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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, October 18, 1971, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Patrick N. Calhoun.

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, Moss, C. Ross, Sibley and Turner present.

ABSENT: Commissioners Blanton, Godley, James Ross.

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INVOCATION.

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

MINUTES APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the Minutes of the last meeting, on October 4, 1971, as submitted.

CITY OF CHARLOTTE PLAQUES PRESENTED TO RETIRING FIRE CAPTAINS.

Mayor Belk recognized Fire Captain William T. Martin and Fire Captain Fred G. Stephens. He stated Captain Martin was employed in the Fire Department on September 1, 1938 and retired October 1, 1971 and Captain Stephens was employed April 17, 1935 and retired October 1, 1971. He presented each with the City of Charlotte Employee Plaque and expressed the appreciation of the City for their long service in the Fire Department.

HEARINGS ON PETITIONS NO. 71-72 THROUGH 71-81 RE-SCHEDULED FOR HEARING DUE TO ERROR IN PUBLICATION OF NOTICE OF HEARING ON SEPTEMBER 13.

The City Clerk advised the following zoning petitions were heard by City Council in meeting on Monday, September 13. Due to an error in the notice of publication of the hearings, the City Attorney advised the zoning petitions should be re-scheduled for hearing today. That in the interest of time, the remarks by the petitioners and the protestants at the meeting on Monday, September 13th can be used for today's hearing:

- (a) HEARING ON PETITION NO. 71-73 BY HAROLD TRAYWICK FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF A PARCEL OF LAND 200' x 226' AT THE NORTHWEST CORNER OF KENSINGTON DRIVE AND TIPPAH AVENUE.

The hearing was called 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.

No further remarks were made by the petitioner or the protestants.

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- (b) HEARING ON PETITION NO. 71-81 BY FIVE STAR INDUSTRIES, INC. AND MRS. L. A. LOVE FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 3.081 ACRES OF LAND NORTH OF CENTRAL AVENUE AT THE END OF TAMER LANE AND BELSHIRE LANE WITH FRONTAGE ON CARRIAGE DRIVE.

The hearing was called 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

No further remarks were made by the petitioners or the protestants.

- (c) HEARING ON PETITION NO. 71-79 BY JAMES F. HUNTER FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF 3.169 ACRES OF LAND ON THE NORTH SIDE OF INTERSTATE 85 WEST OF MINERAL SPRINGS ROAD.

The hearing was called on the subject petition on which a general protest petition has been filed and contains 43 signatures.

No further remarks were made by the petitioner or the protestants.

- (d) HEARING ON PETITION NO. 71-72 BY G. W. MCMANUS AND ELAM RAY WOLFE FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF PROPERTY FRONTING 1,046 FEET ON THE SOUTH SIDE OF MONROE ROAD EXTENDING IN BOTH DIRECTIONS FROM A POINT OPPOSITE ASHMORE DRIVE.

The hearing was called on the subject petition.

Mr. Sam Williams, Attorney for the petitioners, stated he would like to add a point to the previous presentation. That on their side of the road, which is on the right hand side of the road going away from town, between Sharon Amity Road and Rama Road, there is but one residence. On the left hand side of the road, going away from town, there are three residences, and there have been no homes built in the area between Sharon Amity Road and Rama Road in the past 15 years. The entire nature of the property is awaiting business development. Some of it has come in the form of office development. The only uses on their side of the road are business uses.

Mr. Williams stated in lieu of any decision from Council today they are asking for an opportunity for the petitioners to amend their petition as it has been presented to reduce the request for rezoning from an inappropriate B-2 request which was filed by the petitioner himself down to a B-1 modified shopping center district request. He stated they would propose an interior road within the property so there would be on the McManus property no exit from his property directly to Monroe Road. They would have a service road paralleling Monroe Road with a planted strip between it. They would propose the same type of development for a portion of the Wolfe property. In effect they would forever forestall and avoid a lot of business or office or residential driveway cuts on this 2,000 to 3,000 feet of frontage and they would have but the one exit which now enters and exits from Monroe Road at Lemon Tree Subdivision.

Mr. Williams requested Council to (1) not pass upon the Planning Commission's suggestion of disapproval, and (2) give the petitioners time to formally submit back to the Planning Commission this modified request.

Mr. Fred Hopson of Burtonwood Circle stated he appeared previously on September 13 in protest against this petition. He would like for Council to consider the recommendation of the Planning Commission to deny the request. He stated he sees nothing of new evidence offered today. That if Council would review the history of this particular property, they would see this is just a delaying tactic. He stated he lives about 1/2 to 3/4 miles from the subject property.

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- (e) HEARING ON PETITION NO. 71-74 BY TOM MATTOX FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF PROPERTY FRONTING APPROXIMATELY 300 FEET ON THE SOUTH SIDE OF WEST BOULEVARD (NEW DIXIE ROAD), BEGINNING AT TAGGART CREEK, AND EXTENDING EASTWARD.

The hearing was called on the subject petition.

Mr. Dick Robertson, Attorney for the petitioner, stated Mr. Mattox owns the approximately 15 acre tract of land located on New Dixie Road or West Boulevard. The boundary runs somewhat like a sail on a sail boat with the rudder showing on the bottom on the easterly side. He stated since the hearing on September 13, they have learned the State Highway Commission plans to put a highway through an area as pointed out on a map. That the four lanes of the highway run parallel with the easterly boundary of the property. He stated the westerly portion or approximately half of the property is presently zoned I-1. The easterly portion, approximately half of the property which includes the rudder portion, is zoned R-6MF, and they had asked that it be rezoned totally I-1 which would allow his client to have a 15-acre tract of land to be developed for industrial purposes.

Mr. Robertson stated the thing that is new in the proposed development by the State Highway Commission is that not only do they know they plan to take the easterly portion of the property, leaving most of the property on the westerly side, but they also plan to move Taggart Creek from its present location over to the easterly side of the proposed roadway. He stated they think this supports their position that this property should be rezoned. The natural boundary will have been moved. The new natural boundary will be in the highway. They understand the plans call for controlled access; there will be no way to get from Mr. Mattox's property on to that highway. They also understand it will be controlled access for a distance of 300 feet from the centerline so there will be no access there. Mr. Robertson stated Mr. Mattox is not overly concerned about the rudder portion; if necessary, they would move to amend their petition to allow it to stay as is. If there is any question of timeliness in the price to be paid by the State Highway Commission, they would ask that the land run 150 feet from the easterly boundary and parallel therewith to the south. Then the State Highway Commission presumably will be buying property which is zoned R-6MF rather than buying property zoned I-1 if that is an objection. The only thing the Mattox's want to do is to be able to develop their land in a proper manner, in a timely manner, and hopefully in a profitable manner. He stated he understands there have been no negotiations between the Mattoxs and the State Highway Commission.

Councilman Short asked if he is saying the Airport Parkway is going to cross West Boulevard right where this property fronts West Boulevard so that the dividing line between the several of the two zones would more properly be the expressway? Mr. Robertson replied he would think so; it would also prevent the isolation of a small acreage being properly developed.

Councilman Alexander asked with limited access if it blocks off his land on both sides, and Mr. Robertson replied that is correct.

Mr. Fred Bryant, Assistant Planning Director, advised that while the plans are in an advanced stage of design by the State Highway Commission, the final design public hearing has not been held. A corridor hearing has been held.

No opposition was expressed to the proposed change in zoning.

- (f) HEARING ON PETITION NO. 71-75 BY TOM MATTOX FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF 2.57 ACRES OF LAND ON THE WEST SIDE OF TACOMA STREET, NORTH OF CHERRY STREET AND INTERSTATE 85.

The hearing was called on the subject petition.

No further remarks were made by the petitioner or protestants.

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- (g) HEARING ON PETITION NO. 71-76 BY JOE N. FINCHER, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY ON THE NORTH SIDE OF MONROE ROAD, EXTENDING FROM 5507 THROUGH 5523.

The hearing was called on the subject petition.

Mr. Robert Stewart, Attorney for the petitioners, stated in addition to what was presented at the hearing on September 13, he would like to state that the residential area which lies behind the subject lots would benefit from the required screening.

No opposition was expressed to the proposed change in zoning.

- (h) HEARING ON PETITION NO. 71-77 BY BEULAH W., CATHERINE S. AND JOSEPH W. GRIER FOR A CHANGE IN ZONING FROM B-1, O-6, R-9MF AND R-9 TO B-2 AND O-15 OF PROPERTY ON THE SOUTH SIDE OF ALBEMARLE ROAD, FROM A POINT NEAR CENTRAL AVENUE TO REGAL OAKS DRIVE.

The hearing was called on the subject petition.

Mr. Francis Parker, Attorney for the petitioners, stated the hearings were held back in September, the Planning Commission has indicated its approval. That he would suggest to the Council that it take action to approve the petition and adopt the ordinance change today, assuming there is no opposition. That it is a matter of a 4-week delay if action is not taken today.

No opposition was expressed to the proposed change in zoning.

- (i) HEARING ON PETITION NO. 71-78 BY VIRGINIA H. COX AND JAMES W. KISER FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF PROPERTY 300' x 500' ON THE SOUTH SIDE OF ALBEMARLE ROAD, OPPOSITE THE U. S. POST OFFICE AND WEST OF REGAL OAKS DRIVE.

The hearing was called on the subject petition.

Mr. Joe Millsaps, Attorney for the petitioners, requested Council to take action on the petition and adopt the ordinance for a change in zoning as recommended by the Planning Commission, based on the hearing on September 13.

No opposition was expressed to the proposed change in zoning.

- (j) HEARING ON PETITION NO. 71-80 BY ROBERT F. PHILLIPS, ET AL, FOR A CHANGE IN ZONING FROM R-9 AND R-9MF TO B-1 OF FOUR LOTS EXTENDING FROM 5220 THROUGH 5232 ALBEMARLE ROAD.

The hearing was called on the subject petition.

No further remarks were made by the petitioners or protestants.

Councilman Short stated the Planning Commission has recommended that a number of these petitions be denied. That he hates to deprive some citizen the right to use his land for what he wants to use it without having been there to see it. Yet disapproval is recommended for these and he would hope that Council would confine its considerations today to those for which approval is recommended. That these are the ones he could go ahead with.

Councilman McDuffie stated he cannot see taking action on some and leaving some; that he would just as soon wait until the next meeting.

Councilman McDuffie moved that decisions on all the petitions be deferred until the next Council Meeting after the Planning Commission makes its normal recommendations. The motion was seconded by Councilman Withrow, and carried unanimously.

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HEARING ON PETITION NO. 71-4 (RE-HEARING) BY B & W REALTY, INC. FOR A CHANGE IN ZONING FROM R-12 TO R-MH AND B-1 OF A PARCEL OF LAND CONTAINING 193 ACRES OF LAND ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE, AND BEING ALSO LOCATED AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DAUGHTERY DRIVE.

The scheduled 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 petition has been delayed a number of times. It was originally heard in January; subsequently, due to a number of changes in the plan itself, plus additional areas of discussion, it was re-scheduled for another public hearing, and after some additional delay, it is to be heard now.

He stated the area encompasses almost 200 acres located between U. S. 29 North and Old Concord Road. The subject property has a small amount of frontage on the Old Concord Road; it is vacant; it is adjoined on the various sides by some developed single family uses, particularly Fairhaven Drive, King George Drive and Donna Drive. On the opposite side of the property on the 29 side, there is also developed single family lots along Neal Drive, Wilkins Street and Owen Boulevard. Most of the remaining property to the north and southwest is vacant. Close to the property are some existing mobile homes. Mr. Bryant stated all of the subject property is zoned R-12 single family as is property basically on three sides of the property. There is existing industrial zoning on the southern side.

Mr. Bryant stated the initial request was for a combination mobile home park and mobile home subdivision. The mobile home park is a rental situation and the mobile home subdivision would consist of individual lots on which mobile homes would be placed and offered for sale either together or as a lot separately. The original plan consisted of a smaller area of commercial zoning which was requested on Old Concord Road. The mobile home subdivision portion was to be to the northeast of the easterly side of the property, with the larger area to the southwest section of the property for the mobile home park.

Mr. Bryant stated in the course of consideration by the Planning Commission the final recommendation at that time, based on the first hearing from the Planning Commission, was that a portion of the property be considered for rezoning, and another portion denied for rezoning. In the course of planning for that, there was a considerable revised plan of development submitted.

He explained the revised plan pointing out the mobile home park area and stated this is about 1/2 of the original area requested rezoned. The plan will consist of a mobile home park with actual open space, park area, located along the area where there is a branch, or low area, coming through. This would keep the mobile homes on the high side. There is another larger open space park with a community center, and other things proposed in another area. In addition there will be a strip of land adjacent to Fairhaven Drive that is no longer part of the overall plan for the project. He stated there has been considerable change in the concept of development from the time it was initially presented as an almost 200 acre project until now.

Mr. Henry Harkey, Attorney for the petitioner, stated in January they petitioned for rezoning of 193 acres. He stated now they are not pressing for any business portion; they are asking for no change from residential to industrial or business; they are asking for a change from R-12 to R-MH. He then described the area from a map. He stated they will put in some 20 acres of park at their expense. The petition has been cut in half from the original petition, and they are asking for mobile home zoning only in the approximately 80 acres together with 20 acres of green, or recreational space. They will build

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streets at their expense. He stated the land has never been developed because it has no water and sewer facilities. It is impossible to build a residence there because it will not meet the perk test. Mr. Allen has tentatively agreed with the City to guarantee the revenue necessary to pull the trunk line into the area. They will not only pull water and sewer in there for their use, but will open up the whole area and make it sanitary and make it possible for development. The development plan will satisfy all the requirements of the R-9 zoning, as the mobile home plan is based on the requirements of R-9 zoning. The housing is needed and will not interfere with the larger homes or affect their values as they are some 500 feet away; they are buffered by a green area; they are buffered by an R-12 zoning area. He stated their density will be less in people than it would be in single family. They will build a second street to North Tryon Street so they will have a continuous flow and easy flow of traffic both to Old Concord Road and new Concord Road. They will landscape and manage the development. It is a permanent investment that will cost more than \$1.0 million. The land is now owned by the petitioner and they are ready to proceed. All the plans have been submitted and have been through the planning board, through the engineering department and through all the departments. The plan will require all kinds of permits and approvals. Unless this goes to mobile homes, it will go to industrial, as no developer of single family homes could go out and develop the land as R-12 homes.

Mr. Bud Coira, Attorney and law partner of Mr. Harkey, presented slides of the Lamplighters Village on Albemarle Road and explained each one.

Mr. Ben Douglas stated he is interested in this project as he has 35 acres of land on 29 North that he cannot develop because the Health Department will not allow him to build septic tanks. To get the mobile home park out there, they will have to put in a sewer outfall which he can join with.

Mr. Wallace Osborne, Attorney for the protestants, referred to an aerial photograph and stated the petitioner has now said they are going to leave undisturbed property to the left of the area. The principal single family residences and the people who are objecting to this petition will be considerably disturbed as they lie contiguous to or close to the some 80 odd acres which the petitioner still wants to be zoned for mobile homes. He asked if this plan will enhance the existing situation out there; does it damage it? That these people have put their sweat, blood and life savings into these homes, and they are entitled to the same consideration as anyone who lives in Eastover, Myers Park or anywhere else around Charlotte and Mecklenburg County. He stated he would like to have a mobile home on Lake Norman but he would not want one next door to him on Shoreham Drive in Myers Park. There are some 1,400 people who vote, who pay their taxes and who struggle for their subsistence just like the rest of us who have opposed by their written signatures the granting of this petition.

Mr. Osborne stated he is lost as to what the petitioner proposes about exits, streets going in and coming out. Are there adequate entrances to and from the project? As far as he can recall there is only one entrance proposed and it will be through a quiet neighborhood development. He stated if mobile homes are built here the average number of people will be above the national average; it will be a husband, wife and several children. That Newell Elementary School is about a mile from the project, Cochrane Junior High School is about three miles and Garinger High School is about 4-1/2 miles. He then passed around pictures of homes in the area and stated this is what is there now. The question is - will we have anything a great deal better a year, two years or three years from now. That the Constitution of the United States says a man's property will not be taken from him without due process of the law. He stated you can take property without coming onto the land and taking it; you can use adjoining property to such an extent or in such a manner that the ultimate result is the depreciation of property surrounding it or next door to it. He stated the people in this area of Newell, and North 29 have worked hard, and they have a right to the dignity and the peace and tranquility of single family environment. He asked if Council can honestly look at the photographs he is passing around and the slides presented by Mr. Coira and say there is a similarity between a mobile home and a single family residence?

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Mr. Jim Hawks, spokesman for the area, stated he has a personal interest in this petition because his wife worked real hard on this when it came up the first time; that she worked even in bed and up to the time she went to Duke Hospital and died in surgery. He stated he cannot see how this project will enhance the area.

Also speaking in opposition to the rezoning were Mrs. Sandra Crosby and Mr. Boyd Ray Broome.

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

HEARING ON PETITION NO. 71-85 BY GEORGE W. BROWN FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A STRIP OF LAND 20 FEET WIDE ON THE EAST SIDE OF DRIFTWOOD DRIVE, BEGINNING 258 FEET NORTHWEST OF ALBEMARLE ROAD.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and is not sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property. The petition contains 24 signatures of residents of the first block of Driftwood Drive.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question is a narrow 20-foot strip that has frontage on Driftwood Drive and will connect some existing business zoning on Sharon Amity Road with Driftwood Drive. The property is vacant as is the property immediately around it. There is a house under construction on Driftwood Drive. There are single family residences along Driftwood Drive, for the most part it is a residential street. A service station is located at the corner of Driftwood Drive and Albemarle Road, and a service station at the corner of Sharon Amity and Albemarle Road. There are scattered single family uses and one duplex at Campbell Drive along Sharon Amity.

He stated there is business zoning all along Albemarle Road and there is business zoning on both sides of Sharon Amity, from Albemarle Road up to Campbell Drive. The subject property is parallel with the business property on Albemarle Road and connects Driftwood Drive with the business zoning on Sharon Amity. The immediately adjacent property along Driftwood Drive is zoned R-9MF, and from that point all the area along Driftwood Drive and Campbell Drive is all single family residential zoning.

Mr. George W. Brown, the petitioner, stated he is with Piedmont Super Market, and they plan to build a grocery store on Sharon Amity along with several small shops. That they would like a small connecting strip from Driftwood Drive to their property which they think would help the neighborhood, and would allow their customers to enter and exit off Driftwood Drive, and come out into Albemarle Road. It will take quite a bit of traffic off Sharon Amity Road. That the trucks would have no reason to go back down Driftwood Drive, but would come back to Albemarle Road.

Mrs. Elizabeth Holt stated she lives in the first block of Driftwood Drive. That when they bought their property, as well as every other resident who signed the protest petition, that was county, and that was one long country block; there was no Winterfield and no Sheffield. She stated the street is only 24 feet wide, and there are no shoulders, and there are no sidewalks. That they do not need any more traffic on that end of Driftwood Drive. She stated they talked to a man Saturday afternoon who will buy that lot zoned as it is now, and put a good looking duplex on it, and they will not object to that.

Mr. Clyde Putman, 3145 Driftwood Drive, stated he would like to go on record endorsing and supporting Mrs. Holt's remarks.

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

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HEARING ON PETITION NO. 71-82 BY NEWELL VOLUNTEER FIRE DEPARTMENT FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF A LOT 210' x 220' AT THE SOUTHWEST CORNER OF OLD CONCORD ROAD AND NEWELL BAPTIST CHURCH ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for the rezoning of one lot located on the northwest side of Old Concord Road and the Newell Baptist Church Road, in the Newell area. It is one lot opposite the school property on the Old Concord Road. On the lot at present is a non-conforming service station and a portion of the building is used by the Newell Volunteer Fire Department for their volunteer fire station. The surrounding property on two sides is vacant and down Old Concord Road from that point there are a number of single family residences, and one mobile home. Down the road to the side coming down to the school and to the Baptist Church are some single family residences; the railroad parallels the Old Concord Road and across the railroad are some single family residences.

Mr. Bryant stated there is a solid pattern of R-12 single family zoning in the area. The purpose of the request is not for further business utilization but in order to build a new fire station building on the property and is related to the yard requirement rather than to the actual use itself.

Mr. Harry Kirk, member of the Newell Volunteer Fire Department, stated since 1950 they have been housed at the Newell Gulf Service; that Mr. Baxter Caldwell has provided the service to keep the trucks and to keep them dry. When they started out they bought a surplus army truck and a surplus fire pump. They soon found they had a need for additional equipment and they bought another used truck. Now they have approximately 35 firemen and they would like to house the four vehicles they now own. If they set back to the 35 foot setback requirement they would not have room for their building and parking area for their trucks as needed.

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. 71-83 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.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the two lots are occupied by a residential structure; there are single family residences on each side of them at present as well as across the street; down State Street towards Trade is a non-conforming grocery store, and some small apartments, another store and a church. Behind the property is an area used for parking lot purposes associated with the Atlantic Carton Company which is in the area; then there is a warehouse on the other side of Coxe Avenue. On down State Street and across the railroad tracks is the site of the Norman House Wrecking Company storage area. Other than that the area is a rather solid residential pattern.

He stated there is industrial zoning along Turner and State Streets which extends down State Street to the subject property. The subject property has one lot zoned O-6 and the second lot is zoned R-6MF. The property across the street is also zoned partially O-6 and R-6MF. From that point on down State Street is a solid pattern of multi-family zoning. To the rear of the property is I-2 zoning and some I-1 zoning and then office and finally multi-family.

Mr. J. D. Whitesides, the petitioner, stated the two lots are located at the end of State Street, and the lot beyond 524 is zoned as I-1. At the rear of the lots it is industrial and across the railroad tracks it is also zoned for industrial use.

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. 71-84 BY GLADDEN REALTY, INC. FOR A CHANGE IN ZONING FROM R-6 TO B-2 OF TWO LOTS AT 2930 CLYDE DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for rezoning two small lots located on Clyde Drive. Clyde Drive parallels Rozzells Ferry Road, and runs from Coronet Way down to a dead-end in the direction of the creek. The two lots are occupied by a house and some of the yard area of the residence is used for storage purposes. It is in violation and perhaps the reason for the zoning request is the owner has received word to vacate that usage. Adjoining properties are used for single family residential purposes as well as across the street. The Williams Sand and Gravel storage as well as a junk yard is located in the area. Along Rozzells Ferry Road behind the subject property are a number of business type uses.

Mr. Bryant stated along Rozzells Ferry Road behind the subject property is a pattern of B-2 zoning; then I-2 zoning where the junk yard and the Williams operation is located; all the property along Clyde is zoned R-6MF as well as all the property coming down onto Coronet Way. The junk yard is confined to Rozzells Ferry Road and the sand and gravel on Clyde Drive is a non-conforming use.

Mr. J. T. Gladden stated he runs Gladden Recapping on Rozzells Ferry Road and the two story house is used for storage of casings. That is the only purpose of the request for rezoning.

No opposition was expressed to the proposed rezoning of the property.

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

HEARING ON PETITION NO. 71-86 BY FUTREN CORPORATION FOR A CHANGE IN ZONING FROM R-12 TO R-20MF OF A 75-FOOT STRIP OF LAND BEGINNING AT SHARON VIEW ROAD AND EXTENDING NORTHWARD TO NEAR MCMULLEN CREEK, LYING 125 FEET WEST OF SHARONWOOD ACRES.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated two years or so ago there was a request for rezoning of property on Sharonview Road between Sharon Road and Carmel Road and it was finally granted as R-20MF zoning. It has a plan of development approved for it. It has not as yet been developed and is still vacant property occupied by the single house which was on the property at the time. Adjacent or nearby land uses is a sewage pump station located on Sharon View Road at McMullen Creek; south of Sharon View is the beginning of the Mountainbrook Subdivision; and the area is predominately single family. Property directly across on the south side of Sharon View is predominately vacant although there are a couple of single family residences including one new house. To the east is a solid pattern of single family residential usage.

He stated it is all zoned single family with the exception of the one parcel which was zoned R-20MF.

Mr. Bryant stated the R-20MF is a planned controlled type of district and a plan of development is required to be approved. The portion of the property requested rezoned today is a 75-foot strip that begins at Sharon View Road on the eastern side of the property, and extends north for some distance. At the time the other plan was approved, there was a 200-foot wide strip left between the Sharon Woods Acres Subdivision and the property rezoned for multi-family use. Now the request is to include 75 feet of that 200-foot strip in the R-20MF classification leaving a 125-foot strip separated from the Sharon Wood Acres.

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He stated the plan of development still retains the Colony Road extension through the property, and then there is a series of courts that would come off the Colony Road area with the apartments arranged around the courts. The only use actually proposed for the 75-foot strip is an extension of pool area or recreational area that would come from the present house site. The house would be used for a club for the residents of the apartment project. Then the pool area would be extended into the 75-foot area. The only other advantage derived from the 75-foot strip is that buildings have been proposed to come practically to the presently zoned line, and the ordinance requires a 40-foot separation between any building and the zoned line. This 75-foot would serve the setback purpose for these buildings. Otherwise the buildings would have to be built 40 feet inside the lines.

Mr. Henry Pharr, representing the petitioners, stated the original plan called for 219 units to be constructed within the boundaries as zoned. Now Futren plans a slight change in the plan to do two things. They are asking for an extension of the zoning into that 75-foot strip, and their plans calls for 217 units rather than the 219. The 75-foot strip will be used for a swimming pool which will be heavily screened, nine parking spaces for the club house and to meet their setback requirements. He stated this is not for additional units; the density is less. That the development will be less crowded and will provide more green space. Futren has taken the former plan and revised it to put in the 217 apartments.

Mr. Pharr stated the residents on Addison Drive had understood this would be a 200-foot strip of R-12 zoning. Futren has gone to the eight property owners, keeping them informed as to what will be done, and has let them in on everything that is presented today. In consideration for their agreement to the use of the 75 feet of the 200 feet, Futren will agree to taking the remaining 125 feet that lies between the land petitioned for rezoning and the rear yards of these 8 properties, and restrict it permanently to green space. That a restriction document has been prepared and has been reviewed by the members of the households on Addison Avenue, and they have in their files eight written consents to that arrangement.

Amended by  
deletion of  
paragraph #4 &  
addition of new  
paragraph. See  
Minute Book 56,  
Page 140.

Councilman Short asked Mr. Pharr if the arrangements he is telling Council about are arrangements he has made with the property owners on Addison Drive, and that he is not proposing in any way to make a deal with the Council? Mr. Pharr replied under the arrangement taking place, and if Council rules for the rezoning, then Futren will record an instrument that will effectively restrict the property in the same fashion as you would a deed.

Mr. Sol Levine, Attorney, stated two years ago he was before Council in opposition to the rezoning, and the transactions at that time was to leave the 200-foot strip for the protection of the people there. He stated at the hearing today he represents Waters Construction Company who owns the property across the street on Sharon View. If the green space is reduced from 200 feet to 75 feet, pretty soon you will be able to see through it and see the apartments, and it will decrease the value of the property on the other side of the street. That on behalf of Waters Construction Company they feel it is unfair and should not be changed.

Mr. Bryant advised this is not reducing the 200 feet back from Sharon View Road; this is a strip that is perpendicular to Sharon View Road. That the 75-foot strip comes out to Sharon View Road, but does not do anything other than it is parallel.

Council decision was deferred for a recommendation of the Planning Commissioner

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HEARING ON PETITION NO. 71-87 BY MISS NORDICA A. JAMIESON, ET AL, FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A TRACT OF LAND 200' x 375' AT THE SOUTHWEST CORNER OF TUCKASEEGEE ROAD AND INTERSTATE HIGHWAY 85.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is at the southwest corner of Tuckaseege Road and Interstate 85. The property is vacant as is all the property along I-85 adjacent to it; also the property extending left of it. There are some single family residential uses across Tuckaseege Road. Across the interchange there are a number of business uses including several service stations, a truck stop facility and another service station. Around the subject property there is vacant property and single family across Tuckaseege Road.

Mr. Bryant stated the subject property is zoned O-6; behind it the I-1 zoning extending all along Interstate 85, and then along Tuckaseege Road to the west and across on the north side from the property is R-9 zoning.

Mr. Lloyd Baucom, Attorney for the petitioners, stated Mrs. Jamieson owns a five acre tract of land, about 3/4 of which is zoned industrial. The industrial zoning stops about 200 feet south of Tuckaseege Road. She along with Mr. Beatty, the other petitioner, has granted an option to Day Realty Associates Incorporated from Atlanta, Georgia which company is developing a chain of motels known as Days Inn. These motels are unique as you can stay there for \$8.00 a night, or two for \$10.00. They will cater to the family business. At present they have 13 motels opened and they are concentrated on open highways such as I-85, I-95 and I-75.

He stated in order to provide these rooms at this rate, they combine the registration room with a restaurant and gift shop; they also sell budget gas. The logical place to put these business services is up on the Tuckaseege Road end of the property. Yet under the present ordinance they cannot do that with the O-6 classification. They can put the motel facilities on the O-6 if they meet the side yard requirements of something like 100 feet. He called attention to the photographs of the motel and restaurant and gas station which is their standard building.

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. 71-88 BY FOUR REALTY COMPANY AND JOHN B. YOUNG, FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A TRACT OF LAND 300' x 1,238' ON THE SOUTH SIDE OF SHARON ROAD WEST AND WEST OF SUGAR CREEK.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the south side of Sharon Road West, and parallel to Sharon Road West, extending from Sharon Road West down to the perimeter zoning boundary line. The property is vacant; it is adjoined on the west by the Sharon South Townhouse for sale project; across the road is a single family house and the entrance road into the Sharon Lakes Apartment area; to the west is mostly vacant land.

He stated there is R-9MF zoning to the north of the subject property and to the west, and the county zoning has multi-family zoning to the south of the property. To the east is single family zoning and then the R-12 PUD which is in effect on the Howie property. He stated the ownership extends beyond the perimeter and is already zoned for multi-family.

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Mr. Reginald Hamel, of Hamel and Cannon, stated they represent the petitioners he passed around a survey of the property, and explained it. He stated their clients own the 21.64 acre tract which includes the 300 foot of frontage which they are asking rezoned. The rear portion of the tract is already R-9MF. That leaves this 1,200 foot length with a 300-foot depth of R-9 fronting on Sharon Road West, and they feel it is inconsistent with the zoning pattern of the neighborhood, and they are simply asking that it be changed to conform to what already is the pattern of that neighborhood.

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 4:30 o'clock p.m., and reconvened the meeting at 4:45 o'clock p.m.

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

Councilman Short stated he feels the subject petition should be deferred and that the Mayor should appoint some city personnel, including perhaps a couple of Councilmen, to confer with the Scandura people. It is important to keep this valuable inner-city industry; there are a number of model cities residents and other inner-city residents, working class people, who are employed here. With further conferencing, with the Scandura people, it may be possible to accomplish everything. Now that we know definitely from the Highway Commission what their present intentions are, and armed with this information, perhaps there is some way the needs of all can be met here, and we could retain this valuable industry. Councilman Short moved that Council proceed in the way he has outlined. The motion was seconded by Councilman Jordan with the understanding that the committee be set up right away.

Mayor Belk stated he would set it up today.

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

Councilman Short stated the petition was protested by one gentleman, and this Committee would want to take him into consideration.

ORDINANCES AMENDING CHAPTER 23 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON BOTH SIDES OF QUAIL HOLLOW ROAD, EXTENDING FROM MCMULLEN CREEK TO WITHIN 100 FEET OF CARMEL ROAD, ON PETITION OF JOHN CROSLAND COMPANY.

Petition No. 71-67 for a change in zoning of 56.4 acres of property from R-15 to R-15MF, of 6.5 acres from R-15 to O-15 and of 10.93 acres from R-15 to B-1SCD on both sides of Quail Hollow Road, extending from McMullen Creek to within 100 feet of Carmel Road was presented for Council's consideration.

Mr. Myles Haynes, Attorney for the petitioner, stated since the last meeting of this Council, they called together the architects and the staff of the Crosland Company and looked over the site plan to see what if anything they might do to make it more palatable to the people who live in the area. It was the consensus of the architects and the Crosland staff that this piece of property does not lend itself to development under a true PUD plan. The total piece of property is bi-sectioned by Quail Hollow Road which cuts it up into 1/4 and 3/4 sections. Had they concluded it could be done, it was physically impossible to redraw the whole site plan and have that plan

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filed as they would have been required to do by 5:00 o'clock on October 13, the deadline for filing.

Mr. Haynes stated they took the last plan that was presented to Council and made some changes. He stated they call these Plan A, Plan B, and Plan C. He stated the original plan called for 541 living units of both single and multi-family. Out of this, 62 units were single family, 272 were apartments, 207 were condominiums; there were parking spaces for 386 cars and there were originally 11 acres assigned to business and 6.2 acres assigned to office use.

He stated Plan A now calls for 495 units with the single family reduced to 54, the apartments reduced to 246 and the condominiums reduced to 195, with the cars cut to 315, the business acreage reduced to 7 acres and the office park reduced to 2.0 acres. He stated from a planning standpoint this is essentially the plan approved by the Planning Commission, and they feel from a standpoint of good planning this is the best overall plan. But this plan has the most acreage dedicated to business use.

Plan B calls for 495 units, of 62 single family, 259 apartments and 174 condominiums. The parking spaces have been reduced to 250 cars, the business area reduced to 4.86 acres and the office park reduced to 2.0 acres. He stated this plan is not considered the most perfect plan, from a planning standpoint, because the buffer has been increased from 100 feet to 200 feet with the effect that the buffer has pushed the shopping center back away from the road, but it affords a deeper screen and the six foot burm is still in this plan. The shopping center will not be seen as you drive down the road.

Plan C calls for 475 units of 62 single families, 250 apartments and 163 condominiums. The parking spaces have been reduced to 280, the business area to 4.93 acres and the office park to 2.0 acres. He stated this plan, from a planning standpoint, is the least desirable. If the Plan C zoning is approved, the parking will be too tight.

Mr. Haynes stated another objection they have heard is that the density along Quail Hollow Road and Carmel Road is too much. That under Plan B and Plan C the density along the roadway on Carmel Road and Quail Hollow Road has been cut by moving the units back and putting less units in. He then presented an elevation plan which shows what can be seen as you travel down Carmel Road with either the 100 foot buffer or the 200-foot buffer and with the six foot burm planted with trees and foliage.

He stated in their efforts to compromise this, the architects presented to him Plans A, B and C on the Monday after the last hearing; that he advised the leaders of the opposition and invited them to his office on Tuesday morning. At that time two of them appeared and the others could not be there. The plans were presented and discussed. They requested copies of the plan and the plans were picked up last Thursday afternoon, and he understands they called a meeting for Friday morning. He stated he made it clear that if they so desired he would be glad to be present at the meeting. It was suggested to him that perhaps they could make better pace if he did not attend. Since that time he has not heard one word from the opposition about the plans or about any other plans.

Mr. Haynes stated this has been a long, drawn out zoning case and has been trying on the opposition as well as on the petitioner. He asked Council today to consider the plans so far as the Crosland Company is concerned and to either act favorably or unfavorably.

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Mr. Ray Bradley, Attorney for the residents of Montibello, stated they are here for the third time on this petition. They are here because the petitioner refused to comply with the mandate of the Council to come forth with a plan of development for the area at the intersection of Carmel and Quail Hollow Road that would approximate a planned unit development for that area. That should have been enough for the Council to deny the petition on October 4. But instead the petitioner was given another opportunity to revise the plan and to make it a planned unit development. He stated never before has he seen the Council go so far as to give an opportunity to a petitioner to come up with a revision that Council itself feels might be acceptable in an area. He stated he hopes the Council will let good planning and the equities of this particular case dictate its final decision. Mr. Bradley stated amendments to a comprehensive plan can be made only because of some significant error in the original plan or because of some substantial change in a zoned community after adoption of the comprehensive plan which warrants an alteration in the ordinance. Everyone knows that neither of the criteria for a change exists in this case. In the second place, the Council has recognized that the type of change requested by the petitioner is not needed nor is it desirable in this area by their approach to this matter. Yet, Council continues to give John Crosland Company treatment beyond the scope the Code requires. Representatives of the John Crosland Company did meet with representatives of the neighborhood surrounding the land included in the petition. It will not comply with the Council's mandate. Instead it is presenting the three new alternative plans today; neither of which makes any significant change in the original proposal at the time of the filing of the petition, much less makes any attempt to incorporate the concept of the planned unit development. Mr. Bradley passed around a letter for Council to view in which it is stated the residents of the area are agreeable to the planned unit development concept. He stated in order to keep faith with the residents of the area and do what it has already indicated should have been done in the beginning which is ordered by good planning, he does not believe the Council has any alternate but to deny the petition.

Mr. C. H. Touchberry, Past President of the Charlotte Board of Realtors, past President of the North Carolina Board of Realtors and presently on the Board of the National Board of Realtors, presented the figures of the Planned Unit Development in concept.

Mr. Gene McCartha, Attorney for protestants, stated he has mailed to Council the figures that would closely approximate what Mr. Touchberry has presented. That the residents of the area did meet and they agreed they would accept a R-15 PUD. After that meeting they met with Mr. Haynes at which time Mr. Haynes stated he would make the plans available to the opposition. He stated in all fairness to the residents of the Carmel Road area, they should not be asked to accept something greater than what would be compatible with the zoning in the surrounding area. Several years ago the intersection of Carmel Road and Sharon View was zoned R-15 PUD. This is what they have agreed they would accept. He stated they ask no favors, and no special treatment, simply zoning to their request and their agreement to a compromise that would be consistent with what is already there. That the petitioner proposes something in the way of commercial which is almost three times what he could put under PUD, and he proposes something in the way of parking which if you take somewhere between 100 and 150 parking spaces on the 2-1/2 acres under PUD, he is proposing something between three and four times the size of PUD. If the petitioner is allowed to build what he proposes, they will have an apartment complex larger than Pinehurst Apartments, a shopping center that is exactly a fourth the size of Cotswold Shopping Center, and would potentially have an office building that is the same size as the Cotswold Building or the INA Building. This does not closely approximate planned unit development. Mr. McCartha stated Crosland has had his three strikes, and he should be out. That they urge Council to reject the petition.

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Also speaking in opposition to the rezoning was Mr. Eddie Knox, who stated he lives in the neighborhood, and there is no need for a shopping center or apartment complex in the area. Mr. Doug Phillips, resident and member of the Steering Committee, also spoke in opposition to the rezoning.

Councilman Jordan moved that the petition be denied. The motion did not receive a second.

Councilman McDuffie asked when a developer builds such a unit as Plan B, if they have to widen Carmel Road and Quail Hollow Road and curb and gutter it? Mr. Bryant, Assistant Planning Director, replied normally they would have to. However, in this case there is a strip of land along Carmel Road that will remain zoned residentially so that technically the shopping center will not front on Carmel Road. In his opinion, it would not require the normal regulation to put in deceleration lanes along Carmel Road.

Councilman Withrow asked how close the R-20MF would approximate a Planned Unit Development rather than R-15? Mr. Bryant replied in terms of concept of design it comes very close in terms of the fact that you have the planned control situation. In terms of the planned unit development concept you are dealing with a situation where normally the land would remain zoned R-15 and you would be dealing with the R-15 density. There would be differences in terms of the number of units assuming the land stayed R-15. In terms of the comparable situation to the extent you would have planned control, you know at the time you design the project that is what will be built and to that extent it is very similar.

Councilman McDuffie stated it appears that, since it cannot get a compromise from the residents, would be in order for Council to formulate some form of compromise of its own; something that would be less than what was petitioned and what appears to be less than what each says is desirable to them. That he believes if this Council is to remain fair and just in this and other zoning cases, that it must do these things: (1) Council must consider a more restrictive zoning than was petitioned for. (2) Because this Council has stated an interest in having some of the safeguards and some of the restrictions imposed as in a planned unit development, then it should bear some relationship to the important rule of an acre of shopping center for each 100 residential units. (3) It should be a plan enforceable by the City rather than depending upon voluntary compliance by the developer. (4) The plan should be based upon a relatively sparse zoning category which would be comparable with the many fine homes in the area. (5) He is suggesting R-20MF conditional zoning which must comply with the requirements of a memorandum dated November 4, 1970, from Mr. Underhill, City Attorney, to Councilman Short, which dealt with a similar situation, and stated that Council must have control of and have a specific R-20MF conditional plan on hand before it can rezone the land to this category. (6) Any plan adopted must meet the requirements of the city's new apartment ordinance.

Councilman McDuffie stated of the three or four plans that have been offered for development on this property, he understands that the so-called Plan B on the drawings presented today meet the requirements for R-20MF conditional zoning. Therefore, he is suggesting that Council adopt Plan B with these conditions, which would limit the development in this way: (1) the 34 acres shown as residential apartments will be rezoned to R-20MF conditional, which is the most sparse multi-family zoning possible. (2) The 27.6 acres shown as condominiums will be R-20MF conditional, (3) The 4.85 acres shown as shopping area will be rezoned as B-1SCD. and (4) That the 2.0 acres shown as office area will be rezoned O-15. He stated this would limit the building of condominium units to not exceed 174, rental apartments would not exceed 250, and single family units in the adjoining tract would not exceed 62 units; there would be a limit of 50,000 square feet of business floor space and 250 parking spaces will be the limit for the area.

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Councilman McDuffie stated the ordinances have been drawn with these restrictions in them. He moved adoption of the following three ordinances with the plan for the R-2OMF conditional area and the B-1SCD area made a part of the ordinances:

- (1) Ordinance No. 272-Z Amending Chapter 23, Section 23-36.1 of the City Code changing the zoning from R-15 to R-2OMF Conditional Multi-family District to be developed in accordance with the approved development plans filed in the Office of the City Clerk.
- (2) Ordinance No. 273-Z Amending Chapter 23, Section 23-35 of the City Code changing the zoning from R-15 to B-1 Shopping Center District to be developed in accordance with approved development plans filed in the Office of the City Clerk.
- (3) Ordinance No. 274-Z Amending Chapter 23, Section 23-8 of the City Code changing the zoning from R-15 to O-15.

The motion was seconded by Councilman Whittington.

Councilman Alexander asked if Plan B meets the R-2OMF conditional zoning? Mr. Bryant replied it does.

Mr. Bradley asked if R-2OMF appears in the priorities list, and Mr. Underhill replied it does not.

After further discussion, the vote was taken on the motion and carried as follows:

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

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 367.

CITY MANAGER REQUESTED TO SET UP MEETING FOR COUNCIL ON WATER PLAN.

Mayor Belk requested the City Manager to work up a meeting for the City Council on the water plan so that Council can be better informed.

COUNCIL MEETING SET FOR WEDNESDAY, OCTOBER 27, 1971 AT 10:30 O'CLOCK A.M.

After discussion, Councilman Whittington moved that a regular Council Meeting be set for Wednesday, October 27, 1971 at 10:30 o'clock a.m. The motion was seconded by Councilman Short, and carried unanimously.

CHAIRMAN OF METROLINA ENVIRONMENTAL CONCERN ASSOCIATION REQUESTS THAT PRESENT TRASH COLLECTIONS ORDINANCES BE MAINTAINED.

Mr. Roy Alexander, 5033 Erickson Road, Chairman of the Metrolina Environmental Concern Association, stated he would like to speak on the trash collection ordinance. He stated today we generate mountains of garbage, 4 to 5 pounds per person per day. That he makes speeches all around the county asking people to voluntarily take measures to reduce this volume, some of which require considerable effort and commitment. Mr. Alexander passed around a mimeographed list of suggestions for Council to look at. He stated these requests have been warmly received by citizens of the community who are voluntarily reducing the burden of solid waste their household imposes.

He stated since many citizens are willing to go this extent purely out of their sense of responsibility to conserve natural resources and to lessen the burden they pose upon the rest of society, they were most encouraged in August of last year when Council passed the present ordinances. Though they do not speak to the concern of our dwindling resources, they do represent a significant step towards reducing the massive burden inflicted upon local government.

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Mr. Alexander stated since trash collection is not a highly desirable job, and employee dissatisfaction will be even more significant in the future, this alone would seem to warrant continuing the present ordinances which make their job considerably easier. If that is not sufficient then surely the problem of cost will dissuade Council from removing the ordinances. He asked how anyone can reasonably demand expanded service and selfishly refuse to do his part to alleviate the problem, and simultaneously talk of lower taxes and governmental costs.

He stated two allegations have been made which seem most dubious. One is that the citizens are not complying with the ordinances. In contradiction, the facts show that there has been so much compliance that there have been impressive savings in cost of operations. Secondly, he would ask for substantiation of the allegation that there have been thousands of citizens to protest the present requirements. That he would ask for that figure. Records are kept by the Information Office and Public Works office, and Council could add in the calls they have received. He stated there are many exceptional situations which the application of the regulations should take into account. That he is suggesting this for those individuals such as the aged and the handicapped. If the existing ordinances are thrown out wholesale without considering how special exceptions might be arranged to meet those suggestions, you will have discarded a potentially significant forward move toward environmental responsible behavior.

CITY MANAGER'S REPORT ON THE FATAL SHOOTING OF ROY MILLER BY CHARLOTTE POLICE OFFICER.

At the request of Mayor Belk, the City Manager read the following letter and report:

"Dear Mayor Belk:

As you instructed, I have reviewed the series of events leading up to and involving the apprehension and shooting of Roy Miller by a Charlotte Police Officer. Detailed reports were made by the Charlotte Police Department and the Mecklenburg County Police Department. A statement was made by a State Highway Patrol Officer, and the Grand Jury made a thorough investigation. A view of these reports is attached and seems to be well summarized using principally the findings as submitted by Chief B. L. Porter since the incident occurred in his jurisdiction. However, the other reports and the general tenor of the eyewitness accounts do not contradict the report. It is reasonable to assume that this information is as accurate as can be determined, and this information apparently was accepted by the Grand Jury since it found no evidence of criminal wrongdoing on the part of Officers Shore and Swaim.

Very truly yours,

David A. Burkhalter  
City Manager"

"The investigation revealed that on September 16, 1971, at approximately 3:00 p.m., City Police Officers J. W. Swaim and G. W. Shore were at the corner of Cummings Avenue and Newland Road when they observed a gold colored Ford turn onto Cummings Avenue from Newland Road and head south at a high rate of speed. The officers stopped this car off Beatties Ford Road on the access road to I-85.

The officers identified the driver of this automobile as being Roy Miller, 2112 LaSalle Street, Apartment 1, Charlotte. Before placing Miller under arrest, the officers checked with the dispatcher to see if Miller was a wanted person. The officers were advised by the dispatcher that there were seven felony warrants for housebreaking

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and larceny on file for Miller. Investigation later revealed there were 14 housebreaking and larceny warrants and three resisting arrest warrants on file; and the automobile being driven by Miller was a 1968 Ford Torino, color gold, which was stolen from Carswell Motors, Inc., in Lincolnton, North Carolina.

After learning that Miller was a wanted person, Officer Shore placed Miller under arrest. At this point, Officer Shore held Miller with his right hand in the top part of Miller's pants while Shore reached for his handcuffs. At this point, Miller started resisting and a struggle ensued. During the struggle, Officer Shore felt his gun coming out of his holster and he observed that Miller had hold of the gun with both hands. Shore attempted to grab the gun with both hands, but could feel the gun still coming out of his holster. Officer Shore shouted out that Miller had his gun. Officer Swain fired one shot and Miller fell to the ground.

Eight witnesses who observed this incident have been interviewed. Four of these were in other vehicles that were in the area at the time and three were able to see the entire episode. The other four were passengers in the automobile Miller was driving.

The statements of these witnesses corroborate the statements of the police officers in all essential details. Although there are some minor variations in what they were able to see, their stories of what happened substantiate the sequence of events as told by Patrolmen Shore and Swain."

Mayor Belk thanked Mr. Burkhalter for the report.

ORDINANCE NO. 275-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO COVER THE COST OF A FINANCIAL FEASIBILITY STUDY.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance transferring \$4,424.00 from the unappropriated balance of the Airport Fund to provide sufficient funds to pay for a financial feasibility study in connection with the Airport Revenue Bond Issue; and to complete the contractual requirements with Peat, Marwick, Mitchell and Company, as approved by Council on June 7, 1971.

The ordinance is recorded in full in Ordinance Book 18, at Page 370.

MAYOR AUTHORIZED TO EXECUTE CONTRACT WITH U. S. DEPARTMENT OF LABOR FOR A CAMPS MANPOWER PLANNING STAFF, AND ORDINANCE AMENDING THE 1971-72 BUDGET ORDINANCE TO PROVIDE FUNDS FOR THE PLANNING PROGRAM.

Motion was made by Councilman Alexander and seconded by Councilman Whittington to approve the CAMPS Manpower Planning Programs, as follows:

- (a) Mayor authorized to execute a contract with the U. S. Department of Labor for the second grant made to the City for a CAMPS Manpower Planning Staff in the amount of \$36,000.
- (b) Ordinance No. 276-X Amending Ordinance No. 176-X, the 1971-72 Budget Ordinance By Adding \$36,000 For a CAMPS Manpower Planning Staff.

Councilman Whittington asked for an explanation, and Mr. Jerry Wones, Administrative Assistant, replied the responsibility for submitting all manpower plans for Charlotte-Mecklenburg has been placed into the hands of Mayor Belk. Consequently, he will need help if he is going to review all the programs as submitted. Specifically, the salaries for the two manpower planners is one at \$12,240 and the other \$11,664; there will be \$2,500 for clerical services and about \$3,000 for the fringe benefits.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 371.

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CONTRACT WITH LAW ENGINEERING TESTING COMPANY AND GEOTECHNICAL ENGINEERING COMPANY FOR TESTINGS DURING CONSTRUCTION OF CIVIC CENTER.

Councilman Whittington moved approval of a contract with Law Engineering Testing Company for soil, concrete and steel testing, and a contract with Geotechnical Engineering Company for caisson inspection during the construction of the Civic Center, both contracts estimated at a total expenditure of \$30,000 on a unit price basis. The motion was seconded by Councilman Withrow, and carried unanimously.

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting during the following discussion and returned later as noted in the minutes.

AMENDMENT TO ARCHITECTURAL CONTRACT WITH MCDOWELL BRACKETT ASSOCIATES FOR THE GREENVILLE NEIGHBORHOOD CENTER, APPROVED.

After discussion, Councilman Short moved approval of the subject amendment to the contract with McDowell Brackett Associates, increasing the basic fee by one-half percent. The motion was seconded by Councilman Alexander, and carried unanimously.

ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS CAPITAL IMPROVEMENT PROJECTS TO THE WEST THIRD STREET PROJECT, DEFERRED.

Motion was made by Councilman Jordan, and seconded by Councilman Alexander, to adopt the subject ordinance authorizing the transfer of \$319,805.47 to the West Third Street Project.

The Public Works Director advises the funds are coming from projects that were in the 1965 Bond Issue. This will finalize the 1965 program. It leaves one project incomplete. That was Poplar Street which was the lowest priority.

The vote was taken on the motion and carried unanimously.

Later in the meeting, after Councilman Whittington returned to the meeting, he requested that no decision be made on this item until the next Council Meeting on October 27; that he has strong reservations about spending this much money unless we can go straight under the railroad and tie it into Fourth Street based on the need to extend Cedar Street down to Mint Street; that you can get a north-south route by going by Poplar; this way you just go across the railroad tracks and make a right turn and go under the railroad tracks again.

Councilman Short moved that Council reconsider the item. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Alexander moved that decision on the subject item be delayed until the next meeting of Council. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington stated Council should look at both streets; that he questions if we are going to do Third Street whether we should not stop at Graham Street until such time as we can go straight. Also he has been plugging for a good long while to get Poplar Street continued south of Second to tie back into Mint which would give another north-south route. It has been recommended in the thoroughfare plan and that is the reason he would like to discuss both of them, or the destination of Third Street at this time.

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Mayor Belk stated he thinks it is not so much Third Street going straight; that it is going too straight now. That he thinks we have to get it back into I-77 where we are going to have a bottleneck. That I-77 is going to peel off at some place; it will either peel off at the cloverleaf we have now, or Third or Fourth Street is not going to be as important as they should be. If Third is not very important, Poplar will not be worth anything. He stated Third and Fourth Streets take all the traffic out for the west side and you have to have something to get down onto I-77.

Councilman Whittington requested the engineers to give Council the cost estimates and the importance of extending Poplar Street south to tie into Mint as it relates to the Interstate 77, and which Mr. Hoose has said will be very important when I-77 is continued north of Morehead on toward the southwest section of the City. Number 2, he would ask the engineers to give Council the diagrams, costs and importance of Third Street as it ties into Fourth Street at the underpass as opposed to running it straight and taking it into Fourth Street beyond Cedar which is going west.

#### COUNCILMAN WHITTINGTON RETURNS TO MEETING.

Councilman Whittington returned to the meeting at this time, and was present for the remainder of the Session.

#### ORDINANCE NO. 277-X AUTHORIZING THE TRANSFER OF FUNDS FROM THE MODEL CITIES REGIONAL CENTER ACCOUNT TO THE GREENVILLE NEIGHBORHOOD CENTER ACCOUNT TO PROVIDE FUNDS FOR THE CONSTRUCTION OF THE GREENVILLE NEIGHBORHOOD CENTER.

Councilman Alexander moved adoption of subject ordinance authorizing the transfer of \$121,298 from the Model Cities Regional Center Account to the Greenville Neighborhood Center Account to provide funds for the construction of the Greenville Neighborhood Center. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 372.

#### RESOLUTION APPROVING A SUPPLEMENTAL MUNICIPAL AGREEMENT BETWEEN THE CITY AND NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE NORTH SOUTH EXPRESSWAY SEWER RELOCATIONS.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted approving a supplemental municipal agreement between the City and North Carolina State Highway Commission for the North-South Expressway sewer relocations.

The resolution is recorded in full in Resolutions Book 7, at Page 458.

#### CONTRACT WITH ARROWOOD-MORGAN CONSTRUCTION COMPANY FOR THE EXTENSION OF SANITARY SEWER MAIN TO SERVE BRIDLEWOOD IV.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, approving the subject contract for the extension of 2,562 lineal feet of sanitary sewer main to serve Bridlewood IV, outside the city, at an estimated cost of \$21,114, with all cost of the construction to be borne by the applicant, whose deposit in the full amount has been received and will not be refunded.

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**CONTRACT WITH ED GRIFFIN DEVELOPMENT COMPANY FOR INSTALLTION OF WATER MAIN AND FIRE HYDRANTS TO SERVE A PORTION OF THE VALLEY GROVE SUBDIVISION, APPROVED.**

Councilman Withrow moved approval of the subject contract for the installation of 2,230 feet of water main and two fire hydrants to serve a portion of the Valley Grove Subdivision, outside the city, at an estimated cost of \$11,100.00, with funds to be advanced by the applicant under the terms of the partnership plan and the applicant to be reimbursed the full cost of all mains 8 inches in diameter and larger, and 50% of the cost of all mains less than 8 inches in diameter at the rate of 35% per quarter of the revenue derived until the entire eligible amount has been reimbursed or until the end of 15 years. The motion was seconded by Councilman Short, and carried unanimously.

**RIGHTS OF WAY AGREEMENTS APPROVED.**

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the following rights of way agreements were approved:

- (a) Right of way agreement between the City and State Highway Commission for the construction of approximately 2,210 feet of 8-inch water main between Dovershire Road and SR No. 3469, and between SR No. 3356 and Ritter Drive, in connection with the installation of an 8-inch water main in Sardis Road and Sardis Road North.
- (b) Right of way agreement between the City and the State Highway Commission for the installation of an 8-inch water main in the east side of Sugar Creek Road, and crossing Interstate Highway 85.

**UTILITY RELOCATION AGREEMENT WITH THE STATE HIGHWAY COMMISSION, APPROVED.**

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the subject utility relocation agreement with the State Highway Commission for the city to construct certain water mains from Oaklawn Avenue to North of Interstate 85, in connection with the construction of Interstate 77, at an estimated cost of \$28,205.10, with the State Highway Commission to finance the entire cost of the project.

**PRIVILEGE LICENSE APPLICATION APPROVED.**

Councilman Jordan moved approval of the renewal of a privilege license application for Richard Scott for private detective. The motion was seconded by Councilman Withrow, and carried unanimously.

**RESOLUTIONSAUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY FOR THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.**

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, a resolution authorizing condemnation proceedings for the acquisition of property of Heirs of James H. and Susan McCall at 1301 Parkwood Avenue for the Belmont Neighborhood Project was adopted and is recorded in full in Resolutions Book 7, at Page 460.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property of Alvic Corporation, at 1620 North Caldwell Street, for the Belmont Neighborhood Improvement Project.

The resolution is recorded in full in Resolutions Book 7, at Page 461

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property of Furr Realty Company, Inc., at 1708 North Davidson Street, 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 462.

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PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 50.52' x 31.47' x 32.44' x 29.42' x 9.75' of property at 830 Parkwood Avenue, from Verdell Adams Fletcher, at \$450.00, for the Belmont Neighborhood Improvement Project.
- (b) Acquisition of 2.55' x 52.26' x 4.28' x 52.23' of property at 1504 Parkwood Avenue, from Fred L. Gibbon, Jr., and wife, Tomsie E. Gibbon, at \$375.00, for Belmont Neighborhood Improvement Project.
- (c) Acquisition of 20.11' x 15.32' x 65.57' x 7.96' x 75.14' of property at 1501 Parkwood Avenue, from Henry Harvey and wife, Reppie B., at \$500.00, for Belmont Neighborhood Improvement Project.
- (d) Acquisition of construction easement at 2225 Sharon Lane from Robert V. Sisk and wife, Mary V., at \$1,270.00, for the Sharon Lane Widening Project.
- (e) Acquisition of 6.62' x 35.07' x 35.68' of property at 1308 Dean Street, from Nathaniel Hicklen and wife, Shirley P., at \$36.00, for Interstate-77 Sanitary Sewer Relocation.
- (f) Acquisition of 12.68' x 46.84' x 73.89' x 121.81' at 1048-1052 Andrill Terrace, from R. F. Draper and wife, Louise L., at \$122.00, for the Interstate-77 Sanitary Sewer Relocation.
- (g) Acquisition of 12.68' x 50.73' of easement at 1024 Andrill Terrace, from Clarence T. Helin and wife, Jean McKee, at \$51.00, for the Interstate-77 Sanitary Sewer Relocation.
- (h) Acquisition of 12.68' x 50.73' of easement at 1032 Andrill Terrace, from Newton James Covington and wife, Mary W., at \$75.00, for Interstate-77 Sanitary Sewer Relocation.
- (i) Acquisition of 12.68' x 50.73' of easement at 1040 Andrill Terrace, from N.C.N.B., Trustee, under agreement with Emily H. McIver, at \$51.00, for Interstate-77 Sanitary Sewer Relocation.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, authorizing the following streets taken over for continuous maintenance by the City:

- (a) Old Post Road, from centerline of Melba Drive to 242 feet south of Beechdale Drive.
- (b) Beechdale Drive, from 460 feet east of Old Post Road to 225 feet west of Old Post Road.
- (c) McIlroy Road, from Old Post Road to 555 feet west of Old Post Road.
- (d) Knell Drive, from Old Post Road to 125 feet west of Knickerbocker Drive.
- (e) Knickerbocker Drive, from Knell Drive to 515 feet north of Knell Drive.
- (f) Binford Court, from Old Post Road to 210 feet west of Old Post Road.
- (g) Melba Drive, from Old Post Road to 190 feet north of Old Post Road.

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

Councilman Jordan moved adoption of the following two ordinances ordering the removal of weeds and grass. The motion was seconded by Councilman Short, and carried unanimously:

- (a) Ordinance No. 278-X ordering the removal of weeds and grass from 512 North Myers Street.
- (b) Ordinance No. 279-X ordering the removal of weeds and grass from 1108-1110 Karendale Avenue.

The ordinances are recorded in full in Ordinance Book 18, at Pages 373 and 374.

APPOINTMENTS TO THE BUILDING STANDARDS BOARD, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following appointments by the City Manager to the Building Standards Board were approved:

- (a) Mr. Richard Foard, General Contractor, for a three year term.
- (b) Mr. John R. Ross, member of Electrical Advisory Board, for an unexpired term of one year.

RESOLUTIONS SETTING DATES OF PUBLIC HEARING ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following resolutions setting date of public hearing on petitions for zoning changes:

- (a) Resolution setting date of November 15 on Petitions No. 71-90, 71-91, 71-92, 71-94, 71-97, 71-100, 71-101, 71-103, 71-104 and 71-105.
- (b) Resolution setting date of November 22 on Petitions No. 71-89, 71-93, 71-95, 71-96, 71-98, 71-99, 71-102 and 71-106.

The resolutions are recorded in full in Resolutions Book 7, beginning on Page 463.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the following permits were issued for Special Officer Permits for a period of one year:

- (a) Renewal of permit to Murray Lee Blackwell for use on the premises of Southern Railway Company.
- (b) Renewal of permit to James Archer Brown for use on the premises of Johnson C. Smith University Campus.
- (c) Renewal of permit to Thomas Lee King for use on the premises of Johnson C. Smith University Campus.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Duplicate deed with W. Graham A. Long and wife, Daphne R. Long, for Graves No. 5 and 6, in Lot 84, Section 3, Evergreen Cemetery, at \$3.00, for duplicate deed.
- (b) Deed with Augustus E. Prince and wife, Willie V. Prince, for Lot No. 239, Section 4-A, Evergreen Cemetery, at \$252.00.
- (c) Deed with Robert M. Grogan and wife, Delores P. Grogan, for Lot No. 256, Section 6, Evergreen Cemetery, at \$320.00.
- (d) Deed with Mrs. Nancy Lawrence Thompson, for Graves No. 1 and 2, Lot No. 908, Section 6, Evergreen Cemetery, at \$160.00.
- (e) Deed with Excell R. Cuthbertson and wife, Dorothy P. Cuthbertson, for Graves No. 1 and 2, in Lot No. 805, Section 6, Evergreen Cemetery, at \$160.00.
- (f) Deed with O. R. Rowe and wife, Marie Rowe, for Lot No. 2, Section 4-A, Evergreen Cemetery, at \$1,002.00.
- (g) Deed with O. R. Rowe and wife, Marie Rowe, for Lot No. 3, Section 4-A, Evergreen Cemetery, at \$1,014.00.
- (h) Deed with O. R. Rowe and wife, Marie Rowe, for Lot No. 4, Section 4-A, Evergreen Cemetery, at \$1,028.00.
- (i) Deed with Franklin S. Caulkins and wife, Rachel Caulkins for Lot No. 279, Section 6, Evergreen Cemetery, at \$320.00.
- (j) Deed with Mrs. Wilma S. Russell for Graves No. 3 and 4, in Lot No. 740, Section 6, Evergreen Cemetery, at \$160.00.

CONTRACT AWARDED MARBELITE COMPANY, INC. FOR TRAFFIC SIGNALS.

Councilman Jordan moved award of contract to the low bidder, Marbelite Company, Inc., in the amount of \$5,491.55, on a unit price basis, for traffic signals. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Marbelite Co., Inc.	\$5,491.55
Southeastern Safety Supplies	5,925.00
Traffic Engineers Supply Corp.	6,051.45
Eagle Signal	6,747.55

CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR FORK LIFT.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject contract was awarded the low bidder, A. E. Finley & Associates, Inc., in the amount of \$7,740.00, for fork lift.

The following bids were received:

A. E. Finley & Assoc., Inc.	\$7,740.00
Vesco, Inc.	8,300.00
McLeod Equipment Corp.	8,932.00
Baker Mfg. Company	9,442.00
Wrenn Bros., Inc.	9,650.00
Industrial Truck Sales & Ser.	10,158.76
Carolina Tractor & Equip. Co.	10,496.00

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CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR BELL AND SPIGOT FITTINGS.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, awarding the subject contract to the low bidder, Lynchburg Foundry Company, in the amount of \$11,496.93, on a unit price basis, for bell and spigot fittings.

The following bids were received:

Lynchburg Foundry Co.	\$11,496.93
American C. I. Pipe Co.	12,150.85

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR FLANGE FITTINGS.

Councilman Jordan moved award of contract to the low bidder, Grinnell Company, Inc., in the amount of \$4,183.48, on a unit price basis, for flange fittings. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Grinnell Company, Inc.	\$ 4,183.48
Lynchburg Foundry Company	5,893.36
American C. I. Pipe Co.	6,247.50

CONTRACT AWARDED FITCH CREATIONS, INC. FOR PLANTING 362 TREES ON VARIOUS ROADWAYS WITHIN THE CITY.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject contract was awarded the low bidder, Fitch Creations, Inc., in the amount of \$26,525.00, on a unit price basis, for planting 362 trees on various roadways within the City.

The following bids were received:

Fitch Creations, Inc.	\$26,525.00
Fairforest Landscape & Nursery Company	29,175.00
Ray Bracken Nursery, Inc.	30,600.00.
Southern Shade Tree Expert Co.	32,900.00

CONTRACT AWARDED RAND CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER TO SERVE INDEPENDENCE BOULEVARD-EASTWAY DRIVE INTERCHANGE.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, to award the subject contract to the low bidder, Rand Construction Company, Inc., in the amount of \$43,867.00, on a unit price basis, for sanitary sewer to serve Independence Boulevard-Eastway Drive Interchange.

The following bids were received:

Rand Construction Co., Inc.	\$43,867.00
Crowder Construction Co.	44,588.00

CONTRACT AWARDED MILLER OFFICE EQUIPMENT FOR DESKS AND FILES FOR VARIOUS DEPARTMENTS.

Councilman McDuffie moved award of contract to the low bidder, Miller Office Equipment, in the amount of \$5,960.37, on a unit price basis, for 24 desks and 20 files for various departments. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

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Miller Office Equip.	\$ 5,960.37
O. G. Penegar Company	6,271.00
Kale Office Outfitters, Ltd.	6,549.86
John Miller & Assoc.	6,702.00
Fowler's Office Furniture	6,864.60
Pound & Moore	7,095.32

CONTRACT AWARDED MILLER OFFICE EQUIPMENT FOR FURNITURE FOR WATER DEPARTMENT, GENERAL OFFICES.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject contract was awarded the low bidder, Miller Office Equipment, in the amount of \$8,237.69, on a unit price basis, for furniture for the Water Department.

The following bids were received:

Miller Office Equip.	\$ 8,237.69
O. G. Penegar Company	8,440.50
Pound & Moore	9,909.04
John Miller & Assoc.	10,197.00
Fowler's Office Furniture	10,393.19
Modern Office Supply Co.	10,821.99
Kale Office Outfitters, Ltd.	11,009.99

CONTRACT AWARDED PIEDMONT GRADING COMPANY FOR DEMOLITION OF STRUCTURES ON INDEPENDENCE BOULEVARD-EASTWAY DRIVE INTERCHANGE AND ON WEST THIRD STREET-WEST FOURTH STREET CONNECTOR.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Piedmont Grading Company, in the amount of \$17,650.00, on a unit price basis, for demolition of 23 structures on Independence Boulevard-Eastway Drive Interchange and on West Third Street-West Fourth Street Connector.

The following bids were received:

Piedmont Grading Company	\$17,650.00
D. H. Griffin Wrecking Co.	21,120.00
Cochran & Ross Const. Co.	42,350.00

RESOLUTION AUTHORIZING THE CITY MANAGER TO REMOVE OR CAUSE TO BE REMOVED, ALL ADVERTISING SIGNS PLACED WITHOUT PERMISSION ONTO UTILITY POLES WITHIN THE CITY'S RIGHT OF WAY.

Councilman McDuffie presented the following resolution:

"WHEREAS, the practice of placing advertising signs, without permission, onto utility poles located within the public right of way is increasing within the City of Charlotte; and

WHEREAS, this said practice has been declared an illegal act by the General Statutes of North Carolina; and

WHEREAS, the General Statutes of North Carolina further provides that when such signs are placed without permission, it shall be the duty of the governing authority to see that the advertising matter is removed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, at its regularly scheduled meeting of October 18, 1971, that the City Manager, or his authorized representative, is hereby authorized to remove or cause to be removed, all advertising signs placed without permission onto utility poles located within the public right of way."

Councilman McDuffie moved adoption of the resolution, which motion was seconded by Councilman Whittington, and carried unanimously.

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CITY ATTORNEY REQUESTED TO REPORT ON WHICH BOARDS AND COMMISSIONS COUNCIL HAS AUTHORITY TO LIMIT TERMS.

Councilman McDuffie requested the City Attorney to report to Council at its next meeting on which of the boards and commissions Council has the authority to change the term of office. That when Council first talked about this, his intention was to limit the number of terms a member could serve and also to cut the number of years on the terms. One of the criticisms Council has had in the past and one of the reasons local government is not more responsive is that the same people serve on the boards and commissions for 20 years at a time. To him it is real important, and that information is not included in the information that was sent to Council on the Boards and Commissions. That he would hope the Mayor would be interested in doing the same on the Boards and Commissions that he appoints.

JOHN ELLIS LEE APPOINTED AS CHIEF OF CHARLOTTE FIRE DEPARTMENT.

Councilman Withrow moved that Mr. John Ellis Lee be appointed as Chief of the Charlotte Fire Department. The motion was seconded by Councilman Whittington.

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

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

Councilman Jordan stated the reason he is voting no is not against Mr. Lee personally, but the principal of this and the way it was handled.

Mayor Belk stated he would like to personally congratulate Mr. Lee for accepting this responsibility. That Charlotte has a very fine fire department, and there are real fine individuals in the department; there has been a big growth pattern and the Department has kept up with the growth.

Councilman Short stated he voted for Chief Lee. The fact that some members of Council feel as he does that we had one candidate that was on some of the council's rating chart even higher than Chief Lee is probably important. But it tends to become irrevelant when the only issue left before Council is whether or not to endorse Chief Lee. That he was faced with just the one question. He stated he certainly does endorse Chief Lee. That he thinks Chief Lee knows he was not his first choice, but the public is entitled to know that the Council has chosen a man that he concurs is reliable, experienced and acceptable, and certainly the properties of the citizens of Charlotte will be safe under his administration of the Fire Department.

REPORT REQUESTED ON BOND FUNDS THAT WILL BE AVAILABLE IF THE CORP OF ENGINEERS DOES NOT PROCEED WITH THE FLOOD PLAIN PROJECT.

Councilman Short requested the City Manager to give Council an explanation of what bond monies might be left available in the event the Corp of Engineers decides they will not proceed with the flood control project. He stated he believes this may free some bond funds and he would like to have that information available. That this was a part of a bond issue; there was quite a bit of city involvement with bridges. If there are some funds freed if this project goes by the board, Council would like to know the amount of the funds. That this bears upon the matter of Poplar Street and Third Street.

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COUNCILMAN ADVISES HE PLANS TO BRING DOWNTOWN PARKING CONCEPT TO COUNCIL AT ITS NEXT MEETING.

Councilman Whittington stated two weeks ago Councilman Short brought up the parking garage concept downtown. Realizing that Mr. Travers, Wolfe and Ponte are going to make their presentation this week, he would like Council to know that he is going to bring this up for a vote on Wednesday, the 27th, when Council meets again with the idea of moving ahead with Mr. Fennell and his staff putting this together from a financial standpoint and the right of way staff getting the appraisals of the property to acquire it. That to wait any longer than next Wednesday is a mistake.

Mr. Bobo, Assistant City Manager, advised that the Staff has planned a presentation for Council at its meeting on November 1, 1971.

Councilman Whittington stated he is interested in bringing this to a decision and if November 1 is the date planned for the presentation from the staff then he will wait for that, but at that time he is going to make a motion to go ahead with it.

CITY ATTORNEY REQUESTED TO LOOK INTO WAY TO ENFORCE NO PARKING SIGNS IN FIRE LANES AT SHOPPING CENTERS.

Councilman Withrow stated he has received a number of calls from people about cars parking in the fire lanes at the Shopping Centers. That no parking signs are placed all along the way but cars continue to park there. He asked if the City can get some jurisdiction to enforce these no parking signs to keep the cars out of the fire lanes. That something needs to be done.

Mr. Underhill, City Attorney, replied he will look into this and report back.

SUGGESTION THAT COMMUNITY RELATIONS COMMITTEE RETAIN WRITTEN REPORT IN FILES ON MATTERS SUCH AS FATAL SHOOTING BY POLICE OFFICER.

Councilman Alexander stated in connection with the report on the fatal shooting of Roy Miller he did not see in the report anything about a report from the Community Relations Committee. He asked if the report covers a report that has been submitted from the Community Relations Committee, or how are these type of reports handled? Mr. Burkhalter, City Manager, replied the report he made is after a discussion with the Director of the Community Relations Committee and with the Chief of Police. He stated he did not ask the Director of the Community Relations Committee for a report.

Councilman Alexander stated in establishing the Community Relations Committee, he is sure there are many citizens who believe they have some input into resolves of this type. From what was done today there is no way for the record to show there has been any input and that is the reason he raised the question. That our citizenry should know the extent to which the Community Relations Committee is dealing in these types of reports, when they know that the Committee is making an investigation.

Mayor Belk stated there have been any number of oral meetings with Mr. Bullard, Executive Director of the Community Relations Committee, and his staff during this time. He stated at the time this came up, he felt we should have the grand jury investigations, the police report and a city manager report. That he felt this was a very serious event in our city and he wanted the people to know that it was being investigated but just not from the police department. That the City Manager did talk with Mr. Bullard in order to make the report today, as well as other people.

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Councilman Alexander stated he thinks the Community Relations Committee should have a written report in their files of investigations of this sort. That he does not know whether they have it or not, or that this is just an oral report that has taken place in this matter as regards their work. That he thinks any matter as important as this and involves the community as much as this would, that our Community Relations Committee in participating in this investigation should have a written report that can be put into our records.

CITY ATTORNEY REQUESTED TO REPORT TO COUNCIL ON MATTER OF COURTESY CARS OPERATION AT AIRPORT FROM HOTELS AND MOTELS.

Councilman Alexander stated Charlotte is very fast becoming a very big city when it comes to hotel operations and motel operations. That the Civic Center has begun, and it will generate that type of business and it will mean we will have bigger and more hotels and motels. That he thinks Council should consider how it will deal with a new type of motel service that is coming into our town now and will continue to come as our demands for a hotel and motel services increase. He stated he is talking about the courtesy car service that hotels and motels render. That he thinks Council is going to have to consider it in view of the manner in which Yellow Cab Company has in the past an exclusive right to this type of service.

Councilman Alexander requested a report on how this matter can be handled as it needs to be resolved and it needs to be resolved now.

The City Attorney replied he attended a meeting at the Airport this morning with the Airport staff on this very question so we are well aware of what is involved; that they know what the present ordinances permit and what is being done in other areas. That his office, together with the Airport Department, will make a report to Council on this.

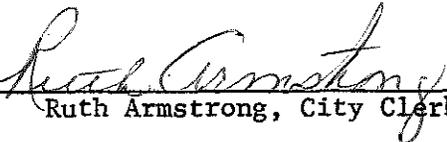
Councilman McDuffie asked that he check with Denver to see what their ordinance allows. That they have a taxi line where the taxi puts in 25 cents for each time he goes through and the ticket is given to the passenger and added to the bill.

Councilman Alexander replied he is talking about a special courtesy car service from motels.

The City Attorney stated he would have the report very soon.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk