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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, June 28, 1971, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Patrick N. Calhoun, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan.

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: Commissioners Albea, Godley, Ross, Sibley, Toy and Turner.

ABSENT: Chairman Tate, and Commissioners Blanton, Moss and Stone.

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#### INVOCATION.

The invocation was given by Councilman Milton Short.

#### MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting, on Monday, June 14, 1971, were approved as submitted.

#### COUNCIL ADVISED THAT WORKABLE PROGRAM HAS BEEN APPROVED.

Mr. Burkhalter, City Manager, stated today the City received a certificate approving the City's Workable Program for the next two years. This means that all the federally assisted programs can move ahead full stream.

Mayor Belk requested the City Manager to write letters of appreciation to Senators Ervin and Jordan and Congressman Jonas for their assistance in getting the Workable Program approved and a letter to Mr. George Selden, Chairman of the Citizen's Committee on Urban Renewal and Community Improvements, for his work with the Committee.

#### HEARING ON PETITION NO. 71-44 BY WILLIAM O. YEOMANS FOR A CHANGE IN ZONING FROM I-1 TO R-9MF OF A TRACT OF 11 ACRES LOCATED AT THE END OF VIEWMONT DRIVE, NORTH OF FARMWAY PLACE.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Council and Mayor in order to rezone the property. A general protest, containing approximately 204 signatures has also been filed.

Mr. Fred Bryant, Assistant Planning Director, stated this is an area of approximately 11 acres located in the vicinity of Viewmont Drive and Cove Creek Drive. The property is vacant; it is adjoined on the Viewmont Drive side by a solid pattern of single family residential development; on the other sides of the property it is adjoined principally by vacant land. There is a chemical plant located at the point where Orr Road turns and goes across the railroad; there is a scattering of single family houses along Orr Road. It is basically a pattern of single family residential development solidly on one side and vacant property on the other side.

He stated on the Orr Road side, coming all the way up to Orr Road to the Railroad and beyond the railroad, it is a solid pattern of I-1 zoning which extends parallel to Orr Road. This is a requested change from I-1 to R-9MF.

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The only other zoning is the large pattern of single family residential zoning that adjoins the property on two sides and extends throughout the area of Hampshire Hills and the other subdivisions in the area.

Mr. Robert Perry, Attorney, stated he is representing Mrs. Yeomans, who owns the property, and John Crosland Company, who is the contract-purchaser subject to the change.

He stated there is a good argument to be made for buffering residential and industrial with some type of in-between use. He stated the opposition would naturally prefer to see the property stay in its present undeveloped status with nothing but woodland and open fields in the back. But property in Mecklenburg County is not going to stay open, undeveloped, for an indefinite length of time. Sooner or later, the property will be used for some constructive purpose, and if Mrs. Yeomans does not sell this property to John Crosland or some other purchaser for multi-family use, she is going to sell it to someone else, and that someone is going to use that property for whatever they can use it which presently is light industrial uses.

Mr. Perry stated there is a street that comes off Orr Road called University Commercial Avenue, and there is a large commercial enterprise there which is called Mouldings Incorporated, and is a very nice commercial building. On the other side is a statuary where a man makes statuary and sells it in the yard; there is an automobile repair shop and Wica Chemical Company. In addition, there are a number of for-sale signs in the area for industrial and commercial properties. That if it is used for this, it can come right up to the back lot of everyone who faces on Farnway Place.

Mr. Perry stated his client proposes to build an apartment project of about 100 units, and according to their computations they can build 190 units. Under the new apartment ordinance which is now in existence, the developer has to do a lot of thing before the apartment can be built on this property. The alternatives would appear to be a planned multi-family complex, properly visualized, planned and properly executed by a company that knows what it is doing; supervised at all turns by the Planning Commission.

He stated one of the arguments that would be made against the petition is the apparent lack of access. There is one street that presently leads into the property, from Cove Creek Road and it is Viewmont Drive. He stated his clients have discussed this and have procured a contract from Mrs. Yeomans to convey a certain piece of property to them and if the zoning is permitted, the developer will run a 60-foot road from the subject property to Orr Road and it will give access to the complex to Orr Road and will put the Tryon Mall Shopping Center exactly 2.4 miles from the Orr Road intersection. It will give people in that complex quick access to U. S. 29 and the various interstate highways.

Mr. Perry stated they also submit that Barringer Drive should be extended, and if it is extended over to Orr Road, then there will be a natural situation for a right of way going from the project to Barringer Drive.

Councilman Withrow stated Mr. Perry has said they can build 190 units but they only plan 100 units; he asked if they are going to leave some property vacant for additional units later? Mr. Perry replied no; the idea is that will be the density they will use. Councilman Withrow asked if they would object to an R-12MF, or R-15MF zone which would cut the density down to the planned number of units? Mr. Alley of John Crosland Company replied R-12MF would be acceptable. Mr. Perry stated there are differences in side line restrictions and they would like to have the maximum flexibility. That there is substantial vegetation to the rear of the lots and they plan to leave all that vegetation, and the people would be effectively buffered. He stated if the property is left in an I-1 zone, then the trees can be razed right down to the property line.

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Mr. David Aabye of Eastbrook Woods Subdivision stated they would question exactly what is going to buffer them from the apartment community; that they have heard some verble promises but he does not think any of his neighbors would be willing to accept them as it is not binding. That if it is so desirable to have an apartment zone between residential and industrial, then why is there so much opposition to it. The question is whether this upgrades the community as it exists right now; it does upgrade the land in question but what will it do to the adjacent neighborhood. They also wonder if this is spot rezoning. The present apartment supply in the area would seem to be sufficient; there is a large Crosland development on the Plaza Extension across from Hampshire Hills; within two or three miles of their location there are several apartments along Eastway Drive and Central Avenue. He stated rather than more apartments, they need more single family residences; there is a definite need for attractive housing in the \$20 to \$30 thousand price range. He stated when people buy, they have a right to know what is going to be next door to them and not have a change a month after they move in and after the last house has been sold.

Mr. Aabye stated many neighborhoods have sprung up along Cove Creek Road and it is already traveled far too heavily for its intended purpose; it has become a major access to the north from the Plaza. Speeding and child safety today are a major problem. The City is aware of this and people along Cove Creek have been trying to obtain traffic control action for over a year, and todate have received no effective support. They cannot envision that just because there is an apartment complex that will add to the traffic that the City will begin policing the area to cut down on speeding and reckless driving. Apartments with a reasonably high density would create a more untenable condition along Cove Creek Drive and would create a second Cove Creek situation along Viewmont which is not very lightly traveled. There are approximately 400 homes in Eastbrook Woods north of the Duke Power right of way, and about 350 of them use Cove Creek on a part time basis; the others would be just north of Hampshire Hills and probably use the Plaza Extension. Assuming there are 200 apartment units, it would increase traffic on Cove Creek Road by approximately 60 percent. That would create a very serious situation and this additional traffic would use Viewmont as an access. This will pose a serious threat to the safety of their children and it will create unwelcome noise and general disturbances in the community. What they need is perhaps more access roads from the north to the Plaza.

He stated the drainage situation in the Cove Creek Road area is terrible at present. Residents along Cove Creek Drive, south of Viewmont going towards the Plaza, are getting water over essentially 100 percent of their backyards and in many cases, in their homes every time there is a decent size rain. To the south and across the Plaza, the situation is even worse in Shannon Park. Along the back of Farmway Street last Monday, virtually every backyard had water at least 50 feet up from the drainage creek and in some cases, very close to their houses. That they would question the effect of clearing the forest land to the back would have. When forestry and vegetation is cleared from the land, the drainage situation becomes much worse.

He stated as far as schools are concerned, they would hope the day is coming sometime in the future where we will return to the neighborhood school, and the grade schools in the area are already using temporary quarters. What effects will 100 additional family units have on the local school?

Mr. Aabye stated one of the things that makes their community attractive is the fact that it is a wooded area; it is now a quiet, reasonably uncongested area; they are middle income community and they think they are the ones who are contributing to the growth of Charlotte and that they are contributing enough that perhaps they deserve to have the area in which they live as a good location for their children to grow up and play. The effect of apartments is well known; it brings in a transit, rental population that has no stake in the community. They feel this will degrade their property values and they see there is a very good chance that would happen.

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He stated to the north of Orr Road, there is a large area presently zoned R-12 which has been 30% developed; to the south of the Orr Road area the land is predominately R-9; to the southwest there is a large residential area going back to Plaza Road; to the northeast is the county and he thinks that is mostly farm land. He stated the I-1 zoning is bounded on at least three sides by residentially zoned land. That land should not be zoned as industrial. That land should be rezoned for a large residential area and then put the buffer zones in as it is planned from the beginning. When people move in they will know that apartments next door and the apartments will be placed where they belong, and not on the best property available.

Mayor Belk requested the City Manager to investigate the drainage in the area and report back to Council.

Also speaking in opposition to the petition were Mr. Charles E. Halliday whose property adjoins the petitioner's property, and Mr. Darrell Myers of 6500 Farmway Place.

In reply to a question from Council, Mr. Bryant stated there is little apartment development in the immediate area. The nearest apartment zoning is at the intersection of Orr Road and Newell Hickory Grove Road; there is some apartment zoning just across The Plaza in the Barrington-McBride Street area; there is also some apartment zoning off Milton Road and apartment zoning back near the Eastway Shopping Center area on the Plaza.

Councilman McDuffie requested that in the future Mr. Bryant bring the maps showing a quarter of the city as it is marked off so that Council can look at the whole picture and take into consideration what is already there.

Council decision was deferred for a recommendation from the Planning Commission

HEARING ON PETITION NO. 71-46 BY W. K. GLADDEN FOR A CHANGE IN ZONING FROM R-12 TO I-2 OF 1.132 ACRES OF LAND ON THE WEST SIDE OF RACINE AVENUE, BEGINNING 200 FEET NORTH OF PICKWAY DRIVE.

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 six (6) affirmative votes of the Council and Mayor in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated this is a small triangular shaped parcel of land west of the Southern Railroad, adjacent to Derita Road. The property is vacant and is adjoined on the south side by several single family residences most of which are on Pickway Drive. The other area adjacent to the subject property is vacant. Across the railroad, along Derita Road, there is some single family houses and some vacant area and up near Sugar Creek Road is a large area devoted to a greenhouse operation. The other predominate use in the area is well down to the south of the subject property and is beginning of a number of trucking concerns. Basically around the subject property it is used for single family purposes on the south side, with the railroad on the east side and vacant land to the north.

He stated the subject property and the property to the south is zoned for R-12 and to the north there is a large area of I-2 zoning and across the railroad in front of the subject property is a band of I-1 zoning.

Mr. Ray Rankin, Attorney for the property owner, stated the property to the south is residential and there is one house facing on Racine Avenue adjoining this property. Immediately to the north of the property is the big industrial block and is being used for industrial purposes. It is some distance from the subject property but it is all zoned as I-2. He stated while the request has been for I-2, the petitioner does not need an I-2 zoning and a B-2 zoning would serve the purpose for which he has made his request which is for a body shop. The property does not seem to be suitable for residential purposes as through the years no one has seen fit to build any residences upon it. To get any use from the property, the zone change is requested, and it would not do any violence to have the B-2 zone next to an industrial zone. Mr. Rankin stated they request consideration for a B-2 zone rather than I-2 zone.

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Mr. Paul Whitfield, Attorney for the protestants, stated they were not aware that the request would be changed from I-2 to B-2; however, the B-2 would be equally objectionable to the residents. He stated he went out and as he approached the area, he saw the most obvious reason the people are complaining and that is that the street you will drive off Derita Road to the left is the only practical access to the residential area, and the people do not want the gateway to their subdivision to have an automobile body shop. Mr. Whitfield stated garage owners do not have a habit of keeping their garages and premises very clean and they do park junked, or wrecked automobiles, around the premises as it is part of their operation. He stated because the lot has not been developed, does not mean that it will not be developed or should not be developed for residential purposes. He stated he has already heard it expressed if this is rezoned for industrial then some of the other owners who front on the street will try to get their properties rezoned. He stated Section 23-7 of the zoning ordinances observes that whenever possible an industrial area should be separated from a residential area by natural or structural boundaries and such. In this area the industrial to the north is not separated by any natural boundaries that he can observe and there is no buffer there, and apparently at present no room for a buffer.

He stated the people in the area live in neat, moderate income housing, and what a shortcoming if the only access to their property would now become an automobile body shop. He stated another home does abut the subject property on the corner and two on the back and an undeveloped lot.

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

HEARING ON PETITION NO. 71-51 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-9MF TO R-12 OF 43.9 ACRES OF LAND ON THE NORTH SIDE OF ARROWOOD ROAD, WEST OF IRWIN CREEK.

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

Mr. Fred Bryant, Assistant Planning Director, stated this is the tract of land located on the north side of Arrowood Road, and is located adjacent to Taggart Creek. He stated the property was rezoned upon the request of the owners some few weeks ago to a multi-family classification. The property is vacant as is most of the property around it with the exception of some housing across the creek coming down Choyce Avenue. On the north side of Arrowood Road, it is all zoned for single family with the exception of the subject property. This is the tract of land on which there was some confusion about the meaning of cluster development versus multi-family development, and that is one of the reasons that it is being re-heard today.

Councilman Short asked if it is true that the land directly across Arrowood Road is zoned industrial, or is it residential for the depth of one lot? Mr. Bryant replied it is residential for the depth of the perimeter boundary line. There is a strip 300 feet in depth along the south side of Arrowood Road that is zoned single family.

Mr. Bob Hughes, 2015 Artwood Lane, spoke in favor of the petition for rezoning and filed a petition containing 202 signatures in support of the rezoning. He stated at the previous hearing they protested the change to R-9MF. That the residents of the area have the same attitude when they purchase their homes as anyone else; they look at the area and see how it is zoned. Everyone wants to move into a nice area where it will be quiet. He stated he has lived in apartments and they are noisy and that is the reason he moved and bought his home. That the owner of the subject property is being very evasive concerning what development will be made with the property. At first a representative of the owner told the residents they were going to put in apartments similar to Alpine Lodge; as soon as the zoning changed to R-9MF, Harris Realty put up for-sale signs all over the property. Now the residents do not know what will be put in there.

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Mr. Lewis Parham, owner of the property, stated he was present for the hearing two months ago and based upon his petition Council felt the property would be better used as multi-family. That he does not think in the past two months there have been sufficient changes to warrant changing the decision. The only subdivision in the area is the Thornfield Subdivision and there are some 19-20 houses located in there. The only occupied property is on the other side of Arrowood Road which has any proximity to the subject property. Noise from the area could not be severe enough to disturb the persons living some distance down the road. Mr. Parham asked that Council not change its decision of a few months ago and deny the subject petition.

Mr. Hughes asked where the entrances and exits are planned? Would it have to go on Arrowood Road? Mr. Parham replied it would have to go on Arrowood Road. Mr. Hughes stated Arrowood Road, at that point, is very hilly and anywhere on that property where an entrance or exit could be located would have very poor visibility. Mr. Parham stated any entrance or exit would have to be on Arrowood Road as that is the only road on which the land fronts. He stated he is the land owner and he made no representation to Mr. Hughes or anyone else, as to the square footage of any apartment he would plan to build there. The area could carry a luxury type apartment of \$160 - \$200. There is sufficient frontage on the road to have an entrance. Mr. Parham stated a good portion of the land is in a low area and while there is 43 acres in the area, there are not 43 usable acres; possibly a third of that much could be used and it would not create a high density situation.

Mrs. John Ashton stated she lives across the road from the subject property, and they wonder why this petition has come up again. She asked if Council thinks it made a mistake and is trying to give them the R-12 zoning back? Councilman Withrow replied he requested the re-hearing because on the day of the decision a lady got up and said she represented the people and later he was told that she did not represent the people. Mrs. Ashton stated she lives on a 900 foot lot that is zoned residential on the front and is zoned for industrial on the rear portion. That things are moving so fast they are not sure what is going on. She stated the residents would like to have the R-12 zone.

Mr. Hughes asked if there is a formal way to have a survey to see whether or not an entrance or exit would be safe on this road; that he does not want to see someone killed out there? Mr. Bryant replied before any apartment complex is put in it would have to be submitted under the multi-family provisions and a site plan analysis would be made, and one of the things they would look at would be the entrances and exits. He stated he doubts seriously that we could utilize that to completely deprive a person of access; it can be examined from an engineering standpoint to see just how much of a difficulty there would be.

Mr. Harris stated this property has 1,299 feet frontage and at one point there is a low point and there is plenty of space for someone to see coming down the hill.

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

HEARING ON PETITION NO. 71-43 BY THE ERVIN COMPANY FOR A CHANGE IN ZONING FROM O-15 TO O-6 AND B-1 OF 13.959 ACRES OF LAND AT THE INTERSECTION OF ARCHDALE DRIVE AND I-77.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property lies basically between Archdale Drive and Interstate 77, with one corner extending south of Archdale Drive. It is vacant and is adjoined on the west side by I-77; on the east side is an existing, almost completed office building on Archdale Drive. The Alpine Lodge Apartment area lies just to the north of the subject

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property and faces on Archdale Drive. Recently a small area of business zoning was applied at the corner of Archdale and a 7-11 Store is under construction. There are two other apartment projects under construction in the area. One is the Kings Creek Apartments which lies behind the office building on Archdale and the Tree Top Apartment project. Both are being built by the Ervin Company. Other than that the area is vacant until you get out to Nations Ford Road and there are a number of uses along Nations Ford Road including a small service station, single family houses and Woodlawn Volunteer Fire Department. Across I-77 from the subject property it is vacant.

Mr. Bryant stated the principal zoning in the area is O-15 so that the subject property is all zoned O-15; there is one spot of business where the 7-11 Store is under construction; there are three corners of the interchange area of I-77 and Nations Ford Road zoned for business purposes including the northeast, southeast and southwest corners.

Mr. Ben Horack, Attorney for the petitioner, stated last March in response to a prior petition this Council approved a B-1 zoning. At that time he told Council it was requested as a facility to serve the anticipated office personnel and the nearby apartment owners. He also told Council that it was a part of Ervin's overall development of the roughly 90 acres which they own. Since that time, the development plan has been homed; an analysis and review of this entire tract as well as the area of the interchange and the various factors that come to bear upon the use of this property has been made at the request of Ervin Company by Wilbur Smith and Associates.

He called attention to the rendering and stated it is more than just a schematic proposal in the abstract of something that is not there yet. He pointed out the office building that is constructed and stated they are in the process of making tenant arrangements. Since the March approval of the B-1 zone, the 7-11 Store is under construction. As part of what is essentially an office park, Ervin plans two office buildings. One building, which will be on the property of the subject petition, is staked out and is being held up. The other building is on the drawing board. The other building is purely schematic and is designed to be representative of a motel that Ervin proposes, the other two properties involved in this petition are schematically shown and are two station sites.

Mr. Horack stated all the property to which he refers is already zoned O-15; Ervin has already built and completed one building on O-15. He stated they need O-6 as this property is very narrow and would average about 200-250 feet. Because the property has frontage on Archdale and frontage on "I-77" but no access to the interstate, under O-15 it must have a 40-foot setback front and rear. Ervin desires the O-6 so that it can accommodate its construction to the narrow width and go forward more practically with a 20-foot setback front and rear.

He stated the basic development of all the office park and its facilities is a low profile designed to be compatible with each of the segments and compatible with Ervin's other development. Emphasis will be put on an unclutteredness as contemplated by the office park with parking facilities that will be greatly in excess of those required by the ordinance.

He stated a motel may also be put on O-15 property and they are asking for B-1 because negotiations are underway with one in particular national motel concern the most likely candidate and one of the runners-up are both insisting there be a free-standing restaurant as an accompanying facility for this motel. For free standing restaurant you must have B-1 zoning. The chain wants a restaurant that will draw in the trade from I-77 Interchange as well as catering to the office personal, the apartments and even some of the single family area. The need is there for the two service stations; and it is at an interchange.

The Wilbur Smith Associates has made a study and made projections of the area population and the impact of Arrowood and the Carowinds Theme and they say that the traffic count at this interchange of 7,600 in 1969 will be 23,500 in 1975, and 45,000 in 1990.

No opposition was expressed to the rezoning.

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

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CITIZENSHIP AWARD PRESENTED TO SCOUTS.

Mayor Belk stated he would like to recognize some of Charlotte's fine young people. He presented the City of Charlotte Citizenship Award to Don Parker, Jr., Eddie Austin, Jamie Wells and Greg Winchester, and stated each of the young men have received the God and Country Award in Scouting. Mayor Belk stated nothing is given in scouting and each one earned the award.

HEARING ON PETITION NO. 71-45 BY MALACHI L. GREENE FOR A CHANGE IN ZONING FROM R-1.OMF TO O-6 OF A LOT 51' x 194' AT 220 WEST TENTH STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this lot is located on West 10th Street between Church and Poplar Street. The property is presently being used for office purposes; it is adjoined on the Church Street side by vacant property; there is a residence on the Poplar Street side. Directly across 10th Street is Edwin Towers. The Poplar Apartment is located on the corner of Poplar and 10th Street. Behind it is an office building with a couple of duplexes in the block and an office building at the corner of Church and 10th Street.

He stated there is an existing office lot on the Church Street side of the property; then B-2 zoning from that point out to Church Street; B-2 zoning all behind the subject property, facing on 11th Street, and then the R-1.OMF extending along 10th Street to Poplar Street and over to Pine Street. He stated this is a request for a change on a single lot with a small frontage on 10th Street.

Mayor Belk stated when there is a new intersection such as will be here when it is completed, and there is B-2 zoning on the back and a buffer in front, he asked why the complete area would not be zoned B-2? Mr. Bryant replied in this case he feels the question may be just the opposite. That perhaps there is now some valid question as to whether or not the property fronting on 11th Street is any longer really suitable for business development. That he thinks perhaps office zoning might be more appropriate for that than business. That he agrees the area as a whole could take some examination. Mayor Belk stated when there is a new area with a number of expressways coming in, he would like to see the Planning Commission take the area as a whole rather than one lot; that he is suggesting that the whole area be brought to Council for consideration.

Councilman Short asked how much of the area is the downtown high rise multi-family? Mr. Bryant replied roughly two blocks of it; the complete block between Pine and Poplar Streets and the half blocks between Poplar and Church and Pine and Graham Streets. There is a fairly large size area zoned for R-1.OMF. Councilman Short asked if any part of the land has been used for this zoning? Mr. Bryant replied it has not.

Councilman Withrow suggested that action be deferred on the subject petition until Council can consider the entire area. Councilman Alexander stated he would not be in favor of this as the zoning requested is more in line with what will be considered.

Mr. Charles Becton stated he is representing the petitioner and they have people ready to move in. That they will use the present building; it has a hallway that lends itself to office use and as soon as they can get the zoning changed they have people willing to move in. He stated in the block in question there are only two multi-family units and one of the two is the property in question and they are requesting that it be rezoned for O-6. That the lot next to the lot in question is already zoned O-6. The lots to the right of O-6 are B-3 and the lots to the rear are B-2. Because of the Northwest Expressway, it seems clear to them that no more multi-family building will be constructed in that particular block, and it will do more harm to

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those existing properties on either side. He stated Durham Life Insurance Company is located in the third lot down to the right of 220 West 10th Street. There are two vacant lots between Durham Life and the subject property. One of which is zoned O-6 and the other is zoned B-3. He stated the whole area lends itself to light office type of rezoning.

Councilman Whittington requested Mr. Bryant to make a survey of the number of residents still in the area between Graham and Tryon Streets and 11th and 6th Streets before the next hearing between the Council and the Planning Commission.

Councilman Short stated this is the Fourth Ward area that he was making a little noise about a few months ago. That he has investigated what some other towns are doing in areas like this. This area is badly in need of further consideration by us. That he was saying it should be put into urban renewal. What is being done in this type of area in about 8 or 10 other cities is real good. That we are simply missing the use of some land that could be put to real good use by the city. That he does not know that just zoning is what we want to do. In fact, he thinks it is not. There is more to be done than just rezoning. This land with all kinds of downtown amenities available is just sitting there and going for very little use, and is contributing very little to Charlotte.

Mr. Becton stated the petitioner is desirous of renting office space; the structure is already there and he expects that at a later date the whole area will be rezoned to O-6, and it would do no harm now to rezone this particular lot to O-6.

No opposition was expressed to the proposed change in zoning.

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

**ORDINANCE NO. 148 AMENDING CHAPTER 23, ARTICLE III, BY ADDING A NEW SECTION FOR FRATERNAL ORGANIZATIONS IN RESIDENTIAL DISTRICTS.**

The scheduled hearing was held on Petition No. 71-47 by Charlotte-Mecklenburg Planning Commission to amend the text of the zoning ordinance to permit "Fraternal Organizations" in residential districts subject to the issuance of a special use permit and subject to certain findings outlined in proposed Section 23-40.44 of the ordinance.

Mr. Fred Bryant, Assistant Planning Director, stated in March of this year there was a request for rezoning a tract of land located on Sharon Amity Road adjacent to the Amity Country Club. That request was to change the property from its present residential classification to an office classification in order to permit the erection of a fraternal lodge. The Planning Commission has not made a recommendation on it because in thinking about the whole broad question of where fraternal organizations are permitted to go within the structure of the text of the ordinance, it was felt there were some areas that need exploring. As a result of their study, they presented to the Planning Commission a proposal for a text amendment which they felt would get at the problem of regulating where fraternal organizations should be permitted. At present they are permitted only in office, business or industrial districts. At the same time there are some related uses such as YMCAs and YWCAs that are already permitted as uses by right in residential areas. It was felt in recognition of this fact, that perhaps a better job of regulating organizations could be done by amending the ordinance in such a manner as to permit these organizations to locate in residential districts but not in an unregulated manner. It was felt the best way to approach this was to place in the ordinance a special use permit whereby the fraternal organization would be permitted in residential districts only after they submitted their plans to the Planning Commission and to the City Council, and Council would have an opportunity to consider the plans and an opportunity to consider the type of organization that was being proposed in a given location and could make an adequate decision on whether or not it was appropriate to permit it under those circumstances.

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Mr. Bryant stated the language of the ordinance would propose that an application for special use permit approval for a fraternal organization in a residential district shall be accompanied by a written discription of the organization involved and the type of activities proposed for the facilities. In addition a schematic site plan would be submitted which would show the nature of the building; the type of building; the location, the height; the concept of landscaping; treatment of natural features and location of walls, fencing and soforth.

After examining these plans, the City Council, after a recommendation from the Planning Commission, would make a finding. If it is approved, it would be necessary for the Council to find that the proposed use and activities as outlined by the petitioner will not unduly intrude into nor disrupt the residential characteristics of the neighborhood, will not create traffic problems for minor residential streets, will relate satisfactorily to general neighborhood development objectives and has provided sufficient means for protecting adjacent properties from any adverse effects.

Mr. Bryant stated this would be a method whereby instead of rezoning property to office use, Council can specifically permit the use, based on its design and the criteria that was submitted in terms of its operation.

He stated the text amendment is recommended by the Planning Commission.

Councilman Short moved adoption of the subject ordinance amending Chapter 23 by adding a new section for Fraternal Organizations in Residential Districts. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 224.

HEARING ON PETITION NO. 71-48 BY GEORGE R. HAMPTON, R. E. WILSON AND A. P. WHITE FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF TWO PARCELS OF LAND TOTALING 26.24 ACRES ON THE NORTH SIDE OF ARROWOOD ROAD EAST OF KINGS BRANCH.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the north side of Arrowood Road, about midway between Old Pineville Road and Nations Ford Road. It is vacant and is surrounding by predominately vacant land with a scattering of single family houses along Arrowood Road. The general vacant pattern extends all the way over to Nations Ford Road. North of the property is considerable single family development and over in the area coming out onto Nations Ford Road.

He stated the subject property and most of the property surrounding is now zoned R-9. To the west at some distance is some multi-family zoning in effect along Nations Ford Road. That it is the R-20MF district that was placed on the map some year or so ago in anticipation of an apartment development which has not occurred. There is R-6MF zoning adjacent to it at one point and R-9MF zoning around the Nations Ford-Arrowood Road intersection around some business zoning which is located at the corner also.

Mr. John West, Attorney, stated he represents the owners of the land and the contract-purchaser contingent upon the zoning change. That they would like the land rezoned to make the maximum use of its potentials. The property has had its present zoning for some time and no development has taken place. That he took a trip to the property this morning and entered the property from Old Pineville Road and rode past the property to the creek, and there were two houses in the area. One belongs to Mr. Shanklin. The other to a Mrs. Wincoff who he understands is approximately 80 hears old and is in the process of selling her property, carving out a small part to reserve for the remainder of her life. Mr. Shanklin has determined this is not desirable for a home use and is in the process of making arrangements also to sell his land. The fact that the land has not developed in homes is a justification for a change in the zoning to some suitable use.

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Mr. West stated the land will be used for apartments. He passed around two photographs to exemplify what they propose to do. He stated they plan the garden-type apartments.

Councilman Short asked who owns the R-20MF area, and Mr. Bryant replied Mr. M. H. Smith; that he originally requested R-6MF and after some negotiation, it was proposed that it be zoned R-20MF and the owner came in with a plan under the R-20MF zoning; that it is a very deep piece of property.

Councilman Short asked Mr. West if his clients can use the R-20MF zoning, and he replied he does not believe so; that what they would like to do with the land would take an R-9MF zoning.

Councilman Withrow asked if there is any prospect to straightening out the road through there? Mr. Bryant replied the overall major thoroughfare plan calls for the road to be taken almost straight to tie into Starbrook Drive. Starbrook Drive has been located to be part of the major thoroughfare system also. That there is something active going on now in terms of possible development of the two tracts of land that would involve getting the right of way through.

Mr. Marion Smith stated the R-20MF property is his and he does have plans to start construction before the fall. At the hearing the wisdom of the Council was they did not want a high density area put into there. That the subject property/<sup>is</sup>practically touching his property on the northwest corner. That he has found the R-20MF zone is much better than what he has first contemplated. It has made a very acceptable plan for development. He stated his only objection to the subject request is not the multi-family classification as he thinks it is a great area for multi-family dwellings in that it will allow the county to use their water layout a little better. It also has good layout road-wise; it will also enhance the bringing up of the Kings Branch outfall in that it will save the city about \$125,000. He stated they are very interested in keeping the R-20MF clear through the area. That he would request the Council to keep a low density classification throughout the area.

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

HEARING ON PETITION NO. 71-49 BY L. J. BUMGARDNER FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A PARCEL OF LAND 75' X 167' ON THE NORTH SIDE OF TYVOLA ROAD BEGINNING 569' EAST OF THE CENTERLINE OF SOUTH BOULEVARD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is a small parcel located on the north side of Tyvola Road with a small structure on the property. Other than that, it is vacant; there is vacant property on each side of it; towards South Boulevard, there is a new mini-mart and service station which has been built and which was the subject of a recent hearing for a combination of business and office zoning. Adjacent to that coming out towards South Boulevard is a lounge, a cleaners, beauty shop and a service station on the corner. He pointed out Woolco Department Store and the Tyvola Mall area. Directly across from the subject property is a large area of apartment development. The Smith Junior High School is in the area, and behind the property and on to the east along Tyvola is a solid pattern of single family residential development which is characteristic of most of Tyvola Road.

Mr. Bryant stated beginning along South Boulevard is a strip of B-2 zoning; then B-1 zoning to accommodate the Mini-Mart; adjacent to that is a strip of about 75 feet in width of O-6 and then the subject property begins the single family zoning pattern that extends from that point eastward. South of Tyvola is a solid pattern of R-9MF zoning through the area.

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Mr. Lewis Parham, attorney for the petitioner, stated the former owner of the property had a mobile home on the property and the small structure referred to was attached to that mobile home. He passed around pictures of the area and stated the best picture was taken standing on the subject lot facing across the street; part of the lot is directly across the street from the rear-end of the Woolco Store where the car service facility is located. It also faces a retaining wall at the rear of the Woolco Store and looks directly into the back of the apartments. He stated the only use for the property would be for some type of office zoning; the lot is only 75 feet in front and there is not sufficient area for any type of multi-family properties. That because of its location, he cannot see anyone using it for single family residential.

Mr. Parham stated his client plans a small one-story office building. That Mr. Bumgarner acquired the property about six months ago with the office building in mind, and he found, after acquiring the land, that he did not adjoin the business zone.

Mr. Horace Lutz stated he lives down the street and he objects, not particularly to this rezoning itself, but to the pattern the zoning change is establishing. A few years ago, the only thing on Tyvola Road was the Hule and the service station at the corner. That we have seen all over town how a little piece of business will go down the street and bring all of its associated problems with it. If this is not stopped then we will see the same here. He stated on the corner of Tyvola and South Boulevard is a service station, beside the service station is a Mr. Fresh Store; then the Hule; next is the new Mini-Mart. He stated he can foresee the business working its way down Tyvola Road, and he really does not want to see that. That he would rather it stay strictly residential. He stated he would like to see the business separated from the residential. The reason is two-fold. One is traffic and the second is crime problem. When you have a mini-mart and a service station, you are inviting all the local hoods to come in and rob them. He stated he lives seven blocks away and he does not want to see business coming any closer; that he would like to see it stop where it is and buffer the residential from the office. That he does not want to see the office put in there and would rather see it used as a parking lot for the Woolco employees or for the average 13-15 cars that park on the street in front of the Yorktowne Apartments. That his objection is that he does not want to see business come any further and bring these problems to the residential area.

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

**HEARING ON PETITION NO. 71-50 BY CHARLOTTE REDEVELOPMENT COMMISSION FOR A CHANGE IN ZONING FROM I-1 TO B-2 OF A PARCEL OF LAND ON THE SOUTHWESTERLY SIDE OF EAST STONEWALL STREET BETWEEN BREVARD STREET AND SOUTHERN RAILROAD.**

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request has been filed by the Redevelopment Commission for the purpose of changing some zoning located on Stonewall Street at the railroad in order to bring it into conformance with what has already been approved as the re-use plan under the redevelopment plan process. The property is located on Stonewall Street and is not as odd-shaped as it appears on the map as the remaining portion of the area right up to the line will be part of the Independence Expressway. He stated at present it is used for a car lot storage; towards the rear is an old oil distruction facility. Most of the area is vacant and has been cleared as far as Section 5 of the Brooklyn Redevelopment area.

Mr. Vernon Sawyer, Redevelopment Director, stated the industrial zoning does permit most of the uses of the redevelopment plan; however, the B-2 zoning would suit the uses better; this is part of the whole change contemplated when the redevelopment plan was approved some years ago.

No opposition was expressed to the proposed change in zoning.

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

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HEARING ON PETITION NO. 71-52 BY THRIFT PROPERTIES, INC. FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF A TRACT OF LAND EXTENDING FROM MOUNT HOLLY ROAD TO OLD MOUNT HOLLY ROAD IN FRONT OF MCCLURE LUMBER COMPANY.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located between Old Mount Holly Road and Mount Holly Road in the western part of the county. The subject property is vacant and has frontage on the railroad and Old Mount Holly Road; it is adjoined on the easterly side by relatively light industrial warehouse type of facilities that have been built along Old Mount Holly Road; across Mount Holly is entirely vacant; to the west are some single family houses. Other than that the area is vacant.

Mr. Bryant stated the zoning is predominately industrial with I-2 zoning being a solid pattern on the north side of Rozzells Ferry Road and I-2 zoning being complete between Old Mount Holly Road and Rozzells Ferry Road throughout the area; then I-1 zoning extending south of Old Mount Holly Road. There is some R-6MF zoning and R-9MF zoning in the area. The subject property is completely surrounded by a combination of I-1 and I-2 zoning.

Mr. Hamlin Wade, Attorney for the Petitioner, stated directly across the street is I-2 zoning, and the subject area is I-1. That they are not requesting a change in use as such but just a little different classification. To the west of the subject property is an existing warehouse located between the subject property and the R-9MF zoning.

He stated if the zoning is changed they anticipate using it for a textile machinery plant of about 3600 square feet; it will be entirely enclosed. It is a wig producing company and there will be two employees in the building.

No opposition was expressed to the proposed change in zoning.

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

LIONS CLUB ADVISED COUNCIL ITS MEMBERS ARE AT THE DISPOSAL OF COUNCIL IN MAKING FREEDOM PARK A SAFE PLACE FOR ALL CITIZENS OF CHARLOTTE.

Mr. Bruce Wright, President of the Charlotte-Central Lions Club, stated they recently wrote Council a letter about the Lions Club's deep concern of the danger of citizens in their use of Freedom Park. He stated Freedom Park was donated to the City by the Charlotte-Central Lions Club. He stated they wish to thank the Council for the efforts that have been made recently in reducing the unauthorized use of the park. The Club congratulates Council for the progress it is making in making it clear as to what is a misdemeanor or the improper use of the park. That they as citizens and as the civic organization that gave the park to the city are deeply concerned and are at the disposal of Council if there is anyway in which they can be of assistance in achieving the objective of making this a place where our citizens can use it with a degree of confidence that they will not be molested by undesirable people.

Mr. Wright stated present with him is Mr. Al Jordan who was president just prior to the date the park was donated to the city; also Mr. Earl Crawford who is one of their members and who has been instrumental in many civic endeavors.

Mayor Belk stated this is one of the prettiest parks in use and the City would like to thank the Lions Club for making it available to the people.

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Mr. Al Jordan stated he was one of the original contributors and organizers of Freedom Park. It was organized and dedicated to freedom - freedom of want and freedom of fear. What we have now is freedom of fear, and they would like that eliminated. He stated the Lions Club will back the City up to help them do it.

Mr. Earl Crawford stated he was in charge of publicity in the building of the park. About \$60,000 was donated by the members of the club when it was started in 1944. The balance of the money of \$260,000 was given by citizens of Charlotte. That he personally raised \$9,000 as his part of the fund. A contest was held in naming the park and a soldier who was located in Italy in World War II, but his home was in Charlotte, wrote a letter which included the following: "Freedom Park so that our children will have freedom of want; freedom of fear and not have to fight in another war."

Mr. Crawford stated he became concerned about this problem about six weeks ago. That he was in a group of people of about 8-10 couples and someone said their grandchildren were coming for a visit and did not know what to do with them. Someone suggested taking them to Freedom Park and almost everyone else said "don't take them there." Mr. Crawford stated that hurt him.

Mayor Belk stated it hurts him also, and he thinks we should do everything possible to keep it free.

Mr. Wright stated in his letter he referred to the fact that one of their members had recently driven through the park and did see some 15 people who evidently had spent the night there sleeping on newspapers. Last night about 8:30 he drove through the park and met one police cart and one police patrol car. Everything did seem to be in order. That he drove through again this morning about 8:15 to see if there was any evidence of people who had spent the night there and he saw no evidence of that. That he believes we are making progress.

#### MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:35 o'clock p.m. and reconvened the meeting at 4:55 o'clock p.m.

#### PLANS FOR CIVIC CENTER APPROVED.

Mr. Robert Lassiter, Chairman of the Civic Center Committee, stated he is present today to ask Council to approve the final working drawings, plans and specifications, and contract documents for the Civic Center. The design development phase was approved by Council some months ago. That the detailed working drawings before Council today have been completed for some time and have been on display in Mr. Odell's office and have been shown publicly at several civic organizations. He stated there have been no changes since Council reviewed them and they have been approved by the Redevelopment Commission. He stated Mr. Odell, Mr. Harris and some members of the Civic Center Committee are present with him today, and are ready to answer any questions.

Mr. Lassiter stated they are asking approval of the plans and the freezing of the plans at this point so that the architects and the people who are dealing with the project can go on with it when they are free to advertise and accept bids on it.

Councilman Alexander moved that the plans be approved. The motion was seconded by Councilman Short.

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Mayor Belk stated he hopes the plans are under the \$10.0 million figure which the city has. Councilman Whittington stated he is interested in whether or not they still understand that we have to stay within the amount of money that the bond issue was for? He asked if these are the same plans Council has seen in Mr. Odell's office, and that no changes have been made since Council looked at them? Mr. Odell replied there have been no changes; they are the same plans; as far as cost goes they know the estimates have to come within the funds available; they intend to get everything they can within the budget.

Mayor Belk stated they are ready to go to bid as soon as the property is available.

Councilman McDuffie stated when he saw them in Mr. Odell's office he thought they would be presented to Council again so that the public could see them. He asked if this is the closest we are coming so that the public can see what it contains? In the past he has been told that some of the people downtown did not know what the building would contain. That when he did see the plans he was a little disappointed in that the commercials we had during the bond election of the versatility of the building seem to differ a little from what he saw down there. It is an exhibition and display building somewhat like the merchandise mart and the new merchandise mart that is being built downtown; there are no seating facilities for spectator type events and it is a flat arena and cannot be used. Some of us have talked about the Park Center activities being converted to this building downtown so that Central Piedmont might buy that building. It is not likely that this building could be used for that. Some of us were under the wrong impression, and some of us should have known these things. That he is disappointed to the extent that it is not a building that Billy Graham would want to have a crusade in, although the commercial said that. We have facilities that Billy Graham can hold a crusade in, but we were led to believe that it would be a building that would have some versatility. As an example, it does not have facilities for ice skating, and that costs money. That his kids go out here and it is too crowded and dangerous from the space available. He would hope this building could have had ice pipes put in the floor so when it is not being used, in the future they might be able to convert part of it to a skating rink just for taking up some time that is not rented out. To him it is just not what the public was sold on, and he cannot vote for it, although it has gone to the extent now where anyone can do little about it. That he does not approve of the manner in which it was presented and the way it is presented now.

Mr. Lassiter stated as far as the public is concerned they have offered to and responded to opportunities to show this building. They have been to civic clubs and Mr. Odell and Mr. Harris have continually shown people what the building contains. This concept of the building has been before the Council and Redevelopment Commission and before those groups that were interested in seeing it. There has been no lack of public disclosure. This is a flexible building; they have not made an arbitrary division of the floor space that is available; it is a very versatile building as a result of this. It will not accommodate every kind of event that anyone wishes to put on in there. It is 150,000 square feet of open space, which is readily partitionable, visible and usable by a wide variety of events that would be appropriate. For instance, while there is not a dining room, there is an area designed to seat approximately 4,000 in a sit down banquet; this would be a catered occasion. They could put on a tremendous variety of things not requiring special equipment which we do not own or special design in the building. By no means is this a building which will be used by just a small classification. They envision that you can have a democratic party meeting there if you want to.

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Councilman McDuffie stated it is an exhibition and display hall, and the public knows that. If the public would have bought it based on that he would have no objection. He just does not feel it was sold as an exhibition and display hall; that we thought it might have an arena type area for small stage shows. It does not have a kitchen; it cannot be partitioned off for a wedding reception readily. That is part of the things that were presented to the public.

Mr. Stan Brookshire, former Mayor, stated Mr. McDuffie mentioned ice skating and perhaps some other things that are presently accommodated in the Auditorium and Coliseum. Council, from the very beginning before the bond issue was called, made clear, and the Committee and the architect made clear that this building would not duplicate the auditorium and coliseum facilities.

Councilman McDuffie stated when he talks about ice skating, he is talking about a facility that it has now outgrown; this is talking about a building for the next 30 years so we are talking about duplication; we are talking about a growing city; that is what it was sold as; that it would serve the needs down the road and that is what he wanted. That he still thinks it should have an arena type area.

Mayor Belk stated he does not know where Mr. McDuffie got the false impression that the building has changed one iota. As far as he knows, the intent of the building is still the same as it was; it is not to take the place of a single building like the Park Center which Central Piedmont has talked about buying from the city.

The vote was taken on the motion and carried by the following vote:

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

CONTINUATION OF HEARING ON AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 4, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N. C. R-43.

Mr. Raymond King, Chairman of the Redevelopment Commission, stated for some time we have considered certain changes on the Blue Heaven area or Project No. 4 for the Brooklyn Urban Renewal Area. We have a land re-use plan for all of Brooklyn that has been established for some several years. This land re-use plan did not include the necessary uses in order to use part of Brooklyn No. 4 for an automobile repair garage or for parking. We are all in accord with the land re-uses that have been established for this area, but as changes occur from time to time, we all need to adapt as best as possible to take care of those changes, and to accommodate our citizens that are being hurt by these particular changes. He stated in widening McDowell Street, from the Brooklyn Urban Renewal area at the creek to Morehead Street, to accommodate the traffic and make McDowell the same type thoroughfare, from Morehead Street to Fourth Street and onto Trade Street, we are going to hurt Gordon Motor garage to the extent that he probably will not be able to operate his business in that same location. We also have the seafood market just beside it, but he has sufficient space that will allow him to continue to operate in that same area after the street is widened and part of his property is taken.

Mr. King stated it is their understanding that in widening McDowell Street that it would take so much of Mr. Gordon's property that he will not be able to operate where he is presently located, and that Council would like to make it possible for Mr. Gordon to secure enough property in the urban renewal area so that he can either build or have parking in part of the urban renewal property so that he can continue operating in that same location after McDowell Street is widened.

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He stated they have been told if Gordon can get parking in this area, that he could probably continue to operate in that same area and Council would have to give him permission to rebuild his building on the lot where he is presently operating under a grandfather clause. If Council gives him permission to do that, then if the Redevelopment Commission changes the land re-use in Brooklyn No. 4 project to allow for parking, then Mr. Gordon would be allowed to bid on a property in that area and use it for parking, along with his business of automobile repair.

Mr. King stated their attorneys have told the Commission they can request HUD to put parking in Brooklyn Urban Renewal Project as one of the permitted land uses. He stated they are agreeable to going back to the Redevelopment Commission on Council's instructions and requesting that parking be included as one of the permitted uses in the Blue Heaven area. He stated Council should be aware if this is done, a procedure must be followed.

The Commission must have another public hearing pertaining to the land use in Brooklyn Project 4 requesting parking as one of the permitted uses. Following the public hearing the Redevelopment Commission would then adopt the new land re-use plan amended to include parking, and then would request HUD to include that as one of the permitted uses. Their attorneys tell them if Council should request that today and approve the plan subject to parking being included as one of the uses, Council will not have to hold another public hearing, and will not have to vote on it again, assuming the Redevelopment Commission approves it in accordance with Council's instructions today. If it is approved by the Redevelopment Commission after the public hearing and after the Commission approves it and after receiving approval of HUD, they can put the property on the market to be advertised for any of the permitted uses; parking being one of the permitted uses. Mr. Gordon then would be allowed to bid on the property. They would not be allowed to negotiate the sale of this property with Mr. Gordon. Mr. King said their attorneys also tell them that the Commission cannot change the permitted land use for a small area of the project; parking would have to apply to all of Brooklyn No. 4 which means that any other business if they so choose can come in and bid on the property for parking. This means if one of the businesses on Morehead Street wanted to they can bid on this property in Project No. 4 and make a parking lot in connection with their business on Morehead Street. Councilman Short asked if this is likely? Mr. King replied he would not like to comment on that; that he has heard rumors some were extremely hopeful that it will be changed so that they can bid on it, but he has no personal knowledge that any business is considering it.

Councilman Whittington asked how far down McDowell Street Project 4 goes? Does it come all the way to Gordon's property? Mr. King replied it does not include Mr. Gordon's property; it comes down to Gordon's property line, but does not include any of his property. Between Gordon's property line and the other privately owned property there was an old alleyway that had never been dedicated and that alleyway is in the urban renewal project area. Brooklyn Project 4 comes down Morehead Street back of the lots that front on East Morehead Street; it adjoins the property lines of those lots that front on East Morehead Street.

Councilman Whittington asked Mr. King what he and the rest of the Commission recommend that Council do? Mr. King replied the Commission after considering this for a long time - the problems of Mr. Gordon and perhaps of putting Mr. Gordon out of business as the result of widening McDowell Street - decided they would make no recommendation for a change in land re-use. They did leave it open so that if Council felt it had an obligation to Mr. Gordon or anyone else and if Council instructed the Commission to reconsider it, they would be glad to reconsider it.

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Councilman Short asked if there was any contact between the Commission and Mr. Gordon? How does Council know he would take advantage of this opportunity if this arrangement was made to accommodate him? Mr. Sawyer, Executive Director of the Redevelopment Commission, replied the only contact they have had with Mr. Gordon's attorney is through correspondence and by telephone. He did request that an 80' x 200' lot be set aside for Mr. Gordon's use. This was discussed at the last meeting and they have had no contact since then.

Councilman McDuffie asked if Gordon was left out of the project so that he could stay in business at this location? Mr. King replied that had nothing to do with leaving Gordon out at the very beginning of the project. At the beginning of the project which was started some years ago, that area that fronts on Morehead Street did not qualify for urban renewal; that Mr. Gordon does not front on Morehead Street but he is located at an angle; they ran a line that happened to run right down back of the lot behind the houses on Morehead Street, and his lot was put in there sideways and it happened to be the same depth as the lots on Morehead Street.

Councilman Alexander stated at this stage there are only two things we should consider. Approval of the original proposal or to request a change in the re-use of the property which would enable Mr. Gordon to bid on some additional land and take the chance. Mr. King stated he would have the right to bid on the property if the land re-use is changed to include parking. Councilman Alexander asked if they have discussed with Mr. Gordon whether he would prefer to take a chance on buying this additional land? Mr. Sawyer replied after the Commission held its meeting on June 9 they received a letter from Mr. Harkey dated the following day which cited a news article concerning the Commission's action saying he wanted to confirm the fact that if parking could be added to the plan then Mr. Gordon would agree to use it. Councilman Alexander stated then the only thing Council can do today is to go ahead and make it possible to change the use and include parking and leave the rest up to him. That he can take the chance on the open market. This is the only alternative the Council has and is the extent to which Council can help in this situation.

Councilman Short stated he does not want to expose Section 4 to any material danger but he has the feeling that the danger in adding this in the use plan is really very slight; land zoned this way all over the city allows parking as a use and it does not create problems in Charlotte. That he thinks we owe this fellow an opportunity for saving his situation which he did not bring on and the danger is slight.

Councilman Short moved that Council ask the Redevelopment Commission to put parking as a use into the plan. The motion was seconded by Councilman Alexander.

Councilman Calhoun asked how vulnerable is that property to the general use of parking? Mr. King replied he does not have any specific information at all that they are going to bid on it to provide parking for their business on Morehead Street. That he has heard rumors that some of the businesses on Morehead Street were extremely hopeful that they would change it to allow parking so they could bid on part of the property to make parking lots for their businesses on Morehead.

Councilman Withrow asked if the way a parcel is broken up would have some bearing? He asked how big a parcel can they buy? Mr. King replied 15,000 square feet; the land re-use plan calls for a 15,000 square feet minimum; the land re-use plan says you can bid on all or any part of it down to a size of 15,000 square feet. Someone could bid on 15,000 square feet. If someone bids on the entire parcel it would be difficult to take the bid on 15,000 square feet.

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Councilman Short stated the safety valve here is that the Redevelopment Commission has to have another public hearing. If Mr. Harkey and Mr. Gordon do not show up there and make their intentions very plain, then he thinks it would be in order for the Commission to come back and report this to Council. The very purpose of the hearing is to determine such matters as this. Mr. King stated after the public hearing if the Redevelopment Commission still chooses not to vote for parking then they will have to come back and tell Council that the Redevelopment Commission had decided to not do that. Councilman Short stated he would hope that Mr. Gordon will show up and make his position extremely plain.

Mr. King stated the hearing will have to be advertised for two weeks, so they will not be able to hold it within the next week or two.

Mayor Belk stated if the Sugar Creek Project goes through it will tie into this. No one has ever found the complete solution because of the ingress and egress in this area because of the terrain. They have never been able to find anything for Blue Heaven by itself; it is almost compelled to be tied into another park to even exist.

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

#### PUBLIC HEARING FOR DISCUSSION OF SALARIES, WAGES AND EMPLOYEES BENEFITS.

Mayor Belk stated last Wednesday night as part of the 1971-72 preliminary budget, the City Manager presented his recommendations on salaries, wages and employees benefits. At that time, the City Council scheduled a public hearing on these matters to be held this afternoon. This hearing is required by the City's personnel rules and regulations.

Mayor Belk asked if anyone is present to comment on these matters.

No one spoke to the matter.

Later in the meeting, Councilman Whittington stated he has not been clear when we were to have this hearing, and if Council passes it off as it has done today, he feels it would be a mistake. He suggested that Council notify the various departments by letter that Council will hear them on a given date in the future. To do anything less, the personnel of the city will feel they are not treated fairly and were not informed of this hearing for the purpose of their presenting their salary requests and any other grievances they have.

Mayor Belk asked if the Departments have not been notified, and the City Manager replied they have been notified.

Councilman Whittington stated he wants the record to show that he is opposed to passing over this lightly as has been done today. That this is no criticism but he does not think the proper contact has been made or they would be out here today.

Mr. Burkhalter stated Council is required by ordinance to hold this hearing. That he assumes anytime any department or employee wanted to be heard that Council would hear them even though it is not a requirement. If a group of people wanted to come next week then Council would listen to them. Councilman Whittington stated the point is Council is not saying to anyone that they have been cut off; that they can come to the next Council Meeting if they wish.

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RESOLUTION CLOSING A PORTION OF SOUTH JOHNSTON STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The public hearing was held on petition of Schwartz and Son, Incorporated to close a portion of South Johnston Street, being that portion lying south of the intersection of South Johnston Street and West Third Street. Council was advised that the request has been investigated by various city departments and each had advised they do not anticipate the city having any need for this right of way in the future.

No opposition was expressed to the street closing.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting a resolution closing a portion of South Johnston Street in the City of Charlotte.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 381.

RESIDENTS OF NORTH CHARLOTTE REQUEST PUBLIC HEARING ON GARBAGE AND TRASH ORDINANCE.

Reverend Paul Horne, representing the North Charlotte Action Association, stated he was before Council at its meeting on June 14, 1971 with a statement and a request concerning the rules for trash pickup. This statement dealt with the injustices of the then trash pickup rules. The request was that the City Council hold an open meeting at some convenient time and in the immediate future so the public would be able to express itself on this subject. They were lead to believe that the Litter Committee would report to Council at a regular meeting date and were told they would be notified of any action concerning Council's plans for a public meeting. A story in the News on June 15 stated the rules would be changed and very little was changed if they can believe the paper. The change itself was for the worse. The change was made in an underhanded way and has not provided for any better services or increased services. Yet with increased revaluations the taxpayer is paying more and more taxes for this and other services.

He stated Mr. Hopson, Mr. Beaver and Mr. Turner came out and they toured the North Charlotte area, between 28th Street and Sugar Creek Road, and the classic remark and reason given by Mr. Hopson for not picking up the trash was that it cannot be picked up because it is not bundled or tied, or because it is not boxed or bagged. That Mr. Hopson further stated they had no forks to pick up the leaves and trash with. Yet from people who work for the Sanitation Department they have it on good authority that these open trucks and men with forks are sent to areas in the south and southeast regularly to pick up such trash as the parties want picked up. Reverend Horne stated just last week he saw an open truck on Queens Road picking up leaves and limbs piled on the median strip about half way between Third Street and Morehead Street. These were not bundled neither were they boxed, bagged or tied. This has been seen by others who have requested pickups, been refused and finally had to haul it away with their own trucks. On the first of last week a truck and men with forks were picking up trash in another part of the city. He stated the excuse that they do not have forks to pick up trash with does not hold water. To them it can be classified as a story, an evasion, a tale or a lie. Another excuse is that trucks cannot handle this type of trash. If the trucks the city now have cannot do the job then money has been wasted as there are trucks that will do the job that will not cost too much more than what the city is now paying for the packers it has. He stated on Wednesday after Mr. Hopson and his group were with them, he saw it work in their community; it picked up two sofas, two stoves, an automobile rim and a rim with a tire on it and put it in the hopper, crushed it without any difficulty at all.

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Reverend Horne stated the Sanitation Department has gone to great lengths to give citations in their area. That a pile of brush on Alexander Street which consisted of small limbs was there for six months and never picked up. A citation was given to a family; it was a woman and her husband, both 79 years of age, on social security, and actually he was knocking at death's door. These are the people who are expected to go out, bundle and tie the limbs. On Yadkin Avenue another citizen was given a citation allegedly on their property. The next day a crew came by cleaning out the drains and hauled a big log from the drain and put it beside the pile of trash. The oddity of this was that it was given to the wrong party. To hang a citation on a door just because they live nearby is an injustice.

Another family on Yadkin Avenue, having moved there three months ago and seeking to clean up and make the place livable were cited for limbs which were piled up in the yard.

Reverend Horne stated we seek to make parks and beautify creek areas which might be fine, but we fail to provide the basic services which mean more to the health and beauty of the city than parks and beautification.

He stated the Sanitation Department is passing out these citations trying to cause the people to turn against the North Charlotte Action Association. He stated the contrary has happened because they have encouraged the Association to seek to change this rule to what it was prior to August, 1970. Not only do they have the support of the North Charlotte Area but other areas of Charlotte have called and asked for petitions and have gotten them signed.

Reverend Horne stated they are calling upon Council again, with the welfare of the City of Charlotte in mind to hold a public hearing so that the people might express themselves on the matter. They ask that a decision on this matter be made and approved at this Council Meeting, and that a decision on this matter be made and approved at this Council Meeting, and that the public be given sufficient notice of time, place and date, other than a holiday, so that all who can and will might be present.

He filed petitions containing over 1,000 names from different areas of the city expressing concern on this matter, and requesting if Council will not repeal the current restrictive ordinance that it will set a date and time and place which will be convenient for the people to get there.

ORDINANCE NO. 149 AMENDING CHAPTER 10, SECTIONS 15 AND 16 OF THE CODE OF THE CITY OF CHARLOTTE RELATING TO REFUSE COLLECTION CHANGES.

Councilman Short, Chairman of the Council's Litter Committee, stated under the arrangements that have been in effect, every home in the City is visited three times a week. When you consider what is available to the homeowner over the span of a week, there is still unlimited pickup in terms of quantity of material of proper size that will be picked up. Those items that are difficult in the sense of thorny materials are not required to be bundled or containerized, but are just picked up loose in a pile. No sorting is necessary; you can put whatever you want unless it is dangerous into four containers in the back of your home, or whatever you want in proper size in any unlimited number of containers out in front of the home. The personnel does not do any sorting and the householder is not requested to do any. There is also the provision that subject to some cubic feet size, the container can be any sort of container that will accommodate the materials; any sort of container you want.

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He stated this matter of three visits, unlimited pickup and no necessity to do anything other than just make a pile out of thorny type materials is a pretty good compliment for the service offered by the city. That while some bit of self reliance is still put on the homeowner, he would question just how we would want to priority the money with reference to the \$437,000 mentioned in the bulletin that we would have to put in the budget to try to achieve the sort of thing Mr. Horne is seeking. The ordinance has been prepared and is presented on the Agenda. He stated he thinks it is an excellent service.

Councilman Short moved that the subject ordinance amending Chapter 10, Sections 10 and 16 of the Code of the City of Charlotte relating to refuse collection changes be adopted. The motion was seconded by Councilman Whittington.

Councilman Alexander stated a man contacted him who said he has a large family and needs more than two garbage cans; that two cans would not get rid of all his garbage. What about a case like this? Councilman Short replied he can put 15 or more garbage cans out on the front on Wednesdays and they will be picked up; there is no limitation on the number of pickups on Wednesday. That only two will be picked up behind his residence the first part of the week and two the latter part of the week.

Councilman Withrow stated Council has tried to come up with something with the recommended changes, and he asked that Reverend Horne and the others let the city try these changes and see how it works out; that Council is trying to save the tax dollar and to give the best service that it can give for the money.

Reverend Horne stated he thinks the City Council in making changes such as the ones last week and last year should be willing to have a public meeting where the people can come and speak to Council where it will be convenient for them to sit down and talk and have a discussion to hear both sides.

Councilman Short stated the City has had just one week's experience with the new regulations; in addition, the City is getting into the budget and this is closely related to all budgetary factors. That it seems to him the public hearing should be after we have gone down the road a little further and try the new arrangement a little while. Mayor Belk stated there is nothing wrong with a public hearing as Council and the people working for the city want to do the best job they can. Reverend Horne stated a public meeting should be held for the citizens of Charlotte to be able to speak to Council how they feel.

Mayor Belk requested the City Manager to set a public hearing on the matter. Reverend Horne requested that it not be held during July as he would be out of town.

Councilman Alexander stated he has some mixed emotions about one section of the ordinance, and he made a substitute motion that in Section 10-15(c) the phrase reading "tied in bundles" be stricken from the regulations. The motion did not receive a second.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 226.

Mayor Belk stated Mr. Burkhalter, City Manager, will work out a date for the hearing on the regulations for the trash pickups.

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**CHARLOTTE BOARD OF REALTORS REQUEST CITY COUNCIL AND MECKLENBURG COUNTY COMMISSIONERS TO GIVE SERIOUS ATTENTION TO A SUBSTANTIAL REDUCTION IN THE TAX RATES.**

Mr. Dave Berryhill, representing the Charlotte Board of Realtors, stated the Directors of their association passed a resolution requesting the Charlotte City Council and the Mecklenburg County Commissioners to give serious attention in their pending consideration of the new tax rate to a substantial reduction in the rate to allow very needed relief in the tax burden placed upon all property owners in the City and County.

Mr. Berryhill stated they sincerely believe that the continued reliance of our local governments on real property as our major source of income is a serious threat to home ownership, and in the final analysis is a serious threat to industry and commerce in the area.

**REPORT ON MEETING WITH HUD OFFICIALS RELATING TO SUGAR CREEK PROJECTION 70 PROJECT.**

Mayor Belk requested Mr. Connerat, Intergovernmental Programs Director, to report to Council on his last two trips to Washington.

Mr. Connerat stated they made a trip to Washington on Thursday and attended a meeting with the Secretary of Housing and Urban Development, Mr. Romney, Congressman Jonas and some of the top staff members of HUD. Their purpose was to encourage HUD to take a real leadership position in the City's efforts to achieve adequate funding for the total projects of the Sugar Creek Projection 70 project. He stated HUD officials were interested and suggested that the City should get additional details in engineering work done and explore some additional avenues wherein other governmental agencies could join in the project. They were assured if the City could get back to HUD a letter and some detailing of a budget for planning in the amount of \$130,000 to \$150,000 they would give it serious consideration. Mr. Connerat stated on Friday he took back a detailed budget and request and with the help of Congressman Jonas's office placed this before Mr. Romney's staff and they promised to give it every consideration. He stated they were assured that the City could "count on funds" for this additional engineering work.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON REQUEST OF LEONARD E. CRUMP FOR ISSUANCE OF ONE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB IN THE CITY OF CHARLOTTE.**

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted, setting date of public hearing on Monday, July 12, 1971, for operation of a taxicab in the City of Charlotte, North Carolina.

The resolution is recorded in full in Resolutions Book 7, at Page 383.

**RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.**

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the subject resolution providing for public hearings on Monday, July 26, 1971, on Petitions No. 71-53 through 71-63 for zoning changes.

The resolution is recorded in full in Resolutions Book 7, at Page 384.

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RESOLUTION AUTHORIZING MAYOR JOHN M. BELK TO FILE AN APPLICATION WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT TO BE USED IN THE ACQUISITION AND DEVELOPMENT OF OPEN-SPACE LAND IN THE BELMONT, SUGAR CREEK AND THIRD WARD-IRWIN CREEK SECTIONS OF CHARLOTTE'S MODEL NEIGHBORHOOD.

Councilman Alexander moved adoption of subject resolution authorizing the Mayor to file an application with the U. S. Department of Housing and Urban Development for a grant, in the amount of \$409,993, to be used in the acquisition and development of open-space land in the Belmont, Sugar Creek and Third Ward-Irwin Creek Sections of Charlotte's Model Neighborhood. The motion was seconded by Councilman Whittington and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 385.

Councilman Whittington asked if this will cost the city any money this year or next year? Mr. Burkhalter, City Manager, replied the funds this year are from the bond funds. Councilman Short stated the open-space land in the Belmont area has been before this Council a number of times and it has appropriated high sums. That Council would like to have a comprehensive rundown on what has been spent over the last three years.

Mayor Belk stated he thinks Council should have a report on this.

RESOLUTION ACCEPTING RESPONSIBILITY FOR OPERATING MODEL CITIES NEIGHBORHOOD IMPROVEMENTS COORDINATION PROJECT WITHIN THE ENGINEERING DIVISION OF PUBLIC WORKS DEPARTMENT DEFERRED UNTIL NEXT MEETING.

Mr. Hopson, Public Works Director, stated this is the mini-park program and the neighborhood center program, and at this point has nothing to do with Redevelopment. That the \$17,032 is the salary of an engineer who will be in charge of the construction projects to see that the city receives its money.

Councilman Whittington asked if this is costing the city any money for this year or next year? Mr. Hopson replied the money for this item comes out of the Model Cities funds, and they are merely asking the Engineering Department to supervise their contract. Councilman Whittington asked if any part of this will be included in next year's city budget? Mr. Hopson replied if it is a continuing program for Model Cities then they will go back to Model Cities and get their authority to come back to Council to get approval to do the work with Model Cities funds.

Councilman Alexander stated he would like to ask several questions about this item and he is not in position to ask them at this time, and he moved that the item be deferred until the next meeting. The motion was seconded by Councilman Withrow, and carried unaimously.

COUNCILMAN MCDUFFIE LEAVES MEETING.

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

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY FOR THE AUDIT OF THE CITY'S OPERATIONS FOR THE FISCAL YEAR 1970-71, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Calhoun, and unanimously carried, approving the subject contract at a cost not to exceed \$21,500.

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CONTRACT BETWEEN THE CITY OF CHARLOTTE/MODEL CITIES DEPARTMENT AND THE ACCOUNTING FIRM OF PEAT, MARWICK, MITCHELL AND COMPANY FOR AUDITING SERVICES, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Calhoun, and unanimously carried, the subject contract was approved as recommended by both the Model Cities Director and the Director of Finance, at a maximum cost of \$7,500.

SUGGESTION THAT OTHER AUDITING FIRMS BE CONSIDERED FOR NEXT AUDIT OF CITY'S OPERATIONS.

Councilman Whittington requested that the next time the City Manager's office is going to recommend to Council an accounting firm that they consider the firm of Holden and Dombhart.

Councilman Short stated he thinks the Holden firm is a fine one, but he would like to also mention the firm of Haskins and Sells.

Councilman Calhoun stated we have every major accounting firm in the nation now represented in Charlotte.

CONTRACT BETWEEN THE MUNICIPAL INFORMATION SYSTEM AND SOUTHERN COMPUTING, INC. FOR A COMPUTER PROGRAM FLOWCHARTING PACKAGE, APPROVED.

After explanation by the MIS Director, Councilman Alexander moved approval of a contract between the Municipal Information System and Southern Computing, Inc. for a computer program flowcharting package to be leased for a three year period at a cost of \$3,000.00. The motion was seconded by Councilman Calhoun and carried unanimously.

RESOLUTION ACCEPTING GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION FOR STRENGTHENING RUNWAY 5/23 AND RUNWAY 18/36 AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution accepting a Grant Offer in the estimated amount of \$810,000 from the Federal Aviation Agency for the strengthening of Runways 5/23 and 18/36.

The resolution is recorded in full in Resolutions Book 7, at Page 387.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR SITE PREPARATION AND PAVING OF RUNWAYS 5/23 AND 18/36 AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject contract was awarded the low bidder, Rea Construction Company, in the amount of \$1,392,642.50.

The following bids were received:

Rea Construction Company	\$1,392,642.50
Blythe Brothers Company	1,423,670.50
Dickerson Company	1,531,858.25
Ledbetter Brothers, Inc.	1,623,467.50

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CONTRACT AWARDED WALKER AND WHITESIDES, INC. FOR ELECTRICAL WORK ON RUNWAYS 5/23 AND 18/36 AND MISCELLANEOUS TAXIWAYS AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Whittington moved award of the subject contract to the low bidder, Walker and Whitesides, Inc., in the amount of \$11,914.00. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Walker & Whitesides, Inc.	\$11,914.00
Bryant Electric Company	13,076.00
Basic Electric Company	14,471.00
National Electric Company	25,950.10

CHANGE ORDER NO. 1 IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR THE STRENGTHENING OF RUNWAYS 5/23 AND 18/36, APPROVED.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approving subject Change Order No. 1 in contract with Rea Construction Company for the strengthening of Runways 5/23 and 18/36, decreasing the contract price of \$1,392,642.50 by \$108,320.50, or a net contract amount of \$1,284,322.00, as recommended by the Airport Manager.

ARCHITECTURAL CONTRACT WITH FREEMAN WHITE ASSOCIATES, INC. TO DESIGN AND SUPERVISE CONSTRUCTION OF THE ADDITION TO THE WEST CONCOURSE AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract was approved with Freeman White Associates, Inc. to design and supervise construction of the addition to the West Concourse at Douglas Municipal Airport at a fee of 8.5% of the construction cost, or approximately \$16,000.00.

AMENDMENT TO MASTER PLAN FOR DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilman Withrow moved that the Master Plan for Douglas Municipal Airport be amended as prepared by the consulting engineering firm of Talbert, Cox and Associates, to reflect changes in the property boundaries to include purchases of property made in accordance with the 20 Year Master Plan. The motion was seconded by Councilman Short, and carried unanimously.

PROPOSAL OF LAW ENGINEERING TESTING COMPANY TO PERFORM NECESSARY TESTING AND INSPECTION IN CONNECTION WITH THE CONSTRUCTION OF STRENGTHENING RUNWAYS 5/23 AND 18/36, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the subject proposal at a total estimated cost of \$25,000 which is necessary to comply with Federal Aviation Administration.

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PURCHASE OF AVIATION EASEMENT FROM PROPERTY OWNERS IN VICINITY OF DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, nine (9) aviation easements were authorized purchased, as follows:

Frank R. Brown and wife, Rena Morgan Brown	12,000
Mac C. Flowe and Evelyn Hovis Flowe	5,000
W. P. Hammer and wife, Dora S. Hammer	6,000
James H. Hatcher and wife, Sarah M. Hatcher	6,000
John Edward Hovis and wife, Doris Hovis	5,000
Olin R. Hovis and wife, Syvella Helms Hovis	6,000
W. S. Medlin and wife, Essie Ola Medlin	17,000
Carrie H. Stilwell	10,000
Ervin G. Thrower and wife, Mary Hatcher Thrower	6,000
	<u>\$73,000</u>

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO JOHNNIE CASWELL BAKER AND WIFE, ESTELLE F. BAKER, LOCATED AT 2100 SHARON LANE IN THE CITY OF CHARLOTTE FOR THE SHARON LANE WIDENING PROJECT.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for acquisition of property belonging to Johnnie Caswell Baker and wife, Estelle F. Baker, located at 2100 Sharon Lane in the City of Charlotte. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 388.

COMPROMISE SETTLEMENT WITH ALSTON H. ALEXANDER AND WIFE FOR BRIAR CREEK OUTFALL PROJECT.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried approving a compromise settlement in the amount of \$2,000 for the acquisition of 25' x 150.1' at 3717 Country Club Lane, from Alston H. Alexander and wife.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION FOR CONSTRUCTION OF SANITARY SEWER LINE IN RIGHT OF WAY OF SOUTH BOULEVARD.

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute an encroachment agreement with the State Highway Commission, permitting the City to connect an 8-inch sanitary sewer line and three manholes within the right of way of South Boulevard.

SALE OF PROPERTY TO HIGH BIDDERS, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, approving the sale of the following parcels of land to the high bidders:

- (a) Parcel at 1222 East Fourth Street, to the highest bidder, Queen City Toy and Hobby Company, in the amount of \$10,250.00.
- (b) Parcel at 1209 East Third Street, to the highest bidder, Queen City Toy and Hobby Company, in the amount of \$1,000.00.

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PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 10' x 124' of easement at 5330 Pineville Road, from Famous Recipe of the Carolinas, Inc., at \$1.00, for sanitary sewer to serve Central Soya Company, Inc.
- (b) Acquisition of 10' x 620.79' of easement between Sharon View Road and Manor Mill Road (proposed), from Alta Enterprises, at \$1.00, for sanitary sewer to serve Foxcroft East II.
- (c) Acquisition of 10' x 301.28' of easement at 1920 Manor Mill Road, from Alta Enterprises, at \$1.00, for sanitary sewer to serve Foxcroft East II.
- (d) Acquisition of 10' x 320.59' of easement at 1900 Block Manor Mill Road, from John Crosland Company, at \$1.00, for sanitary sewer to serve Foxcroft East II.
- (e) Acquisition of 15' x 88.47' of easement at undeveloped land off U. S. 21 South, from Belk Brothers Company, at \$1.00, for sanitary sewer to serve Pine Valley.
- (f) Acquisition of 15' x 205.14' of easement on open land, northwest side of Park Road and Sugar Creek, from Belk Brothers Company, at \$1.00, for sanitary sewer to serve Pine Valley.
- (g) Acquisition of 30' x 133.03' of easement at 3331 Johnny Cake Lane, from George Goodyear Company, at \$148.00, for McMullen Creek Outfall Project.
- (h) Acquisition of 30' x 78.13' and 15' x 204' of easement at 3323 Johnny Cake Lane, from George Goodyear Company, at \$283.00, for McMullen Creek Outfall Project.
- (i) Acquisition of 30' x 57.20' and 15' x 125' of easement at 3315 Johnny Cake Lane, from George Goodyear Company, at \$183.00, for McMullen Creek Outfall Project.
- (j) Acquisition of 30' x 87.62' of easement at 3307 Johnny Cake Lane, from George Goodyear Company, at \$88.00, for McMullen Creek Outfall Project.
- (k) Acquisition of 30' x 85.66' of easement at 3223 Johnny Cake Lane, from George Goodyear Company, at \$86.00, for McMullen Creek Outfall Project.
- (l) Acquisition of 30' x 80.81' of easement at 3239 Johnny Cake Lane, from George Goodyear Company, at \$81.00, for McMullen Creek Outfall Project.
- (m) Acquisition of 30' x 88.39' of easement at 3301 Johnny Cake Lane, from George Goodyear Company, at \$89.00, for McMullen Creek Outfall.
- (n) Acquisition of 30' x 172.86' of easement at 3415 Johnny Cake Lane, from George Goodyear Company, at \$173.00, for McMullen Creek Outfall Project.
- (o) Acquisition of 30' x 142.39' of easement at 3421 Johnny Cake Lane, from George Goodyear Company, at \$143.00, for McMullen Creek Outfall Project.
- (p) Acquisition of 30' x 115.18' of easement at 3425 Johnny Cake Lane, from George Goodyear Company, at \$116.00, for McMullen Creek Outfall Project.

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- (q) Acquisition of 30' x 112.41' of easement at 3501 Johnny Cake Lane, from George Goodyear Company, at \$113.00, for McMullen Creek Outfall Project.
- (r) Acquisition of 30' x 122.51' of easement at 3505 Johnny Cake Lane, from George Goodyear Company, at \$123.00, for McMullen Creek Outfall Project.
- (s) Acquisition of 30' x 100.99' of easement at 3201 Shaker Drive, from George Goodyear Company, at \$101.00, for McMullen Creek Outfall Project.
- (t) Acquisition of 15' x 145.35' of easement at 3201 Johnny Cake Lane, from George Goodyear Company, at \$146.00, for McMullen Creek Outfall Project.
- (u) Acquisition of 30' x 114.88' and 15' x 82.97' of easement at 3207 Johnny Cake Lane, from George Goodyear Company, at \$200.00, for McMullen Creek Outfall Project.
- (v) Acquisition of 30' x 120.72' of easement at 3215 Johnny Cake Lane, from George Goodyear Company, at \$121.00, for McMullen Creek Outfall Project.
- (w) Acquisition of 7.5' x 355.60' of easement at 5001 South Boulevard, from Shaw Manufacturing Company, at \$1.00, for sanitary sewer to serve South Boulevard.
- (x) Acquisition of 7.5' x 283.50' of easement at 5007 South Boulevard, from Charlie's Carolina Restaurant, Inc., at \$1.00, for sanitary sewer to serve South Boulevard.
- (y) Acquisition of 7.5' x 376.63' of easement at 5000 block of South Boulevard, from John Crosland Company, at \$1.00, for sanitary sewer to serve South Boulevard.
- (z) Acquisition of 7.5' x 90' of easement at 5000 block of South Boulevard, from John Crosland Company, at \$1.00, for sanitary sewer to serve South Boulevard.
- (aa) Acquisition of 7.5' x 137.50' of easement at 4825 South Boulevard, from L. A. Waggoner Estate, at \$1.00, for sanitary sewer to serve South Boulevard.
- (bb) Acquisition of 5' x 25' of construction easement at 3609 Eastway Drive, from Frances P. Turner, at \$500.00, for Eastway Drive Widening Project.
- (cc) Acquisition of 678.629 square feet at 2956 Temple Lane, from Doris Baker Gordon (divorced), at \$600.00, for the Central Avenue Widening Project.
- (dd) Acquisition of 677.36 square feet at 4001 Central Avenue, from Bessie S. Wightman (widow), at \$1,000.00, for the Central Avenue Widening Project.
- (ee) Acquisition of 6' x 70.82' x 6' x 70.61' at 4011 Central Avenue, from Gorman Lee Huss and wife, Mary M., at \$500.00, for the Central Avenue Widening Project.
- (ff) Acquisition of 6' x 70.34' x 6' x 70.54' at 3919 Central Avenue, from Ira L. Ferree, Jr. and wife, Kathleen S., at \$600.00, for the Central Avenue Widening Project.
- (gg) Acquisition of 391.348 square feet at 1835 Sharon Lane, from Lloyd G. Mumaw and wife, Anne C., at \$1,740.00, for the Sharon Lane Widening Project.
- (hh) Acquisition of 1,394.116 square feet at 1801 Sharon Lane, from Anne C. Mumaw, at \$2,000.00, for the Sharon Lane Widening Project.

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- (ii) Acquisition of temporary construction easement at 2114 Sharon Lane, from Eleanor W. McNinch (widow), at \$200.00, for the Sharon Lane Widening Project.
- (jj) Acquisition of temporary construction easement at 1932 Sharon Lane, from Phillip D. Small and wife, Rosalie W., at \$1,000.00, for the Sharon Lane Widening Project.
- (kk) Acquisition of temporary construction easement and drainage easement, at 1927 Sharon Lane, from Dr. Howard P. Steiger and wife, Elizabeth B., at \$3,000.00, for the Sharon Lane Widening Project.

**STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.**

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

- (a) Ferncliff Road, from Sharon Road to 50 feet west of centerline of Richardson Drive.
- (b) Richardson Drive, from Ferncliff Road to 170 feet south of centerline of Ferncliff Road.
- (c) Richardson Drive, from 330 feet east of centerline of Colony Road to 305 feet south of centerline of Beverwyck Road.
- (d) Belcamp Lane, from Tyrone Drive to 250 feet north to end of cul-de-sac.
- (e) Dunn Street, from 200 feet east of centerline of Alpha Street to 1,080 feet south of centerline of Alpha Street.

**RESOLUTION TRANSFERRING MAINTENANCE RESPONSIBILITY ON ROZZELLS FERRY ROAD, BETWEEN N. C. 16 AND THE CITY LIMITS FROM THE N. C. STATE HIGHWAY SYSTEM TO THE CITY, DEFERRED.**

Councilman Short stated if the State is willing to maintain this portion of Rozzells Ferry Road, why is the City anxious to undertake it? Mr. Bobo, Assistant City Manager, replied each year the City and State gets together and discusses the various streets to be maintained, and this is one they want to give up and place under the City's maintenance.

Councilman Whittington stated he would beg that the City not agree to this; that he thinks the city is getting the short end of the stick; this is one of the worse streets in the city, and the city gets more complaints about this section of Rozzells Ferry Road, from Belhaven Boulevard all the way to Paw Creek. That he thinks the City would be better off by asking the State to keep this road. Mr. Bobo stated the State Highway has just completed rebuilding and repairing this section of the road. That the City can go back and renegotiate this if Council would like to defer it until the next Council Meeting.

Councilman Whittington moved that decision be deferred. The motion was seconded by Councilman Calhoun, and carried unanimously.

**ORDINANCES APPROVING THE TRANSFER OF FUNDS, ADOPTED.**

Motion was made by Councilman Withrow, seconded by Councilman Calhoun, and unanimously carried, adopting the following ordinances ordering the transfer of funds:

- (a) Ordinance No. 150-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance, authorizing the transfer of \$200,000 of non-tax revenue from the Unappropriated Balance of the General Fund to Account 562.60 for the purpose of purchasing land at the Airport.

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- (b) Ordinance No. 151-X Amending Ordinance No. 732-X, the 1970-71 Budget Ordinance, authorizing the transfer of \$45,000 from Account 631.10 to Account 631.16 for the purpose of replacing three sanitary sewer pipe lines crossing Sugar Creek in the Starmount Area.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 228.

MEMORANDUM OF AGREEMENT BETWEEN THE FEDERAL AVIATION AGENCY AND THE CITY OF CHARLOTTE FOR A FLIGHT INSPECTION PROJECT ON RUNWAY 36 TO DETERMINE A LOCATION FOR THE PROPOSED GLIDE SLOPE NEEDED TO INSTRUMENT RUNWAY.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the subject memorandum of understanding was approved at an estimated cost of \$8,060 with the FAA to participate in the inspection on a 50/50 basis.

CLAIM OF MISS JUDITH HARRIS FOR DAMAGE TO AUTOMOBILE, APPROVED.

Councilman Short moved that the subject claim in the amount of \$137.72 for automobile damage be paid as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

CLAIM OF MRS. LILA BENNETT FOR PERSONAL INJURIES, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the payment of the subject claim in the amount of \$165.80 as recommended by the City Attorney.

CLAIM OF MRS. SHIRLEY MAULTSBY FOR PROPERTY DAMAGE APPROVED FOR PAYMENT.

Councilman Whittington moved that the subject claim in the amount of \$104.50 for property damage to Mrs. Shirley Maultsby's home at 4718 Americana Avenue be denied as recommended by the City Attorney. The motion did not receive a second.

Councilman Short asked the difference between a governmental and non-governmental function? Mr. Underhill, City Attorney, replied historically all functions performed by the various levels of governments are held to be governmental functions. Any accidents or injuries occurring from the performance of those functions were subject to the doctrine of governmental immunity. This meant that the governing body was immune from suit. The courts, over a long period of time, have continually chipped away from the governmental immunity doctrine. In a number of states governmental immunity has been abolished completely. There is a Bill pending in the N. C. General Assembly which stands a very good chance of abolishing governmental immunity in North Carolina. There are only about three areas in the State protected by governmental immunity; they are trash and garbage pickups, police and fire protection functions and installation and repair of traffic control devices.

Councilman Withrow moved that the claim be paid. The motion was seconded by Councilman Short.

Councilman Whittington made a substitute motion to deny the claim. The motion did not receive a second.

The vote was taken on the motion by Councilman Withrow, and carried by the following vote:

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

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SETTLEMENT IN CITY VS. PARK & RECREATION COMMISSION ET AL, FOR NORTHWEST EXPRESSWAY PROJECT, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the subject settlement in the amount of \$320,000 as recommended by the City Staff and the Attorneys for the Park and Recreation Commission.

CONTRACTS FOR EXTENSION OF SANITARY SEWER MAINS, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, contracts for the extension of sanitary sewer mains were approved, as follows:

- (a) Contract with Firestone Tire and Rubber Company for the extension of 225 lineal feet of 8-inch main to serve 6325 South Boulevard, inside the city, at an estimated cost of \$2,888.88. All cost of construction is 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.
- (b) Contract with Ed Griffin Realty & Construction Company for the extension of 150 lineal feet of 8-inch main to serve 3630 Craig Avenue, inside the city, at an estimated cost of \$1,154.56. 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.
- (c) Contract with Ralph Squires Construction Company for the extension of 2,020 lineal feet of 8-inch main to serve Milton Acres Subdivision, inside the city, at an estimated cost of \$13,361.04. Applicant's deposit in the amount of 10 percent has been received and will not be refunded as per terms of the agreement.
- (d) Recommend approval of the request of Charter Properties, Inc. to connect to the city's sewerage system in Woodlawn Road. The Company is proposing to construct sewer lines and pumping station to serve Woodlawn Green Complex Development which, at the present time, cannot be served by a gravity system. The system will be owned and maintained by the applicant.

SUPPLEMENTARY CONTRACT WITH IDLEWILD UTILITIES, INC. FOR CONSTRUCTION OF WATER MAINS, APPROVED.

Councilman Alexander moved approval of a Supplementary contract to contract dated November 12, 1962 with Idlewild Utilities, Inc. for construction of 4900 feet of water mains to serve Idlewild Subdivision, outside the city, at an estimated cost of \$28,270.00, with the applicant to advance the full cost and the city to reimburse the applicant at a rate of 35% per quarter of the revenue derived until full reimbursement has been made or at the expiration of fifteen years, whichever comes first. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 152-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 1727 MERRIMAN AVENUE, PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried adopting the subject ordinance.

The ordinance is recorded in full in Ordinance Book 18, at Page 230.

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

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the subject ordinances No. 153-X through No. 163-X were adopted for the following locations:

- (a) Adjacent to 304 S. Summit Street
- (b) Adjacent to 3033 Coronet Way
- (c) 4526 Ridgeley Drive
- (d) 4720 Ridgeley Drive
- (e) Adjacent to 2321 Sanders Street
- (f) 1218 East 36th Street
- (g) 1414 North Brevard Street
- (h) 1432 North Johnston Street
- (i) 426 Dover Street
- (j) 521 Briarwood Drive
- (k) Adjacent to 912 Rodey Avenue

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 231 and ending at Page 241.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT BETWEEN THE CITY AND NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE TOPICS PROJECT TO PROVIDE NEW TRAFFIC SIGNAL CONTROLLERS TO BE INSTALLED ALONG NORTH TRYON STREET, FROM 15TH STREET TO 36TH STREET.

Councilman Short moved adoption of the subject resolution, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 389.

APPLICATION FOR PRIVILEGE LICENSE FOR PRIVATE DETECTIVE FOR RICHARD W. SCOTT, APPROVED.

Motion was made by Councilman Whittington approving the application of Mr. Richard W. Scott for private detective license for a period of one year as approved by the Charlotte Police Department. The motion was seconded by Councilman Withrow, and carried unanimously.

SPECIAL OFFICER PERMITS APPROVED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, special officer permits were approved for a period of one year each, as follows:

- (a) Renewal of permit to Frank W. Haas for use on the premises of the City Cemeteries.
- (b) Renewal of permit to John H. Gaston for use on the premises of Morris Speizman, Inc., 508 West Fifth Street.
- (c) Renewal of permit to Robert T. Deese for use on the premises of SouthPark Shopping Center.
- (d) Issuance of permit to Charles William Long, Jr. for use on the premises of Park Fairfax Apartments.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mr. Alvin H. Case, for Lot No. 745, Section 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Mrs. Beatrice Copses, for Lot No. 25, Section 4, Evergreen Cemetery, at \$252.00.
- (c) Deed with Mrs. Helyn Linker Burroughs, for Grave No. 2, Lot No. 743, Section 6, Evergreen Cemetery, at \$80.00.
- (d) Deed with Mrs. Myrtle G. Spradley, for Graves No. 3 and 4, in Lot No. 709, Section 6, Evergreen Cemetery, at \$160.00.
- (e) Deed with N. W. Hasty, Sr. and wife, Julia K. Hasty, for Grave No. 1, Lot No. 743, Section 6, Evergreen Cemetery, at \$80.00.
- (f) Deed with N. W. Hasty, Sr. and wife, Mrs. Julia K. Hasty, for Grave No. 2, Lot No. 744, Section 6, Evergreen Cemetery, at \$80.00.
- (g) Deed with Mrs. Patience Cannon, for Graves No. 3 and 4, in Lot No. 44, Section 8, Oaklawn Cemetery, at \$160.00.
- (h) Deed with Mrs. Mamie Davis, for Graves No. 3 and 4, in Lot No. 51, Section 8, Oaklawn Cemetery, at \$160.00.

EXTENSION OF SERVICE THROUGH JUNE 30, 1972 FOR CERTAIN EMPLOYEES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, extension of service was approved through June 30, 1972, to the following employees:

E. D. Bartlett	Motor Transport Department
Milton Clapp, Jr.	Water Department
W. M. Franklin	Water Department
R. L. Gregg	Water Department
W. C. Lee	Street Division
James Murray	Water Department
L. A. Newell	Sanitation Department
McKinley Walker	Street Division
Sam White	Street Division

APPOINTMENT TO PLANNING COMMISSION HELD UNTIL NEXT COUNCIL MEETING.

Councilman Withrow requested that the nomination of Mr. Wilson Bryan to the Planning Commission be held open until the next Council Meeting.

CONTRACT AWARDED PROPST CONSTRUCTION COMPANY, INC. FOR SANITARY SEWER CONSTRUCTION FOR TAGGART CREEK AREA MAINS.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried awarding the subject contract to the low bidder, Propst Construction Company, Inc. in the amount of \$59,522.00 on a unit price basis.

The following bids were received:

Propst Construction Co., Inc.	\$59,522.00
Sanders Brothers, Inc.	76,099.50
Thomas Structure Company	79,606.50
Rand Construction Co., Inc.	83,489.75
Crowder Construction Co.	86,364.00

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CONTRACT AWARDED BAUCOM BATTERY SERVICE FOR AUTOMOTIVE BATTERIES.

Councilman Whittington moved award of contract to the low bidder, Baucom Battery Service, in the amount of \$8,036.61, on a unit price basis, for automotive batteries for the estimated yearly requirements for all departments. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Baucom Battery Service	\$8,036.61
Joint & Clutch Service, Inc.	9,344.97
Goodyear Service Stores	10,062.27

REQUEST THAT COUNCIL DISCUSS AT A LATER DATE CONSTRUCTION OF DWELLINGS FOR SALE OR FOR RENT IN FLOOD PLAIN AREAS.

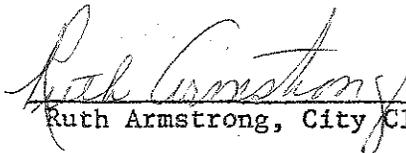
Councilman Alexander asked if there is any ordinance that governs the placing of housing for sale or for rent in flood plain land? Mr. Underhill, City Attorney, replied the City's subdivision ordinance would prohibit the subdividing of property within the flood plain area unless the specification requirements of the flood plain portion of the subdivision ordinance were met. If it does not meet the definition under the subdivision ordinance, and a person planned one single dwelling on a piece of property that has not been previously subdivided or that is proposed for subdivision, then the city would not necessarily have anything to govern.

Councilman Alexander stated he thinks Council should discuss this some time; that it is unfair for people to buy or rent property in the flood plain area without knowledge of the fact that it floods; that Council should have something before it to give this further thought. When a person buys property, someone should be required to give the person a statement that says they may be washed out.

Mr. Underhill stated the flood plain portion of the subdivision ordinance has been in effect since 1962; any dwelling built prior to that time would be grandfathered and they would not have had to comply.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk