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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, July 20, 1970, in the Council Chamber, 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: Commissioners Albea, Godley, Moss, Sibley, Tate and Turner.

ABSENT: Chairman Toy and Commissioners Blanton and Stone.

* * * * *

INVOCATION.

The invocation was given by Councilman Milton Short.

MINUTES APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, approving the minutes of the last meeting, on July 13, 1970, as submitted.

CITY OF CHARLOTTE CITIZENSHIP AWARD PRESENTED REECE A. OVERCASH, JR.

Mayor Belk recognized Mr. Reece A. Overcash, Jr. and presented him with the City of Charlotte Citizenship Award in recognition of his outstanding contribution to the City of Charlotte as President of the National Consumer Finance Association.

HEARING ON PETITION NO. 70-97 BY HENRY C. RHYNE FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF A PARCEL OF LAND ON THE WEST SIDE OF LITTLE ROCK ROAD, FROM TUCKASEEGEE ROAD TO THE EXISTING BUSINESS DISTRICT AT I-85.

The scheduled public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Henry Underhill, City Attorney, stated it has been called to his attention this afternoon that a possibility exists that the protest petition filed is not sufficient. He stated he is unable to determine whether or not the petition is good without an opportunity to look at some maps of the entire area to determine whether or not the protest is actually abutting the property to be rezoned. He asked for permission to advise the City Council as to the validity of the protest petition prior to its next meeting.

Mr. Fred Bryant, Assistant Planning Director, stated the request is for a change of zoning of property located on the west side of Little Rock Road, and on the south side of Tuckaseegee Road, extending from the existing business zoning near I-85 up to Tuckaseegee Road. The property has on it two single family houses located on Little Rock Road; there is a small non-conforming grocery store located at the intersection of Tuckaseegee Road and Little Rock Road; then an additional house on Tuckaseegee Road. The remainder of the property is vacant.

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He stated across Little Rock Road it is entirely vacant; near the interchange with I-85 and Little Rock Road is considerable business development; to the north of the property across Tuckaseegee Road, it is vacant; there is considerable residential development going down Tuckaseegee Road to the west of the subject property; there is single family development to the rear of the property along a street that leads off Tuckaseegee Road; immediately to the rear of the property is a small area of vacant property and beyond that is the residential area.

Mr. Bryant stated there is B-2 zoning around the interchange north of Interstate 85 at Little Rock Road. North of Interstate-85 is entirely zoned for single family residential purposes.

Councilman Whittington asked the depth of the requested business zoning and Mr. Bryant replied approximately 400 feet. Councilman Whittington asked how far this is from the rear property line of the houses that come down the street off Tuckaseegee Road? Mr. Bryant replied this is the point in question; at one time they assumed that the property line came to the property but now it appears there is at least a 100-foot separation between the rear of the line and the rear of the houses on the street.

Mr. John Mraz, Attorney representing the petitioners, Mr. Henry C. Rhyne and his father, Mr. D. P. Rhyne, stated this property has been in the Rhyne family for over 75 years. The request to rezone the property is because it has no use as residential property because of the development in the area; there is no market for the property as residential property. He stated there is business development north of I-85 now. Little Rock Road is fast becoming one of the main access roads from the airport to the interstate; there is a great deal of traffic along Little Rock Road in the area with people going to and from the airport and to and from Wilkinson Boulevard to I-85. The land across the street is owned by the Catholic Archbishop of Raleigh; that he buys land but does not sell and it will just stay there. He stated Mr. D. P. Rhyne sold the property that the protestors live on and he has no interest in trying to do anything to hurt the people; in the petition there is a 100-foot buffer all along the back line of the property which is requested rezoned. The old residence which is within the rezoning request is the old Rhyne home and Mr. Rhyne now lives with his son.

Mr. William Eaker, Attorney for the protestants, stated there are people in the audience who adjoin this property and wish to oppose the rezoning; that he also has petitions containing some 130 names in opposition to the rezoning. He stated these people do not want business in their backyards. Approximately six years ago this land was requested rezoned and it was denied; since that time some beautiful and expensive homes have been built in close proximity to this land relying upon the denial to the effect they would not be harrassed and would not have this nuisance in their back door. He stated since the construction of I-85 Mr. Rhyne has sold numerous parcels of land closer to I-85 than most of the land involved in the petition. To the west of the subject property is Moore's Park No. 2 which is much closer to I-85 and these homes were built since I-85 has been in use. The protestants contend if the land was offered for residential use, it could be sold.

Mr. Eaker stated the petition is not clear to them; they hear of the figures of 100 feet between the homes but the map does not show these figures; they see the Rhyne family owns the land all the way back to the houses and then comes down behind the houses and joins with Tuckaseegee Road. He stated in attempting to find out how much would be rezoned, they could not tell from the deed as the information given was incorrect. That the City Attorney says he would like to look into the protest as to the 3/4 Rule; they would like to know how many feet the petitioner is requesting rezoned.

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Mr. Eaker stated a large development to the north of this property has been opened with lovely homes up to \$30,000 value; there are others northeast of the property with homes of about the same value. There are three public schools very close to the property; this is one of the busiest intersections on the west side of town at 8:00 or 8:30 in the morning and 3:00 in the afternoon; there is a possibility of more traffic with more bussing. He stated they do not know what the petitioner intends to do with the land if it is zoned B-1; they hear rumors that Texaco Oil is interested; they know it is too much land for one service station or a neighborhood grocery such as a 7-11; it is the type of land that a truck stop or business of that type would want which these people should not have to live with and should not have to have their children going to and from school to have to contend with. He stated there are two churches in less than .2 miles of this property.

He stated they submit this land could be sold for residential property if it were so offered; the protestants present today and the ones who signed the petition are entitled to rely on the past decision not to rezone the land and the fact they have invested in their homes in this area.

Mr. Mraz stated the request to rezone is 400 feet deep from Little Rock Road which leaves 100 foot buffer between the subject property and any protestor who can protest in order to get the 3/4 vote. He stated this property is right in line with one of the airport runways, and the airplanes go back and forth all the time.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-92 BY HEDGEMORE ENTERPRISES FOR A CHANGE IN ZONING FROM R-6MF TO O-15 OF A 7.986 ACRE TRACT OF LAND BETWEEN SUGAR CREEK AND HEDGEMORE DRIVE AT THE END OF MOCKINGBIRD LANE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located off Hedgemore Drive at the end of Mockingbird Lane. To the north is an existing apartment development located off Hedgemore Drive; to the south is an apartment development located at the end of Hedgemore Drive; on the north side of Mockingbird Lane is the Park Seneca Office Building; there is an office building on the south side of the intersection of Mockingbird Lane and Hedgemore. Across Sugar Creek going to Selwyn Avenue are single family residential structure along Selwyn Avenue.

Mr. Bryant stated there is office zoning all the way from the subject property out to Park Road; there is office zoning to the south; there is multi-family zoning to the north and also across Sugar Creek to the east.

Mr. Ray Bradley, Attorney for the petitioners, stated the property is located on a natural extension of Mockingbird Lane as it crosses Hedgemore Drive; that Mockingbird Lane is developed as one of the most attractive and successful office areas in Charlotte. He stated International Business Machines has purchased the property to the rear of Park Seneca Office Building, and their property will extend all the way from Hedgemore, Park Road and along Abbey Place. He stated this will be a natural extension of the office area to let Mockingbird Lane extend on down Sugar Creek. The owners intend to extend the street and they have submitted a creek and development plan with the request for the zoning change. The street profile plan has been orally approved by Mr. Pressley in the Engineering Department.

Mr. Bradley stated the owners plan to put five to ten thousand yards of dirt in the area in order to elevate the property and the street extension so the slope from Hedgemore back to the creek will conform generally to the slope of Park Road back to Hedgemore. This is a part of a \$30,000 budget they have for improving the property and getting it ready for development.

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He stated the zoning requested is compatible with the zoning in the entire area. This property was originally zoned in the 1962 ordinance as O-15 but was changed by Council several years ago over a protest.

Mr. Bradley stated the owner plans a development with relatively small office buildings - a luxury office ghetto. The design, location and the landscaping will be controlled because every structure will have to be approved by the developers before construction is started. It is the desire of these owners to make it a model office community with low density the key word. Traffic flow is always an important consideration not only to the planners but to the owners and they took that into account before buying the property. Wide boulevards already run out and open up into both Park Road and Woodlawn Road - into Park Road on three beautiful streets and Woodlawn on one street. The office use will not create the additional traffic that apartments would; also the timing of the traffic flow would dovetail effectively with the traffic flow to and from apartments so that you would avoid the additional intermingling of traffic that any additional apartments might cause. Economically speaking, the office construction contemplated should be more profitable. The type of plan being developed should make the property more saleable and obviously the tax base for this type construction is higher than apartments.

He stated there is no known opposition to the change. Mr. Ed Vinson, one of the principals in the company who owns and will develop the property, has determined from the owners of Park Terrace Apartments, Park Seneca Office Building, and the Allstate Building that they not only do not mind the change, they approve of the change. He stated they are satisfied that the proposed plan will dovetail into the development of this area and will add to its attractiveness and usefulness.

Mr. Bradley stated Mr. Jim Alexander and Mr. Ed Vinson, the principals and the partners in the company, are present today and will answer any questions. He passed around the street plan and the layout of the lot as it is planned to be developed.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-93 BY J. B. LITTLE FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF THREE LOTS AT 3100-3110 BANK STREET.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property contains three lots located on the northwest side of Bank Street near its intersection with Foster Avenue. There are two multi-family and one duplex structures located on the property; it is adjoined on the intown side by light industrial structures; to the south along Bank Street is a vacant lot, then a driveway entrance that goes back into the Kennedy Junior High School site. Across the street at Bank and Foster are two vacant lots; then a series of duplexes that extend down along Bank Street. From that point out to York Road along May Street and other streets in the area it is principally utilized for light industrial purposes.

He stated there is I-2 zoning along Foster Avenue and along Bank Street down to the subject property, then across South Tryon Street all the area is zoned for I-2; there is I-1 zoning continuing along May Street and along the west side of South Tryon Street; to the rear of the subject property the zoning is R-9 and this includes the property developed for the school; across Bank Street and to the south of the property there is existing R-6MF zoning.

Mr. Jack Turner, Planning Commissioner, excused himself from the Planning Board and stated he would like to speak to the petition as the petitioner is a friend and client. He stated originally there were four lots, and one lot was zoned

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for I-1 and the other three zoned for apartments. He stated it has been impossible to maintain the property due to vandalism. That Mr. Little sold the lot which was zoned for Industrial and the purchaser has put a chain link fence around the property, brick-veneered the building and made a very nice structure. That Mr. Little now has an opportunity to sell the other property for a similar use where the property would be improved.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-94 BY BROOKS J. AYCOCK FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT AT 2405 SHARON AMITY ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated the request is for a single lot located on the west side of Sharon Amity Road, north of Buena Vista Avenue; the property is vacant; there was a house located on the lot which was destroyed by fire recently; it is adjoined on the Buena Vista side by an apartment building; and on the east side of Sharon Amity is apartment development; to the north of the property along Sharon Amity Road is one vacant lot and then a series of single family residential structures until you get up near Independence Boulevard where there is a variety of retail business uses; to the rear of the property along Grove Avenue, there is single family residential structures.

Mr. Bryant stated beginning at Independence Boulevard there is B-2 zoning along Independence Boulevard on both sides; coming down Sharon Amity from that point there are two lots zoned office; on the west side adjacent to the business zoning there is office zoning that extends through the vacant property that is adjacent to the cemetery; then the subject property as well as the other property on the west side of Sharon Amity is zoned single family residential at present. There is multi-family zoning in the vicinity along both sides of Sharon Amity Road south of the subject property. Immediately adjacent to the subject property there is single family residential zoning.

Mrs. Nina Aycock stated she and her husband own the subject property. Up until three months ago they had a house on the property which because of bad wiring burned. She stated they were in the market for another home to raise their children because it had become congested in the area. Now that the property does not have a building on it and with office zoning directly across the street, they thought it would be suitable to have it rezoned for office to perhaps build and operate a beauty salon. She stated the property is surrounded by multi-family zoning and there is a vacant wooded lot right next door to the property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-95 BY KATE K. BRASWELL FOR A CHANGE IN ZONING FROM R-9 TO B-1SCD OF A 4.5 ACRE TRACT OF LAND AT THE NORTHWEST CORNER OF IDLEWILD ROAD AND IDLEWILD ROAD NORTH.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated as a normal practice, a sign was posted on this property about two and a half weeks ago; last week when he went out to do his field investigation of the request there was no evidence of a sign. He came back to the office and asked a member of the staff to go out and see if he could find the sign and if not, to put another sign up. He was not able to find the sign and he did put another one up. Up until that time, they had not had any indication of any protest to this petition. Almost

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as soon as the sign was put up the second time, they began to receive calls. Mr. Bryant stated he does not know how long the first sign stayed up - it was put up and it was not there last week when he went out to look at the property.

Councilman Short asked if he knows of his own knowledge the sign was not there during a portion of the legally required period? Mr. Underhill, City Attorney, replied there is no legal requirement for the sign being posted; the only legal requirement is advertising in the newspaper.

Councilman Tuttle stated there is no legal requirement but there is a precedent. He asked if Council, by its own motion, can rule that under the circumstances the 3/4 Rule will apply? Mr. Underhill replied he does not think so because the 3/4 Rule is established by general statutes and it says it must be filed at least two full working days prior to the date of hearing; there is a North Carolina case - Helms vs. the City of Charlotte - decided in 1961, which says that requirements of due process and notices are met by placing in a newspaper an advertisement for two consecutive weeks that a public hearing will be held, and that meets the requirements of due process under the legal requirements. For that reason, it is his opinion the City Council does not have the authority to extend the protest period.

Councilman Whittington asked if this is the same property that was heard last year where the members of the church protested the business zoning? Mr. Bryant replied this is a larger area than was requested about a year ago and this time they are requesting B-1SCD.

Mr. Nelson Casstevens, Attorney, stated this was heard some ten months ago and he represented protestants at that time; they are here; they did not have the notice they would like to have had. He stated he would like to object to the hearing and ask the Council to let them have an opportunity to invoke the 3/4 Rule. That he has read the case Mr. Underhill has referred to; and he thinks his interpretation is correct, but the people in that area relied upon the fact that some sign would be posted and that it would be posted for a sufficient length of time to give the people notice to voice their protest. He stated he can produce affidavits or testimony that until Thursday of last week no one in that area ever saw a sign. He stated he is sure a sign was placed there but shortly after - maybe within an hour or so - the sign was removed. That the people did not see it until Thursday of last week and at that time the sign said they had until last Wednesday. Based on that they would like to be given an opportunity to invoke the 3/4 Rule.

Mr. Casstevens stated ten months ago a sign was posted of the intention to rezone the property; the hearing was held, and they were informed that the petition to rezone was unsuccessful and the property remained classified as it was; it is customary in the City of Charlotte for a sign to be posted; a sign was not posted so that it became visible to them to give them an opportunity to act; they have relied upon the fact that it was denied ten months ago, and when they did not see another sign, they did not act because they thought the matter had been resolved. That his people will be harmed for that reason.

Councilman Tuttle stated he would hope that this would not set a precedent and that we will not relax our vigil in putting up the signs as people would then be expected to find something in the Mecklenburg Times or a little tiny notice in the paper; that he hopes the City would diligently continue with the signs.

Mr. Bryant stated the subject property fronts on Idlewild Road North and Idlewild Road. The property has on it a vacant non-conforming store building which is located at the intersection of the two streets; there is one single family residence on the Idlewild Road north side of the property. To the west of the property along Idlewild Road is the New Hope Baptist Church, then a number

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of single family residences on both sides of Idlewild Road. Across Idlewild Road north from the property is an old commercial building and one single family residence; with the exception of some scattered single family residences the property is vacant on the east side of Idlewild Road North. He stated to the north of the property is a planned subdivision which has been approved but has not been developed.

Mr. Bryant stated the zoning of the entire area is R-9.

Councilman Thrower asked why one sign was placed when the property faces two separate streets? Mr. Bryant replied the frontage of one street is relatively small and apparently the people who work in the field just picked up the larger side to place the sign. Councilman Thrower stated not long ago Council increased the size of the signs so that people passing could see them. When property faces more than one street, he not only thinks a sign should be put up but that a sign should be placed facing both streets. Councilman Whittington stated it was his understanding that signs were placed on all sides of the street. Councilman Thrower stated he thought this was the policy and thinks this Council should make it policy.

Mr. Samuel S. Williams of the firm of James and Williams stated he is representing the Wallace Heirs. He asked Mr. Bryant when he physically went to the property and noted that the sign was down? Mr. Bryant replied he covered this particular area around 9:30 or 10:00 o'clock Thursday morning of last week. Mr. Williams replied this was the Thursday morning following the Wednesday protest period; that he would observe that it would be conceivable that the removal of the sign was either by some act of God or by some force and entity other than the petition group here today; it is sheer conjecture on the part of anyone to assume that either the group he represents or the group that Mr. Casstevens represents were responsible for it. He stated he has affidavits of four people that they observed the sign in place during the week of July 13th, prior to Wednesday, the termination time for filing a protest.

Mr. Williams stated in August of 1969, he was asked by the people who obtained the option at that time to determine the ownership of the subject property, and he discovered that Mr. L. J. Wallace had owned the property and that he had died intestate and the property had decended to his wife who has remarried and the remainder over to some 8 or 10 children. He stated he did not participate in the original zoning hearing on which a decision was rendered in August of 1969. He passed around a folder containing photographs of the site and a copy of the planned use which is planned for the development together with a copy of the Major Thoroughfare Plan.

Mr. Williams stated the property was used by Mr. Wallace for a store from 1930 until 1950 at which time his death occurred and the operation of the store was taken over by the brothers-in-law of Mrs. Wallace - a Mr. Rowell and Mr. Jordan. They were protestors at the hearing in 1969. They operated the grocery store until approximately 1969 when operation ceased. The store is a hazard at this busy intersection as it is located several feet off the paved portion of the road. During Mr. Wallace's life, he conveyed portions of the property free of charge to the church; there were some conveyances made at a minimal charge. The adjacent church is actually located on property that was given to it by the Father of the petitioning group.

He stated when he was asked to represent the group on the subject petition, he discussed the location of the property with Mr. Fred Bryant and learned that this is a recommended site for a Business 1 Shopping Center District. He stated they retained the services of Mr. McDowell Brackett, Architect-Planner, and he prepared a plan of development. He then presented the plan showing the branch bank near the road, a convenience store in the center of the property, and away from the road, a cleaning establishment; a large office building is proposed. He stated access is a one-way drive as approved by the Traffic Engineering Department which flows behind the building and comes around to get the cars off the road with a minimum of difficulty.

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Mr. Williams stated a service station is proposed for the corner of the property; all the property will be bounded and screened with trees and a fence screen. To the left of the proposed office building is a means of ingress and egress for cars from the church to park on Sunday.

He stated they have discussed with Doc Martin, of the Park and Recreation Commission, the development of the property at the back for a mini-park. If successful, and it can be worked out with Mr. Walker, or the County Park Board, then they will put a park in that location.

He stated he has the signatures of approximately 150 residents who live within a mile service area of the site. The Planning Office has advised there are approximately 2,000 people within the one mile radius, but the maximum area at full development under existing zoning, will be some 30,000 people.

Mr. Williams stated the petitioners are a group of life-long residents of this area; they own property situated at a corner which the Planning staff considers appropriate for B-1SCD Development.

Councilman Tuttle asked what is meant by convenience food store, and Mr. Williams replied the most frequently associated store is the 7-11 Store. Councilman Tuttle stated if the people in the neighborhood do not want the convenience store, then it is convenient to whom? Mr. Williams replied it should be determined who are the people in the area and what is the area; they have 150 signatures of people in the area who are interested in this convenience.

Mr. Williams stated since the initial denial of the B-1 development, the option group at this time has had negotiations with Reverend Helms and Deacon Blume and has discussed a conveyance of property, a payment of money and there has been a knowledge on their part as to the desire of the petitioners to proceed with the development of their property.

Mr. Nelson Casstevens, Attorney for the people in opposition, stated they were here approximately eleven months ago when Domar Corporation came to Council and asked that they be allowed to rezone the property to build a neighborhood self service center, which also contained a convenience grocery; that petition was denied unanimously by the Planning Commission and by the City Council on September 15, 1969. He stated he can produce affidavits of people who pass by the location three or four times a day who never saw the sign until Thursday. That no effort was made until Thursday to have representation here today. Had the sign not been put up no one would have been here today as no one in the community knew about the proposed rezoning. He filed with the City Council a statement signed by Mrs. Minnie F. Davis objecting to the proposed rezoning; stating she lives adjacent and contiguous to the property immediately east on Idlewild Road North. He stated Gerald Blume, Wade Collins and Harold Franks, Trustees of the New Hope Baptist Church, are here today and they have asked him to voice their objections to the rezoning. Mr. and Mrs. Leon Jordan and Mr. and Mrs. Boyce James Russell live directly across the street from the property to the south. He asked those in the audience who are opposed to the rezoning to stand and a large number stood.

Mr. Casstevens stated at the last hearing, a protest petition was submitted with over 500 signatures with their objections to the change of zoning; this time they did not have an opportunity to get that many. If they had had the opportunity to invoke the 3/4 Rule they certainly could have because they have people objecting on three sides of the total property.

He stated the church has been here for some 32 years and has a membership of approximately 500; they have just completed an addition of Sunday School classrooms costing \$28,000; and the buildings and contents will cost over \$200,000. They object to the rezoning; they would like to be able to worship in peace and not have the excessive noise from the shopping center; they feel it will create disorder and possibly bring crime into the area, breaches of the

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peace and excessive noise. He stated this is basically a rural area. In order to classify a piece of property as B-1SCD you have to find as a fact that this will provide needed business services to the present and foreseeable population of the retail service area; the city ordinance requires that. They contend that it might provide shopping center spaces but it is not needed. If you go up Idlewild Road North approximately 1.3 mile you will find a B-1SCD right off Lawyers Road at the intersection of Albemarle Road; 1.6 mile away is Independence Boulevard where you can buy anything from a hot dog to a New York strip and from a Continental to a 69 Chevrolet. He stated probably 90% of the population of North Carolina does not have as much square footage of shopping space available to them as these people do within a 1.6 mile of their homes; this is about 3 miles from Cotswold and maybe 5 miles to SouthPark.

Mr. Casstevens stated they contend the shopping center is not needed; it will not provide needed business to serve the people because they can drive a mile or mile and a half elsewhere. He stated there are no traffic lights in the area and with a proposed project as outlined there will be substantially more congestion.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 70-96 BY MARSH REALTY COMPANY FOR A CHANGE IN ZONING FROM R-9MF, O-6 AND B-1 TO B-2 OF A PARCEL OF LAND AT THE NORTHEAST CORNER OF PARK ROAD AND KENILWORTH AVENUE FRONTING 275 FEET ON PARK ROAD AND 493 FEET ON KENILWORTH AVENUE.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated the tract of land is vacant; it is adjoined on the north side by a cleaner and laundry; a majority of the adjoining property is occupied by the Red Cross Facility and other office facilities in the area. Across Park Road is the Versailles Apartment area with some vacant property adjacent to the creek; a 7-11 Store is located at the corner of McDonald Avenue and Park Road. Across Kenilworth is a large tract of land with one house on it, with a church located down Park Road. Along Kenilworth Avenue the property adjacent is vacant until you get up to Ordermore and along Ordermore there is single family residential structures.

Mr. Bryant stated along Park Road down to Kenilworth the zoning is B-1 down to a creek; between the creek and Kenilworth the zoning is R-9MF and along Kenilworth the zoning is for office.

Mr. Lewis Parham, Attorney for the Petitioner, stated this is a small tract of land of approximately two acres with three zoning classifications. The major portion of the property fronting on Park Road is zoned B-1; portion of the property fronting on Kenilworth is zoned O-6; then there is a small portion of the property located between Kenilworth Avenue and the creek zoned R-9MF. Most of the R-9MF property is covered by a 68-foot high tension right of way. He stated the property is heavily wooded, the terrain is rather rough.

Mr. Parham stated the request for B-2 is to use the property as a car beauty center to be constructed by Humble Oil Company. If the petition is approved, Humble will lease the property and will construct the car beauty center. The B-2 classification is necessary in order that Humble can construct a facility for washing automobiles. He stated the property is adjoined on Park Road by a laundry; across the street is the 7-11 Food Store and the Versailles Apartments. Along Kenilworth and adjoining the two lines is property owned by Marsh Realty also; this property is vacant at present. Across Kenilworth is a residence and this property is zoned R-9MF this is owned by Mr. K. O. Hobbs and he has been contacted personally and advised of the petition and he has voice no objections, and is in favor of the change in zoning. He stated in this instance a sign was placed on Park Road and Kenilworth Avenue.

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Mr. Parham stated Humble has made detailed plans for the construction of the facility in anticipation of the rezoning. He introduced Mr. Stanley Smith with Constain of Charlotte which company proposed to lease the facility from Humble and operate the Car Beauty Center. He stated this company operates the present Humble facility on Independence Boulevard.

Mr. Smith presented diagrams and drawings of the proposed use of the property.

Councilman Whittington stated there will be an exit and entrance on Park Road; he asked the location of the entrance off Kenilworth? Mr. Smith replied it is at the far end of the property so they can give ample room for the public to get off the Thoroughfare and not interfere with the intersection. Mr. Parham stated Marsh does not own the homes that face Ordermore but there is about 100 feet between the lots on which the homes are situated and the property under consideration and that property is owned by Marsh Realty Company and is zoned as O-6; this petition does not seek to change that classification.

Councilman Tuttle stated he has fought this sort of thing where he thought it would hurt fine residential area; that this strikes him as a spot where you cannot possibly build a house; it does not look logical for apartments; it is on the side where it is already broken down commercial wise, and this looks like the best use you can possibly put this land to.

Mr. Smith stated their investment will be around a quarter of a million dollars after site improvement.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-98 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY ON THE EAST SIDE OF PARK ROAD, BEGINNING AT IDEAL WAY AND EXTENDING 300 FEET SOUTHWARD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is about six lots extending about 300 feet south of Ideal Way; the lots are used predominately for office purposes with one multi-family structure in the area. There are single family residences to the rear; single family residences to the south; business uses across the street on Park Road and residential uses to the north.

He stated there is business zoning on the west side of Park Road throughout the area; office zoning on the east side including the subject lot and residential zoning on the other side.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until its next meeting.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, AUGUST 17 ON PETITIONS NO. 70-99 THROUGH 70-110 FOR ZONING CHANGES.

Councilman Thrower moved adoption of the subject resolution setting date of public hearing on Monday, August 17, on Petitions No. 70-99 through 70-110 for zoning changes. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 112.

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COUNCIL ADVISED ADMINISTRATIVE COMPLAINTS HAVE BEEN FILED WITH VARIOUS OFFICIALS OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DEALING WITH THE DOWNTOWN URBAN RENEWAL AND THE CITY OF CHARLOTTE'S WORKABLE PROGRAM.

Mr. Hugh Casey, Attorney, stated he represents certain groups who are concerned with the urban renewal program in Charlotte. The Congress of the United States has declared that the simple purpose of urban renewal legislation is "the goal of a decent home and a suitable living environment for every American family". He stated in order to insure that this basic policy be carried out, Congress has required cities to submit a plan for community improvement. This plan is entitled a workable program, and it must be approved by the Secretary to the Department of Housing and Urban Development before any contract may be entered into or any loan or capital grant for urban renewal. The lack of a realistic workable program by the City of Charlotte is one cause for his appearance today. The second cause for his appearance is the plight of the small businessmen and their customers in the area bounded by North Tryon, East Trade, South Brevard and East Fourth Street. This is the area where some 50 small stores and shops are scheduled for destruction by the policies of the Redevelopment Commission of the City of Charlotte.

Mr. Casey stated this morning there were placed into the mail and addressed to various officials of the Department of Housing and Urban Development two administrative complaints, copies of which he filed with the city.

He stated the first complaint deals with the Downtown Area. In this complaint the Plaintiffs are Home Furniture Company and Denton Furniture Company. The Defendant is the Redevelopment Commission of the City of Charlotte.

Mr. Casey read a portion of the complaint: "This complaint concerns the failure of the defendant to provide a feasible relocation plan for the plaintiffs, small merchants, who will be displaced because of the Project. The defendant has further failed to provide procedures available to the plaintiffs to present evidence concerning the feasibility of a relocation plan. This complaint also concerns the discriminatory practice of the defendant in excluding members of a minority group from participations in this program receiving federal financial assistance. This group is composed of black and low income citizens who are being deprived of the only area of Charlotte to which they have access by public transportation for their purchasing needs."

He stated the relief sought is as follows: "(1) That the project proceed no further until the defendant complies with the statutory requirements; (2) That the plaintiffs be given an opportunity to present evidence on the feasibility of the relocation plan at a hearing afforded by the Department of Housing and Urban Development; (3) That the Department of Housing and Urban Development advise the defendant no funds will be disbursed for the Project until such a hearing has been given and a feasible relocation plan adopted; (4) That the Department of Housing and Urban Development take such other and further action as to cause the defendant to comply with the statutory requirements of 42 U.S.C. 1455 (c) (1). Failure by the defendant to act will force the plaintiffs to take this matter to the Federal Court."

Mr. Casey stated the second complaint deals with the workable program of the City of Charlotte and the plaintiffs are Fair Housing Association, The Ad Hoc Committee on Safe Housing, Emergency Effort to save Central Charlotte, Inner City Association for a Workable Program, and Charlotte Area Public Tenants Involvement Effort.

He read a portion of the complaint: "This complaint concerns the 'Application for Workable Program Recertification' submitted by the City of Charlotte, North Carolina to the Department of Housing and Urban Development on May 18, 1970, in accordance with the requirements of 42 U.S.C. 1451 (c), and the Workable Program for Community Improvement Handbook. This Workable Program, currently being reviewed by HUD, is the basis of this complaint."

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In its submission, Charlotte fails to develop a workable program for effectively dealing with the problem of urban slums and blight within the community and for the establishment and preservation of a well planned community with well-organized residential neighborhoods and decent homes and suitable living environment for adequate family life as required by law. The policies which the city intends to pursue during the recertification period, instead of easing Charlotte's housing problem, will intensify it. This will cause irreparable injury to the low and moderate income residents of the city who will be forced to join those thousands who have already been displaced by the policies of the City of Charlotte and the Redevelopment Commission of the City of Charlotte. The Fair Housing Association and the other groups who have joined in this complaint are broadly representative of these persons and will fairly and adequately protect their interest."

He stated the following relief is sought: "We respectfully submit that Charlotte must at least implement the suggestions set forth in this Complaint as the beginning of a Workable Program. However, what is more important, Charlotte must allow its citizens to actively participate in the formulation of a real Workable Program. The plaintiffs respectfully request that a representative of the Department of Housing and Urban Development hold a public hearing in Charlotte so that the plaintiffs and the citizens of Charlotte may present evidence regarding the formulation of a Workable Program.

We further request that no further funds be distributed by the Department of Housing and Urban Development to the City of Charlotte and the Urban Redevelopment Commission of the City of Charlotte until such time as the citizens of the City of Charlotte are allowed to participate in the formulation of a Workable Program.

We further respectfully request that a sixty-day delay in the approval of the Workable Program Recertification Application be granted to allow an investigation of the charges brought by this Company".

Mr. Casey stated Mr. W. Thomas Ray, Attorney in the Charlotte Bar, and Miss Gail Barber, Mecklenburg County Legal Aid Society, are associated with him in the second complaint.

He stated the purpose of the complaints is not simply to find fault. There are hard-hitting criticisms in the complaints as well as positive suggestions.

DISCUSSION OF REPRESENTATIVES FROM TENANT ASSOCIATION OF PUBLIC HOUSING IN HOUSING AUTHORITY.

Mr. Harrison Brown, Educational Worker for the Tenants Association of Public Housing, stated it was their interpretation last week that a decision would be made this week concerning the voice of the people and representatives on the Housing Authority.

Councilman Alexander stated last week he attempted to get Council to name the Presidents of the various Public Housing Tenant Associations as an advisory committee to the Housing Authority. Council did not want to consider a motion until they had heard the results of the meeting last week between the Housing Authority and representatives of the Tenants Association, or the idea had been carried to the Authority.

Mr. Brown stated at the meeting between the Authority and the representatives of the Tenants Association, the Authority stated that anyone could come into their meetings and listen to what they have to say and also speak their grievances but they will not have the opportunity to decide on what affects them.

Councilman Tuttle stated Mr. Brown is asking that his group have a voice on the Authority. This is something that unless the legislature changes, this Council does not have.

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Councilman Short stated Mr. Brown has a good point; but it cannot be accomplished quite as easily as he might think. He suggested to Mr. Brown that sometime this fall this Council is going to be getting together suggestions it wants to make to the legislature; and he should keep making his point and it is possible that the City can include this as a recommendation to the legislature. Council, itself, does not have a vote itself on the Housing Authority. He stated what Mr. Brown is seeking is a good idea but it takes a while to arrange it.

Mr. Brown stated their position is still the same; they are not satisfied and they will not rest until something is done.

Councilman Alexander stated last week his motion was an attempt to make the Advisory Committee possible for the Housing Authority to look to regarding matters as they pertain to tenants in the public housing developments. He stated at that time it was stated that Council has no authority to establish a Board with any legislative authority; that cannot be done until such changes are made in our Authority regulations which would have to be done through the State Legislature. Councilman Alexander stated he understands now that Mr. Brown does not want an advisory committee but a committee to approve or disapprove some actions. Mr. Brown stated that is right. Councilman Alexander stated Council cannot vote for that; that he was attempting to do all that could be done at this time and that is to establish the Tenant Associations that exist, as an Advisory Committee.

Councilman Alexander stated as Mr. Brown's request is for a committee with legal authority then he does not need to attempt to pursue his efforts to try to get an Advisory Committee that does not have legal authority at this time.

Mayor Belk stated last week Council was only discussing a group from each of the different units as an advisory committee, and not as an authority group. That the only thing Council was talking about was an advisory group which they all agree would be a good asset to the Housing Authority but Council does not have the authority to appoint the Committee with a voice on the Housing Authority.

Mr. David Blevins, Charlotte Fair Housing Association, stated a letter was sent to Mr. Earl Cluck of the Housing Authority, requesting that the appropriate change be made to make it possible for a low income public housing resident to be named a member of the Housing Authority. He stated what Mr. Brown and the residents are asking is that City Council go on record approving the appointment of residents of public housing on the Housing Authority Board and that Council include this in the recommendations to the Legislature this fall.

Councilman Short requested the City Attorney to include this matter in the legislative package he will prepare for Council this fall, together with the necessary explanatory material.

STATEMENT BY CITIZENS RELATIVE TO BUDGET AND PARKS AND RECREATION.

Mr. Tom Sykes stated his group has a hearing scheduled with Urban Renewal in Washington on Wednesday, at 2:00 p.m. relative to the same problem which Mr. Hugh Casey previously described; that this meeting is with Mr. John C. Jordan, Director of Office of Renewal Assistance. He stated they will be seeking the assistance of the urban renewal office for their presentation in Washington and stated if he has any problems he will be calling on some of Council to get any information from Mr. Sawyer they desire.

Mr. Sykes stated the results of last Monday's referendum on the park and recreational additional tax should be indicative to this Council relative to the Commission's budget request.

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Mr. Sykes stated he thinks this Council has overlooked one source of revenue that will not take money out of the taxpayer's pockets directly through property taxes. That newspapers pay \$450.00 for a license; they operate a multi-million dollar business; no lawyers pay any license; real estate brokers are exempt; doctors are exempt. He stated there are many, many classifications exempt in the licensing. He asked why lawyers, doctors and real estate brokers should be exempt from licensing, that he sees no reason for it. This is a source of revenue that could bring in three to five million dollars a year if it were properly reviewed.

Mr. Sykes stated he does not think these inequities should be allowed to proceed any longer, and something should be done.

He stated this Council and all government agencies in the City and County should read what the voters expressed last Monday in terms that all of us can understand by the 3-1 defeat of projects of this nature. He stated he is not saying we do not need the money; he is saying that the taxpayers and the property owners are tired of bearing the burden for projects of this type. Under Park and Recreation we have a golf course and it is a losing proposition. Why do we not make money on our golf course? He asked how many people use the golf course? How many people are golfers? Are we supposed to subsidize a golf course for golfers? He thought parks and recreation were supposed to be beneficial to all the citizens; a source that everyone could use. A golf course is not something all citizens can use and participate in. He stated he maintains that a golf course should be a break-even proposition. If you are going to charge fees then you should charge enough to take care of the overhead of the operation.

Councilman Alexander stated he knows a lot of people who cannot afford to pay a high fee to play golf and they seem to get a lot of pleasure out of that type of recreation, and they are poor folks. Mr. Sykes stated he agrees and they should be allowed to play for nothing; that he is not saying the golf course should be closed but if it is not going to make money, then those facilities should at least be free for all the people; there might be a lot of people who cannot afford the fee charge at Revolution. Do they play for nothing?

Mr. Sykes stated he is only bringing out a few things that are on the minds of people who must maintain these facilities; that if he seems facetious in some of his remarks, it is unintentional. This Council in its budget preparation allocating an additional \$230,000 for Park and Recreation would be in direct violation to the desires of the citizens of Charlotte.

Mr. Sykes stated he learned today that all public housing facilities have playground facilities at this time. He stated there are probably more facilities available than we know about. He stated the school grounds should be fully utilized for neighborhood recreation - being made available to people in all neighborhoods. He stated these things should be reviewed closely and very carefully in the proposed budget.

He stated we should get down to the bone in this budget and cut out some of the frivolity existing in the city government; the request for directors or assistant superintendents or assistant this and assistant that and quit putting into administration all the programs we have today and put it into the facilities and services we are receiving for our investment for government. He stated there is enough administration.

Mr. Sykes stated the city is curtailing services and forcing burdens upon people who have not had these things to do previously and is raising taxes at the same time. When there are elderly people who have to gift wrap the limbs that come off the trees in an 18-inch bundle, tied in a bow, five feet long, and widow ladies who do not have a husband or a boy friend to do their wrapping for them, there is something wrong in this government. He said do not curtail the services we are now receiving but let's get more out of what we are paying for. He stated this budget can be cut considerably if you cut out so much administration and a lot more services to the taxpayers. Also there are other sources of revenue than the property owner's pocketbooks.

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Mr. Sykes stated the people of Mecklenburg County and the City of Charlotte today are real sick and tired of what is going on in their government relative to their investment through property taxes. That he hopes the people who prepared the budget and the people who are going to pass on the budget will get their knives sharpened and get the people's taxes down where they belong and get the services back up to what is expected and what the people demand.

Mayor Belk stated the citizens are demanding more services from the government and they are receiving more services from the government. Mr. Sykes stated he paid a \$15.89 water bill the other day on a piece of property he owns in the city that cost him less than \$2.00 before Council went into its program of increased water rate. He stated he has businesses in many cities and the services in the City of Charlotte for the property taxes he pays is much less than he receives in other cities.

Councilman Whittington stated the suggestion about firms and individuals being exempt from taxes is a good one. He suggested that Mr. Sykes and his group go to the legislature and try to help with this problem where other Mayors and other Councils have had committees that have gone to the legislature to try to do the very thing Mr. Sykes is talking about, along with a payroll tax, and hotel and motel tax. Councilman Whittington also asked that they go before the Chamber of Commerce and ask them to support the citizens in this project to get these exempt individuals or businesses to be required to pay. That perhaps with his efforts, the governing bodies efforts, the governing bodies efforts and the Chamber of Commerce some of these things could be corrected.

Councilman Whittington stated to his knowledge the school property which Mr. Sykes referred to has been used this year and perhaps the last two years in a cooperative effort with Park and Recreation so that when the schools are closed, these school grounds are used for recreational purposes and the Park and Recreation Commission either supervises or maintains these areas. He stated a good example of that is the new athletic field of Thomasboro Junior High School by citizens of Enderly Park and Ashley Park and Thomasboro. He stated as for the golf course it is a losing proposition and he does not recall where it ever was a paying proposition.

Mr. Sykes replied it has been mentioned that the Park Center is a tax cost to the government; that these are facilities that this city must maintain; that he does not profess to say that these places should be closed; but he likes for as many people as we can get to participate in the Park and Recreation Program.

Councilman Whittington stated there is a problem with the stadium. Six years ago there were no stadiums in the high schools; now East and North have a stadium and Harding wants to build one. Those schools now play on their own fields because they say they cannot afford to pay to play in Memorial Stadium. So it becomes an even more losing proposition; but the city cannot give it up.

Mr. Sykes stated he is not saying that we should not have a park and recreation program; he is saying we should look into all branches of this government and all the services that the people are supposed to be receiving, and cut out some of the administration cost of the various programs. That the administration of some of these programs are costing considerably more than some of the services rendered to the people.

Councilman Tuttle stated he agrees that we are missing so many sources of revenue; that we could not get the legislature to give us a hotel-motel tax, and everyone in this room pays a hotel-motel tax wherever they go. This is one tax that would not cost the citizens a single penny.

Councilman Short stated the citizens of Charlotte have voted twice on Park referendums in the past six weeks and he thinks they were trying to give a message. That he thinks what they are saying is they prefer to maintain the status quo in park operations at this time.

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Mr. Albert Pearson stated it is very easy to say you have to go to Raleigh; that he has not found it hard for the people to go to Raleigh on something they really want such as the sales tax. He stated that is all they are asking Council to do on these things; stop using this as an excuse. This Council is supposed to be the leaders of the City of Charlotte - not the Chamber of Commerce.

He stated unless Council, as the elected officials, sees the handwriting on the walls and gets the Park and Recreation and the Coliseum Authority under direct control this will get worse. The citizens are trying to say they would like to get a dollar for a dollar paid. They are also saying they are having trouble making their own way. He asked why the golf course should not make money? How many people use the golf course that could afford to go to another golf course and pay their own way.

He stated he does not think a negative attitude should be taken from the results of the referendum last Monday; but we should take a positive attitude as ways have to be found to do better for all of us. You cannot just say inflation. Every family in Charlotte is being hurt by inflation.

Mr. Pearson stated this Council set by and did not take a stand either for or against the referendum; if they were not going to then they had no business putting it before the people and wasting the taxpayer's money by making them go out to vote something down.

FIVE CONTRACTS WITH LOCAL AGENCIES UNDER THE MODEL CITIES REBUDGETED ACTIVITIES PROGRAM, APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, approving the following five contracts with local agencies under the Model Cities Rebudgeted Activities Program:

(a) Health Careers of the Piedmont Carolinas	\$9,850.00
(b) Charlotte Community Arts Center	5,000.00
(c) Hornet's Nest Girl Scout Council, Inc.	7,950.00
(d) Charlotte Alumnae Chapter of Delta Sigma Theta Sorority, Inc.,	8,000.00
(e) Boy Scouts of America, Inc.	3,174.00

APPROVAL OF AN AMENDMENT TO AN AGREEMENT WITH THE CHARLOTTE HOUSING AUTHORITY CONCERNING THE PAYMENT OF INTEREST ON ADVANCES BY HUD.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, an amendment to an agreement with the Charlotte Housing Authority was approved concerning the payment of interest on advances by HUD.

PUBLIC HEARING SET FOR MONDAY, AUGUST 3, ON REQUEST OF THE PUBLIC WORKS DEPARTMENT, TO ALLEVIATE THE DRAINAGE PROBLEM THAT EXISTS ON PRIVATE PROPERTY AT 630 PINOCA STREET.

Councilman Thrower moved that a public hearing be set for Monday, August 3, on request of the Public Works Department, to alleviate the drainage problem that exists on private property at 630 Pinoca Street. The motion was seconded by Councilman Tuttle, and carried unanimously.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY, ADOPTED.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, adopting subject resolution authorizing the refund of certain taxes in the total amount of \$1,221.18, which were collected through clerical error and illegal levy.

The resolution is recorded in full in Resolutions Book 7, at Page 113.

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CLAIM BY MR. C. M. SHELTON FOR PROPERTY DAMAGES, DENIED.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, claim in the amount of \$125.00 for property damages was denied as recommended by the City Attorney.

APPRAISAL CONTRACTS AUTHORIZED.

Councilman Whittington moved approval of the following appraisal contracts. The motion was seconded by Councilman Thrower, and unanimously carried:

- (a) Contract with James L. Varnadore for appraisal of seven parcels of land for the Eastway Drive Project, at fees ranging from \$175.00 to \$300.00.
- (b) Contract with Robert R. Rhyne, Sr., for appraisal of seven parcels of land for the Eastway Drive Project, at fees ranging from \$175.00 to \$300.00.
- (c) Contract with L. H. Griffith for appraisal of seven parcels of land for the Eastway Drive Project, at fees of \$150.00 and \$175.00.
- (d) Contract with Alfred E. Smith for appraisal of seven parcels of land for the Eastway Drive Project at fees of \$150.00 and \$175.00.
- (e) Contract with John G. Turner for appraisal of seven parcels of land for the Eastway Drive Project, at fees of \$175.00 each.
- (f) Contract with Paul B. Guthery for appraisal of seven parcels of land for the Eastway Drive Project, at fees of \$175.00 each.
- (g) Contract with Stuart W. Elliott for appraisal of seven parcels of land for the Eastway Drive Project at fees of \$175.00 each.
- (h) Contract with Alan J. Davis for appraisal of one parcel of land for the Taggart Creek Outfall at a fee of \$250.00.
- (i) Contract with Thornwell G. Guthery for appraisal of thirteen parcels of land for Belmont Neighborhood Improvement Project, Parkwood Avenue, at fees of \$100.00 and \$225.00.
- (j) Contract with Leon H. Phelan, Jr. for appraisal of fifteen parcels of land for Belmont Neighborhood Improvement Project, Parkwood Avenue, at fees ranging from \$75.00 to \$200.00.
- (k) Contract with John W. Huffaker for appraisal of fifteen parcels of land for Belmont Neighborhood Improvement Project, Parkwood Avenue, at fees ranging from \$75.00 to \$200.00.

ORDINANCE NO. 726-X AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF \$20,000 OF THE 1966 URBAN RENEWAL BOND FUNDS.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, subject ordinance was adopted amending Ordinance No. 255-X, the 1969-70 Budget Ordinance, authorizing the transfer of \$20,000 of the Urban Renewal Bond Funds for the McDowell Street-Independence Boulevard intersection.

The ordinance is recorded in full in Ordinance Book 17, at Page 237.

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PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Tuttle, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 63.17' x 10' of easement at the intersection of Blairhill and Bowman Road near Clanton Road, from Clarkson Jones, Jr., at \$110.00, for Clanton Road sanitary sewer.
- (b) Acquisition of 5' x 195' and 20' x 648' of easement at 1419 Grier's Grove Road, from McDaniel Jackson and Miriam S. Jackson, at \$750.00, for Capp's Hill Mine Road - Garden City Development.

ENCROACHMENT AGREEMENTS AUTHORIZED.

Councilman Thrower moved approval of the following encroachment agreements. The motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Agreement with the State Highway Commission to permit the City to construct an 8-inch sanitary sewer line within the right-of-way of Sharon Road, to serve Sharon United Methodist Church.
- (b) Agreement with the State Highway Commission to permit the City to construct a 12-inch sanitary sewer line within the right-of-way of Capp's Hill Mine Road to serve Capp's Hill Mine Road - Garden City Development.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS 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, ADOPTED.

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

- (a) Ord. No. 727-X ordering the removal of weeds and grass at the corner of Park Road and Salem Drive.
- (b) Ord. No. 728-X ordering the removal of weeds and grass adj. to 666 Bradford Drive.
- (c) Ord. No. 729-X ordering the removal of weeds and grass at 1410 Woodlawn Road
- (d) Ord. No. 730-X ordering the removal of weeds and grass adjacent to 712 Lexington Avenue.

The ordinances are recorded in full in Ordinance Book 17, beginning on Page 238.

ORDINANCE NO. 731-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 1311 REMOUNT ROAD PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, adopting subject ordinance ordering the removal of an abandoned motor vehicle located at 1311 Remount Road pursuant to Article 13-1.2 of the Code of Charlotte and Chapter 160-200(43) of the General Statutes of North Carolina.

The ordinance is recorded in full in Ordinance Book 17, at Page 242.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Councilman Thrower moved approval of the following special officer permits. The motion was seconded by Councilman Whittington, and carried unanimously:

- (a) Renewal of permit to John H. Gaston for use on the premises of Morris Speizman Company, Inc.
- (b) Renewal of permit to Ellis R. Black for use on the premises of Park and Recreation Commission.
- (c) Renewal of permit to Carl C. Moore for use on the premises of Eastbrook Woods Subdivision.
- (d) Renewal of permit to Raymond Gheen for use on the premises of K-Mart, 2701 Freedom Drive.
- (e) Renewal of permit to Madison Allen for use on the premises of K-Mart, 2701 Freedom Drive.
- (f) Issuance of permit to Miles Edwin Robbins for use on the premises of Park and Recreation Commission.
- (g) Issuance of permit to Beryl Carlton, Jr. for use on the premises of University Park North Subdivision.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, AUGUST 17, 1970, ON THE REDEVELOPMENT PLAN FOR PROJECT NO. N. C. R-78, GREENVILLE URBAN RENEWAL AREA, ADOPTED.

Upon motion of Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, the subject resolution was adopted calling for a public hearing on Monday, August 17, 1970, on the Redevelopment Plan for Project No. N. C. R-78, Greenville Urban Renewal Area.

The resolution is recorded in full in Resolutions Book 7, at Pages 114-115.

TRANSFER OF CEMETERY LOTS.

Councilman Withrow moved the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots. The motion was seconded by Councilman Whittington, and unanimously carried:

- (a) Deed with Mrs. Patricia W. Hines, for Lot No. 585, Section 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Mr. Adrian D. Doster for Graves No. 3 and 4, in Lot No. 741, Section 6, Evergreen Cemetery, at \$160.00.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET CONSTRUCTION OF INDEPENDENCE BOULEVARD AT MCDOWELL STREET.

Motion was made by Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$31,446.75, on a unit price basis, for street construction of Independence Boulevard at McDowell Street.

The following bids were received:

Crowder Construction Co.	\$31,446.75
Blythe Brothers Company	32,940.00
T. A. Sherrill Const. Co., Inc.	34,956.00

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CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON VALVE BOXES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the low bidder, Knoxville Foundry Company, in the amount of \$10,090.00, on a unit price basis, for cast iron valve boxes.

The following bids were received:

Knoxville Foundry Company	\$10,090.00
Neenah Foundry Company	25,635.00

CONTRACT AWARDED WELDON, WILLIAMS AND LICK, INC. FOR CITY AUTOMOBILE LICENSE DECALS.

Councilman Whittington moved award of contract to the low bidder, Weldon, Williams and Lick, Inc., in the amount of \$3,906.00, for city automobile license decals. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Weldon, Williams & Lick, Inc.	\$ 3,906.00
Palmer's Rowan Stationers, Inc.	4,466.00

STREET MARKERS IN STARMOUNT AND MONTCLAIR REQUESTED RE-STENCILED.

Councilman Thrower stated it has been called to the Traffic Engineering Department's attention several times that the vertical street markers in Montclair and Starmount Subdivisions are not adequately stenciled. That the Traffic Engineering says they are not going to stencil them because they will be replaced.

Councilman Thrower requested that the entire area be surveyed and re-stencil the markers until such time as they are replaced.

PAVEMENT AT SENIOR DRIVE AND KELLER AVENUE REQUESTED REPAIRED.

Councilman Alexander requested the City Manager to have someone look at Senior Drive and Keller Avenue where a fire hydrant has been repaired; that there is a problem with the ground settling; that it has been fixed one time but the pavement has dropped again; that it is right on the curve and it is dangerous as it is a short curve.

PAVEMENT ON BEATTIES FORD ROAD ABOVE MILL ROAD REQUESTED REPAIRED.

Councilman Alexander requested the City Manager to have someone look at the pavement on Beatties Ford Road just above Mills Road where there is a rising which comes from the excess traffic; that it is up just enough to throw the car out of line when it hits; that it would be possible to lose control of your car and create an accident.

COUNCILMAN SHORT LISTS ITEMS ON WHICH HE WILL PRESENT MOTIONS AT FUTURE MEETING RELATING TO ANTI-LITTER ORDINANCE.

Councilman Short stated at a meeting of Council soon he has in mind to make several motions concerning the enforcement of the anti-litter ordinance which is Section 13-40 of the City Code. That he is not going to make the motions today because he does not want to catch the Councilmen by surprise. He will mention the gist so the members of Council hopefully will be thinking about it a little.

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- (1) To move that Council adopt a resolution and send to the seven district court judges asking that they give the maximum fine to anyone convicted of violating the anti-litter ordinance.
- (2) To move that the City Attorney be instructed to prepare immediately and present to Council an ordinance, and if necessary legislation, doubling the fine from a maximum of \$50.00 to a maximum of \$100.00.
- (3) To move that the City pay up to \$25.00 or some amount to anyone who initiates a warrant and serves as a prosecuting witness in an anti-litter prosecution where conviction is obtained. This would be an effort to prosecute some litterers; that it is almost impossible to prosecute them now because the policemen just do not have time for it when they see littering occur and private citizens are not going to do this under the present circumstances.
- (4) To move that Section 11-3(a) subsections (10) and (12) of the City Code be used to deny a business license to drive-in eating establishments unless they prove to the satisfaction of our Beautification Committee or some advisory committee that the business establishment in effect does have satisfactory receptacles and satisfactory signs against littering and possibly personnel to collect litter that drops in large quantities in parking lots. Also in order to get a business license that these operators of drive-in eating establishments sign a stipulation that no one has their permission to commit litter on their property. Under the terms of Section 13-40 it should make it possible to prosecute individuals who litter even though it is on private property.
- (5) To suggest that Mr. Hopson be instructed to plan and present a program whereby the city can pay a laborer's pay to any group of responsible citizens who by prior arrangement with him would spend a couple of hours collecting litter from the streets and public places and take it to the landfill. This would enable boy scouts and other groups to make a little money for the troop by collecting litter.
- (6) To suggest that a form be sent with the water bills or in some manner to every business establishment in Charlotte to be signed by the management stating that no one has permission to litter their property. Under the provisions of our ordinance this would make it possible to prosecute anyone committing litter on any parking lot in the entire city.

He stated he is making all these suggestions because of the many complaints he has received from our citizens. That he traveled the streets of the city for two hours yesterday looking for litter and you can find thousands and thousands of incidents on every street. He suggested that this be done by all members of Council, and they will see a tremendous amount of it. He stated the biggest amount of the litter are food containers; if we can whip this problem we will have made a big stride. He stated the time has come to do something about it and it cannot go on any longer.

Councilman Withrow stated he would like for him to add something about receptacle for this litter. Councilman Short stated he has in mind a seventh item that in all B-1 and B-2 zones as well as B-3 we have containers for this purpose; but thinking about the budget problems, he decided to leave it out.

APPOINTMENTS TO AMBULANCE COMMITTEE.

Mayor Belk stated he will request Dr. C. Warren Williams to serve on the Ambulance Committee at the request of Councilman Alexander, and Mrs. Tonya McNeil, 910 B McAlway Road, at the request of Councilman Whittington.

He stated with the addition of these two members the committee will be complete and he will call a meeting.

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PROGRESS REPORT ON DELINEATION OF OUTER LOOP REQUESTED.

Councilman Tuttle asked the City Manager for a progress report on the delineation of the outer loop around the city. That in May or June the President of the Chamber of Commerce was before Council; that he was a former Highway Commissioner and knows the need of delineating this; that several years ago the city in theory was hiring a man in the Traffic Engineering Department who would work on this. He stated there are millions of dollars in apartments going out there on Highway 74, and until this is delineated and some of the building is stopped we are costing ourselves millions of dollars in additional money.

Councilman Withrow asked if you can stop the issuance of building permits once the delineation is made? That Jacksonville, Florida has a law which prohibits the construction. Mr. Underhill, City Attorney, replied they have an official map act under which they operate.

Mr. Josh Birmingham, Acting City Engineer, advised he talked to Mr. Billy Rose about this the last time he was in Raleigh, and the State is making preliminary studies; that this is also tied in with the origin-destination studies that we have just completed here with the State Highway. That he would think we could have something within 30 to 60 days.

Mr. Veeder, City Manager, stated he will have a report for Council no later than 60 days.

HOSPITALS' PROBLEMS OF REFUSE PICKUP DISCUSSED.

Councilman Tuttle stated earlier he talked with the Director of Public Works about a critical situation involving the hospitals and the new garbage pickups. He stated he talked with Mr. Richardson at Presbyterian Hospital about five minutes before the meeting today and he said that Mercy Hospital has made no arrangements and Memorial Hospital has made no arrangements; they are in the same mess.

Mr. Veeder, City Manager, stated he talked with Mr. John Rankin the end of last week and based on this conversation, he presumed he is going ahead with the arrangements that some of the others in the hospital had apparently made some preliminary moves toward.

Mr. Hobson, Public Works Director, stated the dumpster people have made a proposal to Memorial on a compacting unit to go onto a much heavier piece of equipment than they presently have. The proposal also includes servicing of present units. That Memorial has gone this far; but no one has actually signed a contract with the sanitary disposal people. They have asked for the proposal and they are proceeding in good faith. That the man he talked with said as late as noon today that he understood they were going ahead with it and he had a verbal commitment. That is Memorial Hospital.

Councilman Tuttle asked Mr. Hobson if he will call Mr. Richardson and see if he can get him on the track with what Memorial is doing. He asked if he has any information on Mercy Hospital? Mr. Hobson replied Mercy has not moved that far; they are still working with the local concern. He stated he has met with Mr. Richardson and his chief engineer and they have some terrific problems regardless of the ordinance; that he thought this had been worked out; that he told him they would work with them. He stated it is very costly whether the city keeps servicing them or whether it is with a private enterprise.

Councilman Thrower asked if they are not dumping trash behind the Presbyterian Hospital right now? Mr. Hobson replied he was over there last week and they had nine containers in use, a truck into which they were putting papers and out on the ground they had some flowers that came down from the rooms; there

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was nothing scattered around; it was in a compact pile and they were going to handle that themselves. He stated the City is still handling the nine containers. Presbyterian has to do something regardless of the ordinance just to comply with health standards.

Councilman Thrower stated the citizens around there are upset about this; that they invited him to just come and look. He stated he went out and something is going to have to be done. Mr. Hobson stated this is exactly what he told Mr. Richardson - regardless of the outcome of this whole thing they will have to do a better job; that Presbyterian has a little more difficult problem in that they are trying to bring their refuse down in small containers and set them out to be serviced; that means they should also develop some system to dump these containers into a larger container regardless of who handles them. That is what they are trying to work out. They are making an effort to do it but August 1 is only two weeks away. He stated they will work with them to have the problem worked out.

Councilman Tuttle asked Mr. Hopson to let him know when Memorial has actually entered into a contract. Mr. Hopson replied he thinks all the hospitals are waiting together; but Memorial has verbally entered into a contract this morning.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk