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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, October 27, 1975, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Commissioners Boyce, Ervin, Finley, Heard, Jolly, Kirk, Marrash and Ross present.

ABSENT: Chairman Tate and Commissioner Royal.

* * * * *

INVOCATION.

The invocation was given by Reverend Troy Sherrin, retired Baptist Minister.

MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilwoman Locke, and unanimously carried, the minutes of the last meeting on Monday, October 13, 1975 were approved as submitted.

MEETING RECESSED AND RECONVENED.

Councilman Withrow moved that Council continue the discussion of Sharon Amity Road improvements for 30 minutes or until the conclusion of the presentation. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Withrow asked if Council should recess the meeting first? Mr. Underhill, City Attorney, replied if they would like to continue the discussion as a part of the informal session, then Council should recess the formal meeting.

Councilman Withrow moved that the meeting be recessed. The motion was seconded by Councilwoman Locke, and carried unanimously.

At 3:35 p.m., Councilman Harris moved that the regular meeting of Council reconvene. The motion was seconded by Councilwoman Locke, and carried unanimously.

HEARING ON PETITION NO. 75-28 BY SIGNAL SALES AND SERVICE FOR A CHANGE IN ZONING FROM O-6 TO I-1 OF PROPERTY FRONTING 55 FEET ON ATHERTON STREET, AND ABOUT 380 FEET EAST OF THE INTERSECTION OF ATHERTON STREET AND SOUTH BOULEVARD.

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

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Mr. Fred Bryant, Assistant Planning Director, explained the location of the property, the zoning in the vicinity and the land uses. He stated the zoning pattern very closely reflects the land use pattern with I-1 zoning on one side; office zoning on the rear and one side, and diagonally across the street a combination of I-1 and residential zoning.

Mr. John Hunter, Attorney for the petitioner, Signal Sales and Associates, stated the property in question is 50 ft. x 200 ft., and there is a one story warehouse located on the property of brick structure which is presently vacant, and has been for sale since the first of the year. This is the only area within the immediate vicinity zoned for office. Next door is a vacant lot and is also zoned office. His client purposes to purchase the two lots, but is requesting the zoning of the lot on which the warehouse is located be changed to O-6. Due to the present zoning ordinance they have been unable to sell, lease or rent the building. They feel the O-6 was to be used as a buffer. They are requesting that only a portion of the property be changed to I-1 and it would leave a buffer of O-6 which would be left clear, seeded, and the property maintained as a buffer. They do not plan to build a structure as the structure is already there. It is approximately 3,000 square feet, and about 2,000 is office space and the rear portion is for storage. His client, Signal Sales and Service is in the immediate vicinity already, and the only use will be to occasionally store some merchandise in the rear of it. There will not be heavy duty trucks coming in and out, and it will not increase the traffic flow on the street.

Mr. Hunter passed around photographs of the property and the area and explained each one.

Speaking in opposition to the petition was Mr. John Crockett, 418 Atherton Street. He stated he represents his neighbors; most of whom have lived there from twenty to thirty years. The traffic flow is getting heavier and heavier each day. He stated industry has been moving in on them for a number of years. That he moved in there in 1946.

Mr. Crockett filed a petition with the City Clerk.

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

HEARING ON PETITION NO. 75-21 BY G. PATRICK HUNTER, JR. TO CHANGE THE ZONING FROM R-6 TO B-1 OF PROPERTY FRONTING ABOUT 165 FEET ON THE NORTH SIDE OF MEACHAM STREET, AND ABOUT 115 FEET NORTHWEST OF THE INTERSECTION OF MEACHAM STREET AND LYNTHURST AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property, the zoning in the vicinity and the land uses. He advised the property is used principally for single family on Magnolia Avenue and across Meacham Street is a warehouse office function, and light industrial warehousing solidly along Meacham. There is I-1 zoning across Meacham Street from the subject property, and on the Magnolia Side there is a solid pattern of R-6 zoning. Industrial zoning is across the street from the subject property, and other than that it is related to residential zoning.

Mr. Bryant advised the purpose of the change is to permit parking on the strip of land about 40 feet along Meacham Street.

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Speaking for the Petitioner, G. Patrick Hunter, Jr. was John Hunter, Attorney. He stated the property is on the right hand side as you go toward the ballpark where there is a row of warehouses. On the left is the rear of property facing Magnolia Avenue with the lots going completely through from Magnolia Avenue to Meacham Street. There are no houses fronting on Meacham Street on that side; on the other side it is all I-1. The petitioner owns property on the left side of the street; the topo is such that it is easy for an automobile to pull up and park. Over the years as they owned the property, cars would slowly pull up and pull up and eventually it evolved into a parking area. They did not know they were in violation until the Building Inspection Department came and inquired about it. They talked to the professional staff at the Planning Commission for a conditional zoning. They learned that after they met all the requirements of the conditional zoning, they would have only five feet left in which to park cars. Then they decided to come in and request zoning for B-1. This is just a portion of the area they own - 40' x 150' - which they are requesting rezoned. It will not go all the way through to Magnolia Avenue. The B-1 zoning would allow them to use the property to park. They discussed this with the property owners on both sides and no one objected. It will not interfere with anything that is being done.

Mrs. Evelyn Lipscomb, 535 Magnolia Avenue, filed a petition of protest with the City Clerk.

Mr. Bryant stated this is a very unusual circumstance. In this instance the remainder of the lot would remain as R-6 and it does qualify separately as an R-6 lot in size, setback, rear yard requirements and such.

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

HEARING ON PETITION NO. 75-29 BY MRS. BERTHA BROOKS PERRY FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF PROPERTY FRONTING 100 FEET ON THE EAST SIDE OF BEATTIES FORD ROAD AND FRONTING 175 FEET ON THE NORTH SIDE OF KELLER AVENUE, AT THE INTERSECTION OF BEATTIES FORD ROAD AND KELLER AVENUE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property, the zoning in the vicinity and the land uses. He advised that all the property along Beatties Ford Road is zoned for business, which is predominately B-1. Across Keller Avenue is a small patch of B-2 zoning. Behind the property is a tier of R-6MF and then single family zoning beyond that. The subject property has B-1 zoning to the north, south, and across the street in front of it, with multi-family to the rear, and a small area of B-2 diagonally across from it.

The purpose of the request is to consider the changing of the zoning from B-1 to B-2 to allow a food catering service.

Speaking for Mrs. Betty McCarroll was Mr. W. J. Veeder who stated Mrs. McCarroll does not own the property, but has a long term lease on the property. He stated Mrs. McCarroll is fast becoming one of the leading caterers in Charlotte. In every sense of the word Mrs. McCarroll is an entrepreneur by virtue of hard work and investment of her own capital and in making her presence felt in the market. She is a very good example of the free enterprise system of work.

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He stated the building Mrs. McCarroll is now using as a catering kitchen was a doctor's office. It is a first class kitchen as she knows what she is doing, and does it very well. She was unaware of the zoning problem until it was brought to her attention by the city officials that she required a B-2 zoning. The nature of her business is such that she generates very little traffic. The customer does not come to Mrs. McCarroll, she goes to the customer.

Also speaking was Mrs. Betty McCarroll, 2525 Tanglebrook Lane.

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. 75-30 BY HAROLD KOHLER AND JOHN TROTTER FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING ABOUT 55 FEET ON THE EAST SIDE OF GARDEN TERRACE, LOCATED ABOUT 150 FEET NORTHEAST OF THE INTERSECTION OF GARDEN TERRACE AND EAST BOULEVARD.

The public hearing was held on the subject petition.

The Assistant Planning Director explained the location of the property, the zoning in the vicinity and the land uses. It is a request to change the zoning on one lot located on Garden Terrace, just off East Boulevard. The structure on the lot is in the process of being remodeled and will be used in connection with the Dilworth Cooperative operation process. It is also used for parking.

The property is now zoned O-6 as is the immediate lot adjacent to it on the side away from East Boulevard; across the street there is O-6 zoning; then everything along East Boulevard is zoned B-1. This would be an extension of the B-1 on East Boulevard.

Mr. David Underwood, Attorney, representing the petitioners, stated the property is part of the Dilworth Cooperative; there are six lots owned by the petitioner, and five of them are zoned B-1 with the lot being surrounded on two sides by B-1, on the northerly side by Garden Terrace, and on the westerly side by another lot zoned O-6.

He stated what these men have done with some old property in Charlotte is very commendable; their idea and concept is something that should be encouraged; they have taken old structures and spent considerable amount of monies restoring them to get them in good shape. Currently there are two restaurants; a ladies clothing store; a sporting goods shop; and an art gallery. This last remaining house will complete the idea of their concept; and it would make the project an economically viable project.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 75-31 BY GEORGE H. ROBINSON FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 100 FEET ON THE WEST SIDE OF PINOCA STREET, LOCATED 190 FEET NORTHEAST OF THE INTERSECTION OF PINOCA STREET AND HOVIS ROAD.

The public hearing was held on the subject petition.

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Mr. Fred Bryant, Assistant Planning Director, stated the property is located generally in the Thomasboro Community. It has a single family residential structure on it at present. He explained the location of the property; the zoning in the area; and the land uses. Generally in the vicinity of the subject property there is single family residential development. There is R-6MF zoning surrounding the property, including the subject property with the nearest non-multi-family zoning being single family on the other side of Hovis Road. The nearest non-residential zoning is the I-1 zoning along Hovis Circle and is part of the industrial development area.

Mr. George Robinson, 624 Pinoca Street, the petitioner, stated he made the improvements to his property because he understood that a request for rezoning would not be necessary; that a petition signed by 2/3 of the property owners on Pinoca Street is sufficient. He stated before he approached any property owners his property was given a full year of face lifting which included rerouting of a drainage ditch which has caused a problem for years; it also includes the removal of a neighborhood dump.

He stated if the request for change in zoning is approved, a black top driveway and a rear matching parking area will be added. There will be no hanging or posted signs on the grounds; only a conservative plaque sign at the side door. Beauty culture is not new to him; nor to his wife; they have been in this business all their married life; both are licensed cosmetologists in North Carolina where they have resided and operated a beauty shop for the past seven years. Many years previously they operated a beauty school in Alabama. The school was closed when urban renewal made it financially impossible to remain open. The shop they wish to open at 630 Pinoca Street is next door to their home. They plan to cater to a clientele of women, 65 years old and older.

He stated Pinoca Street is one block long with 13 property owners; two of which are already business. This does not include the business next door to his property which faces Hovis Road; it uses Pinoca Street for loading, unloading, parking, refuse deposit and pickups. Mr. Robinson stated a beauty shop is not involved with the sale of merchandise and retail.

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. 75-32 BY ANDERSON BENNETT FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 90 FEET ON BERRYHILL ROAD AND ABOUT 80 FEET ON COLUMBUS CIRCLE, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF BERRYHILL ROAD AND COLUMBUS CIRCLE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director explained the location of the property, the zoning in the area, and the land uses. He stated the subject property has a residential structure located on it and is being used for a real estate sales office. That this is legal as long as the owner lives in it; but if they do not live in it it is not legal for use as a real estate facility. Other uses along the street are single family; on Columbus Circle is a predominance of duplexes; immediately adjacent to the subject property is all residential use as multi-family or single family. The nearest non-residential use is a lounge located at Berryhill, and a number of activities located at Freedom Drive. The zoning is a solid pattern of R-6MF surrounding the subject property with the nearest non-residential zoning being I-1 zoning that comes into effect in the vicinity of Freedom Drive.

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Mr. Anderson Bennett, 4414 Birkdale Drive, stated he represents several property owners along Berryhill Street where the property is located. He owns the property in question. This is an old residential section where the homes have about reached their economic peak; and it is almost impossible to get insured financing of those homes. A number have been on the market for at least a year, and they have not been able to attract buyers. Another factor is that they have not been able to get natural gas. With the mortgages the property owners have, and to get the necessary financing it would be impossible to do so with the improvements that would have to be made to these homes. There is heavy traffic along this street, which carries not only passenger traffic, but commercial traffic, and there have been a number of accidents. It is being used as a real estate office at present, and the other residents in the area have not objected to this use. It does not create a traffic problem nor add to the noise in the area. They feel with a real estate office located in the area if at all possible it would help them to sell their homes. For this reason they feel if this house is continued in use as a real estate office it would be a great help to the people in the area.

Speaking in opposition was Mrs. W. R. Hollifield, 2519 Columbus Circle. She stated she is speaking for 424 people who do not want this rezoning; they want to keep their neighborhood as it is; they do have gas and their homes are heated with gas. A lot of them are retired and their homes are paid for. They do not feel they are physically or financially able to move. She filed petitions with the City Clerk in opposition to the rezoning. They do not want their neighborhood changed and to start the changes; the Top Hat Lounge is down the street, and that is enough for their area. Not only will the residents be affected but there are two churches in the area. The Presbyterian Church has 390 members with 190 families; the Baptist Church has 756 members with 326 families. All those families do not live in the area. When the area started to intergrate a lot of people moved out. The petitions are signed by whites and blacks; they do not want the community uprooted. The residential section and the character of the community is stable. They have both blacks and whites in their neighborhood and they get along fine. If this one area is rezoned, and you start spot zoning, then it is not long until it is stripped rezoning.

Also speaking in opposition to the rezoning was Mrs. R. W. Burns, 2334 Belfast Drive, who stated in the last three years the policy towards the west side has been to expand the landfill on the west side; support the construction of an outer belt highway through the Steele Creek Community; construct the new runway that will damage five schools; the proposed expansion of the airport which will damage most of the westside community. You have planned the widening and expansion of Ashley Road, which was later cancelled due to the citizens pressure. You have allowed bars and lounges to be plentiful on the west side, which none of them use or want. You have withheld action of the flooding problems, and the need for medical service, and ambulance service. She stated these actions represent a sad record for their side of the city. But they have served a very positive purpose for the west side. For these purposes and these actions over the last three years, the west side people began to unite. They have united from Ashley Park to Steele Creek; from Oakdale to West Boulevard. They have begun to work together. Her message to Council today is that many other westsiders beside those in the Camp Green area are concerned and aware of this rezoning. On behalf of these many other westsiders they urge Council to do its duty and reject this rezoning on Berryhill Road.

Mr. Bennett stated as a real estate agent he is familiar with the hearing situation; there is gas in the area, but they have personally contacted the Gas Company to see if gas is available. Due to the gas shortage only the customers currently being served can continue to use gas. They are not asking for the entire area of Berryhill Road to be rezoned; they are only asking for one section at the corner of Berryhill and Columbus Circle.

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Councilman Whittington stated Mr. Willis Griffin, a Deacon in Greenland Avenue Baptist Church, called him this morning and asked him to mention that his church is opposed to the rezoning of this property. They were not aware of the request until last night, and he was asked to give Council and the Planning Commission that message.

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

HEARING ON PETITION NO. 75-33 BY BLYTHE PROPERTIES, INC. FOR A CHANGE IN ZONING FROM I-2 TO R-6MF OF AN IRREGULARLY SHAPED TRACT OF LAND ABOUT TWO ACRES IN SIZE FRONTING ON THE EASTERLY RIGHT OF WAY OF THE PROPOSED WENDOVER BELT ROAD, BETWEEN THE SOUTHERN RAILROAD AND BEAL STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, explained the location of the property, the zoning in the area and the land uses. He stated the property is vacant, and is adjoined on the McAlway-Beal Street side by an existing apartment project, known as Mammoth Oaks, and there are several other apartment projects in the area. The request is to allow a change of zoning from industrial to multi-family which will permit an extension of the Mammoth Oaks Apartment Project. The subject property is zoned I-2; the R-6MF zoning extends back from McAlway and Beal Street, then begins the I-2 which extends past the railroad out to Monroe Road.

Mr. Ben Horack, Attorney, stated the petitioner, and the real party in interest, Sinko Developers, which now owns the existing Mammoth Oaks Apartments, has contracted to purchase three additional parcels which will eventually square up the Mammoth Oaks site by extending it out to McAlway Road and Beal Street out to the Belt Road. The existing Apartments are already zoned R-6MF as are two of the three additional parcels that are being acquired by Sinko square up the Mammoth Oaks Apartments. It is his understanding that the request is basically consistent with the development plan for the Grier Heights Community which has already been received by the Planning Commission. It is proposed to have 12 additional units on that 2.5 acres. The balance of the land will be kept open, and there will be a buffer for the freeway, if it comes into being, and the industrial property.

No opposition was expressed to the proposed rezoning.

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

HEARINGS ON PETITION NO. 75-34 BY JOSEPH F. ELLIOTT FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING ABOUT 190 FEET ON THE EAST SIDE OF STATESVILLE ROAD (U.S. HIGHWAY 21), AND ABOUT 310 FEET NORTH OF THE INTERSECTION OF STATESVILLE ROAD AND NEVIN ROAD, AND PETITION NO. 75-35 BY HEIRS OF RUTH K. FITZGERALD FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING ON STATESVILLE ROAD, 2.72 ACRES ON THE NORTHEAST CORNER OF THE INTERSECTION OF STATESVILLE ROAD AND NEVIN ROAD.

The public hearings on Petition Nos. 75-34 and 75-35 were held jointly.

Mr. Fred Bryant, Assistant Planning Director, stated the two petitions represent adjoining petitions, and comments on one would relate to the other.

He then explained the location of the property, the zoning in the area, and the land uses. The subject properties have vacant property to the rear, and partial vacant property across Statesville Road in front of them as well. This is two requests which involve an area zoned B-2 to the south of it; B-2 across the road in front of it, and R-9 on the remainder of the adjoining property.

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Mr. Joe Travis, Attorney for the Petitioners, stated the plan is to sell the smaller piece to a man who wishes to establish a business on this land which he already has a short distance up the road. It will be known as Rae's Mobile Truck Service; it now operates under the grandfather's clause in an area up the road. If the rezoning is approved, the building will be constructed of a metal nature similar to the Brake Service Building; it will contain about 8,000 square feet, and will be a very attractive building. It will not add any more to the traffic flow to Highway 21. It will be consistent with the business development on either side of Highway 21.

Mr. Travis stated there is no present plan for the Fitzgerald property. But the property to the immediate rear is owned by the Heirs of The Fitzgeralds, and the Nivens Vocational School is located to the rear of their property. It is proposed there will be a buffer between the business use proposed for both the Fitzgerald property and the Elliott property and the Nivens School Property. It will not in any way affect the Nivens School, and will not create any increase in traffic on Nivens Road; nor will it increase traffic on Statesville Highway.

Also speaking to the petition was Mr. George James who stated it will be just a short while until I-77 will be completed, and he thinks there will be a great deal of difference in the traffic on Highway 21. Then we will have time to make 21 a four lane from I-85 to Sunset Road. His client wants to go ahead and improve his facility. He will pay more taxes and be of better benefit to the neighborhood.

Mr. Joe Ross, 3926 Arrin Drive, with the Derita-Statesville Road Community Association, said as stated, Rae's is in business in the area under the grandfather clause. If he moves out of the present location the building would still remain as a business, and will be used for other purposes. This will increase traffic as any business in the area will. They in the Association do not oppose the establishment of business in the area; they feel that area is suited for nothing but business. However, they cannot see how the business can go into that area without increasing traffic. As the situation stands at present it is impossible to get off Nivens Road onto Statesville Road coming into Charlotte at any time. With 15,000 cars a day on Statesville Road, and 17,000 at the end of I-85 bridge, and 15,000 at Sunset Boulevard, two lanes of traffic will not handle any more traffic at all. They feel until such time as there is some method devised to allow traffic to enter Statesville Road, from Nivens Road, and to enter Cindy Lane from Statesville Road, the establishment of any other business in that area will be detrimental. That 2,000 cars a day are turning on Nivens or Cindy Lane every day. He advocates a left turn lane in there.

Councilman Whittington stated based on what Mr. Ross has said, and having met with the residents of Derita Woods and Statesville Road, that at Cindy Lane and the intersection of Nivens Road and Statesville Road he would like to suggest that Council request the Traffic Engineering Department to do what they can to improve the flow of traffic at these two intersections, realizing you only have two lanes of traffic, and the amount of traffic Mr. Ross has referred to. It is a real problem getting into Statesville Road, from Nivens Road, and a lot of people from Derita use that road. It is also the same situation at Cindy and Statesville Road, just north of there, where a lot of people use Cindy as a detour from Statesville Road to Beatties Ford Road.

Mr. Travis stated what Mr. Ross has said is true. But it is his understanding in the long range plan Highway 21 will be widened. How long that will be in the future he does not know. But Mr. Ross has said this property is not suited for anything other than business, and that has to be taken into consideration.

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

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HEARING ON PETITION NO. 75-36 BY RALPH S. SMITH FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY FRONTING ABOUT 365 FEET ON YORK ROAD (HIGHWAY 49) AN IRREGULARLY SHAPED TRACT ABOUT ONE ACRE IN SIZE, LOCATED APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF YORK ROAD AND IRWIN CREEK.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director explained the location of the property, the zoning in the area and the land uses. He stated the property is vacant as is all the surrounding property on that side of York Road, with a church and several small businesses in the area. There is R-9MF zoning adjoining on the same side of York Road. Other than that the predominate pattern is R-9, with the beginning of the Institutional area which is related to the property being developed by the City for the Police-Fire Training Academy. The subject property is zoned single family as is property on three sides and multi-family on the fourth side.

Mrs. Evelyn Smith, Petitioner, stated this is a 1.05 acre lot on Highway 49 South, which is York Road. It is 450 feet north of Irwin Creek, inside the city limits. It is 200 feet across the highway to Irwin Creek. The whole area is in the floodway district, and mosquitos are a continuing problem; a sanitary sewer trunk line runs through the rear of the lot with permission given by them in July, 1974. Produce truck selling their wares frequent the property when there is room. The lot is usually filled with garbage dumped without their permission. The York Road Landfill is directly across the road, and extends north one half mile. She then pointed out on a map the locations of a Lounge, Bait and Tackle shop in the area.

Mrs. Smith stated they have a letter from one of their neighbors who states that packs of wild dogs have killed her dog. That she herself has not seen the dogs; but she does know about the odor in the area, and the mosquitos.

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 5:05 P.M., and reconvened the meeting at 5:17 P.M.

PLANNING COMMISSION REQUESTED TO CONSIDER THE CLOSING OF A PORTION OF EAST KINGSTON WITH INPUT FROM THE POLICE AND FIRE DEPARTMENTS; CITY ATTORNEY TO WRITE ATTORNEY GENERAL FOR OPINION ON TEMPORARY CLOSING; AND STREET TO BE BARRICADED FOR TRAFFIC COUNTS BEFORE AND AFTER.

The public hearing was held on request to close portion of East Kingston Avenue in connection with the Dilworth Nap Project.

Mr. Vernon Sawyer, Director of Community Development Department, stated one of the proposals that came out of the Community Development Department's Citizens Participation activity in planning for the improvements to be constructed in the Dilworth NAP Project was a proposal to close Kingston Avenue at its intersection with Euclid Avenue. The proposal is not to close or withdraw from dedication the entire street; but to close a small portion of the street located at Kingston in order to restrict traffic, automotive traffic, from entering Kingston from Euclid or vice versa. The proposal to close the street at that point and in that way has been circulated to concerned City Departments, and none have objected to the closing except the Police Department, which has forseen some restriction in answering emergency calls in this area.

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Councilman Harris asked if the Planning Commission has been involved in this request? Mr. Sawyer replied the staff of the Planning Commission has been involved in this; that he received a letter from Mr. McIntyre, signed by him, and he did not indicate whether it had been before the Planning Commission. He stated the letter reads as follows:

"As requested we have looked at the proposed closing of small segments of East Kingston Avenue and Winthrop Avenue located in the Dilworth NAP Area. (The reference to Winthrop is no longer valid as that is not being closed.) We find that both of these closings have been thoroughly discussed in inter-departmental meetings, and it has been concluded they probably are in the best interest of the neighborhood, and should be encouraged at least experimentally.

It is assumed that this action would involve only physical closure of the street segment, and does not involve the withdrawal of right of way dedication. It is highly recommended that this course of action be followed, so that if the closing proves to create problems the right of way will be there to allow their reopening.

It is understood that if the closing does occur traffic conditions in the area will be monitored to determine if any serious problems do arise. It is my understanding that this is being treated as a preliminary inquiry and a subsequent report will be filed with City Council for their consideration. If you need to add anything to our consideration of this matter, please let me know."

Councilman Gantt asked if a curb will be placed at the end of the street that will distract cars from coming through, or pavement, or what? Mr. Sawyer replied that is all that is proposed. The proposal is to bring the curb straight across and connect the two curbs, and abandon a curb, and build the sidewalk and connect the sidewalk already there; and grass and plant that area between the new curb and the sidewalk; and grass and plant the area created between the sidewalk and either the 50 feet width of the proposed closing; or leave enough width so that a turn around can be made. Councilman Gantt stated sometime back this cost was projected at two to three thousand dollars. Mr. Sawyer replied that is the cost.

He stated since they are not withdrawing the right of way, it means that some point in time we can reclaim that area, and open the street with another hearing. Mr. Sawyer replied if that is the way it is closed. Mr. Underhill, City Attorney, replied what is before Council today is consideration for a permanent closing. Once Council adopts a resolution to close the street, the property which is now the right of way of Kingston Avenue becomes the property of the abutting property owners up to the center line. The city no longer has the title or control of that property. The City has the right to reserve easements that it cares to reserve for water and sewer purposes, or any other public utility purposes in the area. If the street closure is accomplished, the right of way becomes the property of the abutting property owners up to the center line of the street.

Councilman Gantt asked what would be the situation if the city did not withdraw right of way, and the property remains city property, and in effect closing a street and creating a park at the end of the street; in fact closing the street and maintaining the ownership of the land.

Mr. Underhill replied he would view that as a temporary closing; not a withdrawal from dedication, or abandonment of the public right of way. Under the procedure being following here, which is the permanent street closing, if the street is closed, the city loses its use and title to it for street right of way purposes. It would have to be re-acquired.

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The following people spoke at length for the closing:

Danya Yon, 1136 Berkley Avenue
Douglas Burns, 2033 Charlotte Drive
John Jamison, 1624 Dilworth Road East
Frank Mansfield, 735 East Kingston
Michael McGee, 412 East Kingston
Lynn Isings, 509 East Kingston
John Norton, 813 East Kingston
John Gresham, 717 East Kingston
Jan Valder, 1418 Euclid Avenue
Jim Nesbit, 1616 Lyndhurst Drive
Bill Culp, 700 Mt. Vernon Avenue
Tate Sterrett, 823 Law Building
Theo Robinson, 720 Berkley Avenue
Jane B. Barwick, 524 East Kingston Avenue
Harry Porter, Jr. 428 East Kingston Avenue.

Opposing the street closing were the following:

W. A. Ward, 1716 Winthrop Avenue
Jerry Overman, 809 East Kingston Avenue
Mrs. Lee Stickley, 727 East Kingston Avenue
George Foster, 529 East Kingston Avenue
Ted Haywood, 717 East Boulevard
Oscar Tyson, 1705 Springdale Avenue
Leo Phelan, 612 East Kingston Avenue

Councilman Harris stated in the background material Council received and went over some six weeks ago, he asked the status of the traffic flow going around the Dilworth School. Mr. Sawyer replied he does not know as they have made no tabulations of any traffic. That he understands the Traffic Engineering Department has; but he does not have the information at hand. Councilman Harris asked if there have been any thoughts about other streets in the area to be closed? Mr. Sawyer replied there was a proposal to close Winthrop Avenue, which is the next street down from the park, but it was withdrawn as one of the proposed improvements in the area. Councilman Harris stated the concern he has is funneling the traffic down around Dilworth School.

Councilman Short stated whatever the Council does on this matter is going to constitute a setting of policy for the entire city of Charlotte. This is a new matter, a new proposal, and there is no policy in this area. The biggest truth he has heard all evening was on the slide presentation when the voice asked if this all begins and ends with Dilworth. Obviously this is a matter for city wide consideration. A whole lot of people from all over town are using these streets, and that fact has to be considered. He thinks the setting of policy in this novel suggestion has to be done very carefully, and very skillfully. If we wind up with a policy of simply allowing citizens to vote to keep other citizens and the automobiles of other citizens off their street, and out of their neighborhood, that would be a very poor and unfair policy for the citizens in general. On the other hand if we could wind up with a policy of improving neighborhoods without disturbing city wide transportation system, and the city wide transportation rights of all citizens of Charlotte, most people would agree this would be good.

Councilman Short moved that Council request the Planning Commission to study the question of whether we should have a policy of closing some neighborhood streets in Charlotte; and if so, what one location in Charlotte would be the best for a pilot program. The motion was seconded by Councilman Withrow.

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Councilman Whittington requested that the Police Chief and Fire Chief give Council their opinions on this closing.

Police Chief Goodman stated he is not against beautification of any area of our City; but he hopes Council will be concerned about the inaccessibility of emergency vehicles in any area. No area is immune from the need of fire equipment, police equipment and ambulances and things of that nature. That is their only concern. They are concerned about traffic in our city, and the density of traffic. They would not like to see traffic put over next to schools or parks if it is not necessary.

Chief Goodman stated as long as the area is accessible to them for quick access they have no objections to the closing.

Assistant Fire Chief Jamison stated the plan as proposed is feasible from an access and response time standpoint. The effect on the 400 block of East Kingston would be that their response time, if the closure is made, would be the same as that which is two blocks down the street. This area has one of the best response times of any area in the City.

Councilman Withrow stated he is going to second the motion made by Councilman Short. That the recommendation Mr. Sawyer has is from the staff and not from the Planning Commission. Councilwoman Locke stated his motion is not asking for that study. Councilman Short stated his motion is responsive to the voice in the slide presentation - does this matter begin and end with Dilworth. That he thinks that is rather important, and he thinks Council should ask the Planning Commission to consider this as to whether it would be a city wide policy, and what would be a good city wide policy; and to indicate whether they think a good pilot program should occur.

Councilman Gantt stated this group of people has spent a long time working with city officials on this. That we might see other groups come forward; but he doubts we will see another group that went through the kind of preparation and planning time with the City. This started as a process of community participation. You are not going to have the majority of the people always agreeing about every aspect of this department. While we may have other closings we will have to examine it on the needs they state in their presentations, and examine it on its own merits. That he has not heard a very good reason, when you evaluate this whole thing in the light of safety, health, and welfare of the community, that would indicate the closing of the street ought not to be something that should be tried. He is not sure that simply passing it on to the Planning Commission would not be simply a method of delaying decision on it.

Councilman Williams stated he needs to know the answers to a couple of questions. First, whether or not it is legally possible to make a temporary closing of the street without the property reverting to the abutting property owners. So that if it did not work out, you would have to go back and negotiate and purchase the property from the owners, or condemn it in which case you would also have to pay for it.

Second, what effect would the closing of Kingston have on the traffic on Park Avenue. That he does not know how to find the answer to that except to have a traffic count on Park Avenue again.

Mr. Underhill replied the general statutes seem to authorize the city to close any street or alley either permanently or temporarily. That is all the statutes say as far as temporary closing. When you go to the question of a permanent closure then there is a section in the general statutes that outlines a procedure that you follow and states upon the closing, then the right, title and interest to the right of way is vested in the abutting

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property owners. Other than this one sentence in a portion of the general statutes, which says a city has the power to close any street or alley permanently or temporarily, there is no procedure for temporary closings.

He can see some problems with this. That he found no cases in North Carolina in the Attorney General opinions involving an interpretation of the city's authority and power to temporarily close a street for something other than street construction, or such things as a block party, or to permit sledding and this type of thing. The only cases and opinions he found deals with that kind of situation. What is being discussed here is different from any of these. This is talking about taking a public right of way, established for transportation purposes and devoting it to another public use. That he finds no guidance that would help him to answer the question as to whether this can be done on a temporary basis in the manner in which it is proposed.

Mr. Underhill stated assuming Council had the power to close it on a temporary basis for a mini-park or landscaped area, since it is still within the public right of way, under public control and ownership, it is his opinion the city would have the responsibility of maintaining whatever is put in there. Adopting the resolution closing the street, in and of itself, divests the city to title to that property. Councilman Williams stated he is not ready to do that yet.

Councilman Harris asked if he is saying we cannot close the street temporarily? Mr. Underhill replied no; what he is saying in those instances where temporary closures have been made, normally deal with street construction in the area, temporary activities for use of the street during a specified period of time, and this sort of thing. That he cannot find anything that really speaks to the question. That he is not saying it is not permitted; he is saying he has not found anything that indicates the factual situation being dealt with here is permitted under the powers given under the general statutes. Councilman Harris stated his concern is the traffic at the school. That he does not see having his children any safer at home, than having them to cross Park Avenue.

Mr. Underhill stated as an interim measure he assumes you could barricade the street in order to make traffic counts of other streets to see how it would affect them; that he would suggest it be done for a specified period of time. If Council would like he could get the Attorney General's opinion as to the authority to go beyond that type of action.

Councilman Whittington stated he has listened to what has been said. He thinks Mr. Short's motion does not face up to the issue the people in Dilworth want to know - are we going to allow the closing of Kingston Avenue, or are we not. The pilot program he suggests can go on after this issue is settled, and it may be that we come back and the Planning Commission say Kingston Avenue is the street that should be closed. That he does not think we have resolved the issue by that motion. He stated when he looks at this audience, and he sees all these people trying to resolve problems that affects one street, and he thinks to some degree we are out of perspective. When he hears the people who live across the park from Kingston Avenue, and one person who asked to speak lives on Picardy Place, say that Kingston Avenue should be closed, he does not agree with that. When this issue was up before, he said we were not uniting the neighborhood which he thought the Dilworth Community Association originated for, but rather we were tearing it apart. That he respects innovation, and new ideas, and he commends them for this; but if this is the idea of people outside and not as residents of Kingston Avenue, he does not agree.

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He tried in his vote to help them with the Griffin Baseball Park; gave them time to work this out; that he thinks he had something to do with the delay of the decision about Latta Park which this organization asked to be done. The park affects everyone, and Kingston Avenue affects the people on that street; and obviously the majority do not want it closed.

Councilman Whittington made a substitute motion that the street be left open. The motion did not receive a second.

Councilwoman Locke made a substitute motion that the recommendation to close East Kingston be turned over to the Planning Commission for their recommendation, and a letter be sent to the Attorney General for his recommendation, and that traffic counts be made of the streets. The motion was seconded by Councilman Whittington.

Councilwoman Locke stated she wants recommendations from a legal standpoint, and she wants input to the Planning Commission from the Police and Fire Departments and that this be brought back to Council as quickly as possible.

Councilman Short asked if she will broaden the motion to say the Planning Commission will consider this with reference as to whether this would be a suitable policy for the City? Councilwoman Locke replied no; that she thinks we will have to consider each one as it comes to Council.

Councilman Gantt asked for a clarification of the motion. That it is asking for an opinion from the Attorney General in regard to whether or not we can temporarily close the street and still own the right of way. Second that a temporary barricade will be erected at Kingston to see what happens to the traffic along Park Avenue. Councilwoman Locke stated the barricade was not a part of her motion; that it might be added.

Councilwoman Locke stated if the Planning Commission after discussion with the police feel it is necessary to erect a barricade to see what the traffic count is, both with and without the street, she would like to see that done. Councilman Short stated he does not think Council should leave it with the Planning Commission to barricade the street.

Councilwoman Locke stated then she will amend her motion to include that the street be barricaded for a length of time, and traffic counts be made before and after. The amendment was accepted by Councilman Whittington who seconded the motion.

The vote was taken on the motion and carried unanimously.

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RESOLUTION CLOSING CERTAIN PORTIONS OF WHISNANT STREET, BURKE STREET AND WHITE STREET IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on petition of the Community Development Department of the City of Charlotte to close certain portions of Whisnant Street, Burke Street and White Street, in Greenville Urban Renewal Area, N. C. R-78.

Mr. Vernon Sawyer, Director of Community Development Department, explained the location of the streets.

No opposition was expressed to the closing of the portions of the streets.

Upon motion of Councilman Harris, seconded by Councilman Williams, and unanimously carried, the resolution closing certain portions of Whisnant Street, Burke Street and White Street, in the City of Charlotte, North Carolina was adopted and is recorded in full in Resolutions Book 11, beginning at Page 124.

RESOLUTION CLOSING CERTAIN PORTIONS OF 12TH STREET, BETWEEN MAXWELL COURT AND JOHNSON STREET, IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on petition of the Community Development Department of the City of Charlotte to close certain portions of 12th Street, between Maxwell Court and Johnson Street, in the City of Charlotte, North Carolina, in the Greenville Urban Renewal Area, N. C. R-78.

Mr. Vernon Sawyer, Director of Community Development Department, explained the location of the street.

No opposition was expressed to the closing of the portions of 12th Street.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, adopting the resolution closing certain portions of 12th Street, between Maxwell Court and Johnson Street, in the City of Charlotte, North Carolina.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 128.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted providing for public hearings on Monday, November 17, 1975, at 7:30 o'clock p.m., on Petitions No. 75-37 through 75-49 for zoning changes.

The resolution is recorded in full in Resolutions Book 11, at Page 130.

RESOLUTION APPROVING A SUBGRANT APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER.

Motion was made by Councilman Harris and seconded by Councilwoman Locke to adopt the subject resolution approving a Sub-Grant Application to the North Carolina Department of Natural and Economic Resources, Division of Law and Order, for LEAA funds for the Dalton Village Project, in the amount of \$242,473, with the city's share \$13,471.

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Councilman Gantt stated he has a concern about whether or not this speaks to the needs that some members of Council expressed in regards to problems of security in all the public housing projects. That he understands a number of meetings have been held, and he wonders if any of this program before Council today came out of those meetings.

Police Chief Goodman replied they have not met on that particular subject as yet. It has been discussed privately among the police as to whether or not private cars would be more economical. This project before Council is an experimental project in one area, in one high crime area. They want to experiment with their crime preventive programs to see which will work; have it properly evaluated, and at the end of one year come back to Council and say which they believe to be the answer.

Councilman Gantt asked if this would have any application beyond those of high crime? Chief Goodman replied that is right. Councilman Gantt asked if Council will receive a more detailed report on what will be carried out on these projects? Chief Goodman replied they will. This project is in three phases. The project has not been designed as yet; this will take about 90 days; then the next 90 days they will plan their actions, and hire the people and train them, and hopefully by the first of July the project will begin. Councilman Gantt stated he would encourage Chief Goodman to have input from the residents, and Chief Goodman replied they have had some input and it has been very favorable. They met with the community group. There was some opposition, but not to any extent that he is aware of. A few have said they did not want the police department out there; but they are out there anyway. There would not be over two police officers there at any one time.

Councilman Whittington stated during the summer there was a meeting between the Mayor, City Manager, Chief and others at the park on Barringer Drive, and there were ten or twelve baseball teams which would play under a program sponsored by the Police Department. All of these children came from Dalton Village, and there were police officers there in uniform who were coaches and counselors for this same neighborhood. Are these eleven officers to be an addition to those already doing this? Chief Goodman replied as he recalls all the children did not come from Dalton Village, but they came from the west side. Councilman Whittington asked if these additional police officers will be in addition to those who are already working in that area, and Chief Goodman replied they would be. Councilman Harris asked if this can be expanded to include Boulevard Homes? Chief Goodman replied it can be.

Councilman Whittington stated he is not concerned about what Chief Goodman is trying to do; but based on what has been said, this means we will put about 15 police officers in an area named Dalton Village, and he thinks this is bad for the city; bad for the Housing Authority. This is another precedent. He stated he as a member of this Council, and if he is fortunate enough to be re-elected next Tuesday, is going to see to it that we do something about the elderly and the handicapped who cannot protect themselves and stay locked up in an enclosure, their own homes, all day long summer and winter. There is crime in Dalton Village, but the young to some degree should be able to take care of themselves. But someone who is 70 years old or older, blind and deformed, when they are robbed in their own homes, then he thinks we have the emphasis in the wrong place. He does not want this Council, nor Chief Goodman, nor the City Manager to forget that. This has to be done; or we will have to do away with public housing if that is the cause of all the crime. He has elderly people calling him everyday about the fear they are living in. We are sort of turning our backs on that and starting anew in another area.

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Councilman Harris asked if the designation of Dalton Village has been eliminated, and just say public housing projects, and have this as a sort of floating eleven men? Chief Goodman replied they started out saying a high crime area, and somewhere on the form it says it has to be in twenty five letters or less, and Dalton Village came out in this. It is a high crime area; and is the biggest high crime area in the City for a small concentration of people. He stated of 1326 residents, 964, or almost 3/4 are less than 21 years old. There are a lot of young people out there, and they did want to spend some money out there for the youth - crime prevention programs and other programs in addition to what they already have. Councilman Harris asked if there is no way to have a floating group of people instead of stating it is for Dalton Village? Chief Goodman replied they could have a floating group. Mr. Bobo, Assistant City Manager, stated they do not have to designate the area at this time. Councilman Harris suggested that we hire the police officers for the problems we have in public housing.

Chief Goodman stated this area is very hostile to police, and it has been in the past. Normally one officer will not go in there by himself, especially at night time; they call for backup units.

Councilman Short stated he thinks Mr. Bobo's suggestion is a good one not to designate. That several of the housing projects deserve this kind of attention.

Councilman Harris stated then let's strike out the Dalton Village Project. Mayor Belk stated that would be alright.

Councilman Williams asked how long it will be before the City begins picking up the tab for these employees. Chief Goodman replied at the end of 18 months.

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

The resolution, as amended, is recorded in full in Resolutions Book 11, at Page 131.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Councilman Short moved the following streets be taken over for continuous maintenance by the City, which motion was seconded by Councilman Harris, and unanimously carried:

- (a) Sharon Lakes Road, from Sharon Road West to 500' north;
- (b) Havelock Avenue, from Morris Field Drive to Alleghany Street;
- (c) Drury Drive, from Hyde Drive to 510' north;
- (d) Olney Street, from Marbel Street to 150' northwest;
- (e) Castleton Road, from Delane Avenue to Lomas Avenue;
- (f) Mellow Drive, from North Tryon Street to Hershey Street.

ORDINANCES ORDERING THE REMOVAL OF WEEDS, GRASS, TRASH, RUBBISH AND AN ABANDONED MOTOR VEHICLE.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following ordinances were adopted ordering the removal of weeds, grass, trash, rubbish and an abandoned motor vehicle:

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- (a) Ordinance No. 933-X ordering the removal of weeds and grass at vacant lot adjacent to 808 West Fourth Street;
- (b) Ordinance No. 934-X ordering the removal of weeds and grass at 1612 Merriman Avenue;
- (c) Ordinance No. 935-X ordering the removal of weeds and grass at 1109 State Street;
- (d) Ordinance No. 936-X ordering the removal of weeds and grass at 306 Katonah Street;
- (e) Ordinance No. 937-X ordering the removal of weeds and grass at vacant lot at 307 Dixon Street;
- (f) Ordinance No. 938-X ordering the removal of weeds and grass at 428 East Kingston Avenue;
- (g) Ordinance No. 939-X ordering the removal of weeds and grass at vacant lot adjacent to 415 Clanton Road;
- (h) Ordinance No. 940-X ordering the removal of weeds and grass at vacant lot West Boulevard & Ridge Avenue;
- (i) Ordinance No. 941-X ordering the removal of weeds and grass at vacant lot adjacent to 1403 Parker Drive;
- (j) Ordinance No. 942-X ordering the removal of weeds and grass at 2424 Wilkinson Boulevard;
- (k) Ordinance No. 943-X ordering the removal of weeds and grass at 2436 Wilkinson Boulevard;
- (l) Ordinance No. 944-X ordering the removal of trash and rubbish at vacant house 118 West Walnut Avenue;
- (m) Ordinance No. 945-X ordering the removal of weeds, grass and trash at vacant lot adjacent to 415 Cemetary Avenue;
- (n) Ordinance No. 946-X ordering the removal of weeds, grass and trash at 1433 Choyce Avenue;
- (o) Ordinance No. 947-X ordering the removal of weeds, grass and trash at 1126 Choyce Avenue;
- (p) Ordinance No. 948-X ordering the removal of weeds, grass and trash at vacant lot on Echodale Drive;
- (q) Ordinance No. 949-X ordering the removal of weeds, grass and trash at 4316 South Tryon Street;
- (r) Ordinance No. 950-X ordering the removal of an abandoned motor vehicle at 601 East Kingston Avenue.

The ordinances are recorded in full in Ordinance Book 22, beginning on Page 419.

SETTLEMENT IN THE CASE OF CITY VS. BURNANCE C. HANEY AND WIFE, CLYTIE H. HANEY, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Harris, and unanimously carried, authorizing subject settlement in the case of City vs. Burnance C. Haney and wife, Clytie H. Haney, in the amount of \$800.00, in connection with right of way for a sanitary sewer trunk line in Idlewild Road, as recommended by the City Attorney.

ENCROACHMENT AGREEMENTS, APPROVED.

Councilman Short moved approval of the following encroachment agreements, which motion was seconded by Councilwoman Locke, and unanimously carried:

- (a) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8" VCP sanitary sewer line, with one manhole, in the southern margin of Delshire Lane.

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- (b) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8" cast iron water main within the right of way of Beam Road.
- (c) Encroachment Agreement with Independence Square Associates which grants the land owner the right to encroach on the city's right of way for sidewalk construction parallel to the south side of East Trade Street and west side of South College Street and the north side of East Fourth Street.

SANITARY SEWER EASEMENTS FOR ANNEXED AREAS, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approval was given to 2 parcels of sanitary sewer easements for Annexation Area III (6) Sanitary Sewer, as follows:

Annexation Area III (6) Sanitary Sewer
2 parcels

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THOMAS C. FITE; GEORGE W. FITE (INCOMPETENT); ROBERT E. FITE AND WIFE, BELLE L. FITE; ALICE FITE CLARK AND HUSBAND, JAMES W. CLARK; MURIAL FITE MIMS (WIDOW); KATHERINE FITE (WIDOW); KAY FITE; VAN ROY FITE, JR.; JON EMBREY FITE; DAVID PORTER FITE (MINOR), LOCATED AT 1000 BELMEADE DRIVE (OFF MOORE'S CHAPEL ROAD), IN THE COUNTY OF MECKLENBURG, FOR THE LONG CREEK SANITARY SEWER OUTFALL PROJECT.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Thomas C. Fite; George W. Fite (incompetent); Robert E. Fite and wife, Belle L. Fite; Alice Fite Clark and husband, James W. Clark; Murial Fite Mims (widow); Katherine Fite (widow); Kay Fite; Van Roy Fite, Jr.; Jon Embrey Fite; David Porter Fite (minor), located at 1000 Belmeade Drive (off Moore's Chapel Road), in the County of Mecklenburg, for the Long Creek Sanitary Sewer Outfall Project.

The resolution is recorded in full in Resolutions Book 11, at Page 132.

PROPERTY TRANSACTIONS, AUTHORIZED.

Councilman Withrow moved the following property transactions be authorized, which motion was seconded by Councilwoman Locke, and unanimously carried:

- (a) Acquisition of 4' x 10' of property at 1201 Elizabeth Avenue, from Central Piedmont Community College, at \$1.00, for Bus Passenger Shelters.
- (b) Acquisition of 15' x 175.46' of easement at 350 Billingsley Road, from Mayme D. King (widow), at \$375.00, for Sanitary Sewer to serve Billingsley Road Project.
- (c) Acquisition of 15' x 40' of easement at 218 Billingsley Road, from Lessie Allen Baker (widow), at \$100.00, for Sanitary Sewer Trunk to serve Billingsley Road Project.

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- (d) Acquisition of 15' x 332.37' of easement at 3230 Rea Road (off Providence Road), from Charles Lindy Byrum, at \$1.00, for Sanitary Sewer to serve Rea Road Project.
- (e) Acquisition of 15' x 1,050.79' of easement, at 8001 Pineville Road, from Sharon West Community, a limited partnership, at \$1.00, for Sanitary Sewer to serve Sharon Lakes Phase III Trunks Project.
- (f) Option on 23.72' x 195.55' x 214.06' x 30.09' x 409.32' of property, plus a construction easement, at 5500 Sardis Road, from Julia M. Goode, Administrator for estate of Annabel A. Montgomery, at \$9,150.00, for Randolph Road Widening.

CONTRACT WITH RALPH SQUIRES COMPANY FOR CONSTRUCTION OF SANITARY SEWER TO SERVE TIMBER CREEK SUBDIVISION, APPROVED.

Upon motion of Councilman Harris, seconded by Councilman Whittington, and unanimously carried, subject contract was approved with Ralph Squires Company for the construction of approximately 4,050 linear feet of 8" sanitary sewer to serve Timber Creek Subdivision, Phase IV, outside the city, at an estimated cost of \$60,750.00.

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE COMMUNITY DEVELOPMENT DEPARTMENT AND MECKLENBURG COUNTY FOR A SUPPLEMENTAL EDUCATION PROGRAM FOR LEARNING DISABLED STUDENTS THROUGH A SUBCONTRACT WITH THE LEARNING DEVELOPMENT FOUNDATION, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving subject contract for technical or professional services between the City of Charlotte Community Development Department and Mecklenburg County for a Supplemental Education Program for Learning Disabled Students through a sub-contract with the Learning Development Foundation, in cooperation with the Board of Education, for a total sum not to exceed \$110,486.00.

CONTRACT AWARDED CASE POWER AND EQUIPMENT COMPANY FOR ONE BACKHOE LOADER.

Councilman Harris moved award of contract with the low bidder, Case Power and Equipment Company, in the amount of \$13,568.00, for one backhoe loader, which motion was seconded by Councilwoman Locke, and unanimously carried.

The following bids were received:

Case Power & Equipment Co.	\$ 13,568.00
Allison International, Inc.	14,259.00
B. F. Craven Company	14,689.00
Wall Equipment Co., Inc.	15,784.00
LoMc Tractor Company	16,916.82
Spartan Eqpt. Company	17,700.00

CONTRACT AWARDED LOMC TRACTOR COMPANY FOR ONE TRACTOR WITH ROTAVATOR AND SCRAPER.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the low bidder, LoMc Tractor Company, in the amount of \$8,629.87, for one tractor with rotavator and scraper.

The following bids were received:

LoMc Tractor Company	\$ 8,629.87
Charlotte Ford Tractor Sales	8,774.34
Allison International, Inc.	10,936.19

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CONTRACT AWARDED CHARLOTTE FORD TRACTOR SALES FOR ONE ARTICULATED FRONT END LOADER.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding subject contract to the low bidder meeting specifications, Charlotte Ford Tractor Sales, in the amount of \$27,710.40, for one articulated front end loader.

The following bids were received:

Charlotte Ford Tractor Sales	\$ 27,710.40
Case Power & Eqpt. Company	29,833.00
Wall Eqpt. Company, Inc.	29,924.00
Mitchell Distributing Co.	30,224.00
Western Carolina Tractor Co.	34,191.00

Bid not meeting specifications:

Spartan Equipment Co.	\$ 26,720.00
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CONTRACT AWARDED CHARLOTTE FORD TRACTOR SALES FOR ONE ARTICULATED FRONT END LOADER.

Councilman Whittington moved award of contract to the low bidder, Charlotte Ford Tractor Sales, in the amount of \$36,455.60, for one articulated front end loader, which motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Charlotte Ford Tractor Sales	\$ 36,455.60
Case Power & Eqpt. Company	37,374.00
Mitchell Distributing Co.	39,151.00
Wall Eqpt. Co., Inc.	44,874.00
Spartan Eqpt. Company	47,364.00
Western Carolina Tractor Co.	49,908.00

CONTRACT AWARDED WALL EQUIPMENT COMPANY FOR ONE CRAWLER TRACTOR WITH STANDARD BLADE AND HYDRAULIC SIDE BOOM.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, subject contract was awarded the low bidder, Wall Equipment Company, in the amount of \$17,367.00, for one crawler tractor with standard blade and hydraulic side boom.

The following bids were received:

Wall Equipment Company, Inc.	\$ 17,367.00
Allison International, Inc.	17,740.04
Case Power & Eqpt. Co.	21,602.00

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RESOLUTION REQUESTING SCHOOL BOARD TO WORK OUT POLICY OF NOT CHARGING AMATEUR ORGANIZATION FOR USE OF SCHOOL FACILITIES.

Mayor Belk stated he has written to and talked to Mr. Bill Poe, Chairman of the Board of Education about the requirements that the Pop Warner Ball Clubs have to pay to use the school facilities; that he has asked him to see if they can get the money for this or that they not be charged in their operation of football, baseball and basketball.

Councilman Whittington stated in the last two weeks he has received a lot of calls about the Board of Education setting a policy of charging \$3.50 an hour for amateur organizations such as Pop Warner to use the school facilities, in addition to the janitors fees. The Winterfield Booster Club probably has 800 children in their program; and you take a less fortunate area where the children do not have enough funds to pay their fee into an organization; and then they have to go back to the parents for more money. This means the adults have to go back into the streets, have rallies and programs of sales, and ask the parents for more money. It seems if there ever was a facility that should be used for children 12 months out of a year it is a gym at a school or the athletic grounds. That the Mayor is asking Council to send a resolution to the Board of Education urging them not to charge this additional fee for the amateur organizations.

Mayor Belk stated he has written to Mr. Poe, asking that the School Board work this out; and he would like to have Council to back him in favor of this program of youth.

Councilman Withrow stated we have just talked about crime in Dalton Village area. You think about the Pop Warner football teams, and this is cranking out men. All of the people throughout Charlotte are giving their time, and they are having a hard time getting money especially for some children who are not able to pay and buy their uniforms. That he thinks Council, the County Commissioners and the School Board should meet together to see if we can give as much as \$3.00 per person to these little people who are playing. Then the children who are not able to buy their uniforms can take this money. He thinks we should talk about it.

Councilman Williams stated they may construe this as Council trying to tell them how to run their affairs. That of course he could not vote against this as it would be like voting against God and motherhood. Why would the school board not come back and say since you are so interested in young people why not knock off the charge for the use of Memorial Stadium. Councilman Whittington stated he agrees.

Councilman Whittington moved approval of the resolution, which motion was seconded by Councilwoman Locke, and carried unanimously.

Councilwoman Locke asked who will draft the resolution, and Mr. Bobo, Assistant City Manager, replied staff will have it drafted.

ASSISTANT CITY MANAGER REQUESTED TO MEET WITH CITIZENS RE FLOODING AT SEABOARD RAILROAD AND RAMA ROAD.

Mrs. Mary Helen Smith, 5600 Cottingham Lane, stated she represents the residents of Castleton Gardens, Forest Homes and Sherwood Forest, and they are concerned about the flooding of McMullen Creek at Rama Road. In the past there have been high waters with no appreciable damage. Now the Seaboard Railroad is repairing its embankment and replacing culverts; the County Engineer and City Engineer project that a number of the houses will be inundated. Seaboard Railroad is freeing water that has previously been restricted by its embankment. This improvement becomes a hazard because the tributaries of McMullen Creek and the Creek itself are unable to handle flow during heavy rain storms.

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Mayor Belk requested Mr. Bobo, Assistant City Manager, to meet with Mrs. Smith and see what can be done to help them.

BUSINESS PEOPLE FROM FIRST BLOCK OF WEST TRADE LIST PROBLEMS TO THEIR BUSINESSES DUE TO REMOVAL OF PARKING SPACES, BUS STOPS AND REMOVAL OF LOADING ZONE.

Mr. Jim McGuire, 111 West Trade Street, stated they have the problem he anticipated when the parking was taken out downtown. His business is off 50 percent. That Mary Hickey of Record City has the same problem. The gentleman next door to him in the shoe store has the problem; the people around the corner at the jewelry store have the problem. Lucielle-Vogue took a petition and it was signed by every business store and every manager in the 100 block of Tryon South and North, and East and West Trade Street. The parking was taken away and it did what he said it would do. It is leaving Downtown Charlotte an empty shell. There is only a few months to act on it as some of the small businessmen cannot stand it. The big banks do not serve the purpose of a shopping area for the people at noon. The downtown area is becoming a bad hazard.

Mr. McGuire stated they are going to come back and they are coming back with more people.

Councilman Short asked how many places were moved? Mr. McGuire replied about 24. That people cannot stop in and pick up their papers or magazines; or for repairs and such. Since the parking was removed the people have come to him one by one and asked what they can do. There are two problems. The old problem of the bus stop - that he is averaging four shoplifters a day which he catches. He has customers who have been coming into that store for 16 years and they are afraid to come down the street at high noon because they have been accosted from the time they leave the NCNB Building. The buses increase the shoplifting.

Another problem is the loading zone. That he was told at least twice by this Council it would be put back in; but it has not been. The other day a man had to bring his supplies across the street through the rain; and he lost about 45-50 books, and he was almost hit by a car because he jaywalked. Had he gone to the corner and came over he does not know how many would have been lost. They need a loading zone on that side of the street.

Also speaking to the problem were Ms. Mary Hickey of Record City on West Trade Street, and Mr. James Evans, 113 West Trade Street.

REQUEST THAT PROGRAM FOR MENTALLY RETARDED BE HOUSED AT OLD THOMPSON ORPHANAGE SITE RECEIVED AS INFORMATION AND STAFF REQUESTED TO MEET WITH THE ORGANIZATION.

Mr. Louis Davis, 5747 Doncaster Drive, stated the physically handicapped and mentally retarded children need Council's help. In 1971 he asked Council's help in two ways. First, to hire a specially trained recreation director and, second, to develop a comprehensive year-round recreation program for the handicapped. Substantial progress has been made. However, the program has suffered from the start from a shortage of money, staff, equipment and facilities. The program has never had a permanent home, but has only part time use of Third Ward Center, an area scheduled for destruction and capital improvements are banned and even routine maintenance is substandard. Sharing a facility means the neighborhood children are denied access when the handicapped programs are in progress.

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In 1972 the Park and Recreation Commission proposed dedicating the old Veterans Center on East Morehead Street to the handicapped but it was given to the Childrens Theatre. Now Council has another opportunity to get this program off the ground. That he understands the Park and Recreation Commission will propose moving the handicapped program to Pearl Street Park, a small, closed-in area, not particularly accessible or visible. He fears this would be a continuation of a substandard program that is no credit to our city and of little benefit to those being served.

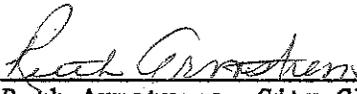
Mr. Davis requested that Council consider the Thompson Orphanage property at Third and Fourth Streets as the site for a new recreational facility to house programs for the handicapped. This is an ideal site because it is highly visible and readily accessible. This is important as it would be the only center of this type in Mecklenburg County. There is room for the addition of on-site facilities - gymnasium, pool, play areas and such. It is accessible to the new Myers Street Center for the trainable mentally retarded being built in Second Ward. It is accessible to Central Piedmont College. He stated if anyone questions the important contribution Central Piedmont students can make, he invites them to visit the Piedmont Day Care program operated by Central Piedmont.

Councilman Whittington stated what Mr. Davis is trying to do is a very worthwhile project. He moved that Council go on record today as receiving this information, and instructing staff to meet with this organization. We are on record in support of it, and we have given money in support of it; they have to have a place to take care of these handicapped people. The motion was seconded by Councilman Harris, and carried unanimously.

Mr. Davis stated the use proposed here will be compatible with the use Council plans to make of restoring the Chapel and building the adjacent park.

ADJOURNMENT.

Councilman Gantt moved that the meeting adjourn, which motion was seconded by Councilwoman Locke, and carried unanimously.



Ruth Armstrong, City Clerk