

April 28, 1975
Minute Book 61 - Page 423

The City Council of the City of Charlotte, North Carolina, met on Monday, April 28, 1975, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilman Kenneth R. Harris.

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 Boyce, Ervin, Finley, Heard, Jolly, Kratt, Royal and Turner present.

ABSENT: Commissioner Ross.

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INVOCATION.

The invocation was given by Reverend Ed Byrd, Third Presbyterian Church.

APPROVAL OF MINUTES.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the minutes of the meeting on Monday, April 14, 1975, were approved as submitted.

LOCATION OF COUNCIL MEETING TO BE CHANGED FOR ITEM NO. 11 THROUGH REMAINDER OF AGENDA.

Councilman Withrow stated because of the large number of people interested in Agenda Item No. 11, Pornography, Council will recess the meeting after Agenda Item No. 10 is completed, and reconvene the meeting in the Board Room in the Educational Center.

Councilwoman Locke moved that beginning with Agenda Item No. 11 and continuing with the remainder of the agenda, Council move the meeting to the Board Room in the Educational Center. The motion was seconded by Councilman Withrow, and carried unanimously.

HEARING ON PETITION NO. 75-6 BY THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE FOR A CHANGE IN ZONING OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PARK ROAD AND PARK ROAD.

The scheduled hearing was held on the subject petition for a change in zoning from R-15 to R-6MFH, and to consider granting conditional approval to a high rise multi-family building attaining a height of 93 feet, and on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated originally the request was filed to change the property to a multi-family high rise type of zoning and for conditional approval and consideration of a building in excess of 60 feet in height. Since the original request was filed the Housing Authority amended its proposal so that it now involves a building six stories in height which is only 54 feet in height; therefore the second portion of the request is no longer pertinent and there will be no need to consider the conditional approval of a building in excess of 60 feet in height.

April 28, 1975
Minute Book 61 - Page 424

Mr. Bryant stated the property is approximately a four acre tract of land located at the intersection of Park Road and Park Road; it is predominately vacant property with a house on the extreme western portion of the property. There are single family residences existing across Park Road on the north side; there is a single family house adjacent on the west side at the intersection of Closeburn Road, and there are several single family houses around Closeburn Road, and down Park Road to the south of the tract. One duplex is located in the area at the southwest corner of Park Road and Closeburn.

He stated generally the land use configuration is one of residential and related construction west of Park Road, after you make the turn to go south, and office activities to the east of that intersection. The zoning pattern is very similar in nature with the subject property being zoned R-15 as is all the property to the south of it and to the west of it. Across Park Road on the north side there is property zoned R-12, a single family classification. Then there begins a very large area of office zoning O-15, which extends from that point easterly in the direction of Sharon Road.

Mr. Bryant stated while the site plan is no longer required as a part of the zoning consideration, the Housing Authority has submitted tentative site plan, which he explained.

He stated the building which is proposed is six stories in height, 54 feet, with a parking area to the west of it. There will be two driveway entrances on Park Road. He pointed out Closeburn Road and stated it is the nearest adjacent single family house; with property behind it on Closeburn Road on which the Housing Authority has an option, but which has no request for rezoning, and no multi-family activity is anticipated.

Mr. Bob Sink, Attorney for the Housing Authority, stated the present owner of the property is a lending institution who foreclosed on a mortgage, and the Housing Authority felt fortunate after this particular mortgagee bid in to be able to obtain the option for the purchase of the property. The Housing Authority has not exercised the option and will do so only in the event of favorable action on this zoning request. The challenge of finding a place for the elderly is well known and particularly where the unit price can be such that is affordable by the funding agencies and HUD. The site is not absolutely perfect, but they believe it to be one of the best that they have looked at.

Mr. Sink stated they are dealing here with a change all on one side; they are dealing with a property located on a very busy corner; they are dealing with property that because of these changes is representing an encroachment on residential areas behind. Therefore it seems very important to note that what they are proposing is a residential use which distinguishes it from previous decisions on this particular property which were calling for an extension of the office zoning for that area. They believe the zoning, even though it is calling for less density than previously exists, it is calling for a residential use which can be consistent with the heavy traffic pattern on that corner. At the same time it can give some comfort and protection to the remaining residential areas behind it. In effect, it provides for a corner use that provides for a buffer for the remaining areas.

Mr. Sink stated this would not be a high traffic generator as it is for low income elderly, and the size of the units are generally smaller than might necessarily be built by a private developer. Although you have the possibility of a larger number of units, the units being small, produce a physical density that is beneficial to the general area.

April 28, 1975
Minute Book 61 - Page 425

He stated although a protest petition has been filed by the owners of the Starnes property, who are here also requesting a rezoning of their property, they believe their petition has general support from the Glenkirt neighborhood to the rear. With respect to the height limitations, they have abandoned their request at this time for a building in excess of 60 feet because their architects have been able to centralize a facility that would be less than 60 foot in height that would require a conditional approval.

Councilman Gantt asked if the Housing Authority has property adjacent to Closeburn Road? Mr. Sink replied it does have the property under option of 6.07 acres; of that 1.97 acres has not been requested for rezoning, compatible with their commitment to that neighborhood that they want this to act as a buffer. That would remain, and that single family house might become a caretaker's or manager's residence. Mr. Sink stated there will be 161 units in the complex; that most of the trees on the property will be preserved. One wall along Park Road would be a solid wall so that you will not have windows on a busy street.

Mr. George Godwin, 5701 Closeburn Road, stated he lives directly across from the house that is being left unchanged in the zoning. He stated the neighborhood has a deep concern for what happens to the neighborhood primarily because of the vacant land which has resulted due to the no longer compatible R-15 zoning on the corner because of the traffic congestion. The last request for a zoning change on this property was a year ago, and the neighborhood and Planning agreed it was not the thing to do and the request was denied. The comprehensive plan put forth by the City recognized that Park Road and Park Road Extension is the stopping point for that urban center development, and the neighborhood agrees that Park Road should remain residential. The plan calls for up to six units per acre. Their concern is to prevent a South Boulevard or East Independence Boulevard type of stretching out of zoning down Park Road. If a foothold is granted on that side of Park Road for other than residential use, they feel that the community will begin to put pressure on individual houses to sell and move out. As a neighborhood they are resisting a change in zoning to other than residential use.

Mr. Godwin stated there is no question in their minds but good planning would approve the use of R-6MFH zoning on this site if it were not for the fact that this housing is for the elderly; they do not believe that R-6MFH blanket zoning by use right would be compatible with the interest of this neighborhood nor good planning. But the housing for the elderly is a very special act, special consideration, and is by nature low activity, low traffic and low noise factors. The Housing Authority has a good track record of maintenance, and good designs have been shown. They feel this use for Housing for the elderly will be compatible with the lifestyles of the neighborhood. With this in mind they have had several neighborhood meetings and they would like to extend to City Council a letter endorsed by the majority of the landowners in this area. He then read the letter in which the neighborhood welcomed the Housing Authority and their residents to this area.

Councilman Short asked Mr. Godwin if he opposed the previous zoning petition which has been mentioned? Mr. Godwin replied that he did. That he is an architect and has some experience in planning. To his way of thinking the previous use would not be compatible with good planning or it would tend to strip out this part of this property and pressure would be put on by real estate dealers. It is important that they have a strong resistance to allowing other compatible use for this residential neighborhood.

April 28, 1975
Minute Book 61 - Page 426

Mr. Joe Grier, Attorney for Mr. and Mrs. Charles Starnes, stated they protest the rezoning of all the property on the frontage for Closeburn to Fairview for multi-family purposes leaving their property to provide the buffer between that area which seems to be incompatible with good single family residence, and the other people in the area. Their preference is to have the zoning of this property remain as it is now - that is R-15. They have on their property a house which they have made their home for the past 15 years, and they would like to continue to live there under the same circumstances as they are at the present time. They have accordingly filed a protest against this zoning. If anyone would consider the prospect of having a multi-family unit with 161 units in it erected immediately adjacent to their bedroom with the parking lot on that side of it, it is immediately apparent why they feel this will be highly detrimental to them to have this multi-family project, whether it is for public or private use, located in this position. They have filed their protest and as owners of all the property located upon the westerly boundary, they are entitled to invoke the 3/4 Rule that requires six affirmative votes of Council to carry the amendment.

Mr. Grier stated as a protective device, they have themselves filed a petition for a change of their own zoning, citing good reasons which they believe they have for thinking this property should remain as it is presently zoned, they naturally have some apprehension that Council may do what it has the authority to do and that is change the zoning. If so they think it is entirely beyond the bounds of reason that they should be the ones to stand in the buffer. He stated people tend to speak of their own interest about these things, and it is pretty easy to get up a statement that makes it sound as if the request now being viewed is the correct one. There have been two occasions in the past twelve months in which generally this property has been before the Planning Commission and before this Council. In June, 1974, there was a petition to rezone this property for office purposes. True this request is a multi-family use and residential as contrasting with office use. But from the Starnes point of view, they would rather have a high quality office occupied in the day time and vacant at night, than a high occupied housing project in which the people in this case are there virtually all the time. From the Starnes' point of view, it would have been better to have the office use which was then proposed. To them that is more consistent with single family residential use than is this purpose. The Planning Commission said that office should not cross over Park Road. The reason it should not was because of the intrusion which such classification would make on a good neighborhood if it were allowed, and the additional traffic that would be generated by such use. Both of these things are equally applicable to the sort of use which is now proposed in this case. More recently, the Planning Commission has published a preliminary plan for rezoning and reclassification of the property in Charlotte-Mecklenburg. It is the recommendation of the Planning Commission that this remain as O-6, which is the most restrictive form of residential classification you can have, and would under no circumstances allow 161 units to be on this property. He stated objective considerations in this matter in the past twelve months have indicated that this sort of use of this property, intrusion as it is on Mr. Starnes, and Mr. Starnes to stand guard for the rest of the neighborhood, is inconsistent with what he wants to do. For that reason, it is his preference that the petition be denied. It has nothing to do with the fact that it is public against private housing. It is simply a use Mr. Starnes finds inconsistent with his home.

April 28, 1975
Minute Book 61 - Page 427

Mr. Grier stated further down on the Council's agenda, Item No. 8, Mr. Starnes has filed an application to have his property rezoned; that is purely protective. If this petition is rejected, Mr. Starnes will withdraw his petition. If on the other hand, the petition is approved, then if Council grants Mr. Starnes petition, he will withdraw his protest to this petition. His great apprehension is that he may be caught exactly in the middle where the Housing Authority and apparently his neighbors propose to put him, standing between multi-family and single family, and being the sole bearer.

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

HEARING ON PETITION NO. 75-8 BY HERMAN G. LOOPER, ET AL, FOR A CHANGE IN ZONING OF PROPERTY LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD, BETWEEN WALTON ROAD AND LOTUS LANE.

The public hearing was held on the subject petition for a change in zoning from R-6MF to B-1 on which a protest petition has been filed sufficient to invoke the 3/4 rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Bryant, Assistant Planning Director, stated the subject property involves most of the blocks between Lotus Lane and Walton Road. At present there are single family residence on the front portion of the property involved along West Boulevard; across West Boulevard is a scattering of single family residences. To the rear of the property is the land utilized for the Barringer Elementary School. Across Walton Road there are some duplexes and then the Barringer Woods residential single family area located in the area.

He stated the subject property has the school on one side, scattered single family on several other sides, and then vacant property elsewhere.

The subject property is zoned R-6MF as is property across West Boulevard, and property to the east. On the west side of the property is some O-6 zoning which extends from Donald Ross Road, down in the vicinity of Donald Ross Road, and then begins a business strip of B-1 which extends for a considerable distance along West Boulevard. The subject property has R-6MF zoning on two sides and is adjoined on one side by office zoning.

Mr. Steve Blackwell, Attorney for the petitioners, stated there are five houses that are quite old. One of the residents who signed the petition has lived there for approximately 35 years, and Mr. Looper has owned his property since 1952; Mr. & Mrs. Ragon have been living there some 35 years; Mr. Joe Crowell, not only owns his house and lot, but approximately 10 acres surrounding the lot. He also owns about six lots on the other side of the street. These people have lived there for a good part of their lives, and they are interested in a change. West Boulevard has been widened many times during the years; the traffic has increased; land to the east has gone to O-6; land to the west has gone to business. Towards Remount Road there is quite a bit of business with a shopping center, dry cleaners and service station. To the east the classification has been changed to O-6. Land to the south of this property is undeveloped. While there has been a protest filed by the School Board, the School is located on the back of their lot. There is a wooded area in the back of the lots; sometimes back a fence was erected to prevent the cut through the property; plus there is a wooded area, a playground and then the school.

April 28, 1975
Minute Book 61 - Page 428

He stated Mr. Looper originated the petition, and discussed it with his neighbors, and they favored it and joined in the petition with him. Mr. Looper for many years operated a dental laboratory in Charlotte, known as the Queen City Dental Lab. About a year or so ago he had a heart attack, and had to close his business, which was then located on Kenilworth Avenue. He decided if he could utilize one of these houses he already owned to operate his dental laboratory out of, he could continue with his business which is a small family type business. That is the reason for the initial drive to have the zoning changed. He stated Mr. Looper owns two houses in the area, one is rented to a tenant and the other is vacant. He plans to move into one of the houses and move the tenants out and put in his laboratory. The other people who have joined in the petition have nothing in mind for use of the property at this time. There would be no increase in traffic because most of it will be done by mail, and there is no delivery and/or pickup. The present structures will be utilized, and there will be no construction, no tearing down of the residences.

Mr. Clem Morris, Jr., Chairman of the Barringer Woods Community Action Association stated he is here to express the deep feeling and sentiments of the 70 or more families currently living in the quiet and pleasant community which is located just left of the 1800 block of West Boulevard. The request is to reclassify five parcels of property to B-1 on West Boulevard, between Walton Road and Lotus Lane. He stated most of the community is made up of mostly semi-professional and professional people. They realize that an approval of the petition would be only the beginning of a multitude of businesses that can and most likely will infiltrate their quiet, pleasant community.

Mr. Morris stated the west side has taken a beating, as most already know; they believe this proposed zoning change would be a step towards destruction of their residential neighborhood; a danger to the safety of their children walking to and from School, and it is not needed because of the existing B-1 and O-6 zoning along West Boulevard. They do not want business taking over their community. Barringer Woods is bounded on the west by Dalton Village, a public housing project, and more recently Clanton Road, four lanes was reopened.

Mr. Morris stated the homes in Barringer Woods were purchased with the idea in mind that they would raise their children in an atmosphere of cleanliness and well-being. He asked why Mr. Looper wants to build his dental laboratory on West Boulevard; why does he state if the rezoning is not approved, he would be unable to continue the operation of his business; why have three other property owners joined with Mr. Looper on this petition?

He stated he suspects that Mr. Looper and friends did not expect anyone to oppose the proposal. He suspects they thought they would just stand by and watch their community become cluttered with little and poorly operated businesses of all sorts. Stand by and watch as traffic increases at the point where they have only one access into their community; not to mention the probable increase in vandalism.

He asked that the request for rezoning be denied. This proposed property is adjacent to property of the Board of Education, and is the location of the Barringer Elementary School. The School Board joined in their protest against the Herman G. Looper petition. They in Barringer Woods Community are grateful to the School Board for their concern in this matter. They too can see that a B-1 zoning would not be proper and fitting for this location.

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

April 28, 1975
Minute Book 61 - Page 429

HEARING ON PETITION NO. 75-12 BY WILLIAM A. ALLMON FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE WEST SIDE OF PARK ROAD, APPROXIMATELY 200 FEET NORTH OF THE INTERSECTION OF PARK ROAD AND SHARON ROAD.

The scheduled hearing was held on the subject petition for a change in zoning from R-12 to B-1.

Mr. Bryant, Assistant Planning Director, stated the property involved is a small area just north of the intersection of Sharon Road and Park Road on the west side of Park Road. This is the site of a small antique shop and country store that has been located there for a number of years on a non-conforming basis. There is a mobile home next to the store, a house behind it and another single family residence just north of the store. Across on the east side of Park Road there is a number of single family homes. The concentrated area of single family houses is the Huntingtowne Farms area; to the south the property is predominately vacant; there is a residence on a large tract of land and down at Sharon Road West intersection there is the Quail Hollow Estates development, and then single family homes behind.

He stated the zoning pattern is entirely single family with the exception of the R-20MF which applies to the Olde Georgetown Area. There is a significant area on the west side of Park Road on both sides of Sharon Road West that has been approved for a PUD planned unit development type of activity.

Mr. Sam Williams, representing the petitioners, stated back in the 20's Mr. Allmon's grandfather lived on the Whisnant property, and Mr. Allmon was born about 200 yards from the site. In 1932, Mr. Allmon commenced upon the operation of the country store, and use of the property prior to his buying it had been a garage. In the late 20's Dr. Whisnant, whose family owned the adjacent property where the planned unit development has gone, proposed a restriction on several of the neighboring properties, indicating they would never have a garage type of use so they could not be able to compete with Mr. Allmon. Mr. Allmon's grandfather operated the store for many years and then his father operated the store, and in the late 60's Mr. Allmon contracted with Mr. Fletcher Hunnicutt to take over the operation of the store, and as an adjunct, commenced upon the sale of antiques.

Mr. Williams stated his firm was approached by Mr. Allmon to assist him in the development of the property. They discussed the probable consequences of going to the zoning administrator to get a building permit to revamp and restructure the store. He was told the problems they would probably have, and suggested to him the alternative of going to the Zoning Board of Adjustment, and that route is still open to them.

Then they seized upon the fact that this is a family that has Mecklenburg roots and this is a use where all the property owners in that area have come. That Mr. Allmon is going to continue a commercial operation there one way or the other. He stated there are three structures on a half acre parcel; he owns two acres, and the three structures on the half acre parcel are what they are seeking rezoned to B-1. He stated they feel they can go to the Board of Adjustment and present some case law that says a structure which is non-conforming, and this is an instance where the grandfather clause comes from, can be moved and relocated. If they would assemble the structure at an appropriate distance from the right of way, they have what could be kind of a hodge pod structure. But if they were permitted, which they think the Zoning Board of Adjustment would permit, to cedar shape or cover this in some matching type of material, would be an adequate facility to conduct the sales of antiques and commercial products.

April 28, 1975
Minute Book 61 - Page 430

They are present today however, because they do not feel that it is inappropriate for the City Council to strongly consider on the advise of the Planning Commission a rezoning of the property, or such portion that may be necessary, to have the structure which would have the same exterior as the assembled three parcels. This would not consume even the entire .50 acre portion which would retain a wooded area to the back and would protect Mr. Henry McNeely, and would retain the buffer house to the north of the property, which would lie between the subject property and Mr. Boles.

He passed around photographs which he explained.

Mr. Myles Haynes, Attorney for the opposition, stated he is appearing for himself and his neighbors. When he says his neighbors, he means those people who live along Park Road in the area of River Bend up to the Sharon intersection, back to Sharon Road to the street where he lives, Stoney Ridge Trail. They are the people who trade at this store, and he thinks they would be the people who would support the store if the rezoning is allowed. But he is here to say to Council that they are opposed to the petition. He filed a petition containing 51 names of all the people down either side of Park Road to River Bend to the Sharon intersection, all the way on both sides up Sharon back to Stoney Ridge, and all up his street.

He stated their grounds of opposition are this is a country store. The man who runs it is not involved in the petition. He is Fletcher Hunnicutt and is not involved but is a tenant who rents the store. They are well pleased with Mr. Hunnicutt and the way he runs the store at the present time. He opens on Monday through Fridays, 8:30 a.m. til 5:30 p.m. On Saturday he is open from 9:00 a.m. til 5:00 p.m., and he is not open on Sundays at all. They can live with those hours as the people who come there do not come in great numbers; they do not cause any traffic congestion, and when bed time comes the store is closed and the neighbors who are very near this piece of property can look forward to a quiet evenings sleep. It seems to them if the zoning petition is allowed, the type of facility they say they would like to build would have a sufficient mortgage on it, and in order to pay for it the rent would have to go up, and he suspects the rent would be such that the new tenant would have to operate something like six in the morning until perhaps midnight; he suspects they would have to put in beer and wine, and he suspects the kids going to high school would find out where the beer and wine is and he suspects when class breaks come at South and perhaps even Quail Hollow, they would soon find their way there, and he suspects it would cause trouble in school. They would find increased numbers of beer cans in their front yards both along Park Road and Sharon Road.

Mr. Haynes stated there is adequate business zoning in the area. That he cannot think of a better example of spot zoning than this. There is nothing any place near that even resembles business property. All the property is R-12, R-15 and PUD. They in this neighborhood accepted the PUD project; in that PUD on the southwest corner of Sharon West and Park Road Extension, they have ten acres of business zoning, and they believe that is adequate in their neighborhood, and they do not want any more. In the meantime while they are waiting for that development to be built, they have two brand new nice 7-11 type operations up Sharon Road about a mile. One of the school board committee members from Quail Hollow has asked that the petition be denied; they understand the Huntingtowne Farms Neighborhood Association has written a letter saying they oppose the petition. A flower group who operates in Huntingtowne also has a letter of opposition.

Mr. Jim Allison, Jr., President of Huntingtowne Farms Neighborhood Association, stated because this is spot zoning and they know City Council feels very strongly about spot zoning, they did not feel it necessary to circulate petitions in their neighborhood. They have about 320 residents in the area and the majority of the people voted in their last meeting to oppose the rezoning of the property. They feel the rezoning of the property to B-1 in the middle of single family zoning would be spot zoning. The Comprehensive Development Plan for all of this is residential; a single change in zoning could start a series of developments with catastrophic consequences for all the neighborhoods located along Park Road Extension. The neighborhoods are valuable to the community and play an important role in the future of Charlotte-Mecklenburg. They feel a change in zoning of this property will be detrimental to the liability and residential character of their neighborhoods. They request that the request be denied.

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

HEARING ON PETITION NO. 75-9 BY PROVIDENCE SQUARE III PROPERTIES FOR A CHANGE IN ZONING OF THREE TRACTS OF LAND, AND CONSIDERING GRANTING CONDITIONAL APPROVAL TO AN EXISTING TENNIS FACILITY LOCATED ON LANDMARK DRIVE, OFF SARDIS LANE.

The public hearing was held on the subject petition for a change in zoning from R-20MF and R-15MF to R-20MF and R-15MF of three tracts totaling 1.88 acres in size, and granting conditional approval to an existing tennis facility located on Landmark Drive, off Sardis Lane.

Mr. Bryant, Assistant Planning Director, stated this involves property located in the Providence Square Area. The basic intent of the request is to allow the conversion of an indoor tennis facility, which was built originally as part of the land package associated with the apartment development, to allow that tennis facility to be converted into a facility which would be available to the public. In order to accomplish this several things need to occur. First, the ordinance was amended to allow certain types of recreation facilities in residential areas on a conditional basis. That type of consideration is involved here. The Providence Square Apartment area is partially zoned R-15MF and partially zoned R-20MF. The R-20MF portion involves the location of the tennis facility, and the tennis facility is not allowed in R-20MF; therefore, it is necessary to consider changing the property on which the tennis facility is located to R-15MF. Then the density of the development of this area is so closely tied to the allowed number of units that in order to take out of the R-20MF plan the area on which the tennis facility is located, it is necessary to consider changing some of the other distant pieces of land to R-15MF in order to keep the density equation workable.

He stated the areas involved consists of the tennis building, and the request is to change it from R-20MF to R-15MF and at the same time consider granting the conditional approval which will allow it to be used for general public purposes, and no longer restrict it to just the use of the residents of the apartment. A small area on the south side of Landmark Drive near Sardis Lane is also requested to be changed from R-20MF to R-15MF in order to work out the density equation. Then a very small piece on the opposite side of the shopping center is also being requested for a change from R-15MF to R-20MF just to round out the parking configuration, and at the same time to work out the density equation. Generally what you have is the shopping center, the apartment group around it, the tennis facility, which is now accessory to the apartment, and the desire is to open it to the public.

April 28, 1975
Minute Book 61 - Page 432

Mr. Bryant stated the zoning pattern has the B-1SCD for the shopping center; R-2OMF on the northerly portion of the property, and then R-15MF from there out to Providence Road. There is a small patch of B-1 at the Old Providence intersection to accommodate the service station.

Councilman Short asked why conditional recreation is not allowed for R-2OMF? Mr. Bryant replied because the R-2OMF itself is a conditional district, and the only use allowed in R-2OMF is multi-family usage.

Mr. Ben Horack, Attorney for the petitioner, stated what is really involved here is what he calls the center of the three parcels - the 1.04 acres parcel - on which is currently located an indoor tennis facility. The indoor tennis court facility with the three courts was originally designed and intended as a part of the R-2OMF package. The other two parcels are really technical adjustments in order to get the numbers right as they relate to the R-15MF and R-2OMF density.

This facility was originally a portion of the R-2OMF amenities package - that package includes other amenities such as the tennis court, the club house, three outdoor tennis courts and some other things. Inside the club house is a pro shop, game room, lounge area, and all those types of things. The indoor tennis facility was part of that package. It has no business being a part of that package from the outset. The pool and outdoor courts and clubhouse and all the rest of it is the norm for an amenity package to serve an apartment setup such as this. The indoor tennis court was a frolic and a banner that never should have been. They are asking that it be taken outside that package. When it was under construction, Mr. Ervin had to get separate financing of \$300,000 to build this indoor facility. Even the lender realized it should not be a part of this package.

Mr. Horack stated the facility opened in December, 1973, and 100% court usage would bring in a gross of about \$99,000. Projections made then was that the first year it would be "X" usage, then the second year would be more, and the third would be even more than that. The net result has been exactly the opposite. He passed around information and called attention to the comparison that 1974-75 was a long list of bad news relative to losses. There is no way they can make a go of this indoor court facility without some sort of community support - which means an ability to charge. This means to take away the non-exclusiveness of this original amenity for the R-2OMF so that the community and public can be allowed to come in and provide the support necessary to retain this, and keep it going.

Commissioner Turner asked if the people who live in the apartments have to pay to use these facilities? Mr. Horack replied there is a membership; they can use it and to be a member has certain pluses which is a priority to reservations, a discount at the pro shop and some other things which their membership entitles them to.

Councilman Gantt asked if changing this to a non-exclusive facility the people who have the membership find that certain privileges available to them would no longer be effective? Mr. Horack replied their membership, as he understands it, is the privileges of membership they now have will not be taken away. If you are going to allow members of the community to come in, then you will agree their membership will be diluted because you need more people out there to keep the usage of the courts up. Councilman Gantt asked if this becomes a public facility, and he notices there are only 14 parking spaces, will a facility of that size which would become a business operation, require better access or more parking spaces. Mr. Horack replied there are only three courts; there will not be a great flood in of people.

April 28, 1975
Minute Book 61 - Page 433

Councilman Short asked if the members of the public would pay whenever they show up, or will they have to join the club? Mr. Horack replied as he understands it it will be both ways. Predominately it will be a membership situation which will be expanded to include community people as well as the resident area. But they will be able to take someone in who wonders in, undoubtedly based upon a different rate structure.

Mrs. Renee Buxbane, 7448 Valley Brook Road, stated she is present to protest the rezoning. She lives in the area behind Providence Square. They were not considered as adjacent property owners because of the 100 foot buffer put in when the rezoning of Providence Square took place. If they had realized the gravity of this petition, there would have been a big representation present from the area. They were under the impression this was just to build additional courts. Finding it will be open to the public puts a different face on it. Although they may feel these little patches do not mean very much, if you live out there they do and you do not like all these puzzles being placed in different areas. Ever since Providence Square was built, they have been up here with many changes. It is a constant vigil for the residents. They do not feel that opening this up to the public is in the interest of anyone. When the project was designed and opened it was suppose to be a project in keeping with the residential area; it would have all the features, and it would not change the facilities there. They heard all these glowing reports. She said every fear they expressed before this Council has been fulfilled in time, and they feel they have had enough.

If it is opened to the public it means advertising, which they understand is against the law. This project is now in violation of the law because it has signs advertising the center all down Providence Road, and all down Sardis Road; they are in violation of the law and they should be made to take them down.

The entrance to Providence Square is not quite as it appears on the map. The entrance is on a blind curve, and is one of the most dangerous areas to come in and out of in the City of Charlotte. They feel if this is opened up to the public, every apartment project in town when they run into financial difficulty will be coming up wanting to have public facilities. It is going to open up a big can of worms.

Mrs. Buxbane stated the residents in that area would like to keep the area much the same as they can. They asked that the petition be denied.

Mrs. Ann Woods, 7504 Valley Brook Drive, stated they also rent an apartment in Providence Square, and you are automatically a member of the tennis facilities. In addition you pay \$2.50 to play on the indoor court.

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

HEARING ON PETITION NO. 75-10 BY CARL J. SCHNEIDER FOR A CHANGE IN ZONING OF PROPERTY ON THE NORTHSIDE OF INTERSTATE 85 AND EAST OF STARITA ROAD.

The scheduled hearing was held on the subject petition to change the zoning from I-1 and R-9 to I-1 and I-2 on 24.12 acres of land.

Mr. Fred Bryant, Assistant Planning Director, stated this involved two changes. One change is from I-1 to I-2 and in the other instance from R-9 to I-1, property which is located to the north of I-85.

April 28, 1975
Minute Book 61 - Page 434

The first portion has frontage on I-85 and extends from I-85 back to a creek which runs through the property, and that constitutes a request to change from I-1 to I-2. The more significant portion of the request involves about 17 or 18 acres, and is located north of I-85 and does not have actual frontage on any existing road, but is part of a tract of land that extends all the way to I-85. That involves a request to change from residential to industrial.

Both parcels are vacant, and there is a considerable amount of industrial along I-85. North of the property is an extensive tract of residential usage which is the Derita Woods Area, which is basically single family with some apartment configuration. To the northwest, along Kendrick Avenue, there are also single family homes.

Mr. Bryant stated there is I-1 zoning along I-85, which comes down to within 200 feet of Starita Road, and the request is to change a segment of the property to I-2; to the north of that industrial pattern begins the residential pattern, and the request is to change it to I-1.

Mr. Bryan Kennerly, Attorney for the Petitioner, stated this is a joint venture between John Crosland Realty Company, and Fore Realty Company, John Crosland Realty Company is a realty company headed by John Crosland, Sr., and Fore Realty Company is a partnership between Mr. Dave Fore and Carl Schneider.

He stated in developing this property they were faced with Irwin Creek running through the area, and industrial property with no access. The feasibility of bringing access across the Creek was economically unfeasible. Realizing they had a residential area to the north of them, and looking at the character of the neighborhood which is basically light industrial to the east, west and south of them, they came up with a plan which they hope will satisfy the concerns and protect the character of the existing residential neighborhood. Of major concern to them was the residential character of the neighborhood to the north of them. In their plan they have made an effort to put together an economically feasible development, and still stay within the boundaries of good planning, and offer protection to those people that are in residential neighborhoods. They are requesting Council to extend the I-2, and then they will bring an access road along the boundary line and make a crossing of Irwin Creek, and develop back in the area with no access to light industrial usages. They have provided a buffer of 100 feet in depth; the property is heavily wooded, and the buffer will be all the way around their property. They have I-2 zoning already existing and abutting right into residential property. The parcel of land that is presently zoned for R-9 is not logically nor economically feasible to be developed in single family residential use.

Mr. Kennerly stated they are bounded at present by heavy industrial land. The cost of an access across the creek to get to the small portion of light industrial land is not feasible, and they felt the expansion of the I-2 and the development of the configuration of light industrial usage would allow them to cross the creek from the south, buffering the area to the north. They have met with the residents in the area, and have talked with the Community Association in the area and have explained to them their honest intent to under no circumstances allow access to this property through the residential area. By law the City could condemn an access route through there for them or for some subsequent owner. It is their intent to legally tie up the title so that no owner or future owner could request that access through that property. Their intent is to protect the residential character of the neighborhoods to the north of them.

April 28, 1975
Minute Book 61 - Page 435

They are requesting Council to consider the basic industrial character of the land adjacent to I-85. They suggest that the plan they have drawn is the logical use of the property, and they sincerely intend to protect those residential areas to the north. This type of development in all likelihood would generate less traffic through a residential area than if it were opened for residential use, and the R-9 developed to its potential would accommodate three or four units per acre.

Mr. Kennerly stated they request this petition be considered solely on its own merits, and dealt with on its merits as opposed to considering and putting on trial the rezoning process.

Mr. John M. Dunn, Jr., 3724 Arvin Drive, stated he is appearing as Chairman of and Spokesman for the Derita-Statesville Road Community Organization, and in opposition to the granting of the subject petition.

He stated this petition involves two separate segments of land; and they are opposing both segments. But their basic opposition and main opposition is to the 17.37 acres to be rezoned from R-9 to I-1. In connection with the segment to be rezoned from I-1 to I-2, all along between these two intersections of Statesville Road and Derita Road-Hutchinson Avenue-Graham Street, it is already striped zoned on both sides of the highway for industry. From the intersection of North Graham Street and I-85 north all the way into Derita, it is striped zoned for industry. This area, until several years ago, was in the county, and the zoning was a part of the perimeter zoning power of this Council, and that strip zoning was done by this Council. They cannot see any benefit to the community or to the public or to anyone except the property owners themselves. They look upon this as land speculation and additional strip zoning.

Mr. Dunn stated in connection with the segment of 17.37 acres proposed to be rezoned from R-9 to I-1, they oppose this strenuously.

Mr. Dunn filed a petition of protest with the City Clerk and stated this petition includes signatures of property owners along the northern boundary of the area with the exception of three - one house was vacant, one was rented and the other one is in support of the application for rezoning. They possibility could have invoked the 3/4 Rule; but he does not know as the petitioner took the center segment of the property with the buffer around it, and the zoning ordinance says the property must be adjacent to the area to be rezoned.

He stated they have three concerns: (1) further broadening of the strip zoning when there is already land zoned industrial in the vicinity that is not being utilized for this purpose: (2) the close proximity of the segment to land already developed as residential, with the accompanying nuisance and reduction in value to homes already established; and (3) traffic access to the 17.37 acre parcel. This property was acquired approximately one year ago, and at the time it was zoned for R-9. The petition says the land is not adaptable for use as a residential development. They submit that it is not adaptable nor feasible for use as an industrial park. He referred to Section 23-7 of the zoning ordinance which stated to qualify for light industrial the land must have good access to transportation facilities, which this does not, and must afford reasonably level sites, which this does not; and it is to permit an expansion of existing industrial areas where possible, and this does not. The land is contiguous to it that is on I-1, but there is no development in there that would be a logical expansion into this particular parcel. It also provides for separation of residential areas by natural or structural boundaries, which it does not.

April 28, 1975
Minute Book 61 - Page 436

He stated the location of the parcel is such that it would require the building of a road a quarter of a mile from the access road along I-85, over hilly terrain and over a creek to get to it. Or this is their fear, that they would have to use the residential streets for ingress and egress. There are three potential entrances available. One is the extension of Kendrick Avenue off Statesville Road; the extension of Pine Meadow Drive, on the right hand side, or the extension of Valeview Drive. The petitioner told them that they would not use any of these residential streets. He stated they do not have faith in such a statement. There is no specific plan for the land now, it is just being asked to be rezoned to be sold. When it is resold they have no binding effect upon the purchaser of the land. Experience is the best teacher and they learned their lesson last year in placing credits in promises of a real estate developer.

Mr. Dunn stated they would like to ask the Planning Commission to recommend denial of this petition, and to ask the City Council to deny the petition when it comes before them to vote.

Councilman Short asked the rules about cutting streets in a residential zone to get into industrial property? Mr. Bryant replied you can require a public street; it could not be a driveway access.

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

HEARING ON PETITION NO. 75-11 BY CHARLES O. STARNES FOR A CHANGE IN ZONING OF PROPERTY LOCATED AT THE SOUTHEAST CORNER OF PARK ROAD AND CLOSEBURN ROAD.

The public hearing was held on the subject petition for a change in zoning from R-15 to R-6MFH.

Mr. Bryant, Assistant Planning Director, stated this request involves the one lot at the corner of Closeburn Road and Park Road. That unless Council has questions, he will not go over the area as it was explained under the first petition tonight.

Mr. Joe Grier, Attorney for the petitioner, stated when the Housing Authority got up their petition for the project they did not approach Mr. Starnes but went behind him and purchased some land which they now say is not included in the petition for rezoning. The result is that Mr. Starnes has the spot on the corner, with the Housing Authority owning the property down Park Road and the Housing Authority owning the property behind him through which they propose to run an access road to where they propose to put their caretaker. If they had set out to deliberately surround him and isolate him as the only discriminated against property in the area, they could not have done a better job. There is some thought that the Housing Authority is entitled to some special consideration in this matter, you are exercising police power when you do this. One petitioner is like another petitioner. If the zoning is approved, you do not know if the Housing Authority is going to acquire this land or that they will build the project. Once it is classified in this way, it is open to whoever owns the property to do with it what he pleases. He stated when the petition was originally filed they had a conditional application which they have now withdrawn which would have given some hold on what they do. The zoning petition as it stands now, stands flat and whoever gets the property with this zoning on it can do whatever they please. The Housing Authority has no power to commit that the lots behind the Starnes property will remain in a particular position.

April 28, 1975
Minute Book 61 - Page 437

Mr. Grier stated if the Housing Authority's request is denied, then Mr. Starnes will withdraw his petition, and leave things as they are. If the Housing Authority's petition is allowed, and Mr. Starnes is allowed, then he will not continue to protest any further. If the Housing Authority's petition is allowed, and Mr. Starnes is denied, then there will have been an abuse of the power of zoning.

Mr. George Godwin, 5701 Closeburn Road, stated Mr. Starnes is a long time resident of this neighborhood and everyone in this neighborhood would be willing to go along if it were just for Mr. Starnes' purposes. Unfortunately the change in zoning runs with the ground and not with Mr. Starnes, and they are interested in what happens to the ground if Mr. Starnes should not continue on there. He stated they have had several meetings with the Housing Authority about their petition, and pointed out to them they only have an option, and should they not exercise that option, or should they not become the owners of that piece of property, they have personal assurance from Mr. Hall and the Executive Director saying if that should happen, they would be back down here to have the property zoned back to the original zoning.

He stated Mr. Starnes does not have sufficient land for this purpose, and they see it as a prelude to strip zoning, where they would come back three years hence and request that it be rezoned to B-1.

Mr. Godwin stated a previous petitioner tried to obtain Mr. Starnes' property, and tried to get Mr. Starnes to request a change of zoning at that time; but Mr. Starnes stated something to the effect that he intends to live there, and even when offered three times the current tax values for his property, he refused and said it is the place he plans to live unless you come up with four times the tax value.

He stated the neighborhood is not interested in having that piece of land there as R-6MFH.

Councilman Gantt stated he takes it that the meat of Mr. Godwin's argument is that we know what the Housing Authority plans to do with the other portion of the land, and we do not know what will happen to the relatively small parcel of land on the corner; that they suspect it will be down zoned to B-1 at some future date. He asked if they would support the idea of the Housing Authority buying that additional house on the corner as a part of their development instead of having a lesser density overall. Mr. Godwin replied they think that would be very good planning and even suggested it to the Housing Authority. But they had money considerations which they could not do.

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

CONTINUED HEARING ON REQUEST OF CHARLES M. SETZER MASONIC LODGE FOR APPROVAL OF A SPECIAL USE PERMIT TO OPERATE A MASONIC FACILITY AT 745 STACY BOULEVARD.

The hearing was continued on the subject request from the meeting on March 17, 1975.

Mr. Bryant, Assistant Planning Director, again explained the locations.

Mr. Bill Bishop, Master of the Lodge, again spoke for the request, and stated they have the support of the neighborhood on this location. That they now have a clear definition of the property line, and they would like to request that they be granted the special use permit which will permit

April 28, 1975
Minute Book 61 - Page 438

only their organization to use this property. It will remain residential with a special use permit. They will not be able to sell it to anyone else for another lodge without coming back to Council for a similar permit. It is their intent to keep the land as near natural as possible.

No opposition was expressed to the granting of the special use permit.

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

HEARING ON REQUEST OF THE CHARLOTTE SCOTTISH RITE BODIES FOR APPROVAL OF A SPECIAL USE PERMIT TO OPERATE A MASONIC FACILITY AT 4810 RANDOLPH ROAD.

Mr. Bryant, Assistant Planning Director, stated this site is located on Randolph Road, and a request was considered a few months ago to use the property for multi-family. It is a tract of land located beyond Sharon Amity Road on the southeasterly side of Randolph Road, prior to the intersection of Rutledge Avenue, and Montclair Avenue is behind the property. It does have on it one single family residence; it is adjoined to the rear by a solid pattern of single family residences, along Montclair Avenue, and then there is a single family home to the southeast. There is a fairly new nursing home across Randolph Road; there are single family homes on the intown side of the property as well.

Mr. Bryant stated there is R-15 zoning in the area; the nearest non-single family zoning is R-12MF which is the Randolph Apartments. This is a request for special use permit approval, and therefore a specific site plan is required. He then explained the site plan. The proposal is to build one building, which would be one story in front and approximately two stories in the rear in order to accommodate the auditorium stage facility in the rear of the building; the topography of the land is such that it does fall away from Randolph Road, and therefore the building structure would be one story in front and two stories behind and it would take advantage of the natural terrain as much as possible.

The parking facility, a parking garage, will be constructed to one side of the building, and there will be three entrances to the site; two in a circular fashion in front of the building and one at the other end of the property. It is proposed that a significant strip of land be left undisturbed along with the rear portion of the property, and it is further proposed that a storm water collection basin be established to collect the water which will run off the parking lot area. That would be connected into an existing drain line, which there is a proposal to enlarge.

The closest point of any construction area to the rear of the property would be 70 feet; that is to the edge of a paved area. It looks as if the closest house along Montclair is another 60 or 70 feet from the rear property line, and it would be a total distance of 130 feet or so from the edge of the parking area to the nearest house.

Mr. Ashley Hogewood, Attorney for the petitioners, stated he has with him the Secretary of the Scottish Rite Body and the architect for the building. He passed around copies of the rendering of the plans for the construction. That Mr. Bryant has fairly stated the facts. He stated they represent the Scottish Rite Bodies, and do not represent the Shriners, and sometimes people get confused about what occurs. He stated this is a second petition, and the site is appropriate in the judgement of the Scottish Rites for a special use permit; it is not a change in zoning. They have conducted town meetings on two occasions, and the Planning Commission instructed its staff to mail correspondences to various people who are adjacent to the property. The Scottish Rite also had a mail out, and the people have been informed about what is going on.

April 28, 1975
Minute Book 61 - Page 439

Mr. Warren Tool, Executive Secretary of the Scottish Rite Bodies, stated their use for this hoped for building is most limited. They meet each Wednesday evening during the year with the exception of the summer months when no monthly meeting is held. At these meetings they are lucky to get 60 or 70 men to come. The third week of April and the third Week of October, they make full use of the entire facility. They put on a "Reunion of the Brethren," and make new Scottish Rite members in a three day session - Tuesday, Wednesday and Thursday of each of these months. In this building it is contemplated they will have a kitchen to feed five to six hundred persons. They serve six meals each April and six meals each October to these assembled Brethren who come to the classes for new members and those who come to work on their degree and visitors. The other use of the building is on Thursday evening before Good Friday each year, the Scottish Rite members meet for a very short session. Also on Sunday morning, Easter Sunday, they have a breakfast and a meeting. At the last one they had 234 members to meet. The proposal is to have approximately 150 parking spaces available on the site. The last possible use of the building would be for a classroom, which is planned to be used as Blue Lodge. A Blue Lodge is a masonic organization where men become first, second and third degree masons. The most possible use would be Monday and Tuesday, and Thursday and Friday for a small group of men - not more than 40 to 50 - to come and work through this phase of masonry. This is the extent of the use of a Scottish Rite Temple. They plan no women's organizations to meet in this building; no youthful groups, boys or girls, are contemplated to have space to function. This is a Scottish Rite Masonic Temple building.

Speaking in opposition were Mr. David L. Anderson, 4820 Montclair Avenue, Mr. Steffin Ingram, 4835 Montclair Avenue, Dr. Nish Jamgotch, Jr., 4640 Randolph Road, and Mr. David Vickroy, 4911 Montclair Avenue.

Mr. Anderson stated the building may be two stories on the back, but it is 44 feet tall and that is close to four stories. It has a 500 feet arena, and that is approximately 40 percent of the size of Ovens Auditorium. A facility of this sort located in this kind of neighborhood, regardless of the benevolent intent of the group that would own it and use it, is not proper improvement for this part of Randolph Road. Sometime ago, the city fathers allowed to be placed on Randolph Road, across the street from this particular property, a nursing home. Already these two facilities, the one there, and the one proposed, jump a number of residential homes, people who bought their homes to live in and not for commercial speculation. The traffic has already increased. He would ask them to give consideration to water. When the apartments were built on Randolph Road towards the town side of the site property, little if any consideration was given to the potential drainage problems that paving over all that area would cause. A neighbor lives adjacent to what has turned out to be the basin for these apartments. On his site there is the beginning of a four foot pipe which is meant to collect the water coming off this particular apartment site, and the other surrounding property. When it rains hard, this man is virtually flooded; water laps to the side of his house. Mr. Anderson stated when he moved in this neighborhood he did not realize what the water problem was either. That he spent four years trying to correct what the earlier developers did not require to be done. That he has about gotten his water problem licked. But he lives down hill from this particular site, and unless they can guarantee him that none of that water is going to seep under Montclair Avenue and flow down hill he would suspect he will have a problem. To say nothing of the people who border on this site. There is no where for the water to go except down hill and that is where they live.

April 28, 1975
Minute Book 61 - Page 440

He stated this special use permit would allow four story building, almost 44 feet tall, large enough to seat 500 people, 125 cars will require a good bit of asphalt and concrete. It does not seem consistent with what zoning is all about to all this kind of facility in that kind of neighborhood.

Mr. Ingram stated he is one of many interested neighbors to ask that this special use permit be turned down. The area adjacent to this property is one story single family residential property, and is a part of the single residential area. It is an area where property values have been rising. Many thousands of homeowners out Randolph Road have homes in similar type neighborhoods. Last fall the request for rezoning of this property to allow condominiums was turned down. That he did not support the request to deny that project. This is not a request for a change in zoning but to circumvent the normal zoning procedures established to protect the property owners all over the City of Charlotte by allowing them to have reasonable assurance about the future development in their neighborhood. He stated they accept the community responsibility of paying taxes for increased benefits received from their governing bodies; but they do not accept the fact they are asked later to allow this special use request which will devalue not only their property, but the property in the areas adjacent and beyond this proposed structure. This request is out of character with the neighborhood.

Mr. Ingram stated his property does back up to this property. Instead of a 2,000 to 2,500 square foot residence they have a 30,000 square foot commercial building. Instead of 80 people they have 8,000 members using the building; instead of a potential 45 cars they have 150 new parking spaces on the premises which will overflow into the neighboring streets. Instead of a two story condominium they have a 44 foot high structure, similar to a four story building. Instead of a residential structure they have 500 fixed seat arena; a commercial kitchen and all related eating areas and storage space that could later be turned into offices. A four foot deep water catch basin approximately six feet wide and approximately 100 feet long where water is to be collected, and will run off either into the ground or through neighboring property. A catch basin, unless protected by grills and fences is a significant hazard to the children in the neighborhood, and there are 80 children below 15 months within one block. He is not against the development of this property. That he is not against the Mason or Scottish Rites. He was disappointed that they were unable to get answers from the gentleman conducting the two town meetings he attended where they were to learn the plan. At the first meeting there was to be a snack bar, and the use limited to two times a year and on occasions otherwise. At the second meeting, it would be used by many groups possibly up to six nights a week.

Dr. Nish Jamgotch, Jr. stated he lives next door to this property, and he is against the proposal. Before making a decision on this matter, the Planning Commission and City Council should go to Randolph Road and observe the consequences when you approve the placement of a non-residential facility in a residential neighborhood, the kind of erosive impact it has on the environmental quality of their homes. What is proposed here is another step to erode the quality of the environment in which they live. A massive concrete structure two and a half times the height of his home next door; an auditorium for 500 people; a kitchen; a parking lot for at least 150 cars; 30,000 square feet of installations; over one million dollars. What they are not told is that any of this is remotely residential. That he had a call last week from a man who told him unless the neighbors approve the facility, the next step would be the building of another nursing home on the Randolph property for which plans were already underway.

April 28, 1975
Minute Book 61 - Page 441

What does R-15 zoning mean, and what have the members of the City Council and the Planning Commission done to protect the homeowners of this city. Does R-15 zoning mean on one hand something which can be circumvented by a special use group, although well meaning, who wishes to erect a totally non residential structure on residential property. Or does it mean on the other hand, a fundamental protection for the little guy - the homeowner, the private owner, to whom you turn to float revenue bonds, and to get taxes to run the city, and who in turn look to you to protect what is very close to them. The peace and privacy and the integrity of their single family dwellings.

Mr. Vickroy stated his property directly adjoins the property on which they propose to build the temple. That he has written letters to the City Council and the Planning Commission. That he has two major concerns. The first is they really do not know the exact useage of the temple. They do not know whether it will be two major meetings a year, plus perhaps very small meetings. There is no real guarantee that they will not meet more often once the temple is built. If they did meet six times a week, it would still not improve the quality of life. The second fear he has is the problem of the water. It has always been a very delicate balance. That he has a septic tank and a drain that runs right through the back of his yard. He believes that once you pave that portion of the land, it will run the water into his yard, and he will find he has a septic tank that has to be replaced, and he will find that he will have to replace the ditch that runs through his backyard. The price he will pay is that it will lower the property value. He asked that the special use permit not be granted. His property was R-15 when he bought it, and Mr. Crouch's property was R-15 when he bought it. Mr. Vickroy stated he intends to live there as a family man, and he does not see any reason to change the zone or to issue a special use permit, which in effect is a change in the zone. It is not a single family dwelling, but is something that is very large, and it will not add to their life styles.

Mr. Hogewood stated on the matter of the drainage, on the plans it will show there has been consultations with the city engineering people, and it calls for 20 inch pipe instead of the 12 inch pipe. His client has not just gone out and raped the land.

Mr. Vickroy asked what happens if they put the 20 inch drain through, and he finds water at his back door. That the answer will be they have done what they were supposed to do. That is not what he wants to hear. He wants to hear that they will make it good if he is flooded out.

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

April 28, 1975
Minute Book 61 - Page 442

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 6:00 o'clock p.m., and reconvened the meeting at 6:15 o'clock p.m., in the Board Meeting Room of the Educational Center, with all members present with the exception of Councilman Harris.

ORDINANCE TO CONTROL OR ELIMINATE THE SALE, PUBLICATION OR VIEWING OF FILMS, BOOKS, MAGAZINES OR OTHER PUBLICATIONS DEEMED TO BE LEWD OR OBSCENE, AS PRESENTED BY ATTORNEY ALLEN BAILEY FAILS TO CARRY.

Mayor Belk stated there are some 45 requests to speak tonight on the subject of pornography. He asked that each one limit themselves to five minutes.

Councilman Withrow moved adoption of the ordinance calculated to control or eliminate the sale, publication or viewing of films, books, magazines or other publications deemed to be lewd or obscene, as presented to City Council by Allen Bailey. The motion was seconded by Councilman Gantt for purposes of discussion.

Councilman Withrow stated each Councilmember has received a copy of the ordinance, along with two sheets of corrections.

Councilman Withrow read the following statement: "I have been aware for a long time that the people of Charlotte wanted this Council to strike a blow for decency in this community. As a member of this Council, I now have that opportunity and I intend to vote for this ordinance. I feel that I have a responsibility as a City Councilman to do what I can to make Charlotte a better place in which to live. I believe that this ordinance has that potential. I know that this City Council is busy; but we are never too busy, if we are unwilling to give the time to look after the common decency of this city then we ought to step aside and let someone else do our job.

Contrary to what some have said, I believe this Council has the right to act in this matter of pornography. I know that it has the obligation. I do not intend to hide behind the defense that this ordinance is unconstitutional. The only man who has done the homework necessary to determine its constitutionality says that it is. And I intend to take his word for that. Neither do I intend to hide behind the threat of some that they intend to fight this matter in court if this Council passes the ordinance. Mecklenburg County has one courthouse and is planning to build another. As far as I am concerned the doors are open. That battle can be fought there. Practically every law that has ever been passed has been tested in the court. If this one is, that won't be anything new. I will have done my duty as I see it, and I can meet my friends and say to them, I did what I thought was in the best interest of Charlotte."

Speaking for the passage of the ordinance were the following: William E. Poe, W. T. Harris, Rev. Ross Rhodes, George J. Karl, Dr. T. J. Kocak, Arthur Smith, Allen Bailey, H. L. Ferguson, Charles Henderson, Fred Godley, Sr., Lex Moser, D. Clifton Wood, Virginia McMahan, and Ward Mullis.

Mr. Fred Godley, Sr. presented a petition from members of the Northside Baptist Church in support of the ordinance.

Speaking against the passage of the ordinance were the following: Arial Stephens, Harry Picket, Wallace Kuralt, Jr., Rev. Sidney Freeman, Ed Morton, Bruce Thornton, Michael A. Watson, Sr., Charles H. Hodges, Robert Schrader, Charles W. McIvey, Ivan Mothershead, Michael Bagale, Stan Burris and Mary Hall.

April 28, 1975
Minute Book 61 - Page 443

Council Short stated this has been a real good example of democracy here tonight. Several of those who spoke against the ordinance said they thought that a person should just be able to buy whatever he wanted to buy and read whatever he wanted to read. But contrary to their wishes the selling of pornography to adults and even willing adults is a crime under North Carolina law. Apparently this is contrary to the preferences of Mr. Bailey, as he wants to use another procedure. The history of the enactment of our present criminal statute in Chapter 14 in North Carolina shows that when the Legislature was considering this just two or three years ago, they considered making this sort of thing a nuisance; but they rejected this and instead they made it a crime. When you are talking about pornography dealers in North Carolina, you are talking about those who have already, as a class, been designated as criminals. This is the way that our Legislature saw this situation after considering all the possibilities. They considered doing nothing about it and they considered making it a nuisance. But they decided to make it a crime. That he has to conclude, after weighing everything that hundreds of people have written and said to him that they are right. He thinks the Legislature was right. The rules and traditions of the criminal procedures should apply to pornography criminals just as they apply to burglary criminals and assault criminals, and all other types of criminals.

Councilman Short stated as an example, he thinks that with pornography dealers, like any other accused of a crime under North Carolina law, there should be the legal requirement of intent. What this means is, under our tradition and under our system of law, you cannot commit a crime unless the criminal act is intentionally done. The nuisance procedure, the civil procedure, as suggested in Mr. Bailey's ordinance, sets aside this basic safeguard of the criminal law. The result is that even Belks Stores, or the Intimate Book Shop, along with the Venus, and whatever the other places are, could be guilty without the managers even knowing that they have some pornography there. And they could be padlocked for a year. In order to remedy this, an amendment has been proposed for this ordinance. The proposed amendment is that it is allowable to sell pornography along with other merchandise, but not if that is the only thing you are selling. Under this arrangement a given dirty book could be legally sold by some, but not by others. That he does not see how a City Council could serve as a censorship board under any such arrangement as that. A better thing is to stick with the criminal procedures with its requirement of intent so that those who intentionally sell pornography, whether it is Ivey's or the Venus or whatever, can be prosecuted and those who do not, cannot be successfully prosecuted.

Councilman Short stated this difference between the criminal procedure that our Legislature has adopted, and the civil procedure has several points that should be made. He thinks we should stick with the criminal procedure because he thinks the proof required to convict a pornography criminal just like anyone else accused of criminal conduct should be guilty beyond a reasonable doubt. The proposed ordinance would convict those accused of the crime of pornography dealing with a lesser degree of proof. It occurs to him that in one of the most famous trials that ever occurred, an innocent man was found criminal because the law did not require a high degree of proof. He does not think that the City Council should change the state law so as to set aside this beyond a reasonable doubt rule for any criminal; especially not in an area that is to some degree protected by the First Amendment. There are other differences between the criminal procedure and the civil procedure that are important. In the initiation of an action and the swearing out of warrants against pornography criminals, this should be done by the legally constituted magistrates and judicial officials who are bonded, and who are accountable for their acts just as in the case of all other criminals. The proposed ordinance sets up a procedure for bypassing these judicial officers, in effect.

April 28, 1975
Minute Book 61 - Page 444

It sets up a system which seems to him to be almost like zoning. Any citizen can come down and petition the Council, which is not a judicial body at all, to take off after a supposed criminal. He stated we should stick with the criminal judicial procedures and not mix politics with individual criminal cases in this way. That he also does not like the form of punishment called for in the proposed ordinance. That padlocking is done in drug cases and prostitution cases. But if we are going to allow some people to go right on selling pornography because they are selling other merchandise with it, he does not see how we can exact this drastic punishment from others who are not selling other merchandise along with it.

He stated it would be better to stick with the forms of punishment called for in the criminal law which is two years in prison and a fine in the discretion of the judge. Then anyone who intentionally commits a pornography crime will receive a fair and just punishment regardless of whether he is selling other merchandise along with the pornography. The problem is not a lack of enough laws, but the lack of enough money, enough policemen, enough prosecutors, and enough court time to push a campaign against pornography criminals. A more appropriate requests to this Council would have been that we ask the City Manager to see if he can find the necessary sum of money, and he expects it would be in the range of 1/2 million dollars, in the upcoming budget to pay the necessary investigators and policemen and see if we can get more prosecutors and more court time to carry on a campaign under the State criminal law.

Councilman Short made a substitute motion that no action be taken on Item 11, and move on to the next item. The motion did not receive a second.

Councilwoman Locke stated she would like to vote this up or down tonight. It is important that these people know how we feel. That she commends those who have come and have spoken. They have been very kind and considerate; and not as some of the people who have called her and made terrible threats.

Councilwoman Locke stated she does not care for some of the things that go on in our world, in our nation and in our city such as baseball games, rock festivals, concerts, hunting, and pornographic materials. This is just to name a few. That she has never looked at lewd films or obscene publications, nor does she intend to as a censoring board or not. If the merchants of these materials depended on her business they would be forced out of business. The proposed ordinance on offensive sexual conduct in lewd films and obscene publications is a very difficult and serious issue for all of us in Charlotte. Undoubtedly there are a lot of church people in this City, and she is a Christian Churchwoman herself, who want this ordinance passed. That she singles out church people because the majority of over 100 or more phone calls and letters she received, referred and made mention of church bulletins they have received. She respects the concerns of the people who favor this ordinance. All of us are concerned with the exposure of these materials to our children, and consenting adults. She also respects the opinions of those who are opposed to this ordinance. There are some very, very serious questions as to what happens if the proposed ordinance passes or fails. If it fails, there are other remedies and she is referring to the ones Mr. Short mentioned. The questions that arise if the ordinance passes are the ones that must be addressed before this vote is taken. As she understands the issue, there are five questions that must be answered.

April 28, 1975
Minute Book 61 - Page 445

- No. 1. Is this ordinance legal?
- No. 2. Will the pornographic movies and book stores move just beyond the city limits as the massage parlors have done, into the county?
She is sure that is what will happen.
- No. 3. Will we be limiting the exposures of our juveniles and unconsenting adults to these materials, or will we be denying consenting adults from deciding what they want to see, or do not want to see?
- No. 4. Will some few, over-zealous citizens make court actions necessary on every movie and every book containing any reference to sex because of their own beliefs of what is lewd or obscene?
- No. 5. If the ordinance is legal, will the defense of it result in numerous court cases and the necessary legal expense, and possibly have to carry on into the Supreme Court with a high legal costs as were involved in the School Board busing case?

Councilwoman Locke stated if the Charlotte City Council is to do justice to all the citizens of Charlotte, these questions must be satisfactorily answered. That she cannot resolve these questions, therefore she must vote against this ordinance. If this ordinance does not pass she does have alternatives to suggest.

Councilman Gantt stated issues such as this one, by virtue of its very nature, appeals to the human emotion. To many of the citizens who have exercised their constitutional right of free expression on this subject, the question has boiled down to either being for obscenity or against it, with apparently no middle ground. Those who are for it are seen as representing the bad, the devil, the unwholesome few who would see our community destroyed in a mass of lewd films and publications, rapes, crimes of all sort. Much has been stated regarding the relationship between pornographic literature, pills, the rising increase in crime such as rape. There have been many proponents who feel that Charlotte, the clean city, is being taken over by greedy profiteers who are influencing the minds of our young people. Thus, causing a decline in the moral fiber of our city that may spell ultimate destruction for this community. Then, there are those who feel that Charlotte has taken a change for the worse. Indeed, it is not the town that it used to be ten, twenty or thirty years ago. What is the proposed remedy for this situation? Today we look at an ordinance that proposes to eradicate hard core pornographic book stores and film theaters from the community through the use of civic procedures, classifying such establishments as public nuisances. We have heard eloquent legal arguments made by the proponents that indicate that such an ordinance does not abridge the right of free speech, an assembly guaranteed under the First Amendment to the Constitution. Further, it is claimed that we as a Council have the power, and even the duty, to pass and enforce such legislation for the City of Charlotte. The arguments are quite compelling, and touch a responsive cord in him as a father of three children, concerned about their welfare and development.

Councilman Gantt stated he believes his vote on such an issue cannot be totally in response to what he calls 'first emotions.' He views his responsibility as being greater than that. First, while admitting to not being a legal scholar, he is convinced that we would in fact be bridging the right of free expression as guaranteed by the First Amendment. He believes he has the right to live in a certain lifestyle with certain cultural values, with certain arrays as he so chooses, as long as he does not infringe upon his neighbor's right or enforce his views by force of law or otherwise upon him. On the other hand, it is true that a person

April 28, 1975
Minute Book 61 - Page 446

who wants to avail themselves, in his opinion, of pornographic films and literature should have that right if he does not force him to do so. Thus the question, Are such establishments that Mr. Bailey proposes to eliminate, public places? He says no, they are not. He stated he is not trying to define this in a legal sense, he is trying to find it as Harvey Gantt sees the issue. He says, no they are not, in the sense that they are required by law to restrict access to minors. Thus by definition adults of legal age make the choice of using such facilities. In no case, are they forced to use them. He stated he will admit that if such places were open to all citizens, then clearly a child with no supervision might be exposed to literature and other materials to which he may be emotionally and physically incapable of handling. But to eliminate facilities or businesses that are restricted to consenting adults, to him, is unconstitutional.

There are those who argue that youngsters are exposed to these materials at the corner convenience store and drug store. He would submit this is true in many cases; but to define for every news stand operator what is obscene and what should not be allowed on a magazine rack becomes exceedingly difficult in our society. A few weeks ago, Time Magazine ran a story on Cher Bono of Sonny and Cher fame, which depicted her on the cover in a costume suggestive of that which might belong, to some people, on Playboy Magazine. Now, is Time an obscene magazine? In any event, Mr. Bailey's ordinance has eliminated the average news stand, and he thinks many citizens are not aware of this. He has eliminated the average news stand from penalties under this ordinance. But it does suggest that if this ordinance is passed today, it will be making the first step to regulating and censoring magazine racks, public libraries, with definitions for criteria on obscenity that might become more elusive if they sought to reflect any kind of community standards. The fact is that Charlotte, and indeed the world, is changing. To those who say the town is not what it used to be 20 years ago, he submits they are right. Our society is much more open today. There are considerably greater freedoms available to all segments of this community; most notably to women and minority groups. Revolutionary advances and technology, medicine, sensual attitudes have brought about significant changes. Even in Charlotte as it grows increasingly diverse life styles become apparent. But this is what, fortunately or unfortunately, a city is all about. It is a place of opportunity for work, play, recreation and varied and diverse living patterns. It will become increasingly difficult in any urban society to define an overall community standard, given such diversity. Charlotte, then cannot be the Charlotte of 20 or 30 years ago; nor can it be the small town in which we grew up, where a homogenetic of life style is more apparent, and probably more desirable.

Councilman Gantt stated he concludes that Mr. Bailey's ordinance does not remedy the situation of obscenity in our community to his way of thinking. Rather it may set the pace for limiting free expression and diversity in our community. Questions of this community's moral fiber are best dealt with and answered in institutions starting with the family unit and extending to our churches, synagogues and other institutions that deal with spiritual development. The law, as he sees it, should protect the life, safety and health of the individual. It should, in this country, protect the tyranny of physical force, or tyranny over the mind. The Council cannot act, in his opinion, as a substitute for the work of the church and other institutions. As a Christian himself, he can seek to influence the hearts of men as Christ did; but to force such a philosophy of life is contrary to the very foundations of this country; indeed contrary to the teachings of Christ, Himself. While he may personally abhor the existence of porno movie houses, and adult book stores, he does defend their right to exist in this country. So today, he cannot vote to support the ordinance as presented by Mr. Bailey.

April 28, 1975
Minute Book 61 - Page 447

Councilman Williams stated he would congratulate everyone who participated in this debate tonight. He wants to congratulate the people who brought this matter before the public and caused this debate to come about. It has been simply magnificent, this give and take and exchange of views which we have all heard. Good points have been made on both sides. We have heard a lot about individual liberties; we have heard a lot about the evils of pornography. So what happens when you sit in a seat like this is that you have to make a balance between those two. And you have to consider all sorts of things. You consider what the effect might be of pornography. When many people called him about this ordinance saying please enact it as they were against pornography, he would say he is sympathetic. How does it affect you? People would say they did not go and no one in their family goes, and no one they know goes or participates in that kind of thing. But then some people would say what about the effect on crime? He stated if it could be demonstrated to him that there was a direct relationship between pornography and crime, he would be very enthusiastic about enacting an ordinance. This country is a free country, presumably men are free to act as they please so long as their conduct does not adversely affect someone else. You have to decide what adversely affecting someone else. What is the role for government in that whole equation. How far will government go in protecting people from themselves?

Councilman Williams stated he is offended by the new automobile which cannot be started unless the seat belt is fastened, because he thinks he should be allowed to decide whether or not to take that risk. To some extent that seems to him to be analogous to what we have here.

On the crime rate. The President's Commission on Obscenity in the late 60's which many people have reputed and adored, could not come to a conclusion about the relationship. They, in effect, said they could not prove it one way or the other. He looked at some of the crime statistics in Charlotte in the last two or three years. Everyone has heard that crime is going out of sight in Charlotte. Well, the crime rate had dramatically increased, but it is in the areas of armed robbery and breakins. In a report which Chief Goodman gave the Council on February 3, he said in comparing 1973 and 1974 the robbery rate was up in 1974 from 712 offenses to 1,005, increase of 41 percent. The burglary rate was up from 5,546 to over 8,000, an increase of 58 percent. The overall increase was up something like 42 percent. Rape in 1973, 67 and in 1974, 59. The only one that declined. You can talk about statistics and make them go almost any way. But we are talking about what is happening here in Charlotte as a result of these places. In 1972, he was Assistant District Attorney. They prosecuted one of these cases. It was the news stand on North Tryon Street. They prosecuted that case for almost an entire week. The jury convicted them after deliberating for some time, and Judge Friday gave them almost the maximum he could under the State Criminal law that Mr. Short described. But toward the end of that week, he started thinking to himself. Here on the docket are murder cases, robbery cases, and breakins, which they had not been able to get to that week, because they spent the entire week on this one case. Now someone says it is worth it if it discourages this kind of activity. Think back in your minds about the time when these adult book stores and movie houses started to proliferate. Instead of deterring it, it seemed to have no effect. There are more now than there were before those two men were convicted.

Councilman Williams stated again he congratulates the people for bringing this to Council's attention. The debate has been magnificent. There have been some magnificent concepts discussed here tonight. Sometimes we forget what our country was founded on, and what people thought 200 years ago. But realize we have touched on such things as the separation of Church and state. What is the role of the Church. He stated he thinks the Church does have a role to play on moral issues. The Church should

April 28, 1975
Minute Book 61 - Page 448

take a stand. Should the Church lobby for legislation? That he has wrestled with in the last few days, and has come to the conclusion probably yes. The Church should lobby for legislation just like any corporation or neighborhood association might lobby for legislation. What is the role of government as it compares with the role of the Church? Government is coercive. The Church is voluntary. In the Church when you take a position, you are trying to win the hearts and minds of men. That is quite proper. The Government, on the other hand, is holding a club over someone's head, and saying, 'You shall not do this' because it is the law.

Another great concept touched on is whether or not we as elected representatives should represent what you people say, or should we do something in between. Should we go out and talk to other people besides those of you who have come to us. That he has tried to do that. Talked to people and asked what they think about this ordinance. Overwhelmingly the people who contacted him on their own initiative about this ordinance have been in favor of it. On the other hand, the people he spoke to at random on the street are almost overwhelmingly the other way. It is hard to say what all the citizens feel. Council is looking at those in this room; but to submit something like this to a referendum is, in a sense, to advocate our responsibility. It is our responsibility to make a decision on this one way or the other.

Councilman Williams stated he agrees with many of the people about the ordinance as it would apply to minors, and to people who are exposed to this kind of literature, or entertainment involuntarily. Consider the family driving down the highway, and passing a drive-in movie. They do not make the deliberate choice to go there; there may be a 10 or 12 year old in the car. Those people are not making a choice. That is different though, from what this ordinance would attack. This ordinance would attack everything broadside. With respect to minors he agrees. Minors should be protected from this kind of stuff. In addition to the criminal law that Mr. Short talked about, there is a civil law, statewide already, that applies to minors. It is in the nuisance chapter which was enacted in 1969 - the name of it is "Civil remedy for sale of porno materials to minors." It does almost exactly what Mr. Bailey's ordinance would do, except on a statewide level, as it applies to dissimulation of this kind of material to minors. He stated if we were defenseless against these involuntary exposures of this sort of thing, or to the exposure to minors, then he would be very sympathetic to this ordinance. But he does not feel we are defenseless against it. The state laws are adequate to cover the situation.

Councilman Whittington stated he thinks everyone in this audience should know that members of City Council have not met and talked to each other since Mr. Bailey made his presentation a week ago. When this ordinance was first presented he thought it was his responsibility to talk to as many citizens of this city as he could to determine what they thought he should do as a representative of the citizens. He then thought it was his responsibility to get as good legal advise as he could as to what he should do about the ordinance. Every person he talked to always came back to two things. One on page two in Mr. Bailey's ordinance - What does the average citizen think is obscene or pornography in Charlotte. Then he also goes on in the ordinance to say - Who is to determine what is the contemporary standards for the people of Charlotte?

Councilman Whittington stated last week he went to a tire dealer and he told him that he thought the inside cover of Playboy Magazine was all right. But his son brought home a magazine called Penthouse, and he thought that was terrible. This is an idea of what you get involved in with this problem.

April 28, 1975
Minute Book 61 - Page 449

He stated he has to believe from a criminal standpoint we have done a poor job with the ordinance that we have that the State of North Carolina has enacted for us to do something about. Mr. Bailey proposes to go about it from the civil standpoint, and the State says the law is a misdemeanor. All of these problems that he alludes to make it very difficult for him to make a decision on what we should do about hard pornography. But when Mr. Bailey sent Council an amendment last week and said he was not talking about all of the stores that sold hard pornography then it appeared to him this was going at it through the back door. If you go at one, let's go at all of them. He stated his position on this is that we should take the ordinance we have, do our best to enforce them, and do our best to prosecute. He would hope that from all of this, that people like Mr. Mullis and others who proposed and had a great input into this ordinance with local government, if we want to set up a Board of Moral Standards in this community, it has to be set up by us and by the churches. Then we all have to strive to live up to that standard. If we do, then he thinks the problem we are concerned about of hard pornography will disappear as it has disappeared in many of the cities in Europe where it all started. So he is going to vote against the ordinance.

Councilman Withrow stated Mr. Bailey has been before this Council two times. He has literally begged this Council - we have three lawyers sitting right here - to bring to him any information to change this ordinance. Not one person on this City Council has been to Mr. Bailey or talked to Mr. Bailey about the ordinance. If we are so sharp and we are so good, he thinks we should have gone to him in all courtesy and tried to work out some means where we could come up with an ordinance, or go through the legal courts, the criminal courts, and have talked to him to come up with something that we could get rid of the filth in this city.

He stated he for one is willing to stand up for the ordinance as presented here tonight. That he respects each person on this City Council - it is a hard question to decide; it is hard to look all these people in the face and make a decision against the ordinance. He feels in his heart that each member on this Council is doing the best he can; but he has to live with himself. Councilman Withrow stated he has to live with himself, and he cannot live with himself unless he votes for something to do away with this filth as he is definitely concerned that this is a part of the whole, the whole decay of our whole society of the United States - not just of Charlotte. When he was in Houston he heard the Editor of the Washington Post state to 6500 council people and some mayors that when we celebrate our 200 anniversary in this nation, we will be celebrating the last of this government as we now know it. And we will be celebrating the first of another kind of government. That he said he had not missed a prediction in 20 years. Gentlemen of the Council, this rests with you.

Councilwoman Locke asked how the State Statute, Chapter 19, can be shored up? Is there any possibility through the general assembly? Or does it pretty well cover everything as it is now written? Mr. Underhill, City Attorney, replied the General Assembly can do almost anything they want in the way of proposing and enacting legislation. If it is the desire of this Council to support legislation which would be somewhat patterned after the proceeding that Mr. Williams referred to that is already a part of the law relating to distribution of these materials to minors, the General Assembly could do that. They did that in 1971 when that particular statute was enacted. The General Assembly could consider any requests and put it into law; they have the prerogative of making it statewide.

The vote was taken on the motion, and failed to carry as follows:

YEAS: Councilman Withrow.

NAYS: Councilmembers Gantt, Locke, Short, Whittington and Williams.

April 28, 1975
Minute Book 61 - Page 450

Councilman Withrow stated Council has failed to pass this ordinance. Several have stated in public and otherwise that we did not have the legal authority to pass the ordinance. That this was a matter for state government. If they are really sincere about that, he ask them to join in urging our delegation in Raleigh to immediately tackle the problem so that this community can have some relief from the peddlars of pornography.

Councilman Withrow moved that Council join together in requesting our Delegation to take immediate action in getting the necessary laws inacted so that this community can put the peddlars of hard core pornography out of business in this city.

Councilwoman Locke asked if this is just a request to shore up the State Statutes? Councilman Withrow replied to go to the Legislature and have them shore up our laws so that we can regulate pornography in this state.

Councilwoman Locke suggested that it be put in the form of a resolution. That she thinks it should state the reference to the statutes. Mr. Underhill, City Attorney, replied this may restrict it if you refer to Chapter 19; there may be a more appropriate place for that. If he understands the intent of Mr. Withrow's motion, it is to ask the General Assembly to adopt legislation similar to the ordinance that has been under consideration by Council. Councilman Withrow stated it should include the minors also. Mr. Underhill stated he does not think it needs to be limited to Chapter 19; it could be put there or it could be put under Chapter 14, which is a criminal law procedure. That he understands the intent of Mr. Withrow's motion is to permit a procedure or have the General Assembly adopt procedure that would be similar to the procedure that has been under discussion, or something of that nature.

Councilman Whittington suggested that Mr. Underhill confer with the Attorney General's office tomorrow and write the wording of this motion, and of the attack that we should make, and then bring it to Council. Councilman Withrow stated he would agree to that procedure.

FLOOD AREA MAPS FOR VARIOUS LOCATIONS APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, approving the following flood area maps, which were presented at a public hearing on April 21, 1975:

- (a) Briar Creek
- (b) Briar Creek Tributaries No. 1 and No. 2
- (c) Edwards Branch
- (d) Little Hope Creek
- (e) Little Hope Creek Tributary
- (f) Dairy Branch
- (g) Campbell Creek
- (h) Sugar-Irwin Creek
- (i) Paw Creek
- (j) Revisions to McAlpine Creek and McMullen Creek

April 28, 1975
Minute Book 61 - Page 451

REPORT ON STONE CHURCH AT 115 NORTH McDOWELL STREET, DEFERRED.

Councilwoman Locke moved that discussion of the report on the stone church at 115 North McDowell Street be deferred as requested by the Historic Properties Commission. The motion was seconded by Councilman Short, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 8:15 o'clock p.m., and reconvened the meeting at 8:25 p.m.

RESOLUTION AMENDING THE PAY PLAN AND ORDINANCE AMENDING TABLE OF ORGANIZATION FOR THE FINANCE DEPARTMENT ADOPTED.

Upon motion of Councilman Short, seconded by Councilman Withrow, and unanimously carried, the following resolution and ordinance were adopted:

- (a) Resolution amending the Pay Plan of the City of Charlotte by adding Class No. 329, Assistant City Treasurer, assigned to Pay Range 24, Pay Steps A through F inclusive.
- (b) Ordinance No. 600-X amending the 1974-75 budget Ordinance amending the Table of Organization for the Finance Department by deleting one Accountant III position in the Accounting Division, one Accountant III position in the Water and Sewer Accounts, and one Accountant III position in the Treasurer's Office, and add one Accountant IV position to the Accounting Division, one Accountant IV position to the Water and Sewer Account, and one Assistant City Treasurer position to the Treasurer's office.

The resolution is recorded in full in Resolutions Book 10, at Page 408.

The ordinance is recorded in full in Ordinance Book 22, at Page 33.

RESOLUTION AUTHORIZING DAVID A. BURKHALTER, CITY MANAGER TO FILE APPLICATION REQUESTING STATE GRANT ASSISTANCE FOR WATER WORKS IMPROVEMENTS.

Councilwoman Locke moved adoption of the resolution authorizing David A. Burkhalter, City Manager, to file application requesting State Grant Assistance for the 16 inch water main along Rea Road, Providence Road and Highway 51. The motion was seconded by Councilman Gantt, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 409.

ORDINANCE NO. 601-X TRANSFERRING FUNDS WITHIN THE URBAN RENEWAL CAPITAL PROJECTS FUNDS TO ESTABLISH A SUPPLEMENTAL APPROPRIATION FOR THE DOWNTOWN URBAN RENEWAL PROJECT.

Motion was made by Councilman Withrow to adopt the ordinance transferring \$60,000 for underground power lines, along South Brevard Street, between East Trade Street and East Fourth Street, as required by the Urban Renewal Plan. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 34.

April 28, 1975
Minute Book 61 - Page 452

ORDINANCE ORDERING THE REMOVAL OF WEEDS, TRASH, JUNK AND AN ABANDONED MOTOR VEHICLE, ADOPTED.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the following ordinances were adopted:

- (a) Ordinance No. 602-X ordering the removal of trash and junk on vacant lots adjacent to 2317 Augusta Street.
- (b) Ordinance No. 603-X ordering the removal of an abandoned motor vehicle at 2030 Vinton Street.
- (c) Ordinance No. 604-X ordering the removal of weeds and grass on vacant lots at 2319-2323 Carmine Street.
- (d) Ordinance No. 605-X ordering the removal of trash and junk at 3506 Avalon Avenue.
- (e) Ordinance No. 606-X ordering the removal of trash and rubbish on vacant property on Calhoun Court.

The ordinances are recorded in full in Ordinance Book 22, beginning at Page 35 and ending at Page 39.

CONTRACTS FOR SANITARY SEWER CONSTRUCTION AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the contract with Thomas Structure Company for the installation of approximately 450 linear feet of eight inch sanitary sewer to serve Cadillac Street, Pineville, North Carolina, outside the city, at an estimated cost of \$6,750.00, with the applicant to construct and donate to the city at no costs to the city.

Motion was made by Councilwoman Locke, and seconded by Councilman Withrow approving contract with Harry W. Kole for the construction of 660 linear feet of eight inch sanitary sewer line to serve Lots 1, 2, and 3, Block C, and Lot 11, Block A of Kolewood Subdivision, outside the city, at an estimated cost of \$10,490.00, with the applicant to deposit 10 percent of the estimated cost and the remaining 90 percent to be deposited before construction by the city forces. Refund to the applicant is as per agreement and no funds are needed from the city.

The vote was taken on the motion, and carried as follows:

YEAS: Councilmembers Locke, Withrow, Gantt, Short and Whittington.

NAYS: Councilman Williams.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was authorized with Vinson Realty Company, Inc., for the construction of 460 linear feet of 8 inch sanitary sewer to serve Industrial Service Center on Goodrich Drive, outside the city, at an estimated cost of \$12,970.00, with the applicant to construct and donate the project to the city at no cost to the city.

Councilman Williams stated he voted "no" on the contract with Harry W. Kole because it is a refund, and voted for the others because they are donations.

April 28, 1975
Minute Book 61 - Page 453

Councilman Whittington asked if the Director of the Utilities Department is having the meetings with the developers on this proposed extension plan? Mr. Dukes replied the information is available to them, but no one has contacted them, and there has not been a meeting. Councilman Whittington stated Council wants Mr. Dukes and his staff to have the meetings with these developers so that Council can make a decision on the extension policy. Mr. Dukes stated he would make every effort to get in contact with them, and he will send them copies of the proposed extension policy.

Councilman Withrow asked if the County should not be contacted also. They may want to float a bond to put in water and sewer lines if they want the county developed.

Mr. Bobo, Assistant City Manager, stated we are making some extensions for the county, and they are paying for some. Mayor Belk stated Mr. Withrow is talking about getting some money from them, and he agrees with him. That he is talking about bond monies for the future development.

AGREEMENT WITH THE OWNERS/DEVELOPERS OF SOUTHWEST INDUSTRIAL PARK TO ACCEPT THE WATER SYSTEM SERVING THE AREA, AUTHORIZED.

Councilman Whittington moved approval of the agreement with the Owners/Developers of Southwest Industrial Park to accept the water system serving the area, as recommended by the Director of the Charlotte-Mecklenburg Utility Department. The motion was seconded by Councilman Withrow, and carried unanimously.

ELECTRICAL SERVICE AGREEMENT WITH DUKE POWER COMPANY FOR POWER TO THE MCALPINE CREEK WASTEWATER TREATMENT PLANT, AUTHORIZED.

Motion was made by Councilman Withrow, seconded by Councilman Williams, and unanimously carried, approving an electrical service agreement with Duke Power Company for supplying power to the McAlpine Creek Wastewater Treatment Plant, with no change in the price perunit.

ACQUISITION OF SANITARY SEWER EASEMENTS FOR ANNEXED AREAS.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the following three parcels of sanitary sewer easements for the annexed areas, were approved:

- (a) Annexation Area I (4) Sanitary Sewer Trunks
1 parcel
- (b) Annexation Area I (2) Sanitary Sewer Additions
1 parcel
- (c) Derita Woods Area Sanitary Sewer Trunks
1 parcel

PROPERTY TRANSACTIONS AUTHORIZED.

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

April 28, 1975
Minute Book 61 - Page 454

- (a) Acquisition of 15' x 1,126.36' of easement at 8015 Holly Hill Road (off Pence Road), from Howard L. Johnston, Sole Devisee of Winona Johnston, at \$1,800.00, for Sanitary Sewer Trunk to serve Birnam Woods, Section 7.
- (b) Acquisition of 15' x 353.21' of easement at 8101 Albemarle Road, from Waverly Swim Club, Inc., at \$1,000.00, for Sanitary Sewer Trunk to serve Birnam Woods, Section 7.
- (c) Acquisition of 15' x 1,501.07' of easement at 7601 Holly Hill Road (off Pence Road), from Simbarco, Inc., at \$1.00, for Sanitary Sewer Trunk to serve Birnam Woods, Section 7.
- (d) Acquisition of 15' x 405.87' of easement at 8015 Holly Hill Road (off Pence Road), from Howard L. Johnston, at \$710.00, for Sanitary Sewer Trunk to serve Birnam Woods, Section 7.
- (e) Option on 9.63' x 65.00' x 10.11' x 64.94' of property, plus a construction easement, at 1415 Remount Road, from Lloyd C. Blakeney and wife, Myrtle R., at \$700.00, for the Remount Road Widening Project.
- (f) Option on 16.02' x 50.00' x 11.67' x 50.17' of property, plus a construction easement, at 121 Remount Road, from Duke Power Company, at \$854.00, for the Remount Road Widening Project.
- (g) Option on 55' x 130' x 55' x 130' of property, with a brick building and basement, at 1128-30 Elizabeth Avenue, from NCNB Trust U/A T. D. Blumenthal, at \$49,433.00, for the Kings Drive Relocation Project.
- (h) Option on 81.86' x 151.20' x 83.19' of property, plus a construction easement, at corner of Shamrock Drive and North Sharon Amity Road (35.8 acres), from Ida Moore Alexander (widow), at \$451.00, for Sharon Amity Road Widening Project - Section III.
- (i) Right of Way Agreement on 27.61' x 27.61' x 32.20' of property, plus a construction easement, at the corner of Sharon Amity Road and Shamrock Drive, from Ida Moore Alexander (widow), at \$500.00, for Sharon Amity Road Widening Project - Section III.
- (j) Right of Way Agreement on 2.00' x 177.57' x 25.13' x 16.34' x 191.71' of property, plus a construction easement, at corner of Randolph Road and Heathwood Road, from Dora A. Hipp (widow), at \$500.00, for Randolph Road Widening Project.
- (k) Option on 9.50' x 101.75' x 9.63' x 103.35' of property, plus a construction easement, at 4015 Randolph Road, from Charles Gordon Spanner and wife, Vera, at \$1,700.00, for the Randolph Road Widening Project.
- (l) Option on 8.05' x 292.98' x 33.62' x 30.57' x 318.30' of property, plus a construction easement, at 4331 Randolph Road, from Neuse, Incorporated, at \$16,900.00, for the Randolph Road Widening Project.
- (m) Option on 8.20' x 216.12' x 3.43' x 37.42' x 178.68' of property, plus a construction easement, at 4475 Randolph Road, from Amoco Oil Company, at \$14,500.00, for the Randolph Road Widening Project.
- (n) Right of Way Agreement on 2.06' x 108.86' x 2.01' x 108.84' of property, plus a construction easement, at 5151 Randolph Road, from Alfred D. Penn and wife, Virginia P., at \$500.00, for the Randolph Road Widening Project.

April 28, 1975
Minute Book 61 - Page 455

- (o) Option on 2.00' x 421.40' x 1.50' x 421.44' of property, plus a construction easement, at 5501 Randolph Road, from E. T. Bennick, Sr. and wife, Signora H., at \$1,100.00, for the Randolph Road Widening Project.
- (p) Option on 9.73' x 185.22' x 30.59' x 33.59' x 164.24' of property, plus a construction easement, at 100 Canterbury Road (corner of Randolph Road and Canterbury Road), from William John Goomis and wife, Thelma C., at \$2,500.00, for the Randolph Road Widening Project.
- (q) Option on 2.21' x 625.95' x 0.10' x 626.52' of property, plus a construction easement, in the 4800 block of Randolph Road, from M. F. Crouch and wife, Margaret W., at \$1,950.00, for the Randolph Road Widening Project.
- (r) Option on 2.01' x 86.27' x 24.20' x 16.81' x 100.22' of property, plus a construction easement, at 1101 Rembrandt Circle (corner of Randolph Road and Rembrandt Circle), from Charles W. Miller and wife, Julia Ann, at \$1,100.00, for the Randolph Road Widening Project.
- (s) Option on 21.89' x 216.67' x 292.20' x 58.47' x 92.2' x 206.51' x 225.57' of property, at 4717 Wedgewood Drive, from Wedgewood Baptist Church, at \$8,700.00, for the Tyvola Road Relocation Project.
- (t) Acquisition of 15' x 409.01' of easement at 3300 block of Freedom Drive, from Mary B. A. Howell, at \$410.00, for Sanitary Sewer to serve 4241 Tuckaseegee Road.
- (u) Option on 25.47' x 2.5' x 30.60' x 78.02' x 6.00' x 100.00' of property, plus a construction easement, at 4201 North Sharon Amity Road, from Sidney I. Belk and wife, Dorothy C., at \$1,083.00, for Sharon Amity Road Widening - Section III.
- (v) Acquisition of 456.86' x 328.92' x 282.89' of property at 5500 York Road (west side of York Road), from Emory B. Dickson, Jr., at \$1,800.00, to protect Environmental Approach to York Road Landfill.
- (w) Acquisition of 30' x 5,258.54' of easement at 6900 Interstate 85 (Pawtucket Golf Course), Lessee, from Marsh Broadway Construction Co., Realty Syndicate, Inc., Westwood Utility Company, Inc., at \$27,800.00, for Paw Creek Sanitary Sewer Outfall Project.

SETTLEMENT IN THE CASE OF THE CITY VS. MILDRED P. BRODIE ALDRIDGE, AUTHORIZED.

Councilman Whittington moved approval of the settlement in the case of the City vx. Mildred P. Brodie Aldridge (widow), in the amount of \$2,000.00, for the Oaklawn Avenue widening, as recommended by the City Attorney and the Real Estate Department. The motion was seconded by Councilwoman Locke, and carried unanimously.

ORDINANCE NO. 607-X ORDERING THE DWELLING AT 619 EAST TRADE STREET TO BE VACATED AND DEMOLISHED.

An ordinance declaring the dwelling at 619 East Trade Street to be unfit for human habitation under the provisions of the City's Housing Code was presented for Council consideration.

April 28, 1975
Minute Book 61 - Page 456

Mr. Scott Pollard, Attorney for the owner Mr. Robinson, stated this is an elderly man, 65 or 70 years of age; he is a former policeman and a former fireman; he is a good taxpayer; he has some health problems. That Mr. Robinson has given the people in the Inspection Department problems, and he has been having problems also. That he feels he is at a point now where he should get out of the house, and he has made that decision. He just does not at this time, want to be tossed out on the road; he wants plenty of time to move. By plenty time to move, he would like until October 1. Also he wants Mr. Norman to be allowed to demolish the house, and he would personally supervise the moving of each little object.

Mr. Pollard stated Mr. Norman takes houses apart piece by piece and Mr. Robinson is interested in preserving what little items or fixtures are in the house, and he would like for Mr. Norman to do this. That Mr. Robinson feels strongly about this, as he has felt about staying in the house for a number of years. He stated the house has stood for 70 plus years, and Mr. Robinson is only asking until October 1. That they can buy him the time through Court but he hates for Mr. Robinson to incur the legal expense, and he hates for the City Council to hire the city attorney to go over and litigate the matter. He stated he has presented this to the Building Inspection Department, and he thinks it is a reasonable offer.

Mayor Belk asked how long the Inspection Department has been working on this house, and Mr. Jamison advised for two years.

Mr. Pollard stated Mr. Robinson will have to completely uproot himself and will have to rearrange his life. That he has had a complete change of attitude. He is willing to say now that demolition proceedings will begin as of October 1. Mr. Pollard stated he finds it hard to believe that the house in this six months time will fall down since it has been standing for so long.

After further discussion, Councilman Whittington moved adoption of the ordinance declaring the dwelling at 619 East Trade Street unfit and ordering it vacated and demolished. The motion was seconded by Councilwoman Locke, and carried as follows:

YEAS: Councilmembers Whittington, Locke, Gantt and Short.

NAYS: Councilmen Williams and Withrow.

The ordinance is recorded in full in Ordinance Book 22, at Page 40.

Councilman Short stated the Chairman of the Social Services Commission, Jim Richardson, requested that whenever Council orders the vacating of a home, to set up some system to send that street address, and if possible, the name of the occupant to Mr. Chapin or someone at the Social Service Center. That Mr. Richardson says almost always they are welfare recipients and they lose tract of those people very easily, and they continue to mail checks there after it has been vacated.

Councilman Short requested Mr. Bobo, Assistant City Manager, to follow up on this, and set up a procedure to notify the Social Services Department each time one of these ordinances are adopted.

April 28, 1975
Minute Book 61 - Page 457

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Gantt, and unanimously carried, the following Special Officer Permits were authorized for a period of one year each:

- (a) Issuance of a permit to Linda Kathleen Cunningham for use on the premises of Richway, 3205 Freedom Drive.
- (b) Renewal of a permit to Raymond B. Lindbery for use on the premises of North Carolina National Bank.

RESOLUTIONS AUTHORIZING CONDEMNATION PROCEEDINGS.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to C. David Smith, located at 2600 Barringer Drive, in the City of Charlotte, for the Remount Road Widening Project. The motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 411.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to C. David Smith, located at 1311 Remount Road, in the City of Charlotte, for the Remount Road Widening Project.

The resolution is recorded in full in Resolutions Book 10, at Page 412.

Councilman Short moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles B. Parks and wife, Martha H. Parks; H. C. Cokery; and Aiken-Speir, Inc., located at 1514 Remount Road, in the City of Charlotte, for the Remount Road Widening Project. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 413.

Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles B. Parks and wife, Martha H. Parks, located at 1501 West Boulevard, in the City of Charlotte, for the Remount Road Widening Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 414.

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles B. Parks and wife, Martha H. Parks, located at 1518 Remount Road, in the City of Charlotte, for the Remount Road Widening Project. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 415.

April 28, 1975
Minute Book 61 - Page 458

Councilman Whittington moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Pritchard Corporation, Harry J. Nicholas, Trustee; First Citizens Bank and Trust Company; and Pritchard Paint & Glass Company, Leasee, located at 140 Remount Road, in the City of Charlotte, for the Remount Road Widening Project. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 416.

RESOLUTION TO RESCIND AUTHORIZATION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST PROPERTY BELONGING TO HAWLEY HUNTER AND WIFE, LOUISE H. HUNTER; LOUIE P. HUNTER, (WIDOWER); JOHN L. HUNTER AND WIFE, ELEANOR A. HUNTER; REECE HUNTER AND WIFE, LILA O. HUNTER; SARAH HUNTER LADD AND HUSBAND, JOHN W. LADD; VINTON L. HUNTER AND WIFE, JULIA C. HUNTER; S. N. HUNTER AND WIFE, BLANCHE W. HUNTER, FOR THE ANNEXATION AREA II(7) SEWER ADDITIONS.

Councilman Whittington moved adoption of the subject resolution, which was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 10, at Page 417.

CONTRACTS AUTHORIZED FOR VARIOUS PROJECTS.

- (a) Councilman Short moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$90,239.00, on a unit price basis, for elimination of discontinued streets - 1975. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

| | |
|---|--------------|
| Crowder Construction Company | \$ 90,239.00 |
| Blythe Brothers Company | 95,559.50 |
| T. A. Sherrill Construction Company, Inc. | 99,847.50 |

- (b) Councilman Short moved award of contract to the low bidder, Rea Construction Company, in the amount of \$889,190.95, on a unit price basis, for spring resurfacing, 1975, various streets. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

| | |
|--------------------------|--------------|
| Rea Construction Company | \$889,190.95 |
| Blythe Brothers Company | 896,514.91 |
| Dickerson, Inc. | 947,035.45 |

- (c) Councilman Withrow moved award of contract to the only bidder, Grumman Allied Industries, Inc., in the amount of \$12,000.00, on a unit price basis, for NPO Automated Flow Control System for the Fire Department. The motion was seconded by Councilman Whittington, and carried unanimously.

- (d) Councilwoman Locke moved award of contract to the low bidder, W. H. Robertson Construction Company, in the amount of \$8,625.00, for sanitary sewer in Greenville Urban Renewal Area. The motion was seconded by Councilman Whittington, and carried unanimously.

April 28, 1975
Minute Book 61 - Page 459

The following bids were received:

| | |
|--------------------------------------|-------------|
| W. H. Robertson Construction Company | \$ 8,625.00 |
| Sanders Brothers, Inc. | 8,712.50 |
| W. K. Baucom, Inc. | 8,750.00 |

EASEMENT WITH INDEPENDENCE SQUARE ASSOCIATES FOR CONSTRUCTION OF FOOTINGS AND STREET RIGHTS OF WAY, AUTHORIZED.

Councilman Whittington moved approval of an easement with Independence Square Associates for construction of footings and street rights of way for Phase II of their development in Trade, College and Fourth Streets. The motion was seconded by Councilman Withrow.

Councilman Williams stated he received a call from a man who says he has a hard time walking down Trade Street, from the Square towards College Street on that side of the street because the fence is all the way over as far as it can go into that lane. Councilman Whittington stated he received a call about this, and talked to the City Manager. That this man wanted to walk down the bank side of Trade Street where the fence is out into the lane. Councilman Williams asked if something can be done about this for the people who walk there? Mr. Bobo, Assistant City Manager, replied it would be safer if they would walk on the other side of the street. If it becomes a real problem the contractor can be required to put up a barricade to allow pedestrians to walk there. They can still move up and down Trade Street by moving to the other side of the street.

Councilman Williams asked if it would not be a simple matter to just put up another fence inside that one about three feet to allow these people to walk.

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

MODIFICATION TO GRANT TO ACCEPT SUPPLEMENTAL APPROPRIATION TO INCREASE CETA TITLE VI FUNDS: DESIGNATION OF ADDITIONAL JOB SLOTS, AND MAYOR AUTHORIZED TO ENTER INTO APPROPRIATE CONTRACTS WITH VARIOUS AGENCIES FOR IMPLEMENTATION OF PROGRAMS.

Councilman Short moved approval of the following items for the CETA Title VI Funds:

(a) Modification to grant no. 37-5-0311-60 to accept the supplemental appropriation of \$269,475.00.

(b) Designation of the additional 42 job slots as follows:

Public Works Department, 9 slots; Police Department, 3 slots; Traffic Engineering Department, 4 slots; Fire Department, 1 slot; Neighborhood Centers System, 2 slots; Housing Authority, 2 slots; Demensions For Charlotte Mecklenburg, 1 slot; McCrorey Branch YMCA, 2 slots; Salvation Army, 2 slots; Motion, Inc., 5 slots; District Court, 1 slot; Legal Services, 1 slot; Helping Hand, 2 slots; U. S. Army Reserve, 2 slots; Charlotte Symphony Orchestra, 1 slot; Johnson C. Smith University, 2 slots; and Charlotte Nature Museum, 2 slots.

(c) Authorization for Mayor Belk to enter into appropriate contracts with various public agencies for implementation of programs under the Comprehensive Employment and Training Act.

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

April 28, 1975
Minute Book 61 - Page 460

NOMINATION OF EVERETT SUDDREDTH TO AUDITORIUM-COLISEUM-CIVIC CENTER
AUTHORITY.

Councilman Williams placed in nomination the name of Everett Suddreth to succeed himself for a five year term on the Auditorium-Coliseum-Civic Center Authority.

ADJOURNMENT.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried adjourning the meeting.


Ruth Armstrong, City Clerk