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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, March 29, 1971, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Robert W. Rayburn, Minister of Christ Presbyterian Church.

MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Whittington, and unanimously carried, approving the Minutes of the last regular meeting, on Monday, March 22, 1971, as submitted.

STATEMENTS RELATIVE TO APPOINTMENT OF CITY MANAGER.

Councilman Jordan read the following statement:

"It was my privilege to nominate Paul Bobo as Acting City Manager when Mr. Veeder resigned as City Manager to accept another position. Since that time, Paul Bobo has carried on in an excellent manner, doing a fine job and to the satisfaction of the citizens and City Hall.

I have known Paul Bobo for the 23 years he has been in the employ of the City of Charlotte, first as an engineer, then selected by Mr. Veeder as Assistant Manager, which position he has held for the past ten years.

It was a good move on our part when Mr. Bobo was chosen to be Acting City Manager, and it has been the hopes and wishes of most all city employees and Charlotte citizens that we make him our new City Manager.

You, Gentlemen, have now hired a man from Missouri, who is Manager of a city half the size of Charlotte -- is 59 years old, and stated in his interview, at which I was present, that he only wanted to work six more years until he became 65. He stated that he had nothing special to offer Charlotte, in the way of ideas or plans, but he did have experience as a City Manager. I know he has been past President of the City Manager's Association, and is a very good speaker, but Charlotte has so many immediate problems that we need someone familiar with these problems. This man will have to depend on Mr. Bobo and Mr. Carstarphen, Assistant to the City Manager, for a year or more to 'pave the way' for him. I have nothing whatsoever against the gentleman from Missouri; in fact, he seems to be a fine, capable man, but I saw nothing in his interview that should make us, for the citizens, guarantee him a salary of \$31,500 a year to start, plus all fringe benefits, such as an automobile, etc., and naturally, pay increases in the future.

This will make our City Manager one of the highest, if not the highest, paid public official in North Carolina. This was the salary Mr. Veeder was receiving, after working ten years with the City.

Gentlemen, I think this is very wrong and certainly not in the best interest of the citizens that gave us this responsibility. The taxpayers are, at present, paying Mr. Bobo \$20,500 as Acting Manager.

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I do not believe we always have to go out of Charlotte for our employees. I know, sometimes it is necessary, but in this case, we have two capable men for this job. Since Mr. Bobo was chosen for the Acting Manager and is doing an excellent job, I am surprised and amazed that my colleagues would make such a decision as this.

You kill the incentive of our city people to do a good job so they can progress into better jobs. People are brought in from outside the city and our own people must teach and train them.

Mr. Mayor, Saturday afternoon, you called me at home and said you had talked with Mr. Burkhalter in Missouri, at the request of the City Councilmen that wanted him, which did not include me. You said he would accept the position and you would like for him to start in May. He accepted at the salary of \$31,500 which you and the members of Council that wanted him agreed to. You said that the Council Members wanted this kept out of the news media until Monday. I went along with this since you and my fellow members of the Council were going to hire this man. I talked to no one concerning this matter. I told you that I would make a statement on Monday when you announced what you had done.

On Sunday night, I received a call that the rest of you had met during the afternoon, with Mr. Bobo attending, to tell him you had selected someone else for the Manager's position. I was not asked to this meeting. I was home all afternoon, except for a short time. I resented this very much... then, this morning, I picked up the paper and saw glaring headlines 'City Council picks Missouri Man, nationally known, as a City Manager'.

I do not know who called this meeting on Sunday...nor do I know who gave the story to the newspaper, but I am still a member of this City Council. I did not pick this man and I do not like the inference that ALL members of the City Council made this decision. It is very hard for me to understand why my colleagues and you, Mr. Mayor, would do this."

Councilman Jordan moved that Mr. Paul Bobo be appointed as City Manager of the City of Charlotte. The motion did not receive a second.

Mr. Tom Sykes stated he left town on Friday morning and upon his return to the city today, he is informed by the Charlotte Observer that Mr. Bobo, who was city manager material on Friday, is now being bypassed in favor of an unknown from another state. The disturbing factor here is who made the decision. The man about to be named, Mr. David Burkhalter of Springfield, Missouri, is 59 years old; has no knowledge of the City of Charlotte, its people, its projects, its needs, its shortcomings, nor its good points. By the time he learns what the City of Charlotte is all about, he will be of retirement age. Mr. Burkhalter may be well qualified to manage a city the size of Johnson City, Tennessee or Springfield, Missouri, with its 120,000 citizens; but to step into a city the size of Charlotte and be effective in management of a city this large is the question. To bypass a man with almost 24 years of experience and service to this city for Mr. Burkhalter is also questionable.

He stated Mr. Paul Bobo has been a dedicated employee for the citizens of this community for over 24 years; he has been Assistant City Manager, Budget Director, Assistant City Manager for 10 years (for what?) and Acting City Manager since Mr. Veeder's departure. Mr. Bobo is familiar with all facets of our city; he knows, and has been a part of, all of the problems, projects and people for 24 years. He should also be a part of the future as our City Manager. Are the citizens of this city being misinformed again? Is it true that no one in Charlotte is qualified for this position? He stated being a businessmen, he would hate to even think that an employee of his with 24 years service to his company with full and complete knowledge of his business could not be named to a position similar to that of City Manager. He stated he feels he would lose many valuable employee with an attitude such as this.

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This Council is being asked to bring in an outsider who can be controlled by the power structure. The same invisible and unknown power structure that moved the civic center site; supported consolidation and now, on the eve of city elections, is asking that Mr. Bobo be bypassed for this position of importance.

Mr. Sykes stated this man's record should be taken into consideration. Mr. Bobo is 48 years old; married and father of four children and qualified to serve this community in the position of City Manager. To name this man as City Manager would be an honor to him for his long, dedicated service to this community. It would also be an action that would be recognized by other employees that there is some reward for service and dedication. To do otherwise is unthinkable. He asked Council to please consider its action on this matter very carefully.

Councilman Thrower stated Mr. Jordan has pointed out that this decision was not unanimous.

Mayor Belk stated he and all Council Members have spent a lot of time in interviewing some of the finest people in the United States. That they did not feel they should restrict themselves to the people of Charlotte. There are people who are qualified to be City Manager here in Charlotte; but they felt Mr. Burkhalter was better qualified than anyone they interviewed. They had any number of people from all walks of life. As a matter of fact, there were two three-star generals to apply. He stated they felt Mr. Burkhalter was the best one. That yesterday, they felt they should tell Mr. Bobo in person and tried to get in touch with Mr. Jordan and Mr. Alexander but were not able to contact either.

Mayor Belk stated he is sorry the story leaked out because Mr. Burkhalter did not have a chance to tell his own council. That they tried to keep it quiet so that Mr. Burkhalter could announce it there.

Mayor Belk stated Mr. David Burkhalter was born in Tennessee; he went to Bethel College in Tennessee. He has been a City Manager for 19 years; first in Elizabeth, Tennessee, then in Johnson City, Tennessee and has been at Springfield, Missouri since 1966. Mr. Burkhalter is immediate past president of the International City Manager's Association and is on the Association's Board of Directors. He is active in the Missouri Manager's Association; and in the Missouri's League of Municipalities; he is on the Law Enforcement Association Administration Council in Missouri which is appointed by the governor; he is a Rotarian and an elder in the Presbyterian Church. Before becoming a City Manager, he worked for twelve years with the Tennessee Valley Authority. Mayor Belk stated they recommend Mr. Burkhalter very highly.

Mayor Belk stated Mr. Burkhalter has requested that Mr. Bobo and Mr. Carstarphen continue as Assistant City Managers of the City of Charlotte.

Councilman Alexander stated he was out of town all day on yesterday and could not be reached by telephone. That he is not objecting; he just wants the record to show that he was out of town and could not have been reached.

CITIZENSHIP AWARD PRESENTED DANIEL R. (DOC) MARTIN FOR SERVICES ON PARK AND RECREATION COMMISSION.

Mayor Belk recognized Mr. Danied (Doc) Martin and presented him with a Citizenship Award in recognition of outstanding contributions to the citizens of Charlotte for his services on the Park and Recreation Commission from 1960 to 1971.

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Mr. Martin expressed appreciation for the award and stated all the members of the Park and Recreation Commission were as much involved as he was; also Marian Diehl and his fine staff. That he could never repay Charlotte for the opportunities it has given him and his family.

**MAYOR BELK LEAVES MEETING.**

Mayor Belk left the meeting at this time, and Mayor pro tem Whittington presided during his absence.

**HEARING ON QUESTION OF DETERMINING WHETHER THE PUBLIC NECESSITY AND CONVENIENCE WILL BE SERVED BY PROVIDING OFF-STREET PARKING FACILITIES IN THE CITY OF CHARLOTTE.**

The scheduled hearing was held on the question of determining whether the public necessity and convenience will be served by providing off-street parking facilities in the City of Charlotte.

Mayor pro tem Whittington stated on August 24, 1970, Wilbur Smith and Associates presented a parking program for the central business district which had been requested by the Redevelopment Commission. After this was presented to Council, Mr. Jack Fennell, the Redevelopment Commission, Mr. Herman Hoose and others recommended that the city do two things: (1) have a public hearing to determine if the citizens of this community agreed that the need for public parking was there; (2) authorize the Redevelopment Commission to submit an application to HUD to have the block included in the Downtown Urban Renewal Area. He stated at the time, Mr. Fennell said this particular block was feasible as far as parking garage was concerned under revenue bond financing.

Mr. Bob Whitesides, with Wilbur Smith and Associates, stated they studied a 26 block area bounded by Sixth Street on the north, Brevard Street on the east, Second Street on the south and Poplar Street on the west. This area has about 5,300 parking spaces today and only 350 curb spaces remain. Normally, these spaces are occupied 88-90 percent during the peak period and about 1/4 of the users are shoppers which is above the usual average percentage wise in a community of this size. About half the parkers are employees and the other fourth are on business trips. There is an existing deficiency of parking spaces of about 600 spaces. This is generally in the area of the eight green blocks along Tryon Street, from Sixth Street down to Second Street. The parking demand is concentrated in this area with the development of the new buildings, the demand will continue to be concentrated and with some evidence of development along the east side of College Street.

Mr. Whitesides stated projecting the parking needs for the future, they estimate the need will grow at a rate of about 2-1/2 percent per year. Assuming the parking supply will stay about the same as it is today, with some reduction in the curb parking to move traffic, there will be a deficiency of about 2,800 parking spaces in a ten year period. This is not to say that parking facilities will not be built. They have been constructed in recent years primarily in surface lots. Some of the lots are temporary holding areas as new buildings are constructed.

He stated in looking at the plans for Charlotte, they tried to develop one that could be built by private enterprises, or by the City, or by a combination. With the Civic Center being developed in the block on the east side of College, between Trade and Fourth, this reinforces the need of developing parking to serve the core area. That they suggest two sites. Site A is bounded by Fifth, College, Trade and the railroad. This site would be directly across the street from the Civic Center and could be effectively tied in with pedestrian ways to Tryon Street and other parts of Trade Street.

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Site B is south of Trade Street in the block bounded by Tryon, Fourth, College and Third Streets, and occupied the entire eastern half of the block. It would be adjacent to the Civic Center and would also serve the Tryon Street area of concentrated demand and need. Both sites would have good traffic accessibility; the streets in the area are scheduled for widening. With the construction of the facilities, either by private enterprise or by the City, they recommend that sufficient area be acquired to widen streets such as Trade and College Street to move the additional traffic, especially as it approaches the Civic Center area.

Mr. Whitesides stated in their report last year, they discussed the various alternatives of financing plans. There are some in North Carolina if the City would develop the program of using the combined system program; there is a bill in legislature to use air rights for the development.

He stated they think the program is still valid; the studies completed in 1970 re-emphasize the need in about the same locations as have been indicated previously.

Mr. Herman Hoose, Traffic Engineer, stated he would like to endorse the comments of Mr. Whitesides.

He stated in 1952, the Traffic Engineering Department, with the Chamber of Commerce, the Central Association and a parking authority, appointed by the Mayor, conducted a parking survey which showed the need for off-street parking in the site talked about today. In 1959, the survey was updated sponsored by the Downtown Association and pointed to the need for off-street parking; in 1961 Wilbur Smith & Associates did a survey; in 1966 that survey was updated, and in 1970 Wilbur Smith and Associates made a survey for urban renewal.

He stated off-street parking in the area is a need for the citizens of Charlotte for their convenience and also as a service. The Merchandise Mart, the North Carolina National Bank Computer Center, the First Union National Bank and Northwestern National Bank are new constructions in the area.

Mr. Hoose stated not only are they presenting Site A today but are presenting a continual parking program that was outlined in the 1970 report. They feel private enterprise has done about what it could do on the site in the central business district. This is due to the fact that most of the parking is on land where buildings were demolished; there is no guarantee that this will be left as off-street parking. Since there is no guarantee to meet the challenge, they feel the City of Charlotte should move forward to obtain the property in either Site A or Site B and have a continual program to move in the right direction to insure that the public will have service and convenience in the downtown area to serve the financial, the business, department stores and shops, civic center and any other buildings planned in the future in the central business district.

He stated this is a need as outlined in the survey since 1952 until the present date, and is one of the ways to stimulate the present growth of the business in the central business district.

Councilman Withrow asked Mr. Whitesides to speak to Site B in relation to the new office buildings that have been built. Mr. Whitesides replied the program consists of both Sites A and B; that B is in the block bounded by Fourth and Third Streets, and College and Tryon Streets and there is a potential development across the street and a new office building has been developed adjacent to it, and one is under way on Tryon Street.

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Councilman Withrow asked which site he recommends be built first? Mr. Whitesides replied in their report, they have indicated if there is any lead time that Site A should be developed first followed immediately by Site B.

Mr. Graeme Keith, speaking in behalf of the Board of Directors of the Central Charlotte Association, stated all recent studies have indicated there is a shortage of well located parking spaces in the central business district. Central Charlotte Association is also aware that building creates its own demand for parking. Demand and supply fluctuate as each new office tower is constructed. One new building under construction with approximately 547,000 square feet of office space and an estimated 3,000 persons working in the building when completed will put a tremendous strain on the area surrounding it. Through creating demand for easy access to parking and ingress and egress from the central area, this building will have a parking garage adjacent only with a limited number of parking spaces. Civic Center consultants call for at least 1,200 parking spaces to be built with the Civic Center; this recommendation was considered to be a minimum amount necessary. Since the Civic Center development and the latest Wilbur Smith parking survey the Northwestern Bank has announced a 14 story building at the corner of Third and Tryon with no parking. A major new hotel has been announced for the block to the south of the Civic Center; the Southern National Bank has also announced its intention to build a multi-story office facility adjacent to the Baugh Building. Coming soon is the complete redevelopment of nearly the entire block of the southeast corner of the Square which will bring major parking demands with it.

Mr. Keith stated all agree there is a parking problem, and even if we did not, we would soon have one with all this new development.

Central Charlotte Association is urging and has urged in the past that we proceed with the job of building municipal parking facilities as rapidly as possible and in such a manner as to encourage and facilitate, and not retard private development. He stated their Board believes at least one major public parking facility should be built immediately, and more should follow. They also urge that the principals of good planning be exercised with an eye to the future in the location and the actual design of these municipal parking facilities. That parking facilities are, and will be needed; but in tandem with attention to mass transportation requirements and physical planning and coordination between private and public interest in the surrounding areas through design of the facilities and perhaps including the development of air rights as joint public-private ventures in the parking facilities themselves.

Mr. Harry Wolfe, Architect, stated he is here as a private citizen as well as in their role as consultant to the city for the development of the central business district. He stated they are in complete agreement with the concept of the city entering into parking because of its impact on the economic growth of the central business district. They specifically encourage the city to move rapidly in that direction with appropriate consideration for all factors involved. That they applaud the concept of acquiring the entire block bounded by Trade Street, College Street, Fifth and the railroad which they feel would increase the efficiency of their operation and allow better circulation into and out of the street system, and allow for the possibility of additional uses within this same land. He stated their study will be encouraging retail activities within the core area of the city and might include inserting retail functions within the structure at a level to be dictated by where the people activity naturally occur and by appropriate marketing considerations. Also to be taken into account is the fact that the resulting parking structure will have a roof area of somewhere in the neighborhood of three to four acres and this area might be put to use sometime in the future as the base or beginning or some other kind of activity.

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Mr. William J. Waggoner, Attorney for Mr. Arthur Frank, a property owner within the block being considered for parking, stated they have studied the parking program as prepared by Wilbur Smith & Associates and have also studied the parking proposal submitted to the City of Greensboro by the same company. He stated with reference to the priorities of the two parking projects under consideration, the greatest parking need is said to be in the area where the North Carolina National Bank building is located with about a 1,200 car parking deficiency. The Belk area is said to have an approximate 800 space deficiency. One of the things Council should do is to look to the priorities. He stated they have also looked at the cost estimates presented in the study. That they have made a comparison. Land acquisition as proposed was \$435,000 for the top third of the block in question. He stated they have examined real estate activity in the block and have recently seen an offer at \$25 a square foot turned down; they have seen an offer to sell at about \$29.40 per square foot not accepted. The Wilbur Smith estimates were based on a cost of about \$9.50 a foot. He stated they have projected the cost based on the real estate activity at \$1,329,000 which is in the neighborhood of \$900,000 greater than has been suggested. This is just for a third of the block. If Council is interested in going for the full block at that price, it would be over \$4.0 million. Construction cost was estimated at \$1,175,000. In Greensboro, they have a per parking stall cost of \$2705. Greensboro is going to construct an eight story structure for 640 cars. Using the Greensboro cost, they find the construction cost alone would be \$1,631,000, or an increase of about \$450,000. This increases all costs of the building. That their revised estimate would show that the cost of this parking facility would be \$3,513,000 and the revenues from the building will not support it. In the first year of operation the building would have a deficiency of over \$70,000; the second year \$52,500; the third year \$34,500; the fourth year \$16,000. That this is a continuing charge that has to be paid. After its owned, the \$194,000 that would be occasioned in the first four years would amount to about \$11,200.00; that you will generate about \$2500 of excess profits over dead amortization and operating cost. That you will have an annual deficiency of about \$9,200 a year. Capitalized and compounded over a period of thirty years is \$655,000. This facility would lose over \$10 million in the period of 34 years.

Mr. Waggoner stated Charlotte stands in the grandest opportunity to avoid the pitfalls of congested downtown streets. Rapid transit is the answer to the problem. To see this City pump \$3.5 million into one garage and probably a similar amount in another one and perhaps additional ones that maybe it is time to take a look and see where this community is going and what can be done to alleviate the congested streets. He stated you only need to look at the parking garage behind the Johnston Building in the morning and see how it ties up Third Street and Church Street. You look at College Street with a 180 car lot and there is congestion on that street many times during the day particularly during the winter months. Another thing to consider is if the City takes over this lot, it is throwing away 180 parking spaces being furnished to the citizens at no cost; the community has no capital investment in the 180 spaces located in this property right now. Another thing - who is the beneficiary of all these public funds. He stated they have made a study of property ownership in the area and presented a map of the area. That based on their best information, the areas shaded in black are owned by the Belk family. He stated there is provision under the statute for a parking facility to be financed by basing it on benefits to the property. In that instance it would appear that the Belk interest would have substantial benefits. If the City is determined to go this way, let those who benefit pay the charge and not tax the whole community for special interest. That there are small merchants in the area and they are trying to do the same thing that Belk has done. In what better area can people be located than on Trade, right across from a multi-million dollar convention center. The value of the land has gone up substantially since the announcement of the convention center and it is something that Council will ask the

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citizens of this community to pay for. The small merchants on Trade Street depend primarily on bus access. People do not drive to these stores; they come by bus and this is a central location and they can walk from the Square down. That on the question of convenience and necessity, they think the convenience and necessity seem to be primarily for the benefit of one common interest and they think that Council should not go forward at this time to benefit one interest against all the small merchants who operate out of this area.

Mr. Waggoner presented a letter with attached exhibits to each Council Member. He stated he recommends to Council that it consider the purpose for which this parking garage is to be built; determine where it should be located and keep in mind the rights of these small businessmen who have struggled to finally get a location and then have it grapped off by the City for the benefit of one large merchant.

Mayor pro tem Whittington asked Mr. Waggoner if he can offer Council any alternatives about public parking other than to require private citizens or private corporations to build them? Mr. Waggoner replied he understood at one time the Belk family considered building a parking facility on this site; that this is something private enterprise should do; if public funds are to be used to meet private needs, that Council should withhold public funds and let the private sector do its job. Mr. Waggoner stated if there is enough demand and the compensation coming from it is sufficient, it can be done. That San Francisco has it; New York has it; they can be found right between buildings. That the convention center is not creating a parking problem downtown. The peak period for the convention center will be at night; within four blocks of the center you can get out of your car and walk to over 5,000 parking spaces; there is plenty of parking space available within walking distance of the center for night time activities. Rapid transit is the answer and this is where Council should direct its actions and not use this band-aid approach of throwing up another garage for a parking deficiency.

Councilman Short stated a great portion of this block indicated as being worth approximately \$4.0 million is being used as surface parking now. He asked if what is being done now is not feasible? Mr. Waggoner replied it is feasible because it is adjacent to the Belk store and the Belk family owns the parking lot; they own 77% of the block that will be condemned.

Mr. Albert Pearson stated Mayor Belk was sitting in the presiding Chair a few minutes ago and now he is not there. He asked if there is any special reason why the Mayor left or if he thinks it would be a conflict of interest? Mayor pro tem Whittington replied that the Mayor will have to answer the question. Usually, by the opinion of the City Attorney, when an individual is involved in something pertaining to the City, he either abstains or leaves the meeting.

Mr. Pearson stated this whole thing is a conflict of interest. That he is not speaking against public parking. That he offered a check to help start a parking association in the City of Charlotte with the cooperation of the city and the people in the downtown area. Many banks have been mentioned today that could have taken a small part of what they had and we could have had it. But to think of putting parking one half block from the main street, is that really looking forward to pending growth? That he wonders what Mr. Ponte would think of that or if the money going to him will have any effect on this situation or whether he is just another one of these associations that come here to approve what we already want. That when he says "we" he speaks of the individual power structure. He stated he has a little business in the A block and as far as he is concerned, it is legalized stealing and he will not stand in the way of it at all; that he will get out just as soon as he is told to do it; but he will not do it without saying what he thinks. That for Council to vote to put parking in the second block will be the next biggest blunder it has made since it moved



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the civic center. Council is limiting the growth of downtown; it is not giving downtown Charlotte a chance to grow. The problem is keeping the traffic out of downtown as far as the immediate two or three blocks is concerned. That he thinks John Belk is an honest man and that all the Belks are honest but it is not a matter of honesty and dishonesty as such; it is just a case of who should have to pay for this parking downtown. He said let the people in the black area on the map pay for the parking. Why should the people of North Charlotte, East Charlotte or West Charlotte pay for it? This does not mean he is against public parking; it just means that until an honest endeavor has been made to sit down with the business people in the area like John Belk, Pete Cameron, the head of the NCNB Bank and like all those people and say we have to have parking, then how about getting up a little of the money. He stated there is cheaper land downtown; some of it in urban renewal such as the third block of East Trade Street, or Belk's Buying Office.

That parking can be built downtown if Council would sit down with the people in the area in a progressive way and talk to them as representatives of the people. That you cannot do it looking up to them; you have to look them straight in the eye and tell them if they want the parking, the City wants to help and ask what can it do to help.

He stated there is a definite conflict of interest on this whole thing and he is not just saying on John Belk's part; it is on the bank's part and everyone elses. Parking was needed 10 or 15 years ago. All these surveys do is try to tell you what you want to hear. That the City has a plan now and has spent a good many thousands of dollars to get another plan of downtown. That the City either was wrong when it spent that money or is wrong now if it considers voting on this in any way, shape or form until it receives the Ponte Travers report.

Mr. Bill Coffey of Coffey and Thompson stated he has been within a block of Trade and Tryon Street for over 35 years. That he has this one little area and worked the 35 years for that area. He has customers coming from all over the state and the surrounding states and not hunting him all around town. When that is taken away from him, then it is taking his business away. That 35 years ago he was told the town was moving south, and it has been a long time doing it; that 25 years ago he was told a radio station would be built there but it has never been built. Now the town is moving. A parking garage is going here and nothing has been proposed east in the way of building. He stated he has parked uptown all his life and if he wanted to park three cars, he could park them. All the building is going in one direction and they are now proposing for the City to build a parking garage where there is plenty of parking now for everybody.

Mr. Hugh Casey, Attorney representing Reliable Loan Company, Eligel Uniform Company and Berlin Stores, stated he would like to address his remarks to the problem of relocation. In the three block area right across the street from the proposed garage over 50 businesses will be displaced. All the area from South Tryon Street to Brevard and East Trade to East Fourth Street will be leveled. The City is already faced with the problem of relocating those businesses. In addition, this will throw into the market eight more businesses in this area which will have to be relocated. That three block area which will no longer have any businesses plus the additional area will cause a further lack of the small businesses in the downtown area leading away from its retail character. He stated if any federal money, in the future, is involved and it comes to the Department of Housing and Urban Development in any way in connection with this parking garage, the City will again run into the problem of relocation, again the problems of administrative complaints and law suits which have been made the civic center site. He asked Council to consider all the arguments that have been placed before it and again remind Council of this grim forecast of what will happen in regard to the problem of relocation if these businesses are to be destroyed or displaced.

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Mr. Joe Cohen stated he has been at the corner of Trade and College Street for 45 years. That he knows he will have to go but he wants to know when. That licenses are coming due. He asked if the City will give them a refund as they come due June 1? Mayor pro tem Whittington replied the City cannot give him that answer today but he will not have to move on June 1; that the Redevelopment Commission can give him an answer after the hearing today and after Council makes a decision on whether to put a public parking garage on the corner. Mr. Cohen stated they have been waiting about two or three years and would like to make some plans. That he does not own any property as he has rented the property for 45 years. That he would appreciate anything the City would do about letting him know about it.

Mr. Ellis Berlin stated in the papers recently the Charlotte Development Association indicated that they were going to build 4,000 parking spaces. With 4,000 extra parking spaces built by private money, why does the City need to build this place? He stated there will be 14 people put out in their block if this garage is built. While, if you build the second choice (b), there would be no one put out of business. It would be built eventually, but it would give them a little more time to breathe. He asked what is wrong with the third block of East Trade Street? It adjoins the Civic Center; there are no plans that anyone knows about there and urban renewal is taking it over right now. It has to be cheaper as you can buy the land from them at a better bargain than from private individuals.

Mr. Berlin stated the main thing he resents is the drawing showing the walkway from the Civic Center to the garage and from the garage to Belks. That this annoys him more than anything else because he has to think that Wilbur Smith and Mr. Belk talked these things over. It is just not right to build for the interest of more or less one party.

Mr. James McDuffey asked the difference in using regular bonds as opposed to revenue bonds, and the fear if it is built with revenue bonds and it does not generate enough money, that somewhere the City would have to pay the difference; that the revenue bonds will cost more and the City does not now have any out? He stated if the garage is built, he would hope it would be with regular bonds which would require a vote of the people as opposed to revenue bonds which can be done without a vote. Councilman Tuttle stated there would be no loss to the City under the revenue bonds; if it did not make money under the revenue bonds, the loser would be the purchaser of the bonds and not the City.

Mayor pro tem Whittington stated Mr. Berlin made a statement about the number of parking spaces the papers said would be built by CDA. He asked Mr. Hoose to make an effort to get that answer from CDA and give it to Mr. Berlin this week.

Mayor pro tem Whittington stated if there is no other opposition, the hearing is closed.

RESOLUTIONS OF THE CITY COUNCIL APPROVING AMENDMENT NO. 2 TO REDEVELOPMENT PLAN FOR DOWNTOWN URBAN RENEWAL AREA, PROJECT NO. N. C. A-3 AND AUTHORIZING THE FILING OF AN AMENDATORY NEIGHBORHOOD DEVELOPMENT PROGRAM APPLICATION FOR PROJECT NO. N. C. A-3.

Motion was made by Councilman Tuttle, and seconded by Councilman Short to adopt the following resolutions:

- (a) Resolution of the City Council of the City of Charlotte, North Carolina, Approving Amendment No. 2, Redevelopment Plan for Downtown Urban Renewal Area, Project No. N. C. A-3.

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- (b) Resolution of the City Council of the City of Charlotte, North Carolina, Authorizing the Filing of an Amendatory Neighborhood Development Program Application for Project No. N. C. A-3.

Mr. Hugh Casey stated he is attorney for businesses located in the three block area of South Tryon, as well as businesses located on the perimeter of the area across the street on the north side of Trade Street.

Mr. Casey stated the Redevelopment Commission has requested Council to approve the program for the second year of the three block area; this is a continuation of the same program put in a year ago. The only reason for making an application by April 1 is that the date of July 1 has been selected as "action" year; and there is no particular reason to select July 1 as the action year as the various LPA will be staggered throughout the 12 months of the year in order to minimize HUD processing time. There is no magic date line of July 1.

He stated there is no certified workable program at this time in effect for the City of Charlotte and under HUD regulations, HUD will not authorize further money until there is a certified workable program in effect here.

He stated if the present plan cannot be changed, why is the City spending a hundred thousand dollars to hire downtown planners who will be locked in to a plan already adopted? Today Council will have to vote on something that was talked about two weeks ago. Before readopting the same plan that caused so much trouble to this City over the past city he requested Council to consider letting the suggestions made by these businesses in the area go into the program. On July 20, 1970, an administrative complaint was filed with the Redevelopment Commission of the City of Charlotte setting forth the problems of these businesses in the downtown area; nothing was done. In September, a law suit was filed, and in October and November dispositions were taken; on December 4, 1970, recommendations were given to the Redevelopment Commission to put some of these ideas into the plan, and again, recommendations have been made in the form of memorandums submitted to the Mayor and the Committee headed by Mr. Whittington. The businesses in this three block area have been diligent in ascertaining facts and researching the law, submitting recommendations, and any delay in implementing recommendations is not their fault. Neither the business concerns in the three block area nor the people of the City should be penalized by the submission to the Department of Housing and Urban Development of an application pushed through at the last moment because of an artificial deadline.

Mr. Casey stated Council has the power to make the kind of downtown area it wants, and unless it acts now and does not approve the application as recommended but makes the Redevelopment Commission listen to these people and make them change their plan, it will again have this problem it has had for the past year. Once the projects are in the mill, no one takes the responsibility and makes them responsive to the needs of the citizens. The present program has resulted in prolonged and serious litigation; today a preliminary injunction was issued by the United States Federal District Court in Charlotte regarding this civic center. He stated they do not want to cause further disharmony and distrust between the citizens and their local government; they do not want more law suits. These businesses have been located here for over 30 years and they have a stake in the Downtown Area, and Council has the power to construct a downtown it wants for the benefit of the people of Charlotte. If it continues and gives a blank check to the Redevelopment Commission and approves this program that has resulted so far in so much disruption, what will the future bring? He stated there have been enough law suits and the Courts can only stop projects that are not responsive to the needs of the people of this city; it is up to Council to create projects, and Council has a marvelous opportunity to create the kind of city it wants. Tell the Redevelopment Commission that it will not approve this application until they have listened to the people and have put some of their ideas into revised plans.

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Mr. Vernon Sawyer, Director of Redevelopment Commission, stated the basic conflict, as he understands it, is that Mr. Casey has made certain proposals on behalf of the merchants for the Redevelopment Commission to consider and to write into the Redevelopment Plan. The Redevelopment Commission has considered the proposals. They were not made just recently; they have been made over a period of several months; they were first made in the form of a statement to the court. The Commission has considered the proposals; it has listened to the merchants individually and actively. A meeting was held last Thursday as requested by Council; some of the proposals have merits and are being considered; others they feel are not in the best interest of the plan and therefore, not in the best interest of the city to include in the plan. In addition are the questions Mr. Casey has raised concerning the Commission's relocation plan. That this is the basic conflict and beyond that are the other issues.

Mr. Sawyer stated the July 1 date is a magic date as far as the Redevelopment Commission is concerned. Once HUD approves an NDP Program and makes it effective as of a given date, then that date is magic in that it becomes the anniversary date to continue the program without interruption and without some suspension of activities. Suspension of activities would affect the Redevelopment budget; it would affect the progress; it has a long background and is not arbitrary in that once it was approved a year ago July 1, 1970, they knew that backing up six months from that date they had to begin the second year plan. There was three months of planning and now HUD requires three months for approval of that plan. He stated they are at the end of their planning stage and need to submit the application for the second year project to HUD by April 1, which is HUD's rule.

Mayor pro tem Whittington asked if they met with Mr. Casey and his clients last Thursday as requested by Council? Mr. Sawyer replied Chairman King and members of his staff did hold a meeting.

Mr. David Pliner stated he is present on behalf of a number of merchants in the project area. The purpose of being here is not to stop or obstruct future urban renewal projects but to make Council aware of the weaknesses in the second year action program for the downtown area. The Redevelopment Commission has not formally adopted any of the recommendations submitted by the various people who are directly affected by urban renewal - the small downtown businessman. There is absolutely no relocation plan for the second year other than to offer the nominal assistance required by HUD, to furnish moving expenses, and perhaps a list of vacant buildings in the downtown area. Unless a relocation program is adopted by the Redevelopment Commission, dozens of businesses will be forced to close or leave the downtown area. Everytime a business leaves the downtown area, a piece of the area dies. The Commission has determined that enough square footage exists to accommodate the 26 businesses that will be displaced next year; 18 more businesses will be displaced if the parking garage materializes. The statistics do not show that the vast majority of the vacant buildings in the downtown area are substandard and most in undesirable locations. No one has inspected the relocation sites to determine their suitability; square footage is only one of a multitude of factors contributing to the success of a building; the other factors being location, pedestrian traffic, parking, proximity to other stores, public transportation, competition and a proper balance of service. There is no one person affiliated with the Redevelopment Commission capable of conducting an adequate and impartial market analysis of the potential relocation sites. The Redevelopment Commission is an administrative agent and does not have the power nor the capacity to solve the relocation problem; only the city has that power. To meet that problem, the City must be willing to provide land for development or to encourage the development of new retail shopping areas downtown.

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Mr. Pliner stated many of the merchants are concerned that if many more stores leaves the area or are forced out of business due to urban renewal, there will not be enough pedestrian traffic left to support the remaining stores. The downtown shopping area has not expanded in the past 20 years. As more buildings are destroyed, the downtown area will cease to exist as a shopping area unless drastic measures are taken immediately.

Councilman Short stated there was a report last Thursday that Mr. Pliner's situation had been resolved satisfactorily and that he was properly relocated or it was being arranged. He asked if this is the case? Mr. Pliner replied it is true, but he is only one of dozens. Councilman Short stated then Mr. Pliner is not appearing on his own behalf, but on behalf of others in the downtown area? Mr. Pliner replied that is correct.

Councilman Alexander stated Mr. Casey has already enjoined the City, and with what is talked about today, if it means that the vote taken today by Council will decide whether the injunction will be lifted? Mr. Casey replied no; what Council is dealing with today is the second year program, and it is not affecting the injunction. That his purpose is to avoid this in the future.

Mr. Casey stated these suggestions were made months ago and the Commission just does not pay any attention to these people. As far as the magic date is concerned, he read the following from the HUD regulations: "The activity year covered by the application called the 'action' year may, but will not necessarily coincide, with the locality's fiscal year. Before submitting the application, the LPA shall meet with the regional office representatives to agree upon an action year that is satisfactory to all parties." He stated he does not think Council should be stampeded into a point where this has to be done right now. Council has the power to require the Commission to listen to these people and to put some of their ideas into the program. He stated the first time these people really had an effective way of sitting down and getting some of their ideas across was with Mr. Whittington's Committee; this was a good beginning. When the City Council gets involved and really thinks about it, then it is being responsive to these people. That no one knows what will go up in this three block area; the land will lie vacant until some real estate developer or some bank comes up and puts up some kind of building. Council will have no control over what will be there except it will be one of 27 different uses as listed in the plan.

Councilman Short stated in the meeting on last Thursday, Mr. King stated the Commission specifically was responding to the suggestion made by the downtown merchants with reference to not tearing down the buildings too quickly; he emphasized this and indicated a change of programming to accommodate this factor. What more assurance is wanted? Mr. Casey replied simply put it in writing in the program. Councilman Short stated this Council has made every effort to try to make some changes in the state law that would let Council negotiate for something to go back into a place; the way it is now, Council is simply required to acquire the land and put it up for bids and there is no control to a great degree as to what would go there. Mr. Casey replied he takes exception to that; that the City is controlled under state law by the method by which it is sold; the City is not restricted as to what kind of restrictions it wants to put in; it can put in what it wants.

Councilman Short asked Mr. Sawyer if it is possible to include in the re-use plan, or any of the documents that are the background for urban renewal, a statement as to how long the land will lie cleared? Mr. Sawyer replied he does not think they can; the redevelopment plan is a guide; it is a broad outline; a general statement of intent of what is to be done. The matter of whether or not they demolish the buildings as soon as they are vacated or not is not a detail that should be written into the plan; this is something that can be controlled administratively; it is something

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they have a policy concerning and the policy has been publicly stated. The policy as stated is that the buildings will remain as long as possible; the Commission will not be under the same time restraints next year that it has been under this year with respect to the civic center site; this has been stated in the Commission's public hearing, and he stated it in the Council's public hearing; that Mr. King stated it at the meeting with the merchants on last Thursday. There is no need to get to those details in the redevelopment plan. The list of uses included in the plan are not shots in the dark; these are uses recommended to the Commission by the firm who made a study at the same time the planners were putting together the first year plan.

Councilman Alexander stated the position of the Redevelopment Commission is that it cannot do some of the things that are being requested, and on the other hand, the state law prevents certain things. He stated then it makes no difference how Council votes today, the city still can be sued? Mr. Underhill, City Attorney, replied that is right.

Mr. Casey stated he is only asking Council to wait a while; these people do not enjoy having lawsuits, and the way to prevent this is to see that some of their ideas are incorporated in this plan and just give them time to talk or confer with the City Attorney.

Mayor pro tem Whittington stated Mr. Casey and others have used the word "concerned" many times today and properly so. That the City Council has been concerned about this and has shown that concern to Mr. Casey and his clients. This relocation committee, initiated by Council, has taken care of Mr. Pliner in the first block and there is a second company now with SBA and hopefully that will be approved, and they have a site. There was a third site for People's Furniture, but he understands they have turned down the site which was directly across the street. He stated we are doing all we can to cooperate with Mr. Casey and his clients and with the Redevelopment Commission. It would be good if everything could be put into writing and agreed upon today; but this Council and the Redevelopment staff and the Commission itself have assured the merchants that they are doing everything they can to show concern and to act concerned to help.

Councilman Tuttle asked Mr. Sawyer what is our stake in this, if Council does not vote on this today? Mr. Sawyer replied the Commission has received a letter from HUD stating they have reserved \$2,100,000 for us this year; if the plan is not submitted in time to be revised for approval by HUD by July 1, we will lose that money.

Councilman Withrow asked if this is approved today, will it preclude the Commission working with these people? Mr. Sawyer replied not at all; they will continue working with Mr. Casey and his clients and the other merchants in the project area.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 7, beginning at Page 278.

PETITION NO. 71-24 BY WRISTON T. YANDLE FOR A CHANGE IN ZONING OF A LOT AT 621 VINEWOOD PLACE, DENIED.

Councilman Tuttle moved that the subject petition for a change in zoning from R-9 to O-6 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Withrow and carried unanimously.

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ORDINANCE NO. 53-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 THE SOUTHEAST CORNER OF ARCHDALE DRIVE AND HIGH MEADOWS LANE.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from O-15 to B-1 of a parcel of land 100' x 150' as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 119.

ORDINANCE NO. 54-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING A TRACT OF LAND BOUNDED BY BARRINGER DRIVE, THE SOUTHERLY BOUNDARY OF B-1 DISTRICT ALONG CLANTON ROAD, INTERSTATE 77, AND A LINE SOUTH OF BLAIRHILL ROAD.

Motion was made by Councilman Jordan to adopt the subject ordinance changing the zoning from R-6MF to I-2 as recommended by the Planning Commission. The motion was seconded by Councilman Alexander.

Councilman Short stated he counted six zoning categories abutting this piece of land and this is adding the seventh. He requested the Planning Commission to study the area.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 120.

ORDINANCE NO. 55-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF 135 FEET ON LAWYERS ROAD AND 175 FEET ON ALBEMARLE ROAD.

Councilman Tuttle moved that the subject ordinance changing the tract of land from B-1 to B-2 be adopted and that the remainder of the request by Mary M. Nisbet, et al, under Petition 71-17 be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 121.

ORDINANCE NO. 56-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE LOT AT 221 WEST THIRTIETH STREET, ON PETITION OF THE VECTOR COMPANY, INC.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from I-2 to R-6MF as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 18, at Page 122.

ORDINANCE NO. 57-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING 39 ACRES OF LAND LOCATED WEST OF SULLINS ROAD IN THE FOREST PAWTUCKET SUBDIVISION ON PETITION OF REALTY SYNDICATE, INC.

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

The ordinance is recorded in full in Ordinance Book 18, at Page 123.

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PETITION NO. 71-4 BY B & W REALTY, INC. FOR A CHANGE IN ZONING OF A PARCEL OF LAND CONTAINING 193 ACRES ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE AND ALSO LOCATED AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DOUGHTERY DRIVE, POSTPONED FOR TWO WEEKS.

Mayor pro tem Whittington requested that decision on the subject petition be postponed for two weeks.

Councilman Alexander moved that decision on the subject petition be postponed for two weeks. The motion was seconded by Councilman Short, and carried unanimously.

EXTENSION OF CONTRACT WITH COLUMBUS SERVICES INTERNATIONAL, INC. FOR CUSTODIAL SERVICES AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Councilman Thrower moved approval of the extension of the subject contract for a period of one year beginning July 1, 1971 and ending June 30, 1972, at a price of \$89,628.00. The motion was seconded by Councilman Jordan and carried unanimously.

CONTRACT WITH WOLFE ASSOCIATES/J. N. PEASE ASSOCIATES FOR DESIGN OF NATURE TRAILS AND SITE BEAUTIFICATION FOR NATURE MUSEUM, APPROVED.

Motion was made by Councilman Tuttle to approve the subject contract for design of nature trails and site beautification for the Nature Museum on basis of cost only, with a guarantee that the charges will not exceed 10% of the construction costs. The motion was seconded by Councilman Alexander, and carried unanimously.

Mayor pro tem Whittington asked who recommended these architects? Mr. Bobo, Acting City Manager, replied the Public Works Director.

Councilman Withrow stated these projects should be scattered around to other architects; that he does not think the same ones should be selected every time.

ORDINANCE NO. 58-X ORDERING THE REMOVAL OF TRASH AND RUBBISH ON THE PREMISES OF 314 SOUTH INDEPENDENCE BOULEVARD PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Councilman Tuttle moved adoption of the subject ordinance, which was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 124.

ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE, AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, adopting the subject ordinances, as follows:

- (a) Ordinance No. 59-X ordering the removal of motor vehicle at 1201 Fordham Road.
- (b) Ordinance No. 60-X ordering the removal of motor vehicle at 3045 Ridge Avenue.



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- (c) Ordinance No. 61-X ordering the removal of motor vehicle at 3400 Boyd Street.
- (d) Ordinance No. 62-X ordering the removal of motor vehicle at 2619 Montreat Avenue.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 125.

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

Upon motion of Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, the subject contracts to demolish and remove dwellings were adopted as follows:

- (a) Ordinance No. 63-X ordering the demolition and removal of dwelling at 425 Biddle Street.
- (b) Ordinance No. 64-X ordering the demolition and removal of dwelling at 2323 Blanton Street.
- (c) Ordinance No. 65-X ordering the demolition and removal of dwelling at 328 Skyland Avenue.

Council was advised that the property owners had indicated they would not contest the demolitions.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 129.

CONTRACT WITH EDWARD C. GRIFFIN FOR CONSTRUCTION OF WATER MAINS TO SERVE FORESTBROOK APARTMENT COMPLEX, APPROVED.

Councilman Thrower moved approval of a contract with Edward C. Griffin for the construction of 4,470 feet of 8-inch water mains and four (4) fire hydrants to serve Forestbrook Apartment Complex, inside the city limits, at an estimated cost of \$25,000.00, with the city to finance all the proposed water mains and the applicant to guarantee an annual revenue of 12% of the total cost, pro-rated and payable on a monthly basis, until the guarantee clause has been met. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT WITH SUMMERS DEVELOPMENT COMPANY FOR CONSTRUCTION OF WATER MAINS TO SERVE DALTON VILLAGE, PHASE I, APPROVED.

Motion was made by Councilman Jordan, and seconded by Councilman Thrower, approving a contract with Summers Development Company for the construction of 3,000 feet of water main and three (3) fire hydrants to serve a portion of Dalton Village, Phase I, inside the city, at an estimated cost of \$12,700.00, with the applicant to advance the full cost for all mains in the project and to be reimbursed for the two inch and six inch mains to the extent of 50% and for the eight inch main to the extent of 100% at the rate of 35% quarterly of the revenue derived until full reimbursement has been made or until the end of fifteen years, whichever comes first, all in accordance with the Partnership Plan.

Councilman Withrow stated last week he asked that action on the subject contract be deferred. He was told today by Mr. Summers that this project will come under the 203-B FHA loan and was not in anyway connected with subsidized housing or subsidized rental. That this is his own development using FHA funds, independent of low income housing subsidized rentals.

The vote was taken on the motion and carried unanimously.

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**MAYOR BELK RETURNS TO MEETING.**

Mayor Belk returned to the meeting at this time and presided for the remainder of the session.

**CLAIM FILED BY MISS HAZEL CHRISTINE STOKES FOR AUTOMOBILE DAMAGE, DENIED.**

Councilman Whittington moved that claim in the amount of \$235.39, filed by Miss Hazel Christine Stokes for automobile damage, be denied, as recommended by the City Attorney. The motion was seconded by Councilman Tuttle and carried unanimously.

**RIGHTS OF WAY AGREEMENTS APPROVED.**

Motion was made by Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, approving the following rights of way agreements:

- (a) Right of way agreement with State Highway Commission permitting the city to construct an 8-inch sanitary sewer line within the right of way of North Graham Street to serve Electric Service and Sales.
- (b) Right of way agreement with State Highway Commission permitting the City to construct an 8-inch sanitary sewer line within the right of way of the interchange of Eastway Drive with Independence Boulevard to serve Eastway Drive Interchange with Independence Boulevard.

**PROPERTY TRANSACTIONS AUTHORIZED.**

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

- (a) Acquisition of easement 30' x 249.24' on 33.9 acres undeveloped land on the north side of Sharon View Road and east of McMullen Creek, from Howard T. Nance & Fairfax Enterprises, Inc., T/A Sharon View Properties, at \$249.00, for the McMullen Creek Outfall.
- (b) Acquisition of easement 10' x 37' on Woodlawn Road, from Park Road Shopping Center, Inc., at \$1.00, for Sugar Creek Flood Control Sanitary Sewer Location.
- (c) Acquisition of easement 10' x 101.46' at 2112 Hassell Place, from Heirs of Frank J. Benner, at \$1.00, for Sugar Creek Flood Control Sanitary Sewer Relocation.
- (d) Acquisition of easement 10' x 1098.60' on undeveloped section of Hampshire Hills on Plaza Road Extension, from John Crosland Company, at \$1.00, for Sanitary Sewer to serve Hampshire Hills No. 4.
- (e) Acquisition of 50' x 249.20' x 50' x 249.18' at 3717 Commonwealth Avenue, from Henry Dewey Wilson, at \$13,000.00, for the Eastway Drive Widening.
- (f) Acquisition of 50' x 249.02' x 50' x 248.92' at 3725 Commonwealth Avenue from James T. Stainback and wife, Sarah R., at \$13,900.00, for the Eastway Drive Widening.
- (g) Acquisition of 194.20' x 75.00' x 194.34' x 75.00' at 3823 Eastway Drive, from John Ray Belk and wife, Margaret, at \$15,500.00, for the Eastway Drive Widening.

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- (h) Acquisition of 2' x 108.05' x arc 24.62' x 84.00' at 3600 Arborway or 2201 Sharon Lane, from Providence Corporation, at \$500.00, for the Sharon Lane Widening.
- (i) Acquisition of rectangle 6' x 50' and a triangle of 6' x 123' x 125' at 2169 Sharon Lane, from Sharon Corporation, at \$600.00, for the Sharon Lane Widening.
- (j) Acquisition of 92.68' x 202.15' x 12.68' x 180.22' at 2823 Providence Road, from Oliver R. Rowe and wife, Marie R., at \$1,100.00, for the Sharon Lane Widening.

CITY OWNED PROPERTY AUTHORIZED ADVERTISED FOR SALE.

Councilman Jordan moved that city-owned property at 600 South Mint Street acquired in the course of purchasing right of way for the extension of Stonewall Street, be advertised and offered for sale. The motion was seconded by Councilman Tuttle, and carried unanimously.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving appraisal contracts, as follows:

- (a) Contract with Henry E. Bryant for appraisal of eight parcels of land at fees of \$175.00 each for the Airport Expansion.
- (b) Contract with Wallace D. Gibbs, Jr. for appraisal of eight parcels of land at fees of \$175.00 each, for the Airport Expansion.
- (c) Contract with Henry E. Bryant for appraisal of seven parcels of land at fees of \$175.00 each for the Airport Expansion.
- (d) Contract with Wallace D. Gibbs, Jr. for appraisal of seven parcels of land at fees of \$175.00 each for the Airport Expansion.
- (e) Contract with Henry E. Bryant for appraisal of eight parcels of land at fees of \$175.00 each for the Airport Expansion.
- (f) Contract with Wallace D. Gibbs for appraisal of eight parcels of land at fees of \$175.00 each for the Airport Expansion.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Thrower, seconded by Councilman Withrow and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Minor C. Hunter for Lot No. 34, Section Y, Elmwood Cemetery, transferred from W. R. Whetstone at \$3.00 for transfer deed.
- (b) Deed with Ernest V. Eudy and wife, Avis J. Eudy, for Graves No. 1 and No. -2, in Lot No. 162, Section 2, Evergreen Cemetery, at \$160.00
- (c) Deed with Lincoln O. Emery and wife, Rosa P. Emery for Graves No. 3 and No. 4, in Lot No. 736, Section 6, Evergreen Cemetery, at \$160.00.

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CONTRACT AWARDED BURGESS FIRE EQUIPMENT INC. FOR FIRE HOSE.

Councilman Jordan moved award of contract to the low bidder, Burgess Fire Equipment Inc., in the amount of \$6,320.00 on a unit price basis for fire hose. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Burgess Fire Eqpt., Inc.	\$6,320.00
Zimmerman-Evans, Inc.	6,546.40
Fabric Fire Hose Co.	6,585.60
Dillon Supply Company	6,871.76
Southern Rubber Company	7,048.80

CONTRACT AWARDED SANDERS BROTHERS, INC. FOR CONSTRUCTION OF WATER MAIN IN CENTRAL AVENUE, FROM EASTWAY DRIVE TO SHARON AMITY ROAD.

Motion was made by Councilman Whittington to award contract to the low bidder, Sanders Brothers, Inc., in the amount of \$95,053.00, on a unit price basis, for construction of water main in Central Avenue, from Eastway Drive to Sharon Amity Road. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Sanders Brothers, Inc.	\$95,053.00
Thomas Structure Co.	96,369.00
A. P. White Associates	102,529.50
Shutt Hartman Const. Co., Inc.	107,174.00

DISCUSSION OF PROPOSED ORDINANCE ON LITTER CONTROL PROGRAM.

Councilman Tuttle stated a copy of his statement as Chairman of the Mayor's Litter Control Committee was sent to Council.

Councilman Whittington thanked the Litter Committee and also Mr. Jordan, who was a part of the Committee until he asked that his name be removed. He stated this morning he received a call from a lady requesting that Mr. Hopson develop a plan in his department whereby people in the sanitation crews would be directed to give warning citations to people who are violating this ordinance; that this would be helpful in bringing this to the people's attention.

Councilman Tuttle replied the intent of the inspectors in the beginning to a large extent will be through a warning.

Councilman Thrower stated it seems that one of the biggest problems in Charlotte is the drive-in restaurants; that he does not believe that the proposed ordinance covering trash handles this adequately. He requested that this ordinance be deferred for a week so that Mr. Underhill, City Attorney, can rewrite the ordinance to cover this.

Mr. Underhill stated he believes the existing ordinance and the ordinance proposed would cover the situation except that Mr. Thrower has in mind some new proposed language which would be helpful and would require commercial eating establishments to provide necessary trash receptacles to handle the large amount of paper.

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Councilman Tuttle stated he would be happy to delay this for one week, and asked that the City Attorney prepare the amendment to the ordinance for next week.

Councilman Tuttle stated he would like to thank Mr. Jordan for his work on the committee; that he resigned from the committee at about the time the ordinance was drawn so he was very much a part of it.

Councilman Whittington asked if the ordinance will take care of the rear of the shopping centers? Mr. Underhill replied it will.

COUNCIL ADVISED THAT CITY IS IN PROCESS OF TRYING TO PURCHASE LOT FOR RELOCATING FIRE STATION NO. 4.

Councilman Thrower asked when the City plans to do something about Fire Station No. 4. That something should be done about it before it falls down.

Mr. Bobo, Acting City Manager, replied the City is in the process of trying to purchase a lot right now, and as soon as this is accomplished, they will come to Council for authorization to draw the plans. That the purchase should be within the next week or two.

CITY MANAGER REQUESTED TO HAVE PORTION OF WELLESLEY AVENUE STUDIED AND REPORT BACK TO COUNCIL GIVING COSTS AND OTHER PARTICULARS SO THAT IT CAN BE INCLUDED IN THE FIVE YEAR CAPITAL IMPROVEMENT BUDGET.

Councilman Short stated he would like to discuss the block of Wellesley Avenue where the new Queens College Auditorium is located. That this Auditorium is being increasingly used and there are events there several times a month drawing large crowds. Yet a portion of this block is about a 1945 style block and is about 15 feet wide. Queens is one of the leading institutions of the community and it deserves the city's help in correcting the very aggravated traffic problem there.

Councilman Short moved that the City Manager be requested to have this matter studied and report back to Council immediately, advising the cost and other particulars so that the City can consider putting this in the city's five year capital improvement budget. The motion was seconded by Councilman Tuttle, and carried unanimously.

PLANNING COMMISSION, ENGINEERING DEPARTMENT AND OTHER DEPARTMENT TO REVIEW PLANNING COMMISSION'S REPORT ON ANNEXATION AND MAKE RECOMMENDATION TO COUNCIL ON AREAS MEETING THE LEGAL REQUIREMENTS FOR ANNEXATION.

Councilman Whittington stated the vote on consolidation and a new charter on March 22 was soundly defeated. The results of the 1970 census gave a slight increase in population in the city and a substantial increase of population in this county and surrounding counties which indicates that people are moving from the city and county at a rather rapid rate for various reasons. With this as a fact, he believes that we now need to explore all avenues to begin annexation of the developed areas meeting the requirements of our annexation laws.

Councilman Whittington moved that the City Manager request the Planning Commission, Engineering Department and other Department's necessary to review and renew the Planning Commission's report on annexation and give Council their recommendations on areas meeting the legal requirements of the annexation laws. The motion was seconded by Councilman Short.

Councilman Tuttle asked Councilman Whittington to include that emphasis be put on the Idlewild Road area. Councilman Whittington replied this is acceptable to him.

The vote was taken on the motion and carried unanimously.

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SUGGESTION THAT COUNCIL REVIEW APPOINTMENTS TO BOARDS AND COMMISSION FOR BETTER REPRESENTATION AND THAT COUNCIL CONSIDER DEPARTMENTS OF THE CITY AND COUNTY THAT CAN BE MERGED.

Mr. Albert Pearson stated there is an article in today's paper by a reporter and it is a reflection back to the defeat of the charter in which it tends to infer that the charter defeat may have been an anti-black move. He stated as one who opposed the charter because it would have caused insufficiency, he asked Council now to review all the committees appointed by the Mayor and City Council to see who is on them, who they represent and if we cannot get a better representation from the City of Charlotte on these Committees; a new charter is not needed for that.

He asked Council to look into the consolidation of any city and county departments that would save money and make things more efficient. According to the Charter Commission there is no two departments that cannot be merged and no arrangements that cannot be made that would cover practically any of the things proposed in the Charter.

Councilman Withrow stated he agrees with Mr. Pearson that Council should consider the possibilities of merging some of the departments if the County agrees.

COMMENTS BY RESIDENT OF HICKORY GROVE COMMUNITY REGARDING THE PROPOSED TURNKEY THREE PROJECT FOR THE AREA.

Mr. Paul Craig, from the Hickory Grove Community, stated a turnkey three project is proposed in their community. He stated he has had placed in Council's hands briefs concerning the turnkey three project, and he hopes each will study the briefs as they believe they contain matters of deep concern for the Hickory Grove Community and the residents of the City of Charlotte as well.

Mr. Craig stated this project has been proposed and has been before the Housing Authority but they have not been able to get the specifications. That they understand it will come up again on April 8. They know that one turnkey three project is already underway in Charlotte - Windsong Trail. That they have been out to view this project many times and they do not like what they see. They feel it is not moral to put people of this category into this poor quality low-cost housing. They feel the cost of these houses are exorbitant. They are paying approximately \$22,500.00 for a house that has less than 1,200 feet of floor space. They had an appraiser to go out and he appraised this property including the house and the development of the land at \$13,500.00. Still the individual buying the house is going to pay \$22,500.00.

He stated they feel the site as proposed for their local area (86 acres, is for 196 low cost homes) is much too small an area to accommodate that many houses. It does not leave very much area for streets, playgrounds or buildings for other accommodations. It will be demoralizing; these people cannot achieve under these conditions; they feel very little planning has been done as it relates to schools, churches and other areas.

Mr. Craig stated in the Hickory Grove area the Cochrane Junior High School and Albemarle Junior High School is full to overflowing; Independence Senior High School is full; the only school that may accommodate any of the students would be Hickory Grove Elementary School and that only if they agree to not tear down an old building that has been disqualified as good school condition.

He stated there is inadequate playgrounds and parks. Other related activities are overtaxed as well. One of the main problems is the streets.

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The streets will have to be very narrow in order to allow the minimum amount of ground space for this type of building. Three streets would serve this particular area - Craigwood Drive, Gaynell Drive and another street which will empty onto Hobshill Road. All three of these streets empty into the Hickory Grove Road area and this road is a two-lane narrow street with no sidewalks. It is already congested and it is difficult to get by it.

Mr. Craig stated his father ran a dairy farm on the property for some 35 years; that he has been a resident of the area all his life; his mother still lives on the property; his sister and brother still lives on the property; and each own individual homes. He stated there are 40 homes immediately surrounding the area that are valued in excess of \$30,000; the minimum size of the 40 homes is approximately 1,500 square feet; most will range up to 2,300 to 2,400 square feet in floor space. The size of their lots are a minimum of 100 feet; most are 375 feet deep or deeper. The size of the proposed lots will necessarily be much smaller; probably as small as 75' x 125'. He stated in the interest of good zoning and good planning, it is wrong to place this much change in housing in an already existing community.

He stated they believe the people who are going to move into these areas have some rights; that poor people do need adequate housing; that they need adequate space in which to live; they believe this should be of a nature which would create the desire on the individual person to improve his own pride; to place a house on the size lot as proposed would present less than a desirable situation to achieve these goals. The individual should be motivated so that he can be a good, honest taxpaying citizen. Rather than placing 196 houses of a much larger variety and allowing more space. Probably a maximum of 50 homes in the area. They suggest the homes be upgraded so they will compare favorably with the surrounding area already there, both in size and quality.

They suggest that more playgrounds and park areas be provided for the community at large. They believe the citizens of Hickory Grove as well as the City of Charlotte should be enraged at the possibility of another one of these places in our city and in our county. The people of Hickory Grove Community feel that the project at Windsong Trail is a failure. If it is not already a failure, it is doomed for a failure very soon.

Mr. Craig stated they have not said they do not like the poor man; they do like the poor man, but they want the poor man to have an opportunity to excel; not put him in an area like a cage and expose him so that everyone can drive by and say look at that poor bunch of people. That is exactly what they are doing when we put them in areas like Windsong Trail. This is creating another problem at the edge of the city that we already had downtown and had to move out of.

Mr. Craig stated this is a proposed plan at this point; and they are very hopeful that reconsideration will be given and it will not become a reality; this 196 houses on the 86 acres. That the people of Hickory Grove Community do not dare sit back and wait on the possibility of it not becoming a reality.

Mr. Craig asked the Council to exercise every bit of influence it has towards trying to see that something is done about this situation before it is too late.

Mr. Craig stated this area is very poorly drained. That some remarks have been made in the newspaper about heads of cattle being lost in the swamp. That this is fact; the sink holes referred to earlier in the papers are fact; there are sink holes within 200 yards of the railroad tracks. The area is drained by three creeks.

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**NOMINATIONS TO THE ZONING BOARD OF ADJUSTMENT.**

Councilman Whittington placed in nomination the name of Mrs. Charles W. Gallant, Jr., 4527 Wentworth Place, for a three year term on the Zoning Board of Adjustment.

Councilman Short placed in nomination the name of Mr. Don Lee, Architect, for a three year term on the Zoning Board of Adjustment.

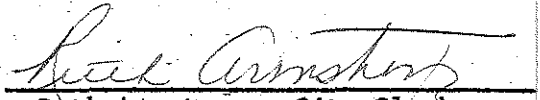
**APPOINTMENT OF DAVID BURKHALTER AS CITY MANAGER.**

Councilman Tuttle moved the appointment of Mr. David Burkhalter as new City Manager, to be effective approximately May 1, 1971. The motion was seconded by Councilman Whittington, and carried by the following vote:

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

**ADJOURNMENT.**

There being no other business before the Council, the Meeting was adjourned.

  
Ruth Armstrong, City Clerk