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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, January 27, 1969, in the Council Chamber, City Hall, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle, and James B. Whittington present.

ABSENT: None.

\* \* \* \* \*

INVOCATION.

The invocation was given by Dr. Claude U. Broach, Minister of St. John's Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, the minutes of the last meeting on Monday, January 20, were approved as submitted.

MEMORANDUM OF AGREEMENT BETWEEN THE SOUTHERN RAILWAY AND CITY OF CHARLOTTE WITH RESPECT TO THE CONSTRUCTION OF CONVENTION BOULEVARD, APPROVED.

Mayor Brookshire stated after long and often tedious negotiations with Southern Railway, and more recently with the Charlotte Development Associates, we now have a cooperative agreement, in writing, that should serve well the mutual interests of all parties to the agreement.

From the City's point of view it will do these things:

1. Clean up 25 acres of obsolete and deteriorated structures and railroad spur lines, which have been for years a downtown eye-sore and a barrier to orderly development.
2. Produce new ad valorem revenue, estimated to reach or exceed one million dollars in five years (based on increased land value and new structures in the cost range of \$40-50 million). This figure of local tax could double within ten years.
3. Open up a new downtown street to help carry Charlotte's increasing vehicular traffic.
4. With one or more convention hotels, will greatly stimulate the convention business that brings millions of dollars to Charlotte.
5. Will give the heart of our City a new face, new hope and new strength. Call it what you like - a shot in the arm or a transfusion.
6. Should be a strong incentive to other downtown developments.
7. Will provide new job opportunities.

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8. More firmly establish Charlotte as the leading regional city between Washington and Atlanta, increasing its prestige as a distribution and financial center.
9. The 50-foot median reserved by Southern between the two one-way lanes of Convention Boulevard may one day serve Charlotte well for a North-South rapid transit system.

Mayor Brookshire stated we have also been negotiating with the Charlotte Development Associates on a Civic Center, under terms which would provide for the construction of the Center by CDA in accordance with plans and specifications to be prepared by the City, to be leased to the City on a net, net lease, CDA to be reimbursed for all construction and finance costs, insurance and taxes, prorated over a period of 35 years, with options to renew the lease or purchase at intervals during the term of the lease or at the end of the lease.

Many complications have arisen, including the price of ground and/or air rent, the question of who would build, control, and operate the parking under the pedestrian mall and terms on options to renew the lease or purchase. Negotiations are continuing.

He stated another factor was introduced recently when it became apparent that the Department of Housing and Urban Development would allow a start on our Downtown Urban Renewal project under the Neighborhood Development Plan. City Council has authorized our Redevelopment Commission to prepare a proposal under NDP and to work cooperatively with other North Carolina cities to get the State Statutes on Urban Renewal changed to accommodate this new HUD program. This, of course, could give the City of Charlotte the alternative, subject to approval of the voters, of building the Civic Center with lower interest rates under general obligation bonds, or perhaps with revenue bonds.

As negotiations continue with the Charlotte Development Associates, our Civic Center Committee, ably headed by Robert Lassiter, Jr., strongly advises the City to keep open all options.

Mayor Brookshire stated the formal agreement, already signed by the Southern Railway Company, which he is presenting to City Council today for approval, is, however, the basic agreement which we have sought for the past four years and he is pleased to announce it and at the same time asks Council's approval of it.

He stated he considers this agreement a catalyst by which the City will greatly benefit in ways already mentioned, while enabling Southern Railway to profitably increase both land value and use of their important Charlotte real estate holdings.

Mayor Brookshire then read the following letters and agreement into the record:

Letter dated January 22, 1969 from the Vice President of the Southern Railway System:

"Dear Mayor Brookshire:

This replies to your letter of January 2, 1969, with the attached Memorandum of Agreement between Southern Railway Company, Mr. Robert B. Russell, Mr. William Gunter, and the City of Charlotte with respect to the construction of Convention Boulevard.

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The general outline of the proposal as set forth in the Memorandum of Agreement is satisfactory to us, subject to your confirmation of certain understandings as set out more fully below. However, we do not think that the characterization in your January 2, 1969 letter of the construction of Convention Boulevard as a "contribution which the City has agreed to make" presents a completely accurate picture. It is Southern that is contributing the land which makes Convention Boulevard possible, and this contribution by Southern will make possible the development of the entire downtown business area of Charlotte, not simply the development of Southern's land. Realizing your hopes for overall downtown development, including the Urban Renewal area, we are prepared to confirm our informal agreement concerning the contribution of right of way for the Boulevard without waiting for a decision on the Civic Center. Your January 2, 1969 Memorandum of Agreement, however, did not set forth all of the terms of our informal agreement as we have discussed and it must be understood between the City and Southern that the contribution by Southern is subject to the following understandings:

Southern is entering into a 99 year lease with the North Carolina Railroad Company covering the acquisition of all of that company's interests in property lying between East Stonewall Street and East Trade Street. Southern Railway Company will donate or cause to be donated to the City of Charlotte all of the interests it owns or controls in the necessary easements, including those under the new 99 year lease from the North Carolina Railroad Company, for such part of the right of way of the Boulevard as lies upon property now or hereafter owned or controlled by it or its assigns. The donation of these interests for such necessary easements shall be made as needed for the construction of the Boulevard and shall be made with the understanding that neither Southern nor its assigns shall be charged with any cost whatsoever relating to the location, construction, maintenance or operation of the Boulevard, except for the contribution of the cost of constructing or reconstructing overpass structures as provided in paragraph 7 of the January 2, 1969 Memorandum of Agreement, and any costs of making lateral or vertical changes to the railroad tracks and right of way as Southern determines to be practical, in accordance with numbered paragraph 6 of the Memorandum of Agreement. As you know, this understanding regarding costs has been part of all of our conversations and informal agreement.

A second point that has been part of all our dealings is that the Boulevard will be constructed so that it will not interfere with the proposed mall concept which the City has approved in principle. This means that the Boulevard will be located substantially in accordance with the drawings of Ralph Whitehead & Associates dated September, 1968, revised November 11, 1968, which you mention in the January 2, 1969 Memorandum of Agreement, and in such fashion that the required clearance of rail (23' from the top of rail) and highway can be met and the pedestrian level maintained at the approximate elevation of 755' above mean sea level, so that it will be possible to tie in with Tryon Street pedestrian circulation.

In the light of the City's approval of Southern's adoption of its overall plan for private development of its downtown property, and so long as Southern continues with development of its property in general accord with such plan, it will be neither necessary nor desirable to include such property in a condemnation under any Urban Renewal or comparable project undertaken by the City or any local Urban Renewal authority with City approval.

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Based on the assumption that these conditions are still agreeable to you, I have executed the January 2, 1969 Memorandum of Agreement attached to your letter of the same date on behalf of Southern Railway Company. In order that the January 2, 1969 Memorandum of Agreement and this letter may be evidence of the entire understanding between Southern and the City with respect to the construction of Convention Boulevard and the donation of right of way therefore by Southern, I will appreciate your executing and returning to me a copy of this letter, together with evidence of approval of the City Council, for our permanent records. I am authorized to advise you that Messrs. William Gunter and Robert B. Russell concur in the execution of the January 2, 1969 Memorandum of Agreement, subject to the conditions set forth in this letter. In the interests of time, I am sending this letter forward to you, but, upon receipt of a copy of it executed by you as indicated above, I will arrange to have it executed in the indicated spaces by Messrs. Gunter and Russell, and a fully executed copy will be returned to you for the City's records.

Very truly yours,

(James S. Crow)  
Vice President"

Mayor's letter of transmittal dated January 2, 1969 referred to by Mr. Crow:

"While there may have been merit in our efforts to develop a total package of agreements on Convention Boulevard and the Civic Center before proceeding with the Boulevard, I think wisdom now dictates taking a first step.

Rather than occasion further delay on the construction of Convention Boulevard, which after all is the key to the potential development of your twenty-five acres of downtown property and is a contribution which the City has agreed to make, I am suggesting that we confirm our verbal agreement, relating to the construction of the Boulevard, in writing and proceed immediately with the project.

We are presently putting together a proposed bond package for an early Spring referendum and if we are to include Convention Boulevard we must make this decision promptly. If not included in this year's bond referendum it would have to wait at least another year.

A memorandum of the Agreement between Southern Railway and the City, as developed last August, paragraphs four (4) through seven (7) having been dictated by your Mr. McLean, is attached and if you will return one copy with your signature, I shall ask City Council to approve it and to include the project in the bond proposal we are now preparing.

I might add that our Civic Center Committee concurs in this matter, feeling that it needs more time to fully consider the alternatives carefully.

Also for your information, we are moving rapidly to secure legislative action from our General Assembly, which convenes on January 15th, to enable the City to go the Urban Renewal NDP route, which should assure an early start on acquisition and clearance of two downtown blocks which could be those bounded by Tryon, Trade, Convention Boulevard and Fourth Streets - thus tying your development to Tryon and Trade Streets.

It is a pleasure to cooperate with you and your associates in the development of mutual interests."

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Memorandum of Agreement

"This memorandum confirms the agreement reached between the Southern Railway and the City of Charlotte with respect to the construction of Convention Boulevard.

It is our understanding that you are organizing a joint venture for the development of certain property in the City of Charlotte consisting in part of some twenty-four (24) acres owned or controlled by the Southern Railway Co. and other properties as may be acquired by you lying in the area bounded by South Tryon Street, East Trade Street, South Caldwell Street and East Stonewall Street. You have disclosed to me the general concepts of your present intention for the improvement of this real estate, with particular reference to the traffic and access requirements of a proposed boulevard, referred to as "Convention Boulevard", in the drawings of Ralph Whitehead and Associates dated September, 1968, to which reference will be made throughout this memorandum.

You are referred to previous actions of the City Council under date of October 23, 1967, which express the approval in principle of the City of Charlotte of the construction of Convention Boulevard between the Northwest Expressway and the proposed Independence Boulevard Expressway. You have requested the present statement of the intentions of the City with respect to the construction of this part of the Boulevard between East Stonewall Street and East Sixth Street. We have agreed that the actual design and construction of this segment of the Boulevard must await your specifications as to the specific uses to which the abutting property controlled by you will be put. We have mutually agreed with you that this segment of the Boulevard will be designed insofar as practicable in a cooperative effort to meet the functional requirements of access to the abutting property to be developed by you. You have agreed to expedite your planning efforts and specifications to the end that prompt cost estimates can be presented to the Council for its approval.

I wish to state that it is the present intention of the City of Charlotte to construct the entire Convention Boulevard in such segments as may be justified by the development of the adjoining property and property served by the Boulevard. We have agreed with you that the first segment of the Boulevard to be constructed should be that referred to between East Stonewall Street and East Sixth Street. It is our present intention to construct this segment of the Boulevard as soon as its design can be mutually agreed upon with you and the necessary funds can be acquired by the City subject to the conditions hereinabove and hereinafter stated.

1. We have stated to you that the financing of the first segment of this project will require a bond issue by the City of Charlotte requiring voter approval. We presently estimate the requirements to be from six to ten million dollars. Provided the conditions herein are met, it is the City's intention to submit these bonds to the voters at an election to be held as soon in 1969 as possible.
2. This segment of the Boulevard will in general be constructed to meet the requirements of a memorandum from the City Manager, W. J. Veeder, to the Mayor and City Council, dated July 29, 1968, copy of which you have. It is understood that the exact specifications and design must await the receipt of your requirements and those of other persons to be served by the proposed Boulevard.
3. The Southern Railway Co. will donate to the City of Charlotte the necessary easements or conveyances of title for such part of the right-of-way of the entire Boulevard as lies upon property now or hereafter owned or controlled by you or your assigns.

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4. You will retain the "air rights" over any property conveyed for the Boulevard right of way by you. The City without charge to you will execute such conveyances and further assurances as required to you or to your assigns covering the "air rights" over such part of "A" Street or other property shown on the Whitehead maps hereto attached as shall belong or be claimed by the City and which lie within the right of way of the proposed Boulevard and of which the ownership between the City and you is in doubt. The air space to be conveyed to or retained by you shall include all space lying above a horizontal plane twenty-three feet above the top of rail in the present railroad track or such track as may be finally in place when Convention Boulevard is finally built.

5. As promptly as practicable, you will put forth your best efforts to construct the structures on the subject property which you have discussed with me. A substantial portion of the primary phase of such development shall be under contract before construction of the Boulevard shall commence.

6. It is understood that you will reserve in the center of the right of way of the proposed Boulevard a 50' wide right of way for the operation of two railroad tracks. Nothing herein shall be taken to require the City of Charlotte to acquire any property for the said 50' railroad right of way. Any property required to be dedicated to such use shall be acquired by you.

Except for the overpass and underpass structures discussed in paragraph 7 hereafter, to the extent practical you shall make all lateral and vertical changes in the railroad tracks and right of way necessary to operate the rail lines and make the elevations and horizontal alignments of the railroad right of way consistent with the elevations and horizontal alignment of the Boulevard to the end that said Boulevard shall be sound, safe and convenient for use as a first class public boulevard.

7. It is the present intention of the City of Charlotte to construct an overpass at the intersection of the proposed Boulevard and East Third Street, an overpass at the intersection of the Boulevard and East Fourth Street, and an overpass at the intersection of the Boulevard and East Trade Street. Such structures, including the provision of the said 50' railroad right of way and the laying of tracks, shall be done at the cost of the City, except that Southern shall bear 10 percent of the cost, not however, to exceed \$12,500 with respect to any grade separation which may hereafter be determined to be necessary with respect to separating the grades of Third Street and the existing single track line of the railroad, and except with respect to the widening of the existing grade separation at Trade Street with respect to which Southern will contribute 10 percent of the cost of construction not to exceed, however, \$20,000, and except further with respect to widening the existing grade separation structure at Fourth Street, with respect to which Southern will comply with any existing obligation which it may now have by contract with the City and in the absence of such obligation which it may now have by contract with the City and in the absence of such obligation Southern will contribute 10 percent of the cost of widening such structure, its contribution however not to exceed \$12,500. The foregoing structures will be maintained by the City and Southern in accordance with policy procedures now prescribed for the maintenance of such structures by the North Carolina Highway Commission. The City shall maintain the Boulevard and all automobile traffic-bearing portions of it and its structures, and shall control all movements of vehicular traffic. Southern Railway will maintain the railroad right of way and facilities thereon.

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It is understood that this memorandum is to be supplemented by formal, complete agreements consistent with the terms hereof. This agreement, however, is binding upon the parties and their successors and assigns.

If this expresses the understanding we have reached in these matters we would appreciate your executing this in duplicate, retaining one copy for your files. Subject to the understandings in our attached January 22, 1969 letter

We agree to the foregoing  
SOUTHERN RAILWAY CO.

(Stan R. Brookshire)  
Mayor

BY: (James Crow)  
Vice President

ATTEST: (M. W. Edwards)  
Asst. Secretary"

Councilman Jordan moved approval of the memorandum of agreement, which motion was seconded by Councilman Whittington.

Councilman Smith stated paragraph 5 of Mr. Crow's letter pertains to Southern Railway's request that the City give up any condemnation rights it may have in Urban Renewal Programs in the future as to their property. That he does not feel this should run for an indefinite period and we should have a better understanding as to what this might involve because we do not know what may happen in the future - we may need some condemnation on railroad property and he does not want this interpreted too freely. That he is stating this for the record as Council ought to be aware of what this could do if it was not clarified.

Mayor Brookshire stated he agrees and all paragraphs in any letter are subject to interpretation and he will call Mr. Crowe's attention to this when he replies to Mr. Crowe's letter.

Councilman Tuttle stated Council will be agreeing on the memorandum of agreement and he does not recall this being in the agreement. Councilman Smith stated when Southern starts drawing the formal instrument, they will use all these negotiated instruments to bring it into shape; that he is just stating this for the record.

Mr. Veeder, City Manager, stated the point raised by Councilman Smith is a valid one and makes reference to "so long as Southern continues with developments of its property". That it does need clarification but he does not see any problem in getting the clarification by an exchange of letters between the Mayor and Mr. Crowe.

Mayor Brookshire stated the problem that bothers him is there is no time element involved here - whether we are talking about 5 years, 10 years or 40 years - it might be clarified.

Mayor Brookshire stated he has given to members of Council a copy of the report from the Mayor's Civic Center Advisory Committee signed by Mr. Robert Lassiter, Jr., Chairman, for their information. That here and now he acknowledges the very fine efforts that this committee has put forth in the last ten or twelve months under the leadership of Mr. Lassiter.

A vote was taken on the motion and carried unanimously.

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Mr. William F. Geeslin, of Southern Railway, stated his company is pleased to share with the City of Charlotte in the remaking of the city's downtown area and the current plan to go ahead with the construction of Convention Boulevard in a way that will facilitate further development. That Southern is contributing land for the construction of Convention Boulevard and will bear a portion of the cost of certain grade separations proposed in connection with the highway project. As a long time participant in Charlotte's economic growth, Southern is eager to see the city become a showplace of urban progress and will continue acting to bring this about. That he shares in the Mayor's description of this action, as a "key" first step and as a "catalyst" which the Mayor and Southern hopes will result in the development of a complete complex in the downtown area.

Mayor Brookshire stated he feels the news of Council's action here today will be received with a good deal of enthusiasm throughout the city as we have been talking for twenty years about revitalizing downtown Charlotte and have discussed with Southern Railroad over a period of four years some mutual agreement which would serve both the interests of the City and Southern Railway.

#### DISCUSSION OF DAY NURSERY REQUIREMENTS.

Mrs. Agnes Love, operator of Love and Care Day Nursery, asked if someone will point out to her where the City Code Book requires that nursery operators need 35 square feet per child, minus bathrooms, kitchens and halls to keep children in their day nursery.

Mr. Veeder, City Manager, stated the City of Charlotte has no requirement that calls for the 35 square feet. That he has checked within the last hour, to determine if any agencies of the City government were in fact applying such standards. That he has been told that this is not the case; he has checked with the Building Inspection Department, the Fire Department and also the County Health Department and they assured him they were not applying such standards.

He stated it is a voluntary standard applied by the State Welfare Department; it is not a requirement of the City of Charlotte to meet the 35 square feet called for in this Standards and Regulations for Day Care Centers and Day Care Homes.

Mr. W. H. Jamison, Superintendent of the Building Inspection Department, stated the 35 square feet requirement comes from the State Law but his department is not enforcing the regulation, evidently this has been a slip-up on one of the field inspector's part. That he understands these regulations will be enforced at a later date.

Mrs. Love stated the Health Department approved both of her nurseries - one on Bennett Lane and one on Snow White Lane on November 19th; she then called Captain Profitt of the Fire Department and Mr. Meadows of the Building Inspection Department and asked to be the first nursery licensed if possible. They came out and went over her nursery on Snow White Lane and found one correction which should be made and which she complied with; they came back for a re-inspection and told her she could keep 24 children; she told them she had 25 and they told her it would be alright to keep the extra one. That she has asked them since then to go over to Bennett Lane and inspect her place so she could go by the regulations. She stated she has yet to have one of them go out there. That she has talked with Senator Edwards in Raleigh and he informed her that they were pushing for 30 square feet of space; she mentioned this to Mr. Meadows who stated they are already enforcing 35 sq. ft.



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Mrs. Love stated she has checked with another nursery and they told her they had talked with Mr. Meadows who also told them he was enforcing this 35 square feet requirement.

A gentleman in the audience stated has had two small girls in Mrs. Love's nursery for about a year now; that it was noted in the paper that her nursery has been inspected and they found it to be way above the standards of any state-run nursery. That she runs a tremendous nursery; his children have learned quite a bit and it would certainly hurt him and his children if he had to take them out.

Mrs. Kenneth M. Greene stated she has a daughter five years old and a son three years old and they have stayed with Mrs. Love in her nursery since they were four months old. That for Council to mess with requirements for nurseries is an insult to her intelligence as a Mother. She stated Council should consider that she and other mothers do not want to work but have to; they would like to stay at home with their children and raise them but when you have to work, you have to depend on someone and Mrs. Love has been a wonderful second mother to her children and she has a fine nursery and asked Council to bear with the mothers a little bit.

Mrs. Love presented the City Clerk with a number of letters from parents who have children cared for in her nurseries.

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Councilman Smith stated on other occasions, Council has/interpretations from the Inspection Department on Ordinances and Zoning procedures and he feels before they take it upon themselves to interpret the law, that Mr. Underhill or Mr. Veeder should be aware of it so this condition will not arise again.

Later in the meeting, Councilman Short stated the city's recent day care licensing ordinance did not change any space requirement of any sort with reference to the arrangement or facilities for day care of any building in the City; any requirement that exists now is the same as has existed for many years.

#### PRESERVATION OF THE COURTHOUSE REPLICA REQUESTED BY PRESIDENT OF THE MECKLENBURG HISTORICAL ASSOCIATION.

Mr. Ruddle Thompson stated he is President of the Mecklenburg Historical Association and is present today in connection with the preservation and disposition of the Replica of the Mecklenburg County Courthouse used during the Bicentennial Year. That Mr. Allen Wells, project chairman, has suggested that some historical group might be host and have the building placed in a park for preservation. Mr. Thompson stated his organization would like to go on record favoring this proposal.

He stated in 1936 when the old Mint was to be torn down, that through the efforts of Mrs. Harold T. Dwelle, \$2500 was raised; Mr. E. C. Griffith gave the land, and the WPA funds built the new museum. That this is an example of what can be done by saving this courthouse building.

Mr. Thompson stated his organization will cooperate with Council if it is placed in a park; there is space in the adjacent lot on the parking lot by the Park and Recreation Building at Hawthorne and Seventh Street; there are many parks in Charlotte where this building could be placed.

He stated there is a February 1 deadline and something must be done now; that he would urge Council to have it placed somewhere at present and have it available when such a park as Mr. Pentecost has suggested is built or placed in the government plaza.

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Mr. Thompson stated the Mecklenburg Historical Association will offer its services to conduct tours of the building.

Mayor Brookshire stated all members of Council are sympathetic with the views expressed; that it was his understanding this building was built in a manner which would permit it to be moved and it would be placed in a location to be decided upon at another date.

Councilman Tuttle asked who set the deadline of February 1? Mr. W. H. Jamison, Building Inspection Superintendent, replied this is an agreement with the State Insurance requirement. Councilman Tuttle asked if we cannot get a 30 day extension. Mayor Brookshire suggested that a 60 day extension be requested.

Councilman Stegall stated he has a friend who is a house mover and he has agreed to remove this building and place it wherever Council wishes on a permanent basis or a temporary basis at no cost to the city.

Councilman Jordan stated he hopes it can be placed in a park so people can go and take advantage of it. Councilman Smith stated Freedom Park seems to be the obvious place for it.

**STREET NAME CHANGE, AUTHORIZED.**

Councilman Smith moved that the name of Wesley Avenue, from Yadkin Avenue to 28th Street, be changed to JORDAN PLACE, in recognition of Sandy Jordan's complete dedication on the 30th Street project. The motion was seconded by Councilman Stegall, and carried unanimously.

**PETITION NO. 69-1 BY JAMES PLUMBING COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND FRONTING ON THE EAST SIDE OF NEWELL-HICKORY GROVE ROAD, NORTH OF THE PLAZA, POSTPONED FOR ONE WEEK.**

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, to postpone decision on the subject petition for one week.

**DECISION ON PETITION NO. 69-4 BY R. L. MCGINN FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE WEST SIDE OF PARK ROAD SOUTH OF MARSH ROAD, DEFERRED.**

Councilman Whittington moved that decision be deferred on the subject petition pending further study by the Planning Commission. The motion was seconded by Councilman Smith, and carried unanimously.

**ORDINANCE NO. 133-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF CLANTON ROAD AND GENERAL YOUNTS EXPRESSWAY, FRONTING ON CLANTON ROAD.**

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance changing the zoning from R-6MF to B-1 of a 3.4 acre tract of land at the southwest corner of Clanton Road and General Younts Expressway, fronting 680 feet on Clanton Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 89.

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PETITION NO. 69-6 BY MURLAN C. KING FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND 254' x 200' AT THE SOUTHWEST CORNER OF TUCKASEEGEE ROAD AND ALICE AVENUE, DENIED.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

PETITION NO. 69-7 BY EDWARD J. AND PHILLIP B. FISHER FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A TRACT OF LAND ON THE NORTHEAST SIDE OF SEYMOUR STREET, BEGINNING ON THE WESTERLY SIDE OF SOUTHERN RAILROAD CROSSLINE, DENIED.

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

PETITION NO. 69-8 BY CHARLES L. CLARK FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF A LOT AT THE NORTHWEST CORNER OF OLD CONCORD ROAD AND TORRENCE GROVE CHURCH ROAD, REFERRED BACK TO PLANNING COMMISSION FOR FURTHER RECOMMENDATION.

Councilman Smith moved approval of the subject petition changing the zoning from R-6MF to I-2 on a lot 150' x 328' at the northwest corner of Old Concord Road and Torrence Grove Church Road. The motion was seconded by Councilman Stegall.

Councilman Short stated he feels Council should help Mr. Clark because there have been no houses started for a mile along here in the last 25 years with maybe one exception but he would like to know if Council could accomplish what Mr. Clark is seeking by re-zoning the rear of his lot around the grease pit. That this would accomplish the objectives of the Planning Commission and give Mr. Clark everything he is asking for.

Councilman Smith stated this lot has been used for years as business; it was established as business long before any zoning laws, and neighbors have not objected - they recognize it as part of the landscape out there and if you zone the rear portion of it, you will run into another problem when he wants to do something on the front part of the building. That Councilman Short would only be deferring the problem here and the best thing would be to go ahead and give Mr. Clark the zoning change.

Councilman Short stated what he is suggesting here is a way which would make it possible for Council to say no to others who might want to come here and put in a considerable business center at this intersection whereas what Councilman Smith is saying would make it virtually impossible to stop the growth at this corner.

Councilman Smith stated this is one of the functions of Council; the Planning Commission has recommended to deny this petition because, theoretically, it should not be business; but Council has to look at this problem from a practical viewpoint for the taxpayer and citizen, weigh all these elements and make a decision - sometimes it is away from the theory but is equity in the case.

Councilman Short made a substitute motion to ask the Planning Commission staff to present to Council next week a plan which would rezone just substantially the area where the repair is to be made and a small margin around it. Councilman Tuttle seconded the motion.

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Mr. Fred Bryant, Assistant Planning Director, stated the Planning Commission has expressed an opposition to the zoning change here and if a change of some sort is to be made then Councilman Short's motion would be more acceptable to the Planning Commission as it would certainly give more control to the area. The Planning Commission is concerned with what the future of some of the adjoining properties will be if the change in zoning is granted here. That Councilman Short's motion would obviously come closer to obtaining the objectives of the Planning Commission than complete approval.

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

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

ORDINANCE NO. 134-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY BEGINNING SOUTHWEST OF INDEPENDENCE BOULEVARD, EXTENDING FROM IDLEWILD ROAD TO STATE ROAD NO. 1009 WHICH CONNECTS INDEPENDENCE AND MONROE ROAD.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9MF to B-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 90.

PETITION NO. 69-10 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING ON PROPERTY ON EAST SIDE OF DELTA ROAD, BEGINNING 2,000 FEET NORTH OF ALBEMARLE ROAD AND EXTENDING NORTHWARD APPROXIMATELY 2,985 FEET, DEFERRED UNTIL FEBRUARY 24TH.

Motion was made by Councilman Stegall to defer decision on the subject petition until February 24th. The motion was seconded by Councilman Tuttle, and carried unanimously. Councilman Tuttle stated the petitioner stated they have no immediate plans for this property.

PETITION NO. 68-87 BY IRENE T. BARTLETT FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF A PARCEL OF LAND AT THE SOUTHWEST CORNER OF HAWTHORNE LANE AND KENNON STREET, DENIED.

Councilman Tuttle made a motion to deny the subject petition as recommended by the Planning Commission. The motion did not receive a second.

Councilman Whittington stated this man has been in a non-conforming use all these years and has operated a very successful business. About three years ago he asked for a change, and he voted against the change because there was a new apartment complex going up across the street; since that time there has been no change in this neighborhood at all to his knowledge that would lead him to believe he is still right in denying this man the use of his property and the privilege of enlarging his business.

Councilman Whittington moved that Council over-rule the Planning Commission's recommendation and approve the petition for a change in zoning. The motion was seconded by Councilman Stegall.

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Mr. Veeder, City Manager, advised a summary of the Redevelopment Commission's views on this is included in the Planning Commission's report; they are making a case for not permitting non-residential usage because this is a part of the Belmont Code Enforcement area.

Mr. Vernon Sawyer, Director of the Redevelopment Commission, stated they have set forth their feelings about this case in a letter written to the Planning Commission with copies to Council; they expressed some concern that the HUD inspectors who have this area under surveillance may consider this with some adverse influence; that the attitude of Council in rezoning it might be inconsistent with the whole objective of this project.

Councilman Smith stated that Mr. Bartlett can continue to operate in this location under the grandfather clause; that Council is not changing anything as far as the operation goes as he can continue to operate. Mr. Sawyer stated he understands Mr. Bartlett can continue to operate without any enlargement; that his petition was to permit him to expand.

Councilman Smith asked if it is not a part of this program to see that people can make a living? Mr. Sawyer replied they do not want to deny anyone the right to make a living; but the petitioner in expanding may be denying someone in the vicinity the full utilization of their property for residential purposes as it may turn out to be an adverse influence.

Councilman Stegall stated he is going to vote to give Mr. Bartlett the right to enlarge his business; this man, if Council says no, will be put out of business; he can still operate but he needs to expand - you either go forward or you go out. This is a situation where the man is elderly; he does not want to plunge into a new real estate venture and put himself into the hands of some mortgage company for fifteen or twenty-five years.

Councilman Alexander asked how many other like situations exist in this same area? Mr. Sawyer replied he does not know; there are a number of businesses scattered through but he does not know how many would need to expand.

Councilman Short stated he does not believe this is a case to put your heart in; it is spotting one little lot of I-2 in the midst of an area that looks like it goes on for miles without any industrial use being involved.

Councilman Tuttle made a substitute motion to deny the subject petition. The motion was seconded by Councilman Short, and carried by the following vote:

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

PETITION NO. 68-90 BY M. R. GODLEY FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE NORTHEAST SIDE OF FREEDOM DRIVE, FROM BROWNS AVENUE TO THRIFTWOOD DRIVE, DENIED.

Councilman Whittington stated he has talked with some residents, as well as representatives of Mr. Godley called him about this particular zoning decision. That he would suggest to Council and the petitioner has requested that the property be considered now for multi-family zoning; that the people he has talked to today object to the multi-family; that he would suggest that Council ask the Planning Commission to set a hearing on this property as it relates to a request for multi-family.

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Councilman Whittington moved that the subject petition for B-2 zoning be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle and carried unanimously.

PLANNING COMMISSION REQUESTED TO SET DATE OF PUBLIC HEARING ON PETITION NO. 68-90 BY M. R. GODLEY FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE NORTHEAST SIDE OF FREEDOM DRIVE, FROM BROWNS AVENUE TO THRIFTWOOD DRIVE.

Councilman Whittington moved that the Planning Commission set up a hearing on the subject petition to consider the property for R-6MF zoning. The motion was seconded by Councilman Tuttle and carried unanimously.

DECISION ON PETITION NO. 68-94 BY RESIDENTS OF COLLEGE DOWNS FOR A CHANGE IN ZONING FROM R-12MF TO R-12 OF AN AREA BOUNDED BY UNIVERSITY CITY BOULEVARD, A CREEK NEAR NOTTOWAY DRIVE, SUTHER ROAD AND A LINE ABOUT 1,200 FEET WEST OF MALLARD CREEK CHURCH ROAD, DEFERRED ONE WEEK.

Motion was made by Councilman Smith, and seconded by Councilman Whittington to deny the subject petition.

Councilman Whittington stated someone said when the University was proposed that it would be a drive-in University and we all know this is not true today. Those who go for a visit to either one of the three branches of the University of North Carolina would know that the state government, either by lack of funds or unwillingness to do, has not been able to keep up with the needs of housing at those three branches. For that reason he does not believe the Planning Commission is thinking down the road for a large university and a place to put these people. For that reason he is going to vote to deny the petition. He stated it would seem that Council would want to do what it can to protect the people who have built and are building single family homes in the College Downs Subdivision along Suther Road and these other roads, and perhaps Council could have a hearing, or just rezone this without a hearing, to R-12; then the property belonging to the Kirk family and the Jones Construction Company which was rezoned in 1962 to multi-family be left as it is.

Councilman Whittington stated the property now under development for R-12 would be the property in the original petition as signed by Dr. Loy Witherspoon and the residents from along Nottoway to the rear property line along the creek up to the rear property line of Sandburg where Dr. Witherspoon, Dr. Cone and the others live up to the cul-de-sac on Sandburg Avenue back to North Carolina Highway 49, except that portion which Mr. Crosland has under construction.

Mr. Bryant, Assistant Planning Director, stated there is a portion of un-subdivided area which Mr. Crosland already has plans to continue in single family development that needs to be considered and more precisely outline the area that he is actually proposing for single family development. That after a brief conference with Mr. Crosland he can ascertain the area he is proposing for single family development.

Councilman Tuttle made a substitute motion to defer decision on the subject petition for one week and have Mr. Bryant bring back a recommendation. The motion was seconded by Councilman Alexander.

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

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RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, FEBRUARY 17 ON AMENDMENT NO. 1, REDEVELOPMENT PLAN FOR DILWORTH URBAN RENEWAL AREA, PROJECT NO. N.C. R-77.

Councilman Whittington moved adoption of the subject resolution setting date of public hearing on Monday, February 17. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Pages 245-247.

CONCEPT ILLUSTRATED BY ARCHITECT FOR USE OF SECTION 4 OF BROOKLYN URBAN RENEWAL AREA APPROVED: PLANNING COMMISSION DIRECTED TO PLAN THIS PROJECT ACCORDING TO THE CONCEPT WITH THE COST OF ALL IMPROVEMENTS NOT TO EXCEED THE PRESENT APPROVED BUDGET AND THAT IT BE REFERRED BACK TO COUNCIL FOR APPROVAL AT EARLY DATE.

Councilman Tuttle stated every remark he has made with reference to a street through the Blue Heaven Area (Project 4 of Brooklyn Renewal Area) has been to the effect that it would kill the possibility of the area being used in whole, or in part, as a park. His concern has been with the street going so close to the creek that it would make it impossible to commercialize on the biggest asset in the area which is water. He stated the delay of two weeks has proven fruitful; that it seems we might be able to have our cake and eat it too.

Councilman Tuttle stated under the proposal to be made today it will give those interested in a street, a street; for those interested in a park, it will give a park, and for those interested in revenue producing land, it is there. He stated it is his sincere belief that we have within our grasp, an opportunity to create in Charlotte a park of beauty-oriented to people and a revenue producing land to boot; if the engineering study of the Sugar Creek Basin project proves it is feasible, then we will have an area that will automatically tie in with the total concept.

Councilman Tuttle stated Mr. Al Groves, Engineer from San Antonio, has been here and worked closely with Mr. W. Crutcher Ross, the Architect for the project and the Architect employed by Mr. Groves to do the work on the Sugar Creek Basin project; that Mr. Ross has a plan for submission at this time.

Mr. Ross stated the presentation he will give today is the design concept he and Mr. Groves feel should be accomplished for the Blue Heaven renewal area. He stated they feel so strongly that this project should be related to the Sugar Creek Basin Development that they spent all of last week studying the feasibility of such a connection; after studying the contour levels, the water flow and the traffic requirement, they arrived at the design concept to be presented today.

Mr. Ross stated they feel a blend of commercial and park land would serve the function best in this area; they have created a lake with a park-like atmosphere through the center, leaving two commercial sites of approximately 5 1/2 acres each. They have located small shops in the park area to create the controlled-pedestrian-circulation; people will be able to sit on terraces overlooking the lake and walk through interesting shops; they would like to see specialty shops such as mountain crafts, and import shops, ethnic restaurants, interesting places to walk through and to browse; the area could have play sculpture for children, outdoor art shows and open air stage. Mr. Ross asked them to imagine a night scene of hundreds of lights that wink out of the depths of trees, shimmering and glistening on the lake with gay flowers casting shadows. This will be a place the whole family will enjoy; visitors of every age can drift along the paths and pass fountains of every shape; the atmosphere of the area will negate boisterous behavior.

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Mr. Ross pointed out Baxter Street as proposed stating it begins at McDowell Street, takes a long swing up through the top of the property, and down back around and into Kenilworth Avenue; he pointed out the exit from the expressway and stated it will tie into Baxter Street as proposed. He stated the whole concept is something they want to carry through in the rest of the Sugar Creek Basin Plan tying off areas off the creek into areas that can be utilized in growth, parks, and a pleasant area to be in. He stated the water will carry down and back into the Sugar Creek Basin Development; barges will come down to a point and dock at a lower level in the Blue Heaven area; get off the barge, walk up a flight of steps and walk through a nice tree atmosphere with a waterfall at one location, a paved plaza running through the length of the area; this would allow you to walk across the dam and follow the basic pattern through. He stated they propose a lake backed up by this dam. Mr. Ross stated the lake would average a couple of hundred feet wide and be the full length of the Brooklyn Area; and will be approximately four feet in depth with a concrete bottom. The lake will meander in and out at the lower level of the property so they placed the lake in the lower level with the buildings surrounding it and the park running through the middle with shops and buildings sitting in the park.

Mr. Ross stated to further enhance the site they have proposed two large commercial sites. One overlooking the Charlottetown Mall area and one located close to McDowell Street; this could be a motel site or an office building.

He stated they are proposing a park which is approximately two acres large with its own parking facilities at McDowell Street and to be entered from McDowell Street parking approximately 80 cars; this space would serve as parking and entry into the park-like atmosphere by crossing over footbridges into the area of the small shops.

After discussion, Councilman Whittington moved that City Council approve the concept as illustrated by Mr. Ross for the Brooklyn Redevelopment Section No. 4 which proposes to use the 22 acre site for a combination of commercial and park use, coordinated with the Sugar Creek Basin Proposal, if and when the project becomes a reality; and that the Redevelopment Commission be directed to plan this project in accordance with this concept; that the cost of all improvement shall not exceed the present approved budget, and that it be referred back to the Council for approval at the earliest possible time. The motion was seconded by Councilman Tuttle.

Councilman Smith asked if the motion includes architectural expenses to employ this design, and Councilman Whittington replied that is why he included that the cost of all improvements shall not exceed what is proposed in the present budget; that he is talking about the concept presented today by Mr. Ross.

Councilman Smith stated he believes urban renewal has budgeted for this area about \$900,000; this includes about \$225,000 for Baxter Street and about \$750,000 to put in the lake concept or canal connector. He stated he was with the ones who went to San Antonio and rode the barges and admired the project which was about 30 years in the making. That he did not realize when they came home Council would be faced with actual money spent on such a project so quickly. He stated a delegation went out to San Antonio and looked over this project and came back and stated they did not know whether it would work, but wanted someone to look at it; in order to get some \$20,000 to have someone to look at it, it was tied in with the Nature Museum and Freedom Park Improvements. He stated the Engineers are still inspecting and still working but have not come up with any concrete proposal on Sugar Creek and the canal; however with Councilman Whittington's motion, Council is tentatively approving the first stages of the canal.



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Councilman Smith stated - "When you are waging war against poverty, and crime and slum and housing, and death on our streets and highways, you need all the resources available to you. This is a war economy we are in. In times like these, you emphasize the 'vegetables', not 'flowers'. Just before the French Revolution, one of the king's advisors informed the court that the poor were hungry and needed bread. The King's Queen, Marie Antioneete, made the following infamous remark. 'Let them eat cake', and the bloody revolution followed. She was beheaded in spite of the beautiful Versailles Gardens, which was decorating the front of the palace. Adequate recreational parks strategically located throughout our city are essential, but this concept of spending millions (he stated he thinks it will be millions) on a Sugar Creek Canal and lake is so indefensible in my mind at this time, that I am astounded that it has reached the level of acceptance by this Council that it has. There is a definite place for dreamers in our community. But when we are doing battle against the most obvious ills of our society, dreams must be placed in the pending file, not in the active file."

Councilman Smith stated there are so many projects all over town - highways, poverty programs, model cities, matching funds for government - that to submit the \$750,000 on a brief hearing on a lake and tie-in to a canal, seems not to be a very good business procedure. Let it lie on the table for a few weeks and let the public discuss it; that he does not think the public has the insight in Council's financial dilemma that Council has; you have to give a very hard look at how you spend money on something like this and put no bread on the shelf for these people who need it; that leaves imperfections, narrow bridges that need repairing and so many other things.

Councilman Smith made a substitute motion to defer action on this project for two weeks, and let the public consider it. The motion was seconded by Councilman Alexander.

Councilman Alexander stated he is not against parks; the only thing he is asking that we not move in a hurried manner in finalizing and approving this plan as submitted; that he would like to have time to look at the total concept because we are at a desperate stage for housing placement which to him is a number one priority. That before taking a defined action that locks up the whole idea Council should have all the factors before it so it can adjudicate its decisions as they can best be made with all the factors as to land use and financing are concerned.

Councilman Smith stated the advocates of this program say they have \$900,000 in urban renewal budget to do something in Project 4; that under NDP can we take that money and use it somewhere else and leave it as it is and come back to it; can we take this money and use it Downtown? Mayor Brookshire replied he thinks that is right; that under NDP the community itself would determine each year's program, one year at a time.

Councilman Smith stated when Mr. Sawyer advocated that the City go to NDP he stated there were other places this \$900,000 budgeted for Project 4 could be used to speed up other projects; that we do not have to spend this money in Area 4; Baxter Street can be put in and just sit on it for a while? Mr. Sawyer stated that is correct to a certain extent; that this is one of the projects we are committed to under our present program to close out in another year and half; if we put this project under NDP we have to turn back eight hundred and some odd thousand dollars - the \$950 some thousand is the city's portion; we can turn that back and put it under something else and go ahead under this plan.

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Councilman Smith stated Council has had so many things thrown at it in the last twelve months with matching funds from the government that he is confused on the fiscal responsibility Council has and what it is going to take.

Mayor Brookshire asked if this development of Baxter Street corresponds with the present plans or will it alter the present plans for Phase 4? Mr. Sawyer replied it alters it; it moves it a little uphill.

Councilman Whittington stated his concern for the Sugar Creek Basin should not be interpreted with this plan today; it could be a part of it, but no one at this point can say that really can become a part of the Sugar Creek Basin. That he does not think we should get that project, which is five years or longer down the road, involved with this.

He stated in April of last year, Council proposed that this property be set aside for commercial property; since that time we know where the expressway is to go and how high the expressway is going to be. That it was pointed out to him that the water level at McDowell Street is the same level as at Sugar Creek; the only thing changed was to run Baxter Street closer to the expressway in order to get the lake in. He stated with what is proposed we are getting a park, also commercial property which will satisfy the people who want a park and satisfy those who feel we should be getting revenue producing property. What we have today is a compromise.

Councilman Whittington stated the cost of doing this concept is \$748,152, and is broken down as follows:

Baxter Street (from McDowell to Kenilworth)

Grading.....	\$20,000
Pavement in the base.....	\$50,000
Curb & Gutter.....	\$13,000
Sidewalk (one side of Baxter St.).....	\$ 8,000
TOTAL	\$91,000

Right-of Way.....\$50,000

Widening of McDowell

Street (which would be lowering it between Indep. Blvd. & the bottom of the hill on McDowell).....	\$63,460
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Excavating & Site

grading of the Lake area....	50,000
Concrete lining.....	140,000
Dam & Waterfall.....	30,000
Bridge.....	10,000
Walks & Plazas.....	70,000
TOTAL	\$300,000

Water Distribution.....	7,000
Sanitary Sewer.....	50,000
Underground Utilities.....	50,000
Trees.....	10,000
Street signs and traffic signals.....	2,000

TOTAL PROJECT IMPR. COST.....\$623,460

Engineering &

Contingencies.....	124,692
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\$748,152

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Councilman Whittington stated Urban Renewal has \$956,000 budgeted for all these improvements; that he feels very strongly since April of last year that this Council, the Master Plan Group, Downtown Association, Redevelopment Commission, and all those people who are interested in parks for this community have had an opportunity to see the efforts of this Council and its agencies to resolve this particular project and come out with either commercial property or park property, or both. This seems to be a compromise and he hopes Council will approve it today.

Councilman Tuttle stated he had three highly reputable real estate men in his office, and he went carefully over this plan and there is something which has been overlooked here altogether. We have kicked the value of this property around from \$9 million to some \$648,000 for one figure, and \$468,000 for another figure as the value of this land as it stands if put on the market today.

He stated these three real estate men were convinced that the land which was left, some approximately 4 1/2 acres on the boulevard site, which seems ideal for a motel site and some approximately 5 acres on the other side of the lake, would bring 50% more money on the open market with this project down there than they would if the land was sold as it is, so he feels you can not discount this. That the big thing is how we can enhance the value of what will be left and we are overlooking altogether the enhancement of the value across McDowell Street; we are overlooking altogether the enhancement of the value of Charlottetown Mall; Greenwood Cliff, from the standpoint of highrise apartments; you cannot come up and say this is going to cost "X" dollars, this is impossible. When you beautify something, you increase the value of the land around it; you make it desirable for other development and you cannot overlook this and he would urge Council to vote for it.

Councilman Alexander stated we are overlooking one of the biggest things of all and that is the acute need for houses and he cannot see why anyone on this Council would object to delaying final consideration on this park until we have had an opportunity to have a look-see at all of the total value with regard to this whole situation; that he does not see what the big hurry is, to move into Baxter Street, finalize plans for this park concept and not be willing to give time to all we need to look at before we make a final decision.

He stated from what he has read in the paper Mr. Vernon Sawyer says that Urban Redevelopment is in an acute bind now for houses. That he is as close to housing problems as anybody; others on this Council know the same thing and they are knowledgeable of what he is talking about and he has yet to be convinced that there is such a big hurry in accepting either the Baxter Street road plan, or the total park concept plan without giving a total look-see at the whole program involving housing.

Councilman Stegall stated Council has been accused, and justifiably so, by some of the news media that we have all these committees and take no action. That he has thought about this and has discussed it with a number of people and he was in a dilemma about whether to put a commercial development in here or whether to put a park in there. If you look at the governmental plaza you find you have a lot of park concept in the governmental plaza, convention boulevard. He believes the concept he has seen today is the most feasible thing he has seen; that the people of Charlotte will buy this concept over and above a total commercial development, or over and above a total park development. That he would like to see Council go ahead and do this, right or wrong.

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Councilman Smith stated he did not see the urgency of voting on this today; that possibly the public may eat this up, the newspapers may write glowing editorials on it and if this is the case, then we will vote for it, but it seems to him that the pressure to vote today is a fear that things might go wrong and we cannot do it; that he cannot see why it has to be done today, we are not going to start turning any dirt for the next two weeks.

Mayor Brookshire stated there has been a great deal of community support aroused in support of this type of development which Mr. Jack Pentes presented last week, and he would like to express appreciation to Mr. Pentes and Mr. Ross who worked on this. That irrespective of who made the motion today and irrespective of who votes for this project, the record should show that the primary mover in this is Jerry Tuttle. That this is something Charlotte can well use and can afford; it may be a question of weighing it in priority against other things, and it does not have to be done this year or next.

The vote was taken on the substitute motion and failed to carry by the following vote:

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

Councilman Short asked Councilman Whittington if he would delete the reference in his motion to the Sugar Creek Basin, which Councilman Whittington and Councilman Tuttle agreed to do.

The main motion was changed to read as follows:

That City Council approve the concept illustrated today by Mr. Ross for the Brooklyn Redevelopment Section 4, which proposed to use the 22 acre site for a combination of commercial and park use; and that the Redevelopment Commission be directed to re-plan this project in accordance with this concept; that the cost of all improvements shall not exceed present approved budget and that it be referred back to the City Council for approval at the earliest possible time.

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

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

**COUNCILMAN JORDAN LEFT THE MEETING.**

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

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RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, FEBRUARY 10TH, ON PETITION FILED BY WILLIAM TROTTER DEVELOPMENT COMPANY AND WILLIAM H. TROTTER FOR THE ANNEXATION OF 33.57 ACRES OF PROPERTY LOCATED IN PAW CREEK TOWNSHIP.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject resolution setting date of public hearing on Monday, February 10, was adopted, and is recorded in full in Resolutions Book 6, at Page 248.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES IN THE TOTAL AMOUNT OF \$404.54 WHICH WERE LEVIED AND COLLECTED IN ERROR FROM NINE TAXPAYERS.

Councilman Tuttle moved approval of the subject resolution authorizing the refund of certain taxes collected in error. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 249.

ENCROACHMENT AGREEMENT WITH SEABOARD COAST LINE RAILROAD COMPANY PERMITTING THE CITY TO CONSTRUCT THREE PORTIONS OF A SANITARY SEWER LINE ON THE RAILROAD COMPANY'S RIGHT OF WAY FOR THE NORTHWEST FREEWAY, AT 11TH STREET AND SMITH STREET CONNECTOR, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Stegall, and unanimously carried, authorizing the execution of the subject encroachment agreement.

PROPERTY TRANSACTION AUTHORIZED.

Upon motion of Councilman Stegall, seconded by Councilman Short, and unanimously carried, acquisition was authorized for 409 square feet of property at the southwest corner of Nations Ford Road and Woodlawn Road, from Humble Oil & Refining Company, at \$625.00, for the Woodlawn Road Widening Project.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Robert C. Howie for Graves 2 and 3, in Lot No. 193, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Frank H. McNeely and wife, Elizabeth W. McNeely, for Lot No. 406, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with George E. Fields and Lily K. Fields, for Lot No. 359, Section 3, Evergreen Cemetery, at \$630.00.

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**CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR COLD WATER METERS.**

Councilman Whittington moved award of contract to the low bidder, Rockwell Manufacturing Company, in the amount of \$90,360.00, on a unit price basis, for 3,000 - 5/8" cold water meters, displacement type. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Rockwell Mfg. Co.	\$90,360.00
Hersey-Sparling Meter Co.	90,840.00
Badger Meter Mfg. Co.	91,110.00
Neptune Meter Company	94,140.00

**CONTRACT AWARDED BADGER METER MANUFACTURING COMPANY FOR COLD WATER METERS.**

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Badger Meter Manufacturing Company, in the amount of \$4,129.20, on a unit price basis, for 60 - one-inch cold water meters, displacement type.

The following bids were received:

Badger Meter Mfg. Co.	\$ 4,129.20
Naptune Meter Company	4,144.80
Rockwell Mfg. Co.	4,170.00
Hersey-Sparling Meter Co.	4,215.00

**CONTRACT AWARDED NEPTUNE METER COMPANY FOR ONE AND HALF INCH COLD WATER METERS.**

Motion was made by Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, awarding contract to the low tie bidder, Neptune Meter Company, in the amount of \$8,195.40, on a unit price basis, for 60 - one and half inch cold water meters, displacement type.

The following bids were received:

Neptune Meter Company	\$ 8,195.40
Rockwell Mfg. Company	8,195.40
Badger Meter Mfg. Company	8,210.40
Hersey-Sparling Meter Co.	8,250.00

**CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR COLD WATER METERS.**

Councilman Whittington moved award of contract to the low bidder, Rockwell Manufacturing Company, in the amount of \$19,659.00, on a unit price basis, for 100 two-inch cold water meters, displacement type. The motion was seconded by Councilman Tuttle and carried unanimously.

The following bids were received:

Rockwell Mfg. Co.	\$19,659.00
Hersey-Sparling Meter Co.	20,250.00
Neptune Meter Company	20,410.00
Badger Meter Mfg. Co.	20,583.00

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CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR THREE INCH COLD WATER METERS.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Rockwell Manufacturing Company, in the amount of \$10,123.20, on a unit price basis, for 18 - three inch cold water meters.

The following bids were received:

Rockwell Mfg. Co.	\$10,123.20
Hersey-Sparling Meter Co.	10,162.80
Neptune Meter Company	10,389.60
Badger Meter Mfg. Co.	10,547.10

CONTRACT AWARDED ROCKWELL MANUFACTURING COMPANY FOR FOUR INCH COLD WATER METERS.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, awarding contract to the low bidder, Rockwell Manufacturing Company, in the amount of \$8,433.00, on a unit price basis, for nine - four inch cold water meters.

The following bids were received:

Rockwell Mfg. Company	\$ 8,433.00
Hersey-Sparling Meter Co.	8,568.00
Neptune Meter Company	8,658.00
Badger Meter Mfg. Co.	8,731.53

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR SIX INCH F.M.C.T. TYPE WATER METERS.

Councilman Whittington moved award of contract to the second low bidder, Hersey-Sparling Meter Company, in the amount of \$15,986.00, on a unit price basis, for ten - six inch F.M.C.T. type water meters. The motion was seconded by Councilman Stegall, and carried unanimously.

The following bids were received:

Neptune Meter Company	\$14,484.80
Hersey-Sparling Meter Company	15,986.00

CONTRACT AWARDED HERSEY-SPARLING METER COMPANY FOR EIGHT INCH F.M.C.T. TYPE WATER METERS.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, contract was awarded the second low bidder, Hersey-Sparling Meter Company, in the amount of \$4,773.40, on a unit price basis, for two eight-inch F.M.C.T. type water meters.

The following bids were received:

Neptune Meter Company	\$ 4,335.00
Hersey-Sparling Meter Co.	4,773.40

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CITY MANAGER REQUESTED TO INVESTIGATE AND REPORT WHY SOME RESIDENTS ON CERTAIN STREETS HAVE WATER AND SEWER, AND OTHERS DO NOT.

Councilman Alexander asked the City Manager to check Browns Avenue, Cheshire Avenue and Santee Street and find out why some of the people have water and sewer and others do not; these streets are off Freedom Drive to the east, across I-85.

POLICE DEPARTMENT REQUESTED TO CHECK INTO ADVERTISEMENT OF STRIPPERS AT LOCAL CLUBS AND REPORT TO COUNCIL ON THE LAW.


Councilman Stegall stated Council has received a letter from a man who points out that a local night club is involved with topless go-go shows. Councilman Stegall stated on Friday or Saturday there was a big advertisement for the world's greatest stripper or the world's best stripper which leads people to believe that we have solid strip tease artists operating right here in Charlotte. He requested the City Manager to have the Police Department investigate this and report back to Council on the law.

INSPECTION DEPARTMENT REQUESTED TO CHECK CHEMICAL COMPANIES WHO HAVE EXPOSED VALVES AND REQUEST THEM TO PUT LOCKS ON THE VALVES.

Councilman Stegall stated he read an article in the paper about someone spilling 4,000 gallons of poisonous liquid into Irwin Creek. He stated perhaps the Inspection Department should take steps to see that this does not happen again. These chemical companies have the valves exposed where they can be opened readily. That the Inspectors could check these companies and have them to put locks on the valves.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk