

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, October 16, 1967, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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, Ashcraft, Gamble, Godley, Sibley, Stone, and Tate.

ABSENT: Commissioners Turner and Wilmer.

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INVOCATION.

The invocation was given by Rabbi Michael Hecht of Temple Israel.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Minutes of the last meeting on October 9 were approved as submitted.

HEARING ON PETITION NO. 67-62 BY CARL W. KESSIAH, INC. FOR A CHANGE IN ZONING FROM R-9MF to B-1 OF A LOT 75' x 156' ON THE EAST SIDE OF HICKORY GROVE-NEWELL ROAD BEGINNING 225 FEET NORTH OF HICKORY GROVE ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is vacant and is located on the east side of Hickory Grove-Newell Road. On the north side is one single family structure and with that exception there is vacant land to the east, north and west side of Hickory Grove-Newell Road. Across from the subject property the land is vacant. On the south side of the property, there is a mixture of several retail type stores coming on down to Hickory Grove Road, a volunteer fire department station, an office, a service station on the corner of Hickory Grove-Newell Road and a branch bank, then the Hickory Grove Baptist Church site.

The zoning at the present time has B-1 on three corners of the Hickory Grove - Newell Road intersection and on the other corner is the church site. The zoning extends back from Hickory Grove to the subject lot and everything else, including subject lot to the north, is zoned R-9MF. There is single family zoning on the church side and most of the property as you go southward along Delta Road.

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Councilman Short asked if part of the store complex is non-conforming? Mr. Bryant replied it is zoned business; the store area is on three lots and those three lots are all zoned business.

Mr. Marvin Overcash stated the petitioner owns the property on which the little shopping center is located and he bought this lot for additional parking if it can be rezoned to business. Councilman Tuttle asked if this would be parking spaces and not extension of the stores? Mr. Overcash stated it would be.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-63 BY G.E. RYAN FOR A CHANGE IN ZONING FROM R-9 TO O-6 OF A LOT 74' x 128' ON THE NORTH SIDE OF DREXEL PLACE BEGINNING 150 FEET WEST OF PARK ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this request consists of one lot immediately to the rear of the lots facing Park Road as you come down Drexel Place and is presently used for a day nursery. The frontage property along Park Road is generally used for office-type uses. There are still a few single family structures but predominately the area in the last few years has been zoned office, with real estate offices, a structure where music lessons are given, a doctor's office, a travel agency immediately to the front and side of subject property, and an insurance office on the corner. There are service stations on two corners of Park Road and Woodlawn Road Intersection.

The adjoining property, down Drexel Place, is used for single family purposes as is the property to the west of Park Road down into the side streets such as Drexel Place, Heather Lane, Bevis Drive and Holmes Drive; there is one apartment structure that has been built on Woodlawn Road, near the Park Road intersection; other than that, it is all single family use.

The zoning is B-1 for the shopping center as well as all the property on the east side of Park Road; office zoning extends from just north of the Pure Oil Service Station at Woodlawn, all the way up Park Road through the area including Drexel, Heather Lane, etc. This zoning at the present time extends back one lot depth from Park Road. The subject property is zoned R-9 as is all the property down Drexel Place and down the other various streets in the area.

Councilman Tuttle asked if there is a building behind the subject lot? Mr. Bryant replied it is the rear part of the doctor's offices that front part on Park Road. Councilman Tuttle stated the map looked as though it is surrounded by business and he could not recall seeing the building come back around the lot like that. Mr. Bryant stated only to the extent that the adjoining lot which doctor's office is located on is much deeper coming back from Park Road than is the immediately adjacent lot so that actually the rear of the subject property is the sideline of the lot being used for the doctor's office.

Councilman Short asked if there is a break in the Park Road median at Drexel Place and Mr. Bryant replied there is.

Mr. E.H. Copeland, Jr. stated he lives in the last house on Drexel Place; that it is a dead-end street and is all residential at the present time. The office neighborhood along Park Road forms a pretty good buffer between the business zoning of Park Road Shopping Center and the residential neighborhood to the west - they are good neighbors and it is well developed property, but with the restriction in the lanes along Park Road recently and the new set-up on the traffic light at Park Road and Woodlawn, the traffic situation getting in and out of Drexel Place to Park Road is quite tight. The parking and the offices on Park Road are adjacent to Drexel Place and makes a very difficult situation as far as traffic is concerned. It is the only entrance to the street and he would like to keep it just as nice and pleasant as they can. The first three or four houses on the street have recently been vacated and are run by absentee landlords right now but due to efforts of several property owners on the street, they have attempted to have the tenants keep the property in good repair and look nice as the other residents are proud of the street.

He stated they feel this change could not be beneficial to the general neighborhood and would not really increase the value of the land on Park Road. Mr. Copeland stated that one of the occupants of the offices on Park Road did send a petition to request that the 3/4 rule be invoked and sent it to the Clerk of Court's Office rather than the City Clerk's Office.

Councilman Jordan asked if the day nursery would continue to operate and Mr. Bryant replied it would. The objective of the change is to permit a larger number of children to be placed in that building. At the present time, with the single family zoning, the nursery is a permitted use but is very restricted as to the number of children that can be housed at that location. They can only house eight children with the present zoning but with the office zoning he could put as many as 24. Councilman Short asked how many children could be housed with R-6 zoning? Mr. Bryant replied perhaps 16; that it works in multiples of 8 but it would depend upon the square footage of the lot.

Mr. Copeland stated he is sure Mr. Ryan's intentions are to develop that property so it would improve the neighborhood more than to detract from it, but with the increased traffic up there and with the tendency of the zoning to start creeping down the street, this would not be beneficial because of the traffic aspect of people bringing their children to the nursery in large numbers.

Council deferred decision until the next Council Meeting.

HEARING ON PETITION NO. 67-64 BY OVERNITE TRANSPORTATION COMPANY FOR A CHANGE IN ZONING FROM R-9 TO I-2 OF A TRACT OF LAND 593' x 353' ON THE NORTH SIDE OF ONEIDA STREET BEGINNING 656 FEET EAST OF DERITA ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for a substantial sized parcel of land on the north side of Oneida Road which is the second street to the right beyond Interstate 85. The subject property is vacant although it was purchased by the petitioner a year ago and has been fenced and graded and actually was started to be used for the purpose of storing his trucks. The Building Inspection Department became

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aware of this and last February began the process of the elimination of the illegal use under the present zoning. The adjoining property to the north is owned by the petitioner on which the terminal and other parking facilities are located.

The adjoining property to the east is vacant; there is single family housing just to the west; along Oneida, it is predominately developed with single family houses, there is a mobile home area of several mobile homes parked on this property; there is single family housing along Cannon Avenue which is the street south of Oneida; south of Cannon, along Derita Road, there is a restaurant at the corner, a barber shop, an automobile garage, a single family house, and Southern Pump and Tank operation, on down to a service station at the Intersection of 85. Predominately the land across the road on the west side is vacant except for a gathering of single family houses. The zoning of the subject property is single family as is all the property on three sides of it, the east, south and to the west; on the north side, it is zoned Industrial which takes care of the existing trucking terminal operation; to the south of Oneida, it is zoned residential for a considerable distance. Industrial zoning picks up at Cannon Avenue on Derita Road and carries that down to Interstate 85. All the frontage property on the west side of Derita Road is zoned I-2.

Councilman Jordan asked if this is to be used as additional parking or are they planning to build on the property? Mr. Bryant replied they are planning on a continuation of parking on this property.

Mr. Stuart Childs representing Overnite Trucking Company, stated the trucking industry is an important asset to our community; that we have 130 trucking firms operating in and out of Charlotte and Mecklenburg County; we are second only to Chicago in the number of trucking firm headquarters locally. That truck operating in and out of Charlotte go 155 million miles per year; there are 4,000 truck docks in Charlotte; the trucking industry employs 6,000 people in Charlotte; Overnite is one of the finest; they have invested one million and three hundred thousand dollars in the facility on North Graham Street; they employ over 450 people at this facility; their annual payroll at this facility is close to 4 million dollars; they have 33 terminals in five states and the Vice President and his staff is headquartered in Charlotte. On August 1, 1966, they paid \$30,000 for five lots which would probably bring \$1200 a piece as residential tracts; the property is generally surrounded by industrial property; two sides of the property are fields and woods with a third side a trailer park; Oneida Street ends where this property begins. We are talking about North Graham Street which is unquestionably one of the most highly industrialized areas in and around Charlotte. At the turn of the century, North Graham Street was a prestige residential area - a drastic change has been brought in North Graham Street as Charlotte has grown and prospered. From the old Douglas Plant to Derita, there are approximately two or three blocks of residences on North Graham Street; it has become an avenue of industry. From Overnite facilities in toward town, North Graham Street is home for such industries as Overland Transportation Company; across from Overnite, Carolina Freight Carriers; next door to Overnite, Southern Pump and Tank Company, Rent-Co Truck Rentals, Central Ford Sales, Western Carolina Tractor, McLean Trucking, Ryder Trucking, Fredrickson Motor Lines, and Carolina Tractor and Equipment Company. Overnite bought this property for parking; they want it rezoned so they can use it for parking; That Mr. Price states it is essential to their operation that they have this area for parking; that the whole Overnite Terminal area, including this subject tract, is completely fenced with a seven foot cyclone fence.

He stated no traffic outlet is proposed for this area; any traffic that comes into or goes out of Overnite facility, comes into and goes out of a guarded gate off or North Graham Street. Mr. Childs showed Council a picture of the subject property, noting the terminal facilities, the shop facilities and the parking facilities and stated Mr. Price had commented if the tract is not rezoned and if they are not allowed to use the property, then Overnite is out of business. Overnite believes it is an outstanding citizen of this community and submits to Council that the use of this tract for parking is vital to Overnite's continuing operation and that North Graham Street is overwhelmingly industrial property and that all of the land in the proximity of North Graham Street is either industrial property or has its principal potential as industrial property. Any residential property within this area has value not for residential but for industrial use. The ordinance under Industrial-2 states these districts are located in areas that have good access to transportation facilities affording reasonably level sites and that permit expansion of industrial area whenever possible and appropriate to the character of land development in the particular area.

Overnite is not asking Council to change the character of the area but is asking for a change in zoning so that this property will have a useful purpose in keeping with the character of the area.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-65 BY R. P. AND MARTHA G. WILSON FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A LOT 100' x 166' ON THE WEST SIDE OF MULBERRY CHURCH ROAD BEGINNING APPROXIMATELY 150 FEET NORTH OF SLOAN DRIVE.

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

The Assistant Planning Director stated the property is located on Mulberry Church Road just north of the intersection with Interstate 85. It is a small tract; it is vacant and is part of a tract on which a duplex is located the duplex being on the corner of Sloan Drive and Mulberry Road. The property going on up Mulberry Road toward Tuckaseegee Road is predominately single family residential structures with several lots vacant on the east side of Mulberry Road; there is a single family structure on Sloan Drive and Interstate 85 and then several single family structures on Sloan Drive itself; as you go down Interstate 85 you will see the new R. C. Motor Lines site, directly across from that is the new Post Office Parcel Post Center, across Interstate 85 is Waldensian Bakery. On the opposite corners of Mulberry Road and Interstate 85 there are three service stations.

The zoning is B-2 on the north side of Interstate 85 immediately in front of the subject property, extending along 85 so that the two corners of Mulberry Road and Interstate 85 are zoned B-2. The subject property, as well as all the property from there on down to Tuckaseegee Road is zoned R-9MF, then on the south side of Interstate 85, vertically the entire area is zoned Industrial.

Mr. John Shaw, representing the petitioner, presented a map of the area to Council showing what his clients feels is the best possible use for subject property.

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Mr. Shaw stated as you come up Mulberry Road, from Wilkinson Boulevard, it is thickly wooded; undeveloped, some housing, with business on Wilkinson Boulevard. The property opposite the corner is occupied by one of the Sloans; then the next house is a duplex owned by his clients, Mr. Wilson a resident of Spartanburg, South Carolina. The neighbor located behind subject property does not object to the change in zoning but the neighbor who objects is Mr. Gilson. On the other side of the road is a vacant lot, then a house that is occupied for residential purposes, owned by two families one of whom lives in Florida, and behind it is a building that looks like a stable but his client states that it is a chicken coop; then you have vacant land. Due to the fact that this is one of the important cross-overs of I-85 coming into the land, parallel to I-85, this is best suited to B-1 or B-2. They ask for a continuation of the zoning on the other side; this will be the first move of business on the Mulberry Road side. This is justified due to the traffic pattern and due to the use for which this property can best be put.

Councilman Tuttle asked if this best use referred to is a service station? Mr. Shaw answered yes, that is what is across the road; this is what will be the most advantageous use of the point. Councilman Short asked if they can use this triangular lot for a service station if they had to. Mr. Shaw answered yes if they had to; he thinks there is room enough for this and the other property can be used for parking under the present zoning laws in connection with the B-2 use. Councilman Tuttle asked Mr. Bryant if the triangle is zoned B-2? Mr. Bryant replied the front part of that property is zoned B-2. Councilman Whittington asked if what they are trying to do is get the R-9MF removed for B-2 so you will have enough property for the station. Councilman Whittington asked what the property across Mulberry Church Road, on the same side of the road, is zoned? Mr. Bryant replied the corner is zoned B-2; it was zoned in 1962.

Mr. Gilson stated Mr. Shaw mentioned the chicken coop behind a house that is rented to a man who lives on Social Security who has the chicken coop and even a little garden; he is trying to make a living. That they do not object to the chicken coop. He understands they are about ready to condemn the subject house as the roof leaks, it has rats and roaches, the septic tank smells all the time - the neighbors put up with that - they did not mind but if you put a service station in their back window, they do mind. That they have three service stations located there, with the lights shining on them, the cars blowing their horns, the attendants knocking tires around now, they do not want one in their back yard. They have a pretty place out there, with a lot of trees, it is cool and nobody wants a service station. They all signed against it; the people in back of it signed against it and the people who owned the land signed against it. It would take a lot of dirt to fill up the hollow and they talked to the man who said they would not put a station there for 8 or 9 more years and with a 25 foot road right of way, it would take the point away and would be impossible to put a service station there. That the neighbors do not want a service station at their bedroom windows, nobody wants it there.

Council decision was deferred one week.

HEARING ON PETITION NO. 67-66 BY MRS. MARY M. DWELLE FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF ALL PROPERTY ON THE WEST SIDE OF CHERRY STREET, FROM ARTHURS LANE TO BAXTER STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director stated the subject property is located on Cherry Street from Arthurs Lane down to Baxter Street, actually two blocks, with Luther Street coming in the middle of the area. The property is residentially used at the present time; there is a mixture of single family and duplex structures on the property; it is adjoined across Cherry Street by residential property with the exception that on the corner of Baxter and Cherry, there is a church; behind the church, there is a school and a park behind that.

On Kings Drive and Cecil Street to the west of subject property, there is a mixture of single family structures beginning up at Independence Boulevard, then Hardee's Drive-In Restaurant, then more single family and duplex structures; then as you come to Cecil Street, there is a real estate office and a travel agency. Next is the Charlottetown Mall and the Charlottetown Mall Office Building and then there is an office building on Baxter Street at Cherry Street.

The zoning of the subject property is R-6MF as is everything to the east of it along Luther, along Main Street and along Baxter Street. The property on the Kings Drive side of the block is all zoned B-2 all the way along Kings Drive. There is extensive B-2 zoning in the general vicinity. The old Cecil Street began down at Baxter Street and came all the way through, crossing Independence Boulevard up to Fourth Street. When Kings Drive was relocated for the Mall, it was tied into Cecil Street and the name was changed to Kings Drive so that at the present time Cecil Street is only one block long, running from Luther down to Baxter. The subject property is backed up to Cecil Street for this one block and then to Kings Drive for the other block.

Mr. Bryant stated the existing B-2 is only 100 feet deep; the present property is 155 feet deep on the Arthur Lane side and goes down to just 70 feet in depth on Baxter Street so that if you put the two things together up to the Arthurs Lane end, you would have the difference through the block from Kings Drive to Cherry Street of about 255 feet and on the other end, at Baxter Street, you would have a combined depth of about 170 feet. Councilman Tuttle asked if this change was made, would it not ruin the little homes on Cecil Street? Mr. Bryant replied the petitioner owns most of the houses on that street.

Councilman Short asked if the petitioner also owned the Kings Drive frontage; if this is an effort to combine and deepen the property facing Kings Drive, not to put business on Cecil Street? Mr. Bryant stated yes, the Kings Drive frontage is already zoned B-2 and this would just add more footage.

Mr. John M. Dwelle, son of the petitioner, stated they want to be in a position to develop these two blocks to their best and highest use which it is not now; that the prospects they have had wanted to develop the whole block. That Mr. Gene Johnson owned the property adjoining and has an office in there. The petitioners own all the property fronting the subject property along Cherry Street with the exception of one house.

Councilman Tuttle asked how many families will this involve? Mr. Dwelle stated he has no immediate plans for developing this property but it would probably involve 25 or 30 families.

No objections were expressed to the proposed change in zoning.

Council decision was deferred one week.

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HEARING ON PETITION NO. 67-67 BY HAZEL I. HICKS AND SCALYBARK, INC., FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF PROPERTY ON THE SOUTHEAST CORNER OF CLANTON ROAD AND GENERAL YOUNTS EXPRESSWAY.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is on Clanton Road and a few months ago there was a petition for the property on the opposite corner. The subject property has at least one single family structure on it and perhaps a couple of structures; there is a single family structure directly across from it and there are several scattered single family structures going toward Tryon Street. At the corner of Tryon and Clanton, there is an auto parts junkyard-type use and a service station on the opposite corner. On the west side of the General Younts Expressway, the corners at the present time are vacant and then you get into the Clanton Park, Rollingwood area single family uses.

The zoning of the subject property, as is all the property on the east side of Younts Expressway, is zoned R-6MF. The southwest corner is also zoned R-6MF; the other corner is B-2 as a result of the action of a few months ago and then, of course, the Clanton Park area is all zoned R-9.

Councilman Tuttle asked if this is a practical residential area? Mr. Bryant stated he did not think so with the Interchange coming in there in the future. Councilman Tuttle stated then this is a must that it go commercial anyway? Mr. Bryant stated he thinks this decision was made when the other property was changed a few months ago.

Mr. Lewis Trask, Attorney for the petitioner, stated basically on the south side of Clanton Road you have houses and some vacant lots; on the southwest corner of York Road you have a service station and a Minute Market and Starnes Lawnmower Shop; on the northwest side of Clanton Road, which is diagonally and opposite of their tract, Pure Oil will build a gas station. That their piece of property includes 260 feet fronting on Clanton Road and they definitely feel that the best use of the property is a service station which they will have to have rezoned B-1 so they can negotiate with the oil companies.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 67-68 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM I-1 TO R-6MF OF A TRACT OF LAND APPROXIMATELY 250 FEET IN DEPTH ON THE SOUTH SIDE OF REMOUNT ROAD EXTENDING FROM GENERAL YOUNTS EXPRESSWAY EASTWARD TO SOUTHSIDE PARK, AND A TRACT OF LAND APPROXIMATELY 400' x 400' ALONG FAIRWOOD AVENUE AND GRIFFITH STREET IN THE SOUTHSIDE HOMES PUBLIC HOUSING AREA.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this property change is connected with the Incinerator Property; that this is a follow-up to rezone the property that is now zoned Industrial in that vicinity.

The area is basically along Remount Road area; the old Incinerator is the property on the corner of Toomey Avenue and Remount Road; there is an outside playground, Brookhill Village residential area is across the street and the Southside Homes Housing Project is also located nearby. The two areas

that are being proposed for rezoning from industrial to residential consists of the frontage property beginning from the Expressway down to the beginning of the playground area, for a depth of approximately 250 feet back from Remount Road. The second area consists of 400' x 400' that is now being used as part of the public housing project. The proposal here is the rezoning of a portion of land that is presently used for public housing purposes from Industrial to Residential; this makes the public housing project conforming rather than non-conforming as it is at the present time in this particular area.

The frontage property on Remount Road would consist primarily of the Incinerator property itself, which presumably would be made available for Park and Recreation use after rezoning and demolition of the structures. This change leaves the new animal shelter with sufficient zoning around it to keep it from becoming non-conforming. The zoning ordinance requires for this type of use, it must not be closer to residential zoning than 300 feet. The zoning of the area is predominately R-6MF with business zoning along Remount Road at South Tryon Street and the Industrial zoning, which is to be eliminated, extending along Toomey Avenue into the public housing project at this point.

Councilman Short asked if it was possible to eliminate all the industrial zoning east of the Younts Expressway. Mr. Bryant stated it was not possible to eliminate all Industrial because of the Animal Shelter. Councilman Tuttle asked if this land was on the old fill portion? Mr. Bryant replied no, it was not; there might be a very small portion right on the edge of it, this will extend back a little further than the existing incinerator building so that there may be a little portion right along the edge that is.

Councilman Whittington asked if the Old Animal Shelter is included? Mr. Bryant replied no, this is being left Industrial in order to fill the requirements of the ordinance to maintain Industrial Zoning within 300 feet of the new Animal Shelter. If we changed this tract, the new Animal Shelter would be non-conforming.

Councilman Whittington asked who owns the property on Griffith Street. Mr. Bryant replied the Housing Authority. Councilman Whittington asked if there would be room for more units if this was rezoned. Mr. Bryant stated he did not think so.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

DECISION ON PETITION NO. 67-55 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING FROM R-12, B-2, I-1 AND I-2 TO R-12, RE AND I-1 PROPERTY ON BOTH SIDES OF NEW I-85 EXTENDING FROM MALLARD CREEK ROAD ON THE WEST TO HIGHWAY 29 ON THE EAST, AND FROM MALLARD CREEK ON THE NORTH TO MINERAL SPRINGS ROAD ON THE SOUTH, DEFERRED FOR TWO WEEKS.

Councilman Tuttle moved that decision on the subject petition be deferred for two weeks. The motion was seconded by Councilman Whittington, and carried unanimously.

MEETING RECESSED AT 3:10 P.M. AND RECONVENED AT 3:30 P.M.

Mayor Brookshire called a recess at 3:10 P.M. and reconvened the meeting at 3:30 P.M.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 20 ON PETITIONS NO. 67-69 THROUGH 67-78 FOR ZONING CHANGES.

Councilman Tuttle moved adoption of the subject resolution setting date of hearing on November 20. The motion was seconded by Councilman Alexander and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, Page 11.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON NOVEMBER 27 ON PETITIONS NO. 67-80 THROUGH 67-81 FOR ZONING CHANGES.

Motion was made by Councilman Jordan, seconded by Councilman Short and unanimously carried, adopting the subject resolution setting date of hearing on November 27.

The resolution is recorded in full in Resolutions Book 6; Page 12.

SUPPLEMENTARY CONTRACT WITH ED GRIFFIN CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAIN TO SERVE HOPE VALLEY SUBDIVISION, SECTION 2-B, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, a supplementary contract was authorized with Ed Griffin Construction Company for the installation of 2,510 feet of water main and three (3) fire hydrants to serve Hope Valley Subdivision, Section 2-B, inside the city limits, at an estimated cost of \$10,700.00, with the city to finance all construction costs, and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost.

CONSTRUCTION OF SANITARY SEWER TO SERVE GARDEN PARK SUBDIVISION, AUTHORIZED.

Councilman Smith moved approval of the construction of 1,933 feet of 15" trunk, 140 feet of 8" trunk and 2,910 feet of 8" main to serve a portion of Garden Park Subdivision, inside the city, at the request of Howard Nance Company, at an estimated cost of \$40,889.00, with all cost of construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement. The motion was seconded by Councilman Alexander, and carried unanimously.

APPLICATION OF P & N REALTY COMPANY TO CONNECT PRIVATE SANITARY SEWER LINES IN EXCHANGE STREET, APPROVED.

Motion was made by Councilman Smith approving the application of the P & N Realty Company to connect private sanitary sewer lines in Exchange Street, between Bealer Road and an existing 10-inch sanitary sewer trunk in Chemway Industries Park, outside the city limits, to the city's sanitary sewerage system. The motion was seconded by Councilman Short, and carried unanimously.

RENEWAL OF SPECIAL OFFICER PERMIT FOR LUKE FREDERICK QUINN, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, a special officer permit for a one year period was approved to Mr. Luke Frederick Quinn to serve on the premises of the Southern Railway C. D. Yard.

DEED OF RELEASE ON OAKLAWN CEMETERY APPROVED.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute a deed of release on the Oaklawn Cemetery wherein Mrs. Adele L. Hendrix will release the City from the restriction that the property be used for cemetery purposes only so the property can be used for park and recreational purposes, and in consideration of the above, the City will convey a thirty-foot wide easement to the Oaklawn Mausoleum Association so access to the Mausoleum drive will be possible from Waddell Street. The motion was seconded by Councilman Short.

The City Manager stated this is very worthwhile and was worked out over a period of time in cooperation with the trustees of the Mausoleum Association, and the net result of this transaction is a five acre park being created in a section of town that is very desirable. The park will be the five acre site on the hill that is clear of everything and the Park and Recreation Commission is most anxious to turn this into a park.

The vote was taken on the motion and carried unanimously.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Lorine Mullis for Grave No. 5, in Lot No. 182, Section 2, Evergreen Cemetery, at \$60.00.

MAYOR AND MEMBERS OF COUNCIL PLEDGE FAIR SHARE TO UNITED APPEAL CAMPAIGN.

Mayor Brookshire stated this afternoon he handed each member of Council the United Appeal campaign pledge card and has had returned, with pledges and cash, a unanimous report from Council which he will report tomorrow.

He stated he hopes the fact that all members of Council are subscribing their full share will be a good example and inspiration to others in the community to do likewise.

He expressed his appreciation to Council for their support.

APPOINTMENT OF COUNCILMAN ALEXANDER AND COUNCILMAN TUTTLE TO COMMITTEE CHARGED WITH PROMOTION OF ONE CENT SALES TAX.

Mayor Brookshire announced the appointment of Councilman Alexander and Councilman Tuttle to the Committee charged with the responsibility of promoting the successful passage of the one cent sales tax on November 13.

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STATEMENT BY MAYOR REGARDING ORGANIZATION OF URBAN COALITIONS.

Mayor Brookshire made the following statement:

"An editorial in yesterday's Charlotte Observer brought to your and the public's attention a recently initiated National effort to organize Urban Coalitions throughout the 50 states of America. The editorial stated categorically that 'Charlotte isn't one of the communities showing an immediate interest, but should be.' I attended the first National Convocation on Urban Coalition in Washington a couple of months ago and have had a number of conversations with Mr. Veeder and other staff members about the matter at that time.

The basic concept of local urban coalitions is to define the causes and seek remedies for the social unrest which have caused the rioting and attendant civil disorders, at the cost of hundreds of millions of dollars, in more than 50 American cities this past summer.

No one can quarrel with this definitive concept or the correlated objective of rebuilding American cities in terms of both physical and human renewal. And, it is conceded, the physical and human renewal must go hand in hand.

The basic principle of Urban Coalitions is to bring to bear total resources in meeting forthrightly community problems and challenges, and that means the resources of government on all levels, private enterprise, churches, social agencies and citizens-at-large.

As I think you know I subscribe wholeheartedly to the concept, the principle and the objective of Urban Coalition. And if I know this Council, which I think I do, it is of the same mind.

Now the question is, do we need to organize a formal Urban Coalition, which calls for another structural organization, added to the many we already have, or do the policies and programs we already have in Charlotte represent a coalition of purpose and effort?

I am not sure that I have the answer, and for that reason I asked Mr. Conner last week to represent me in attendance at a one-day meeting in Chicago tomorrow, which has been called for the purpose of discussing organizational plans for local Urban Coalitions.

Without bragging about Charlotte, or the small part I have in its current history, let me briefly enumerate some of the areas in which I see Charlotte making progress towards the purposes and goals set out by the new National Urban Coalition movement.

In 1961 we made a start towards removing slum housing under an urban renewal program in Brooklyn, Council authorizing the first of five phases on a trial basis, in the face of considerable opposition.

Now nearing completion, as Brooklyn clearance progressed, the opposition to this Federal grant-in-aid program diminished. It became increasingly obvious that this is the only way massive slums can be cleared.

On the basis of experience and visible benefits, Council asked the voters last December to approve bonds for the local support of four additional projects, which approval was given. Federal approval and commitment of funds has been received on one of these, Dilworth, and two more are expected at an early date.

In 1962 Council passed a rigid minimum housing ordinance, the enforcement of which has seen the demolition of over 2,800 substandard housing units and more than 11,000 brought up to code requirements. In addition, the Citizens Advisory Committee on Urban Renewal has encouraged many home owners to make improvements through efforts of neighborhood improvement associations.

We are just now completing 600 public housing units, replacing slums, and have authorized 1,000 additional to be build as soon as urban renewal land is available.

An adequate supply of decent housing is still a problem and we are encouraging private enterprise, which is already building nearly 4,000 new housing units a year, to do more.

To enable more of our citizens, particularly those who for generations had been disadvantaged by accident of birth and by accepted economic and social patterns, to move freely with dignity in public places and to make the most of their individual lives, we voluntarily dropped discrimination in places of public accommodation in early 1963, more than a year before the Civil Rights Act of 1964. Since that time new vistas and opportunities have been opened to them in education, training and jobs. Progress has also been made in supplying them with decent housing at prices they can afford. All that we have asked in return is that opportunities be equated with responsibilities.

Progress in community relations, aimed at preserving racial harmony and lifting the level of responsible citizenship, has not been easy. Indeed there have been those who have protested the extension of equal rights and opportunities. But substantial progress has been made and continues to be made through the development of understanding, cooperation, effort and patience.

Much has been accomplished in this area, which may or may not be the reason we have not suffered the civil strife witnessed in other cities, but yet so much remains to be done in the further promotion of good community relations that we must not become complacent or indifferent to the needs of those who want to be good citizens of this community and who ask only for opportunity.

In all of these areas I've mentioned, and in many others I could mention, city government has had close cooperation of the business, civic, and church community. Representing I think, the goals of the new urban coalition movement.

For example, in our comprehensive planning, which let me mention in passing has impressed the Department of Housing and Urban Development, the city has been in partnership with the Chamber of Commerce, the Central Charlotte Association, the utility companies and other private enterprise, as well as with many civic, cultural, educational, and church groups, and other governmental units - local, State, and Federal.

Action is following closely on the heels of planning, as fast as finances and the requirement of time will permit. Our Master Thoroughfare Plan is well underway. So is urban renewal, public housing, water and sewer expansion, airport improvements, to mention a few highlights; with others in the immediate offing, such as the school administrative center, a new U. S. Post Office, law enforcement center, jail, etc.

These things take a lot of careful planning and a great deal of money and time, so much so that we are often criticized out of an impatience to see things move faster. And yet some people would have us to move more slowly.

Let me add that many of our important programs can and will move faster if the voters approve the local penny sales tax next month, and without imposing an undue burden on property taxes.

Perhaps I have digressed slightly, but all of these things have to do with what the city has done, is doing and plans to do, with the help of its many boards and commissions and in cooperation with private enterprise and the community at large, to meet the urban problems and challenges of this changing age.

I believe that we are drawing upon all of the resources at our command, including local revenues, State and Federal grant-in-aid programs and the cooperation of private enterprise, to build a better city for all of its citizens.

The question is, could we move faster or more effectively by establishing a local Urban Coalition, or should we continue to work within the framework we already have.

At this point my opinion is that we need a new and broader source of local revenue more than we need another organizational structure in Charlotte, and this is no reflection of the purposes or goals of Urban Coalition or their application in other cities."

Councilman Whittington stated he is not familiar with the urban coalition movement to which Mayor Brookshire referred, but as the Mayor stated funds are our problem and that is more important than another committee. We have enough plans, and need more action on the plans we already have.

Mr. Veeder, City Manager, stated he shares the Mayor's views that the objectives of the urban coalition as spelled out at the meeting he attended in Washington are laudable; but we are confusing our efforts even more by trying to establish another group to work with some of the problems; that it would have the effect of slowing things down. He agrees we need more action rather than planning.

COUNCILMAN SMITH LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.

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

NO ACTION TAKEN ON PROPOSED REVISION OF SIDEWALK IMPROVEMENTS FOR RANDOLPH JUNIOR HIGH SCHOOL.

Councilman Whittington asked where the request for sidewalks for Randolph Junior High School came from; did it come from the PTA or from the school, and how many children use these sidewalks, and if they are needed?

Mr. Hoose, Traffic Engineer, replied the request came from the school. At Bertonley, in the morning, 27 children come down through the path to Hartness to the back of the parking lot going to the school. There are nine children that come down to the walk and turn and come in to the school; there are twenty-four that come down and turn into Hartness. In the afternoon, there are 72 that go out with 28 crossing, 30 going in one direction and 14 the other direction.

Councilman Tuttle asked if the sidewalks are put in, can the children be stopped who are crossing through the path? Mr. Hoose replied he cannot answer that. Councilman Stegall stated the path is an unopened street, which is a continuation of Water Oak Road and has not been opened.

Mr. Hoose stated they are talking about 60 children in the morning and 72 in the afternoon. Councilman Whittington asked why a sidewalk on Linda Lane is recommended and Mr. Hoose replied there are Junior High and Elementary children walking down Linda Lane. There are about 29 elementary children back and forth. He stated there is no traffic in there as it is off the beaten path.

Mr. Hoose stated as background he was called out to the school while it was under construction, and was told that the students would be doing this and that and the sidewalks would be needed before school started. He discussed with them the possibility of routing the students and redesigning the roadway to give the school circulation, which so far has not been adopted. At that time, he recommended certain walks based on the fact they had told the student where they would walk from; then when they put up the stakes, people started calling and Council held up on the recommendation and his department came up with the present recommendations.

Councilman Tuttle stated he is opposed to gravel sidewalks in front of \$30,000 houses, \$6,000 houses or \$100,000 houses. Councilman Whittington stated if the sidewalks are not needed, he thinks Council should vote to disregard them; and if they are needed, you have to consider the safety of the children.

Councilman Whittington suggested that no action be taken on this recommendation until such time as the School Board should ask for it. Councilman Short stated we are caught in a situation between the nearby residents and the school board, and the city's involvement in the gravel sidewalk, so the principle parties are those who live there plus those who operate the school; and it appears to him that Council should just get across to them by telephone or some means for them to decide what they want and then talk to the City further.

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Mr. Hoose stated there are very few people who want gravel sidewalks in front of their homes but there are miles and miles of them and some pass \$30,000 homes. As far as the elementary students are concerned, there are only 15 who use the sidewalks so he was combining the 15 with the junior high students.

Mayor Brookshire asked if Mr. Hoose has talked to the School about this particular proposal, and he replied he has not talked to anyone.

Councilman Whittington moved that action on the recommended revisions for sidewalk improvements to Randolph Junior High School be postponed. The motion was seconded by Councilman Stegall, and carried unanimously.

Councilman Stegall stated he does not want the position he took in the conference session to indicate in any manner that he is not completely interested in the safety of the children out there; that he is concerned over the traffic count Mr. Hoose has given, and over the fact "are we doing with public funds, what we ought to do with them".

GRAVEL SIDEWALKS AUTHORIZED CONSTRUCTED ON STATESVILLE ROAD TO SERVE WILLIAMS JUNIOR HIGH SCHOOL.

Mr. Hoose, Traffic Engineer, stated due to the heavy construction that would have to be done on one side of Statesville Road because of the pipe that would have to be laid, they recommend that gravel sidewalks be constructed on the east side of Statesville Avenue, between Irwin Creek and Whittington Street, a distance of approximately 680 feet, and along the west side of Statesville Avenue, between Irwin Creek and Old Statesville Avenue, a distance of approximately 1,655 feet.

Councilman Alexander stated he is interested in the section between Whittington Street and Alma Court, and there is a question in his mind about having the students cross over and cross again. That most of the children are walking down the opposite side. Mr. Hoose stated there are 81 students walking one way and 73 the other way; so they are walking on both sides of the street now. Councilman Alexander stated that is his concern; that he is equally concerned about the 50 that are still walking on the opposite side of the street; they are not going to switch over and will continue to walk on the opposite side of the street. He asked if Mr. Hoose has an estimate of the cost to put the gravel sidewalk on the side of the street where the pipe would be needed? Mr. Hoose replied it would be equal with the gravel sidewalk plus about \$3,000 for the pipe.

Councilman Stegall asked if there are crossing guards out there other than the school patrol boys? Mr. Hoose replied they are student guards; there is no crossing at this particular point; that there is a flasher light in the middle of the school zone.

Councilman Alexander stated his whole point is that the danger is just as great for traffic and the students walking on both sides of the road where there is no sidewalk and the walk is level with the highway; that in the strip between Whittington and Alma Court there is a need of the raised sidewalk; if it is needed on one side, it is needed on the other.

Mr. Hoose stated this street is proposed for widening in the capital improvements budget for 1968-69. He stated the sidewalks as recommended will be elevated above the road. Councilman Alexander stated these children are walking level with the traffic; they are in the road and off the road and this is his concern. The need for a sidewalk on both sides of that road

between Whittington and Alma Court is just as great as it is on either side. That what we are trying to do here is to keep from spending money to put the pipe in, and at the same time we are not doing anything to stop the children from coming on that side who are in danger from the same cars; we are relieving it only on one side of the road. That he could see the recommendations providing there was some control of the traffic; but the cars and trucks come down at the same rate of speed they are traveling anywhere, and the school children cannot control the traffic.

Councilman Whittington asked if a crossing guard was authorized where would he be stationed, and Mr. Hoose replied he does not know, that we are talking about junior high school students and they will cross wherever they want. That they go back and forth all day to get to the stores. If you put someone out there he would have to be on a scooter to ride up and down. Councilman Stegall stated he is concerned that they will be asked to cross the street twice where now some do not cross the street period.

Councilman Alexander stated we are doing better now than ever, but his whole point is if you are going to do anything, do all that can be done now, once and for all.

Councilman Alexander moved approval of the improvements to Statesville Avenue sidewalk as recommended. The motion was seconded by Councilman Whittington.

Councilman Alexander requested that some consideration be given to having a patrolman patrol that stretch; that it cannot be done all day long but when the major portion of the children are moving down that strip in the morning and afternoon, it could be done.

Councilman Tuttle asked what would it cost to put four blinking 15 MPH lights to slow everything down and make the traffic crawl through and let them walk in the street? Mr. Hoose replied they will cost about \$800 per installation. Councilman Tuttle stated he has been through areas where there is a real dangerous situation and there is a flashing light hanging over the street for 15 MPH. Councilman Alexander stated he could not agree with that; that Highway 21 is one of the most heavily traveled highways going through this town with all kinds of traffic.

Councilman Short asked what was wrong with the pathway that Mr. Hoose pointed out? That does have the advantage that it is apparently over public streets and is away from Statesville Avenue, and is more direct? Mr. Hoose replied this was stopped by the principal because of the complaints in the area; they are now trying to find out what the complaints are; it is a private street. Councilman Short asked if the Council should not wait until he does find out the complaints; this is a street tailor-made for the children with apparently no traffic; and yet the City is spending a lot of money to force them to go over and walk along the edge of one of the most heavily traveled highways in the city. Councilman Alexander stated when the street was made no consideration was given to the fact that the children were being drawn across other peoples' property around their houses, and the people object to that; there are many problems going down through those woods to come down the little street.

The vote was taken on the motion and carried unanimously.

Councilman Alexander asked if there is a solution to slowing down the traffic? Mr. Hoose replied he would talk to Police Chief Ingersoll to see if something can be worked out.

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REQUEST FOR ASSISTANCE OF FIRE DEPARTMENT PERSONNEL TO INSTALL CHRISTMAS LIGHTS AND DECORATIONS ON DOWNTOWN STREETS, APPROVED.

Mayor Brookshire stated the Council has a request from Mr. Earl Crawford for the assistance of the Fire Department to install Christmas lights.

The City Manager stated this is something that the City has participated in for years; that he has no objections to continuing this; it is done during the normal work assignment. Mayor Brookshire stated he has no objections as long as it does not impair the safety of Charlotte.

Councilman Jordan stated since we have the Festival in the Park and now the Christmas lights and the carrousel parade he would suggest that we go ahead with this at this time and then schedule a meeting with all the people concerned so that we will not have this problem next year. That he thinks it would be in the Council's interest to know how many man hours they are called upon to do.

Mayor Brookshire asked when the men are away from the station and get a call back for a fire, how long does it take? Mr. Veeder replied this special work is done by the fire alarm personnel, and they are always available, if needed, in actual fire fighting; that he does think this is something that needs a hard look; there is a point beyond which it is not in the best interest of the department to do these things and how you define this point is a subjective judgement; that he cannot define it precisely; that he thinks we are approaching it if we have not actually reached it in terms of this plus the activities of the Festival in the Park.

Councilman Alexander asked if any firemen at any time^{are} called upon to render this service during their off duty hours, or is this done during their regular duties? Mr. Veeder replied to the best of his knowledge it is during their regular duty hours.

Mr. Veeder stated we need to think of this as a whole in terms of not only the Festival in the Park but anything else; that it is a worthwhile subject for Council to give consideration.

Councilman Stegall asked if it would be in keeping to ask Chief Black what his opinion is on this and if it will impair his installation of fire alarm boxes to any appreciable degree that we cannot afford to do this? That the Christmas lights project is a worthwhile civic project, but he does not want to put the city in a position of criticism again. Mayor Brookshire stated he does not think the members of this Council would ever agree to any other activities on the part of firemen which would adversely affect the efficiency or the effectiveness of the Fire Department itself.

Councilman Jordan stated since it is getting time for the Parade and the people want to know if they will be able to have the services of the fire department and Council members want to talk to Chief Black about this, he thinks it should be done immediately or go ahead and approve the request at this time and take it under consideration.

Councilman Whittington stated this along with the Festival in the Park are the type of things that benefit the community - you are talking about 500,000 or 600,000 people who come in and see this type of parade and it is not only an event for Charlotte, but is is an event for this whole section of the State. That he thinks Council should go along with this request at this time, and well in advance of a future request there should be a meeting of the minds to see what can be determined.

Councilman Whittington moved that the request be approved. The motion was seconded by Councilman Tuttle.

Councilman Tuttle stated he agrees with what has been said that we should take a look at the extra-curricular work as a whole well in advance of the next Festival in the Park. In the meantime, he believes it would be interesting if the City Manager could find out what towns such as Richmond, Atlanta, Durham, Greensboro and Raleigh do about this sort of thing.

The vote was taken on the motion and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Resolution authorizing condemnation proceedings for acquisition of 4,431 square feet of property of H.E. Austin and wife, Mary E., located at 300 North Brevard Street, for the Sixth Street Widening Project, at a price of \$9,550.00
- (b) Acquisition of 212 square feet of property at the corner of The Plaza Road and Commercial Avenue, from Craig T. Brown and Gaynell H. Brown, at \$500.00 for the Plaza Road Project.

Councilman Whittington asked if the City is stopped now by the Robinson's property on the corner of Sixth and Tryon Street? Mr. Kiser replied the city is stopped on the building until the Supreme Court can rule on it; the Judge agreed that the City's position was sound and he thought it was constitutional yet he felt there was a possibility of it being unconstitutional and continued the restraining order in effect until the Supreme Court can rule on it; it will probably be in February.

STUDY REQUESTED ON CONDITIONAL ENTERTAINMENT OR AMUSEMENT ZONING.

Councilman Stegall stated in the interest of what has taken place recently over a proposed facility of entertainment, he requests the City Manager to have a study made about a possible conditional entertainment zoning so that any place of entertainment or amusement that might come into play would have to be passed on by the Council, such as the conditional zoning for a conditional shopping center zoning.

The idea is so any person or firm who wanted to build any place of amusement or entertainment, that might be objectionable in any minds, would have to submit a plan to Council for approval whereby any objections might be heard from residents of the area before any such permission is given regardless of how the land is zoned.

LETTER OF APPRECIATION REQUESTED SENT TO ELMER ROUZER FORMER CHAIRMAN OF REDEVELOPMENT COMMISSION AND RAY KING, NEW CHAIRMAN.

Councilman Alexander stated Mr. Elmer Rouzer has stepped down as Chairman of the Redevelopment Commission, and requested that a letter of appreciation for services rendered in that capacity be sent him; that during his tenure of office the urban renewal program moved forward in an appreciable fashion. That it was not the easiest job nor would everyone in town accept such a responsibility. He has done a commendable job which has put dignity to the urban renewal program to a point where it is accepted in the community. That he thinks it would be well and proper if he were recognized. Councilman Short stated that Council can be equally appreciative of Mr. Ray King undertaking this responsibility and he would hope the Mayor would write him a letter also on behalf of the Council.

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DISCUSSION OF RACE TRACK TO BE CONSTRUCTED ON WEST BOULEVARD.

Councilman Tuttle stated regarding the proposed race track to be constructed on West Boulevard, suppose there was a chemical plant that wanted to come in here and build in a certain area and the plant would let off such a stench that no one could live with it, with what is the City faced - maybe something far more objectionable than this race track could possibly be. He asked if there is any way to incorporate into the zoning ordinance some words to the effect that any business that creates a possible public nuisance would be subject to approval before any work is started? He asked if there is any place where a business is to go into a properly zoned area that presents a possible public nuisance where the city would have the right to stop the work?

Mr. Kiser, City Attorney, replied there are two things to consider. If the use is permitted in the zoning ordinance then there has to be granted a permit to occupy the property for that use. From a public nuisance standpoint there is what is called a "nuisance per se", those industries which can and of themselves are nuisances. They present a different principle on which we can operate and those uses which may become nuisances depending upon the manner for which the property is used. Not just because it is this kind of use does it automatically follow that it is a nuisance. The kind of situation Mr. Tuttle is talking about may very well be a nuisance per se type of industry which would permit equitable remedy in courts before it is in operation which is not the case when it is a nuisance or when it is not a nuisance per se. You have to wait until it becomes a nuisance before you can establish an inequity that it is a nuisance and take action to enjoin the operation.

Councilman Tuttle stated he is not saying a race track is a public nuisance as the courts would have to decide that, but to let them invest all that money he would hope there was a way to avoid it.

Councilman Jordan stated he believes all members of Council received a letter from Mr. Gaskey. According to the letter he has purchased the site; they visited with the permit section on several occasions before purchasing the land; that they also visited with the Traffic Engineering Department who was very cooperative in helping design entrances and exits; they then applied to the State for a permit. After State approval the Traffic Engineering Department also issued its approval. After this was done and the permit properly issued, their contract for purchase was completed.

Councilman Jordan stated this sounds as if this is some of the city's own mistakes; these people have invested their money in this property and according to the letter the city has helped them and issued permits. He stated as far as he is concerned he knew nothing about the race track until he read it in the paper, and all this had been done previously. That he feels in the future on things such as this the Council should be apprised of this before it is so involved.

Councilman Alexander asked if our people who have worked with them have not done what they had to do under the circumstances? That they could not refuse to work with them whether Council knew it or not since this was something that could legally have been done in our regulations. That we do not want to make it appear that our officials have been wrong in moving up to this point. Mr. Veeder, City Manager, stated they have acted within the framework of their authority. The point here provides an opportunity to take a look at some of these operations in advance of moving ahead. To date the steps that have been taken were within the framework of the authority of the individuals.

Councilman Short asked if Mr. Kiser said getting at a dangerous nuisance either per se or one that might evolve in such a situation, is a matter for injunction, or the court, and not legislation through zoning ordinances? Mr. Kiser replied you can have zoning ordinances that would permit or prohibit certain types of nuisances; when it comes to a specific instance where zoning permits a use and whether or not it becomes a nuisance as a result of it that is where you cannot legislate.

Councilman Jordan stated the letter included two other items - one that after careful consideration they agreed to relocate the track if they can receive certain assurances that the City, or anyone else in a position to do so, would make available to them a site comparable to the present one, both in value and proximity to the City; and which will be neither objectionable to the City now nor upon annexation into the City, nor to the landowners in the area.

Mr. John Gaskey stated they put up \$3,000 with the provision they would get their money back if they could not secure a permit; that the City said it was suitable for zoning; a permit was issued for grading and grandstands. The others are to be issued to him later for concessions and restrooms.

Mayor Brookshire asked Mr. Gaskey if he has made any effort to find another location, and he replied that he does not know of any other location that would be as nice as this for a raceway. Mr. Gaskey stated the races will be held on Friday nights, from 8 to 12, and if that creates any problems, he will cut it back from 7 to 11, and if that creates any problems about people sleeping, he will start the races at 6 o'clock; there will not be dust. He stated as to the traffic, he does not know of any place better as there are four to six lanes in and out of town - with three lanes each way; they have entrances and exits on West Boulevard and are trying to purchase land in order to have a back entrance also.

Councilman Short stated a number of years ago, there was a situation in California with an airplane being piloted by someone who was new and lined up with the wrong series of lights and landed across the street from the airport as he thought it was the beginning of the runway. He asked Mr. Gaskey if he thinks this is possible and if this sort of thing did happen would it not be serious to the race track? Mr. Gaskey replied anything is possible, but he will bring his lights down to 10 foot if necessary. He stated they wet their track down and if you attend a race with a white shirt on, you come away without the red dust on you. They would anticipate six to ten thousand attendance, and it will generate 1800 to 2500 automobiles in Concord, they have around 1500 cars with a single lane highway.

Mr. Hugh Ashcraft stated if you check the travel records of the Airport, the peak loads are the exact times as suggested for the races; that he is concerned about the impact this would make on industry that may be interested in coming to Charlotte as this is the road to the Airport. That he was Chairman of the Chamber of Commerce Airport Committee and their greatest concern then was that of all the cities they could think of with which Charlotte must compete for growth in industry, Charlotte had the least roads to the airport; when the present plans are finished, Charlotte will not be ahead of anyone, it will only be catching up. That even if Mr. Gaskey gained access on a side road, the ultimate feedback would be significant; that Fort Mill, Rock Hill, Chester and other towns in South Carolina think of Charlotte as their airport.

Mr. Ashcraft stated it would be important for this Body to check with the proper officials in the Federal Aviation Agency to see what comments they may have about the hazards for this aspect of the whole problem.

Mr. Ross Knight, Airport Manager, stated although the actual peak hours are from 7:30 to 8:30 in the morning, there is a large number of flights between 7:30 and 10:30 in the evening. The FAA's attitude concerning both safety and effect upon the efficiency of the traffic control situation at the airport has been checked out to the best of their ability. The local tower Chief Controller has checked with their area office in Atlanta and the FAA is completely non-committal; they take a wait and see attitude. They say until the track is in operation at night, they cannot tell the effect it will have upon safety or traffic control. If it does effect the traffic, they will have to adjust the various flight patterns to take it into consideration. Mr. Knight stated during the meeting held with Mr. Gaskey on Tuesday, the possibility was brought up of shifting their time for the race to Saturday afternoon; that he thinks if this could be brought about, it would be making the best out of what could be a questionable operation. If the races were held on Saturday afternoon, there would not be the light problem; the dust problem would not be compounded by the lights and glare from the lights; Saturday afternoon is not during the peak hours until they get into 4:30 or 5:00 o'clock as the majority of the afternoon is one of the relatively slack periods. Mr. Ross stated the track is off to the side of the approach path by about a quarter of a mile; a problem could arise with an aircraft in an emergency, but it could just as easily go into Stonewall Jackson Homes or anywhere else in that immediate vicinity; if during a take off a plane lost an engine there is a possibility of its going down off to the left. These are, statistically speaking, very difficult to prove, and it is for that reason outside the clear zone the FAA makes no recommendations or takes any action.

Mr. Knight stated the FAA says if the race track is built and the combination of the lights and the dust at night make it so difficult for the tower to see the actual lights of the aircraft on the whole southeast quadrant, they would change the traffic pattern. Under those circumstances, it could completely block off the southeast quadrant from being used in the traffic pattern; they would have to come around from the opposite side of the airport, and make nothing but left hand approaches to the runway.

Councilman Tuttle stated he can appreciate the innocent dilemma Mr. Gaskey is in; that he does not think he has done anything wrong intentionally or otherwise; that he does not believe the City Officials can do anything to stop the race track; but with the possibility of the public taking the public nuisance action against him, and with the possibility of the FAA taking some action, it is entirely possible that Mr. Gaskey could be faced with a tremendous lost in the future if he builds and is forced to stop. He stated he would hope Mr. Gaskey would work with the City Officials and see if the City cannot find him another location.

RESOLUTION EXPRESSING SYMPATHY UPON THE OCCASION OF THE DEATH OF
JAMES C. BROOKSHIRE, JR.

Councilman Whittington introduced and read the following resolution,
which was unanimously adopted:

BE IT RESOLVED by the City Council of the City of Charlotte,
North Carolina, that heartfelt sympathies on behalf of itself and the
employees of the City of Charlotte be hereby extended to the family of
Mayor Stan R. Brookshire, upon the occasion of the death of his
brother, James C. Brookshire, Jr.

AND BE IT FURTHER RESOLVED that this resolution be spread
upon the minutes of this meeting, and further that a copy be forwarded
to Mayor Stan R. Brookshire and to the family of James C. Brookshire, Jr.

CITY MANAGER REQUESTED TO PURSUE THE MATTER OF JOINT MEETING WITH COUNTY
REGARDING BRIAR CREEK AND SUGAR CREEK.

Councilman Whittington stated much has been said about the Corp of Engineers
and the ways to work out a plan with the County to do Briar Creek and Sugar
Creek; that it has been proposed that a meeting be scheduled with the County
to discuss this.

Mr. Veeder, City Manager, stated he has discussed this on a number of
occasions with representatives of the County toward the end of trying
to set a date that would be convenient to them. The most recent conversation
being on last Friday afternoon; at that time it was brought out that the
County wants to hold up such a meeting until they can find out what progress
is being made by a man who has expressed interest in trying to obtain rights
of way gratis from the abutting property owners. The County is of the
opinion they should have some idea of the progress he has made before a
meeting is held with the City Council.

Councilman Whittington asked if it would not be well for the City to contact
this man and commend him for what he is trying to do and perhaps ask Mr.
McIntyre to give him the information he has when the Planning Office made such
a survey; this might help him some.

Mr. Veeder stated they would be pleased to provide anyone with the information
that he believes it would be time well spent if such a meeting were held
between the Council and Board of County Commissioners independent of what
may or may not evolve from the efforts of this man. He stated he would
continue to pursue the matter with the County.

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PLANNING COMMISSION REQUESTED TO CONTACT HOWREN MUSIC COMPANY AND MCGINN SHOPPING CENTER REGARDING NON-CONFORMING USE TO BE EXPANDED.

Councilman Whittington stated there is a non-conforming shopping center located on Park Road called McGinn Shopping Center. The tenants in the back of the shopping center find themselves with not enough space and as a non-conforming use.

He requested the City Manager to have the Planning Commission to contact Mr. McGinn and the Howren Music Company and tell them how they can expand their facilities or if they can.

TRAFFIC POLICEMEN REQUESTED IN UPTOWN AREA TO KEEP INTERSECTIONS OPEN WHILE CONSTRUCTION WORK IS GOING ON.

Councilman Jordan stated this morning from the Square down to Third Street, and to College and Church, traffic was backed up for about three hours. Everytime he went up there traffic was across the street blocking the intersections. That he looked for a policeman to help unbottle the traffic, but he was not able to find one. That he saw a police car in the line of traffic. That we know this work is going on, and it seems to him there should be two or three policemen in there to keep the intersections open.

RESOLUTION RELATING TO THE CLOSING OF SOUTH MYERS STREET, ADOPTED.

The City Manager stated to bring Council up to date on where it stands on the Myers Street Closing, the Board of County Commissioners this morning passed a resolution spelling out the county's position relating to Myers Street. Following the action of the County this morning, the Board of Directors of the Law Building and the Stockholders of the Law Building met and adopted a resolution relating to the resolution adopted by the Board of County Commissioners and relating to the resolution that the Council will consider this afternoon.

He stated the action of the Directors and Stockholders of the Law Building are such that require the Board of County Commissioners and the City Council to enter into an appropriate consent judgement. Once this is approved and the appropriate consent judgement has been prepared the suit will be withdrawn and the City will be in a position to let the contracts on the Law Enforcement Center.

Councilman Whittington moved the adoption of the following resolution, which was seconded by Councilman Short:

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina:

WHEREAS, the City of Charlotte proposes to erect a Law Enforcement Center and the County of Mecklenburg proposes to erect a Jail, which buildings are organically and integrally related in the block bounded by South McDowell, East Trade, Fourth and Myers Streets; and

WHEREAS, in order to permit the erection of these buildings, South Myers Street must be closed between East Trade Street and Fourth Street; and

WHEREAS, the Charlotte Law Building, Inc., has objected to the closing of Myers Street anticipating that such closing of Myers Street will adversely affect the property interests of the Charlotte Law Building, Inc., and

WHEREAS, Charlotte Law Building, Inc. has instituted an appeal from a decision made by the Charlotte City Council ordering the closing of Myers Street.

NOW, THEREFORE, in the interests of resolving the controversy over the closing of Myers Street and in the interests of expediting the construction of the buildings described above, which are urgently needed as a matter of governmental necessity, the City Council:

Has and does agree to work independently, with Mecklenburg County and with private interests toward the end of providing additional parking for the public on Trade Street in the block immediately across the street from the Law Building, to serve the needs of the community.

The action taken and the contemplation of the City referred to above is made without prejudice to any right which the Charlotte Law Building, Inc. may have to the recovery of damages arising out of or related to the closing of Myers Street.

Councilman Tuttle asked to what degree of work does the resolution refer; what would determine a reasonable effort? Can they come back and say we did not work hard enough? Mr. Kiser, City Attorney, replied they can always come in and say we have not worked hard enough at any time prior to the time parking is provided. This contemplates the City will work independently with the County, and with private interest towards the end of providing just that.

The vote was taken on the motion and carried unanimously.

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MAYOR AND CITY CLERK AUTHORIZED TO EXECUTE CONSENT JUDGEMENT IN THE SUIT FILED BY LAW BUILDING RELATING TO MYERS STREET CLOSING.

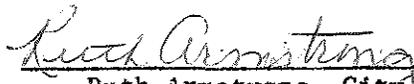
Mr. Kiser, City Attorney, stated Council should consider a motion to authorize the Mayor and City Clerk to execute a consent judgement in the suit filed by the Law Building objecting to the closing of Myers Street; the consent judgement will provide (1) that the law suit would be dismissed and (2) it would incorporate provisions of the resolution relating to the closing of South Myers Street which Council has just adopted.

Mr. Kiser stated at the present time a law suit is pending; the Law Building has agreed to dismiss the law suit if the City and Council agrees to certain things which were included in the Resolution Council just passed, and the resolution the County passed this morning. In order to wrap it up, the consent judgement will be entered with all parties consenting to the dismissal of the law suit, and to the incorporation of the resolution adopted.

Councilman Whittington moved that the City Council authorize the Mayor and City Clerk to execute a consent judgement in the suit filed by the Law Building which would dismiss the law suit and would incorporate the provisions of the resolution relating to the closing of South Myers Street which Council has just adopted. The motion was seconded by Councilman Short, and carried unanimously.

MEETING ADJOURNED UNTIL WEDNESDAY, OCTOBER 18, AT 3 O'CLOCK P.M.

Upon motion of Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, the meeting was recessed until 3 o'clock p.m. Wednesday, October 18, to consider award of contracts for the Law Enforcement Center.



Ruth Armstrong, City Clerk