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The City Council of the City of Charlotte, met in regular session on Monday, April 10, 1972, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: Councilman Sandy R. Jordan.

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INVOCATION.

The invocation was given by Councilman James D. McDuffie.

MINUTES APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on Tuesday, April 4, 1972, were approved as submitted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE CHILDREN'S THEATRE OF CHARLOTTE FOR PROPERTY LOCATED AT 1017 EAST MOREHEAD STREET.

Motion was made by Councilman Short, seconded by Councilman Alexander and unanimously carried, adopting the resolution authorizing the Mayor to execute a lease agreement with the Children's Theatre of Charlotte for city-owned property located at 1017 East Morehead Street for a period of five years, with a renewal option for an additional five year term with rental fee of \$1.00 per year.

The resolution is recorded in full in Resolutions Book 8, at Page 222.

Mrs. Peggy Robinson, President of the Children's Theatre, thanked the Council for the confidence shown in their organization and for the opportunity they will have to involve more children in the community in the theatre and the arts.

RESOLUTION APPROVING REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROJECT NO. N. C. A-3(1).

Hearing on Amendment No. 4 for Project No. N. C. A-3(1), Third Ward Urban Renewal Area was called.

Councilman Whittington requested Mr. Walter Phillips, Assistant Director of the Redevelopment Commission, to describe the southern, northern, eastern and western boundaries.

Mr. Phillips stated Elmwood Cemetery and a portion of Fifth Street is the northern boundary; Southern Railroad mainline tracks the eastern boundary; the Seaboard Railroad tracks are the southern boundary, and Irwin Creek is the western boundary.

Mr. Phillips stated the first submission made by the Redevelopment Commission was with the NDP application in November, 1969 which included seven projects. The only project approved was the three block downtown project. At that time HUD recommended that the Redevelopment Commission resubmit the application as a conventional urban renewal project. In April of 1970, a survey and planning application was submitted. The application received favorable review in Atlanta, and was forwarded to Washington for approval. At that time it ran into a snag of the recertification of the city's workable

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program, and was pigeon-holed for several months. During that time there was a change of administration, and a change of emphasis on plans and in the fall of 1971, this application was returned unapproved with the recommendation that it be resubmitted as a neighborhood development program application. After discussing it with the city, it was recommended that we proceed with another NDP application, which has been done.

Mr. Phillips stated they have met in the project area with the Third Ward Coalition Group which approved the submission; they have met with the Model Cities Physical Planning and Housing Task Force, which approved the plan; they met with the Model Cities Residents Council which approved the plan; they met with the Model Cities Commission itself which approved the plan. More recently the Charlotte-Mecklenburg Planning Commission has approved the plan, and last week the Redevelopment Commission approved the plan.

He stated basically this submission includes a first action year submission, but also it includes an approval of the entire area in which they will take several years primarily starting in the area of Cedar Street and First Street, Irwin Creek and the extension of East Fourth Street as the first year. They believe it will take possibly three years to complete it. In the first year application there is about 53.8 acres with about 63 families, 16 individuals, and about 6 businesses. This comprises approximately 96 structures.

He referred to a map and stated it shows the property to be acquired and that not to be acquired. The shaded area in that section bordered by Cedar Street, First Street, Irwin Creek and West Fourth Street extended are those properties the Redevelopment Commission feels should be cleared and made available for new housing sites. The white area on Westbrook and Victoria is proposed for rehabilitation of the 42 structures. The rest of the area has not been decided whether it will be acquired or not be acquired. This will be determined during the planning in the first action year. Prior to submission to Council for the second action year approval a second area will be determined for acquisition and rehabilitation.

Councilman Whittington asked where Victoria starts and ends, and Mr. Phillips replied Victoria starts at Fourth Street and comes down to Westbrook.

Mr. Phillips stated the land use plan shows not only what they plan for the first year, but tentatively for the remaining years. The first year they show that the area where the old vacant lot is across from Zeb Vance School should be redeveloped for single family housing. The area adjacent to it down on both sides of the present Greenleaf Street is proposed to be developed for multi-family housing of a low to medium density, not exceeding ten units per acre. The 42 houses along Westbrook and Victoria are proposed for rehabilitation.

He stated the present properties on Westbrook and Victoria are zoned R-6MF and they would propose that those properties be upgraded to R-6. The new single family construction on the vacant lot coming off Westbrook will be rezoned from I-3 to R-9. The remaining property, some of which is presently R-6MF and some of it I-3, will be proposed for R-6MF.

Councilman Withrow stated they are only proposing about ten units per acre; he asked why they proposed the low zoning requirement of R-6MF? Mr. Phillips replied mainly to take advantage of the protection of the setback and side yard requirements; they think it best to be more restrictive. Councilman Short asked what happened on the Zeb Vance School property? Mr. Phillips replied the Council has approved the purchase of that site where the school was; that the Redevelopment Commission in turn would propose to purchase that from the city. Across the street is the vacant property still owned by the School Board, and the Commission proposes to buy that from the School Board. Councilman Short asked if we did not assume we owned the site where the school is? Mr. Underhill, City Attorney, replied a portion of the Zeb Vance property was purchased by the City from the School Board at approximately \$22,000. The other portion of the Zeb Vance School site was not contained in that original deed from the city to the School Board and

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therefore was not subject to the reverter clause. Councilman Short stated after the \$22,000 parcel, is that land that will be purchased for urban renewal purposes which the city could have put into urban renewal without purchasing it, if the city had exercised its reverter rights? Mr. Underhill replied at the time there was some question about the validity of those reverter rights, and they negotiated what they think is a very favorable settlement and arrangement. He asked Mr. Phillips if the city cannot get some credit for the purchase of that school property? Mr. Phillips replied the Commission would either get the city to donate the land and give 100 percent credit towards the 1/3 share for the amount the city paid for it, or the Commission would pay for it in cash. That they have been asked to retain a large portion of that site as public land for the possible future development of a neighborhood center.

Mr. Phillips continued with his presentation and stated the site plan gives an idea of what they hope the project will look like after development of the first year program. The white structures as shown on the drawings are the existing single family homes some of which need rehabilitating and some do not. These are the ones scheduled for rehabilitation. The yellow area is 17 single family lots on which they propose new single family housing. He pointed out a row of townhouses to be cut off by a buffer zone next to Cedar Street which will be for sale or rental. The dark brown is a complex of garden apartments of about ten units to the acre, and there is about 14.7 acres there.

He stated in doing this plan the Redevelopment Commission does not think it can buy all the property and relocate all of the families that exist in the clearance area during the first year. Of the 63 families and 16 individuals, they anticipate they will be able to relocate about 75 percent, or 55 families. In addition to the first year activity they would propose the new street built into the vacant lot, and they will resurface and otherwise improve Victoria and Westbrook. They have some money in the budget for grading about three blocks in the area in the western part of the project which is the least populous right now and make some housing sites available for construction prior to the expiration of the first action year.

Councilman Alexander asked if there was any decision to widen the existing streets? Mr. Phillips replied there are two different kinds. Greenleaf is proposed to be made similar to a new standard subdivision street. Westbrook and Victoria are proposed to be resurfaced and otherwise improved with new sidewalks and curb and gutters. With the beautiful trees along there it may be doubtful if they can widen them to any extent.

Councilman Whittington stated if this plan is approved and Victoria Street is improved, who will pay for it? Mr. Phillips replied urban renewal funds will go to pay for all the improvements with the exception of some minor water line installations and other things the city will do.

Councilman Whittington stated Victoria Street is listed in the package on bond needs; he asked if this is part of that \$2.0 million? Mr. Bobo, Assistant City Manager, replied that is correct; this is the city's share of the project.

Mr. Phillips continued stating it is estimated the net project cost for the first year is \$1,500,000 with the city picking up about \$500,000 and the federal government \$1.0 million. Of the city's share they are trying to take advantage of \$102,000 the city has already spent on developing the Irwin Creek park; the rest will be paid in cash.

Councilman Short stated in today's conference session, he mentioned he felt we should get a final and conclusive answer about the other nine blocks of downtown urban redevelopment before we get into the Third Ward project. It was voted by the citizens, and as far as he or the public knows, it is just in limbo; we never heard that it was cut off, or is on. He asked if Council can get a positive final answer on that? Mr. Phillips replied there are two ways of getting an answer. One is to ask the HUD officials in Greensboro to come down and review the situation and get an answer that way. Another way

is to prepare an application and see how it flies. Actually there are about seven blocks left since the CDA and Southern has picked up about two blocks on the south side of Fourth Street. Councilman Short stated the citizens voted the full amount of money; the three blocks did not take the money intended for 12 blocks. He stated before getting into another \$4.5 million of bonds we should not let the earlier lapse off into a deafening silence. He asked Mr. Phillips to arrange some means of getting an answer on this. That he thinks East Trade Street is more important for urban redevelopment than Cedar Street, for example. If East Trade is impossible then we should consider Cedar Street. Mr. Phillips replied in his personal opinion the downtown projects, not only in Charlotte, still have a very low priority at the national goals; with the shortage of federal funds he would have serious doubts as to the immediate availability of additional federal funds for downtown. Councilman Short stated everybody has been expressing that kind of opinion for about five years; but he thinks we should get some sort of definite answer on this. Councilman Whittington stated the point is that Council, and the citizens who will be asked to vote on this, must know where these funds are, and can they be diverted over to these projects they are now talking about. Mr. Underhill replied they would have to be used for the downtown projects if that were the basis on which it was voted. Councilman Alexander stated the answer we received from HUD three years ago was the reason for further delay in the uptown area was because of low priority. Councilman Whittington stated he thinks they told us three years ago to stop downtown, and start over with these other projects. He stated the question is what can we do with that bond money? Councilman Short replied he thinks we have both questions; we need an accounting on these bond funds that were voted for 12 blocks, and used for only three; and it is true they told us to stop. But the second question is do they literally mean that to be permanent. That he thinks the nature of their communication indicated it was just an interim delay. Councilman Short stated he thinks we need two questions answered: (1) What happened to the money? and (2) Can we go forward with any more downtown redevelopment at all? Mr. Phillips replied they will work closely with Mr. Fennell in determining where the money is, and try to get an answer as quickly as they can on the possibility of future blocks.

Mr. Phillips stated we have quite a bit of credit from the civic center to be used in lieu of the dollars; but he does not know the exact amount at this time.

Councilman McDuffie stated some of us prefer to use the urban renewal redevelopment in the residential community rather than in the business.

Mr. Ernest Davis, resident of Third Ward, stated they have been working on this project. That the houses need to be removed and they need some decent living quarters. That they have approved this on five different occasions; they have been working on it since 1969. He stated he is talking about the whole section; that he is talking about Greenleaf, Westbrook Drive, Fourth Street and Cedar Street. He stated they hope Council will approve it. That it has to be in to HUD by the 15th of this month, and if it is not approved now, they do not know what will happen. That he hopes Council will tour Third Ward and see what is happening over there. That he hopes Council will not hold it up. He stated they would like to have the neighborhood center on the Zeb Vance property, and they will have townhouses across the street. They will have a nice neighborhood providing they can develop the rest of it one quarter of a mile from downtown.

Mr. William L. Woolard of the law firm of Jones, Hewson and Woolard, stated he is not present because of that reason alone; that he is here because he married George Stratton's daughter, and George Stratton and Wilson Stratton have for many years owned property in this section. He stated the Stratton families own properties in three sections of this area. They own some residential property in phase one on Fourth Street just down from Victoria which is in the area to be rehabilitated. They also own property on the other side of Fourth Street in the area lying towards the cemetery; this was all residential property, and they have no objections to this being included.

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In fact they applaud the motive of providing better housing; they think this is essential. At the same time they do not think it should come at the cost of businesses. Tax dollars which are to be spent for redevelopment should be spent for improvement of housing.

Mr. Woolard stated the part they do not like is in the block bounded by First Street, Elliott Street, McNinch Street and the Seaboard Railway. This block which backs up to the railroad tracks houses the business of the Stratton families which is Armature Widening Company, and which has recently, in connection with some re-organization, in connection with the death of the two brothers, had a part leased to Jenkins Electric Company. Jenkins Electric Company operates an electric motor service repair shop. The Armature Winding Company is two businesses. One is a general electric distributor of textile machinery and parts; and then there is a light manufacturing operation which manufactures electric transformer cooling fans. These are all self-contained businesses and are not noisy and not smelly; they like to think they are non-polluting. Two years ago someone suggested to his father-in-law that the smoke stack smoked too much because of the coal, and this past year they put in a new heating system. So there is no smoke there any longer.

Mr. Woolard stated they respectfully request that the bounds of this project be divided or amended so as to delete this block. He also submits this entire area from the west over to Cedar Street could be omitted without at all damaging the project. In the block immediately to the east of their properties is the Rescue Mission, and then the corner lot building is vacant.

He filed a petition with the city clerk and passed around copies to the Mayor and members of Council. He stated the petition says they feel this property, and the Redevelopment Commission agrees, is now zoned industrial and it is going to remain industrial. No one is going to build private dwellings next to a railroad track. It is industrial now and it is going to be industrial under the redevelopment commission's plan. They fail to see where anything meaningful will be accomplished insofar as this residential program is concerned by running out one large industry, which they submit is a very good citizen. They do not see where anything can be accomplished by running them off; condemning their property, and turning around and putting another industrial customer in the same property. This business has been there for roughly half a century, and a good many of the employees who work there live in this community. That it has been suitable up to this point, and is non-offensive.

Mr. Woolard stated they have been a little concerned in that they do not know whether their property will be acquired or not acquired. Mr. Phillips and other members of his staff have been very helpful to them in reviewing it and discussing it, and they have also been quite candid in telling them they do not know. They also say there are no objective standards by which they can be measured to determine whether or not they will be acquired. There should be some way so they can know whether they measure up or they do not measure up. There should be some way to know whether the ax is going to be hanging over their head or whether the ax is going to fall. At present, the ax hangs over their head.

He stated in the past two or three years, the family has made improvements to its property; they have put in an entirely new heating system to get rid of the coal furnace; they have added the sprinkler system; they have built a new office building; they have renovated the inside of one of the two major buildings on the premises with new walls and air conditioning; they have landscaped the outside and other improvement. They propose to do more. But as long as they are in a state of hiatus without knowing what is going to happen, it is very difficult to plan where you are going to go.

Mr. Woolard stated he submits this plan would not be adversely affected by changing that boundary to omit this property. That he submits further by including it, it is going to be a very expensive operation, and he does not believe that spending that money will build a single house for anyone to live in. The reason it is expensive is because in the first place this is the

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first time the Redevelopment Commission has gotten into the business of relocating industrial citizens. This is a little different than relocating ordinary residents, or a business such as a grocery store or furniture store. Industries generally have to have buildings that are designed for their particular operation. You have to have manufacturing equipment that is not only built into that building, but is a part of it. You have to have high pits for cranes and tracks. It is not the sort of thing where you can go down the street and finance a building and relocate. They would have to have a building specially designed to accommodate the relocation of this business. If they did that there will be a substantial amount of damage involved, because it will be a business interruption. All the time they are waiting to get these things done, the business will be at a standstill because the machinery cannot be relocated unless it was bought new.

He stated in addition they have long-term leases which if cancelled involves a large amount of money as well as damages. This property in this block is in far better shape than what is ordinarily found in property beside a railroad track. There is a lot of money that would be involved in relocating this business. They have been good neighbors, and they expect to continue being good neighbors. They are happy to have anyone come along and suggest to them how the premises could be improved; they do not want anyone to tell them to move.

Mr. Woolard stated he respectfully requests that either this project be amended and sent back to the Redevelopment Commission and ask them to redraw the boundaries to exclude this block; if that is not feasible then they will request that the entire project be turned down, and they are not in favor of that.

Mr. Phillips stated the Redevelopment Commission did not draw the boundaries; the Commission is merely implementing or carrying out a plan for boundaries that were drawn by the Charlotte-Mecklenburg Planning Commission. He stated they have not said they would acquire this industrial property, nor have they said they would not. One of the unfortunate things about NDP is they do not know at the outset what they are going to do; they have to plan as they go along. It is during this first action year that studies will have to be made with the owners, with the city department heads, with the occupants of the area, with professional staff and consultants to decide exactly what will be done to the other properties in the area. At this point, even though they are asking for approval of the entire project area, they do not know what will be done in the entire project area. Only what they are specifically asking for the first action year.

Councilman Alexander stated he understood Mr. Woolard to say that under the original plan, the zoning will remain the same as it is now, industrial? Mr. Phillips replied the land use plan shows this property, and particularly Mr. Woolard's property as an industrial land use proposed. That does not mean this could not change; but it is highly unlikely that it would change. Likewise they show some residential and some commercial between Trade and the new Fourth Street extended; this is a tentative land use plan and will remain tentative until the planning is completed during the first action year to determine exactly what will be done. Councilman Alexander stated if Council approves this today, does it mean that on approval all the section which Mr. Phillips has described comes under urban renewal with the zoning changes as he has stated being a part of this change? Mr. Phillips replied the only changes proposed were in the first action year; any other zoning changes would come in subsequent years. Councilman Alexander stated then Council would approve the plan with the changes of that particular piece of property that will be implemented in the action year, and the others as we get to them? Mr. Phillips replied that is correct. Councilman Alexander stated but they are all included in the project area which he is proposing that Council approve in the urban renewal? Mr. Phillips replied that is right.

Councilman Short asked if there is some tight time schedule? Mr. Phillips replied they were supposed to have this application submitted to HUD by April 1. Due to some technicalities they had to readvertise the Commission's

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public hearing, and hold the hearing late. This means they have to get this application into HUD by April 15, if possible. He stated they have talked it over with HUD and they said they thought they could live with an April 15 deadline.

Councilman McDuffie asked what was Commissioner Rickenbaker's plan he read in the paper? Mr. Phillips replied after the Commission voted approval of the application of the plan, Mr. Rickenbaker made the suggestion that the Redevelopment Commission staff, right after the first action year starts, meet with all the industrial property owners and determine what could be done with their properties. In other words go out and inspect and see which ones can be rehabilitated; which ones should be acquired; determine what is really going to be necessary as far as industrial properties are concerned. Councilman McDuffie asked if he is saying they could pick out one, and skip one and take the next one? Mr. Phillips replied that is possible. It is the same with rehabilitated houses. They can buy some and clear and leave some and rehabilitate. Councilman McDuffie stated then there is a probability that this building could be left, and some other businesses could be taken? Mr. Phillips replied that is right.

Councilman Short asked if Mr. Woolard appeared at the Redevelopment Commission meeting, and the Commission voted this project not withstanding his remarks, and Mr. Phillips replied they did.

Councilman Alexander stated when we speak of redevelopment, how are we to get a completed redevelopment plan if we are talking about housing if we are going to keep in it industrial complexes that do not contribute to the overall housing environment. This is the same thing we had in other areas. It is unfortunate that where Negroes have been living for generations is back up against railroads and industrial plants. If we are going to get a beginning and are going to establish an area where at least there can be a compatible residential use, then are we not in a situation where we have to give consideration to the fact that, of necessity, we have to do somethings sometimes that are not favorable towards some people. In some other cases we do the same thing when we move residences that have been established for years and peoples' lifetimes and savings have been developed in their homes; they are relocated. This is the problem before us, and this is it. When we did Brooklyn we gave no consideration at all to businesses that were there and had been there for generations, and had been a lifetime of resources for the lives of people. We wiped it out and these businesses have not been able to re-establish themselves. He stated he only raises the question because here we begin to move into the close problems of social changes that affect us all. That he just wants to be sure we are aware of this, and that we recognize the facts if we are going to develop that area and make it a good residential area, then we need to do it like that.

Councilman McDuffie asked if he would leave the railroad; it is either industry or railroad backing up to it? Councilman Alexander stated he is not saying the railroads will stay where they are forever.

Councilman Short stated the resolution also calls on Council to approve the feasibility of relocation, and Mr. Phillips did not go into that much in his remarks. Mr. Phillips stated surveys have been made in the area. At present Motion, Inc. has purchased property north of West Fifth Street on which they propose to construct approximately 42 rental units. He stated the Commission is counting on this as part of its resource for relocation housing. Also they hope some new construction can be started within the project before all the families are required to move out. Even if they do not have these two sources of relocation, based on the present market, they believe they can adequately relocate every family and individual in a standard house within their financial means. He stated the maximum allowed under the federal act is \$25,000 for businesses; however, that does not keep the Redevelopment Commission, with the city's concurrence, from paying more with the City paying 100 percent of the over.

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Councilman Whittington asked what percentage of this residential property in Area one is rental property? Mr. Phillips replied a very high percentage; practically all of the property to be cleared is rental with the exception of one owner-occupant to the best of their knowledge. Councilman Whittington stated then the individually owned properties would be on Westbrook and Victoria.

Mr. Larry Thomas Black, of the law firm of Sanders, Walker and London, stated he appears to oppose the inclusion of certain properties in the plan on behalf of two clients - Schwartz and Son, Inc., and Chesapeake Paper Stock Co. He referred to a map and stated Schwartz and Son, Inc. is located in the area which lies to the east of Cedar Street and between Cedar Street and the Southern Railroad. Chesapeake Paper Company is located in the block between West Fifth Street and West Trade Street. He stated he concurs with Mr. Woolard's statements to Council. One, there is a current industrial use of this property now, and there is a contemplated industrial use of this property hereafter. Therefore, perhaps it is inconsistent to include this area, Mr. Alexander's remarks notwithstanding, in a rehabilitation program for housing. He stated he is convinced Southern Railway will be there, and the area adjacent to Southern Railway is best suited for industrial uses. Secondly, the redevelopment of the property for industrial purposes is unnecessary. If you were going to rezone it to I-3 or retain the zoning as I-3 there would be very little use of rezoning that area for redevelopment of industrial uses. He stated he discussed with the Planning Commission why this was included in the original project boundaries and the statement was made to the effect that Southern Railway constitutes a natural physical boundary. Obviously that is an arbitrary boundary; and it would be just as simple to conclude that Cedar Street is a natural physical boundary for the project. There is no great joy to be derived in including industrial property in what will ultimately be a housing rehabilitation program simply for the purpose of having a physical boundary. He stated he notices that in the Brooklyn renewal area there were areas where they went through blocks, isolated specified lots, and there was no effort made to put it on a physical boundary. The greatest problem he sees with this is there has been an insufficient study of the area under the urban redevelopment program. It is clear the Planning Commission did conduct a blight survey. That the map is not before Council today, but he has a copy of it. He stated he has had utmost cooperation from both the Planning Commission and Redevelopment Commission on his problems with this area.

Councilman Whittington asked if Schwartz, Inc. owns the property up to the eastern side of Third Street? Mr. Black replied they own some of the property, but do not own it all. As money has been available to Mr. Schwartz he has purchased property that became available. Councilman Whittington asked if the chemical company is still on South Cedar Street on the left, backed up to Schwartz, Inc? Mr. Elliott Schwartz replied they now own all the property that lies between West Third Street and West Second Street, and the property he is referring to does belong to them.

Mr. Black stated the Planning Commission conducted a blight survey and found there were a sufficient number of blighted housing units in the whole project area upon which they could predicate a redevelopment program. The other reasons for considering this to be a blighted area were cited by the Planning Commission as being lack of plumbing, overcrowded housing conditions, an increased crime rate, a blight on public health, the number of births out of wedlock, and the threat of tuberculosis. Based on those statistical studies the Planning Commission determined this entire area as shown on the map to be blighted area. Obviously whether or not adequate plumbing exists for an industry is not a health hazard; and certainly you cannot attribute to industry births out of wedlock, increase in tuberculous or crimes. Nevertheless that was one standard by which this property was included in the entire project area. He stated he believes there was an insufficient study made as to what effect this would have on the entire project. He has no reasonable basis that he has been able to come across which would justify the inclusion of any of the industrial property in the redevelopment project as it is now contemplated by the urban redevelopment commission. It seems the only thing that has really been given sufficient study is how to

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eliminate substandard housing in Phase one, and how to replace that housing with standard housing and how to make it an attractive place in which to live. Aside from that, all they know is they are in the area, and have been included.

Mr. Black stated Mr. Phillips stated they had talked to the Coalition, the Housing Task Force, the Residential Task Force, Model Cities, Planning Commission and Redevelopment. That he does not know of anyone who went down to talk to Mr. Schwartz or Mr. Boyd at Chesapeake Stock Company, or went to talk to Southern Railway who has a very large office building in this area. Southern Railway also now owns industrial property adjacent to Mr. Schwartz. Therefore, he does not know if this particular concept, that is, should an industrial tract be included in an urban redevelopment project, has been given an adequate study by either the Planning Commission or the Redevelopment Commission. He stated someone gave him a map which has been prepared by Model Cities or one of its groups, and even that program which included this industrial property in its boundary, left it unchanged, and left it as industrial property. He stated there are good reasons for excluding this area.

Mr. Black suggested that the line be redrawn to Cedar Street and on the basis of what Mr. Woolard has suggested, that West First Street be the southern boundary. There is no real good reason for including the industrial property in this entire project. The cost is going to be prohibitive. It is his understanding that at an April 5th meeting, Mr. Sawyer indicated to the Redevelopment Commission that although they were estimating a cost of \$6.0 million of which this city will have to provide \$2.0 million, they had no real indication that \$6.0 million would begin to buy the property necessary in this area. That means even though we are talking about a three year project, and \$6.0 million, of which we must fund by bonds \$2.0, it may be more than a three year project. That he has a real strong feeling it is going to cost a lot more than \$6.0 million.

Mr. Black stated Mr. Schwartz has invested a considerable amount of money; within the last two or three years he has put \$250,000 more or less into improving his property for industrial use. If he is given the opportunity in the next two or three he will put another quarter of million into the improvement. When the urban redevelopment commission or the city goes to buy that property it will become awfully expensive because of what he is doing to improve his operation. He stated the boundary can be realistically drawn to eliminate the industrial usage and property contemplated for industrial use and still enable the city to go forward with its project to eliminate substandard housing in this area. By eliminating this from the general plan, it will promote private development. Mr. Schwartz has put money into the business, and he is going to put more money into it. That he would be most reluctant and even afraid to invest in his own property if this is included in the project boundaries.

Councilman Short asked how they knew they were included if they say no one contacted them? Mr. Black replied Mr. Schwartz called him and said he read a public announcement; but he is not sure but what someone had not talked to him about it. He stated he learned about this inclusion about four days before the first planned public meeting by the Redevelopment Commission. That he cannot really answer for Mr. Schwartz. Mr. Black stated he does not know who goes around and makes these studies, but he does not think the Planning Commission ever bothered contacting Mr. Schwartz when they were drawing their lines for the blighted area. That he just does not know that to be a fact. Seated here today, he has learned since 1966 somebody has been talking about this area and what they were going to do with it. But he does not know that anybody has been talking about what they are going to do with the industrial property. There has been a lot of talk about housing, but nobody has been talking about the industrial property.

Mr. Black requested that the area east of Cedar Street, the industrial property, the four blocks east of Cedar Street, be excluded from the project. That in the alternative if they cannot do that, he would like to ask that they request a re-study by the Planning Commission and the Redevelopment Commission regarding the use of this industrial property. That he does not

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think anybody has given much thought to it. That he would like somebody to get a complete disclosure from the Redevelopment Commission as to what they think they are going to do. Mr. Woolard has expressed it adequately when he said it is an ax hanging over all the industrial users in that area. That even if the decision is ultimately made not to acquire this property, he does not think that Mr. Schwartz has the ownership intact and free; anything he does must be done with the approval of the urban redevelopment commission.

Mr. Black stated Mr. Elliott Schwartz and Mr. Boyd from Chesapeake Paper Company are with him if anyone would like to ask them any questions.

Mr. Woolard stated they were not contacted either; they read it in the paper about three or four weeks ago. That he did appear before the Redevelopment Commission and asked a lot of questions as they did not know what was going on.

Mr. Schwartz stated no representative of the Planning Commission or of the Redevelopment Commission has ever made any contact with any representative of their company that this action was pending against them. They may have held a great many conferences with Model Cities representatives and neighborhood representatives and this type of thing, but the fact that Schwartz is there is a matter that is or should have been well known to them. He stated they have been there for 60 years. Had one of the other property owners in this area not called him and told him that this matter was pending before the Redevelopment Commission, he would have never had any knowledge of it. He stated there is a poor, poor series of communications involved if the people on the Planning Commission and the Redevelopment Commission feel it is so imperative to discuss these matters with other than the taxpaying property involved there.

Mr. L. J. Coleman of 316 Scofield Road stated he purchased 100 feet of a little corner at 738-740 West Fifth Street in 1969 as the first step in either a retirement program or an insurance program, depending on his fate. He stated he got a real bargain and he has some fine tenants, two of whom have been there 15 years or longer. He has a building in excellent state of repair and lends itself perfectly to renovation into business property when the property is zoned for business. He stated he has consulted with the City Building Inspection Department; consulted with architects and with other city departments for preliminary planning to improve the property.

Mr. Coleman stated he read on a Monday evening the notice in the paper and took the first opportunity in the morning to call Redevelopment and went over and had some chit-chat. That he wishes he could say that his contacts were as pleasant as Mr. Black described; but he has been consistently refused copies of the program. That he got one map out of them. That he has been refused as recently as a couple of hours ago, copies of the minutes of the meeting of the Redevelopment Commission. At any rate he was an unhappy fellow. Following his discussion with Redevelopment he contacted a few people involved, and found that absolutely nobody he talked to had even read the notice. He attempted to get some newspaper publicity announcing this hearing would be held; and was refused pointively. The only news that appeared concerning this besides the notice was the story on the day of the initial meeting on the 8th. He wishes he could say that the coverage of the meeting that took place on the 28th was either fair or appropriate to the issues involved.

Mr. Coleman stated on the 28th he launched a broad scale attack on the entire program. He feels it was defective as to notice, maps, concept, financing and almost every issue involved. He stated it would make an excellent target for either the government accounting office investigation or an investigation by 60 Minutes such as we saw last night. That he thinks the entire urban renewal program in the City of Charlotte would make an excellent target for this kind of exposure.

Mr. Coleman stated he is particularly concerned about his property, and he is angry. With a cold he walked Trade Street and Fifth Street and contacted every single property owner and businessman that he could; not a one of which,

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including Councilman Alexander's brother, including our former solicitor, including a number of gentlemen with friends on the Council, had any intimation that this program was underway.

Mr. Coleman stated within the definition of this program there are three underlying paragraphs in the papers presented by the Commission. That he would like to read two of these and ask if there is even one of the Councilmembers who concur in any sense with the sentiments expressed.

The first paragraph says: "This program is intended to reverse the internal structure and social decline and to eliminate internal adverse influences which now threaten the project area."

Mr. Coleman stated his remarks are primarily designed to refer to the business property, the B-2 property which extends along Trade Street and which extends along Fifth Street. He stated there is nothing adverse about I-77; it does not threaten to ruin those streets. To suggest that is either impudent or ignorance.

The second paragraph: "To stabilize the property values of the fringe area of the core of the central business district in order to prevent the ultimate deterioration of the heart of the city."

Mr. Coleman stated his assessment went up 40 per cent. What are they trying to stabilize? Are they trying to prevent his property from going up in price?

Councilman Short stated as he understands it, Mr. Coleman is a landlord who owns some storefront type property fronting on West Fifth Street which he himself operates in the area? Mr. Coleman replied he owns a two story, brick building, presently occupied by four families; it is an apartment building. It is a 40 by 60 building and is sitting on a 100 x 150 foot piece of property. He stated he is talking about the businesses on Fourth Street. That his is a B-2 zoning. With the timing of the opening of I-77 it has been his intension to turn this into a business property. He stated his attack on the program is that all this business and industrial property has been dragged in behind this little residential property. The inclusion of his property would mean that in spite of the opening of I-77, he would be completely unable to take advantage of this road opening. That he is sure there is not a tenant in the world who would want to move into a property they knew was business property as long as this is dangling there. The only thing he is faced with is the deteriorating situation. As a taxpayer, he is faced with his tax money being used to help run his investment down.

Councilman Short asked if he is located in a B-2 zoning with the property being used for residence, and his fear is that this might be changed to residential zoning, in which case he could not change over his usage to a business usage? Mr. Coleman replied his fear is that somebody might want his property and that he will not be able to take advantage of the opening of I-77 and the resulting economic growth of Fifth Street and Trade Street. He stated there are only two gateway streets into the central business district from I-77, and that is Fifth Street and Trade Street. The imminent opening of I-77 is extremely favorable to the developing situation. That he is across the street from the Naval Reserve Center, backed up to the Cemetery.

Mr. Coleman stated there are more problems. That Mr. Alexander had some good questions. Is this a good residential area, lying off of I-77 as the central business district develops? This is in no way a residential area. It lends itself particularly to serving the central business district. That he questions even the planning concept of this. This is an important area in the economic growth of our city. The few houses in there are completely misplaced.

Mr. Coleman stated he would like to call attention to a couple of the usages. He pointed out one that is marked multi-family backing up into the industrial area. The question was asked if Cedar will be widened and he does not think

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it was ever answered. Pre-supposing that Cedar is widened, and pre-supposing that this remains as industrial usage, there is not enough property there to justify any kind of multi-family property. Other multi-family is located near the Fourth Street connector. The Fourth Street connector will be a third route that connects downtown Charlotte with I-77. It will be a high speed, high traffic volume road. It in no way lends itself to high rise residential development. It is a complete misconception of the plan. He pointed to another area, and stated the Commission does not even have title to it. The School Board representative told the hearing that they have no idea at this point whether they want to relinquish title to the property or not.

He stated we are talking about 89 single family parcels. Exempting the property that is not being acquired and exempting the property the school board owns, we have 89 parcels. Taking that million and half dollars and dividing it by 89 we come up with a land cost in excess of \$15,000 per residential parcel. That is ridiculous; this money could be used today. There are hundreds of acres in Greenville; thousands of families needing houses. That money could better be used immediately in providing larger, broader scale and much improved property in that area. It is absurd to spend \$15,000 per unit in land value at this point. That he does not think it would make very good fodder for a bond issue. That he thinks it is inviting some additional opposition to this bond issue, which he does not think is needed at this juncture. This is talking about a \$2.0 million request with half million on phase one, and a million and half on phase two with not even the slightest hint of how this money is to be applied. You are asking the people to vote a \$1.5 million with not even a hint of a plan.

Mr. Coleman asked Mr. Phillips what happened to pages 28 through 29 in the plan on Exhibit B which he found missing in his office this morning? This is the subject of about 20 questions he has. Exhibit B, pages 24 to 29 dealt with not to be acquired properties, and standards for non-residential properties. That he does not see them any more and wonders what happened to them? Mr. Phillips replied he will be glad to go over this with Mr. Coleman back at the office.

Councilman McDuffie asked how the cost per parcel compares with the last project? Mr. Phillips replied he does not know how Mr. Coleman arrived at his figures. All he can say is that the way they determine the amount of money they will estimate for the acquisition of these properties is to take the present tax value and add a factor to it, which they think will acquire property at today's value. It is only after they get into the execution of the program they will ^{be} allowed and will have funds to get professional appraisals. Then they will base the acquisition of the property on the professional appraisals.

Councilman Short stated Council would like for Mr. McIntyre, Planning Director, to answer some questions. That Mr. Phillips says he needs to get his plan into HUD by the 15th of April in order to accommodate federal budgeting for this coming year on Third Ward Urban Renewal. Some of the gentlemen who have been here have been raising some interesting questions. One was the Schwartz Company was not conferred with or notified at all that they were being put into a residential urban renewal program. The same was true of the Armature Winding Company. There is a question of why they have not had any notice or input into this planning of these boundaries, including them. The other question is why is it necessary to include industrially zoned and industrially used areas with unique type properties that are built for the purpose of processing metal or handling electric motors and so forth, and why it is necessary to include that as a part of the land in a residential redevelopment project.

Mr. McIntyre replied on that side of Cedar Street, according to their records, there is some blighted housing along that frontage. Secondly, consideration was if we are to have decent and standard housing in that area then probably the industrial sections would require some treatment in order to make a decent environment for the adjacent residential development. With respect to

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question of why these people were not advised, the Planning Commission when it certifiés a redevelopment area, certifies it on the basis of technical information it has and evaluation of the quality of structures in the area, and it has not been their practice in the past to notify every property owner in the area, and they have never had any difficulty with this procedure in times past.

Councilman Short asked what he means by the phrase of some treatment? Mr. McIntyre replied this would remain to be worked out in the redevelopment planning process. That he does not think the Redevelopment Commission's plans have proceeded to the point where they can identify what particular kind of treatment will be necessary. Mr. Phillips replied that is correct; some could involve demolition of structures with the owner retaining title to the land; some could involve rehabilitation of existing structures and some could be total acquisition. It all depends on circumstances after the complete study is made. Prior to the second or even third or fourth activity year, it will still have to go through another public hearing - both by the Redevelopment Commission and the City Council on the acquisition of additional property outside the first activity year. If it is proposed for example to include some industrial property for acquisition, it still has to come back for another public hearing to get approval.

Councilman Short asked if the business of some treatment includes the several things he has mentioned - some demolition, some rehabilitation, some handling where title is retained. Would it also have the possibility that some would be bypassed so there would be no handling of it at all? Mr. Phillips replied that is correct.

Councilman Whittington asked how long it will take for this plan to be amended to exclude the area of South Cedar Street, on the east side to the railroad, and First Street on the south side to the P & N tracks? Mr. Phillips replied it would take close to two weeks to get all the maps changed, the statistics changed, the volume of information that goes in with the application revised to reflect the new area. He stated he is sure it can be done; but he would like to ask Mr. McIntyre if it would involve a review by the Planning Commission as to the certification of the area? Mr. McIntyre replied if the boundaries are changed, then they would have to re-examine the area to make sure it qualifies under the provisions of the state statutes.

Councilman Alexander stated this comes back to the deadline we have to meet with HUD; where are we when we have to do all this. They would have to come back and do their thing on the amended plan, and then we are beyond the deadline and out of the money for the total project. Mr. Phillips replied not only this project, but the downtown project is tied in the same application. Councilman Alexander stated no discussion has been given on the fact the downtown project is a part of this from HUD's point of view.

Councilman McDuffie asked what year of the program is the West Fifth Street portion? Mr. Phillips replied they have not decided what portions of the project will be in the second or third year at this time. There is no way that the Redevelopment Commission, without detail study, can answer some of these questions. The industrial property owners and even the residential property owners have some legitimate questions as to what they are going to do. But it is unfortunate with this type of program, NDP, we have to plan as we go along. If we are going to do this project, we have to get started. In order to get started, we have to have an application approved and under contract. Then we can get into some of the details. There are no funds to do detail planning at present.

Councilman Whittington stated the thing that concerns him, as an individual, sitting here on the Council, is that the Redevelopment Commission brought a plan today which they say has to be approved and into HUD by the 15th. That he does not think Council should be put under any such deadline as that. This is a project that is different in urban renewal because it includes industry and Fourth Street, Trade Street, Fifth Street and the Southern Railroad tracks for which the city went through a bond issue and spent \$2.5

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million of public money to make these improvements. One of the reasons they were made was to unbottle traffic, and to increase the economic value of the Third Ward and this particular area we are talking about. Two of the people who are here in opposition to this were affected by the Westside Grade Crossing elimination program - Schwartz, Inc. and Chesapeake Paper Co., and others. We are right back maybe to affect them the second time.

Councilman Whittington stated he is not ready to vote for this today because of the questions raised and because there is industrial development in this area. It has been pointed out too that people have to live next to these areas. That he does not want to get economics involved in it as far as the residential area is concerned; but there have been residences along Cedar Street all these years as well as along First Street, as well as that part of Fourth Street next to Mr. Schwartz. Obviously a lot of these houses are now deteriorated but you do not have to have urban renewal to get them out. You can get them out by other ways.

Mr. Phillips replied he does not know how to answer the question about the timing, other than they regret the under-the-gun appearance of this to Council. But they have tried their best to come up with suitable plans as they could from the time they were told by HUD that it could be resubmitted under the NDP program; unfortunately it has to be tied to the downtown project. There is one NDP program with two projects within that program. The application goes in at the same time, and both projects would be under execution starting July 1.

Councilman Whittington asked if this is because they want to use Third Ward as a residential neighborhood to divide the areas? Mr. Phillips replied, no they could have any other project included with this application; it could be a project in Hoskins or any other location in the NDP program, and it would still go in with this application and be funded exactly the same.

Councilman Alexander requested Mr. Phillips to explain what effect, if we lose the HUD grant on this program it will have to our other programs. That Council needs to know what effect the loss of this project will have on whatever program we are dealing with. In other words we need this money bad enough to get it now, or we can do without it? What affects what, and can we afford to stand the loss of this money? Mr. Phillips replied if we do not get the application in and approved for this year, he is not sure what the funding level will be, if any for the next year. We will have to wait until April 1 of the next year in order to reapply for the project if we leave it out entirely. The other thing he is concerned about is getting it in at all in time for HUD review. Councilman Alexander stated he sees us doing the same thing here that we have done in other projects, and Third Ward is never going to be developed. If this happens we should forget everything we are doing. Greenville right now has been standing for six years from various delays. They are all related. This is what we have to understand and we should start someplace.

Mayor Belk asked why we are not developing Greenville, and have now jumped to Third Ward? Mr. Phillips replied he does not see the relationship to Greenville except that Third Ward is just as much a part of Model Neighborhood as Greenville, and we are charged with a pretty heavy responsibility to eliminate slums and blighted conditions in Third Ward just as much as we are in Greenville. It is for this reason they were asked to apply for federal funds to undertake the project to begin with three years ago. Continual delay has not caused the property to go down, but properties have deteriorated significantly over the past three years. They hope by undertaking this first action year they will stop the decline of the remaining good structures in the area, and get rid of the worst at the same time. Mayor Belk stated he can appreciate that; but what he is getting at is that we tear up so many homes, and yet we do not seem to replace the homes in that particular area. But what he is saying is why we do not get the Greenville Area started on the plans we have, and concentrate on that in place of jumping over to Third Ward. Mr. Phillips replied they are doing everything they possibly can in Greenville; they have already started negotiations with Progress Association of Economic Development for the first 25 single family lots. They are well

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along, and it will not be too much longer before we see some ground broken. He stated they have already awarded the contract for the construction of the first streets in the Greenville project; the neighborhood center contract has been awarded, and it will be under construction soon. He stated they are moving in Greenville; but the Greenville money has nothing to do with the Third Ward money. It is an entirely different pocket. That is already reserved and funded; whereas Third Ward has not been reserved or funded.

Councilman Whittington asked if Council can instruct the Planning Commission and the Redevelopment Commission to exclude this industrial area that has been defined by those who own the property, and then approve the resolution? Mr. Phillips replied he believes the question of timing has more to do with it than anything else. If Mr. Whittington is saying to exclude it prior to HUD approval it is one thing, and if he is saying to exclude it prior to the acquisition of the property or prior to the next executed year, it is something else. Councilman Whittington stated he is just saying to exclude it.

Councilman Short asked if is not true that we revise urban renewal plans of our own motion all along. That he thinks what Council should do today is to pass two motions. One would be to approve this plan so we can get this into HUD; and the other one would be that we ask the Planning and Redevelopment Commissions to go ahead immediately with an amendment to this plan. That he just does not believe these industrial properties are ever really going to be renewed in any way. What worries him is this sword over their head. We are not going to do anything to these properties, he does not believe and yet we are going to leave them in doubt about it over a period of several years while this is going on.

Councilman Alexander asked what we are doing when we make these two motions? We are making one motion that approves the proposal as submitted; at the same time we are making another motion telling the urban redevelopment commission to also file an amended proposal which would leave out certain sections of this area. It has just been stated that we have problems on an amendment. How do we approve this in one breath and then tell the Commission to submit to HUD an amendment on an action that is tied to the approval. Councilman Short asked who is going to do anything about \$250,000 of unique metal processing property that is right next door to the mainline of Southern Railroad and has been there for 60 years.

Mr. H. Morrison Johnston, Attorney representing the Redevelopment Commission, stated the program that has been advertised is for the entire area; that is the program we must go forward with today or not at all. If we go forward, we are only talking about the right of the Redevelopment Commission to condemn property in the first phase. This does not involve any of the property that has been under discussion today. If it is Council's wish, the Commission would come back after filing all the advertisements and notices and amend the plan. But by approving the plan today, the Council would be insuring the right of Redevelopment to purchase and acquire residential property.

Mr. Coleman stated he has had two conversations with Mr. Tom Fairbee of the HUD office and Mr. Fairbee has stated at least four times in the two conversations that these two programs must be submitted independently. Downtown and Third Ward are not related; they will not be considered as related, and they must be documented independently.

Councilman Short moved adoption of a resolution approving Redevelopment Plan and the Feasibility of Relocation for Neighborhood Development Project No. N. C. A-3(1), as presented. The motion was seconded by Councilman Alexander.

Councilman Whittington stated he intends to make another motion as soon as this motion is disposed of to instruct the Redevelopment Commission to amend this Project No. N. C. A-3(1) to exclude this industrial property.

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Councilman Withrow stated evidently more planning has gone into this, and he questions the validity of building a housing project, sandwiched in between I-77 and the railroad and these industrial areas. That he just wonders if we are building another slum area. He wonders if we do not have property in some better location. He stated he questions this and he would like to go on record as stating that within five or ten years he will see if we are right in doing this. That he questions the validity of doing this. That he questions the fact of putting low income housing in this area, and if it is smart to do this.

Councilman Alexander stated when you go somewhere else, everybody votes no, where are we. That we came up with this, thinking we were resolving a problem and find out it is no. Since we are not coming up with any other sites he sees nothing wrong with this. Either we can come up with other sites or we are going to have to do something like we are doing here.

Councilman Alexander stated we start off with problems about the west side, and the question is are we going to resolve the housing problem as it affects low income people in the City of Charlotte, or whether or not we are going to continue to confine ourselves in technicalities and legal provisions and philosophies over what ought to be and what ought not to be. Councilman Withrow state he is not arguing with him on that. That he agrees we have to come up with something. He questions if we should do something we think perhaps is wrong in this location. Councilman Alexander stated he questions going into all the development on the west side five years ago. Councilman Withrow stated this Council should get busy and come up with some ideas and some building sites.

Councilman McDuffie stated what we seem to be getting into is a discussion on whether redevelopment is a good thing or not; whether we take housing and make it business or keep housing where housing is, or industrial where industrial is. He can see a valid point from both sides. That he does not believe when you are taking somebody's property for the good of the whole community you are going to get 100 per cent agreement. The industrial people have the assurance that it is going to stay zoned industrial; they have presented the case that it would be too expensive to buy them in all reasonableness, and that in itself is protection for them. The redevelopment laws give the people who are running the program, and this Council who oversees it, a sword or hammer to try to implement a good program.

In view of the fact we have allowed the Redevelopment Commission to go this far and to draw these plans, the Planning Commission for years has operated in this manner to use the railroad track as a physical natural line, and then come up at the last minute and say throw this out and redraw it is a little bit arbitrary. There are ample opportunities down the road to safeguard all these people. We either have to decide you are going to have to build houses back where you tear some out, or you are going to decide to tear them out, and make it all business. You cannot get 100 percent right or wrong in a situation like this. He stated he is reluctant to build houses in an area that probably could prosper as business. But as Mr. Alexander has indicated there are not any other sites; the people are moved about, and this is an opportunity to implement a program where you tear some down and leave some and put more houses back. That he would hope Council would pass the motion like it is, and then safeguard these industrial people who seem to have a legitimate complaint about staying there. He does not think we have to dictate to these other agencies we have allowed to go this far. He stated he resents the fact that the man cannot get the minutes, and that the other people have not been consulted. He would hope we would make some progress in eliminating this kind of static for people who have to read a notice in the paper to find out their property is going to be purchased or condemned.

That they have been over with residences in the area and have been good neighbors for half a century, and they would be happy to continue that way. They just do not want to be run off.

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Councilman Short stated the blight of downtowns generally, and ours, is such that it needs industry and business as well as housing to sustain it. That he thinks we are not going to renewalize these industries and we should not harass them.

Mrs. Bertha Lewis stated all the neighborhood people want is for Schwartz to put up a buffer. That the residents have said nothing about moving them out, or going across First Street and bothering the neighbors over there. A few of these people work in some of those places, and if it is moved out, they do not have cars and we have the worse transportation system in the world, and they could not get to their jobs, and there would be more people on welfare. All the residents ask is for Council to approve the amendment, with the first phase to take care of the housing in there. That could be taken care of so that some of them would be in walking distance to something.

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

YEAS: Councilmembers Short, Alexander, Easterling, McDuffie and Withrow.
NAYS: Councilman Whittington.

Councilman Whittington moved that Council instruct the Planning Commission and the Redevelopment Commission to exclude the industrial property in the N. C. A-3(1) from the plan. The motion was seconded by Councilman Short.

Councilman Whittington stated he very strongly believes the people who have the industrial property and have had it for 50 to 100 years should know they have the same protection as the residents have. That he sees nothing wrong with assuring both sides.

The vote was taken on the motion and lost as follows:

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

The resolution is recorded in full in Resolutions Book 8, beginning at Page 223.

ASSIGNMENT OF LEASE AGREEMENT FOR THE CHARLOTTE AIRPORT MOTEL FROM AIR LODGE, INC. TO MONTEREY MOTOR INNS, INC., AUTHORIZED.

Councilman Short stated unfortunately in preparing this lease agreement for the Airport Motel, the building of our new airport was not envisioned by those who were preparing the lease, that this is unrelated to the basic fact which is that Council is required to approve and to not unreasonably withhold approval of a new lessee coming in.

Councilman Short moved approval of the assignment of the lease agreement for the Charlotte Airport Motel from Air Lodge, Inc. to Monterey Motor Inns, Inc. The motion was seconded by Councilman Withrow.

Following discussion, Councilman McDuffie requested that a copy of their annual audit be furnished him; the vote was taken on the motion and carried unanimously.

ORDINANCE NO. 438-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A PARCEL OF LAND ALONG CHESTERFIELD AVENUE, BETWEEN BRIAR CREEK AND ROCKWAY PLACE.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning from O-6 to B-1 of property along Chesterfield Avenue, between Briar Creek and Rockway Place.

The ordinance is recorded in full in Ordinance Book 19, at Page 50.

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RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH ERROR AND ILLEGAL LEVY.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, adopting subject resolution authorizing the refund of certain taxes in the total amount of \$1,125.25 which was levied and collected through illegal levy against eighteen (18) taxpayers.

The resolution is recorded in full in Resolutions Book 8, at Page 227.

COUNCILMAN WHITTINGTON LEAVES MEETING.

Councilman Whittington left the meeting at this time and was absent for the remainder of the session.

CONSTRUCTION OF WATER MAIN TO SERVE ORR ROAD, APPROVED.

Councilman Withrow moved approval of the request of Wica Chemical Company for the extension of 2,545 lineal feet of 8-inch trunk and 450 lineal feet of 8-inch main to serve Orr Road, outside the city, at an estimated cost of \$29,755.50 with all cost of construction to be borne by the applicant whose deposit of 10% has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Short, and carried unanimously.

RIGHT OF WAY AGREEMENTS WITH STATE HIGHWAY COMMISSION, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, the following right of way agreements were approved:

- (a) Agreement with the State Highway Commission for the construction of 8" water main crossing Old Monroe Road at Covedale Drive, to serve Deerfield Subdivision.
- (b) Agreement with the State Highway Commission for the construction of 12" water main in the south side of Carmel Road (N. C. State Highway No. 3906).

CONTRACTS FOR CONSTRUCTION OF WATER MAINS APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving contract for the construction of the following water mains:

- (a) Contract with John Crosland Company for the construction of 1,650 ft. of 12" C. I. water main, 3,480 ft. of 6" C. I. water main, 180 ft. of 2" galv. W. I. or Galv. Steel water main and four fire hydrants, to serve the Rockbridge Subdivision, outside the city, at an estimated cost of \$34,600.00. Funds will be advanced by the applicant under the terms of existing city policies as related to such water main construction.
- (b) Contract with John Crosland Company for the construction of 3,500 ft. of 8" main, 2,305 ft. of 6", 1,155 ft. of 2" and six fire hydrants, to serve Deerfield Subdivision, outside the city, at an estimated cost of \$33,500.00. Funds will be advanced by the applicant under terms of existing city policies as related to such water main construction.

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PROPERTY TRANSACTIONS AUTHORIZED.

Councilman Alexander moved approval of the following property transactions, which motion was seconded by Councilman Withrow, and carried unanimously:

- (a) Acquisition of 25' x 98.12' easement at 1126 Morningside Drive, from John P. Thompson & E. M. Monk, (two of the Trustees of the Gristede Division Trust), at \$100.00, for the Upper Briar Creek Sanitary Sewer Construction Project.
- (b) Acquisition of 12.5' x 68' of easement and a construction easement of 10,035 sq. ft. for creek channel relocation, on Hebron Street, from Jay M. Paxton and wife, Vaughno B., at \$512.00, for the Kings Branch Outfall Sanitary Sewer Construction Project.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE HEIRS OF THE ESTATE OF WATSON A. BOYD, LOCATED AT 1804 WAYT STREET, IN THE CITY OF CHARLOTTE, FOR SMALL PARKS PROJECTS, N. C. OSC-51.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to the Heirs of the Estate of Watson A. Boyd, located at 1804 Wayt Street, in the City of Charlotte, for Small Parks Projects, N. C. OSC-51.

The resolution is recorded in full in Resolutions Book 8, at Page 228.

ORDINANCES AFFECTING HOUSING DECLARED UNFIT FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE.

Council was advised that the property owners had indicated they would not contest the orders to demolish and close the houses declared unfit.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting the following ordinances affecting housing declared unfit for human habitation under the provisions of the City's Housing Code:

- (a) Ord. No. 431-X ordering the dwelling at 1560-62 Merriman Avenue to be vacated and closed.
- (b) Ord. No. 432-X ordering the dwelling at 2005 Rozzells Ferry Road to be vacated and closed.
- (c) Ord. No. 433-X ordering the dwelling at 1921 Taylor Avenue to be vacated and closed.
- (d) Ord. No. 434-X ordering the demolition and removal of the dwelling at 1501-03 Wilmore Drive.
- (e) Ord. No. 435-X ordering the demolition and removal of the dwelling at 3724 Simmons Street.
- (f) Ord. No. 436-X ordering the demolition and removal of the dwelling at 512 East 10th Street.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 43.

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ORDINANCE NO. 437-X ORDERING THE DEMOLITION AND REMOVAL OF A BUILDING LOCATED AT 1104 EAST SEVENTH STREET PURSUANT TO THE BUILDING CODE OF THE CITY OF CHARLOTTE AND SECTION 6.61, ARTICLE IV, CHAPTER 6, OF THE CHARTER OF THE CITY OF CHARLOTTE.

Mayor Belk asked for a report on the subject ordinance. Mr. Jamison, Superintendent of Building Inspection, stated this is a service station that has been abandoned, and it has been under condemnation for six or eight months, and the owner has neglected to put it in safe condition. It is located at the corner of East Seventh Street and Kings Drive.

No one was present to speak against the order. Photographs of the building were passed around for council members to view.

Councilman Short moved adoption of the ordinance ordering the demolition and removal of a building located at 1104 East Seventh Street pursuant to the Building Code of the City of Charlotte. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 49.

STATUS REPORT ON HOUSE ON WARP STREET.

Councilman McDuffie asked the status of the house on Warp Street that the people in North Charlotte are inquiring about? Mr. Jamison, Superintendent of Inspection, replied the owner is supposed to be repairing it; the house has been secured; and he has indicated he will repair it. There is no provision in the code as to the length of time a owner has to repair a building as long as it is secured.

Councilman McDuffie asked if an answer has been sent to the people who wrote the letters, and Mr. Jamison replied he has answered. Councilman McDuffie requested that a copy of the reply be sent him.

PRIVATE DETECTIVE LICENSE, APPROVED.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, a privilege license application for Mr. Robert I. Thompson for Private Detective was approved for a period of one year. Mr. Thompson holds N. C. State License No. 324 and the application has been approved by the Police Department.

CONTRACT AWARDED TO DEWEY BROTHERS, INC. FOR CATCH BASIN FRAMES AND GRATES.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, Dewey Brothers, Inc., in the amount of \$12,297.04, on a unit price basis, for catch basin frames and grates.

The following bids were received:

Dewey Bros., Inc.	\$12,297.04
Neenah Foundry Co.	20,575.00

CONTRACT AWARDED AIR MASTERS OF CHARLOTTE FOR INSTALLATION OF AIR CONDITIONING SYSTEM FOR THE CITY-COUNTY UTILITY DEPARTMENT.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Air Masters of Charlotte, in the amount of \$9,283.00, on a unit price basis, for installation of air conditioning system, in the old police department building, for the City-County Utility Department.

The following bids were received:

Air Masters of Charlotte	\$9,283.00
J. V. Andrews Company	9,650.00
Shanklin A/C, Inc.	9,720.00

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CONTRACT AWARDED BALTIMORE PAINT & CHEMICAL CORPORATION FOR PAVEMENT MARKING COMPOUND.

Councilman Alexander moved award of contract to the low bidder, Baltimore Paint & Chemical Corporation, in the amount of \$20,600.00, on a unit price basis, for pavement marking compound. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Baltimore Paint & Chem. Corp.	\$20,600.00
Prismo Universal Corp.	21,460.00
Wm. Armstrong Smith Co.	22,200.00

CONTRACT AWARDED POTTERS INDUSTRIES, INC. FOR GLASS BEADS.

Upon motion of Councilman Withrow, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Potters Industries, Inc., in the amount of \$10,952.80, on a unit price basis, for glass beads.

The following bids were received:

Potters Industries, Inc.	\$10,952.80
Cataphote Corp.	10,990.40
Prismo Universal Corp.	11,800.00
Wm. Armstrong Smith Co.	11,920.00

CONTRACT AWARDED HOPPERS COMPANY, INC., EARCO PRODUCTS DEPARTMENT, FOR EMULSIFIED ASPHALT.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, awarding contract to the only bidder, Hoppers Company, Inc., Earco Products Department, in the amount of \$83,119.68, on a unit price basis, for emulsified asphalt.

PERMISSION GRANTED FOR USE ON SOUND SYSTEM ON SUNDAY AFTERNOON IN JULY AT VIKING TWIN DRIVE IN, ON REQUEST OF DANIEL BURRIS.

Mr. Daniel Burris, III requested permission to use a sound system for an open air concert to be held on a Sunday in July, from one to six o'clock, at the Viking Twin Drive In, off Freedom Drive.

He stated the date has not been set as yet; it would be for the one performance only and will be a musical concert. He stated the sound system will be on a scale so that it can be heard in the immediate area. The zoning of the area is industrial. The houses in the area are behind Freedom Drive, and the sound system will face out towards the wooded area, and not towards the houses.

Mr. Burris stated it will be advertised in the immediate Charlotte area. That they estimate the area can hold up to 15,000 people.

After further discussion, Councilman Alexander moved that permission be granted to use the sound system for the one performance only on a Sunday in July, 1972, from one to six o'clock p.m., at the Viking Twin Drive-in. The motion was seconded by Councilman Short, and carried unanimously.

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RESIGNATION OF ARTHUR R. NEWCOMBE FROM THE AUDITORIUM-COLISEUM-CIVIC CENTER AUTHORITY ACCEPTED AND COUNCIL TO CONSIDER APPOINTMENT TO FILL VACANCY AT ITS NEXT MEETING.

Mayor Belk read the following letter from Mr. Arthur Newcombe, member of the Auditorium-Coliseum-Civic Center Authority:

"Since my last term on the Auditorium-Coliseum-Civic Center expires the last of this month, I respectfully request that you ask the Council not to consider me for re-appointment. The sixteen years that I have served have been most rewarding to me, and I hope of some benefit to the City of Charlotte. However, I feel with up and coming added responsibilities of the Civic Center, a fresh enthusiastic approach is not only wise, but necessary.

My personal thanks to the Council for their cooperation over the years, and my best wishes for the continued success of the Auditorium-Coliseum-Civic Center Committee.

Most sincerely yours,

Arthur R. Newcombe."

Councilman Short moved that Council accept the resignation of Mr. Newcombe and thank him for his many years of service, and Council to consider the appointment to fill the vacancy at its next meeting. The motion was seconded by Councilman Alexander, and carried unanimously.

PLANNING COMMISSION REQUESTED ADVISED THAT PETITIONER IS CONCERNED WITH THE LONG DELAY IN HANDLING PETITION FOR REZONING ON TUCKASEEGEE ROAD.

Councilman Short stated Mr. Chick Godley is concerned over the long delay of the Planning Commission in handling his zoning petition on 8.93 acres on Tuckaseegee Road, and would appreciate it if the Planning Commission would get to this matter. That it is a business difficulty for him and it has been delayed for just about a year.

COUNCIL ADVISED OF VARIOUS MEETINGS SCHEDULED.

Mr. Burkhalter, City Manager, reminded Council of the meeting with the Corps of Engineers scheduled for Thursday, April 13, at 7:30 p.m., in the Board of Education Meeting Room.

Mr. Burkhalter advised Council that a breakfast meeting of Council is scheduled for Tuesday morning, April 11, at 7:30 a.m. at the Red Carpet, and several Department Heads will be present for the meeting.

Mayor Belk requested the City Manager to arrange a meeting with a representative from W. J. Smith's Committee and Mr. Pete Peterson, Chairman of the County Board of Commissioners.

Mayor Belk stated after the May primary, and sometime in June or July, he would like to schedule a luncheon meeting hosted by Council and invite all the candidates running to be present. That the candidates will be invited to make any comments they like, and then there will be a question and answer period. He stated this will include the candidates for the School Board, County Commissioners, State and Federal offices.

ADJOURNMENT.

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

Ruth Armstrong

Ruth Armstrong, City Clerk