

A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber in the City Hall, on Monday, June 19, 1967, at 2:00 o'clock p.m., with Mayor pro tem Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire.

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 Sibley, Commissioners Ashcraft, Gamble, Godley, Stone, Tate and Turner.

ABSENT: Commissioners Olive, Toy and Wilmer.

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INVOCATION.

The invocation was given by Reverend J. B. Humphrey of the First Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Stegall, seconded by Councilman Jordan and unanimously carried, the Minutes of the last meeting of June 12th were approved as submitted.

HEARING ON PETITION NO. 67-32 BY K. O. HOBBS FOR CHANGE IN ZONING FROM R-9 TO R-9MF OF TRACT OF LAND EAST OF PINEVILLE ROAD EXTENDING TO NEAR SUGAR CREEK ON THE EAST, SHARON ROAD WEST ON THE SOUTH AND NEAR SHERBOURNE DRIVE IN STARMOUNT ON THE NORTH WITH MAXIMUM DIMENSIONS OF 2,075 FEET X 2,916 FEET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is a tract of land approximately 75 acres in size to the east of Pineville Road, extending almost to Sugar Creek, north of Sharon Road West, just a short distance from the southern extremity of the Starmount Subdivision area.

He stated the property is vacant and is bounded on the north by the Starmount area which is completely developed for single family area, this being Thorncliff Drive, Sherbourne Drive and Watercrest Drive, near Sugar Creek; all of this area is built up as single family development. Along Pineville Road, to the front of the property, there is some scattered commercial development - the Larry Smith Chevrolet building is located here and other notable feature in this area is Wilmuth Hospital which is located off Sharon Road West. There are several single family residential structures along Sharon Road West. Everthing to the north, east and to the south of the subject property is zoned R-9. The property to the west, extending toward Pineville Road, is already zoned R-9MF and a strip of land 400 feet in depth along Pineville Road itself, is zoned B-2 business.

Mr. Bryant stated the subject property is part of a larger tract that extends all the way to Pineville Road which means that a fourth of the property is already zoned for multi-family uses and this approximately 75 acres is the portion that is requested to be changed from single family to multi-family zoning.

Councilman Tuttle asked Mr. Bryant if the 150 foot section of Sherbourne Drive on which we have a protest filed, is sufficient to invoke the 20% Rule? Also, who owns the 150 feet from the rear of these houses to the site of these apartments? Mr. Bryant replied the petitioner is also the owner of that land. Councilman Tuttle stated this puts the people in the position of not being within 150 feet and asked if there is any other land within the 100 feet where the protest petition could have been invoked, had they exercised the right? Mr. Bryant stated he did not believe so because a similar strip was left on the east side next to the creek and on the south side toward Sharon Road West and the property on the west side is under the same ownership so he does not believe that there is any property around that could have invoked the 3/4 Rule.

Councilman Tuttle stated the record should show that the protest petition was not sufficient simply because of the buffer, no one lived near enough. Mr. Bryant stated the owner has left it out of the requested area for rezoning which would mean that it could ultimately be used only for single family purposes, if at all.

Councilman Stegall asked Mr. Bryant how these people would be able to get into this project, is there a proposed roadway to the south to Sharon Road West? Mr. Bryant stated the primary frontage of this property is on Pineville Road and he would assume their entrance would be that way but the petitioner will present a site plan to Council which will show the main design of the project which should include their way of access.

Mr. Jesse Waller, of Lone Star Builders, stated he plans to build Charlotte's first completely planned apartment community and is asking that only 75 acres be rezoned from single family to multi-family. He stated he has left a buffer zone of 150 feet which is to be a greenway; this residential community will have around 1800 units when completed; the complex will include a small shopping center, a large recreational center with a full-time social director; it will have a nursery, kindergarten, nature trails, camping grounds, Little League baseball and football fields. There will be a village green along the 150 feet and two down the center of the property.

The project will have skating, bridle paths and walks for pedestrians with two large existing lakes. He presented maps of the proposed project. This community will take about three years to build at a cost of around \$15 million dollars, and will produce around \$250,000 a year in revenue when it is completed and taken into the city.

Mayor pro tem Whittington asked Mr. Waller how much of this property is now zoned R-9MF? Mr. Waller stated about 105 or 110 acres. Councilman Tuttle asked how many acres in all and Mr. Waller replied 212 acres.

Mr. Waller stated one entrance will be at Hebron Road, in front of J. A. Jones, and several hundred feet down will be another entrance on Pineville Road. Councilman Stegall asked if any traffic would be coming through the single family residential area? Mr. Waller stated no, this 150 foot section is already single family and will remain single family.

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Councilman Smith asked if these are going to be townhouse units? Mr. Waller stated they will be townhouses and flats and the rents will be from \$110 for one bedroom, \$135 for two bedroom and \$185 for three bedroom.

Councilman Tuttle stated that Mr. Waller did not point out that a lot of this land is unuseable land in the flood-plain. Mr. Waller stated he had a topo of this land and the bottom part of this land is all flood plain which will be used for recreational areas - approximately 30 acres which he plans to use strictly for recreational uses along Sugar Creek. Councilman Tuttle asked if the shopping center would be on Pineville Road and Mr. Waller replied it would.

Mr. Joe T. Hand, 7032 Sherbourne Drive, stated the residents are concerned about how close the buildings will come to the greenway or buffer zone. Mr. Waller replied the project would be within 100 feet; if you live on Sherbourne it would be 250 feet to the nearest building from the back of your lot. This area would remain wooded and untouched and he is not asking for that portion of land to be rezoned.

Mr. Hand asked about the streets of Thorncliff and Watercrest? Mr. Waller replied they will stay as is.

Mr. Hand asked Council's position on opening the street that Ervin has left dead-ended. Mr. Veeder replied he believes the petitioner had no plans to extend the street but normally the Planning Commission Staff would have the opportunity to review the plat on this and make suggestions. Mr. Bryant stated he does not know if Mr. Waller is anticipating public streets as part of his layout within the property. If he is thinking in terms of this, then it will have to come through the Planning Commission for subdivision approval. That there is one stipulation in the subdivision ordinance that states existing streets shall be extended on their proper projections. This is to cut out a lot of dead-end streets over town in order to provide cross circulation within areas. If he is intending to process it under the subdivision ordinance, the Planning Commission would have to reserve judgement on that until they saw the plan itself.

Councilman Tuttle asked Mr. Waller whether he plans private streets? Mr. Waller replied they will be private streets. Mr. Bryant stated in that case they would have no jurisdiction in the matter.

Mr. Hand asked what legal grounds would they have to insure that these streets would stay dead-end to cut out the traffic? Councilman Tuttle replied the 150-foot back there looks like a ravine to him as it goes straight up and to cut through it would be a little impractical.

Mr. Veeder stated if Mr. Waller intends to develop the project with private streets this would fix the possibility of just that, and it is doubtful if they came back at a later date to convert these streets, that it would be acceptable to the Planning Commission. That this type of assurance would tend to give Mr. Hand what he is saying he would like to have.

Mr. Joe Culbreath, 7139 Sherbourne Drive, stated he along with the other residents of Sherbourne Drive, oppose any rezoning of this property as it is more conducive to the single family zoning; they have an attractive, well built subdivision and feel that multi-family in a density such as this would only degrade their property which is a life time investment; that it is hard for them to see that such a development could be adjacent to them; not only will it further overcrowd the crowded schools but densify the traffic in the area. They feel the property should remain single family dwelling. Councilman Short asked Mr. Culbreath how far his home is from multi-family zoned land now, and he replied he did not know.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-33 BY WELDON B. WILLARD FOR CHANGE IN ZONING FROM R-9 TO R-9MF AND B-1 ON PROPERTY AT THE SOUTHEAST CORNER OF NATIONS FORD ROAD AND ARROWOOD ROAD WITH A TOTAL DIMENSION OF 300' X 1,142'.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located at the southeast corner of Nations Ford Road and Arrowood Road; the property is divided into two tracts, the first one having a depth of 300 feet from the center line of Arrowood Road, extending down Arrowood Road from Nations Ford Road, 637 feet. This is the portion requested for B-1 category, the remaining portion of this property extends on down Arrowood Road an additional 504 feet and is the portion that has been requested for multi-family zoning. The line 350 feet south of the centerline of Arrowood Road is the perimeter boundary line and this is the extent of the City of Charlotte's jurisdiction in zoning matters so at the present time the property beyond this point is not zoned at all. The subject property is vacant as is most of the area around it; there are a few homes scattered along Nations Ford Road, the closest non-residential use is the WBT Radio Transmission Towers which are adjacent to the overall tract of land that is involved at this point. The Nations Ford Elementary School is also located near this point and the largest single family residential area is British Woods Subdivision. Everything in the area is zoned R-9.

Mr. Robert Perry, Attorney, stated he represents the proponents and the petitioners. That he could almost present this case by asking Council and the Commission to look at the Berryhill-Steele Creek General Development Plan which was published by the Commission in October of 1966.

Page two of the General Development Plan pamphlet reads, "Basically the plan establishes a general land use pattern by allocating land for various purposes and amounts most appropriate for each use. What are the objectives of the plan? It is to prevent unorganized and unplanned commercial development along major roads by encouraging, where feasible, commercial clusters around intersecting thoroughfares and prohibiting large quantities of commercial activities in between". On Page 10, it reads, "When commercial development tends to scatter along both sides of major thoroughfares for blocks or miles, the traffic carrying capacity of these roads is reduced; traffic hazards are created, and frequently a blighting influence is created on adjacent property. In order to prevent this the plan proposes that business be clustered usually at major intersections". He stated the plan tentatively establishes the very intersection that he is talking about as a business property for commercial usage; the plan points out that it will be recommended that Arrowood Road which leads from Pineville Road will be extended to Brown Grier Road; it also recommends that the curve in Arrowood Road be straightened. That means the people who are working on this recommend that Arrowood Road be a through road, leading all the way from Pineville Road to Steele Creek Road. It is now an intersection of two arterial streets. At this particular time there is not an awful lot of traffic traveling on it as there are only around 5800 people living in Steele Creek-Berryhill area at this time. But there are going to be many more; and it is projected that this population will increase rapidly and there will be developments.

Mr. Perry stated that John Crosland Company is planning a subdivision very close to this property. That planned for this intersection is a neighborhood shopping center. John Crosland Realty Company is the developer and they feel this will be an ideal place for a shopping center as it will serve a real need in the community and with the subdivision the John Crosland Company will build and with British Woods in the area, it will be a real convenience

for the people in the area. That Crosland is not asking that the entire property be rezoned for business use; they will create a buffer zone by having most of the property zoned R-9MF which will step the zoning down gradually rather than being a spot situation. The property at the rear is not even subject to the zoning ordinance at this particular time.

Mr. Perry stated the radio towers are adjacent to the property and there is also a mobile home village next to the radio towers which has about 40 mobile homes in there, and they do not feel the property can be used advantageously for residential purposes; it is not the character of this particular area. It is an opportunity for the City to get involved in the general plan for the whole area and enter into a zoning situation where people who have not moved into this area will be well advised as to what will be at this corner.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-34 BY COCA-COLA BOTTLING COMPANY FOR A CHANGE IN ZONING FROM O-15 TO I-1 OF A TRACT OF LAND ON THE WEST SIDE OF DILLARD DRIVE, BEGINNING 354 FEET SOUTH OF MILTON ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised that Dillard Drive is almost at the very end of Milton Road, just before you reach Hickory Grove-Newell Road, and is part of what was the Norfolk-Southern Railroad property. The subject property is on Dillard Drive which leads off to the right of Milton Road; that it goes down and dead-ends at the Norfolk-Southern tracks; there is one very large use at the end of the road which is the Dixie Tag & Label Company; other than that the entire area is vacant in the immediate vicinity. The subject property fronts 450 feet on Dillard and extends back on its longest side 836 feet. There are two or three houses across Milton Road near the entrance to Dillard Drive and he pointed out the Church and entrance to Grove Park on Hickory Grove-Newell Road.

Mr. Bryant stated in 1962 when the present zoning ordinance was adopted there was considerable discussion and thought given to the zoning plan in the area because of the introduction of the industrial usage in the Norfolk-Southern Industrial Park area. As a result, most of the railroad property is zoned industrial - either I-2 and some I-1. The subject property as is all the intervening area out to Milton Road along Dillard Drive is zoned O-15. It was set up as an 800 foot area back from Milton Road for some protection to the neighborhood. It is R-9MF on the opposite side of Dillard Drive, going from that point out to Newell-Hickory Grove Road; there is a B-1SCD area located at the intersection of Hickory Grove-Newell Road and Milton Road. It is zoned R-9MF on the north side of Milton Road.

Mr. Ray Bradley, Attorney for the petitioner, stated in order to give better service to its customers and to its distributors, Charlotte Coca-Cola Bottling Company has decided it wants to build service and distribution centers in the outlying areas of Charlotte at various points. For the eastern side of town, the Hickory Grove area has been found to be the best location. The property is 350 feet from Milton Road south on Dillard Drive and is a piece of a large tract of land which fronts approximately 2100 feet on the south side of Milton Road and extends back 800 feet from Milton Road and is zoned O-15. It backs up to I-2 which extends all the way back to the railroad; across Milton Road the property is zoned R-9MF with the exception of one piece of property at the corner of Milton Road and Newell-Hickory Grove Road which is B-1 - this piece of property is

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owned by Humble Oil & Refining Company but he has no idea what the contemplated use is. The entire area on the south side of Milton Road going west towards the Plaza 7/10 of a mile from Dillard Drive is completely vacant as is the south side of Milton Road all the way up to Hickory Grove-Newell Road. The nearest use on Newell-Hickory Grove is 3/10 of a mile. Across Milton Road and approximately 500 feet down the road from Dillard Drive is a Duke Power Substation; then three houses sitting on large tracts of land right across Milton Road; the Norfolk-Southern mainline is about 800 feet to the rear and on it is located the Dixie Tag and Label Company. He passed around four pictures of the area showing the open space in the area.

Councilman Tuttle asked if this building will follow the same design in landscape and architectural design as the present building, and Mr. Bradley replied that it will. Mr. Bradley stated if this were zoned I-1 there would still be left between this property and Milton Road an area of about 350 feet zoned O-15; it is a wide open area and is conducive to this particular change at this time as it will fit into the pattern that will make this a well planned area.

Mr. George Synder, President of Charlotte Coca-Cola Bottling Company, stated he has with him some pictures of buildings of the type they will build here. That someone has said they do not have the most outstanding building in town but they try to have; they do not plan to move the one on Morehead Street away but they are closed-in there and do not have enough space for parking. Mr. Synder stated the building is of a prefab type of construction and they always decorate their grounds. That they try to present a beautiful building and grounds for the city, community and themselves as well as their customers.

Councilman Tuttle stated he has a selfish motive in asking about the beautification because almost always in these areas, the first thing that goes in there sets the pattern, and if Coca-Cola does go out and sets the pattern with a good looking building that is what the area will become. Mr. Snyder stated this is what they plan to do.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-35 BY ROBERT F. HUNTER, TRUSTEE, FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A TRACT OF LAND BEGINNING 300 FEET EAST OF DERITA AVENUE AND 188 FEET NORTH OF HUNTER AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the property is located to the east of Derita Road and is a tract of land which does not come all the way out to Derita Road; there is already an area zoned B-2 for a depth of 300 feet along Derita Road. As you go out Derita Road, he pointed out the Southern Bell Telephone installation on the right, then beginning at Hunter Road are some miscellaneous retail stores and a library building on Hunter Road just behind the stores, and as you continue up Derita Road there is a furniture store, machinery work on the corner and a garage and service station; at the corner of Mallard Creek Road is a farm equipment sales. The uses adjacent to the property in addition to the ones mentioned is considerably residential along Hunter Road - primarily single family with one duplex in the area; there are several small residential structures on

Derita Road and some scattered residential structures down Mallard Creek Road. The railroad is immediately parallel to Derita Road; across the railroad in addition to the post office is a row of single family residential development along Derita Avenue. Other than that the area to the east of the property is all vacant.

Along Derita Road the zoning is B-2 and extends back adjacent to the subject property for a depth of 300 feet; the subject property to the north is a continuation of the B-2 zoning, and then you get into R-9MF along Mallard Creek Road. Across the railroad is R-12 in the area that is developed for single family uses already. The subject property is 180 feet in depth along the northern part of the property and extends out to 460 feet in depth in the southern part and is 1,370 feet in depth along its long length. If this change is granted, there will be a total of approximately 480 feet in depth on the north side and about 760 feet in depth on the south side. At the present time, the zoning line splits the property - the front part is zoned B-2 and the rear part is zoned R-9MF.

Mr. Frank Snapp, Attorney for Mr. Robert F. Hunter, who owns the property as trustee of a trust, stated this was the old B. F. Hunter home place and after Mr. Hunter's recent death, the old house became unencumbered and the house is falling in disrepair and no one is living there. The property is not suited for multi-family use; the development along Derita Road is for business uses - telephone company, filling stations, various businesses - all fronting along Derita Road making the use of the rear portion practically impossible for residential development. The rear portion also falls off rather steeply which would make it almost impossible to develop for residential purposes and there is really no market in Derita for much multiple family housing developments. Since the property has access to Derita Road, it is felt it could become economically useable if the whole tract were zoned B-2 and changed in the rear portion from multi-family to B-2.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-36 BY R & G CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT 140' X 145' AT THE SOUTHWEST CORNER OF EASTWAY DRIVE AND HILLIARD DRIVE.

The scheduled hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, pointed out the property is at the interesection of Eastway Drive and Hilliard Drive; this is right at the creek just opposite the park. There is a building on the subject property being used for office purposes. There has been moved onto the property a mobile home or trailer which is also being used for office purposes; the adjoining property along Hilliard is single-family use on both sides; property immediately across from subject property is vacant - the park is along the creek and is near the Methodist Home property; there is a Mormon Church on Hilliard and also a church located on Eastway Drive; there is a business section around the intersection of Shamrock and Eastway. There are single family residences along Eastway Drive. The property on the east side of Eastway Drive, opposite the subject property, is all zoned multi-family, the subject property as well as all the property on the west side of Eastway Drive is zoned single family. There is multi-family beginning at Hilliard continuing to a small office zoned area at Springway and then you get into business zoning at Shamrock and Eastway.

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Councilman Tuttle asked Mr. Bryant how the office structure got into there, was it on the grandfather clause? Mr. Bryant replied the office itself is a grandfather use situation; the trailer or mobile home is a violation and the Building Inspection Department has instructed the owners to remove this trailer and suspended action pending the result of this zoning matter.

Mr. Ernest DeLaney, Attorney for the petitioners, stated Council's decision on this matter will not affect the use of this land but their decision will affect whether a nice, modern office building will be on the land which will be a credit to the neighborhood or whether he will have to continue to use what he has under the grandfather clause. This building has been used as an office in excess of 10 years and recently Eastway Drive was widened, making it a four-lane road and it is heavy with traffic. This particular lot backs up to the creek and this makes it unsuitable for any residential purpose the way it is. If it were not used as an office, it would have no economic value at all. The owners of this property, R & G Construction Company, are a small, local company; they have four employees working in the office. They desire to modernize the office building presently existing and, of course, they can't do it under the present grandfather clause. He stated the decision is not whether this will be used as an office but whether or not it will be a modern, nice looking, attractive office in the community which will return revenue to the city based on its value, or whether it will continue to be used in its present condition which is perfectly legal under the grandfather clause.

Councilman Stegall asked what type of construction company this is?

Mr. DeLaney stated primarily utility construction; there is no storage of any type at this location, this is purely and simply office, no equipment, nor storage of any equipment. The girls working there are primarily payroll clerks and that type.

Councilman Stegall asked if there was a dwelling house on this property?

Mr. DeLaney answered no, at the rear of it is a creek; there is a house on Hilliard on the next lot and if he was living there he would much rather have a more attractive, more modernized office building next to him than one that was gradually running down, needing repairs that would be used until it finally fell down.

Councilman Stegall asked what is the purpose of the trailer? Mr. DeLaney stated the trailer was actually being used for additional office for a special project and was put there for a temporary use and the Building Inspection Department has agreed to suspend any action pending the outcome of this matter. Councilman Stegall asked if this zoning change is not granted, does that mean that they will have to move the trailer off and as they do not have enough space in the present facility, they are going to have to move out or do something with it? Mr. DeLaney replied they are going to continue to use it as an office regardless of the action the Council takes on the zoning request because it has no other usage because it is on Eastway Drive and on the creek; and it is below grade.

Mr. Veeder, City Manager, asked what is the relevancy regarding the trailer whether this is or is not approved; does the trailer have to go in either event? Mr. DeLaney said he thought so, the owner has plans to remove the trailer within the immediate future, possibly in the next two or three weeks.

Mayor pro tem Whittington stated he has a copy of a letter written by Mr. Carstarphen, Administrative Assistant, to Mr. Austin on Palm Avenue who objected to this and it stated the City is waiting until today to enforce the ordinance.

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Mrs. D. L. McLaurin, 2921 Palm Avenue, stated they have no fault with R & G Construction Company as it was. Their question is, if this is zoned business, they have no place to expand - so therefore, if they expand, they will sell and they feel that this spot zoning will be the "crack in the dike". They all own their homes in that neighborhood and try to keep them up, they have all made improvements, in fact, three years ago she went to the expense of an additional \$5,000 to their home because they liked the neighborhood as it was. She stated they have a park across the street and their children have a hard enough time crossing Eastway Drive now and they would like, if possible, to keep business out.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-37 BY THE FIRST UNION NATIONAL BANK OF NORTH CAROLINA, TRUSTEES, FOR A CHANGE IN ZONING FROM R-9 TO B-2 OF A TRACT OF LAND 200' x 400' BEGINNING 400 FEET NORTHEAST OF INDEPENDENCE BOULEVARD AND 1,065 FEET SOUTHEAST OF FARMINGDALE DRIVE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this tract of land is located to the northeast of Independence Boulevard. The landmark most familiar is the City Chevrolet site which is on Farmingdale at Independence; adjacent to the City Chevrolet is the Bill Beck Used Car Lot and then this property is immediately adjacent to that.

The frontage portion of this property is already zoned B-2 to a depth of 400 feet back from Independence Boulevard; the total depth of this property is 600 feet back so this request is for the rear 200 feet of this property to be changed to B-2 so as to be the same as the front 400 feet. There are a number of business uses along Independence Boulevard in addition to City Chevrolet and Bill Beck Ford; across the street from it you have Gottlieb's Store, a furniture store, a restaurant, and a machinery sales place. There are a number of business uses along Independence Boulevard; at the intersection of Idlewild, there is a service station on both corners. The nearest residences to this property would be those along Amity Place, which has single family residential structures along both sides. There are single family residences along the side streets on the other side of the Boulevard but are somewhat removed from the subject property. The zoning of the property along Independence Boulevard for a depth of 400 feet is B-2, with the exception of the City Chevrolet site which is zoned somewhat in excess of that, about 600 feet at one end and almost 700 feet along Farmingdale itself. Other than that the property in the immediate vicinity is all zoned R-9 single family.

Councilman Tuttle asked why this is going to set so far back? This is a case where we broke precedent and went beyond the 400 feet; why does it have to be so far back? Mr. Bryant replied the bank does not propose to use this as a bank site. They have a buyer for it for another purpose who will utilize the full 600 feet of depth instead of just the front part of it. Councilman Short asked who the bank is the trustee for. Mr. Bryant stated it is the Wallace estate.

Councilman Jordan asked how far this is from the residential property? Mr. Bryant replied between 300 and 400 feet to the rear of the lots on Amity Place. Councilman Tuttle asked if the question here is whether we live with the 600 odd feet City Chevrolet's got and leave it or whether we go ahead and just keep on breaking down the 600 feet clear down Independence Boulevard which is what will happen? Mr. Bryant replied this

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is basically the decision that is to be made and the question is now whether you continue this on out.

Mr. Bob Neal stated he is the selling agent on this piece of property which is being purchased by Ford Leasing Company for a Lincoln-Mercury Distributorship which will be Boroughs. This property will be closed out in their name this Wednesday or Thursday. There is only 300 to 400 feet to the rear over to Amity Place and better than 600 feet to the rear of that line as measured on the plat. They will use this mostly for parking of automobiles the same as City Chevrolet. Bill Beck is already under construction with his Pontiac Dealership and they are asking for this additional 200 feet primarily for the parking of their automobiles.

Councilman Tuttle asked if this purchase is going to be consummated Wednesday or Thursday? Mr. Neal replied the option has been exercised and the money will change hands this week. Councilman Tuttle asked if this was before they found out whether they can use it for this purpose? Mr. Neal replied that is right.

Councilman Short asked if this would be subject to provisional closing out? Mr. Tuttle replied no, Mr. Neal said consummated.

Councilman Short stated in connection with the question about the footage to the rear there, he believes one gentleman was talking about the footage up to the rear of the lot on Amity Place and the other was apparently talking about the distance all the way to the paved street itself. Mr. Bryant stated there also is a difference in how you measure it, if you take the distance from one corner back, it would be at least that amount but from the nearest corner to the rear of the lot on Amity Place, it would be between 300 and 400 feet.

Mr. Neal stated this is only a continuation of what has already been created with City Chevrolet and they are trying to stay within the conformity of what they already have. Councilman Tuttle stated you are assuming that Council will continue to make the same error clear out to Independence Boulevard. Mr. Neal stated this point is heavily commercialized and they are trying to keep far away from any residential property to make the best utilization of the land.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-38 BY WILLIAM LARRY TEMPLETON FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT AT 219 MARSH ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is a single lot on Marsh Road, one parcel removed from South Boulevard. This property is immediately adjacent to the Sedgefield Shopping Center along South Boulevard. The nearest use in the shopping center associated with this lot is a bank. Directly across Marsh Road is a lot that was rezoned for business purposes about a year ago and is presently occupied by a drive-in dairy products facility. The Krispy Kreme Donut Shop is on the corner of Marsh and South Boulevard. Down Marsh Road adjacent to the property is entirely single family uses on both sides of the street. The Sedgefield Apartment area is to the rear along Elmhurst and a number of other streets.

The property along South Boulevard is zoned B-2; the lot directly across the street is B-2; the subject lot^{as} is all the property on Marsh Road leading away from South Boulevard and is R-9. Immediately to the rear of the property is an area of office zoning on Elmhurst and then multi-family zoning in the Sedgefield Apartment area.

Mr. James Talley stated he represents the petitioners, Mr. and Mrs. William L. Templeton, and the proponents, Marsh Realty Company. He stated the property is surrounded on three sides by property other than residential at the present time. Across the street is a Mr. Fresh Drive-In convenience store. He passed around pictures for the Council and Commission to view explaining each. He stated three sides of the property are either B-2 or O-6 and the property to the east is R-9.

Mr. Talley stated the bank which was shown in one of the photographs has been there since 1952 and has not been modified. The bank cannot serve its customers as it has reached the saturation point and the requested rezoning will allow for the expansion of the bank. There will be another drive-in facility which will give two drive-in windows and will allow traffic flow through the shopping center during the rush hours. At the rear of the bank on the subject property it is proposed to use the property as a parking lot. By putting in the additional window, it cut out their parking area so they moved it to the rear to get the congestion out of the area, and it will also be used as an egress after the customers have completed their transactions at the drive-in window. They thought at one time they would use this as a conditional use for parking but it was brought out that some question could come up in the future about the fact that it was being used for more than merely a parking area because it would become an egress. The reason for the request is so that the bank can enlarge its facilities and better serve the neighborhood. The bank growth is approximately 10% per year and since 1952 it has gotten out of hand and they feel they cannot serve their customers. They have a 275 car per day rate for use of the drive-in window.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

ORDINANCE NO. 639-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CODE OF THE CITY OF CHARLOTTE CHANGING THE ZONING OF PROPERTY IN THE AREA BOUNDED BY WOODLAWN ROAD, OLD PINEVILLE ROAD, LISSOM LANE, SOUTHERN CROSSLINE RAILROAD AND GENERAL YOUNTZ EXPRESSWAY.

The public hearing was held on Petition No. 67-39 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF, R-9MF, B-2 and I-1 to I-1 and I-2 of property in the area bounded by Woodlawn Road, Old Pineville Road, Lissom Lane, Southern Crossline Railroad and General Yountz Expressway.

Mayor pro tem Whittington asked if this petition is the result of a zoning request before Council in the past two or three months for a change to I-2 of property on the Old Pineville Road, along the railroad? Mr. Bryant Assistant Planning Director, replied in part; that case brought to their attention some of the things that were happening in this area and the need for some overall appraisal of the zoning in the area.

Mr. Bryant stated the subject property is a rather large area; in total it consists of approximately 200 acres of land, the vast majority of which is

zoned I-1 and this petition would propose to change it to I-2. All the property to the east of Nations Ford Road, south of Woodlawn, west of Old Pineville and east of the crossline railroad is now zoned I-1 and they propose to change it to I-2. The small triangular shaped parcel bounded by Woodlawn Road, Nations Ford Road and the Expressway is zoned partially B-2 along Woodlawn Road, and then there is a small amount of R-6MF, which is completely enclosed by the Expressway, the present industrial zoning and the present business zoning. There are some very small parcels on the west side of the expressway that were cut off by the expressway and are zoned R-6MF, and they propose to change those to I-1. There is an area that is bounded by the expressway, Nations Ford Road and Ridgeway presently zoned R-9MF and they propose to change that to I-1.

Mr. Bryant stated the uses in the area have been changing very drastically over the last few years. In 1962 when the vast majority of the property was zoned I-1, the I-1 classification was placed on it primarily out of consideration of the residences still in the area. There was a large amount of industrial zoning already on the north side of Woodlawn Road, between the railroad and South Boulevard, and to the south of the property. In the five and half years since the ordinance was adopted there has been a very rapid change in the area. There are still a number of residential structures in the area but in addition there has come about an increasing amount of industrial uses in the area so this is an area that is generally in the process of changing from a mixture of residential and industrial uses to one that is entirely industrial. Because of the access to the expressway and the railroad, Pineville Road and Woodlawn Road being a part of the major thoroughfare system, they feel this is an I-2 area rather than limiting it to I-1.

The other small changes proposed are entirely in the interest of getting a better coordinated plan for the entire area. The triangular shape area will be the most susceptible to some disagreement; it was included because it is wedged between I-1 and the expressway; there are some houses on the property. Before this was set for a public hearing, the Planning office sent individual notices to all the property owners in the area, rather than depending on any signs, and they received around three to four dozen phone calls from owners of property in the area. Out of that, there were only two or three that had a negative reaction; all the rest were in favor of it, and the majority of those who called were people who lived in the houses in the area.

No opposition was expressed to the proposed changes.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted, and is recorded in full in Ordinance Book 15, at Page 39.

HEARING ON PETITION NO. 67-1 BY D. L. PHILLIPS INVESTMENT BUILDERS, INC.
FOR A CHANGE IN ZONING FROM O-6 AND I-2 TO R-9MF OF A 25 ACRE TRACT OF
LAND LOCATED AT THE DEAD-END OF SCOTTSDALE ROAD, SOUTH OF BROADVIEW DRIVE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated he thinks everyone is familiar with this petition, and asked if there are any questions?

Mr. Marshall Haywood, Attorney for the protestants, stated he has been before Council on this particular tract previously, and he thinks that

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everyone is familiar with the issues involved. He stated he does not think this is a racial proposition; this was pointed out in his first argument wherein he indicated that of the signers of the petition - some 1091 - affected here, the Negro occupants signed along with the white occupants of the area. If this were a racial matter, he does not believe these people would have signed it.

Mr. Haywood stated he is present today to point out one thing. There is one of the property owners in this area who is employed by one of the largest employers in Charlotte and is a type of company that underwrites sale of homes for their employees when they move from one location to another. This person is Marvin L. Blackwell who lives on Broadview Drive. Shortly after this controversy arose, Mr. Blackwell was informed by his company that he would be required to move from Charlotte to Hickory, N. C., at which time he made arrangements for the sale of his property. In connection with his employers assuming the house, it was appraised by two competent appraisers; they submitted their appraisal to his employer and attached thereto was a clipping from a newspaper with a notation that the appraisal on the property was \$600 less by reason of the fact that this apartment project was planned for this area. Mr. Haywood stated that is one man, and he is not losing but he assumes his employer is; most of these people are not that fortunate. A number of them will be moving from time to time and they will undergo a like experience. That he would suggest these people cannot afford to lose this amount of money on the sale of their homes. One man is \$600; 100 people would be \$60,000 and there are many more than 100 people involved.

In reading the purpose of zoning in Section 23-3 of the City Code, it seems to him to permit the apartment complex at the location would not accomplish any of the points. How would it facilitate the adequate provision of transportation; how does it affect the water situation - does it make it worse or better; the sewage situation; the schools in the area are crowded - can they stand additional influx of 100, 400 or 1,000 people? Where are the parks, can they stand the additional burden this will place upon them? There is no reason that he can see for this type of rezoning being done to accomplish any of the purposes which the Council has set forth as being the purpose of zoning regulations.

Mr. Haywood stated this decision was made previously, and it was a wise decision at that time, and he hopes they will stick by their initial decision.

Councilman Tuttle stated if Council denies this petition today, they know the petitioner can build and says he will build the project on the O-6 zoning. Mr. Haywood replied he can build it there on the strip; but when they conferred with Council before he was requested to talk with his people to see what their feelings were on this particular aspect, and he did, and they said no, they wanted to stick with it where they are.

Councilman Tuttle stated what we are faced with here is to grant the petition and leave a 200 foot buffer, or to deny it and let the apartments be built against the people. Mr. Haywood replied he is aware of this, and he thinks his people are also.

Mr. Bob Sink, Attorney for the petitioner, stated they have on an earlier occasion presented their views. He stated they are sort of in the middle of this but they would still favor their original petition which would permit this building on the property as designed. The original plan would provide for the buffer zone between the residential area and would not

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provide for the opening of Scottsdale Drive into the apartment project and which overall would be most beneficial to the area. When the petition was originally denied, the project was redesigned and it was designed in such a way that the existing zoning would permit the structure. They feel this second draft would not be in the best interest as opposed to the present proposition. Since Council has elected to reconsider action in this matter they hope they will grant the original petition and permit the builder to go ahead with the project as planned.

Mr. Haywood stated several of the representatives of the area are present but he asked them not to show up in force.

Council decision was deferred for one week.

MEETING RECESSED AT 3:50 AND RECONVENED AT 4:00 P.M.

Mayor pro tem Whittington called a ten minute recess at 3:50 o'clock and reconvened the meeting at 4:00 o'clock p.m.

CITY ATTORNEY AND BUILDING INSPECTOR INSTRUCTED TO STOP CONSTRUCTION ON HOUSE LOCATED ON HOWIE CIRCLE AND PROCEED WITH WHAT AUTHORITY THEY HAVE TO CONDEMN THE BUILDING FOR HUMAN HABITATION; AND CITY ATTORNEY, BUILDING INSPECTOR AND PLANNING COMMISSION CONSIDER ZONING REGULATIONS TO PREVENT THIS TYPE OF MOVING INTO RESIDENTIAL AREA IN THE FUTURE.

Mr. William Kemenczky, resident of the City of Charlotte on Howie Circle, stated he is not only speaking for the residents on Howie Circle but he is speaking for the residents of the City of Charlotte. On the 7th of June, a building permit was issued to Mr. Gary Watts to move a house from 3118-20 Crest Street. The house was condemned for a road right of way. The tax office appraisal value of lot and house was \$3900, the house alone was \$3500. Mr. Kemenczky stated on June 16, he presented the Superintendent of the Building Inspection a petition charging that Mr. Gary Watts moved a house on the street that was unfit for human habitation, and was unfit for human habitation before being moved - quoting Section 10A-8 paragraphs (1) and (2), Section 10A-6, paragraph (4) Section 10A-7, paragraph (4) and paragraph (7), lines 1 and 2, and paragraph (7) lines 1 and 6, paragraph (7), line 3 and line 7, paragraph (7), line 6. He stated the petition was signed by Mr. and Mrs. Plott, William J. Kemenczky, Mr. Williamson and Stanley E. McKinsey.

He passed around pictures of the house as it stands now, along with a picture of a typical house that is on the street.

Mr. Kemenczky asked if the City of Charlotte accepts the North Carolina Uniform Residential Building Code, the 1964 edition with the amendments of June, 1965 and June 1966? Mr. Kiser, City Attorney, replied that it does.

Mr. Kemenczky read Section 10A-8 entitled Enforcement, paragraphs (1) and (2) (a) and (b). He stated he was informed by the Building Superintendent that at the time of the inspection, the house was fit for human occupancy, but at the same time it has been so long since it was inspected, vandals have destroyed it. He passed around a bag and asked that Council look into it because it is termite-eaten, the lumber is rotten, the siding is rotten, the floors are rotten and the roof is gone; there is no bath in it, and to rebuild the house at the appraisal value, it cannot be done at 50%.

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He called attention to one of the pictures of a side view and stated the bottom sill is completely eaten away by termites. The house was moved in that condition and the residents of Howie Circle and the City of Charlotte do not want it to be another slum area. If housing like that is allowed to go in, then it will be all over town.

Mayor pro tem Whittington stated the majority of the members of Council have been to Howie Circle and have seen this situation and he believes they would concur about the condition of the house.

Mr. W. H. Jamison, Superintendent of the Inspection Department, stated they inspected this house prior to it being moved to Howie Circle about six months ago. At that time, they were requested by the State Highway Department to inspect houses in all the expressway system that they would be purchasing land for; they did and out of the 189 buildings, there were 54 buildings they felt could be moved satisfactorily. At the time, this particular house was inspected, it was occupied, and only minor corrections were needed to bring it into compliance with the code. The house is 12 years old, built in 1955. Since the time of their inspection, vandalism did set in; the plumbing fixtures were taken out, some of the siding was taken off, and windows smashed out. The house was damaged to a certain extent in transit to the new site.

Mr. Jamison stated they conferred with the owner of the house about the deficiencies, and he assured them he is willing to spend any amount of money it will take to bring it into complete compliance. He stated he agrees with the people of the neighborhood, and he sympathizes with them, and he does not think the person who moved the house in used good judgment. They have a minimum code to go by and if the house is structurally sound and can be brought into compliance, they generally would issue a permit.

Mayor pro tem Whittington asked if the house is not designed as a duplex on a single family street? Mr. Jamison replied the house was a duplex and will be made into a single family residence during the course of renovation.

Councilman Alexander asked if the house will be inspected again before it is occupied? Mr. Jamison replied they will inspect it during the progress of the work and have done so and some of the work that has been done they could not approve and have turned it down and have notified the builder.

Councilman Stegall asked Mr. Jamison to explain the 50% rule which has been referred to? Mr. Jamison replied this is the cost that it would take to renovate a house. If a house costs more than 50% of the value to renovate it, then according to the ordinance it must be declared unfit for habitation and has to be demolished. If it can be renovated for less than 50% of its cost, the repairs can then be made. Councilman Stegall asked if this man paid \$1,000 for the house, how much can he spend to renovate it? Mr. Jamison replied the cost in this case does not enter the picture because it did not reflect the value of the house as it stood when they made their inspection. Councilman Stegall stated the question today is what is the house worth when he moved it, and what will it take to renovate it? Mr. Jamison replied they do not have figures on this. Councilman Stegall asked if this house was inspected at the time the moving permit had been issued, would he have permitted him to move it? Mr. Jamison replied he would have to have the estimated cost of repairs at that time which he did not have. Councilman Stegall asked if there is any way to correct what has been done at this point? Mr. Jamison replied under the law he does not think he could go there and tell the man now that he cannot renovate his house as it has been moved.

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Councilman Smith asked how long a man has to move a house, when the permit is issued? Mr. Jamison replied the permit runs out in six months; the permit was dated just a short time before it was moved; the house was inspected several months prior to it being moved. He advised the house was built in 1955 by Mr. W. R. James, Builder.

Councilman Smith stated we consider these expressways and street widenings another method of getting rid of slums, and for the State to take these rights of way and sell these houses it looks like the City, especially its professional staff, should do all it can to keep these things from being moved into neighborhoods and creating another situation. Mr. Jamison replied they have in that out of 189 buildings inspected, only 54 were suitable for moving, and he thought they bent over backwards in that direction.

Councilman Stegall asked if it would be in order to ask the Inspection Department to go out and inspect these houses before they are moved, not six months but as much as a week? If they could send out a man and inspect this building when the mover came up for the permit, you can say to him at this time, that you can or cannot move this house; it has to be moved in 30 days or 15 days or whatever time you limit him to so that the house will not be torn down in the six months period such as this one by vandalism.

Councilman Tuttle stated what we need to do is to get rid of this house and a legal way to do it. That he could not build a duplex in this single family section - R-6; and if he started one, he could be stopped. Now here is a duplex that has been illegally set down in a single family residence. Why cannot the city order them to pick it up and take it out; they have a non-conforming situation. How can they repair a duplex when a duplex is not allowed in the first place? Mr. Jamison stated it was a two family house prior to the time it was moved there, and it is with the understanding that the owner would renovate it and make a single family structure.

Councilman Stegall stated our answer is in the 50% rule. That Mr. Jamison could have anyone go out and appraise this house at its present state of condition and it will cost more than 50% to bring it up to where it should be. He will have to spend \$5,000 or \$6,000 to bring it up to where anyone can live in it from what he sees of the house.

Mayor pro tem Whittington asked if it is in fact a duplex? Mr. Jamison replied it was a duplex prior to the time it was moved and the owner says he will renovate it into a single family. That he has discussed the problem with the present owner and he is willing to spend any amount of money to put it into condition to meet the code requirements. Mr. Kiser stated the fact that the building was used as a duplex in another area of town does not make it a duplex now before the building is used in this new location. When the owner obtains a permit for the renovation of the house if he indicates that it will be renovated for a duplex, the permit will be denied because it is in a zoning area that will not permit multi-family; if he obtains a permit for single family and then does not alter or renovate the house in such a fashion as it can be used for single family then he can be stopped. At the present time, he does not think it is a zoning violation for the house or structure to be located physically on Howie Circle. This building in its present condition is not in condition to be occupied. It is the same as if you started from scratch. When you obtain a permit for renovating an existing facility, you have to specify that it will be for single family use, and the same is true when you begin to construct from scratch.

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Councilman Alexander asked when he requests the permit for a foundation does he state what type of building he is getting the permit for, or does he not? Mr. Jamison replied no, the foundation is to set the building on; when he gets ready to renovate it he will have to state what the building will be used for; that he could have put just a hull of a building there if it were structurally sound under the code. Councilman Alexander stated then the determination is made when he gets ready to remodel. Mr. Jamison replied they know before that time. Councilman Alexander stated this same situation is on Dinglewood; this is going on across the city. Either we permit it or we do not permit it; we have to determine within our building regulations if there is a loophole that makes this type of building possible; if we can stop this one, then we should stop the one on Dinglewood; it is the same situation and the same type house that was picked up and moved on Dinglewood and is in the process of being remodeled now.

Councilman Short stated on an action or hearing to condemn a house as unfit for human habitation, this is usually initiated by the Building Inspector is it not? Mr. Jamison replied usually, but they do have quite a few complaints from neighbors. Councilman Short asked who decides when a hearing is brought to decide if a building is unfit for human habitation? What court decides this? And what is the appeal from that? Mr. Jamison replied the Building Inspector decides and the courts are the appeal. Councilman Short asked why this normal type of procedure is not set in motion? Apparently the Council is not even the court to decide.

Councilman Smith stated even though a permit has been issued for a house of this type and vandalism destroys it 50% sitting on the site, is that not enough for the city to come and say we are condemning this house as it is not the same house you were given permission to move because it has been changed by vandalism. Could it not be condemned under these circumstances? Mr. Jamison replied you have to look at the other side, and if the man is willing to go to some expense to put it into conformance, why should the city deny it?

Councilman Smith stated the man did go to some expense moving the house and putting it on the foundation; but he thinks the city should work out compensation to this man for whatever the foundation cost, and he would like the powers that be at City Hall to negotiate with this gentlemen and see what they can come back to Council with on a settlement; then try to rewrite this so we will be sure not to move any ^{more} of these slum houses. That we have to get into this on a permit basis, because if permission is given to move these houses into these areas, we are defeating everything we have been working on for six or seven years, and there should be a method for doing it; there should be a Board of someone to look at these along with a single inspector.

Mayor pro tem Whittington asked if the Building Inspector or City Attorney has any authority to stop this man at this point until such time as the Inspector, City Manager and the Administrative Officials can work out an arrangement to pay him for his foundation and condemn the house and get it out of there. Mr. Jamison replied he thinks the gentleman would be glad to hold up until something is worked out.

Mr. Kiser stated the Superintendent has the authority on the petition of these people to issue and caused to be served on the owner a complaint stating the charges as set forth in the petition if his preliminary investigation discloses a basis for those charges. At some point in time,

he has made an investigation which apparently satisfied him as to the soundness of the house; it depends upon what has happened in the meantime. Was the house stripped in an effort to get it into condition to renovate? That you should not be allowed to come again when a man has depreciated the value of his house by stripping some portions from it in order to put it in better shape. Mr. Kiser stated he does not know what the situation is since the last time the house was inspected. If the house is in the present condition because of things other than the man's attempt to renovate it and get it into condition for renovation, then he thinks Mr. Jamison can, upon preliminary investigation if he determines there is a basis for the charges that it is unfit for human habitation, go and begin proceedings all over again.

Mayor pro tem Whittington requested Council to instruct the City Attorney and Building Inspector to stop the construction on this house, and proceed with the authority they have to condemn this building for human habitation; and that the Building Inspector, the City Attorney and Planning Commission consider zoning regulations in the future where residential property is being moved by expressways and is being moved into residential neighborhoods and take what measures we can to prevent it in the future. That Council could on its own motion instigate a hearing to change the zoning on Howie Circle from R-6 to R-12 or R-15 to stop this; this is not only going on at Howie Circle, it is going on in other places, and Council is derelict in its duties if it allows this to continue. He stated he is suggesting to Council that the City Attorney, Building Inspector and Planning Commission be instructed to consider zoning to prevent this sort of thing in the future.

Councilman Tuttle moved the adoption of Mayor pro tem Whittington's statement and stated he concurs in what he has said. The motion was seconded by Councilman Stegall.

Councilman Stegall asked if Mr. Whittington is referring to completely eliminating the possibility of moving any houses? Mayor pro tem Whittington replied the motion did not say any house; it deals primarily with this particular one, and he also stated it is going on in other areas and the Council has some responsibility to make sure that a house of this type or even better is not moved; by his statement we are trying to prevent this sort of thing from happening again or continuing to happen. Councilman Stegall stated he agrees on that; however, he still thinks Council should not do anything to completely eliminate the possibility of houses being moved. He stated another consideration is the 50% requirements; that this house cost the owner \$801.00, so you still have your 50% rule to look into. That he does not go along with Mr. Smith saying let's pay the man for his foundation for he is the man in violation. Councilman Whittington stated he thinks this responsibility should be left with the City Attorney and Building Inspector, and when he gets a chance to make a motion he will entertain one to look at our zoning in the future. Councilman Smith stated he is in concurrence with what Mr. Whittington is saying, but when you get into changing the zoning, there are some lots where you cannot put a R-9 where it is zoned R-6 and you penalize the property owners with vacant lots; but he does think this house should be condemned in its present condition.

Councilman Short stated he wants to be sure we understand the motion that is being voted on as it is his opinion it should be limited to this instance situation, and not have in it other elements of how we are going to study possible approaches for the future. He asked if the motion is to instruct the Building Inspector to proceed through condemnation proceedings against

this house as being unfit for human habitation? If that is the motion, he is in favor of it. Councilman Tuttle replied the motion is to investigate it and if this is the avenue they have to take and can take, fine; but the gist of the motion is for the Inspection Division and the City Manager and City Attorney to get together and work this particular one out, and then come back with what recommendations they may have for the future.

Councilman Jordan stated he thinks that the Inspection Department should find out just exactly where they plan to put the houses before a permit is given; you cannot buy a house like this for \$800 and expect to spend \$15,000 or \$20,000 to remodel it. Mr. Jamison replied his department does check to see where they are going to move them but they have no control about the zoning.

Mayor pro tem Whittington stated we are talking about one piece of property with instructions to the Building Inspector and the City Attorney as to what to do.

Mr. Kemenczky asked Mr. Jamison if his file indicates the actual date of inspection? Mr. Jamison replied he does not have that information with him. Mr. Kemenczky replied he has information that it was inspected two years ago; that he would also like for Council to get the information on the type of footings, blocks, concrete works, that is strictly illegal and does not come up to the building code, and he would like that brought before City Council. Mr. Jamison replied as he stated a few minutes ago, the work that has been started on the building did not comply and they stopped that portion of the work; that the footings are not suitable.

The vote was taken on the motion and carried unanimously.

Councilman Alexander moved that the house located at 4043 Dinglewood be considered in the like fashion. The motion was seconded by Councilman Jordan who stated this is just what he has said; these people are going out buying these houses and paying \$500 to \$1,000 and putting them on every vacant lot they can find, no matter where it is because the zoning permits it. That he does not think they can do this and it is not right; that you cannot spend any amount of money to make a house like this comply with the houses in the neighborhood.

The vote was taken on the motion and carried unanimously.

Councilman Alexander stated he thinks the Building Inspection Department is doing what it can do under its regulations; that he does not think they are being lax in what they are doing. Mayor pro tem Whittington stated he would hope that Mr. Jamison, if he needs more tools, would come to Council and ask for them.

Mr. Veeder stated on the suggestion of zoning, it may be possible to make some distinction between a newly constructed house on a lot and one being moved on a lot.

REQUEST OF CITIZENS OF OAKLAWN AVENUE AND DOUBLE OAKS ROAD AREA FOR TRAFFIC CONTROL REFERRED TO CITY MANAGER FOR REPORT AND RECOMMENDATION.

Mrs. Odessa Surratt, 2212 Aileen Drive, representing the Eight Square Block and Pine Buff Organization stated this is a group of citizens from the Oaklawn-Double Oaks Road Community. They are concerned about their area as they have been in the newspaper so often about slum housing and the high rate of school dropouts. She stated they have tried time and again to get some things for a better and safer community. Since January, they have been trying to get a traffic light at the intersection of Double Oaks Road and Oaklawn Avenue. They have visited the police department and have visited the traffic department twice and mailed two letters. They circulated a petition in the area which they submitted to the Assistant City Manager, Mayor, City Council Chairman and the City Manager. The petition contained 587 signatures of residents asking for a traffic light. They finally received a letter from Mr. Hoose who stated that 6,393 cars pass the intersection during a 12 hour week day.

Mrs. Surratt stated in the past three years, eleven people have been hit at this intersection; the President of their group's son was killed there. With the summer months coming on and with their children out of school, they are very much concerned about their safety. They are appealing to the City Council for a traffic light at Oaklawn and Double Oaks Road.

Mayor pro tem Whittington requested the City Manager to take the petition and give the Council a report on next Monday. Councilman Alexander stated Mr. Veeder already has a recommendation on this from Mr. Hoose. Mr. Veeder advised Mr. Hoose has met with representatives of the neighborhood and he is not of the opinion that a traffic signal is indicated; he is of the opinion that some better traffic controls could be utilized in terms of markings; and some additional markings have already been placed.

Councilman Stegall stated Double Oaks Road is a narrow two lane road, and Burton Street empties out to an angle from Double Oaks Road and it is so layed out and constructed that it is confusing, and in his opinion a bad traffic hazard. He can understand their concern for the safety of the people, and he does not think markings is the answer to it.

Mayor pro tem Whittington advised if it is agreeable with everyone it will be referred to the City Manager to give a report and recommendation, other than the markings, by next Monday to the Council.

ORDINANCE NO. 640 READOPTING AND CONTINUING IN FORCE CHAPTER 11, "LICENSES", OF THE CODE OF THE CITY OF CHARLOTTE TO PROVIDE FOR LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE FOR THE FISCAL YEAR BEGINNING JULY 1, 1967, THROUGH JUNE 30, 1968.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 40.

CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Stegall, and unanimously carried, the construction of sanitary sewer mains was authorized, as follows:

- (a) Construction of 150 feet of sanitary sewer main in Statesville Avenue, inside the City, at the request of Ellis-Johnson Service Center, Inc., at an estimated cost of \$775.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement;
- (b) Construction of 220 feet of 8-inch trunk and 1,365 feet of 8-inch main to serve Churchill Downs, inside the City, at the request of Marsh-Broadway Construction Company, at an estimated cost of \$9,570.00, with all cost of construction to be borne by the applicant, whose deposit of the full amount has been received and will be refunded as per terms of the agreement.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, JULY 17, ON PETITION FOR LOCAL IMPROVEMENTS ON KENWOOD AVENUE, FROM KENSINGTON DRIVE TO RANDALL STREET.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject resolution setting the date of public hearing on July 17 on petition of abutting property owners requesting that the street be permanently improved by installing storm drainage facilities and constructing standard curb and gutter.

The resolution is recorded in full in Resolutions Book 5, at Page 451.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, JULY 17 ON PETITIONS NO. 67-40 THROUGH 67-44 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 5, at Page 452.

SUPPLEMENTAL AGREEMENT CANCELLING LEASE WITH BUREAU OF CUSTOMS FOR SPACE IN THE AIRPORT TERMINAL BUILDING IN ITS ENTIRETY AND APPROVING A NEW LEASE FOR SPACE IN THE WEST CONCOURSE, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short and unanimously carried a supplemental agreement was approved cancelling lease with Bureau of Customs for space in the Airport Terminal Building in its entirety, and approved a new lease with the Bureau of Customs for approximately 949 square feet of space in the West Concourse for a term of five years, at an annual rent of \$3,321.50, at a rate of \$276.79 a month or \$3.50 per square foot.

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CONTRACT WITH NORTH CAROLINA STATE HIGHWAY COMMISSION FOR RELOCATION OF WATER MAINS AT THE INTERSECTION OF U. S. 21 SOUTH, PRESSLEY ROAD, WOODLAWN ROAD AND SOUTH TRYON STREET.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, contract was approved with the North Carolina State Highway Commission for the relocation of water mains at the intersection of U. S. 21 South, Pressley Road, Woodlawn Road and South Tryon Street wherein the City will assume 36.71% of the cost and the Highway Department will assume 63.29% of the cost, with the city's share to be approximately \$10,644.06.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Max Caldwell or wife, Mrs. Zola Caldwell, for Graves No. 5 and 6, in Lot No. 164, Section 2, Evergreen Cemetery, at \$120.00;
- (b) Deed with Elwood W. Guion and wife, Sue S. Guion, for Lot No. 514, Section 6, Evergreen Cemetery, at \$240.00;
- (c) Deed with John Edward Virgin for Lot No. 308, Section 4-A, Evergreen Cemetery, at \$189.00;
- (d) Deed with John D. Frost and wife, Frances S. Frost, for Lot No. 321, Section 6, Evergreen Cemetery, at \$240.00.

CONTRACT AWARDED NORTH CAROLINA LEAGUE OF MUNICIPALITIES FOR CITY AUTOMOBILE TAGS AND MOTORCYCLE TAGS.

Councilman Short moved award of contract to the only bidder, North Carolina League of Municipalities, in the amount of \$10,714.06 on a unit price basis for 115,000 metal automobile tags and 800 metal motorcycle tags. The motion was seconded by Councilman Stegall, and carried unanimously.

CONTRACT AWARDED MOTOROLA C. & E., INC. FOR RADIO EQUIPMENT.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, contract was awarded the second low bidder, Motorola C. & E., Inc. because of better delivery, in the amount of \$25,600.92 on a unit price basis for radio equipment to be used in the new radio water meter reading system.

The following bids were received:

General Electric Company	\$25,294.28
Motorola C.&E., Inc.	25,600.92
Radio Corp. of America	26,946.86

JOINT STATEMENT OF POLICY ON EXTENSION OF WATER SERVICE BEYOND CITY LIMITS, ADOPTED.

Dr. James Martin, Chairman of the Board of County Commissioners, stated after seven years of study, talk, proposals, and counter-proposals it is time to reach a decision. The growth of this County in the near future depends on having water available in abundance and the Board of County Commissioners is committed to supplying water wherever it is financially feasible to do so. Two weeks ago it was made clear to them that the county had the capacity and is able to build the necessary distribution system in the southern part of the county, complete with its own treatment plant if necessary. One week ago, Councilman Short presented on the City's behalf a proposal for a city-county treaty envisioning a partnership of the two levels of local government. The county was very appreciative of the offer. It is their opinion that such a plan is both feasible and in the public interest, subject to certain modifications. This morning the County Board of Commissioners adopted a policy statement, which if adopted by City Council will create a joint frame work for supplying water eventually throughout the County. Essentially it describes that it is the basic policy of the city government to distribute water within the city limits, and to develop customers along its lines in the perimeter area, and it is the basic policy of the county government to distribute water outside the perimeter line and along lines which it will lay running through the perimeter area.

Councilman Short stated he believes everyone on this Council is thoroughly familiar with the document headed "Joint Statement of Policy on Extension of Water Service Beyond City Limits", being the document adopted by the Members of the County Commission this morning, which is as follows:

JOINT STATEMENT OF POLICY ON EXTENSION OF WATER SERVICE BEYOND
 CITY LIMITS

1. To accomplish water service to Westinghouse and others, the County will, at its expense, construct a 24-inch line southward from the City Limits at State Highway 49; and the City will provide at least that size line from the City system to that point, and will supply to the County by master meter, a minimum of 567 million gallons of water annually.

2. The rate structure governing the cost of water to be paid by the County will be as follows:

- (a) 6 1/2 cents per one hundred cubic feet for one year from the date that the County begins to receive water from the City at the above point.
- (b) 7 cents per one hundred cubic feet for the next five years.
- (c) The rates and volume of water thereafter will be re-negotiated based on factors relating to cost of production.
- (d) Provided, however, that if the City of Charlotte shall at any time after the adoption of this Joint Statement of Policy increase its water rates to all customers, the rate to the County may be adjusted accordingly, with the further proviso, however, that the rate set in paragraph 2(a) shall not be changed.

3. On annexation by the City of any area into which any line is extended at the capital expense of the County, all facilities constructed by the County in the area annexed by the City, will be conveyed to the City, subject only to the unamortized balance of the initial cost of that portion of the line conveyed to the City. Payment by the City to the County may be made in annual installments at such time and in such amounts as will allow the County to continue the necessary payments on its bonds. The unamortized balance of the initial cost will be computed and apportioned to any annexed part of a larger line on the basis of the consumer income yielded by such part as against the consumer income yielded by the entire line.

4. It is agreed that the City will continue for the time being, the rates and policies for extensions which now apply in the official Charlotte perimeter area, and that the County will adopt and use these same rates and extension policies in the perimeter area and that no change will be made in rates or extension policies in the perimeter area unless both parties agree and both parties make the change; provided, however, that the City may give a lesser rate to those perimeter customers who have heretofore run lines to their property at their own expense.

5. The County will determine rates and extension policies for the outlying area beyond the Perimeter Line. The City will determine rates and extension policies within the Charlotte City Limits. The County agrees that no ultimate consumer customer, on its lines anywhere in the County, will be charged water rates less than those regularly charged in the Charlotte Perimeter Area.

6. Concurrent with or at any time after the County provides water to customers through the line it plans to construct southward from the City Limits, the City will, upon request, lease to the County for \$1.00 per year so much of the 12-inch line now serving Arrowood-Southern and Pineville as lies beyond the Charlotte Perimeter Line, and will at the same time, transfer to the County, any customers the City has beyond the Perimeter line, including Arrowood-Southern and Pineville. The City will retain all its water customers within the Charlotte Perimeter Area, and will continue to develop new customers in this area from this 12-inch line or others it may have or construct in this area. The County will develop new customers in the Perimeter area from its 24-inch line or any others it may construct in this area.

7. Neither the City or the County will use any method of financing any lines which will impede or make impractical annexation or the advancing of the perimeter line.

8. The following comment is made by the County in order that there may be no misunderstanding of the attitude of the County Commissioners with reference to the City's proposal of Monday, June 12, 1967:

The original proposal by the City provided for payment by the County for water at the rate of 8-1/2 or 9-1/2 cents per 100 cubic feet on the condition that the City bear the total burden of the capital outlay necessary to construct and maintain a water line to Arrowood-Southern. In view of the amendments herein presented, it will be observed that the County is assuming full responsibility for that facility; in other words, the total cost of the capital expenditure in the area beyond the present Charlotte City limits. Therefore, in view of the fact that the City will incur no capital expenditure beyond the City limits, the request for the reduction of the water rate was made and should be regarded as a reasonable modification to the proposal by the City, and is consistent in principle and in result with overtures by the City.

9. The County and City believe that this joint statement of policy concerning service out N. C. Highway 49 South will make this an effective pilot project which will constitute a sound basis for other future extensions of water facilities into other areas of Mecklenburg County.

Councilman Short moved that this Council adopt and approve the joint statement of policy on extension of water service beyond the City limits. The motion was seconded by Councilman Smith.

Councilman Jordan stated he is sure everyone, including himself, would like to see the water and sewer problem solved and as quickly as possible to the best and most economical way for our citizens. This joint statement of policy does not do what he thinks is best. He believes we could live and get along with the basic policy, but for the rates he can see nothing but a loss to the city and we will find ourselves in trouble with other wholesale users who are paying a higher rate. Under this policy we are committed to this rate for at least seven years, and he does not think we should subsidize the county at the expense of the City. He realizes the county board has committed itself to furnish these facilities to Westinghouse and that Pineville is in definite need of more water, and he thinks we should do something about this immediately. Councilman Jordan stated he made a motion some months ago that the experts and those people in the water business of the City should get together with the county and work out a formula that would be agreeable with both bodies and have it over with, but the County Commission would not permit its people to do this. So we have had plan after plan from everyone, with the exception of those that we know and employ for their knowledge and experience in these fields, and who could have worked out a plan that was best for all. If this had been carried through, we would have settled this water matter at least a year ago. We have had the Atkinson plan, the Brookshire plan, the Short plan, the Hood plan, the Potter plan and many others, and he feels he cannot go along with the policy proposal with the rates as quoted.

Councilman Tuttle stated there are two many questions left unanswered for him to say that he can go along with this plan; that there are some questions he would like to direct to Mr. Short as he has been representing Council and has gone into this thoroughly.

Councilman Tuttle asked will we be subsidizing the county to any extent when we sell water for 6½ cents? Councilman Short replied he does not think anyone denies this new policy will require some contribution from the city; but we have never had any reason to hope that we could get for free a system of transmission mains necessary to distribute our excess plant capacity. Building these mains in this way is a good way to get them built and it is not wasting the money which we would contribute. What would be wasteful would be for us not to use the excess plant capacity for which we have already spent millions of dollars.

Councilman Tuttle asked if a subsidy is involved - and he understands the county contends they cannot enter into this agreement unless we do have such a rate, and they say this is going to cost them money - why it should come from the City of Charlotte, and not from the County as a whole? It is a well known fact that the city pays roughly 80% of the total taxes. If we sell water to the county at a rate that might cost them money, then there is some subsidy involved insofar as the public is concerned. He asked if it is not true if the county has to subsidize it has to be reflected in their tax rate, and the city in turn will be paying 80%

of it anyway? But if the city takes the subsidy it cannot pass any of that subsidy on to the county - the city will pay 100% of this loss. He stated a moment ago he handed to the Council Member a paper - information that Mr. Veeder got together for him - to show how ridiculous this 6½ and 7 cents is. The paper shows the city is selling water wholesale for 9½ cents. Councilman Tuttle stated he has not seen the figures and has not heard any discussions on how the Council arrived at 6½ cents, and he does not know how he can justify subsidizing the county with city tax money; that Mr. Veeder and Mr. Fennell tells us this is not a realistic rate; that he must know before he votes how we arrive at these rates and how we can afford, and justify, subsidizing the county.

Councilman Smith stated suppose they say it costs them 9½ cents to produce water; this is not a proven point. When they talk about cost, they are talking about distribution lines, meter readers and the whole ball of wax. Suppose we do sell at 7 cents, with the amount of water Westinghouse will use, how much dollars and cents are we talking about? Councilman Tuttle stated if this is the case why not reduce our industry in town from 9½ to 7 cents? Councilman Smith replied we have to take their lines right in front of their plant and pay for all the distribution lines, meters, administration and everything. Here we are selling water out of a tap; this is a wholesale price.

Councilman Short stated to reply to Mr. Tuttle the word "subsidy" is his word, and anything that the city has involved in this would not be classified in a subsidy as he understands the word, but rather it is a contribution which we are contributing along with another entity or another company to set up a water transporting business, which will ultimately prove very beneficial to both, and will prove beneficial to the citizens of this community. Councilman Tuttle asked how the citizens of the community will feel when their rates are raised, and surely they are going to be? Councilman Smith replied this is talking about a maximum of around \$15,000, how could this affect the rates all over Charlotte. Councilman Tuttle stated his whole point is he does not know what we are talking about in dollars. What backs up the 6½ cents? Do our administrators back this figure? Councilman Smith replied the administrators and Council have not been able to get together on what this water ultimately will cost, from the filter plant out to the 36-inch line which is waiting at the city limits and all you have to do is turn the faucet and the water flows into the county. There is no county procedure that will tell you just exactly what that water will cost a hundred cubic feet. That everytime he is given a figure it is loaded down with distribution, meter readers, administration and everything else. There should be a figure with water from the Catawba River to the filter plant to the 36 inch line - what does it cost at that point? What is being done here is working out an arrangement with the county that can be subject to renegotiation. There is going to have to be good faith - a trust on both sides. How are you going to get industry into Charlotte, how are you going to develop the whole of Mecklenburg County if you do not give a little.

Councilman Tuttle stated if the City has an obligation to the County, then the County has an obligation to itself. We are already in the water business; we can take this water to Westinghouse or Pineville or wherever you want it to go. Ultimately, we are leaning toward consolidation - this is not consolidation, this is setting ourselves up in competition with the county.

He stated it is a well know fact that our rates are in trouble and we will have to do something about it; that the whole picture is going to have to be looked at again. To substantiate that he thinks it is important to know that Winston-Salem pays for over 100 thousand cubic feet 14½ cents and it drops to 11 cents after 248,600 feet. In Durham they are selling water for 35 cents over 100 thousand. In Greensboro it is 19 cents over 100 thousand. In Raleigh it is 16 cents over 100 thousand. In Atlanta it is 18 cents over 100 thousand. He asked where is the magic in the City of Charlotte that we can produce water for 6½ cents? Councilman Smith replied we have a double sewer rate and charge as much for sewer as water, do these people get revenue for their sewer. To get into the rate structure is an entirely different study; but what we are selling to the county is making this possible. If we follow the scheme of going to Arrowood with our own line, that would be spending \$600 thousand dollars and we would have to go to bonds to do it, and it would cost a lot more than a little differential talked about on subsidy.

Councilman Tuttle stated he is not saying we should not sell water to the county; he is saying that the figure we are attempting to sell it to them is most unrealistic, and he says this knowing that our own administrators would agree with him on this.

Councilman Stegall stated to a point he feels exactly as Mr. Tuttle and Mr. Jordan feel. He cannot see the feasibility of selling water to the county for 6½ or 7 cents. He feels the county should have come to the city and said let's try to work out something when they made this commitment. He feels very keenly that Westinghouse coming to Charlotte is one of the greatest things that has happened to us in a long time. However, he does not see the point in the city giving money away for this. If there is any money to be made on water, the city should be able to make it and let the county take the ad valorem tax as their part of it. That the city has the facilities to produce the water, maintain the facilities, to bill the customers, to collect the money, which the county will have to get into by taking it under the system that is proposed. There is a lot that he does not see, and he cannot go along with it and he cannot vote for it at this time.

Councilman Jordan stated the basic policy is alright and he could live with it, but the rates are out of line, and that is his only objection.

Councilman Short stated there certainly was some arithmetic involved in this rate. This is a figure which was reached by some dedicated men who had the good sense to know that some prices involving the vast imponderables of community well being just cannot be run through a computer.

The vote was taken on the motion to adopt the joint statement of policy and carried by the following vote:

YEAS: Councilmen Short, Smith and Alexander.
 NAYS: Councilman Jordan, Stegall and Tuttle.

Mayor pro tem Whittington broke the tie voting in favor of the motion.

Mayor pro tem Whittington stated this is an area of cooperation whereby this community along with the Board of County Commissioners and all citizens of the city and county can pay for this extension. That the word dedicated has been used today and it has also been stated that we have been working on this for several years. That this agreement is not the best agreement that we can come with but we are all faced with the development of Westinghouse and a way must be found to get the water there, and this is progress. As long as we meet the needs regardless of how we do it, he thinks it is good business.

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AGREEMENT WITH JONES ELECTRIC REPAIR COMPANY FOR MODIFICATION AND PURCHASE OF PROPERTY REQUIRED BY ALEXANDER STREET WIDENING PROJECT.

Councilman Tuttle moved approval of the subject agreement, for the modification and purchase of property required for the Alexander Street Widening Project. The motion was seconded by Councilman Jordan and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 164 square feet of property at 229 North Poplar Street, from Briarwood Hall, Inc., at \$1,100 for the Sixth Street Improvement;
- (b) Acquisition of 2,849 square feet of property at 215 East Sixth Street, from E. C. Griffith Company, at \$12,500 for Sixth Street Improvement;
- (c) Easement of 210.46 square feet on Commonwealth Avenue at Briarcreek (Bobo Branch), from Duke Power Company, at \$1.00 for relocation of Sanitary Sewer at Briar Creek and Commonwealth Avenue;
- (d) Easement of 102.82' x 10' in Fairfax Woods, Lot 17, from William Trotter Development Company, at \$1.00 for Fairfax Woods Sanitary Sewer;
- (e) Easement 10' x 630.34' in Hampshire Hills Subdivision, John Crosland Company, at \$1.00 for Hampshire Hills Sanitary Sewer.

CITY MANAGER REQUESTED TO HAVE POLICE DEPARTMENT CHECK TRUCKS CARRYING TRASH AND GARBAGE WITH TAILGATES DOWN.

Councilman Jordan stated last week he had to pick up some 2 x 4 coming in off Randolph Road and Fourth Street which a truck had dropped. He requested the City Manager to have the Police Department get behind these trucks with tail gates down, carrying garbage and trash and stop some of this trash being dropped onto the streets.

PROGRESS REPORT ON REQUEST OF PARK AND RECREATION COMMISSION FOR USE OF OLD INCINERATOR BUILDING.

Councilman Jordan asked the City Manager if he has a report on the request for the use of the old incinerator building for recreational purposes? Mr. Veeder stated he has talked with Mr. Diehl, Director of Parks and Recreation, about the possibilities of making use of the building. After the Inspection Department looked at the building, they told Mr. Diehl in order to use it for recreational purposes, it would require modification and improvements to the building, and suggested he should consider the nature of these in terms of the cost to determine how much interest he still has in it. They discussed that possibility plus the possibility of tearing the whole structure down and the Park and Recreation Commission making use of the land. That Mr. Diehl is to take it up with the Commission and determine how they would like to move on it.

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REPORT ON COMPLAINT OF RESIDENT SERVED WITH COURT ORDER ON RIGHT OF WAY FOR SEWER EXTENSION.

Councilman Tuttle stated that Mr. George Crisler, a retired executive of General Motors, told him that without any advance notice, the City needed a right-of-way across his land for sewer extension. The first he knew of it, he was served with a court order by the Sheriff. Mr. Kiser stated this is part of the McAlpine Creek Project approved some time ago in an agreement between the City and Piedmont Natural Gas and Piedmont negotiated for a right-of-way for their natural gas line which is to run parallel to the city's. We combined our engineering work, and our right-of-way acquisition and so forth. Mr. Crisler was approached by the people of an engineering firm buying the right-of-way for both the City and Piedmont. Councilman Tuttle stated then perhaps he thought just Piedmont was involved and he had not heard from the City until he got the notice.

ORDINANCE NO. 641-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE NON-TAX REVENUES IN THE GENERAL FUND UNAPPROPRIATED ACCOUNT.

Councilman Jordan moved the adoption of the subject ordinance authorizing the transfer of \$770.00 to the Airport Fund to be used to pay the Court Reporter for a transcript of testimony in the Davie Contractors' case. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 41.

ORDINANCE NO. 642-X AMENDING ORDINANCE NO. 498-X, THE 1966-67 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE 1964-65 CAPITAL IMPROVEMENT PROGRAM TO THE GENERAL FUND-PUBLIC HOUSING STREET IMPROVEMENTS.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the subject ordinance authorizing the transfer of \$45,000 of the 1964-65 Capital Improvement Program, Urban Renewal, Section II of Brooklyn Redevelopment Project to the 1966-67 Budget for General-Fund-Public Housing Street Improvements to be used toward the purchase of Jones Electric Repair Company for the Alexander Street Widening Project was adopted.

The ordinance is recorded in full in Ordinance Book 15, at Page 42.

CONSIDERATION OF ORDINANCE ALLOCATING \$339,707 OF THE \$5,500,000 OF BONDS AUTHORIZED FOR REDEVELOPMENT PURPOSES FOR DOWNTOWN URBAN RENEWAL PROJECT, DEFERRED FOR ONE WEEK.

Mr. Veeder, City Manager, stated some several weeks ago Council authorized moving ahead with the plans for the Downtown Urban Renewal Project on the bases of advancing the money, hoping the federal government's approval of the project would make it possible to recover some of this. To keep a proper accounting of this he requested that an ordinance allocating \$339,707 bond funds to be used for this purpose be approved.

He stated that Council recognized the fact that the city may not get the money back but wishes to move ahead with it and the Council authorized this action previously.

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Councilman Short stated this was the downtown matter of about two months ago where Council decided to roll up its sleeves and go to work. Mayor pro tem Whittington stated at the time he made the motion and it was made on the basis that we needed to get the planning done now so that we could begin to tell interested developers what was available down there and everything we were doing. We were waiting on the Model City; and today the Model City is on some shelf somewhere. Council felt this was a good expenditure and the only gamble was that we might not get the money back or get credit for it, but it was setting this program up two years, and he thinks it was good business.

Councilman Smith stated he remembers when the City decided to employ the engineer on the Northwest Expressway to speed it up two years at some \$300,000 and it did not speed it up because the money was not available. So we cannot put out some \$200,000 or \$300,000 to speed it up when it does not do it. He stated he would like to know a little more about it, and asked if this is the Model City or the Urban Redevelopment program? Mr. Veeder replied it is the Downtown Urban Redevelopment program. Councilman Smith asked if they can get the money back if the project is approved? Mr. Veeder replied yes, the "if" is if the Government does not approve the project, then there would be difficulty. That the Redevelopment Commission will proceed exactly the way they would proceed if they were proceeding with federal government dollars, so there would be no problems on subsequent approval. There is an element of risk involved, but at the time everyone thought this was in the best interest of the City.

Mr. Albert Pearson stated at that Council Meeting the Mayor said he was told in Washington they would not be able to get that money back. Councilman Short asked if he did not say that we could not get it back out of this year's appropriation? Mr. Pearson replied the way he sounded, the City would not get it back period.

Councilman Smith requested that it be held for one week so that the Council could find out a little more about it.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk