

November 8, 1965  
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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 8, 1965, at 3 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on November 1st were approved as submitted to the City Council.

SURVEY OF HOUSING SUPPLY IN CHARLOTTE BY ATLANTA REGIONAL OFFICE OF PUBLIC HOUSING ADMINISTRATION TO MEET NEEDS OF LOW-INCOME GROUPS RECOMMENDED BY THE MAYOR FOLLOWING HIS STATEMENT RELATIVE TO CRITICISM OF CHARLOTTE OBSERVER OF CITY OFFICIALS REGARDING BLOCKBUSTING AND HIS DISCUSSION OF THREE MAJOR INTERLOCKING NEIGHBORHOOD PROBLEMS.

Mayor Brookshire presented the following statement:

"Last Wednesday the Charlotte Observer, our very fine morning newspaper, carried an editorial under the caption: 'Elected Officials Can Help Turn Back the Blockbusters'. The first part of the editorial was critical of the Mayor and Council, as if the principal burden of the problem rested at City Hall and the Mayor and City Council were indifferent to it. Then half-way through the editorial the tune changed, as if the writer felt that he had made a discovery of the answer, and I quote: 'There is only one answer for the neighborhood or residential section that does not want to be victimized in this way. That is to maintain stability through a common defense effort. The section involved must organize to keep homeowners fully informed and thus build a barrier against panic'.

While the OBSERVER was quite appropriately talking about the problem and evils of blockbusting tactics, the criticism leveled at City Hall was quite obviously taken from a statement out of context, and misquoted at that. Since I made the offending statement, I would like to quote it in full from the machine tape recording of our meeting last Monday, and I quote: 'I think Council certainly has a concerned interest in maintaining neighborhoods, in fact in improving neighborhoods -- but I am inclined to think that perhaps the matter of transition in neighborhoods is a matter that Council can do very little about.'

Quite plainly I was talking about transition of neighborhoods, not blockbusting. To have taken the last part of the statement and apply it to blockbusting is obviously an error.

I have on many occasions given our newspapers, and other news media, credit for the public service they render in reporting and interpreting news. But

as legitimate private enterprise, that is only a part of their business. The rest of their business relates to making money, which of course, I do not condemn. Now I just don't happen to think that newspapers are any more infallible than other types of private or public agencies. I also doubt if our newspapers have demonstrated any greater interest in the welfare, orderly development and progress of this community than have the elected officials at City Hall, who, incidentally couldn't possibly be motivated by the profit, considering the small salaries they receive. If I have been unfair in these remarks to either or both of our newspapers, I apologize, for I have no intention of being unfair and I am not trying to start an argument. I think the point to be made is that misunderstandings develop when two or more related subjects become entwined and when proper distinctions are not drawn, particularly when assumptions are based on error.

Recent discussions in Council and in the newspapers about neighborhoods fall into three major categories, related, yes, but each distinct from the others. Let me try to draw the distinctions.

First, blockbusting - I think a definition by the National Association of Real Estate Boards covers well and I quote: 'A blockbuster is any one who solicits the listing or sale of residential property, either by person or by advertisement, on the grounds of loss of value due to the presence of, or prospective entry into the neighborhood, of persons of another race, religion or color.'

Second is the transition of neighborhoods which we have witnessed, without incident, in Charlotte and other cities for many years. This is where population shifts change neighborhoods from predominately white to predominately Negro in an orderly manner over a period of time. Fourth Ward is an example, and there are many more.

The third in this list of related categories is neighborhood blight, which if not arrested results in slums. Here we become involved in responsibilities and relationships between landlords, tenants and rental agents, as well as the apathy of some home owners.

Where can we look for solutions to these related problems, and when I say "we" I mean the community, not just City Council.

In discussing the first of these problems, in the order mentioned, with leading Charlotte realtors last week, some of whom are present today, I am encouraged to think that a suggestion they will make may help us to help them regulate the unethical practices that lead to blockbusting. I hope so.

In the second of these categories -- that of neighborhood transitions -- we know that deterioration follows the population shift largely because the housing changes from owner-occupied to rental-occupancy, plus the aging process. Here, the best answer I know of, is the strict enforcement of our Minimum Housing Code. Supplementing this, however, and of particular help to families being removed from the Brooklyn clearance project and from expressway right-of-way, is our Operation-Up-Lift committee headed by Mr. Howard Barnhill. This has not been as effective as I had hoped, for the reason that volunteers have only a limited amount of time in following these families to new locations and helping to orient them to new neighborhoods and new standards of living. The work load has been too great. Supplemental also is the full time social worker on the Urban Renewal Commission staff. Perhaps we should look into the need of another.

Efforts are now being made by Mr. Randy Norton and others to have our State Extension Services, now furnished primarily to rural residents, supplied also to city dwellers as well. This should help to raise living standards

and I am giving the effort my support. Incidentally, this matter has been mentioned in council on several occasions by Mr. Alexander.

The third problem, that of greening blight, shows its ugly head in many neighborhoods, both owner-occupied and rental, transitional and non-transitional. Again, the Minimum Housing Code is our most effective single tool. But there are others, where we can get community cooperation. Neighborhood improvement associations, promoted by the Community Improvement Sub-Committee of our Citizens Advisory Committee on Urban Renewal, have been most effective in many parts of our city. Perhaps this can be stepped up, particularly if individuals and groups will take a greater interest in their neighborhoods.

Another suggestion comes from Mr. M. F. McNeil, who devotes most of his time and has done a meritorious job as chairman of this sub-committee, and without pay. His suggestion is that owners of rental property and property management agents establish and enforce strict occupancy regulations that would require tenants to keep their property clean, orderly and to repair any damage done to the property by the tenant. Failure on the part of the tenant to do so would be reported to a clearing house, maintained by the Property Management Association, which would circulate the report to all members of the association for their guidance should this non-responsible tenant look for another house or apartment. Perhaps some tenants would have to leave Charlotte to find another home, but if they are that kind, it would be good riddance. I seriously recommend this to owners of rental property and to the Property Management Association.

I have now covered the three major interlocking neighborhood problems, but there is a situation in Charlotte that has a bearing on all three, to which I invite Council's attention. This is the apparent shortage of standard housing in Charlotte.

I would like to recommend to Council that it authorize an immediate survey of the housing supply in Charlotte by the Atlanta Regional Office of P.H.A. We will have some 2000 public housing units when the 600 now under contract are finished. Atlanta has 10,000. There isn't, in my opinion, that much difference in the needs. I think our needs are under-met, and the condition will become worse if Council authorizes the undertaking of additional Urban Renewal projects, which I hope and expect it will.

This survey also can be helpful to our local developers and builders in their further efforts to meet the needs of low-middle income groups, which they have demonstrated so well they can do. There is, however, an income level below which they cannot meet the needs and make a profit. This is the area of need which must be met through our Charlotte Public Housing Authority, which incidentally, has operated in this field for 25 years without any financial assistance from our local government.

These are some of the problems and challenges which we face as a growing, changing city -- a city that is anxious to get on with the job of making progress equal to our opportunities.

City government is willing and I think able to do its part to the limit of its resources."

Councilman Tuttle remarked for the record that at the moment he neither condones or disapproves of what the Mayor has said and he knew nothing of what he has said until this moment.

AN ORDINANCE TO ASSURE THE STAMPING OUT OF THE PRACTICE OF "BLOCK BUSTING" IN CHARLOTTE PRESENTED AND URGED ADOPTED BY THE BOARD OF REALTORS, FOLLOWING A STATEMENT OF THEIR CONCERN OVER THE DISCLOSURE OF THIS PRACTICE BY CERTAIN UNSCRUPULOUS REAL ESTATE BROKERS IN CHARLOTTE.

Mayor Brookshire recognized Mr. T. R. Lawing, President of the Charlotte Board of Realtors and stated that Mr. Lawing had contacted him last week relative to appearing before Council today on a matter that has been discussed by Council and covered by the news media.

Mr. Lawing presented the following prepared statement:

"The Realtors of Charlotte are more concerned than any other group about the recent disclosure in The Charlotte Observer of 'block busting' practices by certain uncrupulous real estate brokers in our city.

The purchase of real property by a member of a minority group frequently invites entry of profit motivated real estate practitioners who attempt through using fear, intimidation, and other "scare tactics" to take advantage of uninformed property owners through the use of 'Hock busting'.

'Block busting' is a term that has come into use in recent years - yet its precise meaning has been difficult to understand. In order that all concerned may be aware of its true interpretation, I would like to read the definition as outlined by the National Association of Real Estate Boards:

'A block buster is anyone who solicits the listing or sale of residential property, either in person or by advertisement, on the grounds of loss of value due to the presence, or prospective entry into the neighborhood, of persons of another race, religion or color.'

Realtors in several other cities in the United State have observed that unwarranted alarm and panic, and not the presence of a particular family, has been the cause of depreciated property values. Being a native Charlottean I have watched many neighborhoods go through a transitional period. These have included Smallwood, Druid Hills, the areas around Irwin High School, around Zeb Vance School and First Ward. Where orderly transition has taken place homeowners have been urged to accord treatment to a minority family no different than that treatment accorded any other new family moving into a neighborhood. Where this is done values do not decline and as the demand for property in the areas increases many values also increase.

The National Association of Real Estate Boards, of which the Charlotte Board of Realtors is a chartered member, abhors and deplores 'block busting' practices and any tactics which substitutes panic and fear for calm reasoning. Last November, as President-Elect of the Charlotte Board of Realtors, it was my privilege to be the delegate representative at the convention of the National Association of Real Estate Boards at Los Angeles, California. At this convention I voted in favor of the adoption of a national Statement of Policy. This policy in part declares: 'Realtors should continue to condemn any attmpt by persons, licensed or unlicensed, within or without the real estate business, to solicit the sale of real estate in residential areas by conduct intended to implant fears in property owners based upon the actual or anticipated introduction of any racial, religious, or ethnic group into such areas. In the event that a Realtor's counsel is sought by a client with respect to property situated in an area which is undergoing transition in terms of occupancy by members of racial, or ethnic groups, the Realtor should take particular care to render objective advice and to urge upon the client that the client decide with respect to

the disposition of his property without undue haste and only after sober reflection. Realtors may properly oppose any measures, which have the effect of censoring the right of a broker fully to advise his client, in such matters, as to all factors which the broker in good faith believes to be relevant to an informed decision by his client.

We would like to publicly commend the Charlotte Observer for having brought to the attention of the public that 'block busting' has taken place in Charlotte. The best defense against this is by educating the property owners and the Charlotte Realtors are here today to offer their services in meeting with groups or conselling with individuals to keep them from making hasty decisions that they would later regret.

The Realtors would hope that the problem of 'block busting' can be controlled by an enlightened public and that additional laws would not be required; however, we have done considerable research and find through the Chicago office of the National Association of Real Estate Boards that since 1962 eight cities such as Detroit, Chicago, Illinois, Kansas City, Missouri, Buffalo, New York, Toledo, Ohio, East St. Louis, Illinois, Peoria, Illinois, and Wichita, Kansas have adopted 'block busting' laws. Many states control this through their state licensing laws. Perhaps a change in the N. C. licensing law could give statewide control.

I have with me today a sample ordinance prepared by the National Association of Real Estate Boards, copies of which will be given you gentlemen now. The Board of Directors of the Charlotte Board of Realtors, by vote last Wednesday, urge your consideration of the enactment of a proper ordinance to assure the stamping out of the practice of 'block busting'. If an ordinance such as this were adopted in Charlotte it would be declared the public policy of the City of Charlotte to secure for all of its citizens and residents the peaceful enjoyment and occupancy of residential real property free from damage or disturbance by reason of the race, color, religion, national origin or ancestry of any citizen or resident, and to secure the basic rights of all citizens and residents in selling, leasing, purchasing, and occupying residential real property in the city.

Under such an ordinance it would be unlawful for any person to solicit for sale or lease property on the ground of loss of value due to present or prospective entry into any neighborhood of any person of any particular race, color, religion, national origin, or ancestry; It would also be unlawful to distribute or cause to be distributed written material designed to induce any owner to sell his property because of the same reason. It would be a violation to exert force or violence upon any owner on the ground that he sold his property to a person of any particular race, color, or religion. It would be unlawful to exert force or violence upon persons lawfully occupying property on ground of race, color, religion, or national origin. It would be unlawful to threaten to damage any real property owned by, sold to, or lawfully occupied by any person because of the above reasons.

A survey of the laws in other cities shows penalties for violation ranging from \$25.00 to \$500.00 and from 10 days to 1 year imprisonment. Some also revoke the real estate license.

Article 3, Part 1 of the Realtor's Code of Ethics, which the Charlotte Board adheres to, dealing with Relations to the Public declares it is the duty of the Realtor to protect the public against fraud, misrepresentation, or unethical practices in the real estate field. (He should endeavor to eliminate in his community any practices which could be damaging to the public - - ) If a Realtor is charged with 'block busting' as here-to-fore described he could be expelled from the Charlotte Board of Realtors on grounds of violating this Article.

We sincerely ask the homeowners of Charlotte who know of any unscrupulous activity or pressure to sell to report it to the Charlotte Board of Realtors. If a Realtor is involved we guarantee that all within our jurisdiction will be done to correct the situation.

Indeed, the Realtors, individually and collectively, offer our services to appraise, counsel, or advise, free of charge, where anyone is about to be taken advantage of.

We are confident we can control the actions of our members without additional legislation. Unfortunately all persons holding real estate licenses are not Realtors and do not subscribe to our Code of Ethics. We hope the 'block busting' in Charlotte is confined to a small area and that the publicity so ably given it by the local press will stop the practice entirely. The decision, of course, as to whether additional legislation is needed rests with you gentlemen. We stand ready, willing, and able to help in any way possible."

Mayor Brookshire remarked to Mr. Lawing that his statement is very fine and commendable, and he personally thanked him for coming and for the statement he has made, and he thanked the other realtors for being present.

Councilman Whittington remarked that he, too, would like to take this opportunity to thank the news media publically for the statement in the paper and for the publicity given to this subject of blockbusting which has been discussed for the past three weeks. Secondly, he would like to thank and commend the Board of Realtors for the action they have taken in bringing this to Council. That he thinks if we have not accomplished anything else we have exposed to a degree some of the people who are coercing and putting fear and anxiety into some of the people in these neighborhoods.

Councilman Whittington moved that the Ordinance, as written and presented, by Mr. Lawing for the Board of Realtors, be given to the City Attorney and that he be asked to study it and make recommendations to Council at next Monday's meeting. The motion was seconded by Councilman Tuttle.

Councilman Alexander commented that during the past week he had calls from three real estate agents who are involved in this type of activity. That on checking he found they are not members of the Charlotte Board of Realtors, therefore, they would not come under the jurisdiction of the rules under which the Board of Realtors deal with this type of thing, however, they would come under the ordinance if it is passed by Council and he understands this is where most of the problem is, and certainly he would be highly in favor of the adoption of such an ordinance.

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

#### SURVEY OF HOUSING SUPPLY IN CHARLOTTE BY ATLANTA REGIONAL OFFICE OF THE PUBLIC HOUSING ADMINISTRATION AUTHORIZED.

Councilman Short moved that Council authorize the survey of the housing supply in Charlotte by the Atlanta Regional Office of the Public Housing Administration. That he thinks we have certainly lagged behind the other cities in meeting the public housing needs. The motion was seconded by Councilman Whittington.

Mayor Brookshire commented that if Council approves the motion certainly this would also make a contribution to the alleviation of all three of the major problems to which he referred in his statement.

The vote was taken on the motion and unanimously carried.

YOUTHS, REPRESENTING POSITIONS OF CITY OFFICIALS, DURING YOUTH APPRECIATION WEEK, WELCOMED TO COUNCIL MEETING.

Mayor Brookshire recognized and welcomed the Youths who were present to participate in a program arranged for Youth Appreciation Week. He stated that after the Council has completed its business he will have these young ladies and young men, who were elected by their groups to represent the positions of City Councilmen, City Manager, City Attorney and the Mayor, to come up and occupy their chairs and conduct a session of their own and we can see how they would handle city business.

DR. HAWKINS REQUESTS THAT CONSIDERATION BE GIVEN INTEGRATED HOUSING IN CHARLOTTE AND THAT THIS BE PROVIDED FOR IN THE ORDINANCE RECOMMENDED BY THE BOARD OF REALTORS FOR COUNCIL CONSIDERATION.

Dr. Reginald Hawkins advised that he came to this meeting to listen to the proposals by the Board of Realtors and he was a little disturbed at the ordinance that was offered by them for consideration by the Council. That he realizes this community is undergoing a turmoil as far as housing is concerned, highway construction, urban renewal and code uplifting, etc. That he has not heard anyone here say that he would be willing to work toward integrating housing in this community. That we know there is a trend toward moving all of the negroes into one section of this city. As he understands it, there is not a negro member of the Board of Realtors in Charlotte. That he would like for the Council to ask the Board of Realtors whether they have any objection to offering housing to negroes in any area of the town, before this ordinance is considered. That he is a little afraid that the realtors who are not members of this Board might be harrassed by such an ordinance and dragged into Court because they offer housing to negroes in all white sections or offer housing to white people in all negro neighborhoods. That he would say to the Council that we be very considerate of this situation of integrating housing in the City of Charlotte and make this one of our objectives, as we should do under urban renewal and highway construction ... this is what the Federal Government requires. That we are all interested in block busting but block busting can be used both ways, and he thinks that consideration should be given all the people in this community.

RESIDENTS OF IDLEWILD DEVELOPMENT EXPRESSES OPPOSITION TO THE REZONING OF PROPERTY ON FARMINGDALE DRIVE.

Mr. John Brigel, 6705 Edenwood Place, speaking in opposition to the petition for the rezoning of property on the east side of Farmingdale Drive, from residence to business, stated it is evidently difficult for the Council and the people in Charlotte to take into consideration that homeowners, like himself and others in the Idlewild area, have made the biggest investment in their homes that they will make during a life-time. That he lives about one mile from where the zoning change would be made but changes in the zoning could continue on through the Idlewild subdivision and reach his area. That it may seem to some people that the residents are being unfair in being so upset but it seems to him when someone wants something in Charlotte they come to the Council who nods for them to proceed and that is it. That the homes in Idlewild were purchased only one and two years ago and the purchasers were under the impression they were getting away from some of the problems of heavy traffic etc. That the homes range from \$12,000 to \$22,000 which may not be a lot to some people but it is to them. That it seems a shame when this development was being sold that someone could not know that this change was going to take place. That if Council can tell them that the change will not decrease property values and will not create problems for their families, he will be glad to listen. That it appears that this change was known to a number of parties six to eight months ago, and he thinks that somebody should take the time and effort to put themselves in their place. Council sends people to study

the Police Building in Louisville, and into other places to study housing and spends all kinds of money on the Downtown Development, but they do not give much consideration to the people living in Charlotte. Now, they want to be good citizens, and they do not feel they are asking too much that Council put a stop on this horse-play. That they have to sit here and watch these people in this area lose because the business man wants to reap a big harvest, while six to ten months ago someone could have said this is going to happen. That he does not blame Mr. Ervin or Mr. Harris, or anyone else but he thinks they should not be allowed to sell people down the river. That he says again, why can it not be set up in such a manner that people who buy into an area can have some protection? That he still believes City Chevrolet going out there should give the residents some consideration, who are struggling to keep their homes. That he does hope that sometime, someone will sit down and say to himself the same thing could happen to me. That he has lived within a mile of a large automobile industry and he knows what it is, and even though they assure them that this and that is not going to happen, he knows it is going to happen. That he does not think it is being unfair to ask that this petition be reconsidered. That there is money involved, taxes involved and politics involved - that they are asked to vote for a bond issue to make Charlotte better - they are not against this, but they want some protection against things like this rezoning. That if Council thinks he has been unfair, to just reverse the situation and see how it would be if it were happening to them.

Councilman Tuttle advised Mr. Brigel that he has been out to their neighborhood five times and he is not ready to nod to the question. Mr. Brigel asked Mr. Tuttle if he thinks these people should not have a chance to voice strong objections; that he hopes some of the other Councilmen will feel the same way. That to him this is just a power group and someone has to stop it, and he thinks the place to stop it is here in this room.

TRAFFIC ENGINEER REQUESTED TO MEET WITH CHAIRMAN AND MEMBERS OF SAFETY COMMITTEE OF RAMA ROAD ELEMENTARY SCHOOL IN REGARD TO THEIR REQUESTS FOR CROSSING GUARDS AT DEVRON DRIVE AND RAMA ROAD, AND AT LYNNBROOK DRIVE AND RAMA ROAD, AND GRAVEL SIDEWALK ON KIRKPATRICK ROAD, AND BRING HIS RECOMMENDATIONS BACK TO COUNCIL.

Mrs Mark de LaRue, Chairman of the Safety Committee of Rama Road Elementary School, advised that they have had correspondence with the City about safety measures that should be taken for the school children, and appreciate the survey having been made by the Traffic Engineering Department. She presented a map of the school area pointing out Rama Road, which as a major access road carries heavy traffic at high speeds; she stated that the children from Stonehaven must cross Rama Road, and they would like to get the children off the Stonehaven side of the road because of the bulldozers and trucks in connection with the heavy residential construction along the Road. So they would like to have the school zone extended to Devron Drive, this being about two blocks from the school, and they would like to have a School Crossing Guard at Devron Drive and also one at Lynnbrook Drive, which is at a bad curve and is the entrance to Queens Grant Subdivision. That Kirkpatrick Road is a very narrow street, and the Traffic survey showed that 57 children are walking and riding their bikes between 7:30 and 8:30 in the morning on this street, which is 22 feet wide with one foot shoulders, and they are asking for a gravel sidewalk; that the traffic survey showed that 103 cars travel this street in both directions during these hours, and the Traffic Engineer states this is not sufficient to warrant the sidewalks, but she thinks that it is.

Councilman Whittington asked Mr. Hoose, Traffic Engineer, to comment on

Mrs de LaRue's requests and say what he recommends for the School. Mrs de LaRue gave Mr. Hoose a copy of their letter and stated they have changed some of their original requests.

Councilman Short asked Mr. Hoose to also comment on the fact that the items listed as requested by Mrs de LaRue do not seem to be the same as the items now mentioned by her.

Mr. Hoose stated when you lengthen a school zone it is harder to control it, and if this one is lengthened as requested it would be 3,800 feet, and in between Lynnbrook and Devron the vehicles are going to speed up. That it is better to have the zone more compact, because you have less points of conflict between the vehicles and children. And when the construction goes over to the other side of the street you would have the same problem there. It is much better to have the children cross at one intersection or stay on their side of the street to a certain point. That he thinks it would add to the hazards on Rama Road by putting on Crossing Guards. That he thinks this is one of the schools that should be taken into consideration to see if some consolidation could be made, in fact he is working on it at the present time. That they made a survey on the request for a gravel sidewalk on Kirkpatrick Road and turned it down. That the same children walk on Nottingham Drive to Kirkpatrick Road where there are no sidewalks, and the vehicles on Kirkpatrick are going to school so they should be very familiar with the necessity for caution.

Mayor Brookshire asked Mr. Hoose to confer further with Mrs de LaRue and come back to Council with his recommendations.

Councilman Tuttle asked Mr. Hoose when he goes out there to please meet with Mrs de LaRue and her Committee.

ALBERT PEARSON EXPRESSES HIS VIEWS ON POLICY OF BOARD OF REALTORS; STANDARD SAFETY MEASURES FOR SCHOOLS AND PARKING IN DOWNTOWN CHARLOTTE.

Mr. Albert Pearson stated he happens to have a real estate broker's license but he is not a member of the Board of Realtors because a man has to practice three years before they will allow him to be a member. So he does not think the Board of Realtors are too interested in the people of Charlotte going into the real estate business. That he thinks they are wrong in making a person wait this length of time to give him the opportunity to get in the proper circles to make a living.

Mayor Brookshire remarked that he thinks this is a matter that Mr. Pearson should discuss with the Board of Realtors and not the City Council. Mr. Pearson replied that the Board of Realtors are insinuating that it is the real estate agents who are not members of the Board who have caused all of this trouble.

Mr. Pearson stated he would then like to say something about block busting, which the real estate people who are not members of the Board are blamed for. He asked if he is to understand that transition means going from one color to another? Is he to understand that it is bad to make a deal in which the property owner loses money block busting but if he makes money it is alright?

Mr Pearson advised that he wants to read a letter and to ask the Council if this is their policy. He stated the letter was written after a meeting here in which temporary sidewalks were being discussed, and the man asked if temporary sidewalks could be installed by the City, would it not be a

good idea to have the people in the neighborhood pay the difference and have a permanent sidewalk. He stated the report said that 34 school children walked along Westfield Road, south of Tranquil Avenue, between 8 and 8:30 a.m. during which time 21 to 30 cars traveled. In the afternoon 68 school children walked along Westfield Road from 2 to 2:30 and 40 to 47 cars traveled the street. That the report said that after a careful analysis, it was recommended by the Traffic Engineer and Police Department that the temporary sidewalk not be installed due to the wide street width and that a check would be conducted later. Mr. Pearson stated that in other words they took the position that this street has curb and gutter and it is alright to put 6 year old children to dodge automobiles in a half hour period, and it would be the same if there were 50, 70 or 200 children. He stated this was in 1963, and it has not been brought up before waiting for the opportune time, but he thinks it is time the Council had the Traffic Engineer set up standards for all the schools and not wait until people come up here and beg for them.

Mr. Pearson remarked that what he really came before the Council today for was the parking downtown. That he has a paper he would like to show Council which says "Gastonia Licks Downtown Ailments" and goes on to say that the people in the downtown area of Gastonia got together and formed a corporation to finance parking, and he would like to say that it is time the members of the Downtown Charlotte Association and the Chamber of Commerce put out as well as take in and see whether they are leaders or bleeders of the City of Charlotte.

RESIDENT OF WESLEY HEIGHTS ADVISES NO MEMBER OF THE BOARD OF REALTORS HAS ENGAGED IN BLOCK BUSTING IN THIS AREA AND PUBLICITY WILL MAKE SALE OF THEIR PROPERTY DIFFICULT.

Mr. C. G. Long, 616 Walnut Avenue, stated he has been a resident of Wesley Heights for the last 33 years and he wants to say for the benefit of the press that they have had no block busting in Wesley Heights; there has been some near by and they give their sympathy to those people. He expressed his heartiest thanks and commendation to Councilman Alexander for the attitude he has taken in this matter. That he would like him and the other members of the Council to believe that his attitude towards the other races and nationalities is charitable. That they in Wesley Heights stick together and are proud of their community and constantly trying to improve it, they are fighting blight and hope to make a success of it. That no member of the Board of Realtors has engaged in any solicitation of property for sale in Wesley Heights on the basis of race - that he has personally investigated this - there are some people who are going from house to house and they are using this and are spreading untruths. That he can say that they will do everything in Wesley Heights to see that the community abides by the law so far as civil rights and human rights are concerned; that they also believe in property rights and they are going to do everything they can to maintain the status of their homes. Mr. Long stated further that the publicity, which they did not seek, is going to make it more difficult to sell property in Wesley Heights. We know it has happened in other cities - first they create panic, then they move in and make the fast dollar. He told the Council that he is very glad that they have become interested in this matter, and we all know the newspapers have not been quite as factual as they could have been.

Mayor Brookshire thanked Mr. Long for his statement and for coming down.

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ORDINANCE NO. 393-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING THE ZONING OF A TRACT OF LAND ON THE WEST SIDE OF KILBORNE DRIVE, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 393-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to R-9MF of a tract of land on the west side of Kilborne Drive, beginning approximately 765 feet north of Central Avenue, as recommended by the Planning Commission, on petition of Ed Griffin Development Corporation, was adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 233.

PETITION NO. 65-90 FOR CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND "A" AVENUE, DENIED.

Councilman Tuttle moved that Petition No. 65-90 by Mr. Joe F. Fisher, for change in zoning from B-1 to B-2 of a tract of land at the southeast corner of Beatties Ford Road and "A" Avenue, be denied, as recommended by the Planning Commission. The motion was seconded by Councilman Albea, and unanimously carried.

DECISION ON PETITION NO. 65-96 FOR CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF FARMINGDALE DRIVE POSTPONED FOR ONE WEEK.

Consideration was given Petition No. 65-96 by Mrs Gertrude Wallace, as amended, for a change in zoning from R-9 to B-2 of the property on the east side of Farmingdale Drive, beginning 400 ft. from Independence Boulevard; the petition having been amended by the withdrawal by the petitioner of all the property requested rezoned to O-6 and of the portion of the property on the northerly side of Farmingdale Drive requested rezoned to B-2.

At the request of Mayor Brookshire that the petition as amended be explained, Mr. Fred Bryant, City Planner, presented a map of the property and stated the original request was for B-2 zoning on Parcel No. 1 which extends along Farmingdale Drive approximately 390 feet and extends back 1,086 feet; Parcel No. 2 is a parallel parcel to Parcel No. 1, 195 feet in width and extends across Farmingdale to a power line, this parcel was requested for O-6 zoning. Parcel No. 3 was requested for B-2 zoning and is across Farmingdale from Parcel No. 1. He stated that all of Parcel No. 2, requested for O-6 zoning, has been withdrawn and also Parcel No. 3 which was requested for B-2 zoning. Mr. Bryant stated that the portion of the property remaining for rezoning is all of Parcel No. 1, which is the area extending along the west side of Farmingdale Drive 390 feet and extending parallel to Independence Boulevard 1,086 feet.

Councilman Albea asked how many feet remain for rezoning, and Mr. Bryant stated along Farmingdale Drive it totals 790 feet, including what is already zoned.

Councilman Jordan asked what the distance would be from residences to the business zone, and Mr. Bryant stated from the rear of the residential lots facing on Amity Place to the beginning of the Business zoning would be about 360 feet.

Mr. Glenn Hardyman, Attorney, stated he is appearing for his partner Mr. Lobdell who represented the opposition to the proposed rezoning at the public hearing, and he was unable to be present today; that he has a legal

question with regard to the withdrawal and some information he thinks should be brought before the Council regarding the change in the petition. That the public hearing was held on their original petition but now they have a new petition so as to speak, and he would appreciate the opportunity of speaking.

Mayor Brookshire advised Mr. Hardyman that this is not a public hearing, that it was held on October 18th.

Councilman Albea stated that he thinks Mr. Hardyman should be heard. Councilman Tuttle stated that we are allowing the petitioner to be heard and he sees no reason why this gentleman should not be heard also. Mayor Brookshire advised that under the circumstances Mr. Hardyman would be heard.

Mr. Hardyman stated he wishes to direct a question to Mr. Kiser, City Attorney. That they disagree with his ruling that the withdrawal of the O-6 and B-2 areas on the west side of Farmingdale, as well as the O-6 on the east side of Farmingdale will defeat the 3/4 vote requirement. That their position is that this is governed by the N. C. General Statutes, as supplemented by appropriate provisions of our city ordinance, which ordinance says that a protest petition is effective when it is filed by the required number of property owners two working days prior to the public hearing. That it is their position that a public hearing is such as defined by the Statutes, and it was preceded by an appropriate protest petition, and it is their further position that since they filed a protest petition on October 13th, two working days prior to the public hearing on October 18th, and since the City Attorney has previously ruled that their petition was sufficient to invoke the 3/4th rule, no act on the part of the petitioner in this matter at a later date, would have the effect of removing the 3/4th rule, yet the Petitioner by withdrawing an area of land is allowed to defeat the statutory right of filing a protest petition, and there is no protection whatever in the Statutes. That it is their position that either (1) they should not be allowed to withdraw this area and the matter should be referred back to the Planning Commission for further consideration, or (2) he and his clients should be given another public hearing and two days prior to the public hearing they would have the opportunity to file a protest petition, and they have not had that opportunity.

Mr. Kiser, Acting City Attorney, replied that he does not know if he can get a question out of those remarks, it seems to be a comment leading to disagreement with the interpretation that one attorney has made. That one cannot resolve a disagreement between attorneys without getting some judicial determination of it. He explained the position of the City Attorney's office on this matter - that the petition originally filed covered a certain land area, the public hearing was held on that petition covering that land area. Subsequently, within the rules previously attaining to zoning amendments, the petitioner withdrew a portion of the land originally covered in the original petition. That no second public hearing is necessary because of the fact that a public hearing has already been held on all of the land that is now included in the petition. That this is the position that we have taken not only in this case but in others.

Mr. Hardyman asked does this not in effect mean that they were not given an opportunity to file a protest petition that would be effective? Had the petitioner originally chose to file his petition in two petitions they could have filed a protest petition by the people on Shelly Avenue and secured the signature of the landowner - that is I. T. Wallace of the First Union National Bank. They have never been given this opportunity. That this is basically his position, that by allowing the petitioner to withdraw

land at will like this, the City Attorney is defeating whatever rights his clients have under the Statutes.

Mr. Kiser stated that again he has to disagree with Mr. Hardyman. That at the time of the original notice of the public hearing, the land area was described, all people who were interested in protesting against the original petition against the rezoning of all of the land area described, had an opportunity to do so. The fact that only a portion of the land owners appeared and protested, that portion being those who were petitioning to invoke the 20% rule effecting that property within the defined areas, makes no difference. If there were others who could have appeared and could have in effect invoked the 20% rule, the fact that they did not cannot be helped at this time. Another point - the petition as amended withdraws the area which is close enough to the property of the protestants for them to invoke the 20% rule. Had the original petition been filed in such manner that it also excluded that area, the protestants would be in no better position than they are now.

Mr. Hardyman stated he agrees with Mr. Kiser except they would have had an opportunity to secure the signature of the landowner. That lawyers seldom agree - so he will let it go at that.

Mr. Hardyman stated they feel there are some facts that should be brought to the attention of Council regarding the question of the rezoning of this property. That they do not have access to the Minutes of the meetings of the Planning Commission, and they do not know what transpired at that particular meeting, and their information comes primarily from the newspapers, that in the Charlotte Observer on October 19th, the following appeared after the Planning Commission's recommendation:

"The City-County Planning Commission which heard the request along with the Council, and which makes the recommendations on the rezoning, decided to work for a compromise. The Commission instructed Fred E. Bryant, Director of current planning, to talk with the developers about what the Commission considered would be the accepted depth of the business zoning, and about 800 feet of the request was granted, and the possibility of withdrawing the request for rezoning on the west side of Farmingdale Drive, a strip for which a use has not been committed."

Immediately after the Planning Commission met he contacted Mr. Bryant and also the Attorney for the petitioner and advised them he represented a group of landowners in Idlewild and who were very willing to work for a compromise, particularly with reference to the 800 ft. depth. He heard nothing further until the announcement of the Planning Commission this past Tuesday night. We were completely willing to work for a compromise and were led to believe that the 800 ft. depth would not or could not be compromised. Mr. Hardyman stated he does not know what happened to the Planning Commission's feeling about the accepted depth. The Planning Commission has approved the petition as amended, this is not a compromise, and he would like to make it clear here that they have never accepted this as a compromise or as an acceptable proposition to them. They discussed with representatives of the petitioner the possibility of taking this entire area which was withdrawn and putting deed restrictions on it, so that it could be used for residential purposes only. By using deed restrictions they would have been assured of the use of this land for residential use. They would not have had to worry about the possibility of future requests for rezoning. This was not acceptable, they object to the 790 feet depth of this zoning in this residential area.

Mr. Hardyman stated that The Charlotte Observer this past Wednesday,

with reference to the withdrawal of a part of the land, quoted a member of the Planning Commission as saying: "You are pretty well committing yourselves to future changes which leaves an illogical situation on the west side of Farmingdale". That he takes it that he meant in the future you gentlemen can look forward to someone requesting the withdrawn area to be rezoned - so in effect, they had no compromise. He stated he feels that maps are deceiving, the 300 ft. so-called buffer zone does not look too bad on the map shown by Mr. Bryant. He passed around an aerial photograph taken of this entire area from about a half mile west from Sharon Amity, almost at Idlewild Road. He advised that the area marked in white on the map indicates the proposed location for City Chevrolet and called attention to how close it would be to the homes. He also called attention that all of the land in this area is completely undeveloped, with the exception of the Amity Gardens residential area and the Idlewild strip. He stated this is really a case of zoning that effects the use of the land; that when zoning reverts to zoning for each individual stipulation, he submits that you have no zoning.

Mr. Hardyman stated that he is a resident of this community and lives approximately a block and a half from the intersection of Amity Place and Farmingdale Drive. That when he bought out there, he checked the zoning map and saw that Independence Boulevard on this side of the street was zoned almost uniformly less than 400 feet; on the other side of the street there were several places where it extended to 1,000 feet. That Courtesy Ford did not have to have that area rezoned, it was zoned that way originally. That if he had suspected that this particular area where he is would be rezoned at a uniform depth of 800 feet, he definitely would not have bought his house. That most of the people in the area considered this, and checked into this matter one way or another. These people should be able to rely to some extent on the zoning law. That we have perimeter zoning to provide for the uniform development of the county so that it will be compatible with the city when we annex it at a later date. This area was completely vacant two years ago except for Amity Gardens, and that was when it was zoned for 400 feet. If it is to be rezoned for 800 feet, and the Planning Commission feels they made a mistake, he feels they should have some reason why they were mistaken at that time. Again he feels this is a case of zoning to fit one particular business, and not zoning for the benefit of the community as a whole, and not zoning that would be of interest to these people.

Mr. Hardyman passed around two other photographs, and stated one shows how far 300 feet is from these houses. That the picture was taken right at the point where City Chevrolet would be. That the house at the corner costs \$23,000, and there are two other houses across the street which are substantial homes. He stated their problem is how far is a 300 foot buffer zone and he says it is no buffer at all when you are dealing with this type of houses. First of all, 350 feet if it stays R-9 is one thing, but when they come back, and he submits they will, and seek to rezone this area, they will have to put in an O-6 or duplex zone right behind the B-2, and this will cut down their exclusively R-9 buffer zone. He asked Council to picture themselves on their front porch on a nice evening, and think three houses away - that would be at the door-step of the 4th house - this is how far 350 feet is; and he submits this is not sufficient buffer zone; and asks that Council not approve the petition as amended.

Councilman Short asked to whom was the propoerted compromise concerning the use of these restrictions offered and who rejected it? Mr. Hardyman replied he discussed this matter in his office with Mr. Louis Rose, who is the real party interested and he owns the option he understands. That he has not seen it even though he was offered a copy of it. The offer was conveyed by Mr. Charles Ervin even though he would not have had the authority to

make it binding since he did not have the option. That this was discussed with him by both Mr. Ervin and Mr. Rose. That at the time he was not representing the property owners, and later it was discussed with them and they said this was not acceptable.

Councilman Short asked if Mr. Hardyman's comment indicates that he would prefer this petition as originally filed rather than the way it is now amended, because apparently we do not attempt to accomplish by deed restrictions, that which has now been removed by the amending of the petition? Mr. Hardyman replied his only thought in bringing that out was there apparently has been some misunderstanding that they approve this compromise of the withdrawal of the area, and they do not approve it at all and he doesn't want anybody to think they approve it. That they are opposed, not only to the proposed O-6, but to extending the B-2 zoning down a residential side street to houses in this particular price range, a distance of 300 or 400 feet or 790 feet, leaving a 350 foot buffer zone.

Councilman Short asked if he can show on the map what he would have accomplished with the deed restrictions? Mr. Hardyman stated this proposed compromise was worked out in discussions, but never finalized with exact language in it, and he does not want Mr. Short to think they got down to the signing table and balked at the last minute. This was just something that was offered by Mr. Rose initially in an effort to work out the general matter. He pointed out Independence Boulevard, Farmingdale on the map, and also the area that would have deed restrictions limited to residential uses, and they are thinking in terms of R-6MF and high family type residences. That the area on which no zoning change is requested would be subject to Idlewild Subdivision regulations. The purpose to be by putting subdivision regulations it would preclude the building of cheaper houses and would have a price range of \$14,500 to \$23,000.

Councilman Short asked if this was the compromise that Mr. Hardyman was authorized by his clients to suggest? Mr. Hardyman replied that they suggested it. That he refused it, individually, and on behalf of the people he represents.

Councilman Whittington asked if he is aware that the petitioner has either suggested or stated that he would make the two lots facing Farmingdale R-9? And if there has been any discussion as to some negotiations whereby if the petitioners would agree to these deed restrictions, or if they would agree that if R-9MF would be established there, would there be any basis for compromise then? Mr. Hardyman replied yes they are aware of this but it is not acceptable.

Councilman Whittington stated he is simply trying to say that if what Mr. Hardyman has said that there was some room for negotiation between the people who live on Shelley Avenue and Amity Place, that would be acceptable to them and the 800 foot B-2 be put in from Independence Boulevard down Farmingdale. Mr. Hardyman replied their position has been all along that they are unalterably opposed to the 800 foot depth regardless of restrictions put on the other land.

Mr. Richard Meek, Attorney, stated he represents the people in Amity Gardens, and he would like to say a few brief words. That he lives right at the corner of Shelley Avenue and Amity Place and he not only objects personally but on behalf of all of the Amity Garden people. That he obtained a petition signed by all these people which adjoin the area which was originally proposed rezoned, and he would like the public to know about this. Because they signed this petition, the 6 to 1 Rule was invoked, and now because a certain area has been withdrawn that means the vote can be cut down to 4 to 3, and he

would like the people in the audience to know this. That he would like to say first, with all respect to Mr. Kiser, that only 20% of those along an adjoining line - those who own 20% of the area - must join in. Since this right of way was 70 feet in width, that means they had 30 feet because you must be within 100 feet to invoke the 6 to 1 rule, and that each of these people by signing the petition invoked the Rule. Now, by withdrawing this portion, there is no other opportunity for them to file a new petition. If they had know this could happen and anticipated it, there is a possibility that the landowner on the far side would have signed the petition as he alone could have signed his name and invoked the 6 to 1 Rule, but they did it by the people, other than him, signing the petition. That he says they haven't been done right on the 6 to 1 vote and they should be given another opportunity to obtain this other man's signature. That he would like the Council to think of one thing - this whole thing has proceeded on this one theory, that they must go back 790 feet and it is a simple matter, and just common sense, that the reason they want to go back is because they cannot go sideways. The man who owns this property will not sell, and that is the reason they are going back towards Idlewild section, toward Amity Garden section; its a matter of economics. They want that property, they want to be in close; that he is not opposed to making money, but why make it at the expense of these people who live out there. That when the Planning Commission first zoned this area, they said 400 feet on either side of Independence; at that time they thought 400 feet was the correct depth and now there has been a change and he says why change it now. The reason is, because big business wants this piece of property right here. That he is not here just because he has been retained, he has a personal interest in this and there are other people who have an interest, and they object to it; they want to be heard and if they could, there are 150 to 200 people who would like to come in here and say the same thing he is saying.

Councilman Tuttle remarked that with all due respect to Mr. Kiser's opinion, we have two attorneys who disagree with him. He asked Mr. Kiser if we should be wrong in this case, could the City be held liable for damages to these people.

Mr. Kiser, Acting City Attorney, replied that he doesn't suppose we could take a count of the attorneys present, and perhaps get an opinion as to which side would win if we took a popularity vote. Councilman Tuttle stated his specific question is could we be held liable if later proved that we were wrong with the 3/4th vote? Mr. Kiser replied he does not see any basis for any liability for damages on matters such as that. The the question that would be presented before the Court in any matter would be framed by the attorneys involved in the case, but he imagines what would happen in this particular instance would be that the protestors would file suit to enjoin the issuance of a building permit requesting that the ordinance amending this area be set aside as invalid, and the case would be determined on that question, without getting to the point of damages to any property. Councilman Tuttle stated then there could be a question about the 3/4th Rule? Mr. Kiser replied there could be a question on any legal interpretation that would have to go to court for an ultimate determination. Councilman Tuttle stated he is wondering if we should postpone this matter until we get a ruling from the Attorney General.

Councilman Short asked if the parties to the south are not parties to this action, and although they did not join in the protest, are they not in some other way parties to this action? Mr. Meek replied he understands that Mr. Wallace was who owns this property to the south, and Mrs Gertrude Wallace although he does not recall seeing her signature on the original petition.

Councilman Alexander asked Mr. Meeks if he understands that the general protest is against the extension of the zoning of this property some 790 feet against their property? Mr. Meeks replied that is correct, that coming in from Independence they already have 400 feet, just inside the city limits you have 300 feet, already that comes in 400 feet. They already have an additional 100 feet, the minute they go outside the city limits. That he and the others object firmly to them coming to any point beyond the 400 feet. That they have gone back even further than it is towards town. When you come in 390 feet you are bringing it right into a residential area. The next thing Council will have is a petition to change this little area to a Handy Pantry store or something, and the next thing will be for the Wallaces to come on out all the way to Idlewild, 800 or 900 feet. There is no point where this might stop, but today there is a point, and this is where it can be stopped.

Mr. Ben Horack, Attorney for the petitioner, stated for the record he does indeed object to this second hearing, and preserves his right to do so. In the first place on this so-called 3/4th vote, he has disagreed with Mr. Kiser from time to time on a number of things, but the score is 2 to 2 because obviously he does in fact agree with him. The whole idea of that law is to say that people having land within 100 feet of the property that is ultimately to be rezoned, has a special interest. That is a pretty drastic thing, and should be, in fact, narrowly construed and narrowly applied for good reasons. Because it completely emasculates the usual rule that a majority of any public body is the way by which decisions are to be made. So that indeed they must come within that taboo area or they lose the special interest to carry into the very drastic matter of one vote emasculating the will of this City Council. In the second place, Mr. Hardyman correctly described the efforts that were made on behalf of the petitioner to get a sensible compromise of this matter, but they came to naught; including his comments to zone part of it with Idlewild restrictions to put a buffer of houses in between them. He stated that Mr. Ervin's only involvement was that he seem to be the logical one to come in there and create a buffer, plus the fact they owned a little part of the property that was asked to be zoned B-2. That Mr. Hardyman objects in particular to the fact that he didn't know what the Planning Commission did at their meeting. That he would remind Council that Mr. Hardyman is an attorney too, and he knows or should know when the Planning Commission meets, and he has just as much obligation and opportunity as anybody else does to go over and see what the Planning Commission did; which incidently it did unanimously. That the Planning Commission unanimously approved this residue of the property, and it unanimously approved that to be rezoned B-2 as requested. The Council has a great responsibility and a great burdensome task. It needs zoning matters to properly put in balance the interest of homeowners with other community interest, and that's where we are now. Of course, Council should give these homeowners consideration, but he submits there are certain areas in this town, along our main thoroughfares of which Independence Boulevard East is a prime example where the community does have an interest that business be allowed to accomodate itself in a sensible fashion. That the community does have an interest that postage stamp development of washerettes, laundrettes and other small businesses up and down the Boulevard will not develop and thus compound the already messy and unsafe conditions created by the terrific amount of traffic that Independence Boulevard in general and this area in particular is being asked to serve. Now, they say you have to go up and down the Boulevard all the way 800 feet, but it really isn't 800 feet, it is 790 odd feet, and along the opposite side, Mr. Short asked if it came back in a cattiwampus line, and it does, it's somewhere in the neighborhood of 275 feet and in fact, it comes down on a slant, and on an average its about 350 to 375 feet. This was the area that was going to be deed restricted but that wouldn't pacify the situation. That originally

they thought that good zoning required this to be O-6 and that was the only reason it was requested. Then in order to placate them, they thought that perhaps multi-family would alleviate the objections but it did not. So basically they just do not want any changes out there, and if he were one of the owners he would probably feel that way too. But Council's responsibility is to try to equate these things. That this does not necessarily mean that you have to go up and down the Boulevard with 790 to 800 feet, and have it all zoned business. That he submits Council does have a responsibility to take advantage of opportunities as they present themselves to allow for a wide open business development of property along a thoroughfare like Independence Boulevard. Furthermore, he thinks when you have a piece of such property located at an intersection, as indeed it is at Independence Boulevard and Farmingdale Drive, there is indeed an opportunity to create a situation that allows the development there enough depth where the existing Farmingdale Drive can be used rather than have a multiplicity of small businesses, each one of which is a cut through into the main artery of Independence Boulevard. That sooner or later, Council will be asked in line with the recommendations of the Planning Commission to restudy this whole situation about how deep property should be allowed for business development along Independence Boulevard. That he submits that some expert opinion has indicated that some mistakes have been made in the past, and he thinks this is an opportunity to avoid making another.

Mr. Hardyman asked if he could clarify one point on this matter of a compromise. That all discussions on this were prior to the public hearing. That they did not accept it because it did not remove the basic evil to which they objected. That after the Planning Commission recommended a compromise there was no willingness to discuss the one issue which they objected to - that is the 300 foot depth, and there were no discussions on compromising this step. That they are willing to accept a compromise on the depth if they need an additional 100 feet to put in their building, they see no objections to this. What they object to is the 790 feet business zone - the extension of the 400 foot area in addition to the 390 ft. and tapered edge.

Mrs C. H. Beddingfield advised they live on Amity Place, which backs up to the proposed rezoning, and she counted 17 children on her side of the street, and 13 children across the street, all in one block. That Mr. Horack makes a good argument and he says there is lots of traffic on Independence, which is true, but they do not want it backing up into Idlewild and that is what will happen. They have four entrances it is true, but one main one and presently the only traffic is neighborhood traffic and it is quiet and cautious. With the coming of City Chevrolet we would have noise, heavy traffic and glaring lights on into the evening - and we do not want it. Mr. Beddingfield spoke in protest of the rezoning, stating automobile companies try out their new cars on back streets - such as their neighborhood - not on thoroughfares such as Independence - and it is their quiet streets that their children cross and this will add greatly to traffic hazards. That the Council members and the Planning Board members would not have this on their streets. A lady, who stated she is Jim Hill's daughter stated she brought with her today four children out of the thirty who are in her block, which is one block from Farmingdale. That hers is a quiet street and this rezoning would bring more traffic into their neighborhood. Mr. Brigel asked if something cannot be done when a man develops an area this thing does not take place? Mrs Robert McClary stated she lives on Stonecrest, and they are not objecting to business on Independence Boulevard, they expected that but they certainly expected a business that would fit into the 400 ft. depth provided when the area was zoned, and this would not bother them at all.

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Councilman Whittington stated he has heard the people on both sides of this petition, and in fairness to the petitioners and the opponents he wants them to know that he has been out there and looked at the property and walked over it and studied the maps, and because of this and because he is not ready to vote either way in all fairness to both parties he moves that this be postponed for one week and he suggests that the Council ask the Planning Commission and the Engineering Department, who can take sights in connection with the maps that have been presented, to meet with the Council out there on the grounds just as quickly as the City Manager can get in touch with them. The motion was seconded by Councilman Tuttle, and unanimously carried.

MEETING RECESSED AT 4:35 P.M. AND RECONVENED AT 4:40 P.M.

Mayor Brookshire declared a five minute recess of the meeting at 4:35 p.m. and the meeting was reconvened at 4:40 p.m. and called to order by the Mayor.

TRANSFER OF FUNDS FROM GENERAL FUND TO GENERAL INSURANCE APPROPRIATION ACCOUNT, FOR PAYMENT OF ADDITIONAL GENERAL LIABILITY INSURANCE.

Councilman Albea moved approval of the transfer of \$12,700.00 from un-appropriated funds in the General Fund to the General Insurance Appropriation Account, for payment of additional general liability insurance authorized purchased on November 1st. The motion was seconded by Councilman Alexander, and carried by the following recorded vote:

YEAS: Councilmen Albea, Alexander, Short, Thrower and Whittington.  
NAYS: None.

Councilmen Tuttle and Jordan abstained from voting as they are both in the Insurance business.

Copy of Ordinance No. 499-X attached hereto.

TRANSFER OF FUNDS FROM GENERAL FUND, CONTINGENCY ACCOUNT, FOR CROSSING LIGHT, SIGNS AND TWO CROSSING GUARDS FOR BRIARWOOD SCHOOL.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, transferring \$1,920.00 from the General Fund Contingency Account, for the installation of a crossing light and signs, and the employment of a crossing guard for duty at Shannonhouse Avenue and The Plaza, and a crossing guard for duty at Lakedell Drive and The Plaza, for Briarwood School children.

TRANSFER OF FUNDS FROM GENERAL FUND, CONTINGENCY ACCOUNT, FOR CROSSING LIGHT, SIGNS AND SCHOOL CROSSING GUARD AT RUNNEYMED LAND AND SHARON ROAD, FOR SELWYN ELEMENTARY SCHOOL.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, \$1,360.00 was authorized transferred from the General Fund, Contingency Account, for the installation of a crossing light and signs and the employment of a school crossing guard at Runnymede Lane and Sharon Road, for Selwyn Elementary School.

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DEED OF DEDICATION OF PROPERTY FOR STREET PURPOSES WITHIN BOUNDARIES OF HOUSING PROJECT NO. NC 3-6 AREA, ACCEPTED BY CITY FROM CHARLOTTE HOUSING AUTHORITY.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, a Deed of Dedication of the property owned by the Charlotte Housing Authority situated within the boundaries of N. Church Street, West 9th Street, N. Poplar Street and West 10th Street, for street purposes, was accepted by the City from the Charlotte Housing Authority.

CONSTRUCTION OF SANITARY SEWER MAIN IN ILFORD STREET AUTHORIZED.

Councilman Whittington moved approval of the construction of 465 feet of sanitary sewer main in Ilford Street, at the request of Hallmark & Company, Inc., at an estimated cost of \$4,090.00. All costs to be borne by the Applicant, whose deposit of \$4,090.00 will be refunded as per terms of the contract. The motion was seconded by Councilman Jordan, and unanimously carried.

CONTRACT AWARDED SUGGS WRECKING COMPANY FOR DEMOLITION OF STRUCTURES IN URBAN REDEVELOPMENT AREA NO. 3 (NC R-37) AND ON THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and un-animously carried, contract was awarded Suggs Wrecking Company, the low bidder, for the demolition of 59 structures in Urban Redevelopment Area No. 3 (NC R-37) and 130 structures on the Northwest Expressway, as specified, in the amount of \$71,515.00, on a unit price basis, with all work to be completed within 150 days.

The following bids were received:

Suggs Wrecking Company	Section II	\$12,940.00	
	Section III	<u>58,575.00</u>	\$71,515.00
Cochran-Ross Construction Co.	Section II	\$13,110.00	
	Section III	<u>64,010.00</u>	\$77,120.00
L. A. Armstrong	Section II	\$20,220.00	
	Section III	No bid	

AWARD OF CONTRACT FOR MAINTENANCE OF ELEVATORS DEFERRED ONE WEEK.

Councilman Tuttle moved the award of contract to Dover Elevator Company for the maintenance of two automatic elevators in City Hall and one manually operated elevator in the Police Building, as specified, at a cost of \$2,400.00 per year. The motion was seconded by Councilman Albea.

Councilman Short asked that action on this be deferred for one week. A substitute motion was offered by Councilman Whittington that action be deferred for one week, which was seconded by Councilman Short, and unanimously carried.

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ISSUANCE OF SPECIAL OFFICER PERMIT AUTHORIZED TO WARNER G. MAUPIN FOR USE ON PREMISES OF IVEY'S DEPARTMENT STORES.

Upon motion of Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, a Special Officer Permit was authorized issued to Warner G. Maupin, 6310 Burlwood Road, for use on the premises of Ivey's Department Stores at 127-131 North Tryon Street, Charlottetown Mall and Cotswold Shopping Center.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a Deed with Thomas R. Reynolds and wife, Ollie R. Reynolds, for Lot 510, Section 8, Oaklawn Cemetery, transferred from Mrs Myrtle Reynolds and husband F. P. Reynolds, at a fee of \$3.00 for the transfer deed. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED THE HUB UNIFORM COMPANY FOR CHUKKA BOOTS AND OXFORDS.

Upon motion of Councilman Alexander, seconded by Councilman Thrower, and unanimously carried, a contract was awarded The Hub Uniform Company, the low bidder, for 300 pairs of Chukka Boots for the Police Department and 415 pairs of Oxfords for the Fire Department, as specified in the amount of \$7,860.13.

The following bids were received:

The Hub Uniform Company	\$ 7,860.13
Goodyear Shoe Shop	3,064.13

CONTRACT AWARDED C. D. SPANGLER CONSTRUCTION COMPANY FOR IMPROVEMENTS TO BAY STREET.

Councilman Albea moved approval of the award of contract to C. D. Spangler Construction Company, the low bidder, for street improvements to Bay Street, as specified, in the amount of \$37,618.00, on a unit price basis. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

C. D. Spangler Construction Co.	\$ 37,618.00
Crowder Construction Company	37,858.00
T. A. Sherrill Construction Co.	39,941.00

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR THE GENERAL CONSTRUCTION OF ADDITIONS TO CATAWBA RIVER PUMPING STATION.

Councilman Alexander moved the award of contract to Blythe Bros Company, the low bidder, for the General Construction of Additions to Catawba River Pumping Station as specified, in the amount of \$696,000.00, on a unit price basis. The motion was seconded by Councilman Albea.

Councilman Short remarked that this money is probably eligible for matching Federal funds; some of the members of our Task Force have indicated that we might almost have to undo, or would have to undo something already appropriated - not this - in order to negotiate or arrange for matching Federal funds. That

he just wants to make absolutely sure that this has been checked out with the Task Force as there is a lot of money involved here. Mr. Veeder replied that he believes all of these contingencies he has mentioned have been taken care of with the Task Force, among others. That we have a fair amount of work coming up in this area and he would think based on what they are told, the signing of applications would probably be around the first of the year.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Blythe Brothers Co.	\$696,000.00
Lee Construction Co.	716,443.00
F. L. Showalter, Inc.	753,026.00
Crowder Construction Co.	762,600.00
Rea Construction Co.	765,000.00
Potts-Brown Company	777,000.00
C. W. Gallant, Inc.	803,631.00
Boyd & Goforth, Inc.	821,000.00
Noll Construction Co.	846,290.00
Republic Contracting Co.	940.00.00

CONTRACT AWARDED INDUSTRIAL ELECTRICAL COMPANY FOR ELECTRICAL WORK ON ADDITIONS TO CATAWBA RIVER PUMPING STATION.

Motion was made by Councilman Albea, seconded by Councilman Thrower, and unanimously carried, awarding contract to Industrial Electric Company, the low bidder, for the Electrical Work on Additions to the Catawba River Pumping Station, as specified, in the amount of \$132,700.00, on a unit price basis.

The following bids were received:

Industrial Electric Co.	\$132,700.00
Electrical Contracting & Eng.	141,730.00
Hensley & Mosly, Inc.	152,660.00

ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY, WOODLAWN ROAD WIDENING AND SHARON-AMITY ROAD WIDENING.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, the acquisition of the following property was authorized:

- (a) Acquisition of 3,556 sq. ft. of property at 512 Independence Boulevard, from W. D. Hyland, at \$7,800.00 for right of way for the Northwest Expressway.
- (b) Acquisition of 578 sq. ft. of property at 901 North Davidson Street, from Ernest H. and H. F. Brown and wife, Alise F. at \$400.00, for right of way for the Northwest Expressway.
- (c) Acquisition of 742.26 sq. ft. of property in the 400 block of Woodlawn Road, from Dr. Daniel Mabel, at \$1,900.00 for right of way for the Woodlawn Road Widening.
- (d) Acquisition of 169.95 sq. ft. of property at corner of Sharon-Amity and Providence Roads, from Humble Oil & Refining Company, at \$169.95, for the Sharon-Amity Road Widening.

- (e) Acquisition of 180.79 sq. ft. of property at the northeast corner of Sharon-Amity and Randolph Roads, from Humble Oil Company, at \$382.36, for right of way for the Sharon-Amity Road Widening.
- (f) Compensation for removal of six trees and shrubs from property of Emory B. Dickson and wife Mary M., at 710 Sharon-Amity Road, in right of way for the Sharon-Amity Road Widening.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF H. G. WILLIS AND JOSEPHINE L. WILLIS, LOCATED AT 621 SUNNYSIDE AVENUE FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of H. G. Willis and Josephine L. Willis, located at 621 Sunnyside Avenue for Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 155.

APPOINTMENT OF CONVENTION AND EXHIBITION CENTER STUDY COMMITTEE.

Mayor Brookshire remarked that some two weeks ago Mr. Brodie Griffith, President of the Chamber of Commerce, appeared before Council with regard to a Convention and Exhibition Center in the downtown area, and requested the appointment of a Committee to study different phases of the proposal and Council authorized him to appoint the Committee. That he has appointed the following persons to the Committee:

- Mr. Haywood Robbins, Chairman
- Mr. T. J. Norman
- Mr. Arthur R. Newcombe
- Mr. John M. Belk
- Mr. Forrest W. Voss
- Mr. Morris Speizman
- Mr. P. M. Bealer, Jr.

The Mayor stated that this committee will study carefully the need, the feasibility, the location, the cost and the financing of the proposed Convention and Exhibition Center for Charlotte. That this list of purposes is not intended to be inclusive or to limit the study of the committee. Indeed, he would suggest that the study be closely related to the core city Master Revitalization Plan, completion of which we expect by next May. That it would seem to him important to fit this contemplated facility into the Master Plan, relating it geographically and functionally to street patterns, parking, shopping and hotel accommodations. That he thinks also that if the timing for such a facility can be worked out to coincide with the City's part of the implementation of the Master Plan, a responsibility he feels the City will be willing to undertake; then both the location and the cost of land acquisition will present fewer problems. This, of course, contemplates that the City will take advantage of Federal assistance programs, just as many of our sister cities are doing. Also, he would not rule out the possibility of interesting private enterprise in furnishing this facility on a profit motive, perhaps in conjunction with a large new hotel, as we further project Charlotte as an important city. That investors are looking for such opportunities.

PROGRESS REPORT ON STUDY OF CITY POUND JOINING THE COUNTY POUND.

Councilman Tuttle asked the City Manager if he has anything to report on the possibility of the City Pound joining the County's? Mr. Veeder replied that Council sometime back authorized that a joint study be made. Contact was made with the County and they have had some good results. That about a week ago they finally turned us loose in terms of making some studies of their operation.

ADJOURNMENT.

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

Lillian R. Hoffman  
Lillian R. Hoffman, City Clerk