

September 19, 1977
Minute Book 66 - Page 123

The City Council of the City of Charlotte, North Carolina, met in a regular session on Monday, September 19, 1977, at 2:30 o'clock p. m., in the Board Room of the Education Center, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, 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. Present were: Chairman Tate, and Commissioners Campbell, Curry, Ervin, Jolly, Kirk, Marrash, Royal and Tye.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by Reverend Paul Horne, minister of Johnston Memorial Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting on Monday, September 12, 1977, were approved as submitted.

PETITION NO. 77-30 BY DR. WILLIAM H. CARLISLE FOR A CHANGE IN ZONING OF PROPERTY ON WOODLAWN ROAD, WITHDRAWN.

Mr. Tom Brim, Attorney representing the group which had filed a protest petition on the subject re-zoning petition, stated his clients are willing to withdraw their protest petition with the understanding and contingent upon the withdrawal of the re-zoning petition.

Mr. Sam Williams, Attorney for Dr. Carlisle, stated it was his desire to withdraw the petition for re-zoning the property located at the intersection of Woodlawn Road and Rockford Court.

Councilman Whittington moved withdrawal of Petition No. 77-30, seconded by Councilwoman Locke.

Councilman Davis inquired of the City Attorney if this was the proper procedure and Mr. Underhill replied it is, in fact it is the only way it can be done. That under the Zoning Ordinance, once a matter has been protested it may not be withdrawn. That since the protest has been withdrawn, then Mr. Williams' request to withdraw the petition can be considered by the Council.

The motion carried unanimously.

HEARING ON PETITION NO. 77-52 BY HORACE E. HALL FOR A CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF EAST FIFTH STREET.

The scheduled hearing was held on the subject petition for a change in zoning from R-6MF to I-1(CD) with conditional consideration to permit petroleum storage in excess of 100,000 gallons for property beginning about 95 feet west from the intersection of East Seventh Street and East Fifth Street, fronting about 144 feet on the south side of East Fifth Street.

Council was advised that a protest petition had been filed and found sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

September 19, 1977
Minute Book 66 - Page 124

Mr. Fred Bryant, Assistant Planning Director, stated that as far as this particular request is concerned it involves two separate items: First, is consideration of the change in zoning of the property from the present R-6MF classification to I-1(CD). This would allow the property, if the request is granted, to be utilized only in the manner which has been proposed by the petitioner. The second portion involves the consideration of granting the right through a special use permit approval for the storage of more than 100,000 gallons of petroleum products on this site. He stated the question may be raised as to why this is not a quasi-judicial procedure as was followed a few weeks ago on another circumstance which involved the storage of petroleum products.

He explained that at the time the ordinance was amended to prescribe some new regulations and procedures as far as the conditional and special use processes were concerned, one very significant addition was made to that language - an addition that was arrived at after a good deal of consultation with the City Attorney and his staff. It deals with those instances where they are confronted with both the need to change the zoning district and consider the granting of a special use permit at the same time; that normally this would require two separate procedures - the change of zoning procedure and the quasi-judicial procedure necessary for the special use permit consideration.

He stated it was determined after some research by Mr. Underhill and his staff that it would be possible to combine these two operations and allow both considerations to occur simultaneously, provided the organ so stated and provided the ordinance indicated that where parallel conditional zoning is being considered at the same time that a special use permit is considered, that special use becomes the same as the consideration of a use by right. What this boils down to is that they have clear legal language in the ordinance which does permit the conditional hearing where you are dealing with both a parallel conditional procedure and a special use permit procedure.

The subject petition involves a parcel of land located on East Fifth Street near its intersection with Seventh Street and this location Mr. Bryant pointed out on the map. He stated the property is vacant at the present time and is adjoined by vacant property extending all the way to Briar Creek. Behind the property there would remain a strip of about 60 feet separating the subject property from the nearest residence on Fifth Street. However, from that point down Fifth Street is a solid residentially used street and predominately single family.

On the Seventh Street side of the subject property, there already exists an oil business which is operated by the petitioner. This would be, in some respects, considered as an expansion of that already-existing fuel oil operation. He pointed out the Firemen's Hall area now being used by Community Development for office space as well as the program of physical training activities associated with the Drug Program. There is a small produce stand on Seventh Street and after you cross Briar Creek there are a number of scattered commercial uses. The zoning pattern was described as being R-6MF for the subject property as well as property to the rear extending down to Briar Creek; single family zoning begins very close to the subject property on Fifth Street, extending along Fifth Street and this is property that was changed from R-6MF to R-6 as part of the Elizabeth rezoning considerations made several years ago.

He stated there is B-1 zoning extending from the subject property to Seventh Street and along that street down to and beyond Briar Creek. The subject property at the present time does have predominately multi-family zoning around it, both to the rear, on one side and across Fifth Street. B-1 zoning is on the Seventh Street side.

Since this is a request for parallel conditional approval it does involve the necessity of filing a plan indicating the use to which the property will be put. He exhibited a sketch which described a proposal to install some additional underground tanks for the purpose of storing fuel. Four tanks would be installed, each one with a capacity of 25,000 gallons. A small office structure is proposed to be built on the front portion of the property in

September 19, 1977
Minute Book 66 - Page 125

front of the storage area and there would be a limited amount of parking. He pointed out the truck access to the site as crossing over the existing fuel oil facility. He pointed out the truck parking area and stated there would be screening installed all around the property.

He stated that something that is rather significant and that Council needs to be aware of is that if this request is approved as presented it will be necessary for the petitioner, after approval by City Council and before the property can be utilized, to seek a variance from the Board of Adjustment. This variance would be necessary in order to allow the property to be developed in this fashion because there is not enough distance separating the fuel oil storage facilities from the adjoining residentially zoned land. The zoning ordinance requires a minimum of 125 feet separation. There are two locations on which this does not qualify - to the rear it would be only 76 feet from the edge of the tank to the property line; on the intown side of the property, it would be 64 feet from the storage area to the property line. The City Attorney has been consulted on this matter and it is felt that this is the proper procedure to follow - that this consideration come first and then the Board of Adjustment's consideration second.

Councilman Williams asked if there is any use on the B-1 property to the southeast at present? Mr. Bryant replied the only use between the fuel oil operation and the creek is the produce stand which has been there for several years. Other than that it is vacant property.

Attorney Alvin London, representing the petitioner, stated there have been a lot of obstacles and they have tried to approach it logically and intelligently. That originally this property was not fit for anything; it was wasteland; that he is sure Councilmembers are familiar with it. What is there now, and is on the tax books as so, was put in there by reason of fill. Originally it was very low property and often flooded; when the water went away it was hard baked dirt with a tremendous amount of weeds.

He stated the purpose of this request has to do with the energy crisis which we have been experiencing and perhaps will continue to experience. Fuel oil is very important; there have been some quotas put on it and other things put on by the major fuel oil companies with regard to delivery, use and availability. That if you do not take what you can get today, you might not be able to get it tomorrow, so that at the time when it is available you need to go ahead and take it and have sufficient storage facilities for it so you can deliver to your customers when it gets cold. At that time it is available in limited quantities. You cannot build up quotas today and then take it - you either take it now or lose what you did not take. This is the basic reason for this request - they need additional facilities so that they can serve the customers in this area.

The question might be asked why do they not go somewhere else? They deliver in tankers, the distance is very important, the price of fuel oil is very high and additional labor costs in delivering and putting it into the ground for that area have an effect upon it. This storage is needed very badly and it is needed now. The business itself is being conducted there. There will be no increase in the number of trucks; no increase in regard to activity. Actually a piece of property that is not very pretty to look at will be changed into a more valuable piece of property to serve the people in that area. The tanks themselves are underground.

Mr. London stated it has always been peculiar to him that you can build a filling station and take highly volatile fuel without any limitations on the number of gallons you can have and put it in the ground; fuel oil which is not anywhere near as volatile, is limited by the zoning laws. He stated these tanks will not be unsightly; they will be underground and there is a row of trees and shrubbery that will be installed at the direction of the City and those in charge. The only thing that will protrude above ground in the form of a structure will be the loading dock and the very small and they hope attractive, office building. He thinks it will be helpful to the entire neighborhood both from the standpoint of having fuel when it gets cold and also from an appearance standpoint, to say nothing of its increased value as a piece of taxable property for the City.

September 19, 1977
Minute Book 66 - Page 126

Councilman Whittington asked about the building and Mr. London replied it will just be a small office for the fuel oil business - where the records are kept, where the secretary and bookkeeper would be; it would not be a service building or anything else. He does not believe the building which is there now will continue to be used; the office itself will be on Fifth Street. Mr. Bryant stated that the building which is there now will eventually be utilized for some other purpose or in any event, not utilized for an office for the fuel oil operation.

Councilman Gantt asked about the screening in relationship to the residential area. Mr. Bryant replied that, as Mr. London has already indicated, much of the area is either now floodplain area or has been and has been filled. As far as the screening is concerned, it would be related to that sort of land which now extends all the way down to Briar Creek, and at the present time there is no use at all in there. He stated that generally the property below is lower; that on one side you would have a similar circumstance topographically. On another side the land does rise a bit so that the housing there would be somewhat higher in elevation.

Councilman Gantt inquired as to what the screening would be. Mr. Bryant replied the only indication is that it would be in conformance with the requirements of the ordinance; there is no specific indication of its nature.

Councilman Gantt asked if the ordinance states you have to be 125 feet away from a structure. Mr. Bryant replied no, from residentially zoned property.

Mr. London stated he neglected to mention the fact there would also be a fence which would be a part of the screening around the entire area. They feel that this would not only add to the appearance but would be support for any other type of greenery that would be put there.

Councilman Williams asked if the corner tract was acquired by the petitioner in 1962? Mr. London replied no, it was acquired sometime in the 50's and they began a process of filling it in; it was a long time before the property was filled in where anything could be put on it; it was filled in by purchasing dirt from various contractors from construction sites they needed to get it away from. He would say it has been filled in for a depth of 15 or 20 feet as it was very low land. It has been zoned B-1 all along.

Councilman Williams stated according to the petition he acquired some in February of this year and he asked which land this is? Mr. London stated the land acquired this year is adjacent to what is to be a right-of-way and some of it is again in what is almost a flood area. He believes the only other use for the land was for a radio tower.

Councilman Williams asked if they considered or made any effort to expand in another direction which is zoned B-1 instead of the residential area? Mr. London replied they considered it but the land was not available; nor was it suitable and it would not have blended in. In this particular area you can get in and out a little bit better; you are getting close to the creek in the other direction.

Councilman Davis asked if they attempted to acquire extra land to be in conformance with the ordinance? Mr. London replied they attempted to acquire all the land, to his knowledge, that they have been able to get. It is very difficult to acquire for one reason or another. One of the reasons is that some of the people that own that land have a very low base in it and they have not figured out how they can sell it without giving a lot of the money back in taxes.

Mr. Henry Bouchelle, 2615 East Fifth Street, spoke in opposition. That he and his neighbors in their petition to invoke the 3/4 Rule, have said they believe this rezoning will result in a reduction in the value of adjacent and nearby properties, in additional truck traffic, noise and unsightliness. They feel it is important to the community as a whole to maintain the residential atmosphere on this portion of Fifth Street. That Mr. Hall's property is on the fringe of the community area which is just now organizing and trying to develop itself and to stabilize the space. They are trying very hard to be a part of the City. The result of Mr. Hall's rezoning and consequent construction will in all likelihood see a reduction in property values adjacent to that area. As was pointed out a few minutes ago, the properties

across the street on the slight rise, you could have a panoramic view of all of Mr. Hall's trucks, his loading rack and anything else that is in there. Even if there is screening, it would take 20 to 30 years for pine trees to grow tall enough to cover the area. The part of the property that Mr. Hall had originally is B-1; the new part, if it is rezoned, will permit him to move his business there which gives them the prospect, if not the probability, for Mr. Hall to turn the corner into a convenience store or something which would otherwise increase the flow of traffic and noise.

Mr. Bouchelle stated that while the tanks themselves would be below ground, there would still have to be parking and the matter of loading racks. The residents would like to suggest to Mr. Hall that he can put his oil tanks anywhere; he can lease land, he can buy land perhaps farther out in the outlying regions of Charlotte. The people that live there will have this construction to live with and those who have invested whatever fortunes they have in this area are dismayed at the prospect of having it reduced in value because of this rezoning.

Mr. Sandy Welton, 2501 East Fifth Street, stated he serves as president of the Elizabeth Association. That the Community Association has studied this petition at length and have gone over the property with Mr. Hall. About three months ago he met Mr. Hall and had a chance to look at the property, see his plans and what he had in mind. The purpose of this meeting was to try and reach fair and wise decisions, taking into account both the needs of the neighborhood and the desires of Mr. Hall and his business.

He stated they respect Mr. Hall - he has come to them in fairness - and they respect his desire to have a good business, a profitable business. That is the reason he wants to expand. For that reason, they took care in looking at the petition and did not have an automatic opinion. In their final conclusion they oppose this petition and they believe the Council would be making a serious mistake to allow Mr. Hall to expand his business at this location. He cited the reasons.

The request is a spot zoning request; there is no other industrial zoning nearby. He desires to relocate his office building on Fifth Street; it now faces Seventh Street. There is a small driveway on Fifth that is used some, but this would shift his operation over on to a residential street, and put a parking lot on Fifth Street, so that they would have a business with a parking lot for customers moving up into a residential area. There are no businesses on Fifth Street at the present time. They regard Fifth Street as the heart of the Elizabeth neighborhood. They have been "sliced" several times due to the necessity of traffic flow and they already face tremendous problems in terms of traffic. They are very much wanting to preserve Fifth Street as the heart of the neighborhood and to encourage people to buy, to stay and to build and improve their homes. This rezoning would be a direct deflater of that motivation. Trucks would enter and exit on Fifth Street, as would customers.

Another reason they oppose this is that he lacks the proper setback footage to residential homes, which would require special variance requests. They also oppose it because Mr. Hall desires to make this move not only to increase his oil company operation but to develop commercial business on Seventh Street by moving his operation further up Fifth. He then has a piece of property that, in his own words, would be an ideal location for a Caper House. That would further create a tremendous amount of traffic at an intersection that is one of the most problematic intersections in the Elizabeth neighborhood.

He stated the question was asked if the land is available moving down Seventh Street, why do you have to move up Fifth? The reply was no it is not. Mr. Welton stated that land is for sale; the reason he knows that is because there is another corporation that is looking to purchase a lot of that land for business development. They just confirmed with him that that land is for sale, but of course they would rather purchase Fifth Street property because it is less expensive.

For these reasons they oppose this petition. If Mr. Hall feels the need for a larger business and an industrial zoning - spot zoning - that this is not wise. For that he should move his location into a place somewhere else. To

September 19, 1977
Minute Book 66 - Page 128

allow him to place his business on Fifth Street and build a parking lot as well will seriously affect land values and the desirability of Fifth Street as a residential neighborhood. It would be both a physical blow and a psychological blow to them. To allow him to have an industrial zoning would be a tremendously dangerous precedent in terms of what it says to neighborhoods. Fifth Street is a place that they want to try and move in the other direction; this is pushing it further into a problematic situation. Elizabeth and the City Council have worked hard to preserve Elizabeth. They are on their way back; they believe that this rezoning would be a serious blow to their efforts. Fifth Street is not an appropriate street for business; their neighborhood is not an appropriate location for industrial spot zoning.

Mayor Belk asked for clarification - did he understand him to say that there is a plan afoot to rezone Fifth Street for business? Mr. Welton replied no, there is not an attempt to rezone it for businesses but by getting an industrial conditional zoning he would be allowed to have some businesses moving up Fifth Street.

Mrs. Katie Dill, 2609 East Fifth Street, stated she cannot add anything new to what has already been said; all she can do is plead with Council to keep their neighborhood as a neighborhood. With this change in zoning it would no longer be a neighborhood.

Mr. Bob Dill, 2609 East Fifth Street, stated he has nothing to add but would like to go on record as opposing the petition.

Mr. London, in rebuttal, stated he might feel as the residents do if the business itself were not there and he would assume it is going to remain there, and they will still have the trucks that they speak of and the other situation. He is informed by his client that it is not his intention to enlarge his business; it is his intention to be able to serve the very people they are talking about in the Elizabeth area and have the fuel oil available.

The situation with regard to spot zoning - he regrets that they are asking for this zoning, but he did not have anything to do with fixing the zoning ordinance and you need an I-1 to put a fuel oil business in and then you need a conditional use permit. There will not be any more traffic; the traffic is there on Fifth Street and it is there on Seventh Street. By permitting this change in zoning you have exactly the same amount of traffic. You will have more valuable property and you will have a prettier piece of property. That he thinks it would be much more attractive for the neighborhood.

With regard to the setbacks, this is another problem. He stated he does not know the reasons for the setbacks from the residential areas because they have to conform to all of the national fire ordinances, regulations and rules. The City Fire Department will see to that and it is not safe they could not put it in.

With regard to precedent, that is an age old argument. That they are not asking to put a new business in a residential neighborhood; they are requesting that they be permitted to conform to the neighborhood, put in what it needs - a convenience situation which does not enlarge the use that is presently made of the property.

Councilman Gantt asked what the present storage capacity is? Mr. London replied there are tanks with a capacity of 90,000 gallons - 10,000 of it is not fuel oil but gas or something else. He does not know that they will put the entire 100,000 more in, but that is the request.

Decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-39 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER AN AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE AS IT RELATES TO MAXIMUM DENSITIES ALLOWED WHEN CONSTRUCTING ONE FAMILY ATTACHED DWELLINGS.

Mr. Fred Bryant, Assistant Planning Director, stated this is a relatively simple amendment to the text of the zoning ordinance but one which potentially has considerable amount of intent behind it. After working for about seven

September 19, 1977
Minute Book 66 - Page 129

years with the regulations as they are contained in the zoning ordinance in relation to single family attached housing - that is, attached housing which is constructed for sale purposes, not for rental purposes - they find that there is a discrepancy between the number of units that is allowed under those regulations as opposed to those on a similar size parcel of land for rental purposes, or for conventional multi-family purposes. This is brought about by a differential between the formula which is used for one type of housing versus the other. It is only true in small size parcels - when you get into the larger areas, which is what they conventionally deal with, there is no problem. As a matter of fact, the differential would be in the other direction - the single family attached would perhaps be a lesser density in larger parcels because the regulations prescribe that in single family attached you must have a minimum lot area for each dwelling unit, whereas the multi-family has a formula which relates to a minimum amount of base to start with for the first unit and then so many square feet for each additional unit beyond that.

Mr. Bryant stated it becomes critical when a situation happens like the one which first brought it to their attention. That sometime ago some of the property along Queens Road was changed to an R-15MF classification. That some people were interested at one point - he does not believe they are any longer - in building a single structure on an individual lot for single family attached purposes. Taking the R-15MF classification as an example, they found that under that category and given a 30,000 square foot lot, it was possible under the rental or condominium process to have five units. Under the one family attached category it was possible to have six. Then when you come down to a small lot - 15,000 square foot - it was possible under the multi-family regulations to have only one unit, but under the one family attached regulation it was possible to have three. Where this becomes significant is if you have a number of lots in a block, say along Queens Road, each one of which had 15,000 square feet you may be dealing with, instead of three, four, five or six units in a given area, nine, twelve or fifteen units. He stated this becomes a considerable differential and when you start analyzing it from the standpoint of regulatory requirements, planning objectives and zoning objectives, there is really no reason for the differential.

He stated what is proposed would be a very simple adjustment in the text of the zoning ordinance which would merely install one sentence to the table which prescribes the development requirements which would say in effect "in no instance shall the density of the one family attached project be greater than that permitted on a multi-family project in the corresponding zoning district." With that language you would not be able to build single family attached at a higher density than multi-family. They feel that this is in keeping with the overall objective of the original regulation.

He explained the chart as being a comparison of the number of units that would be allowed on given sized parcels in the various districts. They have utilized three - 15,000, 20,000, 30,000 - and have shown in the various categories how many units would be allowed on that sized lot. For rental or condominium purposes and for one family attached. This becomes more prominent in the R-15 category than in some of the others. As a matter of fact, in the R-6MF it works out to be exactly the same.

Replying to a question from Councilman Gantt, Mr. Bryant stated that it requires 2,400 sq. ft., in the R-6MF, of lot area for each unit, for one family attached; in the R-15MF it requires 4,650. Here is where the big differential comes in, because in the multi-family formula for 15,000 sq. ft. you can have only one, but when you apply 4,650 to 15,000 you get three.

No opposition was expressed to the petition.

Councilman Davis stated since there is no opposition, he wonders if the persons who will be affected by this change are aware that it is being discussed? Mr. Bryant replied they are; that as far as he knows they have had only the one instance which brought this to their minds. They were informed

September 19, 1977
Minute Book 66 - Page 130

as soon as they found out that there was this differential that they would pursue the possibility of amending the ordinance. It is his understanding that they did not buy the property after that fact came out.

Decision was deferred pending a further recommendation from the Planning Commission.

ASSISTANT PLANNING DIRECTOR INSTRUCTED TO DISCUSS ZONING PETITIONS NO. 77-40 THROUGH 77-49 IN MIDWOOD-PLAZA AREA AS ONE.

Motion was made by Councilman Williams to permit Mr. Bryant, Assistant Planning Director to discuss Zoning Petition No. 77-40 through Petition No. 77-49 for changes in the Midwood-Plaza Area, together. The motion was seconded by Councilwoman Locke, and carried unanimously.

HEARING ON PETITION NO. 77-40 THROUGH PETITION NO. 77-49 FOR ZONING CHANGES IN THE MIDWOOD-PLAZA AREA ON PETITION OF THE CHARLOTTE CITY COUNCIL.

The public hearing was held on the following petitions:

- (1) Petition No. 77-40 to change zoning from I-1 and I-2 to R-6MF on property located generally along the east side of Hawthorne Lane, about 450 feet south of Chestnut Avenue to about 400 feet north of Chestnut Avenue, and extended easterly to Haywood Court.
- (2) Petition No. 77-41 to change zoning from O-6 to R-6MF property fronting the east side of Hawthorne Lane located about 400 feet north of the intersection of Hawthorne Lane and Chestnut Avenue.
- (3) Petition No. 77-42 to change zoning from R-6MF to R-6 property located generally between Hamorton Place and Parkwood Avenue, located west of property fronting the west side of The Plaza; including property fronting Hawthorne Lane, Mimosa Avenue, Belvedere Avenue, Kennon Street, Thomas Avenue, Belle Terre Avenue, Haywood Court, Chestnut Street, Kensington Drive, Pecan Avenue, School Street and Hamorton Place.
- (4) Petition No. 77-43 to change zoning from O-6 and B-1 to R-6MF property fronting on the south side of Parkwood Avenue at the intersection of Parkwood Avenue and Barry Street.
- (5) Petition No. 77-44 to change zoning from O-6 to R-6MF property fronting both the north and south sides of Mecklenburg Avenue, located about 150 feet east from the intersection of Mecklenburg Avenue and The Plaza.
- (6) Petition No. 77-45 to change zoning from B-1 and O-6 to R-6 property fronting about 350 feet on the west side of The Plaza beginning about 160 feet south of the intersection of The Plaza and Parkwood Avenue.
- (7) Petition No. 77-46 to change zoning from R-6MF to R-6 property located generally between Kensington Drive and Hamorton Place, including property fronting Firth Court, Forney Court, Randall Street, Onslow Drive, portions of Landis Avenue, Nandina Avenue, the north side of Hall Avenue, both sides of Nassau Boulevard between Hamorton Drive and Sprague Avenue, and the south side of Sprague Avenue.
- (8) Petition No. 77-47 to change the zoning from O-6 to R-6MF property at the southeast corner of the intersection of Nandina Street and Hamorton Place, fronting about 160 feet on the east side of Nandina Street.
- (9) Petition No. 77-48 to change zoning from R-6MF, O-6 and B-2 to R-6 on property located generally on portion of Chatham Avenue, Club Road, DeArmon Drive, Roland Street, Morningside Drive, Logie Avenue and Masonic Drive, north of property fronting the north side of Central Avenue.

September 19, 1977
Minute Book 66 - Page 131

- (10) Petition No. 77-49 to change zoning from R-6MF and R-6MFH to R-6 property located generally between Belvedere Avenue and the dead-end terminus of DeArmon Drive and Logie Avenue, including property fronting on Belvedere Avenue and Peppercorn Lane.

Mr. Bryant, Assistant Planning Director, explained the proposed changes and pointed out the locations of each petition, describing the present zoning and land uses. He stated these petitions are a culmination of several months of study and look-see at the Plaza-Midwood area. That sometime ago the Plaza-Midwood Association called a meeting to which City Council and Planning Commission members were invited; it was discussed at that time the desirability of doing several things which would be helpful, in the Association's viewpoint, to the Plaza-Midwood area.

After that meeting City Council did request the Planning Commission to investigate the zoning patterns of the general Plaza-Midwood area and to come back with some recommendations and some thoughts as to how some areas could be treated in a manner which would be more favorable to the existing use patterns and to the objectives of neighborhood preservation as suggested to them by the association.

The Planning Commission studied the matter; they submitted to the Council a report sometime ago which outlined some areas which perhaps could be considered for possible zoning changes. City Council authorized that hearings be advertised and held for the purpose of considering these areas of change. This is why we are here today.

He stated the areas for consideration are located in the general vicinity of Thomas Avenue and in the area north of Central Avenue. It extends from Parkwood Avenue down to Hamorton Place; and from Hawthorne Lane all the way over to an area near Briar Creek.

Petition 77-40 - This area is located along Hawthorne Lane. The property is vacant at the present time; it is zoned I-1 and the proposal is to consider it for a change to R-6MF. It is in the general vicinity of Hawthorne Junior High School. A church is also located in the area as well as a McKesson-Robbins facility.

Petition 77-41 - This is a very small single parcel of land located just north of the industrial zoned tract and is now zoned O-6. The proposal is to change it also to R-6MF. It is vacant at the present time and is also near the junior high school. The small church is located across Hawthorne Lane from it and there are residential uses - single family - along Hawthorne to the north and a pattern of about three duplexes which partially border it on one side. The duplexes have their frontage on Belle Terre Avenue.

Petition 77-42 - This is a large area which extends generally along Thomas Avenue in its entirety from Hamorton Place on the south all the way to its end at Belvedere Avenue, as well as some additional frontage on Hawthorne, Mimosa and Belvedere. The property is all zoned R-6MF at the present time and the proposal is to consider changing it to R-6.

In this area at the present time there are 124 owner-occupied residences; 80 renter-occupied. Therefore, there is 62 percent of the total area which is owner-occupied. If this change is granted as it is proposed, there would be created 21 non-conforming uses. 20 of these are duplexes which are scattered throughout the area, generally along Thomas; others on Hawthorne, etc. There is one quaplex - four-unit apartment - which is located on Thomas between Chestnut and Kensington. It would become non-conforming also. The majority of the property, however, is already utilized for single family residential purposes.

Petition 77-43 - This area consists of three lots which are located on the southerly side of Parkwood Avenue, on the intown side of The Plaza. They are zoned at the present time a combination of O-6 and B-1; the proposal is to rezone those lots to R-6MF. The first two lots closest to The Plaza are zoned B-1, and the other O-6. All three lots have houses on them - a duplex and two single family structures. If it is rezoned to R-6MF there would be no non-conformances included. He stated the information he has is that they are all three renter-occupied.

September 19, 1977
Minute Book 66 - Page 132

Petition 77-44 - This is a very small area located on both sides of Mecklenburg Avenue, just east of The Plaza. Basically it consists of two partial parcels of land, one of which is a part of the church property located on the northerly side of Mecklenburg; the other is one lot located on the south side of Mecklenburg. Both lots are now zoned O-6; it is proposed to rezone them to R-6MF, which would be similar to zoning which already exists in the area. There would be no non-conformances created by that change. His information is that the one house there is owner-occupied.

Petition 77-45 - This consists of about six lots which are located on the westerly side of The Plaza, extending from Mimosa up to the lot which is on the corner of Parkwood and The Plaza, this lot being occupied by a commercial facility at the present time. All six of these lots are occupied now for single family residential usage. The area is zoned a combination of B-1 and O-6 at the present time, and the proposal is to consider it for a change to R-6. The northerly two lots are now zoned B-1 and the remaining four are zoned O-6. Four of the lots are owner-occupied; two are renter-occupied. There would be no non-conformances created.

Petition 77-46 - Beginning with this petition, the area moves to a different portion of the map. The area covered by this petition is rather elongated and unusually shaped. It consists of property that extends along Nassau Boulevard, Hall Avenue, Sprague Avenue and a portion of Landis Avenue. It is now zoned R-6MF; it is proposed to consider it for a change to R-6. The majority of the area is developed in single family fashion, but there are several duplexes scattered through the area which would become non-conforming. It would contain six non-conformances if it is changed, all of them being duplexes. The area has a 63 percent owner-occupancy at the present time, with 32 of the parcels being owner-occupied and 21 being renter-occupied. That obviously does not include the vacant property which is there.

Councilman Whittington stated a lady on Hall Avenue called him over the week-end asking why rezoning to multi-family was being recommended for one side and single family for the other.

Mr. Bryant replied this is primarily because of the heavy amount of non single family usage that is already located along Hamorton Place; the parcels actually backing up to Hall Place. If you take that side of Hall Place - the side that would be proposed to be left multi-family - there are only four single family houses, a fairly large apartment grouping and three duplexes. The feeling was that this is too heavy a percentage of multi-family already existing to consider changing it to single family. Responding to a question by Councilman Whittington, he stated that Hamorton is one of the streets which was changed with a large group of streets in 1960, but he does not know what its prior name was.

Councilman Gantt stated Hamorton is the street which he referred to earlier as having drainage problems, and Mr. Bryant stated it is behind the school. That as a matter of fact Hall Avenue is considerably higher than Hamorton and a portion of Hamorton has exposed drainage down the center of the street.

Petition 77-47 - This is a small area, consisting of only three lots which are located at the corner of Nandina and Hamorton - just opposite the school. The property at the present time is zoned O-6 and is occupied by three single family residences and it is proposed that those three lots be considered for change to R-6MF. The question again might be asked "Why R-6MF if it is occupied by single family residents." The answer is that it would retain R-6MF across Hamorton as well as to the side and would have business zoning on one side with the school on the fourth side. It was felt that the R-6MF would be justified on the basis of the overall pattern rather than the individual uses on those three lots. None of these homes would become non-conforming; they all three are owner-occupied.

Petition 77-48 - This is a large area and one which is separated in terms of its configuration. First is a small portion of lots which are located on the westerly side of Club Road. There is a row of lots which are now zoned R-6MF; they are all solidly single family utilized with the exception of one duplex. It is proposed that this area be considered for a change to R-6.

September 19, 1977
Minute Book 66 - Page 133

The other portion of this petition is the very substantial portion of land which extends all the way from property which fronts on Chatham Avenue to property which fronts on Club Road, on over to Morningside. All of that area has property predominately zoned R-6MF at the present time; there is a small amount of O-6 zoning which is proposed for possible consideration of change to R-6. The area generally is developed for single family residential purposes. There are some duplexes, however. There would be 14 non-conformances created, all of those being duplex in nature. Out of that area there are now 80 owner-occupied residences; there are 44 renter-occupied, for again a percentage of 65 percent.

He stated all of these larger areas are running right along at 62, 63, 65 percent owner-occupancy, which is a relatively high owner-occupancy rate, particularly for an older residential neighborhood of this sort.

Generally, the area is developed with single family residences; there is a considerable amount of vacant land along Masonic Drive, a street which parallels Briar Creek and does have some flooding problems at times from the creek. It is adjacent in part to the Charlotte Country Club property and is adjacent generally to the strip of commercial development which is present along Central Avenue. Some questions have been raised concerning the change from business zoning directly into single family zoning. The original office zoning was installed there as a part of the overall concept of transitioning between commercial and residential properties. In this particular area that purpose generally has not been served, with the exception of about one or two offices which have been developed on Club Road and on Morningside. The feeling was that in looking at the area that perhaps the overriding consideration right now, at least for consideration purposes, was the need to provide the stability and the protection to the residential neighborhood that residential zoning would bring about. Perhaps, again there will be some areas of discussion in that respect. But, it was felt that generally the housing which was present on those lots is very definitely similar to, and related to, the residential environment farther down away from Central Avenue and perhaps if they were allowed to convert to office uses might help to begin to have a spreading effect as far as stability of the neighborhood is concerned. Perhaps the most substantial change in this vicinity would be that related to the tier of office zoning which is present there now being changed to O-6.

Petition 77-49 - This is predominately a vacant area as it exists now. It is an area to the east of Truman Road. It has frontage on Belvedere Avenue, and it includes property which fronts on a very narrow little street - Peppercorn Lane. It is only 20 feet long and there have been difficulties in the past in getting houses built on that street because of that fact. There is a stream which flows through the property and much of the land is relatively low, but it does rise back to the side. The entire area is vacant except for about three houses which front on Peppercorn and another house which fronts on Belvedere. The Peppercorn property is zoned R-6MF, the remaining portion is zoned R-6MFH; it is proposed that it all be considered for a change to R-6. It is generally under one ownership; there is actually only a total of about four ownerships involved in the entire area, and what houses are in there are owner-occupied. There would be no non-conformances created by the change.

At the request of Councilman Gantt, Mr. Bryant explained that on the 1960 Thoroughfare Plan it was proposed that a major artery be installed through this area, which would have been an extension of Matheson Avenue; that Matheson has been improved from North Tryon Street over to and just beyond The Plaza. This would have been a continuation of that road which would have followed Matheson down through the area and would have found a new path generally through the area to tie in to Logie, down Logie and veered back and somehow tied into Morningside. Generally there would have been a major artery somewhere down through this area. It never reached the point of detailing so there was never an exact alignment found for it.

September 19, 1977
Minute Book 66 - Page 134

Councilman Gantt stated the comment was made in regard to Petition 77-42, which had large areas indicating non-conforming uses, that the staff and the Planning Commission are considering in the new ordinances some means by which an area like this could be rezoned at a later time to take into account the fact that there is nothing wrong with a mixture of single family dwelling units and duplexes. He stated he would like to see them speed that up; it is a very necessary in-between classification that needs to come into play.

Mr. Bryant stated there is one statement he should make which is very pertinent to the Planning Commission's consideration of this matter. That they would feel that even if these solutions are found acceptable they would consider them to be only an interim approach to the problem, as sort of a hold-the-line sort of approach, until more appropriate zoning decisions can be reached for the area. They have felt for some period of time, not only in this area, but other areas such as Elizabeth, Dilworth, etc. that there is a need for a different form of zoning from what we know today. Right now they are dealing with everything that has to be either pure single family or lapse all the way over into the multi-family category. They feel there is a need to approach this more on a density control basis, allowing in these older residential neighborhoods perhaps a low density type of both attached and single family units, with the emphasis on the density factor rather than on the housing type factor. They very definitely feel that this will be desirable in areas such as this.

The following persons spoke for the rezoning on a general basis:

Mr. Sandy Welton, 2501 East Fifth Street, stated the Plaza-Midwood Association's plan to preserve their neighborhood as an attractive residential area has the full endorsement of the Elizabeth Community Association. They came to him as the president of the Elizabeth Association, saying they would like them to look at it because in many ways they regard themselves as sister communities. He stated that last week he took a tour of the neighborhood. They view the plan as having these attractive features: (1) Plaza-Midwood is a midtown urban residential area which is an asset to any city with the projected growth of Charlotte. (2) It is an area full of history and architecture that needs our full commitment to protection and preservation. (3) The study exemplifies the kind of citizen interest and activism that is in such great need today. Their quality of thought and planning demonstrates government by the people in their case; taking a real active interest in the shaping of our city and the quality of life.

(4) Their recommended changes also will provide the stability needed between encouraging the residents to stay, others to move to Plaza-Midwood and to take good care of their property and their homes. (5) A benefit which is long range but real is that the more we preserve our neighborhoods that are in close proximity to downtown, the more we will encourage people to use the bus system to go to work without having automobiles that have to travel 10, 15 and 20 miles one way just to get to work.

He stated they believe the plan is a good one; not only do the people of Plaza-Midwood stand to gain, but our entire city stands to gain. That their desires are those of most of our citizens to preserve and take care of our neighborhoods. Council's support of their efforts will benefit not only them but other neighborhoods in the whole city.

Mr. Don Hatley, 2025 Matheson Avenue, filed two sets of petitions in support of the rezoning - one signed by the property owner residents of the areas affected by the rezoning. There are about 500 parcels of land, of which about 250 are owner-occupied. The approximately 230 signatures indicate that over 90 percent of the people who live in these areas want this. It represents all but two of the people they contacted - almost 100 percent of the people who were contacted, that they could physically see, said yes, we want it rezoned. They are the people who live there. The other set of petitions are the property owners and residents in the rest of the Plaza-Midwood area. There are some 467 signatures which represent over 75 percent of that group. They, too, want this rezoned.

September 19, 1977
Minute Book 66 - Page 135

Mr. Hatley stated he and the people from the area have done their homework, they have done the legwork; the staff and the Planning Commission has done an excellent job of researching this. It boils down to one detail and that is if the members of City Council are willing to be a part of seeing a neighborhood come back up and be what it was fifty years ago - very vital. Or, do they want to be a part of watching a neighborhood erode and go down hill further and further by allowing encroachment of the type they have seen in their neighborhood - businesses going down, residences going down, multi-family building up, taking a single family dwelling and making it multi-family. If the Council wants to be a part of that, then they should not vote to have this area rezoned; if they do not, then vote for it.

Ms. Laura Frech, 2601 Country Club Lane, stated she lives not far from several of the parcels of land that are proposed to be rezoned and that she is a director of the Plaza-Midwood Neighborhood Association. She commended Council for its willingness to take the initiative in protecting neighborhoods; that as they are aware, inner-city neighborhoods like Midwood, Elizabeth, Myers Park are one of the City's most valuable assets. They contain a lot of middle and low income housing which is becoming in shorter and shorter supply. In the future, as the energy crisis becomes worse, areas like this will be very valuable as places for people to live, close to the city and close to their work.

She stated Midwood is a residential area; many of the people there have lived there for thirty or forty years or more; many young people are buying houses in the area, and some not-so-young, and spending money to improve these houses and restore them to what they were further back. That these people need to be protected against high impact commercial, industrial and multi-family development.

The land under consideration has not been developed for the purposes that are allowed by the present zoning. Much of it is either undeveloped or has single family residences on it. She agreed with Councilman Gantt that a mix of duplexes and single-family is perhaps a good way for inner-city neighborhoods to go. But, neighborhoods like this cannot take high impact developments that are commercial or industrial or that are very high density multi-family. She hopes that Council will decide that these rezoning actions are in accord with the policy established by the Comprehensive Plan of preserving existing neighborhoods; that these rezoning actions will be consistent with the rezoning of other land along The Plaza from multi-family to single family which was done last year. This will cause the zoning to conform to the residential pattern that already exists in this neighborhood.

Dr. W. B. Mayer, 2828 St. Andrews Lane, stated he has lived at this location for 37 years - it is adjacent to the area covered by Petition 77-49 - and he and his immediate neighbors are particularly interested in having it changed to R-6. Despite the fact that Midwood-Plaza is a high-population density area, they feel that it has maintained a quiet and pleasant atmosphere through the years. It has little traffic compared to Sharon, Providence and Randolph Road area; the air seems cleaner and less polluted and at times even cooler. They would like to stay as they are and avoid development that would increase noise, traffic and pollution. He stated at his advanced age he is not particularly concerned over this problem, but would like to fade from the scene knowing that the younger residents will continue to enjoy the same peace and quiet that he has enjoyed for years. He urged Council to give serious consideration to their request for rezoning.

Mr. Charles Hight, 2017 Matheson Avenue, stated the rezoning as being proposed is consistent with both national and Charlotte trends of revitalization of housing areas near the city center. That the proposal will help to revitalize the movement for residential quality in areas adjacent to it; that the rezoning will actually help the city center in its redevelopment. The people who are living in the area will be more likely to be shopping and use the downtown area than persons who live farther out. They will accomplish two things at the same time. The rezoning will also likely help the mass transit system because again the people are more likely to use it. It will also require less in the way of additional capital investment for new equipment because of this area's close location to the city center.

September 19, 1977
Minute Book 66 - Page 136

Mr. Hight stated he has only been a resident in the area for a little over a year, but he has noticed that younger persons, especially persons who are on the faculty or staff of UNC-C or moving into this area, because of the fact that it is convenient both to the university and to the downtown area. He stated the area does have a nucleus of what would have to be classified as extremely fine residential community. It is composed of a variety of families of different income levels as well as age levels, and is multi-racial. This is something this nation talks about, and we have a chance to really do it.

He stated the area is in the status where revitalization can occur with the minimum of public money whereas other parts of the city are requiring large sums of money so we might as well attack the problem before we get into needing mass use of public funds. The plan certainly is consistent with traffic patterns that exist now as well as projected circulation patterns.

He congratulated the Planning Commission staff for their comprehensive and thoughtful working approach.

Ms. Barbara Blackmon, 2012 Thomas Avenue, stated she will talk about the Thomas and Pecan area people. There are many elderly people in a lot of these areas that they are talking about; a lot of them have no where else to go; they have lived here a good many years. That it would be a shame if the City sort of abandoned them by not doing whatever is possible to preserve the area where they live. Also, if the area can be upgraded, more and more young families will move in and the interaction between the young and the old would be a good thing for any neighborhood.

Her second point is there is a very large wooded area between Hawthorne Lane and Pecan Avenue and this seems to be a haven for thieves and various other undesirable characters, to say the least. There has been at least one rape and many robberies where the thieves hide out in the woods, hide whatever is stolen in the woods. The people who live in these areas would like very much for the City Council to check into this and see what could be done about clearing out this area.

Ms. Audrey Clute, 2627 Knollwood Road, stated she is first vice president of the Charlotte Council of Garden Clubs, but today she is wearing two hats. She is speaking as a private citizen of Charlotte, too. She stated the Council leases the Van Landingham house from UNC-C and have made it their home or Council center for six years. Of course, some of the women in their Council spend several hours every week over at that house. It is a very tranquil neighborhood and the Van Landingham estate is very beautiful. As a private citizen of Charlotte, she came here a little over 16 years ago and lived in the Morningside Apartments, so she is very familiar with this area. She would like to back the Plaza-Midwood Neighborhood Association on their plans and commend the Council for their interest in this and hope that they will look at these petitions in a favorable manner.

Ms. Mary Ann Hammond, 1915 Ashland Avenue, recognized a group of her neighbors who were present, and thanked Council on behalf of the Plaza-Midwood Neighborhood Association, for their interest and active support for them as they go about the business of preserving and improving their neighborhood. The Planning Commission's recommendation for rezoning are widely supported by the residents of Plaza-Midwood. She stated in a previous Planning Commission's study of neighborhoods it is stated that Plaza-Midwood is threatened by potential density allowed by its residential zoning - half is zoned R-6MF, a very high density zoning that can allow poorly planned apartment complexes on small parcels of land. The study further states that the deterioration potential in the neighborhood is at a critical point.

Ms. Hammond stated they feel the deterioration potential is at a critical point largely due to improper zoning. The recommended rezoning will help secure them from outside speculators and will allow them to turn their energy to creative efforts to the task of rekindling the spirit of Plaza-Midwood. She stated that as a neighborhood association they have poured untold hours of time and talent into this rezoning effort. They intend to see to it that their inner-city neighborhood survives and flourishes. That Council's decision to approve the recommended zoning changes will definitely be a deciding factor as to whether or not they will achieve that end.

September 19, 1977
Minute Book 66 - Page 137

A slide presentation prepared by Mr. John Bambach of Mecklenburg Avenue was made as the Plaza-Midwood Association's attempt to help City Councilmembers understand and feel the spirit of Plaza-Midwood.

Mr. Robert Potter, Attorney, spoke in opposition to two of the petitions.

Petition 77-40 - This industrial property on Hawthorne Lane has been in Mr. Heath's family for some 80 years - it was a farm, then street car lines and everything else was put in and it has been zoned that way since 1962. There is industry out there now - they are not going to change that. He stated McKesson & Robbins is right next to this property; Barnhardt Manufacturing Company is down the street; and further down is Eckerd's old warehouse. They feel that property is industrial and should remain industrial. He does not know what we are going to do about industry in this town if they keep shoving out industrial property.

Petition 77-49 - Mr. Heath's family purchased this property about 70 years ago. Back in 1934 they developed Midwood and that is one of the reasons, he supposes, that is the nice neighborhood it is today. He stated this is the only part that is technically Midwood. There is property on The Plaza and on Central Avenue, but this property is the only part that is in Midwood. Back of his lots, next to Peppercorn Lane, drops from 710 feet down to approximately 660 feet, about a 50-foot drop. Mr. Heath had redesigned that property when he was thinking about reserving for condominiums or for apartment houses. It has also been zoned that way since 1962, and they see no reason for having them come around and change it. He showed pictures to Councilmembers to illustrate a ravine which creates a wonderful buffer between Mr. Heath's property and the surrounding property. The ravine goes just about all the way around it and you will have plenty of woods between anything he would build there and the adjacent property.

He stated Mr. Heath is like a lot of other property owners; he has had property there a good many years; he has paid taxes on it for a good many years and whenever you talk about taking his property and rezoning it, you are in effect, confiscating it or condemning it without compensation. Frankly, he wonders how much longer property owners are going to be able to continue to buy property in Mecklenburg County and in the City of Charlotte with the hope of ever developing it because they never know when some neighborhood association is going to come in and by putting pressure on City Council and the County Commission, going to try to make the members of these bodies jump, and right or wrong, the property owner counts for little. That is not what this government is all about. This government is to protect property rights of the owners of the property as well as those who happen to live in the neighborhood. That Mr. Bryant stated they had a meeting - the City Council, the Planning Commission and the people of the Plaza-Midwood Association. That Mr. Heath was not invited and he does not think any of the other property owners were invited; they did not know anything about this. They have been talking about this apparently for weeks and months, but these property owners were not brought in to give their side of the story before these petitions were filed. Frankly, he does not think that is fair.

Of course, the property owners argue that they are protecting their property rights, but there is one big difference - they do not have anything to lose. They file a petition; rezone Mr. Heath's property - he is the loser, not them. They have not lost a thing. The people in the neighborhoods, when they bought their property, they knew the zoning on the property belonging to Mr. Heath. If they did not know, they could have determined it. But today the activist has arrived and he is going to be able to associate himself with other activists in groups and tell other people what to do with their property. Even though it has been zoned this way for 15 years, they are going to come around now and say "Well, we want it changed." No matter that you have paid taxes on it; no matter what kind of planning you have done for 15 years, "we are going to take it and make it what we think it ought to be."

Talking about condominiums and apartments, he does not know what is so dirty about a condominium and an apartment. People seem to get the idea that people who live in apartments or condominiums have something wrong with them. The apartments or condominiums that Mr. Heath would build out there are for people, just like the people who live in Midwood; just like the people who

September 19, 1977
Minute Book 66 - Page 138

live in Midwood; just like the people who are single-family residents. When the older people in Midwood decide they want to give up having to take care of the yard every Saturday afternoon or Sunday or pay someone else to do it, they want to give up worrying about the plumbing or the heating and all the other problems in a house, they might like to get into a condominium in the same neighborhood they have been in for a number of years rather than come over to the other side of town or 25 miles out in the country. There is nothing wrong with a condominium; nothing wrong with apartments.

He requested that Mr. Heath's property be allowed to remain in the zoning it is now and that the people of the area be allowed to select if they want to live in their neighborhood in a condominium.

Mr. Lee Heath, 215 East Morehead Street, stated he had been out on that property for 43 years. That something has been said about erosion. That the word Midwood has been used rather loosely. That he would like to call Council's attention to the boundaries. About a block and a half off of Central Avenue is not Midwood - it begins about two blocks up as shown by the lines on the map; then it goes a block and a half to Belvedere. He stated his property originally comprised about 481 lots. His family took it over on a loan they foreclosed years ago and they think they have done a good job. If anyone knows Midwood itself, they will know that it is predominately single family - they developed it that way. But you can also have apartments, which some people do not seem to understand. Strange as it may seem, there is only about five duplexes in that area - that's Midwood. From Tippah Avenue to The Plaza is known as Chatham Estates, developed by Mr. Paul Chatham. Mr. Heath stated his father owned on the other side of The Plaza, on Thomas Avenue on down to Hawthorne Lane and he was vitally interested in developing Piedmont - Oakhurst Land Company. He even ran a street car out through there. He lost money, of course, but in those days transportation was vital.

Mr. Heath stated they stayed in that development and developed it on a single family basis. Then, when they wind up with what they have - some very rugged land - 10 or 12 acres - to salvage, Robin Hood would have a easy time with this property.

He stated he was called down to City Hall some years ago, 1962 to be exact, and they wanted to have a general revamping of zoning in Charlotte. They said to him "We would like to rezone this property." So they did and gave them an R-6MFH, after a lot of lengthy argument and discussion. Only until they could show that this property was rugged - it is surrounded on both sides by tremendous ravines - even on Belvedere Avenue there is no buildable frontage. It is an ideal spot for multi-family because you are not going to hurt anybody. He hopes to build condominiums on this property; that is what it is for; he thinks that is what it is adaptable for. He does not know what the legal aspects of all of this zoning is. People are coming down every year, it looks like it is getting to be a semi-annual thing. All he knows is that they call one another up and say "we are going to have a barbecue on Lee Heath's property and we are going to use his carcus and his land, and all you have to do is go down to the K-Mart and get some cheap sauce and we have ourselves a deal." He stated it is expensive; that he is glad this word "erosion" came up and the words "single family." That no one ever did a better job in Midwood than the Heath family did - his sister built a beautiful home out there and two brothers did the same. His family developed that community and they lived in it. He thinks a man ought to be paid for his land if someone wants to take it. He hopes that this Council will see fit if they want to take his land to pay him for it; if they do not then - something was said about density, they have an R-6MFH classification; if that is too much, too many units, as the Planning Commission has told him, they have to look at it in terms of forty units to the acre. He stated he is not nailed to forty units to the acre - they can certainly amend that if that is the deal. He certainly feels like it ought to be multi-family.

Mr. Charles Carson, 135 Brevard Court, spoke in opposition to Petition No. 77-41. He stated he is the owner of a parcel of land covered by this petition; that in 1969 he made his first investment in real estate in Charlotte

September 19, 1977
Minute Book 66 - Page 139

by purchasing a piece of land at 1500 Hawthorne Lane. At the time of the purchase there was a very vandalized home on the property. It would have cost quite a bit of money to bring the home up to code so he decided to demolish the home. Shortly after demolishing the house - he thought it was a good neighborhood, he believed in Charlotte, he believed in that particular neighborhood, it was on a heavily travelled road, Hawthorne Lane, there were industries in the area - he petitioned with his attorney to the City Council in 1969 to rezone this property from R-6MF to O-6. He believes the vote was unanimous and if he is not mistaken some of the present members were on the Council and voted to rezone his property to O-6.

He stated during the time since he has been trying to sell the property. That the neighborhood has gone down; it is noted as a high-crime area. He does not think this is because of the business; he thinks it is because the people living in the area are the ones who commit the crimes. He does not understand the logic of putting a branch office - a doctor's office, veterinary clinic - on this O-6 property versus, if it was rezoned, the best he could hope for would be an eight-family apartment, where people live 24 hours a day and it would be low rent. He is asking Council today to leave the zoning at O-6; it is not a very big piece of property, but it is the principle involved. They are taking rights from him for his property; they are not taking the feet, but they are taking the use rights; that is wrong, without compensation. The property has been rezoned for nine years for O-6; the tax assessors were the first ones to make the new appraisal; he has been paying taxes for O-6 evaluation for these nine years. Who is going to reimburse him for his taxes if it is rezoned back? Yes, he wants to sell the property, he wants to have something nice there; that is why he first petitioned to rezone it to O-6. He hopes Council will vote against this petition.

Mr. T. R. Lawing, 500 South Tryon Street, spoke in opposition to Petition No. 77-43. He stated he is a native of Charlotte, born in the Elizabeth section; he is a firm believer in neighborhood preservation. He owns a piece of property at 1600 Parkwood. He provided a picture of the property for Councilmembers. He stated he purchased the property in 1971; it was vacant, had been in an estate for some years. It was in a considerably run-down condition, but it was zoned O-6, and he felt that in the wisdom of the Planning Commission staff, the intersection of Parkwood and The Plaza was zoned as was appropriate. That it is taught in real estate courses throughout the country that you have a B-1 zone, a gradual change to an O-6 zone, a gradual further change to an R-6MF and then perhaps an R-6 single family type zoning. This is the way this property was zoned - business on the corner, O-6 on his, multi-family next and on down to single family.

Mr. Lawing stated he visualized that this property could be used as a doctor's office, CPA's office, or any other such use as would serve the needs of the neighborhood. There are presently several dentists' offices, opticians, along The Plaza in this area. He sincerely believes that a change in this property from O-6 to a residential use would not be in the best interest of serving the neighborhood, the elderly people, the young people, the people who will need some office facilities to go to. Since purchasing this property, he has rehabilitated it and kept it rented, brought it up to the NIP program, everything that the City has requested along through the years, waiting for the proper development time when someone would come along and need a good deep lot - it is over 200 feet deep - to develop for office purposes. He has paid taxes on this property on an office use zoning. The appraised value of the land of his property is \$8,270; the immediate lot next door to it with a different zoning is \$2,300. He urged Council to allow this property to remain zoned O-6.

Mr. Paul Nelson, P. O. Box 23039, Mint Hill, N. C., stated he and his wife own the lot adjoining Mr. Lawing's - 1602-1604 Parkwood Avenue. At the present this lot is zoned B-1 and it is proposed to be rezoned to R-6MF. They oppose this. They purchased the property just a few years ago. One reason his wife wanted it was because it was zoned B-1; they have been paying taxes on it for B-1 zoning. At the present time it has a brick duplex on it. Since Mr. Lawing's agency handles the rental, he believes he will confirm that it stays rented, they keep it up. For about a year now he has been trying to

September 19, 1977
Minute Book 66 - Page 140

put together business that would conform to this zoning, he has prospects along this line. For Council to take this action, of course, will kill this part of his year's work and he asked them if they would want their property down zoned from B-1 to residential if they had their investment in such a piece of property? He requested that Council not take action on this and leave the zoning B-1.

Mrs. Juanita Nelson, P. O. Box 23039, Mint Hill, stated that as her husband has said they did buy this property as an investment. She stated she has been in Charlotte since 1929 and is very interested in every phase of Charlotte. That although they now live at 4101 Mint Wood Drive, but they lived on Thomas Avenue and Kensington formerly, so this is home country for them. She stated that the particular piece of property which they bought is not directly in the neighborhood that they are trying to rezone; there are stores and businesses across the street and down the street; and there is an empty building right now that does not add to the neighborhood. She feels if they could put some small business in there it would add to the attractiveness of Midwood and they would be serving the purposes that the people are asking for. These people are her former neighbors, many of them are her friends. She does not want their property downgraded; she does not feel that they are obligated to contribute out of their pockets money to help them. If they are willing to buy their property to make it into a small park or something of this nature, they would be glad to discuss this with them. But, they do promise that they will better the neighborhood rather than downgrade it.

Ms. Odessa Thomas, 9320 Idlewild Road, stated she owns the property on Parkwood, next to the corner service station. It is approximately 60 x 210'. She has been paying the high taxes on a fixed income and that property was re-appraised on the B-1 zoning. She is very strongly opposed to changing the zoning because these people out there do not need all houses, they need some businesses; they need something where they can walk to - many of them do not drive; so many of them need a grocery store right in that vicinity. Since Mr. Miller went out, on the corner, there has been nothing except up on The Plaza. She hopes Council will reconsider this action.

Mr. Norman Dickerson, Attorney, stated he represents Mrs. Lula C. Hargett, owner of the property at 2601 Belvedere. He spoke in opposition to Petition No. 77-49, stating that Mrs. Hargett owns the land directly across from the tract which is the subject of this rezoning petition, the land Mr. Heath spoke about earlier. He stated they concur with what Mr. Potter and Mr. Heath have already said in opposition to the petition, especially about the condominium and apartments not being the proverbial pig in the parlor.

He stated Mrs. Hargett's property is presently zoned R-6. That she feels that her property is best suited for luxury villas, condominiums or garden apartments, given this location near the Country Club and also feels that this drive to eliminate almost all of the multi-family zoning from the Plaza-Midwood section will endanger her chance to obtain the best use for her property. In addition, they feel that the proposed change is not in accordance with the Comprehensive Plan which seeks proper mixes of single and multi-family housing in the central area. They think that multi-family housing, especially if it is of the quality type and of low-density, is not contrary to the goals of the property owners and the associations have expressed at this meeting. Those goals, as he has heard them expressed, are to maintain the residential character - certainly there is not conflict there; to maintain stability; and to beef up the use of the public transportation. What they have in effect, is forcing people who either cannot afford single family housing, or desire to live in multi-family housing, further and further out from the central area.

He stated that Mr. Bryant admitted that this type of zoning proposal is an effort at stop-gap interim zoning; that the problem is density and not with the housing type. He stated that in the Charlotte Code as it is presently written (Section 23-96) we have certain stopping points in between. There are existing zoning classifications in between the zoning we have here - R-6MFH - and the R-6 that is proposed that would make more sense.

September 19, 1977
Minute Book 66 - Page 141

At Councilman Gantt's request, Mr. Dickerson pointed out this property on the map. He stated it is a rather large tract - several hundred feet on Belvedere. That it may not be in a ravine like Mr. Heath's, but it is very isolated and heavily wooded; that she has her homeplace there; is a recent widow and he believes she contemplates selling her property in the future.

Councilman Gantt asked if he is saying he supports Petition 77-49 because she might be interested in rezoning her property? Mr. Dickerson replied they are opposed to the petition because she is interested in seeing some multi-family housing in the neighborhood and feels that multi-family zoning is being pushed out of this Plaza-Midwood section.

Councilman Williams asked what smaller family classification can they move it to? Mr. Dickerson replied that Mrs. Hargett does not have any plans, she is thinking in the future; there is nothing on the drawing board. But, as he looks at the Code, he sees that there are a lot of stopping points in between the present classification and the R-6 that would provide for better type condominium buildings, apartments that would not have nearly the density. As he understands this classification, there are stopping points.

Councilman Gantt stated he thinks it is significant to note, and this probably relates to the comments made by Mr. Heath and Mr. Potter, that if you take a look at the entire zoning map for that particular area, the R-6MFH appears to be spot zoning. The reason he asked the question about the Matheson Avenue proposed thoroughfare was that there would have been a lot more logic in that particular zoning if that thoroughfare was coming through there than the logic for that particular situation that is in there now. That is why he wondered whether Mr. Dickerson's client was interested at some future time having her property rezoned to a multi-family purpose.

Mr. Dickerson replied he thinks that is what she would like to do. He does not know whether she even knew about the thoroughfare.

Decision was deferred pending a recommendation from the Planning Commission.

HEARING ON PETITION NO. 77-51 BY WILLIAM JOHNSTON FOR A CHANGE IN ZONING FROM O-6 TO B-1 PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF ALEXANDER STREET AND EAST 36TH STREET.

Mr. Bryant, Assistant Planning Director, stated this petition involves property which is located in the North Charlotte area; it is located specifically on the corner of East 36th Street and Alexander Street. The property is vacant at the present time - a house or building which was on the property has been demolished or is in the final stages of demolished at the present time. The other general use pattern in the area consists of vacant land which is generally opposite the property on one side of 36th Street, some of it is used for parking purposes. There is a church - Johnston Memorial Presbyterian - which extends along the entire block of East 36th Street from Alexander down to McDowell; there is a single family residence which immediately adjoins the property on the Davidson Street side; and another church, another house, and then it gets into the commercial area identified as the North Charlotte commercial area, generally centered on the intersection of Davidson and 36th. Behind the property there is single family residences along Mercury Street and continuing down Alexander and generally throughout the area.

He stated the zoning pattern in the area is that the subject property is zoned O-6 at the present time and this classification extends along one side of 36th Street for some considerable distance, past the church. There is existing business zoning on the vacant land; there is multi-family zoning from that point generally along 36th Street all the way out to the vicinity of The Plaza. Behind the property there is R-6 zoning generally. Thus, the subject property has actually four different zoning categories adjacent to it. The request is to change the office classification to a business one.

September 19, 1977
Minute Book 66 - Page 142

Mr. Albert Johnston stated he is a brother of William Johnston, the petitioner. He stated they inherited this property in 1964 and are now in the process of removing a house and they have some prospects for buying the property who will introduce new industry into this area. Due to the lack of parking and to the other buildings in this area, they would rather have a new building. He stated he has talked with the landowner nextdoor, a realty company, and he is interested in having his property rezoned as well as Mr. Hancock, the pastor of the church. The little avenue next to the business, the Astor Theatre, is just a little avenue dividing the house and the building. They feel if they can get this new zoning they can introduce new life into the Charlotte neighborhood. As far as the noise level is concerned, there is a dairy on the other end of the street and they have their tractor trailers going up through there anyway, so there would be no additional noise as far as trucks is concerned.

Councilwoman Chafin asked what kind of business is proposed? Mr. Johnston replied it will be a printing shop - it will be a small business with the majority of the property being turned into parking area.

Rev. Paul Horne, 719 East 36th Street, stated he is speaking for Mr. Max Webb, president of the North Charlotte Action Association. That he has talked with Mr. Johnston about this. He stated the Association received a letter stating that this was coming up and after meeting and considering the request, they felt that for several reasons they would request that the change not be made. He gave what their reasons were: First, the property bounding the lot at the back is zoned R-6 and we feel that this would open the door to strip zoning along 36th Street and in other areas as well. This would increase auto and truck traffic in the area. If it is a small business it might not for a while, but as it would grow it would create this problem, although we have some trucks going through there now that are pretty big. We feel that any businesses located in the North Charlotte area should be encouraged to locate in the business area which contains plenty of business space.

Rev. Horne stated, as Mr. Johnston pointed out, and they have pointed out several times in the past, there is lack of parking. They also believe that this would be going against the recommendations of the Planning Commission which are that orderly business zoning be considered first in any plan for neighborhood improvement. On these bases the Association requests that they leave the zoning as it is.

Mr. Johnston, in rebuttal, stated that across the street the whole block is already zoned B-1 and, of course, with the vacant house behind and a couple of rental properties, there are really no resident owners behind the property, and the church lot - the ball park - he does not see any problem there. He really does not understand why there would be this opposition. He talked with the Planning Commission and they are talking about blocking it off so that no more industry comes in. Why not come all the way up to Alexander Street rather than take just a little parking place down between the Astor Theatre and the house rather than break the lot up.

Decision was deferred pending a recommendation from the Planning Commission.

ORDINANCE NO. 721-X AUTHORIZING THE EXTENSION OF CITY SERVICES INTO THE ANNEXED AREAS.

On motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted authorizing the extension of city services into the annexed areas.

The ordinance is recorded in full in Ordinance Book 24, at Pages 462-463.

September 19, 1977
Minute Book 66 - Page 143

AGREEMENT WITH FAMILY HOUSING SERVICES IN THE AMOUNT OF \$90,000 TO BE USED FOR A HOME MANAGEMENT AND IMPROVEMENT PROGRAM FOR COMMUNITY DEVELOPMENT AREA RESIDENTS.

Councilwoman Chafin moved approval of an agreement with Family Housing Services in the amount of \$90,000 to be used for a Home Management and Improvement Program for Community Development Area residents. The motion was seconded by Councilman Whittington.

Councilman Gantt asked for clarification of this item from Ms. Barbara Lucas, Director of Family Housing Services, stating there is a contract set up on something called service units that he does not quite understand. That there is no line item budget for these funds. One of the things he is interested in finding out is the evaluation report says they have had some difficulty in the past year meeting the client goal. He wonders whether or not we have enough clients left in that area that still require the services and why they opted to go to a service unit approach as opposed to the commission approach they used in the past year?

Ms. Lucas stated she will take the service approach first. They offer a variety of housing counselling. It ranges from finding suitable housing for people who have no housing at all, which takes a great deal of time, to pre-purchase counselling for someone who may have already picked out a house. They receive funds from a large variety of entities - wherever they can get the money. They operated the first year with a line item budget with the Community Development Department. It becomes very difficult for the accounting process in their agency, and for Haskins & Sells, who audit their books, in attributing this staff person specifically to Community Development, this much of the telephone to Community Development and this much to XYZ Agency over here, in its accounting procedure.

In addition, one of the things they have agreed with the staff is to provide a time study along with their service unit. It is her feeling, and the Community Development staff's feeling, that they will know, and she will know, much more about the program, the time it takes for different areas, and much more about what they are doing, rather than going on a line item budget. She stated the staff feels comfortable with this and they feel comfortable with it.

Councilman Gantt asked if they set their goals lower than last time? Ms. Lucas replied no, they set their goals higher. That last contract year they contracted under this particular contract to serve 200 target area residents. As they may, or may not, know there has been a problem over the past in receiving referrals. They have worked that problem out with the very good help of Mr. Michie, Mr. Sawyer and their staff and referrals are coming their way now at a much more rapid rate. They do not feel that they have a problem in meeting their numbers. That is the only problem they have had in the past in their evaluation reports - the numbers problem. So far, to date, on this contract they have served 155 out of the 200. That is in addition to the over 400 people they served on the emergency heat program under another contract through Community Development. For a total they have served about 550 target area people during the last contract year.

Councilman Gantt stated their evaluation was good; they did come up short however on the amount of contacts estimated. He wondered if that had a relationship to their going to this new approach.

Councilman Gantt asked if this is likely to be a form of contract that the Community Development Department is going to use with other agencies which have the same kind of problem in terms of they do not give all or 100 percent of their time to our program but are mixing it in with other agencies?

Mr. Sawyer, Community Development Director, replied this is the first one. He does not consider this precedent setting. It is almost unique in the case of this counselling service. They try to deal with each agency on its own merits and its own method of operation, as long as they are sure that they are getting the service that they are contracting for. They are confident in this case.

September 19, 1977
Minute Book 66 - Page 144

Councilman Gantt stated he does not have a problem with the Family Housing Services, he thinks they have been doing an excellent job. He just wondered what the reason for the change was.

Ms. Lucas stated one of the things in relation to the number of people they had in the past - for a while they were going out into the target areas themselves and recruiting, seeing who had problems, etc. When they took on Title XX funding they did not pay for outreach so they had to keep that. That if they had continued their outreach last year they would have met their goal in numbers. That with the cooperation of Mr. Sawyer's department they will have no problem in meeting their numbers.

Councilman Williams asked if the agency receives any money from the County?

Ms. Lucas replied no. That she has been told that Mecklenburg County has been cut back severely in its Title XX funds. Although they got an excellent monitoring report from Title XX, they were not considered for funding past September 30. They will be receiving Department of Urban Development funds.

The motion for approval carried by the following vote:

YEAS: Councilmembers Chafin, Davis, Gantt, Locke and Whittington.

NAYS: Councilmembers Williams and Withrow.

AGREEMENT WITH THE COMMUNITY SCHOOL OF THE ARTS, IN THE AMOUNT OF \$14,953, FOR AN INTRODUCTION TO MUSIC PROGRAM FOR COMMUNITY DEVELOPMENT AREA PRE-SCHOOL AND SCHOOL AGE CHILDREN.

On motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approval was given to an agreement with the Community School of the Arts, in the amount of \$14,953, for an Introduction to Music program for Community Development Area pre-school and school age children.

ORDINANCE NO. 722 REGULATING THE PLANTING OF TREES AND BEAUTIFICATION OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT WITHIN THE CITY OF CHARLOTTE.

Councilwoman Locke moved adoption of the subject ordinance regulating the planting of trees and beautification of commercial and industrial development within the City of Charlotte. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Pages 464-476.

SEGMENT OF ROAD BETWEEN SHARON ROAD AND PROVIDENCE ROAD NAMED FAIRVIEW ROAD, AND PORTION OF SARDIS ROAD FROM PROVIDENCE TO ITS DEAD-END NAMED OLD SARDIS ROAD.

Councilwoman Chafin stated she does not fully understand the report from the Planning staff; whether the information they presented is really complete. She asked if the Planning Director is presenting this as a complete report or is he saying they would like an opportunity to study this concept of coding further.

Mr. William McIntyre, Planning Director, stated it is possible they might find out some things if they studied it further than they were able to find out in the very limited amount of time. He cannot guarantee that, but they really did not have time to explore it.

Councilman Whittington asked if he is not saying leave it like it is and if he comes up with another answer he will give it to them as a suggestion later? Mr. McIntyre replied no, he is not saying leave it like it is. The Planning Commission's recommendation still stands for Council to consider.

September 19, 1977
Minute Book 66 - Page 145

There are the two other options which were discussed in his memorandum to Council. He does not think the coding is really an option; there is a comment made on that in the memorandum. The suggestion that the name Sardis Road be extended across Fairview over to Park Road. That proposal was commented on also.

Councilman Davis stated he does not care to vote to change the name of anybody's street unless they plan to do this on a citywide basis and have some policy for changing street names. He mentioned the comments by Mr. O. R. Jones at the informal session about the change from Queens Road to Kings Road to Central to Albemarle, stating there are numerous examples of streets like this. That unless Council is ready to adopt this sort of change citywide he does not want to inflict this sort of thing on any isolated group of citizens. In fact, he does not think the Council should devote a tremendous amount of time to consideration of individual street name changes. That the City should have a policy that could be implemented in almost an administrative manner. That since we apparently have no policy in this area, he will move that Council refer this matter back to the staff for development of a citywide policy on street-name changes before they make any decision on individual street names. The motion was seconded by Councilwoman Locke.

Councilman Whittington stated we had 600 different street name changes (Mr. McIntyre agreed that was about the right figure) and if they want to propose today that Queens Road be changed to Kings Drive you had better be ready to leave town. That Councilman Davis is really making a suggestion of something that he cannot comprehend of what he is getting into. That if he wants to come up with a policy, they have a policy now.

Councilman Davis stated then he will ask a question for information. Will Mr. McIntyre tell them what the City's policy is.

Mr. McIntyre replied we have a policy when a street name change is proposed by a segment of people living on a street, the approach to that is they evaluate it. This is the policy that was established at the time they made some very comprehensive changes. The policy really consists of going out and evaluating which duplicate street name would be changed, which one would get priority, which one would not get priority - this sort of thing.

Councilman Davis asked how they determine if there is going to be a change at all? Mr. McIntyre replied they have determined here that they should recommend the change because there is a street segment that has no name at all and that is what got them into consideration of this pattern. The recently opened segment of Fairview Road has no name at the present time. It runs into Carmel Road and there is not even a cross intersection street there, so you would have the name change occurring not at a street intersection but at a property line. One property on the northly side of Fairview would be under the name Fairview and the nextdoor property would be under the name Carmel.

Councilman Withrow moved that the segment of the road between Sharon and Providence Roads be named Fairview Road. The motion was seconded by Councilman Williams.

Councilman Davis made a substitute motion that the road from the intersection of Park Road and Park Road Extension all the way to Providence Road be named Sardis Road. The motion died for lack of a second.

The vote was taken on Councilman Withrow's motion and carried as follows:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington, Williams and Withrow.
NAY: Councilmember Davis.

Councilman Whittington moved that the portion of Sardis Road from Providence to its dead-end be named Old Sardis Road. The motion was seconded by Councilwoman Locke and carried unanimously.

September 19, 1977
Minute Book 66 - Page 146

ORDINANCE NO. 723 ESTABLISHING A POLICY FOR PLACEMENT OF MONUMENTS ON PUBLIC PROPERTY.

Councilman Whittington moved approval of the subject ordinance establishing a policy for the placement of monuments on public property. The motion was seconded by Councilman Williams.

Councilman Williams stated that the ordinance as proposed gives the appointment power to the City Manager; that he supposes this is all right as long as the Council has the final say and that is true too under the ordinance. He asked if there is any particular reason for the Manager making the appointments instead of the Council?

Mr. Wylie Williams, Assistant City Manager, replied one of the reasons for having the City Manager appoint that committee is that most of the monuments that would be proposed for placement on public property could come in public right-of-way and, of course, they need someone who is familiar with the future development plans for the area that is proposed, to make sure there are no obstructions in the right-of-way. That any committee that is appointed would have to check with staff anyway to ascertain this. It would save a step in that whole process.

Councilman Gantt asked if there would be any objection to two members appointed by the Manager and two by the Council? Mr. Burkhalter, City Manager, replied he has no objections at all. That the reason they gave it to him is because they viewed this as a technical committee and the technical committees in the Charter are all appointed by the Manager because of the qualifications of the people involved. They were just following procedures; it does not make any difference to him.

Councilman Gantt stated the reason he made the suggestion is he thought Council might just want some input through a couple of people. Mr. Burkhalter stated anything he does Council has all the input in. Councilman Davis stated the majority of them should be appointed by Council because this is a rather sensitive matter with the public. If the purpose of the committee is to advise the Council then they ought to have at least the majority of its members. That it is certainly good to have the staff input and that could be formally represented on the committee.

It was suggested that the wording of the ordinance as proposed be changed by striking out the word "Manager" and put "Council."

Councilman Gantt stated he would not support that and other Councilmembers agreed. He stated he would support it if it had appointments that were shared by Council and the Manager. That a valid point was made as to it being technical. That some of the problems we got into the last time had to do with the Landscaping Department doing certain things. That there are situations that are technical; that from the standpoint of citizens, the nature, the spirit of the monument and other kinds of things can be evaluated and they can advise Council.

After several other suggestions were made as to the make-up of the committee, Councilman Whittington stated he thinks they should leave it with the City Manager. He advises the Council anyway and it is a technical matter; most all of these things will be involved in right-of-way, planting strips or park property.

Councilman Davis suggested several amendments. He stated that as a general practice, if a committee is to represent public input and is to advise the Council, that on both scores at least the majority of this advisory group should be appointees of Council. It does not make sense the other way - it is like having someone else name your doctor or your attorney, or something of that nature. Certainly, on almost every committee we have there is a need for staff input and expertise; this is no different from the Tree Commission or the Planning Commission or anything else. What the numbers are he does not particularly care, but he does think that the majority of this committee should be appointed by City Council.

September 19, 1977
Minute Book 66 - Page 147

Councilman Davis made these further suggested changes: On the back of the Application Form, Item 4 under "General Procedure. . ." change to read that the public hearing would be held before the Monument Committee.

Also, under "General Procedure. . .", delete Item 7 so that City Council would not refer the request to the Monument Committee for its recommendation. The committee would simply hold a public hearing and make a recommendation to the Council.

The vote was taken on the original motion to approve the ordinance as proposed and was defeated by the following vote:

YEAS: Councilmembers Chafin, Whittington and Withrow.
NAYS: Councilmembers Davis, Gantt, Locke and Williams.

Councilman Gantt moved the adoption of the proposed ordinance with the amendment that the committee should consist of five members, three of which are appointed by the City Council and two appointed by the City Manager. The motion was seconded by Councilwoman Locke.

Mr. Underhill, City Attorney, stated that since the original ordinance contemplated the appointments being made by the Manager, the normal language that appears in the establishment of all committees which deals with the attendance at meetings and which established terms was left out. He suggested that in order to keep these questions from coming up in the future that Councilman Gantt add to his motion that at least the Council appointees be assigned terms of three years; that they can serve no more than two consecutive terms and the 75 percent attendance requirement. That would make it consistent with other committees of Council. Councilmembers Gantt and Locke agreed to this inclusion.

The motion carried by the following vote:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington, Williams and Withrow.
NAY: Councilman Davis.

The ordinance is recorded in full in Ordinance Book 24, at Pages 477-480.

RESOLUTIONS AUTHORIZING THE ACCEPTANCE OF ENVIRONMENTAL PROTECTION AGENCY GRANT INCREASES FOR THE METRO-CHARLOTTE 201 PROJECT IN THE AMOUNT OF \$2,838,984, AND NORTH MECKLENBURG 201 PROJECT IN THE AMOUNT OF \$1,629,890.

On motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, resolution was adopted authorizing the acceptance of the subject EPA Grant Increases.

The resolutions are recorded in full in Resolutions Book 13, at Pages 16 and 17.

ORDINANCE NOS. 724-X and 725-X APPROPRIATING FUNDS TO THE METRO-CHARLOTTE PROJECT AND TO THE NORTH MECKLENBURG PROJECT.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, adopting Ordinance No. 724-X, appropriating \$3,786,000 to the Metro-Charlotte Project; and Ordinance No. 725-X, appropriating \$2,172,500 to the North Mecklenburg Project.

The ordinances are recorded in full in Ordinance Book 24, Pages 481 & 482.

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT AUTHORIZED TO NEGOTIATE FOR A SEWER SYSTEM EVALUATION SURVEY.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, authorizing the Charlotte-Mecklenburg Utility Department to negotiate with the firm of Weston Environmental Consultants-Designers to make a sewer system evaluation survey.

September 19, 1977
Minute Book 66 - Page 148

Councilman Davis asked if this contract is to be let on a cost plus fixed fees and estimated not to exceed \$750,000, is that not an unusually large amount for a contract to be let on a cost plus basis?

Mr. Lee Dukes, Utility Director, replied he does not know exactly how to answer because this is the first time they have had something of this magnitude. This is a requirement for us to be eligible for federal funds; it is to study the sewer system. They are talking about some 4 million feet of sewers that ought to be studied. The reason it is a unit price is because in order to cover this area they hope that they will break it down in little sections and study that if there is no need for further study in that small section they will not do any more in it. Because it is broken up like that they do not know how to approach it any other way except as a unit price.

Councilman Davis stated he understands but what he had reference to was, for example, at Spirit Square where they are letting the architectural contracts, they are having a public presentation of proposals where the public is invited to hear the proposals. That he had not heard of this proposal and wondered if a similar method for public input and consideration was made prior to negotiating with the Environmental Consultants?

Mr. Dukes replied they have not negotiated the contract; they are asking permission to negotiate one; they will come back for Council to approve a contract once they have done this. That what they did was start out with 19 engineering firms and his department looked at their credentials and from that they selected four and then they invited Councilmembers to come out and participate in the interviews with the four consultants that they selected. At this point, they still want to study the contract. That as far as the public is concerned, it is like any meeting.

Councilman Davis stated that more so than the public he meant the consulting engineering community. Mr. Dukes replied they certainly have advertised it; they had 19 to start with.

ORDINANCE NO. 726-X TRANSFERRING \$50,000 WITHIN THE UTILITIES CAPITAL IMPROVEMENT PROJECTS FUND FOR MINOR EXTENSIONS TO EXISTING SANITARY SEWERS.

On motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, subject ordinance was adopted transferring \$50,000 within the Utilities Capital Improvement Projects Fund for minor extensions to existing sanitary sewers.

The ordinance is recorded in full in Ordinance Book 24, at Page 483.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE SETTING POLICE MAJOR'S PAY RANGE AT 26, AND POLICE CAPTAIN AT PAY RANGE 23.

Council considered a written report from the Personnel Department included with the agenda, regarding police sergeants' pay and educational incentive pay.

Councilman Whittington asked if this recommendation is different from what the consultants recommended in the Pay Plan that Council adopted at budget time?

Mr. Tim Mayes of the Personnel Department replied there is one difference. That the Police Major class be assigned to Pay Range 26 instead of 25. The recommendation today is the recommendation presented by the consulting firm.

Councilman Whittington moved approval of Alternative A of the report; seconded by Councilman Withrow.

Councilman Gantt stated what that will do is put all captains at the same rate of pay. He requested that Mr. Mayes explain the chart that shows what is going to happen to the number of people who will receive a pay increase if they take Alternative A and which ones will not receive an increase.

September 19, 1977
Minute Book 66 - Page 149

He stated there is one alternative that is not included and that is what is the situation if all captains were made Pay Range 24.

Mr. Mayes in explaining the chart, stated that under Plan B, no District Fire Chief would receive an immediate increase and no Captain would receive an increase; two Police Majors would receive an increase. He stated that one of these Majors will receive an increase under Plan A. That if they go with Plan A, as opposed to going with Plan B, five Majors would receive an immediate increase. An important point to understand is that we do have a number of people now who are anticipating pay increases in the present plan, as well as four more who would anticipate an increase under Plan A. There are 24 people who are presently anticipating an increase under the present plan, but if Council goes with the alternative plan they will not receive an increase.

He stated that as a result of Plan B, there would be 8 Police Captains who would have frozen salaries and this would result in the fact that they are now at Pay Range 23, the top step in that range. If they were to vote it to Pay Range 22, it would be a step beyond that top step and in accordance with our policy they would be frozen.

Councilman Gantt asked what would happen if the Police Captains got Pay Range 24 as opposed to the 23?

Mr. Mayes stated one of the things they are concerned about, it is the opinion of the Personnel Department that it would not be a wise decision; it would not be a decision that would best spend the taxpayers' dollar. They believe that Pay Range 23, especially as you relate it to the Majors' pay, there would be a greater differential, or more meaningful differential, between the Captains and the Majors. They would have the Captains pushed up even closer to the Majors.

Councilman Gantt stated then he is disagreeing with the PAS recommendation that had a spread of about two pay ranges between the Captain and the Major?

Mr. Mayes stated the PAS recommendation did allow for a basic pay range assignment of 23 for the Captains and allowed for an assignment pay which would put team commanders and bureau commanders at Pay Range 24. That this is something that the Chief has noted as being a very difficult situation in his department in his being able to move captains from one assignment to another. They believe that to correct that situation as well as to establish a better differential between Captains and Majors, 23 is the best range and that is the range that has been moved up in order to allow more incentive pay being pushed in for the rank of Captain.

Councilman Davis stated when this whole thing came about he advised members of Council to put educational incentive back into our pay plan. Referring to the report he stated that in the Police Department there are a total of 40 Captains, Majors, Assistant Police Chief and Chief - 14 of them have degrees, 35 percent. In the Fire Department, of a total of 20, 9 have degrees or 45 percent. Lumping the two together we have less than 40 percent of our senior Police and Fire Department leaders with college educations. He stated there is a very real need for educational incentive and that it is in the best interest of the citizens.

He quoted from the report: "There is little evidence that the present educational incentive pay policy has worked for the higher ranks." He stated the only thing that says to him is that the educational incentive may not be enough.

Councilman Davis stated the staff has given two alternatives - A or B. That neither one really addresses the request to get educational incentive back into this. That they have discouraged the selection of Alternative B because there would be a lot of people that are expecting a pay raise that would not get one, which is a disadvantage. He stated he feels some obligation to the Police and Fire Department to see that they do not come out any worse

September 19, 1977
Minute Book 66 - Page 150

than they would have under the new pay plan. So, if they could consider an alternative in this area. Look at Alternative B, which would provide for educational incentive. If they took the District Fire Chief, the Police Captain (including the team or bureau commanders) and instead of taking them back down to 22, let that go back down to Pay Range 23. That is the same as the new pay plan in every respect except for team or bureau commanders.

He stated the Police Department has already told them that they want to be able to move Police Captains in or out of team or bureau commander slots easily. So apparently they see no great difference in responsibility in the assignment of just regular Police Captain or team or bureau commander. This would take care of everyone the same way they would have been under the new pay plan in that category. It would leave Majors at Range 25, which is the same range they were in under the new pay plan recommendation.

Councilman Davis made a substitute motion that Alternative B be approved, amending District Fire Chief, Police Captains (including team or bureau commanders) to Pay Range 23. This would, in effect, take care of almost everyone the same way they did in the new pay plan and it would give educational incentive to all sworn Police Officers.

Responding to Councilman Davis' suggestions, Mr. Mayes stated that in the report the reference is made to the fact that the present plan apparently has not worked. That the key thing to look for in the table that follows is the column headed "Number Receiving Degree Since 1974" when the policy was implemented. The table indicates that there are 11 captains who presently have a degree, but only 3 received degrees since 1974. In fact, each of these persons had begun his work prior to 1974. The same would hold true for the case of Police Major, as well as District Chief. That the one District Chief who has received his degree since 1974 did begin his work prior to that time. This indicates to the department that apparently the incentive had been better taken advantage of by these people at the lower levels.

Mr. Mayes stated that a few weeks ago when he presented their recommendation to Council, he said at that time that if they chose to go with a plan which would add incentive pay back on as an addition to the basic level, that it would be absolutely necessary that they recommend to Council that the basic pay levels for these classes be pushed back. He stated that position remains unchanged. The only reason that the levels for District Chief, the basic level for team commander and the basic level for Major was raised is because educational incentive pay was taken out as an add-on. Instead they built it in to the basic plan. What they have given to Council in alternative figures and fact is a plan which will provide for incentive pay as an add-on. They do not recommend it; they do not feel it is the sound Personnel position to take, but it is an alternative for their consideration.

He stated the second table on Page 3 of the report is not information which they are using as justification for their pay recommendations. That Council has heard from a number of concerned groups; they have heard from representatives of the Police Department, different ranks, as well as the F. O. P.; that there are some feelings in the department that have not been made known. That this information is only here to help Council understand that, in fact, in they do go with Plan B there are 24 people who are not going to receive an increase who are presently receiving it that they probably have not heard from yet. It is not a justification for the pay recommendation; it is provided for their information, however.

The substitute motion made by Councilman Davis did not receive a second.

Councilman Williams stated he almost seconded the substitute motion, but did not for several reasons, one of which is that it included the Fire Department. His feeling is that the educational incentive pay is more beneficial to the City when it is used in the Police Department because those are the people who have the tremendous job of dealing with people in all kinds of situations and in a variety of sensitive situations, unlike the Fire Department. He

does not see the same reason to include the Fire Department, especially at the upper echelons, as including the Police Department. They might ask "Why, in the Police Department, at the top, when very few people at the top are eligible?" It is his opinion, and it would be a policy statement to the entire department that Council places a premium on education - from top to bottom; and that they are encouraging education from top to bottom in the Police Department.

Councilman Williams stated he does not like either Plan A or B; that it puts him in a pretty uncomfortable position because it is his natural instinct to jump on Plan B except that it has a "fish hook" in there and that is that they are going to offend 24 people who already have a raise and they would be taking it away from them. That is not at all what he had in mind. What he has in mind is simply, in the Police Department only, imposing on top of the pay plan that has been adopted for this year a 5 percent increase for an associate degree and a 10 percent increase for a baccalaureate degree, at all levels from top to bottom. If that results in some captains with education making more than some majors without, then so be it.

Mr. Mayes replied that he will just refer to the fact that they feel like they have built this in the plan. That the question came up at the last Council meeting concerning the requirements of the Captain and the Major. At the time, they said that a sergeant would not have to have a degree to become a Captain, nor would a Captain have to have a degree to be promoted to Major. That when you review the class specifications that were developed by the consulting firm, and which were approved by both the Police Department and the Fire Department in each respective case, they will see that the emphasis is, in fact, placed on that degree. They are going to build it in; they are going to make sure and encourage even more strongly the fact that you get that degree at the lower levels. That if he were a Police Officer, he would want more money as a Police Officer. If he were looking at where he was going to go in that department, and if he saw that there was a great emphasis placed on his need to have a degree to get to the level of Captain, you better believe he would go for that degree, if it were that stringent a requirement. That it is part of the job description.

He stated one of the things they will notice is the equivalency statement which they will see in most any class specifications that are written. By that he means there could be a situation whereby a person with 20 years of experience could be traded off for a degree. That someone representing the sergeants spoke at the last meeting stating he really was not concerned about the degree; he was not concerned about what they paid for education; what he was concerned about was what the men did. That what they are saying is that they are going to encourage as strongly as they can to impose this need for an associate degree for both a Captain and a Major, but there could be a situation where a person would not have that degree who would still be placed or promoted to one of these ranks. It is not an absolute requirement at this point.

Councilwoman Chafin stated she would like to re-emphasize what Mr. Mayes is saying. That it is obvious that while the educational incentive pay policy is working, and working very effectively, at the lower rank, it does not seem to be attracting our officers at the higher ranks into our educational institutions - the statistics are there. It seems to her that by building the educational requirement in, which the Personnel Department has done - that the equivalency clause is almost always in a job description - you are reinforcing the educational incentive at the lower ranks, where the men and women who are looking toward promotion at some future date are coming from.

She stated her only concern about Alternative A is how will the Majors and Captains who are currently receiving educational incentive pay be adversely affected by the implementation of this alternative?

Mr. Mayes replied that the impact of this plan has already been felt. That Council heard from one Major at the last meeting who had not received the full 6-3/4 percent increase which most of the City employees did. At the Captain level - there are a number of Captains who would not receive increases that they are expecting to receive.

September 19, 1977
Minute Book 66 - Page 152

Councilwoman Chafin stated that what she is asking is "Will any be adversely affected by Plan A, and how will they be affected?"

Mr. Mayes replied there are presently 11 Captains who have degrees; 9 of these Captains have associate degrees and 2 have baccalaureate degrees. There would be 2 Police Captains who would be expecting - if they add incentive pay on with Plan B - to go to a step beyond where they would be going with the plan they are recommending. That is the effect.

Mr. Burkhalter, City Manager, stated but all of them do get raises?

Mr. Mayes replied that he noticed in the correspondence which the City Manager sent to Council that transmitted this report there was a reference to perhaps some adjustment being made.

Councilwoman Locke called for the question; the motion failed for lack of a majority vote.

Mr. Burkhalter stated when the original Personnel plan was presented to Council, before they asked for the educational incentive pay, all of the Captains were on Pay Range 22. There has been no suggestion that any of them go below 23. When they made the recommendation that they go from 22 to 23 rather than to 24, he suggested that if there was no objection from Council, he would adjust those that were being moved from wherever they were to where they were - that if they were not on maximum, that he would give them another 5 percent to see that they did not suffer from this change.

Mr. Mayes stated that right now there are 3 Captains who are at Step (d) and 10 Captains at Step (e) and the rest are at Step (f) or beyond. That what Mr. Burkhalter is referring to is the need to have everyone at the same pay could be a need to adjust some of those again.

Mr. Burkhalter stated they will probably never have another opportunity to do this that would be as easy as it is now. That in his experience, it is the old grandfather clause that catches most of these. Somewhere along the line you have to cut off and say "Everybody that does not measure up to this now is going to be one, but from now on you are going to have to make more professional qualifications." That is what this pay plan did. It recognizes the fact that the time has come when we ought to be demanding better educational requirements of the leaders of the Police and Fire Departments, and the best way to do that is to pay for it. That the reason all of those people down below want to get an education is that they want to get a Major's job, or a Captain's job, and that they will have a better opportunity. He thinks they will and that this will prove that. That people when they come in have better educations today.

Councilman Davis stated this is just the opposite of what he wanted to accomplish; that maybe Council should have had a better understanding as to whether or not they wanted educational incentive. What the staff has come back with makes it very difficult to adopt anything that includes educational incentive as a separate add-on. That he would hate to get into the position they have put Council in where in selecting an individual for the job of Police Captain, Police Major or Assistant Police Chief or Police Chief, they have to decide, not who is the best qualified man, but who is the best educated man. If they build that into the specifications for the job, they work toward that position. That one side of this issue is the working person - the officer - but another side of the issue is that we have three Assistant Police Chiefs and one Police Chief who rose to the top of the department without the benefit of a college education. There are a tremendous number of people in the United States who have risen to the top of their professions without a college degree, who have educated themselves and are probably a whole lot better educated than a lot of people walking around carrying B. S. degrees. This is the opposite of what he wanted to do; that it is a backward move.

September 19, 1977
Minute Book 66 - Page 153

Councilman Davis stated he does not see how the staff can logically tell Council that 35 percent of the Police Captains, Majors and Chiefs have a college degree and we should pay 100 percent of them by building educational incentive pay into the pay scale. This is paying the taxpayers' money for something we are not getting.

He stated another point is that removing the educational incentive is a step backward; if we want to get more people with college educations in the higher ranks they ought to leave it in there so that it can be identified as an educational incentive and then when we have 75, 80 or 90 percent of the department with a college degree, then would be the time for staff to come back to Council and say "Look, practically everybody is college educated and there is practically no chance of someone obtaining this high rank without a college education now." At that point it would be appropriate to build it into the pay scale, but not now.

The original motion passed by the following vote:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow.
NAYS: Councilmembers Davis and Williams.

Councilwoman Chafin stated there is one related issue that has not been fully resolved. It has been discussed from time to time. It involves the investigators. At one point it was suggested that they would look to our newly created Master Police Officers for investigative assignments. She understands that this is not the case; that our regular police officers would be assigned as investigators without any additional compensation. She requested that this be placed back on the agenda at some near date for further discussion.

Mr. Burkhalter stated he would much prefer to do that after they do the Master Patrolman; that they could see it better after that.

Councilman Davis stated if they wait until after the MPO to select, it is going to be a rather academic discussion; that as he understands it, investigators cannot remain investigators if they become MPO's. It was brought out in further discussion that an MPO can become an investigator.

The resolution is recorded in full in Resolutions Book 13, at Page 18.

MR. BOB BROADWAY APPOINTED TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A THREE YEAR TERM TO EXPIRE JUNE 30, 1980.

Councilman Withrow moved the appointment of Mr. Bob Broadway to a three-year term on the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman Whittington.

Councilman Williams stated he would vote against this motion and he does it reluctantly. He thinks Mr. Broadway's resume is outstanding; that several people have contacted him and they say he is outstanding. The problem is that he lives in a section of town that some people think is already over-represented on boards and commissions, which is no fault of his own. That also he is in the same business as the chairman of the Planning Commission and it is a sensitive business in this position. That is no fault of his either, but it is just the fact.

The motion carried by the following vote:

YEAS: Councilmembers Davis, Locke, Whittington and Withrow.
NAYS: Councilmembers Chafin, Gantt and Williams.

CITY MANAGER'S APPOINTMENT OF MR. GRAY R. BOONE TO THE BUILDING STANDARDS BOARD FOR A THREE YEAR TERM APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, approving the City Manager's appointment of Mr. Gray R. Boone to the Building Standards Board for a three year term.

September 19, 1977
Minute Book 66 - Page 154

CONTRACTS FOR VARIOUS ITEMS AWARDED.

1. Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, U. S. Standard Sign Company, in the amount of \$12,990, on a unit price basis for 600 sheets of aluminum.

The following bids were received:

U. S. Standard Sign Company	\$ 12,990.00
Vulcan Sign & Stamping	13,266.00
Sidal Aluminum Company	13,734.00
Jos. T. Ryerson & Son	15,377.04
Southeastern Safety Supplies	15,450.00

2. On motion by Councilman Whittington, seconded by Councilman Withrow, and carried unanimously, the high bid, in the amount of \$8,105, by Utility Service Company for the sale and removal of the elevated water tank located in the Arrowood Industrial Park was accepted.

The following bids were received:

Utility Service Company	\$ 8,105.00
R. E. McLean Tank Co., Inc.	1,456.00

3. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder meeting specifications, N. C. Equipment Company, in the amount of \$21,780, on a unit price basis for two heavy duty vacuum leaf loaders.

The following bids were received:

N. C. Equipment Company	\$ 21,780.00
Interstate Equipment Company	22,500.00

Not Meeting Specifications:

Carolina Equipment Company, Inc.	20,480.00
----------------------------------	-----------

4. Councilman Whittington moved approval of the purchase of one trailer mounted brush chipper, in the amount of \$5,508, from The Wood/Chuck Chipper Corporation, from the existing contract, for annexation areas. The motion was seconded by Councilwoman Locke, and carried unanimously.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, taking the following action on Consent Agenda items:

1. Adoption of ordinances ordering the removal of weeds and grass:
- Ordinance No. 727-X ordering the removal of weeds and grass from rear of 1616 Allen Street.
 - Ordinance No. 728-X ordering the removal of weeds and grass from rear of 2224 Randall Street, vacant lot.
 - Ordinance No. 729-X ordering the removal of weeds and grass from vacant lot at 2832 North Graham Street.
 - Ordinance No. 730-X ordering the removal of weeds and grass from rear of 2553 Arnold Drive.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 484 and ending at Page 487.

September 19, 1977
Minute Book 66 - Page 155

2. Approval of a loan agreement with Herbert Murphy, doing business as Murphy's Concrete Company, in the amount of \$10,000 to provide working capital for the purpose of obtaining equipment for the operation of his new business.
3. Approval of a proposed settlement in the amount of \$200 in the City v. Mary M. Lawing, et al, for McDowell Creek Sanitary Sewer Outfall, Parcel 2.
4. Recommend approval of an encroachment agreement with North Carolina Department of Transportation for the installation of fire hydrants along Rozzells Ferry Road, at North Creigler Street, North Ramsey Street and Carothers Street.
5. Approval of Property Transactions, as follows:
 - (a) Acquisition of 30' x 1,372.23' of easement, from Mrs. Lizzie M. Mayberry, at 14601 and 14500 U. S. 21, Huntersville, N. C., at \$3,350, for Torrence Creek Outfall, Phase III.
 - (b) Acquisition of 22.5' x 235.51' of easement, from The Town of Cornelius, at 19729, N. C. 115, Cornelius, N. C., at \$1.00, for sanitary sewer pressure line from Davidson Treatment Plant.
 - (c) Acquisition of two parcels of property in West Morehead Target Area:
 - 1.) 5,520 sq. ft., from Mrs. Willie McDavid Heirs, 1237 South Church Street, at \$4,650.
 - 2.) 11,660 sq. ft., from Helen W. Hoke, 1204-06 South Church Street, and 203 West Palmer Street, at \$37,000.
 - (d) Acquisition of 5,610 sq. ft., from Albert M. Guillet, Jr., at 1108 Greenleaf Avenue, at \$8,000 for Third Ward Target Area.
 - (e) Acquisition of 800 sq. ft., from Marie H. Wall, at 2713 South Tryon Street, at \$1,200, for Southside Park Target Area.

COUNCIL REMINDED OF SEVERAL EVENTS THAT HAVE BEEN SCHEDULED.

Mr. Burkhalter, City Manager, reminded Council of the groundbreaking for McDowell Creek Treatment Plant at 11:00 A.M. scheduled for Tuesday, September 20, which is located off Beatties Ford Road on Neck Road.

He also reminded Council of the quasi judicial hearing scheduled for Wednesday, at 2:00 P.M. The Mayor advised that he would not be present for the hearing.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk