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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 17, 1969, with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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

ABSENT: Commissioners Ashcraft, Gamble and Wilmer.

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#### INVOCATION.

The invocation was given by Reverend Robert Tuttle, Minister of Myers Park Methodist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the minutes of the last Council Meeting, on March 10, 1969, were approved as submitted.

#### EMPLOYEE AWARD PRESENTED JOHN W. HUFFAKER ON HIS RETIREMENT.

Mayor Brookshire recognized Mr. John W. Huffaker and stated Mr. Huffaker retired from the Right-of-Way Office on March 1, 1969; that he was employed on February 3, 1964. He presented him the City of Charlotte Employee Award and wished him much happiness in his retirement.

#### HEARING ON PETITION NO. 69-19 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-6 TO R-6MF OF AN 8.93 ACRE TRACT OF LAND BOUNDED BY FREEDOM DRIVE, BROWN AVENUE AND THRIFTWOOD DRIVE.

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

Mr. Fred Bryant, Assistant Planning Director, advised this request appeared before Council two months ago in the form of a request for a change from single family R-6 to a business classification; this portion was denied, and Council rescheduled a hearing to consider the property for multi-family purposes. He stated this is an 8.93 acre tract of land located on the northeast side of Freedom Drive; it is a rectangular shaped tract with frontage on Thriftwood Drive and Browns Avenue, and comes in contact with Thomasboro School.

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Mr. Charles Knox, Attorney, stated he represents Mr. Godley who owns the property; he stated this property has a dwelling house on it with a brick garage type building; that it is almost nine acres of land which would lend itself to apartment buildings; it is almost a block unto itself; it has a revenue from the house and garage of \$3,000 a year and a tax bill of \$1,650 a year. He stated Mr. Godley has done some work on preparing himself to build some apartments of the townhouse variety; these would add to this community, and they know of no one who would build a single family dwelling out there now; that Mr. Godley has owned the property for five years.

Councilman Smith asked if a low rental subsidizing housing project will be placed on this property; that if Mr. Godley could assure these people that is not his intentions, he would be in better shape. Mr. Knox replied he has from Mr. Godley, in writing, a pledge to townhouse apartments of the highest type that would be compatible to the neighborhood. Councilman Alexander asked if there is any government financing for this project, and Mr. Knox replied none so far; they will not be under the 221-B3 plan.

Mr. Paul Whitfield, Attorney, stated he is present on behalf of some 420 residents of the immediate vicinity under consideration and presented a protest petition against the rezoning. He pointed out the single family residences in the area and stated some of these people have been coming before Council since 1956 asking for some relief; the previous owner of this property built this warehouse type building on the property and told the people it was a private car garage and it turned out to be a warehouse; that Mr. J. McDaniels who lives across the street asks how often he has to come to Council to object to these changes and fight for his property.

Mr. Whitfield stated the present owner states he has not been able to use this property for any financial advantage. He stated he understands that at least three churches have used the property and one offered a hundred thousand dollars for the property, and the offer was turned down. That Bethel Baptist Church is now using the property and would like to buy it; St. James Church has made an offer on it and it has been turned down.

Mr. Whitfield stated Thomasboro School serves the property in this immediate vicinity and it is operating at capacity without plans to enlarge it; the nearest park is about a mile away; that this road is narrow and there are no traffic devices out there. He stated of the 600 families in Westchester, some 268 of them are represented on the protest petition presented today.

Mr. Whitfield stated if this property is rezoned, there is no guarantee as to what the property will be used for; its human nature for a man to want to make the most out of his property. He stated the public welfare will be best served by leaving this property zoned the way it is at present.

Mrs. Ralph Bowman, a resident of Westchester, also spoke in opposition to the rezoning.

Council decision was deferred for the recommendation of the Planning Commission.

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HEARING ON PETITION NO. 69-26 BY MABEL F. SEAWRIGHT FOR A CHANGE IN ZONING FROM R-12MF TO O-15 AND CONDITIONAL PARKING FOR OFFICE PURPOSES ON A TRACT OF LAND 225' x 550' TO THE EAST OF SHARON AMITY ROAD BEHIND FORD MOTOR COMPANY.

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

The Assistant Planning Director stated the request is for two types of changes. The tract as a whole is a tract of land that does not front on any street; it is behind the new Ford Motor Company on Sharon Amity Road, across from the Cotswold Shopping Center. The property is vacant; there are a large number of single family residences in the vicinity. He pointed out Robin Road and Westbury and stated both are developed with single family residences and the property immediately to the rear on Montclair is also developed with single family residential structures; there is vacant property adjoining the tract on both sides; there is a 50 foot strip left at the rear of the subject property that is also vacant.

Mr. Bryant stated the petition consists of two parts:

- (1) A request to extend the O-6 zoning back an additional 400 feet from Sharon Amity Road - at present the zoning is 300 feet back from Sharon Amity Road, and this is a request to carry it back an additional 400 feet.
- (2) A request that covers an adjacent 150 feet in depth to be used for conditional parking in conjunction with an office structure. This would not actually change the zoning from its present multi-family but would grant approval for the use of that property for parking purposes.

He stated the Cotswold Shopping Center area is zoned for business; the frontage property on the southeast side is O-15 directly across from the shopping center; immediately behind the office zoning the property in question, as well as the adjoining tract, is zoned R-12MF and then beyond is R-15. He stated there is multi-family zoning adjacent to office zoning that comes back into Randolph Road; there is multi-family zoning on Sharon Amity Road leading towards Providence. Other than that the area is completely zoned for single family use.

Mr. Bailey Patrick, Attorney, stated he represents the petitioner, and Colwick Development Company, a corporation that proposes to develop the land if the zoning can be obtained. That his client had hoped to acquire additional land so that the office building could be located on Sharon Amity Road; due to the fact there is a sewer easement running right down the line to their property and the adjacent property, it is impossible to locate an office building on the front with the land they have. He stated they propose to put an office building to the rear of the Ford Building; they plan a height from 88 feet to 108 feet maximum - a 9 story building. The property is presently zoned R-12MF and under this zoning they could have a multi-family apartment erected on the land; he stated there is a 50-foot buffer strip to the rear and there are some 120 pine trees from 60 to 80 feet in height; and 37 hardwood trees from 50 to 75 feet in the buffer zone; the height of the trees is such that the people in the residences could still maintain their privacy because of this wooded area that will remain in its natural state as a buffer zone. Mr. Patrick stated they feel the O-15 zoning is just as compatible a buffer as R-12MF would be; that they are keeping in character with the neighborhood with an existing office building in front of them; that they are asking for an extension and it is not the sort of spot zoning frowned upon by good planners because it is a natural extension of existing zoning classification. The land has a high tax base and it has to be developed; that R-12MF can be put on there but they feel the natural development would be office.

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There are other things that are compatible for office space - shopping center restaurant facilities, a natural flow of traffic, a nice street - already there. They plan a type of building that would entice national concerns and they in turn could exert influence on the owners to maintain the premises in an orderly fashion, and sometimes you do not get that in multi-family.

Mr. Fred Meekins stated he represents 100 percent of the owners of those lots within 100 feet and were able to file the petition to invoke the 3/4 vote; they are against this zoning request; that in addition he has a petition containing almost 200 additional names of persons in the area who oppose this zoning. That since he first learned of this rezoning request an additional story has been added to the building - originally they had thought it would be eight stories.

Mr. Meekins stated in 1963 there was a petition for a zoning change involving essentially this same property - only a smaller aspect of it; this was denied by Council. Two and a half years ago, in October, Mrs. Seawright was here again to ask that this property be zoned for business purposes for putting in a Kroger Grocery Store; this was denied. Since that time there have been no changes - the Ford Motor Company property was already zoned for office. That no one would fuss with this property owner if she came in with her multi-family housing as that is what it is zoned for; it was the intended use and still the most practical use of this property in light of the protection that zoning must give to the surrounding community, which is single family.

Mr. Meekins stated within the past year two residents have bought homes on Montclair which is within 50 feet of this property; they came in relying on the zoning ordinance. He asked how many trees will be left in the buffer zone if this zoning is approved; those trees will have to come down in order to make access to the parking.

He stated as to the parking area, if you go out there now while the leaves are off the trees, the lights from the Gotswold Shopping Center and the Ford Motor Company building can be seen from the front yards of these homes; that many of those trees will have to come out; this will be seen and it will be there to be seen by everybody.

He stated he does not think that the economic enrichment of an individual or corporation should be the prime concern in zoning matters as the City is composed of citizens, and the city should be governed for the people and by the people and not by one party.

If this is allowed, the property immediately to the south will be locked off; this is owned by a Mr. John Belk, of Humble Oil Company, and two and a half years ago, Mr. Belk was present and opposed the request to business property, and stated if it is rezoned then he would like his property zoned the same. Mr. Meekins stated if this rezoning goes through, it will open the flood gates.

Also speaking in opposition to the rezoning were Dr. Edward Green, Mr. Austin Duncan, Mr. Earl Seagraves, 4801 Montclair Avenue, and Mr. Webb Bost 4600 Randolph Road.

Mr. Meekins filed with the City Clerk the petition containing the 200 names of residents protesting the change in zoning.

Council decision was deferred until the Planning Commission makes its recommendation.

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HEARING ON PETITION NO. 69-20 BY MARY R. ALEXANDER FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF AN AREA 100' x 700' BEGINNING APPROXIMATELY 1,280 FEET SOUTHWEST OF FREEDOM DRIVE JUST WEST OF FREEDOM VILLAGE SHOPPING CENTER.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated a few months ago there was a request before Council to rezone a portion of this property; at that time it consisted of a triangular section and the request was to change it from I-1 to I-2 in order to accommodate a Drive-In Theatre.

He stated Council agreed to rezone the property, and the Theatre is to have an entrance on Freedom Drive. After getting into the detailed planning of the theatre they found they needed another hundred feet of depth along the rear portion of the tract in order to accommodate the theatre they would like to place there. Their only involvement in this petition is a strip of land 100' x 700' that is immediately adjacent to the area that was previously rezoned from I-1 to I-2.

Mr. Frank Beddingfield, of Consolidated Theatres, stated this property is located on the back of the property they have under lease which is approximately 17 acres; the property is zoned I-2; they ask that this 100' x 700' be rezoned to I-2. He stated there was some sloping of the bank behind the Freedom Drive Shopping Center, and a place about 100' x 200' which they did not take into consideration. After they started their plans they found it did work a hardship on them. He stated all the property around the small area is owned by Mrs. Mary R. Alexander.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until later in the meeting.

HEARING ON PETITION NO. 69-21 BY J. A. JONES CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM I-1 AND R-9MF TO I-2 AND I-1 PROPERTY WEST OF DERITA ROAD ADJACENT TO DERITA WOODS SUBDIVISION.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this request is in two parts; the property in question is located to the west of Derita Road; it consists of a tract 200' x 740' x 400' and is requested changed from I-1 to I-2. There is an additional request to extend the I-1 zoning on a triangular shaped tract 610' x 238'.

Mr. Bryant stated the property is vacant; it is adjoined on two sides by vacant property; there is considerable industrial, non-residential development along the Derita Road side of the property. The Derita Woods Subdivision comes to a point at the corner of the subject property; Derita Woods is developed entirely for single family residential purposes; there is an apartment project that is getting underway at the intersection of Cedarhurst Drive and Bellcrest Drive, near I-85. Other than that the property in the vicinity is vacant with the exception of scattered residential to the west and northwest of the subject property.

Mr. Bryant stated there is I-2 zoning along Derita Road; there is a strip 400 feet wide adjacent to that zoned I-1; immediately behind that everything is zoned R-9MF. The intent of the request is to extend the I-2 zoning an additional depth back from Derita Road; the intent of the triangular portion is to change an additional portion to I-1 in order to continue the buffering effect of I-1.

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Mr. Ward McKeithen, Attorney with Fleming, Robinson and Bradshaw, stated they represent the petitioner and owner of the property. He stated they are attempting to secure an additional 400 foot depth of I-2 zoning and to reduce the current 400 foot buffer of I-1 to 200 feet; this would give them a depth at one point of 800 feet with a 440 foot frontage on Derita Road of I-2 zoning with a 200 foot I-1 buffer zone. He stated the property consists of 25 acres; the rear 10 acres is zoned R-9MF and it is that portion of their property that adjoins the Derita Woods Subdivision, and there is no request for rezoning of that 10 acres.

Mr. McKeithen stated this property is under option to the Wicker Corporation, a large national building supply corporation; they wish to establish a major warehousing wholesale distribution point; they anticipate a 40,000 square foot warehouse facility costing in the vicinity of a quarter million dollars. He stated the use of this property for this purpose is consistent with the uses of other property in the area.

Mr. McKeithen stated the reason for the request from I-1 to I-2 is to allow outdoor storage of building materials; this is not allowed in I-1. He stated this is a thickly wooded tract with pines and hardwood; there is a Piedmont Natural Gas right-of-way running the length of one side of the property; there is a significant topographical drawl through part of the property; the property slopes off in both directions creating a natural boundary.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until later in the meeting.

HEARING ON PETITION NO. 69-22 BY JOHN D. STALLINGS FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT 59' x 160' AT 3920 THE PLAZA.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is a single lot 59' x 160' fronting on The Plaza and is used for single family residential purposes as is all the property in the immediate vicinity. He stated this is the block on The Plaza that was requested for business zoning sometime ago and the ultimate decision was to rezone three lots nearest the intersection of Sugar Creek Road for business purposes to permit the establishment of a service station. The request now is for office zoning of the immediate adjacent lot to the three business zoned lots to permit additional freedom in the planning of the service station facility and utilize this lot for parking purposes and access purposes.

He stated the other frontage property on The Plaza is zoned for R-6MF, with single family zoning immediately to the rear; the I-1 zoning is the Highway Commission facility plus additional property along the railroad.

Mr. Lewis Parham, Attorney for the petitioner, stated the first three lot on The Plaza were rezoned for business a few months ago to permit this corner to be used as a service station site; this property is under option to the Sun Oil Company for this use; it has been found the amount of property is not sufficient to locate a service station and to provide ample parking and ingress and egress; part of the corner lot was taken in the widening of Sugar Creek Road. Mr. Parham stated a request for conditional parking would not be sufficient as it would not permit ingress and egress to the business activities. That in the event the petition is granted, no building will be located within 60 feet of any residential property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the Planning Commission makes its recommendations.

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HEARING ON PETITION NO. 69-23 BY J. C. HARPER, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY ON THE SOUTH SIDE OF WEST BOULEVARD BEGINNING AT MERRIMAN AVENUE, AND EXTENDING WESTWARD 325 FEET.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this is a request for a change from multi-family zoning to office zoning of several lots that front on West Boulevard in the vicinity of the new I-77 construction; it is located on the southwest side of West Boulevard at the corner of Merriman Avenue; it has five single family structures on it; one lot fronts on Merriman Avenue to the rear of these parcels and is vacant; other than that the land uses are entirely residential; there are duplex structures all along Merriman Avenue, between West Boulevard and Spruce Street; there are single family structures along Spruce Street adjacent to the former park property and then several duplexes on the corner of Spruce Street and West Boulevard; on the opposite side of West Boulevard there are single family residential structures throughout the area with the exception of a new five unit apartment building on Merriman Avenue.

Mr. Bryant stated everything on the intown side of the expressway is zoned R-6MF; on the west side of the expressway it is zoned R-9.

Mr. Charles Henderson, Attorney for the petitioners, stated this area along West Boulevard in the immediate vicinity of I-77 is not the right place for a single family residence. That traffic will be leaving West Boulevard directly across from the subject property in order to get on I-77; this property has been very dirty and very noisy; it is not the kind of place to sleep and is not the right place for single family.

Mr. Henderson stated they believe this property is the conversion type use for these single family homes; they are not readily adaptable to converting into multi-family rental units; these are ideal structures for small office type units; they think this property is not saleable in its present form. That the only change will be a change on the interior use. This will mean the property will be used by day for office purposes and at night they will go home.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the Planning Commission makes its recommendation.

HEARING ON PETITION NO. 69-24 BY MARY LOUISE DAVIDSON AND ALICE DAVIDSON FOR A CHANGE IN 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.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is in an area located to the north - northwest of North Tryon Street; the subject property for the most part fronts on Frew Road which begins at Craighead and continues around the property to a dead end; it is a 13.45 acre tract of land with maximum dimensions of 1,000 feet on one side and 665 feet on the other side; the property is vacant as is most of the property in this vicinity. He pointed out the North-29 Drive-In Theatre, Heart of Charlotte Motel and the new K-Mart facility in the vicinity.

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Mr. Bryant stated there are several single family structures across Frew Road from the subject property, and one on Craighead; on the west side are several single family residences; immediately north of the subject property is a mixture of single family, vacant, duplex and multi-family development.

He stated there is a very large area of I-1 zoning extending from Tryon Street up through the property to the other side of Frew Road, and up to Glory Street; other than that the zoning is R-9MF.

Mr. Brock Barkley, Attorney for the petitioners, stated this is part of the old Davidson property on North Tryon Street; they have owned it for so many years that you cannot find a deed for it; it presently belongs to Mrs. Louise Alexander and Mrs. Able - the Davidson sisters. He stated they have a contract with Henry I. Flynn, a construction company and developer; the plan is to develop this property for apartment or an office building or both. That the O-6 classification is requested because of the desire of the owner to develop it for an apartment or as office; that the plans for apartments are not for public housing or federally financed housing.

He stated the Flynn Company is a North Carolina corporation with its principal office in Chapel Hill; Mr. Flynn was formerly president of Commercial Contractors, an Alabama corporation which built the Abbey Apartments here in Charlotte, and initiated the development of Woolco on North Tryon Street, just across the road from the subject property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the Planning Commission makes its recommendations.

HEARING ON PETITION NO. 69-25 BY JAMES RIVER REALTY CORPORATION FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND 144' x 122' AT THE NORTHEAST CORNER OF EASTWAY DRIVE AND FRONTENAC AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is in the Shamrock-Eastway Drive Intersection Area; the property is located at the corner of Eastway and Frontenac Avenue directly to the side of the City of Charlotte station; the intersection is devoted to business uses; there is single family development along Shamrock Drive, Springway and down Eastway Drive; the same is true out Shamrock; on the north side of the property, there has developed a large complex of apartments.

Mr. Bryant stated there is business zoning all the way around the intersection; there is generally office zoning surrounding the area to act as a buffer, and from there it goes into multi-family zoning to the north and east and single family zoning to the west along Shamrock Drive.

Mr. Dwight Evans stated when he moved into this property, he thought it was B-2, and he found afterwards, it was B-1; that he operates a used car lot.

Councilman Short stated sometime ago Council discussed a comprehensive study of this intersection; he asked Mr. Bryant if this is being pursued? Mr. Bryant replied it is on their work plan; they have not had time to complete the project. Councilman Short asked if this petition could be related to the study? Mr. Bryant replied he thinks it definitely should be; there is an additional request scheduled for hearing in this area in April, and this one will need to be related to the overall study.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.



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HEARING ON PETITION NO. 69-27 BY HENRY L. HARKEY FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A 16.80 ACRE TRACT OF LAND ON THE EAST SIDE OF NATIONS FORD ROAD, BEGINNING 945 FEET NORTH OF ARROWOOD ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is on the east side of Nations Ford Road; the property is vacant with the exception of one single family residence; the majority of the adjoining property is vacant with a few single family residences to the south and west. He pointed out the Nations Ford School on the west side of Nations Ford Road and stated there are several single family residential subdivisions in the area - British Woods and Whispering Pines.

He stated the entire area surrounding the property is zoned for single family residential purposes with a spot of B-1 zoning at the intersection of Arrowood Road and some R-9MF adjacent to the business zoning.

Mr. Bryant stated the county zoning takes over just below this property and there is some business and multi-family zoning in the vicinity of Nations Ford Road.

Mr. Henry Harkey stated this is four miles down South Tryon Street and about two miles east of South Tryon Street; that he has owned the property for about six years; he now finds that U. S. 77 comes between his property and Tryon Street about four tenths of a mile away; the property faces Nations Ford Road approximately 800 feet and is about 1,200 feet deep; it is some 900 feet from the Arrowood intersection.

Mr. Harkey stated it is his impression that the professional planners would not oppose multi-family zoning that close to the intersection; it would act as a buffer between the business that will naturally come to this intersection and the single family zoning. That the multi-family would serve the rapidly growing industrial section which will bring a lot of labor and people in who need apartments. He stated that water and sewer is near by, and this property is ready for development.

He stated if it is developed in multi-family units it should bring in approximately \$15,000 county taxes at the current rate and some \$15,000 additional in city taxes; that it is not far from being incorporated into the city.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-28 BY MARSH REALTY COMPANY, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A 9.22 ACRE TRACT OF LAND ON THE EAST SIDE OF EASTWAY DRIVE, BEGINNING NEAR BISCAIYNE DRIVE AND EXTENDING NORTHWARD.

The public hearing was held on the subject petition.

The Assistant Planning Director, stated the subject property is not on Eastway Drive but near Eastway Drive on the east side, between Eastway Drive and Biscayne Drive; that Biscayne Drive at present only serves as an entrance to the Eastway Junior High School.

Mr. Bryant stated the subject property is vacant as is property in front of it along Eastway Drive and property to the south of it across Biscayne Drive; to the north there are single family residential sections, consisting of Medford Drive and Longhorne Drive; this request does not come all the way to Biscayne Drive; it leaves a 50-foot strip of land adjacent to Biscayne that is not included in the actual petition for rezoning.

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There is B-2 zoning on the west side of Eastway Drive; a strip of O-6 on the east of Eastway Drive to a depth of 200 feet; beyond that it is zoned R-6MF; there is multi-family zoning to the south of the property; then single family zoning to the north and the school property is zoned for single family.

Mr. Lewis Parham, Attorney for the Petitioner, stated the property lies on the southeast side of Eastway Drive between Biscayne and Medford Drive; across from the subject property on Biscayne Drive is Eastway Junior High School; the property between the subject property and Eastway Drive for about 200 feet is zoned O-6, with the exception of a small strip of land approximately 100 foot square which has a conditional parking classification; the petitioner also owns the property zoned O-6 and has plans to develop it; the 200 foot strip is too shallow for desirable office development; he stated the school property is already very near the business property; all the land on the north side of Eastway Drive is used for business purposes; immediately across from the intersection of Eastway and Biscayne is a Hardee's Restaurant; also on Eastway is a Winn-Dixie and a Post Office, bank and service stores.

Mr. Parham stated they have preserved a 50-foot strip all along Biscayne Drive and have not requested any zoning change for this strip of land; this property in its entirety is heavily wooded; the strip is heavily wooded and they have no plans for cutting the trees. If the petition is granted and the property is developed for office use, the trees would remain standing for the 50 feet; any entrance into the property would have to be from Eastway Drive as no curb cuts will be permitted on Biscayne as the ordinance does not permit the use of residential property for access to office property.

Mr. A. Tom Anderson, of Raleigh, North Carolina, stated he is here in behalf of Mr. Lex Marsh to propose his concept of an office development that will be self-contained and will encompass an environment compatible with the surrounding areas. The front section is on a major thoroughfare and is zoned for office use. The requested zoning of O-6 coupled with Mr. Marsh's concept would allow them to develop the property into an office park; such development would focus on an internal collector street which would exit off the plaza to the major thoroughfare at one point; all buildings will be located to face on a green and open environment; the buffer of 50 feet will surround the property and it will protect the school children; it will make the office center more compatible to the surrounding area and will provide a pleasant framework for the office community; there will be no grading or earth work done in the strip. Mr. Anderson stated the land will be owned and controlled by Marsh Realty Company; lots will be available for rent or lease; buildings will be constructed by the Marsh Company or clients themselves. Protective covenants will be placed on the land to run along with the zoning ordinance to protect the architectural structure and will require all plans to be approved by Marsh Realty; it will control the parking areas and landscaping of each unit. Mr. Anderson stated they intend to develop a pure office area that will be compatible to good office usage.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a recess at 4:10 o'clock p.m., and reconvened the meeting at 4:25 o'clock p.m.

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STATEMENTS BY VARIOUS CITIZENS.

Mr. James McDuffey stated in reference to a convention center lease plan, if the citizens of Charlotte are going to be asked to pay \$555,000 annual rent for 35 years plus \$25,000 for rent of air space over parking, this will total over the 35 years over \$18 million.

Councilman Tuttle asked if he is not forgetting that this will be rented and forgetting the income.

Mr. McDuffey asked who will pay the architectural fees on the proposed civic center? Mayor Brookshire replied it is part of the construction cost.

Mr. McDuffey asked if there are any written assurances that the other buildings proposed will be built; what date; will they be required to post any form of written bond, or if in the next 35 years, they can build when they please - when and if they please? Councilman Tuttle replied the contract has not been drawn yet. Mayor Brookshire stated the City will be given satisfactory assurance that Charlotte Development Associates will proceed with the development which they have outlined; and the City would be under no obligation to go into a contract with them on the civic center unless it had those assurances.

Mr. McDuffey stated if the convention center is a necessity for the downtown business area to survive, can this not be built as the Hammer Report suggests on Urban Renewal Land with adequate parking? The costs could be firmly established and the public would know exactly how much the building is going to cost and exactly how much the bond issue would be, and parking revenues could be a profit-making venture. When this is proposed, he hopes there is a choice of not only whether we agree to the lease, or if we want to build a civic center that we have a chance to vote on it ourselves; the voters previously stated they did not choose to build one in the past. If this proposal seems to go through without public debate, then we may not be in a position to do anything but reject, while we might have chosen to build it on Urban Renewal Land.

Mr. W. J. Elvin stated he was very disappointed with the composition of the City-County Consolidation Committee of 15 members; the worse feature of the whole thing was that at least half of the members contributed almost nothing. He stated he would hope that a lot more thought would be given to the caliber of men selected and their ability to take the time on the Charter Commission.

Mr. Elvin stated it was reported in the Observer that he was against organized labor; that he stated at the Council Meeting that he was in favor of all organized labor with one exception - that he is against the organizing of the Police Department.

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR THE DILWORTH URBAN RENEWAL AREA, PROJECT NO. N.C.R-77.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, advised the subject resolution was continued for one week from the last meeting as a question came up during the public hearing concerning efforts to work out an access problem with an abutting property owner; as a result conferences were held with Mr. Newitt, Attorney for the property owner, and Mr. Tom Creasy, the Redevelopment Commission's Attorney, and the access problem is resolved, and Mr. Newitt elected not to attend the meeting today.

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

Mr. Tom Creasy stated Mr. Newitt wanted the Commission's cooperation and in discussing this with him last week and in discussing it with the zoning board, they indicated if the Commission could do anything to accommodate Mr. Newitt and his client without a commitment to a change, the Commission would be glad to do so; that Mr. Newitt has elected not to hold this up as a result; that he would still like to get the zoning changed, if possible.

Councilman Tuttle stated Council is not honor-bound now in any way; that proceeding with the subject resolution, Mr. Newitt does not think Council will give him this zoning change? Mr. Creasy replied that is his understanding; that any petition coming before Council must stand on its own merits; that he thinks Mr. Newitt understands this.

The vote was taken on the motion, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 268.

**AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT COMMISSION PROVIDING FOR THE CITY'S ONE-THIRD SHARE OF THE NET COST OF THE DILWORTH URBAN RENEWAL AREA, PROJECT NO. N.C.R-77, APPROVED.**

Councilman Whittington moved approval of the subject agreement providing for the City's one-third share of the net cost of the Dilworth Urban Renewal Project No. N. C. R-77, in the amount of \$618,681.00. The motion was seconded by Councilman Jordan and carried unanimously.

**PETITION NO. 69-12 BY CHARLES R. COLLINS FOR A CHANGE IN ZONING FROM R-15 TO R-12MF OF A 27.992 ACRE TRACT OF LAND ON THE NORTH SIDE OF SHARON VIEW ROAD AND MCMULLEN CREEK, DEFERRED FOR TWO WEEKS.**

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, to defer the subject petition for two weeks.

**PETITION NO. 69-13 BY LINCOLN COMPANY, INC. FOR A CHANGE IN ZONING FROM B-1 AND R-6MF TO B-2 AND O-6 OF PROPERTIES ON THE SOUTH SIDE OF CENTRAL AVENUE, BEGINNING AT CAROLYN DRIVE AND EXTENDING EASTWARD 847.79 FEET, DEFERRED ONE WEEK.**

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject petition was deferred for one week.

**ORDINANCE NO. 157-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND AT 400 SOUTH SUMMIT AVENUE.**

Councilman Alexander moved the adoption of the subject ordinance changing the zoning from R-6MF to O-6. The motion was seconded by Councilman Stegall.

Councilman Short made a substitute motion to defer decision for two weeks. The motion was seconded by Councilman Tuttle, and lost by the following vote:

YEAS: Councilmen Short and Tuttle.

NAYS: Councilmen Alexander, Smith, Stegall, Jordan and Whittington.

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Councilman Alexander stated this petition grows out of the fact that Mr. Harriston of Harriston Funeral Home has to move because of the expressway crossing Beatties Ford Road through his property; that he understands from Mr. Harriston's contract with people who live in this area - in and around this corner - they have told him they do not object to his business being placed there.

Councilman Short stated in the last several months Council has had three zoning petitions from local businessmen located on the Beatties Ford Road asking for a change in zoning from residential to office, or from residential to business, or from office to business; more than one has involved the fact that the throughway going nearby is necessitating the eliminating of some business buildings on Beatties Ford Road.

Councilman Short stated he sees a pattern here where these people on Beatties Ford Road are involved with the throughway going along there, or for various other reasons. That he thinks Council should reckon with the fact that there is a pattern here; and should ask all these gentlemen to come to a conference session, along with their attorneys if they want, and Council should not try to treat them separately; that this is a matter that would be a valid point of discussion for one of the conference sessions.

Councilman Short made a substitute motion to proceed along the lines he has suggested. The motion was seconded by Councilman Tuttle.

After further discussion, the vote was taken on the second substitute motion and lost by the following vote:

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

The vote was taken on the original motion to rezone the property as requested, and carried by the following vote:

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

The ordinance is recorded in full in Ordinance Book 16, at Page 115.

Mr. Harriston stated when he heard there may be some friction, he decided he did not want to be in any community where the people did not want him; he went door-to-door and was lead to a gentleman who is one of the heads of the West Side Council, and they canvassed and reported back to him they would be glad to have a funeral home in that area.

ORDINANCE NO. 158-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A TRACT OF LAND FROM B-1 TO B-2 FRONTING 300 FEET ON THE SOUTH SIDE OF HOSKINS ROAD, BEGINNING 230.77 FEET WEST OF THE PIEDMONT AND NORTHERN RAILROAD TRACKS.

Motion was made by Councilman Stegall, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 116.

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ORDINANCE NO. 159-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY EAST OF REMOUNT ROAD, FROM PARKER DRIVE TO A POINT APPROXIMATELY 187 FEET NORTH OF KIMBERLY ROAD.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9, B-1 and I-1 to R-6MF and O-6, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 117.

ORDINANCE NO. 160-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF LOT ON THE EAST SIDE OF BEATTIES FORD ROAD, BEGINNING SOUTH OF RUSSELL AVENUE.

Councilman Alexander moved the adoption of the subject ordinance changing the zoning from O-6 to B-1. The motion was seconded by Councilman Whittington, and carried by the following vote:

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

NAYS: Councilman Tuttle.

AGREEMENT WITH DUKE POWER COMPANY FOR ELECTRIC SERVICE TO THE NEW LAW ENFORCEMENT CENTER LOCATED IN THE CITY-COUNTY GOVERNMENTAL CENTER, APPROVED.

Councilman Jordan moved the approval of subject agreement with Duke Power Company for electric service to the new Law Enforcement Center located in the City-County Governmental Center. The agreement calls for the provisions of electric power at a date not later than the completion date for the building. The motion was seconded by Councilman Alexander and carried unanimously.

APPROVAL OF CONTRACT WITH GENERAL MOTORS CORPORATION AND NORTH CAROLINA THEATERS, INCORPORATED, FOR INSTALLATION OF SANITARY SEWER TRUNK.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and carried unanimously, approving subject contract for the installation of a combination 8 and 10 inch sanitary sewer trunk to serve property on North Tryon Street, just above Eastway Drive, inside the city limits, at an estimated cost of \$44,565.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

SALE OF PROPERTY AT 120 CHERRY STREET TO THE HIGHEST BIDDER, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approval was made for the sale of residue of Parcel 6 of the East Third Street Connector, located at 120 Cherry Street, to the highest bidder, Mr. Marc H. Silverman.

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APPRAISAL CONTRACT APPROVED.

Councilman Smith moved approval of an appraisal contract with D. A. Stout for appraisal of one parcel of land for sanitary sewer to serve J. A. Jones Construction Company's property on South Boulevard or Pineville Road area. The motion was seconded by Councilman Whittington, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, to approve the following property transactions:

- (a) Acquisition of 1,036.30 square feet of property on Allenbrook Drive, between Lots 6 and 8, from William Trotter Development Company, at \$1.00, for sanitary sewer easement to serve Allenbrook Drive.
- (b) Acquisition of 1,341 square feet of property on undeveloped land off Highlake Avenue, from Spangler Land Company, at \$1.00, for sanitary sewer easement to serve General Motors.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, MARCH 31, ON PETITION OF CHARLOTTE CAB COMPANY REQUESTING 16 NEW AND ADDITIONAL CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS IN THE CITY.

Councilman Whittington moved adoption of the subject resolution setting date of public hearing on Monday, March 31, on request of Charlotte Cab Company for 16 new and additional certificates of public convenience and necessity for the operation of taxicabs in the City. The motion was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 272.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, MARCH 31, ON PETITION OF BAKER CAB COMPANY REQUESTING 15 NEW AND ADDITIONAL CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS IN THE CITY

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted setting date of public hearing on Monday, March 31, on request of Baker Cab Company, for 15 new and additional certificates of public convenience and necessity for the operation of taxicabs in the City.

The resolution is recorded in full in Resolutions Book 6, at Page 273.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, MARCH 31, ON PETITION FILED BY MR. WILLIAM JAMES DILLESBOW REQUESTING THE TRANSFER OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Motion was made by Councilman Whittington to adopt subject resolution, setting date of public hearing on Monday, March 31, on request by Mr. William James Dillesbaw to transfer a certificate of public convenience and necessity from Mr. Herbert Lee Johnson. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 274.

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**STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.**

Councilman Tuttle moved that the following streets be taken over for continuous maintenance by the City:

- (a) Cardigan Avenue, from 675 feet southwest of Eastbrook Drive to 525 feet northeast of Eastbrook Drive.
- (b) Eastbrook Drive, from 200 feet north of Cardigan Avenue to 120 feet south of Cardigan Avenue.
- (c) Southwest Boulevard, from Burbank Road to 890 feet west of Burbank Road.

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

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, APRIL 14, 1969, ON PETITIONS NO. 69-36 THROUGH 69-46 FOR ZONING CHANGES.**

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject resolution setting date of public hearing for Monday, April 14, 1969, on Petitions No. 69-36 through 69-46 for zoning changes.

The resolution is recorded in full in Resolutions Book 6, at Page 275.

**ORDINANCE NO. 161-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE UNAPPROPRIATED WATER BOND FUND BALANCE, UNAPPROPRIATED WATER FUND BALANCE AND THE WATER DEPARTMENT CONTINGENCY FUND TO VARIOUS ACCOUNTS TO COMPLETE CERTAIN PROJECTS.**

Motion was made by Councilman Alexander to adopt subject ordinance as the Water Superintendent and Finance Director recommend the above transfer in order to provide funds for approved capital improvements projects that have not been funded or that have exceeded budget allowance. The motion was seconded by Councilman Stegall. After explanation by Mr. Paul Bobo, Administrative Assistant, the vote was taken on the motion, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Pages 119-120.

**TRANSFER OF CEMETERY DEED.**

Councilman Short moved the Mayor and City Clerk be authorized to execute a deed with Erastus and Odessa P. Hunter for Graves 10 and 11, in Lot No. 18, Section 2, Evergreen Cemetery, at \$160.00. The motion was seconded by Councilman Jordan and carried unanimously.

**CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNK TO SERVE NORTH TRYON STREET.**

Motion was made by Councilman Jordan, and seconded by Councilman Whittington to award contract to the low bidder, Crowder Construction Company, in the amount of \$28,364.50, on a unit price basis, for the construction of sanitary sewer trunk to serve North Tryon Street. A vote was taken on the motion and carried unanimously.

The following bids were received:

Crowder Const. Co.	\$28,364.50
C. M. Allen & Company	29,709.00
Dickerson, Inc.	31,488.50
Boyd & Goforth, Inc.	32,739.51
Thomas Structure Company	32,988.55
A. P. White & Associates	36,614.50



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ORDINANCE NO. 162-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF TRACT OF LAND SOUTHWEST OF FREEDOM DRIVE, WEST OF FREEDOM DRIVE SHOPPING CENTER.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted changing the zoning from I-1 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 16, at Page 121.

ORDINANCE NO. 163-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING ON PROPERTY WEST OF DERITA ROAD ADJACENT TO DERITA WOODS SUBDIVISION.

Councilman Jordan moved the adoption of the subject ordinance changing the zoning from I-1 and R-9MF to I-2 and I-1 as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 122.

RESOLUTION APPROVING IN PRINCIPLE THE CONCEPT OF A LEASE WITH OPTION TO PURCHASE AN OPERATION OF CIVIC CENTER BY LOCAL GOVERNMENTS.

Mayor Brookshire stated over the weekend he received a written confirmation of the verbal agreement with the Charlotte Development Associates for a lease agreement for a Civic Center; actually it is still only a summary of the verbal agreement presented to Council two weeks ago; it does have ambiguities in it and a number of things are left yet to detail and to be agreed upon; all of which have to satisfy City Council before approving a complete proposal. Mayor Brookshire recommended that Council take formal action to approve the written proposal as submitted in confirmation of the oral proposal.

Councilman Tuttle presented the following resolution:

"WHEREAS, The City Council has received from Charlotte Development Associates a proposal for the building and the operation of a Civic Center in Downtown Charlotte, dated March 14, 1969.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves in principle the concepts of a lease with an option to purchase an operation of a Civic Center by local government.

AND THE City Council requests that attorneys for the Charlotte Development Associates and local government reduce the Charlotte Development Associates proposal to precise legal terms and present it to the Council for approval."

Councilman Tuttle moved adoption of the resolution. The motion was seconded by Councilman Short.

Councilman Smith stated he would like to offer several changes which will not affect the context but would satisfy a lot of people. He suggested that the following phrase be added at the end of the second paragraph: "subject to a public referendum". That it will not hurt the sentence. Councilman Tuttle stated he would not object to this addition.

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Councilman Smith stated recognizing there are people opposed to this and recognizing that Council represents everyone, the last word in the third paragraph should be changed from "approval" to "consideration".

Councilman Smith stated he is not opposed to the civic center in any way but Council represents the public and if this resolution is adopted it should be subject to public referendum and should be brought back for Council's consideration, not for Council's approval; that Council does not necessarily have to approve it; it depends on what is brought back.

Councilman Alexander asked the City Attorney the difference between the word "approval" and "consideration"? Mr. Underhill replied they are somewhat synonymous; consideration is often used with approval; legally the change would not make a lot of difference; approval does show a more positive, definite type of attitude.

Mayor Brookshire stated this is not a contract binding upon the city; when such a contract has been detailed and submitted to City Council, it will still not be a contract until approved by City Council.

Councilman Smith stated that is why he does not see why anyone would object; that Council is going to consider what is devised; it will be brought back to Council for consideration either to approve it or deny it; if Council approves it in advance, even a concept, it is not doing the job the public wants Council to do; that there are a lot of people in favor of this, including himself, but he knows there are a lot of people who oppose it and they do not want a railroad job done on it; they want it gone into very thoroughly. All he is saying is it should come back to Council for consideration whether it is approved or rejected, and Council should let it be known in the resolution that it is still subject to public referendum.

Councilman Smith stated if this waters now the acceptance of this proposal it is because it is not complete; this refers to a net net lease, and that means the city pays the taxes on the building, and he thought CDA was going to pay the taxes. Mayor Brookshire replied CDA will pay the taxes, and the amount of taxes at the current rate is reflected in the proposal. Councilman Smith stated all he is saying is to bring it back to Council; that it looks good on the surface but it should be considered further by Council. Mayor Brookshire stated this is a tentative lease purchase agreement in concept; that he thinks there are some ambiguities in it that must be cleared up and there are a lot of details that have to be added which would be brought back to this Council in a formal manner for approval, and only action of this Council would make it a contract.

Councilman Alexander suggested that paragraphs two and three of the resolution be reversed. Mr. Underhill stated this would change the whole complexion of the resolution.

Councilman Jordan stated all Council is doing is approving a concept and it has to be brought back to Council in legal terms before Council would ever approve it. Councilman Smith stated CDA has presented Council with a fine proposition over the signature of Robert B. Russell, and this is the paper Council is acting on; it is saying it approves the paper in principle.

Mayor Brookshire stated he thinks we can accept the statements they have made and reiterated - that they will work with the city in the construction and financing of this property without any profit to themselves; there are a lot of details to be worked out before it comes back in final form.

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Mr. Underhill advised the resolution states that a proposal has been presented; it does not say whether Council likes it or not; it just says Council approves in principle the concept and with the concept, being approved, you work to put the meat on the bones.

Councilman Tuttle stated he thinks Mr. Smith is correct in saying that this should be viewed by some attorneys other than our local attorneys; this resolution was approved by Mr. Wallace Osborne, Mr. Charles Myers, Mr. Larry Dagenhart and Mr. Milton Short, each an attorney.

Councilman Whittington stated the best minds in this community have been working on this problem for the past several years, and representatives from local government, financial experts and legal experts have helped developed this plan; it has technicalities that some of Council do not understand; but everything that Council has done up to now, the public has been apprised of it through the news media and everything that is done in the future the public will be apprised of it and will have to vote on it; that he would hope that whatever Council does today would be absolutely positive in a movement that we want to build this center because we believe it will be the spark that we have all been counting on and looking for in the last four years for downtown.

Councilman Smith stated Paragraph 5 of the proposal reads as follows:

"The initial lease term will be for a period of thirty-five (35) years with an option to renew for an additional ten (10) year period. The lease will be a net net net lease with the local government assuming all costs for operation and maintenance of the facility."

He stated that anyone will tell you that under a net net net lease the owner does not pay the taxes; if he can be satisfied that this provision and the purchase price in the proposal are what is wanted then he is ready to vote; that it was presented to Council with CDA paying the taxes. Mayor Brookshire replied CDA will pay the taxes; they will have to as the property owner; the term "net net net" lease was used in the oral discussions at First Union National Bank and it was clearly stated that the price of the rental includes the amortization costs with the maintenance, insurance and taxes.

Councilman Stegall stated he is going to have to agree with Mr. Smith to a point; that by the resolution it ties the proposal to it; he asked if Council cannot vote on the first two paragraphs of the resolution, and leave the third paragraph out; by leaving this paragraph out Council is not instructing the attorneys to do anything with this proposal; it would simply be saying that Council agrees with the concept. That this proposal as such is a dead issue, it is not in the record and we are not approving this proposal, and this should satisfy everyone. That Council would be approving the concept.

Councilman Short stated in negotiations of this size it is necessary to have conversations in writing and then a base touching with the higher authorities with those whom the negotiators are representing; and then more negotiating and deciding and some writing and talking and more base touching. That yesterday afternoon he met with Mr. Myers, Osborne and Mr. Dagenhart to write this, and based on the time and information available it was written in as good a way as it possibly could be; it approved the concept and stated that such negotiations as had been written down were subject to later change; it seems that in the nature of anything this huge it is necessary to consult and approve, consult and approve and consult and approve; in this way every step of the way you may not be exactly perfectly legal.

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Mayor Brookshire asked the City Attorney if the adoption of this resolution as prepared would bind the City Council to a formal contract which has yet to be prepared, and Mr. Underhill replied it would not.

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

ORDINANCE PROHIBITING THE DISSEMINATION OF OBSCENE MATERIAL TO MINORS TO BE CONSIDERED BY COUNCIL AT NEXT MEETING.

Councilman Stegall stated he has requested the City Attorney to draw an ordinance prohibiting the dissemination of obscene material to minors; that Council members had the opportunity to view some of this material in the conference session; that Mr. Reggie Adams of WSOC-TV brought these books to him; that Mr. Adams was concerned as a citizen as well as a man who reports the facts in the news to the community; that this was done as the result of some other things that have happened in the past.

Councilman Stegall presented members of Council a copy of the ordinance and asked each to study it as he will ask for a vote on it next week.

Councilman Whittington asked if this ordinance has anything to do or any similarities with what Mr. Paul Ervin and his committee prepared and worked on? Councilman Stegall stated he has asked the Mayor to reactivate this committee and he has given his verbal assurance that he will look into the matter; that the Committee did an outstanding job; they through voluntary compliance got this junk off the market, but it is back now and it is worse than ever.

CITY MANAGER REQUESTED TO HAVE PROPERTY ON CHURCH STREET, BETWEEN 24TH AND 25TH STREET CHECKED.

Councilman Smith stated there are unopened streets such as Church Street, between 24th and 25th Streets, and the Health Department tells the adjoining owner that he must keep it cleaned off at his expense.

He asked what position the City can take that the right-of-way should be kept up by the adjacent property owner; if the City is going to keep the right-of-way then it should be up to the City to keep the weeds cleaned off.

Councilman Smith requested the City Manager to check the property of Mr. Fred McIntyre on Church Street between 24th and 25th Streets; that he continuously receives notices for the Health Department about cleaning it off.

STREET LIGHTING REQUESTED FOR SOUTHWEST BOULEVARD, FROM BURBANK STREET.

Councilman Alexander stated today Council authorized that Southwest Boulevard, from Burbank Road be taken over for continuous maintenance by the City; that this is a new street leading into a new apartment complex at the end of Southwest Boulevard; this means an increase in traffic; he requested the City Manager to have the Traffic Engineering Department to check this street for additional lighting.

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CITY ENGINEERING DEPARTMENT REQUESTED TO CHECK SUGGESTIONS OF MRS. CONSTABLE RELATING TO ALLEYWAYS.


Councilman Tuttle stated he has a letter from Mrs. Carolyn Constable relating to alleys and maintenance of alleys; that she has written the legislators. Councilman Whittington stated she has written Senator Moore and sent members of Council copies of letter asking for enabling legislation to make the responsibility of alleys, the adjoining property owners with the city responsible for enforcing the cleanliness, doing away with shrubbery and drainage problems obstructions. He requested the City Manager to have the Engineering Department to look into this.

PROTECTION REQUESTED ON WEST BOULEVARD AT I-77 FOR CHILDREN TRAVELING TO WILMORE SCHOOL.

Councilman Whittington stated he has been approached by parents who have children who travel West Boulevard to get to Wilmore School; that while the construction is going on at I-77 there is no place for these children to walk except around bulldozers, girders and steel beams in the middle of West Boulevard. He requested that something be done to protect these children.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk