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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, February 23, 1976, at 7:30 o'clock p.m., in the Board Room of the Educational Center, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

Sitting as a separate body for the hearings on petitions for zoning changes was the Charlotte-Mecklenburg Planning Commission, with the following members present:

Commissioners Tate, Ervin, Marrash, Kirk, Campbell, Jolly, Finley, Royal, Ross and Boyce.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Fred Holder.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting on Monday, February 9, 1976, were approved as submitted.

PROCLAMATION ON CONSUMER PROTECTION WEEK.

Mr. Willie Strafford of the United States Post Office was presented a proclamation from the United States Post Office declaring the week of February 23-28, 1976, as Postal Consumer Protection Week. He stated they are highlighting the United States Postal Service Inspection Provision. The proclamation read as follows:

"WHEREAS, the United States Postal Service and various mailorder business associations are joining together to alert all communities for ways in which employees of the Postal Service protect the mail-using consumer; and

WHEREAS, the need of the Postal consumer requires awareness of methods by which a few unscrupulous schemers subvert the Postal System to their own end and the means available to protect the consumer from misuses of the mail; and

WHEREAS, the able and dedicated staff of the Charlotte Post Office work to protect the mail and provide efficient mail service.

NOW, I, THEREFORE, John M. Belk, Mayor of the City of Charlotte, do hereby proclaim the period of February 23-28, 1976, as Postal Consumer Protection Week in the City of Charlotte, North Carolina and I urge all my fellow citizens to use this occasion to familiarize themselves with the Consumer Protection Program and procedures in order to show the best utilization possible of the assistance provided by the Postal Service to prevent the misuse of mails and to resolve the complaints."

Inspector J. D. Garner from the Postal Inspection Service was also present to receive the proclamation.

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HEARING ON PETITION NO. 76-9 BY C. A. WILLIAMS, ANN MCCORKLE, AND DAVID FULLER FOR CHANGE IN ZONING FROM R-9MF TO B-1 OF PROPERTY FRONTING ON THE WEST SIDE OF SHARON AMITY, 360 FEET SOUTH OF THE INTERSECTION OF SHARON AMITY AND ALBEMARLE ROAD.

Council was advised that the subject petition has a protest filed which invokes the 3/4 Rule requiring six affirmative votes of the Mayor and Council in order to rezone the property.

The City Clerk advised that by letter dated February 15, 1976, and filed with the City on Friday, February 20, 1976, Annie D. McCorkle requested that her name be removed from Petition No. 76-9 for rezoning as it was placed on the petition without her knowledge or consent. Council was also advised that the City Attorney has stated the withdrawal of Mrs. McCorkle's name from the petition will have no effect on the protest petition which has been filed and invokes the 3/4 Rule.

Motion was made by Councilman Withrow, and seconded by Councilwoman Chafin to allow the name of Annie D. McCorkle to be withdrawn from the petition.

Councilman Davis asked if withdrawing the name would have any effect other than reducing the number of names by one? Mr. Underhill, City Attorney, replied Council and Planning Commission will be considering a smaller tract of land for rezoning as originally there were three separate owners but the 3/4 voting rule will still be in effect. Other than that he can think of no legal effect the withdrawing will have. If they vote to withdraw it, then that portion of property is no longer under consideration for rezoning.

The vote was taken on the motion and carried unanimously.

Mr. Fred Bryant, Assistant Planning Director, presented slides illustrating the land uses and zoning in the area.

He stated the zoning in the area reflects the type usages in the area with the subject property being located on the west side of Sharon Amity Road and zoned R-9MF; business zoned land along Albemarle Road, and a combination of B-2 and B-1 adjacent to the subject property, and the remaining area associated with the property zoned R-9MF and includes the property across Sharon Amity in front of it, and the church adjacent to it, and along Amity Garden Court to the rear.

Mr. Joe Griffin, Attorney for the petitioner, stated the Fuller tract on the north portion adjoins the Victoria Station, the restaurant under construction, with a small portion in the back adjoining White's Auto Store.

He stated this is a four-lane road with very few if any trees now; they are adjoined by a restaurant on one side, with a golf course across the street. He passed around photographs showing the street before it was widened with trees and after the widening without the trees. He stated this is not conducive to residential living; that Mr. Fuller's property has a 50 percent vacancy rate; they are no longer suitable for duplexes and are more suited for offices or some type of boutique or something of that nature.

He stated the Williams family has lived on their property for over 35 years. At the time they moved there it was a small two-lane dirt street. Since that time it has been widened three times; Independence Boulevard has been built and Albemarle Road has been built and their front yard has eroded away. They are not trying to disrupt the scheme of things; but they hope Council will agree that these people now 77 years of age are entitled to get the value of their property. They have a sale for the property to the bank.

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Mr. Griffin stated if given more time he thinks they can work out their difference and come to some agreement the petitioners and the protestors can live with. He asked that they be given time to meet with the church and the other protestors in order to work out something they can live with.

Mr. Bill Underwood, Attorney on behalf of the American Bank and Trust Company, stated they have an option to purchase the triangular rear portion, the most southerly portion of this property, and they are prepared to immediately commence procedures necessary to locate the branch bank at this location. The bank feels this is an ideal site for this type of bank and it would make a good neighbor. He stated this location has on site two rather aged homes which do not have a great life expectancy. One is now a rental house and at some point in time there will be some change in the use of it. They feel the age of the dwellings, the widening of Sharon Amity Road, the proximity to the commercial development on Albemarle Road, all of this indicates the highest and best use for this branch bank.

Mr. Underwood stated this is a neighborhood bank, a community bank, and it wants to have the people who are here in opposition as its customers and does not want to cut off its nose to spite its face. The structure the bank is prepared to build is compatible with the continued residential use of the property across the street and to the rear of it. The bank means to be a good neighbor and it is here, not as a petitioner, and has not been involved in the filing of this petition, but simply as a good future neighbor for this entire community with the highest motives.

Appearing and speaking in opposition to the rezoning petition were Mrs. Joyce Gillon, Co-Chairman of the Coventry Woods Community Association, Reverend Fred Holder, Amity Presbyterian Church, Mr. Tom Mattingly, resident of Coventry Woods, and Mr. Bob Keller, 2922 North Sharon Amity Road.

Mrs. Gillon stated the petition to invoke the 3/4 Rule was signed by five of the property owners, including the Church and Mrs. Annie B. McCorkle whose property was listed in the petition. She filed a protest petition with the City Clerk from the community.

Mrs. Gillon stated they are trying to preserve the character of Coventry Woods; they have continuously been wedged between business on Albemarle Road and Independence Boulevard. They feel there is substantial property zoned business and office in the immediate area that is not being utilized. She stated they sympathize with the Williams family; however, had they and their neighbors taken a stand ten or fifteen years ago they would not be in their situation now. There is other property in this petition of which there is no guarantee as to what might be built there. If this rezoning is allowed, the City Council is again setting the rule that any property owners left on a four-lane road should be allowed business zone. That was the mistake of Eastway Drive, Monroe Road and Albemarle Road. In June, 1975, property across the street from the proposed rezoning was denied rezoning to O-6 based on the fact that rezoning here would constitute strip zoning, and that the Planning Commission was opposed to strip zoning in any fashion. She stated they have talked with the prospective buyers of the Williams property and she has been contacted by Mr. Griffin, the petitioners' attorney, and they asked how they would feel if he asked for a postponement of the Planning Commission's decision until his client and the buyers could meet with them and the Church to work out some sort of compromise. If the postponement occurs he would like to meet with the owners who invoked the 3/4 Rule and ask them to consider removing their name. Mrs. Gillon stated she feels this is not a compromise; this is asking them to give up their opposition and the developer will choose for the residents what he deems to be an unoffensive business. She stated there is only one reason any business would locate in their neighborhood and that is economics. The widening of Sharon Amity has provided an easier flow of traffic; to locate business there is only one break in the planted

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median and would jeopardize the traffic pattern. They are trying to make the neighborhood more desirable for the long range residents; for the people who choose to retire in Charlotte and the transferrable people who care about the future of the city they live in. Mrs. Gillon stated they need the City Council's cooperation by helping now.

Reverend Holder in his comments stated that the Amity Presbyterian Church in a congregational meeting on February 15 voted unanimously to oppose the petition to rezone the properties and authorized the trustees of the Church to sign the protest. They oppose the rezoning (1) it represents spot or strip zoning; (2) the B-1 allows almost any kind of use of the property; (3) no initial effort was made on the part of the petitioners to offer the neighborhood any kind of plan or contract concerning the use of the property; (4) there is property along Independence Boulevard and Albemarle Road to provide business locations; (5) the rezoning would produce a domino effect as speculators would buy up adjacent property until all the residences disappear; and (6) they are concerned about the quality of the community and its stability which they feel would be eroded by creeping rezoning.

Mr. Mattingly stated before purchasing his home he inquired of the City as to the zoning in the surrounding areas and he found the property along Sharon Amity in Coventry Woods was zoned to exclude business. Since he has observed the detrimental effects of strip zoning along Eastway and Central Avenue. In zoning this section of Sharon Amity Road R-9MF the City made a commitment to him and other landowners in the area that the rezoning would not be changed for less than a major reason. He is holding the City to this commitment and asked what kind of reasons are sufficient to justify such a zoning change. A minimum requirement should be the whole community will not suffer for the profits of a few. The petitioners say on the petition this is a changing neighborhood. He presumes they mean a change for the worse and that the neighborhood is losing its residential character; he disagrees with this. If anything, it has increased as a desirable place in which to live. He asked the City Council to help preserve their community.

Mr. Griffin stated he does not believe they are disrupting the areas as those duplexes are too good to be pushed off. That on the north end they are anchored by the Victoria Station which is going up there; on the south they are anchored by the Church, with the exception of the McCorkle property. Where are the dominos going to fall after that? When you go from a two-lane unpaved road to a four-lane road such as North Sharon Amity Road, how can you say the area has not changed.

Councilman Gantt asked what the other 50% of the property will be used for? Mr. Griffin replied they are duplexes and they are good buildings; they believe they can be put to a better use for some business purposes.

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

HEARING ON PETITION NO. 76-7 BY MRS. ROSA LEE HILL FOR A CHANGE IN ZONING OF PROPERTY FRONTING 100 FEET ON THE EAST SIDE OF MORRIS FIELD ROAD AND ABOUT 337 FEET NORTH OF SEYMOUR DRIVE.

The scheduled hearing was held on the subject petition for a change in zoning from R-9MF to B-2.

Mr. Fred Bryant, Assistant Planning Director, presented slides of the area showing the land uses and the zoning of the area. He stated the zoning pattern in the area is R-6MF and the nearest non-residential zoning is industrial area extending along the railroad. In the immediate vicinity of the property there is a solid area of multi-family residential land.

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Speaking for the petitioner was Mr. Fenton Erwin, Attorney. He stated Mrs. Hill has operated a grocery store for some thirty years, living on the property. Her husband has operated a heating oil business there for the past few years, answering the telephone and taking calls. He goes to the Paw Creek terminals to get his oil and has been servicing the community's heating oil needs from this area. He has occupied the property since 1946, and began getting coal and bagging it and delivering it throughout the community. He acquired three trucks he now uses, each of which has a pump and are used in the heating oil business. Some time ago he was issued a building permit to do some work on a building to do some work on the vehicles he owned. He built the footings and the inspectors came out and inspected them; he went on with the building for over a year, and the inspectors went back out. He has a problem in that he can no longer operate his business under the present zoning. Mr. Hill continues to use his truck to get the oil and to deliver it and then brings the trucks home at night. The garage is used to service these trucks in connection with his delivery work.

Mr. Erwin stated the area is 4/10 of a mile from the intersection of Wilkinson Boulevard and Morris Field Drive; and is primarily unoccupied. The petitioner owns several tracts on Morris Field Road, one of which is occupied by the mother of Mrs. Hill. The Plato Price School property has materials stored on the outside of that building. Part of CAG Building Supply backs up on Morris Field Road.

In answers to questions Mr. Erwin stated the grocery store has been there at least 30 years; and the garage is behind and to the side of the store.

Councilman Withrow stated he has been knowing Robert Hill for about fifteen years, and he has been operating his fuel oil trucks there and the store. That a lot of people do not work as hard as the Hills to make a living and he hopes the Planning Commission takes a strong look at this with the possibility of letting it stay.

Commissioner Jolly asked what was requested when they applied for the building permit? Mr. Erwin replied he has been informed that Mr. Hill was asked various questions when he applied, one of which he recalls being the electrical cost; he indicated to them it was going to be sizeable, approximately \$500, and that he would need several outlets to plug his electrical equipment into. At that time, Mr. Hill was informed he could not work on anyone else's property there; this was a residence, and nobody else's vehicles could be worked on. Up until this time when he was under the impression he could work on his own vehicles, and now he has been told he cannot work on his own.

Councilman Withrow asked if the petitioners would object to B-2 conditional? Mr. Erwin replied they are not opposed to that; they are interested in continuing to use it for the fuel oil business and receiving telephone calls there.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 76-8 BY SCHLOSS ADVERTISING COMPANY FOR A CHANGE IN ZONING OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF LAMAR AVENUE AND EAST INDEPENDENCE BOULEVARD.

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

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Mr. Fred Bryant, Assistant Planning Director, stated this request represents a change from one type of business zoning to another type rather than being from residential to business as prior requests. This request also represents a petition to change to the new conditional form of business district for the specific purpose of allowing an advertising sign to be built on the site. The property was considered for a change to B-2 about three years ago for the same purpose, and at that time was denied. Now that the conditional approval concept is available, the petitioner has seen fit to submit it on that basis.

Mr. Bryant then presented slides showing the land uses and the zoning in the area. He advised that the subject property is completely surrounded by a continuing pattern of B-1 zoning. The transitional pattern which has been established for this area is business along Independence, a narrow strip of office and then the residential zoning behind which is a part of the Elizabeth area. The R-6 zoning is some of the area which was changed about two years ago from multi-family to single family by action of Council when the Elizabeth rezoning was considered.

He stated the conditional district type of request involves a submission of a plan for the use of the property and this plan has been submitted. The proposal is to establish the advertising sign at the rear portion of the property and parallel to Independence Boulevard, with the remaining portion of the property not proposed for any actual usage. If the zoning is approved, this would become binding and would be the one and only sign which could be placed on the property.

Speaking for the petition was Mr. Mark Silverman of Schloss Advertising Company. He stated the median strip in the street makes it difficult to develop the property as it is; there is commercial property all around and this type of commercial development would be about as least offensive type of development that could be developed on the property. The plan calls for only one sign on the area; the area would be landscaped, and they will work in conjunction with the Planning Commission. Mr. Silverman also stated he would work with the Elizabeth Community if they so wish; they have not contacted him but he would be glad to allow them to use this land for a small neighborhood park after he finished building the sign.

Mr. Silverman stated they would hope to keep the landscaping so that it will be relatively easy to maintain but if it takes intensive landscaping to have this approved they would go along with maintaining it. They have a work crew that maintains around their signs.

Ms. Christie Spencer, 530 Lamar Avenue, stated she is representing the residents who live on the corner of Lamar Avenue and Independence Boulevard in opposition to the rezoning. Most of them are elderly people and have lived there for over thirty years. They take a lot of pride in the neighborhood. She stated she has thought of the things going on in the neighborhood over the last three or four years with the Elizabeth Community Association and she feels the quality of the neighborhood is incredible. Some of the people have lived there for thirty years or more and others that will never be seen again in Charlotte if they are destroyed. The old homes are quiet and the trees are so large they muffle the sound of the cars on Independence. She stated she believes this sign would be a terrible way to mark the entrance to such a beautiful neighborhood. Mrs. Spencer stated Ms. Sue Spotts, 624 Lamar Avenue, had planned to speak in opposition tonight, but she could not be here.

Ms. Spencer stated the lady on the corner expressed opposition by saying there would be a lot of bright lights there and she is afraid the sign would draw attention to the street. That the street at present is very quiet as are Clement and Bay Street; and it is a relatively quiet neighborhood.

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Mr. Silverman stated it is true he can develop this property for an office building or some kind of development that would require all the trees to be cut; he has planned to leave every tree possible on the site. He stated they have owned this property for about fifteen years; his taxes went up during the revaluation. He has tried to develop it in a reasonable fashion but has not been able to develop it because of the median strip in Independence Boulevard. He stated he will be happy to work with any of the people in the neighborhood in any way possible.

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

HEARING ON PETITION NO. 76-10 BY MANUEL AND LUCY CAMPBELL FOR A CHANGE IN ZONING OF PROPERTY FRONTING 100 FEET ON THE NORTHERLY SIDE OF WEST BOULEVARD, 110 FEET WEST OF THE INTERSECTION OF WEST BOULEVARD AND SOUTH TRYON STREET.

The public hearing was held on the subject petition for a change in zoning from O-6 to B-2.

Mr. Bryant, Assistant Planning Director, stated this request involves a non-conforming use which is now on the property which has been used for a restaurant in the past, and was there prior to zoning, and it can continue to be used as a retail business situation. The petitioner feels it should be rezoned in order to recognize the type of activity that can occur on the property.

Mr. Bryant then presented slides of the area, indicating the land uses and zoning of the subject property and the surrounding area. He stated the property has residential usage basically on one side and to the rear and commercial usage on the other side and across the street in front of it. There is a solid pattern of B-2 zoning along South Tryon Street, adjacent to the subject property there is O-6 zoning and includes the subject property; then to the west begins a pattern of single family zoning, and multi-family zoning to the rear. There is residential commitment to the rear of the property and to the west are commercial activities along South Tryon Street.

No one spoke for or against the petition.

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

HEARING ON PETITION NO. 76-11 BY NORTH PARK CENTER, INC. FOR CONDITIONAL APPROVAL FOR A PROPOSED SHOPPING CENTER IN AN I-2 DISTRICT IN EXCESS OF 100,000 SQUARE FEET, LOCATED ON THE EAST SIDE OF THE INTERSECTION OF NORTH TRYON STREET AND EASTWAY DRIVE, AND HEARING ON PETITION NO. 76-12 BY J. E. CARTER, J. H. CONNER, CLIVEDON PROPERTIES, INC., ET AL FOR CONDITIONAL APPROVAL FOR A PROPOSED SHOPPING CENTER IN AN I-2 DISTRICT IN EXCESS OF 100,000 SQUARE FEET, LOCATED ON THE SOUTH SIDE OF TYVOLA ROAD EXTENSION ABOUT 1,200 FEET EAST OF THE INTERSECTION OF TYVOLA ROAD AND INTERSTATE HIGHWAY 77.

Mayor Belk asked the City Attorney if he would have a conflict of interest since a department store is involved? Mr. Underhill asked if there is any business connection, and Mayor Belk advised there is not. Mr. Underhill advised he does not think there would be a conflict particularly in light of the fact that there is no 3/4 Rule invoked here and the Mayor will not be required to vote on the petition.

Also, Mr. Horack, Attorney for the petitioners, asked if the two petitions can be presented together as they are similar. Councilman Whittington moved that he be allowed to present the two together. The motion was seconded by Councilman Withrow, and carried unanimously.

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Mr. Bryant, Assistant Planning Director, advised this is a type request which Council has not had before it prior to this time. About a year and a half ago an amendment was made to the ordinance which indicated any shopping center facility in excess of 100,000 square feet to be located in either a business or industrial zoned area would become a conditional use, and therefore a zoning process of consideration.

Mr. Bryant then presented slides indicating the land uses and the zoning in the area for Petition No. 76-11. He advised the subject property is bounded by industrial zoning on the north and south, business zoning on the west and to the rear is a combination of industrial and multi-family zoning.

He presented the site plan and stated the plan proposes a shopping center consisting of a total of 194,000 square feet with about 180,000 of that being leased area. The central feature is to be a department store consisting of almost 90,000 square feet, a series of smaller retail facilities and a supermarket. The supermarket and the department store would be linked by an enclosed sidewalk which would be air conditioned and heated and would allow for some smaller shops in the area. In addition there would be smaller buildings to be located and related to the Eastway Drive-Tryon Street frontage. The major entrance to the shopping center would be located on Eastway Drive, with a smaller access on Eastway and the third point of entry on Tryon Street adjacent to the drive-in theatre. This would require a median cut which has been viewed favorably by the Traffic Engineering Department; final word has not come from the State Department of Transportation as to their reaction to the cut in the median.

Mr. Bryant then presented slides indicating the land uses and zoning in the area of Petition No. 76-12, being located on the new segment of Tyvola Road, between South Boulevard and I-77. Generally, the property adjacent to the property is vacant with the entire area zoned I-2, extending all the way east to South Boulevard over to the south to the point where residential development of Montclair South and Alpine Village begins along Archdale Drive.

Mr. Bryant stated the site plan is very similar to the first one. Where the first was more linear in nature, this is an "L" shaped arrangement with the supermarket located on the easterly side anchoring one end of the mall and the department store on the other side. Again, there is a connecting, enclosed sidewalk area connecting the department store with the supermarket and providing for some smaller shops along the way. One different feature is there is a proposed theatre located in a separate building so there will be three separated buildings proposed along Tyvola Road. Three accesses are provided to the property. This center is a little larger in terms of square footage being about 230,000 square feet.

Mr. Bryant stated the most complicated part about these requests is that the Planning Commission is going to have to be aware of and consider that neither one of these sites are shown in the comprehensive plan as a suggested shopping center site. The comprehensive plan does indicate a general spatial arrangement which is suggested for shopping center sites broken down between regional, community and neighborhood. In this instance neither one of these areas are so designated but in both instances there are factors which will be discussed and considered. When the Planning Commission comes back with a recommendation, it will involve a very definite discussion of how the sites should be related to the comprehensive plan principle.

Mr. Ben Horack, Attorney for the petitioners, stated these two petitions are separate and distinct notwithstanding the fact they are being consolidated for hearing only. There are enough things in common to justify their consolidation. He stated the real party in interest is Arlen Shopping

Center. That Arlen Shopping Center is the number one developer and shopping center operator in the USA which is another way of saying they know what they are doing. He reviewed the layouts with Council and Planning, pointing out the low profile, clean design of buildings, the sidewalk malls with interior shops, interior heat and air conditioning.

He stated Council has probably seen many renderings of the architects that say it is a tree, and he says these are trees as well as shrubbery and the green area; they are commitments on the part of the developer. That the interior orientation in the self-containment of these facilities do a great deal to control the entrances and exits. That they have been put through the hopper by Mr. Corbett and Traffic Engineering Department, and the North Tryon one is pending with the State relative to the exit on the northerly end. He stated each site was chosen by the Arlen-Richway people for their accessibility and they make their own market studies to ascertain the need.

He stated there is a commitment by Arlen to Richway that the Eastway-Tryon Street building will start by April 15 and the Tyvola Road site on May 5. They estimate that 500 to 600 and possibly 700 people will be employed at each location. Mr. Horack also reviewed the locations, the surrounding areas, and the ingress and egress to the locations.

Councilman Gantt stated as an architect he has always felt the Richway designs have been quite delightful in terms of junior department store type projects and in his opinion much better than we normally see here. But in his mind he questions the need for these. In the North Tryon Street area there is a Zayre, Woolco and K-Mart, and all of them are approximately similar in size. That Mr. Horack indicated they would be putting in a large supermarket adjacent to another supermarket. Sometimes competition is good and makes for better business but he wonders, and obviously the need has to be decided by the developers since they are making the investment, what costs are going to be apparent for the City in terms of whether or not this property might not more properly be zoned as it is - industrial. That this land, with the amount of traffic being generated at these intersections along these particular arteries, might not be more appropriately used for industrial property rather than for commercial property which may generate all kinds of traffic burdens. That Mr. Horack pointed out they have a median opening opposite the 77 Executive Office Park on Tyvola, and there is another median opening already existing. He feels the City will come back and have to do something about this particular intersection even though they have the median open simply because there is no storage for cars. They are likely to have a severe traffic jam not too far from the intersection of I-77. One can speak to that kind of public cost that will be incurred as a result of a very intense kind of development that will be occurring at a couple of key points of the City. Secondly, he is not convinced the traffic situation is yet totally resolved. Third, under the conditional approach, all they are really approving is the layout of this site plan. They are not approving this very attractive shopping center. In other words, they are not bound by Richway or anyone else as he reads this. This site plan does not tie them specifically to any particular tenant. On that basis, Council then would be approving the location of these buildings but do not approve the type of quality development shown on the plan. Finally, how do they intend to satisfy the sedimentation control laws? That Mr. Horack called this particular site of Tyvola a desert and in truth it is a very heavily wooded site. What he is suggesting here would be clearing a substantial portion of the property to which accommodations for storm drainage and other things must be taken into account. All this boils down to need, traffic and what the Council is adopting in terms of a conditional zoning, storm drainage and so forth.

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Mr. Horack stated he is not suggesting these shopping centers as proposed are designed to preempt or serve the needs of a whole quadrant. By the same token he does not believe any of the other existing ones do either, nor were they intended to, nor do they serve the need. - He stated he is not talking about a regional center; he is talking about a community one in this neighborhood and each one has a function to play in the scheme of things. He feels a community shopping center under this pre-planned, pre-layout, regardless of who these tenants or operators are, are a far cry from what has been allowed to happen where your K-Mart's are on South Boulevard and where the Zayres are there and where others are on Tryon Street. They have a right to live too, and he knows that, but he suggests when Council gets an opportunity to get an interior oriented pre-planned thing it is in the public good to give alternatives even though the alternatives are not too far apart to bring their needs and their traffic in a setup that is interior oriented where it can be controlled better.

Councilman Gantt stated on the question of traffic, perhaps a more appropriate answer might come from the Traffic Engineering Department in terms of the design of Tyvola Road, the design of North Tryon Street, the amount of traffic those arteries now carry, the impact of what is somewhere in between a regional shopping center in a community. Mr. Horack stated they should also consider the impact to traffic under the current I-2 zoning in the event the frontage there is used for business and you have a proliferation of curb cuts and business entrances whether they are glue factories, industries, machine shops or B-1 usages.

Mr. John Hancock stated the City Engineering Department seems to be taking very good care of the sedimentation and have figured their plan for them. There is a major draw that comes across the property and down into a stream along I-77. They were told they must put up a retention basin in various locations to intercept any sediment which might be disturbed. Councilman Gantt asked if this was for construction purposes, and will this be turned back into the Tyvola system? Mr. Hancock replied it would be for construction purposes and they would make a ravine which intersects with the creek.

Councilman Williams stated he is curious about the amount of the investment in the property, looking at taxes. Mr. Roberts of the Arlen Company replied it is a question he knows the tax assessor and tax collector would like to get into early, but he does not like to put preliminary figures on the table and would like to defer answering. It will be sizeable and he is talking in millions. They are now working on budgets; they have not gone out for bids so everything is an estimate and he hates to be quoted at this estimating stage of the game.

Appearing in opposition to Petition No. 76-12, Tyvola Road, was Mr. Rick Dancy, 4701 Wedgewood Drive. He stated he lives off Tyvola Road near Park Road Park. They have a neighborhood in there called Madison Park and they are partial to it. Their children can walk around in there and do as they please and not worry too much because of a 25 MPH speed limit three-fourths of the way, and then 35 MPH the other way. The new road the City is building is going to reach from I-77 all the way to Park Road with a proposed speed limit of 50 MPH, which is absurd right down through a residential neighborhood, especially when there will be shoppers going from SouthPark to Arlen's on I-77 with only one stop light which is at South Boulevard. He believes this to be one of the most dangerous intersections since the Tyvola Road Extension to I-77. He believes this will split their neighborhood wide open with the freeway and they will become another Woodlawn or Eastway.

Mr. Dancy stated this would be shopping centers 46 and 47 in Charlotte, and he asked where the people are going to live? Leave them some space where there is not another expressway or shopping center. He stated if they are allowed to build this shopping center, he would ask that someone

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come out and talk to the people in Madison Park and listen to them, and they ask that it be left a two-lane road, as it is now a two-lane safe road, and to hold the speed limit to 35 MPH.

No opposition was expressed to Petition No. 76-11.

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

HEARING ON PETITION NO. 76-13 BY THE CITY OF CHARLOTTE COMMUNITY DEVELOPMENT DEPARTMENT FOR A CHANGE IN ZONING OF AN IRREGULARLY SHAPED TRACT OF LAND ON THE WESTERN END OF LESTER STREET ABOUT 150 FEET WEST OF THE INTERSECTION OF LESTER STREET AND AMAY JAMES AVENUE.

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

Mr. Bryant, Assistant Planning Director, stated this is a proposal by the Community Development Department to erect off West Boulevard a combination Human Resource Center and Recreation Facility. That this has been reviewed by Council previously, and the Planning Commission recently considered this as a mandatory referral item. That what is involved tonight is a proposal to rezone a portion of that property to an office classification in order to allow the Human Resource Facility to be erected on the site. The proposal is for the Community Development Department to acquire about 40 acres of land in the area west of Amay James Avenue.

Speaking for the petition was Mr. Vernon Sawyer, Director of the Community Development Department, and Mr. Keith Morris, Architect for the project.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 76-14 BY HERBERT HECHENBELIKNER FOR A CHANGE IN ZONING OF PROPERTY FRONTING 180 FEET ON THE WEST SIDE OF PROVIDENCE ROAD, ABOUT 90 FEET NORTH OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDIS ROAD.

The public hearing was held on the subject petition for a change in zoning from R-15MF to B-1 (CD).

Mr. Fred Bryant, Assistant Planning Director, stated this request represents the conditional district approach; and the location has been known for many years as the Hunter Store location. This is a non-conforming business use which has been there for a number of years. Across the road in front of the subject property is an Exxon Service Station which is also non-conforming. Other than that the property is surrounded by apartment projects - Pinehurst, Carmel and a new project along Providence Road to Carmel Road. The immediate property is vacant, and the zoning of the entire area is R-15MF with the existing use non-conforming.

Mr. Bryant presented slides showing the property and the store located on the subject property as well as the land uses in the area.

He presented the site plan and stated the proposal is to tear down the existing building, build a new building toward the rear of the property, set back more from Providence Road. The building will be used primarily as a convenience food store with a small space for some additional retail service type of facility; there will be two entrances with parking on the two sides. Shrubbery for screening will be erected to the rear of the property. This proposal would allow the existing non-conforming structure to be removed and a more modern building erected on the site.

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Councilman Whittington asked if the Planning Commission and staff will be considering the non-conforming Exxon Station across the street in light of this request? Mr. Bryant replied the only request they have is this one site. If it is granted a conforming status, then this does begin to raise a question about that intersection that has come up from time to time over the years. Councilman Whittington asked if this rezoning is permitted would gas pumps be at this location? Mr. Bryant replied it is proposed that the existing gas pump will stay. Councilman Whittington stated the petitioner on this petition is the same person who opposed the rezoning across the road and also the Alexander property at Sardis and Providence Roads. There have been about three or four zoning petitions there for commercial property or office property, and this petitioner has opposed all of those and is now asking for his property to be changed.

Mr. Bailey Patrick, Attorney for the petitioners, stated the proposal does not involve a complicated shopping center, but a country store, namely, Grier Store. The Store has been in Mecklenburg County for more than 60 years, and has been operating along Providence Road all this time, and prior to the zoning ordinance. The petition presented is prompted not out of any desire to change the use to which the property is being put, but simply to improve the facility from which this use is being generated. As has been pointed out, it is non-conforming and they can continue to operate as a country store under the grandfather clause. But they would like to destroy the present, unattractive facility and construct a modern, attractive structure. They are not seeking B-1 zoning; they are willing to follow a plan that is approved, and the use is approved under the conditions they approve. That if it is the feeling of the Council and/or the Planning Commission that they give up the gas pumps they will do so, but they feel they would be giving up a right they have because they have had the gasoline pumps before. They feel they can do a much better job of upgrading the neighborhood if they are permitted to remove and demolish the existing structure and put in a more attractive structure.

Mr. Patrick stated they have been advised by the Department of Transportation that the existing Sardis Road will be made one-way when Carmel Road is extended into Fairview Road, and Sardis Road will be one-way deadending and heading toward Providence Road, so there will be no left turn off Providence onto Sardis Road once the extension is put in.

Mr. Patrick stated the other use of the building will be as a pick-up dry cleaning operation; it is only 200 square feet on the plan.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 76-15 BY J. L. STANLEY FOR A CHANGE IN ZONING OF PROPERTY FRONTING 50 FEET ON THE WESTERLY SIDE OF PECAN AVENUE ABOUT 210 FEET NORTH OF THE INTERSECTION OF PECAN AVENUE AND SEVENTH STREET.

The public hearing was held on the petition to change the zoning from B-1 to B-1 (CD).

Mr. Fred Bryant, Assistant Planning Director, stated this is a situation presented to Council and Planning some time ago relative to Mr. Stanley's desire to operate a meat facility on Pecan Avenue. At that time the solution was to rezone it for B-1 to allow Mr. Stanley to open his shop with the understanding he would resubmit for conditional approval of the site.

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He stated the site plan has been submitted and the only thing it does is to limit the use of the property to the retail meat service operation. In addition Mr. Stanley has proposed to install some shrubbery or screen planting along the Eighth Street side. This property connects with the already existing retail stores on Seventh Street so this is the only side of the property having direct relationship to continuing non-commercial used property.

Mr. Stanley, the petitioner, stated he has a letter from Mr. Carroll, President of the Elizabeth Community Action Committee, giving his feelings on how they stand at present.

No opposition was expressed to the proposed change in zoning.

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

MAYOR LEAVES CHAIR AND MAYOR PRO-TEM PRESIDES DURING ABSENCE.

Mayor Belk left the chair during the discussions on the following petition, and Mayor Pro-Tem Whittington presided during his absence.

HEARING ON PETITION NO. 76-16 BY H. C. RUSSELL AND ASSOCIATES, INC. TO CONSIDER REVISION TO EXISTING SITE PLAN FOR A B-1 SCD DISTRICT, LOCATED ON MORRISON BOULEVARD, ABOUT 200 FEET EAST OF BARCLAY DOWNS DRIVE.

The scheduled hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, stated this is a request for the consideration of the site plan approval of property already zoned B-1 SCD located on Morrison Boulevard adjacent to the SouthPark Shopping Center area. The area has been zoned for a number of years as B-1 SCD but has never had an approved use site plan for the property. They are now requesting approval of a proposal for such a plan.

Mr. Bryant then explained the area, the land uses and the zoning in the area, referring to slides and maps. He stated the subject property has existing B-1 SCD zoning on three sides and office zoning on the fourth side.

He stated the plan is to have three buildings associated with the plan. There is a bank to be located on the easterly side of the property; a supermarket for the center portion of the property, and a restaurant facility on the west side of the property. There would be an entrance into the bank from Morrison Boulevard; there would be two other entrances, one associated on either side of the supermarket area, with the restaurant facility being serviced by the combination related to the supermarket and a secondary entrance onto the side street, off Morrison Boulevard. There will be no median cuts on Morrison Boulevard throughout the block, and all entrances would be right turns in and right turns out. He stated the road to the east is a non-existing street at the present, a new street stub will be built opposite the westerly entrance into SouthPark.

Mr. J. J. Delaney, representing the petitioners, stated this is not a change in zoning; this is a land-use plan which has been devised to comply with the requirements of the ordinance to show the utility that will be made of a presently vacant piece of land. He stated the road to the east referred to is a self-contained road, entirely within the property owned by the petitioners. There is a 12-acre buffer strip between the office zone and the residential area. This is on the east side of a small stream which runs back of the Barclay Downs Swim Club. The street as planned will start and end on Morrison Boulevard and there are no plans otherwise.

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That he understands there have been rumors in the neighborhood they are planning to extend and increase the use of residential streets outside of the zoned area, the area zoned for office and business. This is not true and is a malicious rumor which has brought a lot of people here to protest additional residential street extension.

Also speaking for the petition were Mr. John Campbell, 3015 Clarendon Road in Barclay Downs and Mr. Bruce Rhinehart, 3313 Ferncliff Road.

Appearing and speaking in opposition to the rezoning were Mr. Bruce Wright, 2527 Inverness Road, Ms. Sarah H. Lewis, 2635 Inverness Road, Mr. Frank Summers, 5621 Wintercrest Lane, Mr. L. A. Hutson, 3336 Ferncliff Road, and Mrs. Pat Becker, 701 Manning Drive.

Mr. Wright stated that Morrowcroft Farms plans were prepared by Martin Hayden and Associates, and the streets were laid out and the residential lots and this is why he bought his home back in 1959 on Inverness Road.

He stated at that time he was told this was the prime building area in the City of Charlotte and it was so tightly zoned it would be another Myers Park. He stated the zoning has changed so many times it has been to the detriment of the community, not to uphold it. In the original plans there were 500 acres; they lost 100 acres to the shopping center; in 1966 they lost 140 acres to the office park and multi-family use. That is 50% of the property they started off with that is now different from the original plans. Back in 1973 they had a similar request for a similar thing with a different color roof and Council turned that down because they believed it to be an encroachment on the people. He feels this petition now is just the same type thing all over again. Now they want to build this super-market and restaurant that will create traffic problems on the same area of the property.

Mrs. Lewis stated she is speaking for her neighbors as well as the Neighborhood Action Committee in opposition to the petition. They feel the proposed construction cannot be justified as a community need. The construction of these projects will further damage residential life in the surrounding area. Only so much commercial activity can be concentrated in an area without it spreading blight and destruction nearby. This development plan will require millions of dollars of taxpayers' money in road projects. Residential streets such as Barclay Downs will undoubtedly be widened due to increased traffic. Other streets like Ferncliff will receive heavier traffic. Back in 1966 the Barclay Downs residents showed pictures to the Council of their backyards flooded by the creek during flash floods, and her yard was one of them. Since SouthPark has been built their yards are under water every time there is a hard rain. The more concrete poured for buildings and parking lots, the higher the water will rise and later go into their homes.

Mr. Summers stated his home is about a half mile from SouthPark and he is present as a member of the Neighborhood Action Committee and as a representative of concerned citizens in the Barclay Downs area.

Mr. Summers read an open letter to the Council and Planning Commission in which they petitioned them to withhold a decision on the petition in order to consider it in the true light of all the facts and issues represented properly; to conduct a public hearing immediately in which the overall development of the SouthPark area can be reconsidered including present zoning and proposed road construction such as the extension of Colony Road, potential widening of Barclay Downs, the Wendover-Runnymede Belt and the Tyvola-Park Road Belt. Further that the Chairman of the Planning Commission, Allen Tate, and the Mayor, John Belk, disqualify themselves from any further discussion of the Harris petition, and their request for a hearing; they asked for the same voluntary action on the part of any

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Councilmember or Commissioners who have a financial interest in the area and who serves as an attorney, architect, or any other professional status for those who have financial interest in the area.

Mr. Hutson stated he lives in the Barclay Downs area, and has lived there for ten years. When a similar issue was brought before Council two years ago, Council very discreetly and wisely refused to permit the use of the property at that particular time. Since then some further problems have developed from SouthPark which is continually expanding and encroaching to the point now where they are beginning to have more flooding in the area, and more residents are faced with this problem than in the past.

He stated they are increasing the problem by extending and widening the streets in the residential area, an area which at the time they bought their homes they were assured was to be a highly restricted residential area. They now find four-lane roads going by; the traffic count is increasing every day, stimulated by SouthPark. He stated in ten years he has had occasion to appear before the City Council five times on behalf of himself and the residents of Barclay Downs to bring their opposition to the encroachment in their residential and family area and their homes. He referred to a petition signed by some 437 residents dealing with a similar project two or three years ago. If he had the opportunity and the time he could have likely duplicated the same thing because the issue before City Council at that time was as it is now; they could possibly have come up with 400 or more signatures.

Ms. Pat Becker, 701 Manning Drive, stated she also lives in Barclay Downs and is here as a mother; that she spoke briefly to Council three weeks ago about the schools. The only intersection to get across Barclay Downs is at the corner of Runnymede and Barclay Downs Drive. There are now two right-hand lanes or two left-turn lanes depending on which way you are going. This will be the route to SouthPark. There will be another left turn lane going down Barclay Downs Drive. They requested an overhead walkway for the Belt Road and it has been denied. There will be a traffic control light at that corner; but she does not know how all these turns will be handled; that she is not sure young children are capable of crossing with turning traffic in each direction. Barclay Downs Drive is presently a two-lane residential street; there is an adjacent sidewalk which was recently built for the school children. That she is afraid the increase of commercial development at SouthPark there will be a need to widen Barclay Downs Drive. She does not know what would happen to the sidewalks or where the children will walk at that time. They are fortunate in Barclay Downs to have the neighborhood swim and racquet club; it is on a dead-end street, off Barclay Downs Drive. All but about the eight families living on that dead-end street must use Barclay Downs Drive to either walk or ride their bikes to get to the swim club. They have all day events and children have a very hard time already at the peak traffic hour of 8:30 and 5:00. At SouthPark there are six banks, three savings and loans, and there are eight restaurants in SouthPark, and two adjacent to it; there are two large supermarkets as well as a 7-11, a Deli, a cheese shop and so forth. She feels new development is unneeded for their neighborhood; it is detrimental to the neighborhood and adds unnecessary safety hazards for their children.

Mr. Delaney stated the Martin-Hayden plan is a preliminary of many years ago. Like most things as it gets some age on it, it is changed. They have said this is the same restaurant business that came before Council before; it is not. This is a 128 seat, inside, sit-down quality family restaurant. It is not a type similar to what was here. He stated in connection with their concern about the culvert, that the culvert was widened by the City several years ago. On the opposite side of the stream which feeds to the culvert, Ms. Lewis was instrumental with the aid of others, of obtaining a 12-acre residential buffer zone between

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the office park and the existing residential area. The speakers have failed to mention the fact that through the course of the years, and the occupation of this land since the people moved into Barclay Downs that the taxes are being paid by the owner on the land. The taxes are for real. In connection with the four-lane roads, they have forgotten that Runnymede was built at the request of the School Board to provide access into the high and to the grammar school back in 1958. They have also forgotten that Colony Road from its inception at Runnymede Lane has been a four-lane road, with the approval of the City Engineering Department and the Planning Commission. Mr. Delaney stated he has a great deal of pride in Barclay Downs as he built that section; he put the streets in; he started it from scratch when it was a farm; when cows were grazing there. The area served by this facility which they are requesting is far outside of Barclay Downs itself. They provide a service to the general area. This is a regional facility, and not a neighborhood store.

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

**COUNCILMEMBER REQUESTS ADDITIONAL INFORMATION FROM THE PLANNING COMMISSION AND TRAFFIC DIRECTOR ON THE THREE SHOPPING CENTERS PROPOSED.**

Councilman Davis asked the Planning Commission in their deliberations to give Council some background on how these three shopping center proposals relate to the Comprehensive Plan, particularly as it relates to the existing community, regional shopping center, and those proposed in the plan.

He stated he would also like some information from Mr. Corbett, Traffic Director, how these relate to the traffic plan, both the existing plan and the projected plan if the facilities are built, and how it ties in with the Comprehensive Plan. He would also like detailed information on the flood control on all three projects, and how it will affect the flood plain of these people who live downstream.

**MEETING RECESSED AND RECONVENED.**

Mayor Pro-Tem Whittington called a recess at 11:05 p.m. Mayor Belk reconvened the meeting at 11:15 p.m. and presided for the remainder of the session.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING THE COMMUNITY DEVELOPMENT PLAN, THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR SOUTHSIDE PARK TARGET AREA.**

Councilman Gantt moved adoption of the resolution approving the Community Development Plan, the Redevelopment Plan and the feasibility of relocation for Southside Park Target area. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 297.

**RESOLUTIONS CALLING FOR PUBLIC HEARINGS ON MONDAY, MARCH 22, 1976 AT 7:30 P.M. ON THE COMMUNITY DEVELOPMENT PLAN AND REDEVELOPMENT PLANS FOR TARGET AREAS.**

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

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- (a) Resolution calling for a public hearing on the Community Development Plan and the Redevelopment Plan for the West Morehead Target Area, on Monday, March 22, at 7:30 p.m. in the Educational Center.
- (b) Resolution calling for a public hearing on the Community Development Plan for Cherry Community Development Target Area on Monday, March 22, at 7:30 p.m. in the Educational Center.
- (c) Resolution calling for a public hearing on the Community Development Plan for Five Points Community Development Target Area on Monday, March 22, at 7:30 p.m. in the Educational Center.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 302 and ending at Page 312.

AMENDMENT TO CONTRACT WITH BEHR CONSTRUCTION COMPANY FOR REHABILITATION WORK AT 708 EAST NINTH STREET, FIRST WARD URBAN RENEWAL AREA.

Councilman Gantt moved approval of the subject amendment increasing the contract price by \$4,060.00, for a new total of \$37,717.00 for rehabilitation of four family brick structure at 708 East Ninth Street to be converted into a large duplex. The motion was seconded by Councilwoman Chafin, and carried unanimously.

RESOLUTION AUTHORIZING THE CITY OF CHARLOTTE TO ACCEPT STATE CLEAN WATER BOND FUND GRANT FOR CONSTRUCTION OF IRWIN CREEK-KINGS BRANCH WASTEWATER COLLECTOR MAINS PROJECT.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin and unanimously carried adopting the resolution authorizing the City of Charlotte to accept a State Clean Water Bond Grant in the amount of \$59,165.00, for the construction of the Irwin Creek-Kings Branch Wastewater Collector Mains Project.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 313.

RESOLUTION TO DESIGNATE THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES AS THE AGENCY TO PREPARE THE COMPREHENSIVE PLAN UNDER SECTION 208 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS.

Councilwoman Chafin moved adoption of the resolution that would designate the North Carolina Department of Natural and Economic Resources as the Agency to prepare the Comprehensive Plan under Section 208 of the Federal Water Pollution Control Act Amendments. The motion was seconded by Councilman Gantt, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 314.

AMENDMENT LEASE WITH IBM CORPORATION FOR RENTAL AND MAINTENANCE COSTS FOR UNIT RECORD EQUIPMENT FOR MIS DEPARTMENT DEFERRED ONE WEEK.

Councilwoman Locke moved that the amended lease with IBM Corporation be deferred. The motion was seconded by Councilman Williams, and carried unanimously.

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CONTRACTS FOR THE INSTALLATION OF WATER MAINS AND SANITARY SEWERS,  
AUTHORIZED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving the following contracts for water installation and sanitary sewer constructions:

- (a) Contract with Evans Construction Company for the construction of 2,745 feet of 8-inch C.I. water main and three fire hydrants to serve Carmel Woods Subdivision, Section I, at an estimated cost of \$29,200.00. The City will prepare the plans and specifications necessary for the construction of the water mains; a deposit representing 10% of the estimated construction cost has been advanced by the applicant, and the applicant will finance the entire project with no funds required from the City, and the mains will be owned, maintained and operated by the City.
- (b) Contract with John Crosland Company for the construction of 4,600 linear feet of 8-inch sanitary sewer to serve Candlewyck, Section 3, outside the City, at an estimated cost of \$69,000.00. The applicant will construct the entire system at their own proper cost and expense, and the City will own, maintain and operate the system and retain all revenue, all at no cost to the City.

ENCROACHMENT AGREEMENTS AUTHORIZED.

Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, the following encroachment agreements were authorized:

- (a) Agreement with North Carolina Department of Transportation for construction of an 8-inch water line and 12-inch sewer line at North Graham Street and Atando Avenue.
- (b) Agreement with North Carolina Department of Transportation for construction of 8-inch sanitary sewer line and one manhole within the right-of-way of U. S. Highway 74 (Independence Boulevard) at SR 3333 (Wallace Road).
- (c) Agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch DIP Sanitary Sewer line across Withrow Road, west of Mulberry Church Road.
- (d) Agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch DIP Sanitary Sewer line crossing I-85, 1,550 feet west of Mulberry Church Road.

SETTLEMENTS IN TWO SUITS AUTHORIZED.

Councilman Williams moved approval of the settlement in the lawsuit of City of Charlotte vs. Fletcher L. Honeycutt, et al, for a total amount of \$3,000.00 (requiring an additional deposit of \$1,938.00, for right of way for the installation of a sanitary sewer line), as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Williams moved approval of the settlement in the lawsuit of the City of Charlotte vs. Ella Mae Barnett, et al, for the Derita Woods Area Sanitary Sewer Trunk Project, in the amount of \$1,300.00 (requiring an additional deposit of \$700.00), as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

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STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried approving the following streets to be taken over for continuous maintenance by the City:

- (a) Gateway Boulevard, from I-85 Service Road to 1,375' north;
- (b) Studley Road, from 30' south of Longbriar Drive to 130' south of Longbriar Drive;
- (c) Eaglewind Drive, from 160' south of Longbriar Drive to 655' south of Longbriar Drive;
- (d) 77 Center Drive, from Tyvola Road to 1,500' north;
- (e) Stokes Avenue, from 90' south of Anchor Street to 285' west of Sulstone Lane;
- (f) Tyvola Road, from I-77 to South Boulevard;
- (g) Stirrup Court, from Bridlewood Lane to 235' east;
- (h) Bridlewood Lane, from 164' south of Vickery Drive to 95' south of Stirrup Court.

CONTRACT BETWEEN MANPOWER DEPARTMENT AND CHARLOTTE AREA FUND FOR YEAR-ROUND OUT OF SCHOOL/IN-SCHOOL BORDERLINE WORK EXPERIENCE PROGRAM DEFERRED FOR ONE WEEK.

Earlier in the meeting, Mayor Belk advised that the representative from the School Board could not be present tonight, and Council may want to consider deferring the subject contract.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, deferring the contract for one week.

REAPPOINTMENT OF ROSA COMPTON FOR THREE YEAR TERM TO INSURANCE ADVISORY COMMITTEE.

Councilwoman Locke moved the reappointment of Rosa Compton for a three-year term to the Insurance Advisory Committee. The motion was seconded by Councilman Gantt.

Councilman Williams stated both Ms. Compton and Mr. Stephens, the nominees for this position, have received glowing endorsements from the people he knows who know them. That they are both very well qualified. One is an incumbent and the other is not. Councilwoman Locke stated Ms. Compton has served as Chairman of the Committee, and she has only served one term. That she deserves the reappointment for a second term.

The vote was taken on the motion and carried unanimously.

RESOLUTION OF THE CITY COUNCIL INSTRUCTING THE CITY MANAGER TO PREPARE AN AFFIRMATIVE ACTION PLAN.

Councilman Gantt presented the following resolution:

"WHEREAS, it is the desire of the City Council to continue to promote equal employment opportunity for City employees; and

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WHEREAS, the City, over the past years, has taken specific actions to insure fair and equal treatment of employees; and

WHEREAS, the City wishes to continue the affirmative steps it has taken:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, in regular session duly assembled, does hereby instruct the City Manager to prepare a realistic affirmative action plan with goals and timetables for the City of Charlotte and to submit such a plan for City Council's review not more than 90 days from the date of the adoption of this resolution."

Mr. Gantt stated he might add the goals and timetables with regard to the hiring of minorities and women by the City of Charlotte.

Councilman Gantt moved adoption of the resolution. The motion was seconded by Councilwoman Locke.

Councilman Williams stated in the past he has expressed reservations about rigid quotas, and he still feels the same way about rigid quotas. In the agreement which Council was presented recently, when the issue arose, as he recalls, if passed, it would have obligated the City to hire one minority and one non-minority on a one-to-one ratio until the percentage reached a certain level - 25 or 30 percent. That is his definition of a rigid quota, when you commit yourself to hire one and one until you reach an arbitrary percentage. If what is meant here by goals and timetables is something different, if they are talking about by the terms goals and timetables that hereafter our policy is non-discrimination, and if we do not discriminate we can reasonably expect five years from now, based on the job turnover, based on the available applicants, based on what the colleges and universities are turning out, we can reasonably expect to have (X) percentage of minorities, he might be able to buy that. But he thinks that is different from obligating yourself to any kind of statistical parity arrived at by a one-to-one hiring until you reach it. There are a lot of angles in the statistical parity. To him it means your percentage figure will be the same as the percentage figure of the population. If it means that, he cannot buy it. He stated he passed around an excerpt from the American Association of University Professional Journal where a self-professed liberal from the University of New York in Albany was writing, and he said - "We were obligated at that university to employ a certain percentage of minority people. To arrive at that percentage you had your choice of taking the percentage of minorities in the area, which was about 25 percent, or you could look at what the universities were turning out in the way of minority PHDs." They happened to have a requirement that all their faculty members have PHD degrees. Well, it so happened that only one percent of PHDs in the United States were blacks or minorities. There is where the issue is really posed. You have a one percent or 25 percent.

Councilman Williams stated if you are basing it on statistical parity with the population level in the community you will compromise your standards. You have to look beyond that, and not act on a reflect manner to it.

Councilman Gantt stated the critical vote will come before Council in 90 days when the members actually see the plan. Statistical parity can be whatever you want to pare it with. One might be population, and one might be certain jobs for certain data.

Councilman Whittington asked who will draw the plan? Mr. Burkhalter, City Manager replied it will be his plan to Council; but several people on staff will work on it, principally the personnel department, and he is assured there will be some input from the Community Relations Committee.

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Councilman Withrow asked if he understands what Councilman Williams is saying; that he has the same feelings? Mr. Burkhalter replied he does understand, and it has been expressed to him by more than two members of Council.

Councilwoman Chafin asked if he anticipates any outside assistance with the plan? Mr. Burkhalter replied there will be outside assistance; that we are in the process of getting some now from agencies. The Employment Agency will have to furnish a lot of this information; the University and other large employers will have to furnish quite a bit of the information. The biggest time requirement is getting the outside information to know what is available.

Councilman Whittington stated he wants to make sure that everyone understands that he is not agreeing tonight to a quota. The intent, the purpose and the goals is one thing; but if they come back with that he will have problems voting for it.

Councilman Davis asked if Council has not already asked the City Manager to come up with a proposed affirmative action plan? Councilwoman Locke stated they did at the retreat, but it has to be formalized at the Council Meeting. Councilman Davis stated it seems to him if they do get a proposed plan, and just ask for a broad affirmative action plan, and once that comes back and Council sees it to study, and then get staff's ideas about it, and then go from there.

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

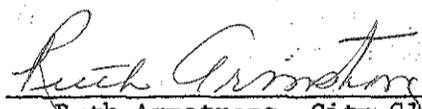
The resolution is recorded in full in Resolutions Book 11, at Page 315.

**PUBLIC SAFETY OFFICE CONCEPT DISCUSSION DEFERRED FOR ONE WEEK.**

Councilman Whittington moved that discussion of the Public Safety Officer concept be deferred for one week. The motion was seconded by Councilwoman Locke, and carried unanimously.

**ADJOURNMENT.**

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

  
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Ruth Armstrong, City Clerk