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A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber, City Hall, on Monday, June 16, 1969, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Milton Short, John Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan.

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

ABSENT: Commissioners Ashcraft, Gamble, Stone, Turner and Wilmer

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INVOCATION.

The invocation was given by Reverend Milford V. Thumm, Minister of Grace Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the minutes of the last Council Meeting, on June 9, 1969 were approved as submitted.

HEARING ON PETITION NO. 69-65 BY LAKEVIEW NEIGHBORHOOD IMPROVEMENT ASSOCIATION FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF PROPERTY EXTENDING FROM NORWOOD DRIVE TO DWELLE STREET, AND FROM NEAR ROZZELLS FERRY ROAD TO PIEDMONT AND NORTHERN RAILROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is a request by a neighborhood association to upgrade the zoning from R-6MF to R-6; it is a rather large area and is known as the Lakeview area; in broad terms the area is encompassed by Rozzells Ferry Road and Norwood Drive; it is predominately developed with residential use with a majority single family usages and a considerable number of duplex units in the area; there is very little multi-family development in excess of duplex type construction in the area; there is one portion in the center of the area which has a relatively new apartment structure; the largest concentration of apartment development lies in a two block radius along Lakewood Avenue. He stated there are several non-conforming uses in the area such as a grocery store, men's club, and ^{an}apharmacy shop. Mr. Bryant stated the other predominate non-conforming use is on Norwood Avenue and is a combination of an auto repair garage and a site for junk cars which adjoin Lakeview Elementary School. He pointed out the location of the P & N Railroad right of way and stated on the I-85 side is considerable industrial development. That along Rozzells Ferry Road is considerable non-residential development which is not included in the subject petition.

Mr. Bryant stated the entire area under the subject petition is zoned for R-6MF as is all the property to the south and southeast; the adjacent property on the railroad side, the southwest side, is light industrial; the area along Rozzells Ferry Road is B-2 with the property along the opposite side of Rozzells Ferry Road zoned for I-1 and I-2 and the property along I-85 zoned for industrial. He stated there is considerable industrial zoning in the area but the predominate residential zoning is R-6MF.

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Mr. Martin Miller, Attorney for the petitioners, stated the petition is signed by 107 residents of the Lakeview School area requesting that use of the area be upgraded from multi-family use to single family use. This area is populated not by the rich, not by the business interest, but by a combination of senior citizens and honest hardworking families; this area is one of the few where you find both black and white citizens living side by side, owning homes in the same area, sending their children to the same schools, and banding together to support this petition to improve their neighborhood and to protect their land values. In the group are those who have lived in the area for a number of years and due to rising cost and interest rates are unable to move to other areas to get away from the ever encroaching multi-family units; in this area are those, both black and white, who for the first time have been able to buy their own home and to make an investment for their families' futures. Now their investments are being threatened and affected by the steady surge of increased building of multi-family units. This is one of the few areas in the land where you find the value of land decreasing rather than increasing; not because the homes are run down and not because the residents are unconcerned about their area, but because the realtors and real-estate interest are jamming more and more apartments into an already high density area, and forcing this area to become a slum or ghetto.

Mr. Miller quoted from Section 23-3(a) and (c) of the City Code which sets out the purposes of zoning. He stated the subject petition is submitted to turn these lofty ideas into reality; this is virtually the unanimous request of those families who live in the area - both renters and the homeowners; recent summer events across the country have necessitated neighborhoods having a strong voice in their own development. In an area such as Lakeview, the building of multi-family units has the effect of lowering the property values of single family units until either the value becomes so low the houses are torn down or the houses depreciate so rapidly they are abandoned as residences and are used for rental units; the construction of more multi-family in such a high density area will have the effect of overcrowding these areas until another ghetto is developed; presently the area is one of racial balance and equilibrium with the population being about equally divided between white and black; most of the new occupants of the multi-family units are black, while white and black families are buying homes in the area; the construction of additional multi-family units will cause the area to be more and more racially imbalanced until there is created another segregated area; the petition is submitted by a cross section of the community - elderly and youthful, black and white, home owner and home renter; this represents an interest in the community and a praise worthy effort to make the community a better place to live.

Mr. Miller stated the area at present is plagued with street saturation; the streets are narrow and overcrowded with vehicular traffic; there is no main thoroughfare which will take the overflow of traffic; the lots are small and the likelihood of street widening seems remote and undesirable; there is a great deal of on-street parking due to the limited lot size; there are a large number of children who play in the street because of the lack of playgrounds.

He stated the water system is insufficient to handle the continual building of multi-family units as they make too great a demand on the system and the results are that the water pressure is off in the areas where apartments are already built. In the very near future the entire community will be affected unless the petition is approved or the condition improves; in certain areas there is a great danger of fires burning out of control as there are no fire hydrants; apparently fire hydrants were adapted to six inch mains, and the streets with two inch mains have no hydrants. This means water has to be brought from as far away as four blocks and in one part of the community the only access to a hydrant is by running the hose across the railroad tracks. Already the water problem is reflecting in fire insurance rates, and in certain cases there is an unwillingness of some companies to insure in that area at all.

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Mr. Miller stated at present the only playground is at Lakeview School and the children are forced to play in the street, and additional apartments will mean more children playing in the streets. He stated there is but one elementary school in the area and children from the surrounding areas also use it; the problem is becoming serious; already the school has one trailer, and as the population increases the outlook is bleak; in the opinion of the principal of the school, based on the number of new units recently completed and those under construction, the student population of the school will be far in excess of the capacity of the school.

He stated the Lakeview Community is one of the most densely populated areas allowed by the zoning regulations; the average width of the lots in the area is 50 feet; with each additional multiple units, the problems worsen, density becomes greater, and we become a step closer to the concept of the ghetto with people living closer and closer together, more and more children playing on each available foot of space, more and more automobiles choking the driveways and roads, and this must be prevented.

Mr. Miller stated these people want to preserve the area for all the families; they want to keep their community from being turned into a slum or a ghetto. He stated these citizens are to be commended for their concern and praise for their foresight, and they urge the petition be approved.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-60 BY REVEREND JOHN D. TAYLOR, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY AT THE NORTHWESTERLY CORNER OF THE PLAZA AND HICKORY GROVE-NEWELL ROAD, FRONTING 275 FEET ON HICKORY GROVE-NEWELL ROAD AND 120 FEET ON THE PLAZA.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is on the northwest side of Hickory Grove-Newell Road with some frontage on Newell Road and a small amount on The Plaza. It is occupied by a single family residential structure; there are single family structures on the in-town side of it along The Plaza and also single family structures on the out-of-town side, along Hickory Grove-Newell Road.

He stated the non-residential uses in the area are Plaza Road Baptist Church, a small service station-grocery store facility at the intersection of The Plaza and Hickory Grove-Newell Road, the site of the James Plumbing Company property and also a few mobile homes located in this area that have been there for a number of years. Other than that the area is predominately vacant.

Mr. Bryant stated three corners of the intersection at the present time are zoned B-1 and the petition today is for the fourth corner; other than that, the entire area is restricted to single family development.

Mrs. Virginia Mosley stated she is representing the Petitioner, Reverend John D. Taylor and children. That naturally the City is interested in and aware of the need for planned and logically designated business areas to serve growing residential sections and the subject property is located in such a growing section; it is primarily residential, with such relatively new subdivisions near as Candlewood, Ravenwood, Grove Park and Hampshire Hills. That it is also the top 25% for the City and Mecklenburg County in number of housing units built in medium family income and medium family owned and occupied houses. That at present the closest intersections zoned for business are at Milton and Plaza Roads - one and one-quarter miles from the subject property with convenience food stores, service stations and a small office building.

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Mrs. Mosley stated at the intersection of Pence, Delta Road and Newell-Hickory Grove Roads, there is a small independent shopping center and service station and at the intersection of Eastway and The Plaza - two and 3/4 miles from the subject property - the Northeast Plaza Shopping Center and a new Zayre Store.

She stated the subject property comprises 2.36 acres located in the northwest corner of Plaza-Newell and Hickory Grove Roads; Reverend Taylor's homeplace and the homeplace of two of his children are located on this corner; at present the other three corners are zoned B-1 - and service stations will be built, consequently Reverend Taylor's homeplace is undesirable as residential property because the general land use in the area has been altered as all other property adjacent to this is now zoned B-1. Mrs. Mosley stated in discussing the possibility of rezoning this corner, she has found no opposition but rather an expressed need and desire for closer retail services. That the growth of the surrounding area would indicate a need for planned business areas and that the best use of this property would be for a unified intersection designated for business.

Councilman Whittington asked if Reverend Taylor is the pastor of the church and the owner of the property in between the subject property and the church? Mrs. Mosley replied Reverend Taylor is the pastor and the property in between is owned by a Mr. and Mrs. Barnette and then some other property is owned by Reverend Taylor's nephew. Mrs. Mosley stated she has a list of names of the neighbors who do not oppose the change in zoning.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-61 BY G. E. VINROOT CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT 80' x 288' AT 5320 MONROE ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this particular request is changing one lot on Monroe Road which is presently occupied by an auto parts sales facility; it is adjoined on the intown side by a duplex and by single family development towards the city, on the out-of-town side or Sharon Amity Road side of the property, there is a lot occupied by the construction company for storage facility and then a Pure Oil Service Station is located on the corner. To the rear of the property, there is also the office and other facility related to Rea Construction Company.

He stated Sharon Memorial Cemetery is located in the vicinity and the property across from the subject property is vacant at the present time; there are buildings on the corner formerly occupied by a hardware company, a barber shop and beauty shop which are all now vacant and ready to be demolished and a service station built on this corner. That the other uses in the area include a service station on one corner, the Oakhurst Volunteer Fire Department site and then on down Sharon Amity, there is another auto part sales company and various residential uses scattered throughout the area from there.

Mr. Bryant advised the area is primarily a pattern of non-residential uses around the intersection and then residential uses from that point on down both Sharon Amity Road and Monroe Road. The zoning pattern at the present time is one of business zoning around the intersection of Monroe and Sharon Amity; the subject property is zoned B-1 as is the entire block on that side of Monroe Road between Sharon Amity and Summey Avenue. The opposite side of the road is also zoned B-1 for a distance of one block and the

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diagonally opposite corner is also zoned B-1; there is one lot in the area that is zoned B-2 and that is the lot that is occupied by the auto parts sales place fronting on Sharon Amity Road. There is some office acting as a buffer to this business area and there is considerable office zoning along Monroe Road; and other than that it is a pattern of multi-family zoning throughout the area and some single family zoning as you get over toward where the cemetery is located.

Mr. John Hasty, representing the Petitioner, Vinroot Construction Company, presented a poster for Council's consideration and stated the petitioner's property, known as 5320 Monroe Road, is occupied by Piedmont Auto Exchange; the purpose for this petition is that Vinroot Construction Company wishes to construct an office to operate its business from the back of this lot with a carport shelter to park their trucks and licensed vehicles; that storage of construction equipment would not be allowed under this zoning; that B-2 zoning is necessary to do this.

He stated within the past year and a half a similar lot has been rezoned for Mrs. Browning for the business of Genuine Parts Company; that a portion of the lots are occupied by G. G. Rae Company, a construction and roofing company; that Pure Oil Company has a service center which includes mechanical repairs to automobiles; immediately adjacent on the intown side is a chemical business of some sort presently used by a wig concern; there is an abandoned or vacant house in the area, and Mobile Oil Company has purchased this property for a modern service center; he pointed out the Esso Service Center, Volunteer Fire Department, a Recording Studio and an upholstery company and beauty salon.

Councilman Short asked if the G. G. Rae Company is a pre-existing non-conforming use, and Mr. Hasty replied a portion of it is as he understands from the Attorney's Office and from Mr. Bryant; the 0-6 portion is being used for office purposes, and the storage portion is non-conforming.

Mr. Hasty stated the petitioner conducted his business for a number of years across the street and it was non-conforming for the storage of his equipment; this must be moved now and he is buying another piece of property for that; the widening of Sharon Amity Road made it impossible to carry on his business at the present location and Mr. Vinroot now desires to move his office across the street and build a carport type shed or shelter, tin type; he applied for a permit and was informed this would require a B-2 zoning. Mr. Hasty stated they will not store mortar mixers or compressors but their licensed vehicles such as a truck or car licensed to go out on the highway. They cannot store their old frames and junk without industrial zoning, which they are not asking for; this operation will be moved to another location; but they want to keep their office and a place to park cars and trucks in this location.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-62 BY DAVID B. WAYMER FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT 69' x 171' AT 536 BEATTIES FORD ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the property is a rather small lot located on the east side of Beatties Ford Road; it has on it an abandoned unoccupied structure that was evidently a residential structure; to the south is a vacant lot and then several single family structures in the area beyond that; further south there is a new restaurant at the corner of French Street, then a building that was occupied by a funeral home.

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Across the street is the House of Prayer Church facility, an apartment building and a couple of vacant lots, a single family residence, a couple more vacant lots and a food market. Generally speaking, in the immediate vicinity of the subject property there is a mixture of uses including residential uses and some business uses and the church.

Mr. Bryant stated to the rear of the property is land that was purchased as part of the Northwest Expressway Project; the Highway Commission purchased all of this land in addition to the actual expressway right-of-way and this property will perhaps be utilized to replace some pipe storage yard facilities that were taken away from the water storage area. That the relocated railroad is at this point and what was French Street will actually be a connector from Beatties Ford Road into the Expressway so that it will be possible to gain limited access at least into the Expressway area from Beatties Ford Road. Actually this property is located in a triangle which is bounded on one side by the railroad and the expressway and on the other side by Beatties Ford Road and on the third side by a road that will give access into the expressway system.

He stated the zoning in the area is B-1 and it is adjoined on the north side by O-6 zoning which extends on northward from that point; the water facilities property is zoned I-2 at the present time and other than that there is R-6MF to the rear of the B-1 zoning and also adjacent to the B-1 zoning on the west side of Beatties Ford Road.

Mr. David B. Waymer, the Petitioner, stated the subject property is located on the corner of Seaboard Airline Railroad and the Northwest Expressway which is now under construction; that he is asking for the rezoning in order to build a Jiffy Automatic Carwash. He stated the area is changing to predominately business and the services for the car wash is needed in the community as they have to drive from Fourth Street to Elizabeth or out on Freedom Drive to utilize the services of a car wash; he stated there are no objections by adjoining land owners or renters; the streets are heavily traveled, and the site is not suited for B-1 as the Highway Commission has chopped off the lot. He stated he has a letter from the President of Johnson C. Smith University favoring the change in zoning and also a petition containing some 20 names of persons who do not oppose the change.

Mr. Waymer presented a poster for Council's consideration and stated all the homes along Beatties Ford Road are vacant due to the noise.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-63 BY ERVIN INDUSTRIES, INC. FOR A CHANGE IN ZONING FROM R-9 TO O-6 AND R-9MF OF 3.613 ACRES OF LAND ON THE NORTHWEST SIDE OF FARMINGDALE DRIVE, BEGINNING AT THE REAR OF LOTS ON AMITY PLACE AND EXTENDING 762 FEET TOWARD INDEPENDENCE BOULEVARD, AND CHANGE FROM R-9 TO R-9MF 7.99 ACRES OF LAND BEGINNING ON THE SOUTHEAST SIDE OF FARMINGDALE DRIVE AND EXTENDING 1,167 FEET SOUTHEASTWARD ALONG THE REAR OF LOTS ON AMITY PLACE.

The public hearing was held on the subject petition on which three protest petitions have been filed; one is a general protest from residents in the area; two are sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

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Mr. Fred Bryant, Assistant Planning Director, advised this is known as the City Chevrolet area as a result of a zoning petition considered almost four years ago; some property on Farmingdale was rezoned giving a depth of zoning back from Independence sufficient to enable the building of the City Chevrolet facility. He stated the area along Independence Boulevard is quite built up with various business uses, including City Chevrolet, Bill Beck Pontiac and the Mercury Sales. On the opposite corner on Farmingdale and Independence is a service station and immediately adjacent going down Farmingdale is an area used for either used car sales purposes or new car storage purposes.

Mr. Bryant stated the subject property begins on the northwest side of Farmingdale adjacent to the auto storage area and continues down Farmingdale to the property fronting on Amity Place. One part of the petition is to request office zoning for the area immediately opposite a portion of the City Chevrolet facility facing on Farmingdale Drive, and a request to change to multi-family that portion of property between City Chevrolet and the rear of lots facing on Amity Place. The area along Amity Place is solidly built up with single family residential uses; the property along Shelly Avenue and Auburn Drive is developed with single family residences. That the subject property in total is adjoined on two sides by existing single family developed areas and on the other side by existing business development and on the other side by vacant property. He stated the subject property is vacant.

Mr. Bryant stated all along Independence Boulevard on both sides the zoning is B-2 with the depth varying from 400 feet on the northwest side of Farmingdale Drive to about 790 feet on the southeast side - the area occupied by City Chevrolet. Other than that the area in the immediate vicinity is all zoned for single family. The only non-single family zoning in the immediate area is the multi-family area facing on Idlewild Road. He stated the property on the opposite side of the boulevard is also zoned for business and has basically the same pattern, predominately of single family zoning behind that.

Mr. Ben Horack, Attorney for the Petitioner, stated he represented City Chevrolet three to four years ago for their B-2 zoning request; the present zoning request is for a combination from R-9 to O-6 and R-9MF.

Mr. Horack stated business zoning cannot always be buffered with the transitional uses such as multi-family or office. In this instance, there is the B-2 for City Chevrolet which is there, and you can drop down to R-9MF and O-6 to create the ideal planning transitional buffer between the B-2 and the single family area.

Mr. Horack stated this is an effort to take the land left after City Chevrolet property was zoned B-2, and to develop it into some sensible and coordinated way to create these transitional buffer usages.

He stated Parcel I and II, divided by Farmingdale Drive, will have constructed on them townhouse apartments which will be similar to Ervin's Carriage House Apartment on Old Pineville Road; the units will be clustered around a green area in each group of units; the styling of the apartments will be compatible with the single family area; the pool for Parcel I will be placed next to the B-2 line; around the entire perimeter area - not only I and II but the O-6 portion which is III - a special effort will be made to put in planting, screening and a rustic redwood fence. He stated all up and down one side is a 68 foot power line. He stated Parcel III is the part to be used for O-6 and it will be right across the street from the existing City Chevrolet site; it is bounded on the one side by existing B-2 property, which in turn butts up to an existing service station.

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Councilman Tuttle asked if at the time of the City Chevrolet zoning, these people were told that "zoning business up to residential is wrong; but we will build a protective wall and screen it off in order to make the residential zoning logical to adjoin the business zoning?" Mr. Horack replied that is correct; this was documented in a restrictive agreement called the "buffer wall agreement", which was filed for registration, and is still on file in the office of the Register of Deeds, and it inures to the benefit of any then existing or subsequent owner of the lots owners on the designated map. He stated this agreement said that a wall would be built along the divided line; it calls for a buffer wall the top of which would be at least as high as the illuminating elements of the parking lot lights of City Chevrolet. Mr. Horack stated he understands when an application was made for the buffer wall, for some reason the Inspection Department said it could not be done; in order to keep faith with the agreement City Chevrolet built a berm along the line so that it would afford the same arrangement the wall would have served if they had been able to build a wall, plus the City Chevrolet re-designed and re-ordered its parking lot lights to get them much lower to the ground so between the two it would do that which they said they would do.

Councilman Whittington asked who decided the wall was not required and City Chevrolet could build up a mound of dirt? Mr. Horack replied he has been told they came over to apply for a permit to build the wall and someone in the Inspection Department said they could not do this. Councilman Whittington stated at the time of the hearing, in 1965, it was stated here in Council that the wall was going to be put there, on top of the bank as a screen against the lighting and the noise and the unsightliness of City Chevrolet property. Councilman Whittington stated this is a fault of the Building Inspection Department and a violation of instructions of Council and the instructions that Mr. Horack representing the City Chevrolet at the time said the wall would be put there. He stated the wall was supposed to be put there, and it is supposed to be there today; and if the Building Inspection Department stopped it, they are in violation of a direction of the City Council. Councilman Tuttle stated that is true; that if this wall had been put there, and if it is possible to put the wall there now, then this would kill the theory you are going on now; in the beginning this whole thing was sold on the fact that the residential zoning would be practical.

Mr. Horack stated the arrangements with reference to the wall were in furtherance of the buffer wall agreement which had been prepared prior to Council's action on the City Chevrolet request; it was in furtherance of the agreement which in pertinent part said the "wall shall be constructed in such a fashion that its top elevation shall not be less than the top elevation of any parking lot fixture or is greater, the top elevation of the bulb or other similar illuminating elements of any such fixture which may from time to time be erected and maintained for the use of City Chevrolet and the parking area portion of the property to be rezoned B-2." Mr. Horack stated a dirt mound was put along there and whether it is a masonry wall or a berm, it was done with the intent of carrying out the spirit of having something there that would have an elevation at the top of it that would be high enough to blank out these lights, plus getting lights that were lower down. He stated he does not agree that if the wall had been built it would take out the things he has said about the ideal planning and transitional uses from B-2 to single family.

Councilman Short asked if there is any record of City Chevrolet filing for this wall? Later in the meeting, Mr. Underhill, City Attorney, advised he has contacted the Zoning Inspection Department and according to the report, the City Chevrolet people asked about screening adjacent to residential property which is required by the ordinance and they were told that fences and walls under the ordinance cannot exceed seven (7) feet and that an alternative to this would be natural planting. Mr. Underhill stated this was all verbal between the Zoning Inspection Department and City Chevrolet Company.

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Councilman Whittington stated somewhere between the day the agreement was filed, the members of the Planning Commission recommended the change in zoning because of the wall and Council went out there and studied the property, and Council's vote was predicated on the fact the wall was going to be there to hide this facility. He stated he is not arguing the apartment project before Council today, he is trying to get this cleared up; if the wall was supposed to be put there on instruction of Council it never was put there, and if it is the fault of the Inspection Department it should be clarified, or if it was the fault of City Chevrolet it still should be put up. Then Council can look at the petition before them today in another light because it is a buffer.

Councilman Alexander asked what the existence or the non-existence of that fence has to do with the issue before Council today; this petition today is by a different party all together in spite of the fact Mr. Horack represented both parties; he stated this is a new situation that is not germane to the original. Councilman Tuttle stated if this had been carried through as it was promised to Council then this property would be logical for private homes. Councilman Whittington stated he does not agree that this is not germane to this particular zoning petition because if the wall goes up on top of that bank, it is on the property where the multi-family units will be considered and it will be a wall separating City Chevrolet from the duplexes. Councilman Thrower stated he does not think the wall has any direct bearing on this particular hearing; this is a problem that can be resolved and will have to be resolved, but he recommends that Council proceed with the hearing and take care of the wall problem after it is over.

Mr. Curtis Bennett stated he is representing the residents on Holbrook Drive and they have signed a petition in protest of the Ervin Apartments and office buildings on this property across from City Chevrolet. He asked how a builder can come in and build houses and two or three years later ask for rezoning to build after telling the people there would be no building on the property. He stated he feels this is not working for the people of Charlotte when a builder has the opportunity to come in a residential section and build office buildings and apartments; Mr. Ervin has already built up the Boulevard and he cannot stand a little piece of property beside a house, he has to build on it. Mr. Bennett asked if the working people do not have a sayso about their community; there are a number of children in the neighborhood and they play in this field; there are shade trees all around, and their children need a place to play. He stated our City is becoming jammed up with office buildings and apartments in residential areas; the children do not have a place to play without running in the streets; they need mini-parks. Why can't the builder give the opportunity to the Park & Recreation Commission to have the city help buy this property and make mini-parks? Mr. Bennett stated whiskey bottles and trash line this property behind the property of his neighbor and the property of City Chevrolet.

Also speaking against the petition were Mrs. Norma Atkinson who stated the back of her house comes to the parking lot of the Gulf Station on Independence and trash is very bad from the parking lot of City Chevrolet; Mrs. William Rollins, 5132 Amity Place, who stated they did not keep their promise; they were told there would not be any duplexes or apartments there; that someone told them at one time it would be used for a park; Mrs. Dale Keener of Amity Place, stated the construction of apartments and offices will prevent the building of houses; it will increase traffic, schools will be overcrowded and the resale values will decrease; that apartments turn an area into a transit area.

Councilman Whittington stated it is his understanding that the wall was City Chevrolet's responsibility and at that time Ervin did not own this property behind City Chevrolet.

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Mr. Horack stated there is a need for apartments all over Charlotte, and when built by a reasonable builder, they can be made quite compatible; and in this instance, there is a special need because it is consistent with any ideal planning by way of transitional step up between business and single family.

Mr. Dale Keener asked why homes cannot be built on this property? Mr. Horack replied Ervin wants to build apartments because it is a good investment; they feel it is logical and sensible zoning planning to provide a transitional type zoning such as multi-family or office zoning when business zoning is immediately adjacent to single family. Mr. Keener stated if the wall had been built, Ervin would have no excuse to say that no one will buy these homes and there would have been no obstruction as far as unsightliness; it would have been all land for houses to be built.

Council decision was deferred until the next Council Meeting.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 5:05 P.M. and reconvened the meeting at 5:20 o'clock p.m.

ORDINANCE 211-X ANNEXING 91.0966 ACRES OF PROPERTY IN SHARON TOWNSHIP TO THE CITY LIMITS.

The public hearing was held on the petition of Mr. J. Mason Wallace, Jr., et al, for the annexation of 91.0966 acres of property contiguous to the present city limits, located in Sharon Township. Council was advised the estimated cost for providing sanitary sewer service to the area is \$85,000; the cost for necessary water system is approximately \$56,600, and that the Planning Commission advises the extension is adjacent to a developing residential community.

No one spoke to the petition.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, an ordinance annexing the 91.0966 acres of property in Sharon Township contiguous to the city limits, was adopted, and is recorded in full in Ordinance Book 16, beginning at Page 173.

ORDINANCE NO. 212-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ALONG POPLAR STREET, BETWEEN MORETZ AVENUE AND THIRTY-FIRST STREET.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from O-6, I-1 and I-2 to R-6MF of property along Poplar Street, between Moretz Avenue and Thirty-First Street, as recommended by the Planning Commission and the Master Plan Committee on Low Income Housing. The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilman Whittington, Short, Alexander, Thrower and Withrow.
NAYS: Councilman Tuttle.

The ordinance is recorded in full in Ordinance Book 16, at Page 175.

Councilman Thrower requested that the following resolution establishing the Master Plan Committee on Low Income Housing and charging the committee with its responsibility be made a part of the Minutes:

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"BE IT RESOLVED that the committee be known as the Master Plan Committee on Low Income Housing.

That the committee, through the cooperation of the Charlotte Section of AIA, which has already volunteered services, make a study of the most feasible types and designs of low income housing.

That personnel of the Legal Department, Planning Commission and any other department of the city be made available upon request of this committee,

That the committee be charged with the responsibility of recommending to Council:

- a. Suitable locations for low income housing in all sections of the city adequate to meet predicable needs for a minimum of five years
- b. That no locations be recommended for the West side of the city until such time as every effort has been made to see that no section of the city has a disproportionate share of low income housing.
- c. That the economic effect of low income housing be a prime factor in determining what constitutes suitable locations.
- d. Types of units, numbers of units and types of construction for each possible site.

The committee shall be requested to report findings and recommendations to the Mayor and Council at an early date. The Council will then have the responsibility of recommending the plan in whole or in part to the Housing Authority for execution."

ORDINANCE NO. 213-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM I-1 TO O-6 OF A 13.45 ACRE TRACT OF LAND ON THE SOUTH SIDE OF FREW ROAD, BEGINNING AT CRAIGHEAD ROAD.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, to adopt the subject ordinance changing the zoning from I-1 to O-6, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 176.

ORDINANCE NO. 214-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF A TRACT OF LAND ON THE NORTH SIDE OF INTERSTATE HIGHWAY 85, AS REQUESTED BY COCA-COLA BOTTLING COMPANY AND FREEDOM DRIVE INVESTMENT COMPANY.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning from B-2 and R-6MF to I-1 of a tract of land on the north side of Interstate 85, between Stewart Creek and the former Mecklenburg College property, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 177.

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ORDINANCE NO. 215-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FRONTING ON WEST SIDE OF CRAIGHEAD ROAD NEAR GLORY STREET, AS REQUESTED BY DOUBLE TRIANGLE PROPERTIES, INC.

Councilman Alexander moved adoption of the subject ordinance changing the zoning from I-1 and R-9MF to B-1 of a tract of land fronting on the west side of Craighead Road near Glory Street as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Councilman Whittington stated he has been out and looked at this property, and there are three dilapidated pieces of property between a grocery store and a good apartment project; at the hearing Mr. Whitesides said this rezoning would put his small grocery store out of business. Councilman Whittington stated he feel he has to do something about Mr. Whitesides, who is a local merchant and wholesaler, and for that reason he is not going to vote for this petition.

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

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

The ordinance is recorded in full in Ordinance Book 16, at Page 178.

ORDINANCE NO. 216-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON BOTH SIDES OF WEST BOULEVARD, FROM WATSON DRIVE TO NEAR DONALD ROSS ROAD.

Motion was made by Councilman Short, and seconded by Councilman Thrower, to adopt the subject ordinance changing the zoning from R-6MFH to R-6MF of property on both sides of West Boulevard, from Watson Drive to near Donald Ross Road, as recommended by the Planning Commission.

Councilman Withrow stated if we want beauty in our city, there is no better place than high rise apartments on West Boulevard going toward the airport, and he is against changing the zoning to R-6MF for that reason. He stated it seems that we are rezoning everything in West Charlotte from O-6 and everything else to R-6MF which brings in low income housing projects, and no where else in Charlotte are we rezoning to R-6MF. He stated if we could get something like Edwin Towers in the western part of the City going toward the airport it would be a beautiful site and he thinks this is a good place for high rise.

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

YEAS: Councilmen Short, Thrower, Alexander and Whittington.
NAYS: Councilmen Tuttle and Withrow.

The ordinance is recorded in full in Ordinance Book 16, at Page 179.

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

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

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

Councilman Withrow moved that the subject petition be held in abeyance until the next meeting. The motion was seconded by Councilman Tuttle, and carried unanimously.

Councilman Withrow stated he would like to see property in this part of the city changed to R-6 as it would give the middle class people a place to buy homes.

ORDINANCE NO. 217-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY ON NORTH SIDE OF MARKLAND DRIVE FROM A POINT EAST OF MAYFAIR AVENUE TO A POINT EAST OF KENHILL DRIVE.

Motion was made by Councilman Short, and seconded by Councilman Thrower to adopt the subject ordinance changing the zoning from I-1 to R-6MF of property on north side of Markland Drive, from a point east of Mayfair Avenue to a point east of Kenhill Drive, as recommended by the Planning Commission.

Councilman Withrow stated all this property has been built on with the exception of one lot which he owns, and he will disqualify himself from voting.

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

YEAS: Councilmen Short, Thrower, Alexander and Whittington.
NAYS: Councilman Tuttle.

Councilman Withrow abstained from voting.

The ordinance is recorded in full in Ordinance Book 16, at Page 180.

PETITION NO. 69-45 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING OF PROPERTY IN THE WEST BOULEVARD AREA, DEFERRED.

After discussion, Councilman Thrower moved that the subject petition be deferred. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 218-X ORDERING THE REMOVAL OF WEEDS AND GRASS ADJACENT TO 521 BEATTIES FORD ROAD, PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Tuttle moved adoption of the subject ordinance ordering the removal of weeds and grass on Lot 9, adjacent to 521 Beatties Ford Road, pursuant to Section 6.103 and 6.104 of the City Charter, Chapter 10, Article I, Section 10-9 of the City Code and Chapter 160-200 of the General Statutes of North Carolina. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 159.

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EXTENSION OF SERVICE FOR CITY EMPLOYEES AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the extension of service to city employees as follows:

M. H. Caskey - Police Department	to June 30, 1970
L. A. Newell - Motor Transport	to June 30, 1970
W. Reed - Cemeteries	to June 30, 1970
J. B. Stogner- Airport	to June 30, 1970
L. G. Justice- Engineering	to April 20, 1970

LEASE WITH EXECUTIVE TRANSPORT, INC. FOR 5.127 ACRES OF LAND WEST OF THE NORTH END OF THE EXISTING NORTH-SOUTH RUNWAY AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilman Thrower moved approval of the subject lease with Executive Transport, Inc. for 5.127 acres of land west of the north end of the existing north-south runway at Douglas Municipal Airport for a period of five years with two 1-year options, at \$2,232 per year and two cents per gallon for aviation fuel and ten cents per gallon for aviation motor oil sold with a minimum guarantee of \$5,000 per year, starting four months after effective date of lease. The motion was seconded by Councilman Short, and carried unanimously.

RESOLUTION APPROVING AMENDMENT NO. 4 TO GRANT AGREEMENT FOR PROJECT NO. 9-31-017-C615, DOUGLAS MUNICIPAL AIRPORT, REDUCING THE MAXIMUM OBLIGATION OF THE GRANT FROM \$494,600 TO \$454,600.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted approving Amendment No. 4 to Grant Agreement for Project No. 9-31-017-C615.

The resolution is recorded in full in Resolutions Book 6, at Page 333.

AMENDMENT TO LEASE WITH DOBBS HOUSE DIVISION, BEECH-NUT, INC. ADDING APPROXIMATELY 706 SQUARE FEET IN THE NORTH CONCOURSE SNACK BAR TO THE EXISTING TERMINAL BUILDING AREA, APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, approving subject amendment to lease with Dobbs House as recommended by the Airport Manager.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160, OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, the following ordinances were adopted for the demolition and removal of dwellings pursuant to the Housing Code of the City:

- (a) Ord. No. 219-X ordering the demolition and removal of dwelling at 615 Campus Street.
- (b) Ord. No. 220-X ordering the demolition and removal of dwelling at 613 Campus Street.
- (c) Ord. No. 221-X ordering the demolition and removal of dwelling at 621 East 10th Street.
- (d) Ord. No. 222-X ordering the demolition and removal of dwelling at 3701 Northerly Road.
- (e) Ord. No. 223-X ordering the demolition and removal of dwelling at 3616 Northerly Road.

The ordinances are recorded in full in Ordinance Book 16, beginning on Page 181.

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ORDINANCE NO. 224 AMENDING CHAPTER 20 SECTION 120, OF THE CITY CODE TO MAKE DELINQUENT PENALTIES APPLY TO ALL NON-MOVING TRAFFIC VIOLATIONS.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 16, at Page 186.

APPRAISAL CONTRACT WITH B. B. BROOKSHIRE, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving an appraisal contract with B. B. Brookshire for appraisal of twenty-eight parcels of land at a fee of \$1,225.00, for the Open-Space Application - Sugar Creek-Irwin Creek lands in Charlotte's Model Neighborhood.

MAYOR PRO TEM WHITTINGTON PRESIDING.

Mayor Belk left the Chair at this time and Mayor pro tem Whittington presides.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 790.92 square feet of easement at 1122 Morningside Drive, from E. Reed Gaskin and wife, Jean H., at \$44.00, for Briar Creek Outfall I.
- (b) Acquisition of 6,389 square feet of easement at 2906 Central Avenue, from Savas P. Papalambro and wife, Diana V., at \$255.58, for Briar Creek Outfall I.
- (c) Acquisition of 2,713.25 square feet of easement at 1629 Arnold Drive, from Donald L. Fultz and wife, Carrie E., at \$260.00, for Briar Creek Outfall II.
- (d) Acquisition of 2,849 square feet of easement at 1617 Arnold Drive, from Marion L. Neville and wife, Margaret S., at \$250.00, for Briar Creek Outfall II.
- (e) Acquisition of 1,950 square feet of easement at 2726 Chilton Place, from J. A. Basinger and wife, Jessica S., at \$1,000.00, for Sugar Creek-Briar Creek Flood Control.
- (f) Acquisition of 990 square feet of easement at 3601 Selwyn Avenue, from G. C. Thomas, Sr., at \$250.00, for Sugar Creek-Briar Creek Flood Control.
- (g) Acquisition of 480 square feet of easement at 3240 Westfield Road, from Elizabeth K. Joye, at \$500.00, for Sugar Creek-Briar Creek Flood Control.
- (h) Acquisition of 4,000 square feet of easement at 2314 Sharon Road, from William J. Craven and wife, Jeanne M. Craven, at \$1,500.00, for Sugar Creek-Briar Creek Flood Control.
- (i) Acquisition of 3,750 square feet of easement at 2917 Arbor Lane, from H. A. Saleh and wife, Kay, at \$1,200.00 for Sugar Creek-Briar Creek Flood Control.
- (j) Acquisition of 31,108 square feet of right of way on Old Dowd Road, from Latta Pershing Mosteller, at \$10,000 for the Airport Expansion, Acquire Land Project.
- (k) Acquisition of 776.75 square feet and 432.45 square feet of easement at the South-Park Shopping Center, from Belk Brothers Co., and J. B. Ivey & Co., at \$1.00, for South-Park Water Meter Pits.

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MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returns to the Chair at this time and presides for the remainder of the session.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF HELEN GILBERT SIFFORD AND HUSBAND, ERNEST J. SIFFORD, SR., AND ERNEST J. SIFFORD, JR., AT 737 CARMEL STREET, DEFERRED.

Councilman Tuttle moved that the subject resolution authorizing condemnation proceedings for acquisition of property of Helen Gilbert Sifford and husband, Ernest J. Sifford, Sr., and Ernest J. Sifford, Jr., located at 737 Carmel Street for the relocation of a sanitary sewer system to serve Carmel Street in Northwest Freeway Project be deferred. The motion was seconded by Councilman Whittington and carried unanimously.

CONSTRUCTION OF SEWER MAIN TO SERVE UNIVERSITY PARK NORTH, APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, approving a contract with William Trotter Development Company for the construction of 1,160 feet of 8-inch sanitary sewer main to serve University Park North - Phase A, at an estimated cost of \$10,196.04, with all cost of construction to be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

AMENDATORY AGREEMENT WITH PIEDMONT AVIATION, INC. FOR SPACE AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.

Councilman Whittington moved approval of subject amendatory agreement with Piedmont Aviation, Inc. for 585 square feet of space at the east end of the East Concourse in the Douglas Municipal Airport Terminal Building, for a term of five years, at \$2,193.75 per year. The motion was seconded by Councilman Thrower, and carried unanimously.

ENGINEERING CONTRACT WITH TALBERT, COX AND ASSOCIATES, INC., APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Short, and unanimously carried, the subject contract with Talbert, Cox and Associates, Inc. was approved for the Fiscal Year 1970 Federal Aid Airport Program Projects.

RESOLUTION IN OPPOSITION TO ANY ACTION BY THE HOUSE WAYS AND MEANS COMMITTEE TO REMOVE THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS.

Motion was made by Councilman Thrower, seconded by Councilman Alexander, and unanimously carried, adopting subject resolution in opposition to any action by the House Ways and Means Committee to remove the tax-exempt status of municipal bonds.

The resolution is recorded in full in Resolutions Book 6, at Page 334.

SPECIAL OFFICER PERMIT AUTHORIZED.

Councilman Tuttle moved to approve a special officer permit to Mr. Troy Tim Ray for a period of one year for use on the premises of the Charlotte Park and Recreation Commission. The motion was seconded by Councilman Thrower and carried unanimously.

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TRANSFER OF CEMETERY LOTS, AUTHORIZED.

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

- (a) Deed with Mrs. Edna G. Green for Lot 260, Section 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Mrs. Cora Garner Likas for Lot No. 406, Section 4A, Evergreen Cemetery, at \$252.00.
- (c) Deed with J. W. Knight for Grave No. 3 in Lot No. 14, Section 2, Evergreen Cemetery, at \$80.00.

CONTRACT AWARDED TO GLOBE TICKET COMPANY, INC. FOR DATA PROCESSING CARDS.

Councilman Alexander moved award of contract to the low bidder, Globe Ticket Company, Inc., in the amount of \$6,890.10, on a unit price basis, for data processing cards. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Globe Ticket Co., Inc.	\$6,890.10
Control Data Corporation	6,918.10
Business Supplies Corp. of America	6,943.80

CONTRACT AWARDED W. K. BAUCOM FOR SANITARY SEWER CONSTRUCTION FOR AIRPORT PUMPING STATION AND FORCE MAIN.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded W. K. Baucom, the low bidder, in the amount of \$24,394.75, on a unit price basis, for sanitary sewer construction, for airport pumping station and force main.

The following bids were received:

W. K. Baucom	\$24,394.75
C. W. Gallant, Inc.	25,858.50
Thomas Structure Company	26,735.00
Sanders Brothers, Inc.	28,852.50
Crowder Construction Co.	31,282.50

CITY MANAGER REQUESTED TO REPORT TO COUNCIL ON PLANS FOR JOHNSON MEMORIAL YMCA AT NEXT MEETING.

Councilman Whittington asked in connection with the Johnson Memorial YMCA if there is anything that we as a municipal government can do to help in this area; that he is thinking of a meeting with the President of the United Community Services, or the Chairman or their Finance Committee, along with the Park and Recreation Commission, also the County Council of American Legion who is interested in programs as it relates to athletics.

Councilman Whittington stated this organization does a lot of good for young people, and there are no facilities for them to carry on their American Legion Baseball in Charlotte or Mecklenburg County except at Griffith Park. He stated this is most important and there is a tremendous interest in this facility and he would hope that Council will not let this get away without doing what it can to save it.

Councilman Whittington asked the City Manager to give Council a report at its next meeting.

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REPORT ON FOOTBRIDGE ACROSS SUGAR CREEK FROM STARMOUNT AND MONTCLAIR SUBDIVISIONS TO HUNTINGTOWNE FARMS PARK.

Councilman Whittington asked for a report on the footbridge across Sugar Creek from Starmount Subdivision and Montclair Subdivision to the new Huntingtowne Farms Park that the Park and Recreation Commission is developing.

Mr. Bobo, Administrative Assistant, advised changes are being made in the design of the bridge and as soon as they get a few estimates he will check again with the county; in the meantime, Park and Recreation is re-submitting an application to HUD for some project funds which may help with the footbridge.

Councilman Whittington stated the problem is we have a park but the people across the creek have no way to get across as far as walking is concerned. Mr. Veeder, City Manager, stated the location of the bridge is outside the city.

COMPREHENSIVE REPORT OF BENEFITS FOR RETIRED CITY PERSONNEL, REQUESTED.

Councilman Tuttle stated several weeks ago he asked for information on the benefits to retired personnel, and he has some information which came from Mr. Earle, but it is not as in depth as he wants it. He requested the City Manager to have Mr. Earle, Personnel Director, to work up a report that will give some sort of comparison. For instance, in the Fire Department, a man who has been there forty years and has been retired five or six years, retired at a percentage of his salary; whereas, the new ones retire at a percentage of a much higher salary. He stated there is no cost of living index or escalation clause. He stated he would like to see something comprehensive on what these people are offered with the thought that we might be able to help them. For instance, they are given at the current rate of 40 cents a thousand dollars group insurance when they retire; when a man retires at 65 years of age, he cannot afford two, three or four thousand additional insurance at the chart rate; that with the value of the dollar as it is today, and 25 years ago the man warranted \$1,000 at the group rate, it should be two, three, four or five thousand today.

Councilman Thrower stated about three years ago Council approved monies for an actuary and prior to coming on Council this year, he received a letter that Mr. Earle had written, and he could not decipher the letter.

Mr. Veeder, City Manager, stated the Firemen's Retirement Board met with the actuaries within the last month. Councilman Thrower stated he is not only interested in the firemen but the city as a whole. Mr. Veeder replied he misunderstood Mr. Thrower's original request and he will be glad to furnish him with further information.

NOMINATION OF MR. GEORGE SIBLEY TO PLANNING COMMISSION.

Councilman Tuttle placed in nomination the name of Mr. George Sibley for a three year term on the Charlotte-Mecklenburg Planning Commission.

FIRST AMENDMENT TO PARTNERSHIP PLAN FOR WATER AND SEWER EXTENSIONS IN CHARLOTTE AND MECKLENBURG COUNTY DATED FEBRUARY 3, 1969, APPROVED.

Councilman Short requested that the subject plan be included in the Minutes of the Meeting; that it was approved by the City Council and the County Commissioners in joint session this morning at 11:00 o'clock.

"This Policy shall be uniformly applicable and available to all governmental units, communities, developers, property owners, corporations (profit and non-profit), and individuals.

SECTION I.

The following terms, wherever used or referred to in this policy, shall have the following respective meaning, unless a different meaning clearly appears from the context:

- A. "City" shall mean the City of Charlotte, North Carolina, and shall include any areas annexed thereto subsequent to the adoption of this policy.
- B. "County" shall mean Mecklenburg County, North Carolina, and shall include all areas served under this policy not covered in Item "a" above.
- C. "Council" shall mean the City Council of the City of Charlotte.
- D. "Commission" shall mean the County Board of Commissioners of Mecklenburg County.
- E. "Policy" shall mean this Water Extension Policy as the same may be amended from time to time by Council and Commission.
- F. "Applicant" shall mean any governmental unit, person, firm or corporation who seeks water from the City or County under conditions covered by this policy, whether such service is sought in connection with residential or industrial development, existing residences, businesses, industries, or otherwise.
- G. "Extension Cost" shall mean the total construction cost of the extension in place, and shall be the basis for applicant reimbursements.
- H. "Local Service Line" shall mean any water line 6 inches or less in diameter, but shall not include the connecting lines covered under service connection fees.
- I. "Capital Facilities" shall include all water lines 8 inches and above in diameter.

SECTION II.

A. The City shall be responsible for the financing and construction of all future water line extension within the City limits; outside the City, such facilities will be financed, constructed, operated, and maintained as provided in the Partnership Plan for water and sewer extensions in Mecklenburg County, as adopted by the City and the County on February 3, 1969.

B. The water system shall be operated on a self-sustaining basis and all funds generated from its operation will be used for the operation, maintenance and expansion of the system. The water rates and extension policies will be modified from time to time as needed to keep the system self-sustaining.

C. All revenues from water line projects constructed outside the City limits where the County participates, shall be applied first to the requirement for operating and maintenance cost and then to applicant reimbursements as set forth in this Policy.

SECTION III.

A. There shall be two methods for financing all water line extensions constructed by the City inside the City and by the City and/or County, either jointly or separately, outside the City Limits. There shall be a

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single set of standards used for the construction of all water extensions inside and outside the city. Such standards will be developed by the Community Facilities Committee and approved by the City and County. The standards will cover materials, workmanship, specifications, construction procedures as well as any other related matters that the Community Facilities Committee may choose to include.

B. Upon completion of construction, the City will be responsible for and will provide for the operation, maintenance and administration of all facilities built under this plan in conformity with the Partnership Plan.

C. Thirty-two and one-half per cent (32-1/2%) of the yield from outside the City lines constructed under this plan will be allocated to the City to provide for the operation, maintenance and administration of the lines, said allocation to be made available prior to any reimbursements to the applicant.

Method 1. The City inside the City and the City and/or the County outside the City Limits acting upon the recommendations of the Community Facilities Committee and in accordance with the Partnership Plan, may provide one hundred per cent (100%) financing for capital facilities. Financing and reimbursement of local service lines under this method shall be as set out in Method 2.

Method 2. The extension cost of water lines constructed under this method will be initially financed one hundred per cent (100%) by the applicant. The applicant shall receive reimbursement, when the requirements set forth below are met.

Reimbursement of deposits to the applicant up to one hundred per cent (100%) of extension cost of capital facilities and fifty per cent (50%) of extension cost of local service lines will be made in the following manner:

1. Thirty-five percent (35%) of the monthly service charges collected from properties identified and served by each extension will be refunded quarterly.

2. Connection privilege fees collected by the City and/or County from other properties or customers subsequently connecting, based upon connection size or the percentage of the total service area occupied, as appropriate, will be applied towards reimbursement of the applicant.

3. No refunds will be made when the maximum percentage of reimbursement as herein before specified has been accomplished or following the expiration of fifteen years after the anniversary date of the first service connection made to the utility, whichever first occurs.

Should funds be available for such purpose, and upon the recommendation of the Community Facilities Committee, the City and/or County may reimburse an applicant in one sum for capital facilities installed hereunder at any time after the first year following completion of construction in an amount equal to one hundred per cent (100%) of extension cost of such facilities reduced by amounts theretofore received by him pursuant to the foregoing provisions.

D. Notwithstanding the above, the City inside the City and the City and/or the County outside the City, upon the recommendation of the Community Facilities Committee, may construct extensions including local service lines and capital facilities in circumstances involving emergencies, where it is found to be in the public interest or necessary to protect the public health. Also upon recommendation of the Community Facilities Committee and in accordance with scheduled priorities related to the availability of funds,

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extensions may be made into residential areas that are substantially developed provided the monthly service charges from such extensions will pay estimated operating expenses and debt retirement costs.

SECTION IV.

A. There will be assessed against all properties when the connection is made (except the property of the applicant) a charge of \$1.00 per linear foot of frontage for any lot adjacent to or abutting a water line extension outside the City. However, in the event said abutting property owner obligates himself at least thirty days prior to the letting of the contract for construction of the line to pay the connection charge and the minimum monthly service charge, the said \$1.00 per linear foot will be waived up to 150 feet of frontage.

B. In the event the City of Charlotte annexes an area where the County has participated in the capital funding of water lines, the Community Facilities Committee will make such recommendations as it deems appropriate to the City and County for the assumption by the City of the debt service obligation of the County in connection therewith.

C. Title to all lines, mains and facilities constructed under this Policy will be vested exclusively in the City and/or the County or both as provided herein and in the Partnership Plan.

D. The City and/or County will of necessity retain the right to honor all existing and supplementary contracts applicable thereto for customers outside the City without further consideration to the conditions of this proposal.

E. This document constitutes the first amendment to the Partnership Plan for Water and Sewer Extensions in Mecklenburg County adopted by the City of Charlotte and Mecklenburg County on February 3, 1969. In the event of any conflict between said Partnership Plan and this amendment, the terms and provisions of this amendment shall control.

This first amendment to the Partnership Plan for Water and Sewer Extensions in Charlotte and Mecklenburg County shall become effective on the date the Community Facilities Committee is activated and is in operation; provided however that financing of water line extensions within the City limits shall continue as provided in the existing City Policy until April 19, 1970."

Councilman Short stated this creates a partnership between the government and developers for the extension of smaller lines just as earlier there was created the partnership between the two governments for the larger lines; this is a good arrangement; everyone got something of what he wanted but no one got everything; this plan comes close to reconciling all the needs of helping the developers, of attracting new water and sewer customers quickly, of preserving fair rates for those already served, of reserving some of the government's money for the building of the larger lines, and of filling in some of the older developed areas which never had a water system, and which were bypassed.

Councilman Short moved that Council adopt and approve the First Amendment to the Partnership Plan as it was amended this morning. The motion was seconded by Councilman Alexander, and carried unanimously.

COUNCILMAN TUTTLE LEFT MEETING AT THIS TIME.

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

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CITY MANAGER REQUESTED TO CHECK THE TRAFFIC SIGNAL AT WEST TRADE AND CHURCH STREETS.

Councilman Alexander requested the City Manager to have the traffic signal at West Trade Street and Church Street checked to see if it is in proper working condition.

PROPOSED SETTLEMENT OF CITY VS. PEPSI-COLA BOTTLING COMPANY, AUTHORIZED.

Motion was made by Councilman Alexander, seconded by Councilman Whittington and unanimously carried, authorizing the city attorney to settle the case with Pepsi-Cola Bottling Company, in connection with the South Boulevard Intersections Project, in the amount of \$37,500 plus the small additional amount for paving a small driveway leading off the recently completed Marsh Road extension.

CITY MANAGER REQUESTED TO CONTACT ATLANTA FOR INFORMATION ON MASTER PLAN FOR ALL TYPES OF LOW INCOME HOUSING.

Councilman Withrow asked if the Master Plan Committee has taken into consideration a plan for all apartment complexes throughout the city, whether it be low income, high rise or any kind of multi-family housing? He stated after listening to the zoning matters today, it seems as though there are no parks or recreational facilities, and there should be some plan where a builder - if building a certain number of units with a certain occupancy, he would set aside, if not build, parks and recreational facilities for the units. He stated he would like Council to consider this with the idea of having the builder set aside property for this use.

Councilman Short stated the planned unit development arrangement has this type of feature provided.

Councilman Withrow asked if in the Master Plan there is any plan for the placement of multi-family units other than the Committee on the low income housing? Councilman Whittington replied there are only two Master Plan Committees - the one Mr. Jack Tate is Chairman of as it relates to Downtown, and the second committee is the one the former mayor appointed on sites, design, feasibility, and economics as it relates to public housing; other than that there is nothing more than the zoning requirements.

Councilman Withrow stated the Master Plan Committee on Low Income Housing has no control over 2-21D3 Housing; that it seems Council should be able to control all low income housing projects and apartment complexes; that he understands the city has no jurisdiction over this type housing; that he thinks this should be taken into consideration and meet with the FHA Housing Authority. He stated he talked with the FHA Housing Authority in Atlanta; Atlanta has taken the step to add 2-21D3 to its Master Plan; Charlotte has not taken that step and unless it does it will be in bad shape very soon.

Councilman Alexander stated this idea is the same that was brought out when Charlotte started its slum clearance in Brooklyn; that he raised the question on that date if the City of Charlotte had any organized plan of housing development and it did not; that he has felt we should have had this a long time ago; that it should be picked up and see if we can come up with some planned development for an organized housing program to cover all the areas Mr. Withrow is talking about.

Councilman Alexander stated under planned unit development, we will not get an organized system of development for a lower type housing as we would get

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under what the Howie Company is doing; that we should have something on the same order that will bring under control some of the same things we are talking about now, along with the Planning Commission coming up with some proposal, if it can, as to how we can set up orderly planning for this type units.

That everytime something comes up to get low income housing, Council is going to have the same problems, and unless it gives consideration to these things and makes them a part of the plan, there will always be confusion. That Council should not only consider this but should set the machinery in motion to come up with some answers, and see what we can do by expanding the planned unit development idea, so that it can move into medium and low income areas.

Councilman Whittington stated in the discussion on March 31, one of the things discussed about the Citizens Advisory Commission was that a workable program be developed with the Planning Commission, Building Inspection Department, Housing Authority, Mayor's Committee on Community Relations and Park and Recreation and all set down together and plan this out as far as parks and neighborhood development and unit development. He stated it seems to him the Housing Authority is going to have to be told that any future public housing development will have to be arranged, developed and programmed so they will have recreational areas whether it is a project of 25 units or 100 units. That he is talking about low income, but he does not know how far you can go with a private builder.

Councilman Thrower stated Council is quite restrictive in conditional zoning. Can Council in effect say it will rezone property provided the petitioner agrees to do a certain thing as presented under a plan? Mr. Underhill, City Attorney, replied Council has some conditional zoning but insofar as requiring a property owner to submit plans in advance of approval of his rezoning request and a requirement requiring him to state and stick to those plans, even if he wishes something that is completely in accordance with the zoning but something different from that present, we do not have any laws along that line. Councilman Thrower stated that is the problem; this was brought up several years ago to establish some conditional zoning and give Council the authority to carry it through; until Council gets this authority for conditional type zoning, it will not be able to do what Mr. Withrow and Mr. Alexander are asking. Councilman Whittington stated the Institute of Government has said that Council cannot have this type of conditional zoning.

Councilman Short asked if the basic problem is that we are now trying to work on public housing which is conventional, leased and turnkey, but we have nothing on those programs that are under FHA? Mr. Veeder replied the problem is a little broader than that; that it is not necessarily restricted to the price range of the housing, but it is all scales of price range and apartment type development. Councilman Short asked if the 2-21D3 Housing is not included under the Master Plan Committee on Low Income Housing because they are under the control of the FHA rather than the Housing Assistance Office? Councilman Alexander replied 2-21D3 does not necessarily have to be low income housing.

Councilman Withrow stated he is also talking about the 2-21D3; there is also the 2-21D4 and all kinds of FHA type housing where a separate house can be built and the government will subsidize the payment; the FHA 2-21D3 is subsidized rental for low income type housing. He stated they tried to get the former Mayor to agree to put the 2-21D3 under the Master Plan Committee for Low Income Housing; that Mr. Dwight Phillips' project on the west side is coming up with the same type of housing; it is subsidized

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and the government leases from the builder for 20 years, five years at the time, and the builder gets his money and the government subsidizes the rent; that this should be controlled under the Master Plan Committee. Councilman Short asked if Council did not leave out the 2-21D3 because, unless they accidentally needed the zoning changed, Council had no authority over this? Councilman Withrow replied that is right, but does Council not have the authority over the permit department and if there is a master plan over low income type housing, can Council not tell that department that 2-21D3 nor any type of low income housing will not be permitted in an area? Mr. Veeder replied not in that context; the only context under which the Building Inspection Department can act would be passing on the permit which is a matter of reviewing the construction proposed and not under the financing or the type of occupancy.

Councilman Withrow stated Atlanta now has a Master Plan and it is controlling all types of low income housing, and asked why Charlotte cannot do the same?

Mr. Veeder stated he will call Atlanta in the morning and see if he can get some information for Council on their plan.

CIVIC CENTER BILL ENACTED INTO LAW.

Mr. Underhill, City Attorney, reported that the Civic Center Bill was enacted into Law on Friday of last week.

MAYOR REPORTS HE ATTENDED U. S. CONFERENCE OF MAYORS OVER WEEKEND.

Mayor Belk reported he has just returned from the U. S. Mayors' Convention and they were bragging on former Mayor Brookshire, our fine City Manager, and his staff, Mr. William McIntyre and Mr. Vernon Sawyer.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk