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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 Monday, June 20, 1960, at 2 o'clock p.m., with Chairman pro tem Albea presiding, and Councilmen Dellinger, Myers, Smith and Whittington being present.

ABSENT: Mayor Smith, Mayor pro tem Hitch and Councilman Babcock.

Planning Board members Sibley, Chairman, Craig, Hanks, Hook, McClure, Toy and Wilkinson being present during the hearings on petitions for changes in the Zoning Ordinances.

ABSENT: Commissioners Ervin, Marsh and Schwartz.

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INVOCATION.

The invocation was given by Councilman Gibson L. Smith.

COUNCILMAN ALBEA CHOSEN AS CHAIRMAN PRO TEM.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, Councilman Albea was chosen as Chairman pro tem to preside at today's council meeting in the absence of the Mayor and Mayor pro tem.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the last regular meeting on June 13th and the Adjourned Meeting on June 15th were approved as submitted.

HEARING ON ORDINANCE NO. 674 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 674 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map by changing zoning on property located on the southwest side of East 36th Street at Alexander Street, from R-2 to B-1, on petition of W. J. Lowder, et al.

Mr. Devaney of the Planning Board presented factual information stating that the petition is for change in zoning on three lots which are presently zoned R-2. Towards the northeast is a commercial area; east on 36th street property is Residential in use; north on 36th Street property is industrial in use and east is zoned R-2.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 675 AMENDING CHAPTER 21, ARTICLE I, SECTION 2
OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 675 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map by changing zoning on property located at 1215-1233 East Boulevard, from R-2 to B-1, on petition of East Boulevard Corp., et al.

The factual information was given by Mr. Devaney of the Planning Board who stated the property in question currently has an apartment house located on it, two residential structures and a vacant lot. On the north side of East Boulevard property's main use is residential. Business area begins immediately to the east of the property in question; along the north side of E. Boulevard it is entirely residential with the exception of a church.

Mr. Dotson Palmer, representing the petitioners, presented maps and photographs of the area, stating that all four corner of E. Boulevard and Kenilworth Avenues are presently zoned B-1. This petition consist of 4 or 5 acres of land, and the area has been all business for sometime; they are not requesting a change in zone to permit new businesses as the area already has existing business; he stated that the property is not suitable for residential purposes; that the owners have plans for the property which he is not a liberty to divulge at present, but if the Council should see fit to rezone the area, he assured them that Charlotte would have a new payroll - not from a cottonmill or garbage disposal, but a real nice building would be built.

Mr. Richard O'Hara, one of the property owners spoke, stating that the area consists of five acres with four acres now in weeds and trees, and without the change in zoning there is no way to utilize the property. With the change in zoning they have a contract for something that will be very valuable to the city.

No objections were expressed to the change in zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 676 AMENDING CHAPTER 21, ARTICLE I, SECTION 2
OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 676, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map by changing zoning on property located south of the Seaboard Railroad, near Marvin Road, from R-2 to Industrial, on petition of Mrs. W. H. Belk.

Mr. Devaney of the Planning Board gave factual information stating that the property is just off Monroe Road and is a deadend street, with an access along Domino Court. Property is zoned Industrial on south side of railroad and along the north side, 20 acres is zoned R-2. To the west the land is residential in character; to the south is vacant land.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 677 AMENDING CHAPTER 21, ARTICLE II, SECTION 5
OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 677 Amending Chapter 21,

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Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on the east side of Pineville Road, adjoining Selwyn Park No. 9, from R-1 to Industrial, on petition of Atlas Drive-In Theatre, Inc.

Factual information as to the location of the property was given by Mr. Devaney of the Planning Board who stated the property is zoned Industrial along front of Pineville Road, 500 feet. Rear portion is zoned R-1. Character along Pineville Road is commercial; to the north is the newly constructed Bowling Alley, to the east a newly developed residential section; to the west is a large furniture store.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 678 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 678 Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located on the west side of Park Road, between Woodlawn Road and Drexel Place, from R-2 and R-1 to Office-Institution, on petition of W. W. Lineberger, L. L. Reitzel and W. H. Straughn.

Mr. Devaney of the Planning Board gave factual information stating the property is located on west side of Park Road immediately north of several streets and south of Drexel Place and Park Road intersection. Consist of three lots - one used for residential and the other two for semi-residential and semi-commercial. Along the east side of Park Road is commercial and zoning in the area is business on east side and R-2 on west side.

Mr. Shem Blackley, a resident and property owner on Drexel Place, appeared in opposition to the proposed change and presented a petition signed by residents of the area.

Mr. Shaw, City Attorney, asked Mr. Blackley if the petition filed comes within the 20% rule, to which Mr. Blackley replied that it does not.

Mr. Blackley stated there are 45 school age children in the neighborhood and 25 families involved, with no sidewalks or traffic lights, and to allow a change in zoning would result in increased traffic hazards on a street already extremely dangerous for children. That the neighborhood is already plagued by wrong turns and turn arounds. They feel any further commercial use over and above that presently allowed would tend to aggravate the present problem. Mr. Blackley stated he came to Charlotte about a year ago and looked for a home, and liked this particular area to a great extent; that it looked like a reasonable place to raise a family. This is the second time in the past 90 days they have had to come up here to protest a change in zoning in the neighborhood.

Mr. Joseph Cruciani, Attorney for the petitioners, stated that the opposition has presented logical arguments, but the land use has become that of Office-Institution as the Planning Commission has pointed out. That the property owned by Mr. William Lineberger has been vacant because he can not find a tenant for it and would like for the Council to declare it O-I. The other two property owners have no plans for a change in the use of their property. Mr. Lineberger has contracted for a real estate

office for his property which will afford off-street parking and the abutting property owners have joined in the petition. He also stated that the area surrounding the property has changed and the petitioners are only asking to place a use on the property; there is a 9 or 10 foot fence on Mr. Lineberger's property. Also, there is a strip which is not zoned business around which they have placed a brick wall making it unsuitable for residential use. The petition is for the three lots instead of one because they understand it is sound land use not to zone just one lot.

Councilman Dellinger asked if there have been any changes in the area since the last request for a change in zoning. The reply was no.

Mr. Farrell Potts, resident, stated they did not like to leave their work and come down to fight this every 30 days; their time is valuable. The present situation as it relates to the area is that the corner lot is occupied by a chiropractor, the second lot is occupied by a dentist and the 3rd lot is vacant. Across from the chiropractor the gentleman who is in his 60's and his wife live and will be happy to live their lives out in this home no matter what changes take place. Another man has been transferred to Chicago and is moving away so would not care what happens to the neighborhood.

Mr. Cruciani stated that Mr. Lineberger is being hurt. Right now there will be no increased activity on Drexel Place as Mr. Lineberger is the only person who has plans for the property.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 679 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 679 Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property adjoining Providence Village Shopping Center fronting on Providence and Sharon Amity Roads, from R-2 to B-1-A, on petition of Dunnaway, Harry, Jenkins, Lee & Williams Company.

Factual information as to the location of the property was given by Mr. Devaney of the Planning Board office, who stated the existing land use is vacant at the corner of Sharon Amity and Providence Roads. Area towards the north, northwest and west is residential or institutional; area towards the east is shopping center; toward the south is residential. General zoning in the area is R-2 and Rural to the southwest, R-1 towards the north, northwest and west.

Mr. Frank Snepp, representing the petitioners, stated this property has been the subject of zoning controversy for several years; the property is now owned by Dunnaway, Harry, Jenkins, Lee and Williams Company who purchased the property about a year or so ago; property fronts 150 feet on Providence Road and 150 feet on Sharon Amity Road. Corner lot is property of Esso Standard Oil Company. A shopping center is now in operation and at one time this was one piece of property under one ownership. The portion which is zoned R-2 has remained an expanse of red clay. In 1957 the owners petitioned for a change in zone to B-1 but there was a great deal of opposition by property owners along Sharon Lane and Providence Road who feared such a change to B-1 would permit the erection of a Drive-in beer joint. The present owners are requesting a change to B 1-A which does not permit the sale of beer or wine, and as the property next to the petitioned land is already a full scale shopping center the value for residential purposes is destroyed. Now the area has the

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shopping center with a church on the west corner and Providence Road a dual lane highway. That the residents who argue, mostly came out to a rural or semi-rural area and built homes which were not even protected by deed restrictions. Now the whole area has become a very thriving, bustling area. A large community has been created which needs and demands services. Time has moved on, changes have taken place. This property has now been taken into the city limits and there is no logic in keeping this property immobilized; the property is going to have to have the zoning changed - growth makes it inevitable. Zoning imposes a hardship upon the property owner. Fears of residents of Sharon Lane and Providence Road are exaggerated. The corner lot which is owned by Esso Standard Oil Company is the whole problem. Mr. Snapp stated his clients have no firm commitment if the zoning is permitted but their thinking has been along the line of a Medical center such as Hawthorne Lane Medical Center which will permit the property to carry its fair load tax wise or otherwise. It is of no use except for business. The people in the area say keep it vacant. The present problem is how to make productive a piece of useless land.

Mr. Dick Wardlow, representing the opposition, asked the people in the audience who were against the proposed zoning to stand. He then presented a petition signed by 350 persons representing about 200 residents, and stated it is not being introduced under the 20% rule. He stated the property has been before the Council many times. Twice in 1955, again in the fall of 1956 and again in the fall of 1957 when a change to Business was denied. The situation has not changed. The property was first zoned in 1954 under the Sharon Sanitary District as R-1 for 350 feet back from Providence Road. Then just before the perimeter zoning came into effect, a little shopping center was built. This is a residential area, the people have access to a rather large shopping center where there is plenty of land already zoned and available for business without changing this lot; if this property goes B-1 or B 1-A, the corner lot owner would build a service station. Since 1957, Providence Park has been developed, with Cotswold and other developments nearby, entirely surrounding this particular plot of land, and these people have an interest even though they live 5 or 6 blocks from it.

Mr. Wardlow presented a letter signed by the Vice Chairman of the Official Board of Providence Methodist Church which is located catty-cornered from the property in question in which they state they would like for the zoning to remain as it is. Mr. Wardlow stated the petition which is submitted is also signed by Father Gabriel, whose church has been building an elementary school with 200 or so children around six years old who will attend. That the area has nothing but residences now with the exception of down Sharon Amity Road 350 where the shopping center is located.

Mr. A. W. Lawing, 3641 Providence Road, stated he has lived here for 23 years and has been before the Council everytime this request for a change has come up and he would like to see the R-2 zone stand as he expects to live his life out in this home. That if this property goes business then the next man will ask for a change.

Mr. Gene McGarity, Sharon Lane, stated that it has been suggested that the only satisfactory use is for B-1 zone, but they would like to suggest that it could be used for R-2 purposes which allows duplexes, apartment houses and doctors' buildings. They come before the Council as a delegation of property owners who are very interested in their investments.

Mr. Malcolm Glendenning, Sharon Amity Road, stated he has lived in the neighborhood almost as long as Mr. Lawing (for 20 years) and has watched

the place grow. He has been here before and no changes have been made other than one or two newcomers on the Board and Council, and as a property owner he will continue to come because he intends to spend the rest of his life out there. He asked again that the property be kept as R-2 as in the past.

Mr. Lloyd Mumaw, Sharon Lane, Mrs. Joe Elliott, Jr, 2224 Sanford Lane, Mr. Lloyd A. Thomas, Assoc. Minister of First Methodist Church and Mrs. Ann McGarity all spoke in opposition to the proposed change in zoning.

Mr. Snapp stated this property has remained vacant for the past 5 years and if the zoning is not changed it will be vacant for the next 5 years as it is economically impossible to use under R-2.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 680 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 680 Amending Chapter 21 Article II, Section 5 of the City Code to amend the Building Zone Map by changing zoning on property located at the southwest corner of Sharon and Fairview Roads, from Rural to B-1, on petition of Esso Standard Division of Humble Oil and Refining Company.

Mr. Devaney of the Planning Board gave factual information stating the property is presently zoned for Rural; the north side is zoned business, east side portion is zoned business, rest of surroundings is generally Rural zone. The land use is generally business.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

COUNCIL MEETING RECESSED AT 3:35

Chairman pro tem Alba called for a ten minute recess.

COUNCIL RECONVENED AT 3:45.

The council meeting reconvened after a ten minute recess.

ENGINEERING DEPARTMENT INSTRUCTED IN CONNECTION WITH MAINTENANCE OF STREETS IN THE NEWLY ANNEXED AREA.

Mrs. Bryan Austin, 1300 Lakedale Drive, appeared before Council and stated she and other property owners in the audience live in the newly annexed area and they have their problems. That the difference in the tax rates of the city and county is something again. The condition of the street is terrible, and even though she keeps her windows closed the dust from the street pores into the house and over her furniture. That cars using the street have the springs broken from the deep holes in the street. She stated further they have talked with several people in regard to paving the street, but the expense is too great; on their property alone it would amount to approximately \$1,600.00 which to them would be \$30.00 a month for the next five years; it would improve their property and might help in selling if they wanted to move out to another section, but this is the house they can afford. She agreed with Mr. Dellinger that all

perimeter residents should get something for their money, and the only thing they have gained is one street light. So she is appearing before Council today because they feel something should be done about the dusty, bumpy, rocky road.

Councilman Myers moved that the City Engineer be instructed as follows:

1. Make a careful examination of all streets not under city maintenance to ascertain whether these streets can be accepted for maintenance under our existing ordinances.
2. Exercise due diligence and surveillance to see that all damage done to streets not under city or state maintenance by City construction forces or forces under contract to city is repaired and returned to equal or better condition than original.
3. Be directed to apply minimum paving to all streets within the present city limits which by virtue of previous acts of this Council, the city is obligated to maintain. Source of funds to be Powell Act.
4. Publish a list or map of streets which the city will pave, purpose of which is to reduce confusion and misunderstanding.

Mr. H. C. Hart, Ruth Drive, stated they petitioned the County Commissioners to do something about their street before it came into the city but they were given the run-around. Since the first of the year, the State has almost forgotten them.

Councilman Dellinger stated he has been accused of politicking with the roads in the perimeter, but he has been an advocate of good roads in the City of Charlotte and has voted for every street that has been proposed by this Board; he believes Charlotte should have good streets in every area. He also stated he thought everybody should have the same treatment - even those who do not have their streets in proper condition, that these people coming into the city do not know what our regulations are. There is no excuse for not doing what was promised when they were taken into the city.

The City Manager was asked if there is sufficient money in the Powell Fund to take care of paving these streets? He stated there is enough to take care of paving the 16.19 miles.

Councilman Whittington asked Councilman Myers if he would add to his motion that the 14.48 miles of roads be taken over as requested by the property owners and as recommended by the Engineering Department in accordance with existing ordinances. Councilman Myers accepted the addition.

Councilman Dellinger stated he would like to add to the motion that at the request of the people in the 14.48 miles, the street be taken over for maintenance by the city provided they are heavily populated. Councilman Myers said he would accept this with the addition in accordance with existing ordinances which Councilman Dellinger would not accept.

The vote was then taken on the motion by Councilman Myers with the addition by Councilman Whittington and carried unanimously.

Councilman Dellinger stated he voted for this motion in order that the people in the 16.19 miles might get streets now with the understanding that a survey be made and brought back to the Council for study on the 14.48 miles of road.

CONSTRUCTION OF SANITARY SEWER MAIN TO SERVE EASTWAY DRIVE, AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the construction of 105-feet of sanitary sewer main in Eastway Drive, at the request of Mr. H. H. Baucom, to serve a new building, at an estimated cost of \$300.00, all costs to be borne by the applicant, whose deposit of the entire cost will be refunded under terms of the contract, was authorized.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR RIGHT-OF-WAY FOR VANDERBROOKE DRIVE SANITARY SEWER LINE.

Motion was made by Councilman Whittington, seconded by Councilman Smith, and unanimously carried, authorizing condemnation proceedings for right-of-way across the property of Mr & Mrs James William Wayne for the Vanderbrooke Drive Sanitary sewer line.

NAME OF FIRST STREET, FROM CRADDOCK AVENUE AND WINGATE AVENUE, CHANGED TO DODGE AVENUE.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, the name of First Street, from Craddock Avenue and Wingate Street, was changed to Dodge Avenue as recommended by the Planning Board.

CONTRACTS AWARDED FOR THE ALTERATIONS TO THE MINT MUSEUM OF ART.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, contracts for the alterations to the Mint Museum of Art, were awarded as follows:

Contract for GENERAL CONSTRUCTION to HARTMAN CONSTRUCTION CO., at a total price of \$12,283.00.

Contract for MECHANICAL WORK to J. V. ANDREWS CO., at a total price of \$2,675.00.

Contract for ELECTRICAL WORK to HUNTER ELECTRIC CO., at a total price of \$1,790.00.

The following bids were received:

General Construction

Hartman Construction Company	\$ 12,283.00
J. G. Helms	\$ 12,710.00
Andrew Roby	\$ 12,490.00

Mechanical Work

J. V. Andrews Company	\$ 2,675.00
Charles E. Petty & Associates	\$ 2,896.00
P. C. Godfrey, Inc.	\$ 3,000.00

Electrical Work

Hunter Electric Company, Inc.	\$ 1,790.00
Simpson Electric Company	\$ 1,950.00
Elam Electric & Supply Company	\$ 2,036.00

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CONTRACT AWARDED SHELBY SUPPLY COMPANY FOR A SIX MONTHS SUPPLY OF CAST IRON SOIL PIPE AND CAST IRON SOIL PIPE FITTINGS.

Councilman Whittington moved that contract be awarded the low bidder, Shelby Supply Company for furnishing 23,425 Lin. feet of 4", 5" and 6" Cast Iron Soil Pipe, as specified and 887 Cast Iron Soil Pipe Fittings as specified, manufactured by Charlotte Pipe and Foundry Company, at a total price of \$15,059.28, subject to cash discount of \$301.19, representing a net delivered price of \$14,758.09. The motion was seconded by Councilman Smith, and unanimously carried.

The following net delivered bids were received:

Shelby Supply Company	\$14,758.09
Atlas Supply Company	\$15,103.45
Baker-Mitchell Company	\$15,120.33
Crane Supply Company	\$15,122.04
Hajoca Corporation	\$15,138.92
Parnell-Martin Supply Co.	\$15,140.86
Grinnell Company, Inc.	\$15,166.92
Horne-Wilson, Inc.	\$15,212.05
Noland Company, Inc.	\$15,436.36

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR SIX MONTH'S SUPPLY OF HUB-END GATE VALVES.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, contract was awarded the lowest bidder meeting the specifications, Grinnell Company, Inc. for 250, 6-inch and 50, 8-inch Hub-End Gate Valves, as specified, manufactured by Mueller Company, at a total price of \$14,461.50, subject to cash discount of \$997.84, representing a net delivered price of \$13,463.66. The low bid of Horne-Wilson, Inc. is on material not specified, or to be admitted under our standardization plan for gate valves.

The following net delivered bids were received:

Grinnell Company	\$13,463.66
Darling Valve & Mfg. Co.	\$13,484.31
M & H Valve & Fittings Company	\$14,229.60
Industrial Piping Supply Co.	\$15,383.55
The A. P. Smith Mfg. Company	\$16,084.25
James B. Clow & Sons, Inc.	\$18,078.06
Horne-Wilson, Inc.	\$12,004.02

CITY ATTORNEY STATES THAT INFORMATION IN LETTER TO COUNCIL FROM JOHN BENNETT IN CONNECTION WITH GEO. G. SCOTT & COMPANY IS INCORRECT.

Mr. Shaw, City Attorney, stated that contrary to the statement in Mr. John Bennett's letter to the Mayor and Councilmembers, the Registration of George G. Scott & Company was correct in 1949 and is so now.

CITY MANAGER REQUESTED TO CHECK WITH STATE HIGHWAY ON EASTWAY AND SHAMROCK DRIVES PAVING.

Councilman Dellinger requested the City Manager to check with the State of North Carolina on the status of the Eastway and Shamrock Drives paving which the Council authorized some six months ago.

CITY MANAGER REQUESTED TO CHECK WITH P & N RAILWAY ON TUCKASEEGEE ROAD BRIDGE PROJECT.

Councilman Dellinger requested the City Manager to check with the P & N Railway on the construction of the Tuckaseegee Road Bridge.

COUNCILMAN WHITTINGTON REQUESTED INFORMATION FROM CITY MANAGER ON SEVERAL PROJECTS.

Councilman Whittington requested City Manager to investigate the following:

1. Ask Engineering Department to contact State Highway in regard to the condition of Rozzells Ferry Road, from the new paving which has just been completed, back to Tuckaseegee Road.
2. East Boulevard, Euclid Avenue to South Boulevard, is in bad need of attention.
3. South Boulevard, North and South Tryon Streets and Statesville Ave. all four streets are thoroughfares and in terrible condition.
4. Any new information from the State, Southern Railroad and Engineering Department in connection with West Trade Street underpass.

COUNCILMAN MYERS EXPRESSED HIS GRATITUDE FOR THE COUNCIL'S KINDNESS DURING HIS BEREAVEMENT.

Councilman Myers thanked the Council members for their kindness at the loss of his mother.


AMBULANCE SERVICE TO BEGIN OPERATION ON JULY 10TH.

Councilman Dellinger asked Mr. Veeder if the Ambulance Company is ready to take over ambulance service on July 1st as planned.

Mr. Veeder stated that Mr. Brandes has had trouble in locating his business. His building will not be completed by July 1st, but he plans to begin operation from a temporary location on July 10th.

ADJOURNMENT.

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


L. L. Ledbetter, Deputy City Clerk