

September 25, 1967
Minute Book 49 - Page 167

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, September 25, 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, and Jerry Tuttle present.

ABSENT: Councilman James B. Whittington.

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 Ashcraft, Godley, Stone, Tate, and Wilmer.

ABSENT: Commissioners Albea, Gamble, Sibley and Turner.

* * * * *

INVOCATION.

The invocation was given by Councilman Gibson L. Smith.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the Minutes of the last meeting on September 18 were approved as submitted.

HEARING ON PETITION NO. 67-54 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND VARIOUS SECTIONS OF CHAPTER 23 OF THE CITY CODE TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS RESEARCH DISTRICT (RE).

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this deals with the question of whether or not to introduce into the text of the zoning ordinance various requirements that would create a new type of district, known as the Research District. There has been an awareness of the fact that research, laboratories and that type uses are becoming an important part of our industrial development and a realization for the need to separate this type of industrial use and create for it special areas in which it can go that will basically do two things. First it would create an area that would be compatible with adjoining areas as far as general relationship of land uses is concerned; and second, would provide an environment for the location of research and laboratory facilities that would encourage locating in these specific areas.

The purpose of the district is to provide areas in which research and related operations may be established and may be given assurance of wholesome surroundings in the future. The standards are designed for the most sound, permanent research installation, and to protect nearby residential areas from undesirable aspects of research operations.

The permitted uses are relatively short in number, but cover a rather wide scope in their implication, and are as follows:

1. Laboratories and other facilities for research both basic and applied, conducted by or for any individual, organization or concern whether public or private.
2. Offices. Offices are considered a very important part of the research facilities normally and can be very closely associated with them.
3. Production of prototype products when limited to quantity necessary for full investigation of the merits of a product. In addition to the pure laboratory type facilities, it will also permit the establishment of a prototype or pilot manufacturing system purely for the purpose of testing the manufacturing process itself. In no case shall any product be produced on the premises primarily or customarily for sale or for the use in production operation.
4. Pilot plants in which processes planned for use and production elsewhere can be tested.
5. Commercial uses which will be incidental to and support the previously mentioned uses and will be limited to restaurant and snack bars and soda shops; the commercial uses that might be desirable in relation to the laboratory and facilities themselves.

And as standard in any such ordinance, accessory buildings necessary to maintain the basic operation itself.

The building height requirement for this district would be the standard that is present in all the districts - a basic limitation of forty feet in height. Then provided you set back the side yard and rear yard an additional one foot for every two feet of height over 40 feet, you could go to unlimited heights, depending on the amount of space you would have available for back and side yards.

The minimum lot area requirement would be four acres with a minimum width and setback of not more than 400 feet. Minimum unobstructed open space would have to be at least 70 per cent of the land area. Front setback would be 150 feet plus an additional 1 foot of each acre of land included in the tract. The side yard requirement would be 50 feet, and the rear yard would be the same.

The parking requirement would be on the bases of 1.1 car space for each employee on the shift with the maximum employment. The parking areas would not be permitted in the front setback at all, nor would you be able to park within 20 feet of any interior lot line. The loading requirements are very similar to what is already in the ordinance and provides there will be sufficient space for off street loading.

The sign requirements would be based on the type of regulation already in the ordinance and basically you could have in addition to your attached signs, one detached sign unless you have frontage on more than one street in which case you could have two such signs. The detached sign would be a maximum size of 50 square feet, and would not be located closer than 20 feet to a street line.

The storage of outside materials would not be permitted. All utility distributions lines would be placed underground.

The performance standards would cover noise, odors, glare, vibration, exterior lighting, smoke, gases and other things that could be hazards as well as dust. Mr. Bryant stated the Director of Environmental Health Services of Mecklenburg County would provide the technical facilities and the personnel necessary to check every plan submitted for a permit in the Research District and relate it to the performance requirements and determine whether it does or does not meet the requirements.

Councilman Short asked if County approval is required because of the health department feature, and Mr. Bryant replied nothing except the approval in the one respect.

Councilman Short stated he understands residential uses would not be permitted in this area, and is not like other zoning in this regard. Mr. Bryant replied residential uses are not listed as permitted uses.

Dr. D.W. Colvard of the University of North Carolina at Charlotte stated he is here to support the zoning for research purposes, and more specifically for the rezoning of the university research park. He stated we are living in a time in our society when we are more and more dependent upon research, knowledge, upon the mind as against our great dependence upon the muscle in the past years, and this tends to be related to the University in its functions. If the University is to play a major role in the expansion of the economic, industrial, commercial, and governmental enterprises which are dependent upon research, then it seems there is a great advantage of having an area adjacent to the University which would accommodate such things as specialized laboratories, computing tabular centers, executive management and analysis functions and any other activities which are designed to produce knowledge, understanding, programs, policies and pilot operations, the kind of things that relate themselves to the University. With this kind of zoning which is consistent with the development of the University and with the needs of society, it makes it possible for the University to make a greater contribution to the economic development of the community. The highly skilled and specialized personnel, the libraries, the opportunities for life long learning can become magnets to the industrial people who have high salaried personnel committed to these purposes. The University will be strengthened by the presence of this kind of enterprise. This strength could be derived by certain technical, specialized personnel and equipment which may be used by the University for instructional purposes. Some of the University staff members could participate in the training. This would be a great advantage as it could provide employment for students while in college and after they graduate.

Dr. Colvard stated there is no better place in America to build a first class university than here and there is no better way to make the university serve to a maximum the economic development community than by having a proper relationship with this kind of commercial, industrial and governmental enterprise.

Mr. R.L. Cochrane a property owner in the area asked what alternative a property owner has who does not possess the minimum amount of land area? Mr. Bryant, replied whatever use he is making of the property at the present time could be continued without any question. If ever he was dealing with a vacancy of the property or if he wanted to make some use other than the present use, there is a general statement in the ordinance that specifies that minimum lot area requirements will not pertain to lots which are existing or lots on record at the time the particular ordinance you are concerned with would pass. If you had a parcel now under four acres in size, that the lot area itself would not pertain to that particular lot. There are other requirements that cause some problems, and these could be handled only by a consideration by the Zoning Board of Adjustment. This escape clause does not cover yard requirements; you would still be required to observe the various setback and yard requirements as they are contained in this proposed ordinance. If you had a very small tract you could not meet the 150 foot setback. If you wanted to utilize it on that basis, the only relief you could get would be through consideration of the Zoning Board of Adjustment, who has the authority to consider hardship matters, and grant variances in the requirements of the ordinance, keeping in mind that the only uses that could be made of the property are those that are outlined.

Council deferred action until later in the meeting.

HEARING 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 EAST TO HIGHWAY 29 ON THE EAST AND FROM MALLARD CREEK ON THE NORTH TO MINERAL SPRINGS ROAD ON THE SOUTH.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated the specific area proposed for inclusion in the Research District lies entirely west of U.S. 29, includes property on both sides of a portion of the new I-85 and comes all the way over to Mallard Creek Road, not crossing Mallard Creek Road.

Mr. Bryant stated there are three parcels proposed for change. First is the proposal to create the Research District in order to bring the overall zoning pattern into a more compatible relationship, there is a proposal to rezone property along Clark Boulevard from its present Industrial-2 to R-12. There is an area that lies from the intersection of 29 and 49 down to I-85, between the new 85 and 29, proposed changed from I-2 to I-1.

He stated the strip of land that lies between the new I-85 and Highway 29 from I-85 down to the college property is I-2; there is a small area of B-2 zoning just south of the college property along 29. West across new 85 all the way over to Mallard Creek Road is zoned R-12. The property proposed to be changed to Research District is presently zoned partially R-12, I-2 and B-2. The zoning surrounding the Research District is predominately residential west of I-85, Business along 29 to the east, and residential as you get into the college property on 49, and property along 49 in general, as well as the college property.

Coming back into town on the west side of Highway 29 beginning at the college property is a combination service station and grocery store, a truck parking area adjacent to that with a house on the rear portion of the lot. There is a small motel; three houses and a trailer parts and supply company, and the Carolina Nursery property. The Clark Boulevard area which is proposed changed from Industrial to R-12 is predominately single family, and up until now the residential area was non-conforming as they are not permitted in an industrial district. So that the residence can become conforming uses, and the few remaining vacant lots could be developed for residential purpose, they propose that the area be zoned R-12. On Highway 29 at Clark Boulevard there are a few small business uses - a fabric shop, an antique shop at the corner of Clark Boulevard with a print shop in the rear. On the other corner of Clark Boulevard and Highway 29 is a residence with a dog kennel in the rear. There are several houses along Highway 29, and as you go back along the Mallard Creek area there is a scattering of single family residential structures, but the area is predominately vacant.

Mr. Bryant stated the area proposed changed from I-2 to I-1 is predominately vacant, with a service station at the very corner of the proposed district, and the Rider Tank Terminal, and to the rear is an area used for the manufacture of septic tanks; there are several service stations just south of the point where 49 comes into 29. Other than that the area is all vacant.

The adjoining area west of I-85 is predominately scattered with single family residences. On the west side of Highway 29 is a general mixture of motels, service stations, Highway Patrol Office, Green Acres Rest Home, and then the actual college property. He pointed out the Paradise Valley Golf Course, a restaurant and motel and stated that area is not actually involved in the area proposed for change.

He stated the combination restaurant and grocery store, the motel, the trailer parts and supply company warehouse as well as the nursery operation would all be non-conforming, plus the scattering of single family houses. Under the R-12 proposal would be created a non-conforming use in the form of the fabric shop and the auction sale establishment at Clark Boulevard.

Councilman Smith asked if there will be access to I-85, and Mr. Bryant replied at the present there is none. Councilman Short asked if any of the uses listed in that to be I-1, other than residential would be rendered non-conforming? Mr. Bryant replied the truck terminal might be on the border line: truck terminals are permitted only as conditional uses.

Mr. W.T. Harris stated on behalf of the officers and directors for the University Research Park, Inc. he would like to wholeheartedly support the zoning as presented by the Planning Commission. The University Research Park, Inc. is a community-wide project composed of dedicated businessmen of Charlotte community; it is a non-profit corporation sponsored and initiated by the Charlotte Chamber of Commerce and has been made possible by the financial support and backing of business firms on a non-profit basis. The University Research Park consists of 400 acres of land fronting on the western edge of Interstate 85. Immediately to the west of the University, this project is ideally located for maximum contact with the professors of the University. Charlotte needs a large university research park because the people attracted to such a research facility have a high cultural and educational level and would make a maximum contribution to our community. They would receive higher than average salaries - estimated to be over \$12,000 a year. Substantial tax benefits would result because of this portionally high investment required in technical facilities of this type. The Park activities would compliment and be a stimulus to the University. When all this area now being discussed has been changed it would likely generate investment in the community in excess of \$200 million dollars and would create 10,000 new jobs. The Park is already a growing concern and in business on a non-profit business. Much progress has been made to assure outstanding transportation accessibility through the establishment of a coverleaf on I-85 and eventually a four lane road going directly through the research park area.

Mr. Harris stated they now have under contract an outstanding architectural and engineering firm making a land study of this area and how it can best be used. When completed it will assist in the preferred location of water and other utilitylines and the full desirable development of this area.

Mr. Elbert Foster asked if the land already allocated is dufficient, and Mr. Harris replied to their knowledge there is no land allocated for this. He stated they have 400 acres but have no zoning for this; that they could handle this nicely on the 400 acres but this is a drop in the bucket to the science research park that would be needed. That this is a low density land use and you can only use 30% of your land to build on. If someone wanted to put a 100,000 square foot research park facility and office, he would use quite a bit of land.

Mr. Harris stated the intent and purpose of the Charlotte Chamber of Commerce was not to initiate something to try to get into business itself. The intent and purpose is to try to help develop this as a research park rather than to try to own and control by their organization which now is not a part of the Chamber of Commerce but still sponsored by the Chamber of Commerce.

Mr. Foster asked if the zoning ordinance is changed and the area decided to be restricted to Research, would that not be of direct benefit to the textile industry that has bought out there? Mr. Harris replied he feels this could lend itself to the same type of facility and same environment being developed in this general area; it would not hurt them. This park would make a real contribution to the community. He stated that Collins and Aikmen have not pushed the Chamber of Commerce and were made no promises along this line when they made their decision. They inspired the Chamber to move on to try to develop an area out there rather than something to try to benefit Collins and Aikmen.

Mayor Brookshire stated Mr. Harris's version here represents a complex park that would be a credit and asset to the community and region. Mr. Harris stated research is becoming a way of life and the thing that is essential to make progress in the community.

Councilman Tuttle asked when Collins and Aikmen intended to start something on their project? Mr. Spencer replied it is under design now. Their architect is working in conjunction with J.N. Pease on land use study of their land to be sure that their land ties in with the land use of the entire university park as visualized. The building is under design along with the land use. They have not completed the design and have not let the contract, but it is definitely under way.

Mr. Spencer stated they are very happy that the Research Park did come along. That they worked very closely with the University before deciding to relocate from Albemarle to Charlotte and in picking the exact location so they could be close to the University. That they were very happy that the Chamber of Commerce went forward with the University Research Park.

Mr. E.L. McConnell stated he represents the owners of the lower tract in the University Research Park Area. They are in favor of this if it goes over. In case it does not go over he asked if there is any thought given to going back to what they are zoned now - R-12, without going through the red tape to get it rezoned. Mayor Brookshire replied any change if approved would require you to come back with another petition through the regular channels.

Mr. Charles Wellings, Attorney representing a business located on Highway 29, the mobile home supplies, stated that business is in the process of expanding greatly. That they have been there for many years and have a small tract of land that is less than the minimum requirement if placed in this new zoning. There have been overtures to buy this land at a very attractive price. They do not want to leave; they want to place their home office here. If they are included in this zoning they cannot expand; they can maintain what they have but it will not be sufficient. He stated there is ample land included in this vast tract so that the line could be pulled back from Highway 29 on the west to the rear of the eight or ten property owners that have small tracts of land. The minute their land is zoned to this new zoning, they have no one to sell to; there is no use their land can be put too except for what they are presently using it; they cannot expand. They are not large multi-million dollar companies like some out there, but they are people who have been in Charlotte and Mecklenburg County for many years. They have been good taxpayers. The effect of this zoning to these people will be to take their land and give it to some other private individual to use under this new zoning unless someone had enough land and wants to buy it. He stated they oppose this rezoning to include their property, and they request Council to move the line back to Highway 29 and let these people operate their businesses there. That there is ample acreage in the proposal without taking ten, fifteen or twenty more acres.

Mr. Welling stated he is very happy to have the University at Charlotte as it helps the City and County, and it all fits in but we have to also look at some of the smaller people as well as the larger ones.

Mr. Elbert Foster, Attorney representing Mr. Harold Rimmer, stated Mr. Rimmer is a long time resident of Mecklenburg County, and operates a motel and has been out there for 28 years. When you limit the use of motel property where through necessity there is the problem of rebuilding every ten or twelve years, then you have depleted the value of the land to such an extent that it is not worthwhile to conduct a motel. He stated Mr. Rimmer is planning to expand his motel. If this reclassification takes place then he cannot do what he has planned to do. The only person who would be interested in buying this property would be Collins and Aikmen if this rezoning takes place. That Collins and Aikmen have already approached Mr. Rimmer; they own the land that just about circumvents and surrounds the very property that these people who are up here standing up for what little property rights they have left in this country. He stated they are not here to stop progress. You cannot progress and at the same time deprive a man who has been out there for 28 years of his living, of his property, and that is what is being done.

Mr. Foster stated if those businesses which border North 29 were left out and move the zoning back west towards Mallard Creek Road, there is enough acreage to take care of the Research Park.

He stated when he asked Mr. Harris if Collins and Aikmen would not be benefited directly by this, his answer should have been yes; that in substance he did say yes. That he does not think some multi-million dollar corporation should come in here - and that these little operators like Mr. Rimmer, should not be penalized when there is ample opportunity for the rest of the area to develop the research park.

Mr. Raymond A. Jones, representing the J.A. Jones Construction Company, stated since they have a large parcel of this property under construction, it is appropriate to say they are 100% in favor of this zoning, and if enacted they will cooperate 100% with the University Research Corporation in the development of the land.

Mr. Tom Mullins stated he is representing the residential property owners who own the property between the motel - the three residential properties facing on North 29 and directly opposite the State Highway Patrol Station. That this is the property between the motel and the property Mr. Welling was talking about, the Trailer Parts. As presently zoned this is I-2, and his clients occupy this strictly as residential. This limits the use or sellability of this property. These people have occupied this property for many years, and if this zoning is put through for the area, they will be limited to one possibility of selling the property, and that is Collins and Aikmen. As it is they can continue to use it and they are happy to live there. The businesses are small and the business at the rear of the property is a nursery, and they are not frozen out by any heavy industry; it is a pleasant place in which to live. That Collins and Aikmen can name their own price and for that reason he would like the Council to consider omitting this particular area from the rezoning.

Councilman Short asked if Mr. Mullins' clients are already in a non-conforming area? Mr. Mullins replied that is correct; that it is industrial; they have already been rezoned and they were prohibited from expanding their houses as it is; and now they will be in a further bind because they cannot sell the property to anyone but one buyer; that they have already been approached, and that will cut the price down. Mr. Bryant stated that property is not zoned industrial; it is B-2 at present so the houses are conforming.

Mr. Harold Rimmer, owner of the motel, stated he has spent a lifetime working with his hands to produce the motel. He worked in town for 20 years until he earned the money and got the motel paid for; he has paid taxes in Mecklenburg County ever since he has been out there. He stated when I-85 highway goes through, there will be a fence on each side and absolutely no access to the College Park. But Highway 29 is a four lane highway and has nice access to the property, and that is the reason the property is wanted. He stated he has about 400 feet, and with the other property next to him, there is just about as much frontage as Collins and Aikmen has on their highway; they have about 600 or 700 feet, and if they could get it all together they would have all that highway frontage in front of their property. He stated he has no objections to selling his property, but if he is pushed out at least he would like to get the value out of the property; that he has about \$75,000 invested.

Councilman Short stated this motel is now on Highway 29 and it will be off the main highway which is I-85 about a block or so over. Mr. Rimmer stated that is true but the highway will still be there and it will have a business entrance coming into Charlotte; that he has a nice trucking business and the kind of business that will stay with him. Councilman Short asked if it is not true that the Research Park itself is arranging a road which will run from Highway 85 right over to this motel, and if this would not be a considerable help to someone in the motel business who has been bypassed by a larger highway? Mr. Rimmer replied the State is building a connector road and it is about 8 or 10 miles above him to transfer traffic from Highway 29 over to the I-85, but that is beyond any property that belongs to the College. If any other road has been planned he knows nothing about it. At present the only access anyone would have would be to go in from Highway 29. When this Interstate is completed there will be no access to it; there will be a service road along the side, but no direct access from Highway 85 regardless of whether it is the University or the United States Government.

Councilman Short asked if there is not to be an interchange approximately behind Mr. Rimmer's motel which will enable traffic to get off I-85 over to Highway 29 approximately right at his property? Mr. Bryant replied there is a road being considered by the State Highway Commission in this area, but none of the details are available yet. Mr. McIntyre, Planning Commission Director, stated the State Highway Department is considering implementing a plan that has been developed for the University to the area which will be an extension of the overall major thoroughfare plan. If carried out, that will put a road in the location indicated in a very close proximity to the University property, extending westward over to Mallard Creek Church Road and eastward to Highway 49 and beyond 49 to the east coming down the east side to the residential area. The details he has given are from a plan they did and are subject to modification by the State Highway Department.

Mr. William Ficklen stated he would like to make a few comments on the allegation made about Collins and Aikmen. There is some impression that those here think they are out to gobble up all the property that remains there, and only Collins and Aikmen would be interested in this property. Charlotte is fortunate that Collins and Aikmen has decided to locate their research and office facility here. That he frequently has confidential information which he cannot pass on to others, but he can say there are two other national firms who are definitely interested in this research property; one of which he feels confident is interested in the area under discussion. That he would not leave with the impression that Collins and Aikmen are the only firm that might be interested in this land; already there are two other firms known to him that would possibly be interested in the property, and in the passage of a few months there will be additional ones.

Mayor Brookshire stated from his own acquaintance with Collins and Aikmen dated back some 30 odd years, he personally would re-echo all that Mr. Ficklen said about this fine corporation.

he

Mr. George Becker stated/like all other small property owners who may have all their investments in their property, bordering on this highway because they thought it would be a good investment, but if they cannot use it what is the reason to have it. That he has less than four acres. About two years ago Duke Power wanted to put lines through there, and he let them put the lines through and now with this there will not be much left. That his property is across from the Killian's Service Station. That a man has been wanting to put a junk yard out there. Mr. Bill Stewart has the property next to him, and they have talked about this and tried to keep the junk yard out. He stated he received a letter from the Planning Commission which did not come to his address; that his property is zoned I-2 now and he gets two pieces of letter where one will be Research Area and the other I-1. That his property is about 200 feet along the highway and 800 feet back. Mr. Bryant stated the information on which the letters were based was derived from County tax records. Mr. Becker stated his property is less than four acres and Duke Power had constructed two large lines right across his property. Mr. Bryant stated the proposal for the research property would include Mr. Becker's property if he is across from the service station - that it should properly read from I-2 to Research.

Mr. Becker stated he would like to see the proposal moved back. That he cannot build on the portion with the Duke Power lines across it so he might just as well give the property up; that other people feel the same way. A lot of the people have worked hard for their property. He asked why did Charlotte grow the way it did; it is because of the small work of men.

Mrs. Becker stated they put their savings into their home; that this is not the first time the Planning Commission has done them dirty; they allowed a trailer park right across the street, and claimed they mailed a notification.

Council decision was deferred until Planning Commission has made its recommendation.

HEARING ON PETITION NO. 67-56 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND ARTICLE III, SECTION 23-31, CATEGORY (b) OF THE TABLE OF PERMITTED USES.

The public hearing was held on the subject petition to permit in office districts - "Laboratories and other facilities for research, both basic and applied, in enclosed buildings, conducted by or for any individual organization or concern whether public or private, subject to the requirements of Section 23-46.5".

Mr. Fred Bryant, Assistant Planning Director, stated this is related to the general subject matter. Under the existing ordinance research and laboratory type facilities are permitted only in industrial districts. The Planning Commission proposes in keeping with the idea and concept that has been proposed that the existing ordinance be amended to permit laboratories and research facilities in the existing office districts as well. They are proposed to be permitted only provided they meet the same requirements they are subject to if they go into this proposed new district; they would have to meet the area requirements, the setback requirements, the various performance standards as proposed for Research District.

He stated there are some office areas around that would be appropriate for this same type of use and it is proposed that these be permitted in both the O-6 and O-15 existing districts.

No objections were expressed to the proposed text amendment.

Council decision was deferred until later in the meeting.

MEETING RECESSED AT 3:20 P.M. AND RECONVENED AT 3:35 P.M.

Mayor Brookshire called a recess at 3:20 P.M. and reconvened the meeting at 3:35 P.M.

ORDINANCE NO. 697 AMENDING VARIOUS SECTIONS OF CHAPTER 23, OF THE CITY CODE TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS RESEARCH DISTRICT.

Councilman Short moved the adoption of the subject ordinance changing the text of the Zoning Ordinance to create a new zoning district known as the Research District (RE) as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, beginning at Page 102.

ORDINANCE NO. 698 AMENDING CHAPTER 23, ARTICLE III, DIVISION 1, SECTION 23-31, CATEGORY (b) OF TABLE OF PERMITTED USES PERMITTING RESEARCH AND LABORATORIES IN OFFICE DISTRICTS.

Motion was made by Councilman Short, seconded by Councilman Stegall, and unanimously carried, adopting the subject ordinance as recommended by the Planning Commission, permitting certain research and laboratory facilities in office districts.

The ordinance is recorded in full in Ordinance Book 15, Page 109.

PETITION NO. 67-55 TO CHANGE ZONING ON 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.

Councilman Smith stated he is very sympathetic with the people who have property in the subject area where it could be taken off the market completely, and put them under the grandfather clause so that they could not make any improvements, and he thinks it should be sent back to the Planning Commission.

Councilman Stegall stated he thinks this is right and he does not think that Collins and Aikmen would want to be in a position of having this thought that they were going to be the ones to benefit from this. That they would want Council to send it back to the Planning Commission for further study.

Mayor Brookshire stated without objections, Council will wait until it hears further from the Planning Commission before making a decision.

HOSPITALIZATION FOR CITY EMPLOYEES DISCUSSED BY REPRESENTATIVE OF HOSPITAL CARE ASSOCIATION.

Mr. M.S. McKibben, Group Sales Director for Hospital Care Association in Durham, stated they are not requesting any rescinding of Council's action made in regard to inviting bids to other companies for City Employees hospitalization. He stated they proposed this very thing to the Committee a little over a year ago.

He stated on his desk this morning was a note from the Charlotte office regarding information Mr. Robert Earle, Personnel Director, had asked concerning what their company does on termination, in case of cancellation of coverage they now have. With the other things that have gone on, he thought it in the best interest that they ask to appear before Council.

Mayor Brookshire suggested that Mr. McKibben talk with Mr. Earle concerning these matters in order to have his bid^{as} complete as he wants and as attractive as possible to City Council because the City is looking for the best bids and has already determined it would make its award on the basis of bids which they are now requesting.

The City Manager stated everyone is to start from the same point at this point in time; recognizing there have been many conversations held between representatives of Hospital Care and the people associated with the City. Based on Council's action last Monday to give everyone an opportunity to submit a proposal, and opportunity to do so, that it would not prejudice his position one way or the other. Mr. McKibben stated they are quite willing for the bids to be let. When they met with the Committee in December of last year Mr. Earle told them he wanted them to understand that the City was very pleased with the service, pleased with the coverage and delighted with the service Mr. Dotson, their representative, rendered to the group, but to give them reasons why the coverage should not be placed with the Life Insurance of Virginia.

Mr. McKibben stated they would like for this to strictly^{be} an objective type of review. That they not be called into the first meeting and raked out, which was attempted at that time. Now they get the request concerning information on termination.

Mr. Veeder stated the question came up in Council's discussion last Monday - what if we did change carriers, what about termination. That he presumes the only thing involved is nothing to reflect adversely on his Company, but rather to obtain facts in keeping with Council's discussion.

Mr. McKibben asked if you were told this when you came in to start negotiations with the Committee, and you are told this when you are starting off again, how would you feel? This is the position they are in. Mr. Veeder stated they will have the same opportunity as any other carrier and assured Mr. McKibben from the point of view of the staff it will be an objective deal.

Councilman Jordan stated Council has asked for a complete new look at the whole situation with new bids and all, and Hospital Care will have as much of an opportunity as any other company who might bid. It is a new deal from the start.

Mr. McKibben stated that is fair enough; they are not asking for any special favors even though they have been in the group since 1953 and they have built it up from around 500 employees to approximately 2000 employees.

Mayor Brookshire stated the primary purpose is to upgrade and enlarge upon the coverage for employees, and he assured Mr. McKibben that the City Council will not only welcome his bid but will give it full consideration. The City is looking for the most it can get for its money, and that is why it was put on a competitive bid basis.

Councilman Alexander asked if Mr. McKibben is referring to the Insurance Advisory Committee, and Mr. Veeder replied the Insurance Advisory Committee has said they prefer not to become involved in this type of insurance. Councilman Alexander asked if Hospital Care had been sent the same brochure as any other company? Mr. Veeder stated the actual requests have not gone out, but they will receive the same information as anyone else.

Mr. McKibben stated in upgrading the coverage, they have had a little difficulty in finding out what they have been quoting against in the past. If they understand the benefits that have been quoted in the past, there has been a reduction in the benefits. They understand there is \$400 in ancillary - this is all hospital charges other than room and board. The employees have it in full now, and that is a downgrade of benefits. They understand there is a diagnostic out-patient, lab and x-ray that can be used up to \$10,000, and that is a reduction in benefit from what they now have. The employees now have an extended benefits endorsement which is the major medical type program. On all their coverages throughout the State, effective November 1, there will be an automatic increase in the benefits without any additional increase in rates. There is a 730 day program with Hospital Care, under the new program it will be 70 days and that is less. An individual can go into the hospital with what he now has and stay 730 days and there is no difference in what they would receive the 730th day than the 1st day except one thing and that is room and board beginning the 71st day is \$15 and that is one thing that will be increased to \$18 November 1. If it is what he thinks it is with the major medical coverage, you do not have to go through this \$100 deductible to get into the extended benefits with them. Hospital Care picks up 80% of the private duty nurses from scratch; coming out of the hospital on drug charges they pick up 80%. If they understand the new proposal the employees would have to go through \$100 and then pick up 80% of it.

Councilman Smith stated it seems to him that Mr. Veeder and Mr. Earle should be sure of their ground rules when they ask for bids on this. Mr. Veeder stated the problem will be getting everyone to give the City a proposal based on exactly the same thing. Mr. McKibben stated the commercial companies by and large can all quote on almost identically the same thing; Hospital Care is restricted when they are told they have to quote on \$400 with some extras as they cannot do that. One of the things they have to do to keep Blue Cross approval is to provide a coverage that will pay a minimum of 75% of the hospital extras; what they are doing now is selling one that pays 100% of it.

Councilman Alexander asked if there has been any recent discussion between Mr. McKibben and his Company and Mr. Earle and Mr. Veeder regarding coverages which he is discussing now? Mr. McKibben replied they have been sending things by the volumes in the last year. Councilman Alexander asked if there have been a meeting of the minds on these things? What he understands from this discussion is that Blue Cross is trying to find out what the City wants and they have not reached the stage of knowing what is wanted. Mr. McKibben replied more consideration should be given to what the employees want; they have been wanting this full coverage.

Mr. McKibben stated Blue Cross has offered to handle the group for a very low retention fee. When sending this out for quotations if it is sent out on the benefits they now have, the other companies will fall back. He stated they have offered 6.75% retention and that means they will return 93 1/4% on the dollar. An out-of-state company has to pay a 2 1/2% premium tax, and they pay 1/3 of 1% premium tax.

Councilman Smith asked Mr. Tuttle and Mr. Jordan if it is not wise to take an outside consultant to come in and set up what is wanted rather than getting into all this that a layman does not understand? Councilman Tuttle replied this would be true for a lay organization, but he has every confidence that Mr. Earle and his committee is determining what is wanted, and he does not think it would be necessary. Based on value received, he thinks the professionals should look at this and that the bids should be turned over to the Insurance Advisory Committee for study, and that Mr. Earle should consult the Committee. Mr. Veeder stated the point Mr. McKibben is making is that he feels he is out before the first ball is pitched and the only way the City can effectively overcome this view is to make sure that someone other than ourselves review these proposals and have the City have the advantage of their views.

Councilman Jordan stated what Council has asked for is a new ball game and everything will be spelled out. Council wants to see the best solution for its employees and this is what it is asking for. That the information Mr. Earle asked for should be spelled out and he feels Hospital Care will have as much of an opportunity as anyone else. That there are certain benefits Mr. McKibben has spoken of if Council went ahead with would downgrade the plan the City already has. That he does not think this will be the case. Mr. McKibben stated there is one thing you have to do and that is to tell all the companies to quote on hospital extras in full. Councilman Tuttle stated that is an advantage you have; if the Committee and the employees decide an "x" limit is what they want, then he thinks if Hospital Care's goes beyond that and has to charge beyond that, then they are out of luck. That he does not think he can say that the City has to buy an unlimited amount of insurance to comply with their regulations.

Mayor Brookshire suggested that Mr. Veeder and Mr. Earle sit down and go over the bids once again to be sure no one is being favored or mitigated against. Mr. Veeder replied no matter what you are buying you have to be careful that your specifications are not set up so they indirectly favor one supplier. They always want to come up with specifications that are best for all suppliers and give no supplier a favored position in the specifications.

Mayor Brookshire stated the City wants to get the best coverage available for the employees, upgrading services because of increased cost, and wants everyone to have a fair shot and is willing to buy the most we can get for our money

Mayor Brookshire requested the City Manager to send members of Council copies of the request for bids that go out.

ALBERT PEARSON PROTEST DISMISSAL OF FIREMAN BY CIVIL SERVICE BOARD.

Mr. Albert Pearson stated he was not surprised but disappointed at the results of the Hearing before the Civil Service Board regarding a fireman. He stated he feels an error was made. When a man can serve ten years and evidently give satisfaction, and then have his lifetime work terminated because he failed to carry out an outside duty for which he was not hired. That this man was fired for letting his nerves get on edge; he was found guilty for refusing to obey a superior. When the Civil Service Board comes out and asks his attorney what he thinks the punishment should be, he is asking that attorney to acquiesce in the fact that he is guilty. When he turns to the other party, which was Chief Black, and asks what he thinks the punishment should be and he said dismissal, then he says the Civil Service Group did not exercise their own judgment. They could have suspended the man for one week, two weeks or 30 days, and he would have been just as guilty. That this is in a department and at a time when everybody is hollering about needing experienced help. This man with ten years of service is being turned loose for something like this.

He stated there is a bigger issue involved and it is whether this department now composed of 300 or 400 men are deliberately trying to upset the apple cart in this city's administration or whether the rank of communication has broken down within this organization which goes all the way to the Council and Mayor so that you do not speak the same language.

He suggested that this be considered an opportunity for this group to try to get hold of the ball again and promote good relationships with the employees of the City of Charlotte.

Mayor Brookshire advised this was the findings of the Civil Service Board and Mr. Pearson's remarks would be more appropriate to the Board than the Council. Mr. Pearson stated he would accept this if he accepted the statement that this Council is subservient to the Civil service. The Civil Service Group can be removed for cause by Council; therefore Council must be the superior group as far as authority is concerned.

Mr. Pearson suggested that the Council request the Mayor to look into this matter with at least an equal amount of zeal as he is looking into the matter involving the Lawyers' Building. To try to get the people involved - Chief Black, Civil Service Board, and the spokesman for the Fireman's group and the city officials - together and see whether or not they can find a beginning to solve this problem or whether this group will continue to be forced into an arbitrary union type organization so that the Council will have lost the chance for leadership.

Councilman Smith asked if the Fireman has the right to appeal to the Council about the ruling of the Civil Service Board? Mr. Kiser replied his appeal is to the Mecklenburg County Superior Court.

APPOINTMENT OF HOUSING STUDY COMMITTEE COMPOSED OF THREE MEMBERS OF COUNCIL.

Mayor Brookshire stated he made the following statement in the informal session of Council and requests that it be included in the minutes:

"In his statement last Monday to Council on the subject of housing, Councilman Alexander articulated and underscored a community concern for what I consider our number one need in Charlotte, a concern that is shared widely by both the public and private sectors of the community. This has been a subject of discussion, particularly of late, among many of Charlotte's leaders both in and out of City Hall.

Agreeing fully with his summation of the problem and accepting the urgency which he has emphasized, I want to suggest to Council an approach which I think will get better results than the naming of a citizens board to study the problem.

To discharge fully its own responsibilities, I think it is incumbent upon Council to keep this study in its own hands. This is not to say that members of Council have any more expertise or time than members of an appointed board would have, but Council does have both the authority and the means to employ qualified consultants to do a thorough and professional type survey.

Moreover, Council is in position to request and get without cost the services of both FHA AND PHA personnel trained in housing survey work, to be supplemented by whatever general consulting services Council may see fit to employ at City expense. In this connection, let me note that we have in hand housing surveys made by these agencies of recent date which might well serve as a starting point, the up-dating of which could be helpful. One is by FHA as of April 1965, the other by PHA dated December 1962 and revised February 1966.

The housing problem in Charlotte is heightened by two factors, (1) slum clearance, which is an effort to catch up with many years of neglect, and (2) the influx of new citizens of all economic levels as the city continues to grow at an unprecedented rate. Private enterprise, building some 400 new housing units per year, is taking care of the middle to upper income groups and to some, but unknown, extent is supplying needs in the middle to low income groups. A substantial portion, perhaps more than half of private construction in Charlotte, falling below an \$18,000 median figure, supplies needs of middle to low income families.

The real problem, of course, is housing to supply the needs of low income families, particularly large families, which private builders cannot supply at sale prices or rentals which these families can afford to pay. Supplying these needs is the responsibility of society, and not private enterprise which must operate on a profit motive.

And so, in meeting total community housing needs, there must be a close correlation between government and private enterprise. Steps in this direction were taken by Council in the employment of Mr. Vince Connerat, recently of the Atlanta HUD office, to serve as a coordinator and expediter of inter-governmental programs. He is expected to begin his duties here on October 9th. The 600 public housing units, nearing completion, the authorization of an additional 1000, and Council's encouragement of 221-D-3 projects, evidences Council's interest in meeting Charlotte housing needs.

While studying specifics of the total problem, let's push the programs we have and lend further encouragement to private builders to supply as much of the market as they can and still make a profit."

Councilman Alexander moved that a Committee be appointed by the City Council from the membership of the Council to study the needs and to assist in the implementation of programs dealing with Charlotte's Housing needs - both public and private - having as its purpose the speeding up of all existing housing programs and the initiation of all necessary programs to meet the acute housing problems of low and moderate income families; that the Committee be required to report to Council monthly, and/or at such times as Council may direct. The motion was seconded by Councilman Short, and carried unanimously.

Councilman Tuttle moved that the Housing Study Committee be composed of the following:

- James B. Whittington, Mayor Pro Tem
- Fred D. Alexander, because of his closeness to this segment of the people
- Sandy R. Jordan, because of his familiarity with some of the City's property.

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

Mr. Bob Beaumont stated they in the Home Builders Association represent some 50 odd of the most reputable builders in Charlotte, and they believe wholeheartedly in Mr. Alexander's motion. That they are offering their cooperation their help, their time, their people to help anyone on the Committee.

Mr. Beaumont stated Mr. Gene Gullledge in Greensboro, North Carolina, is now constructing a 1015 square foot home for \$7500. That he feels this is just the price of the house; and that it is in the triangle section in Durham possibly with a concession on the land. that they can get the particulars from Mr. Gullledge and they can portray them in any way to do the same thing here.

Councilman Alexander stated he is sure this committee will be calling upon all the resources the community has to assist it in accomplishing what it sets out to do, and it cannot be done unless they do.

DISCUSSION OF R-6MPH REGULATIONS, AND PLANNING COMMISSION REQUESTED TO BRING SUGGESTED AMENDMENTS TO COUNCIL FOR HEARING.

Councilman Alexander stated under paragraph 23-46(c) which involves R-6MPH zoning, he is lost as to the exact meaning of the regulation. He thinks what it intends to do is to permit high rise development on a small parcel of ground. That on Beatties Ford Road, opposite Hoskins Road is an apartment complex being developed - that he is raising these questions not to stop anything, but to clarify a problem - on approximately an acre and half of ground. It meets all the legal requirements and all the building inspection department requirements, and meets what he thinks this regulation says. But if it does we are allowing on that spot of ground every inch filled up with this building and parking as required that we would not want to duplicate anywhere else in Charlotte. If this is what can be built under the interpretation of this regulation, he thinks an amendment should be made to prevent this from happening.

He stated these four buildings will represent some 50 odd families. That there is not a place for children to sit down in, to turn around in and hardly enough room for cars to get into the parking space. There is no green area.

Councilman Alexander asked if the intent of the regulations means to permit this; there is nothing in violation, and nothing to stop anybody on what is going on, but we need to see if we should not come up with an amendment to our regulations so this cannot be duplicated anywhere else in Charlotte.

Mr. McIntyre, Planning Director, stated the intent of the zoning ordinance was to allow this type of density in R-6MPH districts in the development of high rise buildings, rather than to build one or two story structures. The regulations have not worked that way, and there are people who are taking this allowable density and instead of building in a high rise form as intended, building two story levels. The other part of the problem is that within the last year, the amount of parking space required has been increased in conjunction with apartment developments. In many instances this would call for more parking space than was originally required. He stated they are aware this regulation is not working as it was intended, and the Planning Commission has observed some other locations similar to this, and has on its work program a project to re-study the R-6MPH regulation to see when this kind of density is allowed that the resulting construction will be high rise, and will leave more of the ground space open. He stated it will probably be a month before this recommendation is before Council as it has to come to the Commission and then be presented to Council.

Councilman Alexander stated the whole point is there should be one high rise apartment on the ground, or more land for four buildings. He asked what can be done if someone submits a request to build a similar structure before this amendment comes up? Mayor Brookshire asked if the Inspection Department could be requested not to issue any more permits to allow this until the amendment comes up? Councilman Tuttle asked if the R-6MPH can be killed right now without a public hearing? Mr. Kiser, City Attorney, replied it cannot be killed without going through the necessary procedures; that he can think of one case in which something like this was done to prevent an apartment development, and you run a very high risk of any efforts such as this being declared legal.

Councilman Tuttle asked if it would not be well for Council to go ahead after a hearing with something and simply kill the R-6MFH until the Planning Commission comes back with a correction? Mr. McIntyre replied if you kill the R-6MFH you have to zone all the property that was R-6MFH to something. Councilman Stegall stated there are a lot of ramifications and he believes Council would be making a mistake to act in haste without giving the Planning Commission time to think about this. That he can think of a dozen places already built like this. He is not against the suggestion. We talk about building more apartments and needing more space for people to live and turn around and say you are not going to permit this sort of thing to happen again. Councilman Alexander stated we are not so much more in need of places for people to live that we need this; this is why he is concerned.

Councilman Alexander suggested that whatever can be done legally that it be done to get this corrected.

ORDINANCE NO. 699-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE TO CHANGE THE ZONING OF PROPERTY ON THE SOUTH SIDE OF AUTEN ROAD, BETWEEN GRASS DRIVE AND SWEARINGAN ROAD.

Councilman Jordan moved adoption of the subject ordinance changing the zoning from R-9 to I-2 on 55 acres of property with the exception of a 300 foot strip south of Auten Road which is to be changed to O-6, as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle.

Councilman Smith stated he talked with one of the property owners and he was a little concerned with the O-6 classification on the 300 foot strip, and they hoped it could be zoned I-1 on the buffer strip.

Mr. Bryant, Assistant Planning Director, stated the new item which will permit research and laboratories facilities in office districts opens up another possible use for this 300 foot strip. There are some residential uses already established on the other side of Auten Road, and it was felt some consideration needed to be given to them. They do foresee the possibility of this 300 foot strip for a combination manufacturing and office type uses where they could locate the manufacturing operation in industrial area and utilize the 300 foot strip for office and for parking. Eventually there will be a need for supporting facilities in the area such as banks, and this would be appropriate for the office zone. He stated they are concerned about creating residential environmental conditions and with the creation of industrial zoning on one side of the road and residential use on the other side is not creating good residential environment conditions.

(MAYOR BROOKSHIRE LEFT THE MEETING AT THIS TIME AND RETURNED LATER IN THE MEETING. COUNCILMAN TUTTLE PRESIDED IN HIS ABSENCE.)

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

YEAS: Councilmen Jordan, Short, Smith and Stegall.
NAYS: None.

Councilman Alexander abstained from voting.

The ordinance is recorded in full in Ordinance Book 15, at Page 110.

September 25, 1967
Minute Book 49 - Page 184

ORDINANCE NO. 700-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE TO CHANGE THE ZONING OF A 15 ACRE TRACT OF LAND BEGINNING 500 FEET SOUTH OF AUTEN ROAD AND APPROXIMATELY 800 FEET EAST OF OAKDALE ROAD.

Motion was made by Councilman Jordan, and seconded by Councilman Short to adopt the subject ordinance changing the zoning from R-9 to I-2 as recommended by the Planning Commission.

The vote was taken on the motion and carried by the following vote:

YEAS: Councilmen Jordan, Short, Smith and Stegall.

NAYS: None.

Councilman Alexander abstained from voting.

The ordinance is recorded in full in Ordinance Book 15, at Page 111.

ORDINANCE NO. 701-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE TO CHANGE THE ZONING ON TRACT OF LAND ON THE SOUTH SIDE OF AUTEN ROAD AT ITS EASTERN END UPON PETITION OF W. D. AUTEN.

Upon motion of Councilman Short, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted changing the zoning from R-9 and I-1 to I-2 on an 85 acre tract of land on the south side of Auten Road at its eastern end, with the exception of the 300 foot strip south of Auten Road which is changed to O-6, and that the small portion north of Auten Road extended be denied.

The ordinance is recorded in full in Ordinance Book 15, at Page 112.

MAYOR BROOKSHIRE RETURNED TO THE MEETING AT THIS TIME AND PRESIDED FOR THE REMAINDER OF THE SESSION.

Mayor Brookshire returned to the meeting at this time and presided for the remainder of the session.

ORDINANCE NO. 702-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF AUTEN ROAD EXTENDED EASTWARD ON PETITION OF F. D. COLLINS.

Councilman Stegall moved the adoption of the subject ordinance changing the zoning from R-9 and I-1 to I-2 with the exception of a 300 foot strip south of Auten Road which was changed to O-6, as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 113.

ORDINANCE NO. 703-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF TRACT OF LAND AT 116-24 SOUTH TORRENCE STREET.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted changing the zoning from O-5 to B-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 114.

ORDINANCE NO. 704-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF A LOT ON THE NORTH SIDE OF THE PLAZA AT A POINT WEST OF CAMROSE DRIVE.

Motion was made by Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance changing the zoning from R-9MF to B-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 115.

DECISION ON PETITION NO. 67-57 BY T. T. KINZIE, ET AL, FOR A CHANGE IN ZONING FROM R-6MF AND O-6 TO B-1 OF PROPERTY EXTENDING FROM 1417 TO 1445 EAST SEVENTH STREET, AND FROM 415 TO 417 BEAUMONT AVENUE, DEFERRED FOR ONE WEEK.

Councilman Tuttle stated in view of the Church across the street from the subject property, and the Boy Scout Headquarters, and the fact the Planning Commission feels this is more or less an office section, and it is obvious that no new building will be constructed but an old building will be converted for the use that was planned, he moved that Petition No. 67-57 be denied as recommended. The motion was seconded by Councilman Alexander.

Councilman Stegall asked if Mr. Tuttle talked to Mr. Kinzie and if he stated this was not to be a new building? Councilman Tuttle replied he has not talked to Mr. Kinzie, but this was told him today. Councilman Smith stated Mr. Kinzie told him there was a house there that would be converted - he did not say whether it was a temporary conversion or not. He stated he got the impression at the hearing that a new building would be constructed which would establish the use of the property.

Councilman Stegall stated this property has been for sale for over two years, and while he is in complete accord not to downgrade the property, these people will be trapped when the new boulevard is put through, and in fairness to this man he made a substitute motion to defer decision until the next Council Meeting and find out from Mr. Kinzie what is planned. The motion was seconded by Councilman Smith, and carried unanimously.

Councilman Stegall stated he would like to request the Planning Commission to give some consideration to some sort of conditional business zoning where you have such situations. Mr. Bryant, Assistant Planning Director, stated the Planning Commission has just completed a study of a conditional industrial district; there is in the ordinance a conditional business district already; but this is a conditional shopping center type. When you start dealing with individual lots on individual basis, this is where you come on the border line of legality.

Councilman Smith stated it seems that Council could give a conditional zoning for 90 days to allow the petitioner to present plans according to what he says he will do. Mr. Kiser, City Attorney, stated rezoning should be based upon all of the uses that are permitted by the zone that is requested. Under the present set up it is immaterial according to the law whether it can be one use as opposed to another so long as it is permitted by the uses provided in the zoning classification. It is possible that some conditional use could be prepared along the lines Mr. Bryant mentioned, but based upon information that has been solicited

for other conditions of this type, it is very dangerous legally from the standpoint of what the courts might say about it. Mayor Brookshire stated that is a very articulate legal answer.

Councilman Smith stated when the petitioner presents his plans, Council is influenced by what they are going to do, and the decision should not be based on what they are going to do. Councilman Short stated from having delved into the matter for a year or so, he thinks you could set up a conditional use where it would be a conditional music company business or a conditional truck terminal location or category, but he does not believe the law will ever allow a conditional business in general as much as Council might see the value of it. Councilman Stegall stated he had in mind some sort of conditional and specified type of business. Councilman Short stated the only thing Council can do is make sure the zoning categories are rather rigid and conservative.

DECISION ON PETITION NO. 67-58 BY ROY J. ARCHER FOR A CHANGE IN ZONING FROM R-9 TO R-6MF OF A TRACT OF LAND BOUNDED ON THE EAST BY BRIAR CREEK AND NORTH OF COMMONWEALTH AVENUE EXTENDED IN A NORTHERLY DIRECTION ALONG BRIAR CREEK, DEFERRED.

Councilman Tuttle moved that decision on the subject petition be deferred until the Planning Commission receives information on the flooding of the property. The motion was seconded by Councilman Alexander, and carried unanimously.

ORDINANCE NO. 705-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF TRACT OF LAND BEHIND THE ESSO SERVICE STATION ON RUMPLE ROAD.

Motion was made by Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance changing the zoning from R-9MF to O-6 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 116.

PETITION NO. 67-60 BY B & L INVESTMENT COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND ON THE PLAZA AND SUGAR CREEK ROAD, DENIED.

Motion was made by Councilman Tuttle to deny the subject petition for a change in zoning from R-9MF to B-1 as recommended by the Planning Commission. The motion was seconded by Councilman Stegall, and carried unanimously.

ORDINANCE NO. 706-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF TWO TRACTS OF LAND ALONG THE NORTH SIDE OF NORTH CALDWELL STREET AT BELMONT AVENUE.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, the subject ordinance was adopted, changing the zoning from B-2 to I-2 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 15, at Page 117.

ORDINANCE NO. 707-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE NON TAX REVENUES IN THE GENERAL FUND UNAPPROPRIATED ACCOUNT.

Councilman Alexander moved adoption of the subject ordinance authorizing the transfer of \$75,000 to be used in connection with the Mint Museum Addition. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Page 118.

ORDINANCE NO. 708-X ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE LOCATED AT 727 EAST 17TH STREET PURSUANT TO ARTICLE 13-1.2 OF THE CODE OF THE CITY AND CHAPTER 160-200(43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

Motion was made by Councilman Stegall adopting the subject ordinance. The motion was seconded by Councilman Jordan, and carried unanimously. The ordinance is recorded in full in Ordinance Book 15, at Page 119.

RIGHT OF WAY AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR THE INSTALLATION OF A WATER MAIN IN THE WEST SIDE OF OLD PINEVILLE ROAD, BETWEEN WOODLAWN ROAD AND SPRINGBROOK ROAD.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, approving the subject agreement for the installation of a 6-inch water main in the west side of Old Pineville Road, between Woodlawn Road and Springbrook Road.

CONTRACT-AGREEMENT WITH R. H. BOULIGNY, INC. FOR TEMPORARY WATER SERVICE AUTHORIZED.

Councilman Smith asked what is meant by temporary water service? The City Manager replied this involves the type of meter used and making use of an easement across private property until it can be converted to the permanent system. Mr. Bobo, Administrative Assistant, stated this is moving the meter from about a block away to the front of Bouligny's building. It is temporary in that it will be a temporary service as it will be feeding his meter through his private line. When the present city owned line is laid out Highway 16 in front of the building, this will discontinue the temporary service.

Councilman Short stated he would like to thank Mr. Bobo and Mr. Franklin and anyone else involved because he knows it has been a real task; if all the parties are happy that in itself is an accomplishment.

Councilman Alexander moved approval of the agreement for temporary water service to R. H. Bouligny, Inc. establishment on Bellhaven Boulevard, outside the city limits. The motion was seconded by Councilman Smith, and carried unanimously.

CLAIM OF RALPH H. PROFFITT AUTHORIZED.

Councilman Tuttle moved that claim of Mr. Ralph H. Proffitt for damages to his automobile in the amount of \$125 caused when a manhole cover flipped up damaging the car, be paid as recommended by the City Attorney. The motion was seconded by Councilman Jordan, and carried unanimously.

September 25, 1967
Minute Book 49 - Page 188

CLAIM OF THOMAS JOHNSON AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, approving claim of Mr. Thomas Johnson in the amount of \$57.09 as recommended by the City Attorney for damages to his automobile caused when parking his car at Sycamore and Fifth Streets and the catch basin grate collapsed tearing the fender skirt and right rear fender of his car.

CLAIM OF W. V. WOOD DENIED.

Councilman Short moved that claim of Mr. W. V. Wood, 635 Robertson Avenue, in the amount of \$400.93 for personal injuries be denied as recommended by the City Attorney. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT FOR APPRAISAL OF PROPERTY AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Tuttle, and unanimously carried, approving an appraisal contract with Alfred E. Smith for one parcel for the South Boulevard Intersections.

CHANGE ORDER NO. 1 IN CONTRACT WITH CROWDER CONSTRUCTION COMPANY, AUTHORIZED.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, Change Order No. 1 in contract with Crowder Construction Company for Downtown Street Improvements on 5th and 6th Streets was authorized, decreasing the contract price by \$1,410.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Edward C. Griffith and Margaret A. Griffith for lot no. 507, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with F. S. Henderson and wife, Edna L. Henderson, for lots no. 465 and 466, Section 6, Evergreen Cemetery, at \$480.00.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR STREET RESURFACING.

Councilman Jordan moved award of contract to the low bidder, Rea Construction Company, in the amount of \$204,447.50 on a unit price basis for street resurfacing. The motion was seconded by Councilman Short.

Councilman Short complimented Mr. Cheek for the very aggressive and very good work he is doing.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Rea Construction Company	\$204,447.50
Blythe Brother Company	206,452.00
Dickerson, Inc.	217,905.00

CONTRACT AWARDED PROPST CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF NEW TERMINAL BUILDING ENTRANCE ROAD AT AIRPORT, AND ORDINANCE ALLOCATING \$138,796.30 OF THE PROCEEDS OF THE SALE OF \$2,800,000 AIRPORT BOND ANTICIPATION NOTES ADOPTED.

Upon motion of Councilman Alexander, seconded by Councilman Tuttle, and unanimously carried, contract was awarded the low bidder, Propst Construction Company, Inc., in the amount of \$138,796.30 on a unit price basis for the construction of the new terminal building entrance road at the Airport, and the subject Ordinance No. 709-X was adopted allocating proceeds of the sale of airport bond anticipation notes to be used for the construction of the road.

The following bids were received:

Propst Construction Co., Inc.	\$138,796.30
Blythe Brothers Co.	138,884.50
Crowder Construction Co.	141,634.00
Rea Construction Company	144,186.70

The ordinance is recorded in full in Ordinance Book 15, at Page 120.

CONSIDERATION OF BRANDON ROAD DRAINAGE PROBLEM DEFERRED FOR ONE WEEK.

Councilman Short moved that action be deferred until next week on the Brandon Road Drainage problem, and that the City Manager and City Attorney be instructed to advise Mr. John Myers that the matter will come up for consideration at the next meeting. The motion was seconded by Councilman Stegall, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Resolution authorizing condemnation proceedings for acquisition of property of Thomas D. Allen and wife, Theora W., located at 825 West Fourth Street, for the West Fourth Street Extension, at \$11,000.
- (b) Resolution authorizing condemnation proceedings for acquisition of property of George E. Ham, Jr. and wife, Marilyn G. and Dwight J. Ham (Single) located at 133 S. Summit Avenue for the West Fourth Street Extension Project, at \$500.00.
- (c) Resolution authorizing condemnation proceedings for acquisition of property of F. J. Kennedy and wife, Thelma A., located at 1020 Westbrook Drive for the West Fourth Street Extension Project, at \$1,200.00.
- (d) Acquisition of 3,403 sq. ft. of property at the NW corner of Sharon Amity and Monroe Road, from G.E. Vinroot Construction Company, at \$6,400, for the Sharon Amity Road Widening.
- (e) Construction easement 500 sq. ft. at 301 Prince Charles Street, from Johnny E. Carpenter and wife, Brenda M. Carpenter, at \$1,700, for the Eastway Drive Widening.
- (f) Acquisition of easement 4.13 sq. ft. on Marsh Road, first lot from SE corner, from Forest Hills Presbyterian Church, at \$5.00 for South Boulevard Intersections.

The resolutions are recorded in full in Resolutions Book 6, beginning at Page 1.

September 25, 1967
Minute Book 49 - Page 190

CITY MANAGER TO CONFER WITH SOUTHERN RAILWAY CONCERNING REPORT ON RAILROAD SPEED LIMIT AND REPORT BACK TO COUNCIL.

Councilman Tuttle moved that consideration of the Railway speed limit report be deferred until the next Council Meeting. The motion was seconded by Councilman Stegall.

Councilman Short stated the matter is clear as the City is asking Southern Railway to agree to something which he thinks any citizens of Charlotte almost would agree is wonderful. That he would suggest that Council authorize Mr. Veeder and Mr. Hoose to go ahead and attempt to negotiate with Southern on this basis.

Mr. Veeder stated they had a meeting with Mr. Martin of Southern Railway on Friday and went over this report in some length, and Mr. Martin is now in the position of going back to Southern and explaining the report, and indicates he would be back in touch with the City and reflect their attitude on what has been recommended.

Councilman Alexander stated the report recommends that Council consider approving a 45 MPH speed limit with provisions as set out; but it uses the word "should". That we are not getting anywhere when we say "should". Mr. Veeder replied it has to be read in context. What they are trying to convey if Southern will act favorably on these points, then the Council will give consideration to raising the speed limit; the most important provision is the need to provide gates as well as flashing lights at all the grade crossings. Councilman Alexander asked where we bind them to anything? Mr. Veeder replied there is no doubt in Southern's mind what the city means on this.

At the suggestion of Mayor Brookshire, Councilman Smith moved that the City Manager pursue this further with Southern Railway and bring back a report. The motion was seconded by Councilman Tuttle, and carried unanimously.

JOINT MEETING WITH COUNTY COMMISSIONERS TO BE ARRANGED CONCERNING SUGAR CREEK AND BRIAR CREEK DRAINAGE.

Mayor Brookshire stated regarding the report on Sugar Creek and Briar Creek Drainage, he notices the cost covers two budget years and as much as the city is eight months from the next budget year, he suggests Council postpone consideration of the matter until closer to budget time.

The City Manager stated if the decision is to proceed with this program, the Corps of Engineers will have to have some affirmative statement from the City; they want some type of commitment that the City intends to carry out its share on this. The construction aspects cannot take place until the city has carried out the local right-of-way acquisitions.

Mayor Brookshire stated then the City should arrange a meeting with the County Commissioners to see to what extent they will share the cost.

Councilman Tuttle moved that a joint meeting be scheduled with the County Commissioners. The motion was seconded by Councilman Alexander, and carried unanimously.

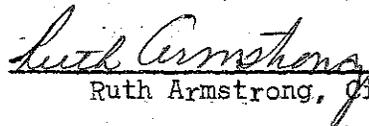
Councilman Smith asked if the bridge on Sharon Road is not to be widened within the next two years, and Mr. Veeder replied it is. Councilman Smith stated then when it is taken to the County Commissioners he does not think that \$70,000 should be included.

REPORT ON SIDEWALKS SERVING RANDOLPH JUNIOR HIGH SCHOOL.

Councilman Stegall stated Council deferred action on the sidewalk at Randolph Junior High School, and he thinks Council was right. That he has made some personal observations for several mornings since school started, and it appears the sidewalks would not have been used at all. The children are walking from the Grier Heights section through an undeveloped area on Water Oak Road, and the others seem to be coming from other area. There are very few if any children walking on Walker Road at all - most of them are using Bertonley and Water Oak Roads coming up the back way.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk