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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, April 17, 1967, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman John H. Thrower.

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

ABSENT: None.

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INVOCATION.

The invocation was given by Dr. Warner Hall, Minister of Covenant Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting on April 10th, were approved as submitted.

HEARING ON PETITION NO. 67-17 BY AVERPER, INC. FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY AT 309 SOUTH LAUREL AVENUE.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised the property is at the intersection of Laurel Avenue and Cherokee Road; it is a triangular shaped parcel of land which is presently occupied by a Doctor's Clinic and is adjoined on the east side out Laurel Avenue by a Fire Station; on the Cherokee side there is a vacant lot and then along Cherokee opposite the property is a combination of residential structures, primarily duplexes. Beginning at Fenton Place, there are three duplexes and a single family structure and another duplex and another single family structure. On the Laurel Avenue side, the occupancy is residential - a mixture of multi-family with a duplex and single family. Down Cherokee Road to Providence Road there is a 7-11 type store and a service station on each of the corners and various types of business developments along Providence Road. Other than that the area is generally used for residential purposes, predominately single family.

The zoning along Providence Road is B-1 and is buffered with a layer of O-6 zoning and from that point out Laurel and Cherokee as far as

Fenton Place, it is multi-family. Single family zoning begins on Cherokee at Fenton Place and is single family from there out.

Mr. B. C. Goode stated his brother lives at the corner of Cherokee and Fenton Place and he does not see why they would want to extend the clinic closer to him than it is now. That so much real estate in Charlotte has been taken for business purposes when it is really residential.

Mr. Paul Guthery, Jr., Attorney, stated he is representing some of the residents and property owners in the area surrounding the subject property. That specifically he represents the Estate of Mrs. Agnes Binder and Miss Lucinda Watkins and the North Carolina National Bank who is the Trustee.

Mr. Guthery stated he has a petition signed by fifty-five property owners and about twelve residents in the area which he filed with the City Clerk. He stated they feel this property, as is the surrounding property on Laurel Avenue and Cherokee Road, is properly zoned as it now stands. There is business zoning on Providence and a buffer zone and then residential zoning beyond that. The subject property is within the residential area, and is not contiguous nor does it touch any non-residential zoned property in the area. In his opinion, rezoning this as O-6 for office purposes would be a matter of spot zoning in the area and would be highly detrimental to the property values in the area and would be detrimental to the property owners. He feels this would strike at the heart of one of the finest residential areas in North Carolina. It is at the entrance to Eastover and if we start rezoning there, there is no reason why we should not go on and eventually rezone all of Eastover; this is the place to draw the line. The property is close to some office zone property but does not touch any office zoned property and it would be in the middle of a residential area.

Mr. Guthery passed around pictures which depicted residences along Cherokee Road and Laurel Avenue in the immediate area.

Mr. Arthur Newcombe, Jr. stated he lives in the 200 block of Cherokee Road. That most of them in the neighborhood have sizeable investments in their homes. That he would like to quote from the Appraisal of Real Estate textbook of the American Institute of Real Estate Appraisers. In listing things that make a neighborhood it says "The invasion of residential neighborhoods by commercial or industrial users, is likely to prove a depreciating factor. Encroachment of the non-residential uses can injure a neighborhood as a whole". Under things which will improve property values, it lists "conformity and land use and sensible zoning". Under things which will depreciate property values, it lists "the movement of commercial and industrial uses into the area and various miscellaneous factors such as lack of zoning protection". He stated they would appreciate it if Council denied the request.

Councilman Short asked if the Clinic is a non-conforming use, and the petitioner would like to get a building permit to enlarge it on the present land that it now occupies? Mr. Bryant replied that is right. Councilman Short stated the petitioner is not seeking to acquire additional land but to change the zoning of the land where the non-conforming use is now located? Mr. Bryant replied they wish

to expand the building which is non-conforming and would require the rezoning in order to expand.

Dr. Hugh D. Verner stated he is representing the four doctors who make up the partnership in the clinic. At the time they built their building in 1957 the R-2 zoning permitted the building of medical buildings so when they put the building on the site they were a conforming use. He stated they have been very happy in the neighborhood and think they have added something in terms of beauty as well as in service. They feel the addition which they will make will in no way change the appearance of their building. The building will be expanded towards the point of land which faces toward Providence Road. The setbacks which are required now would adequately prevent them from going all the way out to the point, and will allow for a considerable amount of clearance space. Dr. Verner stated they have many friends and many patients in the area and when they decided to expand, they certainly did not intend to create the disturbance nor the difficulties which they apparently have done. They are much in the same position as a growing family might be - they have been here for ten years, their practice has grown, they have added another physician and it is impossible to keep the growing records contained in the present small space.

He stated their need is acute; they like the neighborhood and would not do anything which they thought would detract from it. Their only need is for additional space of the type they now have and this is their only request.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-18 BY LULA W. CLINE ET AL FOR A CHANGE IN ZONING FROM R-9MF TO I-2 PROPERTY ON THE EAST SIDE OF TODDVILLE ROAD, BETWEEN THRIFT ROAD AND PIEDMONT AND NORTHERN RAILROAD, HAVING A FRONTAGE OF APPROXIMATELY 1,472 FEET ON TODDVILLE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the property is located on the east side of Toddville Road, between Thrift Road and the P & N Railroad. Highway 27 is to the west. The property is vacant with the exception of about three single family structures on the property. There are scattered residential single family uses across Toddville Road and on both sides. Otherwise the area is vacant. The Commission has recently approved a new addition to the Piedmont and Northern Industrial Park - Chemway Industrial District - that extends all the way from Hovis Road and will now come out to Toddville Road.

The zoning at present is R-9MF as is the property to the south on both sides of Toddville Road all the way down to Thrift Road. On the east side it adjoins I-1 zoning and across Toddville Road, it is zoned I-2. There is a 300-foot buffer area of I-1 and then goes into the I-2 zoning on the P & N property. The predominant zoning in the general area is Industrial with multi-family residential zoning extending from the subject property along Toddville Road.

Mr. Walter Benson, Attorney representing the petitioners, stated this is a 19.778-acre tract of property. That he represents all the people who have houses in the area. This is zoned R-9MF and P & N has bought

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the adjoining property and he understands they have an application filed in the Planning Office which will be heard at the May meeting to change the zoning to I-1. That apparently they will be surrounded, if their application is granted, by industrial property. That it seems to him a logical proposition to rezone the property. That Council will have to act on the P & N application at the May hearing which will fit right in with the subject application.

Councilman Jordan asked if the petitioner has any plans for the property? Mr. Benson replied so much industry is there now that it is not suitable for residential use; they have no immediate plans for it.

Councilman Short asked if there would be a hardship if the petition was not determined until the P & N application is considered? Mr. Benson replied they would like to settle it, but as far as he knows there is no other reason.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-19 BY JAMES R. PURSER FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF PROPERTY AT 4001 SHERIDAN DRIVE.

The scheduled hearing was held on the subject petition on which a general protest has been filed containing 53 signatures which does not invoke the 20% Rule.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Central Avenue at the corner of Sheridan Drive, and is occupied by a single family residential structure. All the property to the east and to the south and across Sheridan is all occupied by single family residential structures. It is a fully developed residential area along Sheridan, Langhorne and Bellcross. Directly across Central Avenue from the subject property at the other corner is an existing Doctor's Clinic; the property adjoining the doctor's office is vacant. There are two churches in the general vicinity - Memorial Methodist Church and Third Presbyterian Church.

The zoning of the subject property, as is everything on the south side of Central Avenue, is R-9. On the north side of Central Avenue is O-6 zoning at the intersection of Sheridan Drive. Other than that the frontage zoning on Central Avenue is R-6MF and behind that along Sheridan and the other streets is R-9.

Councilman Jordan asked what is planned for the property? Mr. Bryant replied when he talked with Mr. Purser he had no planned use.

Commissioner Toy asked who is doing the street improvement on the residential street? Mr. Bryant replied the neighborhood itself is paying for it through the street assessment program.

Mr. James R. Purser, the petitioner, stated that he went to his two closest neighbors whose property adjoins his and had no idea of having any opposition. He finds that some has now developed. He stated he is on the corner of Central Avenue and Sheridan Drive, having been there for about eight years, and it is not a desirable place for a residence. It is on the corner where he can hardly get in and out of his driveway in the morning or the afternoon. That the two churches are rather close and they have considerable traffic on Sunday morning. That he would like to move out farther and he has

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no definite plans for his home. If there is any question as to how he keeps up his property, anyone can go down to the Wisteria Apartments across Briar Creek Road from Green Oaks and they can see that he maintains and keeps the property up which he has done for years, and he would expect to do the same for the subject property. With the change in zoning, it will improve his chances of leasing to a Doctor or Insurance Agency or someone that can move in without having the problems he has.

Mr. F. W. Kruger stated he is located two houses from the subject property and is representing most of the families as spokesman for them in the area. That he was before Council several months ago in opposition to the rezoning for the Doctor's Building which is the only business in the neighborhood. At the time of that hearing it was pointed out the Doctor's Building got in before the zoning was changed and they were having to get a rezoning in order to add to the building. At that time, they asked how far this could go. Mr. Kruger stated they are worrying about what is going to eventually happen to the neighborhood if each one begins to have spot zoning. There is a lot of vacant property across the street owned by Mrs. Newell which is being developed by cutting streets through the back of the property but they are leaving it open for some future development if they can break the restrictions of the area.

Mr. Kruger asked if the Council can overrule a restriction drawn up for this property as there is a restriction which is on record? Mayor Brookshire replied if they are deed restrictions, they will hold in spite of zoning. Mr. Kiser, City Attorney, replied that is right; the zoning regulations would permit whatever is permitted by zoning classification; however, the deed restrictions, which is an agreement between the property owners of the area, would take precedence over whatever the zoning regulation permits.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-20 BY CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO GRANT CONDITIONAL APPROVAL FOR OFF-STREET PARKING ON PROPERTY ZONED R-9MF ON CRAIG AVENUE IN FRONT OF THE SCHOOL MAINTENANCE GARAGE.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a tract of land just off Craig Avenue in the vicinity of Richland Drive. The request is not for a change of zoning district, but instead is a request for conditional approval of the property which is zoned R-9MF for use as an employee parking lot. Under certain circumstances, the zoning ordinance permits property which is zoned residential to be used for parking purposes. One of the restrictions is that the parking cannot extend more than 150 feet into the residential area.

The property itself is vacant with the school maintenance garage adjacent and a Church directly across Craig Avenue from the entrance of this facility. There are single family residential structures on either side of Craig and along Richland Drive and throughout the area on Litchfield and Topsville.

The subject property is zoned R-9MF and is adjoined on the north side by I-1 as is the property across the railroad. Craig Avenue is

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predominately multi-family. Single family zoning is along Richland Drive and along Craig from about Leitchfield Road back.

Councilman Alba asked how the maintenance garage got into the residential section? Mr. Bryant replied the property is zoned I-1 and has been for a number of years, and is predominately related to the railroad.

Mr. Cleve Davis, representing the School Board, stated they have a maintenance garage at the location. They are in the process of expanding the facility and will bring in an additional 200 people and with this number of people will need additional parking. They propose to park employee's cars along Craig Avenue with the area heavily shrubbed. Prior to making the request they met with the Craig Avenue A. R. Presbyterian Church which is directly across the street and received complete approval of the Church for the request. He filed a letter signed by the Clerk of Session of the Church stating their approval of the plans. He stated they also met with various property owners in the immediate area and have received no opposition at all. Mr. Davis stated they have offered the Church the use of the parking facility anytime on weekends.

Mayor Brookshire asked Mr. Davis if the shrubbery will be attractive to the point of adding to the city's beautification, and if it will be properly maintained and pruned. Mr. Davis replied yes, provided the County Commissioners make the dollars available.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-21 BY R. BEVERLY R. WEBB, TO AMEND ARTICLE III, DIVISION I, SECTION 23-31 TO PERMIT "ORPHANAGES, CHILDREN HOMES AND SIMILAR INSTITUTIONS PROVIDING DOMICILIARY CARE FOR CHILDREN, SUBJECT TO REGULATIONS IN SECTION 23-43" IN ALL RESIDENTIAL, OFFICE AND BUSINESS DISTRICTS.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this is a text change. At the present time, the ordinance lists as a permitted use merely the wording "orphanages". This change is designed to do two things. First, it is designed to clarify and to amplify on the word "orphanage" as sometime in the future there might be some things that go on at an orphanage that might not exactly fit the wording. This is being enlarged to bring in children's homes, and similar institutions. The second change that this would be designed to bring about would be to permit this type use in single family areas. At present, orphanages are limited to multi-family, office and business areas, but are not permitted in single family districts. By this proposed change, this type of operation will be permitted in the single family areas as well as the multi-family areas. Mr. Bryant stated this would be somewhat in keeping with some of the changes that have recently taken place in the ordinance, particularly the change concerning nursing homes, rest homes and soforth.

Mr. R. Beverly R. Webb stated he is an attorney representing the Episcopal Child Care Services, Thompson Orphanage. The existing Orphanage is on 4th Street and for sometime the Directors of the Orphanage has been contemplating a move to the County. For

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approximately the past twenty years, the orphanage has been assembling a tract of land on Margaret Wallace Road. All of this was done before zoning touched the area. They are now nearing the time of making their plans more definite rendering drawings and making absolute plans to move and they are present today to see what relief they can get. The text change is to cover the existing uses of the orphanage. The orphanage no longer cares only for technical orphans - that is children without parents. A number of the children in Thompson Orphanage are from broken homes or divorced parents. They technically have parents and are not orphans but under the care of the Services and that is the reason they want to expand the term "Orphanage" so it would cover their proposed use of the land.

Mr. Webb stated when they found they were faced with the single family problem they discussed it with the Planning Office, and it was their decision to ask for this change in a single family zone rather than ask that the property be rezoned as multi-family. It is their feeling that this would be a better protection not only for the surrounding land owners but that it would be better land use if the land remains single family residential.

Councilman Tuttle asked Mr. Bryant if he is correct in assuming that there is nothing more obnoxious - not meaning that it is obnoxious - to an orphanage than there would be to a school, which is permitted in a residential area? Mr. Bryant replied, generally speaking, he would think not; the only difference would be that this is a 24 hour operation rather than a day operation as schools are.

Councilman Short asked Mr. Webb if the Episcopal Church became heavily invested on Margaret Wallace Road unaware that they had a problem? Mr. Webb replied the land was bought in the last 20 years and it is now used partially as a farming operation and recreation for the children. It was acquired before zoning came close to the area.

Councilman Tuttle asked if the property would not be fenced? Mr. Webb replied he is not sure of the plans on that, but under the present concept there will be a number of residential cottages which will be designed around foster parents living in the homes and carrying a limited number of children; the idea being to create a residential atmosphere.

Mayor Brookshire asked if the plans for the new facility are far enough advanced that they could give Council any indication of when they will move to the new plant in order that the City will know when it can open Fourth Street? Mr. Webb answered the architects are waiting for a decision on the petition so they will know whether to spend the money to finish the final renderings, and construction should follow shortly thereafter. He stated that Mr. Robert Noble, Executive Director of the Orphanage is present and will be glad to answer any questions.

No opposition was expressed to the proposed change in text.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-22 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND ARTICLE VI, DIVISION 2, SECTION 23-83 (c) BY DELETING THE EXISTING WORDING AND SUBSTITUTING NEW WORDING.

The public hearing was held on the subject petition by deleting the existing wording therein and substituting the following:

Section 23-83 (c) 2.

Advertising signs shall observe the same setback and side yard requirements imposed on other structures by other sections of this ordinance, except that on corner lots no part of any advertising structure shall be located closer than 20 feet to the point of intersection of the rights-of-way of the two streets forming the corner. If such signs are located within 15 feet of a street right-of-way they shall be at least 10 feet about ground level.

Mr. Fred Bryant, Assistant Planning Director, advised this petition comes to Council as the first part of a two part consideration of some sign changes today. This part comes with the Planning Commission's recommendation. At the present time the primary difference between the location of advertising signs on corner lots and other structures is one that is related to side yard requirements. Right now, if a structural building wanted to locate on a corner lot it would have to observe the 20-foot setback but could build within four feet of the side street. At present, advertising signs are governed by a flat 20-foot setback restriction which would apply to all streets. This change would make it possible for advertising signs to locate within four feet of a side street and still maintain the 20-foot front setback, with some restrictions. They still say that an advertising sign, because of its very nature of attempting to attract people's attention, still should be kept at least 20 feet from the intersecting points of the street itself. That while it can come within four feet of the side street, it still should be not permitted to come within 20 feet of the point of the intersection itself. They feel this will keep it back off the intersection. The other requirement is one that is already in the ordinance and pertains to advertising signs in other locations and that is when signs are located within 15 feet of a street right-of-way they shall be at least 10 feet above ground level, so that a motorist coming up to the intersection would still have a chance to see under the sign.

No opposition was expressed to the proposed amendment.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-23 BY RECP FUND FOR A CHANGE IN ZONING FROM O-6 TO I-2 OF A STRIP OF LAND 200 FEET WIDE AT THE REAR OF LOTS ON THE EAST SIDE OF BROADVIEW DRIVE; A STRIP OF LAND 200 FEET WIDE AT THE REAR OF LOTS ON THE SOUTH SIDE OF HOMEWOOD PLACE; AND A STRIP OF LAND APPROXIMATELY 610 FEET x 600 FEET AT THE END OF CRESTRIDGE DRIVE.

The scheduled hearing was held on the subject petition with a protest petition having been filed and found sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

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Mr. Fred Bryant, Assistant Planning Director, pointed out Clanton Road leading from South Tryon Street and Rollingwood Subdivision Area which is occupied by single family residential structures. He pointed out the property of Mr. Phillips and stated it is all vacant property with the subject property being the hatched area with a 200-foot strip at the rear of Broadview Drive, a 200 foot strip at the rear of Broadview Drive, a 200 foot strip to the rear of the lots on Homewood Place, and a larger area at the end of Crestridge Drive, and the rear of lots on Rollingwood and the rear of the lots on Manchester.

The zoning of the subject property is O-6 with the property to the east towards General Younts Expressway all being I-2 and the rest of the property in the vicinity being single family residential.

Mr. Marshall Haywood, Attorney representing the petitioners, stated that on February 20th the City Council ruled on a portion of this property including a small portion which is now designated O-6. Mr. Phillips had made a petition to have the property changed from O-6 and I-2 to R-9MF. At that time the Planning Commission recommended approval of the change, and the Council refused to allow that particular change. He stated he represents approximately 1,092 residents of Clanton Park, Edgebrook and Rollingwood Subdivisions. That the petitioners have information that Mr. Phillips is proceeding to go to work in this area with the project that was originally scheduled for the lower edge of his property. That surveying is going on and he does plan to proceed with a low rent housing development on this property. They say this property is not suited for that use; it is approximately 200 feet in width for the most of the property; with a small area at the top being 600 x 610 feet. He stated the petitioners are not interested in changing somebody else's property simply for the purpose of changing it. They are all concerned in the value of their property; they feel this type of development in the area will greatly decrease their property values. Mr. Haywood stated there has been some intimation and some feeling this is a racial matter. He submits that it is not. That the only two Negro families now living in Rollingwood have signed the petition; a number of Negro families living in the other areas have also signed the petition. So there is no racial problem here. They do not object to Negroes living in their neighborhoods. They feel simply that this type of housing would decrease their property values; that the location of this type of property in this neighborhood would be disadvantageous to them and to the City of Charlotte; that it would create additional or large number of families that this neighborhood is not ready to take; that facilities here are not adequate - streets are not adequate, schools in the area are already overcrowded and the few recreational facilities are overtaxed; they feel it is not the proper area for a low rental housing project. The type of people who would of necessity live in a low rent housing project would have limited income; they would have transportation problems - very few of them would own at least two cars and some would own one. This area is a long way from downtown Charlotte; they would have problems in transporting themselves to schools, their work and to do the necessary shopping.

Mr. Haywood stated the petitioners are young people; most of them have families with children in school and the people in Rollingwood have been there for approximately 8 years and have an average of between \$2,000 - \$2,500 equity in their homes. The people in Clanton Park

have lived there about 14 years and have large equities in their homes. They are interested in what would happen should they sell their property tomorrow or next week or a year from now. Can they get their equity? Can they transfer their property? The petitioners have met and have decided if anything is to be built on the property, they would much prefer to have an industrial complex of some type extending all the way up to their backyards.

He stated they are petitioning for the change on the strip of property to make it all I-2, thereby making it industrial and this would prohibit the erection of low-cost housing on this particular narrow strip of land.

Mr. Marvin Blackwell stated he is a homeowner on Broadview Drive. That he would like to emphasize a point on property value - there are several hundred plus homes in this area and you multiply 700 x \$10, by \$100, by \$1,000 from loss of equity and you are discussing between \$700 and \$1.0 million loss to the property owner. That most of them are trying to maintain the level they have now; that they have much to lose.

Mr. Blackwell stated the editorials have lambasted them quite strongly; maybe they do not know the whole story; they have Negroes in the area, in the schools, in the PTA's. They participate in the paper drives and he does not think the petitioners are quite as horrible as they have had indicated. That T. W. Crutcher, President of the Charlotte Realtors Board intimated in the paper on April 8th that the area is now roughly 10% Negro and has been shaken by the prospects of a low income housing project being built in the area. Mr. Blackwell requested those who have not been in their area to ride through before the final decision is made.

Mr. Garland Sullivan, 4045 Broadview Drive, stated the residents of Edgebrook, Rollingwood and Clanton Park have been out there approximately 10 or 15 years. When they bought their homes, the impression they received from the salesman that the property under discussion would, at a later date, become a school. That it was either being sold to the City of Charlotte, or it was stated that it was City of Charlotte property. He stated they are not fighting anything out there; they are there to stay; they do not want to move; they have a lot of personal money, friends and all tied up in their personal properties. That it has been stated that they were maybe racially protesting - they are not. The people who signed the petition stated they did not want a low-housing project in the areas as they had just come from one, and they believe this will end up being that, if it goes to this type of development.

Mr. Bob Sink, Attorney representing Mr. Dwight Phillips and his Corporation, who owns the subject property, stated that neither Mr. Phillips nor the people connected with him have any interest in being at war with the residents of these areas.

By this petition we are talking about taking an area that is now zoned O-6, property that is not owned by the residents making the petition and asking not that it be upgraded but that the classification be changed from office use to an industrial classification. The very heart of the planning in this area is that this was to be a buffer zone between the residential areas and the areas that are now zoned industrial. At this point, the request is that this particular area be zoned to industrial to enable the owners to develop it industrially.

Mr. Sink stated it is not contemplated that a slum be built, something ugly without trees or anything else. The owner of the property also has rights and has money invested and also has an interest in the use of his property. He has determined not only is it in his interest to build on this property multi-family dwellings but also it is in the interest of Charlotte to have this sort of development, not as a slum. The financing agency is not going to approve something that is going to be decreasing land values. He stated he thinks this particular petition is shortsighted and is not in good priority and he thinks it would be in the best interest of the residents of these areas, in the interest of the property owner and the interest of Charlotte to be denied. They would hope the people of this area would reconsider their thinking and cooperate in this venture and try to look positively at the plans that are before them to see if together we can make something that is most useful and a protection at the same time of all the property values in the area.

Mr. Haywood stated he did not want to leave the impression that they are opposed to low rent housing. This form of housing is desirable; it is the type of thing that Charlotte needs and more of it. They do not feel that this is the place for that housing. They are not opposed to it; they are simply saying that this type of project is made possible only through federal insured financing, at interest rate of approximately 3.8, and this type of money is not available through the private money market, except by assistance from the Federal Government. These people are saying they are citizens of this state, this federal government and are paying taxes and they are the ones along with everybody else who is making this project possible through the use of federal financing. They are not opposed to it; they think it should be properly planned so that it would not depreciate their own property values.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-24 BY THE CHARLOTTE CITY COUNCIL TO AMEND ARTICLE VI, DIVISION 2, SECTION 23-83(c).

The public hearing was held on the subject petition to amend Section 23-83(c) by adding between the word "established" and the word "such" a new sentence as follows: "In addition advertising signs shall be permitted on premises where other businesses or permitted uses are established provided such signs are located at least 100 feet from any part of property occupied by any portion of the established use including off-street parking areas."

Mr. James Cobb, Attorney, stated he is appearing in behalf of one outdoor advertising sign company in Charlotte and he thinks he speaks for the other company. That the problem of joint occupancy is one that has bothered the industry and has bothered the planners and the City Council for several months. To put the whole proposition of joint occupancy into context he would like to point this out - joint occupancy, including roof and wall outdoor advertising structures, is not something that is unique or peculiar or something that is unusual in the southeastern United States. They had a Georgia Tech Professor who teaches City Planning to go through a number of zoning ordinances, especially Richmond, Virginia, Nashville, Tennessee, Louisville, Kentucky, Greensboro and Raleigh, North Carolina, Birmingham, Alabama, Atlanta, Memphis, Jacksonville, Florida and New Orleans and in all those cities joint occupancy is permitted, and in all those

cities, wall and roof signs are permitted. The point is not necessarily that Charlotte should follow blindly the lead of these cities - the point is that wall and roof signs and joint occupancy are permitted generally throughout the southeastern United State. That what they proposed is not something that is radical or new or very different.

He stated in any area that is B-2, I-1, I-2 and I-3 where outdoor advertising is a permitted use, if 300 feet of road frontage exist and all 300 feet are owned by a single owner, and that single owner has a business located on 100 feet of the 300, so that the remaining 200 feet is vacant and undeveloped land and not used in connection with his business, it would be impossible for an outdoor advertising structure under the present zoning to be placed anywhere on the vacant 200 feet. Whereas, if you take the same 300 feet and a businessman owns the same 100 feet and uses it in connection with his business and the remaining 200 feet are owned by one, two, three or four people, then the outdoor advertising industry could put one or two, or three or four advertising structures on that same 200 feet of land. They feel this is sort of arbitrary. They are allowed to locate only in accordance with who happens to own a lot at a given date.

Mr. Cobb stated they made a proposal and submitted it to the Planning Commission that joint occupancy be permitted subject to a limitation that there be not more than one such outdoor advertising structure on undeveloped area. That the idea in the business is not to go out on a location and see how many signs can be stacked up. The idea is to get an attractive location, and the freer of other signs, the better. Their point is that joint occupancy is something that is denied in Charlotte at the present time in a sort of arbitrary way, and that it is an acceptable practice in a large section of the southeastern United States. That as far as wall signs and roof signs are concerned, as a metropolitan area grows and gets larger, and gets more and more concentrated, they come to be a big part of the business. That something seems to be fundamentally capricious about making their ability to expand or maintain their plant depend solely on the fact of who happens to own a piece of property at a given time. If this vacant 100 feet that is owned by the businessman next door is sold the next day to another owner, then they have the right to construct their sign on the property.

Councilman Short asked who is the author of the proposed sentence? Mr. Fred Bryant, Assistant Planning Director, replied he wrote it with the approval of Mr. Kiser, City Attorney.

Mr. Kiser asked Mr. Cobb if he is speaking for or against the language in the petition? Mr. Cobb replied he is speaking for joint occupancy concept. As far as this particular petition is concerned, while 1/10th of a loaf is better than nothing, they would think this really is not quite enough. That it falls short of what they would like to have. Mr. Kiser asked if the language as written now takes care of the basic objections he has raised and pointed out by the examples? Mr. Cobb replied when you have to get 100 feet away from any property that is used in connection with business, he just does not know; that what he proposed seems more reasonable which is on the non-wall, non-roof, joint occupancy only one advertising structure shall be permitted on the vacant land.

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Councilman Whittington asked about every 50 feet? Mr. Cobb replied the spacing is something that is very hard to handle and to deal with; all the Planning people he has talked with said you do not see it because it just gets to be impossible, so they put in only one sign and whether it is 50 feet or 200 feet, it is all used for one business and only one advertising sign is allowed if it is free standing.

Councilman Alexander asked if on 200 feet of his 300 feet he separated the property and established three holding companies for the balance of it, he could put a sign on each one? Mr. Cobb replied that is right. Councilman Alexander asked Mr. Bryant what the proposed amendment would permit? Mr. Bryant replied that he claims authorship of the provision but it does not necessarily mean he is endorsing it. That it was prepared at the request of City Council, so he is not saying that the Planning Commission is recommending this to Council. This provision as written would say if you had a tract of land with 300 foot frontage and were using 100 feet of that for some use, this would say on the remaining 200 foot portion you could place advertising signs with no restrictions on the number, but none could be closer than 100 feet to the actual portion of the property that is occupied. The reason for this provision is if you go to the joint occupancy provision, the whole basis for the sign control is gone. One of the objectives of the sign ordinance is to reduce clutter. You say on one hand if you have a business you can have one 100 foot business sign associated with that business, and that is the way it is presently set up. But if you turn around and say in addition to that 100 foot business sign, you can have even one 750 sq. foot advertising sign then you have lost your basic system of control. This is the reason the Planning Commission has felt that the correct usage of this and the basic control was on the basis of separated uses. He admits the 100 feet is arbitrary. That any provision is put in primarily to set it up with some sort of control against over-clutter.

Councilman Short stated in connection with Mr. Bryant's remarks and using the term "a basic system of control", that he would not personally chose the word "system" with what the City now has, it is an accident of control. That you can hardly designate what we now have as a "system", a system is what he would like to achieve. Mr. Bryant replied a system is what we though we had; that there are some problems of enforcement and policing involved, but the basic system he refers to is one of permitting one 100 square foot sign to be associated with a business.

Mayor Brookshire stated he could subscribe to the Planning Commission's interest in developing a basic system and control, but to use Mr. Cobb's language, aren't we being a bit capricious when we put control on the basis of ownership?

Mr. Kiser advised the mere fact that the property is owned by the same individual is not the critical factor; it is the fact that the property is considered as one tract of land rather than several. That the property owner would not need to set up three holding companies but simply divide his property into three separate tracts of land. Mr. Bryant stated as long as it is recognized as three separate tracts and recorded as such they would have to accept it; if it was a properly approved subdivision under the subdivision ordinance and recorded in the Register of Deeds Office, they would have to consider it as three separate tracts.

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Councilman Short asked the City Attorney if the present notice of hearing would be sufficient to allow the Planning Commission to recommend and the Council to adopt anything other than the 100 foot margin? Mr. Kiser replied he would rather not give a general answer to a question, but wait until we see what is recommended by the Planning Commission or what is desired by Council and then answer it with respect to that particular recommendation.

Council decision was deferred until the next Council Meeting.

COUNCIL PLEDGES ITS SUPPORT IN ANY MANNER IT MAY LEGALLY DO SO TO THE END THAT THE HEZEKIAH ALEXANDER HOME RESTORATION BE COMPLETED AS EARLY AS PRACTICABLE.

Councilman Tuttle stated we have a group of lovely ladies in the audience to represent the Committee for the Restoration of the Hezekiah Alexander Home and they would like to tell Council what they plan to do. In view of our Bicentennial Celebration in the year 1968 their effort is extremely important and he knows that they are doing everything possible to rush their project to the extent that it may become one of the prime attractions for the many visitors we hope to have during 1968.

Councilman Tuttle stated before recognizing the Chairman of the group, he would like to introduce one of the main sparks in the organization and a truly "Grand Lady of Charlotte", Mrs. E. C. Marshall, who he asked to stand. He then introduced Mrs. Sarah Houser, the Chairman of the group who will introduce the speaker.

Mrs. Houser introduced Mr. Larry P. Morgan of the Southern Bell Telephone Company who would speak for the Committee.

Mr. Morgan stated he has written on paper these words "A people with an honored past is a people with an assured future". He stated it is not necessarily true that a people with a fine past has an assured future. It is only if these people - we - chose to remember and preserve the heritage that is ours; only then will the future be fine.

He stated he represents the Hezekiah Alexander House Restoration Committee. Although he has only been in Charlotte three years he has become enamored of this particular installation. The Committee which he speaks for is an outgrowth of a committee that was formed some 20 years ago representing the Daughters of the American Revolution, some five chapters here in Charlotte when they acquired the Old Rock House which is on the fringes of a large tract of land now occupied by the Methodist Home for the Aged at the corner of Eastway Drive and Shamrock Road in Charlotte. This is the oldest house in Mecklenburg County. It was built in 1774 of good material; it has endured through many, many years and it is a fine structure still. In 1940 many things had happened to the house to cause it not to look very good - doors were sagging, floors were rotted; many things had happened to it that caused it not to look the part that it should look.

Mr. Morgan stated in this state, the ladies of the D.A.R under the leadership of Mrs. E. C. Marshall bought the house with the purpose in mind of preserving it against further abuse and further deterioration and ultimately, to fully restore it to its former condition; to refurnish it with the motif and with the accoutrements of the period of its history; to make it a public museum for the edification of future generations; an authentic historical monument to mark for posterity the site where Hezekiah Alexander, one of the originators of American Independence lived and worked; and through it to perpetrate to the

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world the American Ideal.

Mr. Morgan stated Hezekiah Alexander was one of the men who took it upon himself in 1775 to sign the Mecklenburg Declaration of Independence. In this Declaration it was stated that Mecklenburg County should be free of the political bond which had connected us with the British Crown and that we are and ^{have} a right to be a sovereign and self-governing people under the power of God. The audacity of this document created a lot of furor up and down the coast in the 13 colonies and caused perhaps the signing of the Declaration of Independence in July 1776. That Hezekiah Alexander was not a soldier, he was a statesman; he was working silently many times in the cause of freedom in this county. In 1776 he was elected to the Provincial Congress of North Carolina and helped draft the first Constitution of the States. One of the founders of the institute which is presently known as Queen's College, Hezekiah Alexander is one of the truly great Americans, one of the first citizens of North Carolina and these United States. That it is well worth our money to consider this memorial to Hezekiah Alexander.

Mr. Morgan advised the Committee plans in its restoration to further prevent the ravages of time by taking over this priceless heritage. Mrs. Hugh Houser who is Chairman of the Committee and Mrs. Marshall who is the Honorary Chairman would like very much to restore this in the style of the Williamsburg, Virginia Restoration. He stated additional land is required for walks, parking and for garden space. This land is being furnished by the Methodist Home to the Hezekiah Alexander Restoration Committee. Architects and Historian's plans call for complete restoration of the building to its original state; the rebuilding of a large stone spring house; the construction of a curator-caretakers house on the premises and to furnish this home in the manner in which it was probably furnished during the Revolutionary times.

Archivists from the State Government in Raleigh are giving help and advice to assure the authenticity of the project. The history and art departments of the University of North Carolina at Charlotte are actively cooperating as are Doctor Colvard, the Chancellor, and Dr. Bonnie Cone, the Vice Chancellor. The expanded committee will contain a lot of people in Charlotte and Mecklenburg County in the financial, business, education, social and political world who will lend their entire support. Many letters have been received endorsing this effort.

Mr. Morgan stated the money required to complete the restoration has been estimated by the architects which have been employed by this Committee to be about \$250,000, and that is the sum being sought by the Committee. Since this restored building, its contents, its history and its present day significance will belong to all the people of Charlotte, and all of the businesses in this community, all the people and all of the businesses will be given an opportunity to participate in the restoration of this wonderful and historic relic of Charlotte.

Councilman Tuttle moved that Council express sincere thanks to this group for the outstanding attraction they are about to add to this City, and that this Council pledge its support in any manner it may legally do so to the end that this facility is completed as early as practicable. The motion was seconded by Councilman Short, and carried unanimously.

Later in the meeting, Councilman Tuttle advised that the Southern Bell Telephone Company, in its next issue, will feature a picture of the Hezekiah Alexander Home on the front cover of the Telephone Directory.

COUNCIL MEETING RECESSED AT 4:00 P.M. AND RECONVENED AT 4:10 P.M.

Mayor Brookshire called a ten minute recess at 4:00 o'clock p.m., and reconvened the meeting at 4:10 o'clock p.m.

FINAL DRAFT OF WATER AND SEWER EXTENSION POLICY APPROVED.

Councilman Short stated in connection with the City's water and sewer extension policy, back in February Mayor Brookshire was the moving party in formulating a new proposal which was drawn up by Mayor Brookshire, Mr. Veeder, Mr. Fennell, Mr. Cheek, Mr. Franklin, and himself. He stated the proposal was aimed at eliminating some problems. One was that the inside extension policy was very liberal, and that in time too much of the city's money would become tied up in water and sewer financing. Another problem was the outside policy was very conservative - developers had to put up all the money and it was not refundable to them. Another problem was the double outside rate which inhibited industry and appeared to conflict with the idea of a self-sustaining system throughout the entire area.

Councilman Short stated a new policy was drafted and a hearing was held on March 6th and representatives of the Home Builders appeared and pointed out some objections they had to the new policy. He stated that he and Mr. Veeder, with the consultation and backing of Mayor Brookshire, have had several subsequent conferences with a committee of the Homebuilders. Several more drafts have been prepared changing some of the detail of the original proposal.

Councilman Short stated the one which has been distributed to Council Members is agreeable to the Mayor and to the Home Builders Committee, to Mr. Veeder and to the professional staff of the City, and to him, and is as follows:

- "A. This policy will be uniformly applicable and available to all governmental units, communities, developers, property owners, corporations (profit and non-profit) and individuals.
- B. Through this policy, the City of Charlotte is prepared and proposes to provide water and/or sewer service to properties throughout the metropolitan area regardless of their location or contiguity, wherever the extension or provision of such service is feasible within the context of the policy.
- C. All water and/or sanitary sewer customers, regardless of location, will pay a service charge based upon metered consumption. This service charge will cover the cost of operation, maintenance and debt service so as to provide a non-profit, self-sustaining operation.
- D. Applicants desiring water and/or sanitary sewer service may utilize one of the following general procedures:

- (1) Whenever it is possible for the City to partially finance expansion of water and sewer service, the applicant shall deposit only the cost of local service street mains up to a maximum of the cost per front foot of the property served for a 6-inch water main or an 8-inch sanitary sewer main (or an amount based upon the size of the individual service for large commercial or industrial customers), provided that the remaining portion of the cost to be financed by the City shall not exceed 70% of the total cost.

The applicant shall contract with the City to guarantee a minimum monthly service charge payment equal to 1% of that portion of the total cost financed by the City until this cost is repaid.

OR

- (2) The applicant may deposit 100% of the total cost. After service is made available, the City will refund to the applicant this total deposit, less the cost of local service street mains up to a maximum of the cost per front foot of the property served for a 6-inch water main or an 8-inch sanitary sewer main (or an amount based upon the size of the individual service for large commercial or industrial customers). The refund will be made in the following manner:

- (a) 35% of the monthly service charges collected from properties identified and served by each extension will be refunded each month.
- (b) Connection privilege fees collected by the City from other properties or customers subsequently connecting, based upon connection size or the percentage of the total service area occupied, as appropriate.
- (c) All refunds will terminate 20 years after the anniversary date of the first service connection made to the facility.

E. To secure water and/or sanitary sewer service under either procedure, applicants must:

- (1) Request a preliminary cost estimate from the city, designating the specific properties to be served.
- (2) Make a cash deposit equal to 10% of the preliminary cost estimate to secure a contract for preparation of the construction plans and specifications.
- (3) After construction bids are received by the City, the remainder of the total deposit required under the appropriate procedure must be made by the applicant before construction will be authorized.
 - (a) Failure to make deposits necessary for construction authorization within thirty (30) days after receipt of bids will result in forfeiture of the actual engineering and administrative costs, not to exceed the original 10% deposit.

- F. Property now inside the city limits or annexed within a period of 36 months after the adoption of this policy may continue to have water and/or sanitary sewer extension approved under policies now in effect for a period of 36 months after the adoption of this policy.
- G. To comply with municipal obligations imposed by North Carolina statutes, or in cases of emergency where it is found to be in the public interest or necessary to protect the public health, the City may authorize extensions of water and/or sanitary sewer into specific areas within the City limits.
- H. All extensions, expansions and new facilities must be economically feasible, and must be constructed in accordance with City engineering standards and specifications, and in conformity with any existing or future long range development plans which are adopted by the County or City.
- I. The City will retain title to all facilities provided under this policy and will be responsible for their operation and maintenance."

Councilman Short stated he thinks this policy as agreed upon by all parties is a historic step forward for the City of Charlotte, and that this Council can say in adopting this policy that it has done as much for the urbanizing area around the City as our bond issue for uptown renewal has done for the inner city.

Councilman Short moved the adoption of the policy as presented. The motion was seconded by Councilman Whittington.

Mayor Brookshire stated we hope that this will not only give the County, individuals and corporations - profit or non-profit - the opportunity and encouragement to take advantage of the City's new policy to extend water and sewer beyond our city limits and into the developing areas of the County, to further encourage the orderly development and growth of the total community.

Councilman Whittington stated Mr. Short and the administrative people at City Hall and the Mayor and the Homebuilders are to be commended for resolving this problem of water into the areas beyond the City limits. He read the following statement into the record in support of what Mr. Short has reported:

"We all know that in spite of our efforts, this Council has been criticised for not reaching an agreement in adopting a plan that would solve all of the problems for water and sewer in this area. However, it is not quite as simple as it might appear on the surface, but we have made some progress. With the help of a federal grant, we have installed a new water line to deliver raw water from the Catawba River to the Charlotte Filtration Plant. This new line gives us sufficient capacity for some time in the future.

In addition, the lines are presently being constructed to provide water to U.N.C.C. The City is constructing a storage reserve on Highway 29. Solving the water and sewer problems for this

area and all of Mecklenburg County is most important, and I for one, believe we must continue to give it our attention and top priority.

We recognize the inability of the City, because of certain restrictive laws, to extend water more than one mile beyond the city limits, or to the perimeter.

We know, too, that the County Commissioners are having an engineering feasibility study right now in the County, which he believes is wise and practical because this would not only determine priorities for areas that should be served but the contour and topography of certain areas of the county will dictate the direction of flow and the location of facilities in the future.

But while this work is being carried on, one serious problem exists, and this problem is the situation that develops as the result of an emergency such as the announcement of the location of the Westinghouse facility in the Charlotte area, and their requirement for water and sewer. In emergency situations of this kind, it would be my hope that this Council would let its intentions be known to act promptly and in coordination with the County Commissioners to provide necessary facilities.

We are in the fortunate position of being able to logically assume that there will be continued commercial and industrial development in the Charlotte area. I want this Council to be aware that when these emergency situations arise, that we must be willing to act positively and without delay in providing the necessary water and sewer facilities."

Councilman Whittington stated with what we are fixing to vote on and being aware of these facts, and the study the County Commissioners are now having made, he believes all of us are in the right direction on the development of this County.

Councilman Tuttle stated that a study such as the County is attempting at the present time is no doubt a must before any total consolidation is possible. That he believes what Council has done here today will allow us to provide water where it is necessary until such time as total consolidation is feasible and takes place.

Mayor Brookshire stated all of us have been close to this problem and worked on it now for the last several years intensively, and recognize that the two great problems in the picture have been feasibility and financing, and he thinks this policy provides for meeting these two major problems on the cooperative basis with the City working not only with the County but other units of government or private enterprise in accomplishing what we have set out to do.

The vote was taken on the motion and carried unanimously.

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, MAY 8, ON AMENDMENT NO. 3 TO REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 1, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C. R-14.

Councilman Jordan moved the adoption of the subject resolution calling for a public hearing on May 8 on Amendment No. 3 for Redevelopment Section No. 1, Project No. N.C. R-14. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, beginning at Page 433.

AIRPORT LEASE WITH AIRLINE LIMOUSING COMPANY, INC. FOR SPACE IN TERMINAL BUILDING AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the subject lease was authorized for a period of one year to begin April 1, 1967 at \$72.66 per month.

SUPPLEMENTAL AGREEMENT NO. 2 TO FAA LEASE FA-SO-2921 AT AIRPORT, APPROVED.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, approving Supplemental Agreement No. 2 to Federal Aviation Agency Lease FA-SO-2921 reducing the amount of space occupied in the FAA Building at Douglas Airport effective July 1, 1967.

ORDINANCE NO. 613-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 2818 MONROE ROAD PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 12.

CHANGE ORDER NO. 5 IN CONTRACT WITH R. MARRET WHEELER COMPANY FOR MINT MUSEUM ADDITION, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Tuttle and unanimously carried, Change Order No. 5 in contract with R. Marret Wheeler Company for Mint Museum Addition increasing the contract price by \$3,772.00 was authorized as the Mint Museum of Art had deposited the full amount with the City Treasurer's office to cover the work.

ORDINANCE NO. 612 AMENDING CHAPTER 23, ARTICLE III, DIVISION I, SECTION 23-31, CATEGORY (b) OF THE TABLE OF PERMITTED USES TO PERMIT "JEWELER, WHOLESALE" IN B-1, B-2, B-3, I-1, I-2 AND I-3 DISTRICTS.

Councilman Albea moved that the subject ordinance permitting wholesale jewelers in B-1, B-2, B-3, I-1, I-2 and I-3 districts be denied as recommended by the Planning Commission. The motion did not receive a second.

Councilman Tuttle moved the adoption of the subject ordinance. The motion was seconded by Councilman Jordan.

Councilman Jordan asked Mr. Fred Bryant, Assistant Planning Director, if the Planning Commission recommends that a petition to open a wholesale jewelry house in B-1, B-2, B-3 be denied? Mr. Bryant replied the only question is whether or not to permit the operation in a B-1 district as it is already permitted in B-2 and B-3 and all the industrial areas by general wording of the ordinance which permits wholesale activities in all these districts without enumerating the various wholesale items.

Councilman Alexander asked if this wholesale business is similar to the wholesale jewelry business located in the Builders Building on West Trade Street? Mr. Bryant replied he is not familiar with that particular operation and he asked them to keep in mind that a change that is made here is not necessarily just related to this particular project but any type that might want to come in the future. This particular one has been described as occupying about 2800 square feet of space initially with five employees dealing primarily with mail order business. That the spot this particular petitioner wants to go in is on Woodlawn Road in the little business area that got in just before zoning became effective in that area. It is located on Woodlawn Road about midway between Scaleybark and South Boulevard. That the building started out as a drug store, a doctor's office and more recently has been occupied by a bicycle shop.

Mr. Bryant stated in considering a text change you cannot necessarily relate it to just one situation. When this change is made, it is made to permit any type of wholesale activity any size, with any number of employees and any situation in the neighborhood business district.

Councilman Tuttle stated a bicycle shop was there and he does not think there would be any comparison between a bicycle shop operation and a wholesale jeweler where they are filling mail orders. That this request is not that B-1 be broken down to wholesale but broken down to Jewelry Wholesale. That we will never have more than five or six wholesale jewelers in the whole area. Mr. Bryant replied that is probably true but you have to keep in mind the outside possibility of a really big wholesale operation being established. That the Planning Commission's primary concern is that it will break down the basic differential between wholesale and business. Mr. Bryant stated there are a whole multitude of locations that this type of use can already go in. It can go anywhere on South Boulevard which is all zoned B-2, which is just a few blocks away. The Planning Commission's viewpoint is why break down the whole structure of the ordinance for one little situation.

Councilman Short stated his inclination is along the lines that the objections to this is theoretical a little, abstract almost; that you have storage in large measure along with retail business. That he would like to think about this matter a little more and he can see the position of some of the others.

Councilman Tuttle stated he is influenced to a large extent by the Planning Commission; we have to assume that these men particularly where there are real estate men on the Commission that they know a little something themselves, and this is not to discount Mr. Bryant

and his staff, who are experts, but when this was originally voted it was voted with six yeas and one nay with Mr. Sibley voting no. Mr. Jack Turner called him this morning and he has his permission to say he had thought this over and he felt he had made a mistake and if he could vote again he would vote for it. Mr. Toy abstained. Mr. Ashcraft was absent and he has his permission to make this statement, and he said had he been present, he would have voted for it. So here are at least three votes for it and one abstaining. He thinks this is a situation where even the Planning Commission is not too sure. In view of the fact that a wholesale jewelry is not an operation where you are opening up the whole town to something that can do us any great harm as we will never have but a few wholesale jewelers. This is a place that was a bicycle shop and a plumbing shop could go in there, and he cannot see any harm in this.

Councilman Albea stated Mr. Tuttle is entirely out of order as you cannot come back and say how you would have voted if you had it to do over again. He stated he is opposed to granting the petition; that we are getting ourselves out on a limb. A man comes and said he voted wrong, that is his mistake; that they should not try to change the complexion of the whole thing.

Councilman Alexander stated that Mr. Bryant stated this opens up an entire area to wholesale operation, and he thought it was for wholesale jewelers not wholesaling. Mr. Bryant replied this change only opens the B-1 area to the wholesale jewelers.

Councilman Tuttle stated there are many, many more things more obnoxious than a wholesale jeweler that can go in this spot.

Councilman Whittington asked if Council is aware of the location of this particular shop, and Council members advised they are.

The vote was taken on the motion to approve the ordinance, and carried by the following vote:

YEAS: Councilman Tuttle, Jordan, Alexander and Short.

NAYS: Councilmen Albea and Whittington.

The ordinance is recorded in full in Ordinance Book 15, at Page 11.

SANITARY SEWER MAIN CONSTRUCTION AUTHORIZED.

Councilman Whittington moved approval of the construction of 800 feet of 8-inch sanitary sewer main in Lawton Road, inside the City, at the request of Godley Development Company, at an estimated cost of \$5,450.00, with all cost 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. The motion was seconded by Councilman Short, and carried unanimously.

APPRAISAL CONTRACTS AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, authorizing the following appraisal contracts:

- (a) Contract with Harry G. Brown for appraisal of one parcel of land in connection with the Sixth Street Widening Project;
- (b) Contract with Wallace D. Gibbs for appraisal of one parcel of land in connection with the Airport Clear Zone.

RIGHT OF WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR WATER MAIN ALONG HIGHWAY 29 NORTH.

Councilman Whittington moved approval of a right of way agreement with the State Highway Commission in connection with a proposed 16" water main now under design along Highway 29 North from State Highway 49. The motion was seconded by Councilman Short, and carried unanimously.

RENEWAL OF SPECIAL OFFICER PERMIT TO DANIEL HOYT SHEALY FOR USE ON PREMISES OF KINGS COLLEGE AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Short, and unanimously carried approving the renewal of a special officer permit to Mr. Daniel Hoyt Shealy for use on the premises of Kings College for a period of one year.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Jack D. Lane for Grave No. 6, In lot No. 175, Section 2, Evergreen Cemetery, at \$60.00;
- (b) Deed with Lacy C. Thomas and wife, Ruth B. Thomas, for Lot No. 746, Section 6, Evergreen Cemetery, at \$240.00;
- (c) Deed with Hoy Hendrix and wife, Ruth G. Hendrix, for Lot No. 446, Section 6, Evergreen Cemetery, at \$240.00;
- (d) Deed with J. R. Philemon and wife, Edna McC. Philemon for Lot No. 335, Section 4-A, Evergreen Cemetery, at \$189.00;
- (e) Deed with James C. Chambers, Jr. for Lot No. 500, Section 6, Evergreen Cemetery, at \$240.00.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR STREET RESURFACING.

Councilman Alexander moved award of contract to the low bidder, Rea Construction Company, in the amount of \$181,671.71 on a unit price basis for street resurfacing. The motion was seconded by Councilman Albea, and carried unanimously.

The following bids were received:

Rea Construction Company	\$181,671.71
Blythe Brothers Company	184,227.00
Dickerson, Incorporated	198,686.00

REVISION IN ZONING SITE PLANS APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and carried unanimously, the following site plans for B-1SCD as revised and filed in the office of the City Clerk were approved:

1. Property of Mr. Francis M. Grigg, located at Milton Road and Hickory Grove-Newell Road;
2. Property of B & L Investment Company located at Lawyers Road and Albemarle Road.

PROPERTY TRANSACTIONS AUTHORIZED.

The following property transactions were presented for Council consideration:

- (a) Acquisition of 26,094 sq. ft. of property at 135-37 Cherry Street, from John M. Dwelle, at \$30,000 in connection with the East Third Street Project;
- (b) Condemnation of 6,703 sq. ft. of property owned by Robert P. Steffey, at 301 Grandin Road, at \$19,575.00 in connection with the West Fourth Street Extension;
- (c) Condemnation of 1,750 sq. ft. of property owned by Robert P. Steffey, at 1511-13 Westbrook Road and 304-06 Grandin Road, at \$9,250.00, in connection with the West Fourth Street Extension;
- (d) Acquisition of 6,133.88 sq. ft. of property at 404 Heathcliff from Sanford A. and Annie F. Flow, at \$12,250.00, in connection with the West Fourth Street Extension;
- (e) Acquisition of 767 sq. ft. of property at 400 West Sixth Street, from Transportation Supply Corporation, at \$2,679.00, in connection with the Sixth Street Widening;
- (f) Acquisition of 2,715 sq. ft. of property at 119-23 N. Pine Street, from Mrs. Cammie R. Robinson, widow, at \$8,500.00, in connection with the Pine Street Widening.

Mayor Brookshire asked Mr. Charles Owens, Right of Way Agent, to give Council more detailed information about the property on Cherry Street (Item a), and property at 301 Grandin Road (Item b).

Mr. Owens advised the Cherry Street property belongs to Mr. John Dwelle and was a hard to negotiate item. That the area of the property is very large and it is in a highly speculated area now with Third Street being improved and Shorter Street on the other side of Independence. That it is mostly land with a small duplex on it which will be demolished. That Mr. Dwelle will be left with just a small area of approximately 4,000 square feet, and under our present ordinance, he can do very little with it other than hold it for speculation. The appraisal on the total amount of the property at \$32,000 was made by Mr. Al Carrier. Mr. Hutchinson was the other appraiser and it was considerable less, and he does not believe he quite understood what it was about and came up with about \$16,000.00.

Mr. Owens stated the property is on the Independence side of Cherry Street, with Cherry Street running parallel with Independence.

Mr. Owens advised the Grandin Road property belongs to Mr. Robert P. Steffey and is on the widening of West Fourth Street; it is a nice brick duplex. Mr. Steffey at present is in a Home and this was worked out with his attorney, Mr. Kenneth Downs, to be a friendly condemnation, at \$19,575.00.

Councilman Albea moved approval of the property transactions as listed, which was seconded by Councilman Whittington, and carried unanimously.

COUNCIL MEMBERS INVITED TO MEETING WITH ADVISORY PANEL OF BOARD OF DIRECTORS OF CHARLOTTE AREA FUND ON THURSDAY, APRIL 20.

Mayor Brookshire requested Mr. Bobo, Administrative Assistant, to advise Mr. Charles Lowe that Councilmen Albea and Alexander and perhaps some other members of Council would attend a meeting with the Advisory Panel Board of Directors of the Charlotte Area Fund at Public Housing Administration Office on Thursday, April 20, at 2:00 o'clock p.m.

STATEMENT BY MAYOR BROOKSHIRE REGARDING THE FIRE DEPARTMENT.

Mayor Brookshire read into the record the following statement:

"Both the news media and the Chamber of Commerce, and perhaps others, are properly concerned with both personnel and equipment questions recently raised about our fire department.

This is but one of some twenty departments that come under city administration. However, within the framework of public safety it is one of the most important. As in other departments there is a chain of command reaching from the bottom up to the top, in this case Chief Black.

I have complete confidence in Chief Black, in his integrity, his ability, and in his willingness to deal fairly. I know that he has the interest of both his department and our city at heart.

We have a fine fire department, one of the best, which is a sincere compliment I pay to the 400 men under Chief Black.

As to the recent open meetings which members of the department have held for the purpose of discussing their views on compensation, hours of work and other matters, I can see no objection.

It seems to me the firemen are freely entitled to develop and have whatever volunteer organization they wish so long as it is open and within their statutory rights and as long as their motives are to build good morale and improve working relationships within the department.

On the matter of compensation, I expect that most city

employees feel they should make more. The city's pay plan is under almost constant study and review by administrative officials and City Council. We do our best to keep pay scales and fringe benefits for all departments in line with both public and private employment. This is a must in order to avoid recruitment problems and loss of trained personnel, because no one can be compelled to work for the city. We have to stay competitive.

On the equipment picture, it is possible that an economy-minded Council may in the past have held the purse strings a little too tightly in the interest of holding the tax rate, with regard to these and other needs. These are judgements that only Council can make.

But as I see the situation, it does not call for pushing any panic buttons. The equipment in the newest five fire stations, built in as many years, together with equipment from the fine county volunteer stations, is available on call anywhere in the city in case of emergency. Our city continues to carry a very favorable insurance rate.

I expect this new budget to call for additional equipment, which I think Council will buy."

ORDINANCE NO. 614-X REQUIRING THE INSTALLATION OF OVERHEAD RAILROAD FLASHING SIGNALS AND AUTOMATIC GATES AT SOUTHERN RAILWAY CROSSING AND SUMMIT AVENUE.

Mr. Kiser, City Attorney, stated last week Council indicated some concern about the situation at the Summit Avenue Railroad Crossing. In order to be sure that we have the best legal basis from which to operate and carry out Council's desires, he has prepared an ordinance for Council's consideration which would direct the Railroad to provide the safety devices necessary at the crossing.

Basically the ordinance sets out the situation as it now exists and cites the traffic accidents that have occurred, and cites that certain devices have been recommended for installation and directs the Southern Railway System to install and maintain overhead railroad flashing signals and automatic gates at the place where its North-South main line crosses West Summit Avenue.

Councilman Tuttle moved the adoption of an ordinance entitled: An Ordinance Requiring the Installation of Overhead Flashing Signals and Automatic Gates at Southern Railway Crossing and Summit Avenue. The motion was seconded by Councilman Whittington.

Councilman Alexander asked if the subject ordinance would have any effect on the switch engines which would keep the gates down for a certain time? Councilman Jordan stated the letter received by Council from Mr. Mauney said if these gates were installed they would be down 30 to 40 minutes. Mr. Kiser replied this ordinance was prepared in order to put the City in a better position to do what the Council wanted to do, based on the action taken last week. Councilman Alexander asked if the ordinance should not be written to give this consideration; there is no point in passing an ordinance if the switching engines stop the gates and hold them up as long as they

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say; there is no point in passing an ordinance that does not give some clearance to that fact. It will be the same situation as on the other side of town. Councilman Short replied where human life is involved, we have no choice; the situation apparently would be just about the same as Craighead Road, 36th Street and those other streets in the north end of town; the fact is, it is the same trains and same railroad.

Councilman Tuttle stated he has the same information as Mr. Alexander and he gave serious consideration to it. That Mr. Mauney has recommended alternatives to blocking some traffic out there - one is a street watchman for 24 hours a day. At \$400.00 a month a shift, this would be \$14,400 a year; the other is an overhead bridge which we cannot build at this time and the other is an underpass. We do not have the money nor the time as we are faced with human lives.

Councilman Albea asked the City Attorney if Council can require a watchman there? Mr. Kiser replied it is the railroad's responsibility to make the crossing safe. Attempts the City makes to get the railroad company to fulfill its obligation will be directed first toward the installation of the signal and automatic crossing gates and failing that, some other steps will be taken, perhaps the installation of a flagman.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 13.

EMPLOYMENT OF JAYPEES TO ISSUE WARRANTS AND AUTHORIZATION TO NEGOTIATE WITH JAYPEES FOR COMPENSATIONS AUTHORIZED BY COUNCIL.

The City Attorney advised last week the Supreme Court of North Carolina handed down a decision which caused great concern to the local law enforcement officials and that was with respect to the issuance of warrants by Desk Sergeants. This caused an immediate crisis because of the necessity of having someone available to sign the warrants so that the warrants could be valid, and the necessary law enforcement practice continue.

In a meeting with officials involved from the various recorder's courts in the County and the City, they hit upon a stopgap measure which he now want to ask the Council to approve. It is the request to Jaypees to make themselves available in a location on city premises to sign warrants which need to be signed, both for the City and the County, and also for the local ABC Board. The proposal was made to them without any statement with respect to compensation because they did not know what could be arranged.

Mr. Kiser stated the Jaypees as requested came in and filled the role adequately and enabled us to continue with our law enforcement responsibilities. In addition to the approval for the steps taken, he requested authorization to negotiate with them over some compensation to be provided. The feeling at the meeting of the various officials was that the compensation would be borne on an equal basis by both the City and the County.

Councilman Whittington asked what happens to the Jaypee system when the court reforms go in in this County in 1968? Mr. Kiser replied magistrates

will be appointed and will be under the jurisdiction of the Clerk of Court. They will all become officials of the State, and they will be responsible for the signing of the warrants.

Councilman Whittington asked if there is not someone in the Clerk of Recorder's Court with Jaypee status? Mr. Kiser replied there are three at the moment. The problem is that someone is needed 24 hours a day, seven days a week. The three Jaypees now in Recorder's Court have other duties which need to be performed and it was felt we could not ask them to assume all these additional duties during the interim while we are working on some long range plan to put into effect to carry us through until December of 1968.

Mr. Kiser asked for a motion of Council to approve the action taken last week, and to authorize them to negotiate with the Jaypees for some compensation.

Councilman Whittington moved approval of the request of the City Attorney, which was seconded by Councilman Albea.

Mayor Brookshire asked with three people in the Recorder's Court in the capacity of Jaypees, could they take one of the eight hour shifts? Mr. Kiser replied they are now working on some plan to carry through. That the Jaypees now working will work through tomorrow at 7:00 o'clock, and they are working on some plan that would include that. That Mr. York is working on a proposal that would add some people to the staff to make up for this difference, and they will use some of those already available.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR WIDENING OF FIFTH AND SIXTH STREETS IN DOWNTOWN AREA.

Councilman Albea moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$132,923.25, for the widening of Fifth and Sixth Streets in Downtown Area. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$132,923.25
Blythe Brothers Company	191,510.00
T. A. Sherrill Construction Company	144,458.75

APPROVAL OF PURCHASE OF PROPERTY ON HIGHWAY 49 FROM TOM MATTOX TO BE USED FOR LANDFILL SITE, AND ADOPTION OF ORDINANCE TRANSFERRING PORTION OF GENERAL FUND UNAPPROPRIATED SURPLUS ACCOUNT.

Mr. Bobo, Administrative Assistant, advised the City has an option which has to be exercised by next Monday for the purchase of property for a landfill from Mr. Tom Mattox and others. The property is located 9/10th of a mile outside the city limits on Highway 49. It consists of 89 acres and the purchase price is \$222,500, or \$2,500 per acre. He advised the purchase price is within the appraisal price; test borings have been made on the property and it is suitable for a landfill; and the surrounding property in the area is not developed.

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Councilman Tuttle moved approval of the purchase of the subject land and the adoption of an ordinance entitled: Ordinance to Amend Ordinance No. 498-X, the 1966-67 Budget Ordinance, Authorizing the Transfer of \$139,000 of the General Fund Unappropriated Surplus Account, to supplement budgeted funds for this purpose. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 14.

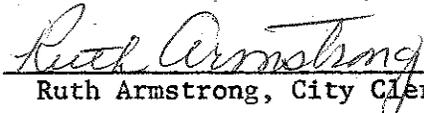
COUNCIL MEETING OF APRIL 24 DISPENSED WITH AND NEXT COUNCIL MEETING AUTHORIZED HELD ON MONDAY, MAY 1.

Mayor Brookshire asked since next Monday, April 24, is the City Primary, if Council would meet on Tuesday, April 25 or Monday, May 1.

Councilman Tuttle moved that the next Council Meeting be held on Monday, May 1. The motion was seconded by Councilman Whittington, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk