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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, March 13, 1972, at 3:00 o'clock P.M., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington, and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

MINUTES APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the minutes of the last Council Meeting on Monday, March 6, 1972, as submitted.

SERVICE PLAQUES AND PINS PRESENTED TO POLICE RESERVE OFFICERS WITH 30 YEARS OF SERVICE.

Mayor Belk stated it is fitting to recognize three members of the Charlotte Police Reserves. Each man has given thirty years of service to the police reserves. The police reserves has been a vital part of our law enforcement system. Last year alone, the reservists worked 29,101 manhours.

Mayor Belk stated he would like to recognize the entire police reserve for their unselfish devotion of good order and safety to the entire community.

Receiving 30 year pins and a City of Charlotte Employee Plaque were the following:

- Lieutenant Fred D. Antley
- Major Walter O. Walker
- Colonel J. F. Youngblood

The Mayor and Councilmen congratulated each and expressed appreciation for their service to the community.

REPORT ON PLANS FOR MEETING WITH OTHER CITIES IN THE STATE AND THE LOCAL DELEGATION AND COUNTY COMMISSIONERS, AND REPLACEMENTS FOR FORMER COUNCILMAN CALHOUN TO THE PLANNING COMMITTEE AND METROPOLITAN FINANCIAL PLANNING COUNCIL.

A meeting was held in Winston-Salem, and Councilman Whittington presented an excellent report on how we can work together with the other 11 cities in presenting our revenue problems and program by working together. He stated he had not been working with other larger cities and he does not think they understand our problem.

Mayor Belk stated Charlotte cannot go about it alone, and only with this part of the program could we be able to work this out as proven in the last session of the legislation. That we are going to have to work better with the State in order to continue the progress we will have to have in the City. He stated Councilman Whittington will be confronting other areas as he presents this to other districts.

Mayor Belk stated City Council is trying to work in conjunction with the new people who are running for county commissioners, and the new state delegates. Only one man on the present Board of County Commissioners is running for re-election. This means we will have almost a new group representing the county. He stated he talked with Chairman Pete Peterson,

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and he will have a series of meetings in the county, and he will do the same thing we have done so the people will know more what their jobs are and they will be better qualified. Mayor Belk stated this will be a great asset to the citizens. That we want to work closer with the county commissioners and the delegates to Raleigh. One meeting has been held; another is set after the primary. After the primary a series of meetings will be held.

Mayor Belk stated Councilman Sandy Jordan has been asked to serve on the planning group to replace former Councilman Pat Calhoun. This group is planning meetings for the rest of us so we will have an organized program when we meet.

Mayor Belk asked Councilman Milton Short to replace former Councilman Pat Calhoun's place on the Metropolitan Financial Planning Council.

CHARLOTTE WOMEN'S POLITICAL CAUCUS CALLED ATTENTION TO THE NEED FOR MORE WOMEN ON POLICY AND DECISION MAKING BOARDS OF CITY GOVERNMENT.

Ms. Deena Culp stated as a representative of the Charlotte Women's Political Caucus, she would like to bring to the Mayor and Council's attention the need for more women on the policy and decision making boards of city government. Though the need is evident, women are seldom considered when vacancies occur. That during the past several weeks there has been much speculation concerning possible appointees to fill the present vacancy on City Council. Apparently no consideration has been given to the numerous qualified women available to fill this position.

She stated the Women's Political Caucus commend the recent appointments of Ms. Mary Rogers to the Civil Service Commission, and Ms. Willie Hart to the Housing Authority, but they wish to point out that these appointments bring the total number of women serving on Commissions and Authorities to only ten out of 188 seats. The Community Relations Commission has thirty-six members and only nine of these are women. That of these ten appointed women, two are inactive tree and cemetery commissions leaving only eight on the various policy making commissions and authorities.

She stated 54% of the registered voters in Mecklenburg County are women and on the average they cast 57% of the ballots in an election. That women have played a supportive role in political campaigning. Many of these women are well qualified to serve in appointive as well as elective offices.

Ms. Culp stated the Caucus would like the Mayor's and Council's consideration and support when vacancies occur in City government. That they are presently compiling a Talent Bank of qualified women and hope they will have an opportunity to make recommendations of these women.

That the Charlotte Women's Political Caucus encourages them to take into consideration more women to serve in appointive positions.

Mayor Belk thanked Ms. Culp for appearing before Council.

Ms. Culp stated the policy of the Women Caucus is to not make an endorsement of a particular woman; however, if they would like to know some qualified women they can furnish a list.

Councilman Withrow stated Council has just revamped the Tree Commission and they are meeting monthly at City Hall.

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HEARING SCHEDULED ON REDEVELOPMENT PLAN FOR PROJECT NO. N. C. A-3(1), THIRD WARD URBAN RENEWAL AREA, CANCELLED AND A RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, APRIL 10, 1972 ON THE REDEVELOPMENT PLAN FOR PROJECT NO. N. C. A-3(1), THIRD WARD URBAN RENEWAL AREA, ADOPTED.

Councilman Whittington moved that the hearing scheduled for Project No. N. C. A-3(1), Third Ward Urban Renewal Area, be cancelled and a resolution calling for a public hearing on Monday, April 10, 1972, on the Redevelopment Plan for Project No. N. C. A-3(1), Third Ward Urban Renewal Area be adopted. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 82.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, APPROVING AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROJECT NO. N. C. A-3.

The scheduled hearing was held on Amendment No. 4 to the Redevelopment Plan and the Feasibility of Relocation for Neighborhood Development Project No. N. C. A-3.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated Amendment No. 4 to the plan represents the third year under our NDP program; there are seven changes in the plans which they are recommending be approved as they go into the third year of operation.

The first is the amended date to the title page of the plan; amended March, 1972 has been added to Page 1 of the plan.

Second is that the map exhibits of the plan have been revised by placing the latest revision date on them, and that date is March, 1972.

Third is under premitted uses where they are recommending that the public uses also be permitted under the general business use category. This is primarily because we are uncertain at this time of the particular specific uses that the third block, bounded by Brevard Street, Trade, Fourth and Southern Railroad will be put to. In order to make absolutely certain and clear that banks and financial institutions are permitted in the general business area, they are recommending that banks and financial institutions as a use be added to the list of uses.

Councilman Short asked if there is anything in the list that is not allowed in B-3 zoning? Mr. Sawyer replied no; all of it is allowed in B-3 zoning.

Four, there is a recommended change in the sign regulation. This is merely for clarification and to bring it into tune with the zoning ordinance. He stated we had a height limit of 20% of the height of the building including the parapet that a sign could extend above a building. They were afraid this might lead anyone to believe there would be an unlimited height permitted. This is not the case. Under all circumstances anytime a particular limit is not included in a redevelopment plan, but is in a zoning ordinance, subdivision ordinance, or any other ordinance of the city, then that ordinance controls. It is the recommendation of the Planning Commission that they put in the clarifying phrase which reads: "But in no event shall the sign extend more than 20 feet above the parapet or the roof of the building." That brings it in tune with the present zoning ordinance.

Mr. Sawyer stated this has not been discussed with the developers of the downtown project; the sign regulations have not come up and appear to not be of significant interest to them at this time. Under any circumstances they could not put a sign greater than 200 square feet in area or higher than 20 feet above the parapet of the building even though it is supposed to be a 36 story building, which complies to the sign ordinance.

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Mr. Sawyer stated the fifth change is in off-street parking. They have had a requirement that each parking space be 180 square feet in area, and they are recommending that it be reduced to 170 square feet in this district. Under the regulation there is no parking requirement at all. The 180 square foot standard is fine for the usual parking space on the ground outside the central business district; but it adds that much more to the construction cost. This brings it down to the standard of the zoning ordinance.

Six is in the off-street loading and unloading requirements. They have a minimum requirement of one loading dock provided for each 100,000 square feet of usable space of gross floor area or any fraction thereof. In the case of the proposed development downtown this would require seven parking dock spaces provided as there are 650,000 square feet of space proposed.

Mr. Sawyer stated he has consulted with the developers of this building and they have found that six loading docks will be more than adequate. They are providing other loading and unloading spaces but not at a dock. They will be for the money carrying vehicles, armored cars and that sort of thing. He stated they are recommending that the same standard remain except there be a limit of six spaces put on.

The final change relates to financing. The financing plan under a Neighborhood Development Program is a new financing plan each year. We already have received an additional one million dollars this year moved up from next year which is why the financing plan is as low as it is. It is still adequate to complete the acquisition of the property, and do the remaining things we had planned to do in the third year.

Councilman Short asked if there is anything that would be out of kilter with or incompatible with either Independence Square Associates or the Civic Center Center? Mr. Sawyer replied no. It is compatible with both.

No one spoke in opposition to the amendment.

Councilman Whittington moved adoption of a resolution entitled: "Resolution of the City Council approving Amendment No. 4 to the Redevelopment Plan and the Feasibility of Relocation for Neighborhood Development Project No. N. C. A-3. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, beginning at Page 84.

**RESIDENTS OF GRIER HEIGHTS COMMUNITY REQUEST THAT PARK AND COMMUNITY BUILDING PLANNED FOR RANDOLPH ROAD BE RETAINED AT THAT LOCATION.**

Mayor Belk recognized a group of people from Grier Heights.

Reverend Preston Pendergrass, Pastor of Antioch Baptist Church, 3701 Monroe Road, and a resident of the community at 1027 Nancy Drive, stated they are present representing the Grier Heights Community and surrounding communities. They are concerned with a piece of property on Randolph Road near the Alcoholic Rehabilitation Center for possible park and recreational use. He stated they are under the impression that at one time this was the first priority, and that we were just waiting on some money to develop it as such. The people of Grier Heights consider this as a political promise, and if not a political promise, certainly a moral obligation to go on with this development. It is within easy walking distance of hundreds of neighbors and thousands of children in that vicinity. They feel it will off-set crime and possible violence during the long hot summers if they can get a recreational area and park in that particular community.

Reverend Pendergrass stated they were shocked to find there is a possibility of this property being rezoned so that it cannot be used for recreational use. That they are here today asking the Mayor and Council to visit them, their community and see the need they have for recreation. That they came particularly to ask that Council use its power to keep this property zoned residentially so the option can be renewed and go on with the development of it as a recreational center.

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Mayor Belk asked if they have been to the Park and Recreation Commission, and Reverend Pendergrass replied they had not. Mayor Belk stated this would come under their jurisdiction. That the Park & Recreation Commission had an option on this property on Randolph Road, and it expired, the Park and Recreation Commission does not have that jurisdiction now, and it is now up for rezoning, and Council does have the sayso in that. Reverend Pendergrass stated they are asking Council to keep it zoned so that it can be used for recreational purposes. Mayor Belk stated he is recommending that this group go to the Park and Recreation Commission because it will have a lot of bearing.

Councilman Alexander asked if Mr. Ace Walker, Chairman of the Park and Recreation Commission, has been to the community to talk to the people about this site? Reverend Pendergrass replied he is not aware of his coming. Councilman Alexander stated when this petition was presented it was suggested to Mr. Walker that he get in touch with the people in Grier Heights and let them know what was happening there. That he had hoped by this time, this would have been done.

Mayor Belk requested the Assistant City Manager to send this to Chairman Walker so they will have knowledge of this, and these people should go to Parks and Recreation and notify them of their wishes.

Reverend Ray Worsley, Pastor Grier Heights Presbyterian Church, stated Park and Recreation has as its top priority a community center for the Grier Heights area; that he has seen the projection map. But they are not sure what has happened in that area since last spring; they do not know what is happening currently. They do know they must have adequate recreational facilities for their children. That 100 yards from Grier Heights Community there is an apartment for whites with a swimming pool. Their children have apartments but no swimming pool. The proposed site for the recreational site is adjacent to Billingsley Elementary School. It seems to him that a perspective community center and a long standing elementary school would go hand in hand. But now they understand that the real estate people have acquired or are trying to acquire that land for office building. He stated they are asking Council to help them in this situation and to retain that land for recreational purposes and to come into their community and see the need. They are boxed in between Monroe Road and Randolph Road - a community of 5,300 blacks. The future is spelled out according to what we do now. So they are seriously requesting Council's help in this matter. The Commission, in a manner of speaking, is within the range of the council's governmental influence.

Mr. Ray Alexander stated there is a great recreational need in the Grier Heights Community, and they hope they can get the recreational facility on Randolph Road. That he would like to know if the land will be rezoned or if it will remain and be used for a recreational center?

Mayor Belk replied the Park and Recreation Commission had an option on the land for 18 months; this time elapsed while they were working with the federal government. They do not have an option on the land any longer.

Mr. Alexander asked if the property will be rezoned or not? Mayor Belk replied that is up to Council; a group of doctors have asked that it be rezoned. Mr. Alexander, speaking for the people of Grier Heights, stated he hopes Council will keep the zone as it is and that it not be rezoned for business purposes.

Mrs. Sam Drenan stated she is precinct chairman in Grier Heights. That they have asked for a park for 12 years and they understood that they were getting it. Now they hear this land is being asked rezoned in order that it can be used for doctor's business. She stated they are asking Council to please not rezone that land, and leave it as it is so they will have a park for their children. The place is growing and the children are in the street. The only way to help/crime is by giving those children somewhere they can be chaperoned and be looked after rather than turned loose in the street to do as they please.

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Councilman McDuffie stated it is urgent that we express some opinion to the Park and Recreation Commission about how we feel. That he personally thinks allowing the medical complex would be reasonable and desirable considering the city has condemnation rights for other land in the area where no building is proposed. Since the land we have been talking about is adjacent to other medical facilities, it would seem logical and reasonable and help the tax base to allow that rezoning to take place, only if these people are assured that their park and recreation building will remain in their neighborhood and not some mile and half or two miles away through another development to get to it without being in walking distance. That we are misleading them if we do not take some action to advise the Park and Recreation people that we want them to find some land in the neighborhood. There are signs on some property adjacent to the school that appears to be flat and more suitable for a park; some across the street used for baseball fields that seem to be more suitable for parks; and it could not be any more expensive than the land we are about to buy. That he would hope we would adopt some kind of resolution here today, either pro or con. That if we pass it on to Park and Recreation and rezone their property, then we have not answered their problem, and we have created one by not saying that we, City Government, and Park and Recreation people did make an error, and we are sorry the option did expire and this other development came along. But we have an obligation to keep some park land in the immediate area.

Councilman Alexander stated the matter is not on the agenda for decision today. This is why he suggested to the Chairman of the Park and Recreation Commission when this item was before Council for a hearing that he attempt to get in touch with the citizens in this area and explain to them all the situations, and to hear their thinking on it. That he would like to suggest that Council suggest to the Chairman of the Park and Recreation Commission that he meet with the citizens of Grier Town on this matter before this item gets back on the agenda for a decision. That he is sure what recommendations that come out of such a meeting could have some bearing on what type of decision is made regarding this piece of property.

Councilman Whittington stated he has spoken to Mr. Polk, Mrs. Drenan, Mr. Alexander and Mr. Wallace, and two other people about his particular site. That he has also talked to the Chairman of Park and Recreation Commission. He stated he would like to reiterate what Mayor Belk has said. That the Park and Recreation Commission had a six months option on this property; they tried to get it renewed for six more months, but were only able to get it renewed for three months, and this option ran out in December, for a community facility at that point. Then HUD approved preliminary money for this site in March of this year.

Councilman Whittington stated as has been said, this is not on the agenda today. That he, too, would hope that Chairman Walker would meet with these people, and when this comes before Council the decision that Council must make is whether to rezone this property or not to rezone it. That Council is not involved in it other than that particular point. The reason Council has not acted upon it at this point is that the County Commissioners, through Mr. Jordan who is a member of that Committee, asked Council to not take any action until they could clear ingress and egress point from their facility there now into this property. When this does come before this Council, our decision will be whether to rezone it or not to rezone it. That he would hope the people from Grier Heights, if they do not hear from the Chairman, would make an effort to get with him and give him their feelings and desires.

Councilman Withrow stated if people think anything funny or underhanded is being done about this park, then he thinks it should be brought to Council and Council should know the exact negotiations between the Park and Recreation Commission and the parties concerned.

Councilman Alexander stated these are the questions that were raised at the hearing; he asked that representatives of the Park and Recreation Commission come in and explain why they no longer held the option and what their plans are. At that time he suggested the Park and Recreation Commission attempt to meet with the citizens of Grier Heights and tell them just what is what.

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This is not a Council decision. The only decision Council will make will be under zoning of the piece of property that is involved. That he would like to see a decision from the Park and Recreation Commission, and then Council can act on the zoning. Council cannot make the decision as to whether the Park and Recreation Commission purchases the property. This is where and why these people need to meet with the Park and Recreation Commission.

Councilman Short stated he does not think there is any real question about the position of the Park and Recreation Commission. The majority of that Commission, four members, selected this out of two or more possible sites, and they stuck with it from beginning to end, and only went down when they were undone by HUD's failure to approve, within a time they could get options, and even at the end they were trying to get more options. So the majority of the Park and Recreation Commission went along with this park. He stated Council should keep in mind it is probably possible to accommodate both needs here, but there is also more office land available in this area. The idea of having to move the park in order to accommodate the office is one possibility; the idea of moving the office in order to accommodate the park is another possibility.

Councilman Alexander again suggested that these people get in touch with the Chairman and ask that he or some representative of the Park and Recreation Commission come to them. That they owe some explanation to the citizens out there as to what has happened.

Councilman McDuffie stated if Council rezones the property, are not we saying that the park will not go there; if we do rezone the property, then if Park and Recreation wanted it still, and we had to condemn it, it would increase the price. That it seems to him we have to decide whether we want a park in that community, in the vicinity of the proposed park, or we are saying to the Park and Recreation it is alright to go up on Craig Avenue.

Councilman Short stated if Council decides to deny this zoning petition, it would give the Park and Recreation Commission a chance to get back in the picture, and approach the owners for further conversations. He does not know if we want to condemn for a park, maybe we do. If that proved to be fruitless, then we could simply petition it of our own motion. That we do not want to lose both projects.

Reverend Worsley stated we condemn for streets and things like that. With these new buildings out there, will there not be a need for streets and additional things? That he thinks there will be a clash in the future here. Residents on the one hand, and business on the other. Is this rezoning relevant to one area or to the entire section? That maybe they can meet with Council again, also with the Park and Recreation Commission, and additional city heads so they can see this long range plan for the Grier Heights Community. If that medical building goes up, and they are not against progress, but will that call for additional land, and will Council then be involved in condemning something; perhaps the homes of the people in the area?

Councilman Short stated he is not opposed to condemning land for parks, but we have not arrived at that point in this situation.

Reverend Pendergrass stated they do not feel that the site on Craig Avenue is a reasonable alternative. That when they go to Park and Recreation, then they send them back to Council. That he hopes they can get in touch with them and by Saturday afternoon have a meeting. He stated they are asking Council to use its power to do something.

Councilman Alexander stated his discussion does not hinge on what he is going to do when it comes to his vote for rezoning. That is immaterial at the moment. That the question at the moment is whether or not these citizens are aggrieved because of whatever has happened, which is a function of the Park and Recreation Commission, and it needs to be handled further. The Park and Recreation Commission needs to let these citizens know the exact status of the Park and Recreation Commission's position regarding the Randolph Road property, which they have been thinking all along would be a park. Also, he thinks this needs to be done before the matter comes back to Council.

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Councilman Alexander stated he would appreciate it if Reverend Pendergrass and Reverend Worsley would let him know as soon as they have a firm date for the Park and Recreation Commission to meet with them.

Councilman McDuffie asked if a person votes no against the rezoning because he wants to save the land for a park, if that is contrary to good zoning practices? Mr. Underhill, City Attorney, replied that could be a consideration. Generally what the law requires is in the consideration of whether or not a property should be zoned originally or rezoned depends on the factors of whether the proposed rezoning would fit the comprehensive land use plan; whether it meets the criteria of good zoning practice; whether or not it constitutes spot zoning; would it be compatible with the surrounding neighborhood; would it be compatible with the surrounding development in the neighborhood; things of this nature.

Councilman Short stated Council has, in effect, reopened this hearing today without the other side being present. He asked that a copy of the minutes be sent to Mr. John Ingle, their attorney.

MAYOR COMMENDED ON MEETING OF CANDIDATES FOR STATE AND LOCAL OFFICE TO INFORM THEM OF THE NEEDS OF THE CITY.

Mr. Charles W. Smith stated earlier in the meeting Mayor Belk mentioned the meeting where the candidates for the State and local offices were brought together. That he personally would like to commend the Mayor and Council publicly for calling this meeting. The meeting was excellent, and the candidates learned a lot. That he personally assures them, if it is his opportunity to serve this State in the capacity of House of Representatives, he will do everything he can to conform to what the city needs to the best interest of all the people.

SUGGESTION THAT SOME MEMORIAL BE MADE TO THE MEMORY OF HERBERT H. BAXTER, FORMER CITY COUNCILMAN AND FORMER MAYOR OF THE CITY OF CHARLOTTE.

Mr. Ernest Foard stated he is present to interest the Council in creating a suitable memorial to the memory of Herbert H. Baxter. He stated the idea is not original with him. That he has heard a number of people mention this. He stated Mr. Baxter was a great Charlottean; he came here from Boston some 50 years ago and became one of Charlotte's great leaders.

He stated Herbert Baxter was a member of this City Council for quite a few years; he was also Mayor of our City. He worked untiringly for the good of our community for about 50 years up until his death a few years ago.

Mr. Foard stated he has had suggested that a room in the new civic center be named for him, or a Plaza, or a new Street. That he is sure Council can think of something suitable, and will create this memory for a very good, hard working, civic minded citizen, that we lost.

COUNCIL REQUESTED TO RETAIN AND PRESERVE THE COURTHOUSE REPLICA NOW LOCATED IN DOWNTOWN AREA.

Mr. Ken Whisett stated Council has been looking forward all afternoon and they must continue to do that. But he would like to refresh their minds and look backward. He stated he is present to speak in behalf of the Replica of the Old Courthouse uptown.

Mr. Whisett stated in Friday afternoon's News there was an article pertaining to the Replica of the Courthouse. That over the weekend he received calls wanting to know if the house is authentic. Many people think it is not. He stated he is the man who came up with the idea in the beginning, and did the research on it. That in the last 25 to 50 years there has been a tendency to consider it as a little log house. In official papers around here, it is still pictured as a log house.

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Mr. Whisett reviewed with Council a very interesting history of Charlotte.

In his review he stated the replica of the courthouse downtown is something that should be saved and should be preserved. If it were not for that courthouse, there would not be any Charlotte. It is the county seat, and if Charlotte had not been the county seat, it would not be what it is today. That he hopes Council will take into consideration the possibility of preserving the Courthouse replica.

Councilman Alexander stated he has heard Mr. Whisett tell this story all his life and he believes in it. That he has cited enough history this afternoon for Charlotte to have a celebration.

Councilman Alexander stated he would like for Council to arrange for Mr. Whisett to tell this to the Information Office and have them tape it, and then perhaps we can codify some authentic facts about Charlotte that can be meaningful from this point on. Mayor Belk replied this can be done.

Councilman Alexander asked if the city has a Historical Commission? Councilman Short replied there is the Mecklenburg Historical Society. Councilman Alexander stated he is thinking about a historical commission established by the City so we can get together some organization of historical facts of Charlotte.

Mayor Belk stated he received a call this afternoon, and they said they were forming two new historical groups, and they wanted to postpone moving the courthouse replica. That they are trying to say it was not authentic.

Councilman Alexander moved that Council establish, and appoint a historical commission for the City of Charlotte. The motion did not receive a second.

Councilman Alexander stated we are going to allow ourselves to lose the real history of Charlotte over someone arguing; that he does not think that is the thing we are determining now. If Mr. Whisett puts it on tape, the city can codify it. Councilman Short stated you do not need a commission to do that. That there will be a lot of contention; there will be factions that want to control this commission. Councilman Alexander stated if the city sets it up everyone can give an input into it. That the only thing he is interested in is preserving the history of Charlotte. Councilman Short stated before voting to do this, he thinks we owe the present organization the courtesy of asking them whether we should move into this area.

Mr. Allen Wells stated most of what Mr. Whisett has said can be documented as far back as 1765. That the courthouse was a frame building. If you go back and look at the Thomas K. Polk home which was just sold, actually for veneer on a new house, it was a frame house, and built in the same dimension.

PETITION NO. 72-8 BY T. W. SAMONDS, JR. FOR A CHANGE IN ZONING OF A PARCEL OF LAND BEGINNING 65 FEET WEST OF SHARON ROAD, AT A POINT OPPOSITE COLTSGATE ROAD, DENIED.

Councilman Whittington moved that the subject petition for a change in zoning from O-6 to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Councilman Jordan stated he has given this petition a lot of thought; that he has been out there three or four times, and has gone to the other Hardee's location to watch the traffic situation. That he has been told some things today regarding this petition that he did not know. That we are not rezoning the whole thing; yet it is right in the middle of all this B-1 property. That he hates to see this little piece of property right in the middle of this B-1 property, and not rezoned. He asked if there is anyway to get in and out of this property by going into Fairview, or if all the egress and ingress will be onto Sharon? Mr. Bob Perry, Attorney for the petitioner, stated it will all be on Sharon. The only way they could get the ingress and egress to Fairview Road would be through the cooperation of the shopping center, which they are not able to say they would get. That they

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are petitioning for only a portion of the property. That they thought it was in the interest of the city to look at each particular project as it came along; they would not qualify for B-1SCD because the entire tract is too small. At the same time if they rezone the entire tract for B-1, they would only have a use for a portion of it and Council would be left wondering what would happen to the rest of the property, and they would not be in a position to tell what it would be.

Councilman Withrow asked if this can be made a part of the original B-1SCD already existing by extending the B-1SCD? Mr. Perry replied in his judgement since the other was already B-1SCD that it would violate the idea of the B-1SCD zoning, if it did not do it technically. That they did not look into this; that it would require Velva Corporation to be a co-petitioner with them. He stated they would be very pleased to submit to that type of zoning, and if Council thinks it is possible, they will be glad to come under that zoning.

Councilman Short stated in view of the fact that any citizen can move to rezone any property that he does not know that they would need anyone else to join in on the basis of an extension of the zoning. Mr. Perry stated they are perfectly willing to submit to a B-1SCD zone. Councilman Short stated Council cannot do this unless it has the plan. Mr. Perry replied they are willing to do that. That they will give Council the complete plans right down to the last specification.

Councilman Short stated he understands what Mr. Jordan is saying. To deny someone business in an area where many others have it all around, you have to have some reason for doing it. There are two reasons why he does not really prefer this petition. One is that he and others have voted against further business in this vicinity until certain street projects are completed. The traffic situation, for a mile or so around, is a problem here. That it seems until Fairview Road and certain other streets are set up as now planned and are completed, it is very difficult to vote for further zoning. The other point is that to give Council an opportunity to achieve good planning requires a piece big enough to do good planning with. That it seems to him with the circumstances that exist here, it is only fair for the Council, in the interest of the public, to ask that this six or seven hundred feet which circumstances have thrown in together, and that some comment be made as to the attempts that have been sought to arrange a common petition for all these pieces of land - the two houses and the kennel that is there. In any event it would seem to him that in the interest of good planning, such as the public needs in a crowded area such as this, that someone would want to petition the biggest that they themselves own.

Councilman McDuffie stated what he is saying is that he wants them to develop the whole piece of vacant property at one time, which these people do not have control over. The whole block is business with filling stations on one side, and up the street, a newer and bigger filling station, and yet we consider rejecting a petition; the man brought plans and told Council exactly what is going to be built there and exactly what it would look like, and how many feet back from Sharon Road, it would be built. We do not do that in other zonings; we allow people to come in and say we might put this in, or show a beautiful picture that never gets built. That he does not think we are very consistent.

Councilman Short stated he read the minutes on this hearing; that he does not see there was any comment made about efforts to put this tract of land together. The result is we are faced with approving fragmentation - fragmented driveways that would be a traffic danger and so forth right at this tremendous intersection. That if some effort had been made at least to say they tried to put it all together and could not, in which case the Council might very well have put it all together on its own motion.

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Mr. Underhill, City Attorney, stated he does not think this area could qualify as B-1SCD. That it is not the intent of the B-1SCD zoning classification to allow such as this to be considered with an existing B-1SCD. One of the dimension requirements is a site of three acres. Whether or not you can extend the existing B-1SCD to include this area he does not think is the purpose or intent of the B-1SCD zoning classification.

Councilman McDuffie stated if this SouthPark area does not have better streets than any other shopping center or any other business district in the city, he does not know where it is. All the streets are four lane with turn lanes and a number of traffic lights. That he thinks if this were petitioned by other people and presented in a different manner that they might build so and so, it would be passed in a minute. That he personally hopes if this is not passed, that these people will use every legal remedy available to get business zoning as in that neighborhood and adjoining it.

Councilman Short stated his conscience on it is that at the proper time and after a proper effort is made to put this all together, he certainly does not want to be a barrier to their use of this land; it cannot sit there permanently like it is now. But with the street situation at this particular moment, he cannot vote for this.

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

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

**RESOLUTION AUTHORIZING REFUND OF CERTAIN TAXES LEVIED AND COLLECTED THROUGH CLERICAL ERROR AND ILLEGAL LEVY.**

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, a resolution authorizing the refund of certain taxes in the total amount of \$145.00 levied and collected through clerical error and illegal levy against three tax accounts, was adopted, and is recorded in full in Resolutions Book 8, at Page 88.

**ORDINANCE NO. 395-X AUTHORIZING THE TRANSFER OF FUNDS FROM THE UNEXPENDED BALANCE OF THE 1970-71 URBAN BEAUTIFICATION PROGRAM FOR CONSTRUCTION OF SMALL PARK ORIENTED TOWARD SERVING THE STRAWN VILLAGE PUBLIC HOUSING PROJECT, ADOPTED.**

Motion was made by Councilman Whittington to adopt the subject ordinance authorizing the transfer of \$4,500 to be used for the construction of a small park adjacent to Fire Station No. 2 on South Boulevard, to enhance the entrance into the Strawn Village Public Housing Project for the elderly. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 19, at Page 7.

**NEW AGREEMENT BETWEEN THE CITY AND THE SEABOARD COAST LINE RAILROAD COMPANY TO PERMIT THE RAILROAD COMPANY TO USE CITY-OWNED SIDE TRACKS AT THE SEIGLE AVENUE CENTRAL YARD, AUTHORIZED.**

Councilman Whittington moved approval of the subject agreement between the City and the Seaboard Coastline Railroad Company permitting the Seaboard Coastline Company to use city-owned side tracks at the Seigle Avenue Central Yard for operating purposes. The motion was seconded by Councilman Alexander and carried unanimously.

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RESOLUTION TO AMEND THE RESOLUTION ADOPTED BY CITY COUNCIL ON MAY 24, 1971, AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WHITEFORD S. BLAKENEY AND WIFE, HENRIETTA R., LOCATED AT 3545 SHARON ROAD IN THE CITY OF CHARLOTTE.

Councilman Whittington moved adoption of a resolution entitled: "Resolution to amend the Resolution adopted by City Council on May 24, 1971, authorizing condemnation proceedings for the acquisition of property belonging to Whiteford S. Blakeney and wife, Henrietta R., located at 3545 Sharon Road in the City of Charlotte." The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 8, at Page 89.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO THE HEIRS OF HANNAH ABRAMS, LOCATED AT 1601 PARKWOOD AVENUE, IN THE CITY OF CHARLOTTE, FOR THE BELMONT NEIGHBORHOOD IMPROVEMENT PROJECT.

Motion was made by Councilman Withrow, seconded by Councilman Short, and unanimously carried, adopting a resolution entitled: "Resolution Authorizing condemnation proceedings for the acquisition of property belonging to the Heirs of Hannah Abrams, located at 1601 Parkwood Avenue, in the City of Charlotte, for the Belmont Neighborhood Improvement Project."

The resolution is recorded in full in Resolutions Book 8, at Page 90.

#### PROPERTY TRANSACTIONS, AUTHORIZED.

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

- (a) Acquisition of 5' x 118' of temporary construction easement, at 5308 Park Road, from Calvin D. Mitchell, Jr., (single), at \$25.00, for lower Briar Creek Interceptor Sanitary Sewer Construction.
- (b) Acquisition of 25' x 1,475.57' of easement on Arrowood Road, from Charles C. Shakleton and wife, Betty R., at \$2,000.00, for Kings Branch Outfall Sanitary Sewer Construction.
- (c) Acquisition of 15.76' x 55' x 15.64' of easement on Hebron Street, from Cecil G. Ernest and wife, Mary Sue, at \$10.00, for Kings Branch Outfall Sanitary Sewer Construction.

ORDINANCE AFFECTING HOUSING DECLARED "UNFIT" FOR HUMAN HABITATION UNDER THE PROVISIONS OF THE CITY'S HOUSING CODE, ADOPTED.

Mayor Belk asked if anyone is present to contest the orders declaring the housings unfit for human habitation. No one spoke against the orders.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, adopting ordinances affecting housing declared "unfit" for human habitation, as follows:

- (a) Ordinance No. 396-X declaring housing at 1520 Cliffwood Avenue "unfit" for human habitation.
- (b) Ordinance No. 397-X declaring housing at 309 South Fox Street "unfit" for human habitation.
- (c) Ordinance No. 398-X declaring housing at 143 West Palmer Street "unfit" for human habitation.
- (d) Ordinance No. 399-X declaring housing at 311 South Fox Street "unfit" for human habitation.
- (e) Ordinance No. 400-X declaring housing at 600 Mercury Street "unfit" for human habitation.

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- (f) Ordinance No. 401-X declaring housing at 1718 South Tryon Street "unfit" for human habitation.
- (g) Ordinance No. 402-X declaring housing at 220 West Boulevard "unfit" for human habitation.
- (h) Ordinance No. 403-X declaring housing at 508 East 10th Street "unfit" for human habitation.
- (i) Ordinance No. 404-X declaring housing at 118 Baldwin Avenue "unfit" for human habitation.

The ordinances are recorded in full in Ordinance Book 19, beginning at Page 8.

CONTRACT WITH PEAT, MARWICK, MITCHELL AND COMPANY TO AUDIT BROOKLYN URBAN RENEWAL PROJECT NCR-24.

Councilman Jordan moved approval of a contract with Peat, Marwick, Mitchell and Company to audit the Brooklyn Urban Renewal Project NCR-24, as required to comply with the City's contractual agreement with HUD, with fees for the audit to be charged against the project. The motion was seconded by Councilman Short, and carried unanimously.

CHANGE ORDERS IN CONTRACTS FOR CONSTRUCTION OF FIRE STATION NO. 4, AUTHORIZED.

Upon motion of Councilman Withrow, seconded by Councilman Short and unanimously carried, the following change orders in contracts for the construction of Fire Station No. 4, were authorized:

- (a) Change Order G-1 in general contract for changes for overhead doors  
ADD \$850.00
- (b) Change Order No. M-1 in mechanical contract for change in reheat coil application  
SUBTRACT 586.00
- (c) Change Order No. E-1 in electrical contract to revise overhead door control  
ADD 419.00

CHANGE ORDER NO. G-1 IN CONTRACT WITH MCDEVITT AND STREET COMPANY FOR CONSTRUCTION OF CIVIC CENTER, AUTHORIZED.

Councilman Whittington moved approval of Change Order No. G-1 in the contract with McDevitt and Street Company for the construction of the civic center increasing the contract by \$11,752 to modify the concrete planters on the Plaza Level of the building and to furnish and install trees and ground cover in the planters. The motion was seconded by Councilman Withrow, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, approving the issuance of Special Officer Permits for a period of one year, as follows:

- (a) Renewal of permit to Mrs. Dorothy Lamour Stevens for use on the premises of J. B. Ivey & Company.
- (b) Issuance of permit to David S. Perry for use on the premises of Northwood Park, Greentree Apartments and Eastbrook Woods.

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CONTRACT AWARDED BRIGHTON STEEL COMPANY, INC. FOR STEEL U-POSTS.

Councilman Jordan moved award of contract to the low bidder, Brighton Steel Company, Inc., in the amount of \$4,845.00 on a unit price basis for Steel U-Posts. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

|                                    |            |
|------------------------------------|------------|
| Brighton Steel Co., Inc.           | \$4,845.00 |
| Southeastern Safety Supplies, Inc. | 4,950.00   |
| Vulcan Signs & Stampings, Inc.     | 5,130.00   |
| Hall Signs, Inc.                   | 5,265.00   |

CONTRACT AWARDED WIDENHOUSE HOUSE MOVERS, INC. TO RELOCATE THE COURTHOUSE REPLICA ON EAST THIRD STREET IN THE AREA OF THE OVERHEAD WALKWAY.

Mr. Allen Wells stated the question Mr. Whisett wanted to bring up today was not the moving of the replica of the courthouse, but that it be moved as it is now. It was designed to be moved and rebuilt on pillars. That he hopes it will be back on brick.

Mr. Hopson, Public Works Director, replied not only will it be on brick, but all the cinder blocks will be eliminated. It will be on the same elevation.

Motion was made by Councilman Whittington, and seconded by Councilman Short to award the contract to the low bidder, Widenhouse House Movers, Inc., in the amount of \$7,450, on a lump sum basis, to relocate the Courthouse Replica at East Trade Street to East Third Street, in the area of the overhead walkway.

After further discussion, the vote was taken on the motion and carried unanimously.

The following bids were received:

|  |            |
|--|------------|
| Widenhouse House Movers, Inc.                  | \$7,450.00 |
| Crouch Brothers House Moving Contractors, Inc. | 9,250.00   |
| H. B. Pethel House Moving Co.                  | 11,500.00  |

PUBLIC INFORMATION OFFICE DIRECTED TO PROCEED IMMEDIATELY TO GET HISTORICAL INFORMATION ON CHARLOTTE FROM MR. KEN WHISETT.

Councilman Alexander moved that the Public Information Office be instructed to proceed immediately to get the information they can get from Mr. Ken Whisett on the history of Charlotte. The motion was seconded by Councilman Short, and carried unanimously.

ASSISTANT CITY MANAGER TO FIND OUT IF MODEL CITIES RESIDENTS CAN USE FIRST WARD SCHOOL FOR ADULT EDUCATION CLASSES.

Councilman Alexander stated sometime back the school system, be it Central Piedmont, or whatever school system has the authority for adult education and the City School Board, denied the use of First Ward School for classroom purposes for the adult education program that the residents of First Ward were involved in. This forced them to move the class room for the adult education that was held in First Ward School all the way out to West Charlotte High School.

He stated he has a number of letters from the residents. That the Model Neighborhood Advisory Commission is asking Council if they will take whatever steps are necessary to request that the School Board permit the holding of these classes in First Ward School. These are mostly elderly people and they can walk to and from their homes to First Ward School. To get out to West Charlotte has proven to be a problem, and they have not been able to attend their classes as they should.

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After discussion, Mayor Belk requested Mr. Bobo, Assistant City Manager to find out why they do not have the use of First Ward School, and report back to Council.

MOTION TO PROCEED IMMEDIATELY WITH ANNEXATION OF ELIGIBLE AREAS AS SOON AS FINANCIALLY FEASIBLE AND AIM AT TARGET DATE OF JUNE 30, 1973 AS EFFECTIVE DATE.

Councilman Short stated involuntary annexation can be a little bit touchy. That Mr. McIntyre and the Planning Commission have done a very accurate job of stating all the areas around the perimeter that come into maturity so they can be annexed to the city. Nothing that is eligible, hopefully, will have to be left out. That it is particularly important that we push this program very aggressively. Twenty million dollars is involved in the water and sewer activities, and some five or six million in other facilities that have to be provided. Apparently it may be self-sustaining; but in any event it is important that we push this program very aggressively.

Councilman Short moved that Council proceed with annexation of the eligible areas as soon as financially feasible and that we aim at a target date of June 30, 1973, as the effective date of annexation; that this applies to those areas that were described to Council in the conference session. The motion was seconded by Councilman Whittington, and carried unanimously.

The City Attorney advised this action is informal. That this action will have to be taken again after a more detailed plan is presented, and a public hearing is held on the subject. A prerequisite for annexation is a public hearing and an explanation of a detailed plan of how the services will be provided.

REPORT AND RECOMMENDATION FROM CITY MANAGER REQUESTED ON LINKING UP OF CINDERELLA LANE AND AUSTIN DRIVE ON AN EMERGENCY BASIS.

Councilman Short stated he would like to make a motion on a street project as it relates to the Hidden Valley area.

Councilman Short moved that Council ask the City Manager to come back to Council in two weeks with a report and recommendation as to whether the City should link up Cinderella Lane and Austin Drive on an emergency basis and give relief and another egress and ingress to the people who have had a hard time in Hidden Valley. The motion was seconded by Councilman Jordan.

Councilman Short stated he has been out and walked over this area, and it appears that this will be very easy to do. This half of block in here that keeps these streets from meeting is just open fields and there is a little creek in there that already runs through two pieces of pipe; this land is a brush field and the right-of-way and the necessary grading and paving, would appear to him, to be not expensive at all. In view of the situation that exists out there even if it could be gravel for the time being, it would be a great help to these people who have for so long been trapped out there.

Councilman McDuffie stated he wished that Mr. Short would include the possibility of another ramp opening Tom Hunter Road. That even if you go off I-85 pass Tom Hunter Road and allow deceleration and come back to Tom Hunter, you still put them out to North Tryon Street to get back to North Tryon Street to get onto Austin Drive, if they are going to get to I-85.

Councilman Short stated this has three exists to North Tryon Street, Tom Hunter and Bennett Lane and then this Austin Drive connector he is talking about. Councilman McDuffie stated there is less problem getting to Tryon Street then getting to I-85 and off I-85. That is some relief but the other would get them home much quicker than having to go out North Tryon Street.

After further discussion, the vote was taken on the motion and carried unanimously.

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**SEVEN MEMBERS APPOINTED TO THE TRANSIT IMPROVEMENT COMMITTEE TO IMPLEMENT THE WILBUR SMITH & ASSOCIATES PLAN WHEN COMPLETED.**

Councilman Whittington stated the latter part of last year he suggested to Council and to the Board of County Commissioners - that he has since talked to Chairman Peterson, and he says in his opinion this should be a city council committee until such time as rapid transit reaches the point that it involves several counties - and Council passed the recommendation to create the Transit Improvement Committee so that when the Wilbur Smith and Associates, our consultants, give us their plans, this committee could then take it, and implement this report.

Councilman Whittington stated he has discussed this at great length with Mr. McIntyre, Mr. Comerat and others and they agree this should be done and be done now.

Councilman Whittington placed in nomination the name of Mr. Logan Pratt, an authority on municipal bonds, and moved his appointment.

Councilman Jordan placed in nomination the name of Mr. Jim Hunter, of Hunter and Walton, and moved his appointment.

Councilman Withrow placed in nomination the name of Mrs. Ruth Easterling, of I. D. Blumenthal Company, and moved her appointment.

Councilman McDuffie placed in nomination the name of Mr. Paul Braswell, and architect, and moved his appointment.

Councilman Alexander placed in nomination the name of Mr. Luther Caldwell, and moved his appointment.

Councilman Short placed in nomination the name of Mr. Bill Bowen, Executive Vice President of Wachovia Bank, and the name of Mr. Herman Yoos, head of a real estate company, and moved their appointments.

The motions were unanimously seconded and the vote was taken on the motions and carried unanimously.

Councilman Whittington requested the Mayor to write Mrs. Easterling and the gentlemen and let them know they have been appointed to this Committee, and let Mr. McIntyre know of these appointments so when he receives the reports they can go to work.

**COUNCILMAN JORDAN LEAVES MEETING.**

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

**REPORT REQUESTED ON POWELL BILL FUNDS FOR 1971-72 AND ANTICIPATED FUNDS FOR 1972-73.**

Councilman Whittington requested the City Manager, through Mr. Fennell, to give Council an accounting of the Powell Bill Fund - what the city received in the year 1971-72, and what was done with these funds per department and per street. Also what the anticipated revenue will be in 1972-73.

**DISCUSSION OF LOCATION OF HOME OF ASSURANCE PROJECT.**

Councilman Whittington stated he has been told that the House of Assurance Committee, the Christian Ministers Association, option on the property on Kenilworth Avenue expires on Wednesday; that they intend to exercise that option and locate in that particular location. He stated Council should be informed of this action before Wednesday so that if Council wishes to do so, they can take action if other action is necessary or can be taken. He stated

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he wants to know what they are going to do. If they do elect to take that site, at that time he would ask the Mayor to call a special meeting of Council.

Councilman Alexander stated he is not asking for an answer at this time, but he would like an answer from the City Attorney as to whether or not, under contracts that exist, that Council has any legal authority to interfere as to where they put this project.

Councilman Alexander stated it is very important if we have any ideas of moving further as regards this Home of Assurance property. If we have no legal right, then we should let it alone. Of course, if it comes within the providence of Council, then that is a different situation.

COUNCIL MEETING SCHEDULED FOR TUESDAY, APRIL 4 IN LIEU OF MONDAY, APRIL 3, 1972.

Councilman Alexander moved that Council meeting scheduled for Monday, April 3, be cancelled as it is a legal holiday, and that a meeting be scheduled for Tuesday, April 4, 1972. The motion was seconded by Councilman McDuffie and carried unanimously.

CITY MANAGER REQUESTED TO BRING COUNCIL A REPORT ON REGULATIONS TO IMPROVE STREETS THAT ARE NOT BUILT TO CITY STANDARDS.

Councilman Alexander stated McDonald Street is one block long. It has duplexes on it and there are no lights on this street. There are pot holes all in the street and the developers did not build the street up to city requirements for maintenance. He stated these people have no lights and the street cannot be improved because of that condition.

Councilman Alexander asked if there is any way to relieve this type of situation. That he knows of a number of instances where developers in certain areas, after building rental houses, rent them to people and refuse to do anything about any further improvement of a street so they can be taken over by the City. That some type of regulation should be developed where a developer is forced to make that street what the city requires for maintenance. He stated there is one street where half the block complies. Since that time the developer opened up the other section of the street and put rental houses in and did not improve the street, and the city cannot do anything about it. The people are in mud. That he is suggesting that the City should find out a way to come up with the proper type of ordinance to prevent this from happening. He stated this happens in areas where poor people have no other recourse as they have to rent.

Mr. Bobo, Assistant City Manager, stated we do have ordinances which prevent this type of thing today. Unfortunately some of these things happened some years ago. The only way to get to them now is for the property owners to petition for the street to be brought up to city standards, and the cost is assessed against the property owner. Councilman Alexander stated these are rental houses and the renters do not have authority to petition the city. They are left in a situation where they have to find someplace to live; they rent, and the developers refuse to do anything about improving the street.

Councilman Alexander requested the City Manager to bring a report back to Council next week on regulations whereby these streets can be improved.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk