

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, March 18, 1968, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Ashcraft, Sibley, Stone, Tate, Turner and Wilmer.

ABSENT: Commissioners Gamble and Godley.

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#### INVOCATION.

The invocation was given by Reverend David M. Wooten, Minister of Chantilly Baptist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short and unanimously carried, the minutes of the last meeting on Monday, March 11, were approved as submitted.

HEARING ON PETITION NO. 68-21 BY D. L. PHILLIPS INVESTMENT BUILDERS, INC. FOR A CHANGE IN ZONING FROM I-2 TO R-9MF AND O-6 OF A TRACT OF LAND CONTAINING APPROXIMATELY 31.6 ACRES OF PROPERTY LOCATED SOUTH AND EAST OF ROLLINGWOOD SUBDIVISION AND NORTH OF THE ROSELAND APARTMENT SITE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property adjoins the original site for the Roseland Apartment Project on which several hearings were held about a year ago; the original site consists of approximately 25 acres near the new expressway, Clanton Road and Rollingwood Subdivision. The subject property consists of two separate tracts, the first a 25 acre tract which is zoned I-2 and has been requested zoned R-9MF, the same as the original Roseland Apartment tract. The other part consists of a relatively narrow strip which is also zoned I-2 and has been requested zoned O-6 to conform to the adjoining property both to the north and to the west.

Mr. Bryant stated the majority of the area is vacant with the exception of the Rollingwood Subdivision which is solidly built up with single family residential structures. A large part of the area to the east is zoned I-2; there is a strip of O-6 to the west and north of subject property, then the area of the Rollingwood Subdivision is zoned R-9. The new roadway under construction will run all the way down from Clanton Road to Pressley Road.

Councilman Whittington asked what progress has been made on the first 250 units as far as construction is concerned, site development, roads, etc.? Mr. Cox, representing the petitioner, replied they started construction in January but the weather has not been too favorable. There are no buildings at this time, but they are doing site improvements, building streets and have plans to start construction of the first buildings within two weeks. Mr. Cox also stated the target date for total completion is 11 months for the entire project; that some of the units will be occupied within 6 months.

Councilman Short asked if the arrangements involves some of the 40-year financing features that has various guarantees about maintenances and other things; and Mr. Cox replied yes, it is a 221-D3 project.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting of Council.

HEARING ON PETITION NO. 68-22 BY C. DOUGLAS STAMPLEY, ET AL, FOR A CHANGE IN ZONING FROM R-6 TO R-6MFH OF A 1.837 ACRE TRACT OF LAND ON THE SOUTH SIDE OF WOODLAWN ROAD, EXTENDING FROM PINEHURST PLACE TO SUGAR CREEK.

The scheduled hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director advised the subject property extends from Pinehurst Place along Woodlawn Road down to Sugar Creek and has one single family residential structure facing on Pinehurst Place and the remainder of the property is vacant. Immediately to the south of the property and coming on down Pinehurst on both side of Pinehurst are single family residential structures; the area to the rear of the houses on Pinehurst is the Selwyn Village Apartment area, near Wakefield Drive. Across Sugar Creek is the business area along Woodlawn and Montford Drive; there is a new restaurant recently opened on Montford with an office building beside it, a bowling alley, the Esso Office Building on Woodlawn and then the Park Road Shopping Center. Immediately to the north of the property, across Woodlawn Road is a strip of vacant property and then beyond that are houses or lots facing on Hassell Place, all of which are occupied by single family residential structures. The area immediately to the east of the property, across Pinehurst, is Mouzon Methodist Church property.

The subject property is zoned R-6 as is all the property on the north along Woodlawn, Hassell Place, and Brandywine. There is R-12 zoning down Pinehurst on both sides; the Selwyn Village area is zoned R-6MF; across the creek is considerable business zoning along Montford Drive and Woodlawn Road; there is some O-15 zoning on what is known as the Graham property.

Councilman Tuttle asked Mr. Bryant what plans are being made for the widening of Woodlawn from Selwyn on down? Mr. Bryant replied Woodlawn is part of the circumferential route and there are plans to widen Woodlawn all the way through this section and it would appear that a portion of this property will be needed to widen the road. That the plans appear to straighten the road out which would take some off both sides to make a straighter alignment as it winds down the hill. Councilman Tuttle asked if the city would not be faced with condemnation of this expensive property or swinging the curve over the vacant land? Mr. Bryant replied that is correct; the plans appear to take a strip that is approximately 35 feet at its widest point off the subject property. By the time you get down to the very narrowest point on the

property, it has swung back at that point until what is being taken is on the other side so that the part that would be required by the roadway apparently is a strip, the widest part of which lies near Pinehurst Place. Councilman Smith asked how much they will need from the church, and Mr. Bryant replied he did not know about that - that the plans he has do not go that far; that he does not believe it will get involved with any building according to their plans.

Mr. Bryant presented a map showing the requirements of land needed to widen this section of Woodlawn Road; that it begins up at Pinehurst with just a narrow strip at that point and then widens out to a maximum of 35 feet and then comes back down to nothing; that you are only taking about 10 feet at that point which would still leave 180 feet as actual frontage on Pinehurst Place.

Councilman Tuttle asked if the plans of the petitioner contemplated this maximum of 35 foot chop-off? Mr. Bryant stated he would let the petitioner answer this question.

Mr. Lynn Bond, Attorney for the petitioners, stated this property has been in the Stampley family for over 30 years and the petitioners today are the son and daughter of this family who have acquired this property through inheritance from their parents. That when Celanese was thinking about their location on Barclay Downs, they desired to have an east way access over to York Road and Pineville Road and at that time Mr. Stampley donated this property through the middle of this subdivision.

That what he is concerned with today is part of what used to be Lot 10 and the right-of-way that Mr. Stampley gave to Woodlawn Road has split that lot in two and made it impossible for single family use as was originally contemplated. The zoning requested is to change this to a high rise R-6MFH as opposed to R-6. Before Woodlawn Road was extended it was a natural extension of the R-6 zone; now the road has been cut; it has left R-6 out on a limb, mainly surrounded by B-1, O-15 and R-6MF and R-12 on Pinehurst Place. That they are only asking a one degree change from the adjacent property which is the Selwyn Village apartment into R-6MFH.

That he has had a long talk with Mr. S. R. Pollard, the Division right-of-way Agent for the Tenth District, and he took a great deal of time with them and not only calculated the acreage they had left but was kind enough to make them photostats of the proposed map. That they have taken into consideration the thirty feet that they are taking away on the southerly side of the line.

Mr. Bond stated the Stampleys own the area on the north side; they own all the way to the back of the lot facing on Hassell Place so there is a natural buffer there as far as the belt road itself is concerned. Mr. Bond presented a sketch to Council, noting the height of the apartments which will be 10 stories; that it will accomodate about 66 or 67 apartments; each apartment will be 2 stories in height and will rent from about \$200 to \$300 a month with a swimming pool and the architects have drawn the plans taking into consideration what the State Highway people state and there will be ample parking there.

Mr. Bond stated on the southerly tip of the property, up near Pinehurst Place, the entrance will be on Pinehurst Place and will be beautified and that he feels the apartments will improve the value of the land in the area. That the purpose of the zoning requested is defined under the City Code to permit a high density apartment building in addition to variety of uses; it is intended that the apartment building in this district be used primarily by working

couples and individuals; therefore, such districts as located in proximity to employment and commercial centers, thus providing a convenient access to work. He stated the property is located 2/10 of a mile from the Esso Building, 2/10 of a mile to the Park Road Shopping Center, 1.5 of a mile to the Celanese Corporation, 1.9 from the Eastern Airlines Regional Office, 2.1 to the Park Road Shopping Center, 2.2 from the J. B. Stevens. That the proposed change in zoning dove-tails in with the purpose for which the Code was prepared.

Mr. Bond stated after the additional property is taken which is 90 feet across there will be approximately 225 feet from the site of the proposed building to the rear lot of the closest lot on Hassell Place. This means if you figure the set back line on Hassell Place, it will be approximately 325 feet from the rear of the closest houses on Hassell Place. There is a natural buffer of woods, there is a belt road and some distance in these lots before you get to Hassell Place with houses facing the other direction. On the east you have Mouzon Methodist Church which extends the entire length of the block, 412 feet in depth and also extends the entire length of the eastern boundary of the property. On the south, Selwyn Village extends back over 1,000 feet from the southerly line to Sugar Creek, and far more than that on the other side. On the westerly side is B-1 and O-15 zoning; there is a bowling alley, cafe and drive-in restaurant. He stated the property on the north side of Woodlawn Road is heavily wooded in the present buffer zone. The apartments of Selwyn Village come very close to the houses on Pinehurst Place.

He stated they acknowledge the 3/4 Rule is in because of the protest petition, but they submit it is more within the letter of the law than reason of the law. The only objection Sewlyn Village can have is one of competition; so that leaves only one immediately adjacent lot of 200 feet in depth on a 760 foot line. He stated a number of the persons signing the protest petition are on the westerly side of Hassell Place and they are closer to B-1 than they are to the proposed location of the apartments; three or four have signed and the people in between them and the subject property have signed a consent that they have no objections to it; everybody on Woodlawn has consented to it; so in fact, you have a buffer of Woodlawn Road all the way down the back line of Hassell Place.

That they did not go out and get people to sign a petition. That in the last three days he has found that four of the protestors signed both petitions.

Mr. Bond stated the present tax valuation of all real estate within this area is now \$16,920 which based on the 1967 rate schedule produces a tax of \$573.59. On the other hand, he would estimate that the valuation after this improvement is put in would be \$600,000 which would produce a tax based on the 1967 rates of \$20,340 or a differential of some \$19,000.

The belt road is going to add to the isolation; R-6 is already, in effect, an island by itself and that does not follow the general sound zoning principles where you try to go in a straight line or natural boundaries; and the area is already predominately used for apartments and all they are asking is to make it a high rise apartment which will be a credit not only to the community but to the City of Charlotte.

Mr. Peter Gerns, representing himself and attorney for the protestors, stated his house is located two doors from the proposed change in zoning and he has a petition with 23 more signatures which he presented to the City Clerk. That possibly 3 or 4 more will sign the opposing petition for rezoning, with the amount of pressure and veiled threats, he would not be surprised.

That the fallacy of the natural buffer disappears quickly because as Mr. Bond pointed out the petitioners own the R-6 property at this time and everything on the other side is R-12, Selwyn Village, R-6MF, and the petitioners property on Hassell Place is also R-6; down the creek, about a half a mile away, is B-1. That this illusionary buffer zone is not going to be a buffer much longer because if the petitioner is successful in rezoning R-6 to R-6MFH, obviously the next step would be to say "if we have this, let us go across the street and get that". That all the people in this entire area, except two or three, have signed the protest. All of the people who live on Pinehurst Place have signed the protest.

He stated this is a residential neighborhood, and they feel it ought to remain this way. The excuse that the B-1 is located to the immediate south is not an excuse to run rough-shod over people who live in the adjoining properties.

It will not preserve the residential character of the single family neighborhood which has been protected here for a long time now.

That all of the protestors have approximately 12,000 to 15,000 sq. ft. area; the people bought this property with the intent of living in a very restricted residential neighborhood. He lives back to back with Selwyn Village and there is hardly any noise, you can hardly tell they are back there unless you look. There is no breach of any part of the residential character of the entire neighborhood and this includes not only Pinehurst Place but also Hassell Place. It has maintained a suitable environment for family living. That Park Road Shopping Center is a good distance away, B-1 to the west does not infringe on the residential character.

Mr. Gerns stated a change in zoning would contribute to a detriment of land values; it is one of the principle premises of the zoning ordinance that the zoning code is to protect land values and if there had been a ten-story tower at the corner of Pinehurst Place and Woodlawn Road last July, he would not have purchased the property on Pinehurst.

There are several houses there for sell and obviously the market values will be affected and those who have invested there and have moved because they have been promoted or transferred would have a great deal to lose. There are a number of widows on Hassell Place, women with children who need the protection of residential, single family character of the neighborhood. That Selwyn Village is oriented away from Pinehurst Place.

That Mr. Bond has stated the purpose of the high rise is for working couples and single men and women near concentrated employment centers which are at the present time near Pinehurst Place or Hassell Place; that this is very interesting because the petitioners have sent a letter to various homeowners stating the proposal is to provide for responsible families two and three bedrooms with rent starting at \$200 per month. It sounds a lot different this morning - that something was changed but he does not understand what.

The plans which have been submitted to the Planning Commission and the City Council by the petitioners include off street parking and he has counted 46 spaces. That the minimum requirement is 1.25 cars per unit and we are talking about some 66 units and this multiplies to 85 or 90 or possibly 100 cars. If these are working people, two cars per unit than the 1.25 minimum required by the zoning ordinance. That this would take 17,400 sq. ft. of parking away from what they have planned. The traffic on Pinehurst is bad; it is hard to get out on Woodlawn and it is hard to get on to Pinehurst Place. They have asked for a traffic light but there is no feeling for it at the present time.

But he can well imagine if there is an addition of from 100 to 150 cars, the additional congestion would be unbearable. In addition to the church parking on Sundays, it would be impossible to get past Pinehurst Place as it is very difficult to do so now. When Woodlawn becomes an expressway, they will take 10 feet off the front which is presently 190 feet and goes down to 35 to the rear, which would make the land a lot narrower than anticipated, yet one of the purposes of the zoning ordinance is to lessen congestion in the streets which is a worthwhile objective if kept in sight. Another purpose of the zoning ordinance is to provide for fire safety and the building will be approximately ten stories high or approximately 120 or 150 feet and according to the Fire Department the closes fire equipment which has more than 100 foot ladders is Downtown on Davidson Street.

The number of people at the high rise would triple or quadruple the number of people living on Pinehurst and more than double the number of people living in the general area; yet one of the purposes and the express purpose is to save from overcrowding and this would be contrary if this petition were to be allowed. The petitioners cannot guarantee who will live in the apartments and who will eventually rent them. They have also planned a swimming pool facing Pinehurst Place and those who are familiar with swimming pools and parties - it is difficult to anticipate the noise problems. They are quite neighborhoods now, the children can grow up in peace and this peace would be shattered if these high rise apartments are allowed.

That the privacy of the residential back yards would be purely for 'peeping toms'. The building they are planning is about 75 feet from his neighbors living room and besides this could come under the heading of spot zoning as everything in the neighborhood is R-12 or R-6 residential and should stay this way.

Mr. Gerns asked Council not to allow this change because some of the neighbors were told if they did not go along with the petitioners on this project, they will put up a low cost housing project, or a gas station.

Mr. Dewitt D. Nance, 3118 Pinehurst Place, stated the proposed zoning change comes right up to his property line and his property line runs 200 feet down the zoning change request and according to the pictures, etc, they have a swimming pool at his back yard and a driveway and a parking lot right up at his front yard; that if this zoning change was to be granted, it would decrease the value of his property, not only the noise level it would create, but would take it out of the quiet neighborhood category.

Mrs. Joe Tucker, 2209 Hassell Place, stated her house is across the street, and she would see this mammoth structure every time she went out or took her child out to play. Their neighborhood is a friendly, personable neighborhood; there are children of different ages who play together; some play in the street, some play in the yard; it is quiet. The people on the street take great pride in their homes and while they are not large homes, they are individual homes. With an apartment like this with so many people, it would have a tendency to make these people lose interest.

Mrs. William Metzger, 3136 Pinehurst Place, stated she would be five doors from the propose apartments and as a property owner, wife and mother of two teenage daughters, is very much opposed to a ten-story building at the corner of her street, which is a residential street. The street is quiet, well maintained, there are children of all ages and people <sup>of</sup> all ages on this street. The houses are all one-story, at the most two-story, and suddenly at the corner you have ten stories going up. She stated she is concerned for the danger and the safety of the children on the streets and the added congestion of traffic involved with this. When they bought their house, their reasons were the same as everyone else; they hoped to raise their children and expected their property values to be maintained.

Mr. E. G. Vinroot, 2116 Hassell Place, stated he could throw a rock from his lot to the proposed building site. That he would see at least seven stories of structure, which will not be a thing of beauty to see. It seems that they are being asked to "sell their souls" for some \$16,000 which is not too much money. The increase in taxes to ease Council's budget should not sway their decision in this matter. The Planning Commission must take into account the way things appear or look before they would allow a ten-story building to be placed without good planning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-23 BY ED GRIFFIN DEVELOPMENT CORPORATION FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 22.406 ACRE TRACT OF LAND BEGINNING 800 FEET NORTH OF MILTON ROAD AND EXTENDING FROM BARRINGTON ROAD TO A POINT WEST OF HICKORY GROVE-NEWELL ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property consists of over 22 acres which is vacant and adjoined on the north by several single family residences on Markway Drive; along Hickory Grove Road, it is predominately single family, with some vacant property; there is one non-conforming use which is a commercial printing operation; on the south side of the property it is vacant and then facing on Milton Road is a Duke Power Substation and about three single family residences. To the west of the property is land which is also owned by the petitioner and is in the process of being developed for single family residential purposes.

The zoning along Milton Road and immediately south of Milton Road, up to the south side of the property is R-9MF. The subject property and everything from there on northward is zoned R-9 at the present time. Across Milton Road is some office zoning and that is a transition into industrial zoning which appears just on the very edge of the property in the extreme outward boundary of the Norfolk Southern Industrial Development. Mr. Bryant stated the developer would be responsible for continuing Barrington Drive on through as part of the arterial plans.

Mr. Joe Griffin, representing Ed Griffin Development Corporation, stated this is merely an extension of the presently zoned R-9MF and there is a buffer of a proposed belt road on the west side and the petitioner owns the property on the west side and the south side and there is a high tension and transmission line combination running across the property.

Councilman Tuttle asked how much of the R-9MF that Mr. Griffin owns to the south is already developed? Mr. Griffin stated he did not believe there was any developed at this particular time. Councilman Tuttle asked if this petition is approved, how much total acreage would he have for apartments? Mr. Bryant stated they had roughly figured this today and it would be in excess of 40 acres.

Councilman Short asked if the land on the west of Barrington Drive will be developed for single family and Mr. Griffin replied yes, and another apartment project next to it. Mr. Griffin stated there are six residences adjoining this property; two on the northerly side and four on the westerly side.

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Reverend Glenn Robinson, Minister of the Hickory Grove Presbyterian Church, stated about two blocks north of the subject property, there is a development known as Hampshire Hills, a residential area with the price range of homes starting from \$21,500 up to about \$25,000; these homes back up to the power line and are about 90% sold so it does not seem to be a problem to build a nice \$25,000 home backing up to a power line as these homes are already sold.

Reverend Robinson stated the subject property is a wooded area, country property, nothing wrong with the property - no swamps - 2/3 of this property is zoned R-9 and 4 or 5 men here with him today would like to have the opportunity of raising their property to a higher classification because all the adjoining property owners are living in homes beyond R-12. That Mr. Baucom's printing shop will be moving in about two months to a building in the main part of Hickory Grove which is under construction so this can be counted out as non-conforming. If Council permits zoning of apartments in this area, then Mr. Griffin's property will be just about surrounded, certainly better than 50%, with apartments by his own choosing -- then, will he come back and zone the other 150 acres?

Reverend Robinson stated he lives just across the road from where these apartments will be built and he would appreciate the property staying residential in keeping with other people living in this area and homes that are now far above the homes that Mr. Crosland is building and the homes that Mr. Girffin will build if he left it zoned residential.

Mr. Bill Ficklin, of Markway Drive, which is just across the creek from this area, presented to the City Clerk a petition with over 100 signatures opposing the change.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-24 BY BRAKE SERVICE COMPANY OF CHARLOTTE, INC. FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF A TRACT OF LAND ON THE WEST SIDE OF STATESVILLE ROAD, BEGINNING JUST NORTH OF NEVINS ROAD AND EXTENDING NORTHWARD TO A POINT 117.5 FEET NORTH OF CINDY LANE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is a strip of land extending along the westerly side of Statesville Road, near Nevins Road and Hutchinson-McDonald Road; the property is vacant; to the north are several single family residential structures scattered along Statesville Road and the street paralleling Statesville Road. Then there is the Statesville Avenue Baptist Church on the east side of Statesville. Across from the subject property, is a combination of single family and vacant property, predominately vacant; to the south is a scattering of vacant property as well as some single family as well; there is a machine shop at the corner of Hutchinson-McDonald and Statesville Road; south of that it is a combination of residential and vacant property.

Mr. Bryant stated there is a strip of B-2 business zoning on both sides of Statesville Road coming all the way out to Nevins Road and across Nevins Road and beyond that it is all single family.

Mr. John West, representing the petitioners, stated Brake Service Company is a local company organized about 20 years ago and has steadily grown to a thriving business. It is now located in the 2700 block of North Tryon Street and owned by Mr. Dick Wilkerson. That city planners have announced North

Tryon Street from the railroad underpass out to Western Electric will be one way. The street will be widened and improved with one way and this vitally affects Brake Service Company because they are in this location. With these changes, they are no longer centrally located and must seek another location.

Mr. West stated this location is convenient for Brake Service Company because many of their customers have moved out to that area. The area is heavily populated with businesses up to I-85. From I-85 on, except for Piedmont Welding Supply, that is about all the new business there. As you go further out, the area remains unchanged; there has been no growth in this area in the last ten years. All the buildings out there are old and most of the houses are back off Statesville Avenue.

He stated Brake Service Company is engaged in the sale of safety equipment to the automotive industry, most is wholesale, some retail; it does not manufacture anything, repair anything nor have any outside storage. There is nothing to clutter up the ground and no unsightly signs, no noises, no odors, nothing of much objection to the neighbors in the area. There will not be an increase in the traffic out there because this company makes the delivery. Most of this land is undeveloped, vacant farm land. The nearest business is the McCain and McGee Machine Shop which is one block away, a church, a well-drilling outfit, a chemical company, a grocery store, a garage and an A & P Food Store. There are as many businesses along Statesville Avenue, in that immediate area, as there are homes.

He stated there has been no growth in this area with the R-9 zoning, so there has to be something wrong. If the zoning is stiffling the growth, then the zoning is wrong; it should be changed so the area can grow. With all the traffic out there, there is little likelihood that anyone would want to build a house on Statesville Avenue. If they are going to build, they will want to build off Statesville Avenue. He has checked with the State Highway Department and they state that I-77 is going to come across near this area for a tie-in with I-85 and that is where businesses need to locate.

Councilman Short asked if Brake Service Company is seeking to relocate on a strip of land north of Cindy Lane and also to get the land to the south of their property rezoned at the same time? Mr. West replied yes, the property owners to the south of this property have joined in on the petition.

Mr. John Shaw stated Mr. Hutchinson owns the property next to the property of the petitioner and has joined in the petition. If Council will look at the condition of the area, they will find it is a stagnant area and is best suited for business zoning; he has been out there and looked all around the neighborhood and unless the area is being reserved for something, that property should be business; that a petition was filed on this about 2½ years ago and withdrawn.

That it would not be spot zoning because it has been tied in with Mr. Hutchinson's property and the Cornwell-Lyons land. Because of the landfill and the railroad, there will be very little residential growth there and they are asking for business use.

Councilman Short asked if the petition of two years ago was withdrawn or denied? Mr. Bryant stated the petition was to rezone all the frontage property between Hutchinson Road and Cindy Lane, and a small portion of that up to the Hutchinson driveway was changed to business but the main part was denied.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 68-25 BY HALL M. JOHNSTON FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF A 23.8 ACRE TRACT OF LAND ON THE EAST SIDE OF SUGAR CREEK SOUTH OF ARCHDALE DRIVE ADJACENT TO INCARNATION LUTHERAN CHURCH.

The public hearing was held on the subject petition on which protest petitions have been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property lies along the east side of Sugar Creek and is adjoined on the west side by property owned by the City of Charlotte; the property is adjoined on the north side by a church and on the east side by property owned by the petitioner which is vacant, and a portion of the Spring Valley Subdivision. The zoning on the east side of Sugar Creek is R-12, on the west side is R-9, and the property owned by Celanese is zoned I-1.

Mr. R. H. Johnston, representing the petitioner, stated they are requesting a rezoning from R-12 to R-12MF which is to some extent spot zoning and is unpopular as a practice. The reason they are asking this rezoning is the contour of the land is a subsurface, rocky condition and is not economically feasible to develop under its present zoning. They feel the land lends itself to multi-family use. Mr. Johnston passed pictures around to Council showing the surrounding uses of the area.

He stated there are always objections to this type of request, one of which will be a decrease in market value of their homes. That he lives in Barclay Downs and when Mr. Harris requested his land be rezoned there was a fight but the experience has been there has been no decrease in the value of the property but has steadily increased. Also, the traffic problem will be raised and he would point out that Archdale Drive is in the thoroughfare plan and he understands funds will be requested in the next five year program.

Mr. Johnston stated there are plans to put a road through toward South High School which will come in toward where Selwyn Avenue comes into Park Road.

That he understands two protests have been filed, one by the church and one by the swim club and he would like to point out that hearing from the church and if the church has valid objections that the petitioners have no objections whatever to putting in a buffer zone of 50 or 75 feet to insulate the church from any type of activity; and the same goes for the swim club if they want a buffer zone. He stated they are trying to take a piece of property and make it economically feasible to develop and although they have requested an R-12MF, they would have no objection if Council desired to give them an R-15MF that they are not trying to see how many units they can crowd on this property.

Mr. H. A. Cooler, the architect for the proposed apartments, stated apartments could be placed on this property economically but not single family housing because of the topography of the land; that anything built there will be downhill.

Councilman Tuttle asked how much rock is involved? Mr. Johnston replied when the sewer line was put in during the last five years, the engineer encountered a great deal of rock.

Mr. Charles Merryman, representing the protestors, filed with the City Clerk a petition signed by 700 persons objecting to the rezoning.

Mr. Charles Kibler stated that Fairview Road, Park Road and Sharon Road, bordered on the west by Sugar Creek, is all R-12, with the exception of this business and commercial property. There are three parcels of R-12MF property that act as transition from the commercial property to the residential area. On the other side of the street the majority of the property is zoned R-9 with the exception of Celanese which is I-1 but it was there before the neighborhood built up and has provided large wooded buffer areas between the facilities and the surrounding houses. Along South Boulevard, there is a long strip of B-2 or commercial property with R-6MF between the commercial property and the single family residential property plus the large R-9 on the other side of Mr. Johnston's property.

The property is surrounded on three sides by R-12 and the other side by a creek and R-9 property owned by the City and has been mentioned to be used for a park.

Mr. Kibler stated once Council rezones this property, if the intended project should fall through due to the lack of reasonable financing or some other good legitimate reason and if it is then sold to someone else, they have no assurances of the promises Mr. Johnston has made.

Mrs. Sandra Townsend, local Real Estate agent, stated if you would make a trip down Park Road you would notice several new apartment projects, and property values have definitely been affected. That Mr. Phil Alexander, Executive Vice President of the Charlotte Board of Realtors, found it necessary to put his home up for sale last year due to the increased needs of his family; his property was located on Blackthorn Lane, this is adjacent to the Southgate Apartments; Mr. Alexander had his property evaluated by the FHA; the property evaluation was \$18,750. Mr. Alexander had his home on the market for some four months before the sale was consummated. This property was very eye-appealing from the outside and the floor plan was very desirable but when you got to the backyard and had to look out at the mass of apartments at the Southgate Apartments, the customer was no longer interested.

That Mr. Alexander sold his property at \$16,177, some \$2,700 under the FHA appraisal, he suffered as a property owner due to the apartments being built close to his property.

Another example Mrs. Townsend pointed out was the Abbey Apartments. This project fronts on Park Road and runs parallel with Mockingbird Lane and Montford Drive. She recently had a home for sale on Montford Drive, FHA appraised for \$14,525; it was actually for sale for over one year; the property was vacant and the owner had to keep the payments up on it. After a one year period, this property was sold for \$13,525, exactly \$1,000 under the FHA appraisal.

Mrs. Townsend cited a number of examples where the property owners suffered because of apartments located close by. She stated the protestors would like to stress to Council, why should so many suffer for a few to gain.

Mr. William Taller stated he is interested in this petition as a homeowner and also as President of the Spring Valley Community Association. That he has already been introduced to the fact that there are existing traffic problems in this area. In July, 1967 from 7 A.M. to 7 P.M. a traffic survey was made by the City on Archdale Drive. It showed that 4,650 moved in that 12-hour period of time from South Boulevard to the Celanese property; it additionally showed that 3,868 cars crossed this bridge and anyone who has been across that bridge is aware of this problem. That the proposal for this property would put traffic out into Archdale Drive, and this is an exceptionally dangerous situation.

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He stated there are 200 families that are members of the swim club and they average better than 4.3 persons per family and there are a number of children in this area - this is a dead end area - this is a turn around and a logical playground and swim club and now they propose to put a road through here, not a 2-lane but a 4-lane road.

That the majority of these people represent the type of people that are for progressive leadership for the City of Charlotte - this is the kind of people you want in your city to provide your young leaders and they ask if you are going to change the rules of the game at this point. That this will destroy the neighborhood concept of single family housing in this area to provide for the economic enrichment of one.

Mr. Harry Faggart, attorney, stated the Incarnation Lutheran Church which owns the property on the north side, has voted unanimously to oppose this rezoning by a petition to Council. That the church plans to build an additional construction for an educational building, a kindergarten, a nursery school, etc. in the near future. The increased traffic would be a great hazard. The value of the church property would be depreciated by an apartment complex coming in south of the church's property and members of the church do not like the idea of having the backyard of the apartments in their face. The church had no trouble with rock when it was built and it was a part of this same property at one time.

Council decision was deferred for one week.

PETITION NO. 68-26 BY MARGARET L. WASHBURN AND DAISY M. MCALLISTER FOR CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY ON THE NORTHEAST SIDE OF WASHBURN AVENUE, BEGINNING AT TELEVISION PLACE, AND EXTENDING 518 FEET TOWARD CHIPLEY AVENUE AUTHORIZED WITHDRAWN.

Councilman Whittington moved that the subject petition be withdrawn as requested by Mr. Ben Horack, Attorney for the petitioners, at the last Council Meeting. The motion was seconded by Councilman Jordan, and carried unanimously.

HEARING ON PETITION NO. 68-27 BY GEORGE BARRETT, FRED HOOVER, ET AL, FOR A CHANGE IN ZONING FROM R-9 AND R-9MF TO R-12 ON THE MAJOR PORTION OF THE AREA BOUNDED BY SHARON AMITY ROAD, NORFOLK SOUTHERN RAILROAD, CAMPBELL CREEK AND CENTRAL AVENUE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property consist of approximately 750 acres that is zoned partially R-9 and partially R-9MF. The area is primarily developed for single family residential purposes although there is a large amount of undeveloped property in the area as well. There is a small church located on Sharon Amity, one apartment structure located on Sharon Amity that is already non-confirming because it is in the R-9 district, the railroad runs along the northerly portion of the area that is requested to be changed; beyond that, over on the north side of the railroad is the Norfolk-Southern Industrial Park area and that is beginning to have some industrial uses in it but basically it is an area developed single family and also with a great deal of vacant property still to be developed in the vicinity.

The zoning is predominately R-9 and R-9MF and has been requested to R-12 zoning; there is a combination of zoning as you come into the Albemarle - Wilora Lake Road area there is considerable business zoning with some office zoning buffering that; there is some existing multi-family zoning along Central Avenue; I-2 zoning extends on both sides of the railroad; there is some I-1 zoning along the edge to transition it and there is also some R-9MF on the south side of the industrial zoning.

Mr. Bryant stated he had received a letter from one person who indicated he had signed the petition but did not realize what he was signing therefore he has asked that his property not be included. This was after the case had been advertised and was too late to take it out but his property actually is the R-9MF property which includes a fairly large tract of land on Sharon Amity Road at Verndale and constitutes several different parcels.

Mr. Fred Hoover stated the request is to upgrade their area. They are real proud of it, they have something nice and want to keep it that way - some of the homes range in value from \$30,000 to approximately \$70,000.

That they started out facing Verndale Road but some of the people on Wilora Lake Road heard about it and asked to be included so they gave them the opportunity. That they did not ask for anything to be changed that was 0-6 and business.

Mr. David Byrum stated a formal statement for withdrawal from the rezoning petition has been filed with the Planning Commission by Mr. and Mrs. W.K. Wilson.

Councilman Tuttle asked if this withdrawal is legal and Mr. Henry Underhill, Assistant City Attorney, replied the ordinance requires that a request to amend the withdrawal petition for rezoning must be filed with City Council prior to the date established of the public hearing and therefore this will rule out this request.

Councilman Whittington asked if Council could approve zoning of a portion of this land one category and another portion another category? Mr. Underhill replied yes.

Councilman Stegall stated Mr. Wilson called him several days ago and stated when he signed this petition he was on his way to a business appointment and did not realize what he was signing, thinking it was something for the betterment of the neighborhood without realizing he was zoning away his rights on the property.

Mr. Paul Dickson, with Carras Realty, stated he talked with Mr. Wilson regarding this rezoning several months ago and Mr. Wilson told him he did not want to rezone his property but signed by mistake when someone brought the petition by later.

Councilman Short asked Mr. Bryant if he was satisfied that the people in the neighborhood are aware of what is going on? Mr. Bryant replied no one was overlooked.

Mr. Hoover stated several people were contacted by telephone but as for Mr. Wilson, he did not contact him personally but he was present when they went by to get his signature, and he seemed to be well pleased and did come out to the automobile and stated anything to better the community, he would be willing to help financially or any other way; that he does not feel it was a matter of misunderstanding but a matter of changing his mind after the petition was signed.

Council decision was deferred until next meeting.

COUNCIL MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a recess at 4:45 P.M. and reconvened the meeting at 5:00 P.M.

STATEMENT BY MR. KELLY ALEXANDER REGARDING SELECTION OF A NEW POLICE CHIEF.

Mr. Kelly Alexander, Executive Secretary of the Charlotte-Mecklenburg County Branch of the National Association for the Advancement of Colored People, read the following statement:

"We, in the National Association for the Advancement of Colored People, are confident that you have devoted some thought to the selection of a new Chief of Police since it was announced that Mr. John E. Ingersoll is resigning. We are requesting that you give this matter very serious deliberation before you make a final decision because the responsibilities and obligations of a Police Administrator are greater and graver than ever before in our history.

It is our view that the entire administration of law enforcement is changing not only in the south, but the nation. The racial confrontations and riots which have resulted in the destruction of life and property throughout our country certainly are not condoned by the NAACP. However, such violent acts have placed law enforcement officers in focus and tested their abilities to cope with such situations. One of the lessons learned is a recognition of the fact that corrective action must be taken to meet many of the grave social ills of the Negro community.

In the early stages of urban unrest, Charlotte was very fortunate in selecting a Chief of Police who was trained as a police administrator with a professional concept of law enforcement and police community relations. It was his professional performance and your cooperation, skills and labors which have brought us thus far to racial peace in this community.

The attitude of Chief Ingersoll as to Police and Race Relations is noteworthy. His program to develop new lines of communication with community leaders and the utilization of new and better tools of administration has improved the "image" of the police officer.

The Negro community is very sensitive as to the type of person you will select to succeed Chief Ingersoll. We request that you also give the following factors consideration as to selection:

- (1) A person willing to invest the time and effort in helping to solve broad social problems as they relate to police administration in this age of basic changes in race relations is essential;
- (2) An Administrator who possesses the knowledge to understand that Negroes resent abusive police tactics;
- (3) An Administrator who will discuss objectively with Negro leadership the problems of civil rights and law enforcement in the community;
- (4) One who will not endorse the utilization of police authority to perpetuate a system of social control by selective or discriminatory law enforcement;
- (5) An Administrator who understands that Negroes don't want to live in fear due to the policy of some police officers in various situations while acting under the color of authority, deprive persons of their fundamental rights, rather than obtaining the protection of the law;

continued

- (6) One who does not assume the attitude that Negroes have no rights which policemen are bound to respect. In too many cases, Negroes are victims of cruel and inhuman treatment at the hands of those whose sworn duty it is to uphold the basic rights of humanity.

It is our opinion that the City Council should secure the best qualified police administrator available to succeed Chief Ingersoll."

Mr. Alexander stated in Charlotte the Negro community is moving progressively so far as police administration is concerned. They are very proud of the programs being incorporated by the Chief to make Charlotte a better place; the image of the policeman in Negro communities has been very bad. But Chief Ingersoll recognized this fact and when he came into this community, he immediately created a dialogue with community leadership to help him try to change the image of the police as it pertained to his participation in non-white areas.

The Negro community is very sensitive now as a result of a shooting of a Negro in front of a church in this city and these feelings because of a counter-relationship which has been existing between the police and the Negro community was able to condition some of the violence that could have been started as a result of this shooting.

Mr. Alexander continued with the prepared statement as follows:

"also requested that the City Council establish an independent review board involving community participation to investigate, conduct hearings and report its findings and recommendations on charges brought by citizens against law enforcement officers for police brutality and other misconduct.

The reason for this request is that experience has shown whenever charges of police brutality are filed, hearings are held before boards or commissions composed of fellow police officers, and that their findings are almost always against the victims of the police brutality or misconduct.

We are confident in this community that law-abiding citizens of both races will cooperate to avoid violence and with a qualified and progressive police chief who recognizes the impact of social changes during this age of civil rights revolution, Charlotte certainly can continue on the road to outstanding race relations. We hope that you will give this your upmost consideration as you select a new police chief. Thank you so much."

Mayor Brookshire thanked Mr. Alexander and stated this presentation reflects a lot of thought on his part and would like the next new police chief to have a copy of this statement.

Mr. W. J. Veeder, City Manager, stated Mr. Alexander mentioned the establishment of a civilian review board as relates to the activities of law enforcement officers when charges are brought relating to police brutality and other misconduct, and stated experience has shown when charges of police brutality are filed, the findings are almost always against the victims of police brutality.

That he would have to disagree with Mr. Alexander on this point as experience has shown instances where the department has had disciplinary action in such cases. When the facts justify action, they have been taken and will continue to be taken and that he has serious reservations regarding the establishment of an independent civilian review board.

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## STATEMENT BY MRS. RICHARD HUFFMAN RELATIVE TO APPOINTMENT OF NEW POLICE CHIEF.

Mrs. Richard Huffman, Program Director for the National Conference of Christians and Jews in Charlotte, stated they are very concerned about the problem of selecting a new police chief. That Council was faced with the same problem about two years ago and they feel Council made a very wise decision at that time as Chief Ingersoll has done a very wonderful job during the short time he has been with us.

She stated her organization has been actively involved with the police department in the police community council in Charlotte with Mr. Kelly serving as Director and they are quite concerned, not because of any particular individual but because of the philosophy behind the actions of the individual who is appointed as the new chief of police. They hope Council will choose a man who will accept all persons as individuals, without thinking of racial, religious or ethnic aspects of this individual. That the new chief will have a very vital concern for the upgrading of the department, by encouraging men within the department to take advantage of educational opportunities and to continue in the in-service training which is so vital. They feel that in the short time their program has been operating, it has made some impact upon the community, not because of what her organization has done but because of the cooperation of the Council and the different departments within the city. That they know there have been some concrete results through street lights, through traffic control and she would like to thank Mr. Veeder and the other departments who have cooperated so well on this.

She stated it would not be practical or wise for the man who comes in to continue everything in the way of Chief Ingersoll; that this is not what they are trying to promote, they are trying to promote the idea that Charlotte needs a man who will look at the entire community, who will be willing to listen to the citizens and who will not approach the job either from the community angle or from the angle of the department with prejudices, either racial, ethnic or religious.

## RESOLUTION BY FIRST BAPTIST CHURCH PRESENTED BY MR. ALLEN BAILEY.

Mr. Allen Bailey, Member of the First Baptist Church, stated the First Baptist Church has bought 9½ acres just south of City Hall and they anticipate building a church and other facilities for the church at this location. It has come to the attention of the church that Davidson Street is contemplating being opened up out to Independence Boulevard; this is a grave concern for the church and during a regular business session on the 13th day of March, 1968, they passed the following resolution:

"WHEREAS, it has come to the attention of the First Baptist Church, now located at 318 North Tryon Street, Charlotte, North Carolina, that the Traffic Engineering Department of the City of Charlotte has recommended that the City extend Davidson Street in a southerly direction from its present terminus at East Second Street into Independence Boulevard so as to provide an exit from Independence Boulevard for northbound traffic; and

WHEREAS, the First Baptist Church has heretofore purchased from the Redevelopment Commission of the City of Charlotte two blocks of property bounded by East Second Street, East Third Street, Alexander Street and Caldwell Street and being divided in the middle by Davidson Street; and

continued

WHEREAS, under the Redevelopment Plan officially adopted by the City of Charlotte, no street was contemplated from the present southerly terminus of Davidson Street into Independence Boulevard and the opening of such portion of Davidson Street would substantially increase the traffic flow between the two blocks of property now owned by the First Baptist Church and would make said property far less desirable for its intended purpose as the new location of the First Baptist Church, creating a hazard to pedestrians crossing from the contemplated parking lot on the westerly block of the main Church facility on the easterly block; and

WHEREAS, the opening of said proposed portion of Davidson Street would violate the terms and conditions of the Redevelopment Plan which the First Baptist Church relied upon in purchasing its property;

NOW, THEREFORE, the congregation of the First Baptist Church in regular business session assembled does hereby petition the Mayor and City Council of the City of Charlotte to overrule and reject the recommendation of the Traffic Engineering Department or any other agency of the City to open the aforesaid proposed portion of Davidson Street and that the City reaffirm its intention to abide by and comply with the Redevelopment Plan for Redevelopment Sections 1 and 2 in which the First Baptist Church has purchased property and chosen to relocate its Church facilities."

He stated it is the concern of the church that one of those blocks which would be the most westerly block would be used for parking and possibly recreational facilities and there would be a constant flow of pedestrians back and forth across Davidson Street. In addition to the regular church facilities, it contemplates a kindergarten and other facilities and with the heavy flow of traffic, both adults and children going back and forth across Davidson Street, to open it up into Independence Boulevard would create quite a hazard to the use of these facilities. If not render it entirely undesirable, it would certainly diminish its desirability insofar as the church is concerned. The Church feels to open it up out into Independence Boulevard would turn the flow of traffic loose which would be an extreme hazard and the church has asked that this petition be filed.

Councilman Smith requested the Traffic Engineering Department to give Council a report next week.

DECISION ON PETITION NO. 68-13 BY T. F. BLACK, W. FRANK BLACK, AND JOSEPH A. SCALES FOR A CHANGE IN ZONING FROM R-12 AND R-12MF TO O-15 OF A 24.9 ACRE TRACT OF LAND FRONTING 813 FEET ON THE EAST SIDE OF PARK ROAD, BEGINNING 862 FEET SOUTH OF FAIRVIEW ROAD, DEFERRED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject petition was deferred until the next meeting.

ORDINANCE NO. 818-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING ORDINANCE BY AMENDING THE ZONING MAP BY CHANGING ZONING OF A TRACT OF LAND ON THE SOUTHWEST SIDE OF BELHAVEN BOULEVARD (N. C. HIGHWAY 16) SOUTH OF THE INTERSECTION OF BELHAVEN BOULEVARD AND VALLEYDALE ROAD.

Councilman Tuttle stated the subject petition calls for 370 feet down Bellhaven Boulevard, which is Highway 16, to a point opposite a new church and also to a street intersection where there are a number of houses in the \$25,000 to \$35,000 range in the Coulwood Hill Subdivision. That it was stated by the petitioner's attorney that they could operate with less land, 143 feet Down Valleydale and 180 feet down Belhaven; this will suffice for their operation and will protect to some extent the people in the Coulwood Section, the entrance of one portion of Coulwood and at the same time the church.

Councilman Tuttle moved the adoption of an ordinance changing the zoning from R-9 to B-2 on property approximately 143 feet down Valleydale Road and approximately 180 feet down Belhaven Boulevard. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 231.

CLAIM OF MRS. EDNA D. PATTERSON FOR PERSONAL INJURIES, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, to deny the claim of Mrs. Edna D. Patterson for personal injuries, in the amount of \$500.00, as recommended by the City Attorney.

CLAIM OF MRS. WALLACE R. TURNER FOR PROPERTY DAMAGES, DENIED.

Councilman Stegall moved the subject claim be paid, which motion did not receive a second.

Councilman Short moved the claim be denied as recommended by the City Attorney's office. The motion was seconded by Councilman Alexander, and carried by the following vote:

YEAS: Councilmen Short, Alexander, Tuttle, Jordan, Smith and Whittington.  
NAYS: Councilman Stegall.

ORDINANCE NO. 819-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 1115 N. COLLEGE STREET PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Smith moved the adoption of the subject ordinance authorizing the removal of an abandoned 1957 black Oldsmobile located at 1115 North College Street. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, Page 232.

ORDINANCE NO. 820-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 4032 OAK FOREST DRIVE PURSUANT TO ARTICLE 13-1.2 OF THE CODE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Smith, seconded by Councilman Alexander, and unanimously carried, the subject ordinance was adopted authorizing the removal of a 1961 Rambler located at 4032 Oak Forest Drive.

The ordinance is recorded in full in Ordinance Book 15, at Page 233.

ORDINANCE NO. 821-X AMENDING THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF \$3,695 OF THE AIRPORT FUND UNAPPROPRIATED SURPLUS FOR PAYMENT OF A JUDGMENT IN THE CASE OF ARTHUR H. FREEMAN vs CITY OF CHARLOTTE.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$3,695 from the Airport Fund Unappropriated surplus, which money will be used in payment of judgment in the case of Arthur H. Freeman vs City of Charlotte.

The ordinance is recorded in full in Ordinance Book 15, at Page 234.

RIGHT OF WAY AGREEMENT BETWEEN THE CITY, THE STATE HIGHWAY COMMISSION AND THE JACKSON ENGINEERING COMPANY FOR INSTALLATION OF WATER MAINS IN THE FOXCROFT SUBDIVISION, APPROVED.

Councilman Whittington moved approval of the subject right-of-way agreement for the installation of water mains in the Foxcroft Subdivision, outside the city limits. The motion was seconded by Councilman Jordan, and carried unanimously.

AGREEMENT BETWEEN THE CITY AND THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR RELOCATING AND ADJUSTING AN 8-INCH SANITARY SEWER LINE IN FRENCH STREET NEAR THE SEABOARD COAST LINE RAILROAD AT THE PROPOSED NORTHWEST EXPRESSWAY, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, the subject agreement was approved with the city's share of the total cost of \$21,542.25 to be \$13,787.04.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving appraisal contracts, as follows:

- (a) Contract with O. D. Baxter, Jr. for appraisal of one parcel of land for the Poplar Street Widening;
- (b) Contract with Michael C. Cockinos for appraisal of one parcel of land for the East Thirtieth Street Project;
- (c) Contract with William W. Finley for appraisal of one parcel of land for the East Thirtieth Street Project;
- (d) Contract with William F. Frickhoeffler for appraisal of one parcel of land for the East Thirtieth Street Project;
- (e) Contract with L. H. Griffith for appraisal of one parcel of land for the East Thirtieth Street Project;
- (f) Contract with Hal L. McKee for appraisal of one parcel of land for the East Thirtieth Street Project.

APPOINTMENT TO PARK AND RECREATION COMMISSION DEFERRED FOR ONE WEEK.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, appointment to Park and Recreation Commission was deferred for one week.

SPECIAL OFFICER PERMIT AUTHORIZED.

Motion was made by Councilman Jordan and seconded by Councilman Stegall, authorizing the issuance of a Special Officer Permit, for a period of one year, to Mr. J. D. Beaver, for use on the premises of the Charlotte Branch, Federal Reserve Bank of Richmond.

Councilman Alexander stated there have been some comments since last week when he raised the question of concern over an action of the Sheriff. The Sheriff stated to him that Council does similar action in the issuing of the Special Officer Permits. For the record, he would like to have the method and the extent of the authority explained to Council by the City Attorney.

Councilman Tuttle suggested that the City Attorney, in connection with the Police Department, give Council a complete report on this next Monday.

The vote on the motion for a special officer permit to Mr. Beaver was carried unanimously.

#### TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Miss Elizabeth C. Long for Graves No. 9 and 10, in Lot No. 17, Section 2, Evergreen Cemetery, at \$120.00;
- (b) Deed with M. G. Perry or Sadie W. Perry, for Graves No. 1 and 2, in Lot No. 187, Section 2, Evergreen Cemetery, at \$120.00;
- (c) Deed with Miss Linda K. Darnell for Grave No. 3, in Lot No. 89, Section 3, Evergreen Cemetery, at \$60.00;
- (d) Deed with B. M. Hambright for Graves No. 5 and 6, in Lot No. 185, Section 2, Evergreen Cemetery, at \$120.00;
- (e) Deed with Mrs. Vernetta T. Johnson for Graves No. 1, 2 and 3, in Lot No. 186, Section 2, Evergreen Cemetery, at \$180.00;
- (f) Deed with Dr. Fred E. Motley for Lot No. 378, Section 3, Evergreen Cemetery, at \$378.00;
- (g) Deed with Mrs. Grace W. Webb for Lot No. 515, Section 6, Evergreen Cemetery, at \$240.00.

#### CLAIM OF DR. H. BEE GATLING FOR DAMAGES TO FENCE, DENIED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, claim of Dr. H. Bee Gatling for damages to a fence and gate, in the amount of \$179.00, was denied as recommended by the City Attorney.

CONTRACT FOR SALE AND REMOVAL OF BUILDING AT DOUGLAS MUNICIPAL AIRPORT,  
DEFERRED.

Councilman Smith moved that bids for sale and removal of building at airport be deferred. The motion was seconded by Councilman Tuttle and carried unanimously.

ORDINANCE NO. 822-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET  
ORDINANCE, AUTHORIZING THE TRANSFER OF PORTION OF THE GENERAL FUND  
CONTINGENCY APPROPRIATION.

Councilman Smith moved the adoption of the subject ordinance, authorizing transfer of \$2,250 of the General Fund Contingency Appropriation to be used for the purpose of paying the City's portion of the expense of hiring a Youth-Coordinator for the Summer of 1968. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 235.

CONSIDERATION OF WATER AND SEWER RATE STUDY POSTPONED ONE WEEK.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and carried unanimously, to postpone consideration of the water and sewer rate study for one week.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, property transactions were authorized, as follows:

- (a) Acquisition of 660 sq. ft. of property at 808 Wesley Avenue, from Jones H. Conner and wife, Lois B. Conner, at \$150.00, for East Thirtieth Street Project.
- (b) Acquisition of 3,131 sq. ft. of property, with one one-story frame dwelling, at 3001 Hudson Street, from H. H. Moore and wife, Ada Moore at \$9,450, for East Thirtieth Street Project.
- (c) Acquisition of 3,739 sq. ft. of property, with one one-story frame and metal carport and storage building, at 613 Wesley Avenue, from Mrs. Ruby G. Martin and husband, John H. Martin, at \$2,700.00, for East Thirtieth Street Project;
- (d) Acquisition of 665 sq. ft. of property at 901 Wesley Avenue, from Malinda B. Huneycutt, at \$300.00, for the East Thirtieth Street Project;
- (e) Acquisition of 1,137 sq. ft. of property at 1033 Wesley Avenue, from Mildred H. Harris (widow), at \$650.00, for the East Thirtieth Street Project;
- (f) Acquisition of 524 sq. ft. of property at 904 Wesley Avenue, from Roscoe D. Beaver and wife, Nina W. Beaver, at \$300.00, for the East Thirtieth Street Project;

- (g) Acquisition of 967 sq. ft. of property at 1024 Wesley Avenue, from Sebastian John Attinelli and wife, Edith Mae G., at \$700.00, for the East Thirtieth Street Project;
- (h) Acquisition of 3,688 sq. ft. of property and one one-story frame single family residence at 715 Wesley Avenue, from Ervin James Burnside and wife, Frances D., at \$7,515.00, for the East Thirtieth Street Project;
- (i) Acquisition of 209 sq. ft. of property at 1224 Matheson Avenue, from Richard E. Hunter and wife, Helen T. Hunter, at \$550.00, for the East Thirtieth Street Project;
- (j) Acquisition of right of way access to Morrow Street, at Northeast corner of Elizabeth Avenue and Morrow Street, from A. T. Daniels, at \$8,000.00, for the Northwest Expressway Project;
- (k) Acquisition of 5,481.62 sq. ft. of property at S. E. corner of South Boulevard and East Tremont Avenue, from Margaret Myers Sutton by Arthur M. Jenkins, Attorney-in-Fact, at \$25,000.00, for the South Boulevard Intersection Project;
- (l) Acquisition of 1,721 sq. ft. easement off Independence Boulevard at end of Charleston Drive, from George W. McManus and wife, Pearl W. McManus, at \$225.00, for sanitary sewer to serve Independence Boulevard Project.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF BERNARD L. ABRAMS AND WIFE, SUSIE ABRAMS, LOCATED AT 611 SEIGLE AVENUE FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 6, at Page 70.

ORDINANCE NO. 823-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE GENERAL FUND UNAPPROPRIATED ACCOUNT.

Councilman Short moved adoption of the subject ordinance authorizing the City Manager to negotiate a fee, up to \$5,000, to be paid an individual hired to negotiate with homeowners for rights-of-way along Briar and Little Sugar Creeks for a flood-control project. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 236.

MAYOR PROPOSES MASSIVE BEAUTIFICATION PLAN FOR THE CITY OF CHARLOTTE TO BE PREPARED BY A PLANNING COMMISSION IN ASSOCIATION WITH THE MAYOR'S BEAUTIFICATION COMMITTEE.

Mayor Brookshire proposed a massive Beautification Plan for the City of Charlotte, to be prepared by a Planning Commission in association with the Mayor's Beautification Committee, the scope of which should include the upgrading and beautification of present city parks, streets, medians and park strips throughout the city. This will include open flood plain areas, either publicly or privately owned. When such Plan has been presented, Council will consider making a request to the Federal Assistance Program Housing Act of 1961. This should also include the proposed and long-talked about library park. He suggested that the Planning Commission give an estimate of cost by June 1st so Council will be in a position to consider for priorities in the 1968-69 Budget.

Councilman Tuttle moved approval of Mayor Brookshire's recommendations which was seconded by Councilman Smith, and carried unanimously.

JOINT STATEMENT BY COUNCILMEN JORDAN, SHORT, SMITH AND WHITTINGTON REGARDING PLANS FOR RECREATION AREAS IN THE GREATER CENTRAL CHARLOTTE AREA.

Councilman Whittington read the following prepared statement to Council:

"Councilmen Jordan, Smith, Short and Whittington have prepared a joint statement which I have been asked to present. We apologize for this being rather lengthy, but it is unavoidable.

We have a very sincere appreciation of the need for more parks and we pledge our best efforts as citizens and public officials to help increase parks and playgrounds in Charlotte from the present 978 acres. We are aware that the Graves Report urgently suggested 2300 acres of parks. Those who say that we four do not favor the building of parks are wrong, and our voting records will prove in the past and for the future that we do, indeed, favor parks.

We believe it is important to set the record straight as to what is planned for recreation areas in the Greater Central Charlotte Area Plan:

1. This plan calls for a compact core oriented for pedestrians with the creation of Independence Square as a mall with greenery and benches, providing a focal point for the City.
2. High-rise and garden type apartments will be added to the Central Area which will center on a new park bounded by Pine, Ninth, Poplar and Seventh Streets.
3. A stadium, a zoo, and botanical gardens are planned for the area along Irwin Creek and the General Younts Expressway.
4. This report also recommends a park in the First Ward Area, as well as the planting of trees, shrubbery, and the placing of benches along Convention Boulevard which directly connects the Downtown Area with the Governmental Plaza Area.

In the Governmental Center Plan, adopted by both the County Commissioners and the City Council, on page 11, it states and we quote:

'The Center must be made to serve the City's people as an area of relaxation and enjoyment. In addition to its governmental facilities grouped about the Central Pedestrian Mall, provision is made in the plan for extensive landscaping and for water elements and park features designed for decorative and recreational effects. These are provided to encourage the use of the Center by the general public, not only during work week when the buildings are fully occupied, but also in the evenings and through the weekends, to increase the value of the Center to the life of the Community, and it is hoped that meetings, exhibits, and Community functions may be held here to further this purpose and to enhance the City's cultural advantages.'

Continuing with the Governmental Center Plan on Page 23, this plan is to be, "more than a group of buildings located haphazardly in relationship to the surrounding City and to each other; an imaginative concept for the development of this area is vital"....'For these reasons an intown park concept offers the ideal solution; a place that will always be of value to the citizens regardless of variations in square footage

requirements, parking requirements, or transportation requirements in the future'....'The Governmental Center encompasses 60 acres of land within the downtown core area for a park concept with buildings spaced throughout as needed. These buildings will be linked visually and physically by an elevated walk-way and a lake, both strong unifying elements in the Center.'

'This water will be visually attractive and at the lower end of the lake will be sufficient in size to be fully utilized for a recreational area.'

We wish the citizens of this City to know that these 60 acres with these recreational aspects about 'blue heaven.' Therefore, we cannot in good conscience vote to make a park of another 25 acres across the street, appraised conservatively at \$2.00 per square foot.

We have two other arguments against the 4th section of Urban Renewal land being used for a park:

1. We already have Pearl Street Park with approximately 6 acres adjacent to Section Four.
2. While the Graves Report urgently suggested 2300 acres for parks, it does not locate a park in this area outside or inside the inner loop of expressways. In fact, they recommend new parks in the outskirts of the City.

Section B-7 of the Graves Report discusses accessibility and safety of a park site. They do not recommend sites with physical barriers such as Expressways.

These are the facts as we see them as they deal with Parks. We believe this introduction gives the citizens what we have and what we plan for Parks in the inner-city, and, by this we mean within the inner-loop expressway.

We believe too that this proves that we favor parks, but at the same time we favor the development of private business, not just as a source of tax revenue, but as something we should support and be proud of in general, because of the good things it has made possible for Charlotte and for America. If the government can help the development of business as well as the development of parks, this is all to the good.

For about ten years, many dedicated and public spirited Charlotteans have worked conscientiously, against obstacles, to help Charlotte business, through the Federal Urban Renewal Program, to get around a major problem; fragmentation of land ownership and outmoded old buildings. Business can no longer operate very well in 50-foot store fronts in outmoded buildings.

Most of us are familiar with several instances where business men have tried and failed to put together a few lots, or even two lots needed to allow new business development.

Private business could and would largely rehabilitate our inner City if given the opportunity. But, we have managed to get relatively little urban renewal in Charlotte despite the 10 years of effort. In fact, the 12 blocks of urban redevelopment downtown is held up right now by

the Federal Government. We have only had a third to a half as much in urban renewal grants as the other large North Carolina towns, and, only a small part of what we have received was used to put together land for private enterprise. This story is so well known that it does not need detailing here.

We agree that what was done or planned over the past decade by even the most dedicated men should not control this present issue concerning the use to be made of Section IV. What now looks best for the future should be the controlling factor. In determining what looks best for the future, the efforts and plans of the past decade deserve careful consideration, however, along with other suggested alternatives.

Fortunately, the legal rules that apply to urban renewal give us the means to carefully make these considerations and comparisons:

1. We have ample time within which to decide.
2. We do not have to take the highest bid. The rules provide that when bids and proposals are received from a number of private developers, we can consider all the proposals and choose the one we like best. We could wind up with a sixty-story building and shopping plaza which would be a real private enterprise showcase; or, we may receive only bids for something far less which we would not prefer and would reject.

Certainly we would not consider warehouses. If we don't like any of the proposals submitted, we can turn them all down and proceed otherwise as we would then determine.

3. We can stipulate in our bidding requirements that the entire tract must be purchased and planned as a unit.

The professionals who have studied this matter, advise that proper entrance and exit can be achieved. On this subject we feel that it should be pointed out that no business anywhere in the City will have direct access to any expressway. This is, in fact, the definition of an expressway - access only at interchanges. Regardless of whether adjacent business is level with or below the expressway, it has access only to the service road which parallels the expressway. For the Section 4 area, exits near McDowell and near Fourth Street allow traffic to get into the service road.

Another fact of urban renewal that should be considered is that assembling land for private business cannot in the future be accomplished through Urban renewal, as the problem is now limited to public housing and certain other limited uses. Section 4 and the Remnants of 5 stand alone of all the land in Charlotte for governmental help in assembling land for private business. It may be many years before urban renewal policy is changed and a new program is funded and an award made to Charlotte. The question of where else and how else it is possible to put together inner-city land of proper size for private development should be answered in any consideration of the use to be made of Section 4.

Let us look at what is happening to the land within the inner-city, which is that area encompassed by the expressway loop formed by the North-west Expressway, Independence Expressway and General Younts Expressway.

If we picture this area as being cut into 4 quadrants by Tryon Street running North and South, and by Trade Street running East and West, we can analyze what is happening to the land by reference to the old First, Second, Third and Fourth Wards.

Take First Ward first- The Housing Authority has already built Earle Village which consists of over 400 units of low-rent public housing in this quadrant. As a result, the pattern is set for the future as residential for at least the next 40 years. The remainder of this area is within the First Ward Urban Renewal Project. As this project is planned and developed, it should provide land of other housing, the necessary parks, church sites and all the rest that it will take to make it a first rate and stable neighborhood. The fact is that this land is not going to be devoted to commercial use.

Now, skip Second Ward, which is Brooklyn, for a moment and look at Third Ward.

This Third Ward section has been developing industrially for several years. It still contains a considerable amount of badly blighted housing. But, this housing is gradually being diminished by housing code enforcement and other reasons, and as it is torn down, the land is being put to light industrial type uses. Therefore, the land in this Third Ward quadrant is not going to be devoted to commercial use.

Now, let us look at Fourth Ward - The Planning Commission, in it's general plan for the next 20 years foresees a portion of this section remaining in residential use. The Downtown Master Plan recognized this and also designated certain blocks for future residential use in order to bring people back into the downtown section.

Therefore, future planning must protect the environment in this Ward by exercising extreme care and selectivity in the types of commercial activities that are permitted. This might exclude certain commercial uses from the inner-city that otherwise would locate there to the benefit of downtown. A large portion of the land in this quadrant is, therefore, going to be devoted to residential use and residential related uses and not to commercial use.

Now, let us refer back to the Brooklyn, or Second Ward quadrant. This is the last section of the inner-city that is open to commercial uses and where logically commercial development should occur. We have previously discussed this area; a major portion of this land has already been earmarked for governmental center and express rights-of-way. If we lose what is left in Urban Renewal Projects 4 and 5, we will have lost about the last opportunity that we might have to offer private enterprise for commercial development. It should be pointed out that such limitations do not exist as to public facilities such as a park, retardation center, or alcoholic hospital, as condemnation is routinely available for such facilities, apart from Urban Renewal.

As further evidence to support our opposition to the 'Blue Heaven Park', we wish to submit the following information in the form of a letter to J. B. Whittington, signed by Wallace D. Gibbs, submitted with his permission:



do not feel that we can afford it at this time, particularly when the amount of money involved is so large and when we have such other pressing needs for the resources which we have. It might be well to note also that the next Urban Redevelopment Project, that is the Dilworth Project, is to be completely taken out of private usage and put into public housing. So this is another loss of the Revenue which we will have to experience in the near future.' (End of letter)

"We, who join in this report, believe that something productive of revenue may be placed in Section 4 so that it will pay for a larger and finer park elsewhere in the inner-city area. This may be in Fourth Ward and First Ward as advocated by the Odell Master Plan.

While we compliment the fine local citizens who have given their time and talents to develop this park plan for Section 4 and have carried on the spirited campaign for its approval, we who join in this statement feel it is the duty of Council to see that facts and viewpoints on all sides are made available to the Citizenry in a presentation which does not seek to predecide the matter. The citizens of Charlotte do not prefer to decide important matters solely from an arranged campaign in which one side of a public issue is given great prominence.

In summary, we think Charlotteans need to know what bids and proposals would actually be made by private developers. This is the only way to be sure of making the best use of Section 4."

Councilman Whittington moved that Section 4 of the Brooklyn Redevelopment Project remain business or commercial, and that the Redevelopment Commission avail themselves of every resource to sell and redevelop this property. The motion was seconded by Councilman Short.

Councilman Tuttle asked if this motion is to allow this area to remain business? Councilman Whittington replied to let it stay as it is and have the Planning Commission use every effort to sell it and redevelop it.

Councilman Tuttle stated this Council can effectively vote against the proposed park and beautification of the "Blue Heaven" area; it cannot, however, vote against the fact that the tremendous efforts of this project put forth by a group of thinking citizens will leave a lasting effect upon the future of this city. That he predicts Council will hear much about parks in the future and if they have done no more than arouse our officials to the seriousness of our laxity in going merrily along without plans involving open area when it becomes available, then their efforts will not have been in vain. When you are dealing with the human equation, you are not dealing in dollars alone - the opponents to parks and green area have so loosely thrown figures around that it becomes evident that people are going to be confused.

He challenged any opponent to the "Blue Heaven" plan to look 20 years into the future when the smoke and debris filled solid business and commercial area surrounding 25 acres of God and man made beauty who would say that this thing costs too much, let's sell it.

That he would like to ask how many know exactly how we stand in relation to our human needs as compared to some of our own smaller sister cities. That Charlotte has in operation only ~~8.765~~<sup>8.76</sup> acres of park land as compared to 2,993 for Winston Salem, 1,500 for High Point, 1,400 for Durham, 2,300 for Greensboro; Charlotte spends \$5.25 per capita on our park and recreation

program as compared to \$9.29 for High Point, \$7.25 for Winston Salem, \$8.39 for Durham, \$8.23 for Greensboro, even Asheville, with its immediately surrounding maintains and federal parks spend \$7.94 compared with our meger \$5.25.

He quoted a letter sent to the Editor of our local newspaper, as follows:

"Over a quarter of a century ago, by an ill-considered action of City Council, Charlotte almost lost the land area now known as one of the most successful institutions of its kind in this country - the Nature Museum; it took nearly two years of sustained pressure by civic-minded citizens to regain this tract for perpetual use and enjoyment by this whole region."

Councilman Tuttle stated he challenged the letter of one man in overriding the thinking of a whole citizenry; the Chamber of Commerce, the Merchants Association, the architects of this city, and <sup>the</sup> association of architects.

Councilman Tuttle read the following letter presented to Council today:

"Gentlemen:

The Board of Directors of the Central Charlotte Association, in session this morning, adopted the following resolution:

"The Board of Directors of the Central Charlotte Association go on record as approving the renewal land known as "Blue Heaven" to be used as open space or park area and that the City Council be informed of this resolution.

C. C. Hope, President of the First Union Bank; Thoma M. Lockhart, Cansler and Lockhart; K. Martin Waters, Jr., Treasurer of Waters Insurance and Realty Company; J. Scott Cramer, President, Wachovia Bank & Trust Company; C. O. Armstrong, Belk Brothers Company; Edward C. Clair, Edwards, Inc.; R. R. Clontz, N. C. N. B.; Thomas B. Cookley, WBTB; Earl J. Gluck, WSOC-TV; Kermit High, Carolina Theater; R. S. Husley, Tate Brown Company; James E. Hunter, Hunter and Company; Edwin L. Jones, J. A. Jones Construction; Lenora C. Keesler, Mutual Savings & Loan Assoc.; Graham Keith, Executive Vice President of First Union National Bank; Harold L. McKee, McKee Realty Company; C. A. McKnight, Editor of the Charlotte Observer; Al Manch, Field's Jewelers; J. J. Martin, Jr., Home Federal Savings & Loan Assoc.; Perry E. Morgan, Charlotte News; Royster M. Pound, Jr., Pound & Moore Co.; John Prescott, Knight Publishing Company; Lewis Rose, Sr., Southern Real Estate and Investment Co.; J. D. Sloan, Duke Power Co.; C. D. Spangler, Spangler Construction Co.; John A. Tate, Jr., Tate Consultant Service; James D. White, NCNB; Dennis E. Myers, property owner; George W. Dowdy, Sr., Belk Brothers Co."

He stated we are telling these men the dollar is too great, human values mean nothing at this time; it is fine to talk about plans in the future, but we now have land, we now have an opportunity. Councilman Tuttle made a substitute motion that all the land in the Brooklyn Urban Renewal Project No. 4, exclusive of land needed for the Independence Boulevard Expressway, be reserved for use as a public park and a possible mental retardation center and an alcoholic rehabilitation center, providing this motion shall not be intended to preclude consideration at a later date of the entry of other projects. The motion was seconded by Councilman Stegall.

Councilman Jordan stated Councilman Tuttle has stated this is for a park and he has read the letter concerning these individual citizens, and the only thing he has heard during all of this time is the park. Councilman Tuttle's motion stated for an alcoholic hospital and a retardation hospital, and a zoo to be 10 or 12 acres had been mentioned. The Hospital Authority has under consideration 10 or 12 acres on Randolph Road for a hospital in case this does not materialize down here. They want a children's zoo; there are other state institutions planned for this site and certainly there has to be a parking area for the public to visit these places. That we have 110 acres in Freedom Park, and 6.8 acres for Pearl Street Park which is being used by two schools in that area. These other things have not been mentioned, and he cannot see this as a correct place for a retardation hospital. If you have an alcoholic in your family, he does not believe you would want an alcoholic or a retarded child to be on display in a public park - that he does not believe this is a proper place for it.

Councilman Jordan stated he has done a lot of investigating on this subject and <sup>places</sup> of this nature should be in a secluded place; that we have an alcoholic hospital and he cannot see putting all of these things on 25 acres of land. That in a booklet put out by the Retardation Hospital said the day care program is the initial part of the center, which will eventually expand to include residential housing for adults and juvenile retarded and a residential nursery for profoundly retarded children. He stated this is a misnomer telling the public this is just going to be a park itself and yet in your remarks you tell of plans to put these buildings there. If the public had been told about the buildings and hospital to begin with and no park, this would be another situation; or if you leave the hospitals and things off and say this is going to be a park, this would be another situation but you are confusing the people now by saying it is going to be a park and yet planning all these other buildings.

He stated you are also asking for 10 to 12 acres for a zoo; that he has never been in a zoo in his life that there is no odor; if you are going to build a zoo, then build a big one, but there will still be an odor. If you plan a zoo along with two hospitals, you are putting it across from a shopping center. In his opinion, this is a misnomer to the public and should be brought out as to what is going to be down there and if the people want it and the council votes for it, well and good, but he does not see the situation as it is now on such valuable land.

Councilman Tuttle stated he is a little amazed with the statement about not knowing about the mental retardation and alcoholic rehabilitation or a zoo going in there - that he is talking about 31 acres, not 25. First, he asked that this land be dedicated, this Council has the power to say how this land is going. Council has got to come up with a concept and sell an idea and this concept was simply based on the fact that 5 acres would be required for the mental retardation center and this includes all the additional facilities that Councilman Jordan has been talking about; this is all the state wants; we are talking about 5 acres to maintain a portion of Pearl Park for a football field and a recreation field for the school - this comes to 13 acres. Who is going to say that 10 acres required by a zoo, is not a park, a zoo is part of a park but if you take 10 acres for the park and say that a zoo is not a park facility, you are left with 8 acres.

Councilman Tuttle stated no one brought up the Graves Report on the need for parks until this question was brought up by a group of interested citizens.

Councilman Jordan stated the four councilmen are in favor of the hospitals, the zoo and parks but do not feel this is the proper place for it; they are not against anything that they are recommending under any circumstances.

Councilman Short stated the issue here is not between the ones who want parks and those who do not. It is not a matter of those who are willing to spend money heavily for parks and those who are not willing to spend money for parks. That Councilman Whittington has detailed all the plans for parks and they have all voted and expressed themselves in favor of these plans and they knew what they were doing they had studied what they were voting on and they are serious. That maybe it was not given the utmost priority because there were a great many things involved and he appreciates what Councilman Tuttle and others have done because they have certainly given them the motion that we should increase the priority. The issue is just which park site will it be, rather than who is in favor of parks and who is not. When this is over, they may all agree where these parks should be because he would like to emphasize what was said in the statement earlier. "If we do not like any of the bids submitted, we can turn them all down and proceed otherwise." It would be out of order to strive for 10 years toward the development of this very valuable tract for private development and then when you get right up to the very brink of it, not even try to see what is possible. Once we do find out what proposals we might get from private developers then we have not lost any options, we have merely broadened our knowledge. We can proceed on the basis of this much greater knowledge and then make intelligent choices as to where the parks will be and when that time comes, he thinks everyone will agree on it.

Councilman Alexander stated he recalls when he submitted one sheet of paper, Councilman Whittington stated he had not had time to read it, yet we are faced with a document of 10 pages and he is asking them to digest the validity of the statements encouched in this 10 page document and in light of what has been submitted to them and those who feel it should not be used as a park must have some valid concern and those who feel it should be used as a park must have some valid concern.

That at the moment he has one letter from one citizen establishing certain facts over against lots of pronouncements from other citizens establishing certain thinking and he has heard and read certain items that he cannot say is erroneous but questions the full validity of the statements as they are presented and he would not want the public to get these statements as they are presented. He has read the Graves Report where attention is called to the fact that there are needs for the inter-city parks and needs to purchase land now by virtue of the fact that land in the inter-city is being consumed at a rapid pace and if we do not immediately do it, there will be no land. There are other items he would mention if he had time.

Councilman Alexander made a privilege motion to postpone decision on this item until the next meeting of Council. The motion was seconded by Councilman Tuttle and lost on the following vote:

YEAS: Councilmen Alexander, Tuttle and Stegall.

NAYS: Councilmen Jordan, Short, Smith and Whittington.

Councilman Stegall stated the four Councilmen have done an excellent job with this presentation, but he is going to vote against their motion. Regardless of the outcome of this issue, he would hope this Council will lend its support to the Park and Recreation Commission in a greater fashion than they have in the past to upgrade the parks that we now have. That he can think of several parks that we have now that are so-called parks and are really not parks; they are parks in a fashion. Latta Park for example is not a park - it is just a lot of open area out there. That we are sadly lacking in some of the equipment and the facilities provided for our people in these parks and whatever the outcome, he is sure it has been done with the most diligence on the part of every person in this room and how he votes has nothing to do with how he feels about his colleagues - it is just a matter of opinion and he is sure

they feel the same way. That a good case has been made on both sides and if there is some way to lend more support to the Park and Recreation Commission to upgrade what we now have, it behooves us to do it.

Councilman Tuttle stated time and again Councilman Whittington has asked to delay an action because he has not had time to study it due to his business and he has voted and every other member has for that delay; now we are handed a 10 page report, out of the blue, something they knew nothing about until this morning, nothing that was in it until we saw it in the paper in the halls, and without any rebuttal at all, they are insisting on a vote on this motion now and he feels it is grossly unfair.

Mr. Veeder, City Manager, stated he has been asked to convey to Council the fact that the Executive Committee Deacons and Elders of Covenant Presbyterian Church are on record of approving the park complex.

The vote was taken on the substitute motion by Councilman Tuttle and lost by the following vote:

YEAS: Councilmen Tuttle, Alexander and Stegall.  
NAYS: Councilmen Jordan, Short, Smith and Whittington.

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

YEAS: Councilmen Whittington, Jordan, Smith, Short and Stegall.  
NAYS: Councilmen Alexander and Tuttle.

ADJOURNMENT:

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

  
Ruth Armstrong, City Clerk