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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, June 15, 1970, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Milton Short, John H. Thrower, Jerry Tuttle and Joe D. Withrow present.

ABSENT: Councilmen Sandy R. Jordan and James B. Whittington.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on Petitions for changes in zoning classifications, concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Albea, Embry, Godley, Sibley, Stone, Tate and Turner.

ABSENT: Commissioners Blanton and Brewer.

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#### INVOCATION.

The invocation was given by Dr. George Heaton.

#### MINUTES APPROVED.

Motion was made by Councilman Short, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the last meeting on June 8, 1970, as submitted.

HEARING ON PETITION NO. 70-88 BY THE ERVIN COMPANY AND CRESCENT LAND AND TIMBER COMPANY FOR A CHANGE IN ZONING FROM R-15 TO R-20MF OF 28.3 ACRES OF LAND, AND FROM R-15 AND R-15MF TO B-1SCD OF 14.3 ACRES OF PROPERTY SOUTH OF SARDIS LANE AND EAST OF PROVIDENCE ROAD ADJACENT TO PROVIDENCE SQUARE.

The public hearing was held on the subject petition on which a protest petition was filed and was not sufficient to invoke the 3/4 Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the property in question is two tracts - one consisting of 14.3 acres to be changed to B-1SCD, and the other consists of 28.3 acres to be changed to R-20MF and lies from near Sardis Lane coming all the way down to near McAlpine Creek.

He stated the subject property is vacant; it is adjoined on the Providence Road side in part by an existing apartment development; it is adjoined on the Sardis side by a number of single family residences on Valleybrook Road; there are other single family homes across Sardis Lane and then you get into the Lansdowne Community which is solidly developed with single family residences. At the intersection of Providence Road and Old Providence, there is a non-conforming small business use which has been there for a number of years.

Mr. Bryant stated there is R-15MF zoning extending along Providence Road from near Sardis Lane out to McAlpine Creek; other than that the entire area is zoned R-15.

Mr. Charles Ervin, of the Ervin Company, stated the Ervin Company planned and developed the community known as Olde Providence several years ago, and they realized at that time that no community is complete without all the necessary amenities needed for proper living. These include proper water and sewer facilities, recreational facilities, parks and greenways and shopping facilities and service amenities provided therein. He stated the Ervin Company is proud to have donated the land on which the Olde Providence Racquet and Swim Club is located and being instrumental in the formation and growth of the facilities. Several years ago they started planning for the property now known as

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Providence Square which is located at the intersection of Sardis Lane and Providence Road. They called upon the firm of Ferebee, Walters and Associates, Architects and Planners, to design and plan the Providence Square property, using the planned unit development process. He stated Phase I and II of Providence Square have now been completed. In order to carry out to completion the plan, it is now necessary to obtain a zoning change. He stated General Ferebee will point out the zoning necessary and the precise plan to complete the community.

General Ferebee, Architect, stated his firm was engaged six years ago to prepare the land development and architectural plan for Providence Square which is a 113-acre tract of land at the corner of Providence Road and Sardis Road.

He stated Providence Square followed the concept of planned unit development; shopping facilities and service amenities have been located in the center of the community. To conform with the thoroughfare plan, residential units have been laid out to face on interior streets rather than utilizing the main arteries such as Providence Road and Sardis Lane. In addition, a 100-foot and wider landscaped green belt is proposed between Providence Square townhouses and patio houses and adjacent single family residences.

General Ferebee stated R-20MF zoning is being requested for 28.3 acres and B-1SCD for 14.3 acres. The B-1SCD area will be known as Providence Square Village Center, and is located at the approximate center of Providence Square at the intersection of what will be Providence Square Drive and Landmark Way. The location is in keeping with the overall general development plan for Charlotte and the surrounding area as prepared by the Charlotte-Mecklenburg Planning Commission and approved by the City Council in 1960. This plan showed a shopping center at this location. He stated it also makes maximum use of the proposed outer belt road which is shown on the thoroughfare plan as utilizing Sardis Lane and Old Providence Road.

He stated the plan presented today has been reviewed by Mr. Charles Maxwell, Highway Commissioner, for this district; he feels this will improve traffic conditions on main thoroughfares by permitting residents of the area to do a good part of their shopping close to home.

General Ferebee stated to do the economic study for the shopping center they retained Robert Gladstone and Associates, Economic Consultants. He stated the center facilities are planned for development on a stage, need and time basis, and will be developed only when the needs of the community demand it. The first phase will contain a branch library, a food store, town meeting hall, drug store, book store, branch bank and other miscellaneous speciality shops; it is estimated that this phase will contain an estimated 85,000 square feet. The economic study projects a possible potential use of a total of 142,500 square feet of stores, shops, post office, library, and public service facilities, and approximately 27,500 square feet of professional offices which will be located on the second floor of the proposed shops.

He stated instead of cold blocks of masonry and concrete, buildings in the Shopping Center will make free use of wood and other materials with sloping roofs to be compatible with the residential character of the neighborhood. There will be village greens, shrubs, ponds and lakes; there will be small shops, individually owned and personally manned; there will be uniform graphic and specially created harmonious lighting effects; there will be architectural variety; lakes, canals, green belts, parks and recreational facilities are proposed throughout the area. Bicycle and pedestrian paths have been located to encourage walking traffic within the community.

He stated if the zoning changes are approved there will be approximately 562 residential units on 99 acres of land for a density of less than six units per acre. He stated the existing R-15MF zoning on the front and R-15 on the back will permit a total of 918 units on the property, so the plan reduces this by 356 units. He stated Providence Square Village has 142,500 square feet of building and 805 parking spaces on 14.3 acres of land which he compared with existing shopping centers.

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Councilman Tuttle asked what type food store they have in mind? General Ferebee stated they are thinking of a normal grocery store, smaller than some of the larger giant type stores; the design of the building will be considerably different.

General Ferebee then showed slides giving an idea of the way the project will look.

Councilman Alexander stated during the slide presentation General Ferebee referred to a Giant Grocery Store, and he asked if this is the name of the store? General Ferebee replied that is the name of the chain of stores.

Mr. Robert H. Doyle, an outstanding city planner in this country, was introduced by Mr. Ervin who stated he has worked on numerous planned unit projects, and has been called in by the Ervin Company to look at this particular planned unit development concept and this southeast area of Charlotte to give the Company his professional objectionable opinion as to this plan.

Mr. Doyle stated in terms of the overall plan there is good internal circulation of such a nature that it is not a problem to the residents who live within the area; there are good buffers in all directions; the center itself is not adjoining the highway and this particular center will not be seen from the road; the density is very low key for a project of this nature; around six units per acre is approaching single family residential density; the utilities have been adequately considered; the facility will have complete underground wiring. He stated all these things are in keeping with the best residential planned unit development design going on in this country today.

Mr. Doyle stated this kind of development provides a minimal impact on schools in contrast to single family development. He stated there are two factors important to this plan in terms of traffic: (1) the internal traffic that is interested in going to the library or to the store; they will not have to enter the streets the public would normally use; the area beyond this project will have convenient access to it; (2) this project includes and has accommodated the circumferential route which is included as a part of the metropolitan plan.

He stated the project will not impose any new recreational demands on the community; within the bounds of the project are parks, playgrounds, community centers, lakes and other things. That it appears the way it has been buffered and the way the development has taken place to date with the apartments already there, that this particular project will be not only compatible with nearby uses but will be very much welcomed in the future by many of the nearby users in terms of lost time or saved time relative to trips to much more distance area.

Mr. Doyle stated it seems to him that it fully complies with all the public plans that have been made to date in this area, and that it offers an opportunity for this area to have one of the better facilities of this nature in the southeast. He stated there are always three interests involved in a project of this nature: (1) the interests of the developer; (2) the interests of the neighbors; (3) and a greater public interest. He stated as far as he can determine this particular project does fit in with the metropolitan plan, the metropolitan needs and with the local plans and the local needs.

Councilman Tuttle asked the extent of the buffer, and Mr. Bryant replied it is approximately 150 feet. Councilman Tuttle asked what ultimately can be done with the buffer? Mr. Bryant replied what has been shown here is about the extent of the usage; it is projected as a landscaped area with only a walkway through the area; this is not included in the request for rezoning and therefore no credit could ever be given and no buildings located in the site related to the multi-family project.

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Councilman Short asked what the buffer around the business area is? Mr. Bryant replied the separation between the business area and the nearby residential units is primarily a landscaped one.

Commissioner Embry asked if the 100-foot strip for which a rezoning is not requested means the residents across from the area are 100 feet away and cannot qualify for the invoking of the 3/4 Rule? Mr. Bryant replied that is right.

Mr. Wes Henderson stated he lives in Providence Square and he is in favor of the petition, and many others who live there feel they need these services.

Mr. John Briggs, 711 Sardis Lane, stated his property adjoins that section of the subject property which fronts on Sardis Lane, and he opposes the change and some 1,372 of his neighbors share his sentiments. He filed with the City Clerk a protest petition.

Mr. Charles Welling stated he is a resident of the area and is also attorney representing the neighborhoods in protest of the petition.

He referred to a map and stated it is of an area beginning at McMullen Creek which is below the Pinehurst Apartments and it goes out Carmel Road almost to Pineville, then to Monroe Road and as far out Providence Road as the present perimeter, and stated in the area enclosed all the area is for single family residences with the exception of the area at Sardis Road and Providence Road, and the little area where Providence Square is now located. He stated the two areas were originally zoned for R-15MF in 1962 by the Planning Commission and have not been changed to date. He stated there is a small area out Sharon Road that is zoned for multi-family. He stated there has been one planned unit development area approved by the Planning Commission and it should be built first.

Mr. Welling stated in the past this Council has always protected the Providence Road area as far as they can; it is the only street coming into the City of Charlotte that is not cluttered up.

He stated the petitioner speaks of low density six units to the acre. That at present in the whole area other than where the petitioner put a subdivision, the lots runs from 3/4 of an acre up to 1 or 19 acres.

He stated they speak of schools and what this development will do; he pointed out the Landsdowne School area and stated an addition was built two years ago and they did away with 8-10 trailers; it was completed prior to the last school year and was projected to take care of the needs of that community for 5-6 years; last year when school opened two trailers were put in. The apartments were built and occupied at that time, and what additional apartments will do, he does not know.

Mr. Welling stated he compared six of the shopping centers we already have with the proposed shopping center. That SouthPark is built on 81.28 acres of land and it has 380,000 plus square feet of building; Park Road is built on 30.52 acres of land and it has 284,691 square feet of building which includes warehouse space; Sharon Road is on 6 acres with approximately 60,000 square feet of building; Freedom Drive is on 22 acres and has about 228,000 square feet of building; Tryon Mall is on 39.15 acres and has 331,000 square feet of building including warehouse space; Cotswold is on 21.4 acres, including the Mall areas, has 253,476 square feet of building. He stated the proposal by Ervin on 14.3 acres is 170,000 square feet. If you take the square foot of building in these centers and divide it by the acreage you can get it per acre, and SouthPark has approximately 4,676 square feet of building per acre of land; Park Road has a little over 7,000; Sharon Road has 8,270 per acre; Freedom Drive has 10,396 per acre, Tryon Mall has 10,358 per acre and Cotswold has 11,840 per acre. The proposed Ervin will contain 11,958 square feet of building per each acre of land.

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He stated the purpose of zoning is set forth in our General Statutes; our State Legislature set out guide lines and the purpose of zoning is contained in the Statutes and he went over each as set out. He stated the proposal does not meet any requirement of good planning as set forth by our general assembly.

Mr. Welling stated as to the buffer zone, he understands after the shopping center is built the petitioner can come to Council and petition to use the area for off-street parking. He stated on the drawings filed with the petition he did not find anything pertaining to the library; he did find a theatre and a restaurant, a furniture store and a super market and super drug.

He stated a petition with 2,005 names has been filed in opposition to this rezoning. That he notes the petitioner filed some petitions which is signed by around 198 people; 128 of those came out of the apartments and 142 of the signature came out of Swan Run, another rental unit on Rea Rea; there were 19 others on the petition which he checked and most of them came from Mr. Ervin's Olde Providence area.

Mr. Welling stated it is time our Planning Commission and our City Council make the decisions and not outside experts. He stated they are here asking the Commission and the Council to look at the purposes of planning as set forth by our legislature, and put it down beside the facts and beside the proposed Village Shopping Center and the additional apartments, and see if it measures up, and then deny the petition.

Dr. George Heaton stated he is present in behalf of some 2,400 people. These people are asking Council to defend them from what they regard as an unwise use of property in their area. He stated there are two requirements for good social actions. One, the facts, and second, a feeling for the facts. This is what they bring - their feelings. They come today with great concern because their future is right now. That it is inconceivable in their minds as property owners that to bring 516 families into this area and build a shopping center, they cannot imagine this as altering for the better. If they fail to alter the environment for the better, time will alter it for the worse. He referred to a clipping from the morning paper and stated wherever you get a massive congestion of people you get distortion of behaviors which have become the gravest of problems for urban communities; there is no way to avoid the solemn reality that where people are living in congested areas you get not only physiological changes you get psychological changes; there is room enough in all of Mecklenburg County for people to live as human beings and to have an opportunity to grow and develop as human beings, and there is no way by any kind of duty to eliminate the pressures that pollute population whenever they are congested.

Dr. Heaton stated there are two fundamental principals in all ecology and no council or commission can escape them. The first is the place where a man lives and the place where a man works has a profound influence upon a man's life. All history reveals this basic truth. The second is that a man has a profound influence on the place where he lives and the place where he works.

Mr. Herman Moore stated he lives out Providence Road about two miles beyond the land involved. He stated he speaks of two areas of legislative involvement; first is the creation of the 100 foot green strip; that this is nothing but pure circumvention of the intent of the law; that it is not necessary to dedicate this 100 foot strip in order to develop this property, but it is necessary to dedicate the 100 foot strip if you are to preclude the adjoining land owners from invoking the 3/4 Rule. The second problem is the zoning of perimeter area property by city council. City land zoned by city council, and county land zoned by county commissioners are cases where the people have recourse by ballot for those who zone their property. He stated this land lies 1.3 miles beyond the city limits and runs for an additional half mile out Providence Road, so City Council is zoning in a gray area; an area that extends almost two miles beyond the city limits. They are zoning property where the people involved have no recourse by ballot.

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Mr. Moore stated after all the laws are satisfied you have to get back to what about the people. That some 13-1400 people have expressed themselves today; they are opposed to this with very few exceptions. He stated he thinks Council owes these people of the perimeter area its best judgement. Over and above that, the discretion given to normal city residents when zoning their property. He stated in an effort to be fair he hopes Council will take every precaution, and he would suggest voluntarily going to the 3/4 Rule when zoning property of residents in the perimeter area.

Also speaking in opposition to the proposed rezoning was Mr. Bob Alford and Mike Leonard.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-80 BY JOHNSON H. BROWN FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT 75' X 228' AT 603 HAWTHORNE LANE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised a few months ago this parcel of land was considered for a change to business zoning; the request now is to change it to office zoning. It is located on Hawthorne Lane between Independence Boulevard and Eighth Street near Bay Street intersection. It has on it one single family residence and is adjoined on both sides by single family residential uses; there are also residential uses directly across the street from it. There is a service station nearby at the intersection of Independence and Hawthorne.

Mr. Bryant stated there is B-1 zoning all along Independence Boulevard which extends down Hawthorne Lane to the subject lot; the subject lot as well as other property on Hawthorne from that point on towards Eighth Street is zoned R-6MF.

Mr. Alfred Moore speaking for the petitioner stated this property is adjoined on the Independence Boulevard side by B-1 zoning and on the rear by B-1 zoning. They feel to change this to O-6 it will give a buffer zone in the neighborhood and they have a prospective customer for this property and the adjoining B-1 property which will be developed into an office building.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-81 BY JOHN W. KNIGHT FOR A CHANGE IN ZONING FROM B-1 AND O-6 TO B-2 OF A PARCEL OF LAND 170' X 200' ON THE SOUTH SIDE OF SHAMROCK DRIVE, BEGINNING 250 FEET EAST OF CARDIFF AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the south side of Shamrock Drive near the intersection with Eastway Drive; it is used partially as a bakery sales building; the remaining part is vacant. Directly across the street on Shamrock is the parking area for the Burger Chef and a grocery store at the intersection of Eastway and Shamrock Drive; there are two service stations at the corner of Eastway and a number of business uses around the intersection. To the west of the property is single family residential uses extending along Shamrock Drive on both sides of the street; to the rear is also single family residences facing Springway and some vacant property facing on Springway.

He stated there is B-1 zoning around the intersection of Eastway and Shamrock; there is an area of B-2 zoning between Eastway and Shamrock which accommodates the Burger Chef Drive In; there is B-2 zoning on the corner of Springway and Eastway; there is a buffering of office zoning along Eastway including part of the subject property as well as other office zoning around the business area along Eastway and some of the other streets; to the west of the property

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it is zoned single family residential on the south side of Shamrock and multi-family on the north side.

Mr. Myles Haynes, Attorney for the petition, stated Mr. Knight owns the grocery store across from where the property in question lies; he has four lots; two are presently zoned B-1 and the adjoining two are zoned O-6. He is asking to change the four lots to B-2 for the purpose of putting a Moo Dairy Barn on the lot. This is a soft ice cream business. Behind the property at present is a fence that divides the property from the residences. He stated he has a statement signed by all the adjoining neighbors stating they have no opposition to this rezoning.

Mr. Haynes stated this will be a small building 24' x 28' and caters to the family trade; it has no music or juke boxes; the area will be landscaped; the outside area will be policed; it closes at 11:00 o'clock at night and does not open on Sunday until after church is over. It will be operated by Mr. Knight and his wife.

Mr. Frank Gale stated he lives about half a block from the subject property. That there are enough things around there now and he does not believe they can use any more; there is already one drive-in located in the area; there is a pool room; a used car lot and three service stations. He stated he does not want his property to be worthless.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-82 BY H. B. SMITH FOR A CHANGE IN ZONING FROM R-9 TO R-12MF OF A 34.925 ACRE TRACT OF LAND FRONTING APPROXIMATELY 400 FEET ALONG THE EAST SIDE OF NATIONS FORD ROAD AND BEING SOUTH OF BRITISH WOODS SUBDIVISION.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is directly across the road from Nations Ford Elementary School; the property is vacant; it is adjoined on the north side by the British Woods Subdivision; also across the road is the Whispering Pines Subdivision; south of the property is primarily vacant land.

Mr. Bryant stated the subject property as well as all the property to the north, west and to the east is zoned for single family residential purposes; to the south a portion of the property is zoned for multi-family purposes.

Mr. Marion Smith stated he is the son-in-law of the petitioner and their purpose is to put in a park-like affair with the perimeter road around the outside; that it is a beautiful wooded area with some open space; the woods will not be disturbed and the natural water shed will be preserved. He stated he plans two pool areas; there will be some three bedroom apartments and mostly two bedroom apartments with some one bedroom apartments. They plan the tennis court and the basketball courts in the rear with small recreational areas to serve each unit.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-83 BY C. W. MCGEE FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A 1.21 ACRE TRACT OF LAND BETWEEN BELHAVEN BOULEVARD AND WOODMAN AVENUE, SOUTH OF HOSKINS ROAD.

The public hearing was held on the subject petition.

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Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Highway 16 West, or Belhaven Boulevard, on the intown side of Hoskins Road and extends from Belhaven over to Woodman Avenue; the property is vacant and is adjoined on the out-of-town side by two single family residences; there is a machine shop at the corner of Woodman and a florist shop facing Woodman; across Woodman from the subject property is all residentially developed with single family with the exception of one duplex. Across Belhaven Boulevard and across an unopened street on the intown side of the property is vacant.

He stated there is R-6MF zoning along Belhaven including the subject property; there is R-6MF across Belhaven Boulevard; there is B-1 zoning adjoining between the subject property and Hoskins Road; there is an area of B-1SCD established many years ago on the basis of a planned shopping center which has not materialized on the ground.

Mr. John Hunter, Attorney for the petitioner, stated the property is vacant and is bisected by a Duke Power high transmission line; this line is one of the few lines in Charlotte with wooden poles and Duke Power has tentatively agreed to move the poles to the back of the property to give more space to develop the property for a convenience store. He stated the only developed property between the subject property and I-85 is a service station; there is adjoining property which is zoned B-1.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next council meeting.

HEARING ON PETITION NO. 70-84 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-12 TO R-15 OF A PARCEL OF LAND APPROXIMATELY 200' X 750' ALONG THE EASTERLY BOUNDARY OF LAND BELONGING TO DELTA REALTY COMPANY, EAST OF DELTA ROAD AND ADJACENT TO LAKE FOREST SUBDIVISION.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this is an outgrowth of the recent request to zone all of the area on the east side of Delta Road - basically the Delta Airbase property - from R-12 to R-9. He stated there was discussion at the time of an agreement with the Lake Forest Subdivision Homeowners Association to the effect that if the petitioners sought to have a strip of land intervening between the petitioners property and the subdivision upgraded to R-15 category they would not have any objections to the change to R-9. The subject petition is adjacent to the Lake Forest Subdivision.

Mr. Bryant stated the area around the subject property is all single family with the exception to the south which is multi-family.

Mr. Stewart Ritchie representing Delta Realty Company stated their request for R-15 is contingent upon getting the R-9 zoning; if that fails they ask the land be left zoned as it is for R-12.

Mrs. Sue Wallace of Delta Road filed a protest petition and stated in April she called the Planning Office and could not find out what Delta Realty planned for the property; that she was sick during that portion of the hearing and could not get up a protest petition.

Mrs. Wallace stated the community is plagued by septic tank troubles; that the people in Lake Forest have the same trouble they do. She stated they have no promise of city sewer service because there has not been a study to see if they will be able to hook on when the service is available. She stated Delta Realty Corporation decided to make a deal with Mrs. Lillie Miller and she has declined to accept their offer; they promised her the area beside her home would be left as R-12 if she would try to keep the people in the community from petitioning against their request for R-9.

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At the request of Council the letter was read into the minutes and is as follows:

"Dear Mrs. Miller:

The following assurances are hereby tendered you by the Delta Realty Corporation regarding the proposed development of 52.028 acres of land, known as "The Charlotte Aircraft Property", facing on Delta Road in Mecklenburg County:

(1) That subject to City Council's granting of R-9 zoning for the above land, Delta Realty guarantees that the portion of the tract immediately joining your property (designated on a composite map of the property prepared by A. V. Blankenship - a distance of 543.53 feet, location reading N. 84-43 - 40 W.; thence from a point 165.0 feet N. 2 - 16 - 40 W.) shall be parceled into lots containing no less than 12,000 square feet. Such lots will thus meet or exceed the R-12 zoning designation of Mecklenburg County.

(2) It is further agreed and understood that the above R-12 lots will be created at the time the land in that section of the tract is subdivided and not before.

(3) Finally, it is agreed that said R-12 size lots shall become part of a restrictive covenant, in the event the tract in question passes from the possession of Delta Realty Corporation, guaranteeing their creation for posterity.

Sincerely,

DELTA REALTY CORPORATION

Harold J. Caldwell, President.

Mrs. Wallace stated the Lake Forest residents were told the R-9 had passed and they should take the R-15 while they could get it or they would have the R-9 beside them.

Mrs. Wallace stated they are not against low-income people; but they do not think they should be taken advantage of; they should have a lot big enough to have a driveway and a garden and company to come to see them; they are not against the people who would move into the neighborhood but they would like for them to have a decent septic tank and not buy a home and then be plagued with septic tank trouble as they already are.

Mrs. Wallace stated she talked to a lady from Lake Forest who was on their committee and she thought the R-15 zoning would come all the way out to Delta Road. She stated she is not against the R-15 zoning but is against using this to get the R-9.

Mr. Ritchie stated they are merely offering to do the same thing for people who have apartment land abutting their property similar to what they offered to do in Lake Forest. He stated it has been pointed out there are septic tank problems in the area, and there are; they realize they cannot develop the land that will not carry the septic tanks. They agree that the people should have a good size lot, but the bulk of the people who make that statement are zoned for apartments rather than single family. All the property from their land going towards Albemarle Road is zoned for apartments, and they felt for Mrs. Miller this was a good deal as in their plot plan they had projected a road immediately adjacent to her apartment land so that people living on it in apartments would have a point of egress into the apartments.

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Mr. Bryant stated this process started out with a request from Delta Realty to zone to R-9 all the property from Delta Road on the west to the rear of lots in the Lake Forest Subdivision on the east; at the time of the hearing the only reaction against it was from the people who lived on the Lake Forest Subdivision side of the property. Subsequent to the public hearing and prior to the time any decision was made on rezoning that property from R-12 to R-9, it was pointed out there had been some conversation between Delta Realty and the people in Lake Forest Subdivision to the extent that the people in Lake Forest Subdivision indicated if instead of downgrading from R-12 to R-9 the area bordering Lake Forest Subdivision they would agree to upgrading the area to R-15 they would then withdraw any opposition they had to the rezoning of the remainder of the tract to R-9. Mr. Bryant stated today the hearing is on that portion to be rezoned from R-12 to R-15, and the reaction today is basically against the original petition.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-85 BY RALPH WRIGHT FOR A CHANGE IN ZONING FROM R-15 TO R-20MF OF A 42.49 ACRE TRACT OF LAND BEING LOCATED 380 FEET EAST OF SHARON ROAD AND 355 FEET SOUTH OF SHARON ACRES ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is primarily vacant with one house located on it; the adjoining property to the west toward Sharon Road is vacant; on the west side of Sharon Road are single family residences; to the south of the subject tract is all vacant land down to Gleneagles Road; to the east, between the subject property and Sharon Acres Road it is vacant; on the east side of Sharon Acres Road is a row of single family residences.

He stated the entire area is zoned for single family residential purposes. At the edge of the map and fronting on Park Road is an area approved for Planned Unit Development purposes.

Mr. Ralph Howey of Howey Company stated they are the proposed developers of the property. The entire tract consists of an 85 acre tract of land and they are asking for 40.519 acres to be zoned for R-20MF to allow them to build single family attached homes - not apartments. He stated on the corner of the property that is not affected with the zoning a church will be constructed and this will allow ten acres of open space; in addition they will dedicate to the Homes Association, who will own all the common property, 22 acres that will contain swimming pools, tennis courts, trails, swings and all the things to make the community complete. He stated they have asked for the most restrictive type multi-family zoning available in Charlotte; they plan to go back to the cluster portion of the Planned Unit Development Ordinance - that portion that will allow them to build the single family attached. Under single family attached they will deed the land and there will be no rental in the area unless some homeowner moves out and decides to rent. The financing is handled on an individual home basis.

Mr. Howey stated traffic along Sharon Road is handled by a four lane road; the interior of the property has a wide street layout. There is about 1200 feet from the four lane road to the property.

Councilman Short asked the difference between the single family attached and the semi-detached? Mr. Bryant replied a semi-detached would be a duplex structure individually owned.

Mr. Howey stated it will be brick construction and sidings of a very durable and effective material as the Homes Association will be responsible for the painting of the buildings approximately once every three years; this is determined by a decorator and only the Homes Association can approve the change in color of the exterior of the building.

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Mr. Tom Marshall stated he represents part of the petitioner in protest of the subject petition and he filed a petition signed by 389 people. He stated the signers of the petition believe approval of the rezoning request will adversely affect the favorable environment which they currently enjoy in the neighborhood; the development of attached homes will contribute to an unreasonable degree of population density. He stated there are already five areas zoned to some extent for multi-family occupancy. They believe a combination of single and multi-family housing is essential for the establishment of a well balanced community but sufficient land in the community has already been zoned for multi-family occupancy. The addition of 300 families in the community will seriously aggravate traffic problems; Sharon Road, Park Road, Whistlestop and the other roads leading into this community are already not adequate to handle the traffic load.

Mr. Marshall stated the five schools currently serving the area are filled to capacity and would not be able to handle the large number of additional families. Also the utility facility which currently serves the community would not be able to serve a large number of additional families in a concentrated area without substantial expansion. They believe the maintenance of single family homes throughout their neighborhood is essential to an orderly and aesthetic development, and the approval of the rezoning would alter the character of the neighborhood, and would decrease the value of their property.

Mr. Bill McGarity stated he planned apartments across the street from the subject property and at that time Mr. Howey said he was completely destroying the community; that you could not get down Sharon Road; that Mr. Howey now says he is proud of the way the traffic travels Sharon Road. He stated he was shocked that Mr. Howey would ask for this zoning when he opposed his petition which was located straight across the street. Mr. McGarity stated 37 people signed the petition against his rezoning and today 389 have signed a petition against the subject petition. He stated if Council is obligated to 37 people in Sharon Community then he feels they are obligated to 389.

Also speaking in opposition to the rezoning were Mrs. Frank Alexander, 6826 Sharon Road, Mr. George McCormick of Sharon Hills Subdivision, Mr. David Crane of Sharon Hills Subdivision, and Mr. Jeff Summers representing the people off Whistlestop Road, Mountain Breeze, Terrebone Court, and Smoothbone Court.

Mr. Howey stated they presently have R-15 zoning and can build 205 homes; they would like to see Sharon Road widened also; again today they would oppose any R-9MF zoning in the area. Small children need parks and they believe this will help as they will provide their own park. That 70 of the units will be two bedrooms; at present in the Sharon Hills Subdivision with about 60 homes built there are three 3-bedroom homes, all the rest either have four or five bedrooms.

Mr. McGarity stated he asked Mr. Howey if he requested any multi-family zoning if he would be agreeable and Mr. Howey said he would be opposed to any multi-family that was requested.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-86 BY VICTOR LEE PENNIGAR FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A PARCEL OF LAND 144' X 400' (APPROXIMATELY) ON THE WEST SIDE OF U. S. 29 (NORTH TRYON STREET) NEAR THE SOUTHERLY BOUNDARY OF HARRIS BOULEVARD.

The scheduled hearing was held on the subject petition.

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The Assistant Planning Director stated this property is located on the west side of U. S. 29 North near the intersection of Harris Boulevard; it is one lot and is occupied by a service station on the front and a couple of mobile homes on the rear portion of the lot. To the north is Harris Boulevard and basically vacant land beyond that point; to the south is a parking area that is apparently used for truck parking at times; beyond that is a motel, a few single family structures and a nursery; across Highway 29 is the Highway patrol station; then some single family structures and the Green Acres Home for the elderly.

Mr. Bryant stated there is office zoning for a short distance south of Harris Boulevard along Highway 29 including the subject property; to the rear and south of the property is the Research District; all the remaining portion of the area is Institutional District.

Mr. Eric Jonas, representing the petitioner, stated this property has been in Mr. Pennigar's family for many years; a small service station-grocery type operation has been located on the property since 1936. He stated prior to 1968 the property was zoned for B-2 the zoning they are now requesting. He stated the zoning map which was transmitted to the Inspection Department did not reflect the zoning change made in January 1968; that Mr. Pennigar received various offers from oil companies relying on the fact the property was zoned B-2. That Mr. Pennigar leased the property to a small local company, Clover Oil Company, last fall. They applied for and received a permit from the Inspection Department to construct a service station to the rear of the present station. Relying on the validity of the building permit they completed the clearing and the filling of the land at a cost of about \$1250.00; they secured delivery to the site of some cement blocks to be used in the construction of the building; relocated a septic tank and constructed additional drainage lines and entered into certain verbal contracts with brick masons and carpenters in regards to the construction.

Mr. Jonas stated Mr. Pennigar entered into a 10 year lease with the Clover Oil Company in November, calling for monthly rental payments of \$400.00 to begin May 1. Then on January 27, 1970 they were informed by the Building Inspection Department that the building permit had been issued in error and the zoning was actually O-6. He stated they have discussed this with the City Attorney's office and have determined the request for rezoning is what they should do.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-87 BY MRS. J. N. WILLIAMS AND SARAH H. HOWELL FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY AT THE SOUTHWESTERLY CORNER OF BELHAVEN BOULEVARD AND LINWOOD STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property is located at the southwest intersection of Belhaven Boulevard and Linwood Street. There are three single family residences located on the property and the fourth lot at the corner is vacant; it is adjoined on the I-85 side by a service station; to the rear down Linwood there is one vacant lot; beyond that fronting on Mt. Holly Road are a number of single family residences and a commercial building. Across Belhaven Boulevard are single family residences up Linwood Street, and another service station at the intersection; beyond that on the out-of-town side is basically vacant land along Highway 16.

There is business zoning around the interchange of I-85 on both sides of Belhaven Boulevard; the subject property, as is the property on both sides of Belhaven in the immediate vicinity, is zoned R-6MF.

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Mr. Henry Oder, speaking for the petitioners, stated the land immediately adjacent to Belhaven Boulevard is owned by the State; there is a Duke Power right-of-way of 52 feet adjacent to the property running along the south side of Belhaven Boulevard; that he has a letter from the power company in which they state their property can be used for a cross over; he stated he also has a letter from Mr. Pollard of the State Highway Commission in which he states the State is willing to sell this property under sealed bid basis to the highest bidder, and the property owners will be required to submit the minimum bids based on the State's appraisals, which the property owners have agreed to do.

Mr. Oder stated the property is owned by two widow ladies, and the granting of the request will permit them to have the highest and best use of their property. At present it is under option to a Mr. Owens who intends to develop it, if the rezoning is permitted, for a service station or a quick food place which would be in keeping with the area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 70-89 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM R-12MF TO B-1 OF PROPERTY BOUNDED BY UNIVERSITY CITY BOULEVARD (N. C. 49) AND THE OLD CONCORD ROAD, BEGINNING AT THE INTERSECTION OF THESE TWO ROADS AND EXTENDING APPROXIMATELY 1,100 FEET TOWARD MALLARD CREEK CHURCH ROAD, CONTINUED TO JUNE 29, 1970.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this petition grew out of the recent University City area rezoning. That people appeared at the public hearing and requested this particular type of action, and the Planning Commission recommends this for a change. A new public hearing was necessary because it was a change not included in the original advertisement for a public hearing.

Mr. Bryant stated this is a triangular tract located at the intersection of N. C. 49 and the Old Concord Road; within the property there is College Park Baptist Church, several single family residences, and at least one mobile home. Other uses in the area are the Alexander Tank Company, a 7-11 Store, a service station and a number of single family residences across Highway 49 from the subject property. Beyond that along Highway 49 it is a combination of residences and a restaurant.

He stated the subject property is zoned multi-family; the adjoining property on the intown side is zoned I-2 from Mallard Creek Church Road out to the property; property across Old Concord Road is zoned B-1; the other property in the area is zoned Institutional.

Mrs. Gladys Taylor stated she is one of the many neighbors who is interested in what comes under B-1; they are located between the roads and a neighbor of the Church. She stated they intend to live their lives out there. That things have come up in the community recently that are not too desirable; that Mr. Bryant mentioned a restaurant in the area and it is being told over the neighborhood that when completed it will have topless waitresses.

Mrs. Taylor stated they are interested in having something desirable and that will not be degrading to the neighborhood.

Mr. Bryant stated B-1 is a retail business classification; that anything in the retail area would be permitted - anything from a grocery store, service station to a restaurant to a drug store. Night club operation would be a permitted use.

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Mrs. Taylor stated she and other neighbors would be opposed to something like that.

Mr. Bryant stated the original zoning recommendation of the Planning Commission for this land was Institutional; it was brought out either at the public hearing or in requests discussed otherwise that the church itself requested something other than the Institutional zoning. It was primarily at the request of the church this was considered for something other than Institutional zoning. He stated with the industrial zoning on one side of the property and existing business zoning on the other it was felt business zoning would be reasonable.

Mr. Taylor stated he talked to the preacher the other day and asked him if the rezoning is approved and the church sells the property, what will be there, and the preacher replied that was immaterial to him as they would not have anything to do with it. Mr. Taylor stated if they put an office building or a doctor's office in there it will be fine, but they do not want anything that will be detrimental to their property.

Councilman Tuttle moved that the hearing be continued to June 29. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 654-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF AN ACRE OF LAND AT THE END OF MARLYNN DRIVE, NORTHEAST OF MALLARD CREEK CHURCH ROAD, AND NORTHWEST OF UNIVERSITY CITY BOULEVARD.

The public hearing was held on Petition No. 70-90 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-12MF to B-1 of an acre of land at the end of Marlynn Drive, northeast of Mallard Creek Church Road, and northwest of University City Boulevard (N. C. 49).

Mr. Fred Bryant, Assistant Planning Director, stated this request also grew out of the hearing conducted for the University area hearings. This consists of a tract of land adjacent to the Charlotte Perimeter area boundary line; part of the property involved in this situation extends beyond and into the county's jurisdictional area, and has already been recognized with business zoning as part of their zoning of this area. He stated there is an existing restaurant known as the Log Cabin Fish Camp located on the property; they are in the process of enlarging their facilities and all this came out at the public hearing, and the Planning Commission agreed to recommend this for business zoning.

He stated there is no immediate existing land uses around the property; it is well off the road, and its entrance is by way of Marlynn Drive which is off Highway 49. It is surrounded by Institutional zoning.

Mr. Robert Blackmon stated he would like to commend the Planning Commission for understanding the situation. Property that surrounds the fish camp is owned by them; they have been in business for many years and they will continue to run it as they always have been running it.

No opposition was expressed to the proposed change in zoning.

Councilman Tuttle moved adoption of an ordinance changing the zoning from R-12MF to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 160.

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RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, JULY 20, 1970 ON PETITIONS NO. 70-92 THROUGH 70-97 FOR ZONING CHANGES.

Motion was made by Councilman Alexander, seconded by Councilman Withrow, and unanimously carried, adopting subject resolution setting date of public hearing on Monday, July 20, 1970, on Petitions No. 70-92 through 70-97 for zoning changes.

The resolution is recorded in full in Resolution Book 7, at Page 102.

PETITION NO. 70-38 BY JAMES A CROCKETT, ET AL, FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF THREE LOTS AT 812, 818 AND 830 QUEENS ROAD, DEFERRED.

Upon motion of Councilman Alexander, seconded by Councilman Thrower, the subject petition was deferred one week.

PETITION NO. 70-60 BY NORA H. RAY FOR A CHANGE IN ZONING FROM R-6MF TO R-6MFH OF A LOT AT 800 QUEENS ROAD, DEFERRED.

Councilman Alexander moved that subject petition be deferred one week. The motion was seconded by Councilman Thrower, and carried unanimously.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 5:20 o'clock p.m., and reconvened the meeting at 5:35 o'clock p.m.

CIVIC CENTER COMMITTEE AUTHORIZED AND DIRECTED TO INSTRUCT ARCHITECTS TO PROCEED TO COMPLETE THE DESIGN AND SPECIFICATIONS FOR THE CIVIC CENTER BUILDING AT A TOTAL COST NOT TO EXCEED \$10,700,000.

Mr. Robert Lassiter, Chairman of the Civic Center Committee, stated the Committee is here to give a periodic report on its progress, also they have some recommendations.

He stated they have listened to many suggestions on a review of the site situation; they have investigated those that were worth an investigation, and they have remained convinced that Council made the right choice when it located the building on the second block of East Trade Street. He stated he feels the public may be somewhat confused and he feels he owes Council and the public an explanation as to why they are so committed to this particular site.

Mr. Lassiter stated very important are the repercussions that take place when this building is built; this is the reason we are building it; the reason the public is being asked to put this money into a building of this character is to cause the immediately adjacent property and surrounding property to develop. The notion has been since 1965, when this project was first studied that this development should be caused to happen in Downtown Charlotte. This is our problems; our task is to locate and build a building that will contribute to the rehabilitation of a very fast degenerating situation in Downtown Charlotte. When he says Downtown Charlotte, he does not use it loosely; he means Independence Square and as close to it as you can get. Mr. Lassiter stated the building can be located in Pineville; you can get a lot of cheap land and you can get a good site and you can have 150,000 automobiles parked within walking distance, but you would be doing the wrong thing, because this building will cause to be built the supporting facilities that will serve it. One has been announced. A full convention hotel. You will have restaurants; you will have retail stores; you will have office buildings; you will have parking; this has been the picture in the other cities that have built this kind of building.

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He stated the public is not clear on this point. We are not just trying to build this building on a good solid firm foundation; we are trying to build it within very narrow limits within Downtown Charlotte. Confusion is introduced into the picture when the public thinks you have a wider choice than you do.

Mr. Lassiter stated we are very fortunate to have the Neighborhood Development Program under urban redevelopment come at the time it did which makes the land not only available under condemnation but reimburses the Redevelopment Commission for any loss it suffers in buying and selling the land.

He stated they are here today to say they think the members of Council made the right decision; that they did a courageous thing in changing the location; they think they picked the right one when it became available, and they think it is now time to get on with the job of building this building.

Mr. Lassiter stated the public has voted \$10,700,000; today they are asking Council for a resolution directing the Committee to build this building, including land acquisition, furniture, furnishings and the entire turnkey job, for no more than \$10,700,000. He stated they do not want anyone to take the attitude that they are going to build the building and then will come back and ask for additional money. They think \$10.7 million is a generous budget and they think it will build the kind of building they should build and it is their aim and they want Council to direct them to stay within this \$10.7 million.

Mr. Lassiter stated he would suggest that Council get behind the Committee, and to stay with the location and pass a resolution directing them to build the building of approximately 150,000 square feet on this location for \$10,700,000 and no more.

Councilman Short stated he is sure that all here remember that Mayor Brookshire said that upon occasion if you explain to the people of Charlotte why something is necessary, they will pitch in and cooperate. He stated along that line for engineering reasons relating to the elevation and for reasons relating to the pedestrian mall, and for reasons relating to the railroad intersection at Second Street, and because of the small size of the Brevard Street Block, he is convinced it was necessary to abandon this block. In searching over all other available possibilities, they concluded it was necessary to adopt and approve the area now approved, which is on College Street, between Trade and Fourth, and running back to the railroad.

Councilman Short then presented the following resolution:

RESOLVED that the Civic Center Committee be authorized and directed to instruct Messrs. A. G. Odell and Associates, architects for the project, to proceed as expeditiously as possible to complete the design and specifications for the Civic Center Building to be located on the block bounded by East Trade Street, South College Street, East Fourth Street and the Southern Railway tracks.

BE IT FURTHER RESOLVED that Messrs. A. G. Odell and Associates be specifically instructed by the Committee to so design the Civic Center that it will:

1. Not exceed the total cost of \$10,700,000, including the cost of land, parking, furniture, furnishings, equipment, decorations, administration and fees, plaza and ancillary exterior area costs, and all other expenses properly chargeable to the project.
2. Include up to approximately 166,000 square feet.
3. Provide no less than 300 and up to 422 parking spaces in the area under the building.

BE IT FURTHER RESOLVED that the Civic Center Committee, as the agent of the City, is authorized and directed to proceed with the diligent and prompt execution of the project to the end that the design and specifications of the building may be completed with the objective of calling for bids for the construction of the Civic Center immediately after the City has acquired the site.

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BE IT FURTHER RESOLVED that the Redevelopment Commission be encouraged and urged to proceed with all due speed to complete the procedures necessary to acquire, clear and make the said site available for purchase by the City."

Councilman Short moved the adoption of the resolution. The motion was seconded by Councilman Tuttle, and carried unanimously.

Mayor Belk thanked Mr. Lassiter for his interest and wisdom in this aid to the City.

**PUBLIC WORKS DIRECTOR REQUESTED TO MEET WITH MR. MCNEARY AND TO LOOK INTO THE PROBLEM OF THE DUTCH ELM TREE DISEASE.**

Mr. Jack McNeary, President of McNeary Arborists, Inc., which is a private tree surgeon, stated his company is small and he only has one crew; that he would like to talk about trees. That he is not trying to solicit business but he is concerned about a problem which has come to his attention. He stated most northern and midwestern cities have been losing their elm trees rapidly over the past 40 years due to a fungus infection. The prime carrier is the elm bark beetle. He stated in the last few years we have had our first outbreak of the problem. This season it is much wider spread.

Mr. McNeary stated if as a City we ignore this problem we stand to lose our elm trees at approximately 30 percent a year. If we fight it we can slow down the elm loss to about five percent a year. At the moment there is no sure-cure for the disease, but it is very probably that in the near future it will be under control. It can be slowed. Cities which have abandoned their elms to the dutch elm disease have found they have lost approximately 85% of their entire population within a period of five year, at the average cost of removal of about \$100 a piece for each tree.

Mr. McNeary stated Charlotte's overall density of elm is quite high and the cost to the City for massive removal of dead trees would put a big dent in the budget; that it would be cheaper to try to control the disease.

He stated the fungus is the killer; its prime carrier is an elm bark beetle; the disease can also be carried by infested tools such as trimming saws; the last of the important means of transmittal is by root graft between diseased and healthy trees. Most reasearch initially has been to halt the beetle which carried the disease and spraying is partially effective; the sanitation methods are most important and extremely vital. Dead elm trees are the breeding grounds for the bark beetle. The leaving of fire wood when a tree is removed cannot be tolerated when such elm disease is prevalent. He stated three diseased elms have been taken down at the Mint Museum in the past two weeks; fire wood was left; in one square foot of bark there were initially hundreds of potential beetles to come out this season, and would spread the disease over the neighborhood. The fire wood is a problem and all diseased elms should be buried in the city dump.

He stated if a tree man removes a diseased tree and then goes to a healthy tree before sterilizing, he can pass the disease; it is a cheap measure to sterilize tools; but how many tree outfits do this?

He stated there are other diseases that are similar to the dutch elm disease and the culture of the fungus is the only true means of identifying the disease; presently the samples are sent to the plant disease clinic in Raleigh and this takes some time. For the initial identification of diseased trees we should have a means of testing here in Charlotte. Could not Central Piedmont College or the University of North Carolina at Charlotte or even Queens College be used for such purpose? In some cities, the City Forester spots such dead elms and the City sends a letter to the property owner telling him to have the tree removed in a certain period of time or the City will take down the tree and bill the property owner. He stated this would be one approach. He stated he knows of many areas in Charlotte where the disease has

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been identified; that he has sent out samples on most all of these; it would be simple to supply the city with the location of these trees so that measures can be taken for the city to alert the property owners.

Mr. McNeary stated his last suggestion is that we have someone who really knows this problem to come to Charlotte, survey the situation and make recommendations. That he would suggest a man similar to Mr. Joseph Dietrick, Superintendent of Parks and Trees of Greenwich, Connecticut. He has been working with this problem for about 40 years and could supply the city with proper guidelines; there are other people who would be as well qualified.

Mayor Belk requested Mr. Hobson, Public Works Director, to meet with Mr. McNeary and look into this problem.

#### W. J. ELVIN REQUESTS COUNCIL TO NOT CUT POLICE DEPARTMENT BUDGET REQUEST.

Mr. W. J. Elvin stated Council will soon be wrestling with the budget; that he knows it is not a light problem. He stated when it comes to the Council sharpening its pencil and cutting down, do not cut down in the Police Department, but rather add to; that we have an excellent organization there, and the Chief has already submitted what he considers a rather reasonable requirement for the next year. Mr. Elvin stated even if he is absent, to please give the Chief all Council can afford to give him.

#### COUNCIL ENDORSES DESIRE OF PIEDMONT COURTS TENANT AND WELFARE ASSOCIATION TO HAVE AN INPUT INTO THE DEVELOPMENT OF THE DAY CARE CENTER TO BE LOCATED AT PIEDMONT COURTS.

Mrs. Emma Monroe stated she represents the Piedmont Courts Tenants and Welfare Association and she read the following letter:

"We, as residents and members of the Piedmont Courts Tenants Association and low income citizens of the City of Charlotte, have recently expressed our deep concern to officials of the Housing Authority of the City of Charlotte about the construction of a Day Care Center on the 12th Street Extension. Our concern focuses around the fact that we have had no input whatsoever in the planning, building, and management of the proposed center.

As a result of our vocal expression, construction at the present location has ceased, and a meeting has been arranged for Wednesday, June 17, 1970 between a representative group of the residents of Piedmont Courts and those who seek to provide the Day Care Center and its services. We are hopeful that open and productive discussion will be exchanged, and that a viable partnership, which reflects reality and not merely rhetoric, can be established between the parties concerned.

We, like the entire community of Charlotte, have a right to services. But these services must reflect, as they do in other areas of Charlotte, the needs and desires of the particular neighborhood in question. Different neighborhoods have different needs. And only when the citizens of those neighborhoods are heard and allowed to actively engage in the decision making process can those needs be effectively provided for.

We merely ask that our right to be heard and to actively engage in the decision making process be recognized, just as the right of other citizens of Charlotte to be heard and to actively engage in the decision making process is recognized.

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We therefore respectfully request that the Honorable members of the Charlotte City Council adopt an open resolution today supporting our position in this matter and supporting our endeavor to open the door of Charlotte government to all low-income citizens of Charlotte so that we can come in and be heard and actively engage in the decision making process of that government.

Respectfully submitted,

PIEDMONT COURTS TENANTS  
ASSOCIATION".

Councilman Alexander asked if this request has been made to the Housing Authority, and Mrs. Monroe replied it has. She stated they have met with them once and there is another meeting set up for Wednesday, June 17, at the Piedmont Courts Library. She stated they also have a petition signed and there are 200 Mothers against the location of the Day Care Center because the 12th Street Extension is very busy, and they would like the Center located in a safer place.

Councilman Alexander moved that Council endorse the Association's desire to have some input into the development of the Day Care Center. The motion was seconded by Councilman Thrower, and after discussion, the motion carried unanimously.

**SITE PLAN FOR MORROCROFT SHOPPING CENTER LOCATED WITHIN AN EXISTING B-1SCD DISTRICT, APPROVED.**

Mr. Bill Hodgson, City Planner, presented the site plan and stated the land lies across the street from SouthPark Shopping Center; the proposed development will be located at Shron Road and Morrison Boulevard and the land is zoned B-1SCD.

Mr. Hodgson stated the plan will be developed in accordance with the plan as approved; the proposal includes a service station, a motel, a branch bank, a savings and loan, an office building, another branch bank and a clinic. He stated the Planning Commission has reviewed the site plan and has made some changes in the traffic circulation and the parking, and now recommends it for Council approval.

Councilman Withrow stated this is the first time he has seen this plan and he is not in a position to vote for it today.

Councilman Tuttle moved approval of the site plan as recommended. The motion was seconded by Councilman Alexander.

Councilman Tuttle stated the zoning has already been approved by Council and now the developers have come up with a plan to be approved; that Council has not studied the plan in detail; only the Planning Commission has and has approved the site plan.

Councilman Withrow asked if Mr. Hoose, Traffic Engineer, has approved the parking; that everything he hears is about the traffic problem in the area.

Councilman Short stated Mr. Hoose had no way to know that Council was going to put off the sale of the bonds for Sharon Lane until something more than a year from now, and he does not believe that Mr. Hoose or anyone could have prophesized the traffic problems that have multiplied out there at the many intersections, - that he is referring to his own comments he made about one area being walled in with traffic. That there are 666 parking places and he feels Council owes it to that general area of town to do something about the very difficult traffic situation before inviting more people to travel along the same road. He stated his conscience will not allow him to vote for this today.

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Councilman Withrow made a substitute motion to defer decision for one week. The motion was seconded by Councilman Alexander and carried unanimously.

After further discussion, Councilman Thrower moved that Council reconsider the motion to approve the site plan. The motion was seconded by Councilman Alexander and carried unanimously.

Councilman Withrow stated as this has been approved by the Traffic Engineer and the Planning Commission then he will vote for the motion to approve the site plan.

Councilman Tuttle moved that the site plan for Morrocroft Shopping Center be approved as recommended by the Planning Commission. The motion was seconded by Councilman Alexander, and after further discussion, the vote was taken on the motion and carried by the following vote:

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

ORDINANCE AMENDING CHAPTER 10, ARTICLE II OF THE CODE CONCERNING THE DISPOSITION OF GARBAGE, ASHES AND MISCELLANEOUS REFUSE, DEFERRED FOR ONE WEEK.

The subject ordinance was presented with the following changes, as suggested, incorporated in the ordinance:

- (1) Section 8, Paragraph (c) Curbside Service, in the last sentence, the words "corrugated board, kraft board" are inserted.
- (2) Section 9, Paragraph (d) Leaves, the date has been changed from October 1 through December 31 to "October 1 through January 7".
- (3) Section applying to the Central Business area has been amended to include three (3) pick-up services per week.
- (4) The effective date of the ordinance has now been changed to August 1, 1970.

Councilman Alexander asked if the matter of brush pick ups and that it had to be cut to a certain size and tied up has been changed in the ordinance? Mr. Veeder, City Manager, replied there is no change proposed in that section.

Councilman Alexander stated he is in favor of deleting that section of this ordinance at this time; that there is much merit in the criticisms that has come to Council; that it is impossible in some instances for citizens to get the limbs cut and wrapped in sizes; that perhaps it can be worked out to where it can be done, but at present he will have to agree with a lot of people who say they cannot get this done.

Councilman Alexander moved that the section pertaining to the wrapping of tree limbs, etc. be deleted from the ordinance at this time. The motion was seconded by Councilman Thrower.

Mayor Belk stated this past weekend he talked with two mayors who had just been through this procedure, and they said the only problem they had was on trash pickup and the only thing to do was to leave that portion flexible; that other than that, they had no problems.

Councilman Short stated already there is a provision that the limbs have to be cut to six feet, and all this ordinance is doing is to change it to five feet.

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Mr. Hobson, Public Works Director, stated in their explanation to Council, they said that tree limbs should not be longer than six feet with no weight restrictions; that is where they run into problems with the trunks and heavy pieces of material; that all they are doing is reducing it from six to five feet, and requesting the people to wrap the small limbs so they can handle them. If it is a Christmas tree, that is a little longer, they will still throw it on the truck. He stated if this phase of the ordinance is deleted, then he believes the ordinance is gutted. He stated they will take any limbs now that one man can handle. That if one man cannot handle them, they do not intend to take care of the limbs; that is their problem; it not only destroys the equipment but it creates health problems for their people.

At the request of Councilman Alexander, Mr. Hobson read Section 10-15(c) as proposed under the new ordinance.

Councilman Thrower stated people are really concerned about this section of the ordinance; that he is talking about the people who have grown old in this town and have raised their families here; they pay their taxes. That he thinks this is a minor thing that Council can do for our senior citizens by deleting this one portion, and that is Mr. Alexander's motion. He stated the overall ordinance has been improved, but he cannot find it in his heart to make these people tie these limbs up and he just cannot vote for it.

Councilman Tuttle stated in his yard he has 250 feet of hedge, and he has it cut every two weeks and this has to be swept up. He asked how this can be tied in a bundle? Mr. Hobson replied in that case he would use the plastic or cardboard bags. Councilman Tuttle asked why they could not be put in a garbage pail or a container? That this is not in the ordinance; it says the clippings have to be tied, and they cannot be tied. Mr. Hobson replied it is in the definition where it says they will pick up refuse in containers.

Mr. Hobson stated they would prefer it in containers rather than in bundles; then they can handle it.

Councilman Alexander stated he is in favor of the ordinance, and his only point is he cannot vote for the section that requires the limbs be tied; that the older people can trim the lower limbs of their tree but when it comes to tying them up, they cannot do it. He stated if we can come up with doing something about that part, then it will satisfy him.

Mr. Hobson stated the only restrictions at present are that tree limbs may not be longer than six feet; when the limbs are pushed into a pile then it is very difficult for the city's people to pull them out.

Councilman Withrow asked how you determine a limb from a tree; that he has seen limbs as big as his leg and they look like a tree. Mr. Veeder, City Manager, replied 75 pounds is a good limit. Councilman Withrow stated you can take three limbs as big as his arm and they will not weigh over 75 pounds but you cannot tie them up; they could be laid in an orderly pile without tying them up. Mr. Veeder stated they want to use good judgment but they need some guide lines from which to work.

Councilman Alexander asked what this part of the ordinance will do: "Miscellaneous refuse. The term miscellaneous refuse shall be held to mean all rubbish and refuse other than garbage, ashes or dead animals incident to the orderly conduct of the household. Material not required to be placed in receptacles. Shrubbery trimmings, tree trimmings, rubbish in quantities too great to be placed in receptacles shall be placed by the occupant at the front of the premises in the grass strip between the street and the sidewalk where said strips are built, or they shall be placed off that portion of the street right-of-way normally used by vehicles. Tree limbs shall not be longer than six feet in length". Mr. Hobson replied that is the present ordinance; the only control we have is that we should not be picking up tree limbs longer

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than six feet in length; no weight, no size and no determination and many people just throw them out; they are trying to get some method of helping the city and helping these people so that the city can handle it.

(COUNCILMAN TUTTLE LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

Mr. Veeder stated the complaints the Council Members receive and that are received in his office and Mr. Hobson's office are on trash collection; not on garbage collection. What we are trying to do is make it possible to give better trash collection service; we are trying to provide some guidelines on the condition of materials when we can pick it up so we can provide a uniform regular service. He stated to continue to try to provide a cadallic service - pick it up anyway it is put out there - can be done; but the City cannot afford it. The City does not have the money; if it is going to provide a uniform service that can be depended upon, we must have an opportunity to require certain things to be done in order to pick it up.

Councilman Thrower stated he is in complete agreement and he will vote for every portion of this ordinance other than that of tying the tree limbs, and he will not vote for that; that is demanding too much.

Councilman Alexander stated this is the only part he disagrees with; this tying up portion. He stated by deleting the portion of the present ordinance on the pick up of tree stumps, we are establishing control. The only thing we are doing is taking the limbs that are six feet in length and saying tie them together. He stated tying them together is the only thing he differs with at the moment; that he does not know whether the cost of his tying them up and the city picking them up is that much greater than not having to pick up the big tree stumps.

Mr. Hobson stated he does not know of any other city that has been able to come up with an answer other than tying them in some method; the main reason for this is so that one man can handle it; that is the real crux.

Councilman Short asked how the senior citizens get this out to the street without tying this up; it seems to him the tying up is the lesser of the two jobs.

Councilman Withrow made a substitute motion to defer decision on the ordinance for one week. The motion was seconded by Councilman Short, and carried unanimously.

#### CONTRACT WITH PROGRESS ASSOCIATION FOR ECONOMIC DEVELOPMENT DEFERRED.

At the request of the City Manager, Councilman Thrower moved that the subject contract be deferred. The motion was seconded by Councilman Withrow and carried unanimously.

#### APPLICATION FOR PLANNING GRANT TO ESTABLISH DETOXIFICATION CENTER, AUTHORIZED.

Council was advised that the subject application is for a planning grant for a center to be the initial point of contact for persons arrested for chronic drunkenness.

Councilman Thrower stated he talked to four members of the Board of County Commissioners to explain this application and this morning the Board of Commissioners approved their portion of the application. He stated June 30th is the expiration date for applications.

Councilman Thrower moved approval of the application for a planning grant to establish a Detoxification Center. The motion was seconded by Councilman Alexander, and carried unanimously.

CLAIM OF MRS. WILLIE MITCHELL, JR. FOR PERSONAL PROPERTY DAMAGES, DENIED.

Councilman Thrower moved that the subject claim in the amount of \$325.00 be denied as recommended by the City Attorney. The motion was seconded by Councilman Withrow, and carried unanimously.

CLAIM OF MRS. VIVIAN N. STIKELEATHER FOR PROPERTY LOSS, DENIED.

Councilman Withrow moved that the subject claim in the amount of \$150.00 be denied as recommended by the City Attorney. The motion was seconded by Councilman Thrower.

Councilman Short asked if this lady is not protected by Section 10-15(a); it appears to him she could assume from that section that if the items are not in receptacles they will not be picked up; that section requires it be in receptacles? Mr. Charles Buckley, Assistant City Attorney, replied admittedly it should not have been picked up because it was not in a receptacle but the city is still protected by its governmental immunity; this was an error on the part of the city employee but the city cannot be bound by the error of the employee; this would be a private matter between the lady and the individual employee.

Councilman Short stated the law says if it is not in a receptacle it will not be picked up; she had the various items there that were not in receptacles and they were picked up. Mr. Buckley stated the basis for the decision is not necessarily contributory negligence on her part; it is the fact the city cannot waive its governmental immunity in this situation.

The vote was taken on the motion to deny the claim and carried unanimously.

SPECIAL OFFICER PERMIT AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, authorizing the renewal of a Special Officer Permit to Mr. Willie Joel Vincent for use on the premises of K-Mart Stores for a term of one year.

APPRAISAL CONTRACTS, APPROVED.

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

- (a) Contract with B. Brevard Brookshire for appraisal of one parcel of land at a fee of \$250.00 for the Heatherstone sanitary sewer.
- (b) Contract with L. H. Griffith for appraisal of one parcel of land at a fee of \$250.00 for the Heatherstone sanitary sewer.
- (c) Contract with Harry G. Brown for appraisal of one parcel of land at a fee of \$3,000 for the Eastway Drive Widening.
- (d) Contract with D. A. Stout for appraisal of one parcel of land at a fee of \$3,000 for the Eastway Drive Widening.
- (e) Contract with B. Brevard Brookshire for appraisal of 13 parcels of land at a fee of \$125.00 each for the Open Space N. C. Project.
- (f) Contract with Alfred E. Smith for appraisal of 13 parcels of land at a fee of \$125 each for Open Space N. C. Project.

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PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 28.6 acres (935.6' x 1,550' x 1,220' x 657') on Old Dowd Road at Warren Road, from Nora Mae Bigham Price, widow, at \$114,440.00 for the Airport Expansion.
- (b) Acquisition of 2.24 acres (465.02' x 270' x 413.57' x 270') on Old Dowd Road at Warren Road, from Nora Mae Bigham Price, widow, at \$10,000.00 for the Airport Expansion.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, approving the following streets be taken over for continuous maintenance by the City:

- (a) Mt. Kisco Drive, from 140 feet north of Log Cabin Road to 850 feet northwest of Log Cabin Road.
- (b) Burnwick Court, from Mt. Kisco Drive to 250 feet southwest of Mr. Kisco Drive.
- (c) Plumstead Road, from 180 feet west of Cricketeer Drive to 170 feet east of Northbrook Drive.
- (d) Viewmont Drive, from 195 feet north of Cove Creek Drive to 600 feet north of Cove Creek Drive.
- (e) Farmway Place, from 535 feet west of Viewmont Drive to 250 feet east of Viewmont Drive.
- (f) Bridlewood Lane, from 366 feet southwest of centerline of Rupert Lane to 372 feet northeast of centerline of Rupert Lane.
- (g) Rupert Lane, from 185 feet southeast of centerline of Bridlewood Lane to 600 feet north of centerline of Bridlewood Lane.

TRANSFER OF CEMETERY LOTS, APPROVED.

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

- (a) Deed with Mrs. Mary J. Bumgardner, for Graves No. 1 and 2, in Lot No. 708, Section 6, Evergreen Cemetery, at \$160.00.
- (b) Deed with Carl E. Kampfmüller, for Grave No. 2, in Lot No. 198, Section 2, Evergreen Cemetery, at \$80.00.

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ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Upon motion of Councilman Withrow, seconded by Councilman Thrower, and unanimously carried, the following ordinances were adopted ordering the removal of weeds and grass at the following locations:

- (a) Ordinance No. 655-X ordering the removal of weeds and grass adjacent to 336 Yeoman Road.
- (b) Ordinance No. 656-X ordering the removal of weeds and grass adjacent to 3017 Shamrock Drive.
- (c) Ordinance No. 657-X ordering the removal of weeds and grass adjacent to 1910 Washington Avenue.
- (d) Ordinance No. 658-X ordering the removal of weeds and grass adjacent to 1905 Washington Avenue.
- (e) Ordinance No. 659-X ordering the removal of weeds and grass adjacent to 1805 Kennesaw Drive.
- (f) Ordinance No. 660-X ordering the removal of weeds and grass adjacent to 3928 Plainview Drive.
- (g) Ordinance No. 661-X ordering the removal of weeds and grass at 411 Whitehaven Drive.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 161.

ORDINANCE NO. 662-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 940 NORTH CALDWELL STREET, PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, adopting subject ordinance ordering the removal of an abandoned motor vehicle located at 940 North Caldwell Street.

The ordinance is recorded in full in Ordinance Book 17, at Page 168.

CONTRACT WITH KISER BROTHERS SALVAGE, INC., FOR THE DISPOSING OF UNCLAIMED MOTOR VEHICLES, APPROVED.

Councilman Thrower moved approval of a contract with Kiser Brothers Salvage, Inc. for the disposing of unclaimed motor vehicles at a fee of \$1.00. The motion was seconded by Councilman Short.

Councilman Short asked what the safeguards are that would keep the city from getting someone's cars that has not been abandoned?

Mr. Bobo, Administrative Assistant, replied there are three safeguards; (1) The Community Improvements Division Inspector makes an appraisal; (2) The Police Department makes an appraisal; and (3) a wrecker company makes an appraisal. Also the cars are held for a minimum of 15 days and in some cases 30 days; it depends on the statute as it applies to the value of the car. The City tries to locate the owner; but in most cases the wheels and motors are gone; that this is not cars that are operable.

The vote was taken on the motion and carried unanimously.

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CONTRACT AWARDED HARTSELL BROTHERS FENCE FOR CHAIN LINK FENCE FOR THE  
CEMETERY DEPARTMENT.

Upon motion of Councilman Withrow, seconded by Councilman Thrower, and  
unanimously carried, the subject contract was awarded the low bidder, Hartsell  
Brothers Fence, in the amount of \$3,427.54, for chain link fence for the  
Cemetery Department.

The following bids were received:

Hartsell Brothers Fence	\$ 3,427.54
Wilson Fence Company	4,900.53

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk