayor Belk suggested that a ceremony be held on the property.

AGREEMENT WITH RALPH WHITEHEAD AND ASSOCIATES FOR STUDY TO DETERMINE FEASIBILITY AND ESTABLISH FIRST PRIORITIES OF RAILWAY-HIGHWAY GRADE SEPARATION PROJECTS, AUTHORIZED.

Mr. Hoose, Transportation Planning Coordinator, stated this is a project that was discussed last July when going over the highway improvement plans. They brought to Council six or eight grade crossings which they had some studies on. Out of these studies they submitted to a committee, made up of the Engineering Department of Public Works, Mr. Hopson, Traffic Engineering and Transportation Coordinator, and set up some priorities. These are the same priorities that Council selected in the plan.

The projects are: (1) North Tryon Street at Atando Avenue, with a volume of around 24,818, and approximately nine to seven trains daily, with 805 vehicles stopping. (2) Sugar Creek with an ADT of 26,000, with 35 trains and blockage of 1,068 vehicles. (3) Sharon Amity and Seaboard with ten trains, 858 blockage and ADT of 21,000.

In the committee meetings they decided they would like to have a consultant do a feasibility study which would include the preliminary field survey, the preliminary plans, and the alternates on each of the projects, with the study along with the detailed costs and also the environmental impact, both positive and negative, that the grade crossing eliminations would have on these particular locations.

December 20, 1976
Minute Book 64 - Page 389

Mr. Hoose stated the last actual program we had for grade crossing was back in 1958. The last two completed on this project was the Fourth Street raising and narrowing, and the Trade Street. They feel this will be very important for the movement of all traffic; it will help with the air quality, and it will help with bus transportation.

He stated they would like the preliminary to give Council the exact cost, and the plans of how it can be done. There are some combinations and there are some problems - drainage problems, location problems, traffic problems. This survey will give this information. From that Council will be able to decide on the one to do the plan. The beauty of the survey is that it does not change. The railroad is always there, and the road is there.

Councilwoman Locke asked if she understood they will do an environmental impact study on all of these? Mr. Hoose replied yes, the positive and negative. We will do a complete job.

Councilman Gantt stated he seems to recall back in July there was a feeling if we had ready plans or sufficient studies, there was a good chance we would get funding. Is this the first step in that direction? Mr. Hoose replied in the past when plans are available we had a better chance. Councilman Gantt stated when you do studies like this it would be better if we could piggy-back on the back of preliminary plans to do the final engineering plans. That is not suggested in the write-up here. It says we may likely select another engineer to do the final work-ups which may well mean there may not be any linkage between the preliminary work that Whitehead will do, and some other company that will come in. He personally would like to see some tie-in so we can maximize the use of the \$64,000 we are talking about.

Councilman Whittington stated in July we did discuss having plans and being ready with those plans when funds came along from the state or federal government, and no one can guarantee that. He would like to go back to the Westside Grade Elimination Program which began five or ten years before it became a reality. The engineer recommended to do this study was a part of the Miller-Whitehead study who did the West Side Grade Elimination Program.

When Sugar Creek Road was widened, and when 36th Street was widened, and in both instances it was pointed out the need to eliminate the railroad crossing at that point. Funds were not available; and Council at that time did 36th Street, and you know what you have there today; and later they did Sugar Creek Road. He believes Mr. Hoose says there are 27,000 cars a day on that particular segment of Sugar Creek, between The Plaza and North Tryon Street. The main gateway to the City of Charlotte - North Tryon Street - has nine trains a day, 800 plus cars backed up at one time, and 24,000 cars crossing that intersection.

Councilman Gantt stated he is not questioning the need for these; he doubts anyone on Council questions the need.

Councilman Whittington moved that the contract in the amount of \$63,861 be approved, and if Council concurs and thinks it is feasible, perhaps we should go further than just the feasibility study.

Councilman Gantt stated his question is, and he wants to be sure he understands, that this is just a feasibility study; that is one kind of thing, and maybe we should be doing the preliminary engineering study. He wants to make sure we can utilize whatever Mr. Whitehead does directly, to having it as the first stage of the engineering study.

Councilman Whittington stated that is what his motion would include.

December 20, 1976
Minute Book 64 - Page 390

Councilman Whittington moved approval of the contract in the amount of \$63,861 as recommended with the engineering to be tied in down the road. The motion was seconded by Councilwoman Chafin.

After further discussion, the vote was taken on the motion, and carried as follows:

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

~~NAYS: Councilman Gantt.~~

Corrected
1-10-77
Minute
Book 64
Page 393

LEAA SUBGRANT AWARD CONTRACT FOR DIGITAL COMMUNICATION STUDY AND ORDINANCE AMENDING REVENUES AND EXPENDITURES TO ESTABLISH APPROPRIATION FOR THE SYSTEM, APPROVED.

Councilman Whittington moved approval of an LEAA Sub-grant Award Contract in the amount of \$80,000, for digital communication study, and the adoption of Ordinance No. 405-X amending the 1976-77 budget ordinance amending the revenues and expenditures to establish an appropriation for the LEAA funded system. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 476.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE PROVIDENCE UTILITY TRUNK RELOCATION PROJECT.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Paul H. Contois and wife, Karen S. Contois, located at 7320 Lancer Drive, in the City of Charlotte for the Providence Utility Trunk Relocation Project.

The resolution is recorded in full in Resolutions Book 12, at Page 170.

CONSENT AGENDA APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the consent agenda was approved, as follows:

(1) Grants and loan application for property rehabilitation:

- a. Grant to Jeff P. Childers and Virgie H. Childers, in the amount of \$4,340 for 812 E. 34th Street, in the North Charlotte Target Area.
- b. Grant to Lloyd J. Shuping and Gertrude Shuping, in the amount of \$2,783, for 700 East 37th Street, in the North Charlotte Target Area.
- c. Grant to Odell C. Huneycutt, in the amount of \$4,143, for 1121 East 35th Street, in the North Charlotte Target Area.
- d. Grant to John Henry Williams, in the amount of \$4,375, for 3212 May Street, in the Southside Park Target Area.
- e. Loan to Annie J. Hall, in the amount of \$4,750, for 927 Woodside Avenue, in the North Charlotte Target Area.

December 20, 1976
Minute Book 64 - Page 391

(2) Water and Sewer extension contracts:

- a. Contract with Waters Construction Company, Inc., for construction of 2,990 feet of water main and three fire hydrants to serve Mountainbrook No. 8, inside the city, at an estimated cost of \$25,000.
- b. Contract with John Crosland Company, for the construction of 2,210 feet of water main and two fire hydrants, to serve Walnut Creek Section 5-A, Springbrook, outside the city, at an estimated cost of \$20,300.
- c. Contract with Squires Realty, Inc., for the construction of 200 lineal feet of sanitary sewer to serve 10601 Monroe Road, outside the city, at an estimated cost of \$3,185.
- d. Contract with Frank H. Conner Company for the construction of 834 lineal feet of 8-inch sanitary sewer to serve 7725 South Boulevard, inside the city, at an estimated cost of \$12,510.
- e. Contract with Waters Construction Company for the construction of 1,097 lineal feet of 8-inch sanitary sewer to serve Winding Brook Subdivision, outside the city, at an estimated cost of \$16,455.
- f. Contract with John Crosland Company, for the construction of 855 lineal feet of 8-inch sanitary sewer to serve Idlewild South, Section I, inside the city, at an estimated cost of \$12,825.

(3) Ordinances ordering the removal of weeds, junk, grass and trash:

- a. Ordinance No. 406-X ordering the removal of weeds and junk from 613 E. 36th Street.
- b. Ordinance No. 407-X ordering the removal of weeds and junk from 2720 Duncan Avenue.
- c. Ordinance No. 408-X ordering the removal of weeds and junk from 1929 North Allen Street.
- d. Ordinance No. 409-X ordering the removal of trash and junk from 1933 North Allen Street.
- e. Ordinance No. 410-X ordering the removal of weeds and grass from 1933 Parson Street.
- f. Ordinance No. 411-X ordering the removal of weeds and junk from 1924 Parson Street.
- g. Ordinance No. 412-X ordering the removal of weeds and grass from 1920 Parson Street.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 477.

(4) Change orders in contracts for Amay James Center Project in West Boulevard C.D. Target Area:

- a. Change order No. G-1 in contract with Parke Construction Company increasing the contract price by \$28,902.50, for additional concrete curbs for the parking lot, additional concrete walk connecting the picnic area to the pedestrian bridge and additional landscaping.

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December 20, 1976
Minute Book 64 - Page 392

- b. Change Order No. E-1 in contract with Mosley Electric, Inc. increasing the contract price by \$7,938, for additional lighting for the parking lot, recreation area and picnic shelters.
- (5) Ordinance No. 413-X transferring \$11,867 within the General Capital Improvement Fund to provide supplemental appropriations for the Northwest Park Development Account and the Park Road Park Development Account.

The ordinance is recorded in full in Ordinance Book 23, at Page 484.

- (6) Encroachment agreements with North Carolina Department of Transportation.
- a. Agreement permitting the City to relocate a 16-inch C.I. Water Line on the southwest side of East Morehead Street in compliance with the construction of the proposed new bridge.
 - b. Agreement permitting the City to construct a sanitary sewer easement to serve Gilead Road, Sam Furr Road, Sherrill Road for McDowell Creek Outfall.
- (7) Acquisition of 30' x 561.57' of easement from N.C. State Board of Transportation on the east side of and adjacent to I-77, 3000 feet south of Stumptown Road, at \$600, for Torrence Creek Outfall.
- (8) Special officer permits:
- a. Permit to Frederick Paul Silver for use on the premises of Douglas Municipal Airport.
 - b. Permit to John Howard Chidester II for use on the premises of Charlotte Park & Recreation Commission.

UNANIMOUS CONSENT OF COUNCIL TO CONSIDER NON-AGENDA ITEM.

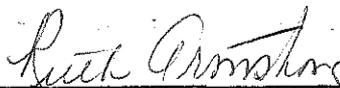
Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, to consider an item that is not on the agenda.

MAYOR AUTHORIZED TO SIGN APPLICATIONS TO U.S. DEPARTMENT OF LABOR FOR FUNDS FOR CETA TITLE II MODIFICATION AND CETA TITLE VI APPLICATION.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, authorizing the Mayor to sign applications to the U.S. Department of Labor for funds to continue the CETA II Program and Re-Establish the CETA Title VI Program, effective February 1, 1977 through September 30, 1977.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk