

November 22, 1971  
Minute Book 56 - Page 210

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, November 22, 1971, at 2:00 o'clock p.m., with Mayor pro tem Fred D. Alexander presiding at the beginning of the meeting, and Councilmen Patrick N. Calhoun, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Mayor John M. Belk at the beginning of the meeting, and Councilman Sandy R. Jordan for the entire Session.

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

ABSENT: Commissioners Blanton and Moss.

\* \* \* \* \*

INVOCATION.

The invocation was given by Reverend Norman Sanders.

Mayor pro tem Alexander stated Reverend Sanders is a member of the Billy Graham Crusade Team in Charlotte to assist the local organization in making preparation for the 1972 Crusade.

Reverend Sanders stated he and members of the Team will be in Charlotte until April, 1972 to plan a Crusade. They are indeed proud to be in this City as it is the home of Dr. Graham. Things are in the works now. They are planning a meeting with ministers and other key leaders of the City in preparation for the Billy Graham Crusade. He stated they trust all members of Council will be involved as the time gets closer. They want to work together because he believes, as Dr. Graham believes, if you change the heart and lives of people, then these people can change the City, and if makes everyone's job so much easier if the lives and hearts of the people in Charlotte are changed. What a joy it would be!

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Calhoun, and unanimously carried, the minutes of the last meeting, on November 15, were approved as submitted.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED TO WALTER J. BLACK, RETIRING FIRE CHIEF.

Mayor pro tem Alexander recognized Chief Walter J. Black, and stated Council has a presentation to make. That all members of Council are a little envious of the fact they cannot join Chief Black in fishing, playing golf and getting up when he pleases and doing the things he wants to do.

He stated Council appreciates the services he rendered to the City of Charlotte in serving the City from July 1, 1932 until November 23, 1971. He presented him with the City of Charlotte Employee Plaque and wished him well in his retirement.

November 22, 1971  
Minute Book 56 - Page 211

MAYOR BELK COMES INTO MEETING AND PRESIDES FOR REMAINDER OF THE SESSION.

Mayor Belk came into the meeting during discussion of the following zoning petition and presided for the remainder of the Session.

HEARING ON PETITION NO. 71-106 BY ABRAHAM LUSKI, ET AL, FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO B-1 OF PROPERTY ON THE NORTH SIDE OF CENTRAL AVENUE EXTENDING FROM GLENN STREET TO A POINT ABOUT 152' WEST OF LONGFELLOW STREET.

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

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the north side of Central Avenue and west of Eastway Drive, between Glenn Street and a point west of Longfellow Street. It has on it two houses on the west side of Longfellow and one house in the middle of the block between Longfellow and Glenn Street. To the rear of the property going down Longfellow are single family residential structures on both sides of the street, and this street leads down to Merry Oaks School. To the west of the property is the St. Andrews Episcopal Church. Across Central Avenue is a solid pattern of business uses. There are two small restaurant facilities located directly across Central Avenue from the portion of the property that lies between Longfellow and Glenn Street. Immediately adjacent to the property on the east side and across Glenn Street is a dry cleaners facility. Farther west at the corner of Carolyn Drive and Central Avenue is a non-conforming/business use building occupied by a pest control facility.

He stated there is business zoning along Eastway Drive and around the intersection of Eastway and Central Avenue with the business zoning coming down to Glenn Street which means it is adjacent to the proposed area for a change. Across Central Avenue is business zoning; there is office zoning on a portion of the subject property, and the property as it extends back along Glenn Street; there is R-6MF zoning on two lots of the subject property and from that point extending westward along both sides of Central Avenue. To the rear of the property down Longfellow Street back into Merry Oaks and the other area, it is single family residentially zoned.

Mr. Winfred Ervin, Attorney for the petitioners, passed around a sketch of the area and referred to it during his presentation. He also passed around photographs of the area which he explained. Mr. Ervin stated the subject property is one short block removed from Eastway Drive intersection with Central Avenue, and on all four corners of that intersection are service stations; behind the Phillips 66 Station is the Eastway Shopping Center; directly across Central Avenue is the Eastway Cleaners. Directly across the street on Central Avenue from the property is a new Waffle House, a fried chicken establishment and the Kate's Skating Rink. The Aztec Apartments are to the rear of the subject property.

With the exception of the property that is zoned multi-family and which immediately adjoins the church, the property is vacant except for one house. The ownership of the property finds itself being virtually surrounded by business or vacant land. The property zoned for office use is not a fit subject for offices. Mr. Marsh has constructed in this area an office building and a very small percentage of the building is currently leased. This would seem to indicate there is no demand for the office. The property does not lend itself for the multi-family use either because of its location. The street into Merry Oaks is a very narrow street of approximately 30 feet and it is used primarily for pedestrian use. They feel with the business surrounding the property completely that business is its logical use. He stated they do not feel it would increase the traffic pattern.

November 22, 1971  
Minute Book 56 - Page 212

Mr. Ervin stated if it is felt that this zoning matter has merit and if it is felt at least that portion which lies between Glenn and Longfellow should be zoned B-1, but the portion that lies to the west of Longfellow should not be, or should be as a buffer and office zone, this would be within the purview and providence of Council to do this if the Planning Commission feels it has merit.

Mr. Philip J. Floridas, of the Marion Company, stated he and his brother own a portion of the Aztec Apartments, located at the end of the street. That this petition, in one form or another, has been before Council in the last ten or twelve years. He stated there is an enormous shopping center within walking distance and it has everything anyone could need; also, there is an enormous amount of vacant land in the area which is already zoned for business. As far as the office zoning, Mr. Marsh has plans to slowly build an office park on Eastway Drive; there is 22 acres of land which has been cleared. He now has a small building with 50% of it rented. Both Glenn Street and Longfellow Street are 30 feet wide and they are deadend. That it does not seem feasible to put any more traffic on these streets. If it is to be zoned, then a buffer should be considered between the houses. Also, there is a four acre tract with a new Episcopal Church located on it.

Councilman Whittington asked if either Glenn Street or Longfellow Street goes down to the Aztec Apartments, and Mr. Floridas replied Glenn Street goes down and it is the only way to get in and out.

Mr. Ervin stated one of the ownerships of the subject property also owns 100 feet and no request for a change was made on that portion of the property and it would leave a 100-foot buffer next to the Aztec Apartments.

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

HEARING ON PETITION NO. 71-89 BY COY E. DONALD, FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A PARCEL OF LAND 150' X 145' AT THE SOUTHEAST CORNER OF BELHAVEN BOULEVARD AND NORTH CLOUDMAN STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the property is on the corner of Belhaven Boulevard and Cloudman Street; it has on it one single family residence; there is a solid pattern of single family uses on Cloudman Street, Hoskins Road, and on Dakota Street. Across Belhaven Boulevard from the subject property, there is also single family residences. Along Hoskins, there are several business uses located in the block from Belhaven Boulevard leading in the direction of Rozzells Ferry Road. Other than that, there is a scattering of vacant lots in the area. Going out Belhaven Boulevard beyond the subject property on the opposite side of the road about two blocks away is a printing company.

Mr. Bryant stated along Belhaven Boulevard, it is zoned R-6MF for several blocks in each direction, except for the fact that at Hoskins there is business zoning on the Hoskins frontage all the way from Belhaven over to Rozzells Ferry Road. The multi-family zoning extends out to a point beyond Dakota and on the intown side it extends down to an unopened street called Cross Street. Behind the subject property along Cloudman, Dakota and Hoskins, there is single family residential zoning.

Mr. Donald, the petitioner, stated the purpose of the petition is to relocate his present business for a larger road frontage. That he would like to use the property for a used car lot and an office. That he is presently located at 3037 Rozzells Ferry Road; that he operates an automobile upholstery shop along with the dealership of used cars.

No opposition was expressed to the proposed change in zoning.

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

November 22, 1971  
Minute Book 56 - Page 213

HEARING ON PETITION NO. 71-93 BY ANN H. BUTLER FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT 4201 HOVIS ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is a lot at the point of intersection of Hoskins Road and Hovis Road and is occupied by a single family residence. There are single family residences down Hoskins Road and Hovis Road adjacent to the subject property. Across Hovis Road is a mobile home park which has existed for some years, and in conjunction with that is a building located on Hoskins which has a number of business activities carried on inside it. On the west side of the mobile home park is a church; across Hoskins from the subject property is a service station at the intersection of Hoskins and Hovis; there is a vacant building which was a Mr. Swiss Restaurant located on Hoskins at the railroad. Other than that there is a single family pattern in the area.

He stated there is industrial zoning along the railroad area; business zoning on Hoskins and Hovis Road from the railroad, with B-2 and B-1 zoning across Hoskins from the subject lot. From that point on, including the lot in question, is a solid pattern of multi-family zoning along Hoskins and Hovis Roads to the west. There is single family zoning along Wellings and Reeves Avenue.

Mr. Bryant stated this is a very small lot of less than one acre.

Mr. Eddie Knox, attorney for the petitioner, stated Mr. Butler runs the Butler Furnace Company and Mrs. Butler is a beautician. That the house fronts on Hovis Road and is at street level; that it drops off at the back on Hoskins Avenue, and the petitioner would like to use that portion of the property for a beauty shop. He stated there is no indication to abandon the use of their residence on the top portion of the property; they live in the house and they plan to continue to live there.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-95 BY WARDLOW, KNOX, CAUDLE AND KNOX, TO CONSIDER AN AMENDMENT TO THE ORDINANCE TEXT TO PERMIT A BEAUTY SHOP TO OPERATE AS A CUSTOMARY HOME OCCUPATION.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for a change in the text of the zoning ordinance to install into the ordinance language which would designate a beauty shop as a customary home occupation. He stated there are certain types of uses permitted in residential areas in conjunction with the residents occupying the building. This is normally the type of thing you would think of in terms of being customary home occupations such as a dress-making shop or a small office in the home. The ordinance provides for customary home occupation provided a number of conditions are met. Traditionally, a beauty shop has not been considered a customary home occupation because of several factors in the conditions which it does not meet. Therefore, this is a request filed to specifically amend the language of the ordinance and to install in the ordinance language which would establish a beauty shop as a permitted use in a residential district.

Mr. John Freeman, with the firm of Wardlow, Knox, Caudle and Knox, stated they are requesting an amendment in the text of the zoning ordinance as it relates to permitted uses so that a beauty shop will be permitted to be operated in a home on the same basis as what is now regarded as a customary home occupation.

November 22, 1971  
Minute Book 56 - Page 214

Mr. Freeman stated they filed the petition on behalf of Mr. and Mrs. William Barnett who reside on Rollins Avenue. Mr. Barnett is a Charlotte Police Officer, and Mrs. Barnett is a licensed beauty operator. Mrs. Barnett desires to operate a beauty shop in a portion of her home. He stated they have received a petition from some of the neighbors indicating they have no objections to this use. He filed the petitions with the City Clerk.

Mr. Freeman stated under the terms of the present ordinance, some of the uses which are permitted in residential areas are doctor's offices, dentist's offices, law offices, accountants and realtors. They contend if these uses are permitted, then there is no good rational reason why beauty shops should not be permitted. He stated the conditions of Section 23-32.1 will apply and these govern such things as signs, display of products, retail sale of products and type of machinery that can be used. In most beauty shops there will be only one employee. There is also reflected in one of the conditions of the ordinance which provides that only a resident of the household can operate a customary home occupation. Ordinarily, customers will come only by appointment. Therefore, there will usually be only one person coming at a time, and one automobile coming and leaving at a time. Appointments at a beauty shop are generally longer than those at a doctor's office or law office, and this will cut down on traffic. He stated there is a need in the community for this type of amendment. Presently beauty shops are allowed only in office districts, business and industrial districts. In a city the size of Charlotte, this sometimes entails quite a drive for a lady. That they suggest it is not only needed but is very consistent with desirable planning to have neighborhood beauty shops.

Mr. Freeman stated they contend these are in every true sense of the word to be regarded as customary home occupations.

Councilman Short asked how the Barnett property is presently zoned, and Mr. Freeman replied it is zoned R-15; that it is located in the Oakhurst Heights Subdivision in the northeast side of town, between of Commonwealth Avenue and Eastway Drive.

Councilman Alexander asked if this petition is granted, can any person operate a beauty shop in their home wherever the home is located? Mr. Freeman replied that is right, subject to the qualifying conditions of Section 23-32.1 which would apply. These impose very severe restrictions upon the various manners in which the property can be altered from its residential character. As a practical matter, it can scarcely be altered at all. The people would be required to live in the house. The ordinance provides that only residents of the house may participate in the occupation.

Councilman Alexander asked if an addition of a room to the house would be permitted? Mr. Bryant replied there could be alterations as long as it does not alter the basic appearance of the structure so that it maintains a residential appearance. In addition, if all the provisions of the customary home occupation is to apply to this, there would be a restriction that no more than 25% of the total floor space of the building can be occupied for this purpose. He stated the signs would be regulated.

Councilman Short asked about the provision that no electrical equipment that is not normally a part of domestic or household equipment shall be used? Mr. Bryant replied this is the one thing in the ordinance at present which prevents it from being construed as a customary home occupation in addition to the basic factor that this is a business service. This has been to the Zoning Board of Adjustment on a number of occasions in the past for official interpretation of the ordinance and they have construed that this more than any of the other specific requirements would prevent this from being considered a normal customary home occupation.

Mr. Freeman stated the equipment in the beauty shop would be no more different than that in a dentist office or a doctor's office. That they are permitted in a residential area.

No opposition was expressed to the proposed change in zoning.

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

November 22, 1971  
Minute Book 56 - Page 215

HEARING ON PETITION NO. 71-96 BY CRAWFORD W. MANGUM, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON THE NORTH SIDE OF WASHBURN AVENUE EXTENDING FROM 3321 THROUGH 3341 WASHBURN AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is in the area adjacent to the Coliseum. The property is located on the northwest side of Washburn Avenue, between Monroe Road and the Coliseum. It is occupied by several single family residences; there is basically single family residences across Washburn from the subject property with some duplexes in the area. In the vicinity of Monroe Road is a variety of business uses located along Monroe Road, including a service station and a cleaners, at the corner of Washburn Avenue and Monroe Road. Behind the property is the beginning of the area of the large parking lot which serves both the Coliseum and the Merchandise Mart.

He stated there is business zoning to the rear of the subject property extending all the way back down through the parking lot area over into the Coliseum area. At either end of the subject property the zoning is O-6 on Washburn Avenue; across from the subject property is R-6MF zoning as the property itself is zoned. There is a pattern of business zoning along Monroe Road, business zoning to the rear of the property, office zoning on either end and multi-family zoning across the street.

Mr. Ed Cook, representing the petitioners, stated this property has a 12-foot bank on the back side of it which goes down into the Dwight Phillips Merchandise Mart. This street is one of the two main arteries going to the Coliseum from Monroe Road. He stated when the Coliseum has an overflow of parking, this street is used for parking and the neighborhood is no longer a residential street. The people across the street from the subject property wanted to get in on the petition but it had already been filed; that these people are all in accord with it. There has been no protest from anyone; but he has received a number of phone calls wanting to get in on the request.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-98 BY F. I. DRAKEFORD COMPANY, INC. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY AT 1915 BEATTIES FORD ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located on the west side of Beatties Ford Road, south of LaSalle Street. It consists of two lots located on Beatties Ford Road and has on it one single family residence. There is a solid pattern of single family residences to the south of it along Beatties Ford Road on both sides of the street; to the north are two single family residences and then begins a pattern of business uses from that point north. On the east side are business uses, including a service station, a restaurant and so forth. Back of the property is vacant property along Taylor Avenue. He pointed out the schools located in the area, and the large shopping center.

Mr. Bryant stated there is a pattern of business zoning on both sides of Beatties Ford Road, from well north of LaSalle Street to the subject property; at that point there is office zoning on both sides of Beatties Ford Road for transitional purposes; from that point on is a solid pattern of single family residential zoning. To the rear of the property is a solid pattern of single family zoning.

No one was present to speak for or against the petition.

Councilman Alexander asked the reason for the requested change in zoning, and Mr. Bryant replied the only thing stated on the application was the desire to

November 22, 1971  
Minute Book 56 - Page 216

provide additional retail services for the neighborhood. Councilman Alexander stated the whole corner of LaSalle Street is developed now with business and when you move down to this property, you move down to the area where no change has been taking place, and he doubts that one will take place in the foreseeable future. That on the opposite corner a new residence has just been constructed.

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

HEARING ON PETITION NO. 71-99 BY H & H EQUIPMENT COMPANY FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A PARCEL OF LAND ON THE NORTHEAST SIDE OF ORCHARD CIRCLE, 200 FEET WEST OF SOUTH TRYON STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the inside portion of the loop of Orchard Circle between Tryon Street and I-77. It is vacant property and is adjoined across Orchard Circle by single family residences. On the I-77 side is vacant land, and on the South Tryon Street/<sup>side</sup> is the Asplundh Tree Company. There are various business uses located on South Tryon Street in the immediate area. Other than that there is scattered single family uses along Orchard Circle, Peterson Drive and the other streets.

He stated there is B-2 zoning along one side of South Tryon Street, then multi-family zoning extending from there back to I-77 and this includes the subject property.

Mr. Marshall Haywood, Attorney for the Petitioner, stated H & H Equipment Company actually owns the front portion of the property upon which the business is now located and also owns the portion of the property requested for a change. He stated H & H has a long term lease to Asplundh Tree Company, and the purpose of the request is to expand and to clean up the business, to erect a larger building on the premises. He stated there is a fence that goes back across the second lot back and there are a number of trucks and used parts scattered about. It is their desire to move that equipment and to build a much larger and much more compatible building for use of the Company. They have a number of large trucks and machines.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 71-102 BY BASIL W. KIKER, FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF PROPERTY ON THE WEST SIDE OF McALWAY ROAD AT CRAIG 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 McAlway Road at a location that is just about opposite the Craig Avenue intersection. He stated it is a 60-foot strip of land that is beside a residence which is vacant, and it goes back into a large vacant tract. There are single family residences to the south of the property and then a broad pattern of apartments uses along McAlway and continuing on down Beal Street. Across on the other side of McAlway Road is a multi-family project at the corner of Craig and McAlway; directly across from the subject property is a beauty shop, a 7-11 Store, and a small office. On the north side are several single family residences. The predominate use in the area consists of two things. One is the asphalt mixing plant operated by Rea Construction Company, and across on the opposite side of McAlway is a concrete supply company mixing operation.

November 22, 1971  
Minute Book 56 - Page 217

Mr. Bryant stated there is a broad pattern of Industrial Zoning along the railroad on both sides of McAlway coming down and adjacent to the subject property. There is industrial zoning to the rear and then office zoning directly across at the corner of Craig Avenue and McAlway and then multi-family zoning extending all along McAlway and continuing down. Beyond that, on Craig, is R-9 zoning.

Mr. Reg Hamel, Attorney for the Petitioner, stated the rear portion of the five acre tract is already zoned I-2. The front portion is zoned R-6MF; there is already along the upper most portion a paved strip. At the back of it adjoining the Rea Construction Company property is a gate. That he does not know they are using that strip. The petitioner has a contract of sale with Reddick Craven who is an air conditioning sub-contractor and runs a small company called Central Systems Incorporated. Out of his interest in Air Conditioning arose his interest in ice hockey; out of his interest in ice hockey arose his interest in putting an ice skating rink in Charlotte. It is his opinion that there is a great need for another ice skating facility in Charlotte. Mr. Craven would like for Council to give him whatever type of access it proposes to protect the people on the bottom side where the apartments are located. That Mr. Craven is willing to put up trees and a grass strip. He would like to have a 60-foot I-2 access from McAlway Road to the rear portion of this predominately I-2 tract. He is willing to abide by any restrictions put on it. The proposed beltway goes to the rear of the property under contract, and perhaps in five years, or whatever time it takes to put it through, there would be another access to this property. That they would take out a single family house which is already located in an I-2 zone and they would leave a portion of the property which is presently zoned R-6MF. They want to come in along the already I-2 zone with an I-2 strip of access back to the rear portion so they can put in an ice skating facility which is proposed to be over \$300,000.

Councilman McDuffie asked the petitioner to check with Mr. Hoose, Traffic Engineer, to see that the entrance way would meet Craig Avenue so that proper traffic signals could be set up. Mr. Bryant stated it does present some problems of entrance.

Mr. Hamel stated one reason they put the proposed 60-foot strip where they did is because they felt it might give more room to buffer. However, if it is to meet Craig, you might have to come 10 more feet towards the apartment area.

Councilman Withrow asked if it requires an I-2 zone? Mr. Bryant replied this is talking about a private driveway and is considered by the zoning ordinance as part of the use itself. In some instances the driveway with the traffic becomes one of the more objectional uses of the property; that in this instance he does not believe it would require industrial zoning because the skating rink would fall within a B-2 classification. Mr. Hamel stated they would be satisfied with the B-2 zone.

No opposition was expressed to the proposed change in zoning.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:25 o'clock p.m. and reconvened the meeting at 3:40 o'clock p.m.

November 22, 1971  
Minute Book 56 - Page 218

PETITION NO. 71-90 BY SCHOENITH, INC. FOR A CHANGE IN ZONING FROM R-15 TO B-1SCD OF 9.024 ACRES OF LAND AT THE SOUTHWEST CORNER OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD, DENIED.

Motion was made by Councilman Whittington, and seconded by Councilman McDuffie, to deny the subject petition for a change in zoning on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Councilman Calhoun stated this is an unfortunate situation. That he knows the Planning Commission has knowledge and judgement in these things; but they have several things in their decision that he quarrels with the fairness on. One, they say in the past there have been two to seven decision to deny business zoning for this site, and yet, in the interim, they permit a shopping center to be constructed in a development on the other side of the street. It is reasonable to assume that this property can only be used either now or later on for commercial purposes. That he cannot visualize any kind of residential or multi-family there between Old Providence Road and Providence Road in which anyone would want to live. The Commission says it is not good zoning practice to establish two separate and distinct shopping areas within the same general locations. That he agrees with that. But two wrongs do not make a right. But to take a look at Providence Road there is a shopping strip that is just opposite Ardsley Park and half a mile away is another one opposite Myers Park Methodist Church. That is a good example of two distinct shopping areas not too far apart on a heavily traveled street. He does not know the solution; that it is unfortunate timing, but at the same time it seems to be a decision that will be very unfair to the petitioner to now allow some leeway in this for some type of commercial use for property that is not at all adequate or desirable for other purposes.

Councilman Alexander asked if there is any way Council can grant a type of zoning that would permit a service station on that corner? Mr. Underhill, City Attorney, replied that would require a B-1 zoning, and B-1 does not fall between an R-15 which the property is presently zoned and B-1SCD which is the zoning classification petitioned for. B-1SCD is a higher classification and it cannot be done under the subject petition.

Councilman Alexander stated this property is in the perimeter and the City's authority in the perimeter is coming to an end and if this petition is denied, and the zoning for the perimeter now moves to the County, he asked if the two year limitation will still apply? Mr. Underhill replied the two year waiting period is a city ordinance regulation; whether the county has a similar type of waiting period, he does not know. That this is governed by State Law. Mr. Fred Bryant, Assistant Planning Director, advised the county ordinance has a similar provision; however, this would not be applicable as the ordinance stated there is a two year waiting period for something that has been denied under the provisions of that ordinance. When you change ordinance jurisdictions, then all waiting periods are wiped out, and the petition can be refiled under the provisions of the county ordinance.

Councilman McDuffie stated he also has reservations about not permitting this particular strip of property to be used for business. That he was not involved in the previous decision for the business across the street back off the street. If he had been a member of Council he would have been inclined to vote for a shopping center on either place whichever came up first. Now that the one across the street is already there, he believes this one is probably two years ahead of the need. That he would like for them to be able to upgrade the service station if it were possible.

Councilman Whittington stated he agrees with what has been said by Mr. Calhoun and Mr. McDuffie that the timing of this petition is unfortunate. Council has no way to go except to deny it and leave it as it is now, and that is why he made the motion to deny.

November 22, 1971  
Minute Book 56 - Page 219

The vote was taken on the motion to deny and carried, as follows:

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

Mayor Belk stated he voted to deny it because he feels the whole intersection needs to be rezoned.

PETITION NO. 71-103 BY BENJAMIN F. PRESSON FOR A CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF ROAD NO. 3765 EAST OF SOUTH BOULEVARD (PINEVILLE ROAD) AND SOUTH OF STARBROOK DRIVE, DENIED.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow, to deny subject petition for a change in zoning from R-9 to R-6MF as recommended by the Planning Commission, and on which a protest petition sufficient to invoke the 3/4 Rule has been filed.

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

YEAS: Mayor Belk, Councilmen Whittington, Withrow, Alexander, Calhoun, McDuffie, Short and Withrow.  
NAYS: None.

ORDINANCE NO. 306-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY SOUTHWEST OF MONROE ROAD AND SOUTHEAST OF MCALPINE CREEK EXTENDING TOWARDS SARDIS ROAD NORTH, ON PETITION OF JOHN CROSLAND COMPANY.

Motion was made by Councilman Alexander, and seconded by Councilman Calhoun, to adopt the subject ordinance changing the zoning from R-12 to R-12MF.

Councilman Whittington stated the record should indicate that adjacent to this property is Sardis Woods and this is another turnkey federally subsidized housing project of 100 units. Mr. Perry, Attorney for the Petitioner, advised the subject property is for an apartment project and it will probably be low to moderate income. That John Corsland has no commitment at all on this property. The zoning will come first and they they will see what kind of funds they can get for it.

Councilman McDuffie asked that the following letter from Mr. John Crosland, Jr. be made a part of the record:

"November 18, 1971.

Mayor John M. Belk  
Room 200 - City Hall

Dear John:

We understand from our Attorney, Mr. Robert Perry, that two or three questions were raised at the hearing on the Old Monroe Road zoning petition concerning the intentions of John Crosland Company both with reference to that petition and the property we own on Orr Road.

We expect each of you has already received a copy of our letter to Mr. Joseph Tronco, which letter had been written, although not mailed, prior to the hearing. We should like to affirm that:

- 1. We will extend Viewmont Drive through Orr Road, as promised.

November 22, 1971  
Minute Book 56 - Page 220

2. We will extend the road adjacent to the proposed multi-family property through Sardis Woods to Sardis Road North.
3. We will follow up with the City Engineering Department concerning the foliage problem in the buffer zone of our Orr Road property and try to make certain that there is a new covering as soon as possible, although we are sure you understand that this problem arises because of the installation of a sewer line by the City and that the City insisted on this location.

With respect to the Old Monroe Road property petition, we would like to assure you that we will not improve the property lying along McAlpine Creek in any way and we expect the same to be available for the McAlpine Greenway project. In fact, we now commit to the donation of said property for the McAlpine Greenway Project.

We hope that the foregoing answers the questions raised at the hearing, and if not, we will be pleased to give you any further information.

Yours very truly,

JOHN CROSLAND COMPANY

John Crosland, Jr. (Signed)  
President."

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

The ordinance is recorded in full in Ordinance Book 18, beginning on Page 402.

ORDINANCE NO. 305-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE SOUTHWEST CORNER OF NEWELL-HICKORY GROVE ROAD AND ST. JOHN'S CHURCH ROAD, ON PETITION OF JAMES F. ROSE.

Councilman Whittington stated as you go out Plaza Road, when you intersect with Newell-Hickory Grove Road, the only business he can recall Council putting on any property was a plumbing company which has since gone out of business, and that is across the street from the subject property. Mr. Bryant, Assistant Planning Director, replied it is partially across the street. There is more business than the plumbing company; there is no non-conforming use now; it was originally non-conforming, but it has all been rezoned. All four corners of that intersection have been zoned for business. He stated the Planning Commission had anticipated when these changes were made that eventually they would need to provide space somewhere in the area for a planned neighborhood type of development.

Mayor Belk stated this is going to be a very valuable intersection, and it will need wider and better egress and ingress for the whole intersection. That his question would be if we are protecting the right of way for this purpose?

Mr. Bryant stated there is one feature about the county ordinance which is better than the city ordinance. When the county zoning becomes effective in this area, there will become a mandatory 40-foot setback, rather than the present city 20-foot setback for building; this 40-foot will give better working room for additional right of way.

Councilman Short moved adoption of the subject ordinance changing the zoning from R-9 to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 401.

November 22, 1971  
Minute Book 56 - Page 221

Councilman McDuffie asked what the City can do to upgrade its zoning ordinance as it pertains to streets? Mr. Bryant replied when dealing with the county ordinance, the Commission was dealing with a more clear and free situation in terms of setback; so much of the city area is already developed and you are dealing with established building setbacks. If the city wants to do something about it, it would be a matter of amending the zoning ordinance to require the setback.

Mayor Belk stated if we had had that setback on Independence Boulevard for an ingress and egress lane, it would have been a terrific thing. Mr. Bryant replied the Independence Boulevard situation was one of the big factors in their recommending to the County Board of Commissioners that they continue their ordinance in this respect, rather than adopting the city regulations.

Councilman McDuffie stated in Sunday's Greensboro paper, it talked about upgrading one of their streets up to the Coliseum and it would have limited access, and it will be a five minute drive from downtown to their coliseum. If we do not do something to Independence Boulevard, it will be another ten or twelve years before we have an inch of expressway; that we should have some kind of study going on to see if we can upgrade Independence Boulevard and can make it limited access with a bridge over it just at the coliseum area.

Councilman Whittington stated two years ago he proposed that the engineering department consider carrying The Plaza across to Pecan to the intersection of Seventh and Pecan, and eliminating the Pecan intersection at the railroad. If you are going to be realistic about Independence Boulevard, some Council is going to have to stop and close off all these streets that cross Independence Boulevard or have right and left hand turn traffic. This is where you get all the bottlenecks and it takes so long to get anywhere on Independence Boulevard. One of the things that would help would be to carry Plaza Road straight across and intersect with Pecan on the other side of the railroad track. That these are things you can talk about but there are no solutions to the problems until you decide how many of those streets you are going to close off. In New Orleans they have one road on top of the other - one into town and one out of town.

Mr. Bryant stated one of the major recommendations that will come out of the overall transportation study, which is well underway, will be some type of recommendation concerning an expressway type of facility to the east. This just has to be. That this study started out as an 18-months study, and it is now about six or eight months into it.

Councilman McDuffie stated all of these things cost money and we do not have any money and we cannot do the normal street improvements that are needed. That he calculates a need to see the need for the roads and then get our Delegation to Raleigh to pass some legislation to allow a local option gasoline tax. That makes more sense than any other thing we have tried to do on revenue, especially for roads. That he would rather pay a gasoline tax than sit at the traffic signal burning up gasoline you could be using for riding down an improved street.

ORDINANCE NO. 307-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE NORTHWEST SIDE OF WILMONT ROAD, BETWEEN TAGGART CREEK AND VON KUYKENDALL DRIVE, AND EXTENDING ALONG BOTH SIDES OF VON KUYKENDALL DRIVE, ON PETITION OF WILLIAM P. ALLAN, ET AL.

Councilman Short stated in this situation Council is in the middle between the Planning Commission who wants to make the airport study, and Mr. Allan and his group who want to put in an industrial park on land that seems to be suited for an industrial park. The critical point is the point made

November 22, 1971  
Minute Book 56 - Page 222

last week that we are taxing this land and yet have zoned it in such a way that it is not mortgageable. That he has checked and this apparently is true. At least one agency will not go ahead with a mortgage on this land the way it is now zoned. That he has an aversion to collecting someone's taxes on their property, and then zone the land so they, in effect, cannot use it for what it is mortgageable. This land is over 2-1/2 miles from the airport, and he does not think it is all that much related to airport planning.

Councilman Short moved that the subject ordinance be adopted changing the zoning from R-6MF to I-1. The motion was seconded by Councilman Whittington.

Councilman Calhoun stated he agrees with Mr. Short and Mr. Whittington; there is prison property on one side; an outfall not too far away, and he thinks the design for which the petitioner has indicated the property will be used represents an ideal solution.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 404.

Councilman Alexander stated if we have a structured ordinance that does this, then should not Council do something about it? If we have, in the case of Mr. Allan, then there are other citizens who are in like circumstances, and we should do something with the ordinance to fix it so that citizens are not penalized.

Councilman Short stated he does not think we can ferret out all of these, and he does not think we can default in our duty to the bankers. But this is one point that you would consider in any zoning case, and in this one instance it is a rather powerful point.

Councilman Alexander stated his point is if we have a zoning structure which puts us in this position, or puts a citizen in this position, then we need to look at the zoning ordinance to see how it can be restructured where it is not discriminatory.

Councilman Calhoun stated this is also applicable to the Schoenith case; but each case has to be considered on its own merit.

ORDINANCE NO. 308-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND 222' X 402' EXTENDING FROM GIBBON ROAD TO DERITA AVENUE OPPOSITE ROBBINS STREET, ON PETITION OF ARNOLD W. JOHNSTON.

Councilman McDuffie moved adoption of subject ordinance changing the zoning from R-12 to O-6 of a parcel of land 222' x 402' extending from Gibbon Road to Derita Avenue opposite Robbins Street, as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 405.

ORDINANCE NO. 309-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CCDE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT 7300, 7314 AND 7318 WALLACE ROAD, ON PETITION OF JACQUELINE C. JONES.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from R-12 to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Alexander.

November 22, 1971  
Minute Book 56 - Page 223

Councilman Short stated he thinks Council should have a moratorium on any additional business-oriented or office type usage out Independence Boulevard. That we have already asked our staff to approach the State and the federal government about this to see what can be done to correct the congestion out there. That we are trying to get at this problem but yet we continue to add to the congestion.

Councilman Short made a substitute motion to deny the petition. The motion did not receive a second.

Councilman McDuffie stated there is a road between this and Independence and there will be room for a service road. Councilman Short stated that road just happened to be there before Independence Boulevard was built and it is now a part of the shoulder of Independence Boulevard. Councilman McDuffie stated you cannot get to this road off Independence Boulevard. That this is right next to the Ed Griffin property Council recently rezoned for office.

The vote was taken on the motion to adopt the ordinance, and carried as follows:

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

The ordinance is recorded in full in Ordinance Book 18, at Page 406.

ORDINANCE NO. 310-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON BOTH SIDES OF FLORENCE AVENUE, BEGINNING BEHIND THE FRONTAGE PROPERTY ON RAMA ROAD, ON PETITION OF HOWARD T. NANCE.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance for a change in zoning from R-9 to R-9MF as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 407.

Councilman McDuffie stated if the property was not already R-9MF next to it he would have to vote no because of those apartments talked about on that other petition on McAlway Road is R-6MF. That he has never seen more apartments, with less parking lots and less greenery than that place has. That R-9MF is not far behind it. If people can build R-12MF for subsidized housing and have enough land then he is about ready to say he is not going to vote for R-9MF and R-6MF again. It puts in too many apartments with no greenery. That we need to look again at the apartment zoning.

Councilman Short stated he would agree to the extent that he thinks R-6MFH should be conditional, like R-20MF. Then the most sparse and the least sparse multi-family would be conditional and he thinks it should be.

MOTION TO RECONSIDER THE ENTIRE ZONING PACKAGE THE FIRST OF THE YEAR.

Councilman Alexander stated since Council is getting out of the zoning business in the perimeter, and will be wholly making decisions on city matters, Council should have a re-look at the whole zoning process.

Councilman Alexander moved that this become the Council's first order of business at the January meeting. The motion was seconded by Councilman Calhoun, and carried unanimously.

November 22, 1971  
Minute Book 56 - Page 224

PETITION NO. 71-83 BY J. D. WHITESIDES FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO I-1 OF TWO LOTS AT 518 AND 524 STATE STREET, DENIED.

Councilman Withrow moved that the subject petition for a change in zoning from R-6MF and O-6 to I-1 of two lots at 518 and 524 State Street be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried by the following vote:

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

RESOLUTION SETTING DATE OF PUBLIC HEARING ON PETITION OF THE REDEVELOPMENT COMMISSION TO CLOSE A PORTION OF POLK STREET, IN GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted setting date of public hearing on Monday, December 20, 1971, on petition to close a portion of Polk Street by the Redevelopment Commission.

The resolution is recorded in full in Resolutions Book 7, at Page 493.

RESOLUTION APPROVING MUNICIPAL AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE RELOCATION AND RECONSTRUCTION OF THE EXISTING IRWIN CREEK SANITARY SEWER OUTFALL, FROM OAKLAWN AVENUE TO NEAR INTERSTATE 85.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution approving a municipal agreement with the North Carolina State Highway Commission for the relocation and reconstruction of the existing Irwin Creek Sanitary Sewer Outfall, from Oaklawn Avenue to near Interstate 85.

The resolution is recorded in full in Resolutions Book 7, at Pages 494-495.

CONTRACT WITH THE JACOBS COMPANY, INC. FOR A JOB CLASSIFICATION STUDY FOR THE POLICE DEPARTMENT, UNDER THE LEAA PROJECT GROUP II, APPROVED.

Councilman Alexander moved approval of the subject contract with The Jacobs Company, Inc. for a job classification study for the Police Department, under the LEAA Project Group II. The motion was seconded by Councilman Withrow.

Councilman Short asked why this cannot be an inside job? The City Manager replied it could, but Council authorized that it be handled this way by action back in May. That we have the capability to do it but we do not have the capability of looking at it objectively.

Councilman Calhoun stated in the event you are qualified to hold this internally, you are much better off. That he has been dealing with consultants for a long time, and he knows there are some good ones. But by and large they quite often give you back what you want; they give you back things couched in nice fine language but it is basically what you told them upon the analysis of your own internal operation. Their comments represent a condensation of the opinions and the expert knowledge of everyone in the organization. They have a way to wrap it all up and give it back to you in a nice package at a very fancy price. That you may have to go outside sometimes to get something that the group as a whole will buy.

Councilman Alexander stated we run across the problem here of needing more people working in our departments than we have; we just do not have the workers in every instance to turn them loose to do this type of indepth job.

November 22, 1971  
Minute Book 56 - Page 225

Councilman Calhoun stated he would not want the Police Department nor the Personnel Department to conduct this study if we did have people internally. Councilman Alexander stated this is what he is talking about. Councilman Calhoun stated you will still need to tie up people in the Department for consultation and for comments whether it is done internally or outside by consultants.

Councilman Short stated he was asking because it seems just a little unfortunate that we spend \$66,000 for one of the announced purposes of being sure of non-discriminatory practices in recruiting and promoting. It seems to him that it would be a feather in our cap if we could eliminate this type of problem without having to spend this money.

Councilman McDuffie stated if he thought we would get the type of report Mr. Calhoun says we may get, then he would not be in favor of it. Hopefully, we will get a report that is objective and will pin-point what needs to be done.

The City Manager stated this is a very professional firm who specializes in this type of work. Police Departments, not only in Charlotte, but across the country are continually being charged with being discriminatory or using brute force and in a number of cases, not being responsive in some areas. That this is probably the reason this was initiated. That certainly is the reason it was approved. He stated he thinks if an outside firm does this and comes up with an indepth study, Council may find that you vindicate the Department in several areas that we have been accusing them in, and at the same time it may find that we have been guilty of some things we should not do. That Council can instruct them it wants an organization that will produce fair employment practices and one that will produce these results.

Mr. Burkhalter stated this company will review all the area involved and will come up with some definite recommendations as to what should be done in the areas that they review. Then Council will decide whether or not to do these things.

Councilman Calhoun asked what field the Jacobs Company specializes in? The City Manager replied in personnel.

The vote was taken on the motion and carried unanimously.

CLAIMS BY MISS VICKIE DELLINGER AND MR. AND MRS. DAVID DAVIDSON, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject claims by Miss Vickie Dellinger and Mr. and Mrs. David Davidson, 1126 and 1128 Heather Lane, for property damage as a result of a sewer line backup on August 7, 1971, were approved in the amounts of \$2,700 and \$700.00, as recommended by the City Attorney.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

During discussion of the following resolutions on condemnation proceedings, Councilman Whittington asked that on each one of the resolutions placed on the agenda, that it identify the purpose for which it is being done. That the City has bought a lot of land on Parkwood Avenue and he knows we are buying it to straighten out the road; but the people who read this in the newspapers do not know what is being done. It should be spelled out on each one.

Motion was made by Councilman McDuffie, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Harvey S. Strawn and wife, Betty C., located at 1709 North Davidson Street, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 496.

November 22, 1971  
Minute Book 56 - Page 226

Councilman Alexander moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Robert R. Rhyne Jr., located at 1600 North Davidson Street, in the City of Charlotte, for the Belmont Neighborhood Improvement Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 497.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to heirs of Joe Julius White, located at 1115-1117 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 498.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to James J. Harris and wife, Angelia M., located at 3700 Sharon Road, in the City of Charlotte, for the Sharon Lane Widening Project.

The resolution is recorded in full in Resolutions Book 7, at Page 499.

#### PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Whittington moved approval of the following property transactions, which motion was seconded by Councilman Calhoun, and carried unanimously:

- (a) Acquisition of 50' x 15.87' x 10.4' x 57.55' x 54.2' at 1704 North Davidson Street, from Norman Realty Company, at \$1,400.00, for Belmont Neighborhood Improvement Project.
- (b) Acquisition of 4.38' x 42.52' x 43.79' at 1619 Parkwood Avenue, from William H. Miller and wife, June S., at \$100.00, for Belmont Neighborhood Improvement Project.
- (c) Acquisition of 3.26' x 40.29' x 8.43' x 40' at 1605 Parkwood Avenue, from Sallie M. Hamilton (widow), at \$600.00, for Belmont Neighborhood Improvement Project.
- (d) Acquisition of 8.43' x 50.79' x 4.38' x 39.69' x 12.55' at 1609 Parkwood Avenue, from Sallie M. Hamilton (widow), at \$900.00, for Belmont Neighborhood Improvement Project.
- (e) Acquisition of 14.80' x 17.54' x 82.22' x 17.47' x 12.34' x 103.65' at 1200 Parkwood Avenue, from H. J. Cater and wife, Nancy R., at \$600.00, for Belmont Neighborhood Improvement Project.
- (f) Acquisition of 11.28' x 65.88' x 10.91' x 65.84' at 1408 Parkwood Avenue, from Ed Griffin Construction Company, at \$2,231.00, for Belmont Neighborhood Improvement Project.
- (g) Acquisition of easement 10' x 11.63' at 5200 Carriage Drive, from W. Jack Francis, Jr., and wife, Patricia G., at \$12.00, for Tamerlane Sanitary Sewer Relocation.
- (h) Acquisition of easement 16.52' x 56.62' x 19.07' x 56' at 1526 Oaklawn Avenue, from McDaniel Bush Jackson and wife, Miriam S., at \$57.00, for Interstate 77 Sanitary Sewer Relocation.
- (i) Acquisition of easement 12' x 619.12' at 2320 Carmine Street, from The Charlotte Mecklenburg Board of Education, at \$620.00, for Interstate 77 Sewer Relocation.

November 22, 1971  
Minute Book 56- Page 227

- (j) Acquisition of easement 15' x 273.71' at 1900 Newcastle Street, from The Charlotte Mecklenburg Board of Education, at \$275.00, for Interstate 77 Sanitary Sewer Relocation.
- (k) Acquisition of easement 212.78' x 3.61' x 214' at 3615 Marvin Road, from John V. Andrews and wife, Marian H., at \$107.00, for sanitary sewer to serve 917 Beal Street.
- (l) Acquisition of easement 25' x 140.74' at 435 Moncure Drive, from Edwin W. Fuller and wife, Antonia T., at \$200.00, for Lower Briar Creek Interceptor.
- (m) Acquisition of easement 25' x 61.75' at 415 Moncure Drive, from Edwin W. Fuller and wife, Antonia T., at \$60.00, for Lower Briar Creek Interceptor.
- (n) Acquisition of easement 10' x 75.43' at 5326 Park Road, from Harold Gustave Sprengel and wife, Irene, at \$80.00, for Lower Briar Creek Interceptor.
- (o) Acquisition of easement 9.16' x 11.03' x 8.21' at 101 Manning Drive, from Steven F. Mitchell and wife, Ralph L., at \$10.00, for Lower Briar Creek Inteceptor.
- (p) Acquisition of easement 10' x 73.80' at 5400 Park Road, from Maurice I. Libby and wife, Mildred R., at \$80.00, for Lower Briar Creek Interceptor.
- (q) Acquisition of easement 10' x 25.62' at 5408 Park Road, from Marvin G. Phillips (single), at \$26.00, for Lower Briar Creek Interceptor.
- (r) Acquisition of easement 25' x 70.52' at 423 Moncure Drive, from Thomas M. Petrie and wife, Cynthia A., at \$71.00, for Lower Briar Creek Interceptor.
- (s) Acquisition of easement 2.70' x 23.02' x 23.61' at 532 Moncure Drive, from Julian W. Massi and wife, Sonya B., at \$94.00, for Lower Briar Creek Interceptor.

#### ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following ordinances ordering the removal of weeds and grass:

- (a) Ordinance No. 311-X ordering the removal of weeds and grass adjacent to 2006 Russell Street.
- (b) Ordinance No. 312-X ordering the removal of weeds and grass adjacent to 316 Coxe Avenue.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 408.

#### CONTRACT WITH ED GRIFFIN DEVELOPMENT CORPORATION FOR WATER MAINS AND HYDRANTS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, contract was approved with Ed Griffin Development Corporation for construction of 730 feet of water mains and one fire hydrant to serve an apartment complex located on Lanecrest Drive, in the Hope Valley Subdivision, inside the city, at an estimated cost of \$3,000.00 with the applicant to advance the full cost of the mains and to be reimbursed to the extent of 50% for the mains at the rate of 35% quarterly of the revenue derived until full reimbursement has been made or until the end of 15 years, which ever comes first, all under the Partnership Plan.

November 22, 1971  
Minute Book 56 - Page 228

CONTRACTS FOR CONSTRUCTION OF SANITARY SEWER MAINS, APPROVED.

Councilman Withrow moved approval of the following contracts for construction of sanitary sewer mains and trunks which motion was seconded by Councilman Alexander, and carried unanimously.

- (a) Contract with Ervin Company for the extension of 12,910 lineal feet of 8-inch trunk and mains and 2,000 lineal feet of 10-inch trunk, to serve Falconbridge I and II, outside the city, at an estimated cost of \$136,825.00. The City will instigate the construction of the prime trunk at an estimated cost of \$40,100. The Applicant deposited \$4,010 on October 7, 1971, which amount will be refunded as per terms of the agreement.

Approved by Community Facilities Committee on November 2, 1971.

- (b) Contract with Harry S. Swimmer for the extension of 583 lineal feet of 8-inch main to serve 4115 Castleton Road, inside the city, at an estimated cost of \$4,189.00. 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.

- (c) Contract with Jimmy Ballas, P. C. Rodwell, Hunter Mobile Home Park, and the Home Misson Board of Charlotte for the extension of 4,415 lineal feet of 8-inch trunk to serve Wilkinson Boulevard Properties, outside the city, at an estimated cost of \$46,000.00. All cost of construction will be borne by the applicant, whose deposit in the amount of \$4,600 which represents 10% of the estimated construction cost was made on October 19, 1971, which amount will be refunded as per terms of the agreement.

Approved by Community Facilities Committee on November 2, 1971.

TRANSFER OF CEMETERY DEEDS.

Upon motion of Councilman Whittington, 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 Miss Gayle Marsh George for west half of Lot No. 10, Section M, Elmwood Cemetery, transferred from Mrs. Elizabeth M. George (Quackenbush), at \$3.00, for transfer deed.
- (b) Deed with Taliaferro S. Simpson, Jr. and wife, Mrs. Wayne D. Simpson, for Lot No. 276, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with Mrs. Emmie H. Kennedy, for Graves No. 3 and 4, in Lot No. 757, Section 6, Evergreen Cemetery, at \$160.00.

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR METAL BUILDING FOR THE LANDSCAPING DIVISION.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, awarding contract to the low bidder, Frank H. Conner Company, in the amount of \$7,419.00, for metal building for the Landscaping Division.

The following bids were received:

Frank H. Conner Company	\$7,419.00
Gray R. Boone Const. Co.	7,666.00
Laxton Construction Co., Inc.	7,750.00
Rodgers Builders, Inc.	10,685.00

November 22, 1971  
Minute Book 56 - Page 229

CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY FOR ONE TRUCK MOUNTED DRILLING RIG.

Councilman Short moved award of contract to the low bidder, Mitchell Distributing Company, in the amount of \$7,989.00, on a unit price basis, for one truck mounted drilling rig. The motion was seconded by Councilman Withrow, and unanimously carried.

The following bids were received:

Mitchell Distributing Co.	\$7,989.00
Brainard-Kilman Drill Co.	9,9980.00

CONTRACT AWARDED NATIONAL POLICE SUPPLY FOR PROTECTIVE SHIELDS.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, National Police Supply Company, in the amount of \$3,555.20, on a unit price basis, for 40 protective shields.

The following bids were received:

National Police Supply	\$3,555.20
J. R. Setina Mfg. Co.	3,942.74

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SANITARY SEWER RELOCATION, BRIAR CREEK OUTFALL AT RANDOLPH ROAD.

Motion was made by Councilman Short, seconded by Councilman Calhoun, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$28,815.00, on a unit price basis, for sanitary sewer relocation, Briar Creek Outfall at Randolph Road.

The following bids were received:

Crowder Construction Co.	\$28,815.00
Sanders Brothers, Inc.	32,542.50
Rand Construction Co., Inc.	36,555.00

SCHEDULE FOR COUNCIL MEETINGS SET.

Council was advised that December 27 and January 3 are scheduled for holidays and Council should consider this in setting up Council meetings for the next month.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, setting Council Meetings, as follows:

Monday, November 29	-	No Meeting scheduled.
Monday, December 6	-	Regular meeting.
Monday, December 13	-	Televised Meeting Educational Center. Board Room, 8:00 P. M.
Monday, December 20	-	Regular meeting.
Tuesday, December 28	-	Regular meeting.
Tuesday, January 4	-	Regular meeting.

November 22, 1971  
Minute Book 56 - Page 230

#### PROJECTED SCHEDULES FOR STREET IMPROVEMENTS COMPLETION.

Mr. Robert Hopson, Public Works Director, stated East Fourth Street will be opened both ways tomorrow morning at 10:30 a.m. That Third and Fourth Streets will be open for two way traffic. Second Street will be left alone for the time being. They had hoped to get College Street open in December, and it looks as though they still have a fair chance. I-77 between Woodlawn Road and Oaklawn Road will be open in July, 1972.

#### REQUEST THAT AREA ON CATALINA AVENUE BE CLEANED UP WHERE THE WEEDS AND VINES ARE GROWING UP.

Councilman Alexander requested the City Manager to have someone check Catalina Avenue, between 2317 and 2327 where there is a weed problem; that the people report the vines are taking over the whole strip; there is a need to clean it out as some big rats are nesting in the weeds.

He requested also that someone check 2317 Catalina Avenue where the vines are growing close up on that property. Also, there is a need to have the lumber and weeds cleaned out.

#### CONSIDERATION OF DOWNTOWN PARKING GARAGE TO BE PLACED ON AGENDA FOR NEXT COUNCIL MEETING.

Councilman Short stated he believes that the dust has sufficiently settled Downtown and the placement of various facilities that will go downtown is sufficiently known that Council should proceed at its next meeting with doing those things that were indicated to further downtown parking. Anyone who was downtown this morning would have to agree the need is tremendous. He stated it was recommended that Council pass a resolution concerning the public necessity and convenience that a firm be hired to develop a functional plan; that some appraisal be made by two local appraisers, and that \$30,000 be taken out of the contingency fund to finance the appraisals. He stated he thinks the Council should have an opportunity to consider these matters in advance and he moved that this be put on the Agenda for the next Council Meeting, and Council go ahead with further action towards Downtown Parking. The motion was seconded by Councilman Whittington.

Councilman Whittington stated when this is presented to Council, he hopes it will be presented with the five steps as recommended action. That this was presented to Council by Wilbur Smith, Herman Hoose and Harry Wolfe. It seems there is some conflict here by some individuals because we now have the firm of Ponte-Travers and Wolfe, and Travers is a traffic expert; we also have the services of Wilbur Smith and Associates. It seems down the road, Council will have to determine if we are going to keep on using both of these consultants as it relates to traffic.

Mayor Belk stated he thinks Council is a little early on the vote, but there is no conflict between the two services. In the past Wilbur Smith has made a survey and has completed it and turned it in. He would like to continue, but Council voted for Ponte-Travers and Wolfe to have the whole 13 blocks, and parking is a portion of that 13 blocks.

Councilman Calhoun asked the status of Wilbur Smith and Associates as far as the City is concerned right now? Mayor Belk replied he has completed his survey; he has asked to continue with it. Councilman Whittington stated that is the point he is making, that he does not think we need two consultants for the same thing.

Councilman Withrow stated there has been some discussion that private enterprise might be interested in building some of these facilities; that once and for all these people should be notified if they are interested in building the facilities then they should come forward; otherwise the City has to move.

November 22, 1971  
Minute Book 56 - Page 231

Mayor Belk stated he does not think that is the point. The point is what are you going to do with your main block; if you do not put this main block in, then this block will not make that much difference. Councilman Withrow stated if private enterprise is interested, he thinks they should be given a chance by this Council to come forward. Mayor Belk stated if you put this block together then there will be a lot of people interested in a lot of different things and you will be way out of kilter.

Councilman Calhoun asked if Mr. Harry Stewart of GDA did not ask to be heard; that he wrote a letter to all members of Council stating a point of view in this matter? Mayor Belk replied they have a man named Bruce Alexander, who is making a survey on across the street at the hotel; then they are working at the other end; they want to work everywhere the city is working. You have to put your major points of your generator for parking before you decide what you want to do on parking. On the location being discussed, it would be very appropriate to put a motel on top and in this way you would generate a lot more. Therefore, why put parking in when you do not need parking at this particular time. If we fill in that million square feet up there, it will make a different proportion on what you want to do with the parking here. The main thing is to fill the prominent spots in Downtown, Trade and Tryon Streets.

Councilman Alexander asked if this study would not have some bearing if it is to be meaningful on what is going to happen in that other block? Mayor Belk replied that is the whole thing. Councilman Alexander asked if the motion means to get that particular study on the way, before we have more definite knowledge about the full block above it? Councilman Short replied not at all. This needs to go back on the agenda for reasons of communication with the public. Over the years, on a number of occasions, we have come right up to the brink on public or publicly assisted parking. That is at least the land assembled by the public, and then have backed away because of the indecision about what would go downtown. We had such an instance as this three or four weeks ago. We got right up to the brink; we had everything prepared and had the necessary materials on hand, but when it came to the point of voting to proceed with this, we did not. He stated he is not necessarily asking that Council proceed with it on December 6, but he feels in the interest of public communication such information as can be given about the possibility on the number one block and downtown in general should be made available. Also, we should have interested parties here for that purpose.

Councilman Alexander asked if it would not be better to wait until we get some definitive answers regarding this central square block. When we begin our action then we will have all the particulars before us; and the public will get a full picture, not a piece-meal picture. Councilman Short stated for five or six years this Council has been carefully waiting until things are in proper condition so we can tell exactly what to do; that it has been good that Council did this; that he does not think we are going to lose patience and make snap judgement decisions now.

Councilman Calhoun stated this is like fitting the pieces of a puzzle together, and timing is important. That he thinks all who had the privilege and pleasure of listening to the Ponte-Travers, Wolfe report saw very great justification for ear-marking four areas as four public parking gargage sites in the downtown area. No. 1 was the so-called Site B, between Tryon and College and Third and First Street, between the key block downtown and the First Union National Bank Building. He stated he has been given to understand that City Council can proceed with plans for a parking facility which will, in the opinion of his informant, not jeopardize the development in the major portion of downtown. We feel the need for a public parking garage in Area B is justified and we can go ahead with plans and soforth which would be in coordination with the plans in the next block. We are still not saying there needs to be a three story, four story or eight story building; we are not interfering with anything that might be done with air rights or anything else. He stated we can also delay this until the other block is definitely pinned down and public announcements are made on it.

November 22, 1971  
Minute Book 56 - Page 232

Councilman Withrow stated he is not going ahead with Site B. That he would like for private enterprise to understand if they do not come forward and say they can build private parking, then Council will move. That they should be given this chance. Councilman Calhoun stated he could not agree with him more; but he thinks it is a foregone conclusion that no private enterprise is going to come forward and build as they are not able to acquire the necessary land and there is not enough return on the investment.

Councilman Short stated it is his judgement to have this functional plan made by Travers and Wolfe, rather than the firm recommended. This is the firm that came forth with this plan to begin with, and the firm that is essentially involved in the concept of the No. 1 block. To proceed that way will forward putting the pieces of the puzzle together. It will give the authority to proceed to these that are supposed to be putting together the puzzle.

Mayor Belk stated Council is talking about big money, and is not talking about peanuts. For Council to come up and tell you what kind of spot you are going to put a little parking garage and what you are going to do for the next ten years, he thinks is whistling in the dark. They are going to have to get planners to do this. To just get credit for saying you are going to put parking downtown is a farce until you know what your motives are.

Councilman McDuffie stated Site B has to be a parking garage with the walkway. That he is only concerned that the walkway provision be in there. That he does not care who builds the parking garage. Mayor Belk stated when you start putting a million square feet of space together, you are talking about a big planned job. Everyone agrees you want four corners on your parking. We have to revamp one whole end of this for the State Department for the ingress and egress.

At the request of Councilman Calhoun, Councilman Short stated his motion is to put on the agenda the items which consist of a resolution concerning public necessity and convenience; the hiring of a firm to develop a functional plan, which presumably would be the same firm that is planning in general the downtown area; and the employing of some appraisers who would appraise Site B.

Councilman Alexander stated if Mr. Short's motion is only to put the matter on the agenda for discussion, then he can vote for it.

Mayor Belk stated a year from now this parking will have a different implementation than it does today, even in Council's eyes. Councilman Short stated if we are actually faced with a year's delay, it is almost necessary and imperative that we get this across to the public, and make them understand why we have a year's delay, which probably has not been envisioned by a lot of people.

Councilman Whittington stated he cannot see any point in putting this on the agenda for discussion. That he wants Council to take action on this Site B as recommended by Ponte, Travers and Wolfe, and by Mr. McIntyre, Mr. Hoose and Wilbur Smith. We have paid this firm some \$83,000 to develop this master plan for these 13 blocks. In 1962 we paid Mr. Odell and Associates \$25,000 and in between those two plans there was the Charlotte Development Associates plans and the Southern Railroad plan, and all of them have come up with just about the same things. That he does not want to do anything today or December 6th that would hurt or delay development of that one block. But if you look at the plans these people presented, they will all be tied in together. If there is any crying now about parking, it is going to get worse day by day. That he thinks we need to go ahead with it. If there is some reason Council should not go ahead, then Council should be informed as to why they should not go ahead. This is important and this is needed now. It is part of the plan and it is part of the package. That he would hope on December 6 that Council would not just talk about it again. The last time it was talked about everyone wondered what was said and why no action was taken. That he thinks we need to go ahead, and he would hope on that date, that is what we would do.

November 22, 1971  
Minute Book 56 - Page 233

Councilman Calhoun stated the motion as stated gives that latitude.

Councilman Short stated parking is an auxiliary function. That he cannot quite go as far as Mr. Whittington about the necessity to take action. He certainly does not want to be in the attitude of just trying to push parking so Council can get credit for parking. This is an auxiliary service and it needs to be fitted into downtown planning in general, which means fitting it into the private plans of various firms. At the same time, giving the public some exposure to the situation is desirable, and that is the basic intent of his motion.

Councilman McDuffie asked the Mayor if he thinks private enterprise is going to do the job and City will not need to get involved? Mayor Belk replied they can get in on the whole operation; it depends on how it is financed; it also depends if you are going to put a five story motel on top of this, it would make a different kind of parking. One more year is not going to make a lot of difference if you are going to mess up your downtown area. You have to lay the whole thing together. He stated he is only trying to caution Council to not move too fast.

Councilman McDuffie stated in the past he has not been in favor of the city building parking garages; but they have told him now and he is beginning to believe that the city is the only one that can put together a block of the diversified land owners. Mayor Belk stated in order to put a parking area together you have to have other things to put together with it.

Councilman Whittington stated he understood that whatever was done on Site B would not have any effect on the corner that the Mayor has worked so hard to get. When Council adopted the Ponte-Travers and Wolfe concept, it adopted this corner with the high building, the pedestrian walkways across Tryon Street, Church and across Fourth Streets so you have pedestrian-oriented traffic moving about. In their plans they never said anything about a bare municipal garage on Site B; they talked about a garage that would be pedestrian-oriented and would be tied into a motel on top or shops on the bottom. No one knows what this is going to be until these consultants come up with some sort of architectural rendition.

After further discussion, the vote was taken on the motion by Councilman Short, and carried unanimously.

**MOTION TO INSTALL TRAFFIC SIGNAL AT SHANNONHOUSE AND PLAZA DEFERRED UNTIL NEXT COUNCIL MEETING.**

Councilman McDuffie moved that a traffic signal be installed at Shannonhouse Drive and the Plaza. The motion was seconded by Councilman Whittington.

The City Manager stated he thinks all of Council should see the many reasons that have been given why this signal should not be installed before voting on it. That Mr. Hoose, Traffic Engineer, has written to Mr. McDuffie and he knows why Mr. Hoose says it should not be installed, but the remainder of Council does not know.

After further discussion, Councilman Calhoun made a substitute motion to defer decision until December 6 and Council be furnished the information Mr. McDuffie has. The motion was seconded by Councilman Short, and carried unanimously.

November 22, 1971  
Minute Book 56 - Page 234

COUNCIL ADVISED THAT FLOOD CONTROL STUDY ON SUGAR CREEK WATERSHED IS NOW UNDER WAY.

Councilman Whittington advised that on November 5 a resolution was passed and offered by Senator Jordan concerning the \$10,000 to be appropriated for the Rivers and Harvard Flood Control on our Sugar Creek Watershed Study, and the study is now underway.

ADJOURNMENT.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk