

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, April 20, 1964 at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger.

Sitting as a Joint Body with the City Council during the hearings on Petitions for changes in Zoning Classifications were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, and Mr. Ervin, Mr. Hanks, Mr. Lekey, Mr. Stone, Mr. Suddreth, Mr. Toy, Mr. Turner and Mr. Ward.

ABSENT: Mr. Jones.

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INVOCATION.

The invocation was given by the Reverend F. M. Allen, Pastor of Gethsemane A.M.E. Zion Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the Minutes of the last meeting on April 13th was approved as submitted.

PLAQUE PRESENTED WILLIAM C HOUSE RETIRING FIRE CAPTAIN IN THE CHARLOTTE FIRE DEPARTMENT, IN ACKNOWLEDGMENT AND APPRECIATION FOR HIS THIRTY-FOUR YEARS SERVICE TO THE CITY OF CHARLOTTE.

Mayor Brookshire recognized Mr. William C. House, Fire Department Captain, and stated he was employed on April 7, 1930 and is retiring as of April 18, 1964. He congratulated him on 34 years of service and presented him with the City's Plaque of Recognition in Acknowledgment and Appreciation of his service.

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HEARING ON PETITION NO. 64-11 FOR CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY AT THE SOUTHWEST CORNER OF MONROE ROAD AND RAMA ROAD.

The scheduled hearing was held on Petition No. 64-11 by Robert G. Phillips for change in zoning from R-9 to B-1 of a tract of land 165' x 300' at the southwest corner of Monroe Road and Rama Road.

The Council was advised that a Petition Protesting the change in zoning has been filed, which is signed by 13 persons representing 7 tracts of land adjacent to the property in question, representing 100% of the land adjoining the subject property on the east, 100% on the west side and 18% on the northside. Therefore the 20% rule is invoked and passage of the ordinance changing the zoning classification will require a 3/4th vote of the City Council. Also, the petition is signed by 66 persons representing 36 properties in the immediate area but not adjoining the subject property, who oppose the change in zoning.

The Planning Director advised the property is at the intersection of Monroe Road and Rama Road; is a vacant piece of property; the property to the west is a large residential building site, diagonally across Monroe Road from the property in question are two residences and near their vicinity are additional residences on the side street extending off Monroe Road. The property is adjoined across Rama Road by residential property. Also in the vicinity, towards Independence Boulevard, are some industrial and commercial establishments. The property at present is zoned R-9; the adjoining property across Rama Road is zoned R-12; the property directly across Monroe Road is zoned R-9MF.

Mr. Ray Rankin, attorney representing the petitioner, stated he does not think there are 13 adjoining property owners, they may adjoin something but not the Phillips property. Mr. Turner's property adjoins him on the west towards Charlotte; the Phillips property, itself, adjoins him on the south. Mr. Huneycutt adjoins him on the east off Rama Road, and the properties across Old Monroe Road, he does not think signed the petition, but they would be only two. One would be adjoining and one would not be. Even so, it would appear that cards are stacked against Mr. Phillips. Mr. Rankin stated the 20% Rule is a real mean fellow; if you have 4 property owners adjoining you and they all own about the same amount of property, you would have 4 people owning about 25% each. If one of those signed the petition against the change, you would have more than 20%, so that virtually gives a veto power to any one adjoining home. When the 20% rule is invoked, 75% of City Council must vote in favor of the change for it to be effective, and 75% of 7 is 6, so you have some stringent powers about zoning. That he called this to Council attention to let them know this is heavily burdened against the property owner. He stated further there are two cases in North Carolina - one deals primarily with spot zoning, that is the Elkin case. The other deals with the value of property, economic value, and suitability for use which it is zoned; that was the case of Helms against the City of Charlotte, which went to Supreme Court. In that case, the Helms property was not suitable because of the shape of the lot, location, and for the residential purpose for which it was zoned, and the Supreme Court ruled that as to that particular lot the zoning was unconstitutional. That you might argue that is spot zoning if you try to give one person in a location something other than the rest have at that location. But if that had been spot zoning, the Court would have said that is spot zoning and knocked it out. In the Elkin Case they dealt with corner property and stated that property on two sides across the road from it were undeveloped, two other sides - this was not a corner in the Elkin Case - had been developed for some years for residential, and in this case the property owners of 3 and a fraction acres came in and petitioned the planners and the City to rezone 3 and a fraction acres for business purposes for a neighborhood center - to make it parallel, ours will be a neighborhood center - and the Court took up the question of spot zoning. They said the tracts do not have to be continuous

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to avoid spot zoning. Mr. Rankin stated when he walked into the Planning Office, one of the employees said "Oh, spot zoning". That if some employee of the zoning office has it fixed in his mind that because this is a small area it is spot zoning, then that thought needs to be ~~stricken from all~~ minds.

Mr. Rankin stated as to the lay of the land, there are branches running down off toward the Old Monroe Road and the Rama Road, and they join back into the property a little ways from the intersection of the two roads. And for a distance of about 150 to 200 feet, this property would not be economically feasible or useable for residential property. And that in the Elkin Case the Court said would avoid being spot zoning to treat that as property that could be properly rezoned for a family or neighborhood business. On the Old Monroe Road across and down toward Independence Boulevard is the Norton Corporation and a spray equipment of some type. That Mr. Turner's property which adjoins is used for raising bait and selling that, on a commercial basis. Further down from Mr. Phillips property going south toward McClintock School, one gentleman has trucks, a real estate business, and contracting business, has equipment parked in there; across the street on Rama Road, across from the southern end of Mr. Phillips property, that is used for the parking of business vehicles. Next to the Norton Corporation, the gentleman who lives there evidently has some connection with a large business because he has a large tank truck business, commercial vehicle - parked there, going in and out. So this is not 100% residentially used property even by the people who have homes there. Three corners are undeveloped; only one corner has a residence on it. And that it is impractical to think that two or three corners will be used for residential purposes. Even so, they have terrain that would be suitable for it; that an inspection of this property would show that the terrain and drainage would be so expensive as to nullify the proper use of at least 150 ft. off the Monroe Road. Mr. Rankin stated further there is a major oil company that would be interested in 135 ft. from the Monroe Road down towards Rama Road; that is the only proposed use now in the picture. That papers have been drawn, sketches have been drawn up and will be useful to the neighborhood, something attractive. That they have a nice and attractive use, a proper and appropriate use for the property. Mr. Rankin reviewed the area as to the location of residential property and service stations and stated there is a great need for it at this location.

Mr. Joe Barrier, attorney representing the protesting petitioners, stated as you look at the terrain you will notice that the surrounding terrain either is suitable for building residences or it has residences already built there. There was ~~some~~ question as to a gentleman in the neighborhood operating a business for bait, that he is informed this is a small minnow pond at the back of his yard. He stated further that to the knowledge of those who protest the rezoning, there are no businesses being operated as such. He passed out maps to Council showing the area as representing those who oppose the petition, stating that there is a petition filed by other people in the area, not adjacent, but in the surrounding area who enter in the protest petition. As he understands the purpose of zoning, we take into consideration the growth of any given area; that due consideration is given to existing developments, planned developments, and reasonable consideration as to the character of the districts. That the existing environment is primarily residential; that along Independence Boulevard there is a strip 400 ft. on each side of the Boulevard zoned for Business purposes; that there is very little or no business in the immediate area. He stated if the change is allowed, the whole complexion of the area would be changed and also, this would be spot zoning. That as he understands R-9, it is intended primarily for single family houses at various density populations. The regulations are intended to maintain a suitable environment for family living. And that Business - 1 is designed primarily for business center, for retailing of merchandise, such as groceries, drugs and household items and for furnishing certain personal, business and

professional services for the convenience of the neighborhood. That he assumes this was the general plan in mind for the area along Independence Boulevard, that it was to be the business area. Mr. Barrier stated this is a hazardous intersection, with no stop light at present and quite a few schools, so that at certain times there are a number of school busses and a great deal of school traffic in this area. That to allow this change would defeat the purpose of zoning, defeat these people who have their life savings in their homes; that it will disregard the surrounding conditions existing; and it will make what at present is very attractive, not so attractive. That the lot in question has been checked and someone went in and, apparently, to make the lot as unattractive as possible, cut down various size trees, leaving them in their fallen condition and it is in a very sloppy condition at present. He produced photographs of a business now operated by the petitioner at the Intersection of Independence and Wallace Road, and explained the condition of the building. Stating the sign reads Mullis Grocery Income Tax Service, Buy and Sell Cars, Real Estate; that Mullis Grocery is open 7 to 11 7 days a week. That it is his information that beer is sold not only at the store but at some of the companion buildings. Mr. Barrier quoted from the Charlotte News of March 6th, in which Mayor Brookshire named the Month of April as Home Improvement Month in which the Mayor urged all citizens to clean up, fix up and beautify their homes and neighborhood, so that Charlotte may be truly a better and more beautiful city. That to allow this rezoning would create a blight area and people would lose interest in their development and homes.

Mr. Barrier filed an affidavit obtained from Mrs. Wallace, and is on file in City Clerk's office, and read a portion of it, which stated that Mr. Phillips said he wanted to purchase the property to build a residence and had she known he was not going to use the property for residential use she would not have sold it to him; he also filed an affidavit from Mr. Thomas Grant, Jr., Trust Officer at First Union National Bank, who was present at these discussions between Mr. Phillips and Mrs. Wallace.

He then asked all present who joined him in the protest petition to rise.

Mr. Ray Rankin stated that Mr. Phillips has said there is no sale for consumption of beer on the premises on the Independence Boulevard property. That it has to be bought and carried off; that the Southern Bell Telephone and Telegraph Company was given permission to cut the trees down on the lot requested rezoned, for the purpose of handling their lines and they are the ones who cut the trees so they would not fall across the road. That no restrictions were ever placed on this property by the prior owner and that Mr. Phillips said he has never talked to Mrs. Wallace but he did talk to Mr. Tom Grant.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-12 FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF TRACT OF LAND AT THE SOUTHWEST CORNER OF BAXTER STREET AND CHERRY STREET, WITHDRAWN.

The hearing on Petition No. 64-12 by S.W.S. Corporation for change in zoning from R-6MF to O-6 of a tract of land approximately 60 ft. by 100 ft. at the southwest corner of Baxter Street and Cherry Street was continued by Council on March 16th until today at the request of Mr. Herbert Spaugh, Jr, who had advised he was not sure the requested O-6 classification would permit them to develop their plans for the property, and subsequently thereto they they filed a new petition requesting a B-2 classification rather than O-6 which is covered under Petition No. 64-24.

Mr. Herbert Spaugh, Jr. has filed a letter with the Office of the City Clerk withdrawing the above petition.

HEARING ON PETITION NO. 64-24 FOR CHANGE IN ZONING FROM R-6MF TO B-2 OF TRACT OF LAND AT SOUTHWEST CORNER OF BAXTER STREET AND CHERRY STREET.

The public hearing was held on Petition No. 64-24 by S. W. S. Corporation for change in zoning from R-6MF to B-2 of a tract of land approximately 60' by 100' at the southwest corner of Baxter and Cherry Street.

The Planning Director stated the petition covers a piece of vacant property at the intersection of Baxter and Cherry Streets; is a very short distance from the Charlottetown Mall; the property is adjoined across Baxter Street by residential zoning, along the southerly part of the property extending along Cherry Street by residential zoning and there is some vacant land there; diagonally across is a church property which borders the school property. At present, the property is zoned R-6MF and is adjoined along the rear property line by B-2 zoning which is the zoning of the Charlottetown Mall area and general vicinity; otherwise, the adjoining zoning is R-6MF.

Mr. Porter Byrum, attorney representing Mr. Herbert Spaugh, Jr., of the SWS Corporation, stated the zoning change is to take care of a parking problem. That the lot is divided with 1/3 being R-6MF and the other 2/3 being B-2. That the office building which they propose to build will consist of 11,000 square feet and will be occupied by Metropolitan Life Insurance Company and by Dunn and Bradstreet.

That with the zoning of the lot divided, there are two sets of regulations which they have to comply with. At first they thought they could get adequate parking with Office-6 but this provides for a 20 ft. setback and on re-examination they amended their petition to ask that the entire lot be zoned B-2, and the area which they are requesting rezoned is the area on which they will have parking. The lot adjoins the Charlottetown Mall property where the Charlottetown Mall office building is located. That it will be in keeping with the Office Building. The property immediately adjoining the portion on which they request rezoning is what might be termed as substandard property. At present being rented to low income families and that the proposed change would be attractive to the area and an asset to the City of Charlotte.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-16 FOR CHANGE IN ZONING OF LOT AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND GLENN STREET.

The scheduled hearing was held on Petition No. 64-16 by Cash Investment Company for change in zoning from B-1 to O-6 of a lot 148' x 290' at the northeast corner of Central Avenue and Glenn Street.

The Council was advised that a protest petition has been filed signed by two persons representing two tracts of land adjacent to the subject property, which properties represent 100% of the land adjoining the subject property on the east side and 100% on the north side; therefore the 20% rule is invoked and will require a 3/4th vote of the City Council for passage of the ordinance changing the zoning classification.

The Planning Director advised this property is very near the intersection of Eastway Drive and Central Avenue, across Central Avenue from the Eastway Shopping Center. The property corners on Glenn Street and Central Avenue, a portion of the property at present being occupied by a dry cleaning establishment and the remainder is essentially a paved parking area. The property is adjoined on the Eastway Side by gasoline station which is located

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at the intersection of Eastway and Central Avenue. Also, along Eastway Drive in addition to the gasoline station there is an upholstery shop, a restaurant, a printing establishment and a florist shop. On the opposite side of Eastway Drive from the property in question but still in the near vicinity, there is a gas station located at the intersection, a repair shop, a retreading shop and an auto repair shop. The property at the southeast corner of Central and Eastway is occupied by a gasoline station. The property is zoned B-1 at present and is adjoined on Eastway side and also across Central Avenue by B-1 zoning; immediately to its rear along Glenn Avenue it is adjoined by Office zoning and is also adjoined by Office zoning coming back on Central Avenue toward town from the property.

Councilman Jordan asked what the large B-1 area on the map just south of the property represents and Mr. McIntyre stated that it is the Eastway Shopping Center and also has a gas station on it. Councilman Whittington asked if this is the same lot which has been up recently where Duke Power wanted to put a retail outlet and the Planning Director advised it is not, and the property is presently occupied by a dry cleaning establishment and a paved parking area.

Mr. Porter Byrum, attorney representing Dr. Allen Cash owner of Cash Investment Company and owner of the property which is requested changed from B-1 to B-2, stated this general neighborhood is business and the petitioner is caught between the technicalities of B-1 and B-2. That some months ago the Shrimp Boat was located on this property and there were no objections in the neighborhood in reference to this operation. That they were approached by a firm called "Chips" who wanted to build a hamburger type restaurant where people could drive in and walk-up. That Dr. Cash was ignorant of the fact that B-1 zoning would not permit this type of operation and proceeded to prepare a lease, plans were drawn and a building permit requested and they were advised at this time that the zoning would have to be changed in order to permit the Chip to build the proposed restaurant. Mr. Byrum stated further that a good hamburger restaurant at this location would be an asset and in keeping with the neighborhood. That on one side of them is a service station on which cars are repaired, people drive in and get snacks and on the other side is the Eastway Cleaners which has been there for six or seven years. They do the cleaning on the premises and people drive up and pick up parcels. That directly in front of the property is the shopping center; Colonial Store has a big sign immediately in front of it; on all other corners of the intersection are service stations. Immediately to the rear of the property is a tape manufacturing company, a place where beer is sold and across the street on Eastway is a garage, which takes care of automobiles and in general this is a business area and is zoned for business. That they had the opportunity to put in a beer joint but this is not what they wanted and they feel what is proposed is a great deal more attractive. That the property has to be used and they want to use it for the purpose that will be beneficial to the owner and this is the thing they feel the property is best suited for. That there is a great deal of noise in the area and the entire area is business by nature.

At the request of Councilman Thrower, Mr. McIntyre pointed out the properties of persons who object to the petition and stated it is at the rear of the property and there is a house on the property and the adjoining property on Eastway Drive on which there is a gas station.

Mr. M. T. Morgan stated he lives at the back of the property and owns the land on the east side and on the back and he just does not want a lot of noise and trash thrown on his property.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 64-17 FOR CHANGE IN ZONING OF PROPERTY ON THE SOUTHEAST SIDE OF NORTH CALDWELL STREET AND PROPERTY ON BOTH SIDES OF NORTH DAVIDSON STREET.

The public hearing was held on Petition No. 64-17 by E. V. Martin et al for change in zoning from R-6MF and B-2 to I-2 of property on the southeast side of North Caldwell Street, from 210 feet southwest of Belmont Avenue to near East 16th Street, and property on both sides of North Davidson Street, from Belmont Avenue to near East 16th Street.

Mr. McIntyre, Planning Director, stated this petition is in a sense a neighborhood petition in that it covers property in many ownerships and extending over several blocks; generally speaking, the petition covers property extending from Belmont Avenue across up to East 15th Street and continuing on up to and just short of E. 16th Street. In the opposite direction the petition covers property extending from N. Caldwell Street through to Davidson Street and about half way through the next block to N. Alexander Street; and a few lots fronting on N. Caldwell Street that lie between Belmont Avenue and 13th Street. The area covered by the petition is an area of mixed land use and has in it some residential lots, single family, duplex types of residential developments, it has a wide variety of business uses which he pointed out on the map and it also has a couple of industrial uses. The uses ranging from Residential-2 to various types of business to the industrial uses and the industrial uses being a junk storage yard in connection with Hunter Motor Vehicle Repair business and the use in the area by one of the principle petitioners is a Transfer and Storage operation. That along the boundaries of the property there are a variety of uses, generally speaking across Caldwell Street the uses are residential and institutional and a couple of business and industrial uses; along the E. 16th boundary there is a retail business use and predominately residential uses adjoining that boundary; between the boundary that lies midblock between Davidson and Alexander the property is adjoined essentially by residential properties that front on N. Alexander; across Belmont Avenue the petition is adjoined by properties that are developed with business. Mr. McIntyre stated further most of the property at present is zoned B-2, the only portion of the property zoned residential is a few lots extending along N. Caldwell Street from near the intersection of E. 15th Street and up to E. 16th Street. The property is adjoined by multi-family zoning generally along its exterior boundary with the exception of business zoning which adjoins the property in the Belmont Avenue vicinity and the exception of industrial zoning which adjoins the boundary of the property that lies between Belmont Avenue and 13th Street. Mr. McIntyre advised that most of this property was originally industrial which was changed in the comprehensive zoning.

Mr. Charles Henderson, attorney representing the petitioners, passed out picture of the area and stated that it has been a policy of his law firm to avoid asking Council to take action with respect to property until there is a project or plan on the thought that it is good sound policy to keep the right restrictions on until such time as the property owner knows what he proposes to do. That in this particular case they find the proposed project cannot go on unless there is a change in zoning. That the principle stock holders of the Martin Transfer & Storage Company have had this location across from Duncan Memorial Methodist Church for many years; that it is one of the old landmarks. That recently they have been using warehouse facilities in the old Williams and Shelton Building on South Tryon Street and it has now become desirable for them to consolidate their operations into a single place where they can have adequate fire protection, etc. That for many years Mr. Martin has been purchasing additional property and he desires to put up a modern warehouse and office to be used in connection with Martin Transfer & Storage Company, which will contain some 17,000 sq. ft of space. That they have tried to avoid having controversy about the matter and as part of their efforts in that connection have had someone

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to see all of the people who might be affected.

No objections were expressed to the proposed zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-18 TO GRANT CONDITIONAL APPROVAL FOR PARKING CARS AT 1318 BERKLEY AVENUE

The scheduled hearing was held on Petition No. 64-18 by Berkley Properties, Inc. to Grant Conditional Approval for parking cars at 1318 Berkley Avenue, in conjunction with their office building, 1201 E. Morehead Street.

The Planning Director advised the property covered by this petition is on Berkley Avenue and is one lot removed from the property at the intersection of Harding Place and Berkley Avenue; is a half a block off East Morehead Street and is adjoined along one side by the rear line of the lot fronting on Morehead and on that lot is a Doctor's Office Building; on the other side, the property in question is adjoined by a house which sits on a lot at the corner of Harding and Berkley Avenue; to the rear of the property, the adjacent property is developed residentially; diagonally across Berkley Avenue there is another office building fronting on Morehead Street, and directly across Berkley Avenue from the property there are single family homes. The property is zoned R-6MF and is adjoined on all sides by R-6MF Zoning with one exception, on the side of the property nearest Morehead Street it is adjoined by the office zoning that extends up and down Morehead Street in this location. The lot immediately to the rear of this property, the lot which has a house on it and fronts on Harding, was granted Conditional Approval for parking recently. There is another lot in the near vicinity across Berkley Avenue and up Harding which was granted a similar permit for parking use.

Mr. Robert Hovis, representing the Berkley Properties, stated they are asking for conditional approval for the use of this lot which adjoins a clinic building to the rear for employee parking; the lot is presently vacant and it is proposed to use it for additional parking which is badly needed. The lot backs up to another lot which runs on Morehead, the only property being involved would be the property adjoining immediately to the north. He stated that the Community Betterment Committee has seen the proposed plan and Mr. Jerry Hendricks, Chairman of the Committee, advises the Committee and the Neighborhood in general have no objections to the proposed use. He passed around a plat plan showing the proposed use of the lot and stated it complies with all requirements of the zoning ordinance as to putting up a hedge - a buffer zone between the residential property which adjoins - and the setback lines.

Councilman Thrower asked if there would be a driveway entering Berkley and Mr. Hovis advised there would be as that is the only way out for that property now.

Mr. R. M. O'Hair, Vice-President of the Harding-Greenwood Cliff Improvement Committee, stated they are not objecting in any way if certain stipulations are met. That some are in the planning and some they want to call to the attention of Council. He stated the following is their understanding with Dr. Owens and they have discussed it at their executive meetings and at their regular meetings - (1) that a driveway entrance on the side of the lot be closes to his office rather than back to Harding Place, (2) leave at least one tree on the lot (3) make no connections with the lot behind on Harding Place where a permit has been given recently for a parking lot, (4) to use the lot for employees of his building only, (5) provide high dividing fence or hedge between the lot and the Nelson's who live on the corner of Berkley and Harding (6) provide a high dividing fence or hedge

facing Berkley Avenue to the satisfaction of Mr. Berry - who is across the street - (7) construct the lot at an elevation that is level with the Nelson's lot so there will not be any run off of water in any way. That they are not objecting, they are a community improvement society who is interested in the area and they have full confidence that Dr. Owens will comply with the stipulations.

Dr. Owens stated that everything can be met with the exception of leveling this lot to the Nelsons. That the provision they have made with that is to put in a storm drain which would run the water into the city storm sewer and he has discussed this with the Nelsons and they think it will be alright.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-19 FOR CHANGE IN ZONING OF LAND ON THE SOUTH SIDE OF GLORY STREET, WEST OF SUGAW CREEK ROAD.

The public hearing was held on Petition No. 64-19 by Abernethy Lumber Company for change in zoning from I-1 to R-9MF of a 6.0 acre tract of land on the south side of Glory Street, beginning approximately 1,000 ft. west of Sugaw Creek Road.

The Council was advised that a protesting petition has been filed signed by three persons representing two tracts of land adjacent to the subject property, which three properties represent 100% of the land adjoining the subject property on the north side and 76% on the south side; and therefore, the 20% rule is invoked requiring a 3/4th vote of Council to pass the ordinance changing the zoning classification.

Mr. McIntyre, Planning Director, advised this petition covers property which is located on a street that is parallel to North Tryon Street and one block removed from N. Tryon Street itself; the property lies along Glory Street some distance to the west from Sugaw Creek Road; Sugaw Creek Presbyterian Church is in the near vicinity. That the property covered by the petition is essentially vacant land altho there are a few houses which are in various state of disrepair and some appear to have been abandoned; immediately adjacent to the property towards the west on Glory Street, there are additional houses and some few houses diagonally across Glory Street from the property in question; directly across Glory Street, the property consists of vacant land; the land adjoining on its westerly side is vacant and undeveloped; on the southerly side the property is adjoined by a very deep lot which extends out to N. Tryon Street and has on it a very large number of mobile homes. The property is zoned Industrial and is adjoined on two sides by Industrial zoning - the side towards Tryon Street and the side toward Craighead Avenue or to the west. Across Glory Street the property is zoned R-9MF and a portion of the easterly side also adjoins an R-9MF zone which extends out to Sugaw Creek Road and is the characteristic zoning of property along Sugaw Creek Road.

Councilman Whittington asked how I-1 got into this location and Mr. McIntyre advised that I-1 was established as the zoning on N. Tryon Street back to the rear line of property fronting on N. Tryon Street; that a petition was submitted to the Council several years ago under the old ordinance requesting that the property next door be zoned Industrial and the change was made and with that much industrial zoning established in the area, that probably under the New Zoning Ordinance, the boundaries were rounded out to provide Industrial zoning.

Mr. Robert Conner, Architect representing Compact Homes, Inc., stated they are committed to the purchase of this property subject to it being rezoned. That they are asking that this 6 acre tract be incorporated in the present R-9MF zoning which is to the east and across Glory Street from this area. They propose to build as many rental units on this property as permitted by the Code which at present indicates that would

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be approximately 25 one-story buildings, each accommodating 4 families. These buildings will not have a rear so they are not concerned about service areas. That as they understand the opposing petitions the grounds are unjustified. That it is not being financed by any federal funds, it is strictly private financial proposition; that in this way they can maintain greater control over the tenants; they propose a resident manager to live on the site.

Mr. Mercer Blankenship, attorney representing the protesting petitioners, filed a petition with the City Clerk, stating it contains 60 names, all property owners, 3 names are direct abutting property owners, representing the major boundaries of the property. Mr. Blankenship stated when you take a little 6 acre tract and put 100 families on it, you can see how this sort of thing in time of depression would rapidly devolve into the worse slum condition. Let unemployment climb above 10% and the depression and all of the things that go with it come into effect and you will have one of the worse slums that could be devised. That when this happens you get all conditions, classes; some of the property owners represent people who have their property and have been there 50 years or longer. That they feel industrial is gradually encroaching and they want it to stay that way. That there is no ill will or ill feeling, they are glad to see outside capital come to Charlotte because it is needed, but to put 100 families on a six acre tract, where are the children going to play, what's going to happen when you crowd people in on top of one another.

Mr. Ernest Delaney, Jr. spoke in opposition to the petition stating the petition is asking for spot zoning which is bad; that the Planning Commission has spent many days and hours working out a plan and here the way the plan works out the Industrial zone goes all the way from US 29 back to Glory Street; that where you have residential property backing up directly into an Industrial zone, no matter how good the intentions, how good the efforts, you are going to attract people who have to come there and back up to the industry; that it is not going to be a good situation. That it would be much better to have the buffer of Glory Street between the industrial zone and the residential zone. That usually people come to see him wanting property zoned the other way. They want residential property zoned industrial and he tells them no, we do not want industry in the middle of our residential area; that this is spot zoning and it is bad; it has been set up so that it is contiguous to the industrial zone and if any thing we have too little area in this neighborhood zoned industry for the future growth of Charlotte. Highway 29 is the main artery north and despite the future plans it is going to be the main artery north; we are going to need the land, industry is going to come in and he believes it would be a favor to the petitioner to keep this zoning industrial and it would be a disfavor to the surrounding land owners to change the zoning to residential.

Mr. Jones, representing Churchill Associates of New York City, stated they are the operating holding company who owns Compact Homes. He stated they committed to buy this property. That they also operate fertilizer plants and poultry processing plants and they are already committed to buy the land and his associates are not going to let it lie idle. That if the protesters would not oppose a fertilizer plant, they will withdraw their application to rezone it. Mayor Brookshire advised that a fertilizer plant would require an I-2 zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 64-20 FOR CHANGE IN ZONING OF LAND SOUTH OF THE NORFOLK-SOUTHERN RAILROAD, EXTENDING WEST FROM END OF HARVEY DRIVE.

The public hearing was held on Petition No. 64-20 by Ben Propst for change in zoning from I-1 to R-9MF of approximately 39 acres of land south of the Norfolk-Southern Railroad, extending west 2,590 ft. from the end of Harvey Drive.

The Planning Director stated this petition covers a fairly large tract of land which extends some distance to the south of Norfolk-Southern RR in the general vicinity of the Norfolk-Southern Industrial Park and in the general vicinity of Marko Engineering which is located directly across the Norfolk-Southern Railroad tracks and has this relationship to the property in question. The land is vacant and is adjoined on all sides by vacant land; there are residential developments in the near vicinity on the easterly and southerly side of the property. On the westerly side and northerly side, except for the railroad tracks, the adjoining land is also vacant; across the Norfolk-Southern tracks from the property in question, there is a very new industry that has been established in the Norfolk-Southern Industrial Park - a tag and label manufacturing company. The property at present is zoned I-1 and is adjoined by I-2 zoning along its northerly side and by multi-family zoning along the easterly side; to the south there is single family residential zoning established and immediately to the west the property is I-1.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-21 TO GRANT CONDITIONAL APPROVAL FOR PARKING CARS ON TRACT OF LAND ON SOUTHWEST SIDE OF EAST END STREET, NW OF I-85.

The scheduled hearing was held on Petition No. 64-21 by Marvin E. Beatty, Sr., Heirs, to Grant Conditional Approval for parking cars on a tract of land 150' x 350' on the southwest side of East End Street, beginning 450 ft. northwest of Interstate 85.

Mr. McIntyre, Planning Director stated East End Street is a street parallel to Glenwood Drive, one block removed from Glenwood Drive towards the west; it extends generally from Interstate 85 in a north westerly direction. The property in question adjoins an unopened section of East End Street and is vacant land. The nearest developed property going up East End Street is used for mobile home and single family residences, extending up both sides of East End Street. Immediately to the south of the property in question, the land is vacant and this property is actually a portion of the same tract and is included in the petition for Conditional Parking Permit. The property is adjoined diagonally by a tract of land on which Mason-Dixon Motor Freight Line has been established. The zoning is R-6MF and it is adjoined by industrial zoning on the southern property line; otherwise the adjacent zoning is multi-family.

Mr. Caldwell McDonald pointed out the Mason & Dixon property stating the area is zoned Industrial (I-2) and stated there is a 12 foot alley running off East End Street; that the property is owned by Mrs. M. E. Beatty. That they want to dedicate 28 ft to add to the 12 feet to make a 30 foot street; there are houses on the alleyway but he does not think we would want houses on an alleyway. That the property has been sold subject to the prospective buyer being able to use it for business purposes. That they just want to be able to park cars back there.

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Mr. Sol Levine, attorney for Mr. Harris, pointed out the property on the map stating the property is zoned I-2 for use by the trucking company, and the trucking is under option to buy this property to be used for parking trucks. All they are asking is to provide additional parking on the 100 foot strip for the use of the trucking company so they can build a 20,000 foot building.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-22 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF FAIRVIEW ROAD AT PARK ROAD INTERSECTION CONTINUED UNTIL MAY 18TH.

The Council was advised that Mr. R. L. Barnett, Petitioner, has filed a letter requesting that the hearing on Petition No. 64-22 for change in zoning from R-12 to O-15 of a tract of land fronting 245 ft. on the north side of Fairview Road at the Park Road intersection be continued for the May 18th Zoning Hearings as the owner of the lot adjacent to his property had filed a similar request for change in zoning.

Councilman Whittington moved that the hearing be postponed until May 18th and the people who signed the petition protesting be notified when the hearing is held again. The motion was seconded by Councilman Thrower and unanimously carried.

HEARING ON PETITION NO. 64-23 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE WEST SIDE OF THE SOUTHERN RAILROAD CROSSLINE, BETWEEN YORK ROAD AND NATIONS FORD ROAD.

The public hearing was held on Petition No. 64-23 by Edward Daly, Forest Long and Craig Lawing, for change in zoning from I-1 to R-6MF of a 5.14 acre tract of land on the west side of the Southern Railroad Crossline, between York Road and Nations Ford Road.

The Council was advised that a protest petition has been filed, signed by three persons representing two tracts of land which are adjacent to the subject property, the two properties representing 100% of the land adjoining the subject property on the south side, 100% on the east side and 80% on the west side, therefore, the 20% rule is invoked requiring a 3/4th vote of Council to pass the ordinance changing the zoning classification. In addition, one of the property owners who signed the petition owns two lots in the immediate area but not adjoining the subject property.

Mr. McIntyre, the Planning Director, stated the petition covers a piece of land adjacent to the Crossline Railroad; the property is a short distance south of Woodlawn Road; a short distance removed from Nations Ford Road and is also a short distance removed from Yorkmont Road. At present the property has on it 6 or 8 houses that are stored temporarily; the houses having been removed from a clearance of the North-South Expressway, the right-of-way for the Expressway being in close proximity to the property requested rezoned. At present it is principally adjoined on the easterly boundary by a portion of the right of way of the Southern Railroad and beyond that right of way there are a few houses located on side streets that will be terminated by the construction of the North-South Expressway. On the westerly side the property is adjoined by a large home and in the near vicinity along the westerly side are houses located on Yorkmont Road; immediately to the south, the property is adjoined by vacant land. The zoning of the property at present is I-1; along the southerly and easterly boundaries towards the railroad tracks the adjoining zoning is I-1; along the westerly boundaries are two types of zoning - R-9MF and B-1 Zoning; along the northerly boundary the adjoining zoning is B-1.

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Mr. Tom Ruff, Attorney, stated Mr. W. J. Widenhouse is a contract-purchaser and request a change from Industrial to Residential, R-6MF. That the present owners of the property, not the petitioner, came before Council about 2 years ago to request a change in zoning from residential to industrial.

Some of the same people who objected two years ago when the zoning was changed from residential to industrial are objecting now to the change from industrial to residential. There have been no changes to take place in the two years - no industrial development has taken place of any consequence in this immediate area. There has been no growth to speak of of business development - no residential development of any consequence. There has been a new highway which is in the process of construction and there will be an access road which will pass through this 5 and a fraction acres tract of land bi-secting it into two parts, one on one side of the road and the other on the other side of the road. As you travel the access road, you should pass from one residential area through a residential area which they are petitioning through another residential area on the other side where people live. Mr. Ruff stated further he went out and looked at the land and the roads do not go up and down the railroad track; the area which will be cut off by the new highway leaves the people of moderate means with homes that have to be served. He asked what's so wrong with having houses on each side of a road of a residential nature, which are consistent with the houses in the general area. Why do some oppose a change from industrial to residential when two years ago they opposed the change the other way? The reason has to be that some of them would like to keep the zoning as it is until some far distant time, when industrial uses may make a demand on the property. That industrial development has not yet taken place. We do not know that it ever will; we do know at present there is a market for the property, there are homes that are desired to be placed on the property that are generally consistent with the nature of the residences in the general area. He stated further that the zoning ordinance of the City of Charlotte does not make provision for the \$30,000 house, \$20,000 house, or \$10,000 house. That is usually done by terms of restrictive covenants which the subdivision developers and individuals do by contract with their property. That the objections are that the houses which some people consider below standards will be built there; and he can only say the houses will have to be built according to the standards and the laws that prevail; that some of these houses have at least seven rooms; some are brick veneer modern construction; they are the displaced houses of our generation to make way for progress. There is a use for them and a need for them and everyone cannot afford to pay \$30,000 or \$40,000 for a house.

Mr. John Shaw, Attorney, stated they are protesting that the petitioners are coming back for change in zoning without a change in the particular property within a two year period; also, if the petitioner is a contract-purchaser he would have no particular standing before the two bodies as the owner has to sign for the change in zone, and he would like that to be considered.

Mr. Shaw advised he is representing Mr. and Mrs. W. Calvin Kenley who own a large piece of property, which he pointed out on the map, and a large home along the Yorkmont Road. He stated further the area is completely surrounded with the exception of a 25 ft. strip with protestors. He filed a neighborhood petition signed by 66 people. That he is advised by Mr. Kenley that it is 100% signed and the signature on one is Mrs. Gibson who is in the hospital. That he is advised there will be no bi-secting highway as stated by the Attorney for the contract-purchaser. That you could go out and look from the back of Mr. Kenley's property and see what Mr. Widenhouse proposed to put in there and what the people are objecting to. That they say the 20% Rule applies, and if you go out and look

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you will see fugitive houses from the highway right of way. Mr. Widenhouse has the contract to clear the right of way; he takes it and comes over and gets the contract to purchase it and he wants to put this property in there in R-6MF which means multi-family houses coming in. Some of the houses are one room and some are quite large, but that is the proposition. That he understands a portion of it will be removed and there will be nothing between the railroad track and over to Pineville Road except industrial property. Mr. Shaw stated further the people in the community are 100% opposed to this; that over the protest of his clients the zoning was changed to industrial and now the owners are requesting that it be changed back to residential and his people say they do not want it changed back. He asked his clients and others from the neighborhood who were present to stand.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-25 FOR CHANGE IN ZONING OF PROPERTY ON NE SIDE OF MONROE ROAD, AND ON PROPERTY AT THE NW CORNER OF MONROE ROAD AND SARDIS ROAD NORTH.

The scheduled hearing was held on Petition No. 64-25 by Charlotte-Mecklenburg Planning Commission for change in zoning from R-12MF to I-1 of property on the northeast side of Monroe Road,, extending from a point approximately 600 ft northwest of Sardis Road North to the perimeter boundary line 1,000 ft southeast of Sardis Road North, and change from R-12 to B-2 a tract 600 x 600 ft. at the northwest corner of Monroe Road and Sardis Road North.

The Planning Director advised this proposed change was motivated by an original petition for business zoning at the corner of Sardis Road and Monroe Road. When the Commission looked at this petition and examined the existing situation and what seemed to be developing as a prospect for future development of the area, it felt it should introduce the idea of a comprehensive zoning change in this area rather than a zoning change solely on the small corner piece of property at the corner of Sardis Road and Monroe Road. The general picture really stems from the initial studies the Commission is making for county zoning. That the study indicated that the corridor of Monroe Road over to the Seaboard Airlines Railroad from the existing industrial zone all the way through, they believe should be industrial. One of the main reasons is the fact that a major industry - Panda Curtain Company - has come into the area since the original zoning studies were made, and there are additional industrial and commercial potentials in the near vicinity of Matthews. So with these conditions the Commission brought forward the recommendations which would change some R-12MF Zoning which adjoins an existing industrial zone along Monroe Road between Monroe Road and the Railroad, change that to industrial and change the corner property to business and tie that in with an established industrial zoning district that lies to the south of Monroe Road. The use of the property in the area is rather sparse, the corner property at the intersection of Sardis Road and Monroe Road is vacant, the larger piece between Monroe Road and the Seaboard Railroad has one rural home on it; otherwise it is rural acreage. The property is adjoined by the site of the Delmar Printing establishment which is a fairly firm proposal for industrial development.

Mayor Brookshire stated that Mr. Sibley, Chairman of the Charlotte-Mecklenburg Planning Commission, advised the petition has the unanimous approval of the Commission.

Mr. John Shaw, Attorney, stated he represents Mr. John Renfrow, and they join in the petition and with the granting of this zoning change, they will withdraw their petition - being Petition 64-1.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 64-26 TO AMEND ARTICLE III, DIV I, TABLE OF PERMITTED USES TO PERMIT MOTELS, MOTOR COURTS AND HOTELS WITH ASSOCIATED COMMERCIAL USES IN O-6 AND O-15 DISTRICTS, AND AMEND ART III, DIV. 2, SPECIAL REQUIREMENTS FOR CERTAIN PERMITTED USES BY ADDING A NEW SECTION CONTAINING REQUIREMENTS FOR LOCATING MOTELS, MOTEL COURTS AND HOTELS IN O-6 AND O-15 DISTRICTS AND SPECIAL REQUIREMENTS FOR ESTABLISHING COMMERCIAL USES IN CONJUNCTION WITH THEM.

The public hearing was held on Petition No. 64-26 by Charlotte-Mecklenburg Planning Commission to amend Article III, Division I, Table of Permitted Uses by inserting as a permitted use in O-6 and O-15 Districts "Motels, Motor Courts and Hotels with associated commercial uses subject to regulations in Section 23-32.2", and Amend Article III, Division 2, Special Requirements for Certain Permitted Uses by adding a new section numbered Section 23-32.2 containing special requirements for locating motels, motel courts and hotels in O-6 and O-15 Districts and special requirements for establishing commercial uses in conjunction with them.

Mr. McIntyre, Planning Director, stated this recommendation was originally motivated by the request to change to business zoning property at the intersection of Caswell Road and Randolph Road. The basic reason for the change to business was to establish a motel on a piece of property that presently is zoned O-6. The Planning Commission felt it would be undesirable to change the zoning to business but it did believe that it would be reasonable and highly useful to allow motels to be located in Office Zone districts. This is what the proposed amendment would do - it would allow motels, motor courts and hotels to be established in an office zone district, they are not allowed under the present ordinance; and in addition the ordinance change would permit certain commercial uses to be established in connection with motels in office zoned districts. These commercial uses are the uses that are most frequently desired and have a good relationship to a motel. This amendment would allow restaurants, barber shops, dispensing of drugs, dry cleaning pick up stations, snack bars and sundry shops, provided the motel is of a certain size and the amount of floor area that could be devoted to commercial uses would be restricted. That is to allow these uses in an accessory relationship to a motel rather than as a principle use; they would not recommend that the commercial uses be allowed as a principle use as it would be out of keeping with the office character of the office districts and with the other uses which are presently allowed. There could be no advertising of these commercial uses on the outside of the principle approach to such uses. That it would have to be from within the interior of the motel operation. The businesses are primarily oriented to the operation of the motel, although they are not restricted in their patronage to motel tenants.

Mr. McIntyre stated this petition also has the unanimous approval of the Commission.

Councilman Smith stated that some of the office buildings are restricted very stringently as to what business they can put in - is this done mainly on the square footage of the office building - is this the way you arrive as to whether they can have a florist shop or drug store or soda shop? Mr. McIntyre stated that is right. That Council recently adopted an amendment to allow similar things in an office district. Councilman Smith stated this should be reviewed and no favoritism shown to motels as an office building should be permitted to do anything that a motel does.

Mr. Dick Wardlow, Attorney, stated on behalf of Presidential Motor Inns they would like to join in with the recommendation and the petition of the Commission for the point which Mr. McIntyre has set forth as well as the additional ones that this will permit in office zones a use that is much more attractive than some which we already have in office zones - such as day time golf course and petroleum storage. And then from the standpoint of the Motels, so long as they are restricted to a business zone, they have to pay a good fair high price for the property and get a smaller area and have to build multi-stories and lose the advantage where you drive in and park and do not have to tip 4 or 5 employees to get to and from your room.

No objections were expressed to the proposed change. Council decision was deferred for one week.

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HEARING ON PETITION NO. 64-29 FOR CHANGE IN ZONING OF AREA BOUNDED BY ROZZELLS FERRY ROAD, WEST TRADE STREET AND REAR OF BELVEDERE HOMES PUBLIC HOUSING PROJECT NW OF JUDSON AVENUE, RUNNING CONCURRENTLY WITH PROPERTY OF W. A. WARDELL.

The scheduled hearing was held on Petition No. 64-29 on motion of the City Council for change in zoning from B-2 and R-6MF to I-1 of an area bounded by Rozzells Ferry Road, West Trade Street and the rear of Belvedere Homes Public Housing Project northwest of Judson Avenue, running concurrently with property of W. A. Wardell.

The Planning Director advised this petition covers an area that both the Planning Commission and the Council has had before them recently for Industrial zoning covering a rather pie shaped piece of land bounded by Rozzells Ferry Road and by West Trade St. and by a short distance west of Judson Avenue.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

HEARING TO AMEND CHAPTER 23, ZONING ORDINANCE, OF THE CITY CODE, ARTICLE I, DEFINITION, SECTION 23-2 BY INSERTING NEW PARAGRAPH DEFINING RESTAURANT WITH DRIVE-IN SERVICE.

The public hearing was held on motion of the City Council to amend Chapter 23, Zoning Ordinance, of the City Code, Article I, Definition, Section 23-2 by inserting between Paragraphs 19 and 20, a new paragraph as follows:

"(19a) Restaurant with drive-in service. An establishment designed in whole or in part to cater to and accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment."

Mr. John Shaw, Attorney, stated we are dealing with not only statutes which regulates the use of the property but make the owner or operator of a business zoning property subject to certain criminal penalties. It doesn't have to be by injunction to be a criminal statute with special provision in the law for the injunctive relief on the part of the city. He presented a letter which questioned the indefiniteness of the definition, and stated the definition as it is now, is indefinite in that it makes a party who wants to be in the drive-in restaurant business happy, and then get into the zoning operation and go before the Board of Adjustment. That they have already been told by the Inspector in the Inspection Department that the Burger King, which does not have an outside service, is construed by him to be prohibited under this amendment to the ordinance. He stated they suggest the following definition:

"Restaurant with drive-in service. A drive-in restaurant is a restaurant with parking space and outside service. In addition it may have, but need not have inside space."

This is the definition as suggested by the Drive-In Restaurant Association. The essential part is two-fold - parking space and outside service with car hops or where you drive up to a window. This does not affect the restaurant which puts up food to go, because such restaurants do not have outside service. They have parking, some do and some do not. That the definition as suggested is too indefinite and their definition they think is perfectly clear as you must have parking space that gears it to automobiles and outside service.

Mr. Shaw stated further the only thing he has done is to paraphrase what was in the letter from the Drive-In Restaurant Association, and he has taken out the "in whole or in part" and some of the other wording and geared it to two things - parking for the automobile and outside service. And he would submit that is what a drive - in restaurant is. That the Planning Commission does not seem to want this type of operation in a B-1 but if it isn't handled correctly it can become a nuisance. That if it isn't run right it can be stopped.

Councilman Thrower asked Mr. Fox if you have to enter his restaurant to purchase food or is it from an outside window? Mr. Fox advised you have to enter their restaurant - you have to come in a door and go to a counter and be served there, and pay for it at the time you get the food.

No objections were expressed to the proposed change.

Council decision was deferred for one week.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire announced a five minute recess at 4:30 and reconvened the meeting at 4:35.

CONTRACT AWARDED MILLER TIRE SERVICE FOR RECAPPING AND REPAIR SERVICE OF TIRES.

Councilman Bryant moved the award of contract to the low bidder, Miller Tire Service, for recapping and repair service on one year's estimated requirement of 859 tires, at their bid price of \$7,292.35, on a unit price basis. The motion was seconded by Councilman Albea.

Mr. Nicholson, of L & N Tire Service, stated delivery dates should be considered by the city; that they offer 10 days as a delivery date whereas Miller offers 15 days. If Miller sticks to his 15 days it will be necessary for the City to purchase additional tires. He advised they offer 2% - 30 days cash on the invoice, while Miller offers 2% - 20 days. Mr. Nicholson stated the very difference that exists in the bids is mostly in the tires, in the large sizes. Actually if the City does not have as many as appears on the bid, it could end up paying more. That these are estimated bids and that is where the difference is. That special handling comes in; they have no objections even, though they specify ten days, they have had requests from the Police Department when the weather was bad and they needed mud or snow tires they have given them over night, and he does not believe you can get that service out-of-town. Sometimes, the Fire Department drives its trucks in and the tires are serviced there. He stated further they are now running 6½ days on delivery days. And with the Motor Transport Department they are averaging 9½ days. Mr. Nicholson stated they were under the impression they were doing the biggest part of the city's business; there is a portion which is not under contract that Miller has had in the past, but they had given a proposal to the Motor Transport and L & N's was favorable and for the past 8 or 10 months they have been doing this business. He also stated that some time back part of the tires which they had under contract from the Motor Transport Department was going to Miller and Mr. Beatty took steps to correct this. That he believes there are enough tire dealers in the City of Charlotte to take care of the City's needs; there are 45 recap shops in the City which is more than any place in the United States, and he thinks it is bad when we have to go outside the City to get bids. He stated the reason for only one bid from the city was that tire dealers are small business men, and up to several years ago, they did not have to post bid bonds or performance bonds, and he believes that is one reason there are fewer bids today as the bid bond scares them off. He stated they recently received the bid for the complete State of North Carolina for recapping all the school busses and trucks for North Carolina and they are proud

of the way North Carolina took bids - they stayed within the State. The tire dealers in Charlotte are entitled to a little more consideration and a little more effort of trying to get them to bid.

Councilman Albea stated he would be in favor of giving all the business to Charlotte firms but when you send bids out and they are low you can't legally stop it.

Councilman Whittington asked the Purchasing Agent, what position the various departments are in at this time for recapped tires? Do they have ample supplies? And what about the grade of rubber the two companies have bid? Mr. Beatty stated the Purchasing Department has been working with this type of thing for several years. Two years under contract and much longer under individual bids, and the City is requiring nothing but the best of rubber. Mr. Nicholson has given the best rubber that he makes - it is a 100% material which the City specified - they give the brand and name of each manufacturer they will accept. That Miller is offering Firestone - their top quality. Councilman Jordan stated this is the first time he can recall the City advertising for bids for recapping tires and Mr. Beatty advised we have taken bids for the past two years and last year had only two bidders. Recapping is very peculiar and all companies cannot do this work satisfactorily; the City has used recappers from Statesville, Greensboro, Mount Holly and Columbia, and of all the Companies Miller Tire Company has been very satisfactory. They have a regular route through the City every 7 days and have offered to put it on that route picking up every Tuesday and bringing back the following week, and he guarantees to bring back all the tires he picks up,

Councilman Thrower asked if the trucks are ever called to go to a job site, and Mr. Beatty advised if they are, they are paid in addition to the contract as the contract and specifications do not cover any service of this type. Councilman Smith stated to Mr. Beatty that this is not a firm bid, you are not going to pay Miller \$7,292.35; this is an estimate of what may come about if you have so many tires, is that right? Mr. Beatty stated that is true. Councilman Smith then asked the City Attorney if this could be substantiated as an exact bid since it is based on an estimate, and therefore, would not this relieve the City of the stigma of being liable since it is not an exact bid? Mr. Morrissey stated this is the only basis on which you have to award it. Councilman Smith stated we are not awarding it to these figures, we are saying approximately this amount of money, and Mr. Morrissey stated he did not believe we would be in a position to award a contract unless you did have these figures, even though they may be the result of a computation based on a unit price. Councilman Smith stated his contention is some of these units could be different from the way they were given to bid on, and conceivably, if there are variances in the prices, they could come out lower than Millers, depending on the type of tire that is being recapped. That we are not buying "x" commodity at a certain price more than "y" commodity; we have made an estimate in our Purchasing Department, which may or may not be accurate, and we are going to pay him per units, and units are not determined; so therefore, he believes the stigma on the Council as voting for the lower estimate is not the same as if it was an exact bid.

Councilman Jordan asked if Leonard & Nicholson also have the facilities to do the same work, and Mr. Beatty replied they do and they consider that L & N and Miller are the only two in this district who are completely equipped to handle all the tires - metal or textile.

Mr Veeder stated Mr Beatty commented on the satisfactory service the City has had over the years with Miller Tire Service, and he believes he would want to make the same statement of L & N. Their service has been completely satisfactory. Also, last week he made the statement the City was still sending some metal carcass tires to Miller, and this is not the case; that when L & N added this type of equipment to their operation, the City switched all the metal carcass tire business to them, although this is not a part of the annual contract which they have had for the past 12 months. That equally good service has been provided by Miller Tire Service and L & N Tire Service.

Councilman Bryant stated with all due respect to all local businesses and in spite of the fact that every question which has been asked has been to try to rationalize some way or other to award it to a local bidder - although not the low bidder, it is not just this particular contract we are voting on, it's our whole system of awarding this type of bid and of asking for bids. That he thinks there is no alternative as long as we are set up as we are to go along with the low bid, everthing else being equal. If Council votes this, then the City will have to change its whole system of asking for bids and from now on ask first for just local bids and then if it is not low enough, go outside the city.

Councilman Smith stated that what we have asked is what price would you give us for a dozen apples and a dozen oranges, and we may come up with 18 apples and 6 oranges. That he does not think this is an exact thing, it may be rationalizing but he would favor a local business that pays local taxes, employes local people and is a part of the community, over any outside company that he can rationalize on, and he feels that it will come out about the same.

Councilman Smith made a substitutⁿ motion that the bid be awarded to L & N Tire Service. The motion was seconded by Councilman Whittington, who stated it is on the basis of handling, delivery date and the availability of the local Company to render service. That he has discussed this with the City Attorney and he believes in his own judgment this is the right thing to do.

Councilman Bryant stated if the estimate is correct and the basis on which the bids were asked is correct, and if this motion is okayed, then we are awarding the contract to a local dealer who is \$400 over the low bid - that is assuming these are the number of tires which are delivered and are not awarding to the low bidder but awarding to a local man, and we realize at that number of tires, it will be higher.

Mr. Albert Pierson stated a local bidder has the responsibility of meeting the price very accurately within a few dollars before he can plead service, if the department involved has already said that service given by all is equally as good. He stated there is a possibility that the bid was let on a basis which could be improved on; the bids would have been let on a unit price or various grades of tires. And as a tax-payer he agrees with those who would like to give it to someone local and they should look for a means of re-asking for bids which could protect the tax-payer to give the local bidder the same opportunity. That he believes it should be analyzed a little closer before bids are awarded to either.

Mr. Clifford Lockwood spoke in opposition to awarding the contract to an outside dealer and stated he feels that bids should be made on each individual sized tires - not a group of sizes. That if this was done, there would be a lots of bids and in the long run would save the city money.

Councilman Albea asked Mr. Beatty if the bids were rejected and readvertised could they specify any better what is wanted than has been done and Mr. Beatty stated no.

Councilman Smith asked if on the different bids on the different tires L & N is lower on some and higher on some than Miller? Mr. Beatty stated yes.

Mr. Beatty advised if it were done over, all he could do would say he wanted 10 of each size; what the unit price would be on each size; but the actual bid is very much in line with last year, being within a very few dollars of last year. That we had two bids last year and the two bids this year. They invited all the tire dealers listed in the local telephone book to bid and they were able to get one local man to bid. That most of the recappers are not equipped to handle the 40 different sizes.

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Councilman Smith asked if it is possible under this if the estimate was wrong on certain grades of tires, that the local company at the end of the year would have less money involved than Miller, and Mr. Beatty replied he does not think so. Councilman Smith stated it is possible, isn't it, if they are low enough on these tires and the estimate is off, it's possible they will be lower.

Councilman Bryant stated he is not in opposition to the local firm. They do fine work. That is not the point; the City sent out offers to bid to a good many different companies and received two bids. If the low bid is not accepted this time, next year we will receive only one bid.

The vote was taken on the substitute motion to award the contract to L & N Tire Service and failed to carry on the following recorded vote:

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

Mayor Brookshire stated he shares the feeling of all members of Council and inclination to do business with Charlotte firms, and he is sure they would like to favor local people if possible, where everything is equal, but he would have to cast his vote in the negative.

The vote was taken on the original motion to award the contract to the low bid and carried on the following recorded vote:

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

Mayor Brookshire cast the deciding vote in favor of the motion and broke the tie.

The following bids were received:

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| Miller Tire Service | \$7,292.35 |
| L & N Tire Service | 7,672.67 |

CONTRACTS AUTHORIZED FOR APPRAISAL OF RIGHTS-OF-WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, contracts were authorized for the appraisal of nine tracts of land for right-of-way for the Northwest Expressway, with the following persons:

- (a) Contract with Wallace D. Gibbs, Jr. for appraisal of four tracts of land on North Tryon Street and Louise Avenue
- (b) Contract with Harry G. Brown for appraisal of five tracts of land on College Street, North Graham Street, West 11th Street and Central Avenue.

CONSTRUCTION OF SANITARY SEWER IN SLAGLE DRIVE.

Motion was made by Councilman Jordan, seconded by Councilman Bryant and unanimously carried, authorizing the construction of 925 ft. of sanitary sewer in Slagle Drive, inside the city limits, at the request of Nance-Trotter Realty, Inc. at an estimated cost of \$2,870.00, with all costs to be borne by the applicant, whose deposit of the entire amount of the cost will be refunded as per terms of the contract.

CONTRACT AUTHORIZED WITH ALFRED E. SMITH FOR APPRAISAL OF PROPERTY IN CONNECTION WITH THE NORTH-SOUTH AIRPORT RUNWAY EXTENSION PROJECT.

Councilman Whittington moved approval of a contract with Mr. Alfred E. Smith for appraisal of property belonging to Margaret C. Sloan in connection with the North-South Airport Runway Extension Project. The motion was seconded by Councilman Bryant, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MAY 18TH ON PETITIONS NUMBERED 64-27 THROUGH 28 AND 64-30 THROUGH 64-39 FOR CHANGES IN ZONING CLASSIFICATION.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, a Resolution was adopted Providing for Public Hearings on May 18th on Petitions Numbered 64-27 and 28 and Numbered 64-30 through 64-39 for Changes in Zoning Classifications.

The resolution is recorded in full in Resolutions Book 4, at Page 369.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Alatha H. Mills, Cebron B. Mills and Mrs. Eunice L. Mills for Lot 436, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mr. James R. Houlbrook, for Graves 6 and 7, in Lot 121, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs. Alma Bards, for Lot 307, Section 4-A, Evergreen Cemetery, at \$189.00.
- (d) Deed with Miss Nancy W. Graham and Miss Betty B. Graham for Lot 154, Section Q, Elmwood Cemetery, transferred from Mr. F. T. Fridell and wife, at \$3.00 for transfer.

CONTRACT AWARDED RICHLAND WRECKING COMPANY TO DEMOLISH AND CLEAR PROPERTY IN RIGHT OF WAY OF NORTHWEST EXPRESSWAY.

Councilman Albea moved award of contract to the low bidder, Richland Wrecking Company, to demolish and clear property of 16 houses in right of way of the Northwest Expressway, at their bid price of \$4,825.00. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

| | | |
|----------------------------|------------------|-------------|
| Richland Wrecking Company | Columbia, S. C. | \$ 4,825.00 |
| Crouch Bros., Inc. | Mooreville, N.C. | 6,850.00 |
| Norman's House Demolishing | Charlotte, N. C. | 7,035.00 |
| Fred D. Nixon | Charlotte, N. C. | 7,386.00 |
| J. E. Kipka Constr. Co. | Charlotte, N. C. | 16,000.00 |

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CONTRACT AWARDED FRED D. NIXON TO DEMOLISH AND CLEAR PROPERTY IN RIGHT OF WAY OF NORTHWEST EXPRESSWAY.

Motion was made by Councilman Jordan, seconded by Councilman Whittington and unanimously carried, awarding contract to Fred D. Nixon, the low bidder, to demolish and clear property of 12 houses in the right of way of the Northwest Expressway, at their bid price of \$1,841.00.

The following bids were received:

| | | |
|----------------------------|-------------------|-------------|
| Fred D. Nixon | Charlotte, N. C. | \$ 1,841.00 |
| Richland Wrecking Company | Columbia, S. C. | 1,980.00 |
| Norman's House Demolishing | Charlotte, N. C. | 2,640.00 |
| Crouch Bros., Inc. | Mooreville, N. C. | 4,450.00 |
| J. E. Kipka Constr. Co. | Charlotte, N. C. | 5,500.00 |

CONTRACT AWARDED SUN ELECTRIC CORPORATION FOR ENGINE ANALYZING MACHINE FOR MOTOR TRANSPORT DEPARTMENT.

Councilman Albea moved award of contract to the low bidder meeting the specifications, Sun Electric Corporation, for an Engine Analyzing Machine for the Motor Transport Department, at their bid price of \$1,157.98. The motion was seconded by Councilman Thrower, and unanimously carried.

The following bids were received:

| | | | |
|-------------------------------|------------------|-----------|-------------|
| Sun Electric Corporation | Charlotte, N. C. | Sun | \$ 1,157.98 |
| Automotive Distributors, Inc. | Charlotte, N. C. | Allen | 1,184.72 |
| Automotive Electric Assoc. | Charlotte, N. C. | Allen | 1,217.03 |
| Piedmont Auto Exchange | Charlotte, N. C. | Marquette | 1,272.15 |

Bid not on specifications:

| | | |
|------------------------|------------------|--------|
| Piedmont Auto Exchange | Charlotte, N. C. | 994.77 |
|------------------------|------------------|--------|

CONTRACT AWARDED EDWARD DON & COMPANY FOR DIETARY EQUIPMENT FOR CHARLOTTE COMMUNITY HOSPITAL.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Edward Don and Company, for Dietary Equipment for Charlotte Community Hospital, at their bid price of \$6,701.70.

The following bids were received:

| | | |
|-------------------------|------------------|-------------|
| Edward Don & Company | Charlotte, N. C. | \$ 6,701.70 |
| Hood Hotel Supply Corp. | Charlotte, N. C. | 7,784.74 |
| Will Ross, Inc. | Milwaukee, Wis. | 8,460.00 |

CONTRACT AWARDED HOOD HOTEL SUPPLY CORPORATION FOR ICE MAKING MACHINES FOR CHARLOTTE COMMUNITY HOSPITAL.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and unanimously carried, awarding contract to Hood Hotel Supply Corporation, the low bidder, for Three Ice Making Machines for Charlotte Community Hospital, at their bid price of \$3,035.41.

The following bids were received:

| | | | |
|--------------------------|-----------------|---------------|-------------|
| Hood Hotel Supply Corp. | Charlotte, N.C. | Frigidaire | \$ 3,035.41 |
| P. C. Godfrey, Inc. | Charlotte, N.C. | Frigidaire | 3,306.30 |
| Leonard Haimes Co., Inc. | New York, N.Y. | RCA Whirlpool | 3,389.72 |

Bid received not meeting specifications:

| | | |
|-------------------------------------|-----------------|----------|
| Brumley's Refrigeration and A/C Co. | Charlotte, N.C. | 2,782.56 |
|-------------------------------------|-----------------|----------|

ACQUISITION OF PROPERTY FOR RIGHT-OF-WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the acquisition of the following property for right of way for the Northwest Expressway was authorized:

- (a) Acquisition of 2,926 sq. ft. of property at 1014 East 5th Street, from Bessie K. Watkins and Erasmus K. Watkins, at a price of \$4,500.00 for right of way for the Northwest Expressway.
- (b) Acquisition of 3,920 sq. ft. of property at 1025 Haley Place, from Lee Kinney and wife, Loraine Kinney, at a price of \$3,600.00, for right of way for the Northwest Expressway.
- (c) Acquisition of 4,104 sq. ft. of property at 1032 East 5th Street, from Marcus Reeder and wife, Marie T. Reeder, at a price of \$5,200.00, for right of way for the Northwest Expressway.
- (d) Acquisition of 2,742 sq. ft. of property at 826 East Independence Boulevard, from G. A. Hutchison and wife, Louise Hutchison, at a price of \$14,500.00, for right of way for the Northwest Expressway.

DECISION DATE ON THE BELT ROAD SET FOR MAY 4th.

Councilman Thrower moved that May 4th be set as the decision date on the Route of the Belt Road. The motion was seconded by Councilman Whittington.

Councilman Smith stated he is personally opposed to this as there are things going on which have not been completed in the way of discussions and he thinks it is a little too soon. That he would prefer not to set it today and wait and see if Councilman Dellinger would be present.

Councilman Thrower stated he has talked with Councilman Dellinger and he is in accordance with setting the date. That he realizes there are discussions and things going on about this, but he does not believe this will actually affect any decision they may make along this line. Councilman Jordan asked if he did not think any of these things which are more or less in these stages now will materialize, and if he has not been contacted regarding some of these things which are going on, and Councilman Thrower advised he was contacted and he would still like to set the date.

Councilman Bryant stated he is reluctant to set a date on anything that might foreclose the possibility of a route that might be acceptable which might become an eventuality if certain negotiations that are in progress at present can be completed. Council has promised to give the public one week's notice and rather than set it two weeks ahead why not wait until next week and see if any of these things really look like they might produce something, and then if you want to do it two weeks from now, wait until next week.

Councilman Jordan stated he does not believe any of the Council members are trying to shirk their duty or vote on the proposed belt road, but as long as there is something that is still working on this and there is a possibility, he sees no reason why a particular date has to be set today. That he would hate to set another date and then ask to have it postponed again.

Councilman Thrower stated he agrees but when is the proper time. That he merely made the motion and it is up to the Council. Councilman Albea stated if anything develops in two weeks, it could be considered then.

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Councilman Whittington stated he sees nothing wrong with establishing a date that the public can be heard again. Decisions and information could be presented to Council even after that date which might not be helpful, but he believes the date has to be set so that the public and those who are interested will have an opportunity to be present.

Councilman Bryant stated the way he understands it, when we say we will vote on it, we will make a definite decision as to which way we ask the state to go ahead with proceeding with the road. That it's not a matter of hearing, it's a matter of a vote.

Councilman Smith asked Councilman Thrower why is it two weeks from today and if he has given up the idea of what is so apparent. Councilman Thrower stated he thinks it is time that Council takes action. There is a lot of work to do; there is a lot of work in the planning state which has to be done and as long as Council does not assume their responsibility, he thinks they are in error. That he thinks a date should be set and let it be known that either the road is going to be built or it is not going to be; or it is going down one route or another route. That he thinks it is time for a decision.

Councilman Smith stated there are certain conversations going on at present which could very well materialize and anything that Council might do will panic the people into a situation where negotiations will be almost impossible.

Councilman Bryant asked if there was a circumstance that there is a possibility, and he thinks there is a glimmer of hope, and he assured Councilman Thrower there was, would he be willing to go along with not setting the date two weeks from today. Councilman Thrower replied he has been hanging on to this possibility for perhaps a year. Councilman Jordan stated he sees no reason why they should be in such a tremendous hurry on it and he does not think Council is sitting back and rocking, this is quite an important decision and an important matter and another week or two will not hurt one way or another.

Councilman Thrower stated if there are justifications for postponement, he would have no reservations about making the motion himself after making the motion to hold it on May 4th, to postpone it; if there are any new grounds to postpone it he will make the motion himself, but at the present time he sees no point in it.

Mr. Albert Pierson stated he thinks that it was only a few weeks ago when Council started to accept their responsibility towards the belt road. That was when they started to look into it thoroughly. That he believes setting the date two weeks from now would not be assuming the responsibility but would be neglecting the responsibility if they do not give this all the consideration that it deserves, regardless of the time it takes.

The vote was taken on the motion to set the date for decision Monday, two weeks from today, May 4th and carried on the following recorded vote.

YEAS: Councilmen Thrower, Whittington and Albea.

NAYS: Councilmen Bryant, Smith and Jordan.

Mayor Brookshire stated the money for the belt line was committed 2½ years ago and the alternate routes have been before Council for discussion and study for almost a year and Council and the Mayor as well, has made every effort to be exhaustive in their efforts to find a route which would be of minimum disappointment to a lot of people. That he believes the possibilities have been pretty well exhausted and they know within reason what the alternatives are at the moment - the picture might change in two weeks - of any knowledge he has of anything that could work out differently than has been proposed he is not aware of if there are other possibilities working. But if they set a date for decision two weeks from today, he thinks there will be some effort on the part of those who think something else can be worked out to develop it. That he feels a decision does have to be made and they cannot rightfully expect the Highway Commission or the Federal Bureau of Roads to

continue to cooperate unless some disposition to cooperate with them is shown. That all along, he has felt Council should have as much time as necessary to be real thorough in this matter and he thinks they have been.

Councilman Bryant stated he is not being an obstructionist. He is willing to vote anytime. That the money has been available for two years but he failed to compare two weeks to two years if an extra week might help to solve a very tough problem, it seems worthy of a little more extra time. That he feels, honestly, there is an opportunity to do something about it and that is the reason he voted as he did.

Mayor Brookshire cast the deciding vote in favor of the motion to set the date of decision on May 4, and broke the tie.

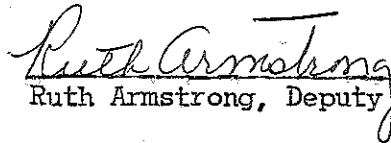
RESOLUTION RELATIVE TO CONDEMNATION PROCEEDINGS AGAINST MRS. ELLEN R. SPRATT AND THE CONTINUATION OF ACCESS TO WILMONT ROAD.

Upon motion of Councilman Jordan, seconded by Councilman Smith, and unanimously carried, Resolution Relative to Condemnation Proceedings against Mrs. Ellen R. Spratt and the Continuation of Access to Wilmont Road, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 370.

ADJOURNMENT.

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


Ruth Armstrong, Deputy City Clerk