

July 26, 1971  
Minute Book 55 - Page 436

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, July 26, 1971, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Godley, Moss, Ross, Sibley and Turner present.

ABSENT: Commissioners Blanton and Boyce.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MINUTES APPROVED.

Motion was made by Councilman Calhoun, seconded by Councilman Jordan, and unanimously carried, approving the minutes of the last meeting, on July 12, 1971, as submitted.

PLAQUES PRESENTED TO COMMISSIONERS STONE AND TOY FOR SERVICES RENDERED TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Chairman Tate of the Charlotte Mecklenburg Planning Commission stated they would like to honor two of their retiring members. He presented a plaque to Mr. Walter Toy for his services from 1956 to 1971 and serving as Chairman of the Commission from 1967 to 1970. He also presented a plaque to Mr. E. B. Stone, Jr. for his services from 1962 to 1971.

Chairman Tate stated each commissioner has made outstanding contributions to the Commission, and they will be missed.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED JAMES H. WEBB, RETIRING FIRE CAPTAIN.

Mayor Belk recognized Fire Captain James H. Webb who was employed on July 16, 1941 and retired June 30, 1971, and presented him with the City of Charlotte Employee Plaque.

HEARING ON PETITION NO. 71-55 BY HICKORY GROVE CIVIC IMPROVEMENT ASSOCIATION FOR CHANGE IN ZONING OF PROPERTY ON THE NORTH SIDE OF HICKORY GROVE ROAD, ON BOTH SIDES OF CRAIGWOOD DRIVE, EXTENDING NORTH TO NORFOLK AND SOUTHERN RAILROAD, CONTINUED TO MONDAY, AUGUST 9, 1971, AT 4:30 O'CLOCK P.M.

Councilman Whittington stated according to the communication that all of Council has received, the attorney for the subject petition is out of the country, and the petitioners are requesting that the hearing be delayed until the third Monday in September.

He stated if Chairman Tate and the other members of the Planning Commission concur, he would like to suggest, and if no one objects, make a motion that the petition be heard on August 9. That he has checked with the City Attorney

July 26, 1971  
Minute Book 55 - Page 437

who says this is alright. He stated he is suggesting August 9 as this is very important to the people who live out there, and is very important to the Housing Authority and to the Planning Commission and to the Council.

Councilman Whittington moved that the subject petition be heard on Monday, August 9, at 4:30 o'clock p.m. The motion was seconded by Councilman Short.

Mr. Ben Horack, Attorney, stated he represents the Kingston Company and he was going to make that same suggestion. That there have been so many delays that they cannot afford to go beyond that date.

Mr. Paul Craig of the Hickory Grove Civic Improvement Association stated since his letter, he finds that August 9th is the next scheduled meeting of the Housing Authority. That the Housing Authority normally meets at 2:00 p.m. and it will be necessary for them to attend that meeting.

The vote was taken on the motion and carried unanimously.

HEARING ON PETITION NO. 71-57 BY M. R. GODLEY FOR A CHANGE IN ZONING FROM R-6 TO R-9MF OF 8.93 ACRES OF LAND BOUNDED BY FREEDOM DRIVE, BROWNS AVENUE AND THRIFTWOOD DRIVE, AND DECISION TO BE WITHHELD PENDING THE STUDY OF THE AREA WITH THE IDEA OF UPGRADING THE R-6MF AREA.

The public hearing was held on the subject petition on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Freedom Drive, Thriftwood Drive and Browns Avenue; it is predominately vacant with one building on it at the corner of Thriftwood Drive which is the location of Bethel Baptist Church. On the Browns Avenue corner there is one single family residence and the remainder of the property is vacant. The surrounding land uses is predominately single family residential with a few exceptions. To the rear of the property is one duplex structure and then single family residence coming back to the Westdale Drive area.

There is R-6MF zoning to the east of the property all the way back toward Interstate 85 and Bradford Drive. The remainder of the surrounding property is zoned R-6 and R-9.

Mr. Charles Knox, Attorney for Mr. Godley, stated this tract of land has been before Council for rezoning on other occasions. The first time was in 1964 for business zoning and again in 1968 or 1969 for business zoning. Both were denied. They are back today asking for a rezoning of the property from R-6 to R-9MF.

He stated they have been advised that the property cannot be cut up into more than 10 or 12 lots for R-6 single family houses. The property has been appraised by the County Tax Office at \$100,000. If they did not get but ten lots on an R-6 zoning, they would have \$10,000 lots on Freedom Drive which is a truck route, and is not conducive to single family development. He stated Mr. Godley has owned the property since 1964 and his tax bill last year was over \$1700 and this year it will be \$2200. The property has good access on three sides - there is Freedom Drive, Thriftwood Drive and Browns Avenue. In addition to being on the truck route, all the adjoining property is zoned for multi-family, R-6MF, and they are asking for R-9MF which would be an upgrading. That there is no way that this property can be developed for single family residences. He presented an aerial photograph of the property.

July 26, 1971  
Minute Book 55 - Page 450

Mrs. Peay read the following statement from the Association:

"It has been stated to several citizens after inquiry from the Highway Department that Mattoon Street will not be re-opened at Beatties Ford Road.

Already one dwelling has burned excessively. A fireman of the fire unit answering the call stated that because of congested conditions, the equipment was unable to answer with sufficient speed to bring the fire under control. This would also be true for ambulance service or any other emergency vehicle. This condition is most persistent on Sundays.

We, the undersigned citizens and registered voters of the Crestview Community request that the City Council and Traffic Engineering Department take immediate action in alleviating the hazardous and inconvenient traffic conditions now existing at all intersections of Beatties Ford Road, between Mattoon Street and Dixon Street, and adjacent streets that intersect with Campus Street.

We feel this problem can be resolved by the following recommendations:

1. Reopen Mattoon Street which has been closed for the construction project on Beatties Ford Road. If Mattoon Street cannot be reopened at the intersection of Beatties Ford Road, we request that another suitable exit must be found.
2. Alleviate traffic congestion on Campus Street.
3. Widen Mattoon Street beginning at the intersection of Campus and Mattoon Streets and continuing to Beatties Ford Road.
4. Install proper lighting along Mattoon Street."

Mrs. Peay stated they would like to leave this for Council's consideration today and would like the opportunity to again appear before Council. She filed a petition with the City Clerk which was signed by 154 residents of the Crestview Community.

Mr. Allen stated they have talked to the Highway Commission, and the Engineering Department. He stated if one is not familiar with Campus Street and the way into Mattoon Street, they probably cannot find it. That one of the residents, Mrs. Wrencher, could not be here today as her husband had a heart attack; but she wanted it related to the Council that the attendant could not get in with the emergency vehicle, and she could not get out. He stated they hope that a solution could be an exit at Beatties Ford Road. That just a few months ago Biddleville Elementary School stood at that corner for a number of years with an elevated bridge, and for the first time they can see from Mattoon Street at that intersection almost all the way to the light at Oaklawn Avenue. Not only did they have to get out of there with the blockage of the building but 400 to 600 of their children had to cross there to enter school. They do feel this is a very real problem and they are asking Council to help them in any way it can.

Councilman Alexander stated before Mattoon Street was closed the traffic was worked out so that cars could move along Campus Street especially on Sundays. Now with Mattoon Street closed, are they suggesting that parking be taken off Campus Street completely? Mr. Allen replied they do not; that this would create another problem because of the four churches in the area. Also the residences are so close together that many do not have driveways. That they are not suggesting that anything be done to hamper the smooth running of the churches in the area.

Mr. Allen stated because of the turn by the old Biddleville Presbyterian Church, the large fire truck cannot easily get into the area even if the street was clear. They think the one solution would be an opening into Beatties Ford Road. Patton Street is open into Beatties Ford Road; probably an opening and a light at both intersections would be helpful.

July 26, 1971  
Minute Book 55 - Page 451

Mrs. Ernest McClain, 238 Mattoon Street, stated the average person in the neighborhood was moved from Brooklyn into this community, and they find themselves there with their homes, and they are in debt to their ears. They have no way of knowing that their house may burn and they will not even get a fire truck in there. That three doors from her, a house caught fire and if the firemen could have answered the call, only one room would have been damaged, but it caught the whole house. She said she talked to a fireman and he said she was crazy to live down there; that they did not even know how to locate the house. She stated they are not only asking for help for the firemen and the ambulances, but they are also asking for themselves. She stated there is a stop sign at the intersection of Beatties Ford Road and the drivers do not pay any attention to it; they come right through. She stated on Sunday mornings she goes out and parks her car to be able to walk three or four blocks to get to her car to go to Sunday services. The average time you stand 20-25-30 minutes to get to service. Mrs. McClain stated they are asking for a way out; they are down there stuck; they are not renting; they have been there 10 years, and 10 years is a lot of blood and sweat to try to pay for a home, and have only one way out.

Mayor Belk stated he understands they have four problems: (1) Fire Department on egress and ingress; (2) People on egress and ingress; (3) Parking when there are church services; (4) Parking after work hours.

Mr. Corbett, Assistant Traffic Engineer, stated they are in the process of conducting a study and they have some recommendations ready for the people in the neighborhood; that they are attempting to arrange some meetings with the people along Campus Street to explain the recommendations. He stated their study has been for only one of the points brought out today; that Mrs. Peay originally talked to them about the parking along Campus Street, and they are prepared to talk about that. Mayor Belk requested Mr. Corbett to give Council a summary of the meetings so that Council will be informed.

Councilman Alexander requested Mr. Corbett to meet with the Crestview Community Association today to make the arrangements to meet with the people in the neighborhood.

Later in the meeting, Councilman Alexander moved that the Engineering Department be instructed to see if there is any possibility of opening up another street to give these people an outlet. The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION NO. 71-22 BY LILLIE W. AND MARY E. HENDERSON FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD, BEGINNING NORTHEAST OF ADDISON DRIVE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to deny the subject petition for a change in zoning from R-15 to O-15 as recommended by the Planning Commission.

ORDINANCE NO. 177-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE END OF VIEWMONT DRIVE, NORTH OF FARMWAY PLACE.

Councilman McDuffie moved that Petition No. 71-44 on which a protest petition sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and Council in order to rezone the property from I-1 to R-9MF be denied. The motion did not receive a second.

Councilman McDuffie stated the people in the area presented their position at the hearing; that it is nearly impossible to get out of the side streets and driveways with more than 12,000 cars; the entire north end of the city is plagued with flooding due to run offs from new developments and apartments and new streets; there is an overly number of apartment houses already in the area. In several years, this particular area could be used for apartments

July 26, 1971  
Minute Book 55 - Page 438

Mr. Knox stated Mr. Godley plans to develop the property himself, and he passed around rendering of the plans for the property. Councilman Whittington asked if they have considered R-12MF rather than R-9MF, and Mr. Knox replied the adjoining property is R-6MF and they feel that R-9MF would be better. Mr. Knox stated some apartments have been built within a block of the area.

Councilman Withrow asked if there is any objections to the Planning Commission studying the whole area of R-6MF zoning with the idea of upgrading the whole area? Mr. Knox replied he has no objections to what is done to the adjoining property.

Councilman Whittington asked how many units can be constructed under the R-9MF and how many units under R-12MF? Mr. Bryant replied approximately 150 units can be constructed under the R-9MF zoning and approximately 125 units under the R-12MF zoning.

Mrs. Joe Kerns, 1601 Forsythia Circle, stated the last six months of the school year, 125 housing units were built in the area; as of the last month there is an apartment complex going up right behind the school at the edge of Marble Avenue which will be 80-90 family unit. Off Browns Avenue, there are presently three apartment houses that have just been constructed, and they will house around 10 families. On Tuckasegee they have just completed 225 units still in the Thomasboro School District. By the end of school this year there will be already under construction about 500 to 550 units.

Mr. Tom Sykes stated they on the west side have all the multi-family dwellings then need. That it is time to take a good hard look at the west side. Every-time he appears before Council to fight a zoning change on the west side, it is to fight a battle to keep the neighborhood complexes they should know on that side of town as neighborhood complexes. The west side of town cannot tolerate much more of the planning they have had in recent years if they are going to remain with people living on that side of town. That he wants this Council to take into consideration the development of the west side in such a manner that the people who own homes there and who are not transit people can have some faith in the actions and some beliefs in the decisions that their interests are being looked after, and not the interest of a certain few who do have some property that they would like to get as much out of as they can for their own benefit and not for the benefit of the neighborhood complex which they have known and would like to continue to know.

At the request of Mrs. Ethel C. Clary, 1539 Thriftwood Drive, Mr. Sykes read two letters stating her objections to the rezoning of the property.

Also speaking against the change in zoning was Mrs. Lana Mitchell, 1531 Thriftwood Drive.

Councilman Withrow moved that decision on the subject petition be withheld and that the remainder of the area be considered with the idea of upgrading the zoning from R-6MF. The motion was seconded by Councilman Whittington, and carried unanimously.

Mr. Bob O'Dell stated one of the objections is schools. Why stack people up when they can moved out into the county. That he thinks one of the problems now is people pollution. That if they move out they can live more respectable than close to each other and crowding the schools and having some of the problems we are having.

HEARING ON PETITION NO. 71-63 BY NCNB EXECUTOR AND TRUSTEE FOR MARY S. HAYES FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF 41.887 ACRES OF LAND ON THE SOUTH SIDE OF TUCKASEEGEE ROAD WEST OF BROWNS AVENUE.

The public hearing was held on the subject petition on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

The Assistant Planning Director advised this property is located on Tuckasegee Road in the same area as the former petition. It is vacant land with perhaps

July 26, 1971  
Minute Book 55 - Page 439

one house on the edge of the property. The surrounding property is also predominately vacant with some single family residences on Tuckaseegee Road, and to the east of the property. The predominate pattern east of the property, south towards I-85 and west of the property is a vacancy pattern. There is one developing multi-family area within the scope of the map south of Tuckaseegee Road and east of Mulberry Road.

The subject property, as well as property to the west, to the north and across Tuckaseegee Road is all zoned R-9. To the east and to the south there is existing industrial zoning that extends from that point all the way to and beyond I-85. He stated a number of years ago there was considerable industrial zoning evolved along I-85 in this area due to the influence of the airport landing and take-off patterns, and this industrial zoning was part of that pattern. Somewhat to the west of the property, there is existing multi-family zoning and some office zoning between that and the industrial pattern.

Mr. Robert Potter, Attorney for the petitioner, stated the property is being purchased by Thomas & Waller and they would like to change their request from R-6MF to R-12MF. He stated they are not trying to crowd the property with more units than should go on there. He stated the Forest Brook apartments are about 1/2 mile to the west of subject property, and they are renting for \$145 for one bedroom, \$180 for two bedrooms and \$310 for three bedrooms. That they plan an apartment project which would run around \$150 for one bedroom, \$175 for two and about \$200 for three bedrooms, and expect to spend about \$5.0 million on this property. They feel this would be an asset to the area. There are not many houses around it; that he counts only 16 houses either way. That there are around 25 between I-85 and Mulberry Church. The tax value has been raised for the portion of the land in the city to \$114,870; the portion of the land in the county is \$11,130.

He stated we continue to talk about growth and we will not have growth if we do not have nice places for people to live. You will have crowded schools, crowded churches and crowded facilities in this community if you continue to grow. That is what we want. People to come here. We have to make a choice. It seems that everyone is against apartment buildings, and there are some people who cannot afford to buy a house, and some do not want to buy a house; some want to live in an apartment complex. He stated the airplane pattern is right over this property. That this would be a consideration of anyone putting in a single family house in the area.

Mr. Potter presented a sketch of the type of apartments planned for the property. He stated the present taxes run between \$2,500 and \$3,00 a year; that they plan about 480 units.

Councilman Withrow stated one thing the people are concerned about is whether these apartments will be subsidized rental units? Mr. Potter replied they will not; that Mr. Waller is present and can give assurance that they will not be.

Mr. William J. Eaker, Attorney for the protestants, stated the petition was filed to zone to a lower zoning, not only lower as residential but multi-family. The zoning is now R-9, and the petition was filed to make it R-6MF. This request to change it to R-12MF was not done until after the petition in protest was filed. They now say they have all intentions of putting very nice apartments out there; apartments the people would be proud of in this area. That he does not doubt what they say but he still wonders why they filed for such a low zoning as R-6MF if they intended to do this.

Mr. Eaker stated this property is some 41 acres; it is vacant at this time; there are lovely homes around it and homes that have been well established.

July 26, 1971  
Minute Book 55 - Page 440

He sees no reason why this property cannot be developed for nice private residences. It is true there is industrial zoning next to I-85 but that was made industrial because the interstate went through, and no one would want to live on the highway with the trucks running back and forth. But there is no industry on Tuckaseegee Road and there is no reason why you cannot develop private residential homes if you can build apartments to rent for \$200. A new home has just been built to the west of this property in the neighborhood of \$40,000. He stated they just do not need any apartments to so-call buffer the industrial zoning. There are R-9 homes across the road adjacent to the subject property; there is better than R-9 out on the other side of the property.

Mr. Eaker filed petitions containing some 186 people and stated the people are not protesting necessarily any type of public housing; they did not go across on the other side of town to get people to sign their petition; these people all live within a block or two of the property, and are people who will be directly affected by any change in zoning. These people are interested in the west side and these people have lived there for many years. Tuckaseegee Road is a street that the busses have to follow going out to the west end of Tuckaseegee; they cannot follow the interstate highway. There is enough traffic on Tuckaseegee and Browns Avenue now.

Also speaking in protest to the rezoning was Mrs. P. R. Hoyle who stated her home is worth more than \$40,000, and the subject property is at her back door; Mr. W. L. Broom, 1633 Browns Avenue; Mrs. Ed Carter, 6513 Tuckaseegee Road and Mr. C. S. McGee, 6801 Tuckaseegee Road.

Mr. Bryant presented a map and indicated the multi-family zoning in the area. Councilman Short asked to what extent the zoning on the west side pre-dates the zoning ordinance of 1962? Mr. Bryant replied this zoning pattern which was basically established in 1962 to a majority extent was merely reflecting what was there before zoning; by and large most of the large concentrations of industrial zoning in the area is the result of pattern that was set before zoning rather than was established by zoning.

Councilman Withrow stated one thing he has complained about on the west side is density; that he still says the whole west side should be looked over for upgrading as all they have out there is density. That this should be studied with the idea of cutting down on density. About every piece of property you see out there is R-6MF.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:05 p.m. and reconvened the meeting at 3:15 p.m.

HEARING ON PETITION NO. 71-53 BY LEMON TREE INN FOR A CHANGE IN ZONING FROM O-6 TO B-1 AND B-2 OF PROPERTY ON THE SOUTHWEST SIDE OF GLENWOOD DRIVE, ADJACENT TO THE HUMBLE OIL STATION AT THE CORNER OF INTERSTATE 85.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for a change from O-6 to a combination of B-1 and B-2 on property located on Glenwood Drive. The Lemon Tree Inn is located on the property and it is adjoined on the Interstate-85 side by a Humble Oil Service Station; there is another service station across on the other side of Glenwood Drive; there is vacant property directly across Glenwood Drive, and single family residential uses down Glenwood Drive on one side of the property. To the rear of the property, it is vacant with an unopened street that runs down from the property. To the rear of the property it is vacant with an unopened street that runs down from the area. Across I-85 there is another service station and mostly vacant land.

July 26, 1971  
Minute Book 55 - Page 441

He stated there is business zoning around the interchange up to the subject property - B-2 zoning on both corners; the subject property is zoned O-6 as is property continuing on down Glenwood Drive and also the property across Glenwood is zoned O-6. Beyond that on Glenwood Drive there is existing single family residential zoning on both sides of Glenwood along Plainview and some of the other streets in the area. Continuing down Glenwood from that point there is the beginning of I-2 zoning. Immediately in the vicinity of the subject property, there is business zoning on the I-85 side with office zoning away from I-85.

Mr. Winfred Ervin, Attorney for the petitioner, stated Lemon Tree Inn is an existing facility which was completed a few months ago. Denny's Restaurant is presently under construction. The reason for the request is for a sign site. Recently a permit was issued by the city for the erection of a sign which is presently located there. It was later discovered that the permit was issued in error and the sign is non-conforming. They were given a choice of removing the sign or to petition for the proper zoning in order to conform the zoning to the property ownership. That the ownership will be in Lemon Tree Inn of Charlotte, Inc. There will be a restaurant facility with an office for the motel and a swimming pool, and the hotel which is there. Currently the swimming pool is zoned B-1, the office is zoned B-1 and the restaurant which is under construction is zoned B-1, but the motel is zoned O-6. He passed around pictures of the motel with the sign, and a picture of the sign which is non-conforming.

Mr. Ervin stated the request for B-1 on the remaining portion of the tract relates to signs also. The original plans called for the erection of a sign on the building, and present zoning will not allow this. He stated referring to density the property is filled. The property is committed to the Denny's Restaurant and the Lemon Tree Motel, and that is all that will ever be there.

No opposition was expressed to the change in zoning.

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

HEARING ON PETITION NO. 71-54 BY CHARLES AND EDWINA O. LEIGHTON FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A 4.08 ACRE TRACT OF LAND AT THE SOUTHWEST CORNER OF LAWYERS ROAD AND IDLEWILD ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is the corner of Lawyers Road and Idlewild Road; it is a 4.08 acre tract of vacant land; it is adjoined on the easterly and southerly side by vacant land; across Idlewild Road North there is a house and a non-conforming fuel oil distribution facility which has been there for a number of years. Across Lawyers Road are some single family residences on rather large tracts and for the most part set well back from the road. Around the intersection of Albemarle Road and Lawyers Road are a number of business uses. Along Idlewild Road is a scattering of single family residences, with most of the property vacant.

Mr. Bryant stated the subject property is zoned R-12MF as is all the property around the intersection of Idlewild Road North and Lawyers Road. Immediately to the west toward Albemarle Road there is an existing area of O-6 zoning and beyond that a combination of B-1SCD, B-1 and B-2 zoning around the intersection of Albemarle Road, Lawyers and Delta Roads. That Delta Road is planned for extension and will come through the shopping center area and tie back into Idlewild Road North. That the segment in the shopping center has been laid out, and they are now having discussions with the property owner about developing the adjacent property which could conceivably carry the road further, leaving one segment. That the right of way is being protected as it was approved as part of the shopping center plan.

July 26, 1971  
Minute Book 55 - Page 442

Mr. Winfred Ervin, Attorney, stated he represents Dr. and Mrs. Leighton, the owners of the property. He stated Dr. Leighton acquired the property several years ago for the sole purpose to build a medical clinic. Dr. Leighton's main interest is in the eyes, but by background and experience he has an interest in placing a medical clinic on the property. As an adjunct to the medical clinic he is very desirous of opening a clinic which he refers to as a "kindergarten". Through the availability of the professional staff at the clinic, he will test pre-school age children whose parents feel something is wrong and the child is not comprehending and is not doing as well as he should. He stated a large number of these children, percentage-wise, with this disability is not brought on by lack of I. Q. but from the lack of reading skills. Mr. Ervin stated that is the committed use of the property - committed in the sense that Dr. Leighton he is conferring with an architect and a lender.

Mr. Ervin stated in the very near future as you come down Lawyers Road there will be a shopping center, and probably to the rear of this property will be apartments.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-56 BY C. T. BROWN FOR A CHANGE IN ZONING FROM O-6 TO I-2 OF A PARCEL OF LAND 152' X 210' BETWEEN 24TH STREET AND 25TH STREET AT POPLAR STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question is between 24th Street and 25th Street and is in what would be the path of North Poplar Street if Poplar Street was open to this block. He stated Poplar Street is not a dedicated street through this block. It is an interior block situation and is tied in ownership to the parcels that front on 24th Street used at present for industrial purposes. There is vacant land along the Church Street area; there are three single family houses facing on 25th Street including two or three houses that are on the front part of the subject property. There is a construction company with some outdoor storage of equipment which is a non-conforming situation in the area. Then the Tryon Hills apartment area begins basically at 25th Street, extending along Poplar Street, and beginning at 24th Street along Pine Street and extends for a considerable distance. On 24th Street there is a rather large trucking terminal situation, and a large storage warehouse operated by Southern Bell.

He stated there is I-2 zoning which extends to the mid block between 24th Street and 25th Street, so that all the property fronting on 24th Street is zoned for industrial uses; the property fronting on 25th Street including the subject property is zoned O-6. This office pattern extends down to Church Street; then along one side of Church Street. Beyond that along 25th, 26th and 27th there is a solid pattern of R-6MF zoning for the Tryon Hills Apartment.

The subject property is zoned O-6 and the request is to extend the industrial zoning onto it.

Councilman Short asked if there is any value in cutting Poplar Street through? Mr. Bryant replied he does not believe so; that these are local access streets and none of them serve a major collective purpose. Pine Street and Church Street both go through, so there is not that much distance in order to get over to 24th Street.

Councilman McDuffie requested Mr. Bryant to have the Traffic Engineering Department verify the fact that they do not think there is a possibility they will ever need the street.

July 26, 1971  
Minute Book 55 - Page 443

Mr. David Groves, Attorney for the petitioner, stated the petitioner is currently using a portion of the property for industrial use; one of the users is a knitting concern. The knitting concern is a growing business and they need to expand and their lease is coming up for renewal, and they have indicated they will not renew unless they can get additional space to expand their operation. He stated Mr. Brown has worked out an arrangement with two other property owners on the adjoining property; Mr. Brown also owns part of the subject property. He stated there are two other owners who have written letters to the Planning Commission and Council joining in the request for rezoning.

Mr. Groves stated if the zoning is approved, the petitioner plans to extend the knitting operation onto the rear portion of the present industrial use. Because there are R-6MF uses across 25th Street from this parcel, they are requesting that a 50-foot buffer be left fronting on 25th Street as O-6. This property has been zoned as O-6 for some time and it is not being used as O-6; it is not being used for its highest and best use.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-58 BY KEN-SCOTT CORPORATION FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT AT 1308-10 KENILWORTH AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a request to rezone a single lot on Kenilworth Avenue near Romany Road. It has on it at present a duplex; it is adjoined on the Romany Road side by three structures which are being remodeled for use as office space; to the rear of the property is Latta Park. Along Kenilworth continuing toward East Boulevard, the property is adjoined by a single multi-family structure; then duplexes and a combination of single family and duplex structures along Kenilworth Avenue. Directly across Kenilworth is an almost solid pattern of office use.

Mr. Bryant stated there is office zoning along Kenilworth Avenue down to the subject property coming from Morehead Street on both sides; at this point it shifts and only the Scott Avenue side of Kenilworth continues to be zoned for office purposes. All the property across from Memorial Hospital along Scott Avenue is zoned for office use. The subject property is the beginning of a rather large multi-family zoned area that extends along Kenilworth Avenue. To the rear of the property, where Latta Park is located, is the beginning of the single family classification.

Councilman Whittington asked if this rezoning is for conditional parking, and Mr. Bryant replied it is for parking but is not for conditional parking. Mr. Bryant stated he understands the same people who own the three structures on Romany Road being remodeled for office space, own this lot and their desire is to tear down the structure on it, and to use the lot for parking. Councilman Whittington stated if the Romany Road property is to be used for office, they will have to have this rezoned for parking as there is no place to park.

No one spoke for or against the petition.

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

July 26, 1971  
Minute Book 55 - Page 445

south is a combination service station and grocery store and several single family houses and one mobile home; then a furniture store and another single family house and a house with a TV repair service. To the north is a single family house, a duplex and scattered single family houses from there on. Along the west side of Beatties Ford Road across from the subject property is vacant. To the rear of the property is vacant land.

He stated there is B-1 zoning on both sides of Beatties Ford Road, from Chester Drive up to the subject property; then O-6 zoning was installed on both sides of Beatties Ford Road including the subject property; then from that point on it is R-6 and R-9.

Councilman Alexander stated there is a lot of different types of heavy industrial business in the area. He asked if this should not be looked over now for consideration for proper zoning for the area, rather than letting it grow up in a piece by piece fashion. He stated there is a possibility of every type of business going in there now, and it would not add to the appearance of the environment out there. He stated he would like to see a study made before getting into individual zoning cases; that he would like to see the whole area considered. Mr. Bryant replied they are in the process of doing this east of I-77 and that study can be expanded over into this area.

Councilman Whittington asked if there will be a bad off-set at Cindy Lane and Griers Grove Road? Mr. Bryant replied this has caused them some concern; they have had a number of conversations with the State Highway Commission when they were approving the project to try to get them to carry the road across just to eliminate the off-set. He stated they were never able to get them to include that. That the property owner on Griers Grove Road has indicated an interest in providing right of way to take care of that off-set provided some certain design factors can be taken into consideration. Councilman Whittington asked if Mr. Maxwell has been consulted and Mr. Bryant replied he has not. Councilman Whittington requested Mr. Bryant to get in touch with Mr. Maxwell now and see if that off-set can be eliminated.

Mr. Bob Williams, representing the petitioner, stated they are not asking for a change in the use of the property as the property is now being used for a plant farm, both wholesale and retail, which is done on the property. He stated there is a little store adjacent to the property with service station pumps in front of it. That they are asking for a change in zoning so that this facility might be made more attractive and might be made easier to get access and egress.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-61 BY SCANDURA, INC. FOR A CHANGE IN ZONING FROM O-6 AND R-6MF TO I-2 OF A PARCEL OF LAND 271' x 150' ON THE NORTHEAST SIDE OF KESWICK AVENUE, BETWEEN DUNLOE STREET AND HANOVER STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is vacant with the exception of one lot nearest North Tryon Street which is being used for off-street parking. The adjoining development is the Scandura Corporation, an industrial operation. They would like to be able to expand that industrial operation onto the subject property. Along Keswick, across from the subject property, there is basically single family residential uses and this continues down Keswick over in the direction of Graham Street. The same is true along Sylvania Avenue with most single family and some duplexes scattered through the area. To the east of the property going on the out of

July 26, 1971  
Minute Book 55 - Page 446

town side up to 23rd Street is the WSOC Station facility; along North Tryon Street is the Purina Plant; across from the Purina Plant is a number of light industrial and business type concerns. The area along Keswick, Sylvania and Plymouth is an area that is highly developed with residential uses which in turn is surrounded by industrial type activities.

He stated the subject property is zoned a combination of R-6MF on four lots and O-6 on one lot, and the request is to change it to I-2. It is adjoined on two sides by existing I-2 zones; across Keswick is a combination pattern of office for one lot and R-6MF for the remainder of the area.

Mr. Tom Ruff, Attorney for the Petitioner, stated Scandura manufactures conveyor belts and other belting for other industrial and commercial uses, including brake linings for the Model T Ford. He stated they have been in business here for about 45 years and the value of the property is perhaps 3/4 of a million dollars, an annual products of perhaps between five and ten million; they have 120 employees. He stated they must expand to meet business requirements. If it cannot expand ultimately, it might have to work out some relocation program. He stated the zoning pattern which exists makes possible this request by a reasonable extension of the existing industrial zone which surrounds the property on two sides.

Mr. Ruff stated an effort has been made to determine if it is possible to make the expansion which is needed by going in any other direction. The engineering internal aspects of this activity are such that this expansion cannot in any feasible way be made possible by going in any other direction other than this direction. The petitioner owns the property and has acquired it piece by piece. The parking facilities existing on the westerly side of the property tends to buffer to some extent the residential houses on the west side. The company has acquired these lots, and the residential buildings have been removed. If the zoning is changed, the parking facilities will be on the westerly side. He stated they are asking for five lots and it will be used for expansion and parking.

Councilman Short asked where the one-way street is to go? Is it not to go down Dunloe Street? Mr. Bryant replied this is where it was one time projected; that he does not know what is going to happen right through this area. He stated Mr. Short is referring to the improvement to North Tryon Street which has been referred to for a number of years and involves splitting and making a one-way pair out of the present North Tryon Street and basically Church Street. At one time that was the one-way projection. Councilman Short asked Mr. Ruff if he is familiar with this; that it is to be one-way inbound traffic? Mr. Ruff replied as far as he knows, Dunloe Street has been closed for some years and has never been opened physically and has never crossed the WSOC property; nor has the other street parallel to Keswick on the northeast side ever been open.

Councilman Whittington stated for a number of years, the State Highway Commission has recommended in their long range plans that Church Street would be a one-way street south, and Tryon a one-way street north.

Mr. Fredrick G. Chastain, 211 Keswick Avenue, stated he lives right across the street from the property. That he would like to know why they want to rezone the property. That they have done everything there already. That the stuff coming out of the smoke stacks gets all over everything. He stated there are about 50 trucks through every day and there are not supposed to be any trucks through the street. There is a sign on each end of the street that no trucks are allowed.

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

July 26, 1971  
Minute Book 55 - Page 447

HEARING ON PETITION NO. 71-62 BY LEILA CAMPBELL AND LAURA CAMPBELL FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A PARCEL OF LAND 191' X 200' ON THE WEST SIDE OF SHARON AMITY ROAD, NORTH OF ALBEMARLE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is on the west side of Sharon Amity Road, north of Albemarle Road. It is for the most part vacant with one single family structure on the corner of the property; to the rear of the property is also vacant land; across the road in front of it are single family residential structures although the property has been zoned for business purposes; to the north is a single family structure and then a duplex at Campbell Drive.

Mr. Bryant stated there is existing business all around the intersection of Albemarle Road and Sharon Amity Road; there is business zoning across Sharon Amity from the subject property. The tract has business zoning across the road; it has multi-family zoning to the rear and single family zoning on the north side.

Mr. Parks Helms stated he represents Miss Lela and Miss Laura Campbell who are the property owners who have filed the petition for rezoning from R-9MF to B-1. The tract contains about 1.2 acres and is basically surrounded by B-1 property. He stated the petitioners have lived in this house for many years since 1925. They desire to build a home on Driftwood Drive which is the remaining property owned by them. If the petition is granted, the present plans are to construct a grocery store on the B-1 property. Mr. George Brown who is in the grocery business is the prospective purchaser.

Mr. Helms stated the best and highest use of the property is for business zoning. The traffic count is some 10,000 cars per day; the grocery store located on this site would be convenient to nearby neighborhoods. The adjacent property is zoned B-1 except for the portion right behind the subject property, and this is where the Campbells will build a residence for themselves. This would enable them to demolish the house presently on the property; it is substandard and needs repair, but is not worth repairing due to its age. By building the home on Driftwood, it would create a buffer between the residential area and the business zoning.

Councilman Whittington asked who owns the property between where the present home is and Campbell Street? Mr. Helms replied the property is owned by a Mr. Mayhew. Mr. Bryant stated a petition has been filed on that property to be heard in August for B-1 zoning.

No opposition was expressed to the proposed change in zoning.

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

CHANGES IN SITE PLAN OF J. J. HARRIS SHOPPING CENTER DEVELOPMENT ON NORTH SIDE OF MORRISON BOULEVARD, ACROSS FROM SOUTHPARK, APPROVED.

Mr. Fred Bryant, Assistant Planning Director, presented a revised plan of the subject development and stated any change in the plan has to have the approval of City Council after recommendation of the Planning Commission.

He stated the plan approved some time ago for the development of the property along the north side of Morrison Boulevard called for a service station to be located on the corner of Sharon Road and Morrison Boulevard, and then a motel immediately behind the service station. As a result of some negotiations into the actual usage of the land, there has been submitted a change dealing with just that part of the plan - the service station and what was a motel area. He stated the service station areas has been increased in size and has been extended along Morrison Boulevard another

July 26, 1971  
Minute Book 55 - Page 448

100 feet or so in order to give a larger size site. That a larger type of car care facility has been planned for the site and they need a larger area. The second change consists of eliminating the motel planned and replacing it with a combination building to be used for retail sales - on the ground level and office space above it. He stated it has been indicated by the petitioner that their market analysis now indicates that a motel does not have the appeal in this area that it did sometime ago due to the influx of motel development along I-77 and Woodlawn Road. The petitioner would now like to substitute for the motel a combination retail and office facility. Mr. Bryant stated the remainder of the plan westward remains the same. He stated this comes to Council with the recommendation for approval by the Planning Commission.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the changes in the site plan.

**SPECIAL USE PERMIT GRANTED JOPPA LODGE NO. 530, A.F. & A.M. TO CONSTRUCT LODGE BUILDING ON PROPERTY AT 426 NORTH SHARON AMITY ROAD.**

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject special use permit was granted Joppa Lodge No. 530 to construct a lodge building on property at 426 North Sharon Amity Road, in a R-15 District, as recommended by the Planning Commission.

**MEETING RECESSED AND RECONVENED.**

Mayor Belk called a recess at 4:35 p.m. and reconvened the meeting at 4:45 p.m.

**BIDS FOR THE CONSTRUCTION OF THE CIVIC CENTER AUTHORIZED ADVERTISED.**

Mr. Robert Lassiter, Chairman of the Civic Center Committee, stated he and Mr. Odell are present with a suggestion to make to the Council on how to expedite and to move forward with the building of the Civic Center. They recommend and urge Council to begin promptly to advertise this job for bids, take the bids and let's go. Their schedule is to advertise about August 2, bids would be due in five weeks later. Bids would come in about September 9; bids would be open for 30 days thereafter, and this would mean that Council would have until October 9 to accept or reject the bids. Mr. Lassiter stated they understand this can be cleared up by that time and the land delivered and cleared by approximately those dates. He stated they suggest that we start now and get this job under contract as soon as we can.

Mr. Odell stated he concurs in the statement of Mr. Lassiter.

Councilman Whittington asked Mr. Lassiter if he is making this recommendation as an attorney or as the Chairman of the Civic Center Committee? Mr. Lassiter replied as the Chairman of the Committee; that he cannot say that he has a very sharp judgement on the legal status of affairs or is able to predict with any accuracy what legal steps should be taken and how they will come out. It is his judgement that the status of the tenants as he has had related to him through the City Attorney and other sources is that this could clear up by the time that these bids are in, and the land could be given, cleared and ready for the contractors to go to work approximately on this same schedule.

Mr. Underhill, City Attorney, stated they are hopeful that given the present status of the three remaining businesses on the Civic Center site that their relocation can be accomplished within the schedule that has been projected; there are some things left to be done. The best and most current information they have as to the relocation needs and the time in which these companies can move into new temporary or permanent facilities will coincide with this

July 26, 1971  
Minute Book 55 - Page 449

schedule so that it will be possible to bring the advertisement on the date scheduled, and have the bids due at that time and accept or reject the bids on or about October 9.

Councilman Whittington stated he concurs with what Mr. Lassiter has said, backed up by Mr. Odell, and apparently Mr. Underhill and Mr. Sawyer of the Redevelopment Commission. That he asked his question about the attorney versus the chairman of the Civic Center as everyone knows the problem the relocation committee has had, the Redevelopment Commission has had and the City Council has had. That all wanted to go ahead six months ago. That he concurs in what is recommended today.

Councilman Alexander stated regardless of what one may say about the legal position in this matter, it all goes without saying that we are losing money every day. The least we can do is advertise for bids and if we run into any legal complications, the only thing they can do is just stop us. That we cannot be any further behind than we are now, but we can be a few steps ahead, and we can only be stopped from that particular point. That he does not think we need to hold back any further, and we need to move right ahead.

Councilman Alexander moved that the city advertise the job for bids. The motion was seconded by Councilman Jordan.

Councilman Short stated he wants to speak in favor of the motion; that he thinks this is a good time to take bids; that we should give this reassurance to the others who are building downtown and he thinks many of our citizens would like for us to go ahead with this. If Council finds it cannot proceed, then it can reject all bids. Mr. Underhill stated Council has the option built in the specifications to reject bids; hopefully, it will be in a position to accept the bids on the date projected here.

Mayor Belk asked for a progress report on the streets around this area. Mr. Corbett, Assistant Traffic Engineer, stated the widening of College Street on the east side down as far as Third Street has the paving down on most of it; they will proceed with the work at Third and College, which is scheduled to begin Wednesday when much of the intersection will have to be closed; the underpass work on Third Street is progressing and the temporary detour has been finished and traffic is operating and piles are now being driven for construction of the overpass. Work on Second Street is progressing and should be finished within three months. Everything is pretty well on schedule. Fourth Street at Sugar Creek should be completed about December 1st.

The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Alexander, Jordan, Calhoun, Short, Whittington and Withrow.  
NAYS: Councilman McDuffie.

**RESIDENTS OF CRESTVIEW COMMUNITY (MATTOON STREET AND CAMPUS STREET) REQUEST ALLEVIATION OF HAZARDOUS CONDITIONS IN COMMUNITY.**

Mr. George Allen, 246 Mattoon Street, stated he lives in an area called Crestview; technically, they have been told this is not a problem of the City Council, but in trying to get at their problem, they have not been able to get anything done. Since it does relate to the lives of people in this community, they thought it necessary to come to Council to see if they can get some help.

Mrs. Dolly Peay, President of the Crestview Community Association, stated they have contacted every agency in their local government and they seem to think there is nothing that can be done about their problem. The only alternative they had left was to come to Council, hopefully that there would be a solution to their problem. She stated their problem is the hazardous conditions in the Crestview Community.

July 26, 1971  
Minute Book 55 - Page 450

Mrs. Peay read the following statement from the Association:

"It has been stated to several citizens after inquiry from the Highway Department that Mattoon Street will not be re-opened at Beatties Ford Road.

Already one dwelling has burned excessively. A fireman of the fire unit answering the call stated that because of congested conditions, the equipment was unable to answer with sufficient speed to bring the fire under control. This would also be true for ambulance service or any other emergency vehicle. This condition is most persistent on Sundays.

We, the undersigned citizens and registered voters of the Crestview Community request that the City Council and Traffic Engineering Department take immediate action in alleviating the hazardous and inconvenient traffic conditions now existing at all intersections of Beatties Ford Road, between Mattoon Street and Dixon Street, and adjacent streets that intersect with Campus Street.

We feel this problem can be resolved by the following recommendations:

1. Reopen Mattoon Street which has been closed for the construction project on Beatties Ford Road. If Mattoon Street cannot be reopened at the intersection of Beatties Ford Road, we request that another suitable exit must be found.
2. Alleviate traffic congestion on Campus Street.
3. Widen Mattoon Street beginning at the intersection of Campus and Mattoon Streets and continuing to Beatties Ford Road.
4. Install proper lighting along Mattoon Street."

Mrs. Peay stated they would like to leave this for Council's consideration today and would like the opportunity to again appear before Council. She filed a petition with the City Clerk which was signed by 154 residents of the Crestview Community.

Mr. Allen stated they have talked to the Highway Commission, and the Engineering Department. He stated if one is not familiar with Campus Street and the way into Mattoon Street, they probably cannot find it. That one of the residents, Mrs. Wrencher, could not be here today as her husband had a heart attack; but she wanted it related to the Council that the attendant could not get in with the emergency vehicle, and she could not get out. He stated they hope that a solution could be an exit at Beatties Ford Road. That just a few months ago Biddleville Elementary School stood at that corner for a number of years with an elevated bridge, and for the first time they can see from Mattoon Street at that intersection almost all the way to the light at Oaklawn Avenue. Not only did they have to get out of there with the blockage of the building but 400 to 600 of their children had to cross there to enter school. They do feel this is a very real problem and they are asking Council to help them in any way it can.

Councilman Alexander stated before Mattoon Street was closed the traffic was worked out so that cars could move along Campus Street especially on Sundays. Now with Mattoon Street closed, are they suggesting that parking be taken off Campus Street completely? Mr. Allen replied they do not; that this would create another problem because of the four churches in the area. Also the residences are so close together that many do not have driveways. That they are not suggesting that anything be done to hamper the smooth running of the churches in the area.

Mr. Allen stated because of the turn by the old Biddleville Presbyterian Church, the large fire truck cannot easily get into the area even if the street was clear. They think the one solution would be an opening into Beatties Ford Road. Patton Street is open into Beatties Ford Road; probably an opening and a light at both intersections would be helpful.

July 26, 1971  
Minute Book 55 - Page 451

Mrs. Ernest McClain, 238 Mattoon Street, stated the average person in the neighborhood was moved from Brooklyn into this community, and they find themselves there with their homes, and they are in debt to their ears. They have no way of knowing that their house may burn and they will not even get a fire truck in there. That three doors from her, a house caught fire and if the firemen could have answered the call, only one room would have been damaged, but it caught the whole house. She said she talked to a fireman and he said she was crazy to live down there; that they did not even know how to locate the house. She stated they are not only asking for help for the firemen and the ambulances, but they are also asking for themselves. She stated there is a stop sign at the intersection of Beatties Ford Road and the drivers do not pay any attention to it; they come right through. She stated on Sunday mornings she goes out and parks her car to be able to walk three or four blocks to get to her car to go to Sunday services. The average time you stand 20-25-30 minutes to get to service. Mrs. McClain stated they are asking for a way out; they are down there stuck; they are not renting; they have been there 10 years, and 10 years is a lot of blood and sweat to try to pay for a home, and have only one way out.

Mayor Belk stated he understands they have four problems: (1) Fire Department on egress and ingress; (2) People on egress and ingress; (3) Parking when there are church services; (4) Parking after work hours.

Mr. Corbett, Assistant Traffic Engineer, stated they are in the process of conducting a study and they have some recommendations ready for the people in the neighborhood; that they are attempting to arrange some meetings with the people along Campus Street to explain the recommendations. He stated their study has been for only one of the points brought out today; that Mrs. Peay originally talked to them about the parking along Campus Street, and they are prepared to talk about that. Mayor Belk requested Mr. Corbett to give Council a summary of the meetings so that Council will be informed.

Councilman Alexander requested Mr. Corbett to meet with the Crestview Community Association today to make the arrangements to meet with the people in the neighborhood.

Later in the meeting, Councilman Alexander moved that the Engineering Department be instructed to see if there is any possibility of opening up another street to give these people an outlet. The motion was seconded by Councilman Jordan, and carried unanimously.

PETITION NO. 71-22 BY LILLIE W. AND MARY E. HENDERSON FOR A CHANGE IN ZONING OF A PARCEL OF LAND ON THE SOUTHEAST SIDE OF SHARON AMITY ROAD, BEGINNING NORTHEAST OF ADDISON DRIVE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to deny the subject petition for a change in zoning from R-15 to O-15 as recommended by the Planning Commission.

ORDINANCE NO. 177-X AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE END OF VIEWMONT DRIVE, NORTH OF FARMWAY PLACE.

Councilman McDuffie moved that Petition No. 71-44 on which a protest petition sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and Council in order to rezone the property from I-1 to R-9MF be denied. The motion did not receive a second.

Councilman McDuffie stated the people in the area presented their position at the hearing; that it is nearly impossible to get out of the side streets and driveways with more than 12,000 cars; the entire north end of the city is plagued with flooding due to run offs from new developments and apartments and new streets; there is an overly number of apartment houses already in the area. In several years, this particular area could be used for apartments

July 26, 1971  
Minute Book 55 - Page 452

and it would not be objected to. Right now there is no reasonable way that this could be good zoning from the people's standpoint. That he questions whether the industrial zoning there is more desirable than apartments; personally he would rather live next to an apartment than most industrial complexes. But that is not the question. That this would overload the community, and Plaza Road has been pushed back for widening for some six to eight years, and the priority list has the Plaza Road as sixth or seventh.

Councilman Short stated the objections given for the use of the property for apartments are really objections to using the property for any purpose almost. That compared to other situations all around the city, this is not an unlikely or bad place for apartments. But what concerns him is that these buildings might be right behind the rear line of the lots that face on Farmway Place. Depending on the location, the setback might be eight feet or it might be 30 feet or 45 feet. That he does not think this is enough setback.

Councilman Short moved that the subject ordinance be adopted rezoning the property from I-1 to R-9MF with the exception that a 50-foot wide buffer be left between this property and the properties that front on Farmway Place with some fronting on Viewmont. The motion was seconded by Councilman Alexander.

Councilman Short stated his motion would grant the petition except for a 50 foot strip along the eastern side; this land would remain industrial and with a 20-foot setback required in industrial areas, and a 50-foot strip, it would mean that you cannot build anything in the 50-foot area and it would be that much additional buffer.

The vote was taken on the motion and carried by the following vote:

YEAS: Mayor Belk, Councilmen Short, Alexander, Calhoun, Jordan  
and Withrow.

NAYS: Councilmen McDuffie and Whittington.

The ordinance is recorded in full in Ordinance Book 18, at Page 264.

RESOLUTION SETTING DATE OF HEARING ON AUGUST 23 ON PETITION NO. 71-4 (RE-HEARING) AND PETITIONS NO. 71-64 THROUGH 71-71 FOR ZONING CHANGES.

Councilman Jordan moved adoption of the subject resolution setting date of hearing on Monday, August 23. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 400.

ORDINANCE NO. 176-X ADOPTING THE 1971-72 BUDGET ORDINANCE FOR THE CITY OF CHARLOTTE, AND ESTABLISHING THE TAX RATE AT \$1.64.

Councilman Whittington moved adoption of subject ordinance, raising revenues and authorizing the appropriation of \$45,890,157 for the operation of the city government for the fiscal year beginning July 1, 1971, and ending June 30, 1972, and establishing the tax rate at \$1.64. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, beginning on Page 257.

July 26, 1971  
Minute Book 55 - Page 453

RESOLUTION AMENDING PERSONNEL RULES AND REGULATIONS, DEFERRED.

Councilman Short stated he would like to hear comments from the Personnel Department about a situation where someone with 18 to 20 years under the proposed rules could take a nine weeks vacation every two years. That it is really 8 and 4/5 of a week. While this may be good in many situations, he really thinks the City should limit a department head so that he would not take any more than four weeks at a given time.

Mr. Calvin Horton, of the Personnel Department, stated in some few instances the leave would be accumulated as indicated. Their department did some checking to see how many employees had accumulated that much vacation. As he recalls, the number is very low; there are not many people who have stayed with the city that long who have accumulated that much vacation. That the instances of this would be very low although there is a potential for it. It would be most unusual for any person to take that many days leave.

Councilman Short stated it would be unusual; but a man who has been here that long has probably moved into some rather responsible position. That in his own business, it would be a little hard to dispense with someone for approximately nine weeks who has an important job with decisions to be made. That he would suggest that this be revised to at least provide that a department head could not be away for 8 and 4/5 of a week at a time. Mr. Horton replied that can be done; it can be revised to reflect that. That it might be worth while to let the Personnel Department take a closer look and see exactly how many people would fall into this category.

Councilman Jordan asked if they do not insist on employees taking their vacation? Mr. Horton replied they do; the general philosophy is that they get away and do some relaxing; that he does not believe this would ever pose a problem especially in the case of a department head; that Mr. Burkhalter would eliminate that himself. He stated most of the people who would benefit from this would be employees who have been here for approximately five or ten years. It is in most of those cases where the employees fall, and in most of those cases where people appear to be in the situation of having to stay on the job and thereby accumulating enough for the maximum. They are then in the position where unless they take vacation in one or two day lots, they no longer accumulate it. In effect while they are working along side of someone who is earning more vacation, they are not.

Councilman Alexander asked how businesses establish vacations when they reach a certain point you have to take a vacation to keep from getting in this arbitrary position? Mr. Horton replied most companies do this by the same method as the City by establishing a maximum amount, or by establishing a cutoff date, so that an employee is encouraged to take it or he knows he will lose it. It tends to self-regulate. Councilman Alexander asked how it can be established that you cannot take eight weeks at any time? Mr. Horton replied this can be done by revisions of the rules or simply by administrative control by the individual department heads and by the city manager.

Mr. Burkhalter, City Manager, stated when you have a conscientious department head or other employee, who feels and will stay on the job at time when he is needed, you hate to see him penalized because you do not make him stay on but you request him and he knows he should stay through a crucial period of time.

Councilman Whittington asked if these individuals cannot be paid? Mr. Burkhalter replied they can; but when you start paying one then they all want it, and the whole idea is to make them take a vacation. Councilman Whittington stated he agrees that they should take their vacation; but for the city to grant eight weeks to an employee in a given year must be contrary to what private industry does anyway. Councilman Short stated he is not complaining about the amount of vacation given but it is just the fact that this might occur continuously. If a man has been here for 19 years and did not take his vacation one year, and he had not been sick, then he would be in a position where he could take off 8 weeks and 4 days. That lacks one working

July 26, 1971  
Minute Book 55 - Page 454

day of being 9 weeks. He stated he thinks he should be given this amount of time; but provide that he just cannot take it continuously.

Councilman Short suggested adoption of the resolution amending personnel rules and regulations with that stipulation, and trust the personnel department to correct it in some way.

Mr. Horton suggested that Council either let this be controlled administrative or let the City Manager and Personnel have some time to come back to Council with a re-worded resolution on this portion. That this can be controlled effectively by the administration. That the very people Council is concerned about are the ones the city needs to have around the most, and he does not believe they would be away for that length of time.

Councilman Short stated there is a political factor also. We in the city would get a certain amount of flack from the public with this kind of provision.

Councilman Alexander asked what jobs the city has that a man cannot get away; where he is needed every day? Mr. Horton replied he does not think there are any like that; that he certainly hopes not.

Councilman Calhoun moved that this part of the personnel rules and regulations be examined and brought back to Council with a recommendation for revision in the vacation schedule. The motion was seconded by Councilman Jordan, and carried unanimously.

**RESOLUTION AMENDING THE PAY PLAN FOR THE CITY OF CHARLOTTE TO INCORPORATE SALARY ADJUSTMENTS TO BE EFFECTIVE SEPTEMBER 29, 1971.**

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted to be effective September 29, 1971.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 401.

**MAYOR BELK RETURNS SALARY FOR FISCAL YEAR 1971-72 TO CITY AND \$2,500 TO BE SET ASIDE FOR EXPENSES OF MAYOR.**

Mayor Belk stated he would like to give his salary back to the city. That it is a privilege and a pleasure to not only work with the Council, but it is also an educational factor involved by association. That he has enjoyed and considers it a privilege to work for the city. Mayor Belk requested that \$2,500 be set up under the jurisdiction of the City Manager to be used for the expenses of the Mayor. He stated he would not want to approve these items and he thinks the City Manager should handle the funds.

Councilman Short moved that the \$2,500 be set up under the jurisdiction of the City Manager for expenses of the Mayor. The motion was seconded by Councilman Whittington, and carried unanimously.

**CONTRACT WITH HAMMER, GREENE, SILER ASSOCIATES TO ACT AS CONSULTANTS ON THE HOUSING MARKET ANALYSIS BEING PREPARED BY THE CITIZENS COMMITTEE ON URBAN RENEWAL AND COMMUNITY IMPROVEMENTS APPROVED.**

Councilman Alexander stated the subject contract calls for \$15,000 for a market analysis which is to take place. That we also have our MOTION Incorporation under the Model Cities program which will also deal with housing, and it is in the process of the type of housing analysis. Before moving into what is being attempted through the Selden Committee that we need to get all these groups together and find out what type of analysis they are all doing so that we will not in this \$15,000 be doing the same thing they are doing. We can find out what is being done and leave off some things that are being done and speed up some things that can be done to get

July 26, 1971  
Minute Book 55 - Page 455

results sooner than we would from this analysis. If we do that we will be able to make more headway and come to a quicker resolution of our real housing needs and save a lot of money. That he cannot see the need in spending all this money, and he would like to recommend that Council delay approving this contract until all the analysis program regarding housing can be studied.

The City Manager stated Council authorized this study some 30 days ago; it was one of the provisions that got the workable program approved. That immediately prior to approving the workable program HUD called the city to see if steps were being taken to have this survey made.

Councilman Alexander stated he does not want to stop the analysis; all he wants is to hold it up long enough to find out what the other housing analysis are doing in the community to see where we are.

Mr. Connerat, Intergovernmental Programs Coordinator, stated they have been in consultation with the staff of MOTION, Inc. and they are aware of what is proposed by the work of the committee and the work of the whole promise made to HUD. There is no problem in the area between the work of the committee and the work to be done under the subject contract, and the objective which MOTION, Inc. hopes to achieve. MOTION, Inc. has done some very special looking at vacant properties in the Model Neighborhood. That Hammer and Associates will be covering the entire city. All MOTION, Inc. has done is an intense look at individual lots where they might promote housing in the Model Neighborhood.

Councilman Alexander stated his only point is that he does not want to be getting for \$5.00 what we can get for \$1.00. Mr. Connerat replied there is no problem about that; that the work of the Committee and the work of MOTION, Inc. is being, and will be coordinated.

After further discussion, Councilman Whittington moved approval of the contract with Hammer, Greene, Siler Associates in an amount not to exceed \$15,000. The motion was seconded by Councilman Short, and carried unanimously.

**EASTERN AIRLINES AUTHORIZED TO CONSTRUCT AN ADDITION TO THE CITY'S AIR CARGO BUILDING, AND AMEND THE BASE LEASE OF APRIL 19, 1966.**

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, authorizing Eastern Airlines to construct an addition to the city's air cargo building, and amend the base lease of April 19, 1966, as follows:

1. Eastern will lease 6,400 square feet of additional ramp space to construct a 6,400 square foot addition to the city's air cargo building. This addition to the air cargo building will be at the sole cost and expense of Eastern and will become the property of the City of Charlotte upon the expiration of the Base Lease on April 19, 1976.

July 26, 1971  
Minute Book 55 - Page 456

2. The City, through its airport manager, shall approve the plans and specifications for the addition to the air cargo building.
3. Eastern will pay the City of Charlotte a rental on the additional 6,400 square feet of space at the rate of 10¢ per square foot per annum.
4. This amendment shall take effect when the City notifies Eastern, in writing, that the space is ready for occupancy.
5. All other terms and conditions of the Base Lease are to remain in full force and effect.

MAYOR LEAVES MEETING AND MAYOR PRO TEM PRESIDES DURING ABSENCE.

Mayor Belk left the meeting during discussion and before motion on the following item, and Mayor pro tem Alexander presided during his absence.

APPROVAL OF CHARLOTTE MODEL CITIES PROJECTS.

The following contracts were presented for approval:

- (a) Porta-Pool project, in the amount of \$9,960.00, for the erection of three pools in three locations in the Model Neighborhood, to renovate and operate the pools, and to offer instructions to Model Neighborhood area children. This is total Model Cities supplemental funds.
- (b) Continuation of the currently operating Police Community Relations Project at a total budget of \$93,796, of which \$37,108 is Model Cities supplemental funds and the balance is LEAA Grant.
- (c) Continuation of Charlotte Mecklenburg Community Relations Commission Project at a total budget of \$26,852, with \$14,909 in Model Cities supplemental funds and the balance an in-kind contribution by the Charlotte Mecklenburg Community Relations Commission.
- (d) Continuation of the Neighborhood Agent Program at a total budget of \$128,026 all of which is Model Cities supplemental funds.

Mayor pro tem Alexander asked if Council should attempt to approve these contracts between the Model Cities Department and agencies before approving the Model Cities budget? Mr. Wilson, Director of Model Cities, replied the overall package was approved last year in respect to the total program. What is required beyond that is to approve each budget in detail as submitted. These projects in terms of substance are exactly the same as were in the package when it was originally submitted in the two year program.

At the request of Councilman Withrow, Mr. Wilson explained the four projects.

Councilman Whittington requested Mr. Wilson to make a mental note to give Council his first hand and best judgement on Items (b) and (c) before it comes back to Council for approval again. He stated he gets confused when one agency is being paid by the city and county governments and then there is another agency paying them again for the same thing. That he would like to have Mr. Wilson's personal evaluation recorded and given to Council after observing these two operations.

Councilman Short moved that the four contracts be approved. The motion was seconded by Councilman Whittington, and carried unanimously.

July 26, 1971  
Minute Book 55 - Page 457

CONSTRUCTION OF SEWER MAIN BY SOUTHEAST COMMUNITY CORPORATION, APPROVED.

Councilman Jordan moved approval of the construction of 465 lineal feet of 8-inch sanitary sewer main to serve property on Sardis Road, inside the city, at an estimated cost of \$3,577.75. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Withrow, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY ON THE NORTH SIDE OF JOHNSTON ROAD ON MCMULLEN CREEK, FROM BELK BROTHERS COMPANY AND J. B. IVEY COMPANY, FOR THE MCMULLEN CREEK OUTFALL.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of 30' x 1,679.92' of property on the north side of Johnston Road on McMullen Creek, from Belk Brothers Company and J. B. Ivey Company for the McMullen Creek Outfall, at a condemnation price of \$1,680.00.

The resolution is recorded in full in Resolutions Book 7, at Page 405.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of easement of 13.88' x 15.05' x 18.27' at 3412 Cambria Drive, from Susan R. Cain (unmarried), at \$20.00, for McMullen Creek Outfall.
- (b) Acquisition of easement of 30' x 6,036.69' on west bank of McMullen Creek, south of N. C. 51, from The Ervin Company, at \$1.00, for the McMullen Creek Outfall.
- (c) Acquisition of 103.74' x 400.98' x 107.21' x 315.96' x 72.45' x 229.03' x 183.11' at 5400 Old Pineville Road, from Marion H. Smith and wife, at \$1.00, for Tyvola Road Extension.
- (d) Acquisition of easement of 10' x 49.50' at 6100 Idlewild Road, from Sue Elizabeth Wallace, First Union National Bank, Trustee, at \$100.00, for sanitary sewer to serve Idlewild Road and Independence Boulevard.
- (e) Acquisition of easement of 5' x 770' at 6101 Idlewild Road, from R. Read Tull and wife, and Charles W. Tull and wife, at \$1.00, for sanitary sewer to serve Idlewild Road and Independence Boulevard.
- (f) Acquisition of easement of 5' x 25.49' at 4400 South Boulevard, from Rose Collins (single), at \$50.00, for sanitary sewer to serve South Boulevard.
- (g) Acquisition of easement of 5' x 107.74' at 4450 South Boulevard, from Southland Authorized Rebuilders, Inc., at \$1.00, for sanitary sewer to serve 4450 South Boulevard.
- (h) Acquisition of easement of 15' x 378.66' at 3201 Clemson Avenue, from Charlotte Mecklenburg Board of Education, at \$1.00 for Highland Elementary School trunk relocation.
- (i) Acquisition of easement 10' x 524.69' at 5733 Monroe Road, from James Thomas Polk and wife, at \$1,500.00, for trunk to serve Monroe Road and Yardley Place.

July 26, 1971  
Minute Book 55 - Page 458

WATER LINES TO SERVE VALLEY GROVE SUBDIVISION, AUTHORIZED.

Councilman Whittington moved approval of the construction of 6,690 linear feet of 6-inch and 8-inch water lines at a cost of \$43,350 to serve a portion of Valley Grove Subdivision off Idlewild Road, outside the city limits, on the same basis that water service has been offered to the Oakdale residents. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the subject resolution authorizing the refund of \$800.00 levied against Atlas Steel Products Company.

The resolution is recorded in full in Resolutions Book 7, at Page 406.

ORDINANCES AUTHORIZING TRANSFER OF FUNDS, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, transfer ordinances were adopted, as follows:

- (a) Ordinance No. 178-X authorizing the transfer of \$50,000 from the sale of 1969 Urban Renewal Bond Funds to the Brooklyn Urban Renewal Area Project Number 5 Account to cover the cost of demolition of structures, underground distribution and wiring installation and other miscellaneous construction projects.
- (b) Ordinance No. 179-X authorizing the transfer of \$150,000 from the June 8, 1971 Sale of Bonds to be distributed between the McAlpine Creek Plant Addition and Irwin Creek Plant Addition.
- (c) Ordinance No. 180-X authorizing the transfer of \$19,000 from the Edwards Branch Trunk Project to be used to extend sewer lines along South Boulevard.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 265.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE, AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinances, as follows:

- (a) Ordinance No. 181-X ordering the removal of weeds and grass at 2221 Ludlow Drive.
- (b) Ordinance No. 182-X ordering the removal of weeds and grass at the corner of Springway & Flamingo Avenue.
- (c) Ordinance No. 183-X ordering the removal of weeds and grass adjacent to 4033 Seaforth Drive.
- (d) Ordinance No. 184-X ordering the removal of weeds and grass adjacent to 1101 South Boulevard.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 268.

July 26, 1971  
Minute Book 55 - Page 459

**ORDINANCES ORDERING DWELLINGS DECLARED "UNFIT" FOR HUMAN HABITATION VACATED, DEMOLISHED AND REMOVED.**

Councilman Withrow moved adoption of the subject ordinances as follows, which motion was seconded by Councilman Short:

- (a) Ordinance No. 185-X ordering the dwelling at 118 Baldwin Avenue to be vacated, demolished and removed.
- (b) Ordinance No. 186-X ordering the dwelling at 3731-33 Davis Avenue vacated and closed.
- (c) Ordinance No. 187-X ordering the demolition and removal of dwelling in 3401 block of Central Avenue.
- (d) Ordinance No. 188-X ordering the demolition and removal of dwelling at 1804 Summey Avenue.
- (e) Ordinance No. 189-X ordering the dwelling at 327 N. Poplar Street to be vacated, demolished and removed.

Council was advised that each property owner has indicated they will not contest the order.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 272.

**ENCROACHMENT AGREEMENTS WITH STATE HIGHWAY COMMISSION, APPROVED.**

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, encroachment agreements were approved as follows:

- (a) Agreement with State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of South Boulevard to serve 4450 South Boulevard.
- (b) Agreement with State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of Ashley Circle and Airline Street for sewer relocation at Ashley Circle and Airline Street.

**CLAIM OF F. J. HEATH FOR PROPERTY DAMAGE, DENIED.**

Councilman Whittington moved that claim in the amount of \$240.00 filed by Mr. F. J. Heath for damage to property at 219 East Boulevard be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

**CLAIM FILED BY ALLSTATE INSURANCE COMPANY ON BEHALF OF TALBERT EUGENE WATTS FOR AUTOMOBILE DAMAGE, DENIED.**

Motion was made by Councilman Whittington to deny the subject claim in the amount of \$950.00, as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

**APPOINTMENT TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION DEFERRED AND NOMINATIONS PLACED TO BE LEFT OPEN UNTIL THE NEXT COUNCIL MEETING.**

Councilman Short moved that the appointment to the Charlotte Mecklenburg Planning Commission be deferred except for nominations and that it be placed on the agenda for the next Council Meeting. The motion was seconded by Councilman Calhoun.

Councilman Calhoun stated in light of the protests that Council saw today and the tremendous emotionalism it points out the tremendous importance of

July 26, 1971  
Minute Book 55 - Page 460

the Planning Commission, and the job they do. That he thinks Council needs this time to be sure that the Planning Commission is staffed with the very best talent possible.

Councilman Jordan placed in nomination the name of Mr. Robert B. Pharr.

Councilman McDuffie placed in nomination the name of Dr. Joe Embry. He stated Dr. Embry has served on the Planning Commission before.

The vote was taken on the motion to defer appointment and carried unanimously.

#### TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Mrs. Mary M. Harris for Graves No. 3 and 4, in Lot No. 41, Section 8, Oaklawn Cemetery, at \$160.00.
- (b) Deed with Dr. L. D. Abernethy, Sr., for Graves No. 1 and 2, in Lot No. 916, Evergreen Cemetery, at \$160.00.
- (c) Deed with Mrs. Rodney F. Snyder for Lot No. 313, Section 6, Evergreen Cemetery, at \$320.00.
- (d) Deed with Mrs. Novelle G. Anderson and Mrs. Annie G. Garrett for Lot No. 44, Section 4-A, Evergreen Cemetery, transferred from Mrs. Mary M. Green, at \$3.00, for transfer deed.

#### SPECIAL OFFICER PERMITS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, special officer permits were authorized renewed for a period of one year, as follows:

- (a) Renewal of permit to Ellis R. Black for use on the premises of Park and Recreation Commission.
- (b) Renewal of permit to Miles Edwin Robbins for use on the premises of Park and Recreation Commission (Freedom Park).
- (c) Renewal of permit to Madison Allen for use on the premises of K-Mart, 2701 Freedom Drive.
- (d) Renewal of permit to David R. Bradey for use on the premises of K-Mart, 4101 North Tryon Street.
- (e) Renewal of permit to Howard W. Halberstadt for use on the premises of Sharon Memorial Park.
- (f) Renewal of permit to Paul E. Halberstadt for use on the premises of Sharon Memorial Park.
- (g) Renewal of permit to Walter C. Thomas for use on the premises of Sharon Memorial Park.

#### CONTRACT AWARDED SANDERS BROTHERS, INC. FOR SANITARY SEWER CONSTRUCTION TO SERVE SOUTH BOULEVARD.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding the subject contract to the low bidder, Sanders Brothers, Inc., in the amount of \$39,411.00, on a unit price basis, for construction of sanitary sewer to serve South Boulevard, north of Seneca Place.

The following bids were received:

Sanders Brothers, Inc.	\$39,411.00
Joe R. Abernethy Const. Co.	52,885.50
Crowder Construction Co.	57,288.00
Thomas Structure Co.	58,766.00

July 26, 1971  
Minute Book 55 - Page 461

**CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF CULVERT IN MURRAYHILL ROAD.**

Councilman McDuffie moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$20,316.00, on a unit price basis, for culvert construction in Murrayhill Road. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Crowder Construction Co.	\$20,316.00
Hickory Construction Co., Inc.	22,027.00
Blythe Brothers Company	23,015.00

**CONTRACT AWARDED DETROIT OVERALL MFG. COMPANY FOR WORK CLOTHING.**

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Detroit Overall Mfg. Company, in the amount of \$53,334.20, on a unit price basis, for work clothing.

The following bids were received:

Detroit Overall Mfg. Co.	\$53,334.20
Sears, Roebuck & Co.	58,135.33
Oshkosh B'Gosh, Inc.	62,057.10
The Hub Uniform Company	75,558.80

**CONTRACT AWARDED SEARS, ROEBUCK & COMPANY FOR COATS WITH INSULTATED LINING WITH HOOD.**

Motion was made by Councilman Jordan to award contract to the low bidder Sears, Roebuck & Company, in the amount of \$15,836.80, on a unit price basis, for coats with insulated lining with hood. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Sears Roebuck & Company	\$15,836.80
The Hub Uniform Company	18,984.00

**MAYOR BELK RETURNS TO MEETING.**

Mayor Belk returned to the meeting at this time and presided for the remainder of the session.

**CONTRACT FOR JANITORIAL SERVICES FOR ALEXANDER STREET CENTER DEFERRED.**

Councilman Whittington moved award of contract to the low bidder, G. & L. Janitor Supply & Service Company, Inc., in the amount of \$16,416.00, for janitorial services for Alexander Street Center. The motion was seconded by Councilman Withrow.

Councilman Alexander stated he is going to suggest that this item be rejected and be submitted for new bids. That he is a little concerned about the variance in the bids and one or two other things. One is Council has not seen the budget on this center.

Councilman Alexander made a substitute motion to reject all the bids and re-submit for new bids. The motion was seconded by Councilman Short.

July 26, 1971  
Minute Book 55 - Page 462

Councilman Alexander stated this is the first time that this was tried on contract; it was tried with the understanding that it would be tried to determine just what it would take to maintain that building. The firm that had it last year did a job of maintaining it, but they did not attempt to renegotiate when it was broken down into additional offices. That he thinks it was understood that consideration would be given in this year for a change to give them further consideration. That he does not know if all the questions that have arisen about it have been cleared up or not. He understands that it is required that these bids be made on city forms; that he does not know if this was done; that he would like to be sure it was.

Mr. Queen of the Purchasing Department advised the bids were bid on the city's specifications; they also added what they would do for this amount of money. The unit cost per month for the low bidder was \$1,368 per month to be paid on a monthly basis until they reached \$16,416.00.

Councilman Withrow asked Mr. Queen if he is satisfied that he has a good bid on this and Mr. Queen replied he has met with Mr. Walker, Director of the Center, and G. & L. Janitor Supply as to their obligations to this building and to the neighborhood employees. That Mr. Walker and he made the decision to recommend the award of the contract.

Councilman Withrow stated it is not fair for a contractor to have to come in and bid and because he is this much lower, ask for a re-bid on it. Unless there is something wrong with the bid, this would be unusual.

After further discussion, Councilman Withrow made a motion to postpone action until the next Council Meeting. The motion was seconded by Councilman Jordan, and carried unanimously.

**CONTRACT FOR POLICE UNIFORMS DEFERRED AND CITY MANAGER TO MEET WITH PURCHASING DEPARTMENT FOR ANSWERS TO QUESTIONS RAISED.**

Councilman Jordan moved award of contract to the low bidder, Gerber Mfg. Company, in the amount of \$63,625.75, on a unit price basis, for police uniforms. The motion was seconded by Councilman Whittington.

Mr. Milton Tager, President of Hub Uniform Company, asked Council to consider the following advantages that only Hub can offer the City. He stated they can deliver almost all items immediately after notice of award as they are stocking practically all items of exact regulation garments. Other companies will require four to six months to build up their initial inventory which means that winter uniforms required for 1970-71 will not be available until early 1972 - too late for most of the winter season. Since both his company and his manufacturer normally stock all the items specified, they are the only bidder who can maintain full and complete inventory throughout the entire two years of the contract. Since the other bidders have to manufacture their garments as needed, it is only logical that their inventory will be allowed to decrease considerably for the last six months of the contract requiring size substitutions and delays in filling orders. He stated they are the only bidders offering the same cuts and quality the city has used for the past 21 years. They have the most complete alteration department in the State and it is located in Charlotte. They are the only bidder that will stock special items; other bidders will require four to six months for delivery. He stated they are the only bidder who can take the city out of stocking uniforms. They are the only bidder who furnished sample garments exactly in conformance to city's specifications. In comparing the garments submitted as samples, they had the only garments meeting specifications. Mr. Tager passed around a list of the defects in specifications of the two other bidders. Of the three items submitted as samples, each of the other two bidders had 20 to 22 defects in specifications on this garment.

Mr. Tager stated the three garments examined were jackets, trousers and shirts. Defects were in workmanship, materials and tailoring.

July 26, 1971  
Minute Book 55 - Page 463

Mr. Leonard Wender, representing the Gerber Manufacturing Company stated he does not agree with Mr. Tager. That Hub brought down their factory man to examine the garments and Gerber examined their garments with Hub's garments and found two minor things on the trousers that can be corrected. He stated Gerber's jacket and shirt were far superior. That they have been manufacturing uniforms for 50 years. Mr. Wender stated they have agreed to stock Charlotte also.

Mr. Queen of the Purchasing Department stated he has two letters from Gerber Manufacturing Company signed by the Sales Manager stating if they are awarded the contract to manufacture uniforms for the Charlotte Police and Fire Departments, they will follow all specifications as outlined in the specifications which were attached to the bid proposal that was read aloud on May 18, 1971.

After further discussion, Councilman Whittington stated he does not see how anyone on this Council can make a sound judgement based on what has been said, and he moved that the decision be delayed and the City Manager meet with the Purchasing Department and answer these questions and give Council something to make an opinion on for the meeting on August 9th. The motion was seconded by Councilman Short, and carried unanimously.

**CONTRACT AWARDED FLIGEL'S UNIFORM COMPANY FOR SHIRTS FOR OFFICERS AND POLICE RESERVE.**

Councilman Jordan moved award of contract to the low bidder, Fligel's Uniform Company, in the amount of \$3,407.03 on a unit price basis, for shirts for officers and police reserve. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Fligel's Uniform Company	\$ 3,407.03
Gerber Mfg. Company	3,701.25
The Hub Uniform Co.	4,278.25

**CONTRACT FOR FIREMEN'S DRESS UNIFORMS DEFERRED UNTIL AUGUST 9TH.**

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract for firemen's dress uniforms was deferred until Council Meeting on August 9th.

**CONTRACT AWARDED FLIGEL'S UNIFORM COMPANY FOR SHIRTS FOR FIREMEN.**

Motion was made by Councilman Short to award contract to the low bidder, Fligel's Uniform Company, in the amount of \$2,988.00, on a unit price basis, for shirts for firemen. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

Fligel's Uniform Company	\$ 2,988.00
Gerber Mfg. Co.	3,525.00
The Hub Uniform Co.	3,735.00

**CONTRACT AWARDED THE HUB UNIFORM COMPANY FOR FIRE DEPARTMENT SERVICE UNIFORMS.**

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, The Hub Uniform

July 26, 1971  
Minute Book 55 - Page 464

Company, in the amount of \$38,180.00, on a unit price basis, for fire department service uniforms.

The following bids were received:

BASE BID 50% Polyester, 50% Cotton Material)

The Hub Uniform Company	\$38,180.00
Garber Mfg. Company	40,780.00
Sears, Roebuck & Company	41,276.00

ALTERNATE BID (Dacron and Rayon Material)

Fligel's Uniform Company	39,776.00
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**CONTRACTS AWARDED FOR CONSTRUCTION OF IRWIN CREEK PLANT ADDITION AND MCALPINE CREEK PLANT ADDITION.**

Councilman Whittington asked what additions are being made to McAlpine Creek Plant? Mr. Walter Franklin, Superintendent of Water Department, replied this is a requirement of the state and federal authorities to eliminate stream pollution; that this is bond money and a federal grant for 33-1/3 percent. Councilman Whittington stated the addition to McAlpine Creek is only for the problem of pollution beyond the plant as it goes into the stream into South Carolina.

Councilman Whittington asked if the city needs to do anything on Irwin Creek or McAlpine Creek treatment plants to get ready for annexation? Mr. Franklin replied this will cover it.

Councilman Short stated he appreciates what Mr. Franklin and the Pease Company have done on this matter; that we are fortunate to be able to get this work done, and to work out our problems in this way. He stated there are some others that should be thanked but he just cannot think of their names at the moment.

Upon motion of Councilman Short, seconded by Councilman Calhoun, and unanimously carried, the following contracts were awarded to the low bidders, for the additions to Irwin Creek Plant and McAlpine Creek Plant, subject to the final approval of the N. C. Department of Water and Air Resources and the Environmental Protection Agency of the U. S. Government:

Contract awarded Petersen Construction Company, in the amount of \$2,456,000 for the general construction of the Irwin Creek Plant addition.

The following bids were received:

Petersen Construction Company	\$2,456,000.00
James E. Cox Construction Co.	2,656,320.00
Crowder Const. Company, Inc.	2,761,000.00
Crain & Denbo, Inc.	2,915,800.00

Contract awarded Trammell Construction Company, Inc., in the amount of \$2,492,400, for the general construction of the McAlpine Creek Plant Addition.

The following bids were received:

Trammell Const. Co., Inc.	\$2,492,400.00
Noll Construction Co.	2,887,300.00
Petersen Construction Co.	3,050,800.00
Crowder Const. Co., Inc.	3,368,419.00

July 26, 1971  
Minute Book 55 - Page 465

Contract awarded Industrial Electric Company, in the amount of \$71,000 for the electrical work for the Irwin Creek Plant Addition.

The following bids were received:

The Industrial Elec. Co.	\$ 71,000.00
Austin Electric Co.	72,202.00
National Electric Co.	82,133.00
Beam Electric Company	89,760.00
Watson Electric Co.	97,334.00
Electrical Contracting & Engr. Co.	98,700.00
Bryant Elec. Repair Co., Inc.	111,645.00
Hensley & Mosley, Inc.	113,600.00

Contract awarded Austin Electric Company, in the amount of \$134,771 for the electrical work for the McAlpine Creek Plant Addition.

The following bids were received:

Austin Electric Co.	\$134,771.00
The Industrial Elec. Co.	142,500.00
National Electric Co.	148,750.00
Beam Electric Co.	163,835.00
Electrical Contracting & Engr.	167,700.00
Bryant Elec. Repair Co., Inc.	190,725.00
Hensley & Mosley, Inc.	195,250.00
Watson Electric Co.	201,161.00

Contract awarded Southern Comfort of Charlotte, in the amount of \$15,500, for mechanical work for the Irwin Creek Plant Addition.

The following bids were received:

Southern Comfort of Charlotte	\$ 15,500.00
A. Z. Price & Associates	16,000.00

Contract awarded Southern Comfort of Charlotte, in the amount of \$16,300.00, for the mechanical work for the McAlpine Creek Plant Addition.

The following bids were received:

Southern Comfort of Charlotte	\$ 16,300.00
A. Z. Price & Associates	17,500.00

Contract awarded A. Z. Price & Associates in the amount of \$5,600.00 for the plumbing work for McAlpine Creek Plant Addition.

The following bid was received:

A. Z. Price & Associates	\$ 5,600.00
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RESOLUTION MAKING TENTATIVE AWARD FOR THE IRWIN CREEK AND MCALPINE CREEK WASTEWATER TREATMENT PLANT ADDITIONS, CITY OF CHARLOTTE, N. C. PROJECTS N. WPC-NC-309.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution making tentative award of contracts for the Irwin Creek and McAlpine Creek Plant Additions.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 407.

July 26, 1971  
Minute Book 55- Page 466

**CONTRACT AWARDED COCHRAN & ROSS CONSTRUCTION COMPANY FOR DEMOLITION OF STRUCTURES ON EAST MOREHEAD STREET AND IN URBAN RENEWAL AREA PROJECT R-60.**

Councilman Jordan moved award of contract to the low bidder, Cochran & Ross Construction Company, in the amount of \$6,150.00, on a unit price basis, for demolition of structures in Urban Renewal Area R-60 and on East Morehead Street. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Cochran & Ross Const. Co.	\$ 6,150.00
F. T. Williams Co., Inc.	8,800.00

**CONTRACT AWARDED FRED MORETTI FOR NATURE MUSEUM BEAUTIFICATION PROJECT.**

Motion was made by Councilman Whittington, seconded by Councilman Calhoun, and unanimously carried, awarding contract to the low bidder, Fred Moretti, in the amount of \$63,200, on a unit price basis, for Nature Museum Beautification Project.

The following bids were received:

Fred Moretti	\$63,200.00
Crowder Construction Co.	72,000.00
Rodgers Builders, Inc.	73,500.00

**CONTRACT AWARDED DODGE COUNTRY, INC. FOR TWO 15-PASSENGER TRUCKS (MAXI WAGONS) FOR POLICE DEPARTMENT.**

Councilman Whittington moved award of contract to the only bidder, Dodge Country, Inc., in the amount of \$9,061.52, on a unit price basis, for two 15-passenger trucks (maxi wagons) for the Police Department. The motion was seconded by Councilman Jordan, and carried unanimously.

**CITY MANAGER REQUESTED TO STUDY ALL BOARDS AND COMMISSIONS WITH THOUGHT OF LIMITING ALL MEMBERSHIP TO TWO TERMS.**

Councilman Jordan stated there is a reminder on the Agenda that Mr. Herbert Spaug's term on the Airport Advisory Committee expires July 31, 1971, and he would like to place his name in nomination for reappointment to the Committee.

Councilman Whittington stated the resolution setting up the Airport Advisory Committee provides that a man may succeed himself once only, and for the record this should be clear.

The City Attorney advised this is written into the resolution creating the Airport Advisory Committee. That Mr. Spaug cannot be reappointed unless Council waives the provision as it relates to appointments. Council may recall that with some other member of the Airport Committee, this provision was waived as it related to a particular member. Mr. Underhill stated this is only a matter of policy which is contained in the Council resolution. If Council wants to waive those provisions, it can do so; but the way the provisions are now written, unless Council did waive the two term limitation, Mr. Spaug cannot be reappointed.

Councilman McDuffie moved that the City Manager be requested to study all the boards and commissions with the idea of re-writing the term of office and limiting the member to two terms like the Airport Advisory Committee is limited. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman McDuffie stated there was right much discussion on the Charter Commission about the desirability of having new people and getting more people involved. That has been one of the drawbacks of a lot of these agencies and commissions. That while the people have served well, it has limited the ability to move around the city and get new people, and hopefully qualified people.

July 26, 1971  
Minute Book 55 - Page 467

COUNCIL ADVISED THAT POLICE PATROL OAKLAWN AREA TWENTY-FOUR HOURS A DAY.

Councilman Alexander stated he has been asked by the people in the Oaklawn Avenue area about policemen patrolling. He asked Chief Goodman if he has regular policemen out there patrolling every day, or is it just passing through? Chief Goodman replied they have policemen out there 24 hours a day. The exact number on duty varies depending on the time of day.

COUNCILMAN MCDUFFIE LEAVES MEETING.

Councilman McDuffie left the meeting at this time and was absent for the remainder of the session.

POLICE CHIEF REQUESTED TO PLACE POLICE OFFICER AT THIRD AND COLLEGE STREET FOR FEW DAYS TO DIRECT TRAFFIC.

Councilman Jordan stated the street will be closed at Third and College Street on Wednesday. That this morning and each morning the traffic is blocked even beyond Tryon Street. He asked Chief Goodman if he can put a police officer on duty for a few days to direct traffic as people come from the parking lot and no one can get out. That he stood there this morning for he does not know how long waiting for one car to get by. It was just blocked. Chief Goodman replied he will have it checked in the morning.

PLANNING COMMISSION INSTRUCTED TO GIVE PRIORITY TO THE STUDY OF BEATTIES FORD ROAD AREA ON REZONING.

Councilman Alexander stated earlier when zoning was being discussed, he raised the question of the possibility of not doing any more zoning on that strip of Beatties Ford Road until such time as the Planning Commission gave Council a report on the total area. He stated he would like to make that into a motion.

Councilman Short stated if a person wants to petition for rezoning of land that he owns there, and it gets to be a little bit of a business proposition that he needed handling of it and the Planning Commission is something like a couple of years behind on this, he wonders if we should bind ourselves this way. That he does agree with the objectives.

Councilman Alexander stated he would like to ask them to get into that since the area is developing so fast. Mayor Belk stated this is a good point because this I-77 and I-85 intersection right there is one of the biggest traffic changes on that whole side. That we should try to plan something before it gets to the stage such as they have in Montgomery and Atlanta. Councilman Short stated the only question he raises is whether Council wants to just say flatly to landowners in that area that Council is not going to make any more zoning decisions.

Councilman Alexander stated he would like to see Council not do any more spot zoning in there on pieces as they come up until this report comes from the Planning Commission. That he would like them to move full speed ahead on that area as it is changing every day. That we will end up with a hodge-podge of some of everything right there in that section, and it will destroy that whole road for about three blocks.

Councilman Jordan stated he does not think Council should penalize the petitioner who has the petition today. Councilman Alexander replied he does not want to stop him today; he wants to stop anyone from tomorrow until such time as the Planning Commissioners come back with their study.

Mr. Underhill, City Attorney, advised this will have to be handled on a case by case basis; that you cannot refuse anyone from filing a petition requesting

July 26, 1971  
Minute Book 55 - Page 468

rezoning. That Council can as the cases come before them defer final action until the study is complete. Council cannot place a total area in a zoning moratorium in limbo with it.

Councilman Alexander moved that the Planning Commission be instructed to give priority to the study of the strip of Beatties Ford Road immediately. The motion was seconded by Councilman Calhoun, and carried unanimously.

CITY ATTORNEY TO LOOK INTO POSSIBLE APPROACHES TO ALLEVIATE PROBLEM OF HALF FINISHED MOTEL ON KINGS DRIVE AND TO REPORT TO COUNCIL WITH RECOMMENDATIONS.

Councilman Short stated in the public interest Council should try to do something further about this half-finished motel on Kings Drive. That he does not think the public interest is served if this situation is allowed to continue indefinitely; that this is a very active area with a lot of things going on near Kings Drive and Kenilworth and Harding Place. The new Northwest Expressway link is going to take off right in that area. He stated perhaps a partially constructed abandoned building such as this should after a period of time be subject to condemnation and resale under the negotiated sale procedure which we now have. In this way we could make sure to place this in some hands that would either demolish it or would go ahead and build the project.

He stated he is sure this would take enabling and he would hope we could get something of this sort from the legislature this Fall. If not the sort of thing that he mentioned then something that would accomplish this objective.

Councilman Short moved that the City Attorney be instructed to look into possible approaches to this problem and report to the Council what he recommends. The motion was seconded by Councilman Alexander, and carried unanimously.

MAYOR REQUESTED TO WRITE MEMBERS OF THE LOCAL STATE DELEGATION AND THANK THEM FOR THE CONTRIBUTIONS THEY MADE TO THE CITY AND MECKLENBURG COUNTY.

Councilman Whittington requested the Mayor to write a letter on behalf of the Mayor and Council thanking the members of the Local State Delegation for their contribution to this City and Mecklenburg County. That Council did not agree with everything they did, but over-all they did a good job down there and we should thank them for that.

ITEM RELATING TO MCDOWELL STREET WIDENING REQUESTED PLACED ON COUNCIL AGENDA FOR AUGUST 9TH TO BE DISPOSED OF.

Mr. Sawyer, Redevelopment Director, stated at the request of the City Council at its May 28th meeting, the Redevelopment Commission scheduled a public hearing which was held July 21 to consider whether or not the Commission would recommend adding "parking" as a permitted use in Redevelopment Project No. 4.

He stated the hearing was held; the Commission did consider the request. In the audience and speaking in favor of adding the parking at the time of the hearing was Mr. Gordon of Gordon Motor Company. Following the hearing, the Commission had a special meeting at which the question was discussed, and the

July 26, 1971  
Minute Book 55 - Page 469

Chairman offered a resolution approving the addition of parking to the Redevelopment Plan under the permitted uses. He stated there was no motion at all to approve or disapprove the resolution and in the absence of no motion, the Commission took no action. Mr. Sawyer stated in the meantime the Redevelopment Commission had referred the question of the proposed amendment to the plan as required by law to the Planning Commission. The Planning Commission considered it Wednesday night, the evening of the 21st, and the Planning Commission also voted not to add parking as a permitted use to this Redevelopment Plan.

Councilman Whittington moved that the item of McDowell Street be put back on the agenda for August 9 so that Council can dispose of it. The motion was seconded by Councilman Alexander, and carried unanimously.

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk