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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, April 20, 1970, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington, 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 Petitions for changes in zoning classifications concurrently with the City Council with the following members present: Chairman Toy and Commissioners Albea, Blanton, Godley, Sibley and Turner.

ABSENT: Commissioners Brewer, Embry, Stone and Tate.

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#### INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the Minutes of the last meeting, on April 13, 1970, were approved as submitted.

#### HEARING ON PETITION NO. 70-47 BY FIRST ALLIANCE CHURCH FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY ALONG THE SOUTHERLY SIDE OF CHESTERFIELD AVENUE EXTENDING FROM BRIAR CREEK TO WITHIN 120 FEET OF ROCKWAY DRIVE.

The public hearing was held on the subject petition on which a protest petition has been filed by Charlotte-Mecklenburg Board of Education.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request to change property on Chesterfield Avenue from O-6 to B-1 which lies just to the east of Briar Creek along the south side of Chesterfield Avenue near the Chantilly School property. The subject property is used for a church; there is one single family house on the edge of the property; other than that there are two lots immediately to the east which are vacant and adjacent to Rockway Drive. In front of the property and fronting on Independence Boulevard is the St. James Motel. Across Briar Creek is the Chantilly Shopping Center; to the south is the school; property along Independence Boulevard east of the subject property is used basically for single family residential purposes.

He stated there is B-1 zoning between the subject property and Independence Boulevard extending out to Briar Creek; the subject property as is all the school property is zoned O-6. The two blocks along Independence Boulevard between Rockway Drive and Briar Creek Road is zoned for office purposes. There is single family residential zoning on the west side of Briar Creek across the creek from the subject property.

Mr. Sam Williams, Attorney with James and Williams, stated he is representing First Alliance Church; that the Church has started construction of their new facility on Sharon Amity Road and has previously entered into a lease-agreement and an option to purchase agreement with a motel developing corporation. For that reason they filed this petition for rezoning on an area containing 1.321 acres from O-6 to B-1 zoning. The property is bounded by an existing motel

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development, Briar Creek, a 68-foot Duke Power right of way, and at the rear, by the Chantilly School property. That they seek B-1 zoning to escape the very restrictive requirements that exist in O-6 as to motel developments. That when an O-6 property is situated adjacent to a residential property there is a requirement that there can be no development in the O-6 property for a distance of 100 feet. That with their 380 feet of frontage they would immediately lose approximately 100 feet by reason of the setback requirements in the related residential area. He stated they would also gain additional benefits in B-1 insofar as sidelines and rear line setbacks are concerned.

Mr. Williams stated they have not been able to work in conjunction with the School Board to develop the property in such a fashion that it would take into consideration any needs the School Board felt necessary insofar as the safety of school children coming from the far side of the creek across the property and entering the school district. That they stand ready in any capacity to grant necessary pass or any type of right of way to get the children safely off Independence Boulevard to the school property.

Mr. Williams stated the property lies to the rear of the St. James Motor Inn - a 64-room motel with a pool; there is 1.3 acres contained in the area; there is a street that lies directly in front of the property which is unopened, and which they have petitioned to have closed; that a B-1 zoning will enable the continued development of the motel property and will continue to be of benefit to Charlotte.

Mr. J. D. Morgan, Assistant Superintendent for Business Services for the Charlotte-Mecklenburg Schools, stated they do not feel that the zoning of the property will be in the best interest of the school property; they have 19 acres and there is potential growth in the area for additional housing and they will need to expand the facility, if this takes place, for approximately ten more units. That this must be located in such a way to tie in with the existing plant and to allow for as much playground as possible. They feel the O-6 zoning is more compatible with their school operation.

Mr. Morgan stated although Chesterfield Avenue has never been open, they would not like to see the possibility of closing a street that could be useful in the future. This would be closing the backdoor to the school and would limit it as far as the future is concerned.

He stated they do not feel that the change in zoning is in the best interest of the school, and request the zoning remain as it is.

Councilman Short asked the possibility of a motel in the office zone where the church is now located? That it occurs to him that a motel can be placed in an office zone. Mr. Bryant replied there are restrictions on the location in relation to the residential zoned property on the other side of the creek.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-51 BY DELTA REALTY COMPANY FOR A CHANGE IN ZONING FROM R-12 TO R-9 OF 52.028 ACRES OF LAND ON THE EAST SIDE OF DELTA ROAD, NORTH OF ALBEMARLE ROAD.

The scheduled hearing was held on the subject petition on which a general protest petition has been filed and contains 49 signatures.

Mr. Fred Bryant, Assistant Planning Director, advised this request involves land that has been considered within the last 18 months to two years, but not for the particular type of zoning being requested. The property is located on the west side of Delta Road; it is used for the Delta Air Base operation which deals primarily in airplane parts and some other aspects of usage for airplane purposes. There is an air strip associated with the operation and a substantial

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amount of storage, so both inside and outside usage is involved. The adjoining property useage is a mixture of single family development to the west in the Lake Forest Subdivision; to the south the property is primarily vacant, between the subject property and Albemarle Road; along Delta Road is a scattering of single family houses but is predominately vacant; to the north is vacant land and further north as you get into the Hickory Grove area there is basically single family development.

Mr. Bryant stated the subject property, as is property on three sides, is zoned R-12. There is R-12MF to the south of the property and extending from the southern end of the property down to Albemarle Road.

Mr. Stewart Ritchie, representing the Delta Realty Corporation, stated over a year ago the company endeavored to get the zoning changed to industrial and it was denied. That for all practical purposes any future expansion of Charlotte Aircraft on the Delta Airbase property has been ruled out. That at the Christmas banquet for the employees, Mr. Harold J. Caldwell, President of Charlotte Aircraft and Delta Realty, announced that, hopefully, during this year they will relocate the facilities. That it is for this reason they are requesting the change in zoning from R-12 to R-9. Their property abuts against multi-family land. That stepping down from apartment land to R-9 would be good. That they have learned from the Health Department if you use septic tanks and have a central or community water system, the lot size must be 10,000 square feet. So in fact, they are merely asking that the lot sizes permitted on this ground be reduced by only 2,000 square feet. He stated they will not be able to get a great many houses on the 12.5 acres that will be developed at the beginning. He stated by the time you remove land for streets and for the community water facilities on this 12.5 acres they will only be able to increase their density by approximately 5 houses; on the full 52 acres probably the maximum that will be built there under the R-9 zoning will be only an additional 20 houses.

Mr. Ritchie stated they are committed to a program of building a house that has flair; they have a vested interest in doing just that. That they have employed an architect and he has designed their homes. One is a two-bedroom house with each bedroom to be 12 x 12, and it will have a cathedral ceiling with exposed beams; the three bedroom house will have large bedrooms and good exterior designs; the four bedroom model contains 1,344 square feet, but has 11 x 12 bedrooms, a 12 x 16 living room, a 12 x 16 dining room and family room and a bath with two labs.

Mr. Ritchie stated on the 765 foot strip of land, that is the only piece of land that abuts the Lake Forest Community. They have created a buffer zone 50 feet wide that will become a recreation area serving not only the residents of the Delta Subdivision but equally the residents of Lake Forest. That Mr. Caldwell has signed a notarized statement to this effect.

Councilman Whittington asked how many two bedroom homes are proposed on the 12.5 acres; how many three and how many four and where will the four bedroom homes be located? Mr. Ritchie replied initially they will create five model homes - one two bedrooms, two three bedrooms and two four bedrooms. That they will sell from these model homes; so he cannot say how many of each will be in the subdivision. He stated the two bedroom home is designed so that you can add on another bedroom in one day's time.

Councilman Tuttle stated generally R-9 means a lot 60 x 150 and R-12 means a lot 80 x 150. He asked what is proposed for the size of the lots and the width and depth, and where will the garage be for the 4-bedroom house? Mr. Ritchie replied there will not be a garage; that if they go from R-12 to R-9, they will have to figure the project on that basis; at this particular time they cannot because it all hinges on the zoning. But the lots will be large enough for the houses; they are not going to tie their hands on 10,000 square feet.

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Councilman Alexander asked if this is pre-fab construction? Mr. Ritchie replied it is a panel type house and assembled rapidly; that it is not the mobil home concept as that is a factory built home; these homes will be built on a regular foundation at the site; that it will be up off the ground construction, not concrete slab; that they can do anything the buyer wants on the outside; they can brick veneer, they can give the white gravel finish and alternate that with redwood shingles; there are numerous effects that can be created. He stated this type of panel has been in existence for 14 years and has not delaminated.

Mr. Ritchie stated the plumbing will be underneath; they will have central heat overhead but they do not have the plumbing overhead; the house has a flame spread factor of zero; it has been approved by FHA to meet their earthquake requirements; the heat bill on this particular house is about 1/2 of normal and it can be electrical, gas or oil heat.

Councilman Alexander asked how many days will it take to assemble a two bedroom house? Mr. Ritchie replied three days.

Councilman Withrow asked what the homes will sell for on completion, and Mr. Ritchie replied this will depend on the land and if it is R-9, they think they can price the two bedroom model for slightly under \$15,000, which is 1083 square feet.

Mr. Don Aaser, Chairman of the Board of Directors of the Lake Forest Community Association, stated in Lake Forest they have around \$3.0 million worth of property with a potential of \$4.5 to \$5.0 million on R-12 zoned property. That houses backing up to the runway are \$30,000 to \$35,000 homes with an average square footage of area of 2,400 square feet plus carport, plus storage area, plus concrete driveways, plus very rigid restrictions and the R-12 zoning in Lake Forest has a minimum of 20,000 square feet per lot.

He stated forty plus houses will be located on ten to twelve acres; on the 12.5 acres will be over 40 acres in the first tract; in the future the density will spread over another 40 acres of wide open area where the airport now stands with no trees. He asked why not maintain the R-12 zoning as it is and stabilize the value of the property. The present 765 feet has no fence or barrier and the runway is being used to a great extent; the 50 feet they have proposed for playgrounds would be insufficient; the request is inconsistent with the present surrounding zoning. He stated they are trying to build up their neighborhoods, not trying to lower their standards. They feel the city and county government should protect the taxpaying residents with protective planning. He stated over the next five years, large commercial aircrafts will be flying down the small alley between two housing developments; that several weeks ago they had 13 landings and 10 takeoffs in one day of commercial Piedmont Airline planes.

Mr. Aaser stated they of the Lake Forest Community Association request that the petition be denied.

Councilman Alexander asked if the landing and take off phase of the operation will be phased out? Mr. Ritchie replied they have been forced to relocate as they cannot expand where they are and they have to remove the planes and the buildings; this is why they are requesting rezoning of the entire 52 acre tract; that the 52 acres includes 500 feet of their runway and they lease the land at either end of the runway.

Mr. Aaser stated he has been out there five years and it was said at that time they were going to do away with the runway facilities; that they are still waiting.

Council decision was deferred until the next meeting.

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HEARING ON PETITION NO. 70-53 BY D. L. PHILLIPS FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF A 12 ACRE TRACT OF LAND WEST OF BRIAR CREEK AT THE SOUTHERLY END OF WYANOKE AVENUE AND NEAR LORNA STREET.

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

The Assistant Planning Director stated the subject property lies to the west of Briar Creek and is adjacent to Lorna Street and what would be the extension of Wyanoke Avenue if it were followed through. The property is entirely vacant; it is adjoined on two sides by vacant property; the property near the railroad is vacant; the property on the north side towards Independence Boulevard is partially vacant but is adjoined partially by single family residential structures. All the land along Lorna Street is used for single family structures as is the area up to the northwest. The property is adjacent to the Briar Creek Apartments existing now across Briar Creek from the subject property and that property extends all the way out to Seventh Street.

Mr. Bryant stated the subject property is zoned R-6 as is the majority of the property adjacent to it on the intown side along Kingsbury, Lorna and all the other streets in the Chantilly area at this point; it is adjoined on the side near the railroad by existing R-6MF zoning which is the location of the Housing Authority's proposed site project; across Briar Creek from the subject property the zoning is predominately O-6, where the Briar Creek Apartments are located.

Mr. Tom Cox, representing the petitioner, stated they have petitioned for multi-family zoning because they feel it is the best and most productive use for it; they plan to provide the land area necessary for Phase II of Briar Creek Apartment complex; primary access will be through Phase-I which is a 264 existing apartment unit via vehicular and pedestrian bridge across Briar Creek; the ownership and management of the entire complex will continue to be under D. L. Phillips.

Councilman Whittington asked what street the access will be through the present project? Mr. Cox replied Bramlet Road comes directly to the creek and is off Seventh Street.

Councilman Tuttle asked if the street will be run through whether the Housing Authority does or does not do anything with their option? Mr. Cox replied they have made no definite plans on that particular thing; in the last 60 days they have had a real estate man attempt to get an option on the property which is now referred to as being under option to parties interested in developing it for the Housing Authority; they were going to include that with this 12 acres in their total complex. They do not have any present plans. They will be guided working with the Planning and Zoning Commission and the Director of Current Planning in setting up the necessary street patterns for the area.

Councilman Short asked how many units are in the existing complex and how many will be added? Mr. Cox replied there are 264 existing units; their present plans for the 12 acres is 100 additional units; that the one bedroom rents for approximately \$120.00 per month; two bedroom \$135.00 per month and three bedrooms \$155.00 per month.

Mr. Paul Whitfield, Attorney for the some 600 residents of the Chantilly community composed of people along Wyanoke Avenue, Lorna Avenue, Bay Street, Kingsbury, Shenandoah Avenue, and Laburnum Avenue, stated the purpose of the zoning laws is for the upgrading of quality of life of citizens of the City, and when you talk about changing the zoning classification of a piece of property it seems we should consider at least upgrading the quality of the life of people who live there. He stated on Wednesday afternoon he went out to look at this property; as you leave the end of Wyanoke you look up to your right

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and the first thing you see is the Seaboard Coastline track and it looks to be 30-40 feet high; one of the residents assured him it was more like 50 feet high; that all you see on the right is about a 45 degree angle top of the railroad; on the left you have a creek and down the middle is a dirt street going down very near to Briar Creek and then turns back to the left, and it goes almost up to the end of the area to be rezoned; that area is not opened. As you walk down the valley you notice that the railroad right of way comes half way down to the road and it leaves a distance of about 80 feet in which to build; as you get to the bottom of that 8.38 acre tract which is the subject of the low cost public housing development, and turn back to the left, you are aware of other things. As you look across the creek, you see the Briar Creek Apartments; that the land appears to have been filled two or three feet or maybe more because the level of the land across the creek is considerably higher. That he takes it the sewer lines are equal on one side of the creek and on the other, and roughly level at that point. You can look at the top of the manhole covers and on the side proposed for development, you can see manhole covers that reach waist high and that is approximately three feet; you see some manhole covers that are down as low as a foot and a half and these are cemented to keep the manhole covers from coming off. That he is assuming that someone in the Engineering Department has seen fit to cement the lids down because flooding takes them off; that he is assuming too that the height of some of these indicates somebody considered the water level at that height also.

Mr. Whitfield stated the subject property is not marshy land but he did find there was a considerable amount of water standing on the land and it had not rained appreciably for several days.

He stated the people along Wyanoke and Laburnum were told when they bought their property that this area and also the area which is the subject of the low rent housing was to be used for single family residential purposes. The developer told the people when they bought the property and/or the real estate men, whether new or used.

He stated the Chantilly School which serves the area is already overcrowded and they want to move from 18 to 24 classrooms and want to add four classrooms for kindergarten purposes and presently there are no plans on the books to do any of this. Yet 100 new units are proposed for this area and that may mean several hundred children; that 54 units are planned for the adjoining tract - low cost housing - perhaps meaning 100 or more children. The closest park, except for the school, is two to two and one half miles away in any direction; there is one day care center which is privately operated in the area and is overcrowded.

Mr. Whitfield stated a Duke Power easement runs along the creek and it is 68 feet wide. He stated on one side is a railroad track that may be as high as 30-50 feet high; on the other side is Briar Creek. That the residents along Laburnum, along Lorna and along Wyanoke Avenue assure him that the area is subject to flooding and if it does flood where does it go? If Briar Creek apartments across the creek are two or three feet higher with the railroad tracks on one side acting as a dam, then there is no where for the water to go than over this entire 12.17 acre site and the 8.38 acre site. He stated when he drove down Wyanoke Avenue to get into this area, there were cars parked on both sides of the street and these lots are too narrow to permit construction of garages. That when there are cars parked on both sides of Wyanoke, which is a 50-foot wide street, and not up to minimum standards, you have to drive down the middle of the street and you have what appears to be two or three feet clearance on either side of the car. There are no areas to play in the vicinity; that the children were in the street. That on Wyanoke Street alone, there are 54 children.

He stated he does not know what communication there has been between the developer of the 12.17 acres and the tract next door - 8.38 acres. But if there has been any communication and if one is contingent upon the other in any way or if they are in their planning to be intertwined, there may be an even more

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serious problem; their investigation indicates at this point that the area known as the 8.38 acres and the subject for low cost public housing is restricted by the deed for single family residential use; if the option which was given by Mr. Virgil Williams to Summers Development Company, specifically states that this option is given subject to the restrictions in the deed and subject to the rights of way and easements that are on the property, they may indicate that someone is buying a pandora's box right next door.

Mr. Whitfield asked the Council members if they have not seen the property that is the subject of the petition that they go out and look at the property and think about the quality of life for these people who live there now and also to the quality of the lives of people who will live there in these 154 multiple units proposed for these two areas.

Mr. Worley Stegall, Chairman of the Chantilly Citizens Association, stated he lives at 138 Wyanoke Avenue, and spoke in opposition to the proposed change in zoning.

Councilman Short asked Mr. Whitfield if he has detail on the restrictive covenant; he asked if he can give a book and page reference? Mr. Whitfield replied they have been working for about a day and a half running a complete title examination, to make sure not only about the 12.17 acres but the 8.38 acres. The option is in Book 3177, at Page 91, and is the option of Mr. Virgil Williams who is the present owner of the 8.38 acres. That in Book 1998, at Page 593, by deed dated July 14, 1958, F. B. Garrison conveyed this property to Virgil R. Williams which included the 8.38 acre tract and the rest of the property along Wyanoke Avenue all the way to Bascombe Street. Included are these two paragraphs: "That it shall be used for residential purposes only, and that only one single family resident may be erected on any one lot." He stated they have not found where that has been waived or released or by judgement changed. They are still working on it but cannot find that it has been changed.

Councilman Short asked if his investigation indicates whether this restriction is part of a general plan development referring to a map? Mr. Whitfield replied that deed does not refer to a map. Councilman Short asked if Mr. Williams has made further sales of this land and continued this type of restriction in deeds that he has subsequently made? Mr. Whitfield replied he is not sure he can answer that; only by saying that the property concerned here is approximately 18 acres running from Bascombe Street to Briar Creek and along the railroad and includes the areas we are talking about.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-44 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM R-6MF, O-6, AND B-1 TO B-1, B-2 AND I-2, OF PROPERTY ON THE EAST SIDE OF BEATTIES FORD ROAD, BETWEEN FRENCH STREET AND SEABOARD COASTLINE RAILROAD, AND ON THE WEST SIDE BETWEEN CEMETERY STREET AND THE RAILROAD

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated a few months ago there was a request to change some property on the east side of Beatties Ford Road near the Northwest Expressway from B-1 to B-2. Sometime ago one lot in the area was rezoned from B-1 to B-2 and as a result of these two requests, the Planning Commission felt a comprehensive look needed to be taken of the area fronting roughly between Johnson C. Smith University and the Expressway. The Planning Commission is now recommending some general changes in the area.

The area to the rear of frontage lots that is bounded by French Street and what will be part of the ramp coming off the Expressway, by the railroad and having some frontage on Beatties Ford Road. This property is in the process of being transferred from the State Highway Commission to the City of Charlotte Water Department for the purpose of establishing a pipe storage facility. This

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facility is needed to replace land taken from the city on the other side of the Expressway. The use of the land for that activity will necessitate industrial zoning.

This is an area that does have some ramp access between Beatties Ford Road and the Expressway. There has been some indication of an interest in B-2 type of zoning for this area. Looking at the area as a whole, there is no B-2 zoning in the neighborhood, and they feel that perhaps with the potential industrial activity that the area along this side of Beatties Ford Road could be rezoned for B-2 purposes.

The final consideration is one that relates to the west side of Beatties Ford Road; that an elementary school was located in the area; the school was taken by the expressway and is no longer in existence. That at the time zoning was established for the area, O-6 zoning was established in the block in order to protect the school. With the school gone and the railroad replacing it, there is no transitional purpose served by this O-6 zoning.

Mr. Bryant stated the Planning Commission is now recommending that the zoning be realigned in the area to (1) replace the one block of office zoning with B-1 zoning on the west side of Beatties Ford Road and eliminating the only office zoning that lies to the south of the expressway; (2) rezone the frontage property along Beatties Ford Road on the east side from B-1 to B-2; (3) rezone the portion of the property to the rear of frontage lots going back to the railroad I-2 in order to accommodate the pipe storage yard facility for the city.

Councilman Alexander stated there were some people in the audience who live in this section, and asked Mr. Bryant to explain each classification of zoning as is proposed on the east side covering the two blocks and on the west side covering those two blocks so the property owners may know what can be constructed in those two blocks if such zoning takes place.

Mr. Bryant stated the block on the west side of Beatties Ford Road is proposed to be changed from O-6 to B-1. The present O-6 classification is an office classification which would permit use of the property primarily for residential uses and for office purposes such as a bank and insurance office. The proposed use of B-1 is a business classification and in addition to continuing the residential and office usages already permitted by the existing zoning, it would permit retail business activities - anything from a service station to a drug store, grocery store, or any type of retail sales or service activity.

He stated on the east side there are two different changes proposed. First is the frontage property lying between French Street and the property acquired by the State Highway Commission; this is proposed changed from B-1 to B-2. The B-1 is a retail business and service zoning; the B-2 zoning which is proposed would permit for the first time such activities as a drive-in restaurant, wholesale activities, unlimited car laundry facilities. The final change is a change of some rear property extending from the rear of lots facing on Beatties Ford Road to the railroad and the Northwest Expressway right of way. This property is proposed changed from a combination of R-6MF, B-1 and O-6 to I-2. I-2 is a heavy industrial use and would permit the use of the property for industrial type activities. The usage of the property is already pre-set inasmuch as the property will be utilized for the purpose of the City of Charlotte to establish a pipe storage yard as part of the Water Department operation.

Councilman Alexander stated on the west side of Beatties Ford Road, how far back off Beatties Ford Road will be involved? Mr. Bryant replied basically this is intended to encompass only the lots which actually front on Beatties Ford Road; this depth looks as though it will be in the vicinity of perhaps 175 feet to 200 feet back from Beatties Ford Road; the only exception to the frontage situation is there are two lots that formerly faced a street by the name of Mattoon Street that came out on to Beatties Ford Road right at the school; two lots faced that street and in order to keep a regularized line across the block these were included.

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Councilman Whittington asked if these people who have property there are in agreement with the recommended changes? Mr. Bryant replied one party came to their office and indicated they did object to the change; this property owner owned a lot on the east side that is proposed changed from B-1 to B-2; this is a house, and they were never sure of her grounds for objecting; that he thinks the office had a visit from an attorney she had engaged, and he had thought they would be here today.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-45 BY C. W. MUNDY, JR. FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A PARCEL OF LAND 150' x 145' ON THE SOUTH SIDE OF PARKER DRIVE, BEGINNING 1,388 FEET WEST-OF REMOUNT ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a small area located on the south side of Parker Drive; this portion of Parker Drive runs to the west of Remount Road and is a narrow street dedicated to a width of 30 to 40 feet. The property is vacant and is adjoined on the north side by the U. S. Plywood warehouse facility. On the railroad side is the Republic Car Loading facility which is a piggy-back operation for a combination railroad and truck facility. He stated it is adjoined on two sides by vacant property to the west and south; there are three single family homes on the south side of Parker; otherwise there is generally an area of vacant land with some scattered development.

Mr. Bryant stated the subject property is zoned R-6MF as is all the property to the south of the Parker Drive extension; property to the north of that and adjacent to the subject property is zoned I-2 with some I-1 zoning to the west and a combination of business and industrial zoning along Remount Road.

Mr. Walter Benson, Attorney for the petitioner, stated the petitioner would like to build a warehouse facility for the storage of automobiles, and the repair of automobiles. He stated Mr. Mundy operates the White Star Wrecker Service; immediately across the street from him is the U. S. Plywood which is zoned I-2, and they are asking that the subject property be zoned the same; that the property is 150 feet on Parker Drive and it goes back 145 feet; there are no multi-family buildings on either side of Parker Drive from there to Remount Road. He stated this lot is at a dead end as the street does not go through.

Councilman Whittington asked why Mr. Mundy is moving off Remount? Mr. Benson replied he is renting that building and he has to move.

Councilman Withrow asked if you can put a junk yard in I-2 zone, and what is there to guard against a junk yard where used cars can be pulled in? Mr. Bryant replied if it is zoned I-2, that type of facility will be permitted.

At the request of Councilman Alexander, Mr. Bryant pointed out the location of the housing site on West Boulevard and the Parker Heights site.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-46 BY J. TOMS DOVER, ET AL, FOR A CHANGE IN ZONING FROM R-6 TO O-6 OF PROPERTY ON THE WEST SIDE OF PARK ROAD, EXTENDING FROM 4800 THROUGH 5100.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request consists of a number of lots along the west side of Park Road and extends from a point two lots above the intown side of Seneca Place all the way down Park Road to the business area now existing near Sugar Creek. The property is used throughout

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for single family residential structures with one exception. There is a house being used for office purposes. He stated he has been told by the Zoning Administration Office that a notice of violation has been sent to Mr. Dover who owns and operates the office that it is a violation under the present zoning.

He stated the property to the rear along Buckingham Drive and the other streets in the area is single family residentially used; across Park Road it is predominately used for multi-family apartments. The Hamilton House Apartment is located there and another apartment project is beside it. South of the Hamilton House is an area which is in the beginning stages of construction for multi-family residential purposes; opposite Seneca Place is an area that is vacant and is zoned for office purposes; there are a number of existing office facilities in the area.

Mr. Bryant stated both sides of Park Road is zoned for office purposes out to the beginning of the subject property, which is near Seneca Place; beginning at that point the subject property is zoned R-6 all the way down to near Sugar Creek; on the east side of Park Road the office zoning continues down several hundred feet south of Seneca Place and beginning at that point it is zoned R-6MFH all the way to Sugar Creek, with B-1 zoning at Sugar Creek on the west side of Park Road. The property behind the subject property is zoned R-6.

Mr. Marshall Basinger, with the firm of Grier, Parker, Poe and Thompson, stated they represent Mr. Dover. The petition to rezone the 23 small lots on the west side of Park Road has been signed by Mr. Dover; in addition, a petition has been signed by 22 of the 23 owners of the property in question to the effect that each of the owners is in agreement with this and does want the property rezoned from residential to office use.

Mr. Basinger stated the present use of the property surrounding these 23 lots is being used in such a way as to make the subject property unsuitable any longer for residential use; the property immediately north of the 23 lots is zoned O-6 and further up the road the zoning is B-1; the property immediately south of the 23 lots is zoned both O-6 and B-1; across the street the zoning is R-6MF as well as office; the only property in the area of Park Road that is zoned residential are the 23 lots in question. He stated the use of the property surrounding the subject property has created traffic problems which adds to the undesirability of the lots for residential purpose. That in 1968 a traffic count was taken at the intersection of Seneca and Park Road which indicated that in a 12-hour period in excess of 10,000 cars passed that intersection. This was before the opening of the new SouthPark Shopping Center as well as other large business complexes out Park Road. The change from R-6 to O-6 will have no detrimental effect to the area but would be in keeping with the general planning of Park Road.

He stated this is a group of property owners, all of whom are in favor of the change; there is no opposition from any of the property owners in the area; the change would be in keeping with the general plan of the area and would be in keeping with sound planning.

Councilman Short asked how he would combat the possibility that someone might put in a big mall and use the office area for parking? Mr. Basinger replied they might very well use some of it for parking, but he does not think it would be very feasible to use much of it for parking because of the depth of the lots as they are about 150 feet deep; they would have to go a good piece up Park Road to facilitate the parking.

Councilman Whittington asked if the petitioners have any plans for the development of the property? Mr. Basinger replied none; that Mr. Dover bought the property within a year ago not knowing of the zoning classification, and has used it as his office; no signs appear on the property; that Mr. Dover was notified he was in violation of the zoning ordinance, and came to them; that he knows of no plans for any type of construction on the lots.

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Mr. Dover stated he is presently operating an office in the middle of this strip; that for 5 months he hunted for an adequate small office space; that he needed approximately 12 to 13 hundred square feet. That he could rent space adequate for doctor's offices and at a very high rent; other than that he was stuck. That he happened to run into this particular house and talked to the neighbors adjacent to it and found that none of them would object to his type of operation. That his operation is a one man business of sales representation. That he bought the house and moved in and then ended up with this problem.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

ORDINANCES AMENDING CHAPTER 23, SECTION 23-40.02 OF THE ZONING ORDINANCE TO GRANT CONDITIONAL APPROVAL FOR USE AS OUTDOOR COMMERCIAL AMUSEMENT OF PROPERTY ZONED B-2 ON THE SOUTH SIDE OF INDEPENDENCE BOULEVARD, FROM PIERSON DRIVE TO NEAR WOODLAND DRIVE; PROPERTY ZONED I-1 ON THE SOUTHEAST SIDE OF FREEDOM DRIVE, BEGINNING AT LEDWELL STREET AND EXTENDING TO THE NORTHWEST, PROPERTY ZONED B-2 ON THE EAST SIDE OF SOUTH BOULEVARD, BETWEEN ARCHDALE DRIVE AND WICKER DRIVE.

The public hearing was held on the following petitions:

- (1) Petition No. 70-48 by Amity Gardens Shopping Center, Inc. to grant conditional approval for use as outdoor commercial amusement under Section 23-40.02 for property now zoned B-2 on the south side of Independence Boulevard, from Pierson Drive to near Woodland Drive. (Amity Garden Center).
- (2) Petition No. 70-49 by D. L. Phillips Investment Builders, Inc., to grant conditional approval for use as outdoor commercial amusement under Section 23-40.02 for property now zoned I-1 on the southwest side of Freedom Drive, beginning at Ledwell Street and extending to the northwest (Freedom Village Center).
- (3) Petition No. 70-50 by Starmount Shopping Center Company to grant conditional approval for use as Outdoor commercial amusement under Section 23-40.02 for property now zoned B-2 on the east side of South Boulevard, between Archdale Drive and Wicker Drive (Starmount Center).

Mr. Fred Bryant, Assistant Planning Director, stated the three petitions are of a similar nature and have the same representative speaking for all three of the petitions.

Mr. Underhill, City Attorney, stated this section of the ordinance was passed last year to take care of and establish some regulations for temporary amusement activities that are brought into a shopping center area for an 8 to 10 day period, which are operated in conjunction with the businesses located in the Shopping Centers. At that time City Council created a conditional use requirement for this type of facilities in shopping centers. He stated one of the first requirements is that the business desiring to have the commercial outdoor amusements facilities must have a conditional use permit or zone applied to their property.

Mr. Bryant stated this was actually a part of the consideration that grew out of the race track on West Boulevard and it was felt at that time there was a need to regulate all types of outdoor commercial amusement; it was not the primary intent at that time to just regulate the temporary sort of uses but there seemed to be no legal convenient way of separating the temporary uses from the more permanent ones.

Mr. Bryant stated the first petition is the Amity Garden Shopping Center area on Independence Boulevard; this area does not include the K-Mart facilities; it includes the Cook's Store, the Barclay Cafeteria and other uses associated with that; the area is zoned B-2 on both sides of Independence Boulevard; there is some office zoning down Pierson Drive and to the rear across the creek is some R-9MF zoning.

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The second petition is the Freedom Village Shopping Center located on Freedom Drive; this does not include the K-Mart facilities. The zoning in that area is I-1 and is adjacent to I-2 zoning. There is no immediate residential zoning at all.

He stated the third petition is the Starmount Shopping Center on South Boulevard and is a one full block area extending from Archdale Drive to Wicker Avenue. That there is a scattering of industrial and business uses on the west side of South Boulevard; there is residential usage to the rear along Ingleside and other streets; the subject property is zoned B-2 as is all the property on the east side of South Boulevard; on the west it is zoned I-2 all the way; to the rear of the subject property there is multi-family zoning along Ingleside and single family zoning behind that.

Mr. Winifred Ervin, Attorney for the Petitioners, stated this section of the ordinance will allow under certain circumstances that which has been technically illegal. For a number of years shopping centers in the Charlotte area, as a promotional campaign, have booked commercial amusement rides to play for a week or two; when the customer goes into the shopping center and makes a purchase from one of the merchants, he is given a discount coupon to use for the kiddie rides. Mr. Ervin stated from the experience of Amity Gardens and Freedom Village and Starmount that while this show is going on that the average increase in gross sales is approximately 40%.

Mr. Ervin stated Freedom Village Shopping Center has signed a contract and the booking date is to commence April 23, which is Thursday of this week. At the signing of the contract Freedom Village did not know about the amendment to the code, and when this was discovered, an effort was made to delay the booking until after Council's next meeting, but because of previous commitments, this has been impossible. He requested Council to act today on the Freedom Village petition; that Mr. Bryant has assured him that because of the uniqueness of this problem and because of the newness of the statute that he will be happy to report back to Council before adjournment today.

After consultation by the Planning Commission members, Mr. Toy, Chairman, advised the Planning Commission recommends that the three petitions be approved.

Councilman Whittington moved approval of the three petitions by adoption of the following three ordinances:

- (1) Ordinance No. 558-Z Amending Chapter 23, Section 23-40.02 of the City Code for conditional approval for use as outdoor commercial amusement for property zoned B-2 on the south side of South Independence Boulevard, from Pierson Drive to near Woodland Drive, on petition of Amity Garden Shopping Center, Inc.
- (2) Ordinance No. 559-Z Amending Chapter 23, Section 23-40.02 of the City Code for conditional approval as outdoor commercial amusement of property zoned I-1 on the southeast side of Freedom Drive, beginning at Ledwell Street and extending to the northwest on petition of D. L. Phillips Investment Builders, Inc.
- (3) Ordinance No. 560-Z Amending Chapter 23, Section 23-40.02 of the City Code for conditional approval for use as outdoor commercial amusement of property zoned B-2 on the south side of South Boulevard, between Archdale Drive and Wicker Drive, on petition of Starmount Shopping Center Company.

The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 52.

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HEARING ON PETITION NO. 70-52 BY REGENCY REALTY CORPORATION FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF A TRACT OF LAND FRONTING 238 FEET ON THE SOUTHWESTERLY SIDE OF QUEENS ROAD BEGINNING ABOUT 236 FEET NORTHWEST OF GRANVILLE ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this is a request to change from R-6MF to R-6MFH, which is a change in density for a parcel of land located along Queens Road, between Queens Road West and Granville Road; it is located almost opposite the intersection of Harvard Place. The property is vacant and is adjoined on one side by an existing small apartment project building, and other than that it is surrounded by existing single family developments on all sides including across Queens Road.

Mr. Bryant stated along both sides of Queens Road up to Granville the zoning is R-6MF; beginning at that point both sides of Queens Road is zoned R-6MFH up to Providence Road. The other zoning in the area consists of single family zoning to the rear of property and partially to the side of it along Granville and along Queens Road West.

Mr. Ben Horack, Attorney for the petitioner, stated the principal of Regency Realty Corporation is Mr. Robert Gillis. He stated the property in question as well as on both sides of Queens Road is zoned for multi-family. That the question is not if there will be apartments, but what kind. He stated what is done with this petition is going to have a lot to do with the destiny and the future of Queens Road. On the bottom side of Queens Road the residences are predominately the old homes that have been converted to some degree to either rooming houses or multi-family purposes.

Mr. Horack presented a rendering of the planned apartment project, and called attention to the location of the building proposed. That Mr. Gillis developed the Queens Towers Apartments and Sutton House. That the facility he proposed now will outstrip either of those projects; that the rental structure will be a basic \$375-475 per month with several that may go up to \$1,000 per month. The apartments will have two to three bedrooms with two full baths, fully air-conditioned, a full time manager, ground keepers, security guards and will have everything that is implied by luxury apartments.

He stated the structure will basically be poured concrete; it will be triple A; the land and the facility should involve an investment of around \$2.0 million. It is oriented towards the intown area of Morehead Street, the new Civic Center, Downtown and other commercial centers catering basically to executive type clientele that wants some reprieve from the daily rat race of the rush hour traffic.

He stated Queens Road is declining; the houses on the upper side of the project site are fine homes, still in good condition; you cannot say the same about the old residences located on the bottom side of Queens Road which is on the side of the facility. Queens Road is a major thoroughfare and a major traffic artery.

He stated Queens Road can be left alone as it is and have this continued shift from the one time fine old homes into the multi-family and rooming houses with an increase of further decay; it can be left as R-6MF and encourage a typical land development of the garden apartments which is not appropriate in this area, or it can be allowed to go up under R-6MFH and allow responsible builders to come in and put in quality facilities that will not crowd up the land use and will permit the open areas that the area deserves.

Mr. Horack stated if he understands the Queen Road zoning study of last year, the main thrust is to discourage the conversions to multi-family and to encourage vertical development.

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He stated the subject property is a large tract and is suitable for this type of development; the rendering shows that the "H" category will permit this vertical development and will permit the facility to be compact rather than spread out that you expect under R-6MF.

Mr. Horack stated he has covered the bounds on each side and to the rear of this property and all except one have evidence in writing they do not oppose the request; he filed the letters with the City Clerk. The only one who did not actually consent is Mr. Sid Abernathy who told him that he had no objections but he did not want to sign for approval.

Mrs. Mary Olive stated she lives immediately next door to the subject property; that she has never been contacted by anyone of whether she approved or disapproved, although she did talk to Mr. Horack briefly. She stated she did not come down with any intention of opposing this property except there are two things in his presentation which she would like called to Council's attention in a different light. That the pictures passed around of deteriorating property is more than a block away from this property, and does not truly represent many of the houses that are close to the property. Another thing he did not say was this building will be ten stories high.

Mr. Horack stated what Mrs. Olive said is quite true; that he is calling Council's attention to a trend not only on this particular location but the length and breath of Queens Road. He stated Mr. Gillis is ready to start; the specifics with reference to the rear and even to the height of the building will have to be worked out with the mortgage lender.

Council decision was deferred until the next meeting.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:25 p.m., and reconvened at 4:45 p.m.

COUNCIL'S STATEMENT REGARDING 48 HOUR WORK WEEK FOR FIREFIGHTERS PLACED IN RECORD.

Councilman Alexander stated in response to a situation that arises regarding the problems in the Fire Department, it had been relayed to Council that the Fire Department had made certain requests or demands upon Council for which they requested an answer by 2:00 o'clock p.m., on Friday, April 17th.

In an attempt to consider this request the statement he is about to read is a statement that was drawn by Council in answer to this request; this statement has been reported through our news media and has been presented to the firemen.

He stated he reads this statement at this time since this is the first formal meeting of Council since the statement was prepared; in light of the fact there have been previous questions regarding what was in our records as official this action is taken so that our records will carry what has been an action of Council and this is our official action, and he moves that this action which he will read be so formalized at this time.

The statement is as follows:

"Your ultimatum calling upon the Council to make a decision involving a substantial sum of money by 2:00 p. m., on Friday, April 17th is most unfortunate.

In a few weeks the Council will be faced with the most serious problem of budgeting in the history of this city.

Rising costs and normal demands, coupled with the national inflationary trend, puts the Council in a position of facing demands that will actually exceed the limit of our power of taxation under North Carolina law.

It is, therefore, totally impossible to meet or promise to meet any demands until the budget of absolute essentials has been presented to us by the City Manager and his staff."

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Councilman Alexander moved that the statement become official as of this reading. The motion was seconded by Councilman Withrow.

Councilman Thrower stated this was in answer to a question by the firefighters that they have an answer by 2:00 p.m. the next day, is that not correct? Councilman Alexander replied that is correct. Councilman Thrower stated that it relates only to that statement? Councilman Alexander replied that is all, and it is read now so that this statement which has been submitted to the firemen becomes an official action of Council and this will take place now; that is why it is read and voted at this time; it is for no other purpose than that the statement which has been placed in the news media's hand and in the firemen's hands does become an official statement and there will be no question about whether it ever appeared in the record or it was ever an action of Council. This is the first formal meeting that Council has had since it was required that such an action be taken.

The vote was taken on the motion and carried unanimously.

#### REQUESTS OF FIREFIGHTERS SUBMITTED BY WILLIAM MARTIN, PRESIDENT OF THE FIREFIGHTERS ASSOCIATION.

Mr. William Martin stated he is present as a taxpayer and citizen and also representing members of the Fire Association. He stated it is their opinion that there is no need to re-state the language contained in their submission to Council dated April 6, 1970, of which they have been provided a copy.

Mr. Martin stated at that time they tried to bring forth to the City Council several relating factors in regards to the 48 hour work week for firefighters. It is their further opinion that the City Council must be fully aware of all the information as to the manpower cost factors other fire departments have in regards to the work week before taking any action contrary to what was taken by City Council July 25, 1968.

He stated the most important factors for consideration are (1) Manpower. They contend that the 48 hour work week can be implemented with less personnel than has been indicated by the City. That they have been informed it would require an additional 79 men. It is their opinion that to retain the present on duty operational personnel those employed on shift duty would require 28 additional men to implement the 48 hour work week. (2) Cost Factor. The cost factor involved to implement 48 hour work week, would be in the area of \$224,000.00 and not that of \$632,000.00 as indicated by the city. (3) Other Fire Departments. Some 241 municipal fire departments throughout North Carolina as of 1969, are enjoying a work week of 48 hours or less. The average firefighter throughout North America is working 48.5 hours per week. This information is in N.F.P.A. 1969. (4) All other city employees are enjoying the 40 hour work week or less. (5) The vast majority of the citizens of Charlotte are enjoying the 40 hour work week or less. (6) Occupational hazards. Information provided by the National Safety Council, and the Federal Bureau of Investigation points out that firefighters suffer the second highest accidental work deaths in the various occupations and trades throughout the nation. The same reports point out the fact that the firefighter has the highest death rate in the area of cardiovascular diseases.

Mr. Martin stated they contend the only way to reduce the high death and injury rate in the fire service is by reducing the work week, thus reducing the exposure to the hazards of the occupation. They are sure the citizens of Charlotte and the firemen are concerned. He stated much more could be said but they realize that time will not permit. They have compiled a brief that contains some 139 pages and in addition many exhibits that in their opinion will justify the requests of the firefighters.

He stated they see little purpose in discussing with a committee appointed by the city the items contained in their brief when the City Council has taken the position that they have relative to the 48 hour work week for firefighters. The 48-hour work week was a commitment by the City, as indicated in Minute Book 50 at Page 449.

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Mr. Martin stated they suggest that negotiations can only proceed after this issue is cleared up, and they suggest that this can be done in one of two ways (1) By City Council re-affirming their commitment as to implementation of the 48-hour work week for firefighters as of July 1, 1970; (2) By appointing a sub-committee of Council to deal directly with the committee representing the firefighters in regards to the 48-hour work week, and bring back their report to Council after hearing all the facts.

He stated in connection with the news release by the City - that at no time did they issue an ultimatum to the City of Charlotte to give an answer by Friday afternoon; this was brought up on the bargain table and they clarified that. He stated they have been accused of a lot of things; they did not issue an ultimatum; they asked for a request. It appears to them that the information Council is getting from the Committee is inaccurate. From here on in they will submit any request in writing under signature if they have to take a typewriter into the negotiations with them; they do not want to be misquoted.

Councilman Alexander asked if he is saying there was no statement or request that Council give an answer by 2:00 o'clock the next day? Mr. Martin replied they asked for a request - they said request; they expected a request; they did not issue an ultimatum to anyone in the bargaining room. Councilman Alexander asked if he put a time limit to it? Mr. Martin replied they asked that Council re-affirm and they requested they get an answer; that Mr. Earle would call Council and re-affirm the commitment on a 48-hour week. Councilman Alexander asked if it was by 2:00 o'clock the next day; was that included in the request? Mr. Martin replied yes, they asked him to do that for them, but it was a request.

Mayor Belk thanked Mr. Martin for his remarks and stated the City has special employee-employer procedures; he asked Mr. Martin to follow those procedures in the future as he has been asked to do in the past.

Councilman Thrower stated he has, by telephone and in person, talked to a couple of firemen and said that he would bring this up; that he did bring it up before the City Council prior to Mr. Martin bringing it to Council.

#### STATEMENT OF MISS TOBIN GRAHAM ON COURT SYSTEM INJUSTICES.

Miss Tobin Graham stated she has no idea as to whether the caliber of the men selected for our law enforcement bureau here in Charlotte is more representative of the City Council Members, the majority of Charlotteans, or simply serves as a relection of a society in a state of moral decay. So she does not know where to place the blame for the mis-use of our court system, which she observed Tuesday, April 14, 1970 wherein several members of the City Police Department perjured themselves in a successful attempt to discredit the testimony of the defendant on trial.

She asked how you can expect young people, or people of any age, not to think that it is alright to break the law as long as you do not get caught - that is the attitude that is so prevalent today. When a person does break the law and gets caught he finds that same attitude he was operating under reflected not only by policemen but by the lawmakers themselves. If he had doubts to begin with as to the value of truth and justice in present-day America, an encounter with the so-called justice she observed in the courtroom April 14th would only serve to turn his doubts to convictions and to make his disillusionment complete.

She stated if any of Council are interested in helping to restore justice in America, we might start with Charlotte. She stated she has seen evidences of the things she values most highly being threatened and are in danger of becoming obsolete, and she is willing not just to talk about this unfortunate state of affairs, but to participate in trying to do something about it.

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She stated if anyone places value on not just the ideals but the practice of truth and justice then take a stand now and make themselves heard. She stated she is looking for people who are interested in accepting positions of responsibility in the community and not for people who are just interested primarily in positions from which they can gain prestige.

Miss Graham stated she is here today partly because she is curious to know in which category each belongs.

Mayor Belk replied we are for law and order. He asked what Miss Graham is trying to accomplish today; that he does not understand her motive. Miss Graham replied she thought until recently that the rumors and reports in the newspapers and one place or another about the state of affairs as far as the police force and lawmakers go were partial lies and partial truths. This past week or so she has become completely convinced there is no law and order; that the laws are to be played with. By whom, she does not know.

Mayor Belk requested Miss Graham to talk with Mr. Bobo, Administrative Assistant, and give him the details of what she is talking about so that the City can investigate the complaint.

**PETITION FILED REQUESTING COUNCIL AND COUNTY COMMISSIONERS TO ENACT SUFFICIENT LEGISLATION TO ASSIST IN THE ELIMINATION OF POLLUTION IN MECKLENBURG COUNTY WATERSHED.**

Mr. C. L. Helt, a local architect, stated he is present on behalf of the Charlotte Jaycees, to show their concern and interest in the state of pollution as it exists in the Charlotte-Mecklenburg watershed. He stated the success of any effort stated will largely depend on whether the people understand what has been done, what is being done and what can be done. He stated the passage of the forthcoming bonds next month are a must for the future of the Charlotte-Mecklenburg area.

Mr. Helt stated he understands that even the city contributes to possible pollution in not using all the treatment facilities available to it - that he is referring to the chloridation process. That this is due to a cost of approximately \$250 per day. He stated in terms of conservation, our pollution today will change to survival before the end of this century.

Mr. Helt presented a petition signed by over 500 concerned young men which he filed with the City Clerk, and reads as follows:

"We, the undersigned, do petition the City Council and the Council Commissioners to enact sufficient legislation to assist in the elimination of pollution in the Mecklenburg County watershed and to create a program that would bring polluters to the attention of the proper authorities."

**MODEL CITIES HOUSING AND PHYSICAL PLANNING TASK FORCE COMMITTEE'S RECOMMENDATIONS TO BE PLACED ON COUNCIL AGENDA FOR NEXT MEETING.**

Mr. Norman Kerry, Minister of Mount Sinai Baptist Church and a member of the Model Cities Housing and Physical Planning Task Force Committee, stated Council has received information and recommendations which have been made and he is present to ask Council to schedule them for a presentation at its next meeting.

After discussion, Councilman Short moved that the matter be placed on the agenda for next week. The motion was seconded by Councilman Tuttle, and carried unanimously.

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STATEMENT BY BUSINESS AGENT FOR THE BROTHERHOOD OF CHARLOTTE CITY WORKERS IN SUPPORT OF THE FIREFIGHTERS.

Mr. Gene Gore, Business Agent for the Brotherhood of Charlotte City Workers, Independent Local No. 1, stated nearly one year ago they met with City Officials and came to an agreement on several items which were later adopted by the City Council.

That one of the most important items was described as a workable grievance procedure. Since that time we have adopted a new first step in this procedure which is a meeting and conference session with the department heads. The following grievances from the Sanitation Department are at a boiling-over stage and immediate action should be taken:

1. In the past, Wednesday was the scheduled trash collection day in the City. Without any consultation with the Union, this has been changed. The workers are now asked to pick up trash on Monday, Tuesday, Thursday and Friday, along with their garbage, adding an additional day to each laborer in the department. An alternate plan was agreed upon on April 10, 1970, but never carried out by the department heads.
2. The six (6) day work week was taken away from the Dump Master drivers causing a hardship not only on the drivers but to the Citizens of Charlotte. The drivers are being asked to perform six (6) days of work in five (5) days at approximately \$40.00 less per week.
3. Temporary workers are being hired at approximately \$10.00 less per week and receiving no benefits, because they are unskilled. How much experience is needed to empty garbage cans?
4. Helpers are being asked to drive trucks when vacancies occur and receiving no additional pay.
5. Six (6) of the eleven (11) men fired, stemming out of the last Sanitation strike were charged \$13.00 for insurance while off the city's payroll.
6. Retirement benefits are never posted as agreed upon dis-allowing the workers any knowledge of how much money they have in retirement.
7. Superintendent of Sanitation, Mr. Pressley Beaver, has searched through the Finance Department and found an assistant by the name of James Irby Turner. The supervisors in the Sanitation Department feel each and every one of them were capable of performing this job, but were never given the chance. It was never posted.
8. In the Traffic Engineering Department Meter Room, an employee was drafted into the Armed Forces, and the vacancy was never filled, causing an additional work load on the other two (2) employees.

Mr. Gore stated they ask the City Council to appoint a committee and have these most urgent matters resolved before Monday, April 27, 1970 when other action will have to be taken. That they do not intend this to sound like a threat but they have been pushed beyond their limits.

He stated the Brotherhood of Charlotte City Workers do not intend to enter into any type of negotiations until the City Council lives up to the Commitments made to their brothers in the Fire Department, referring to their 48-hour work week.

Mr. Gore stated he sincerely hopes they do not receive the same answer they did before and that is the City has a workable grievance, because it does not; they further request that Mr. Veeder, as the last step in the grievance procedure, take immediate action on this.

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STATEMENTS BY CITIZENS REGARDING THE FIRE DEPARTMENT SITUATION.

Mr. Albert Pearson stated some years ago he stood before Council and told them they were wrong when they denied the firemen the right to join an association. Since that time the Courts have proved that the law was illegal. That this has been going on for several years, and he comes here today and hears a statement read by Councilman Alexander which he understands is this City Council refuses to accept any ultimatum from the Fire Department. He stated he agrees that Council should not accept any ultimatum but he asked if it is enough to issue a statement of that type and then say "we have proper procedures for you to come to". He asked if it was possible for someone like himself with no axe to grind to ask the five members who were on the Board two years ago if they, as Gib Smith said, promise to put in the budget a 48-hour week for these people. Is it expecting too much for the citizens of Charlotte to know? That he would presume Mr. Smith was speaking of the five old members who were on the Council at that time. Is it asking too much for these people to tell them what your plans are, and at least have sympathy for their cause?

Mr. Pearson stated he can understand the people being disturbed as he is when they read the Fire Department might go out on strike; that he is 100% opposed to firemen striking.

He asked if Council did promise them a 48-hour week, or did they not? That it is not asking too much for Council to answer yes or no. That in today's world things can happen that he would hate to see happen, and Council can avoid this; no one else can avoid it.

Mr. Pearson stated if the present Council and the Council before had taken action on these matters, there would never have been a union of the type in the Sanitation Department and Fire Department. That you cannot tell them you have procedures and they must follow them and come through Mr. Earle to ask to do these things. This is bigger than that now; this has proven they cannot handle it.

Mayor Belk thanked Mr. Pearson for his remarks and stated Winston-Salem is working 66 hours, Greensboro is working 56 hours, Raleigh is working 72 hours and Durham is working 72 hours.

Mr. Pearson stated when it is put in the paper by an ex-Councilman that they were promised a 48-hour week, and there is no action from this Council by the present members saying they either did or did not, then he says they are hiding from the issue and not being fair.

Councilman Alexander stated he is not speaking for Council but is speaking for Fred Alexander. That as an elected office holder it is his responsibility to listen to what any citizen has to say. He stated he read this statement and stated that the statement was being read at this time so it can become a part of the official action of this Council. That was because it was predicated on the fact that this statement was drawn at a time between Council meetings growing out of the fact that a request or ultimatum had been given to Council asking that an answer be given at a certain time. The statement stated why the answer that was asked could not come forth at that particular time.

Councilman Alexander stated on the question Mr. Pearson raised about the 48 hours, that he, as an individual Councilman, is not responsible for what Mr. Gibson Smith, an ex-Councilman, said in the paper. He spoke, he thinks, for Gibson Smith, not for Fred Alexander. Councilman Alexander stated as for what he was speaking about, he does not know anything about it. As for the 48 hours, he has not been to any meeting on that. Councilman Alexander stated that statement as it is circulated about he does not know anything about; that is why when it was read for the record, as was stated by Mr. Whittington it was for the record. That any Councilman can put anything he wants into the record. Since he did not know anything about what was being said he sat and listen to it and heard it put into the record.

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Mr. Pearson stated he gathers from what Mr. Alexander has said that he was not at any meeting where the firemen were promised a 48-hour week. Councilman Alexander replied exactly but it has nothing to do with anything that happened prior to today.

Mr. W. J. Elvin asked Council if they did or did not promise the firemen a 48-hour week? He stated the City is about 100 years behind in its method of handling labor.

Mr. Charles Black stated although he works for the sanitation department, he is not talking about the sanitation department at this time; that it is all combined. That sanitation has its problems and the firemen have their problems and the police still have their problems. He asked Council to put their hands on top of the table as men who have been selected as the City Fathers. That's where the whole point ends up. There are 600 to 700 firemen, over 300 sanitation workers, 400-500 policemen and if the city is not going to help its own, then how can the citizens, the low income and non-affluent, deal with the problems on Park Road, public housing or anything else. He asked the Fathers to take these people and lead them and see if Charlotte cannot be made a great city.

Mr. Percy Clark, International Firefighters Association Representative, stated he is not a citizen of Charlotte, but he thinks what the firefighters are requesting is to sit down and discuss with the Council or a sub-committee of the Council the misunderstanding as stated by the Council in respect to the 48-hour work week. They are not asking the Council to circumvent the ordinance that lays down the procedure for discussing - this is between the employer and the employee. All they are asking is for reasonable people to discuss with a sub-committee of the Council the misunderstanding in the minds of the City Council with respect to the 48-hour week.

Councilman Short stated he believes the meeting that everyone connected with the Fire Department discussed today and has been referred to, was an evening meeting held in the Council Chamber in the summer of 1968 for the purpose of discussing the 1968-69 Budget.

PETITION NO. 70-42 BY LEX MARSH FOR A CHANGE IN ZONING FROM R-15MF TO O-15 AND B-1SCD OF A 12.3 ACRE TRACT OF LAND AT THE NORTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, FRONTING 918 FEET ON PROVIDENCE ROAD AND 390 FEET ON SARDIS ROAD, DENIED.

Councilman Tuttle moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Whittington and carried unanimously.

PETITION NO. 70-43 BY DOROTHY A. POTTER, W. J. POTTER, MARTHA A. SUTHER AND JOHN H. SUTHER FOR A CHANGE IN ZONING FROM R-15MF TO B-1SCD OF A 3.1 ACRE TRACT OF LAND AT THE SOUTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD FRONTING 293 FEET ON PROVIDENCE ROAD AND 645 FEET ON SARDIS ROAD, DENIED.

Motion was made by Councilman Thrower to deny the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property, and which the Planning Commission recommends denied. The motion was seconded by Councilman Whittington, and carried unanimously.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MAY 18, 1970 ON PETITIONS NO. 70-61 THROUGH 70-70 FOR ZONING CHANGES.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, adopting the subject resolution setting date of hearing on Monday, May 18, 1970.

The resolution is recorded in full in Resolutions Book 7, at Page 75.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MAY 25, 1970 ON PETITIONS NO. 70-71 THROUGH 70-79 FOR ZONING CHANGES.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted setting the date of Monday, May 25, 1970 for public hearings on Petitions No. 70-71 through 70-79 for zoning changes.

The resolution is recorded in full in Resolutions Book 7, at Page 76.

RESOLUTION APPROVING THE PURCHASE BY THE CITY OF LAND FROM THE REDEVELOPMENT COMMISSION IN PROJECT NO. N. C. R-60, BROOKLYN URBAN RENEWAL AREA, TO BE USED AS RIGHT OF WAYS FOR THE PURPOSE OF WIDENING CERTAIN BOUNDARY STREETS.

Councilman Whittington moved adoption of the subject resolution approving the purchase by the City of 16,131 square feet of land from the Redevelopment Commission in Project No. N. C. R-60, Brooklyn Urban Renewal Area, at a purchase price of \$16,259.82, to be used as right of ways for the purpose of widening certain boundary streets. The motion was seconded by Councilman Withrow, and unanimously carried.

The resolution is recorded in full in Resolutions Book 7, at Page 77.

RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES LEVIED AND COLLECTED THROUGH CLERICAL ERROR.

Motion was made by Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, adopting the subject resolution authorizing refund of certain taxes in the total amount of \$1,962.30 which were levied and collected through clerical error.

The resolution is recorded in full in Resolutions Book 7, at Page 78.

GENERAL POLICY STANDARDS AND SPECIFICATIONS FOR EXTENSION OF WATER AND SEWER SYSTEMS BY COMMUNITY FACILITIES COMMITTEE REFERRED BACK TO THE COMMITTEE FOR PROPER REWORDING.

Council was advised that the subject standards and specifications for the extension of water and sewer systems are recommended for approval with the following exceptions:

- (a) Paragraph four on Page 6 states that "all sewage treatment plans shall be designed by a competent engineering consultant with adequate experience in this field of engineering." This statement would preclude the City's engineers from doing any design work and should be reworded so to permit.
- (b) Paragraph two under "Engineering Consultant" on Page 7, states to the effect that all plans for sewer extensions will be approved by the Charlotte Water Department and the County Engineering Department. This should be changed to read that the plans will be approved by the City's Public Works Department and the County's Public Works Department.

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(c) The specifications permit the use of asbestos cement pipe in sized 4" to 6" in diameter and polyvinyl chloride (PVC) pipe in size 2" in diameter. The Public Works Director and Water Superintendent are of the opinion these materials should not be used in all areas and locations. For example: State regulations as set forth in Chapter 130, Article 13 of the General Statutes prohibit the use of materials other than cast iron where water lines in streets cannot be isolated from sewer lines. Since most streets do, or will have, sewer lines and sewer laterals, the use of these materials in any part of the water distribution system is not recommended.

Councilman Short stated the report recommends several types and gauges of pipe which the city has not previously used. An example is ductal iron in gauges less than 12 inches and some others. He asked if the city is to handle all the maintenance and replacement, will it have to stockpile parts for these various types of pipes, and if so, how much money is involved? That he is sure the use of other types of products other than previously used by the City was not considered in setting the 32.5%.

Mr. Hopson, Public Works Director, replied they have not gone into the cost to keep these additional types of materials on hand; they have been trying to get together with the county as a result of the CFC's work in this field to come up with something they could all agree upon. That they have now agreed, even after the agenda was printed, with the administrative officials of the county on everything except the asbestos pipe itself. That the PVC is a plastic and they have agreed as late as today that they will not pursue that and would like to have it discarded as a possibility. He passed around a sample of the pipe. That the only point of contention on the asbestos cement is the size; the county has also agreed verbally today that they will withdraw their request to extend the size to 12 inches; they had asked instead of 4 to 6 inches which the CFC recommended to go to a pipe up to 12 inches, and they are now willing to withdraw that request. The only thing they agreed on the other items about the engineering data and who is to approve the plans - is the 4 to 6 inches of asbestos cement pipe. He stated the thing that worries him is why cut off at 6 inches; if it is good up to 6 inches, then it should be good up to 10 or 12 inches.

Councilman Short stated the CFC recommended 4 to 6 inches on lines to large industries. He asked if Mr. Hopson is recommending that that be deleted? Mr. Hopson replied they would prefer that it be deleted; that in certain areas it is still experimental. Even if we retained that we would have to retain large inventories of the asbestos pipes up to six inches and would also mean that the men dealing with this in the water field particularly would have to learn to make these connections; they are not easy. That he has seen demonstrations and it is not as easy as in the pipe we are presently using.

After further discussion, Councilman Whittington moved that the item be referred back to the CFC for rewording. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Short requested Mr. Hopson to advise Council on the matter of cost if the City is to provide the maintenance of the various things the City has not previously had.

ORDINANCE NO. 561-X AMENDING THE 1969-70 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF \$10,000 OF UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO THE CAPITAL IMPROVEMENT BUDGET TO BE USED TO COMPLETE THE RECONSTRUCTION OF THE AIRPORT WATER SYSTEM.

Motion was made by Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance amending the 1969-70 Budget Ordinance authorizing the transfer of \$10,000 of Unappropriated Balance of the Airport Fund to the Capital Improvement Budget to be used to complete the reconstruction of the airport water system.

The ordinance is recorded in full in Ordinance Book 17, at Page 55.

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ORDINANCE AMENDING SECTION 1, SCHEDULE A OF THE 1969-70 BUDGET ORDINANCE TRANSFERRING PORTION OF MUNICIPAL INFORMATION SYSTEM BUDGET INTO THE SIDEWALK STUDY PROGRAM, ADOPTED AND CONTRACT WITH WILBUR SMITH AND ASSOCIATES FOR PEDESTRIAN SAFETY STUDY, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting the subject ordinance transferring \$8,800.00 of the Municipal Information System Budget into the Sidewalk Study Program and approving a contract with Wilbur Smith and Associates for pedestrian safety study.

Ordinance No. 562-X is recorded in full in Ordinance Book 17, at Page 56.

RIGHT OF WAY AGREEMENTS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, approving the following rights of way agreements:

- (a) Right of way agreement between the City and State Highway Commission for the City to install an 8-inch water line in portions of Capps Hill Mine Road.
- (b) Right of Way Agreement between the City and the State Highway Commission for the city to install a 6 inch water main in a portion of Old Monroe Road.
- (c) Encroachment agreement with State Highway Commission permitting the City to construct a 12 inch sanitary sewer line within the present culvert constructed to handle the drainage of Taggart Creek under I-85.
- (d) Encroachment agreement with State Highway Commission permitting the City to construct an 8-inch sanitary sewer line with 6 manholes within the right of way of Tuckaseegee Road at Taggart Creek.

CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the following contracts for the construction of sanitary sewer mains and trunks, were approved:

- (a) Contract with John Crosland Company for the construction of 3,965 linear feet of 8-inch trunk and main to serve Hampshire Hills IV, inside the city, at an estimated cost of \$30,878.29. All cost of the construction will be borne by the applicant whose deposit in the entire amount has been received and will be refunded as per terms of the agreement.
- (b) Contract with T. R. Helms Construction Company for the construction of 200 linear feet of 8-inch main to serve an apartment project for the intersection of Thompson Street and Clarence Street, inside the city, at an estimated cost of \$1,775.00. All cost of construction will be borne by the applicant whose deposit in the entire amount has been received and will be refunded as per terms of the agreement.
- (c) Contract with Ed Griffin Development Company for the construction of 930 linear feet of 8-inch trunk to serve apartments on Lambeth Drive, inside the city, at an estimated cost of \$7,740.00. All cost of construction will be borne by the applicant whose deposit in the entire amount has been received and will be refunded as per terms of the agreement.

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**CONTRACT WITH RAYMOND L. HARRIS FOR CONSTRUCTION OF WATER MAINS, AUTHORIZED.**

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving a contract with Raymond L. Harris for the construction of 250 feet of water mains on Hoskins Road, inside the city, at an estimated cost of \$500.00, with the city to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

**FEDERAL AVIATION ADMINISTRATION PROPOSED LICENSE TO OPERATE FAA AIR NAVIGATION FACILITIES AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.**

Councilman Thrower moved approval of subject proposed license to operate FAA Air Navigation Facilities at Douglas Municipal Airport, replacing the existing license which expires June 30, 1970. The motion was seconded by Councilman Whittington, and carried unanimously.

**CANCELLATION OF LEASE BETWEEN WILMINGTON SHIPPING COMPANY AND THE CITY OF CHARLOTTE FOR OFFICE SPACE AT DOUGLAS AIRPORT, AUTHORIZED.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the cancellation of subject lease between Wilmington Shipping Company and the City of Charlotte for office space in the West Concourse lobby, Douglas Municipal Airport Terminal Building, was authorized.

**SUPPLEMENTAL AGREEMENT WITH GENERAL SERVICES ADMINISTRATION TO LEASE SPACE TO EXPAND THE U. S. CUSTOMS BUREAU OFFICE AT AIRPORT, AUTHORIZED.**

Motion was made by Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, approving a supplemental agreement with General Services Administration to lease the 653 square feet of space to expand the U. S. Customs Bureau Offices at a rate of \$4.00 per square foot per year to be effective April 6, 1970.

**LEASE BETWEEN CITY OF CHARLOTTE AND CHARLOTTE BONDED CONSTRUCTION AND RENOVATION COMPANY, INC. FOR LAND AT AIRPORT, APPROVED.**

Motion was made by Councilman Short, seconded by Councilman Thrower, and unanimously carried, approving the subject lease between the City of Charlotte and Charlotte Bonded Construction and Renovation Company, Inc., for approximately 42,000 square feet of land located on the east side of Douglas Municipal Airport for a term of one year, at 4 cents per square foot per annum, or \$1,680 per year.

**COMPROMISE SETTLEMENT WITH THE SISTERS OF OUR LADY OF MERCY OF NORTH CAROLINA, AND OTHER HEIRS OF THE ESTATE OF THE LATE ADOLPH PETER WOHLPART FOR ALLEGHANY STREET WIDENING PROJECT.**

Councilman Short asked what condition the city is in on Alleghany Street now? Councilman Whittington asked how many parcels of property are left to negotiate in order to get the street open? Mr. Underhill, City Attorney, replied this property and the McNeely property are the only two tracts of land left to be acquired before the right of way will be acquired for the street widening, and approval of the subject compromise settlement will include the acquisition of this tract; still remaining is the McNeely tract which is now on appeal in the North Carolina Court of Appeals, and scheduled to be heard probably sometime late in the spring. He stated to his knowledge there has not been an offer to sell the McNeely property to the city that would allow the city to discontinue the present suit which the city now has against the property.

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Councilman Whittington requested Mr. Birmingham or Mr. Hopson and Mr. Underhill to meet with the Attorney for Mr. McNeely and other property owners out there on this portion of Alleghany Street and see if there is some way that this can be resolved. He stated he thinks it can be resolved. He stated the question now is the city trying to resolve it by giving on the alignment or something else? Councilman Whittington stated he would like the City Attorney and Mr. Birmingham to give Council an answer on this next week.

Mr. Underhill stated on the alignment portion the City proposes to take 20 feet off the McNeely side of the street to complete the project, and Mr. McNeely has contended all along that the City should take no more than ten feet from his side of the property and ten on the other side; that the City has made some efforts to discuss with the property owner on the other side as to its availability for purchase and the city has been told that he would not willingly sell his property to his city, and rather than having two condemnation suits, there is one.

Councilman Whittington stated he would still like to have a map or drawing and all this information for Council's consideration.

Councilman Whittington moved that the compromise settlement with the Sisters of Our Lady of Merch of North Carolina, and other heirs of the Estate of the late Adolph Peter Wohlpert be authorized for the acquisition of property at the northwest corner of Alleghany Street and Havelock Avenue for the Alleghany Street widening, at \$1,000.00. The motion was seconded by Councilman Thrower, and carried unanimously.

#### CITY-OWNED PROPERTY AUTHORIZED TO BE ADVERTISED FOR SALE.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject property, located at 629 Wesley Avenue, was approved to be advertised for sale.

#### ORDINANCE NO. 563-X AUTHORIZING THE TRANSFER OF \$2.0 MILLION FROM PUBLIC BUILDING BONDS FOR THE CIVIC CENTER.

Councilman Short moved approval of subject ordinance authorizing the transfer of \$2.0 million from Public Building Bonds for the Civic Center. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 57.

#### ORDINANCE NO. 564-X AUTHORIZING THE TRANSFER OF \$265,000 FROM LAND ACQUISITION BONDS FOR PURCHASE OF LANDFILL SITES.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, adopting subject ordinance authorizing the transfer of \$265,000 from Land Acquisition Bonds for purchase of landfill sites.

The ordinance is recorded in full in Ordinance Book 17, at Page 58.

#### ORDINANCE NO. 565-X AUTHORIZING THE TRANSFER OF \$1,050,000 FROM STREET LAND BONDS FOR ACQUISITION OF RIGHT OF WAY FOR AN INTERCHANGE AT EASTWAY DRIVE AND INDEPENDENCE BOULEVARD.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$1,050,000 from Street Land Bonds for acquisition of right of way for an interchange at Eastway Drive and Independence Boulevard.

The ordinance is recorded in full in Ordinance Book 17, at Page 59.

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ORDINANCE NO. 566-X AUTHORIZING THE TRANSFER OF \$500,000 FROM RECREATION FACILITIES BONDS TO MAKE IMPROVEMENTS TO EXISTING PARKS, EXPANSION OF THE MAINTENANCE SHOP, TO PURCHASE SITES FOR NEW COMMUNITY CENTERS AND TO PURCHASE LAND FOR NEW PARK SITES.

Councilman Whittington moved adoption of subject ordinance authorizing the transfer of \$500,000 from Recreation Facilities Bonds to make improvements to existing parks, expansion of the Maintenance Shop, to purchase sites for new Community Centers and to purchase land for new park sites. The motion was seconded by Councilman Thrower and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 60.

ORDINANCE NO. 567-X AUTHORIZING THE TRANSFER OF \$626,000 FROM WATER BONDS FOR DESIGN OF SHARON ROAD TANK AND PURCHASE OF LAND, DESIGN AND CONSTRUCTION OF A NORTH TRYON TANK AND CONSTRUCTION OF 20-INCH WATER MAIN.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting subject ordinance authorizing the transfer of \$626,000 from Water Bonds for design of Sharon Road Tank and purchase of land, design and construction of a North Tryon tank and construction of 20-inch water main.

The ordinance is recorded in full in Ordinance Book 17, at Page 61.

ORDINANCE NO. 568-X AUTHORIZING THE TRANSFER OF \$300,000 FROM WATER BONDS FOR THE CONSTRUCTION OF MINOR MAIN EXTENSIONS AND THE RELOCATION OF WATER MAINS IN MAJOR STREETS.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject ordinance authorizing the transfer of \$300,000 from Water Bonds for the construction of minor main extensions and the relocation of water mains in major streets was adopted.

The ordinance is recorded in full in Ordinance Book 17, at Page 62.

ORDINANCE NO. 569-X AUTHORIZING THE TRANSFER OF \$40,000 FROM WATER BONDS FOR THE CONSTRUCTION OF NEW WATER MAINS IN CRAIGHEAD ROAD, I-85, GRAHAM STREET AND SULKIRK ROAD-PARK ROAD.

Councilman Alexander moved adoption of the subject ordinance authorizing the transfer of \$40,000 from Water Bonds for the construction of new water mains in Craighead Road, I-85, Graham Street and Sulkirk Road-Park Road. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 63.

ORDINANCE NO. 570-X AUTHORIZING THE TRANSFER OF \$200,000 FROM SANITARY SEWER BONDS TO BE USED FOR RELOCATION OF SEWERS IN THE RIGHT OF WAY OF EXPRESSWAYS AND MAJOR STREETS.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, adopting subject ordinance authorizing the transfer of \$200,000 from Sanitary Sewer Bonds to be used for relocation of sewers in the right of way of expressways and major streets.

The ordinance is recorded in full in Ordinance Book 17, at Page 64.

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ORDINANCE NO. 571-X AUTHORIZING THE TRANSFER OF \$45,000 FROM SANITARY SEWER BONDS FOR CONSTRUCTION OF NEW SEWER TRUNKS IN PARKWAY AVENUE, SEIGLE AVENUE, OTT STREET, PRINCE STREET AND CLANTON ROAD.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$45,000 from Sanitary Sewer Bonds for construction of new sewer trunks in Parkway Avenue, Seigle Avenue, Ott Street, Prince Street and Clanton Road.

The ordinance is recorded in full in Ordinance Book 17, at Page 65.

ORDINANCE NO. 572-X AUTHORIZING THE TRANSFER OF \$1,135,000 FROM SANITARY SEWER BONDS FOR CONSTRUCTION OF NEW OUTFALLS - BRIAR CREEK NO. 1, BRIAR CREEK No. 2, TAGGART CREEK AND MCMULLEN CREEK - AND MINOR MAIN EXTENSIONS.

Councilman Whittington moved adoption of subject ordinance authorizing the transfer of \$1,135,000 from Sanitary Sewer Bonds for construction of new outfalls - Briar Creek No. 1, Briar Creek No. 2, Taggart Creek and McMullen Creek - and minor main extensions. The motion was seconded by Councilman Jordan and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 66.

ORDINANCE NO. 573-X AUTHORIZING THE TRANSFER OF \$40,000 FROM STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS TO BE USED FOR THE WIDENING AND IMPROVING OF SUGAR CREEK ROAD.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, adopting subject ordinance authorizing the transfer of \$40,000 from Street Widening, Extension and Improvement Bonds to be used for the widening and improving of Sugar Creek Road.

The ordinance is recorded in full in Ordinance Book 17, at Page 67.

ORDINANCE NO. 574-X AUTHORIZING THE TRANSFER OF \$130,000 FROM STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS FOR DESIGN AND CONSTRUCTION OF A BRIDGE OVER SUGAR CREEK AT ARCHDALE DRIVE.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$130,000 from Street Widening, Extension and Improvement Bonds for design and construction of a bridge over Sugar Creek at Archdale Drive.

The ordinance is recorded in full in Ordinance Book 17, at Page 68.

ORDINANCE NO. 575-X AUTHORIZING THE TRANSFER OF \$715,000 FROM STREET WIDENING, EXTENSION AND IMPROVEMENT BONDS FOR IMPROVEMENT OF STREETS WITHIN THE BELMONT NEIGHBORHOOD IMPROVEMENT PROGRAM AREA.

Councilman Tuttle moved adoption of subject ordinance authorizing the transfer of \$715,000 from Street Widening, Extension and Improvement Bonds for improvement of streets within the Belmont Neighborhood Improvement Program area. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 69.

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**TRANSFER OF CEMETERY DEED.**

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Edward G. Cole and wife, Annie S. Cole, for Graves 1 and 2, in Lot No. 739, Section 6, Evergreen Cemetery, at \$160.00.

**RE-APPOINTMENT OF MR. EVERETT SUDDRETH TO THE AUDITORIUM-COLISEUM AUTHORITY FOR A TERM OF FIVE YEARS.**

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, re-appointing Mr. Everett Suddreth to the Auditorium-Coliseum Authority for a term of five years.

**SPECIAL OFFICER PERMITS AUTHORIZED.**

Motion was made by Councilman Short, seconded by Councilman Alexander, and unanimously carried the following Special Officer Permits were approved:

- (a) Issuance of permit to Mrs. Bettie D. Burnett for use on the premises of Belk Brothers Company.
- (b) Renewal of permit to Mr. Daniel Hoyt Shealy for use on the premises of Kings College, 322 Lamar Avenue.

**CONTRACT AWARDED SEAGRAVE FIRE APPARATUS, INC. FOR PUMPING ENGINE WITH DIESEL ENGINE.**

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Seagrave Fire Apparatus, Inc., on their No.2 Alternate Bid, in the amount of \$43,465.00, on a unit price basis, for one 1,000 gallon per minute combination pumping engine with diesel engine.

The following bids were received:

BASE BID (Diesel Engine) 1000 Gal.

Seagrave Fire Apparatus, Inc.	\$42,655.00
Burgess Fire Eqpt., Inc.	44,247.00
Mack Trucks, Inc.	44,687.57

ALTERNATE 1. (Diesel Engine) 1250 Gal.

Seagrave Fire Apparatus, Inc.	43,195.00
Burgess Fire Eqpt., Inc.	44,666.00
Mack Trucks, Inc.	45,234.57

ALTERNATE 2. (Diesel Engine) 1500 Gal.

Seagrave Fire Apparatus, Inc.	43,865.00
Burgess Fire Eqpt., Inc.	44,683.00
Mack Trucks, Inc.	46,034.57

If a customer decides to buy two identical Seagrave pumpers, a deduction of \$400.00 will be allowed per unit, a total of \$800.00.

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**CONTRACT AWARDED SEAGRAVE FIRE APPARATUS, INC. FOR PUMPING ENGINE WITH DIESEL ENGINE.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Seagrave Fire Apparatus, Inc., in the amount of \$43,465.00, on a unit price basis, for one 1,500 gallon per minute combination pumping engine with diesel engine.

The following bids were received:

Seagrave Fire Apparatus, Inc.	\$43,865.00
Burgess Fire Eqpt., Inc.	44,792.00
Mack Trucks, Inc.	46,034.57

If a customer decides to buy two identical Seagrave pumpers, a deduction of \$400.00 will be allowed per unit, a total of \$800.00.

**CONTRACT AWARDED FORD METER BOX COMPANY, INC. FOR WATER METER YOKE PARTS.**

Councilman Whittington moved award of contract to the only bidder, Ford Meter Box Company, Inc., in the amount of \$4,926.15, on a unit price basis, for water meter yoke parts. The motion was seconded by Councilman Thrower, and carried unanimously.

**ALL BIDS RECEIVED FOR THE SHAMROCK DRIVE CULVERT CONSTRUCTION REJECTED AND THE PROJECT RE-ADVERTISED AT A LATER DATE.**

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, all bids received for the Shamrock Drive culvert construction were rejected and the project to be re-advertised at a later date.

**CONTRACT AWARDED SANDERS BROTHERS, INC. FOR CONSTRUCTION OF WATER MAINS CROSSING INDEPENDENCE EXPRESSWAY AT 5TH STREET, FROM MCDOWELL STREET TO SUGAR CREEK.**

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Sanders Brothers, Inc., in the amount of \$70,632.40, on a unit price basis, for the construction of 20 inch and 24 inch water mains crossing Independence Expressway at 5th Street, from McDowell Street to Sugar Creek.

The following bids were received:

Sanders Brothers, Inc.	\$70,632.40
Blythe Brothers Company	75,204.00
Thomas Structure Company	81,659.00
Crowder Construction Co.	92,027.20

**COUNCIL ADVISED THAT ALL PROPERTY OWNERS CAN BE CONSIDERED UNDER RECENT ACTION TAKEN BY COUNCIL IN SELLING PROPERTY PRIOR TO TIME CITY IS READY TO START THE PURCHASE OF PROPERTY IN THE PROJECTS.**

Councilman Alexander stated at a recent Council Meeting he asked for a clarification of an action Council took regarding the purchasing of property in the Redevelopment section of Greenville; that he asked for a clarification on whether the City's action meant that all property owners would have the privilege of selling their property now if they desire rather than having to wait until such time as the city was fully into the purchasing of property for that development. He stated it has been determined that the Council's action covered any property owner. If this is so, that is the purpose of his raising the question so that the people who live in the Greenville area would know that this was not an action just for a sale for a certain class of people like real estate companies.

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Councilman Alexander stated if what he has been told is correct then any property owner out there can attempt to get that consideration.

COUNCIL ADVISED THAT WILBUR SMITH AND ASSOCIATES WILL REPORT ON DOWNTOWN PARKING RAMPS SOON.

Councilman Alexander stated the matter of parking is of much concern by each member of Council and the city; that our parking situation is not going to be relieved anytime soon. He stated he sees nothing wrong with the city giving consideration or getting some information as to the financial feasibility of financing parking ramps.

Councilman Alexander requested Mr. Fennell, Finance Director, to give Council a report as to the various types of financing and what the possibilities of city financing would be against all our financial situations. This may not solve the problem immediately but it would give Council some current facts.

Councilman Short stated there is a report due almost immediately on this that has been pursued for the last two or three months.

Councilman Whittington asked Mr. Alexander to reword his statement that the report be submitted by the committee that has been working on this rather than by Mr. Fennell. Councilman Alexander replied if their report will cover everything that he is asking for then he sees nothing wrong with the committee report. Councilman Short stated this is not a committee; it is being handled by the City Manager and his staff.

Mr. Veeder, City Manager, stated the Redevelopment Commission employed the firm of Wilbur Smith and Associates to consider the report on the parking needs in the downtown area; they could not complete the report until the site of the civic center had been decided upon; following the action of Council of last week, Wilbur Smith and Associates has been contacted to inform them of the selection site; that he met with Mr. Whitehead of that firm last week, and has talked with him since that meeting last week; that much of the information Mr. Alexander is requesting will probably be included in the report of Wilbur Smith.

Councilman Alexander stated if that will be included in the report then he has no objections to listening to their report, and he hopes it will be completed soon.

STATEMENT OF COUNCILMAN ALEXANDER REGARDING STATEMENT OF COUNTY COMMISSIONER AS REPORTED IN THE PRESS.

Councilman Alexander stated if he is to believe what he read in the papers about a statement of Mr. Pete Peterson of the County Commissioners, that speaking for Fred Alexander he resents the statement made by Mr. Peterson. He stated he feels the dignity of the office that Mr. Peterson holds requires a greater responsibility to the citizenship of Charlotte than to make such a statement as a public official. Councilman Alexander stated he personally wants it known that he resents such a statement as it covers him as an individual elected official.

Mayor Belk stated he understands that part of Mr. Peterson's statement was left out and he was not quoted in context.

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STATEMENT REGARDING COUNTY-WIDE WATER AND SEWER EXTENSION POLICIES WHICH ARE NOW IN EFFECT.

Councilman Short stated last Monday and today, Council approved about \$447,000 worth of water and sewer line extensions inside the City of Charlotte under the so called "inside extension policies" where the city put up the money outright for water lines and bought back sewer lines as soon as they became self-sustaining. He stated in the last several years the city has spent about \$3.0 million in this way and has annexed five or six square miles because of this policy - the inside extension policy. That he is sure this has been beneficial to the community and has contributed to the prosperity of the city.

Councilman Short stated beginning today, we are going to uniform countywide extension policies that will no longer be the inside policy and the outside policy. These county-wide policies are liberal and will be a benefit to the entire county.

He stated our records should show that while the city no longer will have the extension policies that promote annexation, it has instead broadened and liberalized county policies which will be opportunities for the orderly growth and development of our community.

TRAFFIC ENGINEER REQUESTED TO REPORT TO COUNCIL ON COSTS INVOLVED IN CONSTRUCTION OF MEDIAN ON SHARON AMITY ROAD AT PROVIDENCE INTERSECTION.

Councilman Tuttle stated he has a letter from Mr. Hoose to Mr. Veeder about Sharon Amity and Providence Road intersection. That Mr. Hoose seems to think a median might alleviate the situation out there some. He says the left turn into Spa is causing a lot of this. Councilman Tuttle stated he has not seen this but he does think a median would help as long as it can be made as they are fighting out there now to get in there; they are even going around. The straight through and the right turn lane will back up so far that they cannot get to the left turn lane so they are actually going over the yellow line to swing around and get by these cars, and a median will stop this. That we cannot do anything about this, he is sure, until Council has some cost figure. He requested the City Manager to have Mr. Hoose come up and tell us where the money is coming from.

COUNCILMAN REQUESTS THAT WAYS BE CONSIDERED TO MAKE CITY OWNED PARCELS OF LAND NOT IN USE TAX PRODUCING.

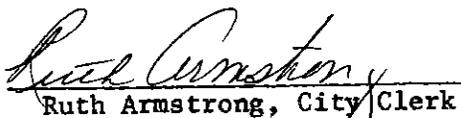
Councilman Thrower stated several years ago Mr. Jordan compiled an inventory of city owned property and did an excellent job. That as he understands it now we have many, many and they number into the thousands, parcels of land that are lying idle. He asked if over the next week we can think of some way, some method, that we can make these pieces of property tax producing pieces of property. That these things should be looked into, and we should turn these things over.

Councilman Tuttle stated he thought at the time this inventory was made that it had been turned over to various real estate agents, and that about 90% of it is little triangles and pieces that no one wants. Councilman Alexander stated some of it has been disposed of.

Mr. Veeder, City Manager, stated Mr. Thrower is correct when he says there are many, many parcels and efforts to dispose of them to make them tax producing have not produced any great degree of success because of the configuration, location and size of the lots.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk