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The City Council of the City of Charlotte, met in regular session, on Monday, March 20, 1972, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Finley, Godley, Moss, C. Ross, Sibley and Turner present.

ABSENT: Commissioner James Ross.

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INVOCATION.

The invocation was given by Mr. R. M. O'Hair.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on March 13, 1972, were approved as submitted.

HEARING ON PETITION NO. 72-17 BY ELLISON F. EDWARDS, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HAWTHORNE LANE AND EAST EIGHTH STREET.

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 six (6) affirmative votes of the Mayor and Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question is (U) shaped, consisting of three separate lots. One fronts on Hawthorne Lane and the other two front on Eighth Street, with one lot between the two not included in the rezoning request. The lots are occupied by single family residential structures as is the remaining part of that block of Eighth Street, between Hawthorne Lane and Lamar Avenue. There is a church directly across Hawthorne Lane from the subject property; there is an apartment building across Eighth Street from the subject property, and beyond that coming in the direction of Seventh Street, along Hawthorne is an office building and a number of business activities in the area of Seventh Street. In the direction of Independence Boulevard, there are residential uses consisting of one single family, an apartment house in the direction of Bay Street, and a variety of business activities at the intersection of Independence Boulevard.

He stated beginning at Seventh Street on Hawthorne Lane there is business zoning along Seventh Street; office zoning completes the block coming down to Eighth Street; beginning at Eighth Street and continuing in the direction of Independence Boulevard there is R-6MF zoning that includes property on Bay Street, Hawthorne Lane, Lamar Avenue and the other streets in the vicinity. At Independence Boulevard is a business zone pattern.

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Mr. Sam Williams, representing Dr. & Mrs. Edwards, Mrs. Houser and Mr. & Mrs. Courtney, passed around a map showing the location of the property. He stated Dr. Edwards invested in the corner lot about one year ago; he has for the past several months rented the property for residential use. This intersection has two corners already zoned for office, and the third is occupied by the Hawthorne Lane United Methodist Church. To provide for an appropriate office site, the original area was of a size similar to the other existing office corners, approximately 37,000 square feet; however, because of a stated concern of a tax increase which might result, Mrs. Virgil Baucom, the interior portion of the (U), refused to join in the petition. She is surrounded by the petitioned-for property, and is the only really effective protestor, not withstanding the fact that a protest was signed by 22 people. In the main the protestors do not own the property; one of them lives in Dr. Edwards' property. By and large the other signers are renters with the exception of Mr. & Mrs. Frank C. Moffitt who own an O-6 zoned parcel directly across the street. They purchased the property less than six months ago. The house on the property sought to be rezoned that lies directly across the street from the Moffitts, has been ordered demolished. He stated only 25% of the dwellings in this area are owner-occupied. This request for rezoning seeks to provide a transition from owner-occupancy and owner-pride and corresponding high caliber owner maintenance to high caliber office development, making available for Sunday and evening parking use, the parking that will be connected with this proposed structure.

Mr. Frank Moffitt stated he recently acquired the apartment directly across the street at 1710; that he is personally acquainted with two of the protest petitioners; that he was called last week by Miss Ann Pierce who lives two houses away on the same side of the street of the proposed property. That she is 88 years of age and has resided at 1719 East Eighth Street for 56 years; immediately next to her are Mr. & Mrs. Vantrease; on the end of the block are Mr. & Mrs. Millersham; that all of these people are 75 years old or better, and they are not present today. He stated it is probably true that the O-6 zoning in this particular block of East 8th Street would only amount to parking; but these citizens who protest are the type who still need sidewalks to get out and move about; they cannot drive, and this is another encroachment on their last years on this earth.

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

HEARING ON PETITION NO. 72-19 BY GARY H. WATTS FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT THE NORTHWEST CORNER OF CENTRAL AVENUE AND MEDFORD DRIVE.

The public hearing was held on the subject petition on which a protest petition has been filed but was not sufficient to invoke the 3/4 Rule.

The Assistant Planning Director advised the subject property is at the corner of Central Avenue and Medford Drive; Medford Drive is one block and is located east of and parallel to Eastway Drive. The property is occupied by single family use; the immediate land use is for similar uses; the nearest non-residential use is back at Eastway Drive and Central Avenue intersection. On the south side of Central Avenue is the United Methodist Church; on the north side of Central Avenue is the Third Presbyterian Church. Generally the area along Medford, Folkston and Temple Lane is used entirely for single family residential purposes.

Mr. Bryant stated there is business zoning along Eastway Drive and around the intersection of Eastway and Central; on the north side of Central Avenue is a pattern of R-6MF beginning with the end of the business zoning and proceeding easterly from that point. Other than that the area to the rear of the subject property and across Central Avenue is all zoned R-9.

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Mr. Frank L. Schrimsher, Attorney for the petitioner, stated the petition was filed by an agent with the property being owned by George Simpson and wife. He passed around photographs of the area. He stated the property owners no longer live at this location because of the traffic conditions and the business zoning. The property is right in front of a street widening project which is being carried out in order to handle the large flow of traffic which passes in front of its property. The owners of the property adjacent to the subject property have not joined in the petition but have made an affidavit in which they request the City Council to look favorably upon the petition because their property is similarly situated. The complexion in the neighborhood has changed and is in the process of changing considerably.

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

HEARING ON PETITION NO. 72-9 BY ALVIN E. LEVINE, ET AL, FOR A CHANGE IN ZONING FROM R-15 TO O-15 OF A STRIP OF LAND 50' X 150' AT THE REAR OF THE LOT AT THE NORTHEASTERLY CORNER OF SHARON AMITY ROAD AND ROBIN ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a very small strip of land that actually consists of the rear strip of a lot that fronts on Sharon Amity Road at Robin Road. There is a single family residence on the front portion of the property; there are single family residences to the side and down Robin Road; at the corner of Sharon Amity Road and Robin Road is a converted house being used for the office of a real estate firm; down Sharon Amity from that point are several single family residences. Along Westbury is a solid pattern of single family residential uses. North is a converted house being used for a beauty shop and then the Ford Motor Company office building. The Randolph Park Apartments are in the area. Basically around the subject property are single family uses on two sides with vacant property across Robin Road and to the rear.

There is a solid pattern of 0-15 zoning on the east side of Sharon Amity Road extending throughout the area and opposite the Cotswold Shopping Center Area; behind that begins a very large pattern of R-15 zoning. The R-12MF zoning accommodates the Randolph Apartments.

Mr. Bryant stated at the time the office zoning was installed along Sharon Amity Road, the line was extended straight through from the center line of the dedicated but unopened street, and it cut off about 45 feet to the rear of the subject property.

Mr. William H. Ashendorf, Attorney for the petitioners, stated at this time there are no specific plans except to develop this property for office use. Tentatively they plan a building which will more than likely be a medical facility.

He stated in July, 1971, the petitioners purchased the property which was actually 150 feet wide on Sharon Amity Road and went back to a depth of 345 feet. That they are now asking that the rear 45 feet be changed from R-15 to 0-15 as the majority of the lot is already 0-15. The previous owners petitioned along with six other owners of property whose property went back 300 feet, and in allowing them to come in on the petition, an arrangement was made that they would only ask for the 300 feet. The 45 foot strip consists of about 6,750 square feet and is zoned R-15 which is too small to allow R-15 use. They are asking today that the owners be allowed to make use of the entire lot for 0-15 purposes.

Councilman Whittington asked if all the houses on Robin Road are single family, and Mr. Bryant replied yes, there are three houses there. Councilman Whittington asked if the 45 feet is granted how far will it be from the side yard of the first house? Mr. Bryant replied it will be up to the property line.

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Mr. Ashendorf stated his clients have indicated if the request is granted they will use this portion of the property for parking.

Councilman Whittington asked if this could be given for conditional parking only? Mr. Bryant replied it could be. Rather than changing the zoning, it can be granted as a conditional use for parking.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 72-10 BY SQUIRES REALTY, INC. FOR A CHANGE IN ZONING FROM O-6 TO I-2 OF A PARCEL OF LAND 220' X 183' AT 1117-1129 CLEMENT AVENUE.

The hearing was held on the subject petition requesting a change in zoning from O-6 to I-2 of a parcel of land at 1117-1129 Clement Avenue.

The Assistant Planning Director advised the subject parcel is located on the west side of Clement Avenue; it is occupied by three residential structures with one in the process of being torn down; it is adjoined to the north by a heavy industrial use; to the rear of the property, between it and the railroad is a building used for a cabinet or wood making shop purposes; across Clement is a portion of the area used by Reid Electric Company; there are two single family residences beginning at Hammorton and coming down in the direction of Central Avenue, and one vacant lot which is used partially for parking. Other than that there is a general mixture of business type activities along Central Avenue.

Mr. Bryant stated the subject property is the only remaining parcel of land on the west side of Clement that does not have either an industrial or business type zoning. There is business zoning along Central Avenue coming up to the subject property; then the subject property is zoned O-6 and has I-2 zoning to the rear of the property and to the north of it. Across Clement from the subject property is a portion of business zoning; then O-6 zoning which is prevalent along the south side of Hammorton Place; north of Hammorton is a pattern of R-6MF zoning.

Immediately around the subject area is industrial zoning on two sides, business zoning on the third side and office zoning on the fourth side.

Councilman Whittington stated the only way business or industrial developments have ingress and egress is either by Hammorton, Clement or Pecan; that they cannot get to Hawthorne from that point? Mr. Bryant replied there is no street pattern through the area into Hawthorne; access is basically by way of Clement Avenue from Central Avenue.

Mr. Bill Squires stated he is the owner of the subject property; that the property is part of the old Charlotte Casket Company property which he acquired about three years ago. There is a portion of two duplexes and one house on the property now; it has been condemned and is being demolished. Part of the Charlotte Casket Company property was industrial and part business; it is adjoined on the other side by Barnhart Manufacturing Company which is industrial; across the street is business. That for all intents and purposes the subject property is the only tract in this whole block that is not zoned for business.

Mr. Squire stated he hopes to continue the general trend which is across the street where the Central Square Shopping Center is located; that he eventually hopes to extend that type of thing across the street.

Councilman Short asked if he needs I-2 zone in order to extend something such as the shopping center? Mr. Squire replied he does not have any concrete plans; that he asked for I-2 because directly to the rear of his property and to the side is I-2 zoning. That he can conceive of the possibility of something that might come up where they adjoin Barnhart Manufacturing Company, and where they join the I-2 on the rear.

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Councilman Short asked if the adjoining I-2 property is used for I-2 purposes? Mr. Bryant replied Barnhart Manufacturing facilities would have to be I-2; that he is not sure of the use directly to the rear; but it appears to be a cabinet making shop. Mr. Squires replied it is presently used as a cabinet distribution warehouse. Mr. Bryant stated that could have occurred on I-1; it would require industrial zoning.

Mr. Squire stated he owns the property out to Central Avenue with the exception of one small 50 foot lot; that he owns the property on the corner of Clement Avenue and Pecan; then there is a 50 foot lot owned by Barnhart Manufacturing Company connected to that. That he owns the other property down to the railroad and back to the Barnhart Manufacturing Company property to the rear.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 72-11 BY LLOYD D. CAMPBELL, ET AL, FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF .794 ACRE TRACT OF LAND ON THE SOUTH SIDE OF CAMPBELL DRIVE, BEGINNING 200 FEET WEST OF SHARON AMITY ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is the residue of a parcel of land that was zoned for business fronting on Sharon Amity Road. It was all requested for business zoning, but the rear portion was denied and the front portion was approved.

The subject property has frontage on Campbell Drive; it has one single family residence on the rear portion of the property; there is a duplex that has been moved onto the property, and if the zoning is not changed, that duplex becomes an illegal use and presumably would be removed. In front of the property on Sharon Amity Road there are two business buildings being developed; a larger grocery store is being built and at the corner of Campbell and Sharon Amity Road a service station is in the process of being developed; to the rear of the property down Campbell Drive and across the street is a solid pattern of single family uses; directly to the rear of the property is some vacant property fronting on Driftwood Drive; other than that the area is predominately developed with single family residential uses. Across Sharon Amity is the beginning of a developing pattern of business uses; there is a restaurant in the process of being constructed just north of Campbell Drive; a dance studio is located almost directly opposite Campbell Drive. There are large areas of apartment structures under construction and those that have been built in the area.

He stated there is a general configuration of business zoning along Albemarle Road and along Sharon Amity Road to a point near Campbell Drive. It is zoned business from Albemarle Road up to Campbell Drive on the west side of Sharon Amity Road and on the east side it is zoned from Albemarle Road to a point north of Campbell Drive. The subject property is zoned single family residential as is all the property beginning at the rear and extending down both sides of Campbell Drive. On Driftwood Drive to the rear of the property is a small area of R-9MF zoning; behind that is a solid pattern of single family residential zoning.

It is basically a business pattern along Sharon Amity Road; residential zoning from that point along Campbell Drive and Driftwood Drive.

Mr. James E. Martin, representing the petitioners, stated this is the last of the property owned by the Campbell Heirs. That Mrs. Campbell had one lot remaining and this lot ran all the way up to Sharon Amity Road. Until last fall, there was situated on the property a duplex. When a sale was made of the property the duplex was moved to the rear portion of the large lot; it has not been used as a duplex since that time, and it could be converted into single family dwelling if necessary. He stated they would like to continue the R-9MF zoning all the way across. That it would be a buffer between the service station and the residential area. He stated this last lot has been divided into three portions; one has a service station on it; one has the duplex on it and another has a single family dwelling on it.

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Councilman Whittington stated this duplex would buffer the single family homes on Campbell Drive from the grocery store and service station. Mr. Martin replied that is right.

Councilman McDuffie asked the least amount of land necessary for a duplex? Mr. Bryant replied it depends on the land area; there is also a single family residence in there, and technically two lots would have to be created. Mr. Bryant asked the street frontage that will be related to the single family residence if the duplex is permitted to remain in front of it? Mr. Martin replied by referring to a map and pointing out the service station, and the grocery store site. He pointed out the portion sold to the service station, and stated they have drawn another line and it is the area that will be used for the duplex. That the larger portion of the property is not included in the request for rezoning. That is where the single family dwelling is located. He stated one portion belongs to Mr. Mayhew, and Mr. Mayhew also owns a portion of R-9MF. When they first approached the Planning Commission about the rezoning, they were talking only in terms of the one lot, and it was suggested that they contact the adjoining owner to see if he would be willing to join in the petition so that it would not be spot zoning, but would be a continuous buffer. He stated they contacted Mr. Mayhew and he joined in the petition.

Mr. Bryant stated there is 9,203 square feet in the portion being requested for rezoning; that is not enough under R-9MF zoning to accommodate a duplex; it would require 11,500 square feet; that he would assume there is a 30 foot strip already zoned business that would be associated with this parcel to make enough.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 72-12 BY R. H. ADAMS FOR A CHANGE IN ZONING FROM R-6MF TO I-2 OF PROPERTY ON THE SOUTHEAST SIDE OF NORTH DAVIDSON STREET, BETWEEN EAST 37TH STREET AND HERRIN AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request for rezoning is located in the North Charlotte portion of the city; the property in question is located on Davidson Street. The property is vacant; it is adjoined on either side by existing single family residential uses; the railroad is located to the rear of the property; across Davidson Street from the subject property is a combination of a vacant mill building, and some vacant property adjacent to the railroad. There is also a small grocery store on Davidson Street and a produce stand and wood sale lot located in the area. The predominate pattern to either side is that of single family residential use.

Mr. Bryant stated there is industrial zoning north of Davidson Street along the railroad encompassing the mill area; on the south side of Davidson Street there is a solid pattern of multi-family zoning which extends over to a point near Academy Street where there is again a pattern of industrial zoning.

Councilman Short stated the city and county had asked the Planning Commission to consider some more stringent regulations for the flood plains which have not been brought forward yet. He asked if this is done, will it have an effect on this property? Mr. Bryant replied possibly; there is a small branch that runs beside the property, and it is for the most part low land. He noticed from the old record plat accompanying the petition that at one time this was planned as a lake site. Whether or not this would be precluded from any use by any proposed flood-zoning regulations he cannot say definitely. Councilman Whittington stated that was an old mill pond.

Mr. Ronnie Adams, owner of the property, stated he has checked with the engineering department and they require a 66 inch pipe put through. They will have to change the pipe under Davidson Street which is only a four foot pipe, and the pipe in the street above is only 24 inches; under the railroad track it is a 66 inch pipe. This is presently zoned for R-6MF; to the west and to the east is a railroad track and it is not suited for multi-family use because around it is industrial use.

Mr. Adams stated they went to the North Charlotte Action Committee with their plans, and he has their approval. That they want to use it for a small plumbing shop and a manufacturers representative and this type of office and warehouse.

Councilman Short stated if this is a creek which the engineering department sees as being able to put in a culvert, apparently flood plain regulations would not apply. Mr. Bryant replied not necessarily; that they are talking about a definition of flood plains a little bit differently than anything we have had previously.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for recommendation of the Planning Commission.

HEARING ON PETITION NO. 72-13 BY D. L. PHILLIPS INVESTMENT BUILDERS, INC. FOR A CHANGE IN ZONING FROM I-2 TO R-6MF OF 2.25 ACRES OF LAND ON THE NORTHWEST SIDE OF BARRINGER DRIVE, BEGINNING 1,400 FEET SOUTHWEST OF CLANTON ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on Barringer Drive, between Clanton Road and Pressley Road. The subject property is vacant as is the property immediately adjacent to it on all sides. The Rosehaven Apartment area is a large area and just a corner of that apartment project land comes up to the subject property. There are a number of single family residences in the immediate vicinity.

Councilman Whittington asked if this property has not been up before? Mr. Bryant replied it is the same parcel that was up previously for a change from industrial to multi-family; it was a larger tract. The industrial zoning extends all along the northwest side of Barringer Drive.

Councilman Short asked if Barringer Drive is not an almost new road through the area? Mr. Bryant replied it is; that part of it was built by the State. It was part of the damage agreement worked out in relation to the taking of the property for I-77. The State actually built the access road from Clanton Road down to a point; then the developer picked it up at that point, and brought it on down to Pressley and built the streets back in the development. There is some very bad breakup in the street at present; it is almost impassable in a couple of spots.

Mr. Bryant stated there is a general pattern of industrial zoning along Barringer Drive extending almost to Clanton Road all the way down to Pressley and beyond that point. Behind the subject property is a combination of O-6 zoning, and R-9MF zoning where the apartment project is now located. From the edge of the subject property extending along Barringer Drive in the direction of Clanton Road is a pattern of existing R-6MF which extends almost up to Clanton Road. There is single family zoning to take care of the single family development.

Mr. Tom Cox, Consulting Engineer, stated he represents the petitioner. He stated this petition was brought to Council about three years ago. That originally they started out to build 1,000 apartment houses about five years ago. They built 500 units known as Roseland I, and another 500 units and then there was a change in the market. Roseland I and II are low-income housing units. They looked into the possibility of building the same type apartments and found the market was not right for that.

Mr. Cox stated they were approached by the Public Housing Authority and asked to consider putting in a PHA project. At that time the petitioner came to Council and asked for rezoning of a tract of land for the purpose of building a public housing authority turnkey installation. Council wisely turned it down. The market now demands that instead of a low income housing complex they should go to a higher income project. That they propose to build 188 townhouse units to be put on the market to meet the needs of the family whose income is in the neighborhood of \$150 to \$200 per week.

He stated the boundaries of the site are natural boundaries. He pointed out the boundary of the I-2 zone, and pointed out a branch that flows through the property. He stated none of the apartments will be on the opposite side of the creek towards the industrial zone; it will be left wooded. Across the street will be an 18 foot high fill; a new street is proposed to be cut through into that property, and any installation will not be built to face Barringer Drive, but will face the new street. None of the proposed apartment buildings will face towards industrial zone.

Councilman Whittington stated Mr. Cox is saying they will begin construction of this higher type apartment from the creek up to the back property line of the homes or the streets coming off Clanton Road. Mr. Cox replied that is right. Councilman Whittington asked if they are going on up along Barringer Drive to the rear property lines of the houses on that last street? Mr. Cox replied they are beside the last house on Blandwood Drive; that up towards the Church the zoning is R-6MF but they do not plan to include that because of the industrial zoning; that the Phillips interest owns all the way out to Clanton Road.

Councilman McDuffie asked how many areas are involved in the entire tract? Mr. Cox replied there are 30 acres, and there will be a tremendous amount of green acreage in the development.

Councilman Withrow stated if they are only going to build 188 units, they could do that in R-12MF or R-15MF. Councilman Short stated this is important as there is already so much R-6MF in that area. Mr. Cox replied if the joint Boards decide that it should be R-9MF he sees no reason why it would not work just as well for the project.

Councilman McDuffie asked how many units can be built on R-12MF? Mr. Bryant replied with 30 acres, R-12MF would provide for about 14 units per acre and it would permit 400 and some units. That there is no problem from a density standpoint. Mr. Bryant stated the only thing before Council today is the 2.25 acres; the majority of the tract is zoned O-6 and that is not before Council for consideration.

Councilman Withrow asked if this will be subsidized rental; what kind of money will be used? Mr. Cox replied it is an FHA project; that he is not familiar what the type; that he does not believe it is a subsidized rental.

Councilman Withrow stated he would like to know if it is subsidized rental units? During the Council's recess, Mr. Cox advised Councilman Withrow the financing will be a FHA D-4 Program, Market interest rate, no subsidy.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for recommendation from the Planning Commission.

HEARING ON PETITION NO. 72-14 BY TAR HEEL FOOD BROKERS, INC., FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT AT 723 WEST SUGAR CREEK ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a single lot request on the west side of Sugar Creek Road; it has on it a single family residential structure; it is adjoined to the north by a parcel of land which also has a single family residential structure on it; to the rear are single family residences along Ridgedell Court; to the south is a parcel of land with a large single family house on it and a sign on the property indicating the

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property is owned by the Sugar Creek Church of Christ. There is vacant property directly across the street and on the south side of Munsee Street. There is business use on Sugar Creek beginning at Argyle and continuing down from that point.

Mr. Bryant stated immediately around the subject property is a solid pattern of single family residential zoning. The nearest non-single family is at the beginning of the business area at Argyle.

Mr. Percy Welch, representing Tar Heel Food Brokers, stated they would like to use this property for an office with all the parking in the rear. He stated he has personally contacted all the property owners on the same side of Sugar Creek Road and there has been no opposition to their request. The Church is going to eventually dispose of the house and build a large sanctuary. They have plans for parking, and driveway access to come to the very edge of the property line.

Mr. Welch stated they intend to use the property as it is with the exception they are trimming and pruning shrubbery; they are trying to straighten out the landscape. As soon as the weather permits it will be painted.

Mr. Welch stated they are presently located on Glenn Street, just off Central Avenue. They are in rental property that is in a state of disrepair and it needs to be replaced and torn down. He stated their business is such that the office is a place for a telephone and filing cabinet and is a place where a little paperwork can be done. They do not have any sales to take place on the premises. Those who work with the company travel and call on such people as the A & P, Harris-Teeter, Associated Grocers, Biggers Brothers and other accounts. This particular location will give them access to Interstate 85, Interstate 77 and North-South Expressway to see the people they need to do business with. At the time they were looking for property, he checked all the area that was zoned O-6 and there was nothing available. That he knocked on doors and nothing was available. That they picked this location for its access to the highway.

Councilman McDuffie stated this seems to be a location where Council should ask the Planning Commission to study the whole area from Tryon Street to the Interstate to see if changes are needed. That Council has to determine if it is going to stay; that it is already spotted with office and business; it would appear that it would all be office and some business encroachment. That the Planning Commission might say it should all be office and no business to keep down the traffic.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 72-15 BY EDWARD M. HARRIS FOR A CHANGE IN ZONING FROM R-9MF TO O-6 OF A LOT AT 130 WELLINGFORD STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on the east side of Wellingford Street as it runs northerly from North Tryon Street; the lot in question is the first residentially used parcel of land on the east side of Wellingford as you go away from North Tryon Street; it is occupied by a single family residence. There is single family usage to the north and a single family lot to the rear of the property facing on Hersey Street. The intervening area between the subject lot and North Tryon Street is used for a mobile home sales lot. Across Wellingford, beginning at North Tryon Street, there is a restaurant and a small office building with parking to the rear; some of the old building from Baucom Nursery still remains in the area. There is a new business development housing a number of business activities; northerly along Wellingford Street are single family residential uses.

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Mr. Bryant stated the zoning pattern is basically one of business zoning on the north side of Tryon Street coming down Wellingford on the east side of the street and continuing past that point on the west side. The subject property and the other land along Hersey Street is zoned R-9MF. There is business zoning on one side of the subject property; business zoning across Wellingford from the subject property, and residential zoning on the other two sides of the tract.

Mrs. Sandra Townsend with Townsend Realty Company stated she is representing Mr. & Mrs. Edward Harris. She passed around pictures of the property and explained each one.

Mrs. Townsend stated the property, if rezoned, will be used as an office for an accountant to be used for bookkeeping and tax service. He does most of his business out in other offices and will not have a lot of traffic in and out of the property.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 72-16 BY DAVID KINNEY, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY ON BOTH SIDES OF HAWTHORNE LANE, FROM NEAR CENTRAL AVENUE TO NEAR INDEPENDENCE BOULEVARD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request involves a number of different property owners, and it represents property on both sides of Hawthorne Lane, extending from the business zoned area adjacent to Independence Boulevard to the business zoned area near Central Avenue.

Mr. Bryant stated the subject property consists of all the frontage property on Hawthorne Lane through the almost two block area. There are varied land uses at the present time. There is still remaining a number of single family residences facing on Hawthorne Lane; there are some scattered multi-family uses as well; there is a kindergarten day-nursery facility located on Sunnyside Avenue, between Hawthorne and Oakland Avenue also included in the request. There is also a use in the building at the northwest corner of Sunnyside Avenue and Hawthorne which is apparently used in part for an office type function. That the Inspection Department has been made aware of this, and is investigating it. If that type of activity is there it is not in accord with the present zoning pattern.

Mr. Bryant stated there is B-1 zoning along Independence Boulevard; B-1 zoning extending down Lamar Avenue to the east of the subject tract; there is business zoning extending along Central Avenue. Intervening between the Central Avenue business and the Independence business zone is a pattern of R-6MF zoning extending along Sunnyside, including the subject property, and for several blocks. Basically the property has existing business zoning on three sides - Central Avenue, Lamar Avenue and Independence Boulevard; then multi-family zoning to the west along Sunnyside Avenue.

Mr. Vernon Norwood, Attorney representing the petitioners, stated Hawthorne Lane, between Independence Boulevard and Central Avenue has become a rather heavily traveled street. The property owners feel it is no longer going to be suitable property for residential use; the property is surrounded on three sides by business zoned uses. That all the property owners have agreed, with the exception of one lady who is old and in a nursing home, and her property is in the hands of a realtor who was on vacation at the time the petition was filed.

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Mr. Norwood stated if the property is rezoned he feels that it would be in good zoning usage as it would not tend to creep down to R-6MF as the streets running through it stop at Independence Boulevard. To his knowledge none of the owners have any specific plans to make any changes at this time.

No opposition was expressed to the proposed change in zoning.

Councilman Short requested the Planning Commission to present to Council in their recommendation some comment from the Traffic Engineering Department as to whether the streets in this vicinity, and the streets in particular that this is on both sides of, can accommodate a B-1 usage in view of the fact that it is between the intersection of Hawthorne and Central Avenue, and the intersection of Hawthorne and Independence Boulevard.

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

HEARING ON PETITION NO. 72-18 BY G. W. MCMANUS, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A PARCEL OF LAND ON THE SOUTH SIDE OF CENTRAL AVENUE, ABOUT MIDWAY BETWEEN ROSEHAVEN DRIVE AND WINTERFIELD PLACE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant-Planning Director, stated this is in the area of Central Avenue, west of Sharon Amity Road. It has on it two single family structures with one in the process of being demolished; it is adjoined on the east by single family usage. Across Central Avenue a large apartment complex is under construction by the Redmon Corporation. To the west is an existing grocery store and a number of business uses located generally around the Rosehaven-Central Avenue intersection. To the rear is multi-family usages.

He stated there is business zoning around the Rosehaven-Central Avenue area; there is then a configuration of multi-family zoning beginning at the business zoning and continuing for almost a block in the direction of Winterfield; then an O-6 office pattern adjacent; then again business zoning at Sharon Amity.

Mr. Sam Williams, Attorney for the petitioners, passed around photographs of the area. He stated this is another occasion of unofficial condemnation making continued residential use inappropriate. The McManus house on the property has been there for 41 years; it is to be boarded up and moved across the street. The property has been in the family for 64 years. That Mr. & Mrs. Morgan purchased their home site from the McManus family and now desire to move so that Mr. Morgan will not be jammed up.

Mr. Williams stated the little grocery store next to the condemned house has been operated by the McManus family for a number of years and they desire this rezoning in order to have available for sale the 2 - 1/2 acres combined business tract fronting some 300 feet on heavily traveled Central Avenue and buffered at the rear by an alley of approximately 15 feet in width. They ask for the B-1 zoning so that it will be similar in zoning to the property immediately adjacent to it on the town side.

No opposition was expressed to the proposed change in zoning.

Councilman Alexander stated Council has had a number of requests for changes from this area. He asked if it would not be wise to re-look at this whole area and have it presented to Council with some proposal regarding the future development of this area. Mr. Bryant replied it depends on what is defined as the area. That if he is referring to this particular area he does think over a period of time, we have evolved a pattern of zoning that is not particularly appropriate in terms of overall zoning analysis. That he feels it all has evolved from a decision to zone the area around Rosehaven. He stated he agrees this area generally could stand some overall analysis. That he would not personally agree that all of Central Avenue needs analysis.

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Councilman Alexander stated it seems we are getting constant requests for changes of much of Central Avenue. That he would think it would be far better to determine the type of growth that will be acceptable in the area and plan for it now. Mr. Bryant replied as far as this is concerned he agrees that we should approach this from an overall standpoint without any pre-determined feeling that perhaps a change is needed. It may very well be that we find much of this is already planned in a reasonably appropriate fashion. That we will get requests. The widening project will generate requests here as it is beginning to do on Sugar Creek Road. But he does not believe we can necessarily say these are indicative of a poor pattern of zoning.

Mayor Belk stated Mr. Alexander has a good point; there are 15,000 cars running in there now, and we are widening Central Avenue all the way out, and it is a growing area.

Mr. Bryant stated upon completion of the general development planning process we will end up with the adoption of a general pattern of land use which we would expect to be indicative of the pattern of development which we would want to encourage right on through 1995. As that study is completed, the natural adjunct will be a zoning study based on whatever new concept is evolved by that study.

As far as any broad base over-all city rezoning study, we need to really wait until the general development process is completed.

Mayor Belk asked when the Eastway zoning study will be before Council, and Mr. Bryant replied as soon as they can get in on the agenda.

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

HEARING ON PETITION NO. 72-20 BY KNARF INVESTMENTS, INC., FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF PROPERTY EXTENDING FROM MERRY OAKS ROAD TO FLYNNWOOD DRIVE, BEGINNING 200 FEET NORTH OF CENTRAL AVENUE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this request is for multi-family zoning of an area that extends between two streets that run off Central Avenue.

Mr. Bryant stated the property is vacant as is most of the property between it and Central Avenue. There is one single family residence at the intersection of Flynnwood and Central Avenue, but the remainder of the property involved is vacant out to Central Avenue. To the rear of the property down Merry Oaks and Flynnwood there is a solid pattern of single family residential usage; there is also single family usage across Merry Oaks from the subject property and across Flynnwood. There are two duplexes located on Central Avenue at the corner of Merry Oaks and Central Avenue. There is an apartment located at Briar Creek Road and Central Avenue.

He stated the zoning pattern is generally one of multi-family along both sides of Central Avenue throughout the immediate vicinity of the subject property. Then single family zoning is behind that and continuing down Merry Oaks and down Flynnwood Drive.

Mr. Rege Hamel, Attorney for the petitioner, stated the petitioner is Knarf Investments, Inc. which is wholly owned by Frank Headen and Company. He passed around a copy of a survey and stated it shows in red outline the rear portion of a 3.156 acre tract which they are seeking to have rezoned from R-9 to R-6MF. The front portion is already zoned for R-6MF along Central Avenue; the rear portion marked in red is R-9; they would like it rezoned to R-6MF so that the entire tract could be used for apartment

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development. That Mr. Headen already has some proposed site plans in process. He proposes to put 60 garden and townhouse apartments there with parking primarily in the center with access from both Merry Oaks and Flywood Drive, and no access from Central Avenue unless it is requested by the Planning Commission. The site is on a hilltop; it is ideally suited for this type of development; it drains down almost on four sides; it is heavily populated with trees. A topographical survey is being made to indicate to Mr. Headen where the trees are. If they are over six inches in diameter he plans to preserve them. There are some fifteen 30 year old pecan trees; there are several very tall magnolias, 40 to 50 feet high, and 10 or 12 oaks ranging from 18 inches to 3 1/2 feet in diameter. All of these trees will be saved and worked into the topographical and site plans if at all possible.

The site layout being on a crest will require very little drainage; it is ideal for the purpose which Mr. Headen proposes to use it for, and it is the highest use in their opinion of the everall tract.

Mr. Hamel stated the maximum number of units that can be placed on the property is 60, and they are thinking of something under that figure. On Flywood Drive adjoining the property in the rear are two lots. Both are rental homes. Behind the marked in red portion on the other side where Mr. C. A. Jones lives are two owner-occupied homes. Mr. C. A. Jones and Mr. Robert Edwards are adjoining that piece of property. Both of the homes are up for sale. The front portion on Central Avenue is already a duplex, and owned by Mr. Morgan who is selling it to Knarf Investments. There are duplexes on the other two corners. A block or two further down towards the city, the R-6MF zoning is some 700 feet deep.

No opposition was expressed to the proposed change in zoning.

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

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:00 o'clock p.m., and reconvened the meeting at 4:15 o'clock p.m.

RESOLUTIONS AUTHORIZING \$4,000,000 AIRPORT REVENUE BONDS NECESSARY FOR THE FUTURE AIRPORT EXPANSION PROGRAM, ADOPTED.

Resolutions authorizing \$4,000,000 Airport Revenue Bonds for the future expansion of the airport were presented.

Mr. Burkhalter, City Manager, advised the Local Government Commission today approved four and three quarters percent interest (4-3/4%) rates.

Councilman Jordan introduced the resolution entitled: RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 AIRPORT REVENUE BONDS, SERIES A, OF THE CITY OF CHARLOTTE, NORTH CAROLINA, UNDER THE PROVISIONS OF THE REVENUE BOND ACTION OF 1938, TO PAY, WITH OTHER AVAILABLE FUNDS, THE COST OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AT THE MUNICIPAL AIRPORT, KNOWN AS THE DOUGLAS MUNICIPAL AIRPORT, LOCATED IN MECKLENBURG COUNTY; PROVIDING FOR THE ISSUANCE OF ADDITIONAL BONDS FOR PAYING THE COST OF ADDITIONAL IMPROVEMENTS; PROVIDING FOR THE FIXING, CHARGING, COLLECTING AND APPLICATION OF RATES, FEES, RENTS AND CHARGES FOR THE USE OF AIRPORT FACILITIES, AND THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SUCH BONDS CERTAIN NET REVENUES OF THE AIRPORT FACILITIES; AND SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS.

Upon motion of Councilman Jordan, seconded by Councilman Short, the resolution entitled: RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 AIRPORT REVENUE BONDS, SERIES A, OF THE CITY OF CHARLOTTE, NORTH CAROLINA, UNDER THE PROVISIONS OF THE REVENUE BOND ACTION OF 1938, TO PAY, WITH OTHER AVAILABLE FUNDS, THE COST OF ACQUIRING AND CONSTRUCTING IMPROVEMENTS AT THE MUNICIPAL

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CONTRACT BETWEEN THE CITY OF CHARLOTTE AND UNITED CHRISTIAN PRISON MINISTRIES OF NORTH CAROLINA, INCORPORATED, AUTHORIZED.

Councilman Short moved approval of a contract between the City and United Christian Prison Ministries of North Carolina, Incorporated, providing for the disbursement of \$138,646 in U. S. Department of Justice grant funds from the city to the United Christian Ministries, Inc. for the development of a comprehensive rehabilitation program for ex-offenders. The motion was seconded by Councilman Alexander.

Councilman Whittington stated a lot has been said about this House of Assurance since February 28th at which time he came back from an operation to Council Meeting. One of the things that was stated by the press was that citizens had his attentive ear in this area. Councilman Whittington stated he makes no apology for listening to any citizen who wants to talk to him about anything he has on his mind. That he wants the record to state that he is opposed to placing the House of Assurance for ex-offenders in a neighborhood where it is not wanted by the neighbors. That he realizes too that an acceptable site would be difficult in other areas. But that is not the Council's responsibility. That he believes the Christian Ministries Association should make an honest attempt to find such a location, along with the help of other religious groups and other organizations in this community.

Councilman Whittington stated to the Dilworth Community that this community has its problems. It is the first area in Charlotte that banded together to look at their own problems, find remedies and solutions to do something about the deterioration of a neighborhood, and they now have some 600 members working together as neighbors and good citizens to stabilize Dilworth and to keep it the neighborhood it used to be. That he does not think this area deserves any more problems than what they already have.

Councilman Whittington stated again today he is going to vote for these funds but he says as sincerely as he knows how to Mr. Long and Mr. Cohn and the rest of this Board that they should look at their own street where they live, in their own neighborhood where they live, and say "would I put this type of facility on my street." He stated in everything he does he tries to look at the whole picture.

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

After the vote, a number of people spoke for and against the contract. There were Mrs. Thomas E. Snelling, 1301 Durwood Drive, Mrs. Curtis Barber, 1201 Belgrave Place, Mr. Willie Strafford, Chairman of the National Conference of Christian and Jews, Mr. J. Auddy Parker, Mrs. Hilda Stratton of Sharon Lane, and Mr. Tom Snelling, 1301 Durwood Drive.

Councilman Withrow stated he is opposed to placing this on Kenilworth Avenue. That if it were not for losing the funds, he would vote this down. That during recess he was told if Council did not approve the funds, they were going to go over and put it back on Park Road and make a duplex out of it. He stated they did this because of the newspaper article about his brother. That he would have voted against this if it were for anything other than approving the funds. That he does not think it should be put in a neighborhood where the attitude of the people are against it.

Councilman Jordan stated at the meeting when he made the motion approving this money, he stated he was not in favor of the Kenilworth Avenue location; that he still feels the same way, although he is voting for the contract.

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ORDINANCE NO. 405-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF APPROXIMATELY 11 ACRES OF LAND ON THE NORTHEAST SIDE OF RANDOLPH ROAD, BEGINNING AT WENDWOOD LANE AND EXTENDING IN THE DIRECTION OF BILLINGSLEY ROAD.

Petition No. 72-7 by W. T. Cozart and James W. Cogdell for a change in zoning from R-12 to O-15 of approximately 11 acres of land on the northeast side of Randolph Road, beginning at Wendwood Lane, and extending in the direction of Billingsley Road was presented for Council's consideration.

Councilman Short stated it seems to him that the Grier Heights residents and the petitioners both take the attitude that they want to just win this situation; and the problems that would befall the other party is just one of those things. That it seems to him there is some way to accommodate both of these facilities in that area. There is a lot of land there that is unused; that he realizes ownership is diverse and there are a lot of problems. But there is a lot of land there, and it seems to him that instead of just trying to win, it would be the better citizenship that these parties would try to figure some way to accommodate both facilities.

Councilman Short stated moving the community center to Craig Road does not accomplish the original purpose. That with the County and Hospital Commission owning several times as much land as they need in that area, and a number of other pieces of vacant land, there should be some way for these people to get together and figure out a way both these facilities can be placed satisfactorily in this area.

Councilman Short moved that Council defer decision on the petition and give these people opportunity to come back and suggest to Council how both of these facilities can be fitted into that area. The motion did not receive a second.

He stated he is asking the Grier Heights people and the petitioners to confer with the Park and Recreation Commission, Hospital Authority, County Commission and City Manager's staff. There should be some way to accommodate that community center and this office project in all that wide expanse of unused land.

Councilman Alexander asked if this piece of property has been transferred? That the Park and Recreation Commission did not retain its option. The intended purchasers maintain their option. He asked if the option has been consummated? Mr. John Ingle, Attorney for the petitioners, stated the property has not changed hands yet, but it will change. The petitioners have a contract to purchase and will exercise the option; that it will change hands probably within the next 30 days.

Councilman McDuffie stated it seems we are trying to get involved with the Hospital Authority, County Commissioners, Park and Recreation and Grier Heights residents, and there is no compulsion on the property owner or any of these people to be involved. They can simply say it is not their matter. Councilman Short stated it is true that HUD has created this problem, but it would seem to him that any good group of citizens would be interested in trying to not best each other in this situation, but to figure some way to place these two facilities there. There must be 150 to 200 acres of unused land right along this road.

Councilman McDuffie stated the picture presented at the hearing is that this is associated land to the medical complexes there and those going to be there. That he thinks we should be able to do both and should let the people have the property rezoned, and we obligate ourselves to tell the Grier Heights people that we will get land for them, 10 acres of whatever, if necessary through condemnation procedures. The land we are talking about is not on the market at the present. If it ever comes back to the market, it is double the price the Park and Recreation had an option for. Councilman Short stated if we did as Mr. McDuffie suggests and go ahead with this, then there would really be no compulsion for anyone to try to accommodate both. Councilman McDuffie replied the Grier Heights people and Park and Recreation are involved directly, and Council approves the sites. Council did this a year ago when

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the plans went to HUD. That he agrees moving it to Craig Avenue is not a solution; the belt road will bisect these people from the Craig Avenue site, and if the park site is moved across Randolph Road with an overhead walkway, it would still be in the neighborhood. If no one is willing to sell their land, then we may have to condemn some.

Councilman McDuffie moved approval of the petition. The motion did not receive a second.

Councilman Alexander asked Mr. Ingle if his clients would be interested in going into any type of further conversations with the Park and Recreation Commission or the citizens of Grier Heights? Mr. Ingle replied they would never object to talking with them. Their problem is they have no leverage to exercise on anyone. They cannot make Park & Recreation talk, and they cannot make the people in Grier Heights talk; they cannot make anyone talk. Mr. Ingle stated they have done all they can, and explored every avenue they knew to see if they could help Park and Recreation work this out; but they have been unsuccessful. They have no leverage. The only thing they have is a contract to buy land.

Reverend Ray Worsley of Grier Heights Presbyterian Church stated they met last Wednesday night as Council suggested with the Park and Recreation Commission. That Mr. Ace Walker stated "the Randolph Road site was and still is the desired site of both the commission and the residents. In fact this is the only site the residents desire, a site in the immediate area." Reverend Worsley stated the representatives of the developers were at the meeting, and there was open accord there. He stated they are willing to talk to anyone relative to the matter of building a community center in the immediate area.

Councilman McDuffie stated the building is the main concern. The 10 acres is not to be made into ballfields and be open spaces as the terrain is not that kind of land. That he understands it is to be something like trails, swings and things such as that. That the building is the important thing and he thinks it should stay in the neighborhood and not be on Craig Avenue.

Councilman Withrow stated the Council is in the middle on this. The Park and Recreation lost its option, and the petitioners are buying the property; therefore it puts Council in the position of deciding good zoning, and the Planning Commission has said it is good zoning to rezone the property as requested.

Councilman Withrow moved that the item be left until someone from the Park and Recreation Commission can come in and take part in the discussion. The motion was seconded by Councilman Short, and carried unanimously.

Mayor Belk requested the City Manager to call and have someone from the Park and Recreation Commission to come to the meeting.

Later in the meeting, Mr. Ace Walker, Chairman of the Park and Recreation Commission came into the meeting, and stated the site which is the subject of the petition being considered was since April, 1971 and a little before that, the first choice of the Park and Recreation Commission for a community center and small park in the southeast section of Charlotte, in the general area of Randolph Road, Grier Heights and Cotswold. It is still the first choice of the Park and Recreation Commission in that area as the site for a community center and a small park. This is to say they still favor it over the other sites of comparable acreage which they see as being available in the area. This is not to say that other areas would not be satisfactory and suitable for a community center and small park. There is a second choice, an alternate site, which the Commission has had under consideration from the very beginning, and which was the preference of three of the seven commissioners. That is the Craig Avenue site. It is somewhat larger; about 13 1/2 acres as compared with some 11 acres. It is about a mile and a quarter away from Grier Heights; on the other hand it is closer to and within the large populated center of Cotswold and the area on the other side of Craig Avenue, which was originally intended to be served by the community center in this area.

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Mr. Walker stated the initial work in this regard was done by the staff of the Planning Commission pursuant to the arrangement which was worked out with the Council in early 1970. That arrangement was given the first planning function in connection with all parks in the City of Charlotte, including those that were being built by the Park and Recreation Commission. Following that procedure, in the fall of 1970 the Park Board presented a community site study in the form of three circles which were recommended by the Planning Commission as being the service areas of the three community centers which were to be the first, second, and third priority.

Two of these circles have been selected by the Park and Recreation Commission as the area within which they will build the two community centers which were always contemplated to be built with the 1969 bond funds. One of them is on Tuckaseegee Road in the west-northwest section of the city, and the other is in this area.

Councilman Withrow asked if losing the option on the property and if there is any increase in value, would have any effect on the first and second choice? Mr. Walker replied he does not know; it was a four to three decision to start with. That he has not polled the Commissioners on the subject. That he does not know how much the value would be changed; that he does not know what the situation would be if the zoning is changed and they would have to deal with a different property owner. If and when that situation arose it would be the subject of a new consideration by the Commission, and it would change the Commission's decision as to first and second choice in the area.

Councilman Short stated he does not think the Craig Road site should be the second choice. That is just a difference in kind that has completely changed the complexion of the center, and should not be the second choice. That he would like to ask why some arrangement cannot be made to accommodate both facilities somewhere in the Randolph area. That he cannot see why over a HUD blunder, we should take this community center away from a neighborhood that has come to expect it, and dearly wants it, and place it a mile or so away in a completely different type of environment where they apparently have no great interest in it.

Mr. Walker replied the fact of the Craig Avenue site being second choice occurred long before any HUD blunder, before there was any probability or possibility of losing the site on Randolph Road. This community center was not conceived by the Park and Recreation Commission as being a Grier Town community center; there is not enough population in Grier Town to justify a community center according to guidelines they have. If they are to use the money they have and use it wisely they must think in terms of a community center that will serve a population between 15,000 and 20,000 people.

Councilman Short stated regardless of the intent, Grier Town has come to expect this and to dearly like it, and it has evolved this way. Mr. Walker replied they saw the Randolph Road site as the ideal accommodation of all the interest involved and that is the reason it was first choice. He stated HUD has never been presented with anything other than the Randolph Road site; they have been told it is not unreasonable to expect that HUD will agree to an amendment of the application to encompass the Craig Avenue site, but as far as he knows it has never been discussed with HUD. It was not presented to HUD as part of the application.

Councilman McDuffie stated it is time that somebody got down and asked the man who is selling this property how much he will take for the land now; that he gets the impression it is almost double what it was. That he is told that land down the street is \$40,000 an acre. He stated he does not like to be misled and if this is not correct he wants the Park and Recreation Commission's real estate man to tell someone that. Mr. Walker stated the property they were looking at was appraised by two appraisers one year ago. It was appraised roughly in March and April of 1971, and was appraised at a figure of approximately what their option was. If it is rezoned to a more expensive and

"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
APPROVING SALE OF LAND TO INDEPENDENCE SQUARE ASSOCIATES,
A PARTNERSHIP ORGANIZED UNDER THE LAWS OF NORTH CAROLINA,
IN REDEVELOPMENT PROJECT NO. N. C. A-3"

WHEREAS, on the 3rd day of March, 1972, the Redevelopment Commission of the City of Charlotte received from Independence Square Associates, a partnership organized under the laws of North Carolina, a proposal to purchase and develop 123,368 square feet of land known as Disposition Parcels Nos. 4A, 4B and 4C, as designated on a map entitled "Neighborhood Development Program No. N. C. A-3, Downtown Urban Renewal Area, Parcels 4A, 4B, 4C, 5 and 6," dated March 6, 1972, prepared by Ralph Whitehead & Associates, with an office tower, a parking structure, and additional structures for retail, recreational or amusement, eating establishment, hotel, additional office space, or any combination of such uses, which is in accordance with the Redevelopment Plan for this Project, dated April, 1969, Amended April, 1970, Modified August, 1970, and Amended March, 1971, and February, 1972; and

WHEREAS, the proposed developer has submitted a Purchase Contract, Redeveloper's Statement for Public Disclosure and Redeveloper's Statement of Qualifications and Financial Responsibility, and a good faith deposit in the amount of \$325,814.89, representing 10% of the total purchase price for the land; and

WHEREAS, the Redevelopment Commission of the City of Charlotte, at a regular meeting convened on the 8th day of March, 1972, by Resolution accepted said proposal submitted by Independence Square Associates and recommended to the Governing Body of the City of Charlotte that it approve the sale of 123,368 square feet of land in said Parcels Nos. 4A, 4B and 4C to Independence Square Associates for a total purchase price of \$3,258,148.88, which purchase price has been determined by the Redevelopment Commission to be not less than the fair, actual value for the property based on competent evidence; and

WHEREAS, Section 160-464(e)(5) of the North Carolina Urban Redevelopment Law, as amended, requires that the private sale to a redeveloper of property within a redevelopment area shall be for such consideration as may be agreed upon by the Commission and the Redeveloper and approved by the Governing Body of the Municipality, which shall not be less than the fair, actual value of the property as determined by the Commission and the Governing Body of the Municipality; and

WHEREAS, there have been presented to this meeting of the City Council copies of reuse appraisal reports of Parcel No. 4 (subsequently redesignated Parcels Nos. 4A, 4B and 4C, as they will be conveyed at different times), Downtown Urban Renewal Area, Project No. N. C. A-3, submitted by Wallace D. Gibbs, MAI, on February 4, 1972, and by D. A. Stout, MAI, on January 28, 1972, which appraisals have been reviewed and will be filed with the minutes of this meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte does hereby approve the sale of 123,368 square feet of land in Disposition Parcels Nos. 4A, 4B and 4C in Downtown Urban Renewal Area, Project No. N. C. A-3, for a total purchase price of \$3,258,148.88 which it finds to be not less than the fair, actual value of the property as determined by the Commission, based on competent evidence, to Independence Square Associates, a partnership organized under the laws of North Carolina, to be developed as an office tower, a parking structure, and additional structures for retail, recreational or amusement, eating establishment, hotel, additional office space, or any combination of such uses, which is in accordance with the Redevelopment Plan for the Project, dated April, 1969, Amended April, 1970, Modified August, 1970, and Amended March, 1971, and February, 1972.

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 4th day of April, 1972, the reference having been made in Minute Book 57, and recorded in full in Resolutions Book 8, beginning on Page 217.

Ruth Armstrong
City Clerk

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies, as follows:

1. That she is the duly qualified and acting City Clerk of the City of Charlotte, North Carolina herein called the "Municipality," and the keeper of its records including the minutes of proceedings of the City Council of the City of Charlotte herein called the "Governing Body";
2. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the Governing Body held on the 4th day of April, 19 72, and duly recorded in her office;
3. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting, and a legally sufficient number of members of the Governing Body voted in the proper manner and for the adoption of said resolution; and all other requirements and proceedings under law incident to the proper adoption or passage of said resolution, have been duly fulfilled, carried out, and otherwise observed;
4. An impression of the seal has been affixed below, it constitutes the official seal of the Municipality and this certificate is hereby executed under such official seal;
5. That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set her hand this 4th day of April, 19 72.

SEAL



City Clerk

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more lucrative zoning classification, then obviously he would expect the price to go up. But the only thing he knows that has occurred up until this time when the property was appraised is the passage of time. That he would not think you would add a great deal for the passage of time.

Councilman Withrow asked if the Council asks the Park and Recreation Commission to find some other property in the area, can they find it? Mr. Walker replied he would not say there is not; that they looked right carefully at all possibilities before settling on these two sites; there is land on the other side of Randolph Road, but when you get over there, you are getting farther away from the center of what the Planning Commission has determined to be the property and ideal service area for the community center. Councilman Short replied to move across the street might be 100 yards, but to move to what they are talking about is perhaps a mile or so. Mr. Walker replied but they would be moving toward the center; that the Craig Avenue site is much closer to the center of the area. The reason the Commission decided to locate it this far away from the center was because of the Grier Heights situation. That they have found that lower income people tend to need and use community centers more, and are less mobile than others.

Councilman Short moved that this matter be deferred and that Council try to urge all parties who should be interested in this, and are interested in this, to see if there is not some way to accommodate both facilities more nearly in the area where it was planned. The motion was seconded by Councilman Alexander.

Councilman McDuffie stated it would appear that we are voting against apple pie and motherhood to say that we want to approve the plans for a medical center that will put \$150,000 tax base on the record so that we can have this money available to buy park land and to build buildings with. We are talking about purchasing land we do not have an option on and do not have any more right to it than that across the street.

Councilman McDuffie made a substitute motion to approve the petition for rezoning. The motion was seconded by Councilman Withrow.

Councilman McDuffie stated everyone will know where we stand, and he again commits his vote to telling the people of Grier Heights that we could provide them land, and as far as he is concerned by condemnation procedure. The Craig Avenue site as far as he can tell is out of the question.

Speaking to the motions were Mr. Ray Alexander and Reverend Worsley.

Reverend Worsley asked if Council plans to go on record backing a site for the Grier Heights residents in the immediate area following the vote? That he is asking the Council to do what he thinks it can do, and that is to guarantee a site in the immediate area for the Grier Heights residents, not the Craig Road site. Councilman Short replied his motion is not to guarantee it before the rezoning is done, but to examine into it and to try to do. That guarantee is asking for something that may not be possible.

Mr. Underhill, City Attorney, advised that the substitute motion is out of order. According to Roberts Rules of Order, which this Council follows, the substitute motion must relate to the main motion. That if Councilman McDuffie's motion does not carry, there is no possible way to vote on the main motion as it in effect denies the rezoning request, and there will be nothing before Council to vote on which is the main motion.

Councilman McDuffie withdrew his substitute motion with the approval of Councilman Withrow, who seconded the motion.

Councilman Whittington stated he tried last week to explain this situation to his good friends who live in Grier Heights, and tried to go back and remember what this Council had done, what the Planning Commission had done, and what the Park and Recreation Commission had done. He stated he wants that in the record because whether we vote for or against this petition, we have a zoning issue before us. Down the road that does not mean there will be a community

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center there. All Council, the Planning Commission and the Park and Recreation Commission have ever been able to do is to draw a circle and say somewhere in this circle there is going to be a community center. He stated he talked to the County Commissioners, to the Chairman of the Park and Recreation Commission, and anyone else he could talk to, to try and find a site in this general vicinity, and he is talking about the circle. That he thinks the people understand that we are not building a center just for one group of people; we are building for the people in that circle between Hawthorne and Latta Park as we move to the east. He stated it is only fair that we ask Mr. Ingle and his clients if this is deferred today is it reasonable to defer for two weeks and the burden to be on everyone to try and find this site, or if it is reasonable to defer it one week or a month. Then when that time comes, we have to cut cake.

Mr. Ingle replied they would strongly urge that Council not defer at all. This matter was up for a vote three weeks ago, and deferred. When it came up for a vote on the agenda, they appeared and Council had it for a vote, and there had not been one word of opposition voiced. One week after everything was closed out, some people came in and spoke in opposition and asked the Council to use its zoning powers in this area to help Park and Recreation to give them a park. Mr. Ingle stated it seems to him that this petition should be dealt with on its merits and not be clouded with these issues.

Councilman Whittington replied he agrees that it should be on the merits of zoning. But you are dealing with people here, and they should be given an opportunity to have one more chance to try to find another site.

Councilman Short amended his motion to defer for two weeks. The amendment was approved by Councilman Alexander, who seconded the motion.

Following further discussion, and after hearing from Reverend Worsley, Mr. L. F. Snyder, Mrs. Naomi Drenan, Mr. Ray Alexander, and Mr. Joe Millsaps, the vote was taken on the motion to defer for two weeks, and lost by the following vote:

YEAS: Councilmen Short, Alexander and Whittington.
NAYS: Councilmen Jordan, McDuffie and Withrow.

Mayor Belk broke the tie voting against the motion.

Councilman McDuffie moved approval of Petition No. 72-7 by adopting an ordinance changing the zoning from R-12 to O-15 as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried by the following vote:

YEAS: Councilmen McDuffie, Withrow and Jordan.
NAYS: Councilmen Alexander, Short and Whittington.

Mayor Belk stated the Planning Commission has recommended approval of the rezoning; that the Park and Recreation Commission had a four-three vote on whether this should be the right location or not. There has been a problem on it all along. When it gets down to whether it is a good location for a park or not, they have lost their option. HUD has now okayed it. Some think it is a good location for a park and others disagree. That he does not find any unity of anyone on this particular location. Since it is a hospital complex he will break the tie by voting in favor of the motion.

Mayor Belk broke the tie voting in favor of the motion to adopt the ordinance.

The ordinance is recorded in full in Ordinance Book 19, beginning on Page 17.

Councilman McDuffie moved that Council go on record expressing its view that it would like the Park and Recreation Commission to find a suitable site in the Grier Heights area. The motion was seconded by Councilman Short.

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Councilman Alexander stated the point that aggrieves people is that this is the History of this type activity. Bear in mind a park was promised in that area of the town the last time we sat down and discussed this with the park and recreation commission before the bond issue. It has been customary that whenever anything more favorable comes, then we can always easily transfer what we were supposed to do and put it off. This is why these people are aggrieved. That for 15 years this has been the process. That these people come today with no belief that they are any closer to having a park than they ever were when this was promised to be the closest thing to do, and the realization of years of hope. Whether it is related to zoning or not is immaterial; it is unfortunate. The fact that a general process of over years, activity of Negro projects being moved back and put aside at the will of everybody is a thing they are living through today, and we come today in this enlightened day and time and tell these people that a medical complex is more important than the park. It may be; that he does not know. But at the same time the point that they are aggrieved about is that again they have shoved aside for something that somebody else thought was more important. This is the big issue here, and it is the all important point of it.

Councilman McDuffie stated Council did not have anything to do with delaying the project, and did resolve and have an obligation now to find these people a site. That he thinks it is all equal; that all the land out there is just as available as this land we rezoned.

Councilman Jordan requested the City Manager to check with the School Board about the site next to the School for this center.

Councilman Withrow stated he did not vote on this issue because it would bring in more revenue over parks. If anyone believes in parks, he believes in them. But the issue here is not whether to put a park. That this is a zoning issue which the Planning Commission recommended as good zoning. The Parks lost the option and the petitioners bought it. Council really was not faced with the park any more, but with the zoning. That he agrees a park is needed and he will be one of the first to go on record to help get a park out there.

Also speaking was Mrs. Hazeline Grier who stated all of us are too concerned about money; that we should be concerned about human beings; there are over 2,000 people who live in Grier Heights; there are children of all ages. They try to take their children to Sunday School, and to bring them up in the church and to train them as good citizens. They try to train their children to play with white as well as the black. If they are being denied this park where they can bring their children together in fellowship with them and give them clean sport, to build this doctors complex and let those children hang around in the community, being thugs and what have you, what does it mean to the city. You have to support them in the long run; they are in prison; you have to feed them. That it is high time we as leaders and christian people consider human beings. Don't put money above human beings. God does not require us to do that.

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

Mr. Burkhalter, City Manager, stated the money is available for buying a park. It is up to the Park and Recreation Board to buy this site. Nothing Council has done has changed this. The money is still there to build a park in this area. The important thing is that these people go to the Park Board as this Council can only say it will buy what the Park Board recommends or no it will not buy it. The Park Board is the one who will select this site. It is true the price has gone up, but he is not speaking to that. That he is saying they have the money to buy a park and they are the ones who will make the decision first. If these people want an input in this decision they should meet with these park people everytime they meet.

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Councilman Alexander suggested these people go to the Park and Recreation Commission and make their request that they proceed immediately to find a new site. That he would not advise they say anything to HUD because the minute the residents say anything to HUD it will cloud up a lot of issues and they may never get the approval. That he suggests we try to see if we can work it out with the Park and Recreation Commission trying to find a new site that is suitable before anyone makes any protest to HUD.

Councilman Short stated that doctors' facility out there is a gamble; that he is not sure it will ever be built under any circumstances. It is not as if we were voting a park versus a doctors' facility someday. Probably depending upon how the citizens vote in a referendum for the building of that hospital. Councilman Alexander stated the hospital the people are talking about is not this private medical center that these people are buying the land for; they are two different situations.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE CONSTRUCTION OF THE INNER LOOP FROM MONROE ROAD TO PARK ROAD.

Councilman Short moved adoption of the subject resolution approving a municipal agreement with the North Carolina State Highway Commission for the construction of the Inner Loop from Monroe Road to Park Road. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 199.

MAYOR LEAVES MEETING.

Mayor Belk left the meeting at this time, and Mayor pro tem Alexander presided until his return.

RESOLUTION APPROVING A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR THE WIDENING OF FAIRVIEW ROAD AT SOUTHPARK TO PROVIDE ADDITIONAL LANES ON BOTH SIDES OF FAIRVIEW ROAD, FROM BARCLAY DOWNS DRIVE TO NEAR SHARON ROAD.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, subject resolution approving a municipal agreement with the North Carolina State Highway Commission was adopted.

The resolution is recorded in full in Resolutions Book 8, at Page 201.

Councilman McDuffie stated again money is being spent around a new shopping center. Other parts of the city have a similar need, and we seem to lack funds. That he would mention again the Plaza Road. The extension of Central Avenue, from the present widening to the City Limits is in dire need of funds. Somehow we keep coming up with funds for roads in the vicinity of Fairview and Sharon Road, around the new shopping center.

Councilman Short replied this is thirteen to one state multiplied and it is a little hard to turn down that ratio. Councilman McDuffie stated the other projects would be state; if you put them side by side that you would have to waive the other one as having a greater need with at least similar traffic. Hopefully we will get to it.

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RESOLUTIONS APPROVING SUPPLEMENTAL MUNICIPAL AGREEMENTS WITH THE STATE HIGHWAY COMMISSION ON THE YORK ROAD PROJECT AT THE LANDFILL, AND THE SHARON ROAD PROJECT AT SOUTHPARK, ADOPTED.

Motion was made by Councilman Withrow, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolutions approving supplemental municipal agreement with the State Highway Commission the York Road project at the landfill, and the Sharon Road project at SouthPark.

The resolutions are recorded in full in Resolutions Book 8, at Page 205.

PROPERTY TRANSACTION AUTHORIZED.

Councilman McDuffie moved approval of the acquisition of 15' x 209.33' of easement at 6035 The Plaza, from John Crosland Realty Company, at \$1.00, for sanitary sewer to serve Hampshire Hills Shopping Center. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY OWNED PROPERTIES AUTHORIZED TO BE ADVERTISED AND SOLD AT PUBLIC AUCTION.

Upon motion of Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, city-owned properties at 828 North Church and 829 North Tryon Street were authorized to be advertised and offered for sale at public auction in accordance with ordinance requirements.

RESOLUTION AUTHORIZING THE DIRECTOR OF PURCHASING TO SELL OR DISPOSE OF A STRUCTURE OWNED BY THE CITY AND LOCATED AT 161 CHIPLEY AVENUE.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution authorizing the Director of Purchasing to sell or dispose of a structure owned by the City and located at 161 Chipley Avenue.

The resolution is recorded in full in Resolutions Book 8, at Page 207.

The City Attorney stated the General Statutes allow property of this type to be disposed of at private sale; it saves us from having to go through the bid process to do it. That at least three parties have expressed an interest in this building. Those three parties will be sent proposals with a request they submit their proposal under sealed bid. In addition the City will advertise that the building will be disposed of. This is just one of the methods available to the city to dispose of personal property of this nature. The City can only sell personal property that has a value of less than \$5,000 at a price set; otherwise, it has to be done under sealed bids or public auction. Less than \$5,000, it can be done at private sale, negotiated price, or at any of the alternatives. This is the easiest way to do it.

ORDINANCE NO. 406-X 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.

Councilman Withrow moved adoption of subject ordinance ordering the removal of weeds and grass on the premises in the 3000 block of Hudson Street, pursuant to Section 6.103 and 6.104 of the City Charter. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 18.

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RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION TO CLOSE A PORTION OF LYDIA STREET, BETWEEN MATHESON AVENUE AND LEIGH AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted fixing date of public hearing on Monday, April 17, on petition of Bill Johnson and wife, Warren C. Elmore and wife, Willie J. Robeson and wife, and Lurene B. Harris to close a portion of Lydia Street, between Matheson Avenue and Leigh Avenue.

The resolution is recorded in full in Resolutions Book 8, at Page 208.

SPECIAL OFFICER PERMITS APPROVED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, approving the following Special Officer Permits for a period of one year:

- (a) Renewal of permit to Charles W. Freeman for use on the premises of J. B. Ivey and Company.
- (b) Renewal of permit to Conrad E. Cook for use on the premises of Sears, Roebuck and Company, 4400 Sharon Road.
- (c) Renewal of permit to James B. Chandler for use on the premises of Sears, Roebuck and Company, 4400 Sharon Road.

FIVE ADDITIONAL TEACHER POSITIONS IN CONTRACT WITH THE DEPARTMENT OF LABOR, EMERGENCY EMPLOYMENT ACT, APPROVED.

Councilman Whittington moved approval of five additional teacher positions under the terms of the present contract with the Department of Labor, Emergency Employment Act. The motion was seconded by Councilman Withrow, and carried unanimously.

SALE OF TWO GARBAGE TRUCKS, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, approving the sale of two surplus garbage trucks to the City of Rocky Mount in the amount of \$2,700.00.

RIGHT OF WAY AGREEMENTS, APPROVED.

Councilman Whittington moved approval of the following right of way agreements, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Right of way agreement between the City and the State Highway Commission for the installation of 8-inch water main in Nations Ford Road, between Colony Acres Drive and Short Hills Drive.
- (b) Right of way agreement between the City and the State Highway Commission for the installation of 8-inch water mains in portions of Sharon View Road and Colony Road.

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CONTRACTS FOR CONSTRUCTION OF WATER MAINS, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the following contracts were approved for the construction of water mains:

- (a) Contract with Yeargin Construction Company, Inc. for the construction of 2,645 feet of 8-inch water main and two fire hydrants to serve the St. John's Hill Condominiums, outside the city limits, at an estimated cost of \$15,000.00. Funds will be advanced by the applicant under the terms of the city policies wherein the applicant will be reimbursed the full cost of the mains at the rate of 35% per quarter of the revenue derived from the water mains until the entire eligible amount has been reimbursed or until the end of 15 years, whichever comes first.
- (b) Contract with Kenway Corporation for the construction of 6,350 feet of 8", 6" and 2" water mains and six fire hydrants to serve Woodbridge Subdivision, Section I, outside the city, at an estimated cost of \$29,500.00. Funds will be advanced by the applicant under the terms of existing city policies wherein the applicant will be reimbursed the full costs of all mains 8" in diameter and larger, and 50% of the cost of all mains less than 8" in diameter, at the rate of 35% per quarter of the revenue derived from said mains until the entire eligible amount has been reimbursed or until the end of 15 years, whichever comes first.

CONTRACT AWARDED MORETTI CONSTRUCTION COMPANY FOR THE CHARLOTTE BIBLICAL GARDENS PARK.

Motion was made by Councilman Jordan, seconded by Councilman Short, and carried unanimously, awarding contract to the low bidder, Moretti Construction Company, in the amount of \$20,057.00, on a unit price basis, for the Charlotte Biblical Gardens Park.

The following bids were received:

Moretti Construction Co.	\$20,057.00
Champion Landscaping & Excavating	24,100.00
Crowder Construction Co.	25,000.00
Rodgers Builders, Inc.	26,465.00
T. A. Sherrill Construction Co., Inc.	27,700.00

CONTRACT AWARDED PIERCE DITCHING COMPANY FOR CONSTRUCTION OF WATER MAINS.

Councilman Short moved award of contract to the low bidder, Pierce Ditching Company, in the amount of \$268,258.20, on a unit price basis, for construction of 16", 20" and 24" distribution system water mains along Craighead Road, North Graham Street and Starita Road, between North Tryon Street and Interstate 85. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Pierce Ditching Co.	\$268,528.20
Thomas Structure Co.	287,235.00
Crowder Construction Co.	326,357.00
Sanders Brothers	341,763.00
Blythe Brothers Co.	371,597.00

MAYOR BELK RETURNS TO THE MEETING.

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

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PETITION REQUESTING A PUBLIC HEARING ON PLACING HOUSING AUTHORITY UNDER COUNCIL'S JURISDICTION FILED BY UNITED TAXPAYERS OF CHARLOTTE-MECKLENBURG.

Mrs. R. W. Burns, representing the United Taxpayers of Charlotte-Mecklenburg, stated this is a non-partisan citizens organization working for the interests of the average taxpaying residents of this county.

At a public meeting held on March 13, the members of UTC-M voted unanimously to present to Council petitions calling for the placing of the Charlotte Housing Authority under Council's jurisdiction and to request a public hearing be arranged for citizens to express their will on this important issue. She stated she has petitions signed by about 500 citizens from various parts of Charlotte; they could have collected 5,000 but the law requires only 25 in order to begin the proceedings of calling a public hearing.

Mrs. Burns stated she would like to offer several compelling reasons which they feel make immediate action essential.

1. Under the present law this authority is by its very nature undemocratic, separated from the people and dictatorial in structure. It is obsolete, outmoded, a throwback from the late 1930's when it was first created.
2. The past performance of this Authority and the present state of public housing makes more local control absolutely necessary. Some of the developments constructed are not livable places; thousands of children and adults are clustered together in treeless, shadeless, colorless housing projects with no parks and with overcrowded schools. They feel this sort of poor planning, mistakes, and unimaginative work would end immediately if the decisions over this public housing are accountable to the taxpayers who foot the bill.
3. The issue of public housing is not simply, as the present chairman has contended, a matter of just "putting a roof over the heads of needy people". It may have amounted to that in 1939, but today public housing must meet much stricter standards. It must meet the human needs of the residents of the housing, and it must meet the needs of the residents in the surrounding communities.
4. The policy of dispersing public housing in small units throughout the county has been discussed for some time. Citizens from several communities have called for it. A Chamber of Commerce subcommittee recommended it. The Charlotte-Mecklenburg Planning Commission recommended it. A large local television station's editorial board and one daily newspaper have endorsed it. School Board members have said it would relieve the costly and problematic busing of children. Several of the councilmen have supported it publicly. One councilman was elected on the strength of citizen opposition to the clustering of public housing. The federal government is urging it. Yet the chairman of the present Housing Authority said he is not particularly concerned with it; that it is "not one of the big things with him".

Three years after nearly 500 citizens appeared before Council in this room and protested the policy of concentrating public housing, nothing has substantially been done about it. No overall housing program has been developed. The so-called "Master Plan Committee" has been disbanded. The situation which was created on the westside by this policy appears to be developing again; this time on the northeast.

Mrs. Burns stated they will not be silent while Charlotte is divided in this manner. The time to act on the program of dispersing public housing is now. This undemocratic arrangement of a legally unaccountable housing body must be changed. The will of the people has been made clear in various ways. Now it is time for it to be acted upon.

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She stated they do not think that Council wants to prevent democracy from flourishing on this issue. They feel Council will act to make public housing a fair, open and accountable program of government. The first step is to change this legal arrangement which concentrates all the power in the hands of a small committee of men and women; an arrangement which blocks the people from having any control over this matter. This means placing the Housing Authority under Council's control.

Mrs. Burns stated they bring this petition to Council and ask for a public hearing to allow the people to speak. The law entitles the people to have this hearing. In order to allow as many people as possible to speak on this issue they ask that the hearing be held in the evening, at a central location, and that it be held in the immediate future, at least within a month.

She stated their issue is not with the Department of Housing and Urban Development in Greensboro, nor with the chairman and members of the present housing authority. At issue is Council's willingness to take this responsibility and represent the people as they were elected to do. She stated the citizens do not elect the Housing Authority. If every man, woman and child in this county objected to the policy or program of the Housing Authority, legally, there is nothing that could be done. Their voice in government is through the Council, and they say it is time for Council to stand by them.

She filed the petition with the City Clerk stating it is in accordance with the procedure outlined in the North Carolina Statutes No. 157.4.

Mayor Belk thanked Mrs. Burns. He stated housing is a problem. That we appreciate the people who are willing to serve on the Housing Authority; that they have quite a problem, and he knows they would appreciate anything the people can do and any idea they would be glad to listen to.

Mrs. Burns stated it is up to the City Council now to call a public hearing on placing the Housing Authority under Council's jurisdiction.

Mrs. Marcus H. Stewart of northeast Charlotte in Hickory Grove read an article from the Tuesday, March 14 issue of the Miami Herald on how some developers cheat U. S. out of millions. That it came from Washington.

"The government has just the thing for those aspiring to be slightly unscrupulous real estate developers. It is a report as helpful as a manual on raiding the U. S. Treasury for millions through subsidized housing programs. The report is a deadly earnest article of abuses uncovered in the government program that provides subsidized on interest to private developers for construction of low rent apartments. The government promises to try to end this. The audit describes these ways of jacking up project costs and profits at government expenses. Buy cheap land, preferable in rough terrain, far from shopping and transportation; persuade the government to assess its value at 295% of what you pay. You get a 195% profit when the government arranges the mortgage at the inflated figure. How do you expect the consultants to expedite the construction and save money. Instead save the project no money, but have your people add \$27,000 to its cost. Be the architect for the apartment and charge twice what you usually do for non-subsidy housing. Sub-contract construction to your own subsidiaries and have them charge considerably more than for non-government projects. Purposely over-estimate time needed for construction, then collected extra profit for finishing ahead of schedule. That is all there is to it. But the audit says it helps to do your business with federal housing officials who have a life of training, an unfamiliarity with the manual requirements. In its examination of 62 projects, the auditors of the Department of Housing and Urban Development found eight cases where, within a year of acquisition, land was valued at amounts that resulted in profits ranging from 65 to 195 percent. Architects fees may have exceeded low customary allowances by about two million on our 62 projects."

Mrs. Stewart stated we have to think about this when we talk about the Housing Authority.

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Councilman Short asked if she has the name of some local party who is permitting these acts? Mrs. Stewart replied she does not have the name of any local parties; but evidently it is being done because this does come from Washington. Mayor Belk stated if it is being done here, he knows every member of Council would like to know about it. Mrs. Stewart stated this is the reason they propose the elected Council should be in control of the public housing.

REPRESENTATIVE OF SHAMROCK-PLAZA IMPROVEMENT COMMITTEE REQUESTS ASSISTANCE FOR TRAFFIC CONTROLS AND REMOVAL OF ABANDONED CAR FROM STREET.

Mr. Bob R. Pleasants, 1317 Downs Avenue, stated he represents the Shamrock-Plaza Improvement Committee. He stated his request has to do with the improvement of their community at Shamrock and the Plaza.

He stated the people in the community are getting together; they are painting their houses, and they are trying to get along and to have a good community. That they are trying to get some assistance from the officials and the leaders of the city. In one instance, they are having a little trouble. Three letters have been written. The first letter was sent to Mr. Hoose on the 13th of December, 1971, in which they asked for assistance in entering the Plaza from their neighborhood. That the major problem seems to be the installation of a median strip in the Plaza prohibiting a left hand turn from Shamrock Drive. The question was raised as to the feasibility of installing a traffic control signal at the intersection of 35th Street and the Plaza. That the letter requested a study and a written report. Mr. Pleasants stated a copy of the letter was sent to the City Manager and the City Council. On January 19 another letter was sent.

He stated on February 15 a letter was addressed to Mr. Bobo stating that information had been requested from the Traffic Engineering Department, and enclosed copies of the letter of December 13 and January 19. That they had received no reply as of that date. That the letter asked for a reply also.

The City Manager stated something is wrong. That he signs letters everyday from people requesting information just like this. That he will look into the matter and see that they receive a reply.

Mr. Pleasants stated there is an automobile parked on 35th Street, facing the wrong way; it has no motor and it is on a public street, and has no tag. He stated it is located approximately in the 1800 block. That they are having trouble getting city officials to take care of these little things. He stated the police have put a ticket on the car because it is parked on the wrong side of the street; but this will not solve the problem as he cannot drive the car off as there is no motor in it.

Mayor Belk stated they would like to apologize to the Committee as they should have received an answer. That they appreciate these people helping the city in this way.

SUGGESTION THAT PARK AND RECREATION COMMISSION AND SCHOOL BOARD BE CONSOLIDATED.

Mrs. Polly Hanson stated two years ago she made a little talk out at Grier Funeral Home suggesting that if there was consolidation, why not consolidate the Parks and Recreation and the school system. To her these are one and the same. Why not take the school facilities and the land on the school grounds and put a community center there; put the playground equipment there; put a swimming pool in and let the schools use it. Why go down the street and establish a playground when you already own the school grounds. She stated she proposed that again to the citizens in Grier Heights, and they said they would go along with it.

Mrs. Hanson stated if there is a school in the area of Grier Heights, this is something to pursue. In the afternoon when the teachers leave, the Park and Recreation directors could step in and the parents could pick up their children on their way home from work.

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REPORT REQUESTED ON BRIDGE ON STEELE CREEK ROAD, AND CONTRACT AUTHORIZED WITH RALPH WHITEHEAD & ASSOCIATES FOR PLANS FOR CALDWELL STREET BRIDGE.

Councilman Withrow asked for a report on the bridge on Steele Creek Road. Another of the bannisters is leaning over about three feet. That we keep saying we are going to get money for that bridge, and there have been three or four accidents. It is so narrow that people passing scrap each other.

Mr. Hopson, Public Works Director, there is only money enough to draw the plans for that bridge. Included in the bond package will be the main money. That if anything is wrong with it now, they will look into it.

Councilman McDuffie asked the status of the letter Council received on the Caldwell Street bridge. That it says the laws in the last session of the General Assembly changed all the obligations.

Mr. Hopson stated the last session of the Legislature made all bridges that go over railroads the complete responsibility of the city. The old Steele Creek Road bridge is one of them, and it is the city's responsibility for maintenance and 90% the city's responsibility for rebuilding. The railroad will participate 10%.

Councilman Withrow asked Council to give the west side one thing. That this Steele Creek bridge be moved up on the priorities.

Mr. Bobo, Assistant City Manager, stated the bridge on Caldwell Street has been declared unsafe, and the bridge has now become our responsibility. The bridge has been closed, and they are recommending that Council authorize a contract with Ralph Whitehead and Associates in the amount of \$20,000 to plan a new bridge for this crossing.

Councilman Jordan asked if we have the money for this; or if it will take a bond issue to build the new bridge? Mr. Bobo replied we have the money for the plans but do not have money appropriated or in sight for the construction.

Councilman Jordan moved approval of the contract as recommended. The motion was seconded by Councilman Short.

Councilman Whittington stated last week Council was asked to approve an agreement with Seaboard Coastline Railroad to use our spur track. He asked if they knew this Caldwell bridge was going to be condemned then? Mr. Bobo replied they did not know it was going to be condemned. Councilman Whittington stated every time that we can get some advantage over a public convenience like the railroad, the city has never made much headway or gotten the upper hand. Now we have lost the maintenance by statutes.

Councilman Whittington asked if there is any way to close the road over the Steele Creek bridge? Councilman Withrow stated they had promised to build the bridge on Steele Creek; that he was told by someone in Council that it had been approved and Southern Railroad was going to build it.

Mr. Bobo stated you have almost a similar situation at Steele Creek as it is getting dangerous also. That staff will be coming back to Council with that. But it is not in the same critical condition as the one on Caldwell Street. The abutment on the Caldwell bridge has been completely undermined and it is sagging.

Councilman Whittington stated if this law is now a fact, and apparently it is, perhaps we should start thinking about priorities as far as some of the streets are concerned, if there is a possibility of closing some of them rather than putting in new bridges.

Mr. Bobo stated staff is inventorying its responsibilities now and they will be back to Council.

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Councilman Short stated this \$20,000 is nothing but the design money; he asked if it would have been spent previously by Seaboard Railroad? Mr. Bobo replied it would have been the responsibility of the railroad.

Mayor Belk stated he does not understand how this came about responsibility.

Mr. Underhill, City Attorney, stated this Bill is a part of 160-A which is a Bill that every city in North Carolina supported. The reason it is in here is to make uniform for the first time the law concerning the construction and maintenance of railroad crossings - bridges and underpasses. The law prior to this time was really very unclear as to what percentage a city and a railroad had to bear towards the construction of railroad crossings, bridges and underpasses. In an attempt to make uniform who bears the cost of what, they set it down in black and white and established some percentages in these particular cases. When a bridge that carries nothing more than vehicular traffic crosses a railroad track, then the responsibility to build a new bridge to replace the railroad bridge is 90% city responsibility and 10% railroad responsibility. If a railroad track crosses a city street at grade and this has to be replaced, then the responsibility is 90% on the railroad and 10% on the city. The law did not go into effect until January 1, of this year.

The vote was taken on the motion and carried unanimously.

COUNCIL ADVISED THAT SELDEN REPORT WILL PROBABLY BE RECEIVED IN JUNE.

Councilman Withrow asked when Council will receive Mr. Selden's report, and Mr. Carstarphen, Assistant City Manager, replied the schedule they have been provided with indicates it will probably be received in June.

MOTION, INC. REPORT TO BE ON COUNCIL AGENDA ON APRIL 4, 1972.

Councilman Alexander asked when the report from Motion, Inc. will be on the agenda and Mr. Carstarphen, Assistant City Manager, advised it is scheduled for Tuesday, April 4.

ARTICLE BY COLUMNIST KAYS GARY REQUESTED PLACED UPON THE MINUTES OF COUNCIL MEETING.

Councilman Alexander stated occasionally things are done that perhaps can benefit posterity, and are so recorded for that purpose, and he moved that Kays Gary's column in Sunday's Charlotte Observer, March 19, 1972, be placed upon the minutes of this meeting, and become a part of the record for posterity of the City of Charlotte. The motion was seconded by Councilman Whittington, and carried unanimously.

The article is as follows:

'NIXON BUSING TALK RECALLS T. C. AND 'PHILADELPHIA'SCHOOL.

President Nixon said Thursday night that there should be no more busing for the sake of mixing blacks and whites and I thought about T. C. for the first time in years.

Maybe T. C. didn't hear the speech and if he did maybe he didn't grasp the significance of it because he didn't have much education. Didn't have much need for it, anyway. His pre-determined future was cotton-choppin' and you can't use algebra on a hoe-handle. And what plow-pullin' mule would understand French?

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But suppose he did hear the speech and did understand? That brings a heavy feeling in the stomach because he was a playmate and maybe he had a last name but nobody ever knew the last names of blacks back there in '29.

I know even then I went to a school with steam heat and inside toilets and showers, if not cafeteria, and even then the buses rolled bringing in pupils from the Shelby city limits 10 miles away.

One Saturday T. C. and I walked to his school which was the only way to get there. No buses, even on school days. It had a grand name, 'Philadelphia', and that was all that was grand about it. It was one-room for all grades, frame, complete with stove and, out back somewhere, a well and a john.

I couldn't understand the difference. . . the why of these schools. T. C. said it was because my daddy was rich and owned my school. But my father, the school principal, said he didn't own it and the difference had to do with majorities and minorities and things I may understand later.

Some of that I understand with Mr. Nixon's speech. He'd read the polls and the papers and chose the clearest path to the White House in '72 with the help of George Wallace.

The majority's voice was crystal clear and the game of 'Follow The Leader' had done a complete about-face. The leader is ready to follow.

Did T. C. hear? Well, he didn't have busing when the white folks did. He walked his miles to that excuse for a school or forfeited his right to an education.

But when T. C. and his kind got busing they evermore got it. 'Neighborhood schools', so fondly cherished now, weren't cherished back then. T. C.'s crowd was bused past nearest schools, all-white, to a somewhere school for blacks. Sometimes, as in Madison County, they were bused clean out of the County. Decades of this never made busing a political item. It wasn't even a topic of local conversation.

And at 'Philadelphia', if he got there and if a teacher was there, T. C. read about white Baby Ray who loved his ducks and about the white ducks that loved Baby Ray. He read about George Washington but not about George Washington Carver. His history books never revealed a black hero in battle, in the sciences or the arts. He did learn that a mysterious white man named Lincoln cared about something called 'freedom'.

T. C.'s dreams probably could not reach past a full Saturday night stomach and a sometime home in 'Zion' where a white Jehovah would greet him and send him singing and floating along on wings - white wings, of course, because nobody ever saw a black angel.

So T. C. probably floated out of a few years of school with these vague impressions and not much else before the Supreme Court came along with decisions that meant there'd be no more public supported 'black only' and 'white only' facilities. Moreover, blacks could vote in fact as well as in theory.

All of a sudden white politicians discovered schools like 'Philadelphia' and busted loose with an explosion of school building to offer separate-but-equal facilities.

Too late. T. C.'s kids were beginning to find out that maybe they could do something with algebra and French in the kind of world that might open up. White America, long comfortable with constitutional promises as long as they weren't kept, was suddenly nervous.

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For T. C.'s kids to enter the mainstream of America they had to be a part of it - not apart from it. By law they'd been ghettoed in housing, education, work, social contacts and opportunity. America, said the courts, offered the same promise and opportunity to all.

The only entry would be through education and that meant being a part of the whole and not a part of a restricted part.

Busing was an unpopular answer because white housing areas wouldn't open up and if they did Negroes, for lack of education and job opportunity, couldn't afford to move in.

Whites discovered the tiniest taste of what the Negro had always experienced - inconvenience. Historically the black had been pocketed wherever the white man wanted him. Now whites, along with blacks, were being packaged and shipped as a means of fulfilling constitutional promises.

The outcry of protest has been heard in the White House and the President is rolling it all back to the old separate-but-equal framework. He is, in effect, recommending the re-ghettoizing of America. The majority seems to be with him.

T. C., my friend, wherever you are, you must be extraordinarily tired or angry or both because years are swiftly passing.

Anyway, fellow, let's both pray that a merciful Massa will save us a pair of wings apiece so we can fly, man, and forget the bus."

DISCUSSION OF APPOINTMENT TO THE INSURANCE ADVISORY COMMITTEE.

Councilman Jordan stated the Insurance Advisory Committee has suggested that Mr. Arthur Sams be reappointed to the Insurance Advisory Committee. That he has done an outstanding and tremendous job and they would like to have him on the Committee. He stated Mr. Sams has served for ten years.

Councilman McDuffie asked that this appointment be held up for one week; that he would like to see three or four names put in nomination; that he does not have anyone to nominate, but he would like for the Committee to make some suggestions.

Councilman Jordan stated the Committee has suggested that Mr. Sams be reappointed.

APPLICATION FOR PLANNING AND MANAGEMENT GRANT AUTHORIZED.

The City Manager advised that the U. S. Department of Housing and Urban Development informed the City that it anticipated having a modest amount of grant funds under the Large City 701 Planning and Management Program available for major southeastern cities, and it would look favorably on an application from Charlotte. That subsequent to that announcement, City staff prepared and submitted to HUD a preliminary proposal for the use of such funds. In March, we were informed that a grant reservation in the amount of \$50,000 had been set aside for the city and we were requested to submit a formal application to HUD's Greensboro office.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the filing of an application for a Planning and Management Grant in the amount of \$50,000 in the form of federal grant funds, and the remaining \$25,000 in City cash or in-kind contributions.

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CONFERENCE SESSION FOR MONDAY, MARCH 27 SCHEDULED FOR 10:30 A.M. FOR TOUR OF PROJECTS.

Mr. Burkhalter, City Manager, stated next Monday the conference session has been scheduled to begin at 10:30 a.m. He asked that each one be at City Hall on Monday morning at 10:30 at the rear entrance a bus will be leaving for a tour of several projects they would like Council members to look at in action. They will view Park Road, I-77, Civic Center, McAlpine Treatment Plant. A light lunch will be served Council as they go by the new trade mart.

ADJOURNMENT.

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

Ruth Armstrong

Ruth Armstrong, City Clerk