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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, May 24, 1971, at 2:00 o'clock p.m., in the Council Chamber, City Hall, 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 Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions with the following members present: Chairman Tate, and Commissioners Albea, Blanton, Godley, Moss, Sibley, and Turner present.

ABSENT: Commissioners Ross, Stone and Toy.

* * * * *

INVOCATION.

The invocation was given by Reverend Wendell G. Davis, Minister of Midwood Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on Monday, May 17, 1971, were approved as submitted.

HEARING ON PETITION NO. 71-40 BY ELEANOR FLOWE PLUMMER, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF A 4-2/3 ACRE TRACT OF LAND ALONG THE SOUTH SIDE OF I-85, BEGINNING AT TOM HUNTER ROAD AND EXTENDING TOWARDS SUGAR CREEK ROAD.

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

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on the south side of I-85 near its intersection with Sugar Creek Road. It is a four plus acre tract located actually on the service road which runs along the side of I-85; it is vacant; it has vacant land to the east. Behind it is a 100-foot strip that has been left out of the petition; directly behind that is the single family residences along Vancouver Drive which is one of the streets in the Hidden Valley Community. Basically, from there on it is a solid single family residential use pattern. Across I-85 from the subject property are several commercial type activities; to the west along Sugar Creek Road are some single family residences. He pointed out on the map the new location for the service road access out to Sugar Creek Road. At present, the service road access intersects with the ramp. As part of the improvement process for the Sugar Creek Road area, the service road is being relocated.

He stated the subject property, as well as all the property to the south is zoned for single family residential; to the east, between Tom Hunter Road and I-85, there is R-9MF zoning; to the north across I-85 there is B-2 zoning. Single family zoning comes out to Sugar Creek Road; on the west side of Sugar Creek Road there is an existing B-1 zone. Basically the property has residential zoning immediately around it, with business zoning across I-85 and business zoning down and across Sugar Creek Road.

Mr. Bryant stated some months ago, there was a request to change the zoning on the east and west side of Sugar Creek Road to Business; the Planning Commission recommended that both be approved and Council approved the rezoning of the property on the west side only.

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Mr. Sam Williams, Attorney for the Petitioners, stated the subject property was not included in the rezoning that was related to Sugar Creek Road about a year ago; it is adjacent to that property. This is the only quadrant of the Sugar Creek Road - Interstate-85 Interchange which is not currently zoned in some commercial fashion. He stated the subject tract has about five acres and the petitioners have left a 100-foot buffer which is heavily wooded which backs up to Hidden Valley Subdivision. He stated they proposed a 150-room motel to be constructed on the property. Mr. Williams stated I-85 as it now exists has a direct relationship to Tom Hunter Road; the relationship arises out of the exit ramp. The new access to Tom Hunter Road will be by a service or loop road which will be 24 feet of pavement. This loop road exits from Sugar Creek Road approximately 700 feet from I-85. The loop road comes through the Nicholson property, parallels the rear portion of Hidden Valley, and enters the subject property and goes through the subject property and connects into the existing service road which parallels I-85; it runs parallel to I-85 until it comes to the Tom Hunter Road Intersection, and continues beyond the Tom Hunter Road Intersection and also exits back towards town. He stated they considered it appropriate when filing the petition to put a 100-foot buffer at the rear so they could leave the property in its natural state; it is heavily wooded. Mr. Harold Cooler, Architect, prepared the site plans for this motel.

Councilman Withrow asked how binding the 100-foot buffer is if the motel is built? Will the owner be able to use it for parking or for expansion; how long will the 100-foot buffer remain? Mr. Bryant replied it will stay until Council at some subsequent hearing and after action decides to permit some other use to be made of the property; this is not included in the request for rezoning, and it will remain zoned as R-9. Councilman Withrow asked if the 100-foot is not set aside, will it always remain as a buffer? Mr. Bryant replied there is no absolute guarantee that it will be. Mr. Williams stated in its present condition it cannot be used for any business related use; it cannot be a parking lot backing up to the Hidden Valley Homes; it will have to remain non-commercially used.

Councilman Whittington stated with the loop road under construction, he asked the zoning left between the loop road and the rear property line of the residents on Vancouver; is it R-9? Mr. Bryant replied it is R-9 now; that there is such a small amount left that his personal opinion is that it should always be left as R-9 as there is not enough room to develop it.

Mr. Fred DeVinney, 1707 Vancouver Drive, stated although there are only seven families whose property directly adjoins this land, this petition indirectly affects most of the residents of Hidden Valley. Their primary concern is to protect their right to privacy and safety. He stated there are 39 children just on both sides of Vancouver Drive, adjacent to the land in question; 23 of these children live in the seven houses adjoining the property. This section of Hidden Valley has been in existence for six years and of the residents of this section, 90 percent of the people invested in these homes while they were being built. He stated they feel the new business already established along the highway has a prime consideration that the people will be able to find decent housing. Hidden Valley is the only planned subdivision in a close proximity to the highway. If a prospective employee cannot find suitable housing close to their work, then it is only logical that they look to other places such as Harrisburg in which to reside. This represents a big loss to our city, and could mean their employers could also look to other towns. He stated with all the construction now in progress, particularly the widening of Sugar Creek Road, and plans to widen I-85, it places an extremely heavy burden of traffic on the streets in Hidden Valley. They feel approval of the petition would place an even heavier burden upon their streets. They feel rezoning would decrease the resale value of their homes. The removal of foliage would increase the noise level from the highway and would do little to keep out any noise or light that a business would impose upon them.

He stated their purpose is to protect not only their investment but the total environment in which their families and their neighbors must live. He invited the Mayor and City Council to see firsthand the actual conditions spoken of here today.

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

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HEARING ON PETITION NO. 71-33 BY C. RICHARD TURNER, ROBERT G. PHILLIPS AND ERNEST FREELAND FOR A CHANGE IN ZONING FROM R-9 AND R-9MF TO O-15 OF PROPERTY FRONTING ABOUT 294 FEET ON RAMA ROAD AND 314 FEET ON FLORENCE AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located on the west side of Rama Road, south of Monroe Road intersection. It is partially vacant with one single family residence on the property; it has existing single family development across the road. He pointed out Florence Avenue which comes into Rama Road, and stated across Florence from the subject property there is single family residences. He stated there is an apartment project just beginning in the area which is basically oriented back out to Monroe Road. He pointed out McClintock Junior High School; Sharon Memorial Cemetery, and farther out the property of East Mecklenburg High School.

Mr. Bryant stated the subject property is zoned a combination of single family and multi-family zoning; adjoining on the Monroe Road is the O-15 area approved by Council a few months ago; across Rama Road is a solid single family residential zoning pattern; to the rear and to the northwest is the R-9MF which accommodates the apartment project under construction; across Monroe Road is principally single family zoning until you get near Idlewild and then it becomes multi-family from there.

Mr. Linwood Mallard, Attorney with Farris and Mallard, stated they are representing the petitioners, who are Mr. Robert G. Phillips, Mr. Richard C. Turner, Mrs. Ernest T. Freeland and Doctors Edward Bonomo and Frank Pattishall who are the principal parties interested in this request.

Mr. Mallard stated the present zoning is a combination of R-9MF and R-9. The area owned by Mr. Phillips and Mr. Turner is R-9MF, and the other portion which is a little less than 2/3 is R-9. If the property is rezoned to O-15 the Phillips and Turner portion will be used as an addition to the present O-15 zone which was granted by Council in 1970. At that time Council granted the O-15 zoning for approximately 500 feet from Monroe Road and also showed an inclination to zone O-15 the full extent of the Phillips and Turner property. The minutes indicate the majority of Council were in favor of doing this; but because of a technicality it could not do so as it would have been rezoning to a lesser zone. If this request is granted, Mr. Phillips and Mr. Turner will have about 100 additional feet to the present O-15 zoning and will be used for small office purposes.

Mr. Mallard stated the main portion is the portion owned by Mrs. Freeland which is under option to Doctors Bonomo and Pattishall. Doctor Bonomo is in general dentistry and Dr. Pattishall is an orthodontist. They desire to build on this particular tract on the corner of Florence Drive and Rama Road a dental clinic for their practices. They plan a building of approximately 2,800 to 3,000 square feet of interior space, traditional style of brick exterior. There will be some parking which will be to the rear of the building. They plan to front the building on Florence Drive with the parking to be away from Rama Road and will be hidden from Rama Road. Mr. Frank Caldwell is the architect for the building and has begun the preliminary planning, and preliminary financial arrangements have been made. They will give quite a bit of consideration to the landscape planning and in no way will the looks of the area be changed to be detrimental to the neighborhood. Mr. Mallard stated they feel there is a great need for this facility in this area as the nearest general clinic is one in Cotswold and a general practitioner out Independence Boulevard. They feel a dental clinic in this area would not only benefit the children and the schools but all the neighborhoods.

He stated this location is also good for O-15 as it abuts a major thoroughfare; that Rama Road is to be widened to four-lanes and Monroe Road has been widened to four-lanes recently. The need for offices in this area is now present and will continue to become greater. Mr. Mallard stated no adjoining landowners would be hurt by this rezoning. He stated they have found no opposition to the rezoning.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 71-34 BY J. MASON WALLACE, JR. FOR A CHANGE IN ZONING FROM O-15 TO B-2 OF A STRIP OF LAND 750 FEET IN DEPTH ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD EXTENDING FROM STATE ROAD 1009 TO WALLACE ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is a strip of land with a depth of 750 feet back from Independence Boulevard; it is vacant with a number of uses in the general vicinity of the property. There is a strip of land which is being developed as a commercial area and includes a new Zayre's Department Store; there will be a bank and a whole row of commercial establishments in the area. Facing on the connector road from Independence Boulevard to Monroe Road is a bank under construction, and then on Monroe are the apartments which have been built recently by Ed Griffin Company. Across from the subject property on Independence Boulevard, there is vacant land and then a number of smaller commercial establishments; immediately adjacent to the subject property on the same side of Independence are some small commercial establishments; then considerable vacant land across Wallace Lane from the subject property.

He stated predominately along Independence Boulevard is a pattern of business zoning on both sides except for the one block that is under consideration this one block, between the access road leading over to Monroe Road and Wallace Lane, is for the most part zoned O-15; with that one exception all of the frontage property along Independence Boulevard is now zoned for business purposes. The area across and to the south of Wallace Lane is zoned R-12. The property on the west side of Monroe Road is zoned R-12 and there is multi-family zoning along Monroe Road to accommodate the apartments.

Mr. Richard Wardlow, Attorney for the petitioner, stated they are asking for a change in zoning for a depth of 750 feet, from Independence Boulevard extending back towards Monroe Road. The principal reason for the request is the demand for B-2 property has exceeded the presently zoned B-2 land available. The area from Idlewild Road down to State Road 1009, is now fully developed as a shopping center area; it is all committed and construction is underway. More people want to locate the B-2 type businesses in the area, and the land is not there to accommodate them. The land which is basically a triangular shaped piece of land of about 25 acres is presently and has been since 1914, an open field. When the Board of Education acquired the land for East Mecklenburg High School from the Wallaces, and later on at the request of the Board of Education, the Wallaces put a restriction on record restricting the 100-foot strip all the way down to residences only; that can be removed only as and when the School Board sees fit to do so. They have done so when the land was given for the Church; that he understands they are considering doing the same for another point of land. The O-15 triangle has existed since 1960. They have not had one substantial evidence of interest in developing it or using it for an O-15 purpose with the exception of a point which was given by a deed of gift to the Greater Charlotte Foundation who in line with a church, planned to put some sort of combination office building on it. Other than that, the land has been there vacant for eleven years with this zoning and not one opportunity for using it with another exception. It can be used under present zoning for high density apartments which the Wallaces do not want to do. Mr. Wardlow stated they are ready to commence immediately the development of it for B-2. He presented a proposed plan for the development of the land, and stated at the rear next to the area that remains O-15 will be an office building; the (b) (c) and (d) areas will be for smaller retail shops; (e) and (g) will be for department stores who have already made their contact and have negotiations underway; and (f) will be for retail stores. The total land that would be occupied by buildings would come somewhere around 12 acres and the balance of 14.3 acres would be available to accommodate parking.

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Mr. Wardlow stated the portion not included in the petition adjoins this church property and they plan to build an office. He stated they disclosed their plans to the church at the time they accepted the property. He pointed out the area of the property that does not belong to the Wallaces, and stated it has been given away and accepted by the Greater Charlotte Foundation who has now passed it on to the Seventh Day Adventist, and the petitioner has no control over what they would do.

Mr Wardlow stated the portion which now belongs to the Seventh Day Adventist Church remains zoned as O-15; the additional area of property between what the Wallaces are requesting for B-2 and the portion not included in the petition measures about 225 feet between the petitioner and the Church property. At present the church has not started construction. When the land was deeded over, the church was fully advised of the plans for the front portion.

Councilman Short asked if the land for the church was essentially donated to the church by a Foundation? Mr. Wardlaw replied the Presbyterian Church is already there, that land was donated; the park which is already there, that land was donated; the little triangle, which he understands is now owned by the Seventh Day Adventist, was donated to the Greater Charlotte Foundation, who in turn, sold it to the Church. Councilman Short stated then the Wallace Family is not in the position of having sold the property to a church and then putting a shopping center up against it. Mr. Wardlaw replied that is right; it was not sold to the church and the acceptor of the gift as well as the church who bought it was fully advised. Also the shopping center will not be up against the church as there is a buffer of 250 feet of office zoning. He understands the church will build an office to be used as their district headquarters.

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. 71-35 BY H. P. DAVIS, GLENNA I. MCKAY AND WILLIAM M. ALLEN FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF PROPERTY FRONTING 338 FEET ON THE NORTH SIDE OF MONROE ROAD BEGINNING ABOUT 510 FEET WEST OF COMMONWEALTH AVENUE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located between the McAlway Road area and Commonwealth Avenue; it is adjoined on the west by St. John's Methodist Church and adjoined on the other sides, including across the streets by residential uses. There is some change beginning in the area with a building under construction on the south side of Monroe Road which he has been told is a skating rink. To the east of the property is the Oakhurst School at the corner of Commonwealth Avenue and Monroe Road, and a fairly large industrial building located adjacent to the school; there are a number of business uses located on the south side of Monroe Road, on either side of Richland Drive. Predominately right around the subject property it is still a residentially related situation.

Mr. Bryant stated the subject property as well as property on each side is now zoned R-9MF; this pattern extends right on along Commonwealth Avenue in the direction of Independence Boulevard; across the road on the south side is a strip of B-2 zoning that begins near McAlway and extends out to a point past Commonwealth Avenue. Behind the business zoning along the railroad there is I-1 zoning on the north side and I-2 zoning on the south side.

Mr. Sam Williams, Attorney for the petitioners, stated there is commercial development across the street from the subject property; there is industrial 200 or 300 feet removed. These people have lived there a total of 55 years; their property is ideally suited for development in a business fashion. These people seek a business development of their property so that it can be compatible with the business development on the other side of Monroe Road. When the property is developed there will be adequate weekend parking and evening parking for use by the adjacent church.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 71-36 BY GREENBURG CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A 2.824 ACRE TRACT OF LAND ON THE WEST SIDE OF SHARON AMITY ROAD BEGINNING APPROXIMATELY 440 FEET SOUTH OF CENTRAL AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is a rectangular-shaped parcel located on the west side of Sharon Amity; the property is vacant; it is adjoined by vacant property to the south and to the west, although all the vacant property is in the beginning stages of being involved in construction for an apartment project. Shortly the subject property will be adjoined on two sides by the apartment project. Directly across Sharon Amity from the subject property is business development; north of the Coleman Nursery property is a combination service station and convenience food store; there is a new service station at the corner of Central Avenue and Sharon Amity; immediately adjacent to that is a small fuel oil storage facility; then immediately adjacent to the property is one single family residence. There is a large apartment development existing and under construction in the area. Basically the property around the subject tract consists of business uses across Sharon Amity Road and then developing apartment uses otherwise.

He stated the west side of Sharon Amity including the subject property is zoned R-6MF; there is B-1 zoning across the road from the subject property leading all the way to Central Avenue; then there is business zoning around the intersection of Central Avenue on the same side as the subject property.

Mr. Gene Rayfield with Greenburg Construction Company, the petitioner, stated they are seeking the zone change in order to establish a small commercial area to serve the 396 apartments which are under construction. They feel this zoning change will be compatible with the area as the property directly across the street is now zoned commercial.

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. 71-37 BY JAMES B. WATSON, JR. FOR A CHANGE IN ZONING FROM R-9 TO I-2 OF 38 ACRES OF LAND LOCATED BETWEEN CINDY LANE AND HUTCHINSON MCDONALD ROAD EAST OF I-77 AND WEST OF STATESVILLE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property lies between Cindy Lane and Hutchinson McDonald Road; the property is vacant and was used as a site to remove dirt fill in the construction of I-77; it is adjoined by a considerable amount of vacant land both to the south and to the east in the direction of Statesville Road. It is adjoined by several single family residential structures particularly along Cindy Lane; there are single family residences along Hutchinson McDonald Road. Along Statesville Road there is a combination of various types of uses; to the west of the property it is predominately vacant with two houses located at one point between the subject property and I-77, and one vacant house. There is a lake in the area which has been used as a commercial fishing lake. West of I-77 the land is predominately vacant until it gets over to the Beatties Ford Road area.

Mr. Bryant stated in the immediate vicinity of the subject property it is almost entirely single family residential zoning; the only exception is along Statesville Road where there is business zoning.

Mr. H. M. Johnston, Attorney, stated this petition is a request from R-9 to I-2. It is because of the change that has come about in this neighborhood caused by the road system. I-85 is to the south of the property; I-77 immediately to the west of the property. He presented an aerial photograph which he stated shows how the area actually appears. He pointed out I-77 which is under construction and stated the bridge is being built and the overpass over Cindy Lane; he pointed out I-85

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and Statesville Road. He stated Cindy Lane is being widened into four lanes to carry traffic over to I-77 into Beatties Ford Road. He stated in determining a change of this nature, it is only proper that you look at the area of influence. Obviously, there is one tract of land that is undeveloped but it will affect the surrounding land, and that would be isolated by I-85, I-77, Statesville Road and Cindy Lane which will be a four lane road. He stated this is a very undeveloped tract. There is one bar pit which has been used in constructing the intersection of I-77 and I-85; there is also a bar pit on the subject property. Mr. Johnston stated he contacted the people in the neighborhood and everyone owning property that touches the subject property has signed a statement stating they have no objections to the proposed rezoning, which he filed with the City Clerk. He stated one man, Mr. Pearson, did not sign a statement. No one else had any objection to the proposed rezoning. He stated he also contacted owners of property between the subject property and I-77, and none of them had any objections to the proposed rezoning. Many of these people have been in the neighborhood 25 years or more but they realize that residential zoning is not realistic, and the property is not suitable for residential purposes, and they think I-2 would be beneficial.

Mr. Johnston stated Bowman Transportation has the property under option, provided the zoning will allow them to construct their offices, warehouse and trucking terminal. They feel this is a logical development because of the access to I-77 and I-85 which is adjacent to the property. He stated Mr. Keller who lives on Beatties Ford Road has property in the area, and he has had a land use development of his property prepared by a firm in Hickory. They concluded this property across Hutchinson-McDonald, from the subject property, should be used for industrial and manufacturing purposes.

Mr. Johnston stated they will not have access to I-77; that Cindy Lane will go over I-77 and the traffic will be funnelled down Statesville Road along the frontage road to the interchange to get on I-77. Mr. Bryant stated the only access point from the subject property is either through the Statesville Road interchange or the Beatties Ford Road interchange. The actual interchange between I-85 and I-77 is a high speed interstate interchange without any local access.

Mr. Salyers, President of Bowman Transportation, stated they are now located in Charlotte on Interstate 85; they have outgrown their facilities and hope to expand their facilities in Charlotte if they can acquire some land and this property looks good to them. He stated in the past two years his company has increased the number of employees and this will bring in more employees to their terminal in Charlotte.

Mayor Belk asked if an I-1 zoning would do as well as an I-2 zone? Mr. Johnston replied he has been informed that under I-1, it can be used as a conditional use, and they have no objection to have it zoned I-1, if they can use it to construct their facility. Mr. Bryant stated the trucking terminal is permitted as a use by right under I-2 but it is a conditional use under I-1, which means if it is approved for I-1, you will, at the same time, have to give conditional approval for the truck terminal including a site plan approval. The nearest I-2 zoning in the area is east of Statesville Road in the I-85 area.

Mr. Bryant stated the improvement that will take place between Statesville Road and Beatties Ford Road is the improvement of an access road all the way through between those two points including a bridge that will carry the traffic over Interstate 77; there will not be an interchange at this point, and it will not be possible to get on Interstate 77. If you are located on the subject property, he would assume since it will be an improved road, it would be better to travel Cindy Lane out to Statesville Road, turn right, go down Statesville Road, go through what will be a rebuilt and redesigned interchange at Statesville Road, and then you are at a point where you can go in any direction through the big interchange between I-77 and I-85. The same would be true if you preferred to come to the west and down Beatties Ford Road.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 71-38 BY EDWARD C. GRIFFIN FOR A CHANGE IN ZONING FROM R-12 TO R-9MF OF A 28.42 ACRE TRACT OF LAND AND FROM R-12 TO B-1SCD OF A 7.11 ACRE TRACT OF LAND ON THE EAST SIDE OF YORK ROAD, BEGINNING AT ARROWOOD ROAD AND EXTENDING NORTHWARD 2,095 FEET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is an area along the east side of York Road beginning at Arrowood Road, with a request for B-1SCD to be located at the intersection of York Road and Arrowood Road; then a multi-family request for property that would extend from that point, continuing northward along York Road. The property is vacant at present as is most of the property adjacent to it; property to the east is vacant; there has been a planned subdivision which was given preliminary approval a number of years ago, but has not developed with the exception of some property in the vicinity of Arrowood Road and along Artwood Lane. Across York Road from the subject property it is also vacant; north of the property is a couple of single family residences. A pet cemetery is located on York Road and then a few more scattered single family residences. Along Arrowood Road is one single family residence on a large parcel of land opposite the subject property at Arrowood and York Road; continuing down Arrowood Road are several single family residences. There is a church located on the south side of Arrowood Road; then a single family residence with a saw service which he assumes is a sharpening facility for all types of saws, which is a non-conforming use. With those exceptions, the area is vacant.

He stated the entire area is zoned for single family residential zoning; there is a tract of R-9MF zoning which was approved recently by Council and which will be the subject of rehearing at a future date. He stated the perimeter zoning line is south of Arrowood Road and west of York Road. Beyond that point the Mecklenburg County jurisdiction begins and there is some existing multi-family zoning in the area.

Mr. Bryant stated the request at the corner is for a business shopping center district and is a conditional district. The petitioner has filed a development plan which shows uses of a service station located at the actual corner and then a row of retail facilities located parallel to and facing York Road. It consists of a super market, a department store in the middle, a couple of shops and a drug store, with parking surrounding that.

Councilman Short asked if the plan meets the requirements with reference to conditional zoning? Mr. Bryant replied it meets the basic dimensional requirements; that he is not ready to state that it will really meet all the good design requirements which they would like to see involved in it. Councilman Short stated if this is not the final plan, has not the City Attorney stated that Council cannot hear it? Mr. Bryant replied not to his knowledge; this is the plan that has been filed by the petitioner; whether or not changes will be recommended before it is finally adopted, he cannot say right now. That we do have to hear what the petitioner asks approval for.

Mr. Phillip Gerdes, with Griffin and Gerdes, Attorneys, stated he is representing the petitioner. He stated they feel this is a logical and reasonable use of the property with the growth and development of that part of the county, especially with the Westinghouse Development and the other industrial developments, and the growth of the lake. The only other sizeable apartment development of its type is the Alpine Village in the area and is on the other side of Interstate -77, off Nations Ford Road.

Mr. Gerdes explained the site plan and stated this is part of a 150 acre tract of land; part will be developed for single family residences and part of it for small shopping center development and part for multi-family. He stated there is a buffer strip of 100 feet which has been left out of the zoning petition; at the corner of Arrowood Road and York Road is the 7.11 acres proposed for B-1SCD development; then, there is the 28.42 acres proposed for multi-family development. He then presented the site plan for the 7.11 acres to be developed as the Shopping Center.

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Mr. Gerdes stated the petitioner is an experienced developer and has built close to 3,000 apartment units in the Charlotte Area. He stated the vast majority of the surrounding property owners have been contacted and to their knowledge there is no opposition to the plan; they have met with the church, the large land owners and the residential landowners who live in the neighborhood.

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. 71-39 BY HICKORY WOODS, INC. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 57' X 170' AT 2212 THE PLAZA.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for a change in zoning of a single lot located on the east side of The Plaza, which is between Mecklenburg Avenue and Mimosa Avenue. It is occupied by a single family structure which is vacant; to the north is another single family house and then a duplex at the corner of Mecklenburg; to the south is a structure on the corner which is in the process of being remodeled and it appears to be remodeled for office use; across The Plaza are single family residences throughout the block with the exception of a service station at the corner of Parkwood and The Plaza.

Mr. Bryant stated there is existing business zoning coming down both sides of The Plaza to the subject lot; beginning at that point is a pattern of office zoning on down to Mimosa; beginning at Mimosa and continuing towards Central Avenue is multi-family zoning. There is multi-family zoning to the rear of the property and single family zoning from that point on. The subject lot is zoned for office and is adjacent to existing business zoning.

Mr. Ben Propst of Hickory Woods stated they have three 57 foot lots and only one is zoned for business, and it is not adequate to build a business with that small amount of frontage, and they are asking for one more lot zoned for business. He stated their intentions are to leave the corner as office and perhaps build an office there. Mr. Propst stated they plan to build a convenience store on the property.

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. 71-41 BY MAXIE W. POWELL, ET AL, FOR A CHANGE IN ZONING FROM R-6 AND R-6MF TO B-1 OF PROPERTY AT THE NORTHWEST CORNER OF LASALLE STREET AND NEWCASTLE STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is a rather odd shaped parcel and has several single family structures located on LaSalle Street and one facing on Newcastle Street. One of the reasons for the shape is that it reflects the new right of way line as it will exist when I-77 is constructed through the area. I-77 will be built roughly up the Irwin Creek area; there will be an interchange across I-77 with LaSalle Street being taken basically straight on across and tied into Statesville Road. He pointed out the Lincoln Heights School and stated some of their land will be taken by I-77.

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He stated the adjoining land uses are principally residential; there are single family residences facing Newland; there are several duplexes at the corner of LaSalle Street and Brownstone, and then single family uses on down LaSalle Street. There is vacant property directly across LaSalle Street and then single family uses on Newcastle Street.

He stated there is business zoning in the corner area, and with that exception everything else in the general vicinity is zoned residential. There is multi-family zoning along the Newland Road side of the property and single family zoning elsewhere.

Mr. Sam Williams Attorney, stated this is the Powell, Ross, Smith, Jackson, Luther Caldwell, Doug Mayes petition. It is an assemblage of property. He stated Mr. Bryant has explained the "before" property, and he has a map showing the "after" property. There is one small tract which is the corner of the entire lot. There is a lot which is the rear portion of an entire lot; there is property on LaSalle Street, directly across LaSalle Street from the B-1 property which was rezoned several years ago, which consists of a portion of Mr. Mayes property, the Ross property, and the Powell or Luther Caldwell property at the corner. You have an abandonment of what was Newcastle Street, and an entirely new interchange which is Newcastle-Interstate-77, which runs at a 70-foot width to Newland Road. All of this is control of access on each side of the street so that the corner has a relationship only to the B-1 property which is across the street. LaSalle Street is undergoing an improvement program it is being paved and is being upgraded. That the logical method of assemblage is to be put it all together on a corner business property. He passed around a file containing the current zoning map showing the massive taking for I-77; a tax map showing the amount of property actually lost by reason of the taking; a recorded map of the area with photographs of the site; the back property; photographs showing the demolition underway at the corner and the nature of the property now zoned as B-1 which is being developed.

Councilman Short asked what happens to the school; will I-77 run between the school and this property? Mr. Williams replied no; that I-77 goes off at an angle and the school remains on Newcastle Street about 600 or 800 feet from the corner.

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. 71-42 BY CHARLOTTE CITY COUNCIL TO AMEND SECTIONS 71 AND 74 OF THE ZONING ORDINANCE TO RECOGNIZE PROPOSED OFF-STREET LOADING REGULATIONS FOR THE CENTRAL BUSINESS DISTRICT TO BE CONTAINED IN CHAPTER 20 OF THE CITY CODE.

The public hearing was held on the subject petition.

Mr. Henry Underhill, City Attorney, stated the subject text changes are related to the proposed construction of the Civic Center. He stated this is a slight modification of two zoning ordinances, and that is the reason for the public hearing. In addition, if Council views favorably the text changes of the two zoning ordinances, it will be asked to adopt an ordinance amending the traffic section of the City Code.

He stated the two zoning ordinances are related primarily to the use of public streets for the maneuvering into and out of off-street parking areas. The present text of the zoning ordinances prohibit use of streets, sidewalks and alleyways and other rights of way for maneuvering to and from off-street parking areas. The proposed amendment would add a proviso which would read: "except as permitted by Section 20-29 of the Code." He stated Chapter 20 of the code is the traffic section. Council will be asked to amend Section 20-29 of the code to authorize a new procedure for obtaining permits from the Traffic Engineering Department which would allow a holder of a permit to use public rights of way, including streets, within the Central Business District only, to maneuver vehicles for loading and unloading purposes. This permit contains some restrictions.

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Mr. Underhill stated the permit must be obtained from the Traffic Engineering Department and is subject to their authorization. The permit requires and can be issued only under four terms and conditions: (1) The use of the public street for maneuvering for loading and unloading purposes may take place only between the hours of 7:00 o'clock p.m. and 7:00 a.m., and on Sundays from 7:00 o'clock a.m. until 7:00 o'clock a.m. Mondays. It would be unrestricted on Sundays and would be permitted only at nights during the other days of the week between the hours of 7:00 o'clock p.m. and 7:00 o'clock a.m. in the mornings. (2) The permit holder would at all times be required to provide authorized traffic control personnel. He would have to require something other than some signalization; he would have to have some authorized traffic control officer on the scene which would, together with warning devices necessary, alert and protect the motoring public. (3) Once the vehicle or vehicles have been maneuvered within the public rights of way and are parked for loading and unloading purposes, no portion of the vehicle may extend beyond the property line. Once the vehicle is parked, it must be completely on the property where the loading and unloading is taking place. (4) Permits must be secured from the Traffic Engineering Department at least 48 hours in advance or before the actual use contemplated between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, the normal hours of business for the Traffic Engineering Department.

Mr. Underhill stated a permit of this type can be used only within the Central Business District; it cannot be used in any other area of the city; and in order for the permit to be issued, the Traffic Engineering Department has to satisfy that the four conditions outlined will be met by the permit holder and that the permit will be used in conformance with the ordinance.

Mr. Hoose, Traffic Engineer, stated during the time the civic center plans were being drawn, the city representatives visited several places throughout the country to look at the operations. This is one of the operations that exists in some of the places they visited. He stated the original bays have been cut from six to four; three bays will be used for loading and unloading as you back in to load and unload and one bay will be used when you drive the truck completely inside which handles 95% of the loading and unloading; this is on the main floor. Any small vehicles other than semi-trailers or over two-axles do not have to back in; they can actually come into the bay and do their maneuvering within the bay area. Two of the bays have hydraulic lifts to lift the truck to the level of the floor and they feel they will have a very minimum amount of loading by backing in. The marshalling yard that is being thought about at the corner of Fourth and Brevard will be an area where the trucks will be stored after they come out of the bay. He stated there will be a security guard on duty 24 hours a day, seven days a week to regulate the maneuvering in and out of the building by the Civic Center Authority. He will know when the trucks are coming in. There are only three major trucking concerns that deal with civic center type conventions and they are very familiar with the regulations. He stated they do not feel this is a big burden for downtown as the street will be four lanes wide; you would have one additional lane open at all times, and they are asking that a person with some authority do the warning and direct the traffic.

Mr. Hoose stated if anyone else has the same problem downtown, they can follow the ordinance and they will be allowed to do it between 7:00 p.m. and 7:00 a.m.

Councilman Jordan asked if they would apply for a permit each time they go in or out? Mr. Hoose replied that is right; they will have to apply for a permit each time. He stated one of the reasons for the permit is that on a Sunday if there was an attraction coming in or out, and a crowd was leaving, he would not give a permit at 7:00 o'clock. He stated it will depend upon the events; the Authority will actually issue the permit through the Traffic Engineering agency, which will see that the lighting is right.

Councilman Short asked if you need this for out as well as in if a truck backs in? Mr. Hoose replied no, he could go out; there would be no problem. If there was an attraction that was not completed until 10:00 o'clock Sunday night, and another show was coming in, they would not allow them in there until after the 10:00 o'clock show. Most of the shows end on Saturday and are out by 5:00 o'clock a.m. Sunday morning.

No opposition was expressed to the proposed text amendments.

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

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RE-HEARING ON PETITION NO. 71-4 FOR CHANGE IN ZONING FROM R-12 TO R-MH AND B-1 OF A PARCEL OF LAND LOCATED ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE AND ALSO LOCATED AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DOUGHTERTY DRIVE, SET FOR MONDAY, AUGUST 23, 1971.

Mayor Belk stated he has received a letter from Mr. Wallace Osborne, Attorney for the protestants on the subject petition, requesting that the re-hearing be set in August.

Mr. Bud Coira, Attorney for the petitioners, stated they are agreeable to the request for the re-hearing in August.

Councilman Jordan moved that the re-hearing of the subject Petition No. 71-4 be set for Monday, August 23, 1971. The motion was seconded by Councilman Alexander and carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARINGS ON MONDAY, JUNE 28, ON PETITIONS NO. 71-43 THROUGH 71-52 FOR ZONING CHANGES.

Councilman Short moved adoption of the subject resolution setting date of public hearings for Monday, June 28, 1971. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 318.

RESOLUTION CLOSING PORTION OF PRESSER STREET IN THE CITY OF CHARLOTTE, ADOPTED.

The scheduled hearing was held on petition of Keldon Corporation and Central-Piedmont Community College to close a portion of Presser Street, between the northerly margin of Sunnyside Drive and the southwest margin of the right of way of the Northwest Expressway. Council was advised that the various city departments having an interest in the closing had investigated the request and each indicated they do not anticipate the city having any need for this right of way in the future.

Mr. Pinkney Herbert, Attorney, stated his associate, Mr. Dave Groves, was supposed to be here to speak to the petition, but he is trying a case and could not get away. Mr. Herbert stated this petition was filed on behalf of Keldon Corporation and a Mr. Blanton. That Mr. Blanton sold his property to the Piedmont Community College, who joins in the petition. He presented a map and pointed out the location of the Northwest Expressway and stated that Presser Street is dead-end; that notice has been given to the State Highway Commission. Keldon Corporation will receive the portion to the center of the street on one side and the College on the other side of the street.

No opposition was expressed to the street closing.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the resolution closing portion of Presser Street.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 319.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:12 o'clock p.m. and reconvened the meeting at 4:25 o'clock p.m.

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RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, JUNE 7, ON REQUEST OF CRAIG ALLEN KITCHENS FOR ISSUANCE OF ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB IN THE CITY OF CHARLOTTE.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted fixing date of public hearing on Monday, June 7, 1971.

The resolution is recorded in full in Resolutions Book 7, at Page 321.

RESOLUTION EXPRESSING THE CONSENT OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO THE ASSIGNMENT OF THE CATV FRANCHISE PREVIOUSLY GRANTED TO COX-COSMOS, INC. TO CHARLOTTE CABLEVISION COMPANY, A NORTH CAROLINA LIMITED PARTNERSHIP, APPROVED ON FIRST READING.

Motion was made by Councilman Alexander, and seconded by Councilman Whittington approving the subject resolution on the first reading.

Councilman Whittington stated some attention should be paid to the fact that Charlotte Cablevision Company would be one name and the other name that is now in operation is Cablevision of Charlotte. That he would think this would be a conflict, and the new company should not consider being called Charlotte Cablevision Company.

Mr. Underhill, City Attorney, stated he has received a letter from Charlotte Cablevision Company, the proposed franchisee, who would receive the Cox-Cosmos franchise. That before they commence operation they will change the name under which they operate to the extent that neither the word "Charlotte" or "Cablevision" would be used in their operating trade name. He stated this has also been communicated to the other franchise holder, Jefferson-Carolina, and it has satisfied their objections to the use of the name Charlotte Cablevision Company. Since Charlotte Cablevision Company is the legal entity the proposed franchise holder is now operating under, he sees nothing wrong with the Council resolution expressing the consent of the transfer to refer to Charlotte Cablevision Company since we now have the assurance they will not use that trade name when they do begin operations. That this is satisfactory to Jefferson-Carolina attorneys.

Councilman Whittington stated he just wants the record to show that he does not think Council would want to approve this if the name were to remain Charlotte Cablevision when there is another company called Cablevision of Charlotte. Mr. Underhill replied that situation and objection has apparently been taken care of now through the assurances of Charlotte Cablevision Company that they will not use either the word "Charlotte" or "cablevision" in their trade name.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 322.

PROPOSAL BY CITIZEN FOR BUS ROUTE CHANGES.

Mr. Al Friesen stated he is employed with a cab company, but he is here today as a citizen and as his civic duty. That his complaint is in the operation of the City Coach Company. He stated he has prepared a map which he has discussed with various people, and he pointed out the Downtown center of town and the different routes for the buses to follow as outlined on the map. He stated Charlotte is growing and eventually the town will be large enough to where the City Coach Company will not be able to serve the town as it is now.

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He stated he has talked with the City Coach Company and they say they have the right and the frontage to service the downtown area. That in his course of business of getting around, he cannot conceive why people in the Clanton Park Area who desire to go to SouthPark should have to go all the way to town to transfer; or people from the Plaza section having to go all the way into town. He stated very few of the busses cross each other until they get to the Downtown area.

Mr. Friesen stated he proposes that the busses run up and down, parallel with the one-way streets. The Double Oaks bus could be run from the Double Oaks area down Statesville, down Graham to Eleventh Street, and over to the central area and back around, and it would cross a bus that does not go completely down Graham Street. There would be a bus on Graham, Tryon, College, Brevard, and McDowell Streets. This would also help the businessmen and other people who have to walk all the way to the Square to catch a bus to go to Sears or to go to another area, and then walk four or five blocks. This would also help the Coach company to maintain more money. He stated he understands the City intends to lower Trade Street under Tryon Street. If this comes about, he cannot conceive how this will help having a focal point at the Square as it will be a hazard as people will have to run up and down these steps to catch a bus in the opposite direction. Under his proposal, they would only have to walk a block one way or the other to catch a north or south bound bus.

Mr. Friesen stated he believes the present system is a health hazard and a crime hazard for that many people to be confined at the Square at the rush hours of the morning and in the evening. If the busses were routed a block apart in the Downtown area, east and west, and north and south, it would give faster bus service to the public and the people would be more aware of where they want to go.

Councilman McDuffie asked if the Planning Commission has a study of the bus system underway? Mayor Belk replied they do have a study and he asked Mr. Friesen to file the map with the Clerk to be sent to the Planning Commission.

MAYOR AND COUNCILMEMBERS INVITED TO COFFEE BREAK DURING MEMORIAL DAY WEEKEND ON NORTH 29 HIGHWAY BEYOND INTERSTATE-85 INTERSECTION.

Mr. L. F. Snyder, 301 West Tenth Street, stated he is President of the Mecklenburg Community Radio Service, Incorporated, for citizens'band operators, which is a chartered non-profit club in North Carolina. Mr. Snyder stated they work with the police department in observing and reporting attempted break-ins and anything they see going on which needs the attention of the Police Department.

He stated they will be having a coffee break Memorial Day weekend from Friday night at 6:00 o'clock until 6:00 o'clock p.m. on Monday on North 29 just beyond where I-85 intersects 29 and just before it gets to Highway 49. They will be set up at the two Esso Stations on each side of the highway. Mr. Snyder stated the donations and monies received from the Coffee Break will go towards buying equipment for the Thompson Orphanage; the price of the equipment is about \$195.00 and they hope to make enough off the Coffee Break to buy this equipment. The main reason for the Coffee Break is to help the public traveling from state to state during the holiday weekend.

Mr. Snyder invited the Mayor and Councilmembers to come out during the coffee break and have coffee with them, and see just what they are doing. That during the Thanksgiving weekend they served over 1,200 traveling people from several different states. They received good coverage from the radio and tv press. They hope to receive the same cooperation this time.

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RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$7,400,000 CITY OF CHARLOTTE BONDS, AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, a resolution entitled: "Resolution Providing for the Issuance of \$2,825,000 Water Bonds, Series C" was passed by the following vote:

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

NAYS: None.

Thereupon, upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, a resolution entitled: "Resolution Providing for the Issuance of \$2,000,000 Street Widening, Extension and Improvement Bonds, Series C" was passed by the following vote:

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

NAYS: None.

Thereupon, upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$1,025,000 Sanitary Sewer Bonds, Series C" was passed by the following vote:

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

NAYS: None.

Thereupon, upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$950,000 Recreation Facilities Bonds, Series C" was passed by the following vote:

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

NAYS: None.

Thereupon, upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the resolution entitled: "Resolution Providing for the Issuance of \$600,000 Public Building Bonds, Series C" was passed by the following vote:

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

NAYS: None.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the resolution entitled: "Resolution Fixing the Form and Manner of Execution of \$2,825,000 Water Bonds, Series C, \$2,000,000 Street Widening, Extension and Improvement Bonds, Series C, \$1,025,000 Sanitary Sewer Bonds, Series C, \$600,000 Public Building Bonds, Series C and \$950,000 Recreation Facilities Bonds, Series C, to be issued under date of June 1, 1971, Providing for the Registration Thereof, Ratifying Application to the Local Government Commission for the Advertisement and Sale of said bonds and Ratifying Action of Local Government Commission in Asking for Sealed Bids for Said Bonds" was passed by the following vote:

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

NAYS: None.

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Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, a resolution entitled: "Resolution Authorizing the Printing of the Legal Opinion on the \$7,400,000 Bonds to be Issued under Date of June 1, 1971" was passed by the following vote:

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

NAYS: None.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 324.

ORDINANCE NO. 102-X AMENDING ORDINANCE NO. 732-X, THE 1970-71 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS TO WATER AND SEWER DEBT SERVICES ACCOUNT, AND TO MUNICIPAL DEBT SERVICE.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$141,102.68 to Water and Sewer Debt Services Account, and \$421,923 to Municipal Debt Service.

The ordinance is recorded in full in Ordinance Book 18, at Page 178.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF HOUSING DECLARED UNFIT FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE, AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington, seconded by Councilman McDuffie, and unanimously carried, adopting the following ordinances:

- (a) Ordinance No. 103-X ordering the dwelling at 4423 Monroe Road to be vacated and closed.
- (b) Ordinance No. 104-X ordering the demolition and removal of dwelling at 3200 Capitol Drive.
- (c) Ordinance No. 105-X ordering the dwelling at 419 West 8th Street to be vacated, demolished and removed.
- (d) Ordinance No. 106-X ordering the dwelling at 1315 South Church Street to be vacated, demolished and removed.
- (e) Ordinance No. 107-X ordering the dwelling at 3019 Ridge Avenue to be vacated, demolished and removed.

Council was advised that the property owners had indicated they would not contest the orders.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 179.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE, AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Jordan moved that the following ordinances be adopted ordering the removal of abandoned motor vehicles which motion was seconded by Councilman Withrow and carried unanimously.

- (a) Ordinance No. 108-X ordering the removal of an abandoned motor vehicle at 315 Bacon Street.
- (b) Ordinance No. 109-X ordering the removal of an abandoned motor vehicle at 2220 Carmine Street.
- (c) Ordinance No. 110-X ordering the removal of an abandoned motor vehicle adjacent to 910 East 18th Street.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 184.

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ORDINANCES ORDERING THE REMOVAL OF TRASH AND RUBBISH 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.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the following ordinances were adopted ordering:

- (a) Ordinance No. 111-X ordering the removal of trash and rubbish adjacent to 910 East 18th Street.
- (b) Ordinance No. 112-X ordering the removal of weeds, grass and trash across from 3320 Windsor Drive.
- (c) Ordinance No. 113-X ordering the removal of weeds and grass across from 1809 Cochrane Place.

The ordinances are recorded in full in Ordinance Book 18, ^{beginning} at Page 187.

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE RELATING TO THE COMPOSITION OF THE CIVIL SERVICE BOARD, APPROVED.

Councilman Alexander moved that the subject act amending the Charter to increase the number of members on the Civil Service Board from three (3) to five (5) be approved for submission to the General Assembly. The motion was seconded by Councilman Short.

Councilman Whittington made a substitute motion that the composition of the Board remain with three members. The motion was seconded by Councilman Jordan.

Councilman Whittington stated he asked that this be held up for one week so that he could talk with various citizens in the community including the two department heads and members of the present Civil Service Board. That he has done this and he sees no need for the enlargement of the Board based on his discussions with them, and his own experiences as a member of the Board some years ago.

Councilman Jordan stated he talked to a number of people concerning this and they feel as he does that we have a very fine Board with the three members and can see no reason to change it to five.

Councilman Short stated a quorum for this Board is two members and he does not feel that is adequate enough representation in this day of complaint by citizens against police and sensitivity over matters of this sort whether they are justified or not. A quorum of two is not an adequate representation of the community's feeling on a Board as sensitive as this. That he thinks we should go to the five members.

Councilman Withrow stated he also talked to a member of this Board who stated it is hard for three members to get together because it takes a lot of time, and that he personally thinks if the Board is expanded to five members, they could always have a quorum of three present.

Councilman Alexander stated he has talked to many persons in this community from all sides of our community over a period of six years and everyone he has talked to feels the need for an increase in the size of this Board for many reasons. That he is sure everyone is well aware of his attempts to get representation on this Board from the black community; this has not been accomplished in the six years he has been on Council. The increase in the size of the Board is an opportunity for a broader spread of representation from our community on what he thinks is one of the most, if not the most important, Boards we have. As has already been stated, it is a fact that with just three members it becomes impossible sometimes for the work of this Board to take place. The composition of the Board has stood over some 30 years at three, and he is sure the responsibility of the Board has increased over a period of years to where it requires more persons than we have now on this Board. Councilman Alexander stated he has talked to members of the Police

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Department who also would like to see the composition of this Board changed to the extent they would like to see it increased. That he does not think we would be hindering the work of the Board, we would be improving the work of the Board and improving the concern of the community as regards this Board by increasing its membership. That the favorable reception in this community would certainly outweigh any statements we hear to the contrary that there is no need for such a Board as this to be increased.

Councilman McDuffie stated if for no other reason than broader representation, and we are not talking about qualifications being any less of the people that might be appointed, it is an indication to the community that more people on all boards and commissions might be expanded. That under the Charter, this Board would have been increased beyond three, and we can incorporate many things that were beneficial in the Charter and still have good government, and maybe make it an even better government.

The vote was taken on the substitute motion and failed to carry as follows:

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

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

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

RE-APPOINTMENT OF C. T. BROWN FOR A TERM OF THREE YEARS TO THE CIVIL SERVICE BOARD.

Motion was made by Councilman Jordan, seconded by Councilman McDuffie, and unanimously carried, re-appointing Mr. C. T. Brown to the Civil Service Board for a term of three years.

RE-APPOINTMENT OF W. T. COVINGTON TO THE FIREMEN'S RELIEF FUND BOARD OF TRUSTEES FOR A TWO YEAR TERM.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, Mr. W. T. Covington was re-appointed to the Firemen's Relief Board of Trustees for a two year term.

CHANGE ORDER NO. 1 IN CONTRACT WITH BEN B. PROPST FOR THE LOWER BRIAR CREEK OUTFALL, PHASE III, APPROVED.

Councilman Whittington moved approval of Change Order No. 1 in contract with Ben B. Propst for the Lower Briar Creek Outfall, Phase III, increasing the contract price of \$148,869.50 by \$5,788.50. The motion was seconded by Councilman Short, and carried unanimously.

The change order is as follows:

- (a) Replacing and re-laying existing storm drainage lines in conflict with the sanitary sewer outfall being installed. The predicted elevations of the storm drains as determined by field survey were actually different when they were uncovered during construction and are in direct conflict with the sanitary sewer line being installed. Re-laying the storm drainage lines, which is the least expensive method of solving the problem will amount to \$4,118.00.
- (b) Laying the 30-inch sanitary sewer outfall at additional depth throughout the area that was filled in and developed by the property owner between the time the contract was advertised and the beginning of construction in this area. These additional depths could not be anticipated in advance of the contract, and the city could not prohibit filling and developing of this private property. The land lies between Briar Creek Apartments and Monroe Road. This work amounts to \$1,670.50.

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CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY FOR DOWNTOWN STREET IMPROVEMENTS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, Change Order No. 1 in contract with Crowder Construction Company for Downtown Street Improvements was approved, decreasing the contract price of \$1,184,293.37 by \$4,616.55.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving contracts for the installation of water mains, as follows:

- (a) Supplementary Contract, to contract dated August 7, 1967, and February 3, 1969 with The Howey Development Company, Inc. for the installation of 2,820 feet of water mains and three (3) fire hydrants, to serve Phase I of the Olde Georgetowne Subdivision, outside the city, at an estimated cost of \$15,000.00. The City will accept immediate ownership for existing mains from which the mains are being extended. The applicant will finance the water main extensions and will be reimbursed for the same, all under the terms of the Partnership Plan.
- (b) Contract with The Rouse Company for the installation of 1,350 feet of water mains to serve the Charlottetown Mall's private fire protection system, inside the city, at an estimated cost of \$23,000.00. The applicant will advance the funds and will be reimbursed the full cost of the main at the rate of 35% per quarter of the revenue derived from said water main until the entire amount has been reimbursed, or until the end of fifteen (15) years, whichever is first, all in compliance with the Partnership Plan.

CONTRACTS FOR THE EXTENSION OF SANITARY SEWER LINES, APPROVED.

Councilman Alexander moved approval of the following contracts for the extension of sanitary sewer lines, which motion was seconded by Councilman Jordan, and carried unanimously.

- (a) Contract with Berkshire Realty Corporation for the construction of 2,522 lineal feet of 8-inch main to serve Deering Oaks Section II, inside the city. The applicant agrees to construct the lines at his own cost in accordance with the plans and specifications of the city. These lines will become the property of the city upon final acceptance by the Department of Public Works.
 - (b) Contract with Arrowood-Morgan Construction, Inc., for the construction of 1,483 lineal feet of 8-inch main to serve Bridlewood Subdivision, Section III, outside the city, at an estimated cost of \$9,175.51. All cost of construction will be borne by the applicant, whose deposit in the full amount has been received and will not be refunded as per terms of the agreement.
- Approved by Community Facilities Committee on May 4, 1971.
- (c) Contract with Southland Rebuilders, Inc. for the construction of 55 lineal feet of 8-inch trunk and 130 lineal feet of 8-inch main, to serve 4450 South Boulevard, inside the city, at an estimated cost of \$3,144.63. 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.

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APPRAISAL CONTRACTS, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the following appraisal contracts were approved:

- (a) Contract with Charles Carson for appraisal of one parcel of land for the Model Neighborhood Centers System, at a fee of \$450.00.
- (b) Contract with John W. Craig for appraisal of one parcel of land for the Model Neighborhood Centers System, at a fee of \$450.00.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JAMES DAVID STRATTON AND WIFE, HILA R. STRATTON LOCATED AT 2165 SHARON LANE FOR THE SHARON LANE WIDENING PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to James David Stratton and wife, Hila R. Stratton, located at 2165 Sharon Lane, for the Sharon Lane Widening Project, at a condemnation price of \$1,200.00.

The resolution is recorded in full in Resolutions Book 7, at Page 340.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CHARLES W. TILLET AND WIFE, GRACE M. TILLET, LOCATED AT 2130 SHARON LANE IN THE CITY OF CHARLOTTE FOR THE SHARON LANE WIDENING PROJECT.

Councilman Short moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles W. Tillett and wife, Grace M. Tillett, located at 2130 Sharon Lane for the Sharon Lane Widening Project, at a condemnation price of \$950.00. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 341.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO LEON T. KENNEDY AND WIFE, IRENE S. KENNEDY, LOCATED AT 2146 SHARON LANE FOR THE SHARON LANE WIDENING PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject resolution authorizing condemnation proceeding for the acquisition of property belonging to Leon T. Kennedy and wife, Irene S. Kennedy, located at 2146 Sharon Lane for the Sharon Lane Widening Project, at a condemnation price of \$2,100.00.

The resolution is recorded in full in Resolutions Book 7, at Page 342.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WHITEFORD S. BLAKENEY AND WIFE, HENRIETTA R. BLAKENEY, LOCATED AT 3345 SHARON ROAD FOR THE SHARON LANE WIDENING PROJECT.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, ^{adopting} the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Whiteford S. Blakeney and wife, Henrietta R. Blakeney, located at 3345 Sharon Road, for the Sharon Lane Widening Project, at a condemnation price of \$2,600.00.

The resolution is recorded in full in Resolutions Book 7, at Page 343.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HELEN L. POOVEY LOCATED AT 3709 COMMONWEALTH AVENUE FOR THE EASTWAY DRIVE WIDENING PROJECT.

Councilman Whittington moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Helen L. Poovey located at 3709 Commonwealth Avenue for the Eastway Drive Widening Project, at a condemnation price of \$1,650.00. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 344.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 15.66' x 15.66' x 26.57' at 4341 Denver Avenue, from E. J. Fox and wife, Violet, at \$150.00 for the Alleghany Street Widening.
- (b) Acquisition of 3' x 125' of easement at 3154 Amy James Avenue, from L. B. Washington and wife, Vivian S., at \$1.00, for Amy James Avenue Sidewalk
- (c) Acquisition of triangular temporary construction easement 93' x 58' x 47' at 3339 Independence Boulevard from Majorie W. Burke (divorced), at \$750.00, for Eastway Drive project.
- (d) Acquisition of 10' x 195' of easement at 6143 Elgywood Lane, from Mrs. Mary Hunter Stilwell, and husband, George Nicholson Stilwell, at \$350.00, for Elgywood Trunk to serve John Crosland Property.
- (e) Acquisition of 30' x 88.09' at 3231 Johnny Cake Lane, from Ned Milton Fowler and wife, Dorothy P., at \$88.00 for McMullen Creek Outfall.
- (f) Acquisition of 10' x 370' of easement on Route 2, Box 862, from Billy P. Martin and wife, Naomi, at \$370.00 for sanitary sewer to serve Gowen Oldsmobile, Inc.

RIGHTS OF WAY AGREEMENTS AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, authorizing the Mayor and City Clerk to execute the following right of way agreements:

- (a) Right of way agreement between the City and the State Highway Commission for the installation of an 8-inch cast iron water main along N. C. 27 (Albemarle Road), from approximately 1300 feet west of Redman Road to Farm Pond Lane, in connection with a contract with Idlewild Utilities, Inc.
- (b) Right of way agreement between the City and the State Highway Commission for the installation of a 12-inch water main across Independence Boulevard at Kings Drive in connection with a contract with the Rouse Company.

SPECIAL OFFICER PERMIT AUTHORIZED.

Councilman Withrow moved the issuance of a Special Officer Permit to Willie Earl Lynn, for use on the premises of the Charlotte Branch, Federal Reserve Bank of Richmond, for a period of one year. The motion was seconded by Councilman Jordan, and carried unanimously.

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TRANSFER OF CEMETERY DEEDS.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Peggy Glenn Wheeler for Graves No. 1 and 2, in Lot No. 711, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Henry C. Lowery for Graves No. 3 and 4, in Lot No. 711, Section 6, Evergreen Cemetery, at \$160.00.
- (c) Deed with Bob Marks and Johnnie Marks for Lot No. 2, Section 3, Evergreen Cemetery, at \$970.00.
- (d) Deed with James Johnson for Lot No. 26, Section 4-A, Evergreen Cemetery, at \$336.84.

TRAFFIC ENGINEERING TO STUDY INTERSECTION OF CRAIGHEAD ROAD AND SOFLEY ROAD AND REPORT TO COUNCIL WITH RECOMMENDATIONS.

Councilman Alexander stated a caution light has been placed at Craighead and Sofley Road. He asked the Traffic Engineering Department to look at this intersection and observe the traffic. That the people evidently are not paying any attention to the caution light and the speed is a little too fast for what is going on in the area. That perhaps a police officer should be stationed out there to check the speed.

Councilman Whittington stated he talked to Mr. Hoose both on Friday and Saturday and again this morning about this intersection, and just what Mr. Alexander is suggesting is being done.

Councilman McDuffie stated there was a traffic signal at this location during the last detour, and the people feel they need it back. The people in Hidden Valley still use Sofley Road. When the present detour was placed, they did not think these people would use that intersection. He suggested that a traffic count be made. That this is somewhat like Foxcroft and at peak hours, they need a traffic light to get out of there as it is on a curve and it is a dangerous intersection. People speed around Craighead Road and people coming up Sofley are in danger.

Councilman Alexander stated he would wait to see what the Traffic Department comes back with on the present request, and Council can keep its eyes on it.

ENABLING LEGISLATION REQUESTED DRAWN TO ENABLE COUNCIL TO ACT WITH RESPECT TO THE BENEFIT STRUCTURE AND FUNDING FOR RETIRED FIREMEN.

Councilman Short stated on a number of occasions over the last two or three years representatives of the presently retired firemen have approached him and some of the others on Council about the fact that their pension plan does not include cost of living increases. Unlike other city employees, the firemen pension plan does not have this feature. Some of these men have been retired for 15 or 20 years and inflation has become a very real hardship for them. In order to get at this problem in any form, legislation is needed and the Chairman of our delegation has advised that he and the proper committee is standing by waiting to hear Council's recommendation. He stated to get at this problem we should set up some procedures that would heal the problem of the present retirees the best we can without providing more money to them or for an endowment for them, than the city otherwise would have provided if

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this plan had been in effect back over the years. Some of the suggestions that have been made would actually have resulted in the individuals involved profiting from these plans that were suggested as it would have involved more contribution by the city than we actually would have put in the plan if it had been in effect all along. He stated we need also to set up an arrangement which will heal this problem in some fashion. If we merely bail out those who are presently retired this problem would be on us again in a few years when more and more have retired.

Councilman Short stated he has discussed this with all sorts of people, retirees, the city attorney, our personnel director and the attorney for the retirees. The suggestion he wants to make is in a memorandum prepared at his request by Mr. Earle. This is conceptual and the concept is to ask enabling legislation which would be added to the recommended statutory change of the firemen's retirement system so that Council will be enabled to act with respect to the benefit structure and funding on recommendation of the Board of Trustees of the Firemen's Retirement Fund. These recommendations could be acted upon by Council provided they are actuarially sound, and provided they take into account the interest of all members of the system, both the presently retired and the presently active. There would also be involved in this concept that upon the recommendation of the Board of Trustees the rate of city and active member contributions may be changed as required for funding, but the city rate may not exceed either the rate of member contribution or the rate of city contributions to the law enforcement officers retirement system which presently is 10.25%. This concept would also involve that Council may appropriate funds required for any retroactive increase in the benefits of retired members.

Councilman Short stated this is the concept and it would be necessary for Mr. Underhill to prepare legislation accordingly and this would be transmitted as Council's recommendation to our Delegation of the Legislature. The basic effect of this is that the trustees of the funds who have the primary responsibility would attempt to solve this problem and make recommendations to Council who would be enabled to adopt their suggestions or some variation of it. Council would not have to do this in accordance with the time requirement of the legislature, but could work it out over a period of time such as is necessary to give a good answer here.

Councilman Short moved that Council proceed this way. The motion was seconded by Councilman Whittington.

Councilman Alexander asked if there is some estimate of what this means in cost to the city? Councilman Short replied this in effect leaves it in the hands of the Board of Trustees to work out this problem; one suggestion has amounted to \$172,000 to cover the future situation; added to this was another sum of approximately \$172,000 to cover the retroactive situation. One problem is that the second \$172,000 is more than the city would have paid if the plan had been in effect. He stated it would be somewhat lower than the sum of those two figures.

Councilman Calhoun asked if this has been examined by some insurance people to see that it is actuarially sound? That he is keenly sympathetic to the problems as these people have suffered two ways; one, retiring a number of years ago on a substantially lower wage base than prevails today and secondly, inflation.

Councilman Whittington stated the important thing is we are trying to do something about them now and in the future. That the problem is these people have never agreed to a cost of living index to add to their retirement and they do not have social security. That they were eligible for social security but they voted it down.

Councilman Short stated included in the motion is that we cannot act on any recommendation of the Board of Trustees of the fund unless it is certified as actuarially sound.

The vote was taken on the motion and carried unanimously.

Councilman Short stated using the term retroactive means that the formula for future payments might consider inflation that has retroactively occurred; there would be no effort to make payments that have been missed retroactively.

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STAFF TO CONSIDER, STUDY AND RECOMMEND EXPANSIONS OF THE WATER TRANSMISSION LINES.

Councilman Short stated in meeting on April 19, 1971, he commented that the city no longer had the obligation to purchase water lines built by developers or citizens when they have been self-sustaining for 12 months, which was the practice before the adoption of the Partnership Plan. This means the city does not have to keep on hand the large reserves to buy back these neighborhood type water systems, and gives the city an opportunity to shift emphasis to the building of the larger mains, the transmission mains, which he thinks are very important to the growth of our community. He stated at that time he suggested that our staff consider and recommend to Council what expansion of the transmission system we need to make and could make with the yields of the system.

Councilman Short moved that the staff be required to consider and study this matter and come back to Council promptly with recommendations as to transmission main extensions of our water system that would be feasible and needful for us to make. The motion was seconded by Councilman Alexander.

Councilman Short stated he is not stating any place that these would go. Within the last few years we have run a line down toward Matthews to the southeast and have run one down to Westinghouse. This is not referring to any particular line.

The vote was taken on the motion and carried unanimously.

MAYOR AND CITY COUNCIL TO WIRE OFFICIALS OF HUDS AND SENATORS AND CONGRESSMAN REQUESTING THAT THE CITY'S WORKABLE PROGRAM BE APPROVED.

Councilman Whittington stated some ten days ago prior to Mr. Withrow, Mr. King, Mr. Sawyer and perhaps the Attorney for Redevelopment Commission going to Atlanta, he asked Mr. King to write a letter to him giving the information where our city stood with federal programs as it relates to HUD. It is obvious to members of Council that we are almost in a shutoff situation as far as HUD is concerned until we get the workable program approved. The workable program which Mr. Selden and his Committee sent to HUD weeks ago is still there and no action has been taken on it.

Councilman Whittington suggested that Mayor Belk and the Council send a telegram to Mr. Edward Baxter of the Atlanta Regional Office and to Secretary Romney of HUD and to our two Senators and Congressman Jonas asking them to please approve Charlotte's workable program so that we can get back in the main stream with some of these programs that are now hung up as far as financing is concerned. He stated it is very important that this be done today.

Councilman Alexander stated some two months ago he raised the question asking that our situation be looked into and that Council be given a report on how we stood on this issue. We need to get a break loose from Washington as it regards our workable program. If we do not get it approved, we will be stopped on everything we are doing where federal funds are concerned. He stated there is a need for us to make some direct contact to see why we cannot get our workable program approved. That he does not see why it is being held up at this point as all the requirements established have been met. That he does not think we should be held up because of some national philosophy that cannot be resolved.

Councilman Whittington stated this should be the first step and if it does not work, then we should go to Washington.

Councilman Jordan stated according to the letter something needs to be done right away. Councilman Calhoun stated Mr. King makes a very strong point, but he would like to have a copy of the workable program which is referred to in the letter.

Councilman Whittington requested the City Manager to furnish a copy of the workable program to Mr. Calhoun and Mr. McDuffie.

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OPPOSITION TO INCORPORATION OF OAKDALE TO BE EXPRESSED TO LOCAL DELEGATION;
LOCAL HEARING REQUESTED ON THE QUESTION OF INCORPORATION AND INDIVIDUALS AND
ORGANIZATIONS TO BE REQUESTED TO ATTEND HEARING AND OPPOSE INCORPORATION.

Mayor Belk stated in connection with the Oakdale Incorporation, he has contacted Mr. Jim Vogler and asked for an appointment to meet with the delegation. That right now he is waiting for Mr. Vogler to set up a meeting between the delegation and Council.

Councilman Whittington stated this is the most important thing he can remember that has faced this city in the ten or twelve years he has been on Council. That he would hope that somehow we can get the message across to the citizens of this city that this sort of incorporation is not doing anything but leading to the decay and the deterioration of not only the financial base of city government but to many of the deteriorating factors that we have been trying to get rid of in urban renewal and other projects since 1949. That it is a tragedy if this sort of thing takes place. He stated we should state right now for the record if the legislative delegation is going to consider this that before they do it, they have a public hearing, and that public hearing be held in Charlotte where everyone interested one way or the other could come and be heard. If they are going to meet with Council tomorrow, he thinks the Council and City Attorney, and the Mayor and City Manager and any other citizens in the community who can go up there should go. That he hopes there will be a hearing held here.

Mayor Belk stated we do not have to wait to see what they are going to do as they have already done it in Mint Hill; they have shown their intent. That they should be notified of that. If they go ahead on Oakdale, they are sacrificing the City of Charlotte for what we have been working 200 years to accomplish, with nothing to be gained. That he thinks it is disgraceful; that he does not think they realize the damage they have done when they give a township of Mint Hill 25 square miles in one swoop, without even finding out if the City Council or the County Commissioners were interested. That he thinks this is as much damage to the County of Mecklenburg as it is to the City of Charlotte.

Councilman McDuffie stated there is more to it than just Oakdale; that he has heard some others say if Mint Hill can do it, then they can do it. That this is an accumulation of lack of an aggressive policy on the city limits expansion. That right now with the budget coming up, we have to put some funds in there for some annexation. There are people right at the border that have water and sewer and are densely populated; there is no reason that the public cannot see and the people who live in these areas cannot understand why they are not a part of the city. It would broaden the tax base and lessen the tax burden on the residents of the City of Charlotte. That he has heard from some people in Oakdale who do not want to be incorporated and they need to be heard, too. Someone needs to take some legal steps on the Mint Hill situation to see if they are going to be a city and if they are going to perform as a city.

Councilman Whittington moved that the City Council communicate with the Delegation from Mecklenburg County and imply our strong opposition to the incorporation of the community of Oakdale; that Council ask Chairman Vogler and the Delegation to meet with us this week in Raleigh; and if they are going to consider the incorporation of Oakdale that they have a public hearing in Charlotte, North Carolina, and that we ask all organizations and individuals to help support the Council in this effort and have a large attendance at the hearing in opposition to the incorporation of Oakdale and other communities, and any other section. The motion was seconded by Councilman Alexander.

Mayor Belk stated he thinks we should make it strong that we are against any incorporation of a township in the county and he would also like to recommend to the County Commissioners that they take the same action. Councilman Whittington stated he is hoping the County Commissioners will go to Raleigh with Council to this meeting as this is a concern of theirs also.

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Mayor Belk stated he has not appeared before the County Commissioners but he has talked to Chairman Martin about Council's feelings, and with Chairman Vogler. Both have been informed of Council's feelings.

Councilman Whittington stated if this goes so far that it is in the hopper for a Bill, then we should ask that it be sent to the Local Government Committee and see that it be made a state-wide bill.

The vote was taken on the motion and carried unanimously.

LOCAL DELEGATION TO BE REQUESTED TO RECONSIDER ITS POSITION ON A LOCAL HOTEL-MOTEL TAX.

Councilman Jordan stated he cannot understand our delegation's feelings on the hotel-motel tax that it is adding more on the local people. That he cannot recall when he has been in a city that he did not pay a hotel or motel tax. That he would like for our delegation to reconsider the elimination of this tax.

Councilman Jordan moved that Council request our delegation to take this under consideration. The motion was seconded by Councilman Whittington, and carried unanimously.

PLANNING STAFF REPORT ON ANNEXATION REQUESTED PRIOR TO BUDGET ADOPTION.

Councilman Whittington stated Council has received a report from Mr. McIntyre, Planning Director, dated May 3, regarding annexation. He asked Mr. Bobo, Assistant City Manager, if the Planning Staff has moved on the steps as outlined in the letter? Mr. Bobo replied they are working on it and they hope to have a report in the next few weeks. Councilman Whittington stated Council should have this report before the budget is considered; that he thinks it is that important that it should be done if they have to stop everything else.

Councilman Whittington requested the City Manager to see that this report is made before budget time.

MOTION TO ACQUIRE LAND FOR RIGHT OF WAY FOR TYVOLA ROAD EXTENSION FROM SOUTH BOULEVARD TO NATIONS FORD ROAD TO TIE INTO SLEEPY HOLLOW INTERCHANGE WITH I-77.

Councilman Whittington stated two weeks ago, when Mr. Hoose presented the Capital Improvement Program and the primary streets, secondary streets and urban streets as well as the expressway systems, he pointed out there were properties on Tyvola Road between Pineville Road and South Boulevard that needed to be protected if we are going to work with the State to get this road extended to Sleepy Hollow Interchange at Highway 77. This would then give us a road from Park Road all the way to Interstate 77.

Councilman Whittington moved that under the city's capital improvement program that Council take action to acquire the necessary properties to protect that right of way from South Boulevard to Nations Ford Road. The motion was seconded by Councilman Withrow.

Mr. Bobo, Assistant City Manager, asked if he intends it to be included in next year's capital improvement program or to bring it back to Council's consideration this budget year? Councilman Whittington replied bring it back in this budget year; that we may have to move it back but we have some money in capital improvement we have not spent for this budget year; it is that important. He stated this is a very little bit of money, and there are people out there who want building permits.

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Councilman Whittington stated the motion is that the city begin the appraisals and negotiations process under our capital improvement program to acquire the property to protect the right of way of Tyvola Road, from South Boulevard to Old Pineville Road; that this does not mean you can do it this year or next.

The vote was taken on the motion and carried unanimously.

Councilman Withrow stated in Jacksonville, Florida they planned five and ten years ahead, and laid out roads and they did not purchase the property, but they had it designated and would not issue permits on these strips. He asked if we cannot get this authority from the legislature to allow Council to do something similar so that we can protect our boulevards around town? Councilman Whittington replied you can protect it until the man wants to build on it then you have to buy it.

STUDY AND REPORT REQUESTED ON AREAS IN THOMASBORO ANNEXED IN 1960 THAT HAVE NOT RECEIVED WATER AND SEWER.

Councilman Withrow stated in talking about annexation in the western part of the city, that he has been told that an area adjacent to Oakdale was promised water and sewer in 1960 when it was annexed. There are a lot of people out there who have not received it yet. He requested that a study be made of this area as he would like to know how many people have not received water and sewer and why. Councilman Withrow stated this is in the Thomasboro area.

REQUEST FOR RESPIRATOR AT COLISEUM FOR USE IN GATHERINGS OF 5,000 OR MORE TO BE STUDIED.

Councilman Withrow requested that a study be made to see if the Coliseum Authority can buy a respirator and can make it available to the Red Cross Unit on duty. That he would like a study made as to whether in all gatherings of 5,000 people, or more, it would not be advisable to have such a respirator available in case of a heart attack. That it takes from five to twelve minutes for an ambulance to get from where it is located on South Boulevard to the Coliseum. That he thinks maybe this should become an ordinance to require this in gatherings of 5,000 people or over.

COUNCIL TO CONTACT COLISEUM AUTHORITY TO GET ITS OPINION ON ENABLING LEGISLATION FOR A SEAT TAX AT THE COLISEUM.

Councilman McDuffie stated he would like to request enabling legislation for a seat tax at the Coliseum up to 25 cents. That we would not be required to impose it but would have the right to impose it. That somewhere down the road when we talk about keeping the property taxes down, we could reach out and get another source of revenue somewhat like the hotel-motel tax. That the literature from the Coliseum says that 68% of the people who attend activities are from outside the county. It, like the hotel-motel tax, is a source of revenue that would not be an additional tax to those who live here but on users. He asked if Council can expand the discussion in Raleigh to include this request.

Councilman McDuffie moved that Council ask for this enabling legislation.

Councilman Whittington asked if he has discussed this with the Coliseum Authority? Councilman McDuffie replied he has not. Councilman Calhoun stated this is a good idea but it does need a little further discussion. That an example is the general idea of an entertainment tax; that this should be cleared not only locally but with the delegation in Raleigh. That the idea of talking about additional sources of revenue to our delegation in Raleigh is a good one, but he thinks a little homework should be done first.

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Councilman McDuffie stated he is in favor of the amusement tax but with the legislation drawing to a close, when you get down to specifics we have a chance of a bill that would not be imposed. Councilman Short stated he does not think it would be in order for Council to do this without first having the Chairman of the Coliseum Authority to come to Council and say what the Authority thinks about this.

After further discussion, Councilman McDuffie withdrew his motion, and Councilman Calhoun moved that Council contact the Coliseum Authority and get their opinion on this request. The motion was seconded by Councilman McDuffie and carried unanimously.

TRAFFIC COUNT REQUESTED AT ROSEHAVEN DRIVE AND CENTRAL AVENUE.

Councilman McDuffie requested that a traffic count be made at Rosehaven Drive and Central Avenue. That these people are having trouble getting out into the traffic.

USE OF TRAFFIC SIGNAL ON TEMPORARY BASIS AT SUGAR CREEK ROAD AND BENNETT LANE OR WELLINGSFORD DRIVE TO BE DISCUSSED WITH TRAFFIC ENGINEER.

Councilman McDuffie asked the status of the traffic signal at Hidden Valley and Bennett Lane or Wellingsford Drive? Councilman Whittington replied the Traffic Engineer does not recommend a traffic signal at either of the intersections; the Traffic Engineer has made several surveys and has spent about \$3,500 for directional signs to help those people; that he is making another approach through the Highway Department, and hopefully something will come from this approach. Councilman McDuffie stated there was a signal on Hidden Valley Road that could have been moved; that it was used as a temporary situation when the people were bottled up for 19 months; that it is not like it will be there forever. Councilman Jordan stated perhaps Council should talk to Mr. Hoose about this as it will be temporary. Councilman Short stated he has talked to Mr. Hoose about this and he indicates there are six or seven ways to get in and out of Hidden Valley, and their surveys indicate this problem exists for a very short time during the morning hours when people are trying to get to work. Councilman McDuffie stated this is similar to the one on Sharon Lane, and he would hope one of them could be done on a temporary basis.

TRAFFIC COUNTS REQUESTED AT CHEROKEE AND PROVIDENCE ROADS AND FOXCROFT AND SHARON LANE.

Councilman McDuffie requested that traffic counts be made at Cherokee and Providence Roads and Foxcroft and Sharon Lane.

LANDFILL OPEN ON SATURDAY FOR DUMPING OF TRASH AND GARBAGE AND DUMPSTERS AVAILABLE AT ENTRANCE ON SUNDAYS.

Councilman Jordan stated most of Council have received letters from people regarding the garbage landfill stating they would like to take their trash and garbage out on the weekends. He stated Mr. Hopson, Public Works Director, has said that someone is on duty all day on Saturday and dumpsters are available at the entrance on Sundays.

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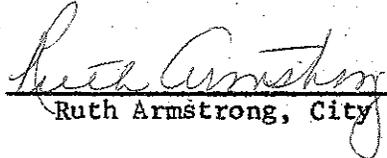
SUMMER COUNCIL MEETING SCHEDULE SET.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, approving the Summer Council Meeting Schedule, as follows:

June 14	-	Council Meeting
June 21	-	No meeting
June 23	-	Presentation of Budget (Night Meeting)
June 28	-	Council Meeting - Zoning Hearings
July 5	-	Holiday
July 12	-	Council Meeting
July 19	-	No meeting
July 26	-	Council Meeting - Zoning hearings and adoption of budget
August 2	-	No meeting
August 9	-	Council Meeting
August 16	-	No meeting
August 23	-	Council Meeting - Zoning Hearings
August 30	-	No meeting
September 6	-	Holiday
September 13	-	Resume regular schedule.

MEETING ADJOURNED.

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


Ruth Armstrong, City Clerk