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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, January 15, 1962 at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the Minutes of the last meeting on January 8, 1962 were approved as submitted with the following correction requested by Mayor Brookshire, add at the end of Page 228 that Mayor Brookshire thanked Mr. John Shaw for the Council and City for his long and fine service as City Attorney.

RESIDENTS OF MONCURE DRIVE, IN BARCLAY DOWNS, REQUEST THAT PROPERTY ACROSS THE STREET BORDERING ON BRIAR CREEK BE CONDEMNED FOR THE CONSTRUCTION OF RESIDENCES.

Mr. Dave Holley was spokesman for a delegation of residents on Moncure Drive, in Barclay Downs, whose property faces Briar Creek. He stated the lots across the street, bordering the creek, is a badly flooded area, and the rains last week flooded the area for the third time since he moved into the area last May. He stated their concern is that should houses be erected on the property and flooded, they would be vacated, and this would depreciate the value of their property, which is on a hill-side and therefore out of the flooded area. He stated further they understood when they purchased their home that the property across the street was condemned for residences, but now learn that is not true.

Mayor Brookshire advised Mr. Holley that the Council has this matter under advisement now, that it has been discussed in Executive Session this afternoon and they will continue to do so until they come up with some adequate answer.

OWNER OF PROPERTY LOCATED BETWEEN WILLOW OAK ROAD AND BRIAR CREEK ASKS THAT THOROUGH STUDY BE MADE BEFORE PROPERTY DECLARED IN FLOOD PLAIN AREA.

Mr. Parks Helms, Attorney representing Mrs Paul B. Allen, advised that her property is located between Willow Oak Road and Briar Creek and approximately half of it is indicated on the Engineering Department Map as being in a flood plain. That Mrs Allen spent some \$15,000 to \$20,000 developing the area with paved roads, gutters, sewer and water facilities, and has had no indication of flooding for the past twenty years. Therefore, they request that before any definite action is taken declaring it to be in a flood plain area, that a thorough study be made to be sure that none of the property is condemned that is suitable for residences. He stated he understands from the Engineering Department that flood plains are figured on the basis of what possibly may happen, not just what exists today. He stated that across Briar Creek

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from Mrs Allen's property are houses backed up to the creek and they were not flooded last week and this property is 709 feet elevation, while the lowest part of Mrs Allen's property is 710 feet at the creek. Councilman Bryant stated the property is in the area where the creek was dredged last year and he understands it has completely cured the problem. Mayor Brookshire stated Council will go into the matter very thoroughly before any action is taken.

Mr. Helms stated they are contemplating building some additional homes in the area at this time and are stymied more or less, and therefore, will welcome some definite statement as to just what will take place.

MAXIMUM PENALTY ON CITY PRIVILEGE LICENSE FIXED FOR 1961-62.

Councilman Dellinger moved that 25% be fixed as the maximum penalty on City Privilege License for the fiscal year 1961-62. The motion was seconded by Councilman Whittington, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for maintenance:

- (a) Waddell Street from Deon Street to Russell Avenue.
- (b) Gunn Street from Kay Street to Russell Avenue.
- (c) Kay Street from dead-end to Russell Avenue.
- (d) Deon Street from one block north of Russell Avenue to dead-end.

ISSUANCE OF SPECIAL OFFICER PERMIT TO CHARLES B. TAYLOR AUTHORIZED.

Councilman Bryant moved approval of the issuance of a Special Officer Permit to Mr. Charles B. Taylor for use on the premises of Domestic Laundry for a period of one year. The motion was seconded by Councilman Thrower, and unanimously carried.

CONTRACT AWARDED THE AMERICAN AGRICULTURAL CHEMICAL COMPANY FOR SODIUM SILICOFLOURIDE.

Councilman Thrower moved that contract be awarded the low bidder, The American Agricultural Chemical Company for 60 Tons of Sodium Silicofluoride as specified, at their bid price of \$10,740.84. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

The American Agricultural Chemical Co.	\$ 10,740.84
Tesco Chemicals, Inc.	10,749.60.

CONTRACT AWARDED REPUBLIC STEEL COMPANY FOR STRUCTURAL PLATE PIPE.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, a contract was awarded the low bidder, Republic Steel Company, for 60 lin. ft. of 90" diameter Structural Plate Pipe, as specified, at their bid price of \$2,214.91.

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The following bids were received:

Republic Steel Company	\$ 2,214.91
Carolina Culvert & Metal Company	2,441.10
Armco Drainage & Metal Products	2,457.79
Virginia Metal Mfg. Company	2,558.40

NOMINATIONS TO FILL VACANCY ON AIR POLLUTION CONTROL ADVISORY & APPEAL BOARD TO BE HELD OPEN ONE WEEK.

Councilman Whittington moved the nomination of Mr William Stewart, Attorney to fill the vacancy on the Air Pollution Control Advisory & Appeal Board.

Councilman Bryant moved the nomination of Mr. Wallace S. Osborne, Attorney to succeed himself.

Mayor Brookshire stated that without objections the nominations would be held open for one week, as is customary.

CITY MANAGER REQUESTED TO CONTACT DRAINAGE COMMISSION RELATIVE TO IMPROVEMENTS TO CREEKS WITHIN CITY LIMITS.

Councilman Dellinger suggested that the City Manager contact the Drainage Commission and see if they will cooperate or have a program that we might have some work done on some of the creeks in widening and dredging them.

DISCUSSION OF FLOOD PLAIN LEGISLATION.

Referring to the discussion by Mr. McIntyre, Planning Director, in the Executive Session relative to the Proposed Flood Plain Ordinance, Mayor Brookshire stated he has asked Mr. McIntyre to put into writing the three legislative possibilities he outlined relative to controlling flood plain area; that his thinking is if the Council has them in writing they can better study them.

The Mayor asked Mr. McIntyre if he would like to continue the discussion and Mr. McIntyre stated he has covered the general outline without getting into a lot of detail.

Councilman Thrower asked what his overall personal opinion is? Mr. McIntyre stated if the Council wants to take the long term view and protect floodways, as well as prohibit development in flood plains, the only possible approach is through zoning; that if Council wants to preclude the development of flood plains comprehensively to preclude the possibility of the public having to spend money after development, whether residential, commercial or otherwise, when these developments get flooded, the zoning approach is the best approach; if Council wants to concern itself only with preventing homes from being developed in flood areas, this can be achieved by a combination of subdivision control and building code regulations which would effectively forstall residential subdivisions and which would preclude the possibility of building houses in areas already subdivided but not yet developed.

Councilman Dellinger asked if some other plan would not be as effective as zoning? Mr McIntyre stated it is a matter of what the Council's objectives are, as there is no plan that would be as comprehensive as zoning. Councilman Dellinger asked if the Building Code could not handle the matter? Mr.

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McIntyre stated it could not, that there is a provision in the Charter that the Council has the authority to prohibit structures for human habitation. Councilman Whittington stated it appears to him that the Council's responsibility is to the people who are buying homes in residential neighborhoods and it seems to him the Council should go ahead and take the recommendation of the Planning Director. Mayor Brookshire asked if assuming there might be considerable depreciation in taxable values if the flood plain areas could be isolated against floods by dredging, would it be worth while to get an estimate on what it would cost to widen these principal streams? Mr. McIntyre stated the Corps of Engineers has made a study of Sugaw and Briar Creeks and there may be some useful information in these studies, that the study was made thru the City Engineering Department but he has not seen the report.

Councilman Whittington asked the City Attorney if he has any comment on the problems that might arise if the flood plain control was put in the Building Code to enforce the law and make it a part of the Subdivision Ordinance as far as control? Mr. Morrissey stated he has discussed the subject with the Planning Director at some length and they concluded upon the basis that the existing authority would be possible and feasible.

Mr. Veeder stated the Corps of Engineers has made a preliminary study; that their procedure is to make the preliminary study as the basis for the authorization for a full study, which cost possibly a fair amount of money on the part of the Federal Government, that they have completed their preliminary study and are requesting that authorization for a detail study to determine what is needed and what it would cost. That as of now, the Corps of Engineers has made a report on Sugaw and Briar Creek as being in need of a detail study. Mayor Brookshire asked him to follow this up and advise them that the Council is in need of an answer as soon as possible.

Councilman Dellinger asked if the Corps of Engineers is working with the Drainage Commission and no one knew the answer. Councilman Dellinger then asked the City Manager and City Attorney to look into the matter and see what the City's position is in relation to the Commission.

Mayor Brookshire stated when additional information is obtained from the Corps of Engineers and information obtained from the County on the Drainage Commission, the Council can discuss the matter more intelligently, and in the meantime Mr McIntyre will give the Council an outline in writing of the legislative possibilities and what each would accomplish.

ARTHUR R. SAMS, JR. NOMINATED TO FILL VACANCY OF MUTUAL INSURANCE REPRESENTATIVE ON INSURANCE ADVISORY COMMITTEE.

Councilman Bryant moved the nomination of Mr Arthur R. Sams, Jr. to fill the vacancy of Mutual Insurance Representative on the Insurance Advisory Committee.

Mayor Brookshire stated without objection, the nomination will remain open for one week as is customary.

COUNCILMAN BRYANT REQUESTED TO GIVE COUNCIL COPIES OF HIS PROPOSAL FOR THE CREATION OF A NEIGHBORHOOD IMPROVEMENT COMMISSION FOR STUDY.

Councilman Bryant presented the following statement: "With the passage of the minimum Housing Code we have the proper time for the beginning of an earnest program of neighborhood rehabilitation. I am aware that there is

in existence the Mayor's Committee on Urban Renewal, however, for a good many different and legitimate reasons this Committee has not been able to function in the way that I would like to see it. I feel it is past the time that we should start seriously on this very large task. This is a problem it is hard to take hold of because of its many aspects. It is not as dramatic nor spectacular as the Urban Redevelopment Program, and it is one that will be difficult but will be of greater savings to Charlotte than most any other project. It is a program that can be done for Charlotte people, by Charlotte people, with Charlotte facilities, it is an opportunity to do for ourselves instead of asking the Federal Government to come show us how. This program is one that will take the cooperation of many professions, it will also take help from the City Government. I understand Mr. McIntyre will have a report for us that will show us the areas most in need of a program of this sort, so I would like to propose that Council create a Commission possibly called the Commission for Neighborhood Improvements, composed of representatives of those businesses involved, and that this Commission study the report from Mr McIntyre as the best approach to this problem. I propose further that the existing Mayor's Committee be used in a consulting capacity. This is a great challenge to us on the Council, to the business people of Charlotte and to the people of our town. It will be a time consuming job for those who accept its responsibility but the rewards for those involved and for the city will be great."

He moved that a Neighborhood Improvement Commission be created, composed of ten men, representing the following professions: finance, building contractors, architecture, engineering and real estate, and that the Council instruct them to study the possibilities for neighborhood improvement and bring the Council a recommended procedure at the earliest possible moment.

Councilman Albea asked if this would interfere with the Urban Redevelopment program?

Councilman Bryant stated not in the least, in contrast with the Urban Redevelopment program where it is a little more dramatic going in clearing property, this is going to be a longer term proposition and one where you will not see as many drastic results and this is a program that can be done by ourselves and is an entirely separate program and one that will not interfere in any way with the Brooklyn program. He stated his idea is for the Commission to study and recommend the best way to finance such program. There are pilot programs that have been done in the past in other areas with private concerns and the Commission would bring in the recommendations they think best to implement the program. That it would require a big publicity program. That he has read about other projects, one of which was to elect officers in each neighborhood and let them be the ones to push the program.

Councilman Jordan suggested that Mr Bryant give his proposal to Council in writing for their study. Councilman Dellinger stated he would like to go further than that, and have it include something about the mechanics.

Councilman Bryant stated he does not have all the answers, nor does he have all the necessary information yet, but he knows it can be done and it has been done in other areas and he feels by appointing these men who would be directly concerned, if the men the Council would like to have can be secured, they should investigate the situation and bring Council their recommendation. They could study it further as far as their individual professions were concerned. It could be, of course, that it cannot be afforded, maybe outside help would have to be obtained, but he firmly believes it can be done with private financing.

Councilman Albea asked if it would not be a duplication of the Mayor's Committee?

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Mayor Brookshire stated the prologue of Mr Bryant's statement would indicate that the area of action would be a duplication or overlapping of the Mayor's Citizens Committee on Urban Redevelopment, which Committee is supposed not only to give aid and assistance to the redevelopment program but also to see what other areas of Charlotte could be rehabilitated, and to find any other remedies for which the community has resources to cope with. He stated further he had intended to ask Councilman Bryant before he made his motion if he would be willing to serve on the Citizens Committee?

Councilman Bryant stated he most assuredly would serve on the Committee, that he thinks this is one of the biggest problems in the city and could be one of the most important things for the City if it is done properly. One reason he came up with his idea originally was that he felt that the men on this particular Committee did not have the conception of what he was hoping to achieve, as their time is so consumed with a good many other projects in which they are involved they have not had a chance to get it off the ground, which is in no way a criticism of them, as they have their own problems. That he had in mind a Commission that would be purely and simply concerned with neighborhood rehabilitation. Mayor Brookshire explained that the context of his Committee is, of course, specified by the Urban Renewal Agency and includes, for example representatives of the Health Department and other community agencies, but he knows of no reason why it could not be enlarged upon and strengthened. He stated he has talked with other prominent citizens to ask them if they would be willing to make a specific effort to see what could be done in some of these other areas besides Brooklyn, as the Brooklyn Program/anticipated to require the most of ten years, there are other areas equally as bad, for example First Ward might afford opportunity for private enterprise to show what it could do in that area.

Councilman Bryant stated he would like, personally, to see the neighborhood situation handled entirely separately from anything to do with Urban Redevelopment or the Federal Government, if possible.

Mayor Brookshire asked Mr. Bryant to give copies of his proposal to Council for study and further thought.

Mayor Brookshire asked Mr. Bryant again if he would serve on the Mayor's Committee, and Councilman Bryant asked if it had anything to do with Urban Renewal and the Mayor replied that it did, indeed. Councilman Bryant asked that he be permitted to withhold his acceptance to the Committee until he has a clarification of this Commission; that he feels very seriously that this Commission affords an opportunity to the people and he would like to outline his particular views regarding the Neighborhood Improvement Commission first. Mayor Brookshire stated there is one area in which the Citizens Committee can be most effective he is sure, he thinks there are programs for rehabilitation that can be most effective and would like very much for the Committee to work in those areas and if it can go all the way to complete Renewal in First Ward he thinks all of the Council would be responsive to it. Councilman Bryant stated he was a little concerned that at the end of eight months the Mayor's Committee has not even had a meeting in its entirety.

OWNER OF BABE MALLOY'S DRIVE-IN RESTAURANT REQUESTS CUT IN MEDIAN STRIP IN INDEPENDENCE BOULEVARD TO PERMIT PATRONS TO MAKE LEFT TURN DIRECTLY INTO THEIR PROPERTY.

Mr. John Plumides, Attorney representing the owners of Babe Malloy's Restaurant on Independence Boulevard, stated the median strip in the Boulevard in front of their property prevents patrons driving east to make

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a left-turn into the restaurant, which is causing a hardship on them and hurting their business. He requested that a driveway be cut in the median strip in front of the Restaurant, and his clients will be glad to pay the expenses in connection with the cut. He stated there are driveways through the strip in front of all the other restaurants on the Boulevard. At the question of Mr. Veeder if he is requesting a cut in the existing median, Mr. Plumides stated he is, that the former owner of the Restaurant protested the construction of the strip when it was laid when the Coliseum was built. He stated further he has been to see the Traffic Engineering Department regarding the cut and was told the cut through would not be made and to forget it. At the request of Mayor Brookshire, Mr. Plumides stated he will present the request in writing with a map of the location.

COMPLAINT OF JOHN MANNING RELATIVE TO INCREASE IN NOVEMBER WATER BILL REFERRED TO CITY MANAGER FOR HANDLING.

Councilman Dellinger referred to the three letters the Council has received from Mr. John Manning regarding the increase in his water bill for November to \$33.72 from the usual amount \$6.00 to \$15.00. He suggested the City Manager instruct the Water Department to have a new meter put in and see if that will help; he stated he feels everything possible should be done to keep the citizens happy with city services. Councilman Whittington stated he replied to his copy of the letter from Mr. Manning, and checked with the Water Department and their records indicate the water went through his meter; that the Department has written him and worked with him in every possible way. Councilman Dellinger stated he had a similar thing happen to him and he requested a new meter put in, which was done and his water bill immediately dropped to the usual amount. Councilman Smith suggested that it be left to the City Manager to investigate the matter and take whatever action he deems proper.

CITY MANAGER REQUESTED TO INVESTIGATE AND REPORT ON DRAINAGE CONDITIONS IN HOSKINS AREA AND KENTUCKY AVENUE.

Councilman Dellinger requested the City Manager to investigate and report next week on the petition of 60 residents in the Hoskins Section that something be done to improve the drainage condition in that area, and also a similar request from residents of Kentucky Avenue. He stated this is not the Kentucky Avenue in the Plaza area, that it appears there are two streets by the same name.

CITY MANAGER REQUESTED TO HAVE CHECK MADE OF SENECA STREET FOR REPAIRS, ETC.

Councilman Jordan requested the City Manager to have a check made of Seneca Street for repairs, etc.

CITY MANAGER REQUESTED TO PRESENT LIST OF APPRAISERS GIVEN HIM BY COUNCIL.

Councilman Whittington advised that he has today discussed with the City Manager the problem that has been before the Council regarding members of the Board of Realtors who are in the appraisal business getting more city business than others, and Mr. Veeder has agreed to do whatever the Council wishes him to in this regard. Councilman Whittington suggested that each member of the Council give Mr. Veeder a list of names of appraisers whom they know and instruct him to use the list for city business, rotating the business equally among the persons listed and before engaging their services let the Council approve the person or persons. Councilman Smith

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called attention that such list of names was given the City Manager about a year ago. Councilman Bryant suggested that the Board of Realtors be requested to furnish a list of approved appraisers, he stated he thinks it should come from the Board of Realtors, who know the qualified appraisers, rather than the Council.

Councilman Whittington stated a list from the Council or Board of Realtors should be satisfactory to everyone, just so long as the work is rotated.

Mayor Brookshire requested Mr. Veeder to bring the list of appraisers given him by Council to next week's meeting for further consideration.

CITY MANAGER REQUESTED TO GET SHRUBBERY OUT OF WAY AT WOODLAND AVENUE AND EASTWAY DRIVE WHICH IS BLOCKING VIEW OF MOTORISTS.

Councilman Whittington stated that the shrubbery at the intersection of Woodland Avenue and Eastway Drive is blocking the view of motorists; that he has discussed it with the Traffic Engineer who states if the shrubbery is gotten out of the way, it will eliminate the necessity of a traffic signal. He requested the City Manager to have the shrubbery attended to.

CITY ATTORNEY REQUESTED TO CLARIFY THE APPOINTMENT OF THE ZONING BOARD OF ADJUSTMENT.

Councilman Whittington requested the City Attorney to give Council a clarification on the Zoning Board of Adjustment; that he understands there are five members from the City and five from the County and those terms have over-run each other and no one seems to know who appointed who and whose term has expired; that last year, he nominated two people to the Board and the City Attorney advised he couldn't do it because no one knew whose appointments they were.

Mr. Morrissey, City Attorney, stated he is sure that Council is aware that the new Zoning Ordinance will require the appointment of a new Zoning Board of Adjustment, which will be one board composed of ten members, rather than the present two boards, with 5 members appointed by the Council and 5 by the Board of County Commissioners.

PETITIONS FOR CHANGES IN NEW ZONING ORDINANCE TO BE RECEIVED WITHOUT FEE UNTIL MONDAY, JANUARY 22nd.

Councilman Smith suggested that the special requests for changes in zoning to be considered after the adoption of the Zoning Ordinance should be limited and not allowed to continue indefinitely. Councilman Bryant moved that they be cut off as of today. The motion was seconded by Councilman Whittington. Mayor Brookshire called attention that he understood it has been agreed that they would be received until the date the Ordinance is adopted.

The vote was taken on the motion and lost by the following recorded vote:

YEAS: Councilmen Bryant, Whittington and Smith.
NAYS: Councilmen Albea, Dellinger, Jordan and Thrower.

Later in the meeting, Councilman Whittington stated he thinks it is most necessary that an early time limit be fixed on receiving applications for changes in the new Zoning Ordinance, otherwise if it continues Council will end by having as many requests as were presented in the fall.

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Councilman Thrower moved that persons be given until next Monday, January 22nd in which to file petitions for the changes without a fee being charged. The motion was seconded by Councilman Whittington, and unanimously carried.

DISCUSSION OF PROPOSED SIGN SECTION OF ZONING ORDINANCE.

Councilman Dellinger states he would like to commend the Council for the time they spent on the Sign Ordinance and the very excellent job they did and he is sorry he could not be present at the meeting. He stated he has some questions he would like to discuss now or whenever the Council has time. Mayor Brookshire asked him to go ahead now so there will be no delay in voting on the adoption of the ordinance when it is presented.

Councilman Dellinger stated he asked the Planning Director to give him a rough draft of what was done at the meeting and it is to that he will refer. That the moving signs were apparently cut out and flashing signs must be 50 feet from the street. He was advised that moving signs were not prohibited but the flashing signs must be 50 feet from the street. He then asked if it is correct that only one sign is allowed per building on such buildings as schools, churches, etc, and was advised if the building is on a corner lot, signs may be had facing both streets. Councilman Dellinger stated he concurs with the decision of Council with regard to Office Districts, eliminating advertising but does not think enough space was allowed when Council gave 5% of the area of the elevation of one exterior building wall. He was advised that was a liberalization by using a formula that had been recommended. Councilman Dellinger stated he thinks a better way would be 5% and at least 50 sq. feet and not exceed 10% of the building. Mayor Brookshire stated this is an identification sign, not an advertising sign.

Councilman Bryant stated with all due respect to taking plenty of time to review this and other provisions of the Zoning Ordinance, the Council is holding up an untold number of business propositions of people who cannot move until the Council adopts the ordinance; that he knows of five or six different situations that are waiting to exercise options where large sums of money are involved, and he would like to meet just as soon as possible, tonight, tomorrow or anytime and get it settled. Mayor Brookshire agreed with Councilman Bryant, stating the Council has settled all the issues on the zoning ordinance and the sign ordinance and is now answering some questions for Mr Dellinger for the reason he was not present the day the sign ordinance was gone over. He asked Mr. Devaney if the Planning Board will have the revisions made and maps ready for Council action at next Monday's meeting? Mr. Devaney advised they will not be ready by Monday, and have set the date as January 29th, that the maps are completed but the problem is in getting the revisions together and mimeographed. Councilman Bryant asked that the Council not wait until the 29th if the material is ready prior to that date but a special meeting be called just as soon as the ordinance is ready. Mayor Brookshire asked Mr Devaney to give Council a definite date the ordinance will be ready at next week's meeting.

Mayor Brookshire asked Mr Dellinger to proceed if he has further questions, and Councilman Dellinger stated he, too, is for speed but thinks time should be taken to do the thing right and not do something that might mean the sign ordinance will have to be thrown out and also the zoning ordinance. However, he is willing to leave it like it is if the Council wishes and then he will move when the time comes. Councilman Dellinger asked if the City Attorney has reviewed the revised sign ordinance and whether he thinks it is entirely legal. Mr. Morrissey replied that he has reviewed it and does think it is legal. Councilman Dellinger asked if he thinks it is discriminatory in any way. Mr. Morrissey stated he does not mean to be facetious but there is a difference between legal discrimination and unlawful discrimination, and the differences that are made in the proposed ordinance have a sound and legal basis.

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Councilman Dellinger stated he understands in a Business-3 District all the signs one wants has been allowed - for instance, a Service Station in a B-3 District, how many signs can he have on his lot? Mr. Devaney stated he can have one attached sign, if he is on the corner he can have two signs, but these are identification and/or business signs and not advertising signs. Councilman Dellinger stated he is talking about small sign there are no advertising signs in a B-3 District, those have been cut out; that he does not agree that a man cannot have a sign advertising his price; that a lot of people have been put on one-way streets and the only way they have of identification is from the side of the street or either side of the building. Councilman Dellinger stated the point he is trying to make, is the Council has allowed no limit on signs in B-3 Districts but at another service station in a B-2 District a man is limited to one sign, and he is of the opinion this is not legal and would be thrown out of court. Mayor Brookshire stated the Council had the advise of the City Attorney on this, and if anyone wants to sue they will have to do so. Councilman Dellinger stated that is the point, when they sued the last time it is still in court, and he would prefer adopting an ordinance that everyone could live with and would stand up. Mr. Morrisey stated on Page 56 of the proposed ordinance under B-1 Districts, business and/or identification signs for permitted uses conducted in buildings or with buildings associated, have no limit. Councilman Dellinger stated he does not have that, and is referring to Section 23-77, which says one sign per establishment. Mr. Devaney stated that refers to the total number of signs and there is no limit for the number of signs to be attached to the building. If the signs were all against the building there would be no limits- but only one detached. Councilman Thrower asked if such signs as are there now will have to be removed, that he means the price signs standing out near the street? Mr. Devaney stated if the signs are not attached, they will have to be removed as nonconforming because they are not attached to the ground; he stated further that the Service Station Operators Association, if that is the correct name of their Association, was very much in favor of this.

Councilman Dellinger stated he is agreeable to the decision on the B-3 District that there be no advertising signs. However, on the other aspect of the advertising he believes that 300 feet is too small and in B-2 Districts he believes, because of the national setup in advertising, they should have at least 500 to 750 feet. That this is his belief for the B-2 Districts. Mayor Brookshire stated to Councilman Dellinger that it was pointed out at the meeting at which the sign ordinance was discussed, that the 300 feet limit poses no hardship on these sign companies who have their regular poster signs; that is a poster sign on which they change the copy by pasting the paper on, pulling it off and putting on another, etc, and this is their standard for the poster signs. Councilman Dellinger stated he is talking about painted signs that are now 750 feet, the same as are all around the city.

Councilman Whittington stated he thinks the Planning Board, not on purpose, but because of lack of facts, did not point out to the Council that about 95% of all but one of these outdoor sign companies exceed 750 feet, that he is speaking of the outdoor identification signs. Councilman Dellinger stated the American Municipal Association and Outdoor Advertising Association give that information, it's on a national scope that these people build and construct these signs that they paint the different advertisements on. Councilman Whittington stated there are two outdoor advertising firms here, the majority of the signs of one are 300 sq. feet and the other company, who deals primarily in specialty signs, has 90% of their signs over 300 feet.

Councilman Dellinger stated that no advertising signs shall be located closer than 20 feet to the street right of way and Mayor Brookshire advised the Planning Commission recommends 50 feet. Councilman Dellinger stated it appears to him that they should be in line with the building setback line.


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Councilman Dellinger stated that these are all the questions he has.

Councilman Smith stated that a limitation was put on advertising signs from standard posters of 300 sq. feet and Councilman Dellinger now comes up with 750 feet. That the voting on the size of the advertising signs was mighty close and he would hate to have it gum up the works when the ordinance is presented for adoption and it have to be revised. Councilman Dellinger stated he does not mean to threaten the Council with this, and he is merely asking the Council to consider the change.

ADJOURNMENT.

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



Lillian R. Hoffman, City Clerk