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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 Wednesday, October 8, 1958, at 3 O'clock p.m., with Mayor pro tem Brown presiding, and Council members Baxter, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: Mayor Smith and Councilman Albea.

Planning Board members Sibley, Chairman, and Craig, Hanks, Schwartz, Toy and Wilkinson were present during the hearings on petitions to amend the Zoning Ordinance to change the Building Zone Maps of Charlotte and the Charlotte Perimeter Area.

ABSENT: Planning Board members Hook, Martin and McClure.

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INVOCATION.

The invocation was given by Mayor pro tem Brown.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last meeting on October 1st were approved as submitted.

HEARING ON ORDINANCE NO. 496 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY ON PLAZA ROAD AT MILTON ROAD, FROM RURAL TO B-1.

The public hearing was held on Ordinance No. 496 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on Plaza Road at Milton Road, from Rural to B-1, on petition of G. R. Bradshaw and wife.

Mr. McIntyre, Planning Director, stated property is located at The Plaza and Plaza Road Extension with a frontage of 500 feet on Plaza Road Extension with a depth of 330 feet, occupied residentially and with one business house. That it/adjained on the north by residences, on the east it is open and undeveloped, to the rear is zoned Rural, and faces a Business zone across Plaza Road Extension.

No opposition to the proposed change was expressed.

Council deferred the decision for one week.

HEARING ON ORDINANCE NO. 497 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE NW CORNER OF BRADFORD DRIVE AND LOCKLEVEN STREET, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 497 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by

changing property at NW corner of Bradford Drive and Lockleven Street, from R-2 to B-1, on petition of F. W. Capps and wife.

Factual information as to the location and surrounding area was given by the Planning Director, who stated the property consists of one small lot with a frontage of 90 feet on Bradford Drive, with a depth of 160 feet, and fronts on US 29 Bypass, is adjoined on the north and south and at the rear by residential property; that there is a business development one and half blocks away.

Mr. F. W. Capps, petitioner stated he resides on the property and the noise from new US 29 Bypass is terrific; that the highway ramp is immediately in front of his house and the noise from large trucks coming up the ramp makes the property unfit for use residentially, hence his request for a business zoning. He stated he has no immediate plans for a business development. He stated further there are three other property owners who reside along the highway near him and he had thought they would join in his petition for a zoning change but they decided to wait and see how his petition turned out.

Mr. Kenneth Griffin, Attorney, stated he represents residents of the neighborhood, not necessarily contiguous to the property in question, but close enough that they feel the value of their investments in homes would be adversely affected. Mr. Griffin presented a petition bearing twenty-six signatures, expressing opposition to the change in zoning of the property known as 1324 Bradford Drive, because of its depreciating effect on the value of their properties and urging the Council to deny the petition.

Councilwoman Evans asked Mr. Griffin if the three property owners residing in close proximity to Mr. Capps, and to whom he referred, had signed the petition, and Mr. Griffin replied he could not say definitely but he understood they had not signed it.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 498 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA AND ON ORDINANCE NO. 499 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY BOUNDED BY LAKE JO, US-29 BYPASS, BEATTIES FORD ROAD, HOLLY STREET AND MADRID STREET, FROM R-2 TO R-1.

The scheduled hearing was held on Ordinance No. 498 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area and on Ordinance No. 499 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property bounded by Lake Jo, US-29 Bypass, Beatties Ford Road, Holly Street and Madrid Street, from R-2 to R-1, on petition of Lincoln Heights Improvement Association.

Mr. McIntyre, Planning Director, stated that the property covers a large area, a part of which is inside the City limits and the remainder in the Perimeter Area, that it consists of 203 acres extending from just north of Lincoln Boulevard 3/5 of a mile from US 29 Bypass and from Beatties Ford Road westerly to Lake Jo. That presently about 38 acres are developed, 99 acres vacant but laid off as to streets and the remaining 66 acres vacant. That the area surrounding it is developed mainly with single family homes; that there are four business establishments in the area, which are now non-conforming and would remain under the proposed rezoning. That the property is adjoined on the south by R-1 zoning, on

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the west by R-2, on the north by US 29-Bypass, to the east mainly Rural and with a short segment in a B-1 zone at Holly Street.

Mr. O. N. Freeman, 1925 Erie Street, stated they feel the petition is reasonable. That the builders have cooperated with the Lincoln Heights Improvement Association over the past two years in developing only single family houses in the area, and that they feel so long as it is left in an R-2 zone it is left open for some less cooperative developers to construct apartments and duplexes, and then the area will not attract people who are looking for a home site in a quiet, single family area.

Mr. Freeman's appeal for the rezoning was supported by six property owners of the area who were present.

Mr. F. G. Templeton stated he owns property in the area and objects to the change in zoning from R-2 to R-1. He stated that he has 40 acres and Mrs Bennett, his neighbor has 40 acres, and they think the rezoning would depreciate land values, and he does not believe the property along US 29 Bypass will sell for residences.

Mr. Alvin London, Attorney representing Mr Frank Radcliff, owner of the property 200 feet off Beatties Ford Road on Gilbert Street, stated that his client also objects to the rezoning of the property. He also stated his client feels that the present R-2 zone along Beatties Ford Road and back for 500 feet should remain R-2 because Beatties Ford Road running into US 29 Bypass is a very busy street. He advised that his client's intentions are, to at some time construct a very nice duplex on his property, as at present there are old houses in a very poor condition on the property.

Mrs Myrtle Bennett stated she has property adjoining Mr Templeton's and would like it to remain zoned R-2.

Mr Fred Hasty, Attorney representing Mr. Luther Caldwell, stated his client owns a lot up next to US 29 Bypass and back to Spring Street about 100 feet and he does not feel that property adjoining the Bypass should be zoned R-1.

Mr. Glenn Ledford, representing Mr C. H. Sears, filed a letter expressing his opposition to the change and stating that he has plans for developing his property under its present zoning.

Mrs. Naomi Hoover, speaking for Mrs L. H. Jackson and Haywood Jackson, owners of property at 2405 Newland Road, who could not be present, stated they wish to have their objections to the proposed change recorded.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 500 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT THE SE CORNER OF CHARLOTTE DRIVE AND AVONDALE AVENUE, FROM R-2 to B-1.

The public hearing was held on Ordinance No. 500 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the SE corner of Charlotte Drive and Avondale Avenue, from R-2 to B-1, on petition of Peter G. Leventis and wife.

Factual information as to the property and surrounding area was presented by Mr. McIntyre, Planning Director, who stated it is one lot occupied by a single family, fronting 80 feet on Charlotte Drive with a depth of 145

feet. That the surrounding and adjoining properties are residential, and across Avondale Avenue it is developed for business, a new Service Station etc, and zoned B-1.

Mr. Leventis, petitioner, stated he resides on the property which is on the corner of Charlotte Drive and is unsuitable for residential purposes because of the heavy traffic and noise; however, he and his family do not want the neighbors to feel hard toward them, and if the Council feels it should remain zoned R-2 it is alright.

Mr. Brock Barkley, Attorney, filed a petition signed by 65 families on Charlotte Drive, expressing their strong opposition to the change, which would constitute spot zoning for the sole benefit of one property owner, causing irreparable damage to all the other property owners in the neighborhood. That they feel the traffic problem now existing at this corner would be greatly augmented, property values decreased and an entire change in the character of the neighborhood would result from the change in zoning, and urging that the petition be denied. Mr. Barkley stated that the B-1 zone on the west side of Avondale extends 1500 feet from Ideal Way and was so zoned when zoning was established in Charlotte and is not half occupied with business concerns - that in other words there is plenty of vacant space for business to develop in the area. He stated further that Mr Leventis has not shown any special need for the requested change.

Mr. Thrower, Mr. George Leiter, Mr. Vernon Spicer and Mr. J. C. Davis, Jr., residents and property owners on Charlotte Drive spoke in opposition to the proposed change and a large delegation stood in protest.

Council decision deferred for one week.

HEARING ON ORDINANCE NO. 501 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE WEST SIDE OF REMOUNT AVENUE, NORTH OF WILMOUNT ROAD, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 501 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the west side of Remount Avenue, north of Wilmount Road, from R-2 to B-1, on petition of E. J. Withrow.

Mr. McIntyre, Planning Director, explained the property and surrounding area, and stated the property in question is very close to the intersection of Wilmount Road and West Boulevard, and is adjoined on the south by Business concerns and all four corners are similarly developed with a business zone across the street.

Mr. E. J. Withrow, petitioner spoke to his petition and stated that the corner lots below his property are all business, and the owners support the change and it would help them all because of traffic; that the public is now parking cars on private property.

No opposition to the proposed change was expressed.

Council decision was deferred for one week.

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HEARING ON ORDINANCE NO. 502 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON THE SOUTH SIDE OF INDEPENDENCE BOULEVARD, EAST OF BRIAR CREEK ROAD FROM OFFICE-INSTITUTION TO B I-A.

The public hearing was held on Ordinance No. 502 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the south side of Independence Boulevard, east of Briar Creek Road, from Office Institution to B I-A, on petition of Phillips Investment Company.

The property and surrounding area was explained by the Planning Director, who stated the property is on the south side of Independence Boulevard with 35 feet of frontage on Briar Creek Road; that it is adjoined at the rear and east by B-1 zones and the remaining property coming toward town is zoned B-1.

Mr. Carlton Fleming, attorney representing Phillips Investment Company, the petitioner, stated that the front area facing the Boulevard is zoned O-I. He introduced the following Chamber of Commerce Officials, Mr. Charles Williams, Chairman of the Wholesale Committee, Mr. William Ficklin, Executive Director, Mr. J.M. Wasson, Chairman of the Industrial Executive Committee, and Mr. Buell Duncan, First Vice-President, who spoke in favor of the rezoning.

Mr. Williams stated that basically our industrial life is built on distribution and the trend is toward adequate display facilities, and he feels the erection of the proposed Merchandise Mart would help to insure the city's position in the wholesale and distribution trade. He stated further that Dallas, Texas has two large Merchandise Marts that have paid off well.

Mr. William Ficklin stated that Charlotte already has the promise of the cooperation of four major style shows that would use the Mart and that they have consolidated into an organization named ACTS, with 800 members, representing 3000 lines, which would bring in about 12,000 buyers and would increase our convention business. He advised that Greensboro wants the facility named ACTS.

Mr. Wasson stated that the Industrial Executive Committee is very interested in the proposed Mart, and believe it is greatly needed and would be a tremendous incentive to further boost Charlotte's importance as a wholesale distribution center and would add a great deal to our economy.

Mr. Duncan stated the need for this facility is great; that the proposal has been carefully studied by the Chamber and has been approved, and it is understood there is no opposition from the adjoining property holders.

Mr. Dwight Phillips stated the building would contain approximately 175,000 square feet of exhibition space, devoted to showings by wholesale dealers in display rooms leased to various manufactures, who would maintain sample merchandise for inspection of retailers and would be maintained on a year round basis; that the building would be used for exhibition only. He stated further that it would be the most attractive facility they have ever built in Charlotte. That a snack-bar would be used when needed, and no beer, wine or alcoholic beverages would be sold at any time on the premises; that a small auditorium would also be included in the building for use of the lessees. Mr. Phillips discussed in detail the particulars of the proposed building and its value to Charlotte.

Mr. Fleming concluded by stating there is no known opposition to the construction as proposed.

No opposition was expressed to the rezoning. Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 503 AMENDING CHAPTER 21, ARTICLE I, SECTION 5 OF THE CITY CODE, ENTITLED "BUSINESS I-A DISTRICT", (A) ENTITLED "USES PERMITTED", SUBSECTION 4, BY INSERTING AFTER THE WORDS "OFFICE BUILDINGS" AND BEFORE THE COMMA BEFORE THE WORDS "PRIVATE SCHOOLS", THE FOLLOWING: "INCLUDING BUILDINGS FURNISHING SPACE FOR SAMPLE DISPLAY PURPOSES AT ANY LEVEL OF DISTRIBUTION".

The public hearing was held on Ordinance No. 503 Amending Chapter 21, Article I, Section 5 of the City Code, the Zoning Ordinance, entitled, "Business I-A District", (A) entitled "Uses Permitted", subsection 4, by inserting after the words "Office Buildings" and before the comma before the words "Private Schools", the following:

"including buildings furnishing space for sample display purposes at any level of distribution."

on petition of Phillips Investment Company.

No opposition was expressed to the proposal. Council decision was deferred one week.

PETITION FOR INSTALLATION OF VENDING MACHINES AT MOTOR TRANSPORT DEPARTMENT REFERRED TO CITY MANAGER.

Mr. E. W. McCoy, employee of the City Garage, representing the employees of the Motor Transport Department presented a petition for the installation of a soft drink vending machine and a cracker vending machine in the Department at 932 Seigle Avenue. The petition stated further that they feel this should be granted due to the number of machines already in use in a number of city departments, and that they agree that any profit accruing from the operation will be placed in an Employees Flower Fund.

Mr. Yancey, City Manager, stated he had received the request and was in the process of working it out.

Councilman Dellinger moved that it be referred to Mr. Yancey to have this department serviced by such machines. The motion was seconded by Councilman Wilkinson and unanimously carried.

DRAINAGE CONDITION ON QUEENS ROAD WEST AND MARYLAND AVENUE ADDED TO LIST FOR CONSIDERATION OF REMEDIAL RELIEF.

Councilman Dellinger stated he has had several calls regarding the storm drainage condition on Queens Road West and Maryland Avenue, and would like these locations to be added to the list for consideration of remedial relief. Mr. Yancey stated he would add them to the list.

DISCUSSION OF BUS STRIKE.

Councilman Baxter stated he noticed in the press that Mayor Smith is going to do something about the Bus Strike and wonders what has been done and what the Mayor intends to do. Mr. Yancey stated that the Mayor has been in touch with the Federal Mediators all along, and he had an appointment with Mr. Morrow of the Bus Company for tomorrow but Mr. Morrow is out of town and has advised it will be Friday before he gets back, so it will be Friday before the Mayor can meet with him. Mayor pro tem Brown stated that the Mayor and Mr. Yancey are working on the problem and the Labor Relations Board will not allow us to do anything. Councilman Dellinger stated he thinks that everyone involved is doing everything

they can to get the strike settled, and he thinks Mr Morrow has done a good job for Charlotte with the bus system, and that he sees nothing the City can do but beg the strikers to go back to work. Mr. Yancey stated the Mayor will be glad to do anything the Council suggests. Councilwoman Evans asked the City Attorney if the Council could officially request the drivers to go back to work with any arrangements made retroactive, and be within our legal rights? Mr. Shaw replied that the Council can ask them but might get their faces slapped. Mr. Yancey stated that everyone connected with the City is interested, of course, but dealing with a strike is something that the Mayor and Council has no authority over.

MR. LEROY STANTON APPOINTED TO COUNTY WIDE PARK & RECREATION COMMITTEE TO STUDY WAYS & MEANS FOR A CHARLOTTE-MECKLENBURG PARK & RECREATION COMMISSION.

Councilwoman Evans urged that a member of the County-Wide Park and Recreation Study committee be appointed to take the place of Mr C.C. Hope, resigned, as it is important that a full committee study the matter.

Councilman Brown stated that he had nominated Mr Stan Brookshire but he lives outside Charlotte, and the appointee must be a resident of Charlotte.

Councilman Baxter nominated Mr T. G. Barbour, and Councilwoman Evans nominated Mr Leroy Stanton. It was learned that Mr Barbour resides outside the city limits and his name was withdrawn by Councilman Baxter. The nomination of Mr Stanton was then seconded by Councilman Baxter, the vote was taken and unanimously carried.

REQUEST FOR INSTALLATION OF TELEPHONE SERVICE IN RED CROSS DISASTER TEAM HEADQUARTERS REFERRED TO CITY MANAGER.

Councilman Foard stated that Mr Guy Soule of the Red Cross Disaster Team asked him to bring before the Council the question of the City providing telephone service into their headquarters, and it will cost about \$90.00 to run the conduit. Councilman Baxter moved that the matter be referred to the City Manager to see if the telephone service cannot be provided by Civil Defense from their budget. The motion was seconded by Councilman Foard, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 225 feet of sewer main in Garnette Place, at request of Marsh Realty Company to serve two family units, at an estimated cost of \$580.00, to be borne by the City.
- (b) Construction of 80 feet of sewer main in Belvedere Avenue, at request of E. H. Newcombe, 2817 Belvedere Avenue, to serve one family unit, at an estimated cost of \$270.00, to be borne by the City.

SICK LEAVE EXTENDED TO EMPLOYEES OF POLICE AND MOTOR TRANSPORT DEPARTMENTS.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter and unanimously carried, authorizing the extension of sick leave to the following employees:

- (a) Extension through October 31, 1958 of sick leave to Mrs Eloise Brown and Officer W. J. Horton; through September 26, 1958 to Detective M.B. Thompson; and through September 30, 1958 to Mrs Frances Butts, Meter Checker, all employees of Police Department.
- (b) Extension through October 31, 1958 of sick leave to Mr Fred Austin, employee of the Motor Transport Department.

CONTRACT AWARDED MOTOROLA COMMUNICATIONS & ELECTRONICS, INC. FOR FOUR TRANSISTOR TYPE RADIOS FOR POLICE DEPARTMENT MOTORCYCLES.

Councilman Foard moved the award of contract to the only bidder, Motorola Communications & Electronics, Inc., for Four Transistor Type Radios, Model D31AAT-1104A, as specified, at a net delivered price of \$2,748.00. The motion was made by Councilwoman Evans, and unanimously carried.

CONTRACT AWARDED WHITE BUSINESS FORMS COMPANY FOR 600,000 WATER BILL FORMS.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans and unanimously carried, contract was awarded the low bidder, White Business Forms Company for 600,000 Water Bill Forms, as specified, at a net delivered price of \$1,972.40, subject to 2% cash discount, or a net delivered price of \$1,932.95.

All net delivered bids received are as follows:

White Business Forms Co.	\$1,932.95
Anderson Press	\$2,004.10
Dowd Press, Inc.	\$2,148.00
Shelby Sales Book Co.	\$2,338.96
Observer Printing Co.	\$2,381.19
Moore Business Forms	\$2,994.00

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed to Mrs Helena G. Houston, for east half of Lot 106, Section V, Elmwood Cemetery, transferred by Mrs Eugenia Wallace, at \$1.00 for new deed.
- (b) Deed to Mrs Eugenia Wallace, for west half of Lot 106, Section V, Elmwood Cemetery, at \$1.00 for new deed.
- (c) Deed to Miss Gertrude M. Haas, for Perpetual Care on Lot 30, Section R, Elmwood Cemetery, at \$201.60.

ADJOURNMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk