

March 31, 1969
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 31, 1969, with Mayor Stan R. Brookshire presiding, and Councilmen Sandy R. Jordan, Milton Short, Gibson L. Smith, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilmen Fred D. Alexander and James B. Stegall.

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, Godley, Sibley, Stone, Tate and Turner.

ABSENT: Commissioners Ashcraft, Gamble and Wilmer.

* * * * *

INVOCATION.

The invocation was given by Father E. Edward Sullivan, St. Ann's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the minutes of the last Council Meeting, on March 24, 1969, were approved as submitted.

HEARING ON PETITION NO. 69-29 BY CARL W. KISSIAH FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF A 1.98 ACRE TRACT OF LAND AT 2700 EASTWAY DRIVE.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located on the west side of Eastway Drive; it consists of a little less than two acres and is vacant; it is adjoined to the south by a row of several single family residential structures; across Eastway Drive on the east side is the Eastway Baptist Church and then three single family houses and further north a relatively new church; directly north of the subject property an apartment is under construction; beyond that the property is utilized for various types of residential usage; to the west of the property is the Merry Oaks Elementary School property; other than that the area along Arnold Drive, and several other streets is largely used for single family purposes.

Mr. Bryant stated there is R-6MF zoning on both sides of Eastway to the north of the property, and beginning with the subject property and continuing south the zoning is R-9; the subject tract is adjoined on the north by an existing multi-family district.

Mr. Carl W. Kissiah stated he is the executor for an estate and this request is in order to settle the estate; that half the property was sold several years ago and apartments are under construction on that portion of the property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 69-30 BY HUMBLE REALTY AND INVESTMENTS, INC. FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY AT 1400 HARDING PLACE, AND A STRIP OF LAND ON THE OPPOSITE SIDE OF THE STREET.

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

The Assistant Planning Director stated the subject tract is located on both sides of Harding Place approximately one block from Morehead Street; it has on it a building under construction; the permit issued stated it would be utilized for office purposes. The property is adjoined by business and office development along Morehead Street; immediately in front is the Lincoln National Insurance Company building; along Harding Place adjacent to the property the area is utilized for residential purposes; there is a duplex immediately beside the property and a series of single family residences throughout the area; a multi-family apartment building is located on Greenwood Cliff backing up to the creek.

Mr. Bryant stated basically the zoning consists of business zoning along Morehead Street, from Monticello Court past Harding Place and out past Kings Drive; there is business zoning along Kings Drive. There is a business zone pattern along Kings Drive on both sides, and along Morehead Street on both sides; Harding Place and Greenwood Cliff vicinity is zoned for O-6, including the subject property.

Mr. Bryant stated the petitioner has indicated the small strip on the opposite side of the street will be used for parking. He stated it is a narrow strip and there may be some difficulty in utilizing it for parking purposes.

Mr. Ray Rankin, Attorney for the petitioner, stated this is an office building that is under construction and the immediate desire of the owner is the prospects of two leases which involves a possible service type operation in which small computers would be brought into the office for service or repairs, and that requires a business classification.

Mr. Rankin stated the plan for a restaurant has been abandoned; that this is a two story building with possible three stories in the future. The strip across the street is a narrow strip and cannot be used for much of anything; it can be used for some parking; the owner has been approached with reference to a beauty parlor or a barber shop.

Speaking in opposition to the rezoning was Mr. O. C. Horne, 1205 Harding Place who stated they have a very difficult traffic situation; that Greenwood Cliff-Harding Place is about a seven block area with no outlet except one north-south street; a number of buildings on Morehead have parking lots that empty into Harding Place; that any additional parking will create a traffic hazard. Dr. Leslie Frerking, Pastor of Ascension Lutheran Church, stated when business zoning is permitted there are traffic problems, parking problems and more and more demands are made. He asked if the zoning is changed to business, cannot a restaurant be opened, and he was advised it can. Dr. Frerking stated this is a narrow street and it is on a curve and there are two streets converging just above; even now the personnel of the offices and the construction workers are parking on the street. This property has been an unsightly mess for more than two years and it is high time that the owner be required to go on with his building and not have this opportunity to change his plans at this date; that any request for a change in zoning should be accompanied by proof of the petitioner's previous performance in undertaking requested improvements. Mr. Boyd Ross, 1132 Greenwood Cliff, stated he represents the Greenwood Cliff-Harding Place Community Associations, and in 1965 the whole area of Harding Place and Greenwood Cliff was rezoned from single family residence to office; since that time they have had a great many

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dirt from the traffic; that children cross his property and his neighbor's property because they do not have a place to walk. He stated this should be changed; that his property is not for sell but he feels no matter what is done on Park Road, it will not affect the value or hurt the property.

Mr. Joe Millsaps, Attorney, stated he is representing 150 people who are opposed to apartments in this location, and filed a petition containing additional names. He stated they have opposed a change in zoning in the past; three years ago they were before Council in opposition; there is R-9MF property available in the area if there is a need; when they appeared before Council three years ago the traffic count on Park Road for a 12-hour day was 15,000 cars; in December, 1968, the traffic count was 17,769 cars in the same period of time. The change in zoning will not contribute to a stable environment.

Also speaking in opposition to the rezoning was Mr. Douglas Aikens who stated there are large tracts in the area and the people bought the property when it was zoned for single family area, and Park Road is now a better road than it was before it was widened.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 170 AMENDING CHAPTER 23, ARTICLE V, DIVISION 1 SECTION 23-62, OFF-STREET PARKING REQUIREMENTS REQUIRED IN LOW INCOME PUBLIC HOUSING PROJECTS

The public hearing was held on Petition No. 69-32 by Charlotte-Mecklenburg Planning Commission to amend Article V, Division 1, Off-Street Parking Requirements, Section 23-62 to reduce the amount of parking required in low income public housing projects to .75 spaces per dwelling unit in family projects and .50 spaces in senior citizens project.

Mr. Fred Bryant, Assistant Planning Director, stated this petition is a result of information brought to the attention of the Planning Commission by the Housing Authority; it concerns the amount of off-street parking that the ordinance requires for multi-family or apartment developments. Some two years ago the ordinance was amended to relate the amount of off-street parking required for apartment areas to the size of the apartment rather than to the number of units; this has partially contributed to the problem the Housing Authority is experiencing, but not completely.

He stated in the public housing projects for low income it has been the experience of the Housing Authority that the normal amount of off-street parking is not required due to the fact these people do not own as many automobiles as the average apartment area would experience; as a result when an apartment has been constructed they have gone to the Board of Adjustment and secured a variance from the basic parking regulations, and in effect had the amount of parking reduced by action of the Zoning Board of Adjustment.

Mr. Bryant stated this has been discussed with Mr. Phil Green at the Institute of Government and he felt if this was to continue to be a situation that would need the attention of the Board of Adjustment, it would be safer from a legal standpoint to amend the ordinance to reflect this rather than continue to depend on the Board of Adjustment action in each individual case.

Mr. Bryant stated the proposed amendment will reduce the amount of parking required for such projects; it is proposed that in a public housing project of a normal four-family variety the parking be required at the rate of .75 spaces per dwelling unit - 3/4 space for each dwelling unit; in the senior citizens project it would be reduced to require .50 space per dwelling unit - 1/2 space for each unit.

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He stated experience has shown that not nearly all of the parking spaces have been utilized and the result has been paved space in the projects that could have been utilized for green space and creation of a little more pleasant open space around the projects.

Mr. Harold Dillehay, Executive Director of the Housing Authority, stated at Edwin Towers there are 30 automobiles owned by the 175 occupants.

Councilman Short moved the adoption of the subject ordinance amending Chapter 23, Article V, Division 1, Section 23-62. The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 129.

COUNCILMAN SHORT LEAVES MEETING.

Councilman Short left the meeting at this time to return after the recess as noted in the minutes.

HEARING ON PETITION NO. 69-33 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM B-1 TO R-6MF OF PROPERTY ON BOTH SIDES OF WEST BOULEVARD, FROM DONALD ROSS ROAD TO ELMEN STREET.

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

The Assistant Planning Director stated this is a strip of land on both sides of West Boulevard beginning at Donald Ross Road and continuing westward to the Elmin Street area; beginning at Donald Ross Road for a considerable distance west to the intersection there is vacant property on both sides, and then you have some single family development on the north side of West Boulevard and this continues out to the end of the area; on the south side the area is entirely vacant until you get near the western edge of the area where there is a non-conforming use under the existing zoning and if the rezoning is approved it would continue to be non-conforming - this is a foundry operation that has been there for a number of years; continuing westward is one single family structure. With those exceptions the tract is vacant. He stated to the south of the property is the Barringer Woods residential area which is entirely developed with single family structures.

Mr. Bryant stated under the current proposal Clanton Road Extension will cross West Boulevard just west of the Donald Ross-West Boulevard intersection; the road will actually go through a portion of the Dalton Village area and will clip the corner of the Barringer Woods areas.

He stated the zoning of the area is B-1 with R-6MF zoning to the south with the exception of the Barringer Woods area which was recently changed to R-6; to the north the property is zoned entirely R-6MF.

Mr. Dick Johnson stated he is one of the property owners covered by the petition and he has worked with other property owners out there and presented the protest petition covering a little over 75 percent of the area; had time allowed he is sure they could have gotten close to 100 percent. He stated on March 10th, they presented a petition to Council which is still applicable today, and they are objecting as a group to the entire zoning plan for West Boulevard. Mr. Johnson stated included in the subject property would be four corners of West Boulevard and Clanton Road Extension which clearly will not be a desirable place for apartments.

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Mr. Eric Ritzen stated he endorses Mr. Johnson's comments; that it appears this area has been heavily saturated with multi-housing or low income units, and according to the Housing Authority there are no immediate plans to put additional housing in that area; also they have a problem with FHA housing. He stated they feel there really is not a need to rezone this property for multi-family use.

Mrs. Hazel Kildare, 1929 West Boulevard, stated she has been living on West Boulevard for 17 years and her lot connect with Barringer School, and is the second house from the Barringer Woods Development. She stated she would like for the property to stay as it is presently zoned or raised in value for other business.

Mr. Lex Marsh stated this downgrading of the neighborhood - zoning-wise - has a good many implications, some of which are quite dangerous; to date there has been an element of stability in zoning and people could count on the zoning not being reclassified in a way that would seriously affect the value; 95 percent of the time the rezoning adds value. He stated he has this four acre tract with 568 foot frontage on West Boulevard at the corner of Chelveston Drive; that there is an 80-foot street projected which is the extension of Clanton Road. This four acres presently is zoned B-1 and if rezoned to residential this will be against a street carrying many thousand cars of relatively fast traffic. He stated if the property was at present zoned for residential they would be here asking for business zoning; that residential zoning is not a fair and logical use of the property.

Mr. John Ingle, Attorney for Mr. I. N. Howard and K. Rennie Biggers as trustees for fourteen individuals, stated they own a tract of land 125' x 110' at the northwest intersection of Donald Ross Road and West Boulevard.

That the Clanton Road Extension will come across this area just west of this particular lot which means they will be left with a lot of land in a triangular road situation; the most residential units that can be placed on this lot is four units; this would mean a lot of building on one small piece of land. The only possible use for this piece of land would be an office or business type use. Mr. Ingle stated under the present zoning the property is worth approximately \$30,000 but if the zoning is changed to R-6MF their appraisals indicate it would be approximately \$3,500.00. In effect, this would amount to the taking of this property; the property behind belongs to Carolina Golf Club and they will have a road locked tract of land and a change in zoning in effect would take the property.

Mr. Ingle filed with the Clerk a petition of protest signed by his clients.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-34 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY ALONG THE SOUTH SIDE OF CAROLINA GOLF COURSE EXTENDING FROM WEST OF OLD STEELE CREEK ROAD TO DONALD ROSS ROAD.

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

Mr. Fred Bryant, Assistant Planning Director, advised this portion of the study represents the largest single land map, and consists to a large extent of property being used for golf course purposes. The property lies to the east of Old Steele Creek Road and includes land that extends from Old Steele Road to Donald Ross Road; the frontage lots on the west side of Old Steele Creek Road beginning at Craddock Avenue and extending up to Primrose Street is used for the Pinecrest Residential community and the Golf Course; to the west it is developed with single family residential use with the exception of two duplexes at Wingate and Old Steele Creek Road; that one of the duplexes would become the only non-conforming use with the change in zoning; other than that the land uses are compatible with the change.

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Mr. Bryant stated the Pinecrest Area is a very substantial single family development, and considering the situation as a whole it was felt that some recognition of that usage should be given through the zoning powers and if possible additional consideration should be given in the form of encouraging similar type of development in the area. In considering the overall land use pattern of this area and the overall zoning pattern, and although there is considerable single family development there is comparatively little single family zoning in the area.

Mr. Joe Grier, Attorney, stated his client is Mr. Robert Winston who owns a 42 acre tract involved in the subject rezoning and he is present to protest on Mr. Winston's behalf. The property was purchased in 1959 and at that time it was zoned industrial as a part of the perimeter area; in 1962 it was included in the comprehensive rezoning and assigned its present zoning classification of R-6MF. Mr. Grier stated generally industrial property carries with it a higher value than residential property; in 1962 when this change was made the Winstons did not protest accepting the Planning Commission and City Council decision that the property's proper use was for multi-family development; they have continued to hold the property for a period of ten years and during this period their income from the property has been realized from one small rental house; in these ten years they have paid heavy city and county taxes; during the last year the taxes on the property were \$595.45.

Mr. Grier stated at present the Winstons have no active plans for the development of the property. Having been assured by the Planning Commission and by the City Council's classification of the property that the proper use was for multi-family development they are very distressed to learn the Planning Commission now suggests that it be restricted to single family use. It is the Winston's opinion that the reclassification of their property will reduce its value at least in half. He stated Mr. Jack Boyd, Architect, has written him a letter in which he states that land zoned for single family development is valued at approximately one half of the value zoned for multi-family use. That Mr. Cleve Davis of the Davis Realty Company has also written a letter in which he states that under the existing zoning of R-6MF it is their opinion that a total of 894 apartment units could be developed at a value of \$600 per unit which would reflect a total value of \$536,400; with a change in zoning to R-6, apartment construction would not be permitted and under these conditions it is their opinion that a total of 123 single family residences could be built and estimates the lots would sell for \$4,000, allowing \$1500 for development cost this would reflect a new value of \$2500 or \$307,500. In considering these values a change in zoning of the subject acres from R-6MF to R-6 would decrease the value by \$228,000. That it is the opinion of the appraisers the subject property would sell on the open market - 41 acres zoned R-6MF at \$10,000 an acre, \$410,000; and 41 acres zoned as R-6 at \$3,000, \$123,000 or a difference of \$287,000. That it is their opinion that a change in zoning from multi-family to residential would decrease the value of the subject property \$257,950.00.

Mr. Grier stated the Winston property does not abut or adjoin any property zoned for single family residences at this time; the only developed property it adjoins is the property lying between it and West Boulevard and the proposal is to change that property from B-1 to R-6MF. He stated the Winston property does not lie on West Boulevard or any street connected with West Boulevard. He stated it would do very serious damage to the Winstons to make this change; that the recommendations in 1962 as the best use for the property still stands and there is no occasion to make any change at this time; and to do so would do the opposite of what zoning is intended to do.

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Mr. Grier stated at first glance it would seem this proposal is related to the movement that has recently occupied the attraction of the Council with respect to the areas in the west side; that is not the case in fact or in principle; the proposal out of which this originates went back to Council's action a year ago and the recommendation by the Planning Commission was in July of last year.

He stated if this property remains as multi-family there is a change it will be developed with high class residential property; if the change is approved and is limited to single family residences it is more closely related to some old and dilapidated property along Elmin Street and it could be influenced by the present development in the area.

Mr. Robert L. Scott, Attorney for the Carolina Golf Club, stated he is present to speak in opposition to the proposed rezoning. He stated across Donald Ross Road from their property there is the Malhope Machinery property, the American Legion Recreation Center, and Industrial I and Industrial II with one of the largest junking operations in the county as a result of a rezoning just last year; he named the other industrial installations in the general area. Mr. Scott stated the Pinecrest Subdivision was developed by Ervin Construction when the property was zoned for rural use; and there was no protection around them. He stated the club is now in active negotiations with a local firm with the end result to be that the portion of the Club property zoned R-6MF would be utilized by the purchaser for the construction of high rise, high rent apartment buildings; the present recreational facilities would be used for the community center for these apartments; if the rezoning goes through then this project must go by the way; that the Club has been advised that the acreage has a value of approximately \$5500 per acre, and if rezoned that it is not worth \$1500 per acre.

He stated they were aware that the Clanton Road extension would cross a portion of their property and they have already indicated they would not resist it. That the only kind of single family dwelling that could be built would be the kind that would have to be supported by some kind of public money.

Mr. Charles Hawkins stated he is President of the Carolina Golf Club and speaks for the 500 membership who is opposed to the rezoning of this property.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-35 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM R-6MF AND I-1 TO R-6 OF PROPERTY ON BOTH SIDES OF MAYFAIR AVENUE, FROM MARKLAND DRIVE TO NORTH OF WINGATE AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this petition consists of a strip along Mayfair Avenue which runs off Old Steele Creek Road. The property consists of property already laid out into existing lots along Mayfair extending from the intersection of Old Steele Creek Road for a distance to the north until it gets near Seymour Drive. There is only one duplex structure existing in the area proposed for rezoning; there is a site on which footings have been poured for a seven unit apartment building and will be non-conforming if the zoning is changed.

Mr. Bryant stated this is adjoined on the west by the Ponderosa single family developed area and is an extension of existing single family zoning.

Mr. M. O. Burgess, Jr., 2849 Mayfair Avenue, stated he would like for his property to remain in its present zoning; that he is within a stone's throw of four service stations and two grocery stores.

Council decision was deferred until the next Council Meeting.

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RESOLUTIONS DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE TAXICAB SERVICE PROPOSED BY THE APPLICATIONS OF CHARLOTTE CAB COMPANY AND BAKER CAB COMPANY.

The public hearing was held on the petitions filed by Haynes, Graham and Baucom, Attorneys for Charlotte Cab Company requesting 16 new and additional certificates of public convenience and necessity and for Baker Cab Company requesting 15 new and additional certificates of public convenience and necessity for their operation of taxicabs in the City.

Mr. Myles Haynes, Attorney, stated Charlotte Cab Company is asking for 16 new and additional certificates and Baker Cab Company is asking for 15 certificates; both these companies are having difficulties meeting the public demands for cab service with the number of cabs they are presently operating; Charlotte Cab has 34 cabs on the road now and it is their judgment they need a fleet of 50 and they are requesting the 16 additional cabs. He stated Baker Cab Company with 19 cabs is not yet able to get its unit operating costs per cab down to the point to make it a profitable operation. They know Charlotte Cab Company can operate profitably with 34 and therefore are asking for 15 additional for Baker which would give them 34 cabs.

He stated both companies have a sufficient number of persons to drive the cabs and they anticipate no employee problems; both have arranged the financing of the cabs if Council approves the certificates.

Mr. Haynes stated based on the Chamber of Commerce's January 1, 1969 estimate there are approximately 268,000 people in the City of Charlotte; Mecklenburg County has an estimated population of 350,000 and it is estimated that last year 1,404,690 people visited the City of Charlotte. That he checked with International Taxicab Service and Honeywell Corporation and these two have advised him that the national average is one cab per 1,200 and 1,500 people; that in a convention center you need more cabs per people. Based on 208 certificates - the number presently outstanding - and using those figures for city and county populations, this computes that we now have one cab per 1,322 people in the city and one cab per 1,200 in the county, and one cab per 8,436 people if you add the visitors population to the county population.

Councilman Whittington moved the adoption of a resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Charlotte Cab Company. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Whittington moved the adoption of a resolution declaring that public convenience and necessity require the taxicab service proposed by the application of Baker Cab Company. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 6, beginning at Page 279.

HEARING ON PETITION FILED BY W. H. SCARBOROUGH, ATTORNEY FOR WILLIAM JAMES DILLESBAY, REQUESTING THE TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FROM MR. HERBERT LEE JOHNSON.

The public hearing was called on the subject petition.

There was no one present to speak to the petition, and Councilman Whittington moved that the hearing be delayed until Mr. Scarborough is present to present the request to Council. The motion was seconded by Councilman Jordan, and carried unanimously.

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MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a recess at 4:10 o'clock p.m., and reconvened the meeting at 4:25 o'clock with the following Councilmen present:
Councilmen Jordan, Short, Smith, Tuttle and Whittington.

STATEMENTS FROM AUDIENCE.

Mr. W. J. Elvin stated he would like to bring to Council's attention a letter that appeared in the Charlotte News on Saturday afternoon relating to the Civic Center. He stated it was well written and very factual. He presented a xerox copy of the letter to each Councilman.

INFORMATION ON LOW INCOME HOUSING PREPARED BY CITY MANAGER'S OFFICE.

Councilman Whittington requested that the following report be made a part of the Minutes:

Federal Housing Programs

The Housing and Urban Development Act of 1968 and previous national Housing Acts provided for a variety of public and private low income housing programs. The programs are administered by two agencies: the Federal Housing Administration (FHA) and the Housing Assistance Office (H.A.O.) both divisions of the U. S. Department of Housing and Urban Development. All programs utilized by the local Housing Authority are administered by H.A.O. They are: conventional public housing, turnkey housing and leased housing. Under the "conventional" public housing program, the local Housing Authority purchases the site, constructs the project and thereafter owns and operates it. The "turnkey" program allows a private developer to complete all aspects of a development including site selection, purchase, design and construction and to sell the completed project to the local Housing Authority. The "leased housing" program provides for the selection and purchase of a site, and the design and construction of a development by a private developer who then leases the completed development to the Housing Authority for an economic rent. No FHA programs are utilized by Local Housing Authority.

FHA administered programs include a variety of mortgage insurance programs for single and multi-family units, cooperative housing, non-profit and limited dividend housing and subsidies to mortgagees for purchase and rental of housing for low income families.

Existing Public Housing Developments

The Housing Authority of the City of Charlotte currently operates 2,080 units of low rent public housing. The oldest development, Fairview Homes, was opened in 1940. The newest development, leased housing on West 27th Street, was opened in 1968. The total of 2,080 units includes 60 units of leased housing. All other existing developments are conventional projects.

Existing public housing developments are summarized in Table I.

Table I
Existing Public Housing Developments

<u>Development</u>	<u>Date Opened</u>	<u>Location</u>	<u>Units</u>
<u>Conventional</u>			
Fairview Homes	1940	Oaklawn Avenue at Earle Street	468 Units
Piedmont Courts	1941	East Tenth at Seigle Avenue	368 Units
Southside Homes	1952	South Tryon at Griffith Street	400 Units
Belvedere Homes	1953	Rozzells Ferry Rd. at Jackson Ave.	200 Units
Earle Village	1967	East Seventh Street area	409 Units
Edwin Towers	1967	West Tenth Street at Church Street	175 Units
<u>Leased</u>			
Leased Housing #1	1968	423-25 Kingston Avenue	2 Units
Leased Housing #2	1968	West 27th at Poplar	58 Units
TOTAL			2,080

Proposed Public Housing Developments

Currently the Housing Authority has authorization from the City of Charlotte and the U. S. Department of Housing and Urban Development to develop an additional 2,000 conventional or turnkey public housing units and 300 leased public housing units. City authorization was given in the following manner: 1,000 conventional or turnkey units in July, 1966; 300 leased units in January, 1968; and 1,000 conventional or turnkey units in May, 1968. As of the date of this report, 1,504 of the 2,000 additional units authorized are in some stage of active development. These 1,504 dwelling units are located in ten developments. The majority of the new units, four projects totalling 930 units, are being developed under the Housing Assistance Office "turnkey" program. An additional four new developments totalling 151 units are being developed under the Housing Assistance Office "leased housing" program. The remaining 423 units of the total 1,504 now under development are in two conventional developments, Strawn Apartments and Edwin Towers #2. Approximately 500 public housing units of the 2,000 currently authorized are not in the development stage. That number has been reserved for sites in the Model Neighborhood.

An additional 2,500 units of conventional and turnkey public housing was authorized by the City of Charlotte just last week. The Housing Authority however has not yet received an approval from the U. S. Department of Housing and Urban Development for that amount.

The proposed 1,504 units now under development are summarized in Table II.

Table II
Proposed Public Housing Developments

<u>Development</u>	<u>Status</u>	<u>Location</u>	<u>Units</u>
<u>Conventional</u>			
Strawn Apts.	Working drawings and specifications	South Blvd. at Bland St.	298
Edwin Towers #2	Working drawings and specifications	West Tenth at Church St.	125
<u>Turnkey</u>			
Dalton Village NC 3-9	Awaiting final contract signature	West Blvd. at Ross Ave.	300
Unnamed Project NC 3-10	Schematic drawing	Barringer Dr. Ext.	200
Boulevard Homes NC 3-11	Awaiting final contract signature	West Blvd. at City Limits	300
Unnamed Project NC 3-12	Proposal in preparation	28th St. at Catalina Ave.	130

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Table II (cont.)
Proposed Public Housing Developments

<u>Development</u>	<u>Status</u>	<u>Location</u>	<u>Units</u>
<u>Leased</u> Leased Housing #3	September construction	Pitts Dr. at Booker Ave.	50
Leased Housing #4	Construction underway	Coronet Way	15
Leased Housing #5	Arranging financing	Maiden Street	56
Leased Housing #6	Arranging financing	Louise Avenue	30
		TOTAL	1,504

City Housing Authority Participation in Low Income Housing Site Selection.

Local housing authorities have the opportunity to select sites for low income housing in only one of the three H.A.O. programs in which they participate: conventional public housing. Under the turnkey and leased housing programs, the private developer makes the site selection. The local Housing Authority and H.A.O. must approve the selected site but do not make the selection.

The local Housing Authority has no role in any aspects of the several FHA low income housing programs. The only opportunity for local government to influence the site selection process of FHA low income housing programs is through local zoning regulations. The private developers may locate all FHA housing and H.A.O. turnkey and leased housing at any location appropriately zoned for multi-family housing.

Current Status of West Boulevard Area Turnkey Projects

Project NC 3-11, Boulevard Homes and Project NC 3-9, Dalton Village -

Contract documents have been submitted by the developers to the Charlotte Housing Authority. The Authority has approved the documents and submitted them to the HUD office in Atlanta for review. This review has been completed.

A development program has been prepared and is being reviewed by HUD. This development program would make funds available to the Charlotte Housing Authority for the purchase of the projects. The review is likely to take another two to three weeks. When completed, the Charlotte Housing Authority would have authorization to complete negotiations with the developers for the construction and purchase of the projects. These negotiations would then result in a purchase contract between the Charlotte Housing Authority and the developers.

The developer for Project NC 3-9 (Dalton Village) is the Summers Development Company, a Charlotte corporation. The project area totals 36 acres.

The developer for Project NC 3-11 (Boulevard Homes) is H.L.C. & Associates (a corporation owned by Coble Construction Company of Greensboro). The project area totals 41 acres.

Project NC 3-10 (Unnamed), Barringer Drive Extension -

Schematic drawings, specifications and cost estimates have been submitted by the developers to the Charlotte Housing Authority. The Authority has approved these documents and submitted them to the HUD office in Atlanta for review. The review is now underway and is likely to take another two to three weeks.

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Upon completion of the review of schematic drawings, specifications and cost estimates, the developer will be invited to prepare contract documents for submission to the Housing Authority. Upon approval by the Housing Authority the contract documents will then be submitted to the Atlanta HUD office for their review. This review is expected to take three to four weeks. Concurrent with the review of contract documents a development program will be prepared. The development program, which will make funds available to the local Housing Authority for the purchase of this project, must also receive approval by HUD.

Such approval normally follows an additional three to four week review period. Upon completion of this review, the Housing Authority will be authorized to complete contract negotiations with the developers for the construction and purchase of the project.

The developer of Project NC 3-10 is the D. L. Phillips Investment Builders, Inc., a Charlotte corporation. The project area total 28 acres.

Expenses to Date on West Boulevard Area Turnkey Projects
Project NC 3-11, Boulevard Homes and Project NC 3-9 Dalton Village -

The following expenses to date for each of the two projects are estimates.

The Charlotte Housing Authority has incurred approximately \$12,500 in expenses for each project. These expenses include \$1,550 for appraisals, \$6,000 for cost estimates, and about \$5,000 for interest on a preliminary loan and administrative expenses.

The developer's expenses, omitting legal, overhead and interest costs, are estimated to total approximately \$295,000 for Project NC 3-9 and \$330,000 for Project NC 3-11. Land for Project NC 3-9 was purchased by the developer for about \$175,000. The developer of Project NC 3-11 may have an option to purchase the land for the project or may have purchased it for about \$210,000. Architectural and engineering work for each project is completed at a cost in the \$120,000 range. Legal, overhead and interest costs to date by each developer is not known.

Unnamed Project NC 3-10, Barringer Drive Extension -

Expenses incurred to date on this project by the Housing Authority include approximately \$1,300 for appraisals and a small amount for administrative expenses. The developer has owned the land on which the project is to be located for some time. It is therefore difficult to estimate the cost incurred in its purchase. The developer has engaged architects and engineers for the project but because of the early stage of development, it is also difficult to make a valid estimate of such costs. Legal, overhead and interest costs to date are also unknown.

Authority of Council to Halt Turnkey Projects

In response to Council's request for an opinion on the question of the authority of Council to stop work on Projects NC 3-9, Dalton Village, and NC 3-11, Boulevard Homes, the City Attorney has submitted the following:

"Together with the attorneys for the Charlotte Housing Authority, an examination has been made into the law applicable to this subject. The Charlotte Housing Authority is created by Chapter 157 of the N. C. General Statutes and is entitled "Housing Authorities Law". Any Housing Authority created under this Act is a separate corporation from its municipal counterpart. The Housing Authority is composed of five members appointed by the Mayor for five-year terms. Removal from the Housing Authority may only be cause following a hearing. Chapter 157 also requires that a Housing Authority file a report of its activities with the Mayor at least once a year. These enumerated items are the only direct controls that the Mayor and City Council have over the Housing Authority.

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Keeping in mind the foregoing paragraph, it is my opinion that Charlotte City Council has no authority to stop the housing projects known as Dalton Village and Boulevard Homes,

Both projects have received site approval by HUD, and based on the assurances by the Housing Authority, the developers have made plans to proceed with their construction. The City has no jurisdiction over the work of these developers assuming they meet zoning and building code regulations.

Although no contract has been signed between the developers and the Housing Authority, a contractual liability would exist if the developers were prevented from completing their work by either the City or the Housing Authority. Under the law, it is recognized as the theory of "implied contract" which basically means if one party induces another party to perform certain work relying on the representations of the first party, then an implied contract exists between the two parties. A breach of this implied contract would occur when there is a prevention of the complete performance of the services entered into by the second party. The amount of liability is determined by the amount of outlay incurred prior to the prevention of completion. Both developers, if stopped from completing their development, would be entitled to maintain an action against the City and/or Housing Authority for their expense incurred."

Low Income Housing Planning and Architectural Design

It has been suggested that the Housing Authority seek additional site planning and architectural design assistance for low income housing projects. Sources of such assistance in both areas have recently been identified. The staff of the Charlotte-Mecklenburg Planning Commission has expressed a strong interest in defining a greater role for the Planning Commission in site planning for apartment projects. Within the next few weeks the commission will present to Council recommendations for the revisions of zoning and subdivision regulations resulting in the review of site plans for all multi-building apartment projects by the Planning Commission.

On March 6, 1969, the Charlotte Section, North Carolina Chapter, American Institute of Architects offered to City Council, the Housing Authority and private enterprise the services of its Board of Directors, "to help solve the problems involved in consideration of site selection and development, programming the design approach and securing governmental approach for multi-family housing units now being planned for Charlotte.

Master Plan Committee for Public Housing

The need for a Master Plan Committee for public housing has also been suggested. There appears to be three alternative means of meeting such a need. They are: (a) the creation of a new committee charged with this responsibility, (b) the assignment of this responsibility to the recently appointed Mayor's Housing Study Committee, and (c) an expansion of the duties of the Citizens Advisory Committee on Urban Renewal and Community Improvement to include this responsibility. In its meeting of March 24, 1969, Council authorized the Citizens Advisory Committee on Urban Renewal and Community Improvement to review and make recommendations where appropriate on any new or revised activities being developed by a number of city agencies, including the Housing Authority."

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HOUSING AUTHORITY REQUESTED TO REFER ALL HOUSING PROJECTS WITH WHICH IT IS OR WILL BE CONCERNED TO THE COUNCIL PRIOR TO MAKING ANY COMMITMENTS OR ENTERING INTO ANY AGREEMENTS AND INSTRUCTED TO PROCEED WITH HOUSING PROJECTS N.C. 9 AND N.C. 11. X

Councilman Smith asked Mr. Harold Dillehay, Executive Director of the Housing Authority, to explain the procedure for entering into a contract with the private contractors for public housing.

Mr. Dillehay stated Mr. Smith is referring to turnkey operation; first the developer selects real estate people to go out and find a site; the site location is brought in to see if it meets all the local approvals as well as the federal approvals. The step after his office is to the Planning Commission; then it goes to members of the City Manager's staff; then the School Board.

He stated the developer is told it can be approved locally and it will be submitted to the federal people if he desires at that point some of the developers desire to submit a proposal of the whole package. It is submitted to the regional office with a preliminary proposal and a technical crew is sent in to look at the topography of the land and if they agree, then a second team is sent in to review the whole program. If it passes the regional office, a letter is written in which they state that the proposed site has been approved and negotiations with the developer can begin. He stated his office then writes the developer telling him the site has met the federal and local approval and a proposal can be submitted. The proposal is submitted and it goes through complete review locally and it is then sent to the federal office for review; at that point - the schematic phase - the developer is given one of two options. He can establish his cost estimates and the Housing Authority can call in independent cost estimates and in the meantime the property has been appraised and a tentative price has been established - these papers go all the way to Washington. Then a letter of intent is entered into; this commits the developer to finish the project and the Authority to buy it. If, in the meantime, something had happened the Authority would be obligated to the developer for everything that he had done to that point. He can take the direct contract route and by this he receives a letter designating him as the developer and every step he takes has a letter of approval all the way up; they do not enter into the contract of purchase until everything has gone all the way through and the Housing Authority has entered into an annual contributions contract with the Federal Government which authorizes the Housing Authority to issue the bonds. At that time they have the final cost conference and the developer is given a contract letter to purchase.

Councilman Smith asked before the developer is given a letter of intent, does the Housing Authority know the cost of the development? Mr. Dillehay replied they know approximately what it will cost; the regional office carries a curve cost and if the developer's figures are above that cost, he would be notified that he is too high and he can drop out at that point. Councilman Smith asked when the developer feels he can spend money and he has sufficient contract that he can obligate himself? Mr. Dillehay replied when he receives his letter designating him as a developer on the first preliminary cost figures; the developer sets his cost estimates and the Authority engages two independent cost estimators and if the developer is below the other two, there is no discussion; if he is above one of them, then the debate goes in between a compromise figure. Mr. Dillehay stated none of our developers have gone the letter of intent route, all have gone the direct route to the letter of contract, with each stage approved as the project progresses.

Mr. Schakelford of Greensboro, North Carolina and President of the HLC Construction Company stated the turnkey program as it is being carried on by the Housing and Urban Development Department is under a minor re-alignment

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of approach at present; there are two methods whereby the contract of sale is executed between a housing authority and a prospective developer. One is the letter of intent stage and the other is the direct contract sale method. He stated they have chosen to operate under both in the past depending on particular circumstances. At present they prefer not to go into the letter of intent. He cited a case where someone went the letter of intent stage and everyone is up in a cockhat right now as to just what will transpire with the outcome of the project. He stated under the letter of intent stage, once a developer is chosen and he receives the letter naming him as the developer for one of the projects, he prepares preliminary plans and specifications and gives the Housing Authority a proposed figure representing the total turnkey project - this includes land, development cost, A & E fees, construction financing, title insurance - in order at the end to hand over a complete package ready to occupy and for tenants to move in before they themselves have to make any investment. He stated in the letter of intent three figures are established - one representing the maximum price that can be paid for the land under this program; two, the maximum amount that can be paid for architectural and engineering services necessary to produce a contract set of documents; the third figure under the old program constituted the balance between the first two figures and the contract of sale price; and it established a maximum figure; at no point could the Housing Authority enter into a program in which the total cost exceeds the total cost as outlined in the letter of intent. There was language within the program that allowed in the event the independent estimates came in to the mid-point, between the two figures, and was less than 95 percent of the amount named in the letter of intent, then at the option of the developer he could say to the Housing Authority that he cannot adjust his figures and he is ready to sell the property at this price and to present to the Housing Authority with architectural drawings sufficient in scope and nature for the Authority to take competitive bids on the project for "x" number of dollars.

Mr. Schakelford stated under the direct method they do not enter into any final figures until a negotiation falls at the tail-end where a figure is firmly set - each step is approved by the local authority. That under the slight revisions underway at present, there are three restraining levels of price. The first price after you are named as the potential developer in concert with the local Housing Authority, with the Housing Assistance Administration and the developer, a negotiation conference takes place at which time if you are going the letter of intent route, you establish the two figures - one for land and one for the architectural fee and the third for the total price of the project. This establishes a maximum level of contract; in the event there are some negotiations such as the Housing Authority requesting stoves and refrigerators in the project with the contractor furnishing them, this is a justifiable increase to the original cost; if this is added in, there is a possibility the price could be increased; there is still the third limiting factor that when they get to the mid-point of the two estimates, either under the letter of intent stage or under the direct contract method, this then becomes the limiting maximum figure. If it comes in \$200,000 in excess of the price quoted and they cannot successfully negotiate a contract, then it is up in the air.

Mr. Schakelford stated he has the final approved specifications on the West Boulevard project - the 200 unit turnkey portion. The plans and specifications are in the hands of the Housing Assistance Administration in Atlanta; they have had their final review and there are a few minor comments addressed to these which are in the process of being included in an addenda; the plans have been submitted to the Building Inspection Department of the City of Charlotte and have tentative approval by the Planning Commission; the independent cost estimators employed by Mr. Dillehay have had the plans for two weeks and they estimate it will take them one more week, possibly ten days to come up with their figure; the development program which

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Mr. Dillehay must submit through the Housing Assistance Administration on up to the Housing and Urban Development in Washington which guarantees the government's backing of the financing of the project has already been submitted to Washington and approval is immanent.

Councilman Smith stated Mr. Dillehay is the authority developed by Council, and Council has to accept full responsibility for where we are right now; Mr. Schakelford has put out a lot of money and he does not see how the city can delay these two projects further without incurring terrific liability. That as much as he would like to help these people on these two projects we have to look to the future rather than what has been done with Council's blessings.

Councilman Whittington stated that Mr. Gluck, Chairman of the Housing Authority, made the statement last week that the project on Bullard Street had been cancelled by the developer.

Councilman Smith stated he would like to see Council go along with Mr. Ritzen's proposal to form this Master Plan Committee, and from here out involve the citizenship of this community in the location of these projects.

Councilman Short stated in Project N. C. 3-11 a number of the units are built other than for the Housing Authority - that some 90 of them are for another purpose. Mr. Schakelford stated under Project 3-11, no, but under the total development of the area in which this project is contained, yes. Councilman Short stated these projects as now constituted could conceivably be built by private individuals who want to build apartments. Mr. Schakelford stated there are some 240 apartments planned, only 90 of which are to be for individual sale; a portion of the project is to be developed for houses that will be sold on an individual basis; the other portion of the project will differ physically only in the amount of rent that will be charged to the tenant.

Councilman Short stated he thinks it is erroneous to assume that the Council and the Housing Authority has total control over all minimum type housing; it is obvious that any individual who wants can build this type of project.

Mr. John Rosebro, of Vinson Realty, stated the total planning of this particular subdivision involves four phases - (1) The turnkey program in which Mr. Schakelford is building for the Housing Authority; that is the only phase in which the Housing Authority has any involvement; (2) the second phase is to be erected by Urban Systems Development Corporation, a subsidiary of Westinghouse private enterprise; this in no way can be classified as low cost housing; these apartments will rent in the range of \$125-135 a month; this will be the rent supplement and the rental will be based on the economics, and if the occupant cannot afford the rent, the government will subsidize it. This will include an apartment of 150 units and included in this project will be 90 units to be sold to owner-occupied. Urban Systems tells him the drawings have been approved by FHA and the written commitment on the loan has been issued; they have already exercised the option to buy the land and title will be transferred in 30 days. The fourth phase involves the shopping center. That only the 300 units are involved in the low cost or turnkey project; the balance is private enterprise. He stated this conforms to the zoning and to all city regulations and they have been conferring with the Planning and Zoning Departments for over a year on the matter; the plans are finished and they are ready to go; there is something like 1/2 million dollars already spent in plans, engineering, attorney fees and interest todate.

Councilman Short stated the Housing Authority has nothing to do with the rent supplement project, and 150 units of this project are for rent supplement.

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Councilman Smith stated all these low cost units cannot be placed in one geographical area; they must be spread somehow; that as he understands it high rise apartments are not approved for low income housing. Mr. Dillehay stated that is not a rule, it is the law of the land; experience has proven that high rise apartments are a very bad thing for family units, and they tried to discourage it but without success and they changed the law so they cannot be built.

Mayor Brookshire asked Mr. Dillehay if Council would be unduly or unfairly restrictive to ask the Housing Authority not to negotiate any further public housing other than Dalton Village and Boulevard Homes until an equal or greater amount has been built somewhere else in the city? Mr. Dillehay replied the Housing Authority in cooperation with HUD has said that the area between Wilkinson Boulevard and South Tryon will not be reviewed for any additional housing; there have been several proposals since then and they have declined the proposals; that everyone, including the city's representative is searching the city trying to find a location for additional housing.

Mayor Brookshire asked if he is correct in his understanding that HUD did turn down the project on Billingsley Drive? Mr. Dillehay replied HUD did not approve it.

Councilman Smith asked the chances of approval of locations in the perimeter if transportation is approved? Mr. Dillehay replied the city's Housing Authority jurisdiction stops at the city limits. Mr. Schakelford replied if it is contiguous to the city limits it could be annexed.

Councilman Smith stated in correcting a wrong he does not want Council to create another wrong and cause these people an economic hardship after spending 20-25 years building the nice subdivision and paying for them to be forced to take a lower price and have to go into another neighborhood and pay a much higher price.

Mr. Schakelford stated in an effort to establish a line of communication between Council and the governing people who have the responsibility of saying where these projects will be located, you have to understand the human aspects; already you find yourself involved with the Redevelopment Committee, Planning Commission, Housing Assistance Administration, Federal Housing Authority and the Model City Program; this involves five different agencies with at time five seemingly divergent approaches. If a line of communication can be established to bring this into a nutshell to get total community planning, it would be one of the most wonderful things that has ever happened. Mr. Schakelford stated the City of Atlanta, Georgia Mayor has asked for some 15,000 units of moderate to low-income housing to be built in the next five years; finding land in that town is almost an impossible proposition; that he has had retainer of one of the leading real estate firms in the City of Atlanta for 18 months and they have found one tract of land which was acceptable; this is a national problem.

Mr. Eric Ritzen stated the citizens group is aware of Mr. Schakelford's heavy investment in this projects. He stated they are trying to be reasonable about this and they have asked for the formation of a citizen's group - it does not have to be a new one but a re-organization of the one Mr. Rowe heads up - to see that one of the areas of the city does not become totally saturated with low income housing; that he notes by the papers that the 200 units in Rollingwood are in the preliminary stage and could be cancelled; there should be some sort of control of low income housing; that his group is asking that their portion of the city not be expected to support all the low income housing and that it be dispersed. He stated he would hope that the City Council would accept the basic guidelines of the resolution which he presented to Council at their last meeting.

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Councilman Whittington moved that the City Council of the City of Charlotte request the Housing Authority of the City of Charlotte to refer all housing projects with which it is, or will be, concerned to the City Council prior to making any commitments or entering into any agreements; it will be the responsibility of the City Council after this information has been furnished it, to determine if a public hearing is desirable or necessary before a particular project is approved; the Council requests the Housing Authority to keep in close touch and maintain regular communications with the Council regarding the location, the construction, the lease or acquisition of all housing projects in the future; second, that the City Council instruct the Housing Authority to begin again the construction of N.C. 9 and N.C.11 - the Dalton Village and the Boulevard Home projects, both on West Boulevard. The motion was seconded by Councilman Tuttle.

Councilman Smith asked the Mayor if it is his intention to enlarge the present committee to incorporate some of the ideas of this group into that committee? Mayor Brookshire replied he would like to increase the size of the Housing Committee named two or three weeks ago, or the Mayor's Committee on Urban Renewal and Community Improvement which Council actually authorized as being an agency to review and make recommendations where appropriate on any new or revised activities being developed by the Charlotte Housing Authority and several other of the city's agencies; that he does think the membership of the Committee should have geographic distribution which has been suggested by Mr. Ritzen, and it is his intent to give it geographic distribution.

Mr. Ritzen stated there are many aspects of the resolution that are not in this motion; they still do not have any control of FHA housing which contributes as much to the problem as turnkey projects; they still have not resolved the school situation; this also applies to the recreational facilities; that he would urge Council to look closely at the resolution which they have presented.

Mayor Brookshire stated Council is of the very firm desire to be as helpful as possible in combating the problems, and Council is willing to go as far as it legally can go in the control of where public housing or low-income housing goes either through its own authority or by influence; that he thinks Council would also be willing to contact the Park and Recreation Commission and the School Board, and there will be better communications.

Councilman Whittington stated it was his hope that the Citizens Advisory Committee on Urban Renewal and Community Improvement would consist of people from all sections of the city, along with the workable program from the Planning Commission, the Building Inspection Department, Redevelopment Commission, Housing Authority, Mayor's Committee on Community Relations, Fire Prevention Inspection Department and Park and Recreation. Mayor Brookshire stated he thinks the School Board should also have representation on the Committee. Mayor Brookshire stated the Housing Committee headed by Mr. Rowe was not named as a standing committee but only hopefully to help resolve present problems; that he does not think both committees are needed.

Mr. Ritzen stated one of the things they asked in their resolution was if these present projects are to be allowed to be completed, then a geographic area should be set off and no more public housing should go into this area until a like amount is put in the other areas of the city. Councilman Whittington replied this is the intent and is the reason for the public hearing so that everyone would know where the projects would go. Mr. Ritzen stated they would like to see a specific area of the city - namely South Tryon Street and perhaps Statesville Road - be given a little assurance from the fact that they will not receive additional low income housing at this time. Councilman Whittington stated he believes his motion makes that pretty clear.

Mrs. Robert F. Welch, Randolph Road, spoke to the discussion stating it seems the resolution presented to City Council has been changed, and she does not think the change is for the better. That many of the people from the professional staff and the Committee are not from the west side of town, and the majority vote would not be representative of the whole city.

After further discussion, the vote was taken on the motion, and carried unanimously.

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CONTRACT WITH WILLIAM TROTTER DEVELOPMENT COMPANY FOR CONSTRUCTION OF WATER MAINS AND FIRE HYDRANT, APPROVED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and carried unanimously, approving subject contract with William Trotter Development Company for the construction of 850 feet of water mains and one fire hydrant, to serve the Allenbrook Subdivision, inside the city, at an estimated cost of \$3,300.00. The City will finance all construction costs and the applicant will guarantee an annual gross water revenue equal to 10% of the total construction cost.

APPROVAL OF ENCROACHMENT AGREEMENT WITH SOUTHERN RAILWAY SYSTEM FOR CONSTRUCTION OF SANITARY SEWER LINE TO SERVE GENERAL MOTORS AT NORTH TRYON STREET.

Councilman Tuttle moved approval of the subject encroachment agreement with Southern Railway System permitting the City to construct an 8-inch sanitary sewer line to serve General Motors at North Tryon Street. The motion was seconded by Councilman Short, and carried unanimously.

APPROVAL OF ASSIGNMENT OF ALCO, INC. AGREEMENT TO NATIONAL CAR RENTAL SYSTEM, INC. FOR CAR RENTAL SERVICE AT AIRPORT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject assignment agreement in which National Car Rental System proposes to buy out the franchise of Alco, Inc., was approved.

LEASE WITH STATE AIRLINES, INC. AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilman Whittington moved subject lease with State Airlines, Inc. be approved for 32,400 square foot area of undeveloped land southwest of their present location which meets FAA criteria for minimum clearance from runways and taxiways. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF G. RICHMOND BOONE, AND WIFE, 2269 WINDINGWOOD LANE, AT \$1.00, FOR SUGAR AND BRIAR CREEK FLOOD CONTROL PROJECT.

Councilman Jordan moved adoption of subject resolution authorizing condemnation proceedings for Sugar and Briar Creek Flood Control Project.

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

The resolution is recorded in full in Resolutions Book 6, at Page 284.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF HARRY L. DORSEY AND WIFE, AT 3800 SELWYN AVENUE, FOR THE SUGAR AND BRIAR CREEK FLOOD CONTROL PROJECT.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject resolution authorizing condemnation proceedings was adopted.

The resolution is recorded in full in Resolutions Book 6, at Page 285.

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF CABELL H. SMITH, JR., AND WIFE, AT 2323 SHARON ROAD, FOR THE SUGAR AND BRIAR CREEK FLOOD CONTROL PROJECT.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, to adopt subject resolution authorizing condemnation proceedings.

The resolution is recorded in full in Resolutions Book 6, at Page 286.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY OF ELIZABETH K. JOYE, WIDOW, AT 3240 WESTFIELD ROAD, FOR THE SUGAR AND BRIAR CREEK FLOOD CONTROL PROJECT.

Councilman Jordan moved adoption of the subject resolution authorizing the condemnation proceedings. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 287.

PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Jordan moved the approval of the acquisition of 47.4394 acres of property on Warren Road, in Berryhill Township, from Clara King Bernay, at \$166,050.00, for the project to acquire land for the airport expansion. The motion was seconded by Councilman Whittington, and carried unanimously.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the acquisition of 20.24 acres of property on Berryhill Lane, from A. W. Mercer and wife, at \$35,000, for airport expansion.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the acquisition of 980.13 square feet of property at 4500 Sugar Creek Road, from Plaza Associates of Charlotte, Inc., at \$2,500.00, was approved for the Sugar Creek Road-North Tryon Street Intersection.

Councilman Whittington moved approval of the acquisition of 28 square feet of property at 100 Sugar Creek Road West, from Sugar Creek Presbyterian Church Cemetery, at \$100.00, for Sugar Creek Road-North Tryon Street Intersection. The motion was seconded by Councilman Jordan, and carried unanimously.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, approving the acquisition of temporary construction easement at 1221 Druid Circle, from Zellie Wylie and wife, at \$1.00, for Druid Circle Drainage.

Councilman Whittington moved approval of the acquisition of temporary construction easement at 1037 Druid Circle, from Mrs. Brennie Anderson (widow), at \$100.00, for Druid Circle Drainage. The motion was seconded by Councilman Jordan, and carried unanimously.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the acquisition of temporary construction easement at 1029 Druid Circle, was authorized from Edward Camp and wife, at \$1.00, for Druid Circle Drainage.

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Motion was made by Councilman Tuttle approving the acquisition of temporary construction easement at 4718 Barclay Downs Drive, from Ira Roy Schmidt, Jr., and wife, at \$1.00, for Barclay Downs Drive Drainage culvert. The motion was seconded by Councilman Smith, and carried unanimously.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, approving the acquisition of 10,203 square feet on West Boulevard, at Jackson Place, from Charlotte Park and Recreation Commission, at \$340.00, for sanitary sewer easement to serve Jackson Homes.

Councilman Smith moved approval of the acquisition of 19,612 square feet on Kings Drive (portion of Old Central High School), from Charlotte Park and Recreation Commission, at \$20,000 for the Northwest Freeway. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington moved approval of the negotiated settlement with Central Motor Lines, Incorporated, for .71 acres of property on North Tryon Street, east side between 29th and 31st Streets, at a total settlement of \$45,000, for the East Thirtieth Street Project. The motion was seconded by Councilman Tuttle and carried unanimously.

Councilman Tuttle moved approval of the acquisition of temporary easement at 3731 Barclay Downs Drive, from Joel R. Abney, Jr., and wife, at \$1.00, for Barclay Downs Drive Drainage culvert. The motion was seconded by Councilman Short, and carried unanimously.

APPROVAL OF APPRAISAL CONTRACTS.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the following appraisal contracts were approved:

- (a) Contract with O. D. Baxter, in the amount of \$125.00, for appraisal of one parcel of land for the Northwest Sanitary Sewer Relocation.
- (b) Contract with Harry G. Brown, in the amount of \$250.00, for appraisal of two parcels of land for project to acquire land for Airport Expansion.
- (c) Contract with Robert R. Rhyne, Sr., in the amount of \$450.00, for appraisal of one parcel of land for the West Third and Fourth Streets Connector.

CONTRACT AWARDED POWER CURBERS, INC. FOR ONE SLIP FORM MEDIAN MACHINE.

Councilman Jordan moved contract be awarded the only bidder, Power Curbers Inc., in the amount of \$6,580.00, for one slip form median machine, complete with a 24 and 48 inch mold. The motion was seconded by Councilman Tuttle and carried unanimously.

ORDINANCE NO. 172 AMENDING CHAPTER 20, SECTION 120 OF THE CODE OF THE CITY OF CHARLOTTE REVISING THE SCHEDULE FOR CIVIL PENALTIES, AND RECOMMENDATIONS REVISING ACTIVITIES OF THE BUREAU, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance revising the schedule of civil penalties and approving the following recommendations of the City Manager pertaining to the Violations Bureau:

- (1) Steps necessary to begin computerized follow-up procedures on citations including buying registration tapes from the Department of Motor Vehicles and printing out warning notices by computer.

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- (2) Envelope citations should not be used.
- (3) Collection and follow-up procedures be improved and re-evaluated to see if deposit box collection would be beneficial.
- (4) The Violations Bureau placed under the supervision of the Treasurer's Office rather than the Police Department with the effective date of change-over July 1, 1969.

The ordinance adopted is recorded in full in Ordinance Book 16, at Page 131.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR PUBLIC TRANSPORTATION STUDY GRANT IN THE AMOUNT OF \$24,780.00.

Councilman Jordan moved the adoption of subject resolution which was seconded by Councilman Short.

Mayor Brookshire stated this is with the understanding that the City Coach Company will participate in the cost of the study.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 288.

SUGGESTION THAT CITY REQUEST LEGISLATIVE DELEGATION TO PASS BILL AUTHORIZING THE COUNCIL TO SET SPEED LIMITS ON CITY AND STATE STREETS WITHIN THE CITY LIMITS.

Councilman Smith suggested that Council request the Legislative Delegation in Raleigh to pass a bill, if necessary, so that the City can control the speed limits within the city limits of Charlotte on city and state streets. If the City is going to control the speed limits with the new electronic devices, the main thing is the confusion of the citizens about the speed limits; that he thinks it should be the prerogative of the city government to set the speed limits.

Councilman Tuttle stated this Bill may not be necessary as the State usually cooperates with the request of the City. He requested that the City Manager check into this before going to the Delegation.

REVISIONS IN EMPLOYEE GROUP HEALTH INSURANCE POLICY AUTHORIZED.

Mr. Veeder, City Manager, stated Council has received from him some recommendations on revisions in the Group Health Insurance; the basic problem is that hospital costs are going up at a rate so fast that \$24 a day room rate does not serve the need now.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the increased benefits in the Group Health Insurance Policy as recommended to become effective May 1, 1969:

- (1) Increase the hospital room allowance from \$24 to \$30 per day.
- (2) Increase the supplemental Major Medical benefit from \$10,000 to \$15,000.
- (3) Include an emergency out-patient benefit.

Councilman Whittington stated it seems to him that the City Manager or Mayor should write a letter to the three executive directors of the hospitals and encourage them to do a better job in their public relations as to what hospital costs are.

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RESOLUTION OF SYMPATHY ON DEATH OF DWIGHT D. EISENHOWER.

Mayor Brookshire introduced the following resolution which was read:

"WHEREAS, the world has suffered a great loss as the result of the passing of former President of the United States and General of the Army, Dwight D. Eisenhower; and

WHEREAS, the citizens of Charlotte join in mourning the death of this great American and Citizen of the World; and

WHEREAS, President Richard M. Nixon has declared Monday, March 31, 1969, as National Day of Mourning to express the sadness and deep grief brought on by the death of General Dwight D. Eisenhower.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte that the City of Charlotte does on this day also express its sadness and grief at the passing of General Eisenhower and does extend its sympathy and condolences to the family of this great man.

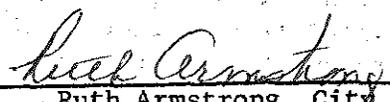
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to his family and that this Resolution be spread upon the Minutes of this meeting."

NEXT COUNCIL MEETING SET FOR TUESDAY, APRIL 8, 1969.

Councilman Whittington moved that the next Council Meeting be set for Tuesday, April 8, as the City Hall will be closed on Monday, April 7, in observance of Easter Monday. The motion was seconded by Councilman Tuttle, and carried unanimously.

ADJOURNMENT.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the meeting was adjourned.



Ruth Armstrong, City Clerk