

May 26, 1969
Minute Book 52 - Page 37

The City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, May 26, 1969, with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John M. Thrower, Jerry Tuttle, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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 Toy and Commissioners Albea, Godley, Sibley, Stone and Tate.

ABSENT: Commissioners Ashcraft, Gamble, Turner and Wilmer.

* * * * *

INVOCATION.

The invocation was given by Mr. Claude L. Albea.

MOTION REAFFIRMING THE POSITION OF THE CHARLOTTE CITY COUNCIL WITH REGARDS TO HOUSE BILL 1005, CIVIC CENTER BILL.

Councilman Tuttle moved that the City Council go on record and reaffirm its full support of House Bill 1005 which authorizes the City and the County to enter into a lease for a Civic Center; and further, that copies of the Minutes of this meeting indicating this action by the City Council be forwarded to each member of the Mecklenburg Legislative Delegation. The motion was seconded by Councilman Whittington, and carried unanimously.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the minutes of the last Council Meeting, on May 19, 1969, were approved as submitted.

HEARING ON PETITION NO. 69-47 BY CARLOS E. KUMPE FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT 70' x 217' AT 619 LAMAR AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this property is located on Lamar Avenue, between Independence Boulevard and Bay Street; the lot is occupied by a single family residential structure; there is a single family structure on the Bay Street side of the property; and an existing office use on the Independence side of the property; across Lamar Avenue it is solidly developed and used for single family residential purposes. He stated there are a number of multi-family structures in the general area near the intersection of Bay Street and Lamar Avenue; the Independence Boulevard area has business uses, and with that exception, the area is generally used for residential purposes.

He stated there is an area of business zoning along Independence Boulevard on both sides, and the subject lot is immediately adjacent to the business use on Independence Boulevard; along Lamar, Bay and the other various streets, the zoning is R-6MF.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

May 26, 1969
Minute Book 52 - Page 38

HEARING ON PETITION NO. 69-48 BY V. C. KISER AND HUMBLE OIL AND REFINING COMPANY FOR A CHANGE IN ZONING FROM I-1 TO I-2 OF PROPERTY FRONTING 325 FEET ON THE NORTHEASTERLY SIDE OF ROZZELLS FERRY ROAD BETWEEN CORONET WAY AND BUNGALOW ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located on Rozzells Ferry Road just on the intown side of Belhaven Boulevard intersection. It is utilized primarily for usage connected with automobile repair - Kiser Repairs is located on the property; there are other automobile type usages in the area with another automobile repair garage and automobile upholstery facility; across Rozzells Ferry Road is a sand and gravel storage area. On the opposite side of Rozzells Ferry Road is a restaurant at the corner of Coronet Way and another restaurant located further up the road, and a few remaining residential structures in the area. On the intown side of the property is an intermingling of residential and business usages; behind the property is Concrete Supply Company; a fabricating type facility; and a steel drum storage yard on West Trade Street. The Belvedere Public Housing Project is located along Zebulon, Judson and West Trade.

Mr. Bryant stated there is I-1 zoning all along the north side of Rozzells Ferry Road including the subject property; there is I-2 zoning on the opposite side of West Trade Street along the railroad, and on the south side of Rozzells Ferry Road there is a spot of I-2 for the sand and gravel operation, and the remainder of the zoning along Rozzells Ferry Road is B-2. Behind the frontage property on Rozzells Ferry Road, along Clyde Drive and Coronet Way, it is zoned R-6MF.

Councilman Whittington asked the Planning Office to contact Mr. Kiser and find out how he plans to use the property if the change in zoning is granted, and let Council know at the next meeting. Mr. Bryant replied Mr. Kiser's operation is located on about 2/3 of the property at present and their operation requires an I-2 classification; they have expanded onto some property owned by Humble Oil Company and they expanded illegally, and when this was called to their attention by the Building Inspection Department, they filed the request for a change in zoning to make their use legitimate.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-50 BY D. L. PHILLIPS INVESTMENT BUILDERS, INC., FOR A CHANGE IN ZONING FROM I-2 TO R-9MF OF A 6.8 ACRE TRACT OF LAND FRONTING 990 FEET ON THE WEST SIDE OF BARRINGER DRIVE BETWEEN CLANTON ROAD AND PRESSLEY ROAD.

The public hearing was held on the subject petition on which a general protest petition has been filed signed by seven persons.

Mr. Fred Bryant, Assistant Planning Director, advised this is a new section of Barringer Drive that begins at Clanton Road and runs southwesterly away from Clanton Road down into an area being developed for apartment purposes; the subject property is located on the northwest side of Barringer Drive, and extends along Barringer Drive for a distance of 990 feet and for a depth of 296 feet; the property is vacant; the area surrounding generally is the Clanton Park and Rollingwood Section of the city. He pointed out the housing project recently completed by Dwight Phillips company, and stated it is a multi-family project with approximately 200 units and is in the process of being occupied; he stated St. Mark's Methodist Church is located near the intersection of Clanton Road and Barringer Drive; that this is an area that lies between the Rollingwood section and I-77.

May 26, 1969
Minute Book 52 - Page 39

the
Mr. Bryant stated/subject property is zoned for I-2 as is all the property on both sides of Barringer Drive. To the rear of the subject property - between the subject property and Rollingwood - is an area zoned for R-9MF with a smaller area of O-6. There is R-6MF zoning existing along Barringer Drive between the point of the existing request on towards Clanton Road. The Rollingwood and Clanton Park area is zoned R-9MF.

Mr. Tom Cox, Engineer for D. L. Phillips Builders, stated they are asking that the 6.8 acre tract be rezoned to incorporate it into a tract of 27 acres for a multi-family housing site. By so doing they will be able to utilize 5.5 acres of the total site for recreational purposes - this would be a 5.5 acre park. The project will cost approximately \$3.5 million, consisting of 200 family units. He described the parks stating there will be baseball fields, nature trails, swings and slides and children's play area. That they also plan a child day care center consisting of approximately 2,000 square feet with a one acre play area immediately adjacent; a community center of 3,000 square feet is also being incorporated into the project; open spaces adequate for family activities and rear yards immediately adjacent to each building will be provided; all off-street parking will be afforded for the entire project.

Mr. Cox stated that Roseland Apartments, Phase I, is now 70% occupied; that they have started site preparation on Phase II; in I and II they have set aside in one tract 8 acres of land for park purposes; play grounds have been established in several areas of the project.

He stated the O-6 area was originally set aside as a buffer zone between a 300 acre tract zoned I-2 - owned by Dwight Phillips Builders and which they have decided not to develop industrially until such time as they have adequate buffer housing between the existing single family residences in Rollingwood and Clanton Park, to make it the type of neighborhood with a transition from single family residences to industrial by way of the apartment complex in between. That after they complete their apartment complex and give proper buffer zone between the industrial site and the single family residences, then they will proceed with the development of their industrial tract.

Councilman Alexander asked how many buildings will be located in the area requested rezoned? Mr. Cox replied 15 to 20; this will be duplex houses. There will be one section of one story, one bedroom units, and everything else will be of the townhouse type; that there will be very little difference in what is being built in Roseland I and II; there will be approximately 30 units in the 6 acre tract.

Mr. Cox stated in Roseland I and II they added four acres to each tract in addition to what the federal government required for parks. He stated the Roseland I and II projects have nothing to do with the project under discussion.

Mr. Cox stated that Roseland Phase I and II are 2-21D-3 Projects built under the Federal Housing Program; there is a maximum income limit for a person being able to rent one of these apartments; if they are living in the project and their salary increases then they have to move elsewhere; this is all set by the federal government. The rental for a one bedroom unit is \$70.50 per month; two bedroom unit \$80.50 and three bedroom unit \$89.50; there is no subsidized rent whatsoever; this is the 2-21D-3 financing.

He stated on this third project for which they are requesting the 6.8 acres rezoned they are presently talking with the Housing Authority of the City of Charlotte about making this a turn-key project. That this hinges on several things - if they can bring it in at the money at which they can afford to sell it as a turn-key project then it is likely they shall; if they cannot they may wind up with other financing.

May 26, 1969
Minute Book 52 - Page 40

At the request of Councilman Alexander, Mr. Bryant listed the uses the property might be used for under the I-2 zoning and is the most lenient classification.

Mr. Jimmy Hackett stated he is speaking for the communities of Clanton Park, Rollingwood, Edgebrook, Barringer Woods and Tryon Hills, and they protest the proposed rezoning in the stated communities. He presented a petition to the City Clerk and stated it is signed by 900 citizens in the communities. He stated they are protesting the proposed rezoning of 6.8 acres between Clanton Road and Pressley Road, as well as the rezoning of the area between Moretz Avenue and Twenty-Ninth Street; they believe this rezoning would not only be a violation of the regulations of the U. S. Department of Housing and Urban Development, but would contradict the policies recently announced by the Charlotte City Council. He stated they oppose the development of high density housing in predominately black areas without more through study and planning; they are being over-loaded with people in communities that are already operating with inadequate police protection; schools being overcrowded and plans are already being discussed to send students to classes in shifts in addition to the use of portable classrooms. At present, the Sanitation Department cannot give the services necessary to maintain their community, and with the density of housing proposed this would be one of their major problems; that communities already oppressed and receiving such inferior services and having the least of recreation and parks are nothing but the nucleus of future ghettos. That they observed throughout the existing predominately black communities the trend of overcrowding a practice; wherever you find a black community, you find inferior schools, recreational outlets, and other city services. He stated they are concerned with the proposed high density and low income levels of people who might live in these complexes. That developments of this nature, especially where the community has just changed from white to Black, is a direct promotion of segregation.

Mr. Calvin Harris stated there is something wrong with persons in leadership positions when that leadership requires a certain amount of checking on where public housing or low income housing is concerned; that we elected these people to represent our interest; we are tired of the low income and low-class, Black and white, being sacrificed for the interest of the more affluent in our community; it is regretful when instances of this nature are acted upon, people have to band together with a spokesman to represent their interest. The people from these communities work and cannot afford the time to come down here everytime their interest is not being properly cared for; a committee has been set up to handle all these problems and he suggests that all efforts be geared towards involving the community affected at the planning stages rather than after decisions have been made.

Mr. Richard A. Macon stated he is present in the interest of the communities of Clanton Park, Rollingwood, Edgebrook and Barringer Woods. He stated apartments have already been built but there are no additional parks; on the other hand when they moved to that area they had hope; they had hopes of being able to move into a community where it would be family housing and not littered with a lot of low income housing; they know they are to get their share but feel it should be spread over the city before giving them any more units at this time. He stated as it now stands, it is impossible to say that these houses will be rented on an integrated basis due to the fact that our white brothers and sisters have been so brain-washed to believe that whenever a Black family moves into a community, it is necessary for them to run. He stated they are over-crowded, the density is too high, and with additional apartments of low income housing, they will not be able to move through the streets. He stated the five acre park will join the residents' homes on Rollingwood Drive, and baseballs are subject to break out windows; that he is not fighting the park, but he asked that they be dealt with justly and fairly.

May 26, 1969
Minute Book 52 - Page 41

Also speaking in opposition to the petition was Mr. Robert S. Vilder, 1016 Tracy Drive. Mr. Vilder stated Council might consider the upgrading of the present zoning to permit additional single family dwellings; that one reason given as to why low cost housing is not located in other parts of the city is because there is no land available; yet looking at the park and recreational areas there are a number of parks planned in the eastern part of the city and some of a relatively great dimension. At Fairview and Park Road a 124-acre park is planned; on Monroe Road is the Mason Wallace Park of 15.12 acres; Jackson Homes Parks on West Boulevard has 10.52 acres and Huntington Farms Park is under construction with 25 acres of land. That it would seem to them that land is available elsewhere when a city department is or will be purchasing for public use. That public agencies seems to be able to locate land when they want to place public facilities; there is a new hospital under consideration and the site contains 85 acres and it is located in the eastern part of town. He called attention to the new schools and their locations and acreage also. He stated also there is a new highway going through and this seems to be another way to lock people in.

Mr. Vilder stated in order to get a 3/4 Rule you have to have 20% of the owners within a hundred feet of the proposed area; that none of them live within a hundred feet; there is no home within a hundred feet of the area; but they feel they are as affected as any person who did own land within one hundred feet of the proposed rezoning area.

Councilman Thrower stated the Commission went to the area on Randolph Road and HUD would not permit construction there because of the Grier Heights Association.

Councilman Alexander stated the question that disturbs him, if we are not going to build any more housing on the west side, and Council turns down every request for R-6MF and R-9MF on the east side of town, then where are we going to place this housing? Does this mean we have come to the end of where we will place housing to take care of medium and low income families. That these people are justly complaining about any further developments on the west side of town; but based on the Council policy, where the records show that in most cases where zonings come up for a change to R-6MF or R-9MF that they are turned down, where will this type housing be built?

Councilman Tuttle stated the former Mayor named a master plan committee on low income housing and the purpose of the committee is to go out with architects to determine architectural design, size and land; that land has been a problem and they may decide that this housing should be placed around in 10, 12 or 15 units and not the large concept we have had before. The purpose of the committee is to find land elsewhere than the west side and make some effort to distribute the housing throughout the city before any more is built on the west side. Councilman Tuttle stated he has made a pledge and it was stated publicly, that he would not vote for any more housing on the west side until there has been some distribution throughout the city, and he intends to stand by that pledge.

Reverend George Leake stated the federal government has a ruling that discourages and frowns against the placing of low income housing in areas where there is already an abundance of low-income housing and that does not lend itself to the sociological term of integration.

Councilman Withrow stated there is a ruling by the federal housing authority that they will not concentrate low income housing in any one area; that the City Council and Housing Authority has no jurisdiction over the 2-21 type housing; in order to correct the type of housing Mr. Phillips plans in this R-9MF, you need to go to Greensboro, and you need to get Mr. Rosefelt on it from Greensboro. Reverend Leake stated the process under contention today is whether or not Council will rezone that piece of land; the federal government can give them a grant and approve their application, but they cannot build the housing unless this Council rezones the property.

Council decision was deferred until the next meeting.

May 26, 1969
Minute Book 52 - Page 42

HEARING ON PETITION NO. 69-51 BY F. W. HOLMES FOR A CHANGE IN ZONING FROM R-6MF AND R-9 TO O-6 OF A LOT 165' X 264' AT 4000 PARK ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director stated this lot is located on the west side of Park Road in the general vicinity of Park Road Shopping Center; it is occupied by a single family residential structure; it is adjoined on the north side by a smaller shopping area known as McGinn Shopping Center; to the north is the Park Road Baptist Church; to the south of the property along Park Road, is a vacant lot and from there most of the remainder of the block down to Heather Lane is occupied by existing or under construction office buildings. To the east on the opposite side is the Park Road Shopping Center; to the west is an area almost solidly developed with single family residential structures along Holmes Drive, Bevis Drive, Hough Road, Heather Lane, and a number of other residential streets.

Mr. Bryant stated the zoning is B-1 on the east side of Park Road for the Park Road Shopping Center, and for the most part office zoning on the west side up to Holmes Drive; beginning at Holmes Drive, and including the subject lot there is multi-family zoning extending up to the Park Road Baptist Church property; to the west it is zoned R-9.

Mr. George Miller, Attorney for the Petitioner, stated the property in question is zoned R-6MF and R-9; the petitioner requests an O-6 zoning for the purpose of building a two story office building with parking in the rear and adequate screening on the Holmes Drive side. That the property immediately adjoining is a non-conforming use and it will probably stay that way for the next 400 years; the property does not lend itself for apartments or for single family residence. The property is on the tax books at present for \$11,730, and as long as it is zoned as is, it will probably stay there or less; whereas given a chance to develop it will produce more revenue for the city as well as the owners.

Mr. Miller stated the front portion is zoned R-6MF and the rear portion is R-9.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-52 BY J. A. WESTMORELAND FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT 1714 SUNNYSIDE AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located behind Hanford's Florists which is located on Independence Boulevard; this property fronts on Sunnyside Avenue, between Hawthorne Lane and Lamar Avenue; Hanford's Florists is located at the intersection of Lamar Avenue and Independence Boulevard and has been there for several years, and the subject lot is immediately to the rear of that facility. The subject lot is occupied by a single family structure and there are residential structures along Sunnyside Avenue in this area, and there are some multi-family structures.

Mr. Bryant stated there is business zoning along Independence Boulevard; Lamar Avenue is zoned for business purposes on both sides of the street; there is business and industrial zoning along Central Avenue; the subject property is zoned R-6MF as is all the property fronting on Hawthorne Lane in the vicinity; immediately adjacent and beside the subject lot is an alleyway and if the change is granted, it will shift the boundary between O-6 and business over to the alleyway. There is industrial zoning on three sides and residential zoning on the other.

May 26, 1969
Minute Book 52 - Page 43

Mr. Charles Henderson, Attorney for the Petitioner, stated no protest has been filed against the proposed rezoning and he has the signatures of people across the street, and the people who have the house next door, stating they have no objections to the rezoning.

Mr. Henderson stated Hanford's Florists plan an expansion involving nearly \$100 thousand; and much of the expansion is on the part already zoned appropriately; there is one small corner of the building under consideration that will be on the subject property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-53 BY S. F. GAY ESTATE FOR A CHANGE IN ZONING FROM O-6, I-1 AND I-2 TO R-6MF OF PROPERTY ALONG POPLAR STREET, BETWEEN MORETZ AVENUE AND THIRTY-FIRST STREET.

The public hearing was held on the subject petition on which a general protest petition has been filed signed by seven (7) persons.

The Assistant Planning Director stated this is located in the Tryon Hills section of the city. That the subject property is primarily along what would be the extension of Poplar Street - Poplar Street is opened only to Moretz Avenue; neither 29th Street or 30th Street is opened and this is primarily a vacant tract of land. It is adjoined on Moretz Avenue by a combination of vacant property, between Church and Poplar Street; from Poplar almost up to Catalina Avenue is the Tryon Hills Apartment area; to the north there is vacant land and beyond that along Catalina is an area of single family residential homes. On the North Tryon Street side of the property along Church Street and North Tryon Street are a variety of uses - business and light industrial; there are a few single family structures along Moretz Avenue; along 29th Street are industrial uses; along Tryon Street is a wide variety of business type uses; on the 31st Street side near 32nd Street, there is a trucking terminal and a very small building utilized for a church; to the north along 32nd Street is considerable industrial uses. There is commercial type uses in the Tryon Street area and residential uses on the Catalina side of the property.

Mr. Bryant stated along North Tryon Street up to Church and Poplar the zoning is I-2; the I-2 zoning has a transition area of office zoning along Church Street, up toward Moretz and along Poplar; then it is zoned R-6MF and along Catalina the zoning is R-6. The zoning is I-2 along the 32nd Street side.

He stated the request is for three different sections of the area to be changed from various types of classification up to R-6 multi-family. Along 29th Street the area is zoned I-2; the area adjacent to that and north of Poplar, if opened, is zoned O-6, and the area along 31st Street is zoned I-1, and all are requested changed to R-6MF.

Mr. Tom Ruff stated he is representing the estate of Dr. S. F. Gay and the Victor Corporation; that a project of an apartment nature may be constructed on approximately 1/3 of the property as presently zoned; approximately 1/3 is now zoned O-6 and this classification permits the use intended. The residue of the property, which is probably less than 1/3, is zoned in an industrial classification.

Mr. Ruff stated the property is no credit to the city at this time; it has been misused by people in that there is an accumulation of debris - wrecked automobiles and trash; the area is generally overgrown.

May 26, 1969
Minute Book 52 - Page 44

He stated the project includes a variety of types of housing; there will be 12, two bedroom units; 68 three bedroom units; 48 four bedroom units and 10 five bedroom units. He stated the request constitutes an up-grading of the property in regard to use; the changing of zone from business to residential is considered an up-grading.

Councilman Short asked the progress of this plan in dealing with the Housing Authority, if any? Mr. Ruff replied he understands this is a contemplated project in which the Housing Authority may have an interest; that he understands it will be a turnkey project.

Mr. Jimmy Hackett stated he is not the spokesman for this community, but Tryon Hills was represented in the petition which he presented earlier in the meeting in opposition to the Dwight Phillips' project.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-54 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY ON SHARON AMITY ROAD AND ALBEMARLE ROAD BETWEEN THE EXISTING B-1 DISTRICT AT THE INTERSECTION OF THESE TWO STREETS, AND PROPERTY OWNED BY E. T. HANEY AND J. C. ROLLINS.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject petition is the result of a petition before Council some few months ago when the property on the east side of Sharon Amity Road and on the northwest side of Albemarle Road was requested for a change in zoning to B-1. One of the points brought out at that time was that the property was separated from existing business zoning already in effect around the intersection of Sharon Amity Road and Albemarle Road, and it was at Council's suggestion that before a decision was rendered on the first request that the additional property which would be necessary to connect the original petition with the existing zoning should be scheduled for public hearing and considered; the public hearing today is a result of that action by City Council.

The subject property is a tract of land which has approximately 200 feet of frontage on Sharon Amity and 150 feet of frontage on Albemarle Road; it is occupied by one single family residence, and there are service stations in the vicinity of the Sharon Amity-Albemarle Road area, and a combination of vacant property and single family development along Sharon Amity; there are several churches located on Albemarle Road.

Mr. Bryant stated there is business zoning along Albemarle Road up to and including all four corners of the Sharon Road-Albemarle Road intersection; then a pattern of multi-family and single family zoning along Sharon Amity Road towards Central Avenue, and then along Albemarle Road towards Central Avenue as well.

Councilman Whittington stated the property under hearing today is between the Esso Humble Oil Station and the property of Mr. & Mrs. Brown, and Council asked that this petition be heard so it could make a decision on the entire tract.

Mr. John Shaw spoke to the petition and stated the owners of the subject property would not come into their petition, but they did not object; they said it would increase their taxes if the zoning is changed at this time and they were not ready to go into business. That this piece of land has been sitting stagnant for years; no houses have been built.

May 26, 1969
Minute Book 52 - Page 45

Mr. Shaw stated he represents the petitioners under Petition No. 69-36.

Councilman Whittington asked the Planning Commission to give Council its recommendation on the subject petition so that Council can vote on the two petitions today.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred.

HEARING ON PETITION NO. 69-55 BY R. L. PUCKETT FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A 4.7 ACRE TRACT OF LAND AT THE NORTHWEST CORNER OF BEATTIES FORD ROAD AND CAPPS HILL MINE ROAD.

The scheduled hearing was held on subject petition on which a general protest has been filed by the Board of Management of the McCrorey Branch YMCA.

The Assistant Planning Director stated the subject property is located at the intersection of Beatties Ford Road and Capps Hill Mine Road on the northwest corner; it is a 4.7 acre tract of land fronting about 900 feet on Capps Hill Mine Road with about a 300 foot depth from that point; there is one single family structure on it, and on part of the subject property and the adjoining property is a lake used as a fishing lake. The predominate new use feature is the Y.M.C.A. McCrorey Branch which is on the opposite corner of Capps Hill Mine Road; other than that there is vacant land with single family development along Beatties Ford Road; to the south of the property is an area of some small business uses. He pointed out the area that is a part of the Superior Stone Quarry operations.

Mr. Bryant stated the property is zoned R-6 to the south; R-9 to the north of Capps Hill Mine Road, and R-9 all along the east side of Beatties Ford Road; to the south is an area which is a combination of B-1 and O-6; then an R-6MF area.

Mr. Irvin Boyle, Attorney, stated he is representing the Superior Stone Company. That Superior Stone owns and operates in Mecklenburg County four quarries. Superior Stone Company desires to concentrate into one location in the city all its administration personnel; that this is the reason for the petition for an O-6 use so they can use the property for office purpose. That Superior Stone's option covers over 13 acres but they are requesting a change on only 4.7 acre.

Mr. Boyle stated before the petition was filed, at his request, the officials of Superior Stone Company contacted the property owners in the area; after the petition was filed, the property owners having given their verbal consent were contacted again and were asked to verify the initial consent they had given in writing. He presented to the City Clerk the written consent of the property owners. He called attention that he has written consent of the resident owners in the area, and has only one protest and this comes from the Administrative Board of the McCrorey YMCA which is not the governing body of the YMCA, but is the advisory board. That they predicate their objections not on what occurs now but what may occur in the future.

Mr. Boyle stated this is the logical place for the establishment of this particular facilities as the Superior Stone Company owns 510 acres in this immediate vicinity; that Superior Stone Company is the largest property owner in the area and coupled with those who have joined in, it is the majority of the property involved, and there is only one objector. That the use of the property as an office is compatible with the use of the YMCA; that it is his understanding the Central Board was not opposed to the rezoning but the Advisory Board is.

May 26, 1969
Minute Book 52 - Page 46

That if the petition is granted Superior Stone will convert the house on the property for office use, and as time goes by and a new facility is put in they did not want to have to come back to Council to ask for more room for off street parking; this will be the central office for the whole operation in the area.

Councilman Tuttle asked if this will open up the possibility of commercializing the lake? Mr. Bryant replied no further than it is now; technically speaking it is now a non-conforming use because it is commercially open at present.

Mr. Howard C. Barnhill, Chairman of the Board of Managers of the McCrorey Branch of the YMCA and a member of the Charlotte Central Board of Directors stated he is present representing the McCrorey Branch Board of Managers. He stated on May 15, 1969 an act was taken by the Board of Managers of the McCrorey Branch at its regular monthly meeting and this matter was based on a letter he received dated May 1, 1969 from Mr. Joe Grier, President of the Charlotte YMCA Board of Directors informing him that he had received a letter from Mr. Irvin Boyle on behalf of the Superior Stone Company requesting a rezoning of 4.7 acres of land. The Board of Managers weighed this and came to the following conclusion which was submitted to the Executive Committee of the YMCA: "The McCrorey Board objects to the rezoning of this property for office use. A major factor considered when selecting the Beatties Ford Road Site for our new building was its R-9 zoning. The Board is concerned not only about what the change in zoning will do to the neighborhood now, but what it will lead to in the future. Our activity-plan calls for a family-centered program. The establishment of a spot-zoning movement in this area will discourage families who plan to build homes and move into the area. The Board voted unanimously on May 15 to protest the rezoning of this 4.7 acres of land."

Mr. Barnhill stated on Monday of last week, following the Board of Directors Meeting of the Charlotte YMCA, he was invited by Mr. Grier to meet with the Executive Committee of the Charlotte YMCA, and this information was presented to the Executive Committee. He stated it is true that this portion of the body did not have any authority to make any decisions, but after weighing it and he pointed out the feeling of the McCrorey Board, those in attendance at this meeting endorsed this particular protest, and cleared the way for him to bring it before City Council today.

Mr. Barnhill stated in 1950 a new facility for the McCrorey Branch was constructed and went into operation on South Caldwell Street; ten years later, in the Redevelopment Program, they were informed they would have to move; with the help of the Central Board of Directors and with the help of UCA and the help of the citizens of this community, they began to search for new property, and they came upon this property; based on the residential zoning, they decided to stop at this point. They hope to go into this new facility within the next few weeks and it will be discouraging to the Black community if, before they move into this facility, they can see the beginning of spot zoning.

Council decision was deferred until its next meeting.

May 26, 1969
Minute Book 52 - Page 47

HEARING ON PETITION NO. 69-56 BY HOBART SMITH REALTY COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF PROPERTY ON THE WEST SIDE OF ELGYWOOD LANE, FROM ARTWIN ROAD TO 1,200 FEET SOUTH OF CANTERWOOD DRIVE.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised the property is in the vicinity better known as Hidden Valley; there are a number of different subdivisions that have been developed and no longer bear the name of Hidden Valley. He stated this is on the far eastern side of the area, almost over to Highway 29. The subject property is a long narrow strip of land in excess of 1800 feet along a street that is not completely open - Elgywood Lane. Elgywood Lane begins at Tom Hunter Road and proceeds southward tying into other streets. He pointed out the single family development along Monteith Drive, Heatherwood Avenue, Hidden Forest Drive and Spring Garden, and the multi-family project in the process of being developed known as Canterbury Woods, and is being developed by the petitioner.

The subject property is vacant and is adjoined on the east side toward North Tryon Street by vacant land, and the apartment project, by predominately vacant land on the west side with some single family houses already constructed and occupied towards the southern part of the property.

Mr. Bryant stated everything west of Elgywood Lane is zoned R-9 including the subject property; everything to the east is zoned R-9MF.

Mr. Joe Griffin, Attorney for the petitioner, stated they would like to put a buffer of duplexes between the apartments and the single family residences; they plan 22 duplexes at \$25,000 each. In order to do this, it will be necessary for Hobart Smith to develop Elgywood Lane with curb and gutter; there will be good access from the duplexes down Elgywood and Canterbury.

Mr. Griffin stated they would not object to an R-12MF zoning rather than R-9MF.

Mr. Jack Cowen stated he is representing the protestants to this rezoning; that these maps only show a small portion of what is about to take place. If you would draw a straight line from Tom Hunter Street over to Tryon Street down Elgywood Lane, you would find it is already zoned for R-9MF; all the property west of that is R-9; this so-called buffer zone only takes in about a block and a half of property. Mr. Cowen stated there are only eight of the protestants who are within 100 feet of the area planned for rezoning; none of the other property has any houses built on it, so they are the only ones that can be affected by this at present.

Councilman Whittington asked if Council removed that end of this request by Hobart Smith Company and left it single family, would that help? Mr. Cowen replied he does not think there would be any objections as long as the apartments are not directly behind their properties. Councilman Short asked if he thinks the street is a better dividing line? Mr. Cowen replied he thinks so.

Also speaking in opposition to the rezoning was Mrs. Lee who stated this road was cut through 15 years ago, and for 15 years they have paid taxes on the road and kept it up. When they built there it was zoned for residential use and you could not build anything for less than \$10,000 and no mobile homes or trailers could be placed in there. Now they want to put apartments above them and apartments in front of them; that she is not objecting to the apartments in front of her but she does not want them right next door.

May 26, 1969
Minute Book 52 - Page 48

Mr. Bob Weisenberger stated when they bought out there they asked him what would be built back there and they were told houses, and now he wants to build apartments; all they are trying to do is to keep them away from their back doors. He stated he bought his home from Hobart Smith six months ago.

Mr. Cowen stated they were all told it would be single family homes behind their property and that was less than one year ago.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-57 BY DOUBLE TRIANGLE PROPERTIES, INC., FOR A CHANGE IN ZONING FROM I-1 AND R-9MF TO B-1 OF A TRACT OF LAND FRONTING ON THE WEST SIDE OF CRAIGHEAD ROAD NEAR GLORY STREET.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located near the intersection of Glory Road and Craighead Road; it has 110 feet of frontage on Craighead and 175 feet of depth; at present it has several residential structures on it; it is adjoined on the north side and west side by property developed for multi-family purposes; it is adjoined on the south by a store that has been there for a number of years; to the rear facing on Dare Drive is at least one single family structure; all the area along Glory and Craighead is vacant at present.

Mr. Bryant stated there is I-1 zoning on the Tryon Street side of Glory Street and industrial extends up to a point north of Frew Road; along Glory Street all the way over to North Tryon Street, and from that point it is R-9MF along Craighead Road, Dare Drive, and the other streets in the area.

The subject property is partially zoned R-9MF and partially I-1.

Mr. Elliott Schwartz stated he is one of the officers of the corporation that owns the subject property. That this is 27,000 square feet of land located at 401 West Craighead Road; there are two wooden frame rental units on the property, one is occupied and the other is used by an adjoining landowner. The property is assessed for taxes at \$3,060, and the zoning is predominately R-9MF, although there is a zoning line that runs through the subject property; five lots are involved and four are zoned R-9MF and one is zoned I-1.

Mr. Schwartz stated his corporation has signed a contract with a general grocery store chain similar to the 7-11 and Little General Company; the name of the concern is Qwik-Pik Company. If the petition is granted they propose to construct a brick building approximately 40' x 60', and to operate a grocery store. He stated approximately all of the square block where the property is located is owned by Mr. William Trotter, and located on the block is the English Village Apartments which are townhouse apartments. He stated they have conferred with Mr. Trotter and he has a letter from him indicating that he does not have any opposition to the zoning change. He stated at the back of the property they are adjoined by Jack Norman who owns 200 feet on the street behind them and there are two wooden frame houses on the property, and he has also signed a letter indicating that he is aware of the use to which this property will be put and he has no objections to the proposed change in zoning.

Mr. Schwartz stated he understands from the real estate company that represents them in this transaction including site clearance and construction and other expenses that the total cost will be approximately \$30,000. The building to be constructed matches in architecture with the apartments Mr. Trotter owns and which adjoins them.

May 26, 1969
Minute Book 52 - Page 49

Mr. J. D. Whiteside spoke in opposition to the petition and stated at the time he bought his property the zoning was I-1 and he was told that no property along the road would be rezoned; that if Mr. Schwartz gets the property rezoned business then he will put his little grocery store out of business. That he has his money invested and if we keep letting the 7-11 and Little General Stores come in, it will run the little stores out of business.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-58 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE BY AMENDING SECTIONS 23-76 AND 23-80.

The scheduled public hearing was held on the subject petition to amend the text of the Zoning Ordinance by amending Section 23-76 to require temporary signs advertising property for sale, lease, rent or development to be "located only on the property being advertised" and provided that such signs "do not exceed in aggregate one square foot for each five (5) linear feet of the advertised property which abuts a street"; and amending Section 23-80(b)(5) and Section 23-80(c)(5) to permit signs for multi-family uses to be located behind the street right-of-way line provided the sign is not located within 35 feet of the property line intersection either of two streets or of a street and a private driveway.

Mr. Fred Bryant, Assistant Planning Director, stated the items listed for consideration are the result of a number of points that have been brought to their attention over a period of time concerning the use of signs, and sign regulations.

The first one concerns a section of the ordinance that at present permits without limitation "temporary real estate signs advertising specific property for sale, lease, rent or develop on private property". The source of the complaint is that anyone can take a piece of property that is for sale, rent or lease and put up a sign anywhere in the city advertising that fact without any limitation on the size of the signs. One of the results has been complaints that some people have been putting up signs that would advertise apartments for lease or rent in one section of the city and the apartments for lease or rent in one section, and this could be located in residential areas. One of the provisions proposed would say the sign can be placed only on the property advertised for sale, or lease, etc. This does not preclude the directional signs that you normally find such as "house for sale down the street".

The second portion of the proposal would place some restriction on the size of the signs; the restriction is one that is related to the size of the property being advertised for sale; the larger the property, the larger the sign. The ratio is one square foot of sign for each five linear feet of street frontage. The other deals with the placement of signs advertising multi-family structures or identification signs for multi-family projects; this was brought to their attention by the Charlotte Apartment Council of the Home Builders Association; they state they are experiencing difficulty in placing signs for apartment projects. As now required, they must be behind the setback lines; the proposal as presented would permit this type of sign to be placed behind the street right of way line but restricting the placement of the sign near intersections where it would be a site hazard.

No opposition was expressed to the proposed change in the text.

Council decision was deferred until its next meeting.

May 26, 1969
Minute Book 52 - Page 50

QUASI-JUDICIAL BOARD TO HEAR ZONING PETITIONS SUGGESTED AND GROUP OF YOUNG PEOPLE TO MEET ONCE A MONTH AND GO OVER COMPLETE COUNCIL AGENDA SUGGESTED.

Mr. Gibson Smith asked the Mayor to set up a quasi-judicial board to hear these zoning cases and take these petitions out of politics and make these decisions outside of Council. He suggested that the Mayor ask the Legislature to set up a quasi-judicial board to pass on zoning.

Mr. Smith stated he would also suggest his idea of having 25 to 30 young people between 25-40 years of age to meet at City Hall once a month and go over the complete agenda for the city, and have these people participate in government. That he found more frustration in the younger group.

He stated this is a great city, but you need more participation from both the Black and white community, and the middle income group especially; they feel like they are left out and the Chamber of Commerce is running the city.

MAYOR CALLS TEN MINUTE RECESS.

Mayor Belk called a ten minute recess at 5:00 o'clock p.m., and reconvened the meeting at 5:10 o'clock p.m.

DECISION ON PETITION NO. 68-94 FOR A CHANGE IN ZONING OF AREA BOUNDED BY UNIVERSITY CITY BOULEVARD, A CREEK NEAR NOTTOWAY DRIVE, SUTHER ROAD AND A LINE ABOUT 1,200 FEET WEST OF MALLARD CREEK CHURCH ROAD, DEFERRED.

The subject petition was presented for consideration by the City Council.

Councilman Whittington suggested that Council not act on all of this zoning petition today, but just the part called the College Downs - that he is referring to the property along Highway 49, back to where Suther Road and the creek intersects; that the property fronting on Highway 49 be left R-12MF, and the property on Sandburg Avenue and Suther Road back to where it intersects with the creek. That the single family property there now and developed for single family be left as R-12; that the front portion on Highway 49 be left as R-12MF; and the remainder of the property, namely, the Kirk property and some of the Jones and some of the Crosland, be left as it is until such time as a developer comes in and wants to develop it. He stated he is suggesting that Council act only on the portion of the property now developed as single family.

Councilman Short stated he discussed this type of proceedings with Mr. Underhill, City Attorney, and he advises that Council cannot act on a portion of the land involved in a petition, and leave the remaining portion for later handling.

Mr. Watts, Assistant City Attorney, advised Council will have to act on the petition the way it comes to Council; you can pass on it by not zoning all the property - it has to be passed on - either deny or accept the request.

Councilman Tuttle stated the Planning Commission has done a good job and he thinks they are aware of the potentials of this College and what it means to Charlotte; that he is not adverse to postponing this but he would hate to see Council start chopping at the plan; that he would prefer that all go out there and go over the land and decide once and for all if they have come up with a good plan.

Councilman Whittington moved that decision on the petition be postponed. The motion was seconded by Councilman Tuttle, and carried unanimously.

May 26, 1969
Minute Book 52 - Page 51

PETITION NO. 68-12 BY CHARLES R. COLLINS FOR A CHANGE IN ZONING OF A 27.992 ACRE TRACT OF LAND ON THE NORTH SIDE OF SHARON VIEW ROAD AT MCMULLEN CREEK, DEFERRED FOR ONE WEEK.

Councilman Tuttle moved that the subject petition for a change in zoning from R-12 to R-12MF be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Councilman Thrower stated he was not on Council when the petition was heard; that he knows by law Council is not required to have a rehearing, but he has obligated himself to these people that he will go out and go over this land, and he made a substitute motion that decision be postponed for one week. The motion was seconded by Councilman Withrow and carried unanimously.

PETITION NO. 69-13 BY LINCOLN COMPANY, INC., FOR A CHANGE IN ZONING FROM B-1 AND R-6MF TO B-2 AND O-6 OF PROPERTIES ON THE SOUTH SIDE OF CENTRAL AVENUE, BEGINNING AT CAROLYN DRIVE AND EXTENDING EASTWARD 847.49 FEET, DENIED FOR LACK OF SIX AFFIRMATIVE VOTES.

Council was advised that a protest petition has been filed against the subject petition sufficient to invoke the 3/4 Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Councilman Whittington moved that tracts A and B be left as R-6MF, and the 3rd tract - a 55-foot lot - be left as O-6 as a buffer running through the entire length of this property (this would be a buffer of O-6, 55 feet wide at the rear of the residents on Carolyn Drive, between them and the Eastway Shopping Center), and the vacant property which was requested rezoned to B-2 be rezoned to B-1. The motion was seconded by Councilman Jordan, and lost by the following vote:

YEAS: Councilmen Whittington, Alexander, Jordan, Tuttle and Short.
NAYS: Councilmen Thrower and Withrow.

PETITION NO. 69-37 BY J. E. JOHNSON, ET AL, FOR A CHANGE IN ZONING FROM O-6 AND R-9MF TO B-1 OF PROPERTY FRONTING 900 FEET ON THE WEST SIDE OF EASTWAY DRIVE, BEGINNING NORTH OF SHAMROCK DRIVE.

Councilman Whittington moved that the subject petition for a change in zoning be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

PETITION NO. 69-41 BY PAL LOR COMPANY, INC., FOR A CHANGE IN ZONING FROM O-6 TO B-2 OF A LOT 100' x 235' ON THE NORTHWESTERLY SIDE OF NORLAND ROAD, BEGINNING 369 FEET SOUTH OF CENTRAL AVENUE.

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, to deny the subject petition for a change in zoning as recommended by the Planning Commission.

F. N. CRUMP PRESENTS REQUEST FROM CITY SANITATION EMPLOYEES.

Mr. F. N. Crump of the City Sanitation Department stated he is representing the City Sanitation Employees and at their request he presents the following demands:

- (1) Starting pay of \$100 per week for laborers.
- (2) Deal with or recognize unions.
- (3) For the City of Charlotte to pay all Hospital Insurance for employees.
- (4) Retirement - City to put in same amount that we put in, plus they pay 2% interest and we want the bank rates of 5½%.
- (5) Foreman and Inspectors' jobs be put up for bid. They bring in men and they work a week or two and they are made inspectors. We think the oldest man should have the right to see whether he can learn the job or not.

continued

May 26, 1969
Minute Book 52 - Page 52

- (6) Trash. They want the trash picked up five days a week along with the garbage, and we cannot do it. We are asking that the trash be put back like it once was - pick up on Wednesday only. The limb trucks will be running five days a week.

RESOLUTION STATING THE OFFICIAL POLICY OF THE CITY OF CHARLOTTE REGARDING EMPLOYEE-EMPLOYER RELATIONS.

Councilman Whittington moved that the City Council adopt the resolution that was the subject of a public hearing on April 21, 1969 as the official policy of the City of Charlotte; further, that since the time stated in the resolution for receiving written requests and suggestions concerning salaries, wages and employee benefits is already passed, that an exception be made for this year, that written requests and suggestions be submitted to City Council up to and including June 10, 1969. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, beginning at Page 325.

CONTRACT WITH ALBEN DEVELOPMENT COMPANY FOR INSTALLATION OF SANITARY SEWER APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle and carried unanimously, approving subject contract with Alben Development Company for the installation of 2,180 feet of 8-inch trunk and mains to serve Section I of Stonehaven No. 12, inside the city, at an estimated cost of \$15,280.00, with all cost of construction to be borne by the applicant whose deposit in the full amount will be refunded as per terms of the agreement.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 1,022.902 square feet of property at 400 Montrose Avenue, from Mrs. Cathrilla S. Davis, at \$500.00, for improving the turn radius at intersection of Gene Street and Montrose Avenue.
- (b) Negotiated settlement in the total amount of \$450.00, with Yetive W. Smith and husband, Richard P., for 555.2 square feet of property at 1221 Meadowwood Lane for sanitary sewer to serve Wilhaven Drive Trunk.
- (c) Acquisition of easement of 280 square feet at 1430 Burke Street, from Clarence V. Boliek and wife, Murlene L., at \$1.00, for sanitary sewer to serve North-South Northwest Expressway Interchange.
- (d) Acquisition of easement of 325 square feet at 1405 White Street, from Duke Power Company, at \$26.00, for sanitary sewer to serve North-South Northwest Expressway Interchange.
- (e) Acquisition of easement of 1,490.35 square feet at 3304 Robinson Circle, from Bishop Lee Helms and wife, Roxie, V., at \$93.00, for Robinson Circle sanitary sewer.
- (f) Acquisition of construction easement at the southwest corner of Baldwin Avenue and Third Street, from Kathryn Burgin, at \$50.00, for sight distance at Baldwin Avenue and Third Street.

May 26, 1969
Minute Book 52 - Page 53

- (g) Acquisition of easement of 16,402.80 square feet at 300 Crescent Avenue Extension, from Statesville Broadcasting Company, at \$547.00, for Briar Creek Outfall sanitary sewer.
- (h) Acquisition of easement within dedicated street, at 2357 Sharon Road, from Gailyn Properties, Inc., at \$1.00, for Briar Creek Outfall sanitary sewer.
- (i) Acquisition of easement of 9,003.60 square feet at 2357 Sharon Road, from Gailyn Properties, Inc., at \$300.00, for the Briar Creek Outfall sanitary sewer.
- (j) Acquisition of easement of 3,000 square feet at 1918 Pinewood Circle, from Walter G. Shoemaker, Jr., and wife, Zelda T. Shoemaker, at \$100.00, for Briar Creek Outfall sanitary sewer.
- (k) Acquisition of easement of 1,271 square feet at 1800 Providence Road, from John Harmon Vickers and wife, Constance Soule, at \$90.00, for Briar Creek Outfall sanitary sewer.
- (l) Acquisition of easement of 11,100 square feet at 1800 Providence Road, from John Harmon Vickers and wife, Constance Soule, at \$470.00, for Briar Creek Outfall sanitary sewer.

APPROVAL OF APPRAISAL CONTRACTS.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, approving the following appraisal contracts:

- (a) Contract with Harry G. Brown at a fee of \$200.00 for the appraisal of one parcel of land for the Northwest Freeway.
- (b) Contract with Stuart W. Elliott, at a fee of \$1,500.00, for the appraisal of one parcel of land (Myers Park Club, Inc.), for Briar Creek Outfall.
- (c) Contract with Willis I. Henderson at a fee of \$1,500.00, for the appraisal of one parcel of land (Myers Park Club, Inc.) for Briar Creek Outfall.
- (d) Contract with T. R. Lawing at a fee of \$200.00 for the appraisal of one parcel of land for Northwest Freeway.

RESOLUTION RESCINDING INSTITUTION OF CONDEMNATION PROCEEDINGS AGAINST THE UNDIVIDED ONE-HALF INTEREST OF MARPASTA CORPORATION IN THE PROPERTY LOCATED AT 4943 PARK ROAD, FOR THE SUGAR CREEK AND BRIAR CREEK FLOOD CONTROL PROJECT.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 6, at Page 327.

May 26, 1969
Mlaute Book 52 - Page 54

RESOLUTION SETTING DATE OF PUBLIC HEARINGS ON MONDAY, JUNE 16, 1969, ON PETITIONS NO. 69-59 THROUGH 69-63 FOR ZONING CHANGES.

Councilman Jordan moved adoption of subject resolution setting date for public hearings on Monday, June 16, 1969, on Petitions No. 69-59 through 69-63 for zoning changes. The motion was seconded by Councilman Thrower and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, on Page 328.

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

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

- (a) Ordinance No.190-X ordering the removal of weeds and grass at 501 Pierson Drive.
- (b) Ordinance No.191-X ordering the removal of weeds and grass on property adjacent to 614 Billingsley Road.
- (c) Ordinance No.192-X ordering the removal of weeds and grass on property adjacent to 624 Seneca Place.

The ordinances are recorded in full in Ordinance Book 16, beginning at Page 151.

REALLOCATION OF FUNDS IN THE CAPITAL IMPROVEMENT PROGRAM FOR REPLACEMENT OF UPPER SECTION OF BRIAR CREEK OUTFALL, BETWEEN CENTRAL AVENUE AND SHAMROCK DRIVE.

Councilman Whittington moved approval of the re-allocation of \$575,000 in the Capital Improvement Program from the replacement of the lower portion of Briar Creek Outfall to the upper section of the outfall between Central Avenue and Shamrock Drive to alleviate the overflowing of sewage into Briar Creek. The motion was seconded by Councilman Thrower, and after further explanation by the City Manager, carried unanimously.

CITY MANAGER REQUESTED TO HAVE SOMEONE INVESTIGATE COMPLAINT OF OPEN SEWAGE RUNNING ACROSS YARDS OF APARTMENTS ON MCQUAY AVENUE.

Councilman Jordan stated on McQuay Avenue, off Tuckaseegee Road, the Western Manor Apartments residents are complaining about open sewage running across the yards of the apartments. He stated the apartments are rented by T. R. Lawing and Mr. Lawing signed a paper about four months ago to clear this up and nothing has been done. He requested the City Manager to investigate the complaint and see if the situation can be corrected.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAINS TO SERVE SHARON ROAD WEST TOWN HOUSE SITE, APPROVED.

Motion was made by Councilman Thrower, seconded by Councilman Short, and unanimously carried, authorizing the Mayor and City Clerk to execute agreement between the City and the State Highway Commission for the installation of eight inch water mains in Sharon Road and Sharon Road West, and 12-inch main in Park Road in connection with the proposed installation of water mains to serve Sharon Road West Town House Site.

May 26, 1969
Minute Book 52 - Page 55

CONTRACT WITH CITY PROPERTIES, PARTNERSHIP FOR INSTALLATION OF WATER MAIN AND FIRE HYDRANT IN PARK ROAD, SHARON ROAD AND SHARON ROAD WEST, APPROVED.

Councilman Tuttle moved approval of subject contract for the installation of 9,500 feet of water main and one fire hydrant, in Park Road, Sharon Road and Sharon Road West, at an estimated cost of \$58,000.00, to serve Sharon Road West Town House Facilities, outside the city limits. The lines will be financed one hundred percent by the applicant, under D-2 of the Water and Sewer Extension Policy, adopted April 17, 1967. The motion was seconded by Councilman Whittington and carried unanimously.

LEASE WITH NATIONAL CAR RENTAL SYSTEM, INC. AT AIRPORT, APPROVED.

Upon motion of Councilman Short, seconded by Councilman Thrower and unanimously carried, a 10 year lease with National Car Rental System, Inc. at Airport was approved for a 2-acre plat of land on the north side of Browhill Circle, and west of the Dobbs House Flight Kitchen to be used for maintenance, storage, repair and refueling of rental cars.

CONTRACT WITH RALPH WHITEHEAD AND ASSOCIATES FOR PLANS, SPECIFICATIONS AND INSPECTIONS FOR ALTERATIONS TO BUILDINGS AND FACILITIES ADJACENT TO THE THIRD AND FOURTH STREET CONNECTOR, APPROVED.

Motion was made by Councilman Alexander to approve contract with Ralph Whitehead and Associates in the amount of \$7,560, for providing plans, specifications and inspections for alterations to buildings and facilities adjacent to the Third and Fourth Street Connector. The motion was seconded by Councilman Thrower and carried unanimously.

CLAIM OF PAULINE WASHINGTON IN THE AMOUNT OF \$850.00 FOR DAMAGES TO HER AUTOMOBILE, DENIED.

Councilman Tuttle moved that claim filed by Pauline Washington in the amount of \$850.00 for damages to her 1964 Chevrolet automobile when it was struck by a motor grader cleaning snow from the streets on Parkwood Avenue be denied. The motion was seconded by Councilman Thrower and after discussion carried unanimously.

APPROVAL OF SPECIAL OFFICER PERMIT.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower and unanimously carried, a Special Officer Permit was renewed to Mr. Frank W. Haas for use on the premises of the City Cemeteries.

PETER A. FOLEY APPOINTED FOR THREE YEAR TERM TO CIVIL SERVICE BOARD.

Councilman Whittington advised that Mr. Grady Cole has requested his name not be considered for re-appointment to the Civil Service Board.

Councilman Short moved the appointment of Mr. Peter A. Foley to the Civil Service Board for a term of three years. The motion was seconded by Councilman Tuttle.

Councilman Jordan asked that Mr. Cole be sent a letter of appreciation from the City Council for his services on the Civil Service Board.

May 26, 1969
Minute Book 52 - Page 56

Councilman Thrower stated he does not know Mr. Foley, but it is his basic belief that a man in the law profession should not serve on the Civil Service Board; that he believes it would be a definite conflict of interests as he would be in the first court if any of these officers - whether firemen or policemen - should be cited for any reason, and he would tend to have an obligation to them or vice-versa; Councilman Thrower stated this is not intended as a reflection on Mr. Foley; that he is sure he is a man of high caliber. That he questions the wisdom of Council's selection of an attorney to fill this position when in Criminal Court he will be facing the very people he may be called upon to sit in judgement of.

Councilman Alexander made a substitute motion for the appointment of Mr. Calvin Brown, who is also an attorney, to fill the position on the Civil Service Board. The motion did not receive a second.

The vote was taken on the motion for the appointment of Mr. Foley and carried by the following vote:

YEAS: Councilmen Short, Tuttle, Jordan and Whittington.

NAYS: Councilmen Alexander, Thrower and Withrow.

Councilman Thrower stated he is not voting against the man, he is voting against the wisdom of appointing someone in the law profession to this position.

Councilman Withrow stated he would like to research the idea of whether a lawyer holding this position would have a conflict of interests; that he is not against Mr. Foley but he would like to research the idea.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed with Mrs. Myra E. Micallef for Grave No. 4, in Lot No. 193, Section 2, Evergreen Cemetery, at \$80.00.
- (b) Deed with Mrs. Elizabeth Ayers Moore for Graves 5 and 6, in Lot No. 194, Section 2, Evergreen Cemetery, at \$160.00.

CONTRACT AWARDED WILSON CONSTRUCTION FOR REMOVING PRESENTLY UNDERSIZED DRAINAGE PIPES UNDER BARCLAY DOWNS DRIVE.

Councilman Jordan moved award of contract to the low bidder, Wilson Construction Company, in the amount of \$38,560.50, for removing the presently undersized drainage pipes under Barclay Downs Drive and replacing them with a reinforced box culvert. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Wilson Construction Company	\$38,560.50
Crowder Construction Company	41,559.00
Apple Tuck & Associates, Inc.	41,671.50
T. A. Sherrill Construction Co.	45,660.00
Blythe Brothers Company	46,081.50
The Amity Corporation	48,415.00
C. W. Gallant, Incorporated	69,647.75

May 26, 1969
Minute Book 52 - Page 57

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON VALVE BOXES FOR WATER DEPARTMENT.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Knoxville Foundry Company, in the amount of \$6,665.00, on a unit price basis, for cast iron valve boxes for the Water Department.

The following bids were received:

Knoxville Foundry Company	\$6,665.00
Dewey Bros., Inc.	6,791.40

LEGISLATIVE BILL GRANTING CHARLOTTE POLICE OFFICERS AUTHORITY COUNTY - WIDE APPROVED FOR SUBMISSION TO LOCAL DELEGATION.

Councilman Thrower moved that a bill granting Charlotte Police Officers authority county-wide be submitted to the Local Delegation to the State Legislature. The motion was seconded by Councilman Jordan, and carried unanimously.

REPORT ON REQUEST FOR GRAVEL SIDEWALKS ON LINDA LANE.

Councilman Tuttle asked for a progress report on request for gravel sidewalks on Linda Lane. Mr. Veeder, City Manager, stated he has talked with one of the residents of Linda Lane within the last ten days, and he expressed interest on behalf of himself and some of his neighbors on the petition basis for a paved sidewalk; the Engineering Department has been requested to send him the necessary forms along with the cost estimates. Councilman Tuttle requested Mr. Veeder to contact Mr. John N. McLaughlin, 865 Linda Lane, and give him this information.

REQUEST FOR REPORT ON PRIORITIES ON ANNEXATION.

Councilman Tuttle stated on December 17, 1968 a program on annexation was presented to Council; that Council was concerned with priorities. He stated he is interested particularly in a study relating to Independence Boulevard. He requested that a report be given to Council, particularly in relation to the priorities, as soon as possible.

Mr. Veeder replied the Planning Commission is waiting on some work on sewers which the Engineering Department is doing on this; that this work is now completed and it will be back before Council shortly.

DECISION ON PETITION 69-54 FOR CHANGE IN ZONING FROM R-9 TO B-1 ON SHARON AMITY ROAD AND ALBEMARLE ROAD, BETWEEN EXISTING B-1 DISTRICT AT THE INTERSECTION OF THESE TWO STREETS, AND PROPERTY OWNED BY E. T. HANEY AND J. C. ROLLINS, DEFERRED FOR ONE WEEK.

Councilman Whittington advised the Planning Commission recommends that the subject property be rezoned to R-9MF rather than the requested B-1.

May 26, 1969
Minute Book 52 - Page 58

Councilman Whittington stated last month Mr. John Shaw, representing the Brown Family, Rollins Family and others came before Council and the Planning Commission to request the rezoning of property on the east side of Sharon Amity Road behind the Esso Station which is located at the corner of Sharon Amity and Albemarle Road. There was one lot behind the Humble Oil Esso Station and the property owner decided not to join in that petition, that he was not opposed to it but just did not want to be a part of it; the other four families adjoining him going north on Sharon Amity Road asked that their property be rezoned from R-9 to B-1.

Councilman Whittington stated he is very familiar with this property, and in the peak hours in the morning and at night, it is impossible to get out of an individual driveway; if anything should be commercial property, in his opinion this should be. When the original petition was heard, the majority of Council thought it should not make a decision on Mr. Shaw's petition as it would be spot zoning, and Council asked for the hearing today, and instead of talking about five lots there are now six lots running from the Esso Station north on Sharon Amity Road.

Councilman Whittington moved that the six lots be rezoned from R-9 to B-1. The motion was seconded by Councilman Jordan.

Councilman Tuttle stated he thinks it would be a crime to make that strip B-1; this is a long block and has some nice houses across the way; four corners are already zoned B-1, and he can see no purpose in this rezoning, and he does not think the traffic angle has a lot to do with it.

Councilman Short stated this block is approximately 1500-1600 feet long; the zoning runs down this block about 500 feet from Central Avenue, and if Council runs it 400 or 500 feet up from Albemarle Road, what is left in between is in the squeeze; the residential part left is caught between two 500 foot sections of business. Councilman Whittington stated on the other end is the Keystone Exchange of Southern Bell Telephone, and there is business on the corners, and from Central Avenue back, there are apartments, then there is a restaurant that is in the process of being built, and there is the apartment complex in the middle, and there is only one single family home on that side of the street.

Councilman Withrow made a substitute motion to defer decision for one week in order that he might look at the property. The motion was seconded by Councilman Tuttle, and carried unanimously.

ADJOURNMENT.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk