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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, November 10, 1969, at 2:00 o'clock p.m., with Mayor John M. Balk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John 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, Blanton, Brewer, Embry, Godley, Sibley, Tate and Turner.

ABSENT: Commissioner Stone.

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INVOCATION.

The invocation was given by Mr. Claude L. Albea, Former City Councilmember and member of the Charlotte-Mecklenburg Planning Commission.

MINUTES OF NOVEMBER 3, 1969, APPROVED AS AMENDED.

Councilman Thrower stated last week he made a motion asking for a December 6 report on the Emergency Ambulance Service; since that meeting, the County has asked to be considered, and they think a 30-day extension would be appropriate.

Councilman Thrower moved that the minutes of the last meeting, on November 3, 1969, be approved with the following amendment:

Minute Book 52, Page 424. Under motion relating to the Ambulance Service - First Paragraph, 5th Line, change the date from December 6, 1969 to January 9, 1970. Also, change the date in the 3rd line of the heading.

The motion was seconded by Councilman Alexander, and carried unanimously.

HEARING ON PETITION NO. 69-98 BY EBENEZER A.R.P. CHURCH FOR A CHANGE IN ZONING FROM I-2 TO B-2 OF PROPERTY FRONTING 631 FEET ON THE WEST SIDE OF OLD PINEVILLE ROAD NORTH OF CARRIAGE HOUSE APARTMENTS.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property lies on the west side of Old Pineville Road; it is occupied by the church and is adjoined on the south by the Carriage House Apartments; to the west is the Montclair South residential subdivision; to the east of the property is the railroad with a small area utilized by Ervin Construction Company for a sales office and some limited storage construction operations; east of South Boulevard is the Starmount Shopping Center and a variety of residential and industrial uses.

He stated the zoning is basically I-2 between Pineville Road and South Boulevard; beginning with the church property along the west side of Old Pineville Road it is zoned industrial; to the south is B-2 zoning; to the west and to the rear it is multi-family zoning for a strip and then basically single family zoning.

Mr. Bryant stated the Church wishes to erect a new manse for the church and under I-2, this is not possible; and they are requesting the change to B-2.

No one spoke for or against the petition.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-99 BY RAY L. WELCH FOR A CHANGE IN ZONING FROM B-2 TO I-2 OF A TRACT OF LAND 102' x 246' AT 319-321 WEST SUMMIT AVENUE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the subject property is located between Cliffwood Place and Southwood Avenue; the property has been used as a used car lot and it appears to be in the process of changing its use now and the used car operation seems to be moving out; it is adjoined on the Cliffwood Side by a variety of business and light industrial type uses. There is a service station at the intersection of Summit and a machine shop operation adjacent to that and garages and several other businesses uses in the area; there is a truck repair and sales facility at Southwood and Summit and then residential uses to the rear of the subject property fronting on Westwood Avenue.

Mr. Bryant stated the zoning is I-2 on the Independence side of Summit Avenue; there is I-2 zoning extending along Cliffwood Place from Summit down as far as Westwood and the subject property, together with other property; on the southeast side of Summit Avenue, it is zoned for B-2 and the remainder of the area is zoned R-6MF.

He stated this is basically a pattern of industrial zoning on the northeast side of Summit; business along Summit Avenue and multi-family zoning to the rear. On Cliffwood, the zoning is industrial, B-2, B-1 and some multi-family zoning. Basically the subject property is bounded on two sides by I-2, on the third side by B-2 and on one side by R-6MF.

Councilman Short stated because this is a matter of industry getting into a residential area, he asked if a wider look at the area is in order? Mr. Bryant replied to a certain extent; that one additional petition was filed in their office today that would request consideration of property on Westwood, which is the property to the rear of the subject property. This will be heard next month and perhaps with the two requests a broader look could be taken.

Mr. Ed Alexander, a realtor, stated he is representing the petitioner; that the property is zoned B-2 and they have been approached by Daughtry Sheet Metal which is being displaced. That Daughtry owns the property on Cliffwood which is adjacent to the subject property on the side, and they would like to move their operations down there. Mr. Alexander stated they are interested in buying some of the houses at the rear; that three of the houses to the rear have been sold to the S & R Truck Repair Service; they are presently renting them as residences but they will be torn down.

Councilman Whittington asked if the property being requested rezoned today ties in with the property on Cliffwood and it will have an "L" shape; and Daughtry Sheet Metal, now located on Fourth Street and being displaced by the Northwest Expressway, would be the new occupant of this property? Mr. Alexander replied that is right. Councilman Whittington asked if there is any time limit and Daughtry's option would be in jeopardy if Council delayed action on this petition pending another hearing in December? Mr. Alexander replied a deposit has been put up depending on the rezoning and they have to move out from Fourth Street; that he has a letter giving him the month of November. Councilman Tuttle stated he understands Daughtry is anxious to do

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something hurriedly as in addition to the fact they have to get out of their location on Fourth Street and buy a lot and build a building, they have a parking problem at present.

Councilman Thrower asked if Council cannot go ahead with the subject petition and request the Planning Commission to study this area? Mr. Bryant replied yes; that with the additional petition just filed it can be expanded to a study of the larger area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-100 BY DAVID WESLEY THOMPSON, JR. ET AL, FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF SIX LOTS ON THE EAST SIDE OF PARK ROAD BEGINNING AT IDEAL WAY AND EXTENDING SOUTHWARD 300 FEET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property begins at Ideal Way and extends along the east side of Park Road to include six lots; five of the six lots appear to be used for office purposes with one lot being used for multi-family purposes; there is still single family to the south and to the east along Sarah Marks Avenue; there is a multi-family structure on the northeast corner of Ideal Way and Park Road; there is a variety of business usages including a hardware store, super market and several other business uses in the area across the street.

He stated there is business zoning along the west side of Park Road, beginning at Ideal Way on the east side including the subject property; there is O-6 zoning extending through the subject property as well as four additional lots to the south; then multi-family zoning adjacent around the intersection of Charlotte Drive; to the rear it is used for single family purposes as is most of the property to the east along Sarah Marks, Dilworth Road West and Dilworth Road East. To the north along both sides of the property on Park Road it is zoned for multi-family purposes.

Mr. David Thompson, one of the petitioners, stated a few months ago he and a neighbor did some grading work at 2217, 2219 and 2221 with some paving as well as a lot of renovation work in the buildings; when they finished they learned there is an ordinance against parking within 20 feet of the sidewalk in an O-6 zoning. Since they have learned this, it will be hard for their people to park and they will have to be backing out into the street as they cannot utilize the 20 feet from the sidewalk. He stated the B-1 zoning would allow them to park down to the sidewalk. He stated the area is going business; across in front it has been business for some time; in the next block is the Red Cross building and the Park Square Shopping Center. Mr. Thompson stated they do not contemplate using the space for anything other than office use. They have enhanced the area with the remodeling and the paving.

Councilman Whittington asked if this could be taken to the Zoning Board of Adjustment? Mr. Bryant replied they can go there, but he does not know they have very strong grounds; that he was not aware they had just recently paved the area. Mr. Thompson stated they did get a permit and at the time they did not know they could not use the 20 feet. Councilman Short stated to avoid the zoning change over this situation, is it possible that conditional parking would apply? Mr. Bryant replied no as the same setback would be required in a conditional plan. Councilman Whittington stated he hopes this can be worked out without rezoning this entire block to B-1. Mr. Bryant stated before the Planning Commission acts on the petition, they will investigate the circumstances.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until its next meeting.

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HEARING ON PETITION NO. 69-101 BY DALI CORPORATION FOR A CHANGE IN ZONING FROM R-6MFH TO O-6 OF A 4.18 ACRE TRACT OF LAND BEGINNING 200 FEET EAST OF PARK ROAD AND EXTENDING TO SUGAR CREEK, LOCATED EAST OF SENECA PLACE-PARK ROAD INTERSECTION.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated some 18 months or two years ago, the subject property was changed from an office classification to a multi-family classification. The request now is to change it back to the office zoning.

Mr. Bryant stated the property is located east of Park Road, between Park Road and Sugar Creek; it is vacant property; it is adjoined on the south by an apartment development; to the north is an apartment development; there are two single family structures left in the area north of the property.

He pointed out the Allstate Insurance Building located at Mockingbird Lane; the new 10-story Seneca Park Building which is nearing completion on Mockingbird Lane and two or three smaller offices being built on the east side of Park Road. There are other new offices being constructed at Abbey Place. To the east across the creek are single family residences facing on Carlinda Circle and almost solid single family structures built along Selwyn Avenue; on the west side of Park Road there is single family structures also; there are three non-conforming service stations in the area all of which are on the west side of Park Road. Mr. Bryant stated the petitioners also own the frontage property which comes out on Park Road.

He stated there is office zoning on the front part of the property; office zoning to the north; multi-family zoning to the south and single family zoning across Sugar Creek over to Selwyn Avenue.

Mr. Bryant stated he does not know of any specific plans for the property; the petition stated they felt the area was expanding more rapidly toward office use and they wanted their property available for that purpose. He stated there was a mention concerning the possibility of an option for a Southern Bell Facility that would be located on a portion of the property.

No one spoke for or against the petition.

Council decision was deferred until its next meeting.

HEARING ON PETITION NO. 69-102 BY WILLIAM C. MATTHEWS FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF PROPERTY 107' X 127' AT THE SOUTHWEST CORNER OF TRAVIS AVENUE AND BARTOW COURT.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is located on Travis Avenue and consists of two lots at the corner of Travis Avenue and Bartow Court; it is utilized for a doctor's office and there is a building with some associated parking located on the property at present. On the Elizabeth Avenue side of the property, there is a variety of office and business uses; from Travis toward Independence is a large block of office facilities; the post office is located at the corner of Travis Avenue and there are some business uses between Travis and Hawthorne Lane - the Theatre, Restaurant, and several other businesses. Along Travis there are single family residential structures directly across from the subject property, multi-family structure at one point and additional office down near East Fifth Street. To the rear of the property are two single family structures along Bartow Court and several single family and multi-family structures between Bartow Court and East Fifth Street.

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He stated there is B-2 zoning along both sides of Elizabeth Avenue extending all the way to Hawthorne Lane and down Hawthorne Lane to Fifth Street. Other than that the area including the subject property is zoned O-6.

Dr. Matthews stated they need 10 more feet back of their present office; they have been with the architects for about two months and they assure them there is no way to re-do the inside of their building effectively to accommodate more office space; that they have been waiting about six years hoping to get the lot directly behind them but it went to the people who own the building on the corner. They are left with the possibility of not building at all or elongating their building in a rectangle back; that under O-6 they can go back 10 feet and under B-1 they can go back 10 more feet; this would give them a building 40 x 20 which they feel would be adequate for the expansion.

Dr. Matthews stated there is no parking problem; they will lose about two parking spaces, but since the building was constructed and they met the minimum requirement for parking they have acquired a lot directly across the street, and have now acquired the land from Bartow Court all the way to Fifth Street.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 69-103 BY DALIA H. ROCK AND BILLY MATTHEW RUSHING FOR A CHANGE IN ZONING FROM R-9MF TO B-1 AND O-6 OF PROPERTY FRONTING 144 FEET ON THE NORTH SIDE OF PURSER DRIVE, BEGINNING AT THE REAR OF LOTS FRONTING ON EASTWAY DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the property is on the north side of Purser Drive; it is two tracts under separate ownership; the western portion is vacant with a single family residence on the other lot. He stated there are solid single family residences along Purser Drive from that point to the east. There are a few business uses along Eastway; the southeast corner of Purser and Eastway Drive is occupied by Little Pigs of America Barbecue Company and a lot adjacent is occupied for an office operation in conjunction with that facility. He stated there is a service station at the northeast corner adjacent to the subject property; there is an upholstery shop adjacent to that and at the corner of Finchley and Eastway is a restaurant.

Mr. Bryant stated there is multi-family zoning along both sides of Eastway up to the intersection of Sugar Creek Road; there is I-1 zoning along both sides of Eastway to the railroad from that point; the subject property and other properties to the east of the industrial zone is R-9MF; there is one lot across Purser from the subject property which is zoned O-6. Other than that there is single family zoning to the east and north of the Norfolk-Southern Railroad.

Mr. Ed Cook, Attorney for the petitioners, stated the subject property under the requested rezoning would create a buffer zone between the industrial zoning on Eastway Drive and the multi-family zoning on further down; the use is now single family residential down Eastway Drive. He stated the vacant lot which lies across from the business zoning used for processing the barbecue would be ideal for a little grocery store that would allow the residents to get to without going out into the busy Eastway intersection. The lot with the house on it lies across the street from the office zoning for the office of the Little Pigs; the zoning on Eastway is industrial and is being used for service station; the rear of the service station is being used for the parking of heavy industrial equipment; the vacant lot is wooded which leaves a shield to the rear and to the property on Eastway Drive.

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Councilman Whittington asked if the property on Eastway Drive is zoned Industrial? Mr. Bryant replied it is zoned I-1 from the lot on Purser and Eastway Drive, and from that point northward to the railroad.

Mr. Cook stated they have no definite plans for the use of the property but they are thinking of a Little General or 7-11 Store.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-104 BY GLENN MCMANUS FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF A PARCEL OF LAND 170' x 120' AT 4832 CENTRAL AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this parcel of land is located on the south side of Central Avenue; it is occupied by a grocery store and service station that has been there for a number of years; to the rear there is vacant land; on the intown side are additional business uses including a service station and a 7-11 store; across on the north side it is vacant; to the east on both sides of Central Avenue it is predominately single family; there are other businesses in the general vicinity; at the intersection of Rosehaven on the north side is a service station and cleaners; another service station on the south side of Central at the intersection of Rosehaven and a combination beauty shop-office building on Rosehaven.

Mr. Bryant stated there is B-1 zoning to the west of the property on the intown side on both sides of Central Avenue; there is multi-family to the east on both sides and office zoning and business zoning near the intersection of Sharon Amity Road.

He stated the business use which is located next to a business zone but not in a business zone is related to the fact that at the time zoning was adopted for this area it was, and still is, a non-conforming use and changes made in the area by request since that time have created the situation of a non-conforming use now being adjacent to an existing business zone.

No one spoke for or against the petition.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-105 BY MRS. LUCILLE DOGGETT BEVIS FOR A CHANGE IN ZONING FROM R-9 TO R-6MFH OF A TRACT OF LAND 412' x 281' AT 1315 WOODLAWN ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject petition is a tract of land located on the north side of Woodlawn Road; it is occupied by a single family residential structure; with the exception of the rear of the subject property, it is adjoined on the other sides by property that is all used for single family purposes. To the east of the property along Woodlawn Road there is a multi-family apartment project; on Park Road there is a large area of ~~shopping~~ stations, and an almost solid alignment of offices across from the Shopping Center. To the rear of the property there is Drexel Place which is ~~solidly~~ occupied with single family residential structures. Other streets in the area used for single family purposes are Halstead, Drexmore and Montford Drive.

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Mr. Bryant stated there is B-1 zoning on the east side of Park Road to include the Park Road Shopping Center; there is B-1 zoning on the west corner of Park Road to accommodate the Pure Oil Service Station and the remaining portion of the zoning on Park Road is O-6; adjacent to the subject property and separating the subject property from the Pure Oil Service Station property is R-6MFH zoning; south of Woodlawn Road and on both sides of Woodlawn from the subject property west it is zoned R-9.

Mr. Faison Barnes, Attorney stated he represents a group of people who have entered into a contract with Mrs. Bevis for the Bevis property subject to it being rezoned. The group includes Mr. Harold Cooler and himself. He stated Mrs. Bevis owns 108,000 square feet, having a frontage of 417 feet on Woodlawn Road and a frontage on Drexel of 342 feet; there is a beautiful home located on the lot which they intend to leave; they are not asking for the rezoning of the entire property; they are asking to rezone only to a depth of 281 feet to extend the present line of R-6MFH zoning. He stated there is a deed restriction on the back part of the lot which fronts on Drexel Place, and they do not intend to use this for any purpose; they will beautify and landscape that part of the lot which is 120 feet back from Drexel Place.

Mr. Harold Cooler presented a plan showing Council and the Planning Commission their plans for the property if the petition is granted. He stated they intend to leave the Bevis home as it is and come in with about six stories of apartment immediately to the right; they will have parking on both sides conforming with the zoning code and will maintain as much of the existing grounds as they can. They plan to route the traffic to miss the major trees and will have no traffic into the rear. He stated the plans have not been firmed up but they anticipate about a six story building, maintaining the open space in compliance with the Planning Office's philosophy on open space. He stated there will be approximately 75 units.

Councilman Whittington stated there is one house between the Castilian Apartments and the Bevis property, and asked if this is in this petition; and how that property is zoned? Mr. Barnes replied it is not included; it belongs to Mrs. Price and is zoned as R-6MFH and it is approximately 80' x 200'. He stated they have entered into some negotiations to buy the property and have about concluded it but have not signed a contract. Mr. Barnes stated if their plans to buy it materializes they will leave the house and use it as a manager's residence.

Mr. Ralph Clontz stated he and his wife own the property immediately adjacent to the Bevis property; he stated selfishly he does not want an apartment complex by his house, but he personally feels that Mrs. Bevis deserves to have her petition granted. That when they bought the property in 1959, the apartment complex was not there and they were in a residential neighborhood; since then Mrs. Bevis's husband has died and she is unable to maintain the property; she has more property than she can live in. No one today would buy her property, his property or the adjacent property down to the creek with the zoning strictly residential, single family occupancy. Since 1959 "progress" has occurred; the City Council saw fit to change the zoning to allow the apartment complex to be built on Woodlawn Road; Woodlawn Road has been widened; it is now somewhat of a race track. Recently there was in the paper a proposal to change this to 45 MPH speed limit. He stated he has discussed this with his next door neighbor, between his property and the creek, and he concurs that if you drive up Woodlawn Road and look at the business property on Park Road, the apartment complex already there, that no one would buy either tract of property unless it was zoned for apartments. That he feels Mrs. Bevis, being the victim of progress, he would have to say a word in support of her petition being granted. He stated he does not represent Mrs. Bevis; that he does not have any interest and he is not going to sell his property; if anything should happen, his widow would be back here asking for the same zoning for their property.

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Mr. A. Marshall Basinger stated he did not come today prepared to protest the zoning change, and he does not intend to protest it; there is a house located between the existing apartments and the proposed zoning change, and this is his client, Mrs. Price, who is right now negotiating with these gentlemen to sell her house to them; that he is fully confident they will have a contract prepared; that he had hoped they would have had it prepared this morning prior to this meeting, but there are two or three minor details that have not been worked out.

Mr. Basinger stated he would like to reserve their right to protest this petition at a future time if this is permissible. Mr. Underhill, City Attorney, advised they have a right to file a general protest on the petition but not a protest that would be intended to invoke the 3/4 Rule as that must be filed at least two working days prior to the public hearing. Mr. Basinger stated they understand this, but he was thinking that at the next Council Meeting, in the event this contract is not executed, they would be interested in filing a protest; at this time they are not so interested, and he would like to reserve their right to protest at that time.

Mr. Underhill stated the hearing is not re-opened unless Council itself generates the questions; otherwise they would have the situation of re-opening the public hearing without allowing all parties interested in the procedures the same opportunity, unless they wish to afford all parties interested in the proceeding a second or another change to speak on the subject; Council's general policy has been that once a public hearing has been held, no more discussion or opportunity to be heard is afforded to people interested in the petition.

Councilman Short asked if Council can pass a motion to continue this hearing? Mr. Underhill replied Council can continue the portion of the public hearing as it relates to this particular item on the agenda. Mr. Basinger asked if Council cannot continue the portion of the hearing dealing with protest to the zoning and in the event there is no protest then the hearing would be at an end and there would be no protest entered. Councilman Whittington stated he feels this would be setting a precedent if Council did this, but he would like to know if this is settled before Council votes on the petition.

Mayor Belk stated this gives the impression that Council is being caught on the basis of the two parties' trade and Council is only interested in the question of rezoning; to him this seems out of order; that Council does not want to be caught between the two parties in a trade for the zoning.

Councilman Tuttle stated he does not think it should make any difference to Council whether the sale goes through or not. Mr. Barnes stated he can see Mrs. Price's position in the matter as she does not want to be caught between these parcels. Councilman Whittington stated he is not judging the Prices' versus the Bevis' but he would like to know as an individual Councilman, if this is resolved; Mrs. Price is now between the Castilian and the subject property if it is changed and Mrs. Price would be there like a sore thumb and she is a widow also. Councilman Short stated Mrs. Price's property is already zoned as R-6MFH.

Mr. Basinger stated Mr. Barnes has negotiated with them in very good faith, and he is confident the contract will be signed within the next day or so; that he just has the interest of his client in mind.

No action was taken on Mr. Basinger's request.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 69-106 BY D. L. PHILLIPS, TOM MATTOX, AND JAMES O. MOORE, FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A TRACT OF LAND FRONTING 2,557 FEET ON THE SOUTHEAST SIDE OF YORK ROAD OPPOSITE THE CITY OF CHARLOTTE SANITARY LANDFILL PROPERTY.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a tract of land located on York Road, leading southwest out of the city. He pointed out the City of Charlotte Landfill site which is being utilized now for garbage disposal purposes, and stated the subject property is directly opposite that. The property is entirely vacant as is all the property surrounding it with the exception of the property across the road where the landfill site is located. He pointed out the Southview Homes area which is all single family; intown along York Road, there is a church and cemetery and a small used car or junk yard type facility and adjacent to that a small retail bait and tackle shop. Other than that the area is free, open country with vacant land being the predominate use.

Mr. Bryant stated the subject property as is all the other property in the vicinity is zoned R-9 with the exception of an adjoining tract on the intown side of the property which is zoned B-1 and then an O-6 zoning on the northwest side of York Road.

Mr. Ed Alexander, realtor, stated he represents the petitioners; some year ago they sold a portion of the property to the City for the landfill; recently he has been approached by three or four people who wanted to buy the property for multi-family apartment type housing. On the upper end is a portion zoned for B-1 and there is a proposed road coming across the upper end of the property which they hope will be in within a few years; on the lower end of the property there is a creek; there is about 135-140 acres in the rear which is vacant.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-107 BY LAVONNE J. JOLLY, LORENA C. KETCHAM, SAMUEL HOWARD COOKE AND ATHA S. COOKE FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY FRONTING 152.19 FEET ON THE NORTH SIDE OF WEST BOULEVARD AND INCLUDING 816 THROUGH 824 WEST BOULEVARD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the property is located at the intersection of West Boulevard and I-77 Expressway which is under construction; it is located on the north side of West Boulevard; it consists of three lots with three houses on them; there are single family residences on the east side; there are single family residences to the rear along Spruce Street and along Merriman Avenue; there are single family residences on the south side of West Boulevard with the exception of one lot directly across from the subject property which is utilized for an office purpose; there are some duplexes at the intersection of Spruce and West Boulevard.

Mr. Bryant stated the zoning pattern is predominately R-6MF with the exception of an area of O-6 zoning on the south side of West Boulevard, from near Spruce Street out to Merriman; on the west side of the expressway it is all zoned R-9. The predominate pattern is one of R-6MF.

Mr. Ben Horack, Attorney for the petitioners, stated the real parties in interest is Citgo which has already formulated preliminary plans for a service station on the three lots. Citgo presently controls this property through options with the three owners, which options will expire in the next few weeks.

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Mr. Horack stated the existing zoning in the area is predominately R-6MF with the exception of the already existing office zoning which lies directly across the street from the subject property; the single family houses in the area are basically characterized by either sub-marginal rented single family housing or they appear to be sub-marginal. He stated West Boulevard will be a main artery for people going to I-77 as they come from East Boulevard, Dilworth and Myers Park beyond; coming from the opposite direction away from the Airport it is the intersection for the ingress ramp; the property in question will afford convenient access for traffic coming from the Airport to get onto the I-77. He stated logically a location like this is the one that ideally should be utilized for service stations; this particular location will serve a convenience service station for a rather densely populated neighborhood on one hand and it will be a convenience facility for the traffic coming from the airport.

Councilman Short stated anyone coming south on the throughway and seeing this service station and wanting to get into it would have to make two left turns; and anyone heading north on the throughway and seeing this station would have to make a passage completely across both lanes of traffic of West Boulevard. Mr. Horack replied that is right.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

ORDINANCES AMENDING CHAPTER 23, ARTICLE III PERMITTING CERTAIN TYPES OF AUTOMOBILE LAUNDRIES IN B-1 DISTRICTS AND PERMITTING SALE OF BUILDING MATERIALS IN B-2 DISTRICTS, BOTH SUBJECT TO RESTRICTIONS.

The public hearing was held on Petition No. 69-108 by Charlotte Mecklenburg Planning Commission to amend the text of the zoning ordinance, as follows:

- (1) Permit certain types of automobile laundries in B-1 Districts subject to restrictions.
- (2) Permit the sale of building material in B-2 Districts subject to restrictions.

Mr. Fred Bryant, Assistant Planning Director, stated the Planning Commission has been observing the fact there has been a change evolving in the automobile laundry business; the type of equipment being used now is of a different type being use than when the zoning ordinance was adopted in 1962; the cost of having a car washed under the old service station process has gotten to the point where most service stations do not encourage the hand washing business any more. He stated as a result the Planning Commission has come to the conclusion that some changes in the zoning ordinance is warranted in order to keep abreast of these changes. The change before Council today as a suggestion from the Planning Commission is one that would liberalize the areas into which automobile laundry facilities would be permitted to go to the extent they would, for the first time, become a legitimate use in the B-1 district; up until now they have only been permitted in the B-2 and industrial districts.

Mr. Bryant stated a request is still pending before Council concerning the rezoning of some property on Beatties Ford Road at Sunset Road, and the Planning Commission is reserving a recommendation on that change until this text change is completed with the idea that the change might no longer be necessary if this change suggested today is made.

He stated they propose that this type of use be permitted in the B-1 district subject to some very specific restrictions. They feel the large scale high volume business such as the facility on Fourth Street or on Independence Bouevard is inappropriate in the B-1 district. He stated the regulations they are recommending contain three provisions which they think will accomplish this type of control, and are as follows:

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- (1) All washing facilities shall be within an enclosed building except that vacuuming facilities may be outside the building but shall not encroach upon any required yard area.

He stated this would prohibit another type of facility which they have had difficulty with and that is the open stall type of facility where it is unattended and left open 24 hours a day. They believe by requiring the building to be enclosed, this will assure a little higher quality type of operation.

- (2) A high-volume facility utilizing a conveyer or chain drag system for moving automobiles through the washing area shall not be permitted.

He stated this is aiming specifically at the Humble Oil type of operation or the one on Fourth Street. That they have been assured by the people who are interested today that the type of equipment being installed in most of the facilities now does not require the chain or conveyer system, but is the type of facility where you drive your car in and the equipment passes over the car rather than the car being towed through the operation.

- (3) At least one attendant must be present during all hours of operation but no more than three attendants shall be on duty at any time. These attendant requirements shall not apply where the laundry facility is an integral and accessory part of a service station operation and attendants serve both the laundry and service station facilities.

Mr. Bryant stated one of the problems with the open-stall type is they are unattended and there have been complaints from time to time of being congregation points late at night and causing noises and other disadvantages to them.

Councilman Thrower asked if this is the first time we have dealt with people and zoning? Mr. Bryant replied it is and this is a new type of provision for our ordinance; that he would view this as more of a control sort of device than one that you will be constantly policing.

Councilman Whittington asked if this will eliminate the non-attended car laundry? Mr. Bryant replied it will in the B-1 districts; they will still be permissible in the B-2, I-1, I-2 and I-3 districts as they are now.

Councilman Short stated he believes this is more of a neighborhood type of activity than a major thoroughfare type of activity.

Councilman Short moved the adoption of Ordinance No. 440, Amending Chapter 23, Article III, by adding a new section 23-34.03 entitled: "Automobile Laundries", as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 420.

Mr. Bryant stated the second part of the subject petition is an outgrowth of a different type of facility that has come to their attention - different from the standpoint of the type of operation they had in mind at the time the ordinance was drafted in 1962. At that time the sale of building materials was limited to industrial districts; it was permitted in I-1 districts provided it was in an enclosed building; it was permitted in I-2 districts if it involved outside storage. Since then there has come into being a type of facility that does not exactly fit either one, but is not provided for in the context of the present ordinance. That is a facility designed to sell building materials limited to the handy-man or homeowner type of market. In addition to selling finished building material such as doors they will sell in limited quantity some raw lumber material but directed toward the homeowner or the handyman type of operation; not the large volume wholesale type of operation involving sell to contractors.

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Mr. Bryant stated the Planning Commission has considered permitting this type of operation in the B-2 District providing for the sale of building material such as lumber, handling, mill work and so forth, but subject to the following factors:

- (1) All portions of the business shall be housed within a completely enclosed structure, including the storage of all material.

He stated this is to insure there will be no outside lumber storage.

- (2) Only retail sales of building materials shall be permitted. For the purpose of this section this shall mean sales to the ultimate consumer with sales to a contractor or other intermediate user being prohibited.

Mr. Bryant stated this provision is the key to the control to keep it from becoming another Lowe type of operation. By limiting it to the ultimate consumer it would form the necessary control.

- (3) The operator of the business shall not be permitted to provide for the delivery of building materials from the site.

He stated this will prohibit building up the large volume of businesses with trucks to be used for the delivery of materials from the site. This means the person buying the material would many times have limited access to the facilities to transport it and it would serve as an additional control to the volume of the business.

Councilman Thrower stated that Moore and the K-Marts and this type of business have this now; they sell 2' x 4' and have outside storage.

Councilman Tuttle stated he agrees this should be done but who would go into this business if they cannot have some of this storage.

Mr. Bryant stated Moore is interested in opening this type of operation; but a different type of operation from either the Lowe type or the type of facility that Moore has just opened on North Tryon Street. They are interested in opening a type of facility that would be more accessible to the residential areas and would cater to the residents of the area themselves; in addition, they would sell appliances and things that would be related to the retail category.

Mr. Bryant stated they have had one company to indicate they are ready to go into this field; but from time to time they have had inquiries from others. That by and large you will find this type of operation limited to retail type of facilities and enclosed type buildings, is permitted in a great number of cities. He stated it is quite important that it be limited to B-2 and not permitted in B-1.

Councilman Thrower moved the adoption of Ordinance No. 441, Amending Chapter 23, Article III, by adding a new Section 23-34.04 entitled: "Building Material Sales, Limited." The motion was seconded by Councilman Thrower, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 421.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 3:35 o'clock p.m., and reconvened the meeting at 3:45 o'clock p.m.

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REQUEST THAT PORTION OF BROOKLYN URBAN RENEWAL AREA BE SET ASIDE FOR HOUSING.

Dr. Warner Hall, Chairman of the Charlotte-Mecklenburg Community Relations Committee, stated at a recent meeting they considered a number of things, and among them was the need for additional housing in the central area of Charlotte, particularly low cost housing. He stated a resolution was adopted by the Committee which he was instructed to pass on to Council, respectfully requesting the Mayor and Council to consider setting aside some of the land in Brooklyn for the purpose of housing.

Dr. Hall stated this is based on the fact that the population is increasing in Mecklenburg County at the approximate rate of 12,000 per annum; some of this is the natural increase of birth over death, but a substantial part is in migration. That a substantial part of those moving into the city are persons of low income or no income who are seeking to find a more satisfactory life here in Charlotte - larger employment, and a greater income. He stated a number of cities have taken the step they are asking of Council such as the creation somewhere near the central city of high rise, low cost efficiency apartment type dwellings wherein persons who are employed in the central city are within walking distance of the city. If persons in this status can be relieved of the necessity of providing their own transportation this immediately improves their financial status. He stated Atlanta has had some fairly good results with this type of approach. He stated there is a possibility there could be easily and properly placed here public housing. He stated we are having great difficulty in finding adequate and satisfactory sites for additional public housing, and it may be that the wise and good use of this land would include the allocation of a part of it for additional public housing. Since the matter is so complicated by plans of which they have no accurate knowledge and by coming of roads and highways through the area, that may make the placing of this difficult they did not attempt to say precisely in what fashion this should be undertaken except to say they believe that additional housing of this type is needed, and they urge the consideration by Council of setting aside lands for this purpose.

Dr. Hall stated that certain members of the architectural association have heard of this and have offered their professional services - not in the drawing of plans and specifications, but of trying to work out the logistics of the matter and developing the site use that would presumably be for the good of the city, and make satisfactory locations for them.

He stated they have not changed their mind, and again would express the hope that the City would find the opportunity about some of this land to park; they do not know the status of the creek area in Blue Heaven but if it has not been finally determined they again submit a word in behalf of the possibility of park area in that section.

COMMENTS ON SALES TAX REFERENDUM, BOND REFERENDUM AND SUGGESTION THAT ADDITIONAL REVENUES CAN BE OBTAINED THROUGH CITY LICENSING OF CERTAIN BUSINESSES.

Mr. Tom Sykes stated having been involved to some degree in the decision made by the taxpayers November 4, he has come before this Body to attempt to emphasize the importance to our elected officials that they realize the voters desires that an additional tax burdens upon the taxpayers shoulders apparently will not be tolerated in the future. The taxpayers on November 4, by a sizeable margin, defeated the 5th cent sales tax in Mecklenburg County; it was defeated in sizeable margins in other counties over the state; 25% of the counties in North Carolina accepted it at this time. He stated this is a mandate to our elected officials - City, County and possibly State - that additional taxation on the taxpayers, individual property and otherwise, must cease until we realize some economies in government. That this Body would not be interested in what he refers to as our social services agency being located in a rental piece of property at \$38,000 a year for a five year

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period; that this is a waste of taxpayer's money because we do have schools unoccupied that could have served this purpose. That he refers specifically to Second Ward High School, Old Harding High School as two instances. This Body of elected officials has some influence over what goes on in Mecklenburg County, and he thinks that influence should be used to the benefit of the taxpayers; the taxpayers of the City of Charlotte and of Mecklenburg County indicated that they were interested in the elected officials taking a more active part in salvaging the tax dollars as nearly as possible to the benefit of all the people of our area.

Mr. Sykes stated we are going into a period of consolidation of departments of government. Education, city-county, has been consolidated. What have we saved in the consolidation of these two departments which are now one? We have not reduced, to his knowledge and he has not been able to find out where any savings have been affected by the consolidation of these two departments; we are now having a city and county police departments consolidated; that he hopes we do not wind up with too many chiefs and not enough Indians in that department as we are looking for savings in consolidation as well as more efficient services.

Mr. Sykes stated there are many other areas that he can point out that would save the taxpayers money. That the taxpayers by their vote on November 4 should be recognized for the large effort made on behalf of those people. He stated there have been reports through the local news media that property taxes will be increased, either from re-evaluation or across the board increase.

He stated we are going into a bond issue vote on December 12; there are those among us who have been relegated to the position possibly against some of the things; that he is not against anything that is good for the City of Charlotte and Mecklenburg County; that he is not against anything that would serve the multitude of our citizens to the best interest of our fine city and fine county; that he is against waste and against spending money needlessly in government.

Mr. Sykes stated before December 12 he would like for the Mayor and members of Council to get a copy of the license booklet and review a potential income of \$6.0 million a year to the City of Charlotte alone. In this book license adjustment can bring revenues to the City of approximately \$6.0 million a year if they are properly administered and properly put on the people who do not now pay license.

He stated he would like to support those phases of the bond issue that mean the most to the people of the City of Charlotte and Mecklenburg County. There are areas that he has reviewed in the bond issue; there are areas that he has questions about that he will seek the answers to and he hopes he gets the answers he is looking for. That he does not know that the entire bond package is a good package for the City of Charlotte or Mecklenburg County; there might be some portions of it that all the citizens are not going to be concerned with; that he would like to support the future of our city and the future of our county in every effort that he can. He stated there are some things that he would like to have the answers to and would like to be able to support the entire package.

Mayor Belk replied that we intend to bring out all the various points in the bond package; there will be a series of meetings from now on. That he appreciates Mr. George Broadrick taking his valuable time to serve as Chairman of this Committee. He stated we feel this is the best way to finance a long range program for the future. That the intent is to bring out all the points on each item in the bond package, which we are endorsing 100%.

Mr. Sykes asked that the citizens be given both sides of the issue - the pros and the cons - tell them the truth and lay it on the line, and if they want to buy it let them buy it. That if he as an individual likes it, then he might vote for it, or if not, then he might vote against it. He stated let the people know what they will be getting for their money, and then you might have more backing.

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Mayor Belk stated we are interested in cleaning up any waste and he asked Mr. Sykes if he has any ideas where we can be of service to the citizens on this viewpoint then he would appreciate Mr. Sykes letting us know.

Mr. Sykes stated we cannot now go back to the voters and say the bond issue will not mean an increase in property taxes unless that is true. They were told through the news media that if they did not vote for the sales tax, it would mean an increase in property taxes. Let's not try to tell them that the bond issue will not make an increase in property taxes; if it will then tell them it will. Just put it on the line.

Councilman Short stated Mr. Sykes advocates that the city government take an additional \$6.0 million a year from certain business in the city? Mr. Sykes replied that are not now licensed and also an adjustment in the licenses that are now being paid. Councilman Short stated he is suggesting that we take this just from certain businesses within the city? Mr. Sykes replied to his knowledge, these licenses have not been revised in 10 or 20 years; there are many people in the license booklet that are state exempt; this is a job for the legislative group to perform; these are the things that will take time and this also must be by act of legislature.

Councilman Short stated these businesses would realize this money by passing it on to the public? Mr. Sykes replied yes, that all in business today have realized increased profits since the licenses have been put in. Councilman Short stated Mr. Sykes is suggesting that certain businesses have this \$6.0 million taken from them and have the job of passing this on to the public, but he rejects the notion that all businesses would have this passed on to them by another means? Mr. Sykes replied he is not suggesting that we let anyone get by; that his license, passed in 1947, probably should have been revised ten year ago to get that revenue that we do not have now; he stated there is not an attorney that pays a city license; there is not a doctor that pays a city license; there is not an architect that pays a city license; that to the best of his knowledge there are 127 categories that are not even licensed.

Councilman Short stated Mr. Sykes wants to get this amount of money from certain businesses by them passing it on to the public; this being a licensing arrangement, but he does not want to get this from all businesses through the sales tax? Mr. Sykes replied that is exactly correct; that a ten or twenty dollar increase in a license would not mean that much difference; whereas if you multiply it by 10,000, you come up with more revenue than you thought you might have; that he would not relegate a \$50 license to a doctor as affecting his cost to his patients at all.

Councilman Tuttle stated at Council's request the Budget Officer made a very exhaustive study of our taxes compared to 15 representative cities; that without saying whether we are high or low, he believes that Mr. Sykes would be very interested in this report and asked that he get a copy before he leaves this afternoon.

LEAF PROBLEM IN CHARLOTTE DISCUSSED.

Mr. W. J. Elvin stated one thing has troubled him for ten years and that is the way that the City does not handle leaves in Charlotte. Every fall people dump leaves on the sidewalks, on the streets and on Queens Road, they dump the leaves on the city property in the divider. That this does not help the grass.

He stated he noticed in the paper the City has employed a man who appears to be a very promising young engineer as Safety Engineer; that he wonders if he can be given the assignment of handling the leaf situation in Charlotte. That if you are on a two lane street at night and all of a sudden you run into a lump of leaves that you cannot see until the other car passes. He stated he has made a study of this and in a little town he came from the people were cured of putting anything on the street because you were fined. That he would like to see something done about the leaves.

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Councilman Tuttle stated he does not believe that many cities have the leaf problem that you have in Charlotte as there are not many cities that have the trees Charlotte has.

USE OF PUBLIC ADDRESS SYSTEM ON THURSDAY NOVEMBER 13 AT POST OFFICE AUTHORIZED.

Mr. Paul Leonard, on behalf of the Ad Hoc Committee for the Vietnam Moratorium requested a permit for the use of a public address system on Thursday night, November 13, at 9:00 o'clock p.m., in front of the Post Office Building on West Trade Street. He stated the system will be used for a speech and directing persons in the loading of busses for their trip to Washington, D. C.

Upon motion of Councilman Short, seconded by Councilman Alexander, and unanimously carried, the request for a permit to use a public address system was authorized.

PETITION NO. 68-73 BY JOEL B. LAYTON FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A LOT 65' x 150' AT 4114 ATMORE STREET, DENIED.

Councilman Tuttle moved that the subject petition for a change in zoning from R-6MF to B-2 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

MAYOR BELK LEAVES CHAIR AND MAYOR PRO TEM WHITTINGTON PRESIDES DURING HIS ABSENCE.

Mayor Belk left the Chair at this time and Mayor Pro Tem Whittington presides until his return later in the meeting.

REVISED PLAN FOR SOUTHPARK SHOPPING CENTER APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving a revised plan for the Southpark Shopping Center consisting of the relocation and rearrangement of the convenience center, a slight shift in the location of Sears Auto Center, and rearrangement of some parking facilities, as recommended by the Planning Commission.

RESOLUTION SETTING A DATE OF PUBLIC HEARING ON MONDAY, NOVEMBER 24, 1969 ON PETITION OF WILLIAM TROTTER DEVELOPMENT COMPANY FOR ANNEXATION OF 28.448 ACRES OF LAND IN CRAB ORCHARD TOWNSHIP.

Councilman Thrower moved the adoption of the subject resolution setting the date of public hearing on November 24, 1969. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 458.

NEGOTIATED SETTLEMENT WITH QUEEN CITY COACH COMPANY FOR ACQUISITION OF PROPERTY AT 417 WEST FIFTH STREET FOR THE PINE STREET CONNECTOR, DENIED.

Councilman Short moved that the negotiated settlement with Queen City Coach Company in the amount of \$47,031.13 be disapproved. The motion was seconded by Councilman Tuttle.

Councilman Short stated within recent days the City has other witnesses, or at least one other expert witness, that it did not previously have, which might change the complexities of this court action; in addition, there is a possible line of reasoning that the passenger operation of the bus company was

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considerably crowded prior to this taken of a small corner off their freight lot - about 4,000 square feet - and that any crowding they are alleging existed prior to this taking by the City; and there is also a line of reasoning which perhaps was not advanced very well when this was discussed in the previous trial conference, and something that he can very well understand himself; that is the bus company was better for the running of the street beside their property and the cutting of a driveway into their freight lot; that it is more convenient for load shipping by bus. He stated he is not sure and some of the members of Council are not sure, that 4,000 square feet is worth \$47,000.00.

The vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Withrow, and unanimously carried, authorizing the following property transactions:

- (a) Acquisition of 15' x 266.52' of easement at 6201 Monroe Road, from Griffin Realty Company, at \$1.00, for sanitary sewer to serve East Forest Subdivision.
- (b) Acquisition of 15' x 1,140.99' of easement at 4100 Golf Acres Drive, from C. N. Sloan, et al, at \$1,140.00, for sanitary sewer to serve E. J. Smith and Sons.
- (c) Acquisition of 10' x 33.90' of easement at 4440 North Graham Street, from Ford Leasing Development Company, at \$34.00, for a 6-inch water main to serve Buccaneer Motel.
- (d) Acquisition of 10' x 33.09' of easement at 4440 North Graham Street, from Ford Motor Company, a Delaware Corporation, at \$33.00, for a 6-inch water main to serve Buccaneer Motel.

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.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the subject ordinances were adopted as follows:

- (a) Ordinance No. 442-X ordering the removal of weeds and grass adjacent to 1441 Lilac Road.
- (b) Ordinance No. 443-X ordering the removal of weeds and grass adjacent to 2953 Ross Avenue.
- (c) Ordinance No. 444-X ordering the removal of weeds and grass adjacent to 3035 Ross Avenue.
- (d) Ordinance No. 445-X ordering the removal of weeds and grass adjacent to 629 Pennsylvania Avenue.
- (e) Ordinance No. 446-X ordering the removal of weeds and grass adjacent to 305 Keswick Avenue.

The ordinances are recorded in full in Ordinance Book 16, beginning on Page 422.

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ORDINANCE NO. 447-X AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF \$15,000 OF THE UNAPPROPRIATED BALANCE OF THE AIRPORT FUND TO CAPITAL IMPROVEMENT PROJECT TO BE USED FOR THE INSTALLATION OF WATER MAIN ON AIRPORT DRIVE.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, adopting subject ordinance authorizing the transfer of \$15,000 of the Unappropriated balance of the Airport Fund to Capital Improvement Project 562.22 to be used for the installation of an eight inch water main on Airport Drive, from its intersection with Morris Field Drive north to a point opposite the Celanese hangar.

The ordinance is recorded in full in Ordinance Book 16, at Page 427.

APPROVAL OF AN ENGINEERING CONTRACT WITH TALBERT, COX AND ASSOCIATES, INC., FOR RECONSTRUCTION OF TAXIWAY "D", AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Tuttle moved approval of an engineering contract with Talbert, Cox and Associates, Inc. for reconstruction of Taxiway "D", at Douglas Municipal Airport, at an estimated cost of \$30,500.00. The motion was seconded by Councilman Thrower, and carried unanimously.

MAYOR BELK RETURNS TO CHAIR.

Mayor Belk returned to the Chair at this time and presided for the remainder of the session.

APPROVAL OF LEASE WITH DURANE GAS COMPANY FOR ONE QUARTER ACRE PLOT AT AIRPORT.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, approving the subject lease with Durane Gas Company for one quarter acre plot (11,072 square feet) at Douglas Municipal Airport northwest of the north-south runway and south of the Southern Railroad which is used for the unloading and storage of bottled gas. The lease is for one year, beginning November 15, 1969, with two subsequent one year options with the first year payment to be \$441.88; first year option at \$498.24, and the second year option at \$553.60 per year.

ORDINANCE NO. 448-X AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF \$15,972.00 OF THE UNEXPENDED BALANCE OF THE AIRPORT FUND TO THE CAPITAL IMPROVEMENT BUDGET.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$15,972.00 of the unexpended balance of the Airport Fund to the Capital Improvement Budget to be used for the manufacture and installation of a sign reading "Welcome to Charlotte" to be installed on the roof of the North Concourse at the Airport.

The ordinance is recorded in full in Ordinance Book 16, at Page 428.

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APPROVAL OF A CONTRACT WITH HOBART SMITH REALTY, INC. FOR THE INSTALLATION OF WATER MAIN AND FIRE HYDRANT TO SERVE CANTERBURY WOODS SUBDIVISION.

Councilman Whittington moved approval of a contract with Hobart Smith Realty, Inc. for the installation of 600 feet of water main and one fire hydrant to serve Canterbury Woods Subdivision, outside the city limits, at an estimated cost of \$3,600.00. The lines will be installed under the terms of the now existing Partnership Plan where the applicant will finance the entire cost of the project and will be reimbursed at the rate of 35% per month of the revenue derived from this section of the main, under the terms of the Partnership Plan. The motion was seconded by Councilman Tuttle.

Councilman Short asked the guage of the pipe; is it 6 inches? That this is important because if it is 6 inches or less it would not be the entire cost. Mr. Bobo, Administrative Assistant, replied it is an 8-inch line.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 449-X AMENDING ORDINANCE NO. 255-X, THE 1969-70 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF UNEXPENDED BALANCE OF THE GENERAL FUND TO CAPITAL IMPROVEMENT ACCOUNT.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$24,672.00 of the unexpended balance of the General Fund to Capital Improvement Account No. 7500 "Urban Beautification" to be used for the planting of trees in the Downtown Area, until federal reimbursement is received.

The ordinance is recorded in full in Ordinance Book 16, at Page 429.

REAPPOINTMENT OF WALTER S. TUCKER TO THE REDEVELOPMENT COMMISSION.

Councilman Alexander moved the reappointment of Mr. Walter S. Tucker to the Redevelopment Commission for a term of five years. The motion was seconded by Councilman Whittington, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Karl Giner for west portion of Lot 1, Section 3, Evergreen Cemetery, at \$754.00.
- (b) Deed with W. M. Roberts for perpetual care for Lot No. U, Section U, Elmwood Cemetery, at \$42.00.

CONTRACT WITH DUKE POWER COMPANY FOR THE RELOCATION OF AN ELECTRIC POWER TRANSMISSION LINE, AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, approving a contract with Duke Power Company for the relocation of an electric power transmission line presently located on East Bland Street in the Dilworth Urban Renewal Area with the line to be relocated outside the renewal project area at a cost not to exceed \$15,600.00 and funds for the project appropriated in Capital Projects Account 535.8 Dilworth Urban Renewal.

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A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHARLOTTE AND THE CHARLOTTE MODEL NEIGHBORHOOD COMMISSION PROVIDING FOR THE TEMPORARY TRANSFER OF ASSIGNMENT OF THE RESPONSIBILITY FOR THE DIRECTION AND ADMINISTRATION OF THE NEIGHBORHOOD AGENT PROGRAM FROM THE CITY TO THE MODEL NEIGHBORHOOD COMMISSION, AUTHORIZED.

Councilman Thrower moved approval of the subject memorandum, which was seconded by Councilman Alexander.

Councilman Short asked why this is temporary? Mr. Bobo, Administrative Assistant, replied the federal government requires that the Model Cities be a planning agency rather than an operating agency. Mr. Paul Jones, Model Cities Director, stated it is hoped that the administrative load and other techniques will be so devised that it will not be directly under the umbrella of Model Cities permanently; but in order to initiate it with the Model Cities experiences they can get it off the ground and get some early programming and at the same time hope the desires of the administrative structure will be acceptable to HUD and still be within the scheme of the local city government, and perhaps not burden the administrative office. The original plan calls for this to be under the City Manager's Office, and this is why the request today has been made so they can get the temporary transfer to allow them to make it operational.

Mr. Jones stated Council might well serve the purpose of coordination and planning to consider an umbrella of the urban affairs of community development-type under which the neighborhood agency program - the Neighborhood Service Centers of Model Cities can fit, to link the service centers and the planning body together.

Councilman Short stated he thinks Council might be interested because with the expectations that everyone has for the Model Cities program, it is going to be hard for the Commission to remain in a planning and supervising position.

The vote was taken on the motion and carried unanimously.

APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHARLOTTE AND THE CHARLOTTE MODEL NEIGHBORHOOD COMMISSION PROVIDING FOR THE TEMPORARY TRANSFER OF ASSIGNMENT OF THE RESPONSIBILITY FOR THE DIRECTION AND ADMINISTRATION OF THE NEIGHBORHOOD CENTERED HEALTH, SOCIAL AND REHABILITATIVE SERVICE SYSTEM FROM THE CITY TO THE MODEL NEIGHBORHOOD COMMISSION.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, the subject memorandum of understanding was approved.

CONTRACT AWARDED ECONOLITE, DIVISION OF TAMAR ELECTRONICS, INC. FOR TRAFFIC CONTROL CABLE.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Econolite, Division of Tamar Electronics, Inc., in the amount of \$5,982.20, on a unit price basis, for traffic control cable.

The following bids were received:

Econolite, Div. of Tamar Electronics, Inc.	\$5,982.20
Mill Power Supply Co.	6,020.25
Shelby Supply Div. of U. S. Dist. Co.	6,350.00
Graybar Electric Co., Inc.	6,509.73
Dixie Radio Supply Co., Inc.	6,857.15
Westinghouse Electric Supply	7,818.05

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CONTRACT AWARDED TRAFFIC ENGINEERS SUPPLY COMPANY FOR 75 3-SECTION 8-INCH AND 40 3-SECTION 12-INCH TRAFFIC SIGNALS.

Motion was made by Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, awarding contract to the low bidder, Traffic Engineers Supply Company, in the amount of \$6,135.50, on a unit price basis, for 75 3-section 8-inch and 40 3-section 12-inch traffic signals.

The following bids were received:

Traffic Engineer Supply Corp.	\$6,135.50
Southeastern Safety Supplies, Inc.	6,555.00
Econolite, Div. of Tamar, Electronics, Inc.	6,583.75
Eagle Signal, Div. of Western Industries	7,834.50

CONTRACT AWARDED ROSENBLATT & ASSOCIATES FOR 50 LOOP DETECTORS.

Councilman Alexander moved award of contract to the low bidder meeting specifications, Rosenblatt & Associates, in the amount of \$5,350.00, on a unit price basis, for 50 loop detectors. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Rosenblatt & Associates	\$5,350.00
Eagle Signal, Div. of Gulf Western Industries, Inc.	5,673.00
Econolite, Div. of Tamar Electronics, Inc.	5,900.00

Bid received not meeting specifications:

Traffic Engineers Supply Corp.	\$4,700.00
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CONTRACT AWARDED A. E. FINLEY & ASSOCIATES, INC. FOR 2-THREE WHEEL STREET SWEEPERS.

Upon motion of Councilman Whittington, seconded by Councilman Alexander, and unanimously carried, contract was awarded on the alternate bid meeting specifications, A. E. Finley & Associates, Inc., in the amount of \$27,792.00, on a unit price basis, for 2 three wheel street sweepers.

The following bids were received:

Base Bid:

E. F. Craven Company	\$27,990.00
Sanco Corp.	29,171.41

Alternate Bid:

A. E. Finley & Associates, Inc.	27,792.00
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Alternate Bid not meeting specifications:

Sanco Corporation	\$23,880.00
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CONTRACT AWARDED GRADY SIGN COMPANY FOR THE FABRICATION AND ERECTION OF THE WELCOME TO CHARLOTTE SIGN AT THE AIRPORT.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and carried unanimously, awarding contract to the low bidder, Grady Sign Company, in the amount of \$15,971.16, for the fabrication and erection of the "Welcome to Charlotte" sign at the Airport.

The following bids were received:

Grady Sign Company	\$15,971.16
Starnes Sign Company	18,338.00

CONTRACT AWARDED CAROLINA POLICE SUPPLY COMPANY FOR 35 ELECTRONIC TRAFFIC SPEED COMPUTERS FOR THE POLICE DEPARTMENT.

Councilman Thrower moved award of contract to the low bidder, Carolina Police Supply Company, in the amount of \$26,740.00, on a unit price basis, for 35 electronic traffic speed computers for the Police Department, with the funds to come from the Governor's Highway Safety Program. The motion was seconded by Councilman Tuttle.

Assistant Chief Ken Miller of the Charlotte Police Department stated this was awarded to Charlotte by the Governor's Highway Safety Commission, free of charge to the City of Charlotte; it has been proven throughout the United States that this type of speed detection device is a deterrent and has a psychological effect on people.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Carolina Police Supply Co.	\$26,740.00
Federal Sign & Signal Corp.	29,758.75

CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER CONSTRUCTION FOR BRIAR CREEK OUTFALL, PHASE III.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Thomas Structure Company, in the amount of \$108,242.00, on a unit price basis, for sanitary sewer construction for Briar Creek Outfall, Phase III.

The following bids were received:

Thomas Structure Company	\$108,242.00
Sanders Brothers, Inc.	117,268.00
Blythe Brothers Company	120,176.00
Crowder Construction Co.	132,108.60
Dickerson, Incorporated	133,725.80
Rand Construction Co., Inc.	149,249.00

CONTRACT AWARDED SOUTHERN SHADE TREE EXPERT COMPANY FOR PLANTING TREES ON NORTH AND SOUTH TRYON STREET AND ON FOURTH STREET EXTENSION.

Motion was made by Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, awarding contract to Southern Shade Tree Expert Company, in the amount of \$24,672.09, for planting a total of 100 trees on North and South Tryon Street and 166 trees on Fourth Street Extension.

Councilman Whittington asked if the City will get this money back? Mr. Bobo replied that is right, this will be reimbursed by the federal government under the Urban Beautification Grant.

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BIDS REJECTED FOR CATCH BASIN FRAMES AND GRATES AND REQUIREMENT AUTHORIZED RE-ADVERTISED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the bids received for catch basin frames and grates were rejected and Purchasing Department authorized to re-advertise for requirement.

CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON MANHOLE RINGS.

Councilman Thrower moved award of contract to the low bidder, Knoxville Foundry Company, in the amount of \$12,180.00, on a unit price basis, for cast iron manhole rings and covers. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Knoxville Foundry Company	\$12,180.00
Dewey Bros., Inc.	13,214.12
Russell Pipe & Foundry	14,091.00

COUNCILMAN THROWER LEFT MEETING AT THIS TIME.

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

ADDITIONAL HOLIDAY GRANTED CITY EMPLOYEES FOR CHRISTMAS.

Councilman Jordan moved that an additional holiday on Friday, December 26, 1969 be granted to City Employees. The motion was seconded by Councilman Whittington, and carried unanimously.

REDEVELOPMENT COMMISSION TO BE NOTIFIED THAT COUNCIL IS READY TO VIEW THE ORIGINAL CONCEPT OF THE GOVERNMENTAL PLAZA.

Councilman Whittington stated Council is now ready for the Redevelopment Commission and their design engineers to bring Council the original concept of the Governmental Plaza.

MASTER PLAN COMMITTEE REQUESTED TO UPDATE ITS REPORT OF 1966 AND BRING IT BACK TO COUNCIL.

Councilman Whittington stated in September 1966, the Master Plan group of which Mr. Tuttle and Mr. Jordan are members, presented a report to Council with recommendations. Some of the specific recommendations have been acted upon, some are still pending; and perhaps some of them have been taken out of the plan all together by Council. He stated it would be helpful to Council, helpful to the Planning Commission, the Engineering Department and all phases of local government interested in the Master Plan, as well as the citizens of downtown to have this recommendation updated and brought back to Council.

He stated guidelines are needed; also someone to sort of keep Council in line; in this way there is better communications and better relationships with the business community.

Councilman Whittington suggested that the Committee update the report and bring Council an updated Master Plan to go forth hopefully with a successful bond package next month.

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Councilman Tuttle stated the Chairman of the Master Plan Committee will be glad to hear this and will be glad to update it; he suggested that Mayor Belk write him and ask for such a meeting.

MAYOR REQUESTED TO WRITE PRESIDENTS OF CIVIC CLUBS AND FRATERNAL ORGANIZATIONS AND OFFER THEM A PROGRAM AND SPEAKER ON THE UPCOMING BOND REFERENDUM.

Councilman Whittington stated WBTB has sent a list of all the presidents of all the civic clubs in Charlotte and Mecklenburg County, as well as allied groups of the civic clubs.

Councilman Whittington suggested to the Mayor that the Presidents of the clubs and fraternal organizations be written a letter offering them a program on the bond package and a speaker for the program; if this is not convenient with the club then urge the President to address his club and urge them to vote for this bond package on December 12.

CITY MANAGER'S STAFF REQUESTED TO CONTACT RETIRED EMPLOYEES' REPRESENTATIVE AND TALK WITH HIM ABOUT REQUEST FOR BETTER BENEFITS FOR THOSE EMPLOYEES.

Councilman Whittington stated all the members of Council since prior to budget time have been approached, individually and at sessions, by representatives of the retired employees asking for some relief in the way of insurance, paying of their social security and this sort of thing. That the answer has always been finances as far as the city is concerned. That he does not know if anything can be done to help them. He requested Mr. Bobo, Administrative Assistant, to have the staff get into this and consult with Chief Glenn H. Beckham and find out what they are trying to do and if there is anything the City can do to help them.

BUDGET OFFICER AND ADMINISTRATIVE ASSISTANTS COMMENDED FOR REPORT ON CITY OF CHARLOTTE TAXES COMPARED WITH 15 OTHER CITIES.

Councilman Tuttle stated he would like to commend Jerry Coffman, Budget Director, Bill Carstarphen, Administrative Assistant, and Curtis Branscombe, Administrative Assistant, for the study of taxes in 15 other cities. He stated he hopes the news media will read it as he believes it is favorable.

He stated Charlotte is No. 8 in the 15 cities studied. When you analyze the study you find that the top city is 139% of our rate and the lowest one is only minus 38. In a mean, or average, of the 15 cities, Charlotte's tax rate for the year 1946 was \$1.49, and the average effective rate for the 14 selected cities was \$1.83. The effective rate for the typical city in the bureau of census study is \$1.98, or 33% higher than Charlotte. That while none of us are proud of our tax rate, we do not want to say that we do have more taxes. The fact remains that we are not a city of high taxes.

Councilman Short stated Mr. Carstarphen provided some information recently indicating since the rollback, Charlotte ranks 20th in North Carolina in tax rate among the major cities.

STATEMENT ON AMBULANCE SERVICE.

Councilman Short stated because of questions about his position on ambulance service, he is making this brief statement:

"I do not believe we should continue the present arrangement in its present form. I did not defend this arrangement in our discussion at last week's Council Meeting. The question is, "How should we change?"

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I think there are several possibilities in addition to operation by the City Fire Department. I do not discount Fire Department operation as one possibility to be considered.

One of these is county operation, administration and financing. The advantage of the wider county jurisdiction is self-evident. Placing ambulance service in the City Fire Department would seem to be a step away from county-wide operation because the fire department is confined to the city limits.

The major North Carolina communities which have abandoned private franchises have, without exception, gone to county operations - Asheville, in Buncombe County, Greensboro, High Point, in Guilford County and Winston Salem.

Last year the taxpayers of Charlotte paid approximately \$12,000 (75% of the \$16,000) to provide ambulance service in North Mecklenburg, and paid only \$7,000 to provide it for themselves. The motion passed last week by my four colleagues tends to perpetuate this situation where the city taxpayer pays several times, but receives service once. County administration of the ambulance service would eliminate the problem entirely.

I think an explanation should be made as to why county operation would not be satisfactory, and why city fire department operation would be better. If this cannot be explained, then I think the City Manager should be allowed to consider this along with other possibilities.

Another possibility is the trip subsidy system used in a number of towns. In March 1967, Saginaw, Michigan, adopted an ordinance providing that for all emergency trips by its franchised operator, there would be a bill of \$25 to the patient and \$10 to the city - a total charge of \$35. They had had troubles similar to those alleged in Charlotte. They went to the trip subsidy plan in preference to other possibilities because they studied the problem and thought it could best be solved by working out proper percentages between the city and the party receiving the service. I am not advocating either their rate of \$35 or their percentages of 70-30, but I think their concept is worth considering.

A combination of good things may be achieved by their 70-30 percentage arrangement or some other percentage arrangement that may be difficult to achieve by any other plan.

First, good, fast, courteous service, without harrassing patients about finances. The City can demand and get this where it is footing a part of every bill. The franchisee is cooperative because he knows most of his expenses are covered in any event by the subsidy.

Second, with an increased income the operator can afford to operate from more than one location, so as to give quick service all over town.

Third, the service is not likely to be abused, because every citizen knows he is going to get a bill for a substantial amount. The service will not evolve into a free one. This point is important because abuse has made municipal ambulance service difficult in some towns.

Fourth, city government has to pay only 30% instead of a much larger percent of the cost of ambulance service. As an example, the City of Columbia, which has a fire department operation, pays 70% of the cost while users pay 30% of the cost. In Saginaw the situation is the reverse - users pay 70% of the cost, and the city pays 30%. Government services should be paid for by those using them, to the extent possible.

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I think an explanation should be made as to why a trip-subsidy operation would not be satisfactory, and why city fire department operation would be better. If this cannot be explained, then I think the City Manager should be allowed to consider this along with other possibilities.

There are other possibilities such as a joint city-county operation; operation by the hospital authority, and various other types of subsidy arrangement such as the city providing space in municipal buildings from which a private operator can operate."

plan
Councilman Alexander asked what the trip-subsidy/did to service; did it improve? Councilman Short replied they have an ambulance firm called the Mercy Ambulance Service which was presenting some of the problems that are alleged in Charlotte; the report is that this plan has achieved all four of the benefits that he has outlined.

Councilman Tuttle stated in the Charlotte News, on November 7th, there was an article from Gastonia: "Gaston County Commissioners have authorized the processing of liens against the property of about 200 persons that have not paid their ambulance bill." It says that since last July 30 through November 3, they had \$32,000 in billings and had collected only \$8,000.00.

CITY MANAGER REQUESTED TO HAVE THE PLANNING COMMISSION, HOUSING AUTHORITY AND MASTER PLAN COMMITTEE TO BRING TO COUNCIL APPROXIMATELY 14 LOCATIONS FOR THE PLACEMENT OF LOW COST HOUSING.

Councilman Withrow stated housing problem confronts Council everytime it meets; that Dr. Warner Hall brought up the problem today; every time there is a zoning matter, he has people call him over the phone and say that low income housing is going on the sites that are being rezoned.

Councilman Withrow suggested that Mr. Veeder be requested to bring to Council a design on low income housing; the Planning Commission, Housing Authority and the Master Plan Committee get together and pick approximately 14 sites throughout the City of Charlotte in areas that would not affect the people who live next door to them. If we pick a number of sites in this order, then we will not have people coming to Council and saying that Council is being unfair to them; that it is not fair for a few people to share all the burden of low rental housing. That we as individuals should share our part of the burden.

He stated he talked to a HUD official from Atlanta this week-end and Atlanta has taken this problem in the way he mentioned today in order to solve their problem, and he thinks we should use this as an example. If our Planning Commission and Housing Authority will get together then we can solve our problems if we need low rental housing like we say we need them.

No one wants low-rental housing close to them; everyone says we need it but just don't put it close to me.

He stated he would like the City Manager to request the Planning Commission, Housing Authority and the Master Plan Committee to get together and come to Council with a Master Plan so that the people will know in what areas low rental housing will be placed.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk