

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, May 25, 1970, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilmen Fred D. Alexander, Sandy R. Jordan and Milton Short.

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

ABSENT: Commissioners Brewer, Embry and Stone.

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INVOCATION.

The invocation was given by Rabbi Michael Hecht of Temple Israel.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the minutes of the last meeting, on Monday, May 18, 1970, were approved as submitted.

AMERICAN MANAGEMENT CERTIFICATE PROGRAM FIFTEEN CITY EMPLOYEES.

Mayor Belk stated today is the completion of 87 awards to employees of this City who have completed the American Management Course.

Mayor Belk presented the following certificates:

- |                         |                         |
|-------------------------|-------------------------|
| Joe Brafford            | Calvin C. Robinson      |
| Walter E. Hines         | Paul A. Shroyer         |
| David G. Kiser (Absent) | J. W. Simpson           |
| John B. McGuirt, Sr.    | Bryan B. Southers       |
| John R. Morrow          | Brown Thompson          |
| Harry E. Poole          | D. Y. Williams (Absent) |
| Junior Pressley         | H. J. "Pete" Williams   |
|                         | John W. Ziegler         |

Mayor Belk congratulated each of the men for their participation in the course. He stated he and Council are very proud of what Mr. Veeder has done in the management program. That another 200 will be offered the course starting in September, 1970.

HEARING ON PETITION NO. 70-71 BY HOGAN JACKSON AND M. W. POWELL FOR A CHANGE IN ZONING FROM R-6 TO B-1 OF A PARCEL OF LAND 225' x 200' AT THE SOUTHWEST CORNER OF LASALLE STREET AND NEWCASTLE STREET.

The scheduled public hearing was held on the subject petition on which a protest petition has been filed and is not sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this is a request for a change in zoning of property located at the southwest corner of LaSalle Street and Newcastle Street. The property has on it a duplex; in the vicinity is a mixture of single family and duplex uses; to the rear, between Newcastle

May 25, 1970  
Minute Book 53 - Page 478

and Brownstone Street; it is almost entirely single family with one or two duplexes in the block; across the street on LaSalle Street are single family residences with a duplex on the corner and a number of other single family and duplex structures. He pointed out the Lincoln Heights Elementary School which is in the area.

He stated the subject property is zoned R-6 as is all the property immediately around it; there is R-6MF zoning along Newland Road; and a small area of business zoning near Newland Road about a block from the subject property.

Mr. Bryant stated this is in the vicinity of what will be an interchange of I-77 and LaSalle Street. He pointed out the right of way for the Expressway stating I-77 will come up from the south and will turn to the northwest; that LaSalle Street will be extended across the Expressway, across Newland Road and will eventually tie in with Statesville Road. He stated the subject property will be near the interchange of LaSalle Street and I-77.

Councilman Whittington asked if any part of the subject property will be taken? Mr. Bryant replied it will take just a little additional land right along the two streets; not any great part of it, but some additional footage along the street - on LaSalle and on Newcastle Streets. This is for some widening to tie Newcastle into LaSalle Street.

Mr. Luther Caldwell stated he is speaking for Mr. Jackson and Mr. Powell. He stated LaSalle Street will be made into four lanes and will carry all the traffic from Beatties Ford Road into the Interchange. He stated Newland Road will be eliminated completely. He stated the subject property will be roughly 14 to 15 feet below grade level and it will not be conducive for residential living.

Mr. Sam Williams, Attorney representing Mr. Caldwell, stated sometimes people consider such a petition premature; but he thinks just as you plan for the research zoning and university zoning well ahead that you need to look at the commercial zoning areas; that in this request they are asking the Planning Commission to recommend to Council approval of a request to zone an interchange corner from R-6 to B-1. He stated the duplex located on the property is being taken to such an extent that the whole structure will have to be torn down; that there are additional houses adjacent to and on the same streets that will be taken.

Mr. Williams stated it would be appropriate for any change in the zoning to be on an effective date that will more nearly coincide with demolition in the area.

Mr. Cleve Davis, representing the Board of Education, stated they are in complete opposition to the rezoning; that the subject property is directly across from the Lincoln Heights Elementary School. He stated I-77 will take about 1/4 of the campus; the down ramp will come behind the school with about a 20-foot retaining wall. That to rezone land in front of the school for business purposes is against their best interest; this is an elementary school with small children. Since the highway is coming to the rear of the school, they will have to expand to the front.

Mr. Herb Puckett, Director of Construction for the Board of Education, stated they propose an addition to the school at the front on Newcastle Street; this will be administrative offices, gymnasium, and an addition to the cafeteria as well as future classroom units. He stated this addition is proposed to begin in the next 30 days.

Reverend C. Dewberry, Minister of Gethsemane Baptist Church, stated he lives at 1505 LaSalle Street, in the Lincoln Heights Community. He filed with the City Clerk a general protest petition containing 274 signatures. He stated he is speaking in opposition to the rezoning for the Lincoln Heights Community.

May 25, 1970  
Minute Book 53 - Page 479

He stated they do not want nor do they see the necessity for any type of store in this community. The B-1 zoning would make the community an undesirable place to live; it would devalue the property; it would provide for over congestion of the community; it would necessitate the opening of future businesses. He stated the homeowners have invested from \$11,000 to \$16,000 in their homes; they are working to beautify their community and to make it a fit place to rear children; they do not want their children to grow up in a ghetto community; a store in the community would serve as the headquarters for the loitering of school children; it may even become the headquarters for dope pushers, alcoholics and winos. They feel if the rezoning is allowed the property owners will be done a great injustice.

Reverend Dewberry asked the Council to listen to the voices of the citizens from the Lincoln Heights Community; they choose to keep their community as it is; that they oppose any such action in their community.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-79 BY HARRY M. MCCONNELL, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF PROPERTY ON BOTH SIDES OF SUGAR CREEK ROAD, FROM INTERSTATE HIGHWAY 85 TO WILSON LANE AND EXTENDING NORTH OF I-85 TO CANNON AVENUE.

The scheduled hearing was held on the subject petition on which three protest petitions have been filed and one is sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

The Assistant Planning Director stated the subject property lies along both sides of I-85, and on both sides of Sugar Creek Road at the intersection of the two major arteries. The property has on it several single family residences on the east side of Sugar Creek Road; it has two single family residences on it near the intersection of Wilson Lane and Sugar Creek Road. Other than that the property is vacant - the property which fronts on I-85 and the property on the north side of I-85 is vacant. To the south of the property are several single family residences along Wilson Lane; also single family residences to the south along Sugar Creek Road; to the east is Vancouver Drive which is solidly developed with single family residences and is a part of the Hidden Valley area. Across I-85 at the intersection of Sugar Creek Road are three service stations - two on the west side and one on the east side and a motel under construction. To the south and north is considerable vacant land.

Mr. Bryant stated everything south of I-85 is R-9 along both sides of Sugar Creek Road including the subject property; there is B-2 zoning on the north side of I-85 at Sugar Creek Road on both corners; then R-9 zoning to the west of that. It is basically a pattern of residential zoning south of I-85 and north of I-85 with the exception of the area around the interchange which is zoned B-2. He stated to the west of the property is industrial zoning which comes along I-85 and comes almost up to the property along I-85.

Mr. Myles Haynes, Attorney for the petitioners, Harry McConnell, Dennis McConnell, G. Wilson Russell, Parks Wilson, Bennett Nicholson and Pearl Flowe, stated Mr. McConnell and his father own one of the four tracts in question, and the Wilson family own the remaining tract with the exception of the Russell property.

He referred to a pictorial map and stated the land in question which comprises about 46 acres has been divided into four parts - Parcels A, B, C and D. The Wilsons and Russells have their homes on Parcel A and back up to the Hidden Valley; Parcel B is owned by Mr. McConnell and his father; Parcel C and D is owned by Parks Wilson. That the entire tract at one time was the home of the Wilson Family and has been in the family over 100 years.

May 25, 1970  
Minute Book 53 - Page 480

Mr. Haynes stated the recent plan to build a new interchange at I-85 and Sugar Creek and the recently approved plans to put a new access from Sugar Creek down to I-85 has prompted the zoning request. He stated the loop will come down to the two homes located on Parcel A and one if not two will have to be moved to accommodate the road. He stated rights of way are now being acquired and the problem is upon the property owners. That there is no consistent zoning pattern around the property as they see it. That there is I-2, B-2, R-9, I-2, I-1 and R-9 zoning around the property; that the I-2 virtually comes up to one side of the property in question.

He stated once the property has the loop put on it, it will not develop for residential purposes and its only logical and natural use would be commercial or business. That no specific proposal has been made for Tract A; Tract B owners have received an offer from the B-P Oil Company to construct a service station. He introduced Mr. Frank Reynolds with B-P Oil Company who referred to a rendering and stated the station proposed is a three-bay colonial service station; that they will use 175 feet of depth which would leave 274 feet of depth which would be developed later in conjunction with the development of the Wilson property; that they would either sell the property or utilize it for something in conjunction with the Wilson property.

Mr. Haynes stated there is 150 feet from the McConnell line to the closest line of the proposed loop. He stated Tract C will also be encroached upon by the service road and the service road loop; that while there is residential zoning behind the property; there are only six houses that actually back up to it; the remainder of the land is open and surrounded by nothing but I-85 and the service road. That with the advent of the service road and the loop this property will have to be rezoned for something other than residential; it will not develop as residential; it seems more equitable to rezone it now so that future homeowners will know what they are buying next to in the event they want to buy houses now.

Mr. Haynes stated when I-85 went through the area it cut the Wilson property so that Mr. Parks Wilson ended up with property on both sides of I-85. That Tract D contains about 10 acres and a national business concern has made an offer on the property.

He stated the conditions of the land have changed because of the interchange and the present plans to put in the new loop for the service road. That the property owners have lived here for a long time and would have liked to live here for a long time more, but with progress and what is happening to the land it will not be suitable for them to be there. That in 1968 the Interchange at Sugar Creek Road carried 18,700 cars daily and it increases normally 5% a year; that it is much heavier now.

Mr. William Ashendorf, Attorney for the property owners in Hidden Valley who are affected by the proposed zoning change, stated he represents all the owners on Vancouver Drive which constitutes the entire eastern boundary of the subject property; there are 12 families and all 12 of the families have signed a protest petition and 10 of the families are present today.

He stated a protest petition is being circulated by other interested neighbors in Hidden Valley and they would like to submit it at a later time; that there are some 40 names on the protest now.

Mr. Ashendorf stated they are protesting because the change would (1) devalue their property and (2) the change would not be in keeping with the property in the immediate vicinity because to the south of the property it is all residential and is the Wilson Lane area; to the east and west is also all residential. He stated the Sugar Creek Road traffic artery is already heavily burdened with traffic and if the property is rezoned B-2 there will be more traffic.

May 25, 1970  
Minute Book 53 - Page 481

Mr. Ashendorf then showed slides of the area that will be affected by the change in zoning. He pointed out Vancouver Drive and homes on the street and stated that the homes which abut the subject property are in the \$20-25 thousand values and their backyards adjoin the area in question.

He stated these are hardworking people who want to keep what they have and do not want it to be devalued; they do not feel they should have to suffer as they will be in the area for a long time and they want to be able to enjoy their homes. He stated he is talking primarily about Parcel A which backs up to Hidden Valley. That they have specific plans for about 3 acres and they are petitioning for some 40 acres. He stated they hope the rezoning petition will be disallowed at least insofar as the tract designed by Mr. Haynes as Parcel A - that property on Sugar Creek Road on the east side which abuts the homeowners property.

Reverend James DeLoach, one of the homeowners, stated he is speaking for the people who live in the area. He stated the people on Vancouver bought houses that back up to the Wilson property which is a substantial, traditional, residential area; that they bought the property, invested their money and many of them invested their life's savings. That the property owners seeking the change in zoning number six and he is speaking in opposition to the rezoning for 46 property owners.

Also speaking in opposition to the rezoning was Mr. Freddie Kerkly who lives on Wilson Lane. He stated there are 12 homes on Wilson Lane at present and they range in value from \$18,500 to \$32,500.00; that there are 24 to 25 children who cross the road every morning in order to get to the school bus.

Council decision was deferred until the next meeting.

Councilman Tuttle thanked Mr. Ashendorf for his slide presentation, and stated it is very effective, and he would hope that more people would use this method in the future.

Later in the meeting, Councilman Whittington requested the Planning Commission to defer action on the subject petition and ask the McConnells and Wilsons and the other people involved in the petition to bring the Planning Commission a plan of the proposed development of the land and that Mr. Toy, Chairman of the Planning Commission, also confer with Mr. Ashendorf and Mr. Haynes before the petition is sent back to Council.

HEARING ON PETITION NO. 70-72 BY H. V. LANG, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF PROPERTY ON THE SOUTHEAST SIDE OF JACKSON AVENUE, FROM PROSPECT STREET TO NEAR EAST TENTH STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located on the southeast side of Jackson Avenue and consists of several lots that extend from Prospect Street to Piedmont Street and beyond, almost up to Tenth Street. The property is used primarily for single family residential structures, with one duplex at the corner of Piedmont Street; it is adjoined on the other side by existing single family houses; there is a day care facility located in the area; to the rear of the property along Central Avenue are two office buildings with another day care center at the corner of Prospect Street. There are still some single family residences on Central Avenue. On East Tenth near the intersection is a variety of uses. That Piedmont Junior High School is located on Tenth Street.

He stated Jackson Avenue is predominately zoned for R-6MF including the subject property; there is B-2 zoning along Seigle Avenue, along Tenth Street and Central Avenue; there is B-2 zoning also across Tenth Street; there is O-6 zoning beyond Central Avenue, and R-6MF zoning beyond that.

May 25, 1970

Minute Book 53 - Page 482

Mr. Lewis Trash, Attorney with Byrum and Byrum, stated they represent Homer Lang and his wife; that they own four of the lots requested rezoned. He stated they own the property on which the Burroughs Building is now located and they intend to build an office building on their property directly behind the Burroughs Building; Mr. Trash stated later they intend to donate the property to charity.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-73 BY CRESCENT LAND AND TIMBER CORPORATION FOR A CHANGE IN ZONING FROM R-12 TO R-9MF OF A 52.41 ACRE TRACT OF LAND NORTH OF ALBEMARLE ROAD AND EAST OF CAMPBELL'S CREEK ADJACENT TO THE FOUR SEASONS APARTMENT PROJECT.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this property does not directly abut any existing road at present. It is an irregular shaped tract of land that lies to the east of Campbell's Creek abutting directly on Campbell's Creek at one point, and extends eastward for a considerable distance. It is adjoined on the south by the existing Four Seasons Apartment Project; the Post Office is located in the area on the north side of Albemarle Road; there are several single family houses along Albemarle Road on both sides; there are single family houses across Campbell's Creek on Jenkins Drive and up to the north. Other than that the area as a whole is vacant.

Mr. Bryant stated the subject property is zoned R-12 as is property to the east, north and west of it across the creek; the existing apartment development is zoned R-6MF and in front of that is an area of B-2 fronting on Albemarle Road; there is office zoning to accommodate the Post Office and further east is R-12MF zoning. Across on the south side of Albemarle Road is multi-family zoning.

Mr. Bill Michael, Attorney with the Ervin Company, stated he is present for the petitioner and the Ervin Company who have developed the existing apartment complex as a joint venture. He referred to a map and pointed out the area behind the subject property which is owned by the petitioner and stated it will be developed with single family homes; that the areas in brown will be left as open space for out-door living and access to the recreational area along the creek.

He stated the Four Seasons Apartment has been a successful community from a development standpoint and there is a waiting list for the apartments; that there is a strong demand in the area for this type of development. That included in the project will be conventional townhouse apartments and patio houses. The patio houses are one-story-townhouse attached dwellings which provide more privacy; the yards are completely enclosed. Mr. Michael stated the rent will range from \$150 to \$200 per month depending on the size of the unit; there are 52 acres in the proposed area and they project about seven units per acre.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

May 25, 1970  
Minute Book 53 - Page 483

HEARING ON PETITIONS NOS. 70-74, 70-75, 70-76, AND 70-77 BY THE ERVIN COMPANY FOR CHANGES IN ZONING.

The public hearings were held on the following petitions:

(a) Petition No. 70-74 for a change in zoning from R-9 to R-9MF of a 7.632 acre tract of land near the northwest corner of Arrowood Road and Nations Ford Road beginning 243 feet west of Nations Ford Road and 315 feet north of Arrowood Road.

(b) Petition No. 70-75 for a change in zoning from R-9 to B-2 of a 1.852 acre tract of land at the northwest corner of Arrowood Road and Nations Ford Road.

(c) Petition No. 70-76 for a change in zoning from R-9 to B-2 of a 2.027 acre tract of land at the northeast corner of Arrowood Road and Nations Ford Road.

(d) Petition No. 70-77 for a change in zoning from R-9 to R-9MF of a 9.876 acre tract of land near the northeast corner of Arrowood Road and Nations Ford Road, beginning 340 feet east of Nations Ford Road and 325 feet north of Arrowood Road.

Mr. Fred Bryant, Assistant Planning Director, advised the four petitions are immediately adjacent to each other, and can be discussed most effectively as a group.

He stated the property consists of four separate petitions, two of which consists of a request for a change to business zoning; these are the two northerly corners of the intersection of Nations Ford Road and Arrowood Road; the other two petitions are requested for multi-family zoning adjacent to and immediately north, east and west of the business tract. The property is vacant with one older house on one tract; it is adjoined by other property which is owned by the Ervin Company to the north; to the east is other land which they own; immediately north of that is an area in the process of being subdivided; to the west of Nations Ford Road is a number of single family homes; then the Nations Ford Elementary School site. South of Arrowood Road is the WBT Radio Towers.

Mr. Bryant stated the subject property is zoned for single family purposes as is most of the property north of Arrowood Road with the only departure from single family being a small area of R-6MF zoning which adjoins the subject property on the east side of Nations Ford Road. South of Arrowood Road is business zoning at the southeast corner of Nations Ford Road and Arrowood Road; there is business zoning west of Nations Ford Road, and additional R-9MF zoning adjacent to that.

Mr. Bill Michael, Attorney with the Ervin Company, stated this is a part of the Foxborough Community which will be located near I-77 and close to the developing industrial employers on the south side of town. The development is part of a larger development which will have apartments, small shopping centers and then single family residences. That they propose to build 8-1/2 units per acre with 85 units on the nine acre tract and 60 units on the seven acre tract. That they propose to have the same type of construction as the Carriage House located at Archdale Drive and Old Pineville Road.

Councilman Tuttle asked if a B-2 zoning is needed for this type of construction, and Mr. Bryant replied B-1 zoning would accommodate this type of construction. Councilman Tuttle asked Mr. Michael why they are asking for a B-2 zoning, and Mr. Michael replied he would think B-1 is what they want; that the acreage is too small for B-2.

Mr. Michael stated John Crosland Company is developing a turnkey three project in the area and there is a pattern of business and apartment uses developing in the area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

May 25, 1970  
Minute Book 53 - Page 484

HEARING ON PETITION NO. 70-78 BY PAUL STACK SALES COMPANY AND REBA LEE YANDEL FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF TWO LOTS ON THE WEST SIDE OF NORLAND ROAD, BEGINNING 269 FEET SOUTH OF CENTRAL AVENUE AND FRONTING A TOTAL OF 200 FEET ON NORLAND ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located on the west side of Norland Road; it consists of two lots with the southerly lot being vacant and the northern lot having on it the Marsh-Broadway Construction Company office facility. There are single family residences to the south; single family residences to the rear along Sheridan Drive; on the Central Avenue side is considerable business development with a grocery store and gas station on the corner; across from the subject property to the north are other light industrial and business type uses.

He stated there is business zoning around the intersection of Norland Road and Central Avenue down to the subject property; both of the subject lots are zoned O-6; there is one office zoned lot across from the subject property on the east side of Norland Road and from that point south it is zoned R-9.

Mr. Ray Bradley, Attorney for the petitioners, stated there is no chance for the property in question to have any value except for business purposes; the cost of the lots, the size of the lots and the location of the lots make it completely uneconomical to build the type of office structures that would be utilized in an area such as this. Central Avenue has become one of the city's most concentrated business communities. Including a zoning limitations on the properties across the street, from the subject property, has not curtailed its continued use for business and warehouse purposes under the grandfather clause; the undeveloped part of the property across the street and on the same side of Norland as the subject property, have remained undeveloped even though they were also restricted. The business community in the area has been here long enough to cause the owner of the residence immediately to the south of the property to develop his own screen in the form of a very beautiful hedge.

Mr. Bradley stated Mr. Stack plans to make the area more attractive; that it has to enhance the values of all the property around it. That he is a manufacturer's representative for heating and air conditioning equipment. Mrs. Yandle plans to continue to lease her property to Marsh-Broadway Company who now uses the property for office and storage facilities as well as storage for their trucks and equipment.

He stated the owners of all the properties down Norland Road recognize that what is being done will not affect them because they previously signed a petition indicating their approval of Mr. Stack's request for the zoning change, and they have again signed a petition. He filed with the City Clerk a petition representing all the owners of the property south of the subject property on both sides of Norland Road except the owner next to the school property.

Mr. Bradley stated Mr. Stack has operated this business immediately across the street from the subject property for over 15 years; that he now needs a modern facility to provide office space and proper storage space. He does not want to leave his established location and if he does have to move he anticipates it will be outside the City of Charlotte.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

KEY TO CITY PRESENTED ROBERT CARTER AND TOM KNIGHT, BOY SCOUTS WORKING FOR CITIZENSHIP MERIT BADGES.

Mayor Belk recognized Robert Carter and Tom Knight, two Boy Scouts, and presented each with a key to the City. Mayor Belk stated they are working towards a merit badge in Citizenship, and one of the requirements is to attend a Council Meeting.

REQUEST THAT SOMETHING BE DONE ABOUT THE THICKNESS OF WALLS IN APARTMENTS.

Councilman Tuttle stated he understands from the press that the Planning Staff is studying the apartment situation all over town, and in time will come to Council with some recommendations. He stated he has received a number of complaints about the thickness of the walls; that some of the people complain that in the newer apartments they can hear people snoring in the next apartment.

Mr. Bryant, Assistant Planning Director, stated this would be a building code regulation rather than anything the Planning Staff would deal with, and this should be handled through building regulations. Councilman Tuttle suggested that Mr. Bryant might make this recommendation to the Inspection Department in his study on apartments.

STATEMENT BY TOM SYKES RELATIVE TO REDEVELOPMENT COMMISSION HEARING ON AMENDMENT NO. 1 TO DOWNTOWN URBAN RENEWAL AREA.

Mr. Tom Sykes stated Council is going to be asked to approve amendments to the Downtown Urban Renewal Plan as recommended by the Redevelopment Commission.

He asked if the Mayor and Council have studied the minutes of the meeting of the Redevelopment Commission Hearing on last Thursday? If not, he does not believe Council can rule on the recommendations until they have gone over the minutes of that meeting in which there were questions asked by citizens who were interested and concerned - not only himself and Mr. Pearson, but Mr. Casey also had questions relative to the 12 block area, and no answers were given.

Mr. Sykes stated the meat of the matter is the 3 block area which is proposed at this time in which we have an investment to be made by the city which is our 1/3 portion of these funds to the tune of \$707,500.00. Urban Renewal will receive \$1,500,00 from HUD for this year's project running from June to June. In this 12-block area, three blocks are being pulled out for immediate purchase; also in the area are four hardship cases. He stated in the Minutes of the Redevelopment Commission Meeting Mr. Sawyer stated: "we had listed in the plan that three properties would not be acquired; two of these properties were owned by railroads; we deleted the reference to these properties and removed them from this map.....this parcel owned by the Southern Railroad, that is the Southern Railroad's right of way through the project, and this piece of property owned by the Seaboard Railroad. This is the Home Federal Building." That he was pointing out different things.

Mr. Sykes stated further in the meeting they attempted to determine why this property was originally left out of urban renewal and how it was put back in urban renewal. Apparently at the snap of a finger we can take out and put in what we so desire to do in urban renewal secured land. From the answers they were given relating to this issue, it is the Redevelopment Commission's duties and responsibility to sell the land and make recommendations to City Council for approval of those sales. The City Council has final approval for the approval of those sales. The City Council has final approval for the sale of any land and for the use that goes on that land. He stated in further questioning Mr. Sawyer, they attempted to determine who decides what is to be put into urban renewal and at whose insistence certain properties

May 25, 1970

Minute Book 53 - Page 486

are put into urban renewal, and whose efforts are pressed for urban renewal land to be purchased. Mr. Sykes stated they were not able to get an answer. The important question is "who knows?" That is one of his purposes of being before this body; that the city supports urban renewal to the tune of 1/3 and the federal government 2/3; that he would assume that includes the operation of urban renewal? Mr. Sawyer replied that is right. Mr. Sykes stated he would like to find someone who can give him some answers. That they have estimates. They were seeking figures for the cost of the civic center site. They asked the question as to what the final cost of this site would be, and Mr. Sawyer replied "I don't have it broken down at this time, but we will have it as we progress. We have an estimate of the cost now, as we progress and acquire the land, we will know exactly what the costs are. When we have reached the point where we have it cleared for resale we will then have it appraised for its use at that time and that condition."

Mr. Sykes stated they were still unable from that meeting to find an answer to their question, and he is appealing to Council to provide him with an estimate and to find the answers to his problem - that is what the total overall cost of this one block area might be. He stated he has been unable to find it out from the urban renewal body, the study commission or from any official of urban renewal by question. He stated a look should be taken at this recommendation of the urban renewal commission before proceeding to approve any of their recommendations now or in the future. That the questions asked by the citizens who are in a position to want to know something should be answered. That he also feels that urban renewal with the 12-block area downtown should look after the needs of the most destitute parts of town. In this instance, we are removing tax producing properties for purposes that will produce no taxes directly. We are purchasing land with government money - city and federal - without knowing really what we are going to be investing in this land. We are assuming that the allocation of \$1.5 million of federal funds and \$707,500 will be ample to secure this site. Mr. Sykes stated his question is how much are we going to spend of taxpayer's dollars to buy it back from urban renewal for the civic center site. That this is pertinent and needs to be answered, and he thinks some intelligent thinking and questions on this matter should be made before proceeding to accept the recommendations of this Commission. That we accept too many people's recommendations now without first looking into it and getting the facts as they are known by others, and we are depending too much on recommendations that are established on estimates. That he would like to know exactly where he stands in issues of this type.

HEARING ON AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, NEIGHBORHOOD DEVELOPMENT PROJECT NO. N. C. A-3.

The public hearing was held on Amendment No. 1 to the Redevelopment Plan for Downtown Urban Renewal Area.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated on display are five maps that are a part of the Redevelopment Plan. The Redevelopment Plan for the project was approved by the Planning Commission on July 2, 1969, by the Redevelopment Commission after a public hearing on July 9, 1969 and by the City Council after a public hearing on August 4, 1969.

He stated the Redevelopment Commission is presenting five amendments and recommending them to the Council to the plan as originally approved. The amendments have been presented to the Planning Commission and were approved on May 6, 1970; the Redevelopment Commission held a public hearing May 21, 1970 and following the public hearing at a Special Meeting approved the five amendments and today are recommending the amendments to the City Council for approval.

May 25, 1970  
Minute Book 53 - Page 487

He stated the five changes are: (1) A technical change to change the title of the project designation on the title page; it was designated by HUD as Project No. N. C. R-80; that project number has now changed to N. C. A-3 indicating that while it was first received as a conventional project, it has been approved as a NDP project. This is on Page 1 of the Redevelopment Plan; the change is made in the title and also added is April, 1970. (2) Page 2 of the plan, opposite R.P. Map No. 2 - Land Acquisition and Boundary Map - at the far right is April, 1970 which indicates that it was revised during April, 1970; that date was put on the map and inserted in the text of the Plan. This change was necessary on the map to indicate that two parcels of land owned by railroad companies have been added to the land to be acquired. (3) The land use provisions were changed in a minor way on Page 5 of the plan. Opposite printing or binding there has been added " - excluding bookbinding." That certain printing and certain binding are permitted in a B-3 district; bookbinding as such is not permitted in any district except an Industrial district, therefore, they had to specifically exclude bookbinding from the ordinary binding permitted in the zoning district for downtown. (4) On Page 11 at the bottom of the page and Page 12 at the top four lines of the plan were deleted and the deleted language specified that these certain parcels belonging to railroad companies would not be acquired by the project. By deleting the language the properties are included for acquisition and that relates to the change on the map indicating these properties will be acquired. He stated all properties within the boundaries are to be acquired unless specifically excluded; the language as proposed would exclude only one parcel and that one parcel is the Home Federal Building and Loan Office Building. (5) The final change is on Pages 14 and 15 of the plan and specifically on Page 15, the cost estimate and financing plan to indicate that the federal grant will be \$1,415,000; that there is an \$85,000 plus relocation grant that is 100% federal money in which the project of the city does not share so it could not be included - the total grant is \$1,500,000 of which \$1,415,000 will go to match the city's 1/3 share to pay for this first end of the year's operation under this project.

Councilman Tuttle asked if demolition is included in site improvements, and Mr. Sawyer replied it is not; it is in the project expenditures; the site improvements are mostly planning and engineering costs for the site improvements.

Mr. Tom Sykes stated they have been attempting to establish some sort of figure relating to the overall costs on this site. That to quote the Charlotte News of March 7, Mr. Sawyer said he would begin immediately to get 39 properties in the three block area appraised and then would start buying the land; that the area is now officially determined blighted and contains 57 citizens. He asked Mr. Sawyer how many appraisals have been made in the two months period? Mr. Sawyer replied they have contracted for 18 appraisals at present, and these 18 appraisals are located in the block for which the civic center is proposed; they have not received them yet; they have been contracted for; they are in process. Mr. Sykes asked when they will be received? Mr. Sawyer replied they have about 15 days to go before they will receive the appraisals; that when they are received they are treated as confidential information to the Redevelopment Commission and they will not make any public announcement of any values contained in the appraisals. Mr. Sykes asked if they cannot make an overall estimate of the total dollar cost for the property? Mr. Sawyer replied they will in due course. Mr. Sykes asked if they cannot find that out before getting involved in the purchase of this land? Mr. Sawyer replied no; that they will know, and the estimated cost based on the first appraisal and the appraisal which have been mentioned (these are the second appraisals). That based on the first appraisals they know now, but they do not give out this information on the basis that to do so would jeopardize their negotiating position with the owners; therefore, legally, all that is required is an overall project cost estimate which they have presented in this plan, and which they can present in some further detail; they are not prepared to present detail cost figures on any individual aspect of the project.

May 25, 1970  
Minute Book 53 - Page 488

Mr. Sykes stated we have an estimate and we have \$2,200,000 to put into this property; one and half and \$707,000. If we can determine that we are going to be purchasing that land for \$2.2 million, then we should know what the land values are after we purchase it back. That he is not asking for any confidential information; if we are qualified enough to estimate the cost of this land at \$2.2 million to get the federal and city funds up to buy it, then we should know what the value of it would be after we purchase the property so that we will have some idea as to what we are going to have to pay for it to buy it back from urban renewal. That does not take confidential information.

Mr. Sawyer replied it is not, and it is presented here; the amount of money budgeted to buy all the property that they estimate will be purchased in the first NDP year is \$2,290,000. They estimate once they buy this property, remove the structures, put in or anticipate the site improvements proposed, it will resale for \$1,750,000. Mr. Sykes asked if the property they are talking about contains the civic center site; this 144,230 square feet of land; is that what they are talking about now? Mr. Sawyer replied no; they are talking about all of that plus the additional land they are prepared to buy within the three block area; the three block area contains the one on which the civic center will be located, and there are 18 parcels of land in that block; in addition, there are other properties in here that they have money to buy because they do not estimate that particular block will take the entire \$2,290,000; therefore, they will buy other property; all the property they buy, this block plus the other properties, they estimate will resale for \$1,750,000. Mr. Sykes stated we are talking about an investment of \$2,290,000 is that right? Mr. Sawyer replied that is right; the purchase price of the land this year.

Mr. Sykes asked if he can tell him the estimated resale value of that 144,230 square feet of land that he mentioned? Mr. Sawyer replied they have an estimate only, and that estimate is included in the other, and he would not want to divulge it. He stated in about 15 days they will have the appraisals indicating the acquisition value of the land.

Mr. Albert Pearson asked Mr. Sawyer if he is saying that the money will be spent on the civic center block plus four hardship cases, and that he has an estimate overall but that he cannot give an estimate on which is which? Mr. Sawyer replied that is correct; that there will be more than this civic center block plus these hardship cases.

Mr. Pearson stated at the urban renewal hearing he asked whose decision it was to put this railroad land in this urban renewal right now? Mr. Sawyer replied it was the Redevelopment Commission's decision to include it at that time, and they are recommending now that the City Council approve it. Mr. Pearson stated at that time he was told that he did not know whose decision it was to put it back in and whose decision it was to tentatively leave the other two blocks out; is that right? Mr. Sawyer replied he does not recall making that statement; if he did, Mr. Pearson can read it in the transcript.

Mr. Pearson stated at the hearing they were trying to find out who makes the decisions for putting the land in here, and Mr. Sawyer told him he did not know; that after the hearing broke up, he asked Mr. Smith and he never did get that answer.

Mr. Pearson stated they are trying to find out who made the decision to put the land on Trade Street, College Street, Fourth Street and Brevard Street in urban land and to tentatively leave it out on Fourth Street, College Street, Third Street and Brevard Street, and they never did get the answer to that. Mr. Sawyer stated the original 12 block area is bounded by Trade Street going east to the railroad and then up the railroad to Fifth Street, Davidson and Third Street back to College and Fourth and Tryon Street. He stated he believes Mr. Pearson is referring to the two block area that is also owned by the railroad and in addition to that the Southern Railway owns one parcel of land

May 25, 1970  
Minute Book 53 - Page 489

and a piece of the right of way, and the Seaboard owns a parcel just west of the right of way. At the time this project was originally approved, which was last year, HUD had a definite policy that affected North Carolina - it was that no federal money could be spent through one of these projects to engage in a condemnation suit with a railroad. Even though the property was physically within the project boundary it had to be designated that it was not to be acquired to meet HUD's policy, otherwise they would never approve the plan. Subsequently, they did approve this three block area as a NDP project - this was done March 11, 1970. Following that time, they went back to HUD, and this was after the report of the Civic Center Committee and after the City Council had designated the civic center location, to see if that policy was still in effect and could be changed. He stated they were given verbal assurance that things had changed in this period of time, to go ahead and prepare the amendment and get it approved locally and submit it to HUD; they indicated verbally that it would be favorably received. They then prepared these amendments that included that change along with the financial changes; the Redevelopment Commission initiated the amendments and recommended them to the Planning Commission which approved them, and the Redevelopment Commission approved them following a public hearing last week, and today is recommending the amendments to the City Council.

Mr. Sykes asked why we are purchasing the property east of the railroad at this time; is that a hardship case or is that where we are going to put our parking? Mr. Sawyer asked if he is talking about Southern's property, Mr. Sykes replied yes.

Mayor Belk replied CDA said they are willing to work out anything on this basis; railroad property is tied up in a different type than regular property; they said they would be glad to work with us in any way - there is about 52-53,000 square feet in that block - last Friday CDA made a public statement that they would be glad to work in any way even if it was to be used for parking or another building or whatever was wanted, they would be glad to work it out. That is not part of what is being talked about today.

Mr. Sykes asked if this is not included in the \$2.2 million being talked about now - the Southern Railroad property? Mr. Sawyer replied they have not said definitely what property they would buy outside the civic center block; it has not been identified at this point. He stated they intend to buy 100% of the property in the civic center block and other property as needed and as they have the money to purchase it out of the \$2,290,000. Mr. Sykes stated his main concern is - are we going to buy on a first priority the Southern Railroad property east of the site, before we buy anything else in the third block of this area? Mr. Sawyer replied they do not know at this point; all they know the high priority is the block designed for the Civic Center.

Councilman Thrower stated all Council is doing today is in effect agreeing to petition the federal government for approval of this; anything that HUD either approves or disapproves is what we will have to live with. That's all this is - its formal action.

Mr. Pearson stated at the hearing he asked the question of Mr. Sawyer if it was his decision to put this railroad land in this, and he said it was not. That when he suggested it was possibly some backroom thinking, it was brought quickly to his attention there was no backroom discussions. He stated all he is trying to ask is how do you decide; what was the thinking that went into putting this back; who was it; was the CDA thinking involved; was it the railroad thinking involved; who was it who voted to put certain land in and tentatively leave some out? Who pulled the strings?

Mr. Sawyer stated when the City Council designated this block within the Downtown project as the site for the civic center, they did not have to be beat over the head and be told they had to buy 100% of that land; they knew the Seaboard property had to be purchased; they also knew they could not include Seaboard property without including the Southern property; the policy

May 25, 1970

Minute Book 53- Page 490

of HUD was to exclude railroad property and in the beginning they excluded it all. The policy now is, and he says this with reservations as HUD has not approved it, that they may include railroad property so they included it all. He stated the Commission approved it that way last Thursday and is recommending it to the City Council for approval today.

Mr. Pearson asked if that was all the Commission's thinking and they did not consult the railroad or anybody else on that?

Mayor Belk asked if anyone else in the audience would like to speak and no one responded.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM NO. N. C. A-3.

Councilman Whittington moved adoption of a resolution entitled: "Resolution of City Council of the City of Charlotte, North Carolina, approving Amendment No. 1 to the Redevelopment Plan and the Feasibility of Relocation for Neighborhood Development Program No. N. C. A-3". The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 88.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, AUTHORIZING THE FILING OF AN AMENDATORY NEIGHBORHOOD DEVELOPMENT PROGRAM APPLICATION FOR PROGRAM NO. N. C. A-3.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, adopting a resolution entitled: "Resolution of the City Council of the City of Charlotte, North Carolina, Authorizing the Filing of an Amendatory Neighborhood Development Program Application for Program No. N. C. A-3."

The resolution is recorded in full in Resolutions Book 7, at Page 92.

RESOLUTION CLOSING PORTIONS OF EAST HILL STREET, EAST VANCE STREET, SOUTH MYERS STREET, SOUTH ALEXANDER STREET AND EAST BOUNDARY STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The scheduled hearing was held on petition of the Redevelopment Commission of the City of Charlotte to close portions of East Hill Street, East Vance Street, South Myers Street, South Alexander Street, East Star Street, and East Boundary Street in Section 5, Brooklyn Urban Renewal Area, Project N. C. R-60.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, advised these are streets within Redevelopment Section No. 5; that in the Redevelopment Plan which the City Council has approved they are indicated to be closed and the Commission owns all the property abutting these streets, and is the only property owner in the project affected.

No opposition was expressed to the street closings.

Upon motion of Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted closing portions of streets in Section 5, Brooklyn Urban Renewal Area, Project No. N. C. R-60.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 93.

May 25, 1970  
Minute Book 53 - Page 491

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:20 o'clock p.m. and reconvened the meeting at 4:30 o'clock p.m.

PROPERTY OWNER AND TENANTS OF PROPERTY AT THE NORTHEAST CORNER OF SHARON AMITY ROAD AND PROVIDENCE ROAD REQUEST A CROSS-OVER IN THE MEDIAN CONSTRUCTED ON SHARON AMITY ROAD.

Mr. Luther Creel stated he is one of the property owners at the northeast corner of Sharon Amity Road and Providence Road; and is also the leasing agent for the office complex located at this corner.

He stated last Thursday morning, without any notification, a median was erected running north on Sharon Amity Road from Providence Road approximately 500 feet; this completely isolates their property to any southbound traffic on Sharon Amity Road - they were already isolated from any eastbound traffic on Providence Road due to an existing median. He stated they feel it is unfair and inconsistent to deprive a property owner, his tenants and their invited guests the right of egress and ingress to their property in such a manner unless there is a valid reason for such action. They feel there was no valid reason for installing this median and had they been consulted before the median was installed, they would have been able to convince the city of the validity of their position, and save the taxpayers the cost of this median.

Mr. Creel stated there was no problem of traffic congestion on Sharon Amity Road except that which was created by the inability of Sharon Lane to take the flow of traffic southbound on Sharon Amity Road; the median on Sharon Amity Road actually creates a greater congestion. He stated last Friday between the hours of 7 and 9, and again this morning between the hours of 7 and 9, they had a traffic count made at that intersection of south bound traffic flowing on Sharon Amity Road. There were 497 automobiles Friday going south through that intersection; of this number eleven made a left turn onto Providence Road; 105 made a right turn onto Providence Road; the remainder of 381 automobiles continued south across Providence Road into Sharon Lane. At the same time there were 65 automobiles that made a right turn from Providence Road into Sharon Lane and 151 automobiles made a left turn off of Providence Road into Sharon Lane. Four times during this two hour period traffic was backed up on Sharon Amity Road all the way to Cotswold. This was due to the fact that the south bound traffic on Sharon Amity Road had to sit through a green light and a red light before they could continue because of the congestion on Sharon Amity Road. This means a minimum of six minutes or more that traffic is brought to a complete stop on Sharon Amity Road.

Mr. Creel stated this is emptying two lanes of traffic off Sharon Amity Road, plus all the traffic that makes right turns and left turns into Sharon Lane into a one lane street; and this is physically impossible. He stated no doubt this was an attempt to appease the residents along Sharon Lane and he would be the first to agree they need to be appeased as well as some positive action being taken to alleviate this problem. Two wrongs do not make a right. He stated they have been told by the Traffic Engineering Department that the widening of Sharon Lane will begin in September, 1971; that the city has not had the money to do the job up until now. He is wondering why it is necessary to wait that long to remedy a condition that is already bad and will get worse with every passing day.

Mr. Creel stated they are asking for a cross-over in the median at the entrance to their complex on Sharon Amity Road; that all of their tenants and their employees use the Crosby Drive entrance except fourteen; they have to use the Sharon Amity Road entrance because of the angle of parking which they have been assigned; it is angled to the northeast and it is impossible to get to it from the rear. Unless they can get the cross-over it will mean will either have to eliminate 14 parking places in their parking lot or they will have to plow up the beautification which they put on Sharon Amity

May 25, 1970  
Minute Book 53 - Page 492

Road in the form of four 40-foot high trees, shrubs and flowers which they plant twice yearly, and black top the area to make a two-way street in front of their building in order to accommodate the people coming into their building.

Mr. Creel stated it is his thought that the only interim solution to the problem on Sharon Lane is to install a traffic signal at the intersection of Ferncliff and Providence Roads and make both Sharon Lane and Ferncliff one way streets, until other traffic arteries can be installed that will take the south bound traffic flow from Sharon Amity Road.

Also speaking for a cross-over in the median were Mr. Jim Chambers of St. Pauls Insurance Company and Mr. Don Sellers, Manager of Cosmopolitan SPA.

Mayor Belk thanked them for coming to Council and stated the information will be given to Mr. Hoose, Traffic Engineer.

#### DISCUSSION OF FUTURE ACTIVITIES FOR BLUE HEAVEN COMMITTEE.

Mr. Jack Pentes, Chairman of the Mayor's Blue Heaven Committee, stated at his last appearance before Council he turned over copies of several reports from firms proposing to make feasibility studies and their quotations relative to the feasibility of these reports submitted by the Blue Heaven Committee for the development of Tract 3 and Tract 4 in the Urban Renewal Area.

He stated the Committee expected to receive a reply from the Council relative to its acceptance or rejection of those companies' proposals and the costs. Pending hearing from the Council, the Committee met and was prepared to tell Council in the event it did not deem it proper to appropriate public funds for those studies that the Committee was ready to go to private sources to get the money to have the studies made. While being under advisement, and without any notification to the Committee, Council took action on May 18 as outlined in Minute Book 53, Page 475, which, in essence, says "Redevelopment Commission requested to proceed with development and sale of Brooklyn Section No. 3 for Commercial Use and to work with the Park and Recreation Commission in the study of Brooklyn Section No. 4 for re-use combining a publicly owned park facility with compatible commercial development." Mr. Pentes stated he learned of this Tuesday morning in the Charlotte Observer; that he managed to get a copy of the Minute Book to read the statement which was made by Councilman Whittington in detail, and was very pleased with some of the wording in the statement because it is practically identical to some of the wording in the Blue Heaven Committee's report to Council.

Mr. Pentes stated since his only notification of Council's action appeared in the newspaper he was surprised to read in the last paragraph the expression of an opinion in a news story. The reporter stated in the story the Council's action on Monday denied the citizens committee request for the feasibility study; it also, in effect, disbanded the committee known as the "Blue Heaven Committee". He stated he has a telephone and the 14 members of the committee have telephones, and they did not hear from this Council nor from the Mayor. That the communications seem to be in the public press because on Friday, May 22, a story in the Charlotte News says that "Mayor John M. Belk said yesterday he expects the Blue Heaven Citizens Committee to continue active in connection with the 22.5 acre parcel of urban renewal land known as Blue Heaven if the Committee so desires."

Mr. Pentes stated he is present today on behalf of the Committee to ask the Mayor and Council what they wish the Committee to do; according to the resolution adopted May 18, the decision as to the land use plan of Area No. 4 is in the hands of the Redevelopment Commission and the Park and Recreation Commission. He stated the Committee has devoted considerable time, study and money in the work it has done to date. That it has pointed out on several occasions that the Committee had alternatives and this work designed for Area 3 could be done in Area 4 provided adequate access was available from Area 3 to Area 4. That the alternatives are listed in detail in the written report.

May 25, 1970  
Minute Book 53 - Page 491

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May 25, 1970  
Minute Book 53 - Page 493

Mr. Pentes stated he is asking the Mayor and Council to communicate with the Committee and to tell them where they stand and what they wish the Committee to do.

Mayor Belk replied Mr. Pentes is right and there is a lack of communication and he wants to apologize to him personally because he should have been notified. He stated Mr. Pentes does a fine job on everything he undertakes and he thinks he is a very rare individual because of his ability and he never quits; that he jumps into something with both feet and comes out splashing and this is what he has done as Chairman of this committee. Mayor Belk stated we still have hopes that we can work out something with Sugar Creek with which the Blue Heaven area will be tied in. He again apologized to Mr. Pentes for not notifying him of Council's action.

Mr. Pentes stated he appreciates the Mayor's apology. That what concerns the Committee is that the resolution was adopted without giving them an answer to their original question, and did not give them the opportunity to present their alternatives; which were if it were merely a matter of money, the Committee was willing to raise the money for a study.

Mr. Pentes again asked if the Committee as the Mayor's Committee on Blue Heaven exists, and if it does, does the Mayor have something for the Committee to do? Mayor Belk replied he was thinking about the Sugar Creek Project and appointments have been made several times in Washington and each time it has been postponed, but there is still hope. That he is more encouraged today about this project than he has been. When word is received that the city will receive aid from the federal government on the Sugar Creek project then he and Council will make a decision on what procedure the Blue Heaven Committee should take for the future to tie it in with the whole project all the way out to the park.

Councilman Thrower stated Council appreciates Mr. Pentes' talent and the talent of his committee; both the Park and Recreation Commission and the Redevelopment Commission have funds available and they can use Mr. Pentes' talents as well as the Committee's talents to develop this particular area. That it was his understanding that Mr. Pentes' service would not only be needed but required.

Mr. Pentes stated the Committee was not included in the resolution adopted by Council; that if they want the Committee to assist they will be happy to do it, but he believes it will have to be official; that he is sure they will not get an invitation from the Redevelopment Commission and they do not know the people of the Park and Recreation Commission.

Councilman Whittington stated he presented the resolution which Mr. Pentes refers to as it was the wishes of the Council - all seven members, and Council tried to be as kind as it could in the statement because Mr. Pentes and his Committee have given a lot of time and a lot of out of pocket money to bring the Serendipity idea to Council. Council took this position and he thinks rightfully so, because Area 3 has been set aside for commercial development all along, and because of the urban renewal laws two of the present owners of the property would have to approve any change in Project 3 if it went for what Mr. Pentes was proposing. Councilman Whittington stated he is not saying this is what all the Councilmembers are saying, but he is saying for those three reasons plus the governmental center historical park which is across McDowell Street with the lakes will be in there. He stated Project 4 was referred back to the Redevelopment Commission and the Park and Recreation Commission because at the outset some two years ago we were trying to develop Project 4 as a commercial park oriented project.

Councilman Withrow stated he took his action because of the presentation by General Ferebee who came to Council and presented a plan and said he and his firm had done some architectural work on the same piece of property, and

May 25, 1970  
Minute Book 53 - Page 494

that he was surprised that Council had taken the action it had taken before because he had not been given the word not to go ahead with the clients he was working for. Councilman Withrow stated this property has been lying idle for all these years and this would be a chance to sell some of it due to his work.

Mr. Pentes asked the Mayor if he would like the Committee to cease its activities? Mayor Belk replied the Committee was originally appointed to study Project 4, and Mr. Pentes asked him about it and he told him that he thought eventually 3 and 4 would have to be of compatible nature, and he still feels it will have to be compatible.

Councilman Tuttle stated he does not want the Mayor to sit here and take the blame for not having notified Mr. Pentes; that they all knew that Mr. Whittington was going to read that resolution, and all approved it; that he too would like to apologize because he would have called Mr. Pentes personally if he thought there was no communication. He stated as far as Project 4 is concerned if Mr. Pentes and his committee will be content to wait for awhile, then he thinks there will be some real use for the Committee later on, if some things develop as they hope will develop.

Mr. Pentes again asked if the Mayor's Blue Heaven Committee is of further use? Mayor Belk replied he has tried to explain that if the City can find out exactly where it will end up with the Sugar Creek Project, there will be a use for the Committee as this is tied in; at the present time as for Project 4, it will not be developed just as a section by itself; if this can be tied in with Sugar Creek then the Committee will be active again. He stated the Committee still exists but is dormant because Project 4 is not feasible until it is tied in with something else.

Mr. Pentes stated is he to understand then the Committee will have no communication with the Redevelopment Commission or the Park and Recreation Commission relative to their study? Mayor Belk replied that will be up to the Redevelopment Commission and the Park and Recreation Commission.

Councilman Tuttle stated he does not think it should necessarily be upon the invitation of the two Commissions; that Mr. Pentes has an idea and he sees nothing wrong with him approaching the two Commissions.

Mr. Pentes stated the Committee rests; he thanked the Mayor and Council for the many hours of their time; that they have enjoyed their work and had high hopes. That he will call a meeting of the Committee and tell the members what he has been told today.

Later in the meeting, Councilman Thrower stated he would hate to see the Pentes Committee disbanded; especially in times like this when ecology and everything else is on people's mind; that this is a group of dedicated strong citizens who are willing to give freely of their time, energy, efforts and talents to make this a better community to live in and he would hope that this Council and this Mayor will do everything possible to keep these people involved as closely as possible with government and give them practically a daily report, and utilize these people. He stated you just do not find groups of people that are this interested; that can come down here and not point a finger at City Government and say you are doing something wrong, but they are saying, in effect, to let them help do something right.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, JUNE 15, 1970 ON PETITIONS NO. 70-80 THROUGH 70-90 ON ZONING PETITIONS.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution setting date of public hearings on Monday, June 15, 1970, on Petitions No. 70-80 through 70-90 on zoning petitions.

The resolution is recorded in full in Resolutions Book 7, at Page 96.

May 25, 1970  
Minute Book 53 - Page 495

CONSIDERATION OF PETITION NOS. 70-66, 70-68 AND 70-69, DEFERRED FOR ONE WEEK.

Councilman Tuttle moved that consideration of Petition No. 70-66 by George Goodyear Company and Joe D. Withrow, Petition No. 70-68 by Wilford Smith and Petition No. 70-69 by Pinkney Herbert, Jr. be deferred for one week. The motion was seconded by Councilman Withrow, and carried unanimously.

PETITION NO. 70-61 BY MABLE JENKINS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 96' x 200' AT THE NORTHEASTERLY CORNER OF MCALWAY ROAD AND CRAIG AVENUE, DENIED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, denying subject petition for a change in zoning, as recommended by the Planning Commission.

PETITION NO. 70-62 BY JAMES C. ALLISON FOR A CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF WALLACE NEAL ROAD AND DOWD ROAD (OLD GASTONIA ROAD), DEFERRED ONE WEEK.

Councilman Whittington moved that the subject petition for a change in zoning from R-12 to B-2 be denied as recommended by the Planning Commission. The motion did not receive a second.

Councilman Withrow moved that consideration of the subject petition be deferred for one week. The motion was seconded by Councilman Tuttle, and carried unanimously.

PETITION NO. 70-63 BY PAW CREEK CHURCH OF GOD AND WAYNE KEENER FOR A CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF A 60-FOOT ROAD NORTH OF MT. HOLLY ROAD, BETWEEN VALLEY DALE ROAD AND THE OLD PAW CREEK SCHOOL, DEFERRED.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the subject petition for a zoning change was deferred pending further study by the Planning Commission.

PETITION NO. 70-64 BY GRADY SIGN COMPANY TO CONSIDER CHANGING THE TEXT OF THE ZONING ORDINANCE TO PERMIT ONE DETACHED SIGN OF 50 SQUARE FEET AND TWO WALL SIGNS ON EACH LOT IN THE OFFICE DISTRICT, DEFERRED.

Motion was made by Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, deferring subject petition for further study of specific language that could be used.

PETITION NO. 70-65 BY THOMAS F. RENFROW, MYRTLE R. PENDER AND CHARLES A. PENDER FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF TWO PARCELS OF LAND FRONTING 620 FEET ON THE SOUTH SIDE OF COSBY PLACE AT 3400 AND 3402 COSBY PLACE, DENIED

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

ORDINANCE NO. 626-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE SOUTHWESTERLY CORNER OF NORTH POPLAR STREET AND WEST SEVENTH STREET.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the subject ordinance was adopted changing the zoning from R-1.0MF to B-3 of a parcel of land 184' x 175' at the southwesterly corner of North Poplar Street and West Seventh Street.

The ordinance is recorded in full in Ordinance Book 17, at Page 132.

May 25, 1970  
Minute Book 53 - Page 496

PETITION NO. 70-70 BY THE HERTZ CORPORATION TO CONSIDER CHANGING THE TEXT OF THE ZONING ORDINANCE TO PERMIT AUTOMOBILE RENTAL FACILITIES TO BE LOCATED IN B-1 DISTRICT, DEFERRED.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, deferring subject petition pending further study of provisions to control the size of such facilities.

CONSTRUCTION OF SANITARY SEWER MAINS AND TRUNKS, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Thrower and unanimously carried, contracts for construction of sanitary sewer mains and trunks were authorized as follows:

- (a) Contract with Tomrick Corporation for the construction of 3,870 lineal feet of 8-inch trunk and 7,045 lineal feet of 8-inch main to serve Pine Valley Subdivision, outside the city, at an estimated cost of \$87,440.00. A check in the amount of \$8,744.00 which represents a 10 percent deposit has been received. All capital facilities in the contract will not be refundable; local service mains will be refundable.
- (b) Contract with E. C. Griffith for the construction of 350 lineal feet of 8-inch main to serve three lots on Hungerford Drive, inside the city, at an estimated cost of \$3,275.00. A check in the amount of \$327.50 which represents a 10 percent deposit has been received. All capital facilities in the contract will not be refundable; local service mains will be refundable.

CHANGE ORDER NO. 1 IN CONTRACT WITH T. A. SHERRILL CONSTRUCTION COMPANY, INC., APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the subject Change Order was approved, increasing the total contract price by \$3,510.00, for the Kings Drive Widening Project.

ENCROACHMENT AGREEMENTS, APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the following encroachment agreements:

- (a) Agreement with State Highway Commission to permit the City to construct an 8-inch sanitary sewer line within the right of way of Ashley Circle for sanitary sewer to serve Ashley Circle.
- (b) Agreement with State Highway Commission to permit the City to construct an 8-inch sanitary sewer line within the right-of-way of East Independence Boulevard for sanitary sewer to serve East Independence Boulevard.
- (c) Agreement with State Highway Commission to permit the City to construct an 8-inch sanitary sewer line within the right-of-way of Eleanor Drive and Eaton Circle for sanitary sewer to serve Eleanor Drive and Eaton Circle.

May 25, 1970  
Minute Book 53 - Page 497

PROPERTY TRANSACTIONS, AUTHORIZED.

Councilman Thrower moved approval of the following property transactions, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Acquisition of 10' x 60' easement in Willow Street at Bellamy Street off Old Steele Creek Road, from Union Supply Company of Charlotte, Inc., at \$1.00, for the Willow Street Sanitary Sewer.
- (b) Acquisition of 15' x 204.88' easement at 1415 Santee Street from Robert L. McNeill and wife, W. Orlean, at \$275.00, for the Taggart Creek Outfall.
- (c) Acquisition of 15' x 256' easement at 1415 Santee Street, from Robert L. McNeill and wife, Orlean, at \$1.00, for the Taggart Creek Outfall.

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

Upon motion of Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, the following ordinances ordering the removal of weeds and grass were adopted:

- (a) Ordinance No. 627-X ordering the removal of weeds and grass at 522 Beatties Ford Road.
- (b) Ordinance No. 628-X ordering the removal of weeds and grass at 2614 South Tryon Street.
- (c) Ordinance No. 629-X ordering the removal of weeds and grass at rear of 300 block of Emerson Street.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 133.

CLAIM BY MR. ANTHONY DAVIS FOR AUTOMOBILE DAMAGE DENIED.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow to deny the subject claim in the amount of \$175.00, for automobile damages, as recommended by the City Attorney.

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

CLAIM BY MRS. J. C. ALMOND, JR. FOR AUTOMOBILE DAMAGES, DENIED.

Councilman Thrower moved claim in the amount of \$137.02, filed by Mrs. J. C. Almond, Jr. for automobile damages be denied as recommended by the City Attorney. The motion was seconded by Councilman Whittington, and carried unanimously.

CLAIM BY MR. ROBERT JACKSON FOR LOSS OF AUTOMOBILE, DENIED.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the subject claim in the amount of \$200.00, was denied as recommended by the City Attorney.

May 25, 1970  
Minute Book 53 - Page 498

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Mr. and Mrs. Claude F. Norman for Graves No. 4 and 5, in Lot No. 22, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Jimmie George Antonio for Lot No. 29, Section Y, Elmwood Cemetery, transferred from Mrs. Ella Mae S. Antonio, widow, at \$3.00, for transfer deed.
- (c) Deed with James H. Glenn for Lot No. 2, Section I, Elmwood Cemetery, transferred from Heirs of John C. Glenn, at \$3.00, for transfer deed.

CONTRACT WITH CLIMATROL INDUSTRIES, INC. FOR PACKAGED AIR HANDLING UNITS FOR CHARLOTTE COLISEUM.

Councilman Withrow moved award of contract to the low bidder, Climatrol Industries, Inc., in the amount of \$40,800.00, on a unit price basis, for packaged air handling units for Charlotte Coliseum. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Climatrol Industries, Inc.	\$40,800.00
Gene Hewitt	46,900.00
James M. Pleasant Co.	54,394.00
The Trane Company	59,900.00
Howard Y. Caton Contracting Company	74,141.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR SIDEWALK IMPROVEMENTS IN THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder, Crowder Construction Company, in the amount of \$87,251.00, on a unit price basis, for sidewalk improvements in the Belmont Neighborhood Improvement Project.

The following bids were received:

Crowder Construction Company	\$87,251.00
T. A. Sherrill Const. Co.	89,989.50
Blythe Brothers Company	92,940.50
Carolina Paving Co., Inc.	94,806.50

IMPROVEMENTS TO RAILROAD CROSSINGS REQUESTED.

Councilman Whittington stated while Mr. Josh Birmingham is in the audience he would like to say to him and Mr. Veeder that the railroad crossings are in bad shape and nothing has been done about them since he made the request about a month ago. That he is talking about Walnut Avenue at Lowe's Hardware, coming off the ramp where there are two crossings; then the Southern crossing at Summit Avenue and West Boulevard at the railroad.

Mr. Birmingham, Acting City Engineer, stated he now has a commitment out of Southern Railroad to repair both of their crossings.

May 25, 1970  
Minute Book 53 - Page 499

**COMPLAINT OF PINEHURST APARTMENT RESIDENTS ABOUT DEBRIS IN CREEK REQUESTED REFERRED TO DRAINAGE COMMISSION, HEALTH DEPARTMENT AND ENGINEERING DEPARTMENT.**

Councilman Whittington stated all members of Council received a letter from the people apparently who live in Pinehurst Apartments about all the debris and building materials they got out of the creek that runs under Providence Road; that their swimming pool is down on this creek. He stated there is nothing Council can do about this but he requested the City Manager to contact the Drainage Commission of Mecklenburg County and inform them of this, and to ask the Engineering Department to check to see if there is anything blocking the natural flow of the water.

Councilman Tuttle requested that Mr. Birmingham be notified that among the recommendations these people made was one to force the apartment owners to put in a better filter where the waste from the apartment comes into the creek. That he does not know what kind of waste this is but someone should get in touch with the Health Department if this is a situation where they are dumping the wrong kind of waste in that creek, it should be checked immediately.

**MAYOR PRO TEM ASKS ALL CITIZENS TO GET TOGETHER ON CIVIC CENTER AND GET THE PROJECT UNDERWAY.**

Councilman Whittington stated he would like to express his feelings about the Civic Center. He stated everything he has done as it relates to this Civic Center since the idea began with the Master Plan Committee, he has done what he thought was to the best interest of this city, and particularly for the redevelopment and the rebuilding of Downtown Charlotte. That everything this Council has done has been laid out in chronological order from 1965 as it relates to the civic center. That a lot of things have happened that caused Council to go to this site and the three reasons are: (1) We had to take the Convention Boulevard out of the bond package; (2) The legislature voted by voice vote in Raleigh rather than roll call vote, and we could not lease a civic center from the CDA people; (3) The CDA people said the merchandise mart was no longer in their plans.

Councilman Whittington stated he thinks we have aired all the people's complaints; aired all the people's misunderstanding or misconceptions by those who have come here from week to week and asked questions about the civic center.

He stated he thinks the time has come when these borings are over that this Council, the business community downtown and the citizens as a whole should all get together and let's get this civic center built. Because it is a generator and is what they and this Council, and what Mayor Belk and Mayor Brookshire thought was in the best interest of this city.

He stated he hopes and believes that we should all get harnessed up together now and as soon as we get the reports back say we are going to build this civic center and we are going to build it as quickly as we can within the money we have to build it with, plus the land; also do everything we can if parking is not available on that site through revenue financing to get parking adjacent to it or as close to it as we can. Parking was never discussed in most of these things by the Master Plan Committee in 1965 or any other time up until these spaces came about, and really he does not suppose that anyone knows where the 1200 spaces came from.

Councilman Whittington stated he is saying that everyone on this Council and this Mayor and the Committee for the Civic Center has tried in the best interest of this city to move this thing forward and he thinks this is exactly what we want to do and he thinks now we should ask the public to come and joint with us and really get this moving.

May 25, 1970

Minute Book 53 - Page 500

SUGGESTION THAT NEW TELEPHONE DIRECTORY HAVE INFORMATION NUMBER FOR CITY HALL HANDLED IN A DIFFERENT WAY THAN LISTED UNDER EMERGENCY.

Councilman Tuttle stated there was an erroneous article in the newspaper the other day which referred to the closing of a few things including the Courthouse, but that the city would not be closed. That he called City Hall and got no answer thinking the City Hall was open. So he looked into the Telephone book under emergency numbers, and the first number under the emergency number is information; that information did not answer. He stated he is wondering how many people, if they do not know just who to call for an emergency is calling the information number. He asked if this is a 24 hour number; that it is listed as number one under emergency. He stated in the next telephone publication this should be handled in a different way.

COMPLAINT ABOUT WATER PRESSURE ON COVECREEK DRIVE REQUESTED INVESTIGATED.

Councilman Thrower requested the City Manager to have Mr. Hopson, Public Works Director, to check a complaint he has received, that at 7109 Covecreek Drive, they say they do not have any water pressure; that it measures around four pounds and it is city water. That they cannot take a shower and have to keep their children up until the water is shut down up the line at 10 or 11 o'clock at night.

POT HOLES ON CUSHMAN STREET REQUESTED FILLED.

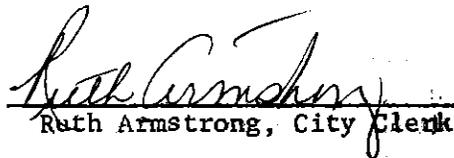
Councilman Thrower stated on Cushman Street, off Sugar Creek Road, there are quite a few pot holes, and he asked the City Manager to have someone check this and have the holes filled up.

POLICE DEPARTMENT REQUESTED TO CHECK STORE AT CORNER OF KINGSTON AND SOUTH TRYON STREET WHERE BEER IS BEING CONSUMED ON PARKING LOT.

Councilman Withrow requested the City Manager to have the Police Department check the 7-11 Store at the corner of Kingston and South Tryon Street; that he has received a report that a lot of young people are going in there to buy beer and wine on Saturday nights and Sundays and are drinking it on the parking lot; that they are throwing the bottles and cans around in the parking lot. That there is an ordinance against this and he would like the Police Department to check this out.

ADJOURNMENT.

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

  
Rath Armstrong, City Clerk