

April 16, 1962
Minute Book 41 - Page 413

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, April 16, 1962, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Board members present during the hearings on petitions for changes in the zoning of properties were Mr. Sibley, Chairman, Mr. Delaney, Mr. Ervin, Mr. Hanks, Mr. Lakey, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Craig and Mr. Jones.

*** **

INVOCATION.

The invocation was given by the Reverend James Johnson, Assistant Pastor of the Little Church on the Lane.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on April 9, 1962 were approved as submitted.

HEARING ON PETITION NO. 62-7 FOR CHANGE IN ZONING.

The scheduled hearing was held on Petition No. 62-7 by Ethel C. Thompson for change in zoning from R-9MF to I-2 of a tract of land on the south side of Central Avenue (Lawyers Road), beginning 491' east of Sharon-Amity Road, with a frontage on Central Avenue of 560'.

Mr. McIntyre, Planning Director, stated the petition covers a tract of land fronting on Lawyers Road, just east of Sharon-Amity Road, extending back for a depth of 625'; the property is adjoined immediately on its westerly boundary by the Telephone Company's Installation Exchange Building, and a short distance removed are some business establishments at the intersection of Sharon-Amity and Central Avenue. Across Lawyers Road from the property the land is vacant and is adjoined on the east by residential developments and on the south by land for residential use but is still vacant and the property is also adjoined by a building now in the process of being erected,

Mr. Paul Ervin, Attorney, stated he and Mr. George Miller, Attorney, represent the owners of the property and they wish it rezoned to Industrial-2 not that they want to put industry there, because there is a lease in existence, depending upon the action of Council, for a drive-in theatre; that at present there is a drive-in theatre on the left a mile or so this side of the property and they want to change the operation to the property before us today. The property is on the border-line, just beyond the city limits, and on one side there is completely business property, across the road it is residential with multi-family dwellings, and the present zoning

of the property in question is for multi-family use. He stated there are going to be out-door theatres because the young people enjoy them, and he cannot see why they can only be located in Industrial areas, as it seems to him more nearly Business; that it should be borne in mind that they only operate at night, therefore do not interfere with the usual heavy day-time traffic. That they feel this is the best usage for the property, bounded by the highway and a business center and they hope the Council will approve the request.

Mayor Brookshire called attention that if Council approves the Industrial zoning, there would be nothing to keep the present owner or the next owner from developing it industrially. Mr. Ervin stated it is certainly not their thought, nor desire, nor plan to develop it in such way, that a 15-year lease has already been signed for the drive-in theatre, contingent upon the action of Council. In fact, they are perfectly willing to say to the Council and to enter into any covenant that is necessary, that if it is zoned I-2 they will always use it for that purpose, or for its present purpose, unless the Council and Zoning Commission should at a later date change the zoning.

Mayor Brookshire asked the City Attorney if such an agreement would be valid and binding upon the property. Mr. Morrissey stated the Council has no authority to contract away its discussion and that is what they would be doing if they entered into such an agreement. Mr. Ervin stated the owners have the right to agree as to the use of the property, that the question raised by Mr. Morrissey is whether or not the City Council can exercise their discretion by saying they will zone this Industrial if it is agreed to use it only for this drive-in theatre. Mr. Morrissey stated that is what he said. Mr. Ervin stated if the owners of the property said and agreed and stipulated in writing that so long as the property was zoned I-2 it would be used only for the purposes stated, that certainly would be binding. Mr. Morrissey stated the Hearing need not be delayed in discussing the question, that it can be taken under advisement when the Council considers the petition for rezoning.

No opposition was expressed to the proposed zoning change.

HEARING ON PETITION NO. 62-8 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. 62-8 by Edward Daly, W. Craig Lawing, et al, for change in zoning from R-6MF to I-1 of property located on both sides of the Southern Railway Crossline, extending from Nations Ford Road to the beginning of the existing Business zone near York Road, a distance of approximately 1,050 ft.

The Planning Director stated the property lies on both sides of the Southern Railway Crossline just a short distance south of Woodlawn Avenue; that York Road is some distance removed from the property. The property is basically in two parts, the part on the westerly side of the Crossline is vacant and the property on the easterly side of the Crossline is 50% to 60% developed residentially; the property is adjoined along its easterly line by other residential developments that extend along two side streets, Wally Road and Peachtree Road running out to Nations Ford Road. Along the westerly boundary it is adjoined by vacant land, with only one new residential structure. Along Yorkmount Road it is developed residentially. One of the most significant facts concerning the property is that the Northsouth Expressway will run from Woodlawn Road down to the South Carolina line, and will have an effect upon the area as a whole. That the property is generally adjoined by multi-family zoning, except along the northerly portion where it adjoins a business section that extends out to Woodlawn Ave on one side and to Yorkmount Road on the other. That across Nations Ford Road, there is industrial

April 16, 1962
Minute Book 41 - Page 415

and multi-family zoning.

Mr. Craig Lawing, a petitioner, stated they are joined in their request for rezoning by several other property owners in the neighborhood on Wally and Peachtree Roads; that the property borders some 1,000 feet on the Crossline Railroad and we all know that it is not conducive to residential use, and the Expressway that is going through there will land-lock the area on one side and they feel the industrial zoning is the logical one.

Mr. Bill Scarborough, Attorney, stated he is here at the request of some eighty-three people who own their homes which completely surround the property in question. He filed a Petition signed by these residents stating they are adjacent to or in the immediate vicinity of Nations Ford Road and Yorkmont Road, and they protest the rezoning for the reason this is primarily a residential area and they wish it to continue so and to be so developed. Mr. Scarborough stated this matter came before the Planning Commission last year when the property consisted of 4 acres and it was land-locked and the only access was by Peachtree Road. That one of those opposing the change is Mr. Calvin Kenley, and the reason he is so familiar with this is that Mr. Kenley is the developer of the residential area known as Greenbriar Woods along Yorkmont Road and some 40 to 50 residences in the price range of \$15,000 have been erected there, and those people have put their life savings in those houses and plan to make these their permanent residences. That Mr. Kenley's home, which cost some \$60,000, adjoins the development and he opposes the zoning change most vigorously. Mr. Scarborough stated the Expressway will be limited access and they cannot see why that will not conform to a residential area. That Mr. Lawing has not stated what type of industrial development they intend constructing, however, no matter what it is it will definitely affect the value of these homes, which are restricted under FHA for residential use, and they ask that Council permit it to remain and to develop residentially. That he feels that by zoning it Industrial, the Council would be doing an injustice to a greater number of people, than it could possibly benefit under the Industrial zoning.

Mr. Calvin Kenley stated his home, which cost him \$60,000 is within 100 feet of the property requested rezoned, that he was born and raised within a mile of this property, and he was fortunate and has done well and developed Greenbriar Woods, and he certainly dislikes seeing it all ruined by industrial property.

Mr. Russell Borden, Mr. Robert Benton, Mrs DeWitt Currie and Mr. Donald Thomas stated they live within the area of the property in question, and certainly object to the rezoning of property in the area. Mr. Benton stated he signed the petition in favor of the rezoning and he was led to believe it would enhance the value of his property, but wishes to withdraw it and has been told by the Planning Board that he may do so.

Mr. Lawing asked to introduce Mr Kidd, Chief Engineer of Southern Railway. Mr. Kidd stated the Southern Railway joins Mr. Daly and Mr. Lawing in asking that the property in question be zoned industrial.

Mr. Scarborough asked Mr. Kidd in total acreage how much land the Railroad still owns down there, and Mr. Kidd replied he does not know but probably less than 3 acres.

HEARING ON PETITION NO. 62-9 FOR CHANGE IN ZONING CONTINUED TO MAY 28, 1962.

Petition No. 62-9 by Frances M. Grigg for change in zoning from R-9MF to B-1 of a 3.09 acre tract of land at the northwest corner of Milton Road and Newell-Hickory Grove Road, was presented for hearing and upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, was continued until the next zoning hearing on May 28th, as requested by Mr. John A. McRae, Jr, Attorney for the petitioner.

HEARING ON PETITION NO. 62-10 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. 62-10 by Thomas F. Mains, Corp., for a change in zoning from R-6MF to R-6MFH of 17.01 acres of land, beginning 500 ft. south of Central Avenue, between Briar Creek and the rear of lots on Wembley Drive.

Mr. McIntyre, Planning Director, advised this is a portion of the property that is being developed as the Green Oaks Apartment Development; the portion to be considered is 17.01 acres, lying 500 ft. in a southerly direction from Central Avenue; along its northerly boundary - that is fronting on Central Avenue - the land is vacant but is understood it is to be developed as a Shopping Center; there is a business area on Central Ave.; along the easterly-westerly boundary it is adjoined by Briar Creek, which runs down through Central Avenue; a portion of the property is adjoined by apartments presently under construction; the other portion of the property is adjoined with the rear line of property fronting on Wembley Drive.

Mr. Samuel Mallett, Attorney who together with Mr. Ray Bradley represented the petitioners, one of whom is here today, stated that the entire property constitutes 80 acres, and has received national publicity because it is the largest single piece of property zoned for apartments between Washington and Miami, Florida. Mr. Mallett gave population figures on Charlotte within the last few years, pointing up its rapid growth and its anticipated future expansion, showing the importance of this size and type of apartment development. He stated it is planned as a city within a city, a diversified area of garden type apartments, high rise apartments and shopping center. He presented a plat of the entire 80 acres as it is to be developed, and stated the development is bounded by Central Avenue, Briar Creek and Briar Creek Road. He pointed out that within the area, near the center, 15 acres are presently under development and on the 17.01 acres, which is the property in question today, the high rise apartments are planned, which will consist of five buildings, and they will be spaciouly located. That they have gone over all of the plans with Mr. McIntyre and have lived up to their promises on every count. That the project represents a \$6,000,000 investment, will consist of 556 units and will be of various sizes and the finest type of apartment development that Charlotte has, with swimming pools and full parking facilities provided. He stated they are asking for a change from R-6MF to R-6MFH in order to construct the high-rise apartments which is not provided under the R-6MF, and are asking for R-6MFH only on 17.01 acres of the 80 acre tract, and the type of construction for the remainder of the area is covered by the R-6MF zoning.

Mr. Mallett introduced Mr. David Warren Hardwick of Richmond, Va., member of the American Institute of Architects and Architect for the development. He congratulated the Council on up-grading zoning in Charlotte, which has been done since he was here last year in connection with this project, stating it is a progressive step and a tribute to the City's able Planning Director. He stated the high-rise zoning, to take care of high-density apartments, should not be taken lightly. He quoted from several national publications

April 16, 1962
Minute Book 41 - Page 417

on Architecture and City Planning, as to the value of high-density housing. He explained in detail the locations of the various type buildings and shopping center in the development, and the diversity of the project and the well-planned use of the land. Mr. Hardwick presented a picture of the overall project, and individual pictures of the garden-type buildings.

Mr. Mallett introduced Mr. Thomas F. Mains, President of the Corporation, the petitioner. Mr. Mains stated they are satisfied with the zoning they now have, and are going to develop the entire property, but if Council will permit the R-6MFH zoning on the portion of the property requested, they think they can do a better job, but if not they will still be satisfied and are happy to be in Charlotte. He pointed out that they are asking for the high-rise zoning only on the 17.01 acres near the shopping center. He stated they have four or five tennis courts, three swimming pools and putting greens planned for the area, and think Charlotte will benefit by their own recreational facilities being within the development. He pointed out all of this cannot, however, be done in 10 days and it will take from one to five years to complete the entire project.

Mayor Brookshire told Mr. Mains we are glad to have him in Charlotte.

No opposition was expressed to the proposed zoning change.

HEARING ON PETITION NO. 62-11 FOR CHANGE IN ZONING.

The hearing was held on Petition No. 62-11 by Consos, Inc., for a change in zoning from R-9 to I-1 on a tract of land 283' x 554' at the southwest corner of Statesville Road and an unnamed road which enters Statesville Road opposite Burris Avenue.

The Planning Director stated this property is on the west side of Statesville Avenue, a portion of which is vacant and a portion presently in residential use. That it is adjoined on the southerly side by a grocery store and a church; on its northerly side the general development is residential, as it is to the rear of the property; across Statesville Avenue there is a business establishment, residential usage and vacant land.

Mr. Charles Woolhart, President of Consos, Inc., the petitioner, stated they are asking for this change to tear down two wooden buildings/^{which were} on the property when they purchase it in 1947 and construct a concrete block building to aid in their manufacturing; that they have secured the approval of the adjoining property owners.

No opposition was expressed to the proposed zoning change.

HEARING ON PETITION NO. 62-12 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. 62-12 by James A. Thomas, for a change in zoning from R-6MF to B-1 of property at the northwest corner of Honeywood Avenue and Bellhaven Boulevard (NC #16 West), with a frontage of 246 ft. on Bellhaven Boulevard and 223 ft. on Honeywood Avenue.

The Planning Director advised the property consists of several vacant lots, and the property in question is vacant, and is adjoined on two sides by vacant property, does not abut directly on Interstate #85 as there is a small amount of vacant land between #85 and the boundary of the property in question. Directly across Honeywood Avenue, the land is essentially vacant, there are two residential structures; across Bellhaven Boulevard the property is developed residentially and part is vacant.

April 16, 1962
Minute Book 41 - Page 418

Mr. Ben Horack, Attorney representing the petitioner who is a disabled veteran in a Mobile, Alabama Hospital, stated the property is part of an old section or development, which never developed, and there are no houses in this particular block and the street shown on the map as Alabama Avenue is in reality non-existent. He stated further that Mr. Thomas owns five of the lots to the rear adjoining the subject property and non-existent street. The terrain of the land in the entire block is about as hopeless as one might imagine, and as it goes back it gets still worse. Where Alabama Avenue is supposed to be there is a 40 ft. drop. He advised that the petitioner wants to sell the property in question for the construction of a Service Station.

No opposition was expressed to the proposed zoning.

HEARING ON PETITION NO. Z-4 FOR CHANGE IN ZONING.

The scheduled hearing was held on Petition No. Z-4 by Joseph Dumontier, et al, for change in zoning from R-12 to R-15 of the property on the south side of Albemarle Road, beginning at Marlwood Acres Subdivision and continuing to the Perimeter area boundary line near Harrisburg Road extending southward to Lawyers Road; and of property on the north side of Albemarle Road, beginning east of Shady Lane and continuing to the Perimeter area boundary line extending to the Norfolk & Southern Railroad.

The Planning Director stated the boundaries of the change run from Albemarle Road to a cross country line that runs in a northerly direction up to the Norfolk-Southern RR; following the Norfolk -Southern RR to the boundary of the perimeter line; the boundary of the perimeter line being about 600 feet to the west of Harrisburg Road. The boundary of the perimeter line is a cross country line coming from Norfolk-Southern RR down across Lawyers Road to its intersection with McAlpine Creek and the boundary of the proposed change follows along McAlpine Creek to the Mint Hill Road where the boundary extends back towards town on Mint Hill Road to the regular line going up to the point of beginning along Albemarle Road. The principal existing development of the area at the present time is the Marlwood Acres Subdivision and there are other residential and a few scattered commercial developments in the area, but it is predominantly residential. The zoning of the property at the present time is R-12, the request is that it be up-graded to R-15 zoning.

Mr. Joseph Dumontier, petitioner, stated they are making this request to rezone the area covered by Map 57 because they wish to preserve the development of the area as it has been progressing for the last seven years. The lots developed so far are well in excess of the R-15 classification, which is the highest zoning regulation that we may ask for. He stated they hope that the Council will see as they do the desirability of encouraging community pride wherever it displays itself in the best interest of the continued growth of Charlotte and the perimeter.

No opposition was expressed to the proposed change in zoning.

HEARING ON PETITION NO. Z-7 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. Z-7 by Ervin J. Rust for change in zoning from R-9 to B-1 of property on the south side of Cinderella Road, beginning 500 ft. east of Sugaw Creek Road, and extending 100 ft. along Cinderella Road, and for change from R-9 to O-6 of property on the south side of Cinderella Road, beginning 600 ft. east of Sugaw Creek Road and extending approximately 105 ft. along Cinderella Road.

April 16, 1962
Minute Book 41 - Page 419

Mr. McIntyre, Planning Director, advised the petition is in two parts and covers one piece of property in terms of ownership; that the portion requested for business adjoins an established business zone and runs along the southerly side of Cinderella Road 100 feet. That the portion requested for Office extends along Cinderella Road adjoining the previously discussed business zone out a distance of 105 feet. The Office zone is adjoined by residential use that is established on Cinderella Road, and Cinderella Road from this point on in an easterly direction is generally residential. The property behind that, covered by the petition, is at the present time vacant as is the property which adjoins the southwesterly side. The property directly across the street is also vacant at the present time except for a residential structure that has been established at the intersection of Cinderella Road and Yuma Street. The property at the present time is zoned for single family residential use; directly across Cinderella Road, the property is zoned for business and it is zoned for business along its westerly side, that business zone extending out to Sugaw Creek Road. Otherwise the adjoining zoning is single family residential.

Mr. Rust, Petitioner, stated at the time they sold the property to the Good-year Realty Company it was restricted to residential usage, then during his absence between 1959 and 1961 the Planning Board upset those restrictions because there are now two service stations on Sugaw Creek Road and some small businesses. He stated they put in an application for business zoning on some of the property as it is certainly unsuitable to expect residences across the street from a shopping center, which is in fact, on a lot that is too small. That they are at a stand still, they cannot develop the property as it is zoned because of the situation across the street, and therefore, he is asking to have his property zoned for Business for an equidistance to that across the street so as to construct multi-family residences.

Councilman Smith stated it appears that Mr. Rust tried to maintain a residential restriction in this section and the Council and Planning Board rezoned some of the property for Mr. Goodyear as Business just opposite Mr. Rust's residence. That he is requesting Business on one lot and O-6 on the other as a buffer, however, he said something about multi-family usage, which is not covered by these zones. Mr. Rust stated he is not familiar with the zoning numbers and it is his understanding that multi-family apartments and offices come within the same category. He stated further he wants to be able to construct multi-residences or business of the office type on the entire property, or if the shopping center goes in, then he will want to build large apartments. Mayor Brookshire asked if he would be pleased if he had an Office zone and could construct either offices or apartments, and Mr. Rust replied he would. Mr. McIntyre stated that Mr. Rust wants to extend the Business zone back 100 feet additional and from there on Office zoning.

No opposition was expressed to the proposed zoning change.

HEARING ON PETITION NO. Z-13 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. Z-13 by Realty Development Company for change in zoning from R-9 and R-9MF to I-2 of property on both sides of Interstate #85, beginning approximately 1,000 ft. east of Mulberry Church Road, and extending approximately 750 ft. eastward along Interstate #85.

An explanation of the property and surrounding area was given by the Planning Director, who stated the property lies both north and south of Interstate #85, a short distance east of the interchange with Mulberry Church Road, and consists of 60 acres vacant land; the adjoining land on all sides is also

vacant and the property is adjoined on the westerly side by Industrial zoning, and a small segment of single family and multi-family residences. It is generally adjoined on its northerly, easterly and southerly sides by residential zoning.

Mr. C. W. Todd, representing the petitioners, explained the location of the property from a map he had, and he stated the FHA and GI will not make any loans for residences in the area because of the noise etc from Jet Planes. He stated the School Board recognized the matter of sound when they built Harding High School in the area and air conditioned it because of the noise, and that was even before the Jet service came in. He stated the property is zoned Industrial on the left side and there are no houses close to it at all and because of its proximity to Interstate #85 it is more suitable for commercial use than residential. That the distance from the end of the Airport runway to the property is 1 1/4 mile; that the U. S. Supreme Court held that people who were in this noise zone could get compensation from the Airport Authority, and he thought it would be very unwise to let houses go into these areas where the damages may come. He read a paragraph from Time Magazine on March 16th, Page 65, called "The Age Of Noise" with regard to the subject of aircraft noise.

Mayor Brookshire asked Mr. McIntyre if any thought has been given to rezoning the entire area affected by the noise? Mr. McIntyre replied they are still hoping to have the results of the specific noise study from the Federal Aviation Agency based on a general comprehensive rezoning in this area on that study which is supposed to be made within the foreseeable future.

No opposition was expressed to the proposed zoning change.

HEARING ON PETITION NO. Z-25 FOR CHANGE IN ZONING.

The public hearing was held on Petition No. Z-25 by E. P. Nisbet Company for a change in zoning from R-6MF to B-2 of property on both sides of Avant Street southwest of Baxter Street.

The Planning Director advised that this is an irregularly shaped piece of property on the southerly side of Baxter Street, and is at present the site of a fuel oil storage and distribution establishment; the property is adjoined along one of its boundaries by a residential zone on Henley Place and a bit on Queens Road, and is also adjoined on another boundary by residential property and vacant land on Baxter Street. The zoning of the property at present is multi-family as is the adjoining property.

Mr. Joe Grier, Attorney representing the petitioner, stated the property has been used by his client continuously for many years prior to the adoption of the zoning ordinance. It was purchased originally for the purpose of putting the business of E. P. Nisbet Company there and has been used for that purpose. That it seems to them and to him that this is the best use this particular property can be put to, situated as it is. It is a very convenient location for the Company, with its customers located primarily in that area. That their use has been for many years a non-conforming use, and the Company will continue to be located there, and if the zoning classification remains as it is now and the petition is not allowed, the same inconveniences the company has had for the last 15 years since zoning was adopted will continue, that is operating a business in a non-conforming area. For example each time the Company makes a minor change or renovation in its office area, there is a problem and it seems to him that any property that has been used in this way for all these years, should not be required to operate under these conditions. That the Company owns the two lots on

April 16, 1962
Minutes Book 41 - Page 421

Baxter Street that lies to the west of where this property begins, which is not included in the petition, therefore, these two lots would provide a buffer. That it seems to him for the Company to continue their business in a conforming use, rather than non-conforming, is more in the public interest than just to have a pretty, nice, evenly zoned map.

Councilman Albea stated he would be willing to vote for this but there would be a question of the next property to it and the next, and where would it stop?

Mr. Brevard Myers, stated he would like to establish that they come within the 20% rule with reference to the opposition. That both he and Mr. John Dwelle wish to speak, as they both represent property owners in the area.

He asked the City Clerk to read the Minutes of the Zoning Board of Adjustment on August 4, 1953, regarding the Petition of E. P. Nisbet Company.

"CASE NO. 48-53-91 E. P. NISBET COMPANY PERMISSION TO MOVE TEMPORARY OIL TANKS TO PERMANENT LOCATION, BUILD A 30 X 150 FOOT SHED FOR STORING TRUCKS, MAKE AN ADDITION TO ANOTHER BUILDING, ETC, ON PROPERTY AT 1818 BAXTER STREET:

Chairman Hook presiding called the meeting to order, and the scheduled hearing was held in connection with the request of E. P. Nisbet Company to move certain oil tanks from temporary to permanent locations, build a 50 x 150 foot shed for storing trucks, a 50 x 50 foot addition to a building, and an additional building approximately 25 x 56 feet in dimensions.

Mr. Joe Grier, attorney representing the petitioner, Mr Nesbit, also present at the hearing, stated that Mr Nisbet at the time of the adoption of the zoning law owned his present premises; that he had been in the fuel oil business for more than 20 years; that he moved his business to the present location in 1941; that before and at the time of the adoption of the zoning law in January of 1947, he was using two or three acres of land, which he owned, to carry on his business; that he has continued to use the same land for the same purposes since that time; that it is this identical land, with no additions involved in the present application; that the type of operations conducted on the premises is the storage of fuel oil and the loading of same into oil trucks for delivery to customers; that the type of operations has not materially changed, with the exception of some sheet metal work.

Mr. Grier pointed out that in 1949, Mr. Nisbet was permitted to erect a permanent storage tank of 30,000 gallon capacity to take the place of the temporary storage facilities he had been using before and after the passage of the zoning law, his purpose being to facilitate the loading and unloading of oil and to preclude the necessity of backing and re-backing of his trucks in order to get them into position to load or unload.

Mr. Grier said that if the expansion is allowed, it would improve the appearance of the premises rather than be detrimental, and would be a less objectional non-conforming use than at present. He then made reference to certain cases wherein permits were granted to alter or to erect structures in connection with non-conforming uses, citing several court decisions.

A delegation of property owners on Baxter and Eli Streets, led by Mr. Brevard S. Myers, appeared before the Board and registered strong objections to the proposed expansion of the Oil Company, due to the proximity of their homes to the location and the fire hazard, noise, inconvenience

and general welfare, et cetera, the operation of the business necessarily creates.

Mr. Myers stated that his relations with Mr Nisbet were very good; that the only thing they differed on was the use of his property in Cherry; that the history of the oil business on Baxter Street is: that originally they sold Mr. Nisbet the property in question with the understanding that he wanted to build a house down there for his cook; but that he moved one big oil tank down there, and from that one tank the business has grown to its present status, with the addition of a sheet metal shop.

Mr. Myers pointed out that the property, in the midst of a Residence 2 district, and only a stone's throw to Queens Road, is being used for industrial purposes, that the area regulations for a Residence 2 district requires not less than 20-ft. front and rear yards; that these regulations have not been observed; that he knows of one property owner who can reach the tanks from his back fence; that they are almost as high as the man's house; that oil trucks are even parked on the front yards of some of the home owners; that one of the property owners had a death in his family, and they had to get the trucks moved out of the way so that they could get out or into the house.

Mr. Myers stated that even tho the business was there at the time of the passage of the zoning law, it was and still is a non-conforming use (an industrial business) and that the expansion of a non-conforming use is in direct conflict with the spirit of zoning; that if the present industrial use of the property is allowed to expand in the residential area it will mean the complete break down of a long established colored residential section; that the only thing left to be done would be to request a change in zone from Residence to Industrial on the entire area; that the operation of an industrial business, expanding from time to time, will completely destroy the desirability and value of the property for residential purposes.

Mr. Myers stated that he, his family and his forebears had done a lot to make Cherry one of the best colored sections of the City of Charlotte; that if the present industrial use of the property in question is allowed to expand it will completely destroy their efforts and ruin a long established colored residential section of largely owner-occupied homes, etc

Among those present and voicing their opposition were: Julius Bell, Grace Walker, John and Laura Jones, Mennie Dunn, and many others. These home owners stated the operation of the oil business at the present location is highly objectional and altogether undesirable as it is; that any further expansion would be detrimental to the entire section from the standpoint of noise, traffic, public health, safety, fire hazard and general welfare of the people.

The delegation joined Mr. Myers in his suggestion that the request now before the Board be denied, and that Mr Nisbet not be allowed to make further encroachment on the residential area, but that he be encouraged to move his oil and sheet metal business to a more suitable location, where he will not be hemmed in, and where the expansion and operation of an oil business will not affect and endanger the lives, peace, comfort, convenience and general welfare of the occupants and home owners of the residential area.

Mr. Myers stated that Mr. Nisbet had approached him about buying additional property in the area, so that he will have elbow room as his business demands, and he then pointed out that Mr Nisbet desires to put in permanent tanks instead of the two temporary tanks and build other permanent and extensive permanent improvements, which would perpetuate the business; and he called

April 16, 1962

Minute Book 41 - Page 423

attention to the fact that every time permanent facilities are added and the Board permits the expansion of a non-conforming use, the basic principles of zoning are partially defeated, and he then prevailed on the Board to deny the request of Mr Nisbet for expansion of a non-conforming use at the location in question.

Mr. Myers also called attention to the fact, and the delegation also said, that today's hearing was the first opportunity the property owners had ever had to voice their objections before the Board; that previous additions and expansions had been made without their being notified and given an opportunity to say 'yea or nay.'

In view of the fact that one of the Board members had an interest in the Cherry section, he disqualified himself for further consideration of the request before the Board, no action was taken in the matter, the request being tabled to be considered at the next meeting, motion to this effect being made by Commissioner White, seconded by Commissioner Ruff, unanimously carrying."

Mr Myers stated you might look upon this area as having considerable age, but there has been appreciable building in that area since 1950 to the extent of 18 to 20 residences and duplexes, and the area is not on the downgrade, but rather the upgrade. Also, he wished to point out in opposition to Mr. Grier's statement that the business is suitably located that he grants it is suitably located with reference to the Company but not to the benefit of the neighborhood, because the people in this neighborhood carry their fuel oil in their hands and not in trucks; also, any improvements and expansion to the property will increase the traffic on the street which is one of the principal objections.

Mr John Dwelle stated they nearly did not see the Sign placed on the property with regard to this hearing, as it is small and put back against Mr. Nisbet's building and cars are parked in front of it. He stated this property is several blocks in size and there are no houses nearby. That Mr Nisbet prevailed upon him to let him have the property as it was right behind his house and he wanted to build a house for his maid.

Mr. Joe Grier stated at the conclusion of the other Hearing, Mr Nisbet, who has since died, stated to him that he had not purchased the property from Mr Dwelle under any such circumstances. That his business has been there more than 20 years and despite the hardships of being a non-conforming use, despite the three hearings they have been involved in, that his business is going to remain there. It is just a matter of whether to operate as a non-conforming use or whether as a conforming use, and if their petition is not granted, he can assure the Council some situation will arise to make it necessary to file a petition with either the Planning Board or Board of Adjustment.

Councilman Smith asked Mr. Grier that since the point has come up that the property was sold by the people who are opposing the change in zoning, what were the deed restrictions when the property was conveyed? Mr. Grier stated there are no restrictions in the deed to the best of his knowledge, and he has read the deed within the last two months.

Mayor Brookshire asked Mr. Morrissey, City Attorney if he will check into and advise the Council if the opponents represent 20% of the required property owners.

CITY MANAGER AND CITY ENGINEER REQUESTED TO INVESTIGATE CONDITION OF FAULKNER PLACE AND BRING RECOMMENDATION TO COUNCIL AT NEXT MEETING.

Mr. Robert Dooley, resident of McAlway Road, stated his street is next to a substandard road, called Faulkner Place with which Councilmen Thrower and Dellinger are familiar. That the situation is it is a cut-through road between Bertonley Avenue and McAlway Road, some 303 feet long, on which four families live. That he contacted personally the City Engineer and asked what steps should be taken by himself to get the road fixed, and the City Engineer's office advised him to close the road, which he did and caused so much disturbance in the neighborhood he had to open it. That the road is used by City garbage trucks, and the persons who own the land bordering the road do not use the road at all, and two residents who border the road use it only as an entrance to their driveway. That the road brings traffic all the way from Walker Road as a cut through to McAlway Road. He asked first, if the City will take some action to pave the road that there are thirty or so families involved, all of whom own their homes and pay taxes, and the dust is terrific and when it rains the street stands in mud and water. He stated he saw in the papers where the City Manager advocated that the adjoining property owners pay for the improvements to sub-standard roads, which is probably alright but he thinks this should be an exception as he does not think it would be fair for the City to assess the property owners, who do not use the road, to pay for it for the use of 30 or 40 other people.

Councilman Dellinger stated this is just the kind of thing he has been talking about for three years, but has gotten no where. That he thinks this deserves serious consideration, and the Councilmen should go out and look at it and see if there is not something that can be done.

Councilman Whittington moved that the City Manager and City Engineer investigate this condition and bring in a recommendation next week. The motion was seconded by Councilman Dellinger, and unanimously carried.

Mr. Dooley stated he wishes he had a vote on the motion because they have been out and looked at it before, and he was told that in August of last year the City Manager's office had it looked at and said there would be a cost of somewhere near \$900,00 to \$1,000,00 to repair it and it did not warrant that expenditure by the City. He stated he, personally, had nothing to gain from the improvement but the dust menace would probably be eliminated.

Mr. Veeder stated the thing that makes this a little different is that Mr. Dooley and his three neighbors do not need the street.

Councilman Bryant stated he appreciates the effort to bring back a report next week, but he still thinks in order to do a thing like this orderly, the Council has got to adopt a policy, stating the exceptions clearly, or the Council is letting themselves in for trouble time and again.

SIDEWALK AREA TO BE GRAVELED AT THIS TIME FOR BENEFIT OF BRIARWOOD SCHOOL CHILDREN AND SIDEWALK AREAS TO BE USED BY CHILDREN NEXT SCHOOL YEAR TO BE MORE FULLY IMPROVED.

Mr. Curtis White was present and asked if a report was ready relative to the request for the construction of sidewalks for the benefit of Briarwood School.

Mr. Veeder advised that he has discussed the matter with Mr. Hoose and Sergeant Hill with regards to sidewalks on The Plaza and Wilann Drive and he has also

April 16, 1962
Minute Book 41 - Page 425

discussed it with Mr. White, and as a result we are of the opinion that there are two thoughts that should be considered. One, they are informed that the districting that will determine the area the children come from that use this school is going to be changed starting with the next school year. In view of this, and not knowing the extent of these changes but having some reason to believe that they are going to be other than just minor changes, he hesitates to recommend doing anything that would have any effect on the present situation because it is apparently a changing situation. Secondly, they suggest that in order to improve the situation to a degree, assuming that it needs improving, and basing it on first-hand knowledge of the use of these streets by students, he thinks the immediate situation can be handled by doing some minor work with gravel to take care of any pot-holes that now exist in areas where children walk along the Plaza. That they would suggest that until we have a better idea of where the children are going to come from that are going to be using the school the next school year, it would perhaps not be in the best interest of anyone to spend large amounts of money for sidewalks which are at least of questionable value at this time.

Councilman Whittington asked how wide the area would be that the children would walk on along The Plaza? Mr. Veeder stated they think it is not the thing to do to build a temporary sidewalk on The Plaza now. That they think the gravel will take care of the situation satisfactorily. Mr. Veeder stated just as soon as it is determined the areas from which the children will come to this school next fall, this will have one of the top spots in the schedule for sidewalk improvements.

Mr. White stated this should be satisfactory to use the blade out there and have the gravel put down now, and as soon as it is decided about next year, then the temporary sidewalks will be laid. That he will accept this unless there are objections from the school patrons, and he expressed his appreciation to Mr. Veeder for his efforts in this behalf.

ACQUISITION OF PROPERTY AS RIGHT-OF-WAY FOR SANITARY SEWER TO SERVE PINECROFT SUBDIVISION, AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Albee, and unanimously carried, the acquisition of the following property was authorized for right-of-way for sanitary sewer to serve Pinecroft Subdivision:

Eastwood Golf Club, Inc.	75 feet	\$ 37.50
Robert F. & Doris P. Smith	236 feet	118.00
Charles E. & Martha Jetton	192 feet	96.00
William J. Hilton & Wife	102 feet	51.00
S. L. Baxter & Wife	114 feet	57.00
Stanley H. Livengood & Wife	122 feet	61.00
Harry Minton Harris	38 feet	19.00
	Total	<u>\$439.50</u>

SHADY BLUFF DRIVE, FROM DONCASTER DRIVE 400' TO END, TAKEN OVER FOR CONTINUOUS CITY MAINTENANCE.

Councilman Dellinger moved that Shady Bluff Drive, from Doncaster Drive 400' to the end, be taken over for continuous city maintenance. The motion was seconded by Councilman Bryant, and unanimously carried.

DEEDS AUTHORIZED ISSUED FOR TRANSFER OF CEMETERY LOT AND PERPETUAL CARE OF LOTS.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, authorizing the execution of deeds with regards to the following cemetery lots:

- (a) Deed with Estate of Wallace N. Feeney, Ned Corzine, Executor for Grave #4, Lot 25-A, Section 3, Evergreen Cemetery, at \$60.00.
- (b) Deed with Mrs Ben L. Cathey, for Perpetual Care on Lot 264, Section Y, Elmwood Cemetery, at \$35.00.
- (c) Deed with W. P. Shuman and Era E. Neely, for Perpetual Care on Lot 158, Section U, Elmwood Cemetery, at \$126.00.

CONTRACT AWARDED SUPERIOR STONE COMPANY FOR CRUSHED STONE.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, contract was awarded Superior Stone Company, the low bidder, for 126,000 tons of Crushed Stone, on a unit price basis, representing a total bid price of \$241,638.00.

The following bids were received:

Superior Stone Company	\$241,638.00
Nello L. Teer Company	266,255.00

COUNCIL TO ARRANGE MEETING WITH COUNTY COMMISSIONERS RELATIVE TO REQUESTING CORPS OF ENGINEERS TO MAKE STUDY OF FLOOD PLAINS AND PLANNING DIRECTOR REQUESTED TO BRING IN PROPOSAL OF AMENDING SUBDIVISION ORDINANCE.

Councilman Bryant stated he would like to discuss the Flood plain areas, that he was very impressed with Mr. McIntyre's report before the County Commissioners and Council and would like to draw attention to the portion of it where he said he thinks it would be a good idea that as people bring in subdivisions for approval, they be denied the use of the flood plain areas and a price be negotiated in order to buy it for the possible use as park areas. Councilman Bryant stated he thinks this is a most logical approach to the problem for two or three reasons; one is that it could be spread out over a long period of time and as these subdivisions do not come in too frequently, the City could set aside a nominal sum in the budget every year in order to be prepared to purchase such areas. Another reason is that in this way there would be the distinct possibility of some of the larger developers contributing land to help with their own tax situation. Or it might be we would be able to have some of it given us in view of the fact that such a small portion of the flood plain area inside the city has been developed. That in order to take care of the small portion of the areas that has been developed he thinks we need to revitalize and see if more points can be made available for the Drainage Commission so they may be more active and more able to correct the flooding of the smaller areas. If the Council could go along with this particular idea, not eliminating the possibility of the larger plan, but if we could pursue this for two or three years to see what experience we got from it, then if it were not satisfactory the possibility of some other plan would not be eliminated. That it seems much more logical to him in many ways, than spending the amount of money that the Council was discussing initially. That he would like to see that the necessary work is done to bring this in as a

concrete proposal, with the proper wording so that the subject of his first comment regarding the purchase of property as it is brought in, in Subdivision areas, could be done either in the Subdivision Ordinance or Zoning Ordinance, or a combination of the two.

Councilman Dellinger asked where the money would come from and whether it could be set aside and be in a position to know how much was received in non-tax money and how much we would spend over the years?

Councilman Smith stated in answer to Mr. Bryant's suggestion, he found out from some of the members of the Park & Recreation Commission that the need for new parks is in the new perimeter and the county; so we are not in a position now to know what part of these low lands the County Commission would be willing to buy, and he thinks it is rather premature to attempt to set up any program for the City to buy any land unless the overall picture is worked out as to just how far we could go on the parks and just what the needs for parks are. That when the dredging project was gone into with the Army Corps of Engineers, he thinks possibly a mistake was made putting the whole burden on the Zoning Commission to tell the Council what the answer is; that it seems to him that this is an engineering problem, as to how much the dredging would eliminate the flooding conditions we have, backing up the storm sewers and the flooding of low lands. What would be the potential of changing the profile of these streets so that the water will flow on off without backing up. That he understands from the Army Corps of Engineers, if the City shows good faith or intent, will make a thorough study of this and give the Council some answers, which would take from 6 months to a year to get that report, and then the figure has been pretty well nailed down at \$800,000, which if the Government shared half of that, and the City \$200,000 and the County \$200,000 over a two or three year period, it is actually almost inconsequential the amount of money we would have involved if there is a real solution to a part of this flood program. That what he is saying is that we should not walk away from this Army Corps of Engineers proposition, that he thinks we need some highly technical advise on just what this will do for us. Councilman Smith stated further that he is suggesting that we go from the head of Sugaw and Briar Creeks all the way down below Pineville as the Corps of Engineers said primarily that is what should be done.

Councilman Whittington stated this has been discussed by the Planning Commission for two years, and he thinks this has to be a two-pronged approach to flood plains; No. 1, he thinks it should be a part of our Zoning Ordinance dealing with Flood Plains and a Subdivision Ordinance dealing with Flood Plains, for this reason. If we could adopt such ordinance and protect one new family who constructs a home in this area, then it would have served its purpose, and it would serve many, many families in the future. That as it is now, the Planning Commission cannot protect these people and stop developers from building in these areas. No. 2, Councilman Smith's suggestion as to not dropping the widening and dredging of these two creeks, he thinks is also a must, because even though we have the zoning and subdivision ordinances dealing with flood plains, that is not going to relieve the flooding, but if we widen these streams and dredge them it will help. That he does not know who should pay for this, that is a problem that will have to be worked out, but he thinks the Council should go into these problems and pass the ordinances and then come to the widening and dredging.

Councilman Dellinger stated he still thinks we should invite Colonel Younis to come down and see if there is any angle on which the State might help with the problem, that the Colonel has said he will be glad to come if we invite him and he wants to know what is being done.

Mr. Veeder stated his understanding after discussing this with the Corps of Engineers is they do not want to proceed with a detail study unless they have some assurance that the local interest want to proceed with the project, and this is an understandable reaction, as they do not want to be put in the position of indirectly wasting tax money, as theirs is tax money also. That the Council and County Commissioners have generally agreed that the detail study should be made, and if it is agreed by the Council and Commissioners that we will find a way to finance it, then he thinks we would be on safe grounds in so informing the Corps of Engineers and asking them to proceed with the detail studies. That there would be no obligation to sign a contract until we got down to the actual financing.

Mayor Brookshire asked if the agreement to proceed with the Corps of Engineers would require a joint meeting of the Council and Commissioners, and Mr. Veeder replied he assumes so, and Councilman Whittington asked the Mayor if it would not be in order to ask the Commissioners when they can meet with the Council for the purpose of agreeing to ask the Corps of Engineers to proceed with the study? Mayor Brookshire expressed the opinion that we should give Mr. McIntyre an opportunity to bring in his recommendations based on the request at the recent joint meeting. Councilman Smith stated he thinks the timing is important; that the assignment given Mr. McIntyre is a pretty long drawn out proposition and he would favor going ahead in good faith and telling the Corps of Engineers we are interested in the project and getting the technical answers and then let Mr. McIntyre give us what he has after the survey.

Mayor Brookshire asked for a show of hands as who would like a joint meeting with the County Commissioners, and Councilmen Dellinger, Jordan, Smith and Thrower and Whittington favored the meeting, and Councilmen Albea and Bryant were not in favor of it.

Mayor Brookshire advised Mr. McIntyre, who was called into the meeting, that it seems there are some of the Council who wish to proceed with the proposal of the Corps of Engineers, and he wants to ask if Mr. McIntyre has had time to do anything at all on the request made of him at the joint session with the County Commissioners, and how long it will be until he can have a report.

Mr. Veeder stated to Mr. McIntyre that he has suggested to Council that if they and the County Commissioners indicate that they want to find a way to finance the project regardless of what manner this might be, then they perhaps will be on safe ground in indicating to the Corps of Engineers their desire to have them proceed with the detailed studies.

Mr. McIntyre advised he has not been able to give much thought to the techniques of finding out what the interest of stream side property owners are for the purpose of determining whether they are interested or willing to pay for the land, and, as a matter of fact, they are just discussing this in the Planning Board meeting and have not come to any conclusion, and therefore, he does not have the answer to the Mayor's question.

Mayor Brookshire asked the City Attorney if either the City or both the City and County would have the right under the present ordinances to levy this cost against the property owners, whether they are willing or not, or would we have to get enabling legislation to do so?

Mr. Morrisey stated the only existing feasible legislation that he knows of is contained in the County Drainage Act. That it requires a petition and it is a rather cumbersome procedure with regard to the determination of the benefits, and it would need some dressing up before it could be used in the present context.

April 16, 1962
Minute Book 41 - Page 429

Mayor Brookshire stated it then appears that if the City proceeds on the basis of assuming we were going on with the project, the City and County would be obligating themselves for the full \$800,000. Councilman Smith stated except that next January or February, the Legislature would be meeting and while they are making the survey there would be time to get enabling legislation to correct that.

Mr. McIntyre stated he thinks this much is clear - if the Sugaw Creek and Briar Creek project is undertaken, this only solves the problem along these two creeks, and there are lots of other creeks in developing areas that will not be taken care of. Whether the overall problem is to be by zoning, or whether by subdivision regulations or whether it is to be land purchase would have to be decided.

Mayor Brookshire stated he thinks it is very important that we have a subdivision ordinance to protect future buyers of homes in the low land subject to flooding, and from that point we could proceed to acquire open lands and they might be more available if developers could not develop them, and also see what we could do with the drainage business.

Councilman Whittington asked if we could ask Mr. McIntyre to give us something in writing for consideration under zoning for commercial or business property along these creeks and a subdivision ordinance to protect residential developments in the future along these creeks? Mayor Brookshire stated he is not much interested in protecting commercial and industrial property because they can easily find out what flood conditions are in the proposed development, but he does think we should protect future home owners who buy properties along creek banks in the summer when there is no evidence of flooding. That he would rather ask Mr. McIntyre to bring us a proposed amendment to the subdivision ordinance for consideration, and then if Council would rather ask the County Commissioners to meet with us to consider further the proposal of the Corps of Engineers, we could do so. Councilman Smith stated he did not want to appear to push this too far, but he thinks it is being confused when we tie zoning into dredging the creeks, and as Mr. McIntyre says it will take him some time; he thinks we should get with the County Commissioners as soon as possible and decide what we are going to do with the Army Corps of Engineers.

Mayor Brookshire advised we will then consider the matter with the County Commissioners and ask Mr. McIntyre to bring in a proposal on amending the subdivision ordinance which we will consider. He asked if this is agreeable and if there are any objections? No objections were expressed and the Mayor stated the matter will be handled in this manner.

SALARY SCALE ADOPTED FOR AIRPORT MANAGER AND SUPT. OF BUILDING INSPECTION DEPARTMENT.

Councilman Bryant moved that we accept the proposal of the salary scale for the department heads that has been presented by the City Manager. Councilman Smith stated he would second the motion for discussion.

Councilman Whittington stated he wanted it clarified if any of these adjustments will be submitted to Council for approval if we adopt this? That most members of Council have reservations about some of the recommendations.

Councilman Dellinger stated he is not ready to vote on the proposals today, that he feels we are patching the roof where it does not leak; that there is probably some need for adjustments in the salary scale but he feel they should all be taken up at budget time, That he does not think it is any more

April 15, 1962
Minute Book 41 - Page 430

2ND JG

necessary for the man at the top of the scale than for the man that makes \$200.00 a month. That he thinks the whole pay plan should be looked at at budget time, and if we have vacancies that we cannot fill without increase in salaries, then we can look at those today, otherwise they should wait until budget time.

Councilman Thrower offered a substitute motion that we accept the proposal for the Airport Manager and Building Inspection Department Superintendent so that Mr. Veeder may negotiate and fill these positions. The motion was seconded by Councilman Whittington.

Councilman Dellinger asked what the salary ranges are, and Mr. Veeder stated the proposed salary for the Airport Manager ranges from \$11,280 minimum to \$13,980 and for the Supt. of the Building Inspection Department, from \$10,800 to \$13,380.00.

Councilman Jordan stated he and other members of the Council have been contacted about the Police and Fire Departments not being able to get qualified applicants at the present starting salaries, and the Civil Service Commissioners with whom he has talked are very much concerned about the situation, and he feels the whole situation will have to be looked into, if not now, then at budget time.

Mr. Veeder stated he will have a report for Council not later than next week including recommendations on salaries of all classifications of city employees, which is the annual salary review which has been done for the last two years in connection with upcoming budgets. That he is sure each of the Council is aware of the problem and he feels Council should seriously consider some changes for major department heads; and he recommends that formal action be taken on it at a very early date.

Councilman Bryant stated if you add up the total amount we would be increasing the budget for all department heads and compare it with some of the amounts we spend on things that are not absolutely necessary, that it is negligible. That he does not think this should be put off, and as he has said, it is harder to find a department head than it is to find an employee and he feels we are cutting off our nose to spite our face by not going on and raising the proposed department heads regardless of the individuals now holding the positions and hold the personnel in these jobs, then if a man does not stand up to the type of work expected of him, find someone to replace him.

Councilman Albea stated that he feels all salaries should come up at the same time - that is budget time - unless there is an emergency and the present salary is not sufficient to secure a qualified person for the job.

Councilman Dellinger stated he realizes the City Manager selects the persons to fill the two jobs mentioned in the motion, but he is wondering if there are not people in the city government who can fill these jobs? That when job classification was discussed some years ago it was agreed we would move people up in the city government as much as possible, and he is wondering if we have anyone that could be moved up?

Mr. Veeder stated we do not have anyone with us now who has either an engineering or architectural degree that the Building Inspection Department Superintendent position calls for.

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

April 16, 1962
Minute Book 41 - Page 431

ESTABLISHMENT OF CREDIT UNION FOR CITY EMPLOYEES APPROVED.

Councilman Dellinger moved that a Credit Union be established for city employees, with the exception of the personnel of the Fire Department, as recommended by the City Manager. The motion was seconded by Councilman Thrower.

Councilman Whittington asked the City Manager if he is in favor of this and if he knows all the ramifications we are getting into on the payroll deduction question? Mr. Veeder stated he recommends the establishment of the Credit Union, and one of the reason something has not been done previously was the problem of payroll deductions under the old payroll procedure, but now we have switched over to Data Processing Equipment for the payroll, it can be worked out satisfactorily.

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

SOLUTION FOUND WITH REGARD TO WIDENING OF KENILWORTH AVENUE THAT IS SATISFACTORY TO ASCENSION LUTHERN CHURCH, AND CITY MANAGER REQUESTED TO SEND LETTER OF EXPLANATION TO RESIDENTS OF KENILWORTH AVENUE AND FERNWOOD AVENUE.

Councilman Whittington stated he would like to announce that the City Manager, City Engineer, Traffic Engineer and State Highway Commission have arrived at a solution relative to the widening of Kenilworth Avenue that he thinks will be satisfactory to Ascension Lutheran Church, and they are meeting with them at 5 o'clock today on the problem.

He suggested to Mr. Veeder that some type of letter be sent to the residents of Kenilworth Avenue and Fernwood Avenue, giving them the information regarding Kenilworth Avenue, as to whether their property will be taken or not. That he knows several people were told by Department Heads that we were not going to take any of their property for the extension of these streets, and later they found it would be taken, and of course, that is bad public relations and he would like it cleared up.

Mr. Veeder stated he thinks that something along that line is definitely in order and he will give it his attention.

CONDITION OF CREEK ON CRATER AVENUE, BETWEEN INDEPENDENCE BOULEVARD AND EAST 7TH STREET REQUESTED CLEANED OUT.

Councilman Whittington requested the City Manager to have the Engineering and Health Departments go out to Crater Avenue, between Independence Boulevard and East 7th Street, behind Howard Johnson Restaurant, and have the logs and roots and tree stumps cleared out of the creek that were pushed in there by the developer, as it has become a breeding place.

ASSOCIATE RECORDER AND ASSISTANT SOLICITOR AUTHORIZED TO GO TO GREENSBORO TO OBSERVE OPERATION OF RECORDER'S COURT AT CITY'S EXPENSE.

Councilman Thrower moved that funds be appropriated for the Associate Recorder and Assistant Solicitor to go to Greensboro for a day or two to observe the operations of the Recorder's Court. The motion was seconded by Councilman Jordan, and unanimously carried.

Mr. Veeder advised an appropriation is not necessary, just the Council's authorization to make the trip, as the Recorder's Court budget is going to

April 16, 1962
Minute Book 41 - Page 432

have to be reworked for the balance of the year because of the new court, and this can be included, and Council will be requested to approve the transfer of funds for the Court as soon as it is completed.

MISS EDNA LOUISE HARTSELL APPOINTED AS ASSISTANT CLERK IN OFFICE OF CLERK OF RECORDER'S COURT.

Councilman Jordan moved the appointment of Miss Edna Louise Hartsell as Assistant Clerk in the office of the Clerk of Recorder's Court. The motion was seconded by Councilman Throver, and unanimously carried.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR RIGHT OF WAY FOR SEWER LINE IN WILKINSON BOULEVARD, FROM OLD STEELE CREEK ROAD AND MULBERRY ROAD.


Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, an Agreement was authorized with the State Highway Commission for right of way in Wilkinson Boulevard for the construction of a sewer line from Old Steel Creek Road and Mulberry Road.

COUNCIL MEETING TO BE HELD ON TUESDAY, APRIL 24TH IN LIEU OF MONDAY, APRIL 23RD DUE TO EASTER HOLIDAY ON 23RD.

Councilman Albea moved that the regular Council Meeting be held on next Tuesday, April 24th in lieu of Monday, April 23rd, because of the Easter Holiday on the 23rd. The motion was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk