

January 21, 1963  
Minute Book 42 - Page 418

SUBJECT

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 21, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Charlotte-Mecklenburg Planning Commission members present during the hearings on petitions for zoning classification changes were Mr. Sibley, Chairman, Mr. Hanks, Mr. Jones, Mr. Stone, Mr. Suddreth and Mr. Turner.

ABSENT: Mr. Eryin, Mr. Lakey, Mr. Toy and Mr. Ward.

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#### INVOCATION.

The invocation was given by the Reverend Mr. Stuart A. Ritchie, Pastor of Amity Presbyterian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Minutes of the last meeting on January 14, 1963, were approved as submitted.

#### HEARING ON PETITION NO. 63-1 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE SOUTH SIDE OF REECE ROAD, BEGINNING 320 FEET FROM PARK ROAD AND EXTENDING TO SUGAW CREEK.

The public hearing was held on Petition No. 63-1 by Godley Development Company, for change in zoning from R-6MF to R-6MFH of a tract of land on the south side of Reece Road, beginning 320 feet from Park Road and extending to Sugaw Creek.

The Planning Director advised the property is located off Park Road adjacent to the Park Road Shopping Center and comprises practically all of the property on the south side of Reece Road with the exception of a few lots close to Park Road, and the property in question is presently undeveloped. Across Reece Road from the property, it is developed residentially with a mixture of duplexes and multi-family houses. The Park Road School is located a short distance away.

Mr. Godley, Petitioner, advised he recently purchased the land, which consists of 5 acres and plans to put a five-story apartment building on it for middle aged people, and the present zoning permits the building of 96 units on the property; that their architect has designed the original unit of 65 apartments with a connecting link and elevators in the center and it is their hope that they can build another unit which would balance out the building, having 65 units on each side, making a total of 130 apartments; therefore, they are requesting the rezoning of the adjacent property for this purpose.

Mrs M. J. Coone advised they live on Reece Road at the dead-end of the street which is only two and a half blocks long, and she is concerned about

January 21, 1963  
Minute Book 42 - Page 419

the additional traffic and whether there will be another entrance? Mr. Godley advised they will connect up with the Park Road Center and the residents can come in and out through the Center Parking Lot.

Mr. C. D. Conner stated he lives on Reece Road and is concerned whether Mr. Godley will provide ample parking space for the apartment residents, as the street is narrow and parking is already a problem? Mr. McIntyre advised that Mr. Godley will have to have one and a fourth parking space per unit. Mr. Conner stated that he and four other residents of the street would like to know if Reece Road will be improved and if they will be assessed the cost? Mr. Godley advised that the curbing and extra paving is called for in their plans to be paid for by us. Mr. Conner then asked if there is any possibility of the City rezoning any other property in the area? Mr. McIntyre advised that no petitions have been filed with the Planning Commission for other rezoning of the area, that other than that he would have no way of knowing about it.

Council action was deferred for one week.

HEARING ON PETITION NO. 63-2 BY NORFOLK-SOUTHERN RAILWAY COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND EXTENDING FROM EAST 7TH STREET TO EAST 8TH STREET.

The scheduled hearing was held on Petition No. 63-2 by Norfolk-Southern Railway Company for change in zoning from B-3 to I-3 of tract of land extending from East 7th Street to East 8th Street, located between their tracks southeast of North College Street.

Mr. McIntyre, Planning Director, advised the tract of land is presently used for off-street parking; it adjoins the Norfolk & Southern and Southern Railways lines as they traverse the central area of the city and the property lies between 7th and 8th Streets. That the property is also adjacent to a variety of wholesaling and distribution establishments that are along the railroad tracks and intersecting streets, and the property is adjoined on all sides by B-3 zoning, which is the zoning prevailing throughout the general area.

Mr. William L. Woolard, attorney representing Norfolk & Southern Railway Company, introduced Mr. Henry Ochen, President of Norfolk & Southern Railway Company, and Mr. J. M. Dillard, Assistant to the President and Mr. E. C. Elliott, Vice-President of I. V. Sutphin Company and in charge of the Atlanta Zone. Mr. Woolard advised that the purpose of the petition is to ask approval of an investment totaling several hundred thousand dollars. That the property consisting of 1.11 acres, has been owned by the Railway Company for a number of years and they have been looking for a purchaser or tenant and have found a purchaser that will be a credit to the community and their investment will enhance the area and also benefit the public interest. That the I. V. Sutphin Company, a national corporation, engaged in the business of waste paper supplies has signed an option, to buy the property, providing they can erect a warehouse thereon and the option also provides that they must engage in the type business befitting the surroundings, which he will outline. That the Company that is engaged in the business of buying waste paper from their dealers, merchants and the public, wishes to erect a building in which their entire operation can be kept inside the building, free from clutter on the outside of the building, therefore they must build a warehouse of 34,000 square feet, which will front on 7th Street and go through the block to 8th Street, and they will have six openings on the side of the building so that trucks bringing in paper supplies may drive right into the building for unloading, where the paper will be baled and placed in the railroad cars on the spur tracks from the warehouse on the opposite side.

At the question of Councilman Dellinger as to the setback, Mr. Woolard advised on 7th Street the setback is 2 feet and on 8th Street there is a 25 foot setback. He advised that one of the purposes for asking for I-3 zoning is they have to have this amount of space for the warehouse and under the I-2 classification an additional 20 foot setback on 7th Street and 20 feet on 8th Street would be required which would not accommodate the size building desired. He advised they have gone over all of their plans with the Traffic Engineer and they meet his requirements as to traffic. That the area is presently zoned B-3 and before filing the petition they had an informal discussion with the Building Inspection Department about securing the building permit, and it was indicated that their type business would not be allowed in a B-3 zoned area which permits "wholesale sales with related storage and warehousing, entirely within enclosed buildings, excluding truck terminals". Mr. Woolard stated they still feel they are eligible under the B-3 requirements. However, it was pointed out that they also do baling, and maintain that baling is an "accessory use", but the Building Inspectors office indicated that the operation would come within the requirements of an I-2 or I-3 zoning classification, which they maintain is for scrap metal, scrap paper etc that is processed on the outside, and except for a fence, is exposed to the public view; that such zoning also includes the manufacture of paper products, cardboard, building board etc. which would be noisy and smelly with possibly chemicals and smoke involved in the operation. However, since under the informal ruling of the Building Inspection Department they are forced to seek Industrial zoning, they do so although they maintain the Company's operation is nothing more than "wholesale sales with related storage and warehousing, entirely within enclosed buildings" and the baling comes under the accessory uses for B-3 zoning.

Councilman Smith asked the City Attorney if this has been presented to him, and he replied it has not. Mr. Woolard stated after the informal opinion was given by the Building Inspection Department, they debated taking it up with the City Attorney but felt if they followed that path, and it were turned down, they would then have to start all over again, and so decided to file the petition for the I-3 zoning, for the reason that under I-2 zoning 19% of their total property would be taken over with setback.

He presented four photographs of the area, and pointed out that benefits will be accrued by the City in allowing a new, attractive building in this section of the downtown area, where some of the buildings are decayed, others vacant and this will be a first step toward eliminating the label of blighted area that may be creeping into the section. Too, the Norfolk Southern Railway Company has owned this property for a number of years, which has yielded at times no income and at other times insufficient income, and now a purchaser has been found who is desirable both to the Company and the City, a profitable freight shipping account can be realized by the Railway Company. Too, the Sutphin Company will have its interests served by relocating its existing business in Charlotte into attractive, efficient facilities.

Mr. Woolard presented a petition signed by business establishments within about one block distant of the property in question, urging that the request of the Railway Company for rezoning be approved.

Council decision was deferred one week.

Mr. Earl Crawford, Jr. representing the Downtown Charlotte Association, stated he is speaking out of strict concern for the development plan for the central part of the city; that the part of the petition he is concerned about is strictly the change from B-3 to I-3; that under the proviso of the

Zoning Ordinance read by Mr. Woolard this enables scrap metals, paper, rag storage, baling and processing and they understand once property is zoned it can be used for any permitted use under that zoning classification. That they feel certain the Railway Company and the Sutphin Company have every intention today of a good, clean operation, nevertheless at some future time once this is spot zoned it would become eligible for any other I-3 use. Also, they are concerned that there are other railroad properties in the area highly similar to this property and this would open the doors for others to seek similar changes. Too, this is just off College Street, which is the heaviest traveled one-way street in the city and only 1 1/2 blocks from our main street. He stated they are not opposed to Sutphin Company building a facility for handling scrap paper and feel certain that outside of the business district, which is only 7/10 of a square mile, there is a good location where they can build, and leave this property unhampered which has a great potential and is, in fact, on the point of a great investment.

Mr. Caldwell McDonald, representing the Downtown Charlotte Association, stated this request is purely in the middle of B-3 zoning, which means it is spot zoning and he asked if Council is going to spot zone this property what they are going to do all the way to Morehead Street? If such zoning is allowed all this way, then it will ruin the downtown portion of the city. He stated he is not worried about what happens inside the building that is contemplated, but the thing to be considered is broken down trucks and hand-carts bringing in scrap paper, with the wind blowing it all over the place. That we are in the midst of a beautification program, and this will not help in any manner. He stated he thinks the Planning Board was wise in placing scrap paper handling in Industrial areas, and there are present persons who own property in the area and who/it will hurt their property, and he believes Council will take this into consideration.

Mr. Sid Abernethy, President of the Downtown Charlotte Association, stated he is here to lend his moral support in protesting the change of zoning from B-3 to I-3 and thinks it would be to the detriment of the downtown area, and he hopes Council will not permit it.

Mr. Stuart Elliott, representing the owners of the property at 8th and College Streets, Wells Fargo and the ABC Store, stated he believes this rezoning will be a great disservice to their property which they feel has been developed in a very fine manner and he does not believe Wells Fargo and the ABC Store would renew their present leases if this spot zoning and noxious usage is allowed on this property.

Mr. Clarence Beeson, Southern Bearings & Parts Company, stated they have an operation just across from the property in question and have an investment of some \$20,000, and he, personally, owns a lot across the street now used for company parking which backs up to Wells Fargo and the ABC Store. He stated that he has looked into this zoning and is opposed to it and thinks it would be detrimental to the whole area and feels it is spot zoning and does not like spot zoning anywhere and especially they do not want I-3 zoning in the neighborhood. That they have a nice building that is a credit to the area and are opposed to this zoning change.

Mr. Maurice Weinstein, Counselor for the Barringer Hotel, advised the Company that owns the hotel has planned to erect a convention hall that would seat 1,200 people to be located immediately adjacent to and behind the Barringer Hotel running along 8th Street with the rear of the convention hall along College Street, that the back of the Hall will be a little over 200 feet from where the proposed paper waste warehouse is to be located. That it is the hopes of the Hotel people that within a while the convention

hall will be put out to contract and other improvements are planned to the hotel from Tryon Street at the side of the hotel going back to College Street. His clients feel that this type of endeavor so close at hand, with the streets adjacent to the convention hall being so narrow that a paper warehouse will be such that will attract carts, wagons, trucks, carrying all kinds of odds and ends of paper that will litter the streets at the rear and side of the convention hall. That their chief concern is the future. That there have already been booked conventions for 1964 and 1965 of a kind that Charlotte has never had before because facilities were not sufficient; that they envision the possibility that the area within 250 feet to the rear of the convention hall could be converted into the kind of industry that would throw fumes that could be very detrimental to what they think will play a large part in the growth of the city in days to come. That he says this with great respect for two very fine companies, Norfolk & Southern Railway and The Sutphin Company, and hopes all hands will be joined with the Companies to find another location that will be suitable.

Mr. Hunter Jones, attorney, referred to a question as to whether the company could use part of the railroad's industrial park out beyond the city, and stated that he talked with Mr. Elliott, who says that is too far out. Secondly, he believes wherever you have a waste paper warehouse you will have the same amount of trucks and carts on the streets; there is a warehouse on South Cedar Street and the Chesapeake Paper Company on West Trade Street, and we should have an ordinance preventing people from dropping paper on the street and not say that it cannot be done just near the location of a paper company. Thirdly, someone said that if the property is zoned I-3 the use now intended might be changed which is theoretically so but these people have made their plans and as practical men about what they are going to do. If 20 years from now something happened to cause them or some other owner to want to use the property for something else, it should be fixed so that the property can be used only for the purpose for which the petition is made. That they feel the proposed business will be good for the city and something projected into the future should not stand in the way of it and there should be some way to satisfy the Council and Planning Board that no change is anticipated in the future. That they will do anything they can within the law to satisfy the City. Mr. Jones stated further he wished they had the opinion of the City Attorney and if he could go into it before Council makes its decision and if he agrees with the petitioner on the construction, then it might not be necessary for him to go further into the matter.

Mr. Elliott, Vice-President of the Sutphin Company, advised they have never handled anything but waste paper and new pulp for paper mill supplies and this would be strictly a waste paper operation. That the main reason for trying to get space of the correct size on the Norfolk-Southern is they want to put everything under one roof as far as the loading and unloading is concerned. That there is only one objection he can possibly see and that is the trucks and carts bringing in the waste paper but they are buying from them now at their present location and most of them collect from the downtown area anyway. However, the Company does everything possible to see that the paper is covered so it will not blow over the streets, as they too are interested in keeping the city clean. That they have warehouses in eight cities in the south and have been able for this not to be a nuisance.

Mayor Brookshire told Mr. Ochen and Mr. Dillard of the Norfolk & Southern Railway we are glad to have them visit in Charlotte and he can assure them that the petition will be studied carefully and perhaps this hearing has given them some idea of the problems involved, that the City is not only interested in bringing new industry in but is interested in helping home grown industry which we have here now to grow and prosper, at the same time we are interested in the orderly growth of our city.

CHAMBER OF COMMERCE INDUSTRIAL COMMITTEE REQUESTS ANNUAL APPROPRIATION OF \$30,000 FOR THREE YEARS FOR NATIONAL ADVERTISING CAMPAIGN FOR NEW INDUSTRY FOR CITY AND COUNTY.

Mr. J. E. Burnside, President of the Chamber of Commerce, spoke as Chairman of the Industrial Study Committee, composed of Mr. Joe H. Robinson, Mr. Carl G. McCraw, Mr. Wm. B. McGuire, Mr. Buell G. Duncan, Mr. C. W. Gilchrist, and Mr. Patrick N. Calhoun, who were present and in summary stated they are appearing in regard to the problem of the industrial growth of our city, which subject has been under consideration of the Committee for the past six months. That they looked at Charlotte and found we are not doing as much as we should and, in fact, the Chamber of Commerce today is spending proportionately the same amount of its budget on industrial work as it did 10 years ago, caused by limitation of financial support. That they found that 19 counties in North Carolina are sponsoring joint Chamber of Commerce - Government programs to attract new industry, and they are appearing before the Council to day to try to do something about it. That Charlotte ranks 59th in the nation and we are committed by plans laid by both government and business, to a policy of continued growth, and while significant gains have been shown in many areas, the attraction of new industries is one area in which our potential has not been realized. We now rank fourth in the State in number of industrial jobs, Guilford County ranks first, Forsythe second and Gaston third. Under present programs, the Chamber of Commerce is leading the hunt for industry for Mecklenburg County and Charlotte wholly without government participation, spending \$36,000 annually toward this project, while Gaston County is spending \$22,000 and Stanley County \$30,000, and their money is coming tdtally from government funds. That if Mecklenburg County spent as much public money per capita as Stanley, for example, the government would invest \$199,648.00 annually in the search for new industries. That the Chamber of Commerce is no longer able to do the job alone that must be done for Charlotte, and they feel the time has come to ask for help.

Mr. Burnside stated the Chamber proposes that the City and County join the Chamber in financing a modern, aggressive advertising campaign as a key tool in selling Charlotte to the nation's industrial leaders as a site for growth and expansion and location of new plants. He stated they presented their request and plan this morning to the County Commissioners. That an advertising campaign is anticipated in national business publications reaching 75% of the nation's 500 largest firms; the Ads to be vivid, distinctive, and of high quality and will produce for Charlotte a fine image across the nation. To inaugurate this program, the City and County are each asked to invest \$30,000 annually for a three-year period, which will give the Chamber of Commerce \$60,000 to use for this mass media advertising program.

He called attention that both the City and County are committing themselves to capital expenditures and expansion of services based on a "pay-as-you-go" finance system, which depends upon steadily increasing property values to bear the cost; if, as a result of failure to increase property values through industrial expansion, these plans fall through, the cost can be extremely high for our present property owners who must pay the cost of these services.

He advised that the Chamber of Commerce will raise \$24,000 from its membership to increase the present \$36,000 budget for industry search to a total of \$60,000, thus matching the City and County investment, giving an annual total amount of \$120,000 for use in the project to locate and win industrial firms for Charlotte and the County.

He stated they have chosen to call this the Big Project, which involves three main elements, a national advertising campaign, increased activity in the Chamber's Industrial Department and the establishment of a Research Department.

Mayor Brookshire thanked Mr. Burnside and the Committee members for coming down and stated their request will be taken under consideration by the Council.

CITY MANAGER REQUESTED TO BRING RECOMMENDATIONS TO COUNCIL AS TO THE BEST MANNER IN WHICH THE CITY MAY PROCEED IN THE CONTROL OF INFESTATION OF THE BEETLE IN PINE TREES.

Mr. J. J. Delaney called attention to the beetle that has attacked pine trees in Mecklenburg County, with hundreds of trees having already been lost; he stated the Forestry people say that the area between Pineville and Providence Roads is probably the worse case of infestation that has taken place in any portion of the United States. That the Forestry Department has sent Mr. H. J. Green, State Pest Control Forester, here to tell Council about the situation and to ask for assistance in the matter; that Mr. Tex Kunselman is also here, who is the Forester in charge of the operation, as we do not have a Forester for Mecklenburg County. That the Federal Government has also sent in their men, entomologists and other experts in this field. That one of the most effective manners to combat this menace is by burning the infested trees and it is a violation of the smoke control law to burn trees in Charlotte and the perimeter area; that infested trees cannot be carted to other parts of the county for disposal. Mr. Delaney advised further that the developers of subdivisions are cooperating wholeheartedly with the Foresters and have crews cutting trees, John Crosland, Goodyear, Ervin and the other developers are trying to take care of their own problem, which is serious. Removing the trees from one infested area is not sufficient, it must be done as an overall job throughout the county. That there are only two months time before the beetle starts on its travel cycle again.

Mr. Green advised he is a Pest Control Forester with the State Department of Conservation and Development, and he stated the beetle has now spread from Virginia to Texas; in North Carolina it is involved in twelve counties, and one of the two main centers of infestation is in the City of Charlotte and spreads out into Mecklenburg County, the other main center being in the northern part of Davidson County. That in late summer, they made an aerial survey of Mecklenburg County and located approximately 200 spots of the beetle outbreak, ranging in size from a few trees to 20 acres. Since they have become involved in the program they find their estimate was very conservative and there are probably twice that many insect outbreaks in the county now, and approximately one-half of these are within the City of Charlotte. He advised they normally do not have an employee working in Mecklenburg County, if they did have he would be a forester and not normally work in Charlotte, as they are concerned mainly with forest trees and not shade trees.

Mr. Green advised further the State has a forest pest control law which gives the State Forester the responsibility and authority to take certain measures as he feels are necessary and has financial resources to take care of. When the pest is found to be involved in street or shade trees he also has the authority to become involved with those if such trees are a threat to nearby forest trees. This part is an authority but not a responsibility under the law because the Forestry Department is concerned with forests and not shade trees, which one has in the city. He stated they are, however, doing what they are able to do in the City of Charlotte and have the Mecklenburg County area divided into three zones, with a full-time man operating in each of these zones to locate the beetle spots, contact the land owner

and arrange with him to take some measure or in some cases we will do so. The funds made available for this work cannot possibly cover the job to take care of cutting and removing each individual tree, if it were done in this manner it would cost over a million dollars, and they had less than \$100,000 appropriated for the 12 infested counties. Therefore, the only possible chance they had to make any impact whatsoever in the overall program is to base their whole operation on a salvage effort whereby all of the trees will be cut and felled and carried out and used by the pulp industry and lumber companies or some other wood-using industry.

Mr. Green suggested two things - first, that each property owner who has this problem should have someone he could call upon to give him the know-how to take care of his situation. Secondly, that someone should take positive action, be it the land-owner or some governmental organization, someone who will have authority to have these infested trees disposed of. Councilman Dellinger asked if Mr. George Hobson, the County Farm Agent, is qualified in both instances? Mr. Green stated that he is qualified to give technical information. That they have three men, who have been borrowed from surrounding Counties, and they are here at a loss to these counties. Therefore, they need some help as they cannot get around with the facilities they have. They will continue working with these three men but with their load throughout the other counties they do not feel that they can concentrate any more effort on a city area where they do not have a direct responsibility.

Councilman Dellinger stated he understands some property owners have been able to cut their trees and salvage the pulp wood and move it out but have been unable to remove the brush. He asked the City Attorney if we could not relax our ordinance so these people can burn this brush? The City Attorney replied it seems to him the existence of this menace constitutes a sufficient emergency so that the Council could, by ordinance, waive the requirements of the Air Pollution Ordinance as to the burning for that purpose.

Councilman Dellinger suggested that the Council have Mr. Morrissey draw such ordinance and in doing so see that it is properly supervised and not abused other than in hardship cases.

The City Manager asked Mr. Green what kind of help he wants? Mr. Green stated the overall problem is such that they cannot become very much involved in the City of Charlotte as there is a tremendous problem here and some action should be taken to designate someone to see that proper action is taken in the City of Charlotte. Mr. Veeder asked Mr. Green if he is suggesting legislation on the part of the Council toward the end of making sure that the owners of property inside the city take action? Mr. Green stated he is not saying that - he is saying that he personally feels that the City itself should employ at least one individual who could help service this problem within the city and they would train him. That in the cities in the northeast where the dutch elm disease has been a problem the cities have gone so far as to actually remove and treat trees.

Councilman Bryant suggested that Council ask Mr. Veeder to bring Council a recommendation next week as to the best way they can control the problem. That he thinks we should thank these Foresters for coming to us and suggests that the two newspapers publish occasionally their recommendations as to what to do.

Mr. Delaney stated he would suggest for consideration that there may be an area here in which the Council could recommend to the County that the problem might receive attention by them also since so much of the infestation en masse is outside of the city limits.



IMPROVEMENTS TO CINDERELLA ROAD, FROM SUGAW CREEK TO YUMA STREET, AUTHORIZED PAID FOR ON BASIS OF ONE-THIRD BY E. J. RUST, ONE-THIRD BY GEORGE GOODYEAR AND REMAINDER BY CITY.

Mr. John D. Shaw, Attorney for Mr. E. J. Rust who is opposing the petition for local improvements on Cinderella Road, from Sugaw Creek Road to Yuma Street, on an assessment basis against the abutting property owners, advised he understands the City Manager has approached Mr. George Goodyear, one of the petitioners, relative to a compromise in the assessment and that he is not interested. He stated he denies that over 50% of the frontage has signed the petition; that 125 feet on the corner of Cinderella Road and Sugaw Creek which was sold by Mr. Goodyear to the Gasoline Company was one of the signers, Mr. Goodyear and then Mr. Beachum who is inside Hidden Valley. That Mr. Goodyear under the subdivision plan is obligated to pave the streets in Hidden Valley. He pointed out on the map of Hidden Valley that the property line is at angle and Goodyear would be paving at an angle; that Mr. Rust owns more than 50% of the frontage and lives at the corner of Sugaw Creek Road and Cinderella Road, and across from his property is the Filling Station, and it is their supposition that Mr. Goodyear sold the property to the Gasoline people with the understanding he would do this paving on Cinderella Road. That when Mr. Goodyear submitted his preliminary plans to the Planning Commission Cinderella Road, which was called something else, was a 40 ft. street and he was required to show it on his plan as a 60 foot street as it was apparent it would be a secondary road. That they feel that Goodyear developed Hidden Valley and that is what caused this trouble.

The City Manager stated that at Council's request he met with Mr. Goodyear last week and discussed this problem at length and told him there was opposition to the improvement as initiated by the petition and attempted to explain to him the opposition as presented by Mr. Shaw. Mr. Goodyear in turn commented some of his reasoning - he takes the position that he has initiated the petition and perhaps, in his judgment, has gone more than half way on it already, and points out that prior to his involvement with this area there was no water available to serve the frontage on the other side of the street; that he alone widened the street to 60 feet by dedicating the additional feet off of his ownership side; that he has put in the curb and gutter on his side already and under the terms of the petition assessment process he would also be participating in the cost of the curb and gutter on the other side of the street. Mr. Veeder stated he believes that Mr. Goodyear commented that he was under no form of obligation as it relates to the corner where the gasoline station is located as to putting in paving. That he takes the viewpoint that he approached the paving of the street on a reasonable basis of petition assessment form and that it should proceed on this basis. Mr. Veeder stated he would comment along these lines - that Mr. Shaw takes the position that the petition as presently drawn does not constitute 50% of the abutting property, this objection could be removed. That he is sure Mr. Shaw is award of this and the work could proceed on the basis of a minimum of 25% of the abutting property being represented on a petition, which would require another advertisement and a hearing; but in effect the technicality as to the percentage represented for or against the petition, if Council wished to proceed on the basis that there was substantially 50% they could proceed with a minimum of 25%.

Councilman Dellinger asked who originated the petition, that Mr. Goodyear stated in a letter he had from him that the City did. Mr. Veeder advised that this approach was suggested to Mr. Goodyear as a way of getting the street paved. Mr. Bobo, Administrative Assistant, advised that Mr. Thrower and Mr. Whittington both asked him to look into getting the street improved as the citizens in Hidden Valley were complaining about the condition of the

January 21, 1963  
Minute Book 42 - Page 427

street. He asked the Engineering Department to check into it and he also talked with Mr. Goodyear about improving it and Mr. Goodyear was agreeable to signing a petition, but he had no interest in improving it; that through the Engineering Department he contacted the other property owners about improving the street through petition assessment, otherwise there was no other approach. That checking into the Subdivision Ordinance they found that Mr. Goodyear was not obligated to improve the street as it was a dedicated right-of-way and not within the Subdivision regulations, and Mr. Goodyear is not asking the Planning Board to approve the street or any part of the plan for this block.

Councilman Dellinger asked if Mr. Rust has ever spent any money on the street, and Mr. Shaw advised he gave the original 40 feet. Mr. Rust stated there were 460 feet frontage that was included in the property that was sold to Mr. Goodyear and at the time he sold it to him there were restrictions on it for residential purposes only, however, through an oversight on the part of his attorney and himself and his son, Mr. Goodyear removed the front section that is involved here now from the entire project and called the rest of it Hidden Valley. Mr. Goodyear bought the entire frontage and the street is entirely on his property, he gave the entire 60 feet from his property.

Councilman Smith asked if Mr. Rust is willing to pay anything? Mr. Shaw stated he will pay \$1,000.00. Councilman Whittington asked what the cost estimate is, and the City Manager replied that it is \$7,355.00 plus the city's part at the intersections. Councilman Whittington asked the City Manager if Mr. Beachum would be willing to pay his part? Mr. Veeder stated that is not what Mr. Shaw is questioning, he is questioning how you compute what constitutes 50%, and Mr. Veeder suggested regardless of who has the 50 plus percentage the situation can be handled, if the Council wishes, eliminating this argument.

Mr. Whittington stated to Mr. Shaw that he feels in this case that Mr. Goodyear has been fair and trying to cooperate with the city and in developing this area out there, he has gotten the water line in and given an extra 20 feet. Mr. Shaw stated the water was up Sugaw Creek Road already, it came off the Concord Road Water Company's line. Councilman Smith stated the main reason we are making the improvement is for the people who live back in Hidden Valley and he is sure it will improve Mr. Rust's property and Mr. Goodyear's property along this road. He asked the City Manager if there is any way that the Council can resolve the matter on an equitable basis and let the city pay some share of the cost? Mr. Veeder stated that anything the Council wishes can certainly be worked out and he would suggest the advantages that would accrue to abutting property owners are certainly equal to the cost of the assessment. Mr. Shaw grants there is an advantage to his client by being willing to compromise but he, personally, thinks there is merit to Mr. Goodyear's position based on the things he has done already that have appreciated the value to Mr. Shaw's client. Mr. Rust stated he would like to say this property was zoned for Business during his absence living in Atlanta and he had no notice of any kind and he suddenly woke up to find that not only the frontage above him but also the next two properties were zoned Business up toward the Concord Highway back 300 feet and then he learned that Mr. Goodyear had 700 feet. That he had intended to build a home up on his hill but he could not do it and now does not want to with business across the street. After he learned about this he came up and asked for and it was granted 500 feet for Business and a buffer zone.

Councilman Whittington stated he thinks there are two things facing Council, one is that we pass this resolution to go on with the improvement or close this street along Sugaw Creek and down Yuma, doing either one we will be

through with the problem and he thinks the people in Hidden Valley should be protected and any way you look at the street from Yuma to Sugaw Creek Road it is a collector street and where the responsibility falls he doesn't know but he thinks this street should be fixed. Mr. Veeder stated this street would qualify as a collector street but we have a valid petition to make the improvement on an assessment basis. Mr. Rust stated he would be happy to pay for curb and gutter at \$1.50 per foot, which would not exceed \$1,200.00. Councilman Whittington called attention that Mr. Goodyear has paid for curb and gutter on his side and Mr. Rust says he will pay \$1.50 for curb and gutter on his side, as a compromise, it seems to be good business on any street to work a three-way compromise such as this and he asked if the City could then do the paving? Mr. Veeder stated if the Council authorizes it - that his opinion is the way to improve the street to a first class facility is to proceed on the petition assessment basis as initiated, that he thinks this is the best way to get a first class street. If this is not feasible in the opinion of the Council, then the next best thing to do is as is being suggested here. Mr. Rust stated he would like to know about storm and sanitary sewers, if they go in with the street? Councilman Smith stated that Mr. Goodyear has already put curb and gutter on his side, and Mr. Rust is offering to put curb and gutter on his side, then if we paved it as a collector street, why can't we go ahead and do that under the petition already set up? Mr. Veeder stated he does not have a cost breakdown on the storm drainage and the paving and curb and gutter, but can get it within a few minutes.

Mr. Bobo secured the information and stated the cost to the property owners for 710 ft. of curb and gutter on the south side estimated cost \$1.60 equals \$1,135.00; 50 feet of 15 inch storm drain at \$3.50 equals \$175.00; 80 feet of pipe at \$6.00 equals \$480.00; 4 catch basins at \$150.00 equals \$600.00; 1,870 square yards of 4 inch stone at \$1.15 equals \$2,150.50; 1,870 square yards of 1½ inch plant mix asphalt at \$0.85 equals \$1,589.50, totaling \$5,989.00. The additional cost for storm drainage pipe and pavement at the intersections, which the City will bear, equals \$338.30.

Mr. Veeder stated the curb and gutter estimated cost is \$1,135.00, and proceeding on the assessment basis the cost to each of the parties would be between \$3,000.00 and \$3,300.00. If we paid \$1,135.00 and proceeded to pay for the balance of it on the basis that was originally set the cost to the City would be an estimated \$4,800.00.

Councilman Smith moved that if Mr. Rust and Mr. Goodyear will each pay \$2,000.00 then the City will pay the balance and settle the matter. The motion was seconded by Councilman Whittington.

Mr. Veeder stated it can be assumed that Mr. Goodyear will be willing to do this, as it will cost him less than the straight petition assessment.

Councilman Thrower stated he wants the street improved but thinks we are getting into a matter of principal and setting a precedent. Mr. Goodyear has paid more than his proportionate part and is willing to go ahead and get the job done. That he does not think the Council should take taxpayers money and go out there and fix the street and turn it over to the city for permanent city maintenance. That the road was made a collector road by virtue of the profit realized by the two people and he does not think he can vote for the motion.

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

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

CONSTRUCTION OF SANITARY SEWER MAIN IN DALLAS AVENUE AUTHORIZED.

Councilman Dellinger moved approval of the construction of 512-feet of sanitary sewer main in Dallas Avenue, inside the city limits, at the request of Ed Griffin Development Company, at an estimated cost of \$1,630.00. All cost to be borne by the applicant, who has deposited the entire amount of the cost which is not refundable, as the property is already served by sewer. The motion was seconded by Councilman Whittington, and unanimously carried.

LEASE OF AIRPORT BUILDING NO. 67 AUTHORIZED TO REID HAYDEN, INC.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, lease was authorized to Reid Hayden, Inc, of Airport Building #67, containing 3,250 square feet of space, for a term of one year beginning January 1, 1963, at a monthly rental of \$80.00 to be used for storage of insulating materials used by the Lessee.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON FEBRUARY 18TH ON PETITIONS FOR ZONING CLASSIFICATIONS AND THE PUBLICATION OF NOTICE THEREOF, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Thrower, and unanimously carried, a Resolution Providing for Public Hearings on February 18th on Petitions Numbered 63-3 through 63-11 and the Publication of Notice thereof, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 260.

ISSUANCE OF SPECIAL OFFICER PERMITS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authorizing the issuance of a Special Officer Permit to Mr. Marvin H. Broadway and Mr. Henry F. Maness, Jr., for use on the premises of Perfecting Service Company, 332 Atando Avenue, and the renewal of Permit to Mr. W. T. Alexander for use on the premises of Charlotte Memorial Hospital.

CONTRACT AWARDED C. D. SPANGLER CONSTRUCTION COMPANY FOR CONSTRUCTION OF SANITARY SEWER TRUNKS AND MAINS IN WILKINSON BOULEVARD AREA.

Councilman Dellinger moved the award of contract to the low bidder, C. D. Spangler Construction Company, for the construction of Sanitary Sewer Trunks and Mains in Wilkinson Boulevard area, as specified, on a unit price basis, at their bid price of \$103,462.25. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

C. D. Spangler Construction Co.	\$ 103,462.25
D. W. Flowe & Son, Inc.	119,379.00
Ray D. Lowder, Inc.	120,666.00
A. P. White & Associates	122,410.65
C. W. Gallant, Inc.	129,421.00
C. M. Allen & Company	129,345.45
Boyd & Goforth, Inc.	130,351.14
Arrow, Inc.	136,737.00

## CONTRACT AWARDED ALLISON FENCE COMPANY FOR CHAIN LINK FENCE.

Upon motion of Councilman Thrower, seconded by Councilman Bryant, and un-animously carried, contract was awarded the low bidder, Allison Fence Company, for furnishing and installing 825 feet of Chain Link Fence and one gate, and repairing 470 feet of existing fence and one gate, at their bid price of \$1,229.73.

The following bids were received:

Allison Fence Company	\$ 1,229.73
Anchor Fence Company	1,299.00
Cyclone Fence Company	1,374.00
Charlotte Fence Company	1,756.11

## CONTRACT AWARDED BOWERS BATTERY &amp; SPARK PLUG COMPANY FOR BATTERIES.

Motion was made by Councilman Jordan, seconded by Councilman Dellinger, and unanimously carried, awarding contract to the low bidder, Bowers Battery & Spark Plug Company, for 370 wet batteries, as specified, on a unit price basis, at their bid price of \$4,492.92.

The following bids were received:

Bowers Battery & Spark Plug Co.	\$ 4,492.92
Tull Oil Company	4,692.19
Battery Service Company	5,142.62
Dayton Tire Sales Company	5,379.39
Carolina Auto Supply House, Inc.	5,984.85
International Harvester Company	6,133.58

## NOMINATION OF JOHN H. SPURRIER TO FILL VACANCY ON ZONING BOARD OF ADJUSTMENT TO BE HELD OPEN ONE WEEK.

Councilman Dellinger nominated Mr. John H. Spurrier for reappointment to the Zoning Board of Adjustment. The nomination was left open for one week.

## NOMINATION OF W. T. COVINGTON TO FILL VACANCY ON FIREMEN'S RELIEF FUND BOARD OF TRUSTEES TO BE HELD OPEN ONE WEEK.

Councilman Smith nominated Mr. W. T. Covington for reappointment to the Firemen's Relief Fund Board of Trustees. The nomination was left open for one week.

## REQUEST BY ALBERT PEARSON THAT COUNCIL ASK STATE REPRESENTATIVES TO HAVE ENACTED LAWS ENABLING CHARLOTTE TO HAVE PARTISAN CITY ELECTIONS.

Mr. Albert Pearson stated he would like to take opposition to the request of the Industrial Committee of the Chamber of Commerce for an appropriation to aid in securing new industries for Charlotte, as it points up the lack of leadership on the part of the City Council and County Commissioners who are elected by the people to run the business of the City and County and not the Chamber of Commerce. He stated he has no objections to the Chamber of Commerce but when you talk about turning \$60,000 over to the Chamber to use as they see fit, he is against it, and he feels that the Council and Commissioners are interested in securing new industry and are willing to serve on any Committee appointed by the Mayor for this purpose instead of going through the Chamber of Commerce. He suggested that if

the Council wants to turn the \$60,000 over to someone who is really interested in the City, then turn it over to the CIO Industrial Group, it is just as logical, and they are just as interested in improving the city. Mayor Brookshire stated we have not had any request from them.

He stated, however, his purpose in coming down today was to request the Mayor and City Council to request our State Representatives to have enacted the necessary laws enabling Charlotte to have partisan city elections. That one of his reasons is he hopes to make an issue out of it among the Council candidates as to which is the best form of government, but not especially as a candidate; also he does not believe we have had non-partisan city elections and he doesn't believe anyone here thinks we have. That we have had partisan elections by substituting the two party system for the Better Government Group, the NAACP, the Labor Union. That there is no such thing as non-partisan election, and we do not have a good two-party system, but we have the newspapers and the question really should be brought out in the open, is the two-party system good or not? If so, why don't we have it.

CITY ATTORNEY ADVISES HAS NO REPORT ON THE ICE CREAM TRUCK MATTER AS SUPREME COURT HAS NOT HANDED DOWN A DECISION IN THE RALEIGH CASE.

Councilman Albea asked the City Attorney if he has a report on the Ice Cream Truck matter, and Mr. Morrissey replied he wrote to the City Attorney of Raleigh on Mr Albea's behalf and asked him to please keep him informed since the arguments were held in the case in October, however, in the last draft of decisions the Court handed down, this was not among them, so we are still waiting on the Supreme Court to hand it down.

APPROVAL OF APPLICATION OF DONALD W. STAHL FOR PRIVATE DETECTIVE LICENSE.

Upon motion of Councilman Jordan, seconded by Councilman Bryant, and un-animously carried, the application of Mr. Donald W. Stahl for a private detective license was approved as recommended by the City Manager.

REQUEST THAT THE NAME OF EDGEHILL ROAD SOUTH BE CHANGED TO HULL LANE REFERR-ED TO CITY MANAGER.

Mayor Brookshire advised he has received a letter from Dr. Robert Hull re-ferring to the City's proposal to change the name of Edgehill Road, South as it is a duplicated street name, and stating this meets with his approval, and suggesting that as the only residences on the street are those of his brother, Dr. P. C. Hull, Jr., and himself and the vacant lot adjoining his brother's property owned by their father, and since they have lived on the street all their lives, they would like the name changed to Hull Lane. The Mayor stated the request will be given to the City Manager for proper processing with similar requests.

ADJOURNMENT.

Upon motion of Councilman Smith, seconded by Councilman Jordan, and un-animously carried, the meeting was adjourned.

  
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Lillian R. Hoffman, City Clerk