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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 3, 1969, at 3:00 o'clock p.m., with Mayor Stan R. Brookshire presiding and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend C. E. Dewberry, Minister of Gethsemane Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, the minutes of the last meeting, on Monday, February 25, 1969, were approved as submitted.

CHARLOTTE HOUSING AUTHORITY TO BE REQUESTED TO HOLD IN ABEYANCE ANY PLANS FOR PUBLIC HOUSING NOW ON THE BOARD UNTIL MATTER OF WEST SIDE RESOLVED, AND A COMMITTEE FROM COUNCIL NAMED TO ATTEND MEETING OF HOUSING AUTHORITY, CITIZENS GROUP, AND REPRESENTATIVES OF BOARD OF EDUCATION.

Mayor Brookshire welcomed all visitors and stated in the eight years he has been at City Hall, this is the largest delegation of interested citizens to visit City Hall. He stated that most of the people are from the western side of the city and Council knows the interest and concern that brings them to Council today. Mayor Brookshire stated they have their problems and should be rightfully concerned; the City itself as fast as it is growing, and has added more than 60,000 new citizens since he has been in office, has problems relating not only to growth but in catching up with some years of neglect.

Mayor Brookshire stated the matter about which these citizens have come today has been discussed by the City Officials, and the staff of the Charlotte Housing Authority is making a study at this time to see what can be done with the particular request that the citizens have already made, and are present today to re-state. He stated the voices they have raised have not been unheard.

Mr. Paul Whitfield, Attorney for some of the residents, stated they have petitions containing some 7,000 names at present and the names have been affixed since last Friday, and there are more petitions out. He filed the petitions with the City Clerk.

The petition reads as follows:

"We, the undersigned citizens and residents of the City of Charlotte, County of Mecklenburg and State of North Carolina, do by this petition voice our objections to; and opinions against the apparent immediate and future plan of the City Officials of Charlotte, the Federal Housing Board and some private realty developers to segregate the City of Charlotte into black and white communities. We object to and voice our
Mr. Whitfield stated these people are asking Council to do these things which they suggest can very easily solve the problem. The Mayor and Council could ask the Housing Authority to have (1) a public hearing which all these people can attend and at which time all the plans for public housing can be presented to them; to this meeting can be invited the people from HUD in Atlanta, the Federal Housing Administration, the Charlotte Housing Authority, and other interested people; (2) in the interim, these people request that the Mayor and Council request a halt to any plans on Bullard Street, and any further plans in west Charlotte until this matter can be spread before the public.

Mr. Eric Ritzen, President of the Citizens Group, stated they are concerned about what is being done to west Charlotte; it appears that the poor people are being herded into one specific area to the extent that this area is being saturated with poor people. They feel if these homes are properly placed across the city and within the county that the surrounding neighborhood can sustain and maintain their standards of living and uplift living standards of these poor people. If they are segregated into one geographical area within the city, this is doing the City of Charlotte a disservice.

Mr. Ritzen stated in addition to the overall happening, they object specifically to three of these developments - (1) Bullard Street, (2) West Boulevard, near the Jackson Homes, and (3) Barringer Woods. He stated they realize the entire community must bear its share. He stated at this time there is a low income housing project on Remount Road; the one in Rollingwood has already been approved, and they feel this is their share for the time being, and it is time for the rest of the community to step up and shoulder its responsibility.

Mr. Ritzen stated if you get in your car on West Boulevard, right under the runway at Douglas Airport and drive six tenths of a mile towards Charlotte, this is approximately where the West Boulevard housing project is proposed. He stated he cannot understand why anyone would put 300 homes that close to a runway; why should poor people be sentenced? In reference to Bullard Street, he stated Westerly Hills School is comprised of a student body with a complete faculty and principal; in the same neighborhood there is also Ashley Park School, which is also comprised of a student body, faculty and principal. That from September until January of this year, both student bodies met at Ashley Park School at the same time. Before Westerly Hills Elementary School opened, five trailers were moved in; and now they propose to come and put a 124-unit apartment in the Westerly Hills-Ashley Road area made up of 2, 3, 4 and 5 bedroom apartments. At four children per family, this could easily be an additional 500 children - where are they going to school? The Wonderwood Section is directly behind Westerly Hills and the children play in the streets because they do not have adequate recreational facilities; how will they accommodate the recreation needs of these children later on?

He stated the Barringer School is already over-crowded; the same is true of Amy James School. If Dalton Village goes up in the Barringer Woods area, he does not know where these children will go to school.

He stated they think this is wrong and it has to stop now. That this does not have to happen in Charlotte; Charlotte is a tremendous city and it has fantastic possibilities, and Charlotte could be the first city to really do something about this problem. Mr. Ritzen stated they are asking that these three sites - Bullard Street, West Boulevard, near the Jackson Homes and Dalton Village - cease all plans immediately until a Master Plan is presented to the entire citizenry of Charlotte.
Mr. Ritzen introduced the following officers of the Citizens Group - Mrs. Marie Justice, Co-Chairman; Mr. Joe Withrow, Mr. Wilson Bryan, Mr. John Black, Mr. Richard Hudgins, Secretary, and Mrs. John Little, Treasurer.

Mayor Brookshire asked if a meeting can be arranged with members of the Housing Authority, representatives from City Council and Board of Education, would the Citizens Committee be willing to meet with them? Mr. Ritzen replied they are willing to meet at the Mayor's convenience.

Mayor Brookshire stated a date will be established and Mr. Ritzen will be notified.

Mayor Brookshire suggested that Council ask the Public Housing Authority to hold in abeyance any further plans which may be on the Board at the moment until some resolution can be made of this matter. He asked Council to name two or three members from Council to this Committee; that he would ask the Board of Education to name a like number to meet with the citizens and members of the Housing Authority.

Councilmen Whittington, Tuttle and Stegall volunteered to serve on the Committee. Mayor Brookshire stated other members of Council will be advised of the meeting when it is set up and any members of Council not on the committee will be welcomed.

Councilman Smith moved approval of the Mayor's suggestion. The motion was seconded by Councilman Short.

Councilman Short asked if the motion is to name these individuals as members of the Committee? Mayor Brookshire replied yes, and at the same time agreeing with the suggestion of the meeting itself, and this plan of procedure. He suggested that either Mr. McIntyre or Mr. Bryant attend the meeting.

The vote was taken on the motion and carried unanimously.

STATEMENT BY ALBERT PEARSON AND W. J. ELVIN.

Mr. Albert Pearson stated last Friday night he was invited to a meeting at Harding High School regarding public housing on the west side of Charlotte. That as he went into the meeting he was handed a list of various people who are involved in this - people running for office and potential candidates. That most of the people did not show up due to previous commitments. That these people who have just left are a group of people who have trusted their city officials. He stated these people are the heart of Charlotte; that you can elect all the blue blood committees you want, all the successful businessmen you want, but the group that was represented last Friday night is the heart of this town - those and other people like them. They are the ones who give the poor people hope to get somewhere. That he is particularly pleased to see that action has been taken to put a little light on this subject.

Mr. Pearson stated on the list of various people involved is a man who is a developer and has undertaken at the present time the job of developing a local young businessman into the office of Mayor. He stated it would be wise for Mr. Pat Hall to resign from the Housing Authority to keep this out of politics as much as possible, and it would not look as though this is being used as a wedge to smooth it over.
Mr. W. J. Elvin stated he made a suggestion to the County Commissioners this morning and he is going to make the same suggestion here to Council. He suggested that Council get in touch with the Legislature and double the salaries of the Mayor and Councilmembers; that this should be done now. He stated we might be able to attract the high caliber of candidate that we must have from now on.

Mr. Elvin suggested that Council should be increased from seven to nine members; it should be increased because we should not have any organization similar to the Chamber of Commerce or any other interested organization heading any committees; the Councilmembers should head the committees. He stated the idea is not original with him; that the idea is working very well in Columbus, Ohio.

RESOLUTIONS APPROVED UPDATING DESIGNATION OF OFFICIAL DEPOSITORIES FOR CITY OF CHARLOTTE FUNDS AND DESIGNATING THE DIRECTOR OF FINANCE AS RESPONSIBLE FOR MANAGEMENT OF FUNDS AND INVESTMENTS.

Councilman Short moved approval of subject resolutions updating designation of official depositories for City of Charlotte funds and designating the Director of Finance as responsible for management of funds and investments. The motion was seconded by Councilman Stegall.

Councilman Smith asked if more interest can be gained from Building and Loan or Savings and Loan? Mr. Fennell, Finance Director, replied the City is now getting six and a quarter percent in this type of investment on government securities through the local banks. These are federal securities.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 6, beginning at Page 260.

CONSTRUCTION OF SANITARY SEWER MAIN APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, authorizing construction of 230 feet of 8-inch sanitary sewer main to serve 4343 Park Road, at an estimated cost of $1,630.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

PROPERTY TRANSACTIONS AUTHORIZED.

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

(a) Negotiated settlement with W. E. Strane, Jr., and wife, Aileen A., for 3,893 square feet of property at 113 South Cherry Street, at $21,000.00, for the East Third Street Connector.

(b) Acquisition of easement 44.40 square feet at 107-09 Sycamore Street, from Mary Neil Ridley, widow, at $1,00, for sanitary sewer relocation for North-South Expressway.
RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF CHARLOTTE PARK AND RECREATION COMMISSION, MISS MAUDE STEWART HAYWOOD, AND ALL HEIRS NAMED AND UNNAMED OF PIEDMONT REALTY COMPANY FOR RIGHT OF WAY PURPOSES FOR NORTHWEST FREEWAY.

Councilman Whittington moved approval of subject resolution authorizing condemnation proceedings for the purpose of clearing title for the acquisition of property at Independence Boulevard and Seventh Street, from Charlotte Park and Recreation Commission, Miss Maude Stewart Haywood and all heirs named and unnamed of Piedmont Realty Company. The motion was seconded by Councilman Stegall, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 264.

SPECIAL OFFICER PERMIT AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, to approve the issuance of a Special Officer Permit to Mr. Samuel Edward Gardner for use on the premises of Eastbrook Woods Subdivision, on Cove Creek Drive and Eastbrook Road, for a period of one year.


Councilman Jordan moved adoption of the subject ordinance authorizing the transfer of $2,260 of funds to cover the cost of replacing the present spectator deck roof at the Douglas Municipal Airport Terminal Building. The motion was seconded by Councilman Smith for discussion.

Mr. Veeder, City Manager, advised the bids received exceed by $2,260 the amount that was thought originally would be necessary to construct the deck. Councilman Jordan stated in the five year period it looks as though it will pay itself out. Mr. Veeder replied this would seem to be a reasonable conclusion with continued growth and operation that has been experienced.

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

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

The ordinance is recorded in full in Ordinance Book 16, at Page 106.

TRANSFER OF CEMETERY METOTS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute cemetery deeds as follows:

(a) Deed with Earl L. Odom for Graves 1 and 2, in Lot No. 183, Section 2, Evergreen Cemetery, at $120.00.

(b) Deed with Mrs. Helen Hicks Witt for Graves No. 1 and 2, in Lot No. 21, Section 21, Evergreen Cemetery, at $160.00.
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(c) Deed with Mrs. Mirra T. Smith for Graves No. 7 and 8, in Lot No. 19, Section 2, Evergreen Cemetery, at $160.00.

(d) Deed with Mr. John E. Jung, for Grave 11, Lot No. 13, Section 2, Evergreen Cemetery, at $80.00.

(e) Deed with Miss Sara E. Houston for Lot No. 132, Section 4A, Evergreen Cemetery, at $252.00.

(f) Deed with H. H. Harwell for Lot No. 259, Section 6, Evergreen Cemetery, at $240.00.

CONTRACT AWARDED CAROLINA CONCRETE PIPE COMPANY FOR REINFORCED CONCRETE PIPE.

Motion was made by Councilman Whittington to award contract to the low bidder, Carolina Concrete Pipe Company, in the amount of $10,179.03, on a unit price basis, for reinforced concrete pipe for Engineering Department. The motion was seconded by Councilman Tuttle and carried unanimously.

The following bids were received:

- Carolina Concrete Pipe Company: $10,179.03
- Gray Concrete Pipe Co., Inc.: $11,737.53
- Foltz Concrete Pipe Co., Inc.: $12,070.95

CONTRACT AWARDED BORTUNCO OF AMERICA, INC. FOR INSTALLATION OF SHEATH PIPING BENEATH THE SOUTHERN RAILWAY AND SEABOARD COASTLINE RAILROAD TRACKS.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Bortunco of America, Inc., in the amount of $6,468.10, on a unit price basis, for installation of sheath piping beneath the Southern Railway and Seaboard Coastline Railway tracks at Smith and 11th Streets, in connection with Northwest Expressway.

The following bids were received:

- Bortunco of America, Inc.: $6,468.10
- Armco Steel Corporation: $7,105.30

CONTRACT AWARDED CAROLINA MARBLE & TILE COMPANY FOR ROOFING MATERIAL ON THE SPECTATOR DECK AT DOUGLAS MUNICIPAL AIRPORT TERMINAL BUILDING.

Councilman Jordan moved award of contract to the low bidder, Carolina Marble & Tile Company, in the amount of $18,500.00, for the replacing of the present roofing material on the spectator deck at Douglas Municipal Airport Terminal Building. The motion was seconded by Councilman Stegall and carried by the following vote:

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

The following bids were received:

- Carolina Marble & Tile Co.: $18,500.00
- Gray R. Boone Construction Co.: $29,673.00
RESOLUTION AUTHORIZING INCREASE IN DISABILITY COMPENSATION FOR J. M. BIGGERS.

Councilman Stegall stated last Monday he gave each member of Council a copy of a resolution requesting that the disability compensation for Mr. J. M. Biggers be increased. That there was a blank on the resolution about the amount of disability increase; that through the cooperation of Mr. Earle, Mr. Fennell and the City Attorney, they have come up with a figure of $86.67 per month which means an increase of $20.00 per week in compensation; this will give Mr. Biggers a total compensation of $4,374.98 yearly from the City and the Police Benevolent Fund.

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

The resolution is recorded in full in Resolutions Book 6, at Page 265.

CITY MANAGER REQUESTED TO INVESTIGATE WHETHER OR NOT SEWER CHARGE CAN BE A TAX RATHER THAN A CHARGE FOR SERVICES.

Councilman Smith requested the City Manager to bring back a report on whether or not it would be possible to make a sewer tax charge rather than a sewer charge so that people can charge it off on their taxes; that it be designated as a tax rather than a payment for services.

GENERAL CONCEPT FOR UNIVERSITY CITY TO BE PRESENTED TO COUNCIL AT NEXT MEETING.

Councilman Short stated last week at the University of North Carolina at Charlotte, Mr. McIntyre and others presented the general concept for University City. Some of these persons suggested they would like to make this presentation to the entire City Council; that this will be important to Council as we get into implementing the plan and to specific zoning.

The City Manager advised this presentation has been arranged for next Monday.

SUGGESTION FOR CHANGE IN PROCEDURE ON FILING APPLICATIONS FOR ZONING CHANGES REFERRED TO MR. MCINTYRE AND PLANNING COMMISSION FOR RE-WORDING AND FORMULATION OF APPLICATION.

Councilman Short stated Council recently received a copy of a letter from Phil Green, Institute of Government, discouraging hopes for new legislation for conditional zoning; that the letter was definite to the point that it would be doubtful if Council could get such legislation.

Councilman Short stated he believes we can accomplish almost exactly the same thing without going through the legislature with a change in our procedure. The principal change would involve the filling out of the application for zoning change by applicants who want a rezoning.

He suggested that each application blank have the following clause printed:

"Petitioner may state here whether this rezoning hearing is based on planned and stipulated usage for this property. Yes__ No___."
Those answering yes will furnish plot plan, floor plan, elevation, specifications and narrative descriptions sufficient to show with reasonable exactness the planned stipulated usage.

Petitioner may choose to base his hearing on planned and stipulated usage or not to use this procedure. Where this procedure is elected by the petitioner, Council and Planning Commission will carefully review and evaluate the planned and stipulated use. If petition is granted, plot plan, floor plans, elevation, specifications and descriptive material will be forwarded to City Building permit office. If building permit is sought that varies from planned and stipulated use, Council and Planning Commission will be advised. They have authority to rezone any land at any time regardless of use.

Where this procedure is not elected, Council and Planning Commission may in their deliberations be expected to give consideration to all the uses allowed in the requested zoning category; some of which may be adjudged undesirable for the property in question."

Councilman Short stated the basic problem may have been that we did not sufficiently and definitely pin down in a formal written document which was prepared for the purpose, a commitment from the petitioner that his petition is flatly based on a planned and specified use; petitioners have been able to solve their consciences by saying to themselves they really did not pledge to build what was shown to the Council; that he just said he had it in mind.

Councilman Short stated under the procedure he has outlined, he does not believe that one citizen in 500 would have the gall to doublecross Council even though he would know and Council would know it really could not force him to stick to his plans.

Councilman Short stated this would not be completely unenforceable as there is a certain amount of leverage in the situation. By monitoring the situation in the way mentioned, we would find out immediately when something is going astray, and we could make someone's building a non-conforming use even before he gets started building. That this would be quite a difficulty because most buildings have to be changed in the course of building.

Councilman Short stated he has gone over this idea with Mr. McIntyre and Mr. Underhill and Mr. Watts.

Councilman Tuttle asked if it is legal for the Inspection Department to hold up a permit? Mr. Watts, Assistant City Attorney, replied insofar as this is voluntary - that a man stakes himself out that he is going to build such and such building and promises to do so, it is doubtful that he would change it. As far as enforcing it by rezoning, this he questions; he is not at all sure we could do that after he has received a permit. Councilman Tuttle stated he is interested in the man who requests a zoning change and says he has no plans? Mr. Watts replied he understands the man has the right to say he has no particular plan and still ask for his property to be rezoned and it would be just as it is now. Councilman Short stated he was trying to say what Mr. Watts has said; the idea is if someone wants to come in and say he is not using the procedure of stipulating the usage, then there is no change in the Council's procedure; but if he says he is using the procedure - the basic concept he is advancing is that we monitor the situation and it would create a procedure whereby it would be monitored.
Councilman Smith stated it seems to him that anytime the legislature will not permit you to do something, and you try to bypass the legislature and do it another way, you are subject to suspect, and it would give lawyers on the other side reason to say that the man was coerced. If you put a box on the application asking if they liked the present City Council, it would have the same influence; that he does not think you can get around bypassing the legislature in order to set up your own ground rules.

Councilman Stegall stated suppose the man does not present his plan, and he says that he cannot tell Council what he wants to build or lie, says he has no plans; then because he will not divulge his plans, this influences the Council's thinking, Council would be prejudice.

Councilman Jordan stated often people come in for rezoning and they have people interested in the property if it can be rezoned, and will not divulge the names; that he believes it would be wrong to force them to do this.

Councilman Short stated there is absolutely no effort to force anyone to do this by any method whatsoever; this is an opportunity for those who want to do it.

Mr. McIntyre, Planning Director, stated there is something in the zoning administration process which is a minor step in this direction already. When a petition is filed, the petitioner is asked why the zoning should be changed; this has been on the administration form for a long time; many of the answers given are very loose and are not very meaningful. He stated it seems the process suggested would serve some of the purposes Council has in mind on conditional zoning process. In a situation where the specific use of the piece of property might be quite critical to Council in making a determination, adequate information would be available with greater assurance than it has at present. He stated in many zoning cases, the use is not critical because the locale is not so critical; but in many other cases it is critical in terms of the compatibility of the particular use proposed with adjacent properties. Mr. McIntyre stated this proposal can be handled administratively.

Councilman Whittington stated he does not know that he agrees with Mr. Green but his is an attorney; that he does think it is Council's responsibility when considering the rezoning of property that the petitioner should have his feet held as close to the fire as possible; whether it be a legal document or have him say "yes, I intend to develop as such"; many times Council has been told that certain things would take place if it was rezoned, and Council took the individual's word and it ended up being something not compatible and injurious to the neighborhood. For this reason, he thinks it is Council's responsibility to do all it can to do what Mr. McIntyre has approved of and what has been recommended.

Councilman Short moved that this matter be referred for more careful wording and formulation of a proper application to Mr. McIntyre and the Planning Commission; the wording can be improved and a model form of application can be achieved. The motion was seconded by Councilman Whittington.

Councilman Tuttle asked Mr. McIntyre what he means by "critical"? Mr. McIntyre replied he was using the word "critical" in terms of whether a particular use fits well into the context of the neighborhood development.
Councilman Smith asked why the legislature will not give conditional zoning? Councilman Short replied we are in fact asking for the authority to tell some property owner specifically what he can do with his property. For example, there are two lots side by side. One is already zoned industrial and the other one is zoned office; two industrial firms come to town and one buys one of the lots and the one buys the other lot. The industrial firm who does not need to get the zoning change can build anything the ordinance allows up and down the entire range; the other one has to get industrial zoning and if it is put on a conditional basis, Council has control over what he can put there and he has to build his industry completely under the heel of government while the other man does not. Councilman Short stated he believes it is hopeless to obtain this kind of legislation.

Councilman Smith stated although he sees the reason for this and he agrees we should have some conditional situations, however, the man who does not want to reveal his plan and says so, he cannot sign the application then Council will be prejudiced against him, and the lawyer will say it is not being administered fairly and everyone is not treated equally.

Councilman Smith suggested that this be gone into thoroughly and not meet ourselves coming back; if the legislature will not pass it, he is suspect that there is some reason that it should not be there; he suggested that Council get the legal fraternity to comment on this and be sure where we stand before making a mistake.

Councilman Short stated what Council would have by this procedure is not what it would get from the legislature; there is a considerable difference. What Council had thought and hoped to get from the legislature would be enforceable; this procedure would not be enforceable except on the man's word.

Councilman Alexander stated Mr. Green says Council is asking for authority to tell some property owner specifically what they can do with their property; cannot Council on its own initiative now set up a hearing for rezoning of property without the property owner's permission, which, in turn, is doing the same thing? Mr. Veeder, City Manager, replied it is not necessarily the same thing; when it is rezoned it is zoned for a category of zoning which includes multiple types of usage, and it is not limited to a specific use.

Councilman Stegall asked when this administrative regulation is drawn by Mr. McIntyre, would Mr. Short agree to sending a copy to Mr. Phil Green and let him review it, and give Council his opinion? Councilman Short stated this is a good idea.

The vote was taken on the motion and carried unanimously.

REQUEST THAT COUNCIL COMMITTEE BE DISCUSSED AT LATER DATE.

Councilman Whittington stated last week he discussed with Mr. Tom Seslar of the Charlotte News what he considers a very important item - Council Committees.

Councilman Whittington stated the reason he brings this up is because of what has happened in the last two weeks in one section of Charlotte as it relates to housing. These Commissions and Authorities get so far away from the elected officials of this city that Council is not aware of what they are doing and the barn door is open and everything is out in the pasture before Council knows anything about it; that this is a