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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, May 11, 1970, 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, Milton Short, John H. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Mr. Jack Bullard, Executive Director of the Charlotte-Mecklenburg Community Relations Committee.

CITY OF CHARLOTTE EMPLOYEE PLAQUE PRESENTED LEON G. JUSTICE.

Mayor Belk recognized Mr. Leon G. Justice, Accounting Clerk in the Engineering Department, and presented him with the City of Charlotte Employee Plaque. He stated Mr. Justice was employed by the City August 25, 1950 and retired May 1, 1970.

MANAGEMENT TRAINING PROGRAM CERTIFICATES PRESENTED.

Mayor Belk stated the following employees have completed the Management Training Program:

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|------------------------|----------------------|
| Robert Anderson | Thomas Mason |
| Richard L. Blackwelder | John R. McClelland |
| E. R. Blalock | Glenn T. McLinnahan |
| Roy Christenbury | William L. Moleyneux |
| F. Marion Diehl | William D. Nance |
| David Duncan | J. B. Norman |
| Henry L. Forrest | Roy L. Ozmore |
| Jack W. Gettis | E. L. Plummer |
| Charles L. Green, Jr. | Clyde W. Robinson |
| Ted Hinson | Robert K. Seals |
| Floyd M. Jones | Ernest C. Selvey |
| George A. Kessler | Vincent E. Severs |
| Herbert Knight | Larry B. Vanhoy |
| Roy G. Lynch | Alvis O. Underwood |
| William R. Manus | |

Mayor Belk congratulated each and presented them with a certificate.

ESTABLISHMENT OF JOINT DEPARTMENT OF TRANSPORTATION AND CREATION OF A MASS TRANSIT COMMISSION RECOMMENDED BY CHAMBER OF COMMERCE.

Mr. George Broadrick, President of the Charlotte Chamber of Commerce, stated in its 1970 Program of Work, the Chamber addressed itself to ambitious goals for our city; the first among the priorities for 1970 concerns the improvement in the transportation requirements of Charlotte for the present, but more importantly, for the future. In the latter part of 1969, the Chamber polled its membership on those matters which were felt to need immediate attention. An overwhelming response stated that expressways and mass transit were the most pressing need. That some may disagree that this is the most serious problem in Charlotte but surely they would agree that it is the most visible, and one that nearly every citizen faces nearly every day.

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Mr. Broadrick stated the problems of vehicle traffic are not unique to Charlotte but are faced by every other urban area in the United States; and indeed the whole world. That he thinks it is fair to say that traffic problems in Charlotte have not yet reached the critical state that exists in most other cities of the country.

Mr. Broadrick stated Charlotte derives its principal street and expressway financial support from the North Carolina Highway Commission and the U. S. Department of Transportation. This consists of construction funds allocated under the mutually adopted thoroughfare plan and maintenance funds provided through the provisions of the Power Bill. It is proper that these other governmental levels supply these funds since they have pre-empted local government from highway use taxes. It is the Chamber's conviction that the impetus to persuade State and Federal Agencies to spend money in Charlotte and Mecklenburg County must come from local sources. The planning process must be initiated locally and the liason between local and other governmental groups must be close and continuing. The demands that the State Highway Commission has on it from hundreds of towns and cities and from the primary and secondary road needs of the state are enormous.

He stated many experienced and knowledgeable people believe with the completion of the Interstate Highway System in the next four or five years, these vast funds will then be directed in large part to the transit and transportation problems of the urban areas. It seems that it is not too early for Charlotte and Mecklenburg County to begin its planning and be in position to attract these funds to our problems, if and as soon as they are available.

In the early 1960's we foresaw the need for a central city expressway loop. A few years later a need was presented for a belt road that would circle the residential areas and intersect with I-85 at both ends. After all of these years neither of these major projects are completed. While the enormous financing required was supplied mainly by State and Federal sources, the planning and the initiative and the drive for these projects came from local government. Since that time we have not come forward with a single major project even though we have the experience near at hand that a decade is required from conception to completion. For reasons of economy we expect to use interstate highways as local expressways with the full knowledge that very shortly they will not serve either purpose well. We all agree that access to the suburbs must be improved with high speed non-access expressways yet we are doing nothing about providing them. We have talked for years about an outer loop that is critical to the orderly development of the city and county. Yet we have nothing more than a broad corridor delineated on a map and in the meantime the land is being developed and its price skyrocketing. After all of these years we have not even defined the location of such a facility so that we could ask developers to voluntarily protect the right of way and plan their developments accordingly.

Mr. Broadrick stated he knows with the present taxing structure we do not have the revenues to build the facilities that are needed, and we must rely on the State and Federal Governments to provide the bulk of the money. But we do have the imagination and the political leverage to present these plans in Raleigh and receive the support and funds to construct them.

He stated the Chamber of Commerce proposes that the City of Charlotte and Mecklenburg County jointly establish a Department of Transportation which would embody these streets and highway functions that are presently in the Planning Commission, the Engineering Department and the Traffic Engineering Department. This concept has been recognized at the Federal level with the organization of the Department of Transportation at the Cabinet level. They feel that such a department would be in a position to address itself exclusively to the traffic and transportation problems of the present and future. These problems, if unmet, can only result in a virtual paralysis of the city's growth and progress, and further accelerate urban sprawl with the attendant problems that this generates. They suggest that such a management structure is needed at this time and that this need will be enhanced in the future.

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He stated they also propose that the city and county jointly create a Mass Transit Commission. This commission to be formed of knowledgeable and interested citizens who would work with the staff of the Department of Transportation in planning and implementing plans for the more orderly and efficient movement of people in the city and county.

Mr. Broadrick stated they are pleased to note that recently both city and county governments have taken cognizance of this important matter. That he recommends to them for study the report of the Chamber's Transportation Committee and also a comprehensive study done by the National League of Cities and the United States Conference of Mayors. Charlotte was one of eight cities studied and reported on. This report is summarized in the February 1970 issue of Nation's Cities.

Mr. Broadrick stated that their findings and recommendations neither state nor imply any criticism of any elected or staff official of local government. Except for the talent and dedication of the present staff, our transportation problems would be much worse. But with the growth projected both in population and vehicles we must seek alternative methods of moving people and goods and we must provide a management structure that can most effectively work in this complex area.

Councilman Tuttle stated he was opposed to the action taken this morning to go ahead and appoint the Citizens Advisory Committee. But Mr. Broadrick has brought up something that deserves a lot of study and would have to do with the type of advisory committee that could be named - and that is a Department of Transportation. He stated just to name a six man committee might be well but not enough thought has been put behind it or given to it. He stated everything Mr. Broadrick has said, he has said justifiably. He stated he has brought up the study of this outer loop time and time again; two years ago Council approved in its budget a special man to make a study; that he has asked for this study time and time again, and he is still asking where this man is and when he is going to get to work on this loop. He stated we are sitting back watching the values go up and watching the houses and businesses being built on what is eventually going to have to be used for expressways and then we will have to condemn them. That the time is long passed on this one particular thing - this outer loop. The time is now.

REQUEST THAT SOMETHING BE DONE ABOUT SUGAR CREEK ROAD NOW.

Mr. John Piercznski stated he lives in the Derita Community and he would appreciate Council considering Sugar Creek and Derita Road; that they need a connecting lane; that he knows something is being done but they would like to have it quicker.

Councilman Whittington requested Mr. Piercznski to contact Mr. Bobo or Mr. Hoose and either can explain to him just what is being done.

DECISION ON PETITION NO. 70-57 BY HUMBLE OIL AND REFINING COMPANY FOR A CHANGE IN ZONING OF A PARCEL OF LAND AT THE NORTHEASTERLY CORNER OF RANDOLPH ROAD AND GAYNOR ROAD, POSTPONED.

Mayor Belk stated he would like to recommend that decision on the subject petition be postponed until after the Library Board holds a public hearing on library sites.

Councilman Withrow moved that decision on the subject petition be postponed. The motion was seconded by Councilman Jordan.

Councilman Whittington stated the Mayor is proposing that a public hearing be held by the Library Board as it relates to library sites before Council makes any decision on the zoning petition.

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Councilman Short stated he would like to make sure that the motion proposed by Mr. Withrow does include in it a suggestion or recommendation from the Council that the Library Board hold a public hearing on this matter; that the numerous telephone calls he has had is directed primarily on whether there will be a library on this site.

Councilman Withrow stated he would accept this as an amendment to his motion. Councilman Jordan accepted the amendment.

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

REPORT AND DISCUSSION BY MODEL-CITIES HOUSING AND PHYSICAL PLANNING TASK FORCE ON THOROUGHFARE PLAN IN FIRST WARD AREA.

Mr. James R. Johnson, Chairman of the Model Cities Housing and Physical Planning Task Force, stated he is an architect and is serving as Chairman of the Task Force at the request of former Mayor Brookshire and Mayor Belk.

He stated the Task Force is an essential planning element organized to assure participation of the residents of the Model Neighborhood Community, and the entire city in the planning of the Model Neighborhood. The Task Force has a good record in that it was one of the essential tools in bringing about a very successful master plan for the Greenville Area of the City. Since December, 1969 this Task Force has been in session almost weekly concerning the tyranny of the automobile. That they are dealing with the early stages of a master plan for the First Ward Area.

Mr. Johnson stated to summarize the report which was given to Council recently he will read a portion of the letter from Eric Hill Associates to the Redevelopment Commission, which was included in the report.

There are two problems: (1) The need to move traffic into and out of downtown Charlotte through the First Ward area; (2) The need to preserve and re-establish a liveable, close-in residential neighborhood in First Ward.

That the Master Plan for the Model Neighborhood drafted last year calls for the renewal of First Ward as a downtown residential area with a full range of services and facilities; that First Ward is a suitable location for a downtown residential area, but the major street pattern is a major deterrent to the creation of a good residential environment. Brevard, Caldwell, Davidson, Fifth, Sixth, Seventh and McDowell Streets are all planned, important links in Charlotte's thoroughfare system. Three of these streets - Brevard, Fifth and to a degree Sixth - are on the fringes of the residential area and do not present major problems. It is the remaining four that will disrupt First Ward separating children from their school and introducing noise, traffic and safety hazard. First Ward streets are important, but the quality of its physical environment is equally important. The residential needs and the traffic needs are in conflict.

As planning consultant to the Redevelopment Commission, Eric Hill Associates has tried to find ways to reduce the noise, traffic and safety hazard problems presented by the existing street system in a residentially redevelopment First Ward, as follows: (1) By suggesting possible thoroughfare changes, such as realignments of major arteries and/or street closings for some arteries coupled with compensating widening of alternate routes. (2) By planning physical adaptations to the existing thoroughfare system aimed at reducing the adverse effects of the traffic; these plans include such improvements as depressing major arteries in the vicinity of high volume pedestrian areas, providing grade separated crossings for pedestrians in the form of pedestrian overpasses, and designing future housing so that it faces inward toward quiet common open space area while shutting out the traffic noise from the nearby major streets.

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Eric Hills Associates advises that the only satisfactory solutions would involve changes in the thoroughfares themselves and accordingly explored the possibilities of closing and realigning several major arteries through the efforts of our staff assisted by the traffic engineering firm of Traffic Planning Associates in Atlanta. As a result they were able to discard as impractical, ideas for realigning or closing 5th, 6th, or 7th Streets as well as McDowell, Brevard and Caldwell Streets. The remaining possibilities were possible changes to Davidson and 9th Streets, relegating them downward from major arterials carrying downtown bound through traffic into minor collectors serving the neighborhood with the assigned through-traffic being diverted to other areas. That the complexity of the interactions of all the streets in the Charlotte thoroughfare system prevented them from being able to state with assurance that the suggested Davidson and 9th Street changes were feasible; in December, 1969, these suggestions were recommended for further study to the only agency capable of a complete analysis of their total effect on other elements of the thoroughfare system - The Charlotte Traffic Engineering Department.

That after study of these recommendations, the Traffic Engineering Department prepared a report on the traffic circulation and street plan for First Ward which was presented to the Model Cities Task Force; this report indicates the lack of acceptable alternative east-west routes to carry 9th Street traffic volumes prevents the closing of 9th Street as a major thoroughfare. The Report also recommends against closing Davidson Street on the grounds that Caldwell and Brevard Street, the available north-south alternates, are to be two lane streets only and will therefore be incapable of carrying the future traffic volumes assigned to Davidson Street. The Traffic Engineering Report leaves to speculation the intriguing possibility of widening Brevard and Caldwell to three lanes each, within the freeway loops, and then closing Davidson Street to through traffic. An inspection of the properties and structures bounding this two-way pair within First Ward indicates no significant obstructions to widening that would not be removed with the assistance of urban renewal action. South of First Ward, these streets pass through the Downtown Urban Renewal area where again there should be no significant reasons why the Brevard and Caldwell Streets could not be widened to three lanes.

That closing Davidson Street to through traffic would improve the residential redevelopment possibilities of First Ward; larger, more self-contained residential super blocks could be arranged in the neighborhood; many more children would be able to walk to the proposed school-park-community center complex without crossing a major artery; also internal traffic circulation for the neighborhood would be enhanced. It is still their hope that through traffic can be removed from Davidson Street and diverted to the widened Caldwell and Brevard Streets.

Mr. Johnson stated he is not sure what the city's alternatives to citizen participation is; but he believes the Task Force will cease to be a purposeful organization in the First Ward area if Council does not take leadership. That he trusts Council will respond positively and those who will attend a meeting next week with HUD officials will be able to speak positively about the planning or the prospects of the planning for the First Ward Residential community.

He stated they believe if Council weighs all the facts that it will support Eric Hill's recommendation and direct the Traffic Department accordingly. He stated a Transportation Department is what we need; one which concerns itself with the man on foot as well as the man in the automobile.

Councilman Whittington asked how Eric Hill and Associates got into the appraisal of streets; that he thought they were developers and planners as it relates to commercial and residential? Mr. Sawyer, Executive Director of the Redevelopment Commission, replied they are not traffic engineers; they are trying to suggest to the Redevelopment Commission a summary of the total effort that has been made to pull together a neighborhood in the First Ward area that will survive as a neighborhood; their efforts have been just to suggest; that

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three alternative suggestions were turned over to the Traffic Engineering Department, and they made a study and issued the report and the Redevelopment Commission and Eric Hill and Associates have accepted that report and they have continued with their planning. However, the planning is at a stage now that if any changes are to be made they can be approved with the redevelopment plan if made in the near future.

Councilman Alexander asked Mr. Sawyer to give his reflections as to the meaning of federal guide lines as they relate to the decisions of citizens participating in this type of decisions regarding thoroughfares and their design and as they move through this type area? Mr. Sawyer replied there is no guide lines concerning thoroughfares as such, but the guide line is that citizens must participate in and have a voice in the planning of a project; this was so in Greenville, and we are going through the same process here; that this is largely a local decision and HUD looks at the decisions but as long as they are assured that citizens had proper participation and their voice was considered they have accepted what was presented.

Reverend Norman Kerry, Member of the Task Force, stated when they ran into this street situation in First Ward, Mr. Hoose gave them a report. He stated he would like to give Council his findings in contrast to the Traffic Engineering Department.

Reverend Kerry stated Seventh Street will carry 19,900 automobiles in 1995 on four lanes; this indicates that one lane carries 4,900 automobiles when a street is one way; Davidson Street is scheduled to carry 4,000 cars in each direction in 1995; if Davidson Street was closed, this traffic would have to be diverted to Brevard and Caldwell Streets; the report states then the volumes on these streets in 1995 would be 11,400 on Brevard and 13,700 on Caldwell Streets; this would indicate these streets would have to be three lanes wide. That Mr. Corbett of the Traffic Engineering Department stated that major buildings prevented these streets from being widening. He stated he assumes this means buildings more major than the Devoe Paint Store which must be removed to widen McDowell Street or the churches that must be removed to widen Seventh Street.

Reverend Kerry stated he along with other people in the community surveyed Caldwell and Brevard Streets and found that Brevard Street has no major obstructions to being widened to three lanes from Belmont Avenue to Independence Boulevard; any buildings which are in the way are either very small or very old and empty. Portions of Brevard Street are now three lanes and even four lanes wide. Caldwell Street is four lanes in sections; three lanes wide opposite Earle Village and could be widened for in-car left; the Southern Bell Building would not present a problem in that there are no major buildings on the other side of the street; the map shows that Davidson Street does not have to be the only major connector to 36th Street; Brevard Street could do the job as easily.

Reverend Kerry stated the Task Force proposes that Davidson Street could be used as a local street and that thoroughfare traffic to and from the downtown areas could be provided with connections to Brevard and Caldwell Streets; these streets can be widened to take the additional traffic. A grade separation at Ninth and Caldwell Street to protect pedestrians will then make First Ward a suitable residential neighborhood. He stated these modifications should be made to the 1961 Thoroughfare Plan to support the residential use of First Ward that was approved by the voters when they voted for redevelopment.

Mr. Herman Hoose, Traffic Engineer, stated in reference to the Traffic Engineering Department working with the model cities staff, that back in 1968 when the project first started, his staff worked with the members of the Planning Commission and explained to them at that time the thoroughfare plan, as outlined in the 1961 Report. Since that time they met in October, 1969 and two times in November, 1969 and in December, 1969, and again in January, April and a meeting last week with members of the Task Force and the staff. He stated when

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asked to re-study the plan they spent approximately three months with various studies. That in reference to traffic circulation, the plans and assignments were studied and reviewed in relationship with the overall transportation plan for the entire city. They took into consideration the traffic movement, not only in the Model City area but to the government center and civic center complex.

Mr. Hoose referred to a map and stated the streets outline in blue are streets that the traffic engineering department says it is alright to close - they are Tenth Street, Eighth Street, Myers Street and Alexander Street. The one outlined in red are the street the Department requests stay open. He stated they feel Ninth Street is a very important link to the project and to the expressway; this is the only street that runs from McDowell Street to Smith Street across Graham Street. He stated two city busses operate on the street as well as two Model City busses. On Davidson Street two regular busses operate and the Model City busses. At the present time, they are doing a \$25,000 survey studying mass transportation in the area with the thought in mind of closing streets.

He stated in the overall picture of the city as a whole, Davidson Street plays a very important part in the through traffic in the area; it is one of the few streets that runs from North Carolina at 36th Street all the way to Second Street with a possibility of tying on the realignment of the new Independence Freeway.

He referred to the Freeway with a five lane bridge being built in this area; that it will go to contract this summer; that Eleventh Street and Twelfth Street are completed. The study also indicated that any widening on Brevard Street since McDowell Street is four lane the traffic in 1995 will be 8,000 vehicles rather than 3,000; anytime the street reaches the capacity of 5,000 vehicles it is desirable to have four lanes.

Dividing this particular traffic up with half on Brevard Street and Caldwell Street it will run better than 13,000 or 14,000 on each street which means you have two lanes for each direction and you will have to build to four lanes. This means the removal of the bridge; the bridge is complete and is built on a three lane basis - two lane for one-way movement and one lane for the movement of the ramp traffic on the expressway.

Mr. Hoose referred to the map, pointing out the construction of the two level interchange, culvert that is completed and the part of the expressway that is under construction to be open to traffic soon.

Mr. Hoose stated it seems to be the consensus to leave Ninth Street open and this leaves the street in question to be Davidson Street. That he believes with the traffic leading to Davidson Street, the new building of the bridge and in the meantime the City is letting the contract for improvements to Parkwood to improve the Belmont Area and when this happens more traffic will be put on Davidson Street, and yet we are thinking about closing Davidson Street

He stated one of the questions was about the lowering of the grade crossing; that they have information from Southern Bell that there are over 300 conduits buried in the area of Ninth and Davidson Streets and several hundred in the Caldwell area; they feel with the future widening of Davidson Street through the area which will be completed to tie in with urban renewal and leaving Ninth Street as it is they will be able to handle the traffic in the area and give good mass transportation and give good circulation. Mr. Hoose stated they have studied this many times and feel that Ninth Street and Davidson Street are very important to the future growth not only of this area but the city as a whole, the civic center, the city hall area - that it is very important to the whole development and the whole movement in the so-called central business district.

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Councilman Tuttle requested Mr. Hoose to outline Earle Village on the map, and stated Davidson Street runs through the center of Earle Village. He asked Mr. Hoose what will happen to the environment of Earle Village if all this traffic is run through? Mr. Hoose replied this is not much different than running traffic through any other residential area; that we are moving 4,000 - 3,900 now; that these people have to have circulation; that the poor planning of Earle Village, the location of the school and the shopping center is trying to be made up by doing away with certain streets. Councilman Tuttle stated he is not trying to say that Earle Village is properly planned; it is there now; what can we do, destroy Earle Village or move traffic. Mr. Hoose stated there are some 600 cars parked in the area right now, and they must have circulation; their study indicates the average family makes six trips a day and that means 6,000 trips a day.

Councilman Alexander stated in the 1961 study it was thought that the First Ward School would be phased out of the picture; but since that time an addition was made and it is being used; Earle Village has been planned and developed there. He asked if there is a traffic solution that we can live with knowing that Earle Village is there? Mr. Hoose replied the plan they have studied is the fact they close the streets outlines in blue and keep open those in red. Councilman Alexander stated what he sees is unfortunate as he sees that we run into a deadend complication of what is more important, the security of traffic or the security of people; that the way he is looking at it now is that maybe we are faced with a situation to consider moving Earle Village; that we are going to have to consider where we are to find out how we can come out; that we are going to have to find a meeting point. Mr. Hoose stated they took into consideration that we not only move traffic but that we move people; that is why they are interested in the bus transit survey in the area; they also realize that people in the area are going to own automobiles and they will want to get to and from this particular area; they also know that people will want to visit in this area. If and when the street is ever thought about being closed, Brevard Street would have to be completed in its entirety. This is a very costly project; that he understands it is a total project of around \$7.0 million. It would cost millions of dollars to redo Brevard and Caldwell to handle this particular traffic.

Mr. Hoose stated they have no objections to separation of pedestrian controls; they have to be put at the right place so they can be used; they feel through signalization, through traffic control and pedestrian bridges they can handle this particular community without any problems at all. They also feel it would service the main arterial to the governmental center and to the civic center.

Councilman Whittington stated the Model Cities Commission through Mr. Paul Jones has given Council a report and a request to approve, and part of that money was for pedestrian cross-overs? Mr. Hoose replied the one presented was not in this particular area. He stated they did present in the area some traffic signs and some traffic control signals for two intersections which was not accepted by the Commission at that time in that particular area. The only bridge they recommended was a footbridge from Piedmont Courts over to the community center at Alexander. The other bridges were ones the Engineering Department had submitted and were not in this particular area.

Councilman Short asked if it is a normal procedure to abandon a road because it has a traffic overload? Has it ever been done in Charlotte or anywhere. Mr. Hoose replied they do not abandon unless they build facilities that are adjacent to it; in some cases they improve sections such as 30th Street, but very seldom do we abandon a street. He stated they feel that Davidson Street is the only two way street they have with a continuity at all.

Mr. Ed Easton of the Model Cities office stated the map presented by the Task Force was prepared by Eric Hill and Associates to illustrate the point they are trying to make, which is the number of pedestrian conflicts given to major thoroughfares running through the area; there are eleven conflicts and if Davidson Street is not a major thoroughfare you eliminate at least three of them; if the intersection of Ninth and Caldwell can be depressed

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you lose another two thereby just about having a basic pedestrian-vehicular conflict in the area. Councilman Alexander asked if he is saying what they want is to secure more safety for pedestrian traffic? Mr. Easton replied that is right. At the request of Councilman Alexander, Mr. Easton pointed out the location of the desired depressions to bring about the relief of pedestrian passages. Councilman Alexander asked if they are saying that unless Davidson Street is taken out of circulation as a major traffic artery we cannot get the depressions they are talking about? Mr. Johnson replied they can get a depression at Ninth Street, but if Davidson Street is not eliminated they will have to have these depressions. Mr. Hoose stated there are 19 signals in this particular area and children and people are taught to cross at the signals; anytime you have a heavy concentration they will be glad to put in a pedestrian bridge to take care of it; anytime you depress anything on Caldwell and Ninth you run into costly utilities with Southern Bell; he stated you cannot close Davidson Street and save the bridge because Davidson Street is the street you come across to use the down ramp to get onto the expressway.

Councilman Alexander asked if there has been any study to solve this problem by using overpasses? Mr. Hoose replied yes and they would be glad at any place to put the overpass without depression.

Councilman Tuttle requested Mr. Hoose to comment on the statement in the Eric Hill report - "The Traffic Engineering report leaves to speculation the intriguing possibility of widening Brevard and Caldwell to three lanes each within the freeway loops, and then closing Davidson Street to through traffic. On inspection the properties bounding the two way pair within First Ward indicates no significant obstructions to widening that could not be removed with the assistance of urban renewal action." Mr. Hoose replied it cannot be to three lanes, it has to be to four lanes to carry the traffic; you cannot carry 8,000 cars on one lane; if you go to three lanes you would have to tear the bridge down and go to four lanes.

The City Manager stated there is honest difference of opinion among professional staff; there was a meeting last week of all the agencies represented in this issue - Traffic Engineering Department, Public Works Department, Planning Department, Redevelopment Commission and Model Cities; they tried to get on top of the table the different opinions reflected among the staff members. He stated one thing he is not satisfied with is that while there are two different concepts before Council, there is nothing definitive in terms of differences in cost. One factor that needs to be appraised is the differences in cost.

Councilman Alexander moved that action be deferred on the proposals until a cost factor is determined for the best method to resolve the matters as submitted. The motion was seconded by Councilman Tuttle.

Reverend Kerry stated they have worked a long time in this planning going the NDP route, and it was turned down, and they have to start over, under the conventional route. He asked that Council give them a little consideration; that Mr. Hoose talks about how important it is that Davidson Street be kept open; it is strange that it is going to be closed on this end because First Baptist Church requested that it be closed. That he has been trying for seven years to find out what will happen to their churches on Seventh Street and they cannot get an answer. Councilman Alexander replied Council does not hope to go into any more plan studies; this is to resolve some of this regarding the cost factors.

The vote was taken on the motion and carried unanimously.

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DECISION ON PETITION NO. 70-51 BY DELTA REALTY COMPANY FOR A CHANGE IN ZONING FROM R-12 TO R-9 OF TRACT OF LAND ON EAST SIDE OF DELTA ROAD, NORTH OF ALBEMARLE ROAD, DEFERRED AND HEARING TO BE HELD ON PORTION OF PROPERTY REQUESTED UPGRADED TO R-15.

Councilman Tuttle moved that decision on the subject property be denied as recommended by the Planning Commission. The motion did not receive a second.

Councilman Short stated Council requested the Planning Commission to advise them further on this in light of some proposed changes, and Council has not yet heard from them.

Mr. Fred Bryant, Assistant Planning Director, stated he met last Tuesday with representatives of Delta Realty and the Lake Forest Community to get an understanding as to what their agreement was. He stated he received verification primarily of the statement made to Council last Monday to the effect that the Citizens of Lake Forest made the statement to him that they agreed with Delta Realty to the effect that if Delta Realty would agree to rezone a portion of the property - adjacent to Lake Forest Community - to R-15 they then basically will not oppose the rezoning of the remainder of the property downward to R-9. He stated the exact statement was they would prefer that it remain R-12 but they felt the matter most important to them would be to upgrade the section immediately adjacent to them and on that basis they would not actively oppose it.

Councilman Whittington moved that Council not make a decision on the subject petition and that it be referred back to the Planning Commission to have a public hearing on the sector pointed out on the map by Mr. Bryant to be changed to R-15. The motion was seconded by Councilman Short.

Councilman Thrower asked if this is to be without cost to the petitioner or to Lake Forest, and Mr. Underhill, City Attorney, replied if it is on the motion of City Council, there will be no charge.

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

ORDINANCE NO. 596-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 34 ACRES OF LAND ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD EAST OF MCALPINE CREEK.

Councilman Whittington moved that Petition No. 70-58 by Summers Development Company for a change in zoning from R-12 to R-9MF and B-2 of 53 acres of land on the southwest side of Independence Boulevard along the east side of McAlpine Creek be denied, and approve R-12MF for an area approximately 34 acres on the southwest side of Independence east of McAlpine Creek which area excludes approximately 19 acres of land along McAlpine Creek within the floodplain boundary as recommended by the Planning Commission. The motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 90.

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ORDINANCES ORDERING THE REMOVAL OF ABANDONED MOTOR VEHICLES PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY OF CHARLOTTE AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinances as follows:

- (a) Ordinance No. 597-X ordering the removal of a vehicle adjacent to 507 East 10th Street.
- (b) Ordinance No. 598-X ordering the removal of a vehicle at 4144 Atmore Street.
- (c) Ordinance No. 599-X ordering the removal of a vehicle at 2408 Dundeen Street.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 91.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE 1, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, ordinances ordering the removal of weeds and grass were authorized as follows:

- (a) Ordinance No. 600-X ordering the removal of weeds and grass at the rear of 4636 Cinderella Road.
- (b) Ordinance No. 601-X ordering the removal of weeds and grass at 2315 Hassell Place.

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 94.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF DWELLINGS PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Whittington and seconded by Councilman Tuttle to adopt the following ordinances ordering the demolition and removal of dwellings:

- (a) Ordinance No. 602-X ordering the removal of dwelling at 1705 Statesville Avenue.
- (b) Ordinance No. 603-X ordering the removal of dwelling at 810 Oaklawn Avenue.
- (c) Ordinance No. 604-X ordering the removal of dwelling at 2621 Booker Avenue.
- (d) Ordinance No. 605-X ordering the removal of dwelling at 808 East Boulevard.

Councilman Thrower asked if any are contested? Mr. Veeder, City Manager, replied there was no response from 2621 Booker Avenue; the other three contain statements indicating a desire that the dwellings be demolished and a lien be placed against the property.

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

The ordinances are recorded in full in Ordinance Book 17, beginning at Page 96.

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RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES WHICH WERE LEVIED AND COLLECTED THROUGH CLERICAL ERROR.

Councilman Withrow moved adoption of the subject resolution authorizing the refund of certain taxes in the total amount of \$700.46 which were levied and collected through clerical error. The motion was seconded by Councilman Thrower and carried unanimously.

The resolution is recorded in full in Resolution Book 7, at Page 86.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of approximately 1,170 square feet at 1031 Pharr Street, from Mrs. Sudie M. Hall (widow), at \$350.00, for Northwest Freeway Project.
- (b) Acquisition of 3,913.35 square feet at northeast corner of South McDowell Street and East Second Street, from Charlotte-Mecklenburg Board of Education, at \$1.00, for relocation of sewer in Urban Renewal Redevelopment Area #2.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE BY THE CITY.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, authorizing the following streets to be taken over for continuous maintenance by the City:

- (a) McNair Road from Rama Road to 370' East of Rama Road.
- (b) McKenna Court from McNair Road to 160' South of McNair Road.
- (c) Amberly Lane for 95' south of Scottsbrook Drive to Monteith Drive.
- (d) Monteith Drive from 620' north of centerline of Scottsbrook Drive to 160' south of centerline of Amberly Lane.
- (e) Snow White from Amberly Lane to 160' west of Amberly Lane.
- (f) Scottsbrook Drive from Monteith Drive to 290' west of Monteith Drive.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the issuance of special officer permits were approved for a period of one year, as follows:

- (a) Permit to Mrs. Virginia J. Hagler, 4317 Tillman Road, to be used on the premises of J. B. Ivey & Company.
- (b) Permit to Mr. Erskine C. Bennett, Route 2, Box 130, Clover, South Carolina, for use on the premises of Fredrickson Motor Express Corporation.
- (c) Permit to Mr. George L. Greene, 2309 Winthrop Avenue, for use on the premises of J. B. Ivey & Company.

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CONTRACTS FOR THE CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

Councilman Whittington moved approval of the construction of sanitary sewer mains as follows; which motion was seconded by Councilman Tuttle, and carried unanimously:

- (a) Contract with Thomas Miller, 3812 Lovett Circle, for construction of 8-inch sanitary sewer main across property at 5228 East Independence Boulevard, outside the city, at an estimated cost of \$420.00. All cost of the construction is to be borne by the applicant whose deposit in the full amount has been received and is non-refundable.
- (b) Contract with Jerry Yarbough, 4851 Amity Place, for construction of 8-inch main along Independence Boulevard from an existing manhole at Jerlyn Drive east 110 lineal feet, outside the city, at an estimated cost of \$600.00. All cost of construction is to be borne by the applicant whose deposit in the full amount has been received and is non-refundable.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Tuttle, seconded by Councilman Withrow and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of cemetery lots, as follows:

- (a) Deed with Roy L. Harker, for Lot 258, Section 6, Evergreen Cemetery, at \$480.
- (b) Deed with Francis Aloys Mueller and Mrs. Joan S. Mueller, for Lot No. 230, Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with Herbert M. Floyd, for Graves 1 and 2, in Lot 737, Section 6, Evergreen Cemetery, at \$160.00.

ORDINANCE REQUIRING FELONY REGISTRATION REQUESTED CONSIDERED.

Mr. John Pierczynski requested that the City and County consider a felon registration ordinance. That he proposes that the County Commissioners and the City Council make a joint ordinance which would require all individuals who have been convicted of a felon in either a local, state or federal court and have lost their rights as a citizen be required to register upon entering the county - this would include all felons already in the county within 24 hours with the sheriff of the County or the county police.

Mayor Belk requested Mr. Pierczynski to give a copy of his recommendations to the City Attorney for the city's consideration.

APPRECIATION EXPRESSED TO TRAFFIC ENGINEER FOR WORK ON SIGNALIZATION AT RANDOLPH ROAD AND SHARON AMITY ROAD.

Councilman Jordan stated he appreciates Mr. Hoose, Traffic Engineer, giving signalization at the Randolph Road and Sharon Amity Road intersection further attention; that he understands Mr. Hoose is making some changes and giving the left lane more time; that in his opinion, and some of the people out there, there are already marked improvements.

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REQUEST THAT INFORMATION ON DAY CARE NURSERIES IN SINGLE FAMILY RESIDENTIAL DISTRICTS BE SENT OUT BY PUBLIC INFORMATION OFFICE IN MONTHLY BULLETIN.

Councilman Whittington stated in answer to a question he received a letter from Mr. Underhill, City Attorney, relating to day nurseries in residential subdivision carried on as a business where deed restrictions say the property cannot be used for business.

He requested that this information as it relates to day nurseries which is a permitted use in a single family residential district under the Charlotte Zoning Ordinance be put in the bulletin that Mr. Woodward, Public Information Officer, sends out, particularly in Seneca Place and Madison Park area.

COUNCIL ADVISED THAT TRAFFIC ENGINEER IS WORKING ON SUGGESTIONS FOR PROVIDENCE ROAD AND SHARON AMITY ROAD ALONG WITH UNLOCKING OF FOXCROFT AREA.

Councilman Whittington asked the City Manager if he has done anything with the highway department, or Mr. Hoose, on the suggestion that has been made for Providence Road and Sharon Amity Road along with the unlocking of the Foxcroft area? Mr. Veeder replied he met with Mr. Hoose last Tuesday, and he is working on this request.

APPOINTMENT OF H. A. (JACK) BERRY TO UNEXPIRED TERM ON AUDITORIUM-COLISEUM AUTHORITY.

Councilman Tuttle moved the appointment of Mr. H. A. (Jake) Berry to the Auditorium-Coliseum Authority for an unexpired term which will expire April 25, 1971. The motion was seconded by Councilman Jordan, and carried unanimously.

CITY MANAGER REQUESTED TO HAVE SOMEONE CONTACT HOSIERY ESTABLISHMENT ON YANCEY ROAD REGARDING DUMPSTER PICKUP.

Councilman Tuttle stated he has received several calls from commercial establishments about their dumpster pickups. That he received one this morning from Admiration Hosiery Mill on Yancey Road, across from Piedmont National Gas Company; they have one dumpster now and ordered a second one; they have two pick-ups a week and they were told by the dumpster people there was no need to order another one because the city will not pick it up; but they would pick it up three times a week for \$90.00 a month.

He requested Mr. Veeder, City Manager to give Council some information on this; that all members of council are receiving calls about the dumpster pick ups.

CONSIDERATION OF ORDINANCE PERTAINING TO UNLAWFUL ASSEMBLY AND OBSTRUCTION.

Councilman Tuttle stated Mr. Underhill, City Attorney, furnished Council with two ordinances which would make it possible for the police to do something about prostitution, gambling and the sale of dope on some of the streets in Charlotte, and at the same time break up some of the congregation.

Councilman Alexander asked for an example of what type notices will be instituted to inform a person he is in an area as set out in the ordinance?

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Councilman Tuttle replied this is a part of the success of the ordinance in effect in Dayton, Ohio; they know who the prostitutes are and who the dope peddlers are; they know who the gamblers are; that with a witness the police will approach the offender and stated the individual has knowledge of the ordinance and if caught there again then he will be picked up; the individual will not be picked up until the police know he has knowledge of the ordinance.

Mr. Underhill, City Attorney, replied this is basically the method the Dayton Police Department uses; the police officer will first warn or advise those people who are congregating in the area that they are congregating in an area where intoxicating liquors are being illegally manufactured, sold or dispensed; once this first warning is given, then the suspect, if caught again in the area, would have knowledge that the prohibitive activities are taking place; on the second or subsequent occasion he could be arrested and charged with the violation of the ordinance.

Councilman Alexander stated this is too vague for him to vote on. Mr. Underhill stated there is a second ordinance that fills the gap insofar as city ordinances on the subject are concerned - that is the obstruction of public ways and places; this will permit a peace officer to inform the persons of the first ordinance and then if they are in the area again they can be charged with the violation of the first ordinance.

Councilman Alexander stated he is in favor of what we are trying to do but it is too vague for the City to attempt to have officers go out and try to enforce it. That he is afraid of the vagueness; that it would only take one case to tie it up where it could not be operated in any way.

The City Attorney advised this ordinance would supplement the existing ordinances and state laws that already make it unlawful to engage in such activities. Councilman Alexander stated he does not object to the ordinance on obstructing public ways but the one on unlawful assembly in certain places provide such person or persons who congregate in or about the above named areas or establishments have knowledge that such activities do take place therein; that he cannot see enough law enforcement officers having the time or taking the time to move onto a corner and say that it is a bad area where it is suspected that everything is going on and to move on or you will be arrested; it is just too vague.

Councilman Tuttle stated there is no law on the books that is not from time to time challenged; that today in the conference session the Police Chief and officers were just crying for ways to get help to break up this horrible dope situation; that the police tell him half these corner hangouts are used by dope peddlers. Councilman Alexander replied this ordinance will not do it; it is too vague.

Councilman Thrower asked if these ordinances have been approved by the Police Department, and Mr. Underhill replied they have.

After further discussion, Councilman Tuttle moved adoption of ordinances amending Chapter 13 of the city code on unlawful assembly in certain places and obstruction of public ways and places. The motion did not receive a second.

COUNCIL ADVISED THAT COST FIGURES FOR USE OF PATROL CARS BY OFF-DUTY OFFICERS WILL BE RELATED TO THE BUDGET.

Councilman Tuttle stated several times Council has asked for some figures on the use of police cars by off-duty policemen as to what it would cost the city for the policemen to take the cars home with them? Mr. Veeder, City Manager, replied Chief Goodman is working on this and it is being related to the budget.

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COUNCIL ADVISED THAT PUBLIC HEARINGS WOULD HAVE TO BE HELD TO AMEND BROOKLYN URBAN RENEWAL PROJECT 3 IN ORDER FOR THE SERENDIPITY PARK TO BE BUILT ON FORMER POST OFFICE SITE.

Councilman Tuttle stated Council has belabored the question of the possibility of the Serendipity Park in Project 3, and belabored the question of whether or not the City could legally appropriate money and whether the city wanted to appropriate this money. He stated information, which the Redevelopment Commission has had all along, has been brought to his attention that the North Carolina Urban Redevelopment Law provides that a redevelopment plan may be modified provided that if modified after the sale of real property in a redevelopment project area, the modification must be consented to by the redevelopers of such real property, or his successor, or their successors in interest affected by the proposed modification. That this means in each case where a redevelopment plan is amended, amendments must be approved by the redevelopment commission after public hearing, and the planning commission and city council after public hearing, and the redevelopers who have purchased property in the project area.

Councilman Tuttle stated he received a note from Mr. Sawyer in which he states that it appears the Serendipity Concept proposal for a penny arcade, merry-go-round and ferris wheels which would be classified as commercial out-door amusements would require an amendment to the redevelopment plan and therefore the consent of the owners of the property within Brooklyn Project No. 3.

Councilman Tuttle stated this is saying that the real estate board and E. C. Griffith, who bought land in the area would have to approve the park before it could be built.

He stated from this it appears the horse is at the wrong end, and no further thought is in order unless Mr. Pentec and his group goes before these people and they consent in advance to such an operation.

SUGGESTION THAT COUNCIL RESOLVE TO USE THE POST OFFICE SITE IN PROJECT THREE FOR COMMERCIAL DEVELOPMENT AND THAT REDEVELOPMENT AND PARK AND RECREATION COMMISSIONS MEET WITH COUNCIL AND ADVISE WHETHER THE BLUE HEAVEN AREA SHOULD NOT BE PLACED INTO THE HANDS OF THE PARK AND RECREATION COMMISSION FOR DEVELOPMENT OF A PARK AS THEY WOULD DECIDE UPON.

Councilman Short stated a number of people have placed things before Council recently under advisement; that Mr. Pierczynski did this with reference to the felon registration act, and that is just about what Mr. George Broadrick was doing in reference to the Department of Transportation.

Councilman Short stated he would like to place an item before Council for advisement. That the City still has five pieces of acreage plus three remnants of Brooklyn Urban renewal land which total 60.8 acres for which no use is at hand; this land is cleared; it is in the central business district of Charlotte. He stated he wishes something could be done about this and he has two suggestions: (1) That we officially resolve to use the post office block for commercial development rather than park use and instruct all parties to proceed accordingly as speedily as practical. (2) Ask the Redevelopment Commission and the Park and Recreation Commission to visit Council on an agreed date and discuss whether the Blue Heaven tract should not be dedicated for park usage under the control of the Park and Recreation Commission for whatever type of park that they in their best judgment would decide upon; that since the post office has decided to move elsewhere we now have two sizable tracts available and it seems to him that one should be designated for commercial development and the other for parks.

Councilman Withrow stated he wonders if the City or the Redevelopment Commission should not turn this property over to a developer who knows how to dispose of this type of property. If necessary, pay them the real estate fee and get something going on this property.

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RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF BASIL M. BOYD.

Councilman Thrower introduced the following resolution:

WHEREAS, it was with profound sorrow that the Mayor and City Council learned of the passing of Basil M. Boyd on May 8, 1970; and

WHEREAS, Mr. Boyd was a highly respected member of the legal profession and an influential community leader, having been elected to the North Carolina House in 1933; and

WHEREAS, in 1935 he became City Attorney and served for several years; he was elected to the City Council in 1949 and served three terms; in 1955 he was appointed Judge of City Recorder's Court and acted in this capacity for two terms; and

WHEREAS, in addition to his civic duties, Mr. Boyd was a Deacon of First Baptist Church and for many years taught a Sunday school class there.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Charlotte, do, by this resolution and public record, recognize that his death is a distinct loss to the City.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Council and a copy thereof be sent to the family of Mr. Boyd in recognition of his respected place in this community.

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

STATEMENT ON MATTERS PLACED BEFORE COUNCIL ON ADVISEMENT.

Councilman Withrow asked what happens to these items that are placed before Council on advisement; that Council should try to take some action on some of these items.

UNIVERSITY AREA ZONING TO BE PLACED ON COUNCIL AGENDA FOR NEXT WEEK.

Councilman Withrow moved that the zoning petitions for the university area be placed on the agenda for Council consideration next Monday. The motion was seconded by Councilman Thrower, and carried unanimously.

MAYOR REQUESTS CITY MANAGER TO INVESTIGATE AND REPORT ON TRASH PICKUP ON HOPEDALE AVENUE, WAYS FOR BETTER COMMUNICATION WITH DELEGATES IN RALEIGH AND PROGRAM TO IMPROVE THE WAYS IN WHICH TELEPHONE IS ANSWERED.

Mayor Belk stated he has received a complaint that the trash on Hopedale Avenue has not been picked up for months.

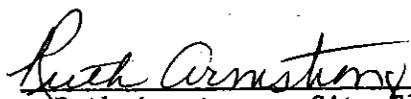
Mayor Belk suggested that Council give the City Manager the authority to assure better communications in Raleigh; that this should be worked in conjunction with the County, especially with consolidation coming up. That he would like for Council to get the City Manager to work this out. Also this would keep the delegates to Raleigh better informed on what is being done here.

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Mayor Belk stated he has received several complaints about the telephones; that Southern Bell Telephone and Telegraph has a program to instruct people in the proper way to answer the telephones; this program improves the procedures in the way the telephone is answered with more courtesy. He stated he is recommending this to the City Manager for use by the City.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk