

April 27, 1970  
Minute Book 53 - Page 370

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, April 27, 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, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Jerry Tuttle.

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, Stone, Tate and Turner.

ABSENT: Commissioners Brewer and Embry.

\* \* \* \* \*

#### INVOCATION.

The invocation was given by Reverend Gene H. Little, Minister of Mouzon Methodist Church.

#### MINUTES APPROVED.

Councilman Short moved approval of the Minutes of the last Council Meeting, on April 20, 1970, which motion was seconded by Councilman Whittington, and unanimously carried.

#### AMERICAN MANAGEMENT COURSE CERTIFICATES AWARDED CITY OF CHARLOTTE EMPLOYEES.

Mayor Belk stated the first group of the City's top employees have completed the American Management Course. That as far as training goes, the City feels this is one of the best courses offered; the City also feels it should have the best-trained personnel to work for it. He stated there are 45 employees still in the process of taking the course.

Mayor Belk thanked each one for participating in the course and stated with their leadership, we can expect bigger things from the City. He then presented the following twenty-eight certificates:

Charles E. Adams	Willis Robert Deaton
R. L. Beaty	Lee S. Dukes
Pressly Beaver	Walter M. Franklin
Robert G. Birmingham, Jr.	Frank W. Haas
Herbert E. Blackmon	Richard C. Hauersperger
L. Paul Bobo	H. J. Moose
Jerry W. Branham	William H. Jamison
Delmas C. Brown, Jr.	Ross A. Knight
Fred E. Bryant	Kenneth L. Miller
R. D. Campbell	Carl A. Raymond
Jerry D. Coffman	Clark D. Reading
Bernard A. Corbett, Jr.	William B. Roberts
E. G. Davis	Henry W. Underhill
W. Otis Dowdy	Eugene C. Williamson

April 27, 1970  
Minute Book 53 - Page 371

HEARING ON PETITION NO. 70-54 BY AMON L. BAUCOM FOR A CHANGE IN ZONING FROM R-9MF TO O-6 AND B-2 OF PROPERTY BEGINNING 400 FEET NORTH OF NORTH TRYON STREET, BETWEEN BEECHWAY CIRCLE AND WELLINGFORD STREET EXTENDING TO MARKWAY.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on North Tryon Street just beyond Sugar Creek Road; it is an irregular-shaped tract located between Wellingford Street and Beechway Circle; it is vacant and adjoined on the south side by property which is also vacant; there is business usage along a portion of the frontage on North Tryon Street; at the intersection of Wellingford and North Tryon there is a restaurant and a cleaners or laundry; there is a Burger Chief Restaurant located here. The Tryon Mall Shopping Center is located along the south side of North Tryon Street in this area.

He stated adjoining the property on the Wellingford side is a row of single family residences extending up to Springview; there is also some single family residences on the other side of Wellingford as well. That to the rear of the property it is virtually vacant with exception of some apartment developments which are located along Springview and along a portion of Beechway Circle. There is one single family home back in this area, otherwise, it is also vacant to the west of the property. The zoning pattern is basically one of business zoning and some industrial zoning along North Tryon Street; it is presently zoned B-2, along the north side of North Tryon for a depth of 400 feet and this brings it back to the subject property at this point. That the remainder of the property is zoned R-9.

Mr. Bryant stated this petition requests two different types of zoning; first one area is requested for B-2 zoning and then the extreme rear portion of the property is requested for O-6 office zoning.

Mr. Irving Boyle, attorney for the petitioner, stated the location is diagonally across from Tryon Street Mall. He stated the important feature of this particular property is the topography; that Council will note from each of the maps which have been presented, running through the property, in a general north-south direction toward the Tryon Street Mall, is a creek; that this particular part of the property has been established as a flood area.

He stated the one family dwellings Mr. Bryant referred to are on the same side of Wellingford Drive as this property has a history of many of them being vacant; that two or three of them have been subject to foreclosures and many of them are for sale and the difficulty is because many of them are in a flood area. This same problem is what confronted Mr. Baucom when he tried to make some use of the property; that the reason for this request relates directly to the topographical problem.

Mr. Boyle stated under the present zoning it is economically unfeasible for Mr. Baucom to make an effort to correct the flood zone; that at Mr. Boyle's request Mr. Bryant went down and investigated the area and at Mr. Boyle's request, the City Engineering Office was consulted to find out what corrective action would be required in order to guide the creek or confine it; that they find in order to meet the city's standards for this particular problem - to build a junction box, to cut the channel and to do the many things they required, they have an estimated of almost \$50,000 in order to do it.

That if the zoning classification back of the present 400 feet is changed up to the point designated as an O-6 buffer, O-6 which would be the buffer, the property could be utilized for business purposes; the purpose which he has in mind is a low one-story office structure that has connected a storage area, not a warehouse type of structure; that this would enable the back part, if the creek were controlled and confined to the channels, to be used for parking space. If this cannot be done, and the zoning remains the same, then Mr. Baucom will have to develop some other plan.

April 27, 1970  
Minute Book 53 - Page 372

That if the zoning request is granted, both the property owners whose property adjoins this, and the city will all be beneficiaries of the control of the flooding situation which is present there at this time.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-55 BY A. E. STEWART, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF PROPERTY AT 4200-4212 SOUTH TRYON STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located midway between the intersection of Woodlawn Road and South Tryon Street and Clanton Road and South Tryon Street. The property consists of four lots at the intersection of Peterson Drive and South Tryon Street; it is occupied by three single family houses; there are single family houses on three sides of the property - to the rear, across Peterson Drive and across South Tryon Street; the fourth side has an existing business use adjacent to it. Away from South Tryon Street are the industrial uses which come out to Yancey Road. Other than that there is considerable vacant property scattered through the area, along Peterson Drive, Orchard Circle and also on South Tryon Street.

Mr. Bryant stated there is B-2 zoning along the west side of South Tryon Street; I-2 zoning across from that and most of the remaining portion is occupied by R-6MF and this includes property on both side of South Tryon Street from the subject property extending toward the city for about two and half blocks.

Mr. A. E. Stewart, one of the petitioners, stated this is a truck route and tractor-trailer trucks and city garbage trucks have been counted numbering 200-300 in a 24 hour period. They travel the route night and day. He stated there is an industrial fan across the street facing Yancey Road and the fan stays on twenty-four hours a day. A service station adjoins the property on the right hand side, and there are no sidewalks in front of the property causing walking traffic to cut across the corner lots to Peterson Drive. Mr. Stewart stated he has no plans for the property; he is only interested in getting away from the area.

No one spoke in opposition to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-56 BY C. B. GOUGH, INC. AND GIBSON L. SMITH FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF PROPERTY AT 1601 AND 1609 EASTWAY DRIVE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the east side of Eastway Drive, south of the intersection with Shamrock Drive; it is occupied by two single family residences, and is adjoined on the south side by residential uses; the rear is residentially used out to Shamrock Drive; there is residential use in front of the subject property on Eastway Drive. He stated around the intersection of Shamrock and Eastway Drive are many and varied uses; the one closest to the subject property is a Humble Oil Service Station.

He stated there is business zoning around the intersection; there is a transitional area of office zoning along the west side of Eastway Drive and a small transitional area of office zoning adjacent to the subject property; there is office zoning facing on Shamrock to the rear of the subject property. Other than that, there is multi-family zoning coming down Eastway Drive toward the Methodist Home Park.

April 27, 1970  
Minute Book 53 - Page 373

Mr. Lewis Parham, Attorney for the petitioners, stated the property is adjoined by property zoned for office purposes and being used as a parking lot for the Humble Service Station; immediately across the street is office zoning. He stated in changing the subject property to office zoning, it would not extend the zoning line along Eastway Drive but would even it up with the zoning across the street.

Mr. Parham stated the intended use is for a physician's office; one of the properties has been sold to a physician pending the outcome of the zoning, and there are negotiations for leasing the other property to a physician.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-57 BY HUMBLE OIL & REFINING COMPANY FOR A CHANGE IN ZONING FROM R-12MF TO O-6 AND B-1 OF A PARCEL OF LAND 200' x 274' AT THE NORTHEASTERLY CORNER OF RANDOLPH ROAD AND GAYNOR ROAD. ✓

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located at the intersection of Randolph Road and Gaynor Road; the property is vacant and is adjoined on three sides by vacant property - to the rear along Gaynor Road, across Gaynor and across Randolph Road. It is adjoined on the Sharon Amity Road side by a service station on the corner; the City's fire station; then an office building, and a church which extends from Sharon Amity Road over to Gaynor Road. He pointed out Cotswold Shopping Center and stated around the intersection on all four corners are service stations; there are several banks and office structures along Randolph Road.

Mr. Bryant stated all of the Cotswold Area is zoned B-1 and this includes all four corners of the intersection of Sharon Amity and Randolph; the business zoning extends along Randolph down as far as Colwick and extends back so there is B-1 zoning adjacent to the subject petition. The area covered by the subject petition is zoned R-12MF as is all the property along Gaynor up to Harwick; and across Randolph Road it is zoned R-12MF. There is some O-15 zoning along Sharon Amity across from the shopping center; then there is R-15 zoning throughout the area which is basically Randolph Park.

Mr. Bryant stated this is a two-phase request. It is requesting that about half the property adjacent to the existing business zoning be zoned B-1 and the other half which is the corner of Gaynor and Randolph Road is requested changed to office zoning.

Mr. Ben Horack stated he represents the petitioners - the Public Library who owns the property, and Humble Oil & Refining Company, the optionee. That both parts of the property front 200 feet on Randolph Road and comprise all the property that extends from the side line of the existing Esso Station and the margin of Gaynor Road.

He stated there will be no library at this location; that only a part of the property is to be zoned B-1 which is the 100 foot frontage on Randolph Road that adjoins the existing Esso Station; Humble is not building another service station but is proposing to completely demolish its existing station and to replace that and expand it and use the B-1 portion to assist in the expansion and to use the other 1/2 for office zoning.

Mr. Horack stated the property was acquired by the Library in 1964 to assure a site for a library branch; since then the Board of Trustees of the Public Library has changed its policy with reference to the investment of capital funds

April 27, 1970  
Minute Book 53 - Page 374

as it pertains to mortar and land and with reference to the location of neighborhood services; this property is not needed by the Public Library at this time. The Trustees last Fall made an agreement to sell to Humble, pursuant to an arrangement where Humble now has an option to purchase this property for \$200,000, conditioned upon the zoning. As required by law, last November the Library came before Council to seek the approval of the City Council for this arrangement which approval was given.

Mr. Hoyt Galvin, Director of the Public Libraries and Secretary to the Board of Trustees, stated he is appearing with the instructions of the Board of Trustees of the Public Library. He stated this property is surplus in the eyes of the Board; they never have had the money to build a branch at the location. That they have changed their policy from the experience they have received. Following the opening first of a branch in the Sharon Shopping Center in 1964, they began to find this was a very successful operation, and it required no capital outlay for a building. This was followed in the Tryon Mall Shopping Center where a branch library was opened in 1968. This operation has proven to be unusually successful. With these experiences, the Board concluded they would not go to the voters again for bond funds to build branch buildings but instead to rent quarters in Shopping Centers as often as they find they have the funds available to operate another branch library. It costs approximately \$75,000 in books and equipment to open a branch even in rented quarters, and it costs about \$50,000 a year to operate a branch. That the Board does not have the funds to operate another branch and do not know when this will be true. That the way inflation is eating on them now, that he is not sure they can keep up their schedule of a new branch every four years.

Mr. Galvin stated he has a letter addressed to the Mayor and Members of Council on November 10, 1969 in which the Board requested the Council's approval to sell this site; that he also has a certification from the City Clerk indicating that on November 24th Council gave the Board of Trustees approval to sell this property.

Mr. Horack stated the zoning they seek is an implementation of the last November's proposal.

He stated the existing station is on a crowded lot; the station is old and is outdated; the new station will be like the ones seen elsewhere of the old brick type construction - ranch type and intended to be more compatible and blend in with the neighborhood areas. He stated the other 1/2 of the property is proposed for an O-6 zoning, and he presented a layout showing what is proposed for the property.

He stated 100 feet of the property adjoins the existing station and will be added to and made a part of the existing station site; the other half will be zoned O-6. He stated the new proposed station will be moved back and the additional area of the new B-1 will be utilized in the expansion; moving back is consistent with the oil company's policy of providing more area for the maneuvering of traffic. The area to the rear will be employed in the movement of traffic.

He stated approximately the front 200 feet of the O-6 portion is to be used for an office building; at present negotiations are underway for either a branch bank or a branch building and loan office on that property. He stated he cannot represent that those negotiations have been finalized; but that is what Humble is trying to work out. He stated Charlotte is the regional office for some of Humble's operations covering 17 states, and it is an important one. Humble is the only major oil company with its regional office located here.

Mr. Horack stated Randolph Road and Sharon Amity has been and is now a focal concentration point for oil company service station locations; they are there as an existing fact. That he would suggest that they should be allowed to upgrade their facilities as time goes on, and as they improve their architecture and layout of facilities and equipment.

April 27, 1970  
Minute Book 53 - Page 375

Mr. Horack stated Humble Oil was part of the proposal at Providence and Sardis Roads; one of the main thrust of the turn down of that petition was (1) the neighbors did not want it; and (2) the neighbors were willing to go into a center focal point such as Cotswold in order to find the services they needed and they were willing to do in. That if that is a correct portrayal then he suggests that Humble is not allowed out in the neighborhood but is to be put in the focal points such as Sharon Amity and Randolph Road then some thoughtful consideration should be given to allow facilities such as Humble to ungrade themselves to maintain the services which are not allowed out in the neighborhoods. He stated the O-6 area will effectively put a check valve on further progression of any type commercial business on that side of Randolph Road.

Mr. Horack pointed out the vacant land proposed for a condominium and stated he has contacted the people and they have no objections; he pointed out another parcel which is a part of a residential development and stated it is vacant and they have no objections; that the owners of the vacant land on the other side have been contacted and they have no objections.

Mr. Parks Helms, Attorney, stated he represents a number of protestors. He stated he also has petitions in general protest which he filed with the City Clerk which indicate the feelings of the people in the neighborhood.

He stated these people are aware of the problems in financing library construction at this particular site; that they also have petitions containing over 10,000 names which indicate they do want library facilities in the community.

Mr Helms read Section 2-16 of the City Code which sets out the duties of the Planning Commission. He stated Mr. Horack's remarks did not show there would be any beneficial interest to any member of this community except Humble Oil & Refining Company. There are already five service stations at this intersection and a sixth is under construction. They do not need any more service stations, and do not need any expanded service stations. The traffic at this intersection is already a terrific problem; the Cotswold Shopping Center is diagonally across from the Humble Oil Station now and it generates one of the highest volumes of traffic as any intersection in this city. That the people who live in Randolph Park, Providence Park and in the surrounding residential neighborhoods have purchased on the basis of a zoning classification which is presently existing of R-12MF.

Mr. Helms stated if it does not appear that a library is feasible at this location, and if we cannot afford to have a library they still say if the R-12MF zoning was practical and good planning at the time it was adopted then there has been no change in circumstance or conditions which would make it otherwise today. The R-12MF is there for a reason; there is a condominium planned for the adjoining property and is a very nice piece of property and the residents of the neighborhood are very proud to have the owner of that property consider constructing such a nice facility. If this property can be used in that manner then there is no reason why the R-12MF cannot be used just as effectively on the property under consideration.

He stated the property directly across the street on Gaynor Road which adjoins the subject property is vacant, and there is vacant property further down the street. What happens when the next petitioner comes along with a similar situation and says he has a better use for the property? This is the kind of cancerous situation that these people are concerned about. Ideally they would like to have a library; they are very aware of the practical considerations involved and the fact that the Trustees do not have the money at this time. He stated they are willing to sit on this property and hold it until such time as funds do become available.

He stated when you consider progress and the development of a neighborhood, what is it; is it an expanded service station or is it the construction of a public library? That this is one of the deep questions and one of the things Council

April 27, 1970  
Minute Book 53 - Page 376

must consider when it passes on this particular request. He stated the individual citizens who live in this neighborhood demand and desire to have their needs and community concern just as much before the public; if you follow the idea that this is a cancerous concern they you will find that the values of that residential property will decrease.

Mr. Helms stated this is the first time they have heard the petitioner's plans for the extra 100 feet; that his impression is the bank would be more desirable than the B-1 zoning; that O-6 for the entire tract might be more desirable. But he thinks any kind of business put on this corner is going to continue to create a hazardous situation. He stated there must be a point somewhere where you draw a line and say no more; they contend that this line has been drawn and these people have purchased these homes acting in reliance upon that line, and this City Council should support them in their protest. That he would rather see it remain R-12MF.

He stated the Library takes the position that it stands to gain a tremendous profit. That to those concerned about the library system this tremendous profit is tempting; but by the same token are we going to sell out for the sake of this fleeting profit, or are we going to hold on to the property which eventually with consolidation coming on this property may be worth it to the public library one day. If it is worth \$200,000 to Humble Oil Company then it should be worth \$200,000 to any residential developer.

Mr. Parks referred to the invocation by Reverend Little when he said "may we be consistent in our effort to improve the quality of life in our community". He asked Council to keep this in mind when making this decision.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-58 BY SUMMERS DEVELOPMENT COMPANY FOR A CHANGE IN ZONING FROM R-12 TO R-9MF AND B-2 OF 53 ACRES OF LAND ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD ALONG THE EAST SIDE OF MCALPINE CREEK.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property consists of approximately 53 acres of land located along the south side of Independence Boulevard just to the east of McAlpine Creek. He stated the property is entirely vacant; it is surrounded by vacant land with the exception that across Independence Boulevard is the Captain's Galley Restaurant; there are a few other business uses in the general vicinity along Independence Boulevard.

He stated there is B-2 zoning along both sides of Independence Boulevard out to McAlpine Creek; then the remaining portion of the area including the subject property is zoned R-12.

Mr. Bryant stated the front 600 feet along Independence Boulevard is requested changed to B-2 and the remainder is requested changed to R-9MF.

He stated the C. D. Spangler site which is pending is adjacent to the subject property on the intown side; the majority of the Spangler property is on the intown side of McAlpine Creek and the subject request is on the outside.

Councilman Whittington asked if the subject petition is for the same zoning as the Spangler request? Mr. Bryant replied the Spangler site is already zoned B-2 on the front and the rear is for the same zoning.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

April 27, 1970  
Minute Book 53 - Page 377

HEARING ON PETITION NO. 70-59 BY REDEVELOPMENT COMMISSION OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A PARCEL OF LAND 50' x 215' ON THE SOUTHEAST SIDE OF SOUTH BOULEVARD AT BLAND STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated a few months ago some changes were made by Council in order to accommodate the Dilworth Urban Renewal proposed re-use of land. This was in the form of a change basically to multi-family with the exception that a small area of B-1 zoning was located along South Boulevard and another small area of office zoning was located along South Boulevard. Basically the office zoning intent was to accommodate the Housing Authority's office facility. It was discovered after the change was made that in order to provide for the amount of parking needed by the Housing Authority office facility that another 50 feet of frontage along South Boulevard would be necessary.

The property in question is a 50 foot frontage strip occupying what was the right of way of Bland Street. Bland and Arlington Streets have been eliminated in the renewal area.

No one spoke in opposition to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 70-60 BY NORA H. RAY FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF A LOT AT 800 QUEENS ROAD, AND ON PETITION NO. 70-38 BY JAMES A. CROCKETT, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF THREE LOTS AT 812, 818 and 830 QUEENS ROAD.

The scheduled hearing was held on the subject petitions.

Mr. Fred Bryant, Assistant Planning Director, stated last month there was a request to change three lots located on Queens Road, between Henley Place and Bromley Road from R-6MF to R-6MFH; at that time there was a request from the petitioner of the three lots to defer action until the one adjoining lot could be applied for and included in this consideration.

He stated the area is on Queens Road, between Henley Place and Bromley Road, and is the entire block fronting on Queens Road. It is occupied by three single family structures and one structure used for an apartment; to the rear along Bromley Road is one apartment structure and there is an existing apartment across Queens Road. Other than that the area in general is utilized for a combination single family and some duplex use.

Mr. Bryant stated all the area along Queens Road, including both sides of Queens Road and extending down Henley Place and Bromley Road is zoned R-6MF. There is R-12 zoning away from Queens Road along Hermitage Road and a portion of Bromley Road and Edgehill Road.

Mr. Francis Clarkson, Jr., Attorney for the developers under both petitions, stated there is an option of the whole block, from Henley Place down to the other street. The request is to change the zoning from multi-family to multi-family high density. That sometime ago the Planning Commission made a study of Queens Road, from Providence all the way to Fourth Street, to determine how this should develop. He stated his clients have come up with a plan that normally would not be considered a real high rise such as the Sutton House, but a mid-rise; the apartment planned will be four stories in height; it will have parking underneath and three stories for residential living. That because of the terrain of Queens Road in this area this is better than a high rise of 8 or 10 stories. That in this area Queens Road rises a little and the terrain drops off rather steeply down Bromley Road and Henley Place. If you put a multi-story high rise it would seem to be higher than the other buildings around it. The building planned is very attractive and will fit into this area. He stated the whole block will be used; that even though it is going to be a

April 27, 1970  
Minute Book 53 - Page 378

mid-rise rather than high-rise, they are bound by the same geographic limitation in use area and setbacks. They will have 84 units. For 34 units the area required is 89,000 feet. The area they are acquiring is 97,617 feet; the building will cover 32,560 square feet of the lot. There will be some outside parking with covered parking, and this will give more green open space. Under the regular open space rule you can count parking as open space. With parking under the building most of the open space will be green with a swimming pool and that type of thing.

He stated the developers are Gillman Investment Company; they are developing Charlotte House on Providence and Queens Road now; they have acquired some additional property out on the southwest end of town where they will start another development within the next few weeks.

Mr. Clarkson stated under the present zoning, they are required to have 15% open area without parking, and under the proposal they will have 43.6% open area without parking.

Mr. Tommy Miller, Attorney for the Ray Family, and Mr. Jack Mraz, Attorney for the Crockett Family, were present during the discussions.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:15 o'clock p.m., and reconvened the meeting at 3:30 o'clock p.m.

REQUEST THAT 14.6 ACRE SITE ON MCDOWELL STREET BE RELEASED SO THAT REDEVELOPMENT COMMISSION CAN PROCEED WITH DEVELOPMENT OF AREA.

General Scott Ferebee, Senior Partner of Ferebee, Walters & Associates, architects and planners, stated he would like to speak to Council about the 14.6 acre site owned by the Urban Redevelopment Commission on McDowell Street. That when the Post Office released the site they thought it was important to develop the property in a manner that would compliment the governmental plaza and to strengthen the downtown revitalization. As citizens they knew that urban renewal had been sold to the people of Charlotte on the premise that slum property having a low tax valuation, would be cleared and redeveloped in a manner that would increase many fold the tax return. He stated it seems to them that the property should be developed to provide the highest and best commercial use allowed under the Redevelopment Commission's regulations; at the same time they felt it was essential that its architecture and its plans and open spaces should be in keeping with those of the governmental plaza. In order that the Commission might have such a plan to consider, they decided to put time, effort and money in selling some of their clients and potential clients on investing in the future of Charlotte. With the money market what it is, Council can appreciate this type of promotional effort by architects as a high risk investment.

General Ferebee stated he can report today that a development subsidiary of a major life insurance company is interested in their project; they have joined them in putting together a team that will include the architect, the developer, economic consultant, a general contractor and leasing agent. The first three are already at work; an analysis of the location and studies of the holding capacity of the site have been made; economic feasibility studies and a market analysis are now under way. The exact makeup of the project will depend on the results of the market analysis. He stated if they are successful, the

April 27, 1970

Minute Book 53 - Page 379

project will be designed within the period of the Redevelopment Commission's planned useage of the property, and it will be designed for people. They intend to save as many of the existing trees as possible; pedestrian malls, plazas and landscapped areas will be woven into the total design in a way that will relate them to human scale and usage.

General Ferebee stated he is appearing today at the request of Mr. W. J. Smith, Vice Chairman of the Redevelopment Commission, who felt that Council should know that responsible parties are working on a meaningful development of the property. He stated until the feasibility studies are complete, he cannot assure Council that they will submit a proposal for the project; they feel strong enough about its potential to invest several thousands of dollars; they have proceeded on the assumption that the land would be sold for development by private enterprise. That after spending considerable money and time in this effort they are most concerned to find that City Council has directed the plans for the sale of the property be held up. They do not believe it is fair that developers who are working within the framework outlined by the Redevelopment Commission should pay for economic analysis and feasibility studies while public funds are used to finance studies for competitive and private commercial ventures. He stated if they are to be expected to make their own feasibility studies then others should be required to do the same. If public funds are to be used for feasibility studies, then these studies should cover all the useages outlined in the land restrictions of the Commission in order that the results might be available to all parties interested in the possible development of the project.

Councilman Thrower asked if he is talking about Projects 3 and 4? General Ferebee replied he is talking about the 14-1/2 acres on McDowell Street proposed for a Post Office site.

Mr. W. J. Smith, stated on July 21, 1969 the Council made a decision to bring a committee into existence to study Project No. 4 presumedly for the purpose of discussing whether a park should go into that location or not. More recently the same Committee has moved their emphasis or their attention to Project No. 3. That it is about Project No. 3 that Mr. Ferebee has spoken. Mr. Smith stated as this situation has come to the public, he is afraid that the public has not been properly informed that the request that is before Council for funds at the present time is not for a public park - that the money requested is for private enterprise and not for a public park. He stated he seriously questions the priority of allocating public money that would amount to placing one enterprise in competition with other private enterprise and not paying for their feasibility studies also.

Mr. Smith stated the Redevelopment Commission would like to do a good job for the Council and for the City, and they want to get on with the job. That since July 21, 1969, they have had short-term money outstanding of \$1,635,000 on which interest has been running; that between July 21, 1969 and the end of April, 1970 interest on that money has amounted to \$57,754.00. In addition, the administrative expenses, which have been allocated to that project, amount to over \$40,000 for a sum total of \$97,000. Mr. Smith stated in order to keep this cost down from the city's standpoint the sooner they can close out the project the better; the longer they drag out the project, the more money it will cost the city and the taxpayers of this city, and they urge that Council get on with this decision and let the Redevelopment Commission proceed with both Projects No. 3 and 4.

Councilman Short stated Council asked the City Manager last week to contact Mr. Pentes concerning his efforts to get a firm to conduct a feasibility study; he asked if Mr. Veeder has any information on this? Mr. Veeder replied he talked with Mr. Pentes this morning and as of this morning, Mr. Pentes was trying to determine additional firms that might be able to do this type of study towards the end of having them visit Charlotte. That as of this morning he had not had any such firm come to Charlotte and he was interested in knowing of other firms that do this type of work. Mr. Veeder stated he was given the names of two firms that might be capable of doing this.

April 27, 1970  
Minute Book 53 - Page 380

Councilman Short stated in his opinion Council should consider using the former post office block for some such development as Mr. Ferebee has described; that it should not penalize those who are seeking to arrange this by allowing others to have a free ride on feasibility money while those seeking private development and commercial developments other than amusement parks should have to pay for their own feasibility study. He stated he thinks Council owes Mr. Pentes a little time on this in deference to the arrangements made last week, but he hopes that Council will strongly consider for this particular block, the post office block, the possibility of such development as Mr. Ferebee has described. He stated it seems to him if an amusement park were considered where originally discussed, in Blue Heaven, this would be an area that is liable to produce more customers for it and it would be dependent upon having customers. It seems to him that if some arrangements could still be considered where this area would be used, across the street from the Mall and all the people are there and then relate them to the Canal project, this offers better financial support over the long-range for an amusement park; perhaps better than customer-potential it would get out of the government center. He stated the crux of what he is saying is that we have both of these blocks now in abeyance over this matter, and as Mr. Smith has pointed out it is costing the city and has already cost over \$57,000 in interest. That he thinks we should rapidly consider that we must make a decision on this without too much further delay.

Councilman Whittington stated this Committee came to Council last week and asked the delay until they could bring some people who could look at their concept and make a decision on where it would work. That in his opinion, Council has not made any commitment to anyone other than to give someone an opportunity to look at this plan. The reason Council agreed to do this was because this plan was to be a revenue producing plan. That Council did not know of General Ferebee's prospective clients. He stated he thinks Mr. Pentes has the message that Council wants an answer from him immediately; and he thinks Council will have an answer in the very near future - right away.

Councilman Withrow stated he believes that Council included that Mr. Pentes was to check with the Redevelopment Commission, and if the Redevelopment Commission did not have any plans for it then to go ahead.

Mr. Vernon Sawyer and Mr. Smith stated they have had no contact with them.

#### STATEMENT BY W. J. ELVIN ON LABOR POLICIES AND CONSOLIDATED GOVERNMENT.

Mr. W. J. Elvin stated last week he was very critical regarding the mishandling of all labor problems by the Mayor, Council, City and Personnel Managers; that the decisions made indicate clearly that almost all are anti-organized labor and have no intention of following the suggestions recently made by Governor Scott to remove the restrictions now placed on garbage collectors and firemen to prevent them from organizing under the present law. That last week he stated this Body, including the City Manager and Personnel Manager, was at least fifty years behind the times in handling organized labor, since on almost every occasion the decisions have been inept and unfair to labor as a whole.

He stated he would suggest that the Mayor and all responsible for the mishandling of labor negotiations get together with candidates for the State Legislature and advise them that we want this unjust and unwise act repealed immediately if they are elected; that a promise should be obtained from each candidate that he or she will support such action. He stated since it appears that the garbage collectors and firemen appear to have lost confidence in Council's actions or promises, he recommends that from now on we deal forthrightly and humanely with all citizens employed by our City.

Mr. Elvin stated it is his sincere hope that some members of this Body and also the County Commissioners would provide us with a nucleus for the new consolidated government if accepted by our people. That the failure of this Body and to a lesser degree the County Commissioners during this term of office and frequently during the preceding term, has already, in his opinion, made it quite uncertain that any substantial number of these men could be re-elected today even to their existing offices.

April 27, 1970  
Minute Book 53 - Page 381

STATEMENT BY TOM SYKES ON CIVIC CENTER SITE.

Mr. Tom Sykes stated there is another publication now in Charlotte called "Focus". He stated if any member of Council does not have a copy of the current issue, he will be glad to furnish them a copy. That Council is going to see more of his effort to change public opinion on the Council's site for the Civic Center. He will dedicate himself to that job in the future until he feels that his financial position will not allow him to proceed. He stated if Council does not believe that the facts and figures as presented in Focus are genuine and that they are the results of a study made by other than Mr. Odell and Mr. Lassiter, then they should look it over closely.

Mr. Sykes stated when he says \$5.6 million of the taxpayers money is being wasted that is exactly what the figure amounts to as a beginning figure. He stated Council also has taken away from the taxpayers an additional \$1.0 million a year in income for the life of the Civic Center that was promised them. The beginning figure of \$5.6 million can be changed by the cost of the Civic Center site selection on East Trade Street to close to \$7.0 million. He stated he is putting Council on guard now to not come back to the taxpayers of the City for another bond issue by Mr. Odell to complete another monument to Mr. Odell's hereafter. That there were three to complete the coliseum; we now have the fourth to air condition it. He stated when they get through the planning and wasting of the \$10.7 million that the taxpayers were asked to approve, then they are going to have to come back for seats and dressing rooms, or maybe street widenings or something else. That he puts them on guard at this moment - do not ask the taxpayers for another bond issue for this civic center because it will be a monument to nothing; they will not be able to open the doors because the \$10.7 million will not near complete the operation.

Mayor Belk asked Mr. Sykes if he has a location in mind? Mr. Sykes replied he does not care where the Civic Center is placed; that it means nothing to him about the location; his only concern is that the taxpayers get what they voted for and what he and others promised them as citizens working in a group to give them; exactly what was in black and white. That what was promised has not, cannot and will not be delivered on East Trade Street. Mr. Sykes stated you will not get 1,200 parking spaces on the East Trade Street location; that the figure 1,200 came out of the City's Finance Office from a report prepared to be used in the sales pitch of the Civic Center Bond Election.

Mr. Sykes stated he would like delivered to the taxpayers what he asked them to vote for, and he wishes the Council would take a different look and take a different approach. That he promises when they come back with the second bond issue to complete it, the money will not be there.

SUGGESTION THAT YOUNG PEOPLE'S GROUP FROM BELMONT-VILLA HEIGHTS PRESENT THEIR PROPOSAL FOR USE OF JOHNSTON Y TO THE SOCIAL PLANNING COUNCIL.

Mr. Walter Clark, a Presbyterian Minister, stated what he would like to present to Council is a vivid example of why some citizenship participation effort of the Model Neighborhood never get off the ground. That had a proposal written by the young people of Belmont-Villa Heights been given a chance - the chance that it deserves in this city - that eventually when the Model Neighborhood Commission, and the Council looked at the proposal they would have been excited and impressed with the efforts these young people had put forth to make the Model Neighborhood Program work.

Mr. Clark presented Mr. William Long, a young adult who spearheaded the work on the proposal, and stated he will present the facts of the proposal.

Mr. Long stated the young people of Belmont-Villa Heights are shocked and dismayed at the underhanded actions of the YMCA of Charlotte. That these young people have worked diligently with Mr. Clark towards the acquisition of

April 27, 1970  
Minute Book 53 - Page 382

membership and active participation in the program of the Johnston Memorial YMCA. After considerable investigation, it was found by his group that this branch of the YMCA was in serious financial trouble; the solution to the financial troubles was feasibly within the grasp of the young people of Belmont-Villa Heights. He stated it was proposed to the Secretary of the Johnston Y and the Executive Secretary of Charlotte Great Y that the necessary funds could be secured from the Model Cities program in exchange for the memberships and participation of the Model Neighborhood residents. That the Y met the idea with much approval and encouragement. A preliminary meeting was held with Mr. George Simmons, Executive Secretary of the Greater YMCA, and a luncheon was set up where the Model Cities personnel and representatives of the Y would be present to work out the incidentals and necessary proposals. On April 9, 1970, this luncheon was held; at the meeting Mr. Simmons encouraged the young people and the Model Cities representatives, and stated he would take the idea to the Central YMCA Executive Board on April 10. Mr. Long stated they left the luncheon with the idea their voice would be heard by the Board and the proposal carried through. Two weeks passed and no report of progress could be obtained from Mr. Simmons. On Thursday, April 23, 1970, they read in the Charlotte News that the Salvation Army planned a Boy's Club at Johnston Memorial Y. That Mr. Simmons was called and asked what this meant. He stated he did not know the source of the article and would call the newspaper after which he would call them and explain what was going on. Mr. Long stated they have not heard from Mr. Simmons to this day. On Friday, April 24, 1970, they read in the Charlotte News that the Salvation Army only had to get approval from the United Community Services in order that the move be finalized.

Mr. Long stated all these developments have come to pass without any consideration of the proposal or concern for the young residents in the neighborhood adjacent to the YMCA Building; they feel the Council and Model Neighborhood Commission should know of the type of people they are dealing with in light of the fact that a similar agreement is in operation with the McCrorey Branch of the YMCA; they also feel that the residents of Charlotte should know how the establishment operates while walking on the little people to keep its head above the water.

Mr. Clark stated they have no recommendations but wanted to submit this to Council as information.

Councilman Whittington asked if this group has been working with the people in North Carolina, namely, Mr. Frank Suddreth and others, who are trying to keep the YMCA open? Mr. Clark replied he is not familiar with this group; that he thinks it would be worth while to get in touch with them as well to see if they can join up to try to keep the Y open; hopefully there is still a chance to use Model Cities funds for this purpose.

Councilman Whittington stated Council had no knowledge of what has been brought here today; that he has discussed the Y and so has most members of this Council with various groups in Charlotte including the United Community Services and Mr. Veeder has consulted directly with Mr. Simmons; that last week there were two articles in the newspaper about the Y; at the request of the people in North Carolina he asked someone from the Observer to call them so the facts could be printed properly and correctly. He stated he thinks it is a matter of Council being informed; that they cannot do anything individually, but collectively perhaps Council can. That all of them want this facility to stay open. Councilman Whittington stated he has been informed by the people in North Carolina that they do not have a problem; that they can keep it open.

Councilman Short asked Mr. Clark if he means to suggest that the Model Cities Board could have brought to bear on this situation more strongly? Mr. Clark replied the local Community Development Association was open to the proposal and would have taken it. That they realize Council does not have any authority over their proceedings, but they wanted to pass this information on because they feel Council would have been excited with the proposal if it had been given the chance it deserves; that the matter also will be discussed with the Social Planning Council which has some jurisdiction over the operation of the Salvation Army.

April 27, 1970  
Minute Book 53 - Page 383

Councilman Alexander suggested that Mr. Clark and his group approach the Social Planning Council and ask for a hearing to see if they can get this message before them.

Mr. Joe Grier stated until January he was President of the YMCA and at that time would have known something about the situation; because he is no longer the President he would like to make it clear that he is not speaking for the YMCA and he does not personally know about the events of the last two weeks.

Mr. Grier stated the Johnston Memorial Building does not belong to the YMCA but to the Johnston Foundation; that if the Salvation Army is to operate in lieu of the YMCA, it is not necessarily an abandonment of the program in that neighborhood, but perhaps represents an evaluation of how the program can best be carried on. He suggested that Mr. Ross, President of the YMCA, and Mr. Simmons, Executive Secretary, would perhaps like to comment on this.

Councilman Alexander asked Mr. Grier if he thinks this presentation before the Social Planning Council would be helpful? Mr. Grier replied he thinks it would be helpful; the Social Planning Council since the middle of last summer when the Johnston Mills closed in the North Charlotte area has had a committee which has undertaken to evaluate the future of the YMCA in that area of the City.

Mr. John Bailey asked why it is that everytime they get something in their neighborhood, it has to come under some low heading; they never get anything with an out and out name; it always has a red stamp on it; everytime you get something with red on it, it's something for the poor. He stated the Salvation Army is already in their neighborhood; if you do not belong to their Church you cannot half participate in anything; you have to belong to something in their Church. He stated they do not want a club like that in their neighborhood; they want a place to go and have fun without belonging to their Church. That is why they have so much violence in their neighborhood. That he looks in the paper and see they call his neighborhood "Little Vietnam". It is given a war time name; that his neighborhood is not that bad; it is just that the kids are looking for something to do; and there is nothing to do so they get tired and they go and destroy something; they really do not mean any harm; they are just trying to find something to do. If they had a Y like Johnston's Y, they would have somewhere to go. If you belong to Salvation Army you have to have money; they always have dues that you have to pay; if they had one due and let it go it would be alright but there are too many dues. You have to pay a club card and you cannot go anywhere without a club card. He stated he is not trying to low-rate the Salvation Army; they just want a regular club in their neighborhood.

Mr. Bailey stated if you take a boy his age and he is not working, he is going to try to find a way to get more money and 4 to 1 he will end up back in trouble. If he had a place where he could enjoy himself and have some fun then at the end of the day he is tired and he does not care about running the streets. He stated a boy, unmarried, 18, 19, 20 years old, where is he going to play and to have some fun at the end of the day; he cannot go to the Salvation Army to play. He stated he is talking about the older boys, they do not have anything to do; they need something to do. They do not have any recreation in their neighborhood. That is why they worked with Reverend Clark to get this program going; then they give it to the Salvation Army. That people who do not understand the Salvation Army religion will not attend the Club if it goes to the Salvation Army.

Councilman Alexander stated when Mr. Clark appears before the Social Planning Council he should take John Bailey with him and let him talk to the Council so they can understand what he is trying to get across as a young man who lives in the section.

April 27, 1970  
Minute Book 53 - Page 384

DECISION ON PETITION NO. 70-47 BY FIRST ALLIANCE CHURCH FOR A CHANGE IN ZONING OF PROPERTY ALONG THE SOUTH SIDE OF CHESTERFIELD AVENUE, EXTENDING FROM BRIAR CREEK TO WITHIN 120 FEET OF ROCKWAY DRIVE, DEFERRED.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, deferring decision on the subject petition pending further study by the Planning Commission.

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, DEFERRED ONE WEEK.

Councilman Whittington stated Mr. Stewart Ritchie with the Delta Realty Company called him yesterday and asked that the decision on the subject petition be delayed for one week.

Councilman Whittington moved that decision on the subject petition be delayed for one week. The motion was seconded by Councilman Short, and carried unanimously.

PETITION NO. 70-53 BY D. L. PHILLIPS FOR A CHANGE IN ZONING OF A 12 ACRE TRACT OF LAND WEST OF BRIAR CREEK AT THE SOUTHERLY END OF WYANOKE AVENUE, NEAR LORNA STREET, DEFERRED.

Upon motion of Councilman Short, seconded by Councilman Thrower, and unanimously carried, decision on the subject petition was deferred pending additional study by the Planning Commission.

ORDINANCE NO. 576-2 AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE 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.

Councilman Jordan moved adoption of the subject ordinance changing the zoning as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 70.

ORDINANCE NO. 577-2 AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND ON THE SOUTH SIDE OF PARKER DRIVE, WEST OF REMOUNT ROAD, FROM R-6MF TO I-1.

Motion was made by Councilman Withrow to adopt the subject ordinance changing the zoning from R-6MF to I-1, rather than the requested I-2, as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 71.

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, REFERRED BACK TO PLANNING COMMISSION.

Councilman Whittington moved that the subject petition be referred back to the Planning Commission and ask that the Planning Commission re-study this property as it is the only property on Park Road that is not now zoned O-6 between Sugar Creek and Woodlawn Road; also, that they consider a study and determination on the property on Buckingham Drive so they would have enough property depth. The motion was seconded by Councilman Jordan.

April 27, 1970  
Minute Book 53 - Page 385

Councilman Whittington stated he does not think Council should make a decision on the petition and deny it when all the people who live there and own property want it changed; that it is an island by itself now.

Councilman Short stated that as the Planning Commission study this property, he would suggest they consider the possibility that the adjoining B-1 property just south of the property be rezoned to B-1SCD.

Councilman Whittington stated he would accept this as part of the motion, and Councilman Jordan agreed.

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

ORDINANCE NO. 578-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP CHANGING THE 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.

Councilman Jordan moved adoption of the subject ordinance changing the zoning from R-6MF to R-6MFH as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 72.

COMPROMISE SETTLEMENT WITH W. D. HYLAND FOR ACQUISITION OF LAND AT 512 INDEPENDENCE BOULEVARD FOR THE NORTHWEST FREEWAY, AUTHORIZED.

Motion was made by Councilman Thrower approving the compromise settlement with W. D. Hyland at a settlement price of \$12,500.00 for the acquisition of 3,556 square feet of land at 512 Independence Boulevard for the Northwest Freeway. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE FIXING DATE OF PUBLIC HEARING ON MONDAY, MAY 25, 1970 ON PETITION OF REDEVELOPMENT COMMISSION TO CLOSE PORTIONS OF STREETS IN SECTION 5, BROOKLYN URBAN RENEWAL AREA PROJECT N. C. R-60.

Councilman Whittington moved adoption of the subject resolution setting date of public hearing on Monday, May 27, at 2:00 o'clock p.m. The motion was seconded by Councilman Thrower, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 79.

ORDINANCE NO. 579-X AUTHORIZING THE TRANSFER OF \$125,000 FROM THE SALE OF THE 1966 BOND FUNDS TO BE USED FOR CONSTRUCTION OF SITE IMPROVEMENTS IN REDEVELOPMENT SECTION NO. 2.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 17, at Page 73.

ORDINANCE NO. 580-X AUTHORIZING THE TRANSFER OF \$10,000 FROM THE SALE OF 1966 BOND FUNDS TO BE USED FOR THE PURCHASE OF RIGHT OF WAY ON FOURTH STREET IN REDEVELOPMENT SECTION NO. 3.

Motion was made by Councilman Jordan, seconded by Councilman Thrower and unanimously carried, adopting the subject ordinance.

The ordinance is recorded in full in Ordinance Book 17, at Page 74.

April 27, 1970  
Minute Book 53 - Page 386

**CONTRACT WITH URBAN SYSTEMS DEVELOPMENT CORPORATION FOR CONSTRUCTION OF TRUNK AND MAIN TO SERVE LITTLE ROCK APARTMENTS, DEFERRED.**

Motion was made by Councilman Short, and seconded by Councilman Jordan to approve the contract with Urban Systems Development Corporation for the construction of 1,445 feet of trunk and main to serve Little Rock Apartments, inside the city, at an estimated cost of \$10,775.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

Mr. Hugh Casey, Attorney, stated he and Tom Ray represent people who live in the vicinity where the Little Rock Apartments may be constructed. That on April 17 an action was brought in United States District Court of the Western District of North Carolina to enjoin the construction of these apartments naming as defendants George Romney, Little Rock A.M.E. Zion Church, Trust Company of Georgia and Urban Systems Development Corporation. Pursuant to that complaint an order was signed by the United States Federal District Judge for this area granting a hearing at 9:30 on May 5 as to whether a preliminary injunction will be issued.

Mr. Casey requested Council to defer action on the contract until after the hearing. He filed a copy of the order and complaint with the City Clerk.

Councilman Alexander stated he would like to hear the City Attorney on this question. Mr. Underhill replied Mr. Casey is giving Council information as to the dependency of the law suit that may or may not enjoin the construction of the proposed apartment project. The Applicant, Urban Systems Development Corporation, has signed an agreement and has deposited the full amount of funds necessary to construct the sewer mains and trunk in this area; that the city would in no way be in a position to lose any of these funds if the contract is approved, nor would the City in any way be tied to the law suit referred to by Mr. Casey. That as he understands Mr. Casey's request, it is to the effect that Council be aware that a suit is in federal court and the project may or may not be constructed depending on the outcome of the suit.

Mr. Casey stated he is simply requesting that Council not take any action until after May 5.

Councilman Withrow made a substitute motion to defer action until after this date. The motion was seconded by Councilman Thrower, and carried by the following vote:

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

**CONTRACTS AUTHORIZED FOR THE CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS.**

Motion was made by Councilman Thrower; seconded by Councilman Withrow and unanimously carried, approving contracts for the construction of the following sanitary sewer mains and trunks:

- (a) Contract with Edison Ford Construction Company for the construction of 80 feet of 8-inch main to serve 2601 South Boulevard, inside the city, at an estimated cost of \$815.00. All cost of construction will be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Contract with Urban Homes, Incorporated for the construction of 1,200 feet of 8-inch trunk and 1,860 feet of 8-inch main to serve Clawson Village, inside the city, at an estimated cost of \$21,200.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

(continued)

April 27, 1970  
Minute Book 53 - Page 387

- (c) Contract with T. R. Helms Construction Company for the construction of 540 feet of 8-inch main to serve 2826 Willow Street, inside the city, at an estimated cost of \$3,000.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (d) Contract with Edward C. Griffin and Fairfax Enterprises, Inc. (a joint venture) for the construction of 3,060 feet of 10-inch trunk and 4,390 feet of 8-inch main to serve Tuckaseegee Apartments, inside the city, at an estimated cost of \$61,881.14. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

ORDINANCE NO. 581 AMENDING CHAPTER 11, SECTION 7 AND 18, ENTITLED "LICENSE" OF THE CODE OF THE CITY OF CHARLOTTE.

An ordinance was presented for adoption by the City Council to amend the following sections of Chapter 11:

- (a) Amend Section 18, classification number (114) by deleting the sentence "Subject to Manufacturer's License", and adding in the fee column, the figures "300.00".
- (b) Amend Section 18, classification number (70) by deleting the figure "7.50" and substituting in lieu the figures "25.00".
- (c) Amend Section 7, by deleting subsections (a) and (b) in their entirety, and substituting new subsections (a) and (b) to add minimum penalty of \$5 with a maximum interest rate of 25%.

Councilman Short stated this could amount to an increase of someone's taxes from \$7.50 up to \$300.00; that he would like to know why this is recommended.

Mr. J. A. Stone, City-County Tax Collector, stated it is \$37.00 on the first \$15,000; that this is for clarification as they are paying almost this amount now. That only feed mills and flour mills will come under this classification.

After further discussion, Councilman Whittington moved the adoption of the subject ordinance, which was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 75.

AMENDMENT TO CONTRACT WITH RALPH WHITEHEAD AND ASSOCIATES AUTHORIZED.

Councilman Whittington moved approval of the amendment to the subject contract to include the design of College Street, from Fourth Street to Trade Street, at an estimated fee of \$8,976.00. The motion was seconded by Councilman Jordan, and carried unanimously.

Mr. Veeder, City Manager, advised this is by arrangement with the Redevelopment Commission and will be part of the Redevelopment Cost.

COUNCILMAN ALEXANDER LEAVES MEETING.

Councilman Alexander left the meeting at this time and returned as noted in the Minutes.

April 27, 1970  
Minute Book 53 - Page 388

**PAYMENT FOR RELOCATION ASSISTANCE TO SIX FAMILIES RESIDING IN THE RIGHT OF WAY FOR THE NORTHWEST FREEWAY.**

Motion was made by Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, approving payments in the total amount of \$5,970.00 for relocation assistance to six families residing in the right of way for the Northwest Freeway, which amount was deposited with the City by the former property owner who had agreed to take care of the relocation expenses for the tenants as part of an arrangement for an extension of time.

**SALE OF CITY OWNED PROPERTY APPROVED FOR ADVERTISEMENT.**

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the following city-owned properties were authorized advertised for sale:

- (a) Portion of the McAlpine Creek Treatment Plan totalling 10.298 acres.
- (b) Lot containing 4,275 square feet at 729 Wesley Avenue.
- (c) Portion of abandoned landfill site (Tyvola Road area) totalling 22 acres.

**PROPERTY TRANSACTIONS AUTHORIZED.**

Councilman Thrower moved approval of three (3) property transactions, which was seconded by Councilman Withrow, and unanimously carried. They are as follows:

- (a) Acquisition of 13,625 square feet (75' x 208.5' x 60' x 192.2') of land on Berryhill Lane, RFD 4, from Ernest L. Hovis and wife, Gussie M. Hovis, at \$12,000 for the Airport Expansion Project.
- (b) Acquisition of 15' x 18.20' of easement at 1330 Cheshire Avenue, from Lottie Lee Kennedy (unmarried) and Marion K. Horton (widow), at \$19.00 for Taggart Creek Outfall.
- (c) Acquisition of 15' x 281.78' of easement at 1310 Cheshire Avenue, from Lottie Lee Kennedy (unmarried) and Marion K. Horton (widow), at \$482.00 for Taggart Creek Outfall.

**ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10; ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.**

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinances ordering the removal of weeds and grass pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina, at the following locations:

- (a) Ordinance No. 582-X ordering the removal of weeds and grass at 1200 Rollingwood Drive.
- (b) Ordinance No. 583-X ordering the removal of weeds and grass on the west side of the 2100 block of Colony Road.
- (c) Ordinance No. 584-X ordering the removal of weeds and grass adjacent to 618 Mayview Drive.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 76.

April 27, 1970  
Minute Book 53 - Page 389

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CHARLOTTE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject ordinances were adopted ordering the removal of abandoned motor vehicles pursuant to Article 13-1.2 of the Code of the City of Charlotte and Chapter 160-200(43) of the General Statutes of North Carolina, at the following locations:

- (a) Ordinance No. 585-X ordering the removal of an abandoned motor vehicle at 530 West Seventh Street.
- (b) Ordinance No. 586-X ordering the removal of an abandoned motor vehicle at 518 East Boulevard.
- (c) Ordinance No. 587-X ordering the removal of an abandoned motor vehicle at 600 Melbourne Court.

The ordinances are recorded in full in Ordinance Book 17, beginning on Page 79.

TRANSFER OF CEMETERY DEEDS.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of two cemetery lots. The motion was seconded by Councilman Withrow, and carried unanimously. The cemetery lots are as follows:

- (a) Deed with Mrs. Lois Bartlett for Grave No. 1, in Lot No. 198, Section 2, Evergreen Cemetery, at \$80.00.
- (b) Deed with Heirs of J. P. Primm for north half of Lot No. 52, Section M., Elmwood Cemetery, at \$3.00 for new deed.

CONTRACT AWARDED POMONA PIPE PRODUCTS FOR VITRIFIED CLAY PIPE.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Pomona Pipe Products, in the amount of \$48,498.00, on a unit price basis, for vitrified clay pipe.

The following bids were received:

Pomona Pipe Products	\$48,498.00
Griffin Pipe Products Co.	51,839.00

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY, INC. FOR IMPROVEMENTS TO LASALLE STREET.

Upon motion of Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, subject contract was awarded T. A. Sherrill Construction Company, Inc., in the amount of \$24,473.00, on a unit price basis, for improvements to LaSalle Street.

The following bids were received:

T. A. Sherrill Const. Co., Inc.	\$24,473.00
Crowder Construction Company	25,401.00
Blythe Brothers Company	27,442.00

April 27, 1970  
Minute Book 53 - Page 390

CONTRACT FOR CULVERT CONSTRUCTION BRICK MASONRY DROP INLETS, C. I. AND CONCRETE PIPE, MANHOLES AND AREA GRADING FOR SECTION 2 AND 3, BROOKLYN URBAN RENEWAL REDEVELOPMENT SECTIONS, DEFERRED FOR ONE WEEK.

Mr. Veeder, City Manager, stated the low bidder is Hickory Construction Company Inc.; that this work principally involves the governmental center project; it also includes improvements necessary for a culvert and other utilities in the Brooklyn Section No. 3; this is the section which is referred to as the Old Post Office site. Recognizing that the future of this site is not completely agreed upon, he would recommend that Council delay the award of this contract for one week, and perhaps in the interim, some arrangements can be made with the low bidder in terms of being able to include or exclude the culvert that goes through No. 3. That based on the presentation made to Council last Monday by those interested in a park development of that area, it is conceivable this culvert might close out some options for development.

Councilman Jordan moved that the award of contract be delayed for one week. The motion was seconded by Councilman Short.

Councilman Whittington stated that all those who are interested in a commercial park in Section 3 should have the opinions of whomever they are going to contact back to Council by Monday of next week.

The vote was taken on the motion and carried unanimously.

COUNCILMAN JORDAN LEFT THE MEETING AT THIS TIME.

Councilman Jordan left the meeting at this time and was absent for the remainder of the session.

PUBLIC WORKS DIRECTOR REQUESTED TO INVESTIGATE COMPLAINTS REGARDING THE PICKUP OF GARBAGE AT INDIVIDUAL RESTAURANTS AND SMALL SHOPPING CENTERS.

Councilman Whittington stated he is getting a tremendous amount of complaints about the pickup of garbage and trash, and it is uniformly all over town. That all he knows about it is from the paper that a study is being made of the routes and this sort of thing; that he does not have any fuss with that, but the people are fussing and the garbage collection is being broken down somewhere and it is not getting done.

Councilman Whittington requested Mr. Hopson, Public Works Director, to direct his attention to that department and see if the situation cannot be improved.

Mr. Veeder, City Manager, stated there have been some comments recently as they relate to the dump master service. He stated the Department is trying to transition from a six-day a week service to a five-day a week service and this effort is being made; in most cases the only effect it has on the customer is that the day of pickup and frequency of pick up is the changed route and level of service. Hospitals will continue to have six-day service and Downtown, CBD is receiving five-day service and the Coliseum and Merchandis Mart is receiving six-day service depending upon the need. In general, the schools and restaurants are serviced three times a week. He stated the public response being received at the Sanitation Department does not indicate any significant change in number of calls relative to the dumpmaster service. There is no question but what there have been some problems and inconveniences, but they are trying to work out a reasonable solution in each case as it comes to the Department's attention.

Mr. Veeder stated an effort is being made to reduce overtime and this is being done with a degree of success; that the transition is a little difficult but he thinks it is working out fairly well and hopefully it will be completed without any more traumatic experience than absolutely necessary.

April 27, 1970  
Minute Book 53 - Page 391

Councilman Whittington stated Mr. Veeder is talking about downtown and the hospitals, and he is talking about individual restaurants and small shopping centers who claim that things like maggots and everything else are in their places because they are not getting the proper pickup. He stated he has witnessed this and it is a fact and it is not getting any better.

Mr. Hopson stated their main effort is aimed at trying to cut down on the terrific overtime and cost they were having and still retain the level of service that we have had in the past. He stated they have been able to take care of about three quarters of the overtime they have been having on weekends but unfortunately we hit 80 degree weather. Mr. Hopson stated he believes in another two or three weeks they will have cut down on these complaints and be back in business with these people. He stated they are trying to handle each one individually; they have a personal contact with each complaint as they receive them. He stated this has been particularly hard in the small shopping center but they are working right with these people.

**COUNCILMAN ALEXANDER RETURNS TO MEETING.**

Councilman Alexander returned to meeting during the next discussion and was present for the remainder of the session.

**REPORT FROM HOUSING AUTHORITY THAT PUBLIC HOUSING PROJECT BY VECTOR COMPANY ON 28TH AND 30TH STREET HAS BEEN APPROVED BY HUD.**

Councilman Whittington stated the Housing Authority has sent out a News Release in which it is stated that the project for public housing on 28th and 30th Street by the Vector Company has been approved by HUD. He stated this will be 136 dwelling units. Also the press release indicated the Day Care Centers in Piedmont Courts and Fairview Homes have been approved at a total contract price of \$351,000. That a contract for landscaping and storm drainage at Piedmont Courts and Fairview Homes of \$91,000 has been approved.

Councilman Whittington stated this is some indication that we are moving ahead in this area of public housing along with the other sites that Council approved a couple of weeks ago.

Councilman Short stated this calls for 136 dwelling units; that what was approved in the last week or so was ~~Wyanole~~ and Shamrock and a total of 100 units and that is a total of 236 units.

Councilman Short asked if there is any information as to authorized but unplaced housing units? The number the City applied for against the number we are now trying to place? He stated the last application was for 2,500 units and he wonders with these 236 units and others what remains to be placed?

Mayor Belk requested Mr. Bobo, Administrative Assistant, to bring this information to Council next week.

Councilman Alexander stated he would like to know how many units the city has lost; how many HUD has taken away because we have not used them. Councilman Short stated this is important as there is a time limit; that having the time limit as well as the number we have to go is information Council needs.

**TRAFFIC ENGINEER REQUESTED TO INVESTIGATE THE REQUEST OF FOXCROFT RESIDENTS FOR ASSISTANCE IN GETTING OUT OF AREA ONTO SHARON LANE.**

Councilman Short stated he has information that those who live in the Foxcroft area, south of Sharon Lane, are walled in. If they ever get in they cannot get out; if they get out, they cannot get back in again.

April 27, 1970  
Minute Book 53 - Page 392

He stated he is sure the Traffic Engineering Department has problems; but if it is as described to him by some of the residents of the area then he believes we are going to have to give that area more than just routine handling. He stated he understands they have four conceivable exits out of that area which is a housing development that runs like a big horseshoe off Sharon Lane; they can either get out by way of Pelham, Foxcroft, Arborway, or at the foot of Redfox. He stated because of the solid line of traffic the citizens say they cannot get in there at considerable hours during the morning and in the afternoon. One of the problems mentioned is the continuous right turn as it occurs for traffic coming north on Sharon Road away from SouthPark and turning into Sharon Lane.

Councilman Short stated he tried to take this up with Mr. Hoose and he keeps referring to the fact that Sharon Lane is to be re-built. He stated upon examining the allocation of the bond money he finds that in the coming year the only thing scheduled is the acquisition of some right of way plus some engineering. He stated it appears to him that before there would be any effective settling of this problem by the widening of Sharon Lane, it is going to be next year before we get started. That the answer there is a couple of years away and he does not believe these citizens can be walled in for that period of time.

Mr. Corbett, Assistant Traffic Engineer, replied they will set up the needed studies and see what should be done and prepare a report on it. Councilman Short requested him to keep the term "walled in" in mind as they are making the study. Mr. Corbett stated they will determine how long it takes them to get out and prepare the report. Councilman Whittington asked if there are any streets scheduled to be opened, and Mr. Corbett replied he does not know of any that are contemplated at the moment.

COUNCILMAN SHORT ADVISES HE WILL MAKE AVAILABLE TO CITY MANAGER INFORMATION HE HAS CONCERNING THE 48 HOUR WORK WEEK FOR FIREMEN.

Councilman Short stated he has consulted his files and his memory and has prepared a memorandum stating the facts as he knows them concerning the commitment to the 48 hour work week alleged to have been made by Council to the firemen together with his conclusions as to whether or not there was any such commitment.

He stated he is placing this memorandum that he has researched carefully with our negotiator, Mr. Bill Veeder, for such use as he may care to make of it and because he is our designated negotiator.

He stated he is sure under our labor policy and under the ethics of negotiation we cannot, as Councilmen, deal directly with the firemen and he does not think we should make a public comment that would interfere or disturb the negotiations that are going on. He stated we do have the opportunity to make an input into the situation by providing memorandums to Mr. Veeder, and he thinks we should do it.

Councilman Short stated he is going to suggest to Mr. Veeder that on this matter which is very crucial and where, in fact our creditability is somewhat called into question, that he thinks Mr. Veeder should go personally to the conference table at least for some of the conferences.

Councilman Alexander requested Mr. Short to include that this statement that he makes is no endorsement of Council. Councilman Short replied this is strictly from him and so worded, and is strictly a statement of facts as his files and notes show them.

Councilman Alexander stated the statement made by Mr. Short carries no endorsement of Council. He stated he thinks it is important that this appear in the record.

April 27, 1970  
Minute Book 53 - Page 393

PROGRESS REPORT ON IMPROVEMENTS AT GRAHAM AND JOHNSTON STREET.

Councilman Thrower asked for a progress report on the traffic signal installation at Graham and Johnston Street.

Mr. Corbett, Assistant Traffic Engineer, stated at present they are working on the information to improve the curb and gutter and the signal work will not be done until after the curb and gutter improvement.

Councilman Whittington asked if the trucking firms are participating in the cost? Mr. Corbett replied in the curb and gutter improvements; they appeared before Council and agreed to participate.

Councilman Thrower stated the Council authorized the installation of the light and the trucking firms provided \$951.00 for the street improvements; that as of last week, nothing had been done at the location.

Mr. Corbett stated all the final detailed engineering is being done now.

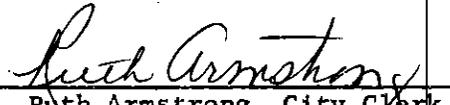
Councilman Alexander suggested to Mr. Corbett that he refer back to the Minutes of the meeting so they can be sure that the input in that corner is just as enunciated in the Minutes.

TRAFFIC ENGINEER REQUESTED TO RE-STUDY TRAFFIC IN THE AREA OF REMOUNT ROAD, GREENLAND AVENUE AND GREEN STREET.

Councilman Withrow requested the Traffic Engineer to make a re-study of the traffic on Remount Road, Greenland Avenue and Green Street. He stated if there was a fire around that area between 4:30 and 6:00 o'clock he is afraid a fire truck could not get through; that there is a bottleneck in that area.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk