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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, August 20, 1962, at 2 o'clock p.m., with Mayor Brookshire presiding and Councilmen Albea, Bryant, Dellinger, Jordan, Smith and Thrower present.

ABSENT: Councilman Whittington

Charlotte-Mecklenburg Planning Board members Mr. Sibley, Chairman, Mr. Ervin, Mr. Jones, Mr. Lakey, Mr. Stone, Mr. Turner and Mr. Ward were present during the Hearings on Petitions for changes in the Zoning Ordinance and Map.

ABSENT: Mr. Hanks, Mr. Suddreth and Mr. Toy.

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INVOCATION.

The invocation was given by Dr. William Harrison Williams, Retired Baptist Minister.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on August 13th were approved as submitted.

HEARING ON PETITION NO. 62-32 FOR CHANGE IN ZONING OF 6.466 ACRE TRACT OF LAND AT SOUTHWEST CORNER OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD.

The scheduled hearing was held on Petition No. 62-32 by Mrs Dorothy K. Schoenith, President, Schoenith, Inc., for change in zoning from R-15 to B-1 Shopping Center District, of 6.466 acre tract of land at the southwest corner of Providence and Old Providence Road.

The Planning Director advised the property is irregularly shaped at the triangular intersection of Providence and Old Providence Roads and is partially developed with a country store-gas station combination at the intersection, otherwise the land is vacant. The property is adjoined along its southerly boundary by residential developments; diagonally across Old Providence Road and also directly across, there are additional residential developments. Towards town on Providence Road, there are additional residential developments; across Providence Road there is a large vacant tract; that the zoning of the property at the present time is R-15 and most of the adjoining zoning is R-15 except for the property directly across Providence which is zoned R-15MF, which extends from Sardis Road. He advised further that the requested B-1 Shopping Center District is a conditional business zoning, and if granted the development of the property would have to be in accordance with the plans submitted.

Mr. Dick Wardlow, Attorney for the petitioner, stated the property contains 6 1/2 acres and is vacant with the exception of a General Store. That the property is at the intersection of two roads which are designated as part of the Thoroughfare Road Plan. That across Providence Road there is a 65 to 69 acre tract owned by Mr. Crump which is zoned multi-family, to wit, apartment houses. That as you stand on the property and look in all directions

you can see two residences, one belonging to Mr. A. T. Alexander, who has signed a consent that he has no objections to the proposed installation and the other to a Mr. Massey whom he understands is opposed to the conditional use zone. Mr. Wardlow presented the Twenty-Year Development Plan Map, proposed by the Planning Commission, on which he indicated the property in question, and advised this is the point selected by the Planning Commission in the Plan as the ideal and recommended site for a Neighborhood Business Center, and that is what they are asking for in their petition. That according to the figures used in the Twenty-Year Development Plan, on one side of Providence Road the population is presently around 10,000 with an estimated 60,000 by 1980. On the other side of Providence Road the population at this time is in the 9,000 bracket and is estimated to go to 41,000 by 1980. That near the proposed development is Lansdowne within one-half mile, and in other directions within a few miles radius there are at present other large residential developments and Mr. Ervin proposes to immediately begin the construction of a development which will erect on Old Providence Road an estimated 100 homes a year for the next 5 years, all of which shows that increasingly this area will need and use a facility such as they propose to build. That presently from this area it is more than 3 miles to the nearest business area, at the intersection of Sharon Lane and Sharon-Amity Road. That under the conditional terms of the Zoning Ordinance they have submitted their application, and pursuant thereto the entire Shopping Center, planned by professional people, has been submitted to the Planning Commission. Mr. Wardlow presented a sketch of the proposed Shopping Center, pointing out the planting to preserve the appearance of the area, and the off-street parking facilities area, and advised the 25-ft minimum setback lines have been moved back to 50-feet. He explained in detail the type of shops that will be within the development, which will be of the Mall type.

Mr. Wardlow pointed out that the petitioners live within the area and have lived there for more than 20 years and have a sincere interest in keeping the values and attractiveness of the area up to what they are now. This is a local project by people who will be responsible to seeing that the proposed is carried out. That they have used the Plan, proposed by the Planning Commission for the orderly growth of the county and how it should be planned to preserve its financial worth and residential integrity, as was the Zoning Ordinance, and what they propose is what the Planning Commission recommends as the ideal.

Mr. Frank McCleneghan, attorney representing the H. D. Horton Estate, presented a petition signed by residents who live near the area embraced in the application, protesting any change in the classification of the property in question and invoking the provisions of N. C. General Statutes, Sec. 160-176 so that the re-classification or rezoning of the property shall not become effective except by the affirmative vote of three-fourths of all the members of the City Council, signed by Mr and Mrs W. L. Stribling, Mr and Mrs R. E. Crump, N. C. National Bank, Trustees and Executor of Estate of H. D. Horton, Mr and Mrs H. B. Hrabanek, Mr and Mrs Lloyd Massey and Mr and Mrs H. H. Everett. He filed the petition with the City Clerk. He also presented a second petition signed by 112 people, opposing the petition for the reclassification to permit its use for a shopping center, as it is the only main thoroughfare in the County free of business establishments; that they are adequately served by existing shopping centers and the proposed Shopping Center would be of no service to them. This petition was filed with the City Clerk.

Mr. McCleneghan advised that business has been kept off Providence Road; that after you leave the small shopping area this side of the creek, where Gutmann's is located, all the way to Union County there are only three businesses - Hunter's little store that has been there for years and years, across from Hunter's Store, a filling station that just beat the gun and opened the day

before zoning went into effect and then the Store on the property in question, which Mr Alexander, who sold the property to the petitioner, also beat the gun in opening. That Providence Road is built up with beautiful homes and estates, and Charlotte should have just one such street without business and without signs - - for once the bars are let down, there is no end. That he has seen the Thoroughfare Plan and the Planning Commission doesn't recommend putting a Shopping Center at this point at any particular time; it may in the distant future be needed, but not now. That in fact a shopping center at this location is dangerous, as the double-lane highway stops at this intersection. He stated further that the petition states that the petitioners office is on their property at Providence and Carmel Roads, which has 223 acres, and so if they want a Shopping Center in the area, she can build it on this property where her house is located. He pointed out that if the developers of Lansdownefelt that there was a need for a shopping center for their residents they would provide it within the development where they have plenty of room.

Mr. Ben Horack, attorney for Mr & Mrs Ruben C. Russell, whose property has been identified on the Map by Mr. McCleneghan, stated that Mr. McCleneghan has so adequately covered the matter, in general, that he will just introduce the protest of his clients and express their hope that at least there can be one thoroughfare left that comes into Charlotte that can be uncluttered by business.

Mr Charles Myers, Attorney for Mr and Mrs Ben Horton and Mr and Mrs Henry Hrabanek, advised that Mr Horton's home can be seen from Old Providence Road, just in front of the proposed Shopping Center site, and Mr Hrabanek's home is next to Mr Alexander's home and as the property for the Shopping Center was sold by Mr Alexander, the next move would probably be to include the Alexander property; too, Mr Hrabanek's home would adjoin a part of the Shopping Center parking area. That his clients vigorously oppose the change in zoning and they feel the granting of it would violate the purpose of the Zoning Ordinance itself, which plainly stated the provisions were designed to lessen congestion in the streets - while this is already a dangerous intersection and would necessitate a Traffic Signal, which would have to be placed in such way it would not be readily seen by persons traveling north on Providence Road. Too, the Ordinance provides for preserving the existing environment- and the location of a Shopping Center certainly would not do that; another provision is - protection of the values of buildings in use on adjacent property - and these persons moved out in this rural area and the erection of the Center would not do this.

Mr. Brock Barkley, Attorney representing Mr R. E. Crump, stated they have been down to Council three times within the last five years to protest the development of this property into business. That Mr Crump has lived out there for the past 20 years and wants to continue to do so, and thinks enough of the area that although not long ago he was approached by a would be purchaser who was willing to pay a very high price for the land, and seek a zoning change, he told them he would not convey one acre without the deal restricting the use to residential purposes.

Mr Charles Welling, Attorney representing his wife and himself, stated they live in the area, a short distance from the proposed Shopping Center, and he has not heard of one person for two or three miles around express any desire for a shopping center out there and they urge that the petition be denied.

Mr. Paul Ervin, representing Mr & Mrs H. H. Everett, stated they strongly oppose the reclassification of the property for business purposes. That he realizes Council must also consider the orderly development of the whole community but the sentiment expressed as being almost 100% against the proposal must carry weight with the Council. That if there were a need for

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such Center, the sentiment would not be as it is. That if the petition for the change is granted, there will be a tremendous fall in the values of properties for residential purposes. That, as he lives out there, he along with the other residents are proud that it is notably free from commercialization, and they urge that Council deny the petition.

Mr. Coleman Roberts, resident of Providence Road, stated he along with others moved out there because he wanted to get out of town, away from shopping centers and billboards et cetera, and now they ask Council to help them keep it that way.

Mr. Tommy Miller, Attorney for Mr and Mrs W. J. Stribling, who own 16 acres directly across Old Providence Road from the site of the proposed Center, stated he joins with the other attorneys who have spoken in opposition to the change in zoning classification.

Mr. Wardlow, attorney for the petitioner, stated the arguments presented fall into two classifications - first, "let's put the Center somewhere else." That there are many other substantial property owners and developers who would prefer to have it on land of their own, as in this case. And no one yet has come forth under the terms of the Development Plan and Zoning Ordinance and presented a fully thought out, professional plan, which he might add specifically exempts petroleum stations and garages therefrom - that this is the first one that has been presented and the main argument is that - someone else would prefer to have it on their property. Secondly, "that it would be very bad for someone else to come to Providence Road and do their shopping" but it is alright for Providence Road to go to another neighborhood with their traffic and do their shopping. That his idea of planning is not that it is made to protect certain areas or certain groups, but it is for the welfare and protection of everybody within the zoning area, and it is as just and right that a particular area can have its own shopping center rather than bringing its traffic over to another part of town.

That in passing on whether or not the zoning shall be granted, the zoning law itself sets up the standards to go by; first, Council must find that this particular property is accessible with respect to the Major Thoroughfare System, and as he has pointed out, the property is located at the intersection of two of the major thoroughfare roads, and the traffic is already there. Too, it can be developed according to a site plan which will protect the other areas - and that has been done by professional architects and has followed 100% the specifications and requirements of the Development Plan of the Zoning Ordinance.

Mr. Wardlow presented a petition, which is from people who say how far they live from the property; the majority of them are in the Lansdowne and Providence Road area within one-half mile of the area; that the petition has 40 names on it, of which approximately 16 are within a 2 mile radius, so there are people who live out there whose \$20,000 homes are just as precious to them and who say "we the undersigned are in favor of the installation of a neighborhood shopping center at the point of Providence and Old Providence Roads as planned and proposed by Schoenith, Inc. and we favor the necessary zoning classification to permit this proposed service project". Mr. Wardlow filed the petition with the City Clerk.

Council decision was deferred for the recommendation of the Planning Commission.

✓ HEARING ON PETITION NO. 62-31 FOR CHANGE IN ZONING OF AN 8-ACRE TRACT OF LAND AT THE SOUTHEAST SIDE OF SHARON ROAD.

The public hearing was held on Petition No. 62-31 by Mr W. L. Parrott and wife for change in zoning from R-15 to R-15MF of an 8-acre tract of land on the southeast side of Sharon Road, extending from Sharon Hills Road north-east 650-ft. to an unnamed road.

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Mr. McIntyre, Planning Director, advised the property consists of 8 acres and is vacant and is adjoined by property that is now being requested for similar rezoning; that directly across Sharon Road there is an extension of Beverly Woods residential subdivision now in the process of development; up Sharon Road there are single family residential developments; down Sharon Road there are also scattered single family residential developments and one Nursery. That in order to expedite consideration of the petition he would state that the next item on the Agenda is for similar rezoning of adjacent properties; two of these properties toward town from the Parrott property and one on the other side, and in addition to these, there is one large tract of land, generally to the east of Sharon Road that is included in the next item.

Mayor Brookshire stated the petition of Mr. Parrott will be heard first and the next item will then be heard.

Mr. Ray Rankin, Attorney for Mr. Parrott, stated this is an 8 acre tract on Sharon Road, bounded on the south by another road and on the north by a third road extending back from Sharon Road, and the area is approximately 2 1/2 miles from the city limits at the Sharon Lane intersection and 1 1/4 miles from Sharon School, and the apartment proposed to be constructed is across from some properties being developed by Mr. Crosland. That the property in question is vacant and unproductive and is well suited for an apartment. In reply to the question of Mr. Turner, Mr. Rankin stated this will be a cooperative type apartment in which the tenants will buy and own their apartments; that Mr. Parrott, who now lives in Queens Terrace, will live in it himself and it will, in fact, be a finer apartment than Queens Terrace and one that will in no way take from the property valuations in the area. Mr. Rankin presented architect's drawings of the proposed apartment building, both exterior and interior, which will be 8 stories plus a ground floor area of a lobby, and allied facilities, with 4 apartments on each floor in excess of 3,000 square feet in area per apartment, he stated they are in fact deluxe apartments. He stated this will run into considerable money and improve the character of the neighborhood and Mr Parrott is ready to proceed with the project when given the go ahead sign.

No objections were expressed to the proposed rezoning.

Council decision was deferred for the recommendation of the Planning Commission.

OBJECTIONS EXPRESSED TO PETITION FOR CHANGE IN ZONING OF PROPERTY ON SHARON ROAD, PETITION NO. 62-31.

Approximately an hour later at the end of the zoning hearings, Mr. Ted Williams, 4133 Rutherford Drive, Beverly Woods, came into the Council Chamber, apologized for being late for the Zoning Hearings and asked to be heard with regard to the Petition for a change in zoning from R-15 to R-15MF on property on Sharon Road, across from Beverly Woods requested by Mr. Parrott.

He stated he bought the second house in Beverly Woods when it was started and if permission is given people to build apartments in this area, it will not be long before the property values will decrease and after awhile it will be built up with apartments like Piedmont Courts, and he is very much opposed to it. That the homes are priced from \$20,000 to \$25,000 and he knows what apartments can do for a neighborhood, to say nothing of increased traffic.

Mr. Williams asked if he could not get an extension on the petition, so that he could talk with the people in Beverly Woods, so they can put their opinion down on a petition, as they don't even know that anything is going on; that it is true there was a little sign out there but people don't pay any attention to signs; he asked for just a little time.

Mayor Brookshire told Mr. Williams that the hearing has been held and the Petition will not come back for Council consideration until September 10th, and Mr. Williams stated three days would be sufficient. Mayor Brookshire told Mr. Williams he could bring in his petition in the meantime. Councilman Albea suggested that he go into the Planning Commission meeting now where they are considering the zoning petitions and making their recommendations to Council, which certainly has some bearing on his voting.

Mr. Williams did so and came back into the meeting later and advised he was unable to talk with the Planning Commission, and will bring in his petition in protest of the change in zoning.

✓ HEARING ON PETITION NO. 62-33 FOR CHANGE IN ZONING OF FOUR TRACTS OF LAND ON EAST SIDE OF SHARON ROAD, ON BOTH SIDES OF SHARON HILLS ROAD.

The scheduled hearing was held on Petition No. 62-33 for change in zoning from R-15 to R-15MF of four tracts of land on the east side of Sharon Road on both sides of Sharon Hills Road, Mr. William T. Nichols, Jr., petitioner for Tract I, containing 7.31 acres; Mr. David M. McConnell, petitioner for Tract II, containing 12.8 acres; Mr. M. Lee Heath, petitioner for Tract III, containing 46.86 acres and Mr. William H. Abernathy, petitioner for Tract IV, containing 5.46 acres.

Mr. McIntyre, Planning Director, who explained the location of these properties in the former item, stated further that the northerlymost tract on Sharon Road is Tract I, owned by Mr. Nichols; the tract adjoining the Parrott property discussed in the prior item is Tract II, owned by Mr. McConnell; the tract on the southern side is Tract IV owned by Mr. Abernathy; and the large tract generally to the east of the others, and off of Sharon Road, is Tract III, owned by Mr. Heath.

Mr. McConnell stated they felt the whole area would be compatible with the multi-family zoning and since single-family units have spread down Sharon Road opposite their properties, they felt the type of apartment that Mr. Parrott was planning and general plans they had, rather than have spot zoning, would be ideally suitable. That with all the adjoining property owners joining together, they would do it as an area zoning. He stated further that they would want to develop their property, under the rezoning, with equal elegance as that planned by Mr. Parrott, but he has no immediate plans.

Mr. Heath stated he thinks the project has merit, however, he would like to make it clear it is not of his instigation, it is Mr. Parrott's project, but he has no objections. That he would like to state it is his understanding this would be a unison application, and he believes he has the largest property involved, and therefore, the largest financial consideration involved than any one of the other petitioners. That if this property is going to become apartment property then everyone in the immediate adjacent area should be protected, and he would like to make it clear to Council that if they do not see the rezoning as a whole unit, he would not want part of the property made R-15MF and part of it not, that he thinks some people would be hurt in that way. That he told Mr. Parrott he thought he was very fortunate to get four or five people in the immediate area who did not object to an apartment; that he would like to ask Council and the Planning Commission when they consider this that they do it as a whole, and if they do not see fit to rezone all of the property, then turn it all down, because they would do great financial damage to him. That he would like to have it approved or disapproved under a 3/4 majority Council, in other words, he would like to object if it is not agreeable 100% for the four applicants.

Councilman Dellinger stated he understands that Mr. Heath wants his property zoned the same as the other properties? Mr. Heath replied this is correct, not just Mr. Parrott's and leaving out his.

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Mr. Abernathy stated he has lived for twenty years on Sharon Road, which tract is between five and six acres and goes back at the rear to Sharon Hills Road, which would be in close proximity to the land in question. That when this matter of Mr. Parrott's apartment came up, they had a meeting in the neighborhood and decided to make application that their properties be requested similarly zoned as that of Mr. Parrott. That from Sharon Road down to Park Road there is no property for sale, on the western side of the road Crosland Company is now developing; that Mr. Heath desires that all of his property be zoned if any of it is; that while they did submit a zoning application, he feels that the neighborhood would take a great loss if Council turned down the application of Mr. Parrott, because you can come to these other tracts at a later date but an apartment of the type Mr. Parrott has planned will mean a lot to the neighborhood and is much more preferable than the type of property that is being developed across the road from it, and it will mean that the property off Sharon Road, including that of Mr. Heath, will be a beautiful rural retreat and the entire property on the eastern side of the road would be preserved for residential development; that as he gets the picture and knows the property, he would like to be in position should he ever want to dispose of his property, of being able to sell it as R-15 or apartment house if someone comes along and wants one. That the small property in the corner of the road is a 2 1/2 acre tract and that is not for sale and it is restricted to one residence and he took steps when he bought his property, to having it so restricted; however, it is subject possibly to one of the City's perimeter highway that has been cut by John Crosland Company to a point, which he designated on the map, and they do not know what will happen to it. That Mr. McConnell's, Mr. Nichol's, Mr. Parrott's and his properties are facing Sharon Road and Mr. Heath's property does not face Sharon Road but is on a private road. That they think if Council will go along with them in changing the classification, that this one luxury type apartment will call for others in the neighborhood and on the south side of the road and down Sharon Hills Road you will have one of the most beautiful rural communities in the County, and it will not be violating any zoning principles; that as for himself he particularly wishes to encourage the zoning of the area for which Council has already seen the plans, and which will be an elegant apartment.

Councilman Jordan asked Mr. Abernathy if he is in favor of the petitioner's request to build the apartment as well as rezone his own property? Mr. Abernathy replied that he is very much in favor of it.

In the discussion, Mr. Heath stated what is being asked between them at this time is R-15MF in order to recoup such loss as they might sustain by reason of apartments being built in the area; Mayor Brookshire pointed out that Mr. Abernathy thinks to build the one apartment proposed would increase the land value surrounding it. Mr. Heath replied he thought they were all in agreement, and he does not know whether Mr. Abernathy is or is not, but that is the way he feels about it, and if they are not together then they aren't together but he certainly understood they were.

Mr. Nichols stated he is 100% in agreement with what Mr. Abernathy has said and the position he has taken in the matter. That his piece of land, about 8 acres, is not such to lend itself to single family developments and if there is going to be an apartment there, he would like to request that his property be given the same treatment for future years; that he has no plans for the present.

No objections were expressed to the proposed request.

Council action was deferred for the recommendation of the Planning Commission.

Approximately one half hour later, Mr. Abernathy, Mr. McConnell, and Mr. Nichols came back into the Council Chamber, and Mr. Abernathy stated he would

like to correct an impression he may have given in the discussion of the rezoning of the property on Sharon Road. That they all agreed to present this application as a Unit and in answer to Councilman Jordan's question, he indicated that if his property were not zoned then the others should be; however, after studying the matter, and in accordance with their agreement and unit petition he would be honor bound to resist any spot zoning in the neighborhood for apartments. That he wanted to make this plain, regardless of how he feels personally, because they had a previous agreement that they would stand together.

Councilman Dellinger asked if he is then in the same category with Mr. Lee Heath, and Mr. Abernathy replied yes, all of them.

Mayor Brookshire asked if there are not four petitioners in Petition No. 62-33, and Mr. Abernathy stated that is correct.

HEARING ON PETITION NO. 62-34 FOR CHANGE IN ZONING OF ONE LOT AT THE NORTH-EAST CORNER OF SUGAR CREEK ROAD AND DINGLEWOOD AVENUE.

The public hearing was held on Petition No. 62-34 by Mr. G. F. Rice for change in zoning from B-1 to B-2 of a lot 93.6 ft x 170 ft. at the northeast corner of Sugaw Creek Road and Dinglewood Avenue.

Mr. McIntyre, Planning Director, advised the property consists of one lot and is adjoined on the northerly side extending along Sugaw Creek Road by residential developments; immediately behind the property along Dinglewood Avenue there are single-family residences and vacant lots; directly across Dinglewood Avenue and also on Sugaw Creek Road there is a residential structure, and moving down Sugaw Creek Road there is an established business; across Sugaw Creek Road it is generally undeveloped and vacant; the property is adjoined across Dinglewood by B-1 zoning, which is the general zoning of all property along Sugaw Creek Road in this location, and across Sugaw Creek from the property the zoning is generally Industrial.

No objections were expressed to the petition.

Council action was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 62-35 FOR CHANGE IN ZONING OF PROPERTY AT 2015, 2019, 2021, 2025, 2031, 2033 and 2039 ROZZELLS FERRY ROAD.

The public hearing was held on Petition No. 62-35 by Mr. A. L. Howell and others for change in zoning from R-6MF to B-2 of property at 2015, 2019, 2021, 2025, 2031 and 2033 and 2039 Rozzells Ferry Road.

The Planning Director stated the petition covers most of the property on Rozzells Ferry Road in the block between Whitehaven Avenue and Lima Avenue; it covers property on the left side of the street going out Rozzells Ferry Road; the property presently is all residentially developed, with one vacant lot; directly across Rozzells Ferry Road the development is residential; diagonally across the Road there is extensive business development that extends from Woodland Avenue down to the intersection of Chase Street and Beattys Ford Road; that Harris Super Market is an identifying business on the Road.

Mr. Aubrey Howell, Petitioner, advised he represents all of the property owners involved; that the area is not building up but is run down and the property across the street is zoned for Business and they cannot rent their property, and feel that business zoning is the only answer.

No objections were expressed to the petition. Council action was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 62-36 FOR CHANGE IN ZONING OF TRACT OF LAND BOUNDED BY BRIAR CREEK ROAD, EDWARDS BRANCH AND WATERLOO PLACE.

The public hearing was held on Petition No. 62-36 by Mr. D. L. Phillips, for change in zoning from O-6 to B-1 of a tract of land bounded by Briar Creek Road, Edwards Branch and Waterloo Place.

Mr. McIntyre, Planning Director, advised the petition covers a tract of land that lies between Briar Creek Road and Briar Creek stream, and the property is adjoined along the northerly boundary by Edwards Branch and directly across Edwards Branch from the property is Chantilly School and across Briar Creek Road there is the parking lot that serves the Merchandise Mart. The property is undeveloped and consists of approximately 20 acres. Across Waterloo Place there are single family and duplex developments, and the general adjoining zoning is O-6 to the north and south, and at Briar Creek Road the zoning is B-1 and north of the Stream there are single-family residences.

Mr. Carlton Fleming, Attorney for the petitioner, stated his request is for a minor change to a major project. He presented a sketch of the Apartment Building to be erected on the tract, 25-stories in height, with 598 apartment units, to cost approximately 7 1/2 million dollars. He stated the present O-6 zoning allows the construction of the building, however for a facility of this size certain accessory uses are essential, which are not permissible under O-6 zoning; therefore, they are requesting B-1 zoning to take care of these facilities. For example, O-6 zoning does not permit a cafeteria or restaurant to serve the tenants of the building, or a drug store or laundry pickup shop, and these facilities are essential because of the size of the project, otherwise these nearly 600 families will have to go out of the building for drugs, laundry and meals they want to have out and these trips will promote traffic congestion. That they feel their request for B-1 zoning, one step from O-6, is consistent with the size of the project. For example, in O-6 there can be constructed Armories, Banks, Buildings for civic or social organizations, which presumably would have food facilities, and a Cafeteria if it serves employees in the building - in other words, if this were an Office Building instead of an Apartment one could have a cafeteria under O-6 zoning. The difference here is in the words "employee" and "tenant".

Mr. J. F. Gilreath, Jr., Chairman of the Advisory Committee of Chantilly School, stated they seriously object to the project and do not feel that the Apartment is in the best interest of the neighborhood since it adjoins Chantilly School and they oppose it, if for no other reason that it is a menace to school safety and their program; that 598 units will bring 598 automobiles into the school area; that the Merchandise Mart in the area has created a serious traffic hazard to their school program and this project proposed by Mr. Phillips will pose a very definite hazard to child safety; that the noise from the construction of such project will be a serious problem and they will have to air condition the school, which the School Board says they cannot do, or will have to close the school.

Mayor Brookshire told Mr. Gilreath that what he is saying is not germane to the petition, which asks for a change from O-6 to B-1; that the O-6 zoning was approved some months ago to permit the construction of the Apartment but the change requested today is to provide certain facilities in the Apartment structure.

Mr. Gilreath stated he would like to deviate and express their objections to the entire project as they were unable to express their objections when it was approved. That they realize they are fighting a losing battle at City Hall, but at the same time they are charged with carrying out a program

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at the School, which they will not be able to do if the project goes through. That Mr Phillips does not have to put up this building but can line the Creek with small businesses, and there are no restrictions mentioned here in this proposal limiting the building to this 26-story structure. That they oppose the total project because of the hazards, and he feels the Council owes it to the School to protect it to the utmost. That there is strong opposition to Bond Issues in the Country today and presently we will be faced with a Bond Issue here and he asked how they can help the City to assure it passage when the Schools we have are not being protected. Therefore, they ask that Council not permit a cafeteria, laundry or anything that could be built under B-1 zoning on this tract.

Council decision was deferred for a recommendation from the Planning Commission.

HEARING ON PETITION NO. 62-37 FOR CHANGE IN ZONING OF LOT AT 2024 EAST SEVENTH STREET.

The scheduled hearing was held on Petition No. 62-37 by Mr Reece H. Lee, for change in zoning from O-6 to B-1 of lot, 100 ft. x 175 ft at 2024 East Seventh Street.

Factual information as to the property and surrounding area was given by the Planning Director, who stated the petition covers one lot adjacent to the Caswell Road-East 7th Street intersection and is developed with a single-family structure; is adjoined on the in-town side by a lot that is in the process of being developed with a Service Station and there is another Service Station adjoining it; that diagonally across 7th Street there is a business development; directly across 7th Street from the property in question the development is residential with single-family and duplexes; on the out-of-town side the development is residential extending on out 7th Street.

Mr. Hamlin Wade, attorney for the petitioner, stated the property is presently zoned O-6 and to the west and adjacent it is zoned B-1 as well as all other property on E. 7th Street toward town, on both sides of the street. That the adjoining property is under construction for an Atlantic Service Station and there is another Service Station adjacent to that one. That they are not trying to spot zone but trying to make a change from O-6 to B-1, which is one step from O-6. That the owner of the land in question has lived in the house since 1950, and he did not purchase it for speculation. There has been a canvass made in the neighborhood and no one came forth, to his knowledge, to object, and as a matter of fact most everyone on 7th Street is in favor of it for reasons of their own. That 7th Street is already predominantly business, and probably will soon be all business, or offices. That the property across the street is presently zoned B-1. That there is some question as to whether this lot was intended to have been included in the B-1 zoning under the new Zoning Ordinance, as it was zoned B-1 previously, the question hinging on the line on the map, which sometimes can represent several feet.

Mr. Hal Carnes stated his home is directly across East 7th Street from the property in question, and if a canvass of the area has been made he has not known it, only the sign on the property. That they are not against commercial zoning in the area but they are very much concerned about the type of zoning given this particular lot and other property along the street. That he understands B-1 zoning includes Retail Sales and he talked with Mr. Lee, the owner of the property, who stated in the event he did not sell the property he might establish a Salvage Business on the property as he owns a Salvage and Used Furniture Business way out North Tryon Street. That they would certainly be against this type of business; therefore, he wishes to go on record as being against any type of zoning that would devalue their property. That they would not oppose Commercial Zoning that would not devalue their property. It was pointed out to Mr. Carnes that B-1 zoning would not permit a Salvage House but would permit Used Furniture sales.

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Mrs Crouse stated she is against having anything in the neighborhood that would hurt their homes, that she built a duplex on the street seven years ago and would not want it devaluated; that she is also speaking for Mrs Walker and Mrs Pegram, who live on the street.

Mrs Carnes expressed objections to the change in zoning and stated up until this moment she though B-1 zoning would eliminate any chance of a Second-hand Furniture Store going up on the property; that they have been in favor of B-1 zoning, which is the zoning of the property adjoining theirs but would now like to go on record against B-1 zoning.

Mr. O. S. Perry stated he has a four-family apartment house down the street, and they do not want any second-hand store in the neighborhood, but is willing for it to be zoned for an Office Building.

Mr. Wade stated the petitioner has signed a contract for a long-term lease with Handy Pantry Food Store to be erected on the lot, if the zoning change is made.

Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 62-38 FOR CHANGE IN ZONING OF STRIP OF LAND ON WEST SIDE OF PINEVILLE ROAD, BEGINNING AT PROPERTY OWNED BY LANCE, INC AND EXTENDING NORTHWARD 2,078.82 FEET.

The public hearing was held on Petition No. 62-38 by J. A. Jones Construction Company for change in zoning from R-9 and B-2 to I-2 of strip of land on the west side of Pineville Road, 300-ft. wide, beginning at the property owned by Lance, Inc., and extending northward 2,078.82 feet.

The Planning Director advised the property is on the westerly side of Pineville Road a short distance north of Sharon Road West, which is the end of the perimeter zone area, and is also on the westerly limit of the zoned area; that the majority of the property of J. A. Jones Construction Company lies outside the area of perimeter zoning and is not, therefore, controlled by any zoning ordinance at this time. That within the zoned area there is a small portion of their construction yard and new building. That the property is partially traversed by the right of way of Southern Railroad. That the adjoining land is generally open.

That the next zoning on today's Agenda is related and in the same area. That it covers property owned by Lance, Inc. and most of Lance's property is outside the zoned area, only 50-feet of their property lying within the zoned area. That the portion of the property is zoned B-2 that lies between the Railroad and Pineville Road, and the other portion is zoned R-9, and beyond that line is the end zone line.

Mr. John Stafford representing J. A. Jones Construction Company, stated they have two types of zoning involved and part unzoned. That the big part outside the zoned area they have planned for an Industrial Park; that between Pineville Road and the Railroad there is about 50-feet which is zoned Business already and across from there it is zoned R-9; while coming down the Road the zoning is I-2. They are requesting I-2 zoning as they are next door to Lance and the I-2 zoning conforms to the area.

No objections were expressed to the proposed rezoning.

Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 62-39 BY LANCE, INC. FOR CHANGE IN ZONING OF STRIP OF LAND ON THE WEST SIDE OF PINEVILLE ROAD, BEGINNING AT PROPERTY OWNED BY J. A. JONES CONSTRUCTION COMPANY AND EXTENDING SOUTHWARD 1,056 FEET.

The scheduled hearing was held on Petition No. 62-39 by Lance, Inc. for change in zoning from R-9 and B-2 to I-2 of a strip of land on the west side of Pineville Road, 300-ft. wide, beginning at property owned by J. A. Jones Construction Company, and extending southward 1,056 feet to a point 443 feet north of Sharon Road West.

Factual information as to the property and surrounding area was given by the Planning Director in his explanation of the previous item, being the petition of J. A. Jones Construction Company, for a similar change in zoning.

Mr. Henry Lowrance, speaking for the petitioner Lance, Inc., stated their Cracker Plant is of some substance behind the 800-foot line and the property is zoned B-2 and R-9 and they cannot believe there will be any residences built on the railroad, in fact they were surprised to learn they had a residential zone in front of them. That they would like to get all of the property, within the zoned area, under I-2, which would be in keeping with the zoning of their property.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for the recommendation of the Planning Commission.

HEARING ON PETITION NO. 62-40 BY CHADWICK MILLS, INC. FOR CHANGE IN ZONING OF PARCEL OF LAND ON THE NORTHWEST SIDE OF SOUTH LANDER STREET.

The public hearing was held on Petition No. 62-40 by Chadwick Mills, Inc., for change in zoning of parcel of land 200-ft. by 1,099.68 ft. on the northwest side of South Lander Street, beginning at the P & N Railroad and extending toward Rozzells Ferry Road.

The Planning Director stated the property lies along Lander Street, is possibly 200 feet in depth and extends for about half the block from the Railroad to existing residential developments out to Rozzells Ferry Road. That directly across the street from the property the land is developed residentially and part is vacant; behind the property the land is vacant, and in close proximity there is business developments, and the property is adjoined on its rear boundry by industrial zoning of Chadwick Mills property and across South Lander Street the zoning is R-6MF.

Mr. H. A. Berry, Jr., representing the petitioner, stated they were surprised when they found there was a 200-ft. strip extending along South Lander Street zoned R-6MF and the purpose of their petition is to permit them to return this 200 ft. strip to the previous zoning classification, which was Industrial. That they think this is consistent with good planning and equitable to the property owners. He stated this is one of the oldest industrial tracts in Mecklenburg County, and has been consistently treated as one entire tract of 33 acres, although the tract in question involves a separate tract of 27 acres, which is presently vacant. That the present owners have been attempting to develop it or lease it for industrial use some years and have advertised it as being zoned Industrial. He advised their main reason for requesting the rezoning of the strip is that without it, access to all their property, from South Lander Street is denied, therefore the remainder of the property, as Industrial property, is decreased in value. That they do not think they would be injuring anyone by the property being zoned Industrial as the property across South Lander Street was constructed when the property was previously zoned Industrial.

No objections were expressed to the proposed rezoning. Council decision was deferred for the recommendation of the Planning Commission.

MEETING RECESSED.

Mayor Brookshire declared a 5 minute recess.

MEETING RECONVENED.

The meeting was reconvened and called to order by the Mayor.

DECISION DEFERRED ON REQUEST FOR CORRECTION OF DRAINAGE CONDITION ON ANTHONY CIRCLE SO THAT COUNCIL MAY VIEW THE STREET AND RECONSIDER IT AT NEXT MEETING ON SEPTEMBER 10TH.

Mr. Steve Morrisett, 300 Anthony Circle, stated he and a group of neighbors are here with regard to the petition filed with Council last week by Mrs P. H. Batte regarding the drainage condition on their street, and they would like to hear the report they understood would be made by the City Manager regarding their request.

Mr. Veeder, City Manager, advised the Engineering Department investigated the condition and advises the drainage ditch on the southwest side of the northeast leg has a small amount of standing water in it, no deeper than 4 inches and no wider than one foot, for a distance of approximately 150 feet in front of the residences extending from 300 to 328 Anthony Circle. That the ditches have recently been cleaned along the street and appear to be in rather good shape for ditches. That the situation in front of the residences that was reported to Council last week can be taken care of with the expenditure of money, estimated by the Engineering Department at about \$3,500.00 to discontinue the use of the ditch in front of the residences and that this conceivably could be done if the residents are willing to pay for the cost of the pipe, and the City would be in position to install the pipe, The cost of the pipe and doing away with the ditch would be right expensive, with about 650 feet of pipe involved, the cost would be around \$2,000.00. If this is the wish of the residents and the Council is willing and the residents will pay for the pipe, then the City could assume the responsibility for the installation.

In the discussion it was determined that the ditch is in the city's right-of-way, and Councilman Dellinger asked in that case if the City could not take care of the drainage problem? Mr. Veeder advised the work done on the ditch is apparently not satisfactory to the residents, which he can understand, but for purposes of draining the street it is adequate.

Mayor Brookshire asked if the residents would be willing to pay for the pipe if the City installed it? Mr. Morrisett stated the crux of the matter is first, the safety hazard. There are many children on the street and the ditch in front of his house is about 2 ft. deep and is a hazard to these children and they feel this is a matter the City should take care of. Secondly, proper drainage. During a heavy rain the storm drain is not adequate to handle the water. At the question of Councilman Jordan as to the cost of the pipe, Mr. Veeder stated 650 feet of 24-inch pipe would be required at \$3.00 per foot. Mrs Batte stated she would not be willing to participate in paying for the pipe, that after paying city taxes and with the ditch being on city property, she does not think it fair for the citizens to be so penalized. That a stretch of the ditch about 500 feet is particularly bad and for the property owners bordering on this portion of the street to pay such an amount would be unfair, and she can also speak for Mrs Powell. In reply to the question of the Mayor if it is the responsibility of the City to provide maintenance of the ditch, Mr. Veeder replied that it is but it is a question of a ditch in one area that has standing water in it, and this is what he believes the residents are basically objecting to.

Following the discussion, Councilman Smith suggested that the Council go out and look at the ditch and that Mr. Veeder also go, personally, and leave it on the Agenda for consideration at the next meeting.

Mayor Brookshire stated it will be left at that and will be on the Agenda for the September 10th meeting.

LETTER FILED WITH MAYOR BY ALBERT PEARSON SHOWING ENGINEERING DEPARTMENT ESTIMATE OF COST OF CORRECTING DRAINAGE SITUATION IN MYERS PARK MANOR AREA, TO GO ALONG WITH REPORT TO BE MADE TO COUNCIL BY CITY MANAGER.

Mr. Wiley Shaw appeared before Council and asked if a decision has been made on his request for the correction of the drainage condition in the Myers Park Manor area, which he filed with Council at last week's meeting.

Mayor Brookshire advised him that no decision has been made; that Council discussed it today and will continue to discuss it to see if some solution can be found, that the City Manager will give Council a report at the next meeting of the Council which will be on September 10th.

Mr. Albert Pearson stated he has a letter from the Engineering Department regarding the Myers Park Manor section, dated October 20, 1961, which gives an estimate of curb and gutter and the necessary storm drain, with a sidewalk on one side, and of the cost of sidewalks on both sides, and some people have agreed to spend as much as \$2,700.00 to get the condition corrected. That he would like to give the letter to the Mayor to go along with the report on the condition; that they have signatures of about 20 property owners in the area who are willing to spend some money to correct the situation.

RESOLUTION SUBMITTED BY ALBERT PEARSON REQUESTING COUNCIL TO URGE ALL HOLDERS OF CITY LICENSES ISSUED FOR SERVING THE PUBLIC TO TREAT ALL MEMBERS OF PUBLIC IN MANNER TO PROMOTE HARMONY AND PEACE.

Mr. Albert Pearson submitted the following resolution:

"Whereas the City of Charlotte through the members of the Charlotte City Council, has the power and the duty for the issuing of city licenses and whereas, it is the further responsibility of the Council to pass such ordinances as are expedient for maintaining and promoting the peace, good government and the welfare of the city, and the morals and happiness of its citizens, and for the performances of all municipal functions.

The City Council is respectfully requested to urge all the holders of city licenses issued for serving the public to treat all members of the public in a manner which will help promote harmony and peace among its citizens.

The Council is further requested to ask holders of said licenses to not discriminate among said public."

He stated the resolution was hastily drawn up, and he would like to have a full Council present. That he is trying to avoid any personalities. That he likes to think in America all citizens are treated as equals, and all have the same opportunity.

Mayor Brookshire asked Mr. Pearson to leave the resolution with Council and they will give it consideration.

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Councilman Dellinger asked if Mr Pearson has discussed this with the City Attorney, and Mr. Pearson stated he has not, that he has discussed it with no one but himself, that he thinks most of it is copied from the laws of the City and the rest of it is his.

AGREEMENT AUTHORIZED WITH WACHOVIA BANK & TRUST COMPANY FOR TRANSFER OF PERPETUAL CARE FUND OF OAKLAWN CEMETERY CORP., TO THE CITY OF CHARLOTTE TO BE PLACED IN CITY'S PERPETUAL CARE FUND FOR OAKLAWN CEMETERY FOR USE FOR PERPETUAL CARE AND PRESERVATION OF OAKLAWN CEMETERY.

Councilman Bryant moved approval of an Agreement with the Wachovia Bank & Trust Company whereby the City accepts the Perpetual Care Fund of Oaklawn Cemetery Corp., amounting to \$126.10 cash and an income balance of \$1,232.79 and \$20,500 in bonds, to be placed in the City's Perpetual Care fund for Oaklawn Cemetery to the end that the Fund will be used for the perpetual care and preservation of Oaklawn Cemetery and the Fund be held inviolate for such purpose. The motion was seconded by Councilman Dellinger, and unanimously carried.

CITY AUTHORIZED TO CO-SIGN AGREEMENT BETWEEN AMERICAN INVESTMENT COMPANY AND STATE HIGHWAY DEPARTMENT FOR RIGHT-OF-WAY FOR INSTALLATION OF WATER MAIN IN SHARONVIEW ROAD.

Upon motion of Councilman Bryant, seconded by Councilman Albea, and unanimously carried, the Mayor and Clerk were authorized to co-sign an Agreement between the American Investment Company and the State Highway Department for right-of-way for the installation of a 6-inch water main in a portion of Sharonview Road.

SUPPLEMENTAL CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR INSTALLATION OF WATER MAINS IN SINGING SPRINGS SUBDIVISION.

Motion was made by Councilman Thrower, seconded by Councilman Albea, and unanimously carried, authorizing a Supplemental Contract to contract dated October 3, 1956, with American Investment Company, for the installation of 5,855-ft. of additional water mains and 3 hydrants in Singing Springs Subdivision, outside the city limits, at an estimated cost of \$18,100.00. The Applicant to pay the entire cost and own the mains and hydrants until such time as the area is incorporated into the city.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, the construction of the following driveway entrances was authorized:

- (a) Two 10-ft. entrances on Cleveland Avenue for 228 Kingston Avenue.
- (b) One 12-ft. entrance at 4102 Monroe Road.
- (c) Two 30-ft. entrances at 3350 Commonwealth Avenue.
- (d) One 35-ft. entrance at 2528 N. Tryon Street.
- (e) Two 16-ft. entrances at 2806 Old Statesville Road.
- (f) One 20-ft. and One 17-ft. entrance on W. Hill Street, One 20-ft. entrance on S. Graham St., all for 411 W. Hill Street.
- (g) One 30-ft. entrance on Magnolia Avenue, One 30-ft. entrance on Meacham St., all for 212 Magnolia Avenue.
- (h) One 20-ft. entrance at 4438 Central Avenue.
- (i) One 15-ft. entrance on Green Oaks Lane, One 16-ft. entrance on Commonwealth Avenue,, all for 1210-48 Green Oaks Lane.

APPLICATIONS OF LIEUT. W. B. JONES, SUPT. R. L. PLOTT AND DORIS SIMPSON OF MERCHANTS PATROL, INC. FOR DETECTIVE LICENSES APPROVED.

Councilman Dellinger moved approval of the applications of Lieut. W. B. Jones, Supt. R. L. Plott and Doris Simpson of the Merchants Patrol, Inc., for Detective Licenses. The motion was seconded by Councilman Bryant, and unanimously carried.

ISSUANCE OF SPECIAL OFFICER PERMITS TO JULIUS B. SHANKLE, WILLIAM W. JOHNSON, JAMES A. GRIFFITH, JR. AND RAYMOND E. GILLIS, AND RENEWAL OF PERMIT TO CHARLEY DEAN.

Motion was made by Councilman Jordan, seconded by Councilman Bryant, and unanimously carried, authorizing the issuance of Special Officer Permits to Mr. Julius B. Shankle, Mr. William W. Johnson, Mr. James A. Griffith, Jr. and Mr. Raymond E. Gillis on the premises of Perfecting Services Company, and the renewal of the Permit held by Mr. Charley Dean on the premises of The House of Prayer.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON SEPTEMBER 17TH ON PETITIONS FOR CHANGES IN ZONING CLASSIFICATIONS, AND THE PUBLICATION OF NOTICE THEREOF.

Upon motion of Councilman Bryant, seconded by Councilman Jordan, and unanimously carried, a Resolution Providing for Public Hearings on September 17th on Petitions Numbered 62-41 through 62-45 and the Publication of Notice thereof in The Charlotte News, was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 213.

TRANSFER OF CEMETERY LOT.

Councilman Thrower moved that the Mayor and Clerk be authorized to execute a Deed with Mr Mitchell R. Foster and wife, for the south half of Lot 83, Section X, Elmwood Cemetery, at \$3.00. The motion was seconded by Councilman Bryant, and unanimously carried.

CONTRACT AWARDED BELK BROS. FOR BEDS AND MATTESSES FOR NEW FIRE STATIONS NO. 13 AND 14.

Councilman Dellinger moved the award of contract to Belk Brothers, the low bidder, for 16 metal Beds and 16 interspring Mattresses, as specified, for new Fire Stations No. 13 and 14, at their bid price of \$1,030.00. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

YEAS: Councilmen Albea, Bryant, Dellinger, Jordan and Thrower.

NAYS: None

Councilman Smith abstained from voting because of personal reasons.

The following bids were received:

Belk Brothers	\$ 1,030.00
Carolina Contract Supply Company	1,297.80
Plaza House	1,334.88

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CONTRACT AWARDED KALE LAWING COMPANY FOR CHAIRS AND DESKS FOR NEW FIRE STATION NO. 13 AND 14.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and un-animously carried, contract was awarded Kale Lawing Company, the low bidder, for 38 Chairs and 2 Desks, as specified, for new Fire Stations No. 13 and 14, at their bid price of \$1,106.05.

The following bids were received:

Kale Lawing Company	\$ 1,106.05
Bill Shaw Company	1,326.95
Modern Office Supply Co.	1,386.03
Fowler's	1,418.31
Pound & Moore Company	1,484.70

CONTRACT AWARDED ATLANTIC ALUMINUM & METAL DISTRIBUTORS, INC., FOR 315 SHEETS OF ALUMINUM.

Councilman Dellinger moved the award of contract to Atlantic Aluminum & Metal Distributors, Inc., the low bidder, for 315 Sheets of Aluminum, as specified, at their bid price of \$8,563.82. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Atlantic Aluminum & Metal Distributors	\$ 8,563.82
Kaiser Aluminum & Chem. Sales, Inc.	8,579.56
Vulcan Signs & Stampings Div.	8,851.08
Aluminum Co. of America	9,045.67
Joseph T. Ryerson & Son, Inc.	9,618.06
Olin Mathieson Chemical Corp.	10,011.97

MECKLENBURG JUNIOR CHAMBER OF COMMERCE AUTHORIZED TO HOLD PARADE DURING THE OBSERVANCE OF FIRE PREVENTION WEEK.

Councilman Dellinger moved that Mecklenburg Junior Chamber of Commerce be allowed to hold a Parade on October 8th during the observance of Fire Prevention Week. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER AUTHORIZED TO SECURE INFORMAL BIDS FOR HAULING DIRT IMMEDIATELY NEEDED AT STATESVILLE ROAD LANDFILL AND ALSO ADVERTISE FOR BIDS FOR HAULING ADDITIONAL DIRT FOR COVER.

The City Manager advised that dirt is needed badly at the Statesville Landfill as cover, and he and Mr. Davis, Superintendent of Motor Transport, would like to recommend a course of action, that dirt be acquired from a nearby site, without cost but arrangements will have to be made for hauling it. They would like to go out to bid for hauling perhaps as much as 25,000 cubic yards, and at the same time have permission to take informal bids, recognizing that formal bids cannot be approved until September 10th, to go for one and possibly two arrangements with contractors on a bid price under \$1,000, to get some dirt now, until the formal bids can be received. He advised that the hauling may cost as much as \$12,500 but they see no alternative as the dirt is essential as cover. That they would like Council permission to go ahead and advertise for hauling the dirt and also make arrangements at the best price for hauling dirt while bidding for the balance of the contract. That the dirt is needed even if this Landfill went out of business tomorrow, for cover.

Councilman Albaea moved that the City Manager be authorized to proceed to receive informal bids for hauling dirt immediately needed at Statesville Landfill Site for cover and also advertise for formal bids for hauling additional dirt for this purpose. The motion was seconded by Councilman Thrower, and unanimously carried.

RESOLUTION AUTHORIZING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON DALLAS AVENUE, FROM KELLY ROAD TO MONTAGUE ROAD.

Councilman Bryant moved the adoption of a resolution entitled: Resolution Authorizing the Making of Certain Local Improvements on Dallas Avenue, from Kelly Road to Montague Road. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 214.

EXTENSION OF KAY STREET INTO NEWCASTLE STREET AUTHORIZED.

The City Manager advised that subsequent to Mr. Albaea bringing up the matter of connecting the deadend of Kay Street with Newcastle Street, a delegation from the area came down regarding it, and he went out and looked over the situation today. That the area that needs to be opened up to connect it with Newcastle Street is only about 80 feet of street, and involves a drainage ditch of low elevation, and the 80 feet is traversed by a high power line, and therefore no type of building could be constructed under the line on either side of this 80 feet; however, the property on either side through which the drainage ditch runs is unsuitable for any type of development. That he is mentioning all of this because it appears to him that abutting property owners would have no interest whatever in improving the street this short distance and the neighborhood is such that if the street were tied in, it would provide a driveway, and also provide better access to the school; he advised the cost of opening the 80 feet of street would be about \$2,000.00. Mr. Veeder stated further he can reasonably see there is a need for connecting the streets, and he can also see there is no obvious way for anyone to pay for it other than the City of Charlotte.

Councilman Dellinger stated he is not opposed to it, but Council is going to have to vote on something that is not a collector street and he wants to point out in doing this when a similar case comes up Council will be in the same position.

Councilman Albaea asked if it could be declared a thoroughfare? Mr. Veeder stated not reasonably so, that it will serve a neighborhood but it is not up to the point where it could be called a collector street because it does not connect neighborhoods but just ties in about three streets with Newcastle Street.

Councilman Dellinger moved that Kay Street be opened through to Newcastle Street. The motion was seconded by Councilman Albaea, and unanimously carried.

CITY MANAGER AUTHORIZED TO HAVE CARMINE STREET REWORKED AND ADDITIONAL WIDTH PROVIDED AND TEMPORARY SIDEWALK CONSTRUCTED ON ONE SIDE, AND FUNDS TRANSFERRED FROM CONTINGENCY FUND FOR THIS WORK.

The City Manager advised that when the improvement to Carmine Street going into John T. William High School was discussed last week, Council indicated they did not wish to assess the cost of the improvement against the abutting property owners, and after going out and seeing the situation he thoroughly

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agrees that the property owners would accrue no advantages from the project, and he wishes to report that as a follow up he talked with a representative of the School Board about the project and suggested as an approach they might consider utilizing that provision in the City's Charter which permits one property owner to assume the cost over and above the property they themselves own, and the representative was going back and discuss it with the School Board toward the end of getting something under way on this stretch of Carmine Street. Mr. Veeder stated further that, his opinion after looking at the street is that even with the improvement that was originally suggested, Carmine Street is not going to provide a real answer of access to the school as the street dead-ends and traffic is going to have to get in and turn around and come out, and there is no place for them to turn around on the school property. That Pryor Street is a dedicated but unopened right-of-way that extends down through a field that ties back into Carmine and if developed and opened up would provide a good one-way system to the school, which would provide good traffic circulation. That this is not our responsibility but recognizing that we will not have another meeting until September, and not having heard from the School Board, if they should be interested in assuming a greater cost than that which would be assessed against their own property, he thinks the only thing the City can do now, recognizing that the school will be opened soon, is to go back into Carmine Street, which is matted surfaced and under city maintenance, and try to rework the street and give it a little more width and get it at least in better shape before school opens. Then if the School Board is disposed to give us a petition to improve the area with their assuming all of the cost, it would be fine, but he thinks it would be well to do everything we possibly can to get Carmine Street in as good condition as possible.

Councilman Jordan moved that the City Manager be authorized to proceed with reworking the street, giving it additional width, as recommended, and that a temporary sidewalk be constructed on one side of the street, and that funds be provided for the entire work from the Contingency Fund. The motion was seconded by Councilman Albea, and unanimously carried.

SAFETY PROVISIONS AUTHORIZED IN VICINITY OF NEW JOHN T. WILLIAMS JUNIOR HIGH SCHOOL REQUESTED BY DRUID HILLS COMMUNITY COUNCIL.

In connection with the request of Druid Hills Community Council that additional safety measures be taken in the vicinity of new John T. Williams Junior High School, Councilman Jordan moved that a crosswalk be installed across Statesville Avenue at Newland Road, and a second one across Statesville Avenue at Old Statesville Road; that the Traffic Signal now located at Statesville Avenue and Newland Road be retimed to provide proper intervals for pedestrians, and the Police Department assign a School Guard at the intersection of Statesville Avenue and Old Statesville Road. That the existing gravel shoulder at Statesville Avenue, from Newland Road north and also the gravel shoulder on Old Statesville, from Statesville Avenue to Carmine Street are both determined by the Traffic Engineer to be sufficient as walkways for students. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk