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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, March 18, 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 changes in zoning classifications were Mr. Sibley, Chairman, Mr. Hanks, Mr. Lakey, Mr. Stone, Mr. Turner and Mr. Ward.

ABSENT: Mr. Ervin, Mr. Jones, Mr. Suddreth and Mr. Toy.

\* \* \* \* \*

INVOCATION.

The invocation was given by the Reverend K. Melvin Taylor, Pastor of Clinton Metropolitan A.M.E. Zion Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on March 11th were approved as submitted.

HEARING ON PETITION NO. 63-12 FOR CHANGE IN ZONING OF FOUR LOTS FRONTING ON SOUTHEAST SIDE OF GARDEN TERRACE.

The scheduled hearing was held on Petition No. 63-12 by George Goodyear Company, for a change in zoning from R-6MF to R-6MFH of four lots fronting 200 feet on the southeast side of Garden Terrace beginning approximately 350 feet from East Boulevard.

The Planning Director stated the property is located on Garden Terrace, between East Boulevard and Memorial Hospital, and is vacant, and adjoined on both sides by duplexes, and single family developments are directly across the street, and the Health Center property is located at the rear of the property. There are office establishments on Garden Terrace in the vicinity of the property. The property is adjoined on all sides by R-6MF zoning.

Mr. Kenneth A. Griffin, Attorney for the petitioner, stated in this particular classification he would like to call attention that Mr. McIntyre said that the property is unimproved and the deeds of the district will show that the balance of the property is improved, and the reason for this is economical. That if you take the first ten steps on the front of these four lots you are alright but the next step is liable to send you down about 40 to 50 feet. That in developing this property in this particular area where you have the demand by reason of the growing health center, the Hospital, Doctors Building, there is a need for multiple dwellings in the vicinity. Mr. Griffin presented a plat of the proposed utilization of the property, with a picnic area and swimming pool to buffer off the health center; he called attention to the off-street parking area. To make their development economical, they must have

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enough units there to fill the gully, which it really is, which can be utilized and give sufficient housing to serve the needs of the area. He advised the building will be one story and the roof of the next story would be actually below the ground level, and the lot could be used to the maximum of 35 units allowed under the R-6MFH classification.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 63-13 FOR CHANGE IN ZONING OF LOT ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, APPROXIMATELY 400 FEET WEST OF TODDVILLE ROAD.

The public hearing was held on Petition No. 63-13 by Reginald L. Laye, for change in zoning from R-12 to R-9MF of a lot 100 ft. x 300 ft. on the south side of Tuckaseege Road, about 400 feet west of Toddville Road.

Mr. McIntyre, Planning Director, advised this property consists of one vacant lot on the north side of Tuckaseege Road, a short distance from Interstate 85. The lot is adjoined on one side by single-family houses and on the other by duplexes, that generally speaking there are single-family residences in the area. That the property is adjoined at the rear and across Tuckaseege by multi-family zoning.

Mr. Laye, the petitioner, advised he is a Teacher at West Mecklenburg High School and would like to build a duplex on the lot, as there are not many units of this type in this area and it would be of benefit to not only the school but also to himself in future years.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-14 FOR CHANGE IN ZONING OF FOUR LOTS FRONTING ON WEST SIDE OF OAKDALE ROAD BEGINNING 75 FEET SOUTH OF CORA STREET AND EXTENDING BACK TO RONALD STREET.

The schedule hearing was held on Petition No. 63-14 by W. Lewis and Eldora T. Byrum and Wm. H. Hollingsworth, for change in zoning from R-9 to B-1 of four lots fronting 150 feet on the west side of Oakdale Road, beginning 75 ft. south of Cora Street and extending back to Ronald Street.

The Planning Director stated the petition covers four lots, two of which are vacant and two developed with single-family residences. The petition involves property on Oakdale Road which can be described as the center of the Oakdale Community in the northern part of the perimeter area, and the Oakdale Elementary School is located adjacent to the property; that between the property in question and the School there is a fairly large Grocery Store at the corner of Cora and Oakdale; diagonally across Oakdale and Cora Avenue there are both residential and commercial developments; on Cora Ave. there is a repair garage and three other small businesses. Behind the property on Ronald Street the property is vacant, and further down there are about three residential structures. The property is adjoined on one side by single-family zoning which extends down Oakdale Road to the property in question and is adjoined on the Cora Avenue side by business zoning, and diagonally across from the property the zoning is for business.

Mr. Charles Henderson, Attorney for the petitioner, stated as a matter of history, the property in question has been used as a community center since 1922 when Mr. W. P. Taylor opened his general store in the Oakdale Community,

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and at that time there were only a Woodman of the World building and one small retail store there. Later Mr. Taylor bought additional property and enlarged the store and that is the store referred to by Mr. McIntyre at the corner of Cora and Oakdale Road, but it was built right on the street, as buildings were constructed in those days. That the needs of the community have changed and the thing that has brought their proposition to a head is the fact that in the Oakdale School there is a great need for library facilities and there have been meetings of representatives of the School and representatives of the Library Board for a good many months, and because of the fact that Mr & Mrs Byrum, who is the daughter of Mr & Mrs Taylor, had land that was available, they were asked if they would do something about putting in a Library facility, and it has gone along to the point that he has the signature of Mr. Hoyt Galvin, Director of the Public Library, on the top of a contract, in this connection. So, when they talked with an architect about putting up a building on the rear of the property that would be suitable for the Library, the question came up about parking. That they could erect the Library on this property but it would require some expensive grading, because of a drop-off between Oakdale Road and where the Library would be. So in order that it might fit in, it was thought best that the Library and some of the other shops that belong to the same people that are now cluttering up the community, be put back behind a parking area and made into a relatively small community center with parking in the front, and the general store be moved back also. He presented an architect's plan, showing the Library situated at one end of the center, followed by the stores. Mr. Henderson stated it is two miles to any other shopping facility and to a large shopping center you go 3½ to 5 miles from this area. That Mr & Mrs Byrum live directly across the street and have talked with the neighbors and explained the proposal to them and found there was a desire to get the center started and a great many of them have signed a document to that effect, which he did not file with the City Clerk. Mr. Henderson also presented the ground layout showing the parking spaces and the number of stores that would be erected, all of which would not be constructed at this time. He asked that the group endorsing their request to stand and stated they urge the Council to approve the rezoning so that the plans may become a reality.

Mr. James Caldwell, Attorney, appeared in behalf of the opposition to the reclassification of the property. He presented a petition, stating it contains some 48 names, which includes the abutting property owners and many others in the immediate vicinity. He advised the property in question was part of a subdivision developed by the same family now requesting the change; that lots in the subdivision were sold to people upon the express representation at the time they were sold that the developer was making this the Myers Park of Oakdale and it was upon this representation and the uniform restricted covenants placed in the deeds that induced these people to buy there and induced them to pay the prices asked for the property; some of these people have as much as \$17,500.00 invested in their homes, and they bought in good faith, relying upon the reliability of the developer; now after having gotten top price for these lots, the developer wants to convert that which has been retained by his family into business property so as to again gain top prices for the property and in violation of the restrictions in the deeds and the promises made to the people. That the lots requested changed lie immediately across Cora Road and on the same side of Oakdale Road as the public School, and traffic in and out of the business district if it is allowed, would constitute a hazard to the small children going to and from this elementary school. Any business establishments would cause traffic congestion in the area and not only create a hazard but would create additional noise, dust and odors which do not now exist, as it is a peaceful and quiet community. He advised that the lot on Oakdale Road, where the center would be built is so narrow in depth that by the time the buildings are set back so as to give off-street parking in front, the rear of the buildings would be sitting right in the face of the residents of Ronald Street, and in

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addition to that Ronald Street would then become an alley to service these buildings, resulting in more traffic, because Ronald Street is presently a gravel and dirt street. This change in zoning would result in only one thing, a serious depreciation in the values of the properties in this area. Mr. Caldwell stated further that at the present time there is a grocery store on the corner of Cora and Oakdale and immediately to the rear there is a vacant lot that is large enough to erect the Library on. That it is his understanding that the man who is leasing the building from the Byrums recently declared bankruptcy and this is evidence that there is not enough demand in this area for a larger grocery store as proposed. That the people he represents believe it is the desire of the owners of these lots to get the zoning classification changed under a pretext of constructing the building, when in reality what they want is to sell the lots as business property at a handsome profit, and let someone else take the risk of constructing the buildings and not being able to rent them. That his clients are not opposed to a Library, they want one in the community, however, they feel that the Library should not be used as a pawn or a hostage in order to get in the other business and to effect their property rights, and there are other lots in the area where the Library could be established. That in front of the school there is a small commercial district, consisting of a sundry shop and a hardware store and in between a miniature golf course, which does not appear to be very profitable; that it is owned by Mr. Byrum and that would be a nice location for the Library in the community.

Councilman Albea asked if his petition represents 20% of the adjoining property? Mr. Caldwell stated he certainly thinks so.

The residents opposing the change in zoning stood at the request of Mr. Caldwell.

Mr. Henderson referred to the matter of the houses on Ronald Street facing the rear of the buildings in the proposed shopping center, and stated the only person they know that might be anywhere near facing the rear is Mr. Baker and he is over behind Mr. Yarborough's house and is not behind the property involved here. As a matter of fact, the only house behind the property is the one owned and occupied by the son of his client and the rest of the property back there is vacant. That he understands the present day zoning requirements require that they give that view of the property a proper screening and they could not create something that is unsightly and they would not want to do so and they will not. That in connection with the remarks about the petitioners selling the property, the property is not for sale, it is a family development and they hope the Council will approve it.

Council decision was deferred one week.

#### HEARING ON PETITION NO. 63-15 FOR CHANGE IN ZONING OF AREA ON THE EAST SIDE OF PARK ROAD, EXTENDING APPROXIMATELY 250 FEET SOUTH OF SENECA PLACE TO SUGAW CREEK.

The public hearing was held on Petition No. 63-15 by George S. Goodyear, Cleve W. McGriff, John M. Panetti, Jr. and wife, Ellen Virginia Hayes, James F. Crosby and wife, Woodlawn Sales Company, George Goodyear Company, Grace V. Deskau and Edward L. Norris and wife, for change in zoning from R-6MFH to O-15 of an area on the east side of Park Road, extending approximately 250 feet south of Seneca Place to Sugaw Creek and bounded on the east by Sugaw Creek.

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Mr. McIntyre, Planning Director, advised this covers several properties on the easterly side of Park Road presently occupied by single family units and a large tract where apartments are scheduled to be built and now getting under way. That the property is adjoined on its rear line by Sugaw Creek and directly across Park Road there are single family homes on the west side and down near Sugar Creek is Harris Super Market. That the property to the north on Park Road is zoned O-15, across Sugaw Creek it is zoned single family residential and across Park Road it is zoned single family residential except for the Super Market.

Mr. Kenneth Griffin, Attorney for the Petitioners, stated O-15 zoning is all along the area, the majority of which belongs to the Graham Estate and coming on down Park Road some of this property is zoned in the same manner for the individual owners located there, and this is the property that is being improved into multi-family units, but as you look at this property and as it goes down the street, the classification goes into the very property that is crowded by natural boundaries, the rear line being Sugaw Creek with a width of from 20 to 30 feet. That multi-family units will have little children, so one of the first things the person would have to do would be to fence off the creek from his property. That he would say the property in this area is slowing going into a rental area and this part of the town is not going to be in keeping with all of the multi-family dwellings that are being built. That it all boils down to the fact that the petitioners, Mr Panetti, Miss Hayes, Dr. Crosby, Woodlawn Sales Company, George Goodyear Company and Mrs Deskau have 100 foot lots of sufficient depth to offer to those interested in a small lot for office use. In order for this to be utilized for multi-family units, it would be necessary to lump some of these lots because the one at the end of the line is in such close proximity to the creek and four-lane street it would be impossible to get people to rent it. So when you weigh the economic investment you have to make it a poor location, you are wasting land in the City of Charlotte.

Councilman Whittington asked if Dr. Norris is not one of the petitioners, as he did not hear his name when Mr. Griffin was mentioning their names, and if they are asking that everything be zoned O-15 from the Klemmer property to the creek, which takes O-15 zoning all the way to the creek on the west side of Park Road? Mr. Griffin said that Dr. Norris is one of the petitioners, and as the property is now, it is going into a high density use, and the Planning Commission has come to the decision that it could better classify as multi-family high-density type zoning, with which he takes issue as he believes the most efficient use even for the owner, Dr. Crosby, is as a Clinic and it is more beneficial to the City in that he will not put children in jeopardy across the street and to the creek behind it.

Mr. Griffin asked that the Council erase the imaginary line and go to the natural line, letting this classification go to O-15.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-16 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF WEST BOULEVARD, BETWEEN OLD STEELE CREEK ROAD AND SOUTHERN RAILROAD CROSSLINE, EXTENDING NORTHWARD TO THE VICINITY OF SEYMOUR DRIVE.

The scheduled hearing was held on Petition No. 63-16 by Ervin Construction Company, for change in zoning from I-1 to B-2 and R-6MFH and R-6 of a 62.48 acre tract of land on the north side of West Boulevard between Old Steele Creek Road and Southern Railroad Crossline, extending northward to the vicinity of Seymour Drive.

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The Planning Director stated the petition covers acreage on the east side of the Crossline Railroad and lies just north of West Boulevard and west of Mayfair Avenue, which is one street removed from SteeleCreek Road, lying between Wilkinson Boulevard and Wilmount Road. The property is vacant and the proposal of the petitioner would subdivide the area into business and residential property as shown on the Plan Mr. McIntyre presented. The property is adjoined on the easterly side by residential lots, some of which are occupied and some vacant that front on Mayfair Avenue; that along West Boulevard frontage the property is adjoined by residential use and vacant land; to the north the property is adjoined by duplex and single-family use; that the zoning of the property at the present is Industrial, and is adjoined on most all sides by Residential zoning except along West Boulevard where the zoning is Industrial.

Mr. Charles Ervin, Petitioner, presented an aerial view map of the property. He stated the petition calls for B-2 zoning of the front, and residential zoning, with entrances off Mayfair Avenue, near Carolina Golf Course and off of West Boulevard. He stated there are about 223 units planned for the area.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 63-17 FOR CHANGE IN ZONING OF 157.206 ACRE TRACT OF LAND ON THE WEST SIDE OF OLD PINEVILLE ROAD, BEGINNING APPROXIMATELY 200 FEET SOUTH OF GRIFFITH ROAD AND EXTENDING APPROXIMATELY 3,600 FEET TO THE WEST.

The public hearing was held on Petition No. 63-17 by Ervin Construction Company for change in zoning from I-2 and O-15 to B-2 and R-6MFH and R-6 of a 157.206 acre tract of land on the west side of Old Pineville Road, beginning about 200 feet south of Griffith Road and extending approximately 3,600 feet to the west.

Mr. McIntyre, Planning Director, stated the property consists of a large tract of acreage lying between Old Pineville Road along its easterly boundary and Nations Ford Road, which is at some distance to the west from the western most boundary of this tract. The property is vacant acreage, formerly farm land, and there is vacant land along the perimeter of the property, and some scattered residential usage near the vicinity of the property on Griffith Road, which extends westerly from Old Pineville Road; the Southern Railroad is in the vicinity of the property along the easterly boundary of the property and to the south the land is essentially vacant. The property is presently zoned Industrial and adjoined on all sides to the north, west and east by Industrial zoning and to the south adjoined by Office zoning which extends back from Old Pineville Road to the proposed location of the Northsouth Expressway.

Mr. Charles Ervin, Petitioner, explained the location of the property from a map of the area, stating that Archdale Drive goes into the property, and they are requesting B-2 zoning for the front portion and then R-6MFH zoning as a buffer between the business and residential section, and R-6 zoning for the residential area. He also presented an aerial view of the property.

No opposition was expressed to the proposed zoning.

Council decision was deferred one week.

MEETING RECESSED.

Mayor Brookshire declared a ten minute recess at 3:10 p.m.

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MEETING RECONVENED.

The meeting was reconvened at 3:20 p.m., and called to order by the Mayor.

RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE IN CONNECTION WITH THE DEVELOPMENT OF 600 LOW RENT HOUSING UNITS.

Councilman Whittington introduced the following resolution:

RESOLUTION AUTHORIZING THE EXECUTION OF  
A COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Charlotte, N. C. (herein called the "Local Authority") and the City of Charlotte, North Carolina, (herein called the "Municipality") desire to enter into a Cooperation Agreement in connection with the development of low-rent housing units pursuant to the United States Housing Act of 1937 as amended.

NOW, THEREFORE, BE IT RESOLVED BY the City of Charlotte, North Carolina that the Local Authority and the Municipality enter into a Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Cooperation Agreement being in substantially the following form:

COOPERATION AGREEMENT

This Agreement entered into this 18th day of March, 1963, by and between the Housing Authority of the City of Charlotte, N. C. (herein called the "Local Authority") and the City of Charlotte, North Carolina (herein called the "Municipality"), witnesseth:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:
  - (a) The term "Project" shall mean any low-rent housing hereafter developed as an entity by the Local Authority with financial assistance of the Public Housing Administration (herein called the "PHA"); excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the PHA, or its predecessor agencies, prior to the date of this Agreement.
  - (b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.
  - (c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and nondwelling utilities.
  - (d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

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2. The Local Authority shall endeavor (a) to secure a contract or contracts with the PHA for loans and annual contributions covering one or more Projects comprising approximately 600 units of low-rent housing and (b) to develop and administer such Project or Projects, each of which shall be located within the corporate limits of the Municipality. The obligations of the parties hereto shall apply to each such project.

3. (a) Under the constitution and statutes of the State of North Carolina, all Projects are exempt from all real and personal property taxes levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and in payment for the Public services and facilities furnished from time to time without other cost or charge for or with the respect to such Project.

(b) Each such annual Payment in Lieu of Taxes shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent (10%) of the Shelter Rent actually collected but in no event to exceed ten percent (10%) of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year or (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) No payment for any year shall be made to the Municipality in excess of the amount of the real property taxes which would have been paid to the Municipality for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. The Municipality agrees that, subsequent to the date of initiation (as defined in the United States Housing Act of 1937, as amended) of each Project and within five years after the completion thereof, or such further period as may be approved by the PHA, and in addition to the number of unsafe or insanitary dwelling units which the Municipality is obligated to eliminate as a part of the low-rent housing project(s) heretofore undertaken by the Local Authority and identified as Project(s) No. (s) \_\_\_\_\_, there has been or will be elimination (as approved by the PHA) by demolition, condemnation, effective closing, or compulsory repair or improvement, of unsafe or insanitary dwelling units situated in the locality or metropolitan area in which such Project is located, substantially equal in number to the number of newly constructed dwelling units provided by such Project; Provided, That, where more than one family is living in an unsafe or insanitary dwelling unit, the elimination of such unit shall count as the elimination of units equal to the number of families accommodated therein; and Provided, further, That this paragraph 4 shall not apply in the case of (i) any Project developed on the site of a Slum cleared subsequent to July 15, 1949, and that the dwelling units eliminated by the clearance of the site of such Project shall not be counted as elimination for any other Project or any other low-rent

housing project, or (ii) any Project located in a rural nonfarm area.

5. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the Local Authority and the PHA for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the PHA in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;

(b) Vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated areas; and, insofar as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, insofar as it may be necessary, all public or private utility lines and equipment;

(c) Insofar as the Municipality may lawfully do so, (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and surrounding territory;

(d) Accept grants of easement necessary for the development of such Project; and

(e) Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local Authority may find necessary in connection with the development and administration of such Project.

6. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefor from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project, together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave and provide sidewalks for, all streets bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and

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(c) It will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project, and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned).

7. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of such expense from any Payments in Lieu of Taxes due or to become due to the Municipality in respect to any Project or any other low-rent housing projects owned or operated by the Local Authority.

8. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to any Project covered by this Agreement.

9. So long as any contract between the Local Authority and the PHA for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the PHA in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the PHA. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the PHA, authorized by law to engage in the development or administration of low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the PHA, the provisions hereof shall inure to the benefit of and may be enforced by, such other public body or governmental agency, including the PHA.

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

City of Charlotte, North Carolina  
(Corporate Name of Municipality)

By \_\_\_\_\_  
(title) Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
(Title) City Clerk

Housing Authority of City of Charlotte, N.C.  
(Corporate Name of Local Authority)

By \_\_\_\_\_  
Chairman

(SEAL)

ATTEST:

\_\_\_\_\_  
Secretary

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Councilman Whittington moved that the foregoing Resolution be adopted as introduced and read, which motion was seconded by Councilman Thrower, and upon roll call the "Ayes" and "Nays" were as follows:

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

The Mayor thereupon declared said motion carried and said Resolution adopted.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR FEDERAL GRANT FOR LOWER SUGAW CREEK OUTFALL SEWER.

A resolution entitled: "Resolution Authorizing the City Manager to file an Application for Federal Grant for Lower Sugaw Creek Outfall Sewer" was introduced by Councilman Dellinger, and following the reading thereof moved its adoption, which motion was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 279.

RESOLUTION APPROVING THE CONSTRUCTION OF KENILWORTH AVENUE CONNECTOR AS SHOWN ON STATE HIGHWAY PLANS OF PROJECT 8.27223 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND STATE HIGHWAY COMMISSION.

A resolution entitled: "RESOLUTION APPROVING THE CONSTRUCTION OF KENILWORTH AVENUE CONNECTOR AS SHOWN ON STATE HIGHWAY PLANS OF PROJECT 8.27223 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND STATE HIGHWAY COMMISSION" was introduced by Councilman Albea. Following the reading thereof, Councilman Albea moved the adoption of the resolution which was seconded by Councilman Whittington, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 280.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON APRIL 1ST ON PETITION OF KAVANAGH-SMITH-WEAVER, FOR ANNEXATION TO THE CITY OF CHARLOTTE OF 31.28 ACRE TRACT OF LAND IN SHARON TOWNSHIP.

The City Manager advised that a Petition has been received from Kavanagh-Smith-Weaver for the annexation to the City of Charlotte of 31.28 acre tract of land in Sharon Township, to the east of Rama Road and to the south of the Seaboard Airline Railway. Mr. Veeder advised further that the petition has been reviewed by the City Engineer and Supt. of the Water Department who advise that water can be made available to the area under the city's policies and sewer service can be supplied and the Planning Director advises the boundary fits the proposed street and lot design so that the corporate limit line will not bisect any proposed lots. He recommended the adoption of a resolution fixing the date of hearing on the petition.

Councilman Bryant moved the adoption of a Resolution Fixing the Date of Public Hearing on the Petition on Monday, April 1st at 3 o'clock p.m., which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 281.

CHANGE ORDERS AUTHORIZED IN CONTRACT FOR ALTERATIONS AND ADDITIONS TO GOOD SAMARITAN HOSPITAL.

The following Change Orders in contracts for Alterations and Additions to Good Samaritan Hospital were presented by the City Manager for approval:

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- (a) Change Order No. G-3 in General Construction Contract with Myers & Chapman, Inc. to cover seven items which adds \$1,235.00 to the contract price.
- (b) Change Order No. E-3 in the Electrical Contract with Power Electric Company, Inc., covering Emergency Nurse Call in Recovery Room which adds \$450.00 to the contract price.
- (c) Change Order No. P-3 in the Plumbing Contract with P. C. Godfrey Company, covering a Sink and adding Isolating Valves, which adds \$892.00 to the contract price.

Councilman Smith advised he understands there is a Bill pending in Washington that will supplement Hill-Burton funds for hospital renovations that fits the situation at Good Samaritan Hospital and may be the extra money the Hospital Authority is looking for and suggested that the City Manager check into it.

At the question of Councilmen Dellinger and Whittington as to whether the money has been allocated to cover these Change Orders, the City Manager advised that it has been allocated, together with a small contingency that was built into the contract; however, it is going to be necessary to make additional funds available in our next fiscal year unless something similar to what Mr. Smith referred to becomes a reality. Councilman Whittington stated that he thinks he made it perfectly clear when the last money was made available for Good Sam that that was it as far as he was concerned, and he wants to be sure that the money already appropriated by Council, including the contingency, will take care of these Change Orders, and the City Manager assured him that it will.

Councilman Dellinger moved that the Change Orders be approved for payment, which was seconded by Councilman Jordan, and unanimously carried.

#### CONSTRUCTION OF SANITARY SEWER TRUNK IN WINTERFIELD SUBDIVISION AUTHORIZED.

Councilman Thrower moved approval of the construction of 708 feet of sanitary sewer trunk in Winterfield Subdivision, inside the city limits, at the request of Winterfield, Inc., at an estimated cost of \$2,220.00. All cost to be borne by the applicant, whose deposit of the entire cost is not refundable. The line to be owned and maintained by the City and serve houses at a lower elevation than the existing line in Winterfield Place. The motion was seconded by Councilman Albea, and unanimously carried.

#### RENEWAL OF SPECIAL OFFICER PERMIT TO H. N. PORTER FOR USE ON PREMISES OF NEBEL KNITTING COMPANY.

Councilman Jordan moved approval of the renewal of Special Officer Permit to Mr. H. N. Porter, for use on the premises of Nebel Knitting Company for a period of one year. The motion was seconded by Councilman Whittington, and unanimously carried.

#### TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

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- (a) Deed with Frank S. Alexander and wife Ann, for Lot 245, Section 2, Evergreen Cemetery, at \$360.00.
- (b) Deed with Sam C. Rich and wife, Mary, for Lot 291, Section 4-A, Evergreen Cemetery, at \$189.00.
- (c) Deed with Mrs A. G. Lentz, for Graves 4, 5 and 6, Lot 64, Section 6, Oaklawn Cemetery, transferred from Mrs Lucy M. Keister-Walkup, at \$3.00 for transfer deed.
- (d) Deed with Mrs Lucy M. Keister-Walkup, for Graves 1, 2 and 3, Lot 64, Section 6, Oaklawn Cemetery, at \$3.00 for new deed.
- (e) Deed with J. W. Haskett, for Lot 49, Section U, Elmwood Cemetery, at \$3.00 for duplicate deed.

CONTRACT AWARDED RICHLAND SHALE PRODUCTS COMPANY, DOING BUSINESS AS COLUMBIA PIPE COMPANY, FOR VITRIFIED CLAY PIPE.

Councilman Dellinger moved the award of contract to the low bidder, Richland Shale Products Company, doing business as Columbia Pipe Company, for 1,420 lineal feet of Vitrified Clay Pipe, as specified, at their bid price of \$2,567.21. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

Richland Shale Products Company	
d/b/a Columbia Pipe Company	\$ 2,567.21
Tucker-Kirby Company	2,768.01
Pomona Pipe Products	2,768.01
Parnell-Martin Supply Company	2,975.69

CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR CLAY BRICK.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, contract was awarded the low bidder, Kendrick Brick & Tile Company for 600,000 Clay Brick, as specified, at their bid price of \$17,551.20.

The following bids were received:

Kendrick Brick & Tile Company	\$17,551.20
Isenhour Brick & Tile Co., Inc.	19,698.00

CONTRACT AWARDED THE UNION METAL MANUFACTURING COMPANY FOR OVERHEAD TRAFFIC CONTROL SIGN SUPPORTS.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, awarding contract to the only bidder, The Union Metal Manufacturing Company, for Overhead Traffic Control Sign Supports, as specified, at their bid price of \$2,173.76.

CONTRACT AWARDED L & N ROYAL TIRE SERVICE, INC. FOR TIRE RECAPPING & REPAIR SERVICE.

Upon motion of Councilman Dellinger, seconded by Councilman Bryant, and un-animously carried, contract was awarded the low bidder, L & N Royal Tire Service, Inc., for Tire Recapping and Repair Service, as specified, on a unit price basis, at their bid price of \$7,364.71.

The following bids were received:

L & N Royal Tire Service, Inc.	\$ 7,364.71
Brown-Shoemaker Tire Company	8,044.35
Goodyear Service Stores	8,651.87
(Did not meet specifications)	

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BUILDING INSPECTION DEPARTMENT INSTRUCTED TO GRANT PERMIT TO CONSTRUCT ADDITION TO RESIDENCE IN AN INDUSTRIAL ZONE PENDING ADOPTION OF AMENDMENTS TO ZONING ORDINANCE TO REMOVE RESTRICTION.

Councilman Whittington advised that Mr. A. C. Courtney owns his home at 3619 Marshall Avenue, which is to the east of South Boulevard between Ideal Way and Marshall Place; that he secured from the bank proper financing to construct an addition to his home in the form of enclosing his carport; that he let the contract and the building contractor requested a building permit from the City and was turned down because the residence was in an Industrial zone, which Mr. Courtney did not know, and of course, the Building Inspection Department had no other recourse but to turn down the request. He advised further that he has discussed this with both the City Attorney and Mr. Sibley, Chairman of the Planning Commission and it is now on the City Attorney's desk to draw the proper amendments to remove the restriction, and he would like to ask Council to go ahead today and have the Building Inspection Department waive this provision and let Mr. Courtney proceed with his construction, and Mr. Morrisey will have the amendments for Council adoption.

Councilman Dellinger asked if the zoning is to be changed and become a rule and if it will apply in Industrial areas only where there are homes to be repaired or altered and as the citizen has recourse to the Zoning Board of Adjustment on things of this kind, if they are to be by-passed? Mr. Morrisey stated Council action today would be in accordance with the Amendment to the Zoning Ordinance that Council itself initiated to permit repairs and improvements to residences in all Industrial zones. That the reason it is not before Council today is he has not had time to put all of the amendments to the Zoning Ordinance in shape to get them here. That there are no such restrictions in Residential zones. That he does not think this is a matter for the Board of Adjustment. Councilman Dellinger stated he is not opposed to removing the restriction but just wanted to know how far it went. Councilman Whittington called attention that the amendments which Mr. Morrisey is drawing, will come before Council for action, as being initiated by Council.

Councilman Whittington asked the City Attorney if it would be proper for him to make a motion that the Inspection Department grant a permit to make this addition and Mr. Morrisey stated it would be proper to do so. Whereupon, Councilman Whittington moved that the Building Inspection Department be instructed to grant Mr. Courtney a permit to make this addition, which was seconded by Councilman Thrower, and unanimously carried.

RESOLUTION PROVIDING THAT INSTALLMENT PAYMENTS OF ASSESSMENTS FOR LOCAL IMPROVEMENTS HERETOFORE CONFIRMED SHALL BE DUE AND PAYABLE ON THE SAME DATE PROPERTY TAXES ARE DUE AND PAYABLE.

A resolution entitled: "Resolution Providing that Installment Payments of Assessments for Local Improvements Heretofore Confirmed Shall be Due and Payable on the Same Date Property Taxes are Due and Payable" was introduced and read, and upon motion of Councilman Thrower, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 282.

HEARINGS ON PETITIONS FOR AMENDMENTS TO THE ZONING ORDINANCE AND MAPS FIXED FOR FOURTH MONDAY IN APRIL AND MAY IN LIEU OF THIRD MONDAY.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, Hearings on petitions for amendments to the Zoning Ordinance and Maps were authorized held on the fourth Mondays in April and May due to the third Mondays in each month, when such hearings are usually held, being holidays.

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JOINT MEETING WITH COUNTY COMMISSIONERS TO BE HELD IN MAYOR'S OFFICE ON FRIDAY, MARCH 22ND AT 4 O'CLOCK P.M.

The City Manager suggested that the Council schedule a Joint Meeting with the County Commissioners for the purpose of providing an opportunity to discuss the future of the City Health Department and perhaps also future action, if any, on the Flood Control Project which has been before us for some time for Sugaw and Briar Creeks, to be held on Wednesday, at 4 p.m., if convenient, in the Mayor's office.

Following the discussion as to the date of the meeting, it was found that Thursday or Friday would be more convenient to the Council and it was decided to have the meeting on Friday at 4 p.m. if the City Manager found it would be convenient to the County Commissioners.

PURCHASE OF RIGHT OF WAY FOR WILKINSON BOULEVARD SEWER TRUNK LINE AUTHORIZED.

Councilman Albea moved approval of the purchase of right of way 25 ft. wide by 1143.8 ft. long and 10 ft. wide by 495.38 ft. long, from Mr. Benjamin O. Hood and wife, for the Wilkinson Boulevard Sewer Trunk Line, at \$819.23. The motion was seconded by Councilman Smith, and unanimously carried.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUISITION OF RIGHT OF WAY FROM L. A. LINEBERGER AND WIFE, FOR THE WILKINSON BOULEVARD SEWER TRUNK LINE.

Councilman Smith moved that condemnation proceedings be authorized started for the acquisition of right of way 25 ft. wide by 243 ft. long from Mr. L.A. Lineberger and wife, 4440 Morris Field Drive, for the Wilkinson Boulevard Sewer Trunk Line. The motion was seconded by Councilman Albea.

Councilman Dellinger stated he has talked with Mr. Lineberger and he contends the line will not be deep enough where they plan to put it for him to use his land, that he is a farmer and he doesn't object to the line if it is moved over to where the depth would be so that he could still use his property. The City Manager suggested that the condemnation be authorized and if there is any possibility of doing something that will satisfy the situation, he will do so. Councilman Bryant asked Mr. Veeder to bring back a report after he sees what can be done.

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

APPOINTMENT OF ROBERT RHYNE AND WALLACE GIBBS AS APPRAISERS AND J. CALDWELL MCDONALD AS ALTERNATE OF ADDITIONAL PROPERTY REQUIRED FOR THE EXTENSION OF THE NORTH-SOUTH RUNWAY AT THE AIRPORT.

The City Manager advised there is need for the services of appraisers for the additional properties that will be required for the extension of the North-South Runway at the Airport, and our Right of way Agent, Mr. Owens, says the next qualified persons on the list of Appraisers are Mr. Robert Rhyne and Mr. J. Caldwell McDonald, whom he believes would be available.

Councilman Bryant moved the appointment of Mr. Rhyne and Mr. McDonald. The motion was seconded by Councilman Albea.

Mr. Veeder advised that Mr. Jim Carson and Mr. Wallace Gibbs are alternates, each of whom have done some work at the Airport and are familiar with it.

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Councilman Whittington asked if Mr. Rhyne and Mr. McDonald had any work prior to this? Mr. Veeder said he believes they have. Councilman Smith stated that Mr. Gibbs is a former member of the Airport Advisory Committee and he is familiar with the airport problems and he believes would be better qualified. Councilman Whittington stated according to his list Mr. Rhyne has had none of this work, he had an opportunity but declined it and he would agree with Mr. Smith to substitute the other man and appoint Mr. Gibbs.

Councilman Bryant changed his motion and moved the appointment of Mr. Rhyne and Mr. Gibbs, with Mr. McDonald as Alternate. Councilman Albea stated he does not like to change this way, that he can appreciate what Mr. Smith says but are we going to confine ourselves that no one knows anything about it but someone who has been on the Board? Councilman Smith said that Mr. Gibbs was more or less the real estate representative for the Airport Board and is familiar with the property values in that vicinity. Councilman Bryant stated he thinks it is a logical change. 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.

#### MEETING REASSEMBLED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the meeting was reassembled at the request of the City Manager to consider an item of business that should receive Council attention today.

#### CONTRACT AWARDED E. A. WRIGHT BANK NOTE COMPANY FOR PRINTING \$8,000,000 CITY OF CHARLOTTE BONDS.

The City Manager presented the four bids received for the printing of City of Charlotte bonds in the amount of \$8,000,000 and recommended the award to the low bidder, E. A. Wright Bank Note Company.

Councilman Bryant moved the award of contract to the low bidder, E. A. Wright Bank Note Company for printing \$8,000,000 City of Charlotte Bonds with the cost not to exceed \$2,394.00 plus \$15.00 for each change in rate in excess of one for each issue. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

The base bids for Book Form Bonds	8000 Bonds \$1,000 Denomination	1600 Bonds \$5,000 Denomination	Additional charge for each interest rate changed
American Bank Note Co.	\$3,365.00	\$1,961.50	Silent
Northern Bank Note Co.	2,582.00	1,292.00	20.00
Security-Columbian Bank Note Company	3,251.00	1,667.00	25.00
E. A. Wright Bank Note Co.	2,394.00	820.00	15.00

#### ADJOURNMENT.

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

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk