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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, December 21, 1970, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilman John H. Thrower.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications, concurrently with the City Council, with the following members present: Chairman Tate, and Commissioners Albea, Blanton, Godley, Moss, Ross, Sibley, Stone, Toy and Turner.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Councilman Jerry Tuttle.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on Monday, December 14, 1970, were approved as submitted.

RESIGNATION OF PETER A. FOLEY FROM CIVIL SERVICE BOARD ACCEPTED WITH REGRETS.

Mr. Peter A. Foley stated he is present to give the Mayor and members of City Council his sincere thanks for allowing him to serve the citizens of Charlotte as a member of the City Civil Service Board for the last 18 to 24 months. He stated he has with him and will tender to the Mayor his resignation. He stated he is informed by law that it is unconstitutional for someone to hold two constitutional offices at the same time. As he is now a member of the Legislative Delegation he cannot continue to hold both these offices, and it is with a sincere feeling of regret that he tender his resignation today.

Councilman Jordan moved that Mr. Foley's resignation be accepted with regrets. The motion was seconded by Councilman Tuttle and carried unanimously.

Mayor Belk thanked Mr. Foley for his services and stated he and Council look forward to working with him as a member of the Legislative Delegation.

NOMINATION OF DON BREWER TO CIVIL SERVICE BOARD.

Councilman Tuttle placed in nomination the name of Mr. Don Brewer, Vice President of First Citizen's Bank, for the unexpired term on the Civil Service Board.

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HEARING ON PETITION NO. 70-134 BY BROWNING CONSTRUCTION COMPANY, INC. FOR A CHANGE IN ZONING FROM R-12 TO R-9MF OF A LOT 102' x 209' AT THE SOUTHEAST CORNER OF WALKER ROAD AND GOSHEN PLACE.

The public hearing was held on the subject petition on which a protest petition has been filed and is not sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the request is to change one lot at the corner of Walker Road and Goshen Place. There is 102 feet of frontage on Walker Road and 209 feet of depth on Goshen Place. The lot is vacant and is adjoined on the in-town side across Goshen Place by an existing apartment development. Across Walker Road is a complete pattern of single family residential development. The Randolph Junior High School is located in the area. On the east side of the property is an existing duplex, then a vacant lot and a continuation of the single family pattern from there in. Directly behind the subject property on Goshen Place are single family residential structures.

He stated there is multi-family zoning on both sides of Walker Road coming out to Goshen Place; at that point it picks up single family residential zoning and that continues off the map out at Goshen Place.

Mr. Bryant stated this same parcel of land was considered for rezoning in 1966.

Councilman Tuttle asked how many units will be allowed under the proposed rezoning, and Mr. Bryant replied it will support about 4 units.

Mr. William Shuford, Attorney for the petitioner, stated the multi-family line has been drawn previously at Goshen Place, and they contend the reason for this line stopping at that point is no longer valid as there is no other appreciable amount of land which can be built on and be subject to zoning change.

Mr. Shuford stated Mr. Browning has won awards for his designs from the North Carolina Home Builders Association. He is a responsible builder and the property is his and he proposes to construct a neat, nice looking four family unit on this property. He stated a duplex can be built on the property under its present zoning. That Mr. Browning does not feel that asking for an additional two family unit will place any undue burden on the neighborhood. They do not feel that this can be used for a duplex economically.

Mr. Don Lassiter, Attorney for Mr. Mike Tuggle, the owner of the duplex and the property immediately east of Mr. Browning's property, asked that the petition be denied for reasons as follows: (1) It is Mr. Browning's intention to erect on the property a 3 or 4 unit apartment. This would seriously interfere with Mr. Tuggle's use and enjoyment of his property. The corner of Mr. Tuggle's duplex building is only 8.2 feet from the side property line and under the applicable rules the apartment can be located as close as six feet to that line. That the apartment will be located somewhere from 14 to 16.2 feet from the door to the duplex. Such an apartment house will cause a decrease in the value of the Tuggle property. (2) Goshen Place affords a logical buffer between the single family homes located to the southeast and the apartments to the north and northwest.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 70-138 BY JAMES C. BOLLES FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF AN IRREGULAR-SHAPED TRACT OF LAND FRONTING 179.9 FEET ON THE SOUTH SIDE OF FENTON PLACE, BEGINNING ABOUT 410 FEET EAST OF PROVIDENCE ROAD.

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

The Assistant Planning Director stated the property in question is an irregular-shaped parcel of land which has approximate dimensions of 180 feet of frontage on Fenton Place and goes back about 150 feet and turns about 111 feet and runs across the back for about 511 feet.

Mr. Bryant stated the petitioner owns lots which extends over to Altondale Avenue which would be used as part of the apartment project land; these lots are not involved in the request for rezoning; it is already zoned R-6MF and they are now requesting the R-6MFH zoning.

Mr. Bryant stated the subject property has one single family structure located on Fenton Place; it has one duplex structure and the rear part of the request is vacant land that extends through the middle of the block between Altondale and Fenton Place. There are many and varied uses which exist along Providence Road. Along Cherokee Road is a solid pattern of single family zoning down to Fenton Place. Between Fenton and Laurel there are some duplexes. Altondale is a solid pattern of single family residential structures with the exception of one duplex.

He stated there is a solid tier of business zoning along Providence Road; then a solid tier of O-6 zoning behind the business zoning, and then existing R-6MF zoning including the subject property. This includes not only the Fenton Place area, but also Altondale, Cottage Place and the other streets that lead off Providence Road. He stated there is property owned by the petitioner which comes out to Altondale and is not included in the request. The petitioner also owns some of the property which is now zoned office and that is proposed to be included in the apartment project but does not need rezoning.

Mr. Ben Horack, Attorney for the petitioner, stated the realtor representative is Wallace Gibbs and Associates and the architect for the project is Ferebee Walters & Associates.

He stated the property that is zoned R-6MF including the subject property is not, and never has been part of the Eastover Department per se. He stated it is not a question of whether the property will be used for multi-family but of what kind of apartment and apartment developments will be incurred for this location. He stated the original site plan called for approximately 25 cars to be parked underneath the apartment building together with the services for service vehicles. This has been revised to accommodate a proposed 55 cars and perhaps up to 60 cars. This is to increase the 30% open, unobstructed area that is required for the more restrictive R-6MFH classification. This is proposed to be truly luxurious. The proposal is to have about ten dwelling stories plus the lobby floor on which there will be four guest suites which are a part of the 111 proposed units. In addition there will be the underneath floor for parking and the service areas. The rent structure will be \$407 per month probably on a minimal basis for the two and three bedroom apartments that will have square footage of 1350 square feet to 1570 square feet. Some of the upper apartments will command substantially higher rents. Some of the apartments will have fireplaces; in some of them, the tenants will have the option to rent the shell and furnish it according to their own taste and preference. The entrances will be controlled. There will be a 24-hour security guard and doorman. It will be completely air-conditioned and fire-proofed. It will cater to a clientele of those who can afford a facility like this. Established people and executives who want the in-side location in order to have the commercial facilities and in some incidents, the office facilities in the in-town area nearby.

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It is anticipated to cost somewhere in the area of \$4.0 million. The petitioners are both able and willing and ready to perform. They have had their preliminary discussions with the financial institutions who have evidenced their interest as soon as clearnace is recorded. Their interest carries over even if this request for an R-6MFH is not granted. The target for getting started is anticipated for next summer.

Mr. Horack stated he met with representatives of the Association a week or two ago and explained the proposal. Their objections fell into two groups. One of them relates to traffic. Fenton Place is a burdened street already; it has a 60-foot right of way. Altondale is a burdened cul-de-sac deadend street which has a 50 foot right of way. He stated the R-6MF for apartments in this area is going to compound and generate traffic anyway although the additional density of this request will put some 30 odd more units up towards the Providence Road end. He stated trying to alleviate this is the reason for the two accesses out to Altondale in an effort to get the traffic split up so that neither street should have to carry the burden. He stated he discussed this with Mr. Bernie Corbett, Assistant Traffic Engineer, and Mr. Bob Pressly, Assistant City Engineer. That Mr. Corbett told him if and when the traffic should be generated either by this proposal or by the other development of the R-6MF property in there, the right of way existing is wide enough and you can make do on Altondale; and there is plenty of room in the 60 foot right of way of Fenton Place to accommodate three lanes. Two going out and one coming in.

He stated the other complaint relates to the height of the building. It will be viewable on Cherokee and elsewhere. This zoning request involves more than a normal awareness on the part of the City Council and the Planning Commission of a comparison of the R-6MF and the R-6MFH classification, and the practicalities of developing apartments as they relate to height. Mr. Horack stated there seems to be an erroneous idea than in R-6MF an apartment building is limited to 40 feet; this is not so. All the zoning ordinance says if you go over 40 feet, for every two feet up you must have an additional one foot of sideline. The R-6MF presently allows 77 units. He stated in the R-6MF category, which is the present zoning, you can go just as up as you can in the R-6MFH. From a practical standpoint the proposal is to go up even if the property remains R-6MF. The architects, Mr. Gibbs and the owners have given very careful consideration to the alternatives for developing this property if the R-6MFH is not allowed. The economics of this particular development indicate that the best utilization of the property if it remains as R-6MF with its 77 units is in fact to go up to a height substantially in excess of what they are now proposing under the R-6MFH category. That R-6MFH is much preferred even though they do not propose to go as high as they would under the present R-6MF category. If the R-6MF is maintained in view of the land costs and its location, the owners feel their best utilization economically is for the construction of the 77 units to go the vertical route rather than the out route with the more conventional two or three stories.

Mr. Horack stated the R-6MFH will allow additional apartment units, and the owner can afford to spread the developmental cost among the additional units and be able to make the investment in the amenities and the other so-called luxury facilities that they would have to curtail if they went up on the R-6MF. They feel if the R-6MFH is permitted it will encourage a better development in the balance of the R-6MF property that goes up to the rear of the Cherokee block.

The building they propose will be approximately 175 yards from the closest Cherokee residents; it would be very close to some of the Altondale residents.

Mr. Tom Creasy, Attorney, stated he is representing the Eastover Association as well as a number of other interested individuals in the immediate area in opposition to the proposed change in zoning. That they oppose the amendment to the zoning for a number of reasons. Providence Road is a four lane public highway extending in a generally northerly and southerly direction at its intersection with Fenton Place and at its intersection with Altondale Avenue

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Providence Road serves as one of the main traffic arteries within the city. Fenton Place is a narrow two lane public highway extending in a generally easterly and westerly direction and T-intersects Providence Road at right angles, and serves as a traffic artery from Randolph Road and Providence Road. Altondale Avenue is a narrow two lane, one block dead-end street extending in a generally easterly and westerly direction and T-intersects Providence Road at right angles. For the most part it serves those who reside in the area.

From Providence Road easterly towards Cherokee Road there exists B-1 zoning, O-6 zoning, R-6MF zoning and R-12 zoning. Through the use of these zoning buffers, maximum development of the business potential of Providence Road has been achieved, while at the same time the high quality residential character of the neighborhood has been maintained. Some of the finest and oldest homes in Charlotte lie within the R-6MF and R-12 zoning of this area. To allow a change in the Character of the neighborhood by changing the zoning of the subject property would constitute a substantial incursion into and destroy this carefully planned and presently existing buffer zone system. The primary difference in R-6MF zoning and R-6MFH zoning is that within the latter an apartment complex twice that allowed by the former may be erected. The practical effect if the present zoning is changed would be to permit a structure to be erected with twice the number of apartments, and conceivably, twice the number of tenants. Ingress and egress to and from the apartment complex and Providence Road is of primary importance. By count of the Traffic Engineering Department on August 12, 1970, at the intersection of Providence Road and Cherokee Road 12,901 vehicles travelled Providence Road during the 12-hour count from 7:00 A.M. to 7:00 P.M. During the night time hours traffic is heavy and extremely slow on Providence Road as you drive in the Manor Theatre and the shopping center area adjacent to the property in question. At other peak traffic hours, flow is so heavy that it necessitates uniformed police officer to allow the movement. At present, there is on-street parking on both sides of Fenton Place approximately 185 feet south of its intersection with Providence Road. Access to one parking area for the shopping center on Providence Road to the north of Fenton Place is gained from Fenton Place. The non-existence of traffic control lights at both intersections of Fenton Place and Altondale Avenue and the heavy flow of traffic on Providence Road creates a situation in which long lines of traffic develop awaiting entry onto Providence Road from these intersecting streets.

Mr. Creasy stated apparently the petitioners intend to utilize their property on the southerly side of the subject property as access to Altondale Avenue which would give ingress and egress in and to the property from both Fenton Place and Altondale Avenue. Implementation of such access to Altondale Avenue would appear to be in violation of the vested rights of all the owners of lots within the subdivision in which the affected property lies, inasmuch as the same is restricted to residential use only.

He stated Judge Susie Sharpe in addressing herself to similar situation gave the following as her opinion: "It is our opinion, however, that nothing else appearing, restrictions imposed upon one particular subdivision are for the benefit of that particular development and no other. Therefore if its lots are restricted to residential only, that is tantamount to saying that they are restricted solely to residential use in that subdivision. We hold that the restrictive covenants in the Timbercrest Subdivision (the subdivision in which the right of way was proposed) preclude the road proposed by defendant (owner)." Long v. Branham, 271 N. C. 264, 156 S. C. 2d 235 (1967).

Assuming that opposing petitioners by analogy to this case law, are able to preclude petitioners use of their southerly property as access to the high density apartment complex proposed, it is conceivable that the flow of traffic from the apartment complex would necessitate the erection of a traffic signal light at both the intersection of Fenton Place and Altondale Avenue with Providence Road, thereby further impeding the flow of traffic on Providence Road. Assuming that petitioners could not utilize their southerly property as access for the proposed high density apartment complex, the only ingress and egress would be Fenton Place and the flow of traffic at the intersection of Fenton Place and Providence Road would be so increased

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as to require the placing of traffic control lights at such intersection, further restricting the otherwise free flow of traffic on Providence Road.

Fenton Place, Providence Road, and Altondale Avenue were not designed to, nor can they accommodate the increased traffic emanating from the proposed high density apartment complex. The intersectional traffic problems now existing in this area would be geometrically increased when multiplied by the traffic from such proposed complex. Governmental services to the area would be increased in the event of a change in the zoning, garbage and maintenance trucks of the City would be compelled to park for longer periods of time on Altondale and Fenton Place to service the proposed high density apartment complex, thereby compounding the traffic problems in these streets.

Mr. Creasy stated the complex proposed today would virtually ruin the character of the area in which it is proposed. This area is an asset to this city and it must be considered as one. He stated it is almost intolerable today to proceed along Providence Road, from the intersection of Cherokee and Queens Road during most of the day hours and often during the dinner hour. There is a great deal of access into Providence Road. By including high density establishment and high density development will make one of the most intolerable situations traffic-wise in this city. Fenton Place and Altondale are narrow residential streets. To enlarge these streets you would virtually have to take away the sidewalk, the tree lined areas and part of the yards of this area which are already too narrow and have too little front yards. The traffic is one of the biggest considerations. There is a situation there today that leaves a lot to be desired and it leaves much to be done about it.

Mr. Creasy stated on behalf of the Eastover Association and on behalf of each of the individuals he represents he urged Council to consider all the arguments and on behalf of the citizens of Charlotte to deny the petition.

Mr. Hewson, Attorney with Jones, Hewson and Woolard, stated he is speaking on behalf of Miss Elizabeth H. Harris who has been their secretary for more than 40 years who lives on Altondale. That the proposal to put a driveway into a high rise apartment would be within about 12 feet of her bedroom in a development which was restricted in 1924 and has not been imperiled in any way by any such variation from it to use for residential purposes only. The petitioners believe they can use the property they have acquired in Altondale for access to their high rise apartment if their petition is granted, or to their garden type apartment development if the petition is not granted. That he does not believe this is correct under the law and the case Mr. Creasy has given was decided in 1968 by the highest court in the state. Altondale is not a highway; it is a residential street through which no one proceeds except to a residence in Altondale.

Also speaking in opposition to the proposed change in zoning were Mr. Irwin Jones, President of the Eastover Association, Mr. Stewart Elliott of 165 Cherokee Road, and Mr. Harry Barrett of 701 Museum Drive.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-135 BY TYVOLA MALL, INC., TO CONSIDER CONDITIONAL APPROVAL TO PERMIT OUTDOOR COMMERCIAL AMUSEMENTS ON PROPERTY NOW ZONED B-2 AT 5341-5415 SOUTH BOULEVARD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for conditional approval for use of the property for outdoor commercial amusement. The property is presently utilized by the Tyvola Mall Shopping Center located on South Boulevard. The subject property has approximately 1400 feet of frontage on South Boulevard. Along South Boulevard the uses are predominately commercial in nature; on the out of town side south of the center is a McDonald's Hamburger place and some vacant property beyond that. Across the road are several commercial retail types of facilities, and there

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are several single family houses on South Boulevard. Behind the shopping center is an apartment development which extends along the rear of the Center and comes around behind the school on Tyvola Road. Other than that there are single family residential uses along Tyvola Road.

He stated the subject property as is all the property on the east side of South Boulevard is zoned for B-2. To the west the zoning is Industrial and behind the subject property it is zoned R-9MF.

Mr. Bryant stated the petitioners want the zoning available for the temporary shopping center type of rides that come along in the spring time.

No opposition was expressed to the proposed conditional approval.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-136 BY D. L. PHILLIPS INVESTMENT BUILDERS FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF PROPERTY FRONTING 200 FEET ON THE EASTERLY SIDE OF MORNINGSIDE DRIVE AND EXTENDING ALONG THE NORTHERLY SIDE OF INDEPENDENCE BOULEVARD TO BRIAR CREEK.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the property is located on Independence Boulevard at its intersection with Morningside Drive. It is an irregular shaped property that lies between Morningside Drive and Briar Creek. The property is utilized for a variety of commercial purposes including the one use that generated the request involved. It is an auto-parts sales facility that is already located on the site and they are engaged in wholesale sales of auto parts. There is a doctor's office in the area and a supper club. Behind the property on Commonwealth Avenue is a 7-11 Store and a service station on Independence Boulevard. A motel is located across Briar Creek and there is vacant property across the creek from the subject property.

Mr. Bryant stated there is B-1 zoning completely out Independence Boulevard on both sides of Independence; there is business zoning to the rear of the subject property out almost to Commonwealth Avenue and there is multi-family zoning across Briar Creek from the subject property.

Mr. Gibson Smith, Jr., Attorney with Fleming, Robinson and Bradshaw, passed around maps for the Council and Commission to view which he referred to during his presentation. He stated the property is located west of Briar Creek and east of Morningside Drive on both the north and south side of Independence Boulevard. The request pertains solely to the northerly portion of the property. He stated Chantilly Shopping Center was built in 1956 as a neighborhood shopping center and at that time Independence Boulevard was still considered more or less a residential street with a 35 MPH speed limit. This made it possible to build the shopping center on two sides of the street. The center was built under B-1 zoning which is primarily for retail business to serve surrounding neighborhoods. At this date none of the original tenants have space in the shopping center. It is the petitioners opinion that their failure to obtain similar neighborhood type tenants is due to the development of Independence Boulevard as a major access road and the resulting increase in the speed limits from 35 MPH to 45 MPH, and the construction of a median down the center of the street.

Mr. Smith stated at present they have two large residents - the Gaslight Club and the Oriental Restaurant. There are also several music companies. These are the major tenants at present and they service areas rather than neighborhoods.

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He stated they still have space and the perspective tenants are generally those similar to the tenant they have occupying the area they are seeking to have rezoned which is the J & M Auto Parts. They are in the shopping center under a lease which limits their operation to retail sales, and they cannot make a go of it and they would like to have certain limited wholesale privileges.

Mr. Smith stated they are requesting B-2 zoning for limited wholesale sales and to be able to retain J & M Auto Parts and to get tenants who will be able to operate and pay a rent so that the owner can maintain the shopping center.

He stated it is their position that the area is suitable for B-2 zoning; that barriers do exist which would protect the surrounding residents and the successful operation of the shopping center depends in large part on the granting of the petition for rezoning.

Also speaking to the petition was Mr. Tom Phillips, Vice President of D. L. Phillips Investment Builders.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HOLIDAY GREETINGS EXTENDED TO MAYOR AND CITY COUNCIL ON BEHALF OF CITY EMPLOYEES.

Mr. John Shaw, former City Attorney, appeared before Council to wish the Mayor and members of the City Council happiness and contentment this Christmas and gracious mercy throughout the New Year and much prosperity, and God's Blessings on each one.

HEARING ON PETITION NO. 70-137 BY MYERS AND CHAPMAN COMPANY FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A PARCEL OF LAND 169' X 215' ON THE SOUTH SIDE OF FREELAND LANE ADJACENT TO CLANTON MEMORIAL PRESBYTERIAN CHURCH.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on the south side of Freeland Lane, fronting about 169 feet on Freeland Lane with a depth of about 215 feet. The property is vacant as is the property to the east of it towards South Boulevard. There is one house near the railroad near South Boulevard. There are single family residences directly across the street in front of the subject property and single family residences up Ellenwood Place which leads away from Freeland Lane. The Queens Drive-In Theatre is located in the area. To the west is single family residential construction over to Herron Avenue. Clanton Memorial Presbyterian Church is located at the intersection of Freeland Lane and South Tryon Street. To the rear of the property is industrial uses.

He stated there is I-2 zoning along the west side of South Boulevard coming down Freeland Lane to the subject property. Beginning with the subject parcel, property on both sides of Freeland Lane is zoned R-6MF out to the beginning of a B-2 district which has frontage on South Tryon Street. Directly behind the property there is I-1 zoning.

Mr. Brevard Myers, representing the petitioners, stated the subject property is not adjacent to the sanctuary property of the Church; there are four residences in between. Although the residence immediately adjacent is the parsonage for the Church he understands the pastor does not reside there. He stated they purchased the property from the railroad to the subject property and they would like to develop it as one parcel. They would like to have the I-2 zoning although for the purposes intended which is industrial warehouses for distribution, they can use the I-1 zoning which would be in

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compliance with the zoning immediately to the rear and in accordance with the development in the majority of the area.

Mr. Myers stated they will develop the property for lease and/or sell.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-139 BY W. F. PITTMAN, HORACE H. PITTMAN AND MILDRED H. PITTMAN FOR CHANGES IN ZONING AS FOLLOWS: (1) CHANGE FROM R-9MF AND O-6 TO B-1SCD A 3.1 ACRE TRACT OF LAND AT THE NORTHWEST CORNER OF ALBEMARLE ROAD AND REDDMAN ROAD. (2) CHANGE FROM R-9MF TO O-6 PROPERTY FRONTING 790 FEET ON THE NORTH SIDE OF ALBEMARLE ROAD, 1,239 FEET ON THE SOUTH SIDE OF CENTRAL AVENUE AND 112 FEET ON THE WEST SIDE OF REDDMAN ROAD. (3) CHANGE FROM R-9 TO R-9MF PROPERTY BEGINNING 200 FEET SOUTH OF ALBEMARLE ROAD, FRONTING 575 FEET ON THE WEST SIDE OF REDDMAN ROAD AND EXTENDING WESTWARD 836 FEET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject petition consists of three separate parcels and is located basically in the vicinity of the triangular shaped area bounded by Central Avenue, Albemarle Road and Sharon Amity Road. He stated at the corner of Albemarle Road and Reddman Road is the 3.1 acre tract of land requested for B-1SCD. Immediately adjacent to that and extending from Albemarle Road over to Central Avenue is the parcel of land of approximately 18 acres requested for office zoning. South of Albemarle Road and west of Reddman Road is the area requested for R-9MF zoning.

Mr. Bryant stated the area immediately adjacent to the subject property is predominately vacant with one house located on Albemarle Road near the intersection of Reddman Road which is not on property under consideration today. To the west is the large construction project under development by the Ervin Construction Company. There is a church and a child care facility located on Albemarle Road; across on the opposite side are several single family residences; there is a golf course in the area and beyond the subject property out Albemarle Road is a single family residence and a produce stand. Out further are several business uses which have been located in the area for a number of years.

He stated there is R-9MF zoning extending out on both sides of Albemarle Road. Then office zoning picks up and continues out to Reddman Road. Then begins an extensive area of business zoning at Reddman and continues eastward on both sides of Albemarle Road with business zoning. Away from Albemarle Road and the existing R-9MF zoning it is zoned R-9.

Councilman Tuttle stated he has a sign located on a portion of this property which he rents for \$12.00 per month; he asked the City Attorney if this would be a conflict of interest? That the sign can be moved and will be moved. Mr. Underhill, City Attorney, replied it would not be a conflict of interest.

Mr. Samuel S. Williams, Attorney for the petitioners, stated this property has been owned by Mr. Horace Pittman and his father for the last quarter of a century. That Mr. Bryant told them of a concern the Planning staff had for any perpetration of any strip type zoning out Central Avenue. So they specifically limited their request for B-1SCD to a 3.1 acre parcel situated just west of Reddman Road. This will house a convenience facility and a service station; the balance of the tract on the northerly side of Albemarle Road will be developed as an office park. They hope to have an ingress and egress of office users with the multi-family areas that are around the property. The property lying to the south of Albemarle Road was originally zoned multi-family for 200 feet. They propose an enlargement of the multi-family zoning down to a line which will coincide with what will be the rear

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lot line of some single family homes on Starkwood Drive.

Mr. Williams stated he has with him today Mr. Raymond Green with City Planning and Architectural Associates in Chapel Hill.

Mr. Green stated Mr. Pittman's property extends down as far as the Duke Power Company right of way. That the petitioner proposes to retain most of the land in its present R-9 use. He presented an aerial photograph of the area and pointed out some of the physical features. He stated one of the outstanding things is the tree coverage which extends from Albemarle Road to Central Avenue. That they will try to retain as much of that tree coverage as possible. He pointed out a large pond existing in the center of what they propose as the multi-family apartment development. The topography is rather irregular. Mr. Green presented slides showing the site plan. He stated they have tried to regard the whole 140 acres in a unified way in order to come up with a logical plan for the entire property. A divided street is proposed to enhance the appearance of the area and to increase the traffic signal. A cross street is proposed to connect with the lake and over to the B-LSCD which will consist of a service station and a convenient goods facility. The remaining some 18 acres is requested rezoned to O-6. The petitioner is requesting that the R-9MF zone south along Albemarle Road be extended southward to a point to allow one tier of single family lots along Starkwood Drive Extended in keeping with the development to the west and the further development to the south. There will be no connection from a standpoint of traffic of access between the single family area and the multi-family area. They propose a loop road off Reddman Road. Mr. Green showed a slide showing the connection with the lake and the roads going east-west across the Shopping Center area.

Councilman Short asked how many apartment units are planned for the area and Mr. Green replied 164 units are planned which are a combination of townhouses and garden type apartments.

No opposition was expressed to the proposed changes in zoning.

Council decision was deferred until its next Council Meeting.

MR. W. J. VEEDER SUMMONED TO APPEAR BEFORE MAYOR AND CITY COUNCIL AT ITS MEETING ON JANUARY 4, 1971.

Mayor Belk asked Mr. W. J. Veeder, City Manager, to come forward and read the following summons:

"STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPREME COURT DIVISION
No. 13

Charlotte City Council)
 Against)
W. J. Veeder)

SUMMONS

STATE OF NORTH CAROLINA

To the defendant named below ---- GREETING:

Defendant

Address

W. J. Veeder

Some proposed amusement park named
Carowinds

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You are hereby summoned and notified to appear before the plaintiffs, the Charlotte City Council, at its meeting on January 4, 1971 to account for your deeds and misdeeds during the past eleven (11) years.

Herein fail not at your peril.

John M. Belk, Mayor
Fred D. Alexander, Councilman
Sandy R. Jordan, Councilman
Milton Short, Councilman
John H. Thrower, Councilman
Jerry Tuttle, Councilman
Joe D. Withrow, Councilman
James B. Whittington, Councilman

By: Henry W. Underhill, Jr.
Attorney for Plaintiffs"

Mr. Veeder stated he is happy to accept the summons and will be delighted to be present.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO MRS. PAULINE JONES.

Mayor Belk recognized Mrs. Pauline Jones of the City Cemeteries Department and stated she was employed in the Cemeteries Division on September 25, 1939 and is retiring on December 31, 1970 after 39 years of service with the City. Mayor Belk presented Mrs. Jones with the City of Charlotte Employee Plaque and stated everyone appreciates the fine service she has rendered to Charlotte.

Councilman Whittington stated he has worked with Mrs. Jones since 1946 in his profession. Before that time and since that time, there have been many superintendents in the City Cemeteries Division, but Pauline Jones has always been the superintendent, today and yesterday, and years in the past, and she will be missed tremendously by so many people in this city who depended upon her for information at our local cemeteries. He stated he just wants to say thank you to her and wish her God speed.

RESOLUTION CLOSING PORTIONS OF NORTH PINE STREET, NORTH POPLAR STREET, WEST 29TH STREET AND WEST 31ST STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The public hearing was held on petition filed by The Vector Company, Inc., to close portions of North Pine Street, North Poplar Street, West 29th Street and West 31st Street. Council was advised that the City departments affected by the withdrawal had no objections to the closing of these streets.

Mr. Tom Ruff, Attorney for the petitioners, was present to answer any questions.

No opposition was expressed to the closing of portions of the streets as petitioned.

Upon motion of Councilman Jordan, seconded by Councilman Alexander and unanimously carried, the subject resolution closing portions of North Pine Street, North Poplar Street, West 29th Street and West 31st Street was adopted.

The resolution is recorded in full in Resolutions Book 7, beginning on Page 208.

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RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, JANUARY 18, 1971 ON PETITION TO CLOSE PORTION OF "A" STREET AND EAST FIRST STREET.

Councilman Whittington moved the adoption of the subject resolution setting date of public hearing on Monday, January 18, 1971 on petition of Southern Railway Company and Georgia Industrial Realty Company to close a portion of that strip of land sometimes known as "A" Street and that strip of land sometimes known as East First Street in the City of Charlotte, North Carolina. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 210.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, JANUARY 18, 1971 ON PETITIONS NO. 71-1 THROUGH 71-7 FOR ZONING CHANGES.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted setting date of public hearing on Monday, January 18, 1971.

The resolution is recorded in full in Resolutions Book 7, at Page 212.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:10 o'clock p.m., and reconvened the meeting at 4:20 o'clock p.m.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Motion was made by Councilman Tuttle, and seconded by Councilman Jordan, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$37.09 which was levied and collected against Griffin Investment Company. The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 213.

RESOLUTION APPROVING MUNICIPAL AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND NORTH CAROLINA STATE HIGHWAY COMMISSION FOR IMPROVEMENTS TO SUGAR CREEK ROAD, FROM NEAR NORTH TRYON STREET TO THE CITY LIMITS.

Councilman Alexander moved adoption of the subject resolution approving a municipal agreement between the City and the North Carolina State Highway Commission covering improvements to Sugar Creek Road, from near North Tryon Street to the City Limits, with the Highway Commission to provide all right-of-way and pay for all street construction, and the city to pay for sidewalks to be constructed on both sides of the project and to enforce all traffic controls. The motion was seconded by Councilman Short.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 214.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE INCORPORATING CHANGES IN THE REVISED ORGANIZATIONAL PLAN FOR THE MODEL CITIES DEPARTMENT.

After Mr. Jim Wilson, Director of the Model Cities Department, presented the proposed departmental organizational plan, motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting

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the subject resolution incorporating the following changes as set forth in the revised organizational plan for the Model Cities Department:

- (1) Delete eight class titles which have been removed from the Model Cities Department organizational chart.
- (2) Change the titles and class number of two positions.
- (3) Add 12 new position titles.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 216.

ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTION 19.86.1 OF THE CITY CODE AMENDING THE RATES AND CHARGES FOR AMBULANCES IN THE CITY OF CHARLOTTE, DEFERRED (RECONSIDERED AND ADOPTED LATER IN THE MEETING.)

Mayor Belk stated Councilman John Thrower who is absent today requested Council to defer decision on the subject ordinance until he is present.

Councilman Tuttle moved that the subject ordinance be deferred. The motion was seconded by Councilman Alexander and carried unanimously.

ORDINANCE NO. 965 AMENDING CHAPTER 4, ARTICLE 1, SECTION 4-2 OF THE CODE OF THE CITY OF CHARLOTTE, ADOPTED.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance by adding to Section 4-2, the following:

"Provided further, that aeronauts or pilots operating aircraft or helicopters owned by or under the direction of agencies and departments of the City of Charlotte shall be exempt from the provisions of this section."

The ordinance is recorded in full in Ordinance Book 17, at Page 495.

Councilman Tuttle asked how low the helicopter will be flown normally; or what is the safe minimum? Chief Goodman, Police Department, replied it depends on what the mission is at the moment; hopefully, they will not have to violate this ordinance with the exception of landing and taking off. That it will be operated mainly as a patrol vehicle and it will be operating at approximately 1,000 feet or better at all times. They do plan a helistop on top of the Law Enforcement Center soon and possibly a pad or two in the high crime areas within the City.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Short asked Mr. Jamison, Superintendent of Inspection Department, if he is relying on the 50 percent rule in the subject demolitions and Mr. Jamison replied they are. Councilman Short asked the shortest instance that Mr. Jamison has given these people notice to make the repairs. That because of the recent Supreme Court decision, some lawyers have made the comment that the only thing we can really go by now is a good long period of time. Mr. Jamison replied all these owners have had the opportunity to repair these houses. The City Attorney stated in light of the recent case handed down on Wednesday, he has discussed these particular five houses with Mr. Jamison. There will have to be an amendment to the Housing Code adopted two weeks ago, but these five dwellings will qualify under that opinion and it is proper for Council to adopt these ordinances today.

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Motion was made by Councilman Whittington and seconded by Councilman Jordan to adopt the subject ordinances, as follows:

- (a) Ordinance No. 966-X ordering the demolition and removal of dwelling at 627 East 10th Street.
- (b) Ordinance No. 967-X ordering the demolition and removal of dwelling at 2912 Monroe Road.
- (c) Ordinance No. 968-X ordering the demolition and removal of dwelling at 1712 Euclid Avenue.
- (d) Ordinance No. 969-X ordering the demolition and removal of dwelling at 2908 Monroe Road.
- (e) Ordinance No. 970-X ordering the demolition and removal of dwelling at 629 East 10th Street.

Council was advised that the property owner at 629 East 10th Street has indicated the demolition would be contested. Pictures of the property were passed around for Council to view.

No one spoke in opposition to the demolitions.

The vote was taken on the motion and carried unanimously.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 496.

CHANGE ORDER NO. 1 IN CONTRACT WITH SHANKLIN AIR CONDITIONING INC. FOR RENOVATIONS TO AUDITORIUM.

Councilman Short moved approval of the subject Change Order in contract with Shanklin Air Conditioning, Inc. increasing the contract price by \$1,601.80 for necessary drain lines from the air conditioners which were not anticipated in the preparation of the plans. The motion was seconded by Councilman Alexander and carried unanimously.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS TO EAST THIRD STREET AND EAST FOURTH STREET.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the subject change order was approved, increasing the contract price by \$3,173.00, to cover cost of additional work required to adjust the present grade of Kings Drive and near East Third Street, to assure a smooth transition when traveling through the intersection.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF ARCHDALE DRIVE BRIDGE.

Motion was made by Councilman Whittington approving the subject change order in contract increasing the contract price by \$7,045.17, to cover the cost of additional fill material, bituminous concrete, base material, fertilizing, seeding, mulching and steel piles. The motion was seconded by Councilman Withrow, and carried unanimously.

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APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Gerald A. Hutchison for appraisal of one parcel of land at a fee of \$150.00 for the Kilborne & Central Avenue Intersection Project.
- (b) Contract with H. L. McKee for appraisal of two parcels of land at fees of \$400.00 and \$300.00 for the McDowell-Morehead Intersection Project.
- (c) Contract with L. H. Griffith for appraisal of two parcels of land at fees of \$400.00 and \$300.00 for the McDowell-Morehead Intersection Project.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Tuttle moved approval of the following property transactions. The motion was seconded by Councilman Whittington, and carried unanimously.

- (a) Acquisition of 194.06' x 75' x 194.20' x 75' at 3817 Eastway Drive, from James Bernard Funderburk and wife, at \$11,000.00 for the Eastway Drive Widening.
- (b) Acquisition of temporary construction easement 40' x 10' x 40' at 3726 Commonwealth Avenue, from Ruby E. Funderburk (widow) at \$150.00, for the Eastway Drive Widening.
- (c) Acquisition of 16.49' x 75.04' x 13.99' x 75.00' at 3644 Eastway Drive, from Roland Edmund Aycock and wife, at \$2,375.00, for the Eastway Drive Widening.
- (d) Acquisition of 75' x 247.39' x 247.17' at 3732 Eastway Drive, from Mrs. Rosa W. Gabriel (widow), at \$15,525.00, for the Eastway Drive Widening.
- (e) Acquisition of 13.99' x 75.04' x 11.49' x 75.00' at 3638 Eastway Drive, from William Wagner and wife, at \$2,350.00, for the Eastway Drive Widening.
- (f) Acquisition of 10' x 75' at 3626 Eastway Drive, from Gus Pappamihel and wife, at \$2,300.00 for the Eastway Drive Widening.
- (g) Acquisition of 10' x 129.3' of easement at 5340 South Boulevard from Myers and Chapman Investment Company for sanitary sewer to serve Myers & Chapman Investment Company.

SPECIAL OFFICER PERMITS APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the following special officer permits were authorized for a period of one year:

- (a) Issuance of permit to Jay Scott Van Tilburg for use on the premises of Collins Co., at Tryon Mall, Cotswold Shopping Center and Freedom Village Shopping Center.
- (b) Issuance of permit to George Watkins Boyd for use on the premises of Collins Company at 3033 Freedom Drive.
- (c) Issuance of permit to Hencil Joel Wayne Cannon for use on the premises of Collins Company at 3033 Freedom Drive.

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TRANSFER OF CEMETERY DEEDS.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Louise H. Jackson for Lot No. C, Section A, North Pinewood Cemetery, at \$252.00.
- (b) Deed with Mr. William L. Woolard and wife, Mrs. Virginia S. Wollard, for Lot No. 267, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with Mr. and Mrs. W. E. Conger for Lot No. 319, Section 2, Evergreen Cemetery, transferred from Bertha Pearce Jones (widow), and Mr. and Mrs. W. R. Jones, Jr., at \$3.00 for transfer deed.

AWARD OF CONTRACT TO MINNESOTA MINING AND MANUFACTURING COMPANY FOR SCOTCHLITE MATERIAL.

Councilman Jordan moved award of contract to the only bidder, Minnesota Mining & Mfg. Company, in the amount of \$16,083.49, on a unit price basis, for scotchlite material. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACT AWARDED WESTERN CAROLINA TRACTOR COMPANY FOR ONE STANDARD 10 TON 3-WHEEL ROLLER.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the subject contract was awarded to the low bidder, Western Carolina Tractor Company, in the amount of \$12,490.00, for one standard 10-ton 3-wheel roller.

The following bids were received:

Western Carolina Tractor Co.	\$12,490.00
Arrow Equipment Sales, Inc.	13,450.00

CONTRACT AWARDED CONTRACTORS SERVICE AND RENTALS, FOR TWO TANDEM VIBRATORY PATCH ROLLERS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Contractors Service and Rentals, Inc., in the amount of \$5,514.00, for two tandem vibratory patch rollers.

The following bids were received:

Contractors Service & Rentals, Inc.	\$ 5,514.00
Arrow Equipment Sales, Inc.	5,550.00

CONTRACT AWARDED INTERNATIONAL HARVESTER FOR ONE 1/2 TON CARRY-ALL VEHICLE.

Councilman Jordan moved award of contract to the low alternate bidder, International Harvester, in the amount of \$3,047.96, on a unit price basis, for one 1/2 ton carryall vehicle. The motion was seconded by Councilman Short and unanimously carried.

The following bids were received:

BASE BID - (With Standard Transmission)

International Harvester Co.	\$ 2,878.89
Young Ford, Inc.	2,962.37
LaPointe Chevrolet Co.	2,974.01
Dodge Country, Inc.	3,003.73

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ALTERNATE BID - (With Automatic Transmission)

International Harvester Co.	\$ 3,047.96
Young Ford, Inc.	3,125.65
LaPointe Chevrolet Co.	3,148.36
Dodge Country, Inc.	3,178.63

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR TEN 1/2 TON PICK-UP TRUCKS.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low alternate bidder, International Harvester Company, in the amount of \$23,053.26, on a unit price basis for ten 1/2 ton pick-up trucks.

The following bids were received:

BASE BID - (With Standard Transmission)

Dodge Country, Inc.	\$21,347.36
International Harvester Co.	21,379.86
LaPointe Chevrolet Co.	22,397.20
Young Ford, Inc.	22,441.00
GMC Truck & Coach	23,109.70

ALTERNATE BID - (With Automatic Transmission)

International Harvester Co.	\$23,053.26
Dodge Country, Inc.	23,096.36
Young Ford, Inc.	24,195.00
LaPointe Chevrolet Co.	24,230.70
GMC Truck & Coach	25,092.70

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR FIVE 7,800 GVW PICK-UP TRUCKS.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low alternate bidder, International Harvester Company, in the amount of \$13,414.93, on a unit price basis, for five 7,800 GVW pick-up trucks.

The following bids were received:

BASE BID - (With Standard Transmission)

International Harvester Co.	\$12,744.08
Dodge Country, Inc.	12,948.31
Young Ford, Inc.	13,271.54

ALTERNATE BID - (With Automatic Transmission)

International Harvester Co.	\$13,414.93
Dodge Country, Inc.	13,922.81
Young Ford, Inc.	14,187.84

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR TEN 19,500 GVW CAB AND CHASSIS.

Councilman Alexander moved award of contract to the low alternate bidder, International Harvester Company, in the amount of \$42,550.00, on a unit price basis, for ten 19,500 GVW cab and chassis. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

BASE BID - (With Standard Transmission)

International Harvester Co.	\$34,569.20
Dodge Country, Inc.	35,687.70
LaPointe Chevrolet Co.	36,226.30
Young Ford, Inc.	36,315.50
GMC Truck & Coach	36,998.50

ALTERNATE BID - (With Automatic Transmission)

International Harvester Co.	\$42,550.00
GMC Truck & Coach	45,130.00
Dodge Country, Inc.	45,821.70
LaPointe Chevrolet Co.	45,920.30
Young Ford, Inc.	48,904.50

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CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR ONE 22,000 GW TILT CAB WITH STANDARD TRANSMISSION.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, International Harvester Company, in the amount of \$4,546.30, on a unit price basis, for one 22,000 GW tilt cab with standard transmission.

The following bids were received:

International Harvester Co.	\$ 4,546.30
Young Ford, Inc.	4,728.40
LaPointe Chevrolet	4,748.25
GMC Truck & Coach	4,758.68

CONTRACT AWARDED INTERNATIONAL HARVESTER COMPANY FOR SIX 32,000 GW CAB AND CHASSIS WITH AUTOMATIC TRANSMISSION.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, International Harvester Company, in the amount of \$65,329.74, on a unit price basis, for six GW cab and chassis with automatic transmission.

The following bids were received:

International Harvester Co.	\$65,329.74
Mack Trucks, Inc.	76,573.20
GMC Truck & Coach	79,382.04

CONTRACT AWARDED QUALITY EQUIPMENT AND SUPPLY COMPANY FOR EIGHT DUMP BODIES.

Councilman Whittington moved award of the contract to the only bidder, Quality Equipment and Supply Company, Inc., in the amount of \$9,296.10, on a unit price basis, for eight dump bodies. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT AWARDED WORTH KEETER, INC. FOR ONE SPECIAL UTILITY BODY.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, contract was awarded to the low bidder, Worth Keeter, Inc., in the amount of \$4,500.00, on a unit price basis, for one special utility body.

The following bids were received:

Worth Keeter, Inc.	\$ 4,500.00
Baker Eqpt. Engr. Co., Inc.	4,944.00

CONTRACT FOR SIX 20 CUBIC YARDS REAR-END REFUSE COLLECTION BODIES, DEFERRED.

Motion was made by Councilman Withrow and seconded by Councilman Alexander to award contract to the only bidder meeting specifications, Quality Equipment & Supply Co., Inc. in the amount of \$35,343.00, on a unit price basis, for six 20 cubic yards rear-end refuse collection bodies.

Councilman Short stated another bidder on this matter called him with some information so technical that he could not digest it and study it at the time he brought it up, but he makes somewhat of a case. That he has discussed this a little bit with Mr. Bobo and he indicates this is not completely urgent.

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Councilman Short made a substitute motion to defer award of this contract until the next meeting. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Withrow asked why this information was not given to all the Council Members rather than through an individual Councilman. Councilman Whittington replied some information has been presented to him as an individual and he cannot vote on this today as he is not informed enough to vote either way; and he would like some more information. That he thinks the burden of proving that this is the thing to do is on the Purchasing Agent, Mr. Hopson and Mr. Beaver, and he thinks between now and the next meeting it is their responsibility. Councilman Withrow replied it is alright but he wonders why this was not done before it was brought to Council today.

Councilman Withrow stated he would like to know that on all the items this has been studied by the Staff and the staff is absolutely sure it is the best price it can get.

ORDINANCE NO. 971 AMENDING CHAPTER 19, ARTICLE II, SECTION 19.86.1 AMENDING THE RATES AND CHARGES FOR AMBULANCES IN THE CITY OF CHARLOTTE, ADOPTED.

Councilman Tuttle stated Mayor Belk related a request from Councilman Thrower who is out of the city today to defer action on the subject ordinance and generally out of respect to a member when he is absent with good cause, Council does defer items. He stated at the time it did not occur to him that it would be two weeks before Council meets again and this is a matter of urgency, and he believes this ordinance will have to be passed before we get into the improved ambulance services.

Councilman Tuttle moved that Council reconsider its action earlier in the meeting to defer decision on the subject ordinance. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Tuttle moved adoption of the subject ordinance amending Chapter 19, Article II, Section 19.86.1 amending the rates and charges for ambulances in the City of Charlotte. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 32.

AGREEMENT WITH CHARLOTTE AMBULANCE SERVICE AMENDED.

Mr. Bobo, Assistant City Manager, recommended to Council that the City's agreement with the Charlotte Ambulance Service be amended to include two recommendations of the Ambulance Advisory Committee as follows:

- (1) Increase the present city-county subsidy for uncollectible emergency calls originated by the Police or Fire Department from \$12.50 per call to \$18.00 per call.
- (2) Establish a city-county subsidy of \$15.00 per call for emergency calls originated by the Police or Fire Department where no patient is transported.

Councilman Tuttle moved approval of the two recommendations as presented. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington asked when the remainder of the Ambulance Advisory Committee's recommendations will come to Council? Mr. Bobo replied this will be before Council in the next few weeks to implement the full report of the Committee.

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REPORT REQUESTED ON BRIDGE ON STEELE CREEK ROAD.

Councilman Withrow asked the Assistant City Manager to bring Council a report on the old dilapidated bridge on Steele Creek Road. That he would like to know what is happening to the bridge. That he has asked that something be done to this bridge three times.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE TURNING LANE AT CORNER OF REMOUNT ROAD AND WILKINSON BOULEVARD.

Councilman Withrow asked that Mr. Hoose, Traffic Engineer, check the corner of Remount Road and Wilkinson Boulevard. That the turn from Remount Road into Wilkinson Boulevard needs to be widened. He stated there is a tremendous number of trucks that turn here going to South Boulevard, and they have to go up on the curb to make the turns and some of them are damaging their equipment. He asked that he be given a written report on this request.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ENDORSING THE ACTION TAKEN AT THE DECEMBER 6, 1970 MEETING OF THE NATIONAL LEAGUE OF CITIES ANNUAL CONGRESS OF CITIES AS PERTAINS TO REVENUE SHARING.

Councilman Short moved adoption of the subject resolution with the request that the City Manager send it to whatever parties are necessary to place it in the hands of Congress. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 218.

MINI BUSES TO BE GIVEN CONSIDERATION IN THE LONG RANGE TRANSPORTATION PLAN.

Councilman Tuttle stated in the Charlotte Observer on December 19, 1970, there was an article from the Miami Herald on free buses. He stated he is not advocating free buses but there was something from the standpoint of rate and subsidy that we might ultimately have to come to to alleviate the traffic congestion and parking downtown. That he wonders if we had ten cent buses running all over town, what it would do. Councilman Jordan stated some years ago they had some mini buses in the downtown area for five or ten cents. That he has always felt this would be a good thing for the people who are shopping uptown and have trouble getting to their cars.

Councilman Tuttle stated the point is if these buses ran every five minutes and someone on Providence Road worked at a bank downtown and he could step out and get on one of these buses, it might have some affect. That he thinks this should be given some consideration in the city's long range transportation plan.

PUBLIC WORKS DIRECTOR ADVISES HE WILL MEET WITH REPRESENTATIVES OF DUKE POWER COMPANY REGARDING BURNING GARBAGE TO GENERATE POWER.

Councilman Tuttle stated several weeks ago there was an article in the paper involving Dr. Jim Martin and Duke Power Company on what Palo Alto, California had done towards burning garbage and turning it into electric power. He asked Mr. Hopson, Public Works Director, if anyone has contacted Dr. Martin about this? Mr. Hopson replied he has talked informally with Dr. Martin and there is a meeting set up tomorrow morning with Duke Power based on a consultant's report out of St. Louis saying that the Union Electric Company is entering into a long range program on this situation. He stated he is not familiar with the Palo Alto proposition, but there is a government subsidy of \$1,700,000 involved in that. Councilman Tuttle replied if a way is found to burn this, then you take the money you are going to spend on landfills and put it into this operation. That according to the article this is virtually smog free.

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Mr. Hopson stated the consultant is recommending that the power company can burn up to 10 percent of the total fuel requirements in this process. That ten percent as far as Union Electric is concerned is several hundred tons a day. That over that it tears up the grates and creates a pollution problem.

That he is doing some investigation on this process and if he receives anything favorable, he will be back to Council.

REPORT ON RANDOLPH CLINIC PROGRESS.

Councilman Tuttle stated at the last Council Meeting he passed out a report by Randolph Clinic as he thought Council would be interested. He stated in the little place that was rented across from Presbyterian Hospital towards the end of 1968 there were four referrals; in 1969 there were 170 referrals, and through November, 1970 there have been 438 referrals. That by referrals he means people who are actually using the clinic. There would be more except we do not have the facilities. He stated this is an interesting report and he hopes Council has read it. That this is the only one like it in the United States; and it looks as though it is a big success.

TARGET DATE FOR COMPLETION OF FIFTH STREET REQUESTED.

Councilman Whittington requested Mr. Bobo, Assistant City Manager, to get for Council the target date for the completion of the remaining one block of East Fifth Street. That this has been held up for three successive years in order for the people to get another lease, and the city has bought the property. That it was his understanding that this would be their last year there, and the city could acquire the property and get on with the widening in 1971.

REQUEST THAT MEETING BE SET WITH HIGHWAY COMMISSION TO GET BELT ROAD SPEEDED UP AND COMPLETED.

Councilman Whittington stated the time has come when this Council and the Mayor, through Mr. Charles K. Maxwell, should ask for a meeting with the Highway Commission and even the Governor if it is necessary to do what we can to complete the belt road. That the City has planned for 12 years on the belt road and the thoroughfare plan, and the City Council and the city government has done everything it has committed itself to do with the State. That it is important for the City to ask for a meeting and go to Raleigh and appear before the Highway Commission with Mr. Maxwell and even to the Governor, if we can, to see if there is not some way that we can get this traffic off the southeast side of Charlotte that is moving north and south and northeast and southwest.

Councilman Whittington stated he does not mean to imply that Mr. Maxwell is not doing a good job as he is. That this is not criticism but he thinks we should let them know what was done back in the days of Governor Sanford, and that we are still waiting for some of the roads to be completed.

REQUEST THAT COUNCIL BE GIVEN COPY OF HOUSING CODE AND WORKABLE PROGRAM COMPLETED AND SENT TO HUD FOR APPROVAL.

Councilman Whittington requested Mr. Bobo, Assistant City Manager, to get Council a copy of the Housing Code passed last week. He asked if everything has been done to get the workable program to HUD and get it approved? Mr. Bobo replied there are some other things to be done yet; but the Housing Code is the major portion of the workable program, and now that it has been approved, the other things can be done.

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SUPERINTENDENT OF BUILDING INSPECTION DEPARTMENT REQUESTED TO MAKE RECOMMENDATIONS ON AMENDMENT TO CODE FOR CONSTRUCTION OF BUILDINGS SO THAT HANDICAPPED PERSONS MAY HAVE ACCESS TO AND USE OF FACILITIES.

Councilman Whittington stated about two months ago Mayor Belk asked him to serve as Chairman of the Mayor's Committee for the Employment of the Handicapped in 1971, and he accepted. Since that time Mr. Myron Smithwick appeared before Council and before the County Commission and asked each Body to consider going before the Building Standards Board and asking for legislation, if necessary, and amend our Building Code to require builders to construct new buildings so that handicapped people can have access to the buildings.

Councilman Whittington requested Council to have Mr. Jamison, Superintendent of Building Inspection, and his Department, to require whatever is necessary to change the Code. This has been done in High Point, Winston-Salem and Asheville. The Committee pointed out that one out of every two people will have some type of handicap and the buildings will need to be constructed so that these people can have access to them. He stated the County Commissioners have agreed to build a ramp at the Courthouse. Mr. Murray Whisnant, a local architect, said there would be very little difference in the cost of the building provided the plans are included at the beginning of the construction rather than making the provisions later. That he is referring to public buildings.

Councilman Tuttle asked what is wrong with requiring it on certain non-public buildings, such as private hospitals and clinics? Councilman Whittington replied the City of Duluth, Minnesota has a model ordinance and a number of cities throughout the country have adopted it. That he will give this ordinance to Mr. Bobo and then he and Mr. Jamison can see what they can do with it.

Councilman Short asked if this refers to public buildings such as stores where the public is invited or does it refer to just governmental buildings? Councilman Tuttle replied they are talking about governmental buildings, but he thinks it should go a little further.

CONSIDERATION REQUESTED ON REQUIRING PERSONS OPERATING CHRISTMAS TREE LOTS TO POST BONDS THAT LOTS WILL BE CLEARED AFTER CHRISTMAS EACH YEAR.

Councilman Jordan asked if the people who have lots and sell Christmas trees are required to post bonds so that after Christmas they must put the lots back in order? That every year a lot of these lots are left with excess trees. Mr. Bobo, Assistant City Manager, replied the Jaycees and such organizations are given free licenses and they do cooperate in cleaning the lots. Councilman Jordan stated there are a number of lots operated by individuals and they should be required to post a bond. That it is too late this year but it should be taken up with the Council's Anti-Litter Committee so that next year they will be required to post bond to clean the lots up after Christmas.

Mr. Underhill, City Attorney, advised there is no provision in the Code at present but they will try to come up with something.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk