

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, February 17, 1964 at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Jack Kayler, Pastor of Cokesbury Methodist Church.

MINUTES APPROVED AS SUBMITTED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on February 10th were approved as submitted.

HEARING ON PETITION NO. 64-7 FOR CHANGE IN ZONING OF 7.3 ACRE TRACT OF LAND ON NORTH SIDE OF INTERSTATE 85.

The scheduled hearing was held on Petition No. 64-7 by Carl C. Allison, Jr., and David S. Allison, for change in zoning from R-12 to B-2 of a 7.3 acre tract of land on the north side of Interstate #85, beginning approximately 1,400 feet west of Little Rock Road. The Council was advised that a Petition protesting the change in zoning was filed on February 12th signed by 8 property owners, representing 5 tracts of land adjacent to the area, and representing 100% of the land adjoining the subject property on the west side and 75% on the north side, invoking the 20% protest provisions of the Zoning Law requiring a 3/4th vote of the Council to change the zoning.

Mr. McIntyre, Planning Director, advised that the petition covers a tract of land presently vacant; the property adjoins a subdivision known as Moore's Park, lying between Tuckaseegee Road and Interstate 85; immediately to the north of the property is adjoined the rear line of lots in Moore's Park Subdivision, some of these lots have houses on them, others are still vacant; immediately to the east, or town-side of the property, the land is vacant and the next property is developed with a Trailer Park and some Mobile Homes have been located on the land and there is a Tourist Home located in the vicinity a short distance west of Little Rock Road. The property is zoned R-12 and is adjoined on all sides by R-12 zoning and across Interstate 85 there is Industrial Zoning which extends for some distance west of Little Rock Road.

Mr. Sam Williams, Attorney for the petitioners, stated their real reason for filing the petition for the change in zoning is that it is not suitable to have homes facing a major highway; that the topography of the land is such that, looking at it from Interstate 85, you have a small flat plain and then a hill with a 15 ft. rise and down the hill to a creek which is a natural boundary which runs directly behind from the property across Mr. Moore's property, and they feel that the combination of the wooded property in the rear and the small creek, there is a suitable buffer region for a

change in zoning, to allow the property to be used in a manner most advantageous, and it has an approximately 1,400 feet strip between the access road and Interstate 85.

Mr. T. L. Odom, Attorney representing adjoining landowners who have filed a petition objecting to the proposed change in zoning, stated there are 24 houses involved, representing a property investment of probably a quarter to a half million dollars. That as Mr. Williams pointed out, there is a creek following the natural boundary between the two tracts of property and at the same time the property in question slopes down to the creek, so does that of his clients, so it would not be a natural boundary between the business conducted on the property in question and the homes of his clients, in fact, if they did any building to raise this up these people would have in their back yards a mud bank, at the same time people on the other side would have it in their front yards, and for this reason these people object to the proposed change in zoning. That they would like to see the request defeated, first, because it would be putting a business area in the yards of these property owners, who for the most part have their major investment in their homes here; secondly, the access road provides access to this area from Little Rock Road and Interstate 85, and by adding business you will encourage through traffic through this residential area. Thirdly, this would be just a toe-hold into a large 1½ mile residential area from this location back almost to Paw Creek. The next thing would be to request a change to allow the Trailer Park which is now a non-conforming usage, to come all the way down to the middle of the residential area. Mr. Odom stated further that the Petitioners contend that the property is not suitable for residential development, and he would differ with them because you can build a house most any place and the property is very suitable for residences and would be in keeping with the entire neighborhood and area. He called attention that the Petitioners do not live here, they have homes several miles away, so they are not as concerned with the type development of the area as the home owners; that the majority of the homes in this particular area have been built since the property was zoned residentially and it might be said they relied on this as a basis for building in this area. He stated they strenuously oppose any change in the zoning of the area.

Councilman Smith called attention to three schools shown on the plat of the property and asked about the number of students? Mr. Odom stated there are about 1,500 in the High School, then there is a Junior High School, and a Grammar School, all of which indicate this is a residential area.

A large delegation of property owners opposing the change in zoning was present.

Mr. Odom stated that at the intersection of Little Rock Road and Tuckaseegee Road, there is a large tract of land which has been subdivided and some 15 homes have been erected, and he introduced Mrs D. D. Washam, 6932 Daniel Lane, one of the home owners who stated this subdivision adjoins the property in question, and she cannot understand why further business would be developed in the area in view of the restaurant in the nice Motel on Interstate 85 has closed twice for lack of business. That the homes in this area are in the \$19,000 to \$25,000 range; that the three schools are serviced by the area and their street is dead-end and any traffic to and from the property would have to come onto Tuckaseegee Road where they have not been able to get a traffic light, and there have already been numerous accidents there, and there are 2,100 students in the schools. That the homes on Melody Lane and Moore's Park Drive sit on a hill, so they actually have no buffer, they are looking directly into this area.

Councilman Jordan asked the City Manager to check into the matter of the traffic light at Tuckaseegee Road for the school children referred to by Mrs Washam.

Council action was deferred one week.

PETITION NO. 64-8 FOR CHANGE IN ZONING OF 20.856 ACRE TRACT OF LAND
SOUTHWEST AND SOUTHEAST OF CASTLETON ROAD, WITHDRAWN BY PETITIONERS A.P.
PERKINSON, JR AND JAMES C. SPEARMAN.

The Council was advised that Mr. Parker Whedon, Attorney, advised by letter on February 12th that his clients, Mr. A. P. Perkinson, Jr., and Mr. James C. Spearman, thereby withdrew their petition for a change in zoning from R-15 to R-12 of 20.856 acre tract of land southwest and southeast of Castleton Road, and requested that the public hearing scheduled for February 17th be cancelled.

That a Petition protesting the proposed change in zoning of the said property was filed on February 12th by Mr. Lynn Bond, Jr., Attorney, representing property owners in the area, the said petition being signed by 20 persons representing 14 properties which are adjacent to the area proposed for change representing 84% of the total boundary of the tract; therefore, the 20% rule is invoked and the passage of the change will require a 3/4th vote of the Council for its passage.

Mayor Brookshire asked Mr. Whedon if he was still of the same mind and if he is now asking Council to give permission to withdraw the petition and not have the hearing? Mr. Whedon stated if permission is necessary then that is the purpose for which he is present; that he thinks people have the right to withdraw a petition, that they are not asking for a refund of their filing fee, they just do not want the hearing at this time and ask that it be cancelled, and as their petition has been withdrawn they see nothing to support the hearing.

Mr. Morrisey, City Attorney, stated that is correct, when the petition is withdrawn, there is nothing before the Council to be heard.

Mr. Bond, Attorney for the opposition, stated he would like to be heard before the withdrawal of the petition is acted on.

Mayor Brookshire stated the petition has been withdrawn and there is nothing before Council.

Councilman Albea stated if a man wants to be heard he thinks he should be, but it is up to the Council whether they vote yes or not. Mayor Brookshire stated the City Attorney has ruled that Mr. Whedon has the right to withdraw his petition. Councilman Albea stated he has then been laboring under the wrong impression.

Councilman Bryant stated we do not know all the reasons why the petition has been withdraw, and it may be at this particular point there might be something said that would be detrimental and he is not sure the Planning Commission and Council should hear anything at this time, if there is nothing before us. That he has not talked with Mr. Whedon nor does he know his reasons but he thinks it is his prerogative and if there is nothing before us, he does not think we should discuss the matter.

Mr. Bond stated they would like to be heard just on the question of withdrawal, a legal question, but their position is this on that. Under Section 23-96(c) should the Council vote against this petition, they cannot bring it up for another two years unless the Planning Commission has some factual evidence that would make it permissible. He stated further that it is kind of in the nature of a law suit where a plaintiff brings a law suit and sues and then there is a counter claim. If the plaintiff elects to take a non suit, but if there is a counter suit where the defendant is asking for relief, at that point in the game the plaintiff can no longer withdraw the suit without the permission of the defendant.

Mayor Brookshire asked the City Attorney if Mr. Bond is in order to speak on the matter? Mr. Morrissey stated he thinks it is within Council's prerogative to hear Mr. Bond if they desire to hear him, but they certainly are not required to hear him.

Councilman Dellinger stated he takes the position along with Mr. Bryant that Council should not hear Mr. Bond since there is no hearing before the Council.

Mr. Morrissey stated there is nothing in our Zoning Ordinance that says once a petition is filed the Council must act upon it, and it is for that reason that he has said any petitioner has the right to withdraw his petition, and having done that there is nothing upon which the Council may act. Now, if the Council wants to hear Mr. Bond the Council has that prerogative.

Councilman Bryant asked Mr. Bond if his comments would be to show why this petition should not be granted? Mr. Bond stated that is right. Councilman Bryant stated then he thinks that would be prejudicial to the situation and they would be hearing something with which they are not concerned.

Mr. Bond stated one point he wants to make, and it is the real reason for his coming up here today, that in 30 to 60 days from now when these petitioners ask Council to reconsider this matter, he wishes the evidence he has already submitted with his petition in connection with this change to be deemed admissible, and he would like that fact included in the motion.

Mayor Brookshire stated certainly if another petition is filed for the rezoning of this property Mr. Bond would have knowledge of it and then have an opportunity at that time, if the petition is heard, to protest it, and he would suggest that he consult with Mr. Morrissey as to whether these petitions filed at this particular time, can be considered at another hearing.

Mr. Morrissey stated he thinks the best way to put it is that the game has been called on account of rain.

Councilman Smith stated he thinks this is in the nature of a cloture because it has been publicly advertised and there might be people even in the audience who have come up to hear both sides of it, and there is no reason why we have to vote on the petition, if they want to present the facts on both sides or if the petitioner desires not to present his facts, there would still be no reason why the opposition does not have the right to present their side, and we could just listen.

Councilman Albea stated he knows Mr. Bond does not have the legal right according to our City Attorney, but it does not seem exactly fair to go through all this legal matter and then at the last minute say they want to withdraw it when they find out it takes a 3/4th vote. That there is a question in his mind whether that is the right way to withdraw a petition or not.

Councilman Whittington called for the question, and the vote was taken and carried by the following recorded vote:

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

NAYS: Councilman Albea.

ORDINANCE NO. 231 AMENDING CHAPTER 23, SECTION 23-31, CATEGORY (B) BY CHANGING THE PRESENT REQUIREMENTS RELATIVE TO LAUNDRIES & DRY CLEANING ESTABLISHMENTS IN B-1 AND B-2 DISTRICTS AND INCLUDING CERTAIN REQUIREMENTS RELATIVE THERETO IN B-3 AND INDUSTRIAL DISTRICTS.

The public hearing was held on Petition No. 64-9 by the Charlotte-Mecklenburg Planning Commission for a change in the text of the Zoning Ordinance relative to Permitted Usage of Laundries and Dry Cleaning Establishments located in B-1 and B-2 Districts, as follows:

Amend Section 23-31 (Table of Permitted Uses) Category (b) BUSINESS USES by eliminating the requirement that Laundries and Dry Cleaning Establishments located in B-1 and B-2 Districts be limited to the laundering and dry cleaning of articles delivered to the premises by individual customers and inserting in lieu thereof the following:

"Laundries and Dry Cleaning Establishments not to exceed 4,500 square feet of gross floor area".

and inserting as a permitted use in B-3 and Industrial Districts the following:

"Laundries and Dry Cleaning Establishments".

Mr. McIntyre, Planning Director, advised they found it desirable to make a distinction between the small neighborhood type laundry dry cleaning operation as compared to a very large operation comparable to a factory, and they would like the large factory-type operation in an Industrial district but certainly want to allow the neighborhood type in neighborhood business areas. The device that was used to establish a dividing line was in the new Ordinance, a statement that the dry-cleaning and laundry would have to be delivered to the premises of the smaller operation by the individual, in other words this precluded the pickup service of bringing it into the smaller type establishment. They found with some experience that it worked a hardship on a lot of the smaller type operations, because they have to have some materials delivered to their premises to stay in business. So the purpose of this is to eliminate that type of differentiation between the smaller plant and the large or factory type and to make the distinction one of floor area, or size of structure, which we think will do a better job for us in making the distinction.

No opposition was expressed to the proposed change in the ordinance.

Councilman Bryant moved the adoption of the Ordinance amending the Zoning Ordinance by amending Section 23-31 relative to Laundries and Dry Cleaning Establishments as proposed by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, at Page 498.

ORDINANCE NO. 232 AMENDING CHAPTER 23, SECTION 23-95, PARAGRAPH (A) CHANGING THE REQUIREMENTS FOR FILING A PROTEST AGAINST A PROPOSED CHANGE IN THE ZONING ORDINANCE INTENDED TO INVOKE THE REQUIREMENTS OF G.S. 160-175.

The scheduled hearing was held on Petition No. 64-9 by the Charlotte-Mecklenburg Planning Commission for a change in the requirements for filing a protest against a proposed change in the Zoning Ordinance intended to invoke the requirements of G. S. 160-175, as follows:

Amend Section 23-95 (Amendments to Zoning Ordinance) paragraph (a), by inserting in lieu of the requirement that the petition be submitted not later than the time of the public hearing on such proposed change, the following:

"A protest against any proposed change which is intended to invoke the requirement of G. S. 160-175 for a three-fourths majority vote, shall be filed with the City Clerk in sufficient time to allow at least two normal work days, excluding Saturdays, Sundays, and legal holidays, prior to the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition".

Mr. McIntyre, Planning Director, stated this is a change over which we have no control. It is simply taking a provision of the State Law that became effective January 15th when the last session of the State Legislature revised the State Statutes affecting provisions for protesting a change in the zoning law.

No opposition was expressed to the proposed change in the ordinance.

Councilman Dellinger moved the adoption of the Ordinance Amending the Zoning Ordinance by amending Section 23-95, paragraph (a) relative to the requirements for filing a protest against a change in the Zoning Ordinance, as proposed by the Planning Commission. The motion was seconded by Councilman Thrower, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 13, at Page 499.

Councilman Thrower asked if this will be included in the Sign that is placed on the lot giving notice of the proposed change? Mr. McIntyre stated it will be included in the Sign.

CHARLOTTE DESIGNATED AS TOASTMASTER TOWN FOR THE MONTH OF FEBRUARY.

Mayor Brookshire stated the International Toastmasters Club has designated Charlotte as the Toastmaster Town of the month, which is of considerable significance. He stated the cover of the February issue of the Toastmaster Magazine is a picture of Charlotte and the magazine contains a very fine story about our city.

The Mayor advised that because of this particular recognition, both National and International, he has issued a Proclamation, which he read calling on the people of our city to observe the month of February, as Toastmasters Month.

Mayor Brookshire recognized Mr. Peter Gerns who stated he is quite happy to acknowledge the proclamation not only on behalf of Toastmasters International, which has 4,000 clubs world over but to particularly acknowledge and receive it in behalf of the founder of Toastmaster International, Dr. Ralph Smedley, who 40 years ago conceived the idea of establishing Toastmasters Clubs and today he can look upon 80,000 participating Toastmasters. That he also would like to accept the proclamation on behalf of the President of Toastmasters International, Alex Smetka, who as our Mayor Brookshire knows is the Mayor of the City of Rochester, Minnesota, and who was in our city in 1962 attending our Zone Conference.

Mr. Gerns stated the successful Speech Contestant at that Conference was an attorney from Rock Hill, S. C. and went on to International conquest, and

last year North Carolina was honored when a Winston-Salem man participated in the Speech Contest and he went on to win last year the coveted award of the best speaker in the National Contest. That Toastmasters is a movement dedicated to education, the work of individuals as who learn to improve themselves and express themselves especially in public speech. Mr. Gerns presented copies of the Toastmaster Magazine to the Council and called special attention to the article about Charlotte, to "Personally Speaking" by Dr. Smedley, who is now 85 years old, and also to "Genesis of The Gettysburg Address" and to Page 40 listing the many new Toastmaster Clubs.

Councilman Whittington asked how many clubs there are in Charlotte now, and Mr. Gerns stated there are ten clubs.

Mayor Brookshire said all of these clubs are most cooperative in community enterprises in Charlotte, and assist the Speakers Bureaus in many, many civic affairs. He thanked Mr. Gerns for coming before Council and for his civic contributions.

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

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, the following contracts for the appraisal of eleven tracts of land for rights of way for the Northwest Expressway were authorized:

- (a) Contract with J. H. Carson for appraisal of one tract of land on West 11th Street.
- (b) Contract with Wallace Gibbs for appraisal of ten tracts of land on 9th, 10th and Myers Streets.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Bryant, and unanimously carried, authorizing the following streets be taken over for continuous maintenance by the City:

STREET	FROM	TO
Moncure Drive	Churchill Road 170' North	End
Bentley Place	Eastway Drive	Greencrest Drive
Bentley Place	Greencrest Drive	Dalesford Drive
Bentley Place	Dalesford Drive NW	Property line 170'
Greencrest Drive	Bentley Place SE	Property line 200'
Dalesford Drive	Bentley Place SE	Property line 260'
Lockley Drive	Museum Place	300' East

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MARCH 16TH ON PETITIONS NO. 64-10 THROUGH 64-15 FOR CHANGES IN ZONING CLASSIFICATIONS.

Councilman Dellinger moved the adoption of a Resolution Providing for Public Hearings on March 16th on Petitions No. 64-10 through 64-15 for changes in zoning classifications. The motion was seconded by Councilman Thrower, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 360.

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 Annie M. Johnston, for Lot No. 212, Section 4-A, Evergreen Cemetery, at \$189.00.
- (b) Deed with Mrs Maude M. Pittman, for Grave No. 1, Lot No. 13, Section 3, Evergreen Cemetery, at \$60.00.

CONSIDERATION OF PROPOSED AMENDMENT TO SITE DISTANCE ORDINANCE POSTPONED.

Councilman Jordan moved that consideration of the proposed amendment to the Site Distance Ordinance be postponed. The motion was seconded by Councilman Whittington, and unanimously carried.

PARKING RESTORED ON ONE SIDE OF WELLESLEY AVENUE.

The Petition filed by residents of Wellesley Avenue requesting that parking be restored on the south side of the street for the entire length of the block between Hastings Drive and Queens Road West, and the subsequent report by the Traffic Engineer on the subject, was considered.

Mrs Lawrence K. Boggs, 2208 Wellesley Avenue and Mrs Thomas B. Watkins spoke to the Petition. Mrs. Boggs stated the parking ban was put on the street two years ago and since that time conditions have changed entirely; that the main objection was Queens College parking, according to Mr. Hoose's office, by one family up in the next block. At that time the College did not have sufficient parking facilities but the College has since built two adequate parking lots. Too, at the time the ban was put on the street a City Bus used Wellesley Avenue, which is no longer there. Mrs Boggs stated that Wellesley Avenue is five blocks long, and dead-ends at both ends, and is therefore, not a busy street. That the street dead-ends into Roswell Avenue which is not as wide as Wellesley Avenue, and which is a thoroughfare, with much traffic to and from Myers Park club and on to Colony Road to two Schools; however, parking is allowed on both sides of the street. She stated further that the lack of parking on Wellesley is a big handicap to the residents, both from the standpoint of service people and their guests; that Captain Porter of the Police Traffic Division had given the residents special permission for parking from time to time when they had guests, but in January he informed them the City Attorney had advised him he was without authority to do so and now they are unable to have this temporary relief. Mrs Boggs stated they feel in view of the circumstances that parking should be restored on the street; that they had intended requesting parking on only one side of the street but after viewing Roswell Avenue and that portion of Sharon Road that was formerly Briarwood Road where parking is also permitted on both sides of the street, they feel they are entitled to parking on both sides of their street.

Councilman Jordan asked if Mrs Boggs is asking for parking on both sides for the full five blocks or just her particular block? Mrs Boggs stated all except one and two-thirds blocks have parking on both sides, it is just part of their block and the next block, and they are asking that parking be restored in their block on both sides, but they would settle for one side.

Councilman Jordan stated it is not clear to him why one and two-thirds blocks would have no parking whatsoever, and the remainder of the street have parking. Mrs Boggs stated the parking was banned in the block beyond them on the complaint of one family, and they do not know why it was taken off in their block.

Mrs Watkins advised when they first talked with Mr Hoose about the situation he said to let the servants and service people use Queens College parking lots and Queens will not let anyone use their parking lot except their students and faculty. As it now stands, their guests have to walk two blocks to any of their homes. She stated one reason they have not requested the removal of the ban sooner was because of the special parking arrangement with Captain Porter. She urged that parking be allowed at least on one side of the street.

Mr. Hoose, Traffic Engineer, advised that parking restrictions have been in effect for almost two years, the street is only 18 feet wide and with two cars parked that would leave 6 feet and a car cannot go through a 6 foot lane. That he does not think changing the parking will change the width of the street. He passed some pictures to the Council he had made of the street with two cars parking opposite to each other. He stated he thinks everyone is entitled to one traffic lane in each direction, and 18 feet is a 9 foot lane. He advised that during school hours Radcliffe Avenue is one-way, and traffic then moves down Wellesley Avenue to Stanford Place to pick up and discharge in front of the school, and this is one of the reasons parking is off in this one section of the street. He stated he has had plans to go on to Queens Road prior to this particular discussion, and he firmly believes for the protection of the people in the area and the movement of traffic that you cannot park on one side or even two sides of an 18 foot street and get either service or safety. He stated he thinks this is strictly a safety measure, and he feels the safety of all the people in the area should be considered.

Councilman Dellinger asked if Mr. Hoose does not think that parking could be allowed on one side of the street, as there are a number of 16 and 18 foot streets where parking is allowed on both or one side and it would seem that traffic on these streets is heavier than in this particular area, or does Mr. Hoose think it would be hazardous on this street? Mr. Hoose replied that he does think it would be hazardous, and there are very few 16 and 18 foot streets, in fact they are practically all 20 feet. If parking is put on one side of the street, you cannot back out of a driveway and make a turn on an 18 foot street with a car parked.

Councilman Jordan called attention that in Mr Hoose's report he suggested that through special assessment the property owners might be interested in widening the street to 40 feet, which will allow two 12 foot lanes, two 8 foot parking lanes, excluding no parking in corner restrictions, with 5 foot sidewalk and 5 foot planting strip on each side of the 60 foot right of way, and he asked if this has been taken up with the residents? Mr Hoose stated it has not, he merely gave that to Council in his report as a suggested solution to their problem.

Councilman Whittington asked if Mr. Hoose has considered making Wellesley Avenue a one-way street in the opposite direction from Radcliffe Avenue allowing parking on one side? Mr. Hoose replied that he has considered it a one-way street but not allowing parking, that the problem is getting out of driveways with parking on one-side. Councilman Whittington then asked what conditions have changed since Queens put in parking lots and the Bus has been taken off? Mr. Hoose stated he does not think there is any change, as Queens College has adult classes at night and there are more

students parking then than during the day, and when something is going on at Myers Park School, the situation is really bad. That you cannot operate in and out of a parking lot on a 10 foot lane, something has to give, and we are talking about an 18 foot street to operate one lane in each direction.

Councilman Bryant asked how it would be to give a certain number of parking spaces on the street and allow no parking on either side of the parking lot? Mr. Hoose replied that would be very hard to enforce, if one or two spaces are allowed then the parking might as well be taken off altogether. Councilman Thrower asked if the enforcement of it does not become a Police problem once the signs are placed and it is not the concern of Mr Hoose? Mr. Hoose stated he thinks any enforcement is part of his concern; that he does not set things up that would entrap the motorist by saying he will put this sign up and it becomes a Police problem.

Mrs Watkins stated she has lived on Wellesley for 10 years and another lady with them has lived there for 30 years and neither of them has ever seen cars parked on both sides opposite each other and there was never any trouble with the parking.

Mayor Brookshire said to the delegation that Mr. Hoose has suggested that they petition to have Wellesley widened and he asked if they would be interested in that? The ladies replied they would not be interested in the least.

Councilman Jordan moved that parking be allowed on one side of the street and let Mr. Hoose work it out. The motion was seconded by Councilman Whittington, and unanimously carried.

SUPERINTENDENT OF CEMETERIES DIRECTED TO OBSERVE CONDITION OF DRAINAGE DITCH ON EVERGREEN CEMETERY PROPERTY AND REMOVE ANY DEBRIS PLACED IN IT AND SO ADVISE THE COUNCIL.

Mr. W. H. Traywick, 3837 Sheffield Drive, said he was present to ascertain what action has been taken on his request at last week's meeting, regarding trash being placed in the drainage ditch on the City's adjoining property which causes a diversion of water onto his property?

Mr. Veeder advised him that a letter has been written to his next door neighbor requesting that he no longer put any material over the fence. He also advised we have a picture of the one small bag of rubbish that was complained of, which Mr. Haas picked up and took a photograph of it to show the extent of the problem, and the problem consisted of enough rubbish to about half fill a bag.

Mr. Traywick stated there is no need kidding ourselves, that this is just a mere handfull of what is really dumped in the ditch many times; that under the grass you will find stones and all types of trash, clay dirt has been thrown over the fence, and he thinks Mr. Veeder has made a mistake, and he feels it is the responsibility of the Council to enforce the law. That if the Council wants evidence, he will go out with a shovel and dig down three feet and pull out clay, stone etc that has been covered up, and it is ridiculous to assume that he would come before Council about a handful of rubbish.

Mr. Traywick passed around copies of a letter addressed to him from Mr. Richard Welling, Attorney, on behalf of Mr. Dean B. Yemm, who resides next to Mr. Traywick on Sheffield Drive, asking that the downspouts on

Mr. Traywick's garage be corrected as they have been changed so as to divert the natural rainfall from his lot onto that of Mr. Yemm. Mr. Traywick stated he is giving them this merely as information, and naturally the downspouts have not been changed.

Mayor Brookshire said to Mr. Traywick that maybe he and his neighbor could solve all of this in the Civil Courts. Mr. Traywick replied this is not a Council problem, it is not on the City's property. Mayor Brookshire asked Mr. Traywick if he has an attorney, and he replied he has one but he does not feel he needs him to advise him that he is right with regard to his drainage problem, that he supported this administration and the thing that bothers him is why so many outstanding movements have been accomplished and he has one that just because it has not been properly presented has not been solved; that it has been going on for three or four years and anyone with normal intelligence can go out there and see back behind this bank the terrain on down to the property line and you do not have red clay in a wooded area, nor does it accumulate on its own.

Councilman Dellinger asked if anything has been put back there since he was up here last week? Mr. Traywick said he does not think so, but surely something can be done about this, that no individual would pursue anything as consistently as he has this without justification, and he intends to stay with it just so long as the situation is not corrected and he would like the Council to bear in mind that he can stand here at this podium without being elected while they must be elected to occupy these chairs.

Mayor Brookshire asked Mr. Traywick if he and his neighbor, Mr. Yemm, are not both retired Army Officers? Mr. Traywick replied he is retired from the Marine Corps.

Councilman Smith asked Mr. Traywick if after the trash has been removed, etc, he is suggesting that we dig in there and regrade this property? Mr. Traywick replied if there is such thing that it can be halted today, this is what he wants, and he does not think that he would be hurt from it, it would take lots of rain to hurt him - but you cannot do it piece-meal. Councilman Smith asked if the situation remains status quo would that suit him? Mr. Traywick stated that would be alright. Councilman Smith then suggested that the Council might instruct Mr. Haas to observe the situation and see that no more debris is put over there and if so take proper action to have it removed, that is all we can do is to have it supervised properly.

Mayor Brookshire asked Mr. Haas to come up and comment on the situation and we will try to have an understanding about the situation.

Mr. Haas stated he was up here sometime ago and was instructed by the Council through Mr. Veeder to keep the debris etc out from behind this place and that has been done. That last week or the week before was the first time to his knowledge that anything had been placed back in this place. Mr. Traywick called him and he went over and looked at it and also took some pictures and there was a little debris there, it had to be raked up. That the ditch is approximately 14 to 18 inches deep and from that point to Mr. Traywick's property is about 3 feet. There has been no trash or debris thrown in there that has not been removed - there are some trees that he had cut and they will be removed when he can get in there with a truck to load them. That is the only situation he has and he will be glad to carry out any instructions.

Councilman Smith said to Mr. Haas that the Council recognizes this as a proposition between two neighbors and we are in the middle of it, and it will have to be observed from time to time and the City's property protected,

not so much in Mr. Traywick's behalf but because there has been a formal complaint about it; that he thinks that will be the end of this. He asked Mr. Veeder if he does not think so, if we do this? Mr. Veeder stated he hopefully thinks so, but with reservations. Councilman Smith stated he knows Mr. Veeder and Mr. Haas think this is over done and overly complained about but we have to recognize that each person has a right to their feelings and the protection of their property, and he thinks it behooves us to be sure there is no violation and he would like to make that as a suggestion, as he does not think we need a formal motion. He stated further he does not think anything should be thrown over the fence, that it is a source of irritation and he thinks it should desist and cease.

Councilman Whittington stated his position is that he thinks Mr. Haas has policed it and he thinks probably Mr. Traywick's complaint is legitimate but if this Mr. Yemm is throwing anything across the fence onto City property that we spent all this money on for a fence to keep outsiders out, then he is in violation and is trespassing in throwing things on private property and he has been notified, then if he does not stop he should be prosecuted if we can prove he is throwing things over the fence. He would say that to be true if Mr. Traywick, or anyone else was throwing things onto the property.

Mayor Brookshire asked Mr. Haas to try to keep up with it and let us know if there is evidence that someone is throwing trash over the fence.

Mr. Traywick thanked the Council for their action. Councilman Smith stated he knows Mr. Traywick is a public spirited citizen, he takes a great interest in local government, he moved here from out of the City and talks with him and the other Council members about certain things over the phone and if this is "bugging" him as the teen-agers say, then let's try to get the bugs out.

PARKING RESTORED TO WEST SIDE OF FIRST BLOCK OF SEIGLE AVENUE OFF EAST 7TH STREET.

The Petition from residents of the first block of Seigle Avenue requesting that the parking ban on both sides of the street be removed, and the subsequent verbal request to Council at last week's meeting, together with the report of the Traffic Engineer, was considered.

Councilman Smith suggested that Mr. Hoose be asked if it would be possible in this situation to leave one side of the street for parking for these people, bearing in mind that the streets in this area will be revamped when the Northwest Expressway is constructed; that it is not ideal but there are some property rights involved in the situation. Mr. Hoose advised that they set the three lanes up due to heavy movement of traffic and had the Counters out there both before and after, and this is one of the main feeding streets from the City Motor Transportation and Sanitation Department and Street Department; between 35% and 45% of all their trucks move down this area; that it is only 245 feet to Central Avenue and 480 feet from 5th Street, and with the Signal System he has tied in here this sets up on a three-lane street a left turn and right turn and a lane to enter. That the street is only 35 feet wide and the parking is off on the other side of Jackson Avenue for one block, so actually what he is doing is taking it off of 200 feet on the east side and 200 feet on the west side. Mr. Hoose further explained in detail the movement of these trucks, and discussed his reasons for the removal of all parking on Seigle Avenue.

Following the discussion, Councilman Smith stated he is sure that Mr. Hoose is technically right and he dislikes to fuss at him but he moves that parking be put back on the west side of Seigle Avenue. The motion was seconded by Councilman Whittington.

Councilman Bryant asked Mr. Hoose if he has any suggestions for parking for these people? Mr. Hoose stated in the evening he imagines something could be worked out with the Upholstery Shop but he does not know; that actually he is not in the position to tell the people in any residential area where they could park, or to set up off-street parking zones. Councilman Bryant asked if they are able to cut driveways into their lots? Mr. Hoose stated he does not know, there is parking allowed on Jackson Avenue and from the furthest resident 200 feet away. Councilman Bryant asked how far would parking on Jackson Avenue be from the furthest home that is affected? Mr. Hoose stated it would probably be around 200 feet. Mr. Hoose stated he thinks it is important that we handle the traffic up to the time we get the Expressway; this is one way it can be done without any cost at all. That it is his job to try to move the traffic to relieve some of the congested areas.

Councilman Smith stated Mr. Hoose is doing a good job but it is hard for the Council to eliminate any place a resident of a street can put his car except two blocks away in an area that it would not be too safe to walk in sometimes at night, and these considerations are the only things that would outweigh Mr. Hoose's very good traffic patterns with which he has no fuss at all, but the human things that come into these situations sometimes sway us.

Councilman Dellinger stated he thinks that Mr. Hoose's proposal is ideal if it did not work a hardship on these people, and in the fact of the City going to buy the property and change the whole situation immediately, he cannot see why the parking should be taken off at this time.

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

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

APPLICATION FOR LICENSE TO OPERATE A DANCE HALL POSTPONED ONE WEEK FOR CITY ATTORNEY TO CONFER WITH CITY-COUNTY TAX DEPARTMENT.

The City Manager advised that Mr. Lloyd H. Raye is present at Council's request to answer any questions in connection with his Application for a privilege license to operate a Dance Hall called the King and Queen at 4308 South Tryon Street, which must be approved by the Council.

Councilman Smith stated he raised the question at last week's meeting as to why he had to get a permit to operate a dance hall when a number of beer places have dancing and cover charges etc and are not required to get such permit, and the City Attorney advised the Code provides that the Council may ask what type of place he is going to operate.

Mr. Raye stated what he is operating really is not a Dance Hall, it is a Lounge like there are a dozen or more here in the city. That he was informed and advised by different public people, and Mr. Griffith at the City-County Tax Office told him that to allow dancing in a Lounge he should apply for a license and he did so.

Councilman Dellinger asked if he will sell beer and what else? Mr. Raye stated he will sell beer and soft drinks.

Councilman Smith asked what he has the place set up for, and Mr. Raye replied 90 people. Councilman Smith stated it will then actually be a

Lounge; that he understands these other places have dancing and they have just not bothered to make the proper application for a license? Mr. Raye stated that is correct from what he understood from Mr. Bobo.

Councilman Bryant asked if he has a beer license, and Mr. Raye stated he does not, he has applied for it and it was to have been here last Thursday and he is just waiting.

Councilman Smith stated the question he wants to raise is why have we been issuing permits for Lounges if they come under the Dance Hall classification? Councilman Thrower asked Mr. Raye if he does not pay an extra federal excise tax for the privilege of dancing in places like this? Mr. Raye stated he was informed at the City-County Tax Office that you do have to report on the number of people dancing. That he will have the usual cover charge that is charged in all the Lounges.

Councilman Smith stated his point in bringing all of this up is we have any number of Lounges around town that charge \$1.00 to get in, 60 cents for a beer and this covers the Combo in the dancing area; he does not see at this point why the Council should get this man for a special privilege if all the rest of them are operating under this same classification and not getting a license; if this is true, then we should go back to all these other places and make them pay the license fee and register as Dance Halls. This is all that he is trying to clarify.

Mr. Morrissey, City Attorney, stated apparently someone in the Tax Department has made the determination that this type of business comes under a Dance Hall in the License Code; that he had no knowledge of this, and he would appreciate the opportunity to discuss it with the Tax Department to determine the proper classification for this place of business.

Councilman Jordan stated he does not see how you can classify this as a Dance Hall because it is not a Dance Hall. A Dance Hall is a place of business where you have nothing but dancing, and you may have a Bar or serve cold drinks or sandwiches. This place in his opinion, is like all the other Lounges in Charlotte, you serve sandwiches and food, you can dance if you wish, some have cover charges and some do not. Mr. Veeder stated that Mr. Jordan may have hit on the point. Mr. Raye indicated he was not going to serve food and that may be the distinction that the Tax Office has made.

Councilman Thrower moved that we defer this for one week to allow Mr. Morrissey to talk with the Tax people.

Councilman Jordan asked Mr. Raye if he can make it with a 90-seating capacity without serving food. Mr. Raye stated there are only two or three Lounges in town that serve food, because they found out via the grapevine it was quite expensive and the people were there for entertainment and not for eating.

Councilman Whittington seconded the motion and expressed the hope that Mr. Morrissey can get an answer by next week.

The vote was taken on the motion and unanimously carried.

APPOINTMENT OF JOE B. STEWART AS ASSISTANT CLERK OF CITY RECORDER'S COURT.

Councilman Dellinger moved the appointment of Mr. Joe B. Stewart, 1309 Murdock Road, as Assistant Clerk of City Recorder's Court. He stated

Mr. Stewart worked in the Record Division of the Police Department and has some knowledge of this work and he believes he would be acceptable and qualified for this work. The motion was seconded by Councilman Smith, who stated he checked on Mr. Stewart's record at the Police Department from 1954 to 1959 when he worked in the Filing Division and got nothing but favorable reports from his past functions. That the only difference between him and the other man that was recommended is that Mr. Stewart has experience.

Councilman Jordan stated he also heard the same things from the Police Department about Mr. Stewart and that they would like very much to have him back but it did not seem the salary and classification was enough, and he believes he will make a very good person for this position.

The vote was taken on the motion and unanimously carried.

ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the acquisition of 2,555 square feet of property at 412-14 West 10th Street was authorized from Lelia M. Alexander, at \$5,999.00, for right-of-way for the Northwest Expressway.

ACQUISITION OF PROPERTY FOR SETBACK LINE AT SOUTHEAST CORNER OF EAST TRADE AND SOUTH COLLEGE STREETS SUGGESTED.

Councilman Whittington suggested that the Engineering and Legal Departments be instructed to try and obtain whatever setback we have on the lot at the southeast corner of East Trade and South College Streets where the old building formerly occupied by Charlotte Drug Store has been abolished, so as to provide for the proper right turn from College Street into Trade Street. In the discussion it was pointed out that Mr. Whittington is correct in his thinking but the amount of money that would be involved would practically prohibit it, as the owner is asking \$100,000 for the property. Councilman Whittington stated he realizes this but now that the building has been torn down and the lot is vacant, and the owner will either leave it that way or build on it, this is the proper time to consider the matter. He then suggested that the City Manager and Traffic Engineer be thinking of its value to the City as a right turn, and the matter be considered in the new budget.

FILM ON PHILADELPHIA URBAN REDEVELOPMENT PROJECTS TO BE SHOWN AT NEXT JOINT CITY-COUNTY MEETING BY CHARLOTTE SECTION, N.C. CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS.

Councilman Jordan referred to a letter received by the Council from Mr. Charles H. Wheatley advising that the Charlotte Section of the North Carolina Chapter of the American Institute of Architects, has procured a 40-minute color film on the Philadelphia Urban Redevelopment Projects showing the city's experience in the successful steps of such program, and offering to show it to the Council at a convenient time. Councilman Jordan stated he would like to have the letter acknowledged and he would like to see the film and is wondering if the Council would not like to see it, if a convenient time for everyone can be set.

Councilman Dellinger suggested that the film be shown at the next joint meeting with the County Commissioner and all see it together, in which the Council and Mayor concurred.

CHARLOTTE-MECKLENBURG PROPERTY INVENTORY, VOL. I AND II, FILED BY LAND USE COMMITTEE.

Councilman Jordan, Chairman of the City-County Land Use Committee, presented Volumes I and II of the Charlotte-Mecklenburg Property Inventory, which he stated has been in the making for two years. He expressed his appreciation to the other members of the Committee, Councilman Bryant and Commissioner Lawing, for their cooperation in the work, as well as the many other people, including our own Right-of-Way or Real Estate Office personnel - Miss Carolyn Burns, Miss Linda Diggle, as well as Mr. Bob Alexander of the Tax Office. He advised the Inventory is quite lengthy and covers through 1962 and he hopes to have the 1963 edition out soon. He suggested that the Council study the report, which he is sure will be of great help to the City in the future if it is kept up which he hopes will be done.

Councilman Dellinger on behalf of the Council thanked Mr. Jordan, Mr. Bryant and Mr. Lawing, for this very fine job, which is appreciated very much.

Councilman Bryant stated he is afraid that Mr. Lawing and he were members of the Committee in name only, other than the original meeting, and Mr. Jordan certainly deserves a lot of credit, for he stayed right with it and worked hard in getting the work done and the report completed, and he thinks he has done an excellent job.

Mayor Brookshire expressed his appreciation to Mr. Jordan and the Committee for a real good job. He stated he thinks the inventory will be of great value to our Real Estate Department, and suggested that the Committee continue to bring it up to 1964, and perhaps list all of the vacant property that might be considered surplus, in order that Council may give consideration to the disposal of any property for which we see no need. That he thinks one of the original purposes outlined for the Committee was to make the inventory so that the surplus property could be sold and get it back on the tax books, and he should think that Council would want to go into that matter as soon as possible.

Councilman Jordan stated that all of the vacant property is listed in the inventory, and pictures and plats will be made available of the property which might be disposed of.

CITY MANAGER REQUESTED TO IMPROVE APPEARANCE OF CITY'S ROLLING EQUIPMENT.

Councilman Smith called attention to the appearance of our rolling equipment and stated that two or three years ago he was real prideful in the way it was kept painted and polished. That we talk about our great and glorious city and all its facets, but when you see an old beat-up garbage truck with cans hanging all over it going down the street it certainly detracts. That two or three years ago he took great pride in pointing out the good looking equipment we had, and he thinks something should be done about it; if you let it run down you will never get it back up to the standard it should be kept.

The City Manager thanked Mr. Smith for his comments and stated he made similar remarks at a Department Head Meeting a few weeks ago. He stated that at budget time he is sure there are going to be requests from us to replace equipment at a rate greater than we did in the current fiscal year, that this has got to be and he hopes Council will have a sympathetic ear as some of the equipment on the streets should not be there. That some of it is six years old, however he does agree that some of it could be looking better.

Councilman Smith stated his first impression on going into a city is how the sanitary trucks look, if they are clean and shiny then you know they have a good administration, and this is just about right in all cases.

PETITION FROM DEPARTMENT REQUESTING SALARY INCREASES DISCUSSED.

Councilman Dellinger advised he has received a complaint from one of the City Departments about salary increases; that the employees are disturbed because they have not had an increase and the Council made some adjustments in some salaries recently. That he has a petition containing 36 names in this particular department, saying they have not had an increase in pay in five years and he would like for the City Manager to look into the situation and it will be discussed at budget time, along with other adjustments if any are made.

Councilman Smith asked the City Manager if he has not indicated to the employees that all salaries will be reviewed at budget time? Mr. Veeder replied he has done so through the Department Heads.

Councilman Dellinger said he would like to clear up one matter, whether these employees have had an increase in five years or more? That he does not think this was supposed to be true, that under Job Classification every employee was supposed to have had an increase within five years at least.

Councilman Smith stated he thinks it is poor policy for these employees to come to the Council, he thinks they should go through administrative channels and Councilman Dellinger stated he agrees but you have to go to the top sometimes and he does not blame them, that the Council invited it more or less in telling them to come to Council whenever they wanted to, just like any individual.

Councilman Albea stated they are just like anyone else and he thinks they should feel free to come to the Council. Councilman Smith expressed the opinion that this was not the proper procedure for employees to follow, in which Councilman Bryant agreed.

REPORT OF SUPT. OF BUILDING INSPECTION DEPARTMENT ON MINIMUM HOUSING PROGRAM DISCUSSED.

Councilman Bryant thanked the City Manager for the report on the housing program from Mr. Jamison, Supt. of Building Inspection Department, and stated he noted in the report that in the Brooklyn area in the last year through the minimum housing code they demolished 130 houses, successfully began enforcing the housing code, that 4624 living units have been rehabilitated, that 1,103 have been demolished and he noted especially what our Inspectors are doing - that they have averaged 591 completions per Inspector per year, as compared with the National average of 250 per Inspector per year. That he would like to call attention that they are doing twice what the National average is and this is to be commended. That it is obvious from the report that we can use another Inspector or two.

Councilman Thrower said that hand in hand the programs together can do a job well done.

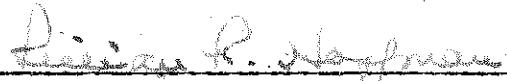
Mayor Brookshire stated he thinks Council might be interested in having Mr. Jamison discuss the program of the enforcement of the Housing Code in detail and tell us approximately how long they think it may take to get all the way around.

Councilman Whittington stated Mr. Jamison recommends in the report the matter he brought up for discussion about a month ago, that we now start concentrating on a given area - the 4th Ward - as an example, to prevent the neighborhood from becoming blighted. That he would like for the Council to study this and follow the Mayor's suggestion and hear Mr. Jamison and think about urging this department to go ahead into an area and work only in that area for a while.

Mayor Brookshire stated it would, of course, be necessary to have Inspectors free for other areas should the work be concentrated on any one area; however, he thinks it would be fine as suggested by Mr. Whittington to clean up one area in toto.

ADJOURNMENT.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the meeting was adjourned until 3 o'clock p.m., on Tuesday, February 25th.


Lillian R. Hoffman, City Clerk