

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, April 18, 1966, at 2 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower and Jerry Tuttle present.

ABSENT: Councilman James B. Whittington.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate Body, held its public hearings on Petitions for changes in zoning classifications together with the City Council, with the following members present: Mr. Sibley, Chairman, Mr. Gamble, Mr. Jones, Mr. Lakey, Mr. Olive, Mr. Tate, Mr. Toy and Mr. Turner.

ABSENT: Mr. Ashcraft and Mr. Stone.

INVOCATION.

The invocation was given by the Reverend Graham C. McChesney, Pastor of St. John's Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Tuttle and unanimously carried, the Minutes of the last meeting on April 4, 1966, were approved as submitted to the City Council.

PLAQUE PRESENTED TO ROY B. HORTON, ENGINEERING & STREET DEPARTMENT, IN RECOGNITION AND APPRECIATION FOR HIS SERVICES TO THE CITY, UPON HIS RETIREMENT.

Mayor Brookshire presented the City Employees Plaque to Mr. Roy B. Horton, in recognition and appreciation for his services to the City in the Engineering and Street Department, from the date of his employment on August 17, 1953 until his retirement on March 25, 1966. The Mayor expressed his personal appreciation for his services and best wishes for his retirement years.

PETITION NO. 66-41 FOR CHANGE IN ZONING FROM R-15 TO B-1 OF 1.33 ACRE TRACT OF LAND AT THE NORTHEAST CORNER OF NEWELL-HICKORY GROVE ROAD AND ROBINSON CHURCH ROAD WITHDRAWN BY THE PETITIONERS, MR. AND MRS. CURTIS HANEY.

Mr. Benjamine S. Horack, Attorney, representing Mr. and Mrs. Curtis Haney, Petitioners for a change in zoning from R-15 to B-1 of a 1.33 acre tract of land at the northeast corner of Newell-Hickory Grove Road and Robinson Church Road, advised that he is here to confirm the withdrawal of the Petition by Mr. and Mrs. Haney in a letter to the City Council and Planning Commission on April 14th.

Mayor Brookshire remarked that this is their privilege, as the City Attorney has previously ruled.

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DECISION DEFERRED FOR ONE WEEK ON PETITION NO. 66-13 BY SHARON LOAN COMPANY AND JAMES J. HARRIS FOR CHANGE IN ZONING FROM R-12 TO R-12MF AND O-15 OF THE PROPERTY EXTENDING FROM SHARON ROAD TO NEAR INVERNESS ROAD AND LYING TO THE SOUTH OF WICKERSHAM ROAD.

Councilman Thrower advised that Councilman Whittington will not be present today because of business reasons, and he moved that consideration of the subject petition be deferred for one week. The motion was seconded by Councilman Tuttle and unanimously carried.

HEARING ON PETITION NO. 66-35 BY TROPICANA, INC., AND OTHERS, FOR CHANGE IN ZONING FROM R-15 TO R-12MF OF 15 LOTS LOCATED BETWEEN CROSBY ROAD AND BERMUDA ROAD, NORTHWEST OF WESTBURY ROAD, FRONTING APPROXIMATELY 206 FEET ON CROSBY ROAD.

The public hearing was held on the subject petition, the City Council having been advised that a Petition protesting the change in zoning had been filed by owners of more than 20 per cent of the area within 100 feet adjacent to one of the side lines of the property, which is sufficient to require the affirmative votes of six members of the City Council to affect the requested change.

Mr. R. C. Hauersperger, Chief Planner, pointed out on a map Providence Road and Sharon-Amity Road in the general area of the subject property, and the location of the said property between Crosby Road and Bermuda Road. He advised this is a shopping center area with the Telephone Company next to it and Medical Offices on Crosby and Sharon-Amity Road. He stated there are four residences on Crosby Road and four on Westbury Road, and he pointed out the location of the three churches in the area. He advised that the zoning in the area is Business and Multi-family, the corner property is zoned Office, and the Tropicana Apartments are zoned R-12MF; otherwise, the zoning surrounding the property in question is R-15 single-family.

Mr. James E. Walker, Attorney representing the Petitioners, pointed out on the map the location of the property of the petitioners, stating that the vacant property adjoining the Tropicana Apartment House is owned by Mr. Carpenter and Mr. Earnhardt, the house at the corner is owned by Mr. Charles Moore, and he indicated the location of the house of Mr. James Davie. He stated they seek to have this property zoned R-12MF to permit multi-family dwellings. He presented a drawing and an aerial photograph of the Tropicana Apartment Building which was constructed a couple of years ago, and he advised that the property in question adjoins it at one side. He pointed out the house owned by Mr. Charles Moore and stated it has deteriorated and is ready to be torn down; that the next residence to it is that of Mr. Davie, which is most attractive, and they plan to leave it just as it is. He stated the Apartment House they wish to build on the property is the condominium type, and the individual owners will buy air space in the condominium. He presented a diagram of the proposed apartment house, or condominium; he stated it will be four stories in height with a penthouse, a total of about 43 feet. He stated that it, in his judgment, would not be discernable from Providence Road unless one were looking for it in the winter when the leaves had fallen; that the condominium would have 42,200 square feet, 24 apartment units, three apartment units with 6,675 square feet, the roof would be landscaped with a garden, the Lobby with 10,000 square feet would run off of the circular driveway; the apartments would cost from \$25,000 to \$55,000 each. This would be a luxury type apartment. He stated that they would provide plenty of off-street parking for the residents. That

the property where the Moore house is presently located would be landscaped after the house was torn down, and the distance from the proposed Condominium to Westbury Road would be 180 feet, and there would be no parking on the Westbury Road side; it would be landscaped with shrubbery, and the present trees would remain.

Mr. Walker stated that the property owners have contracted to sell this property to Welco, Inc., who would be the ultimate owner if the zoning is changed, and they would develop it, then the space in the condominium would be sold to individuals. He pointed out that the people who own and reside in the Tropicana all sold their homes and moved into the Apartment, and they think there is a definite trend in the direction of condominium living and a desire for it in Atlanta and other large cities by people who like to come in closer to live and not have to worry about keeping up the premises of a house. He stated the total cost of the proposed apartment will be approximately one million dollars, so we are talking in terms of a substantial increase in taxes. He pointed out the business property and office property on Sharon-Amity Road, then the R-12 zoning, and this would actually be an extension of the present zoning; he pointed out that the 5½ acres on the corner are already zoned R-12MF, so it is not a question of starting a trend in a new direction or bringing R-12MF zoning into the area.

He passed around some photographs of the area and pointed out the Tropicana and the wooded area that will serve as a buffer between what they seek rezoned and Providence Road; and he pointed out the business developments in the area, and the Catholic School on Providence Road, the churches, and a second photograph showing the trees looking from Westbury Road towards the site of the proposed building.

Mr. Walker filed a petition signed by 22 of the 28 property owners who live immediately adjacent to the subject property, some of whom live in the Tropicana, requesting that the change in zoning be allowed. He also filed a plat in the area, showing the outline in detail.

Councilman Tuttle asked Mr. Walker what the height of the ceilings will be, and Mr. Creel replied there would be 8 feet 8 inches between floors. Councilman Tuttle asked if the 43 feet height of the proposed structure includes the penthouse and Mr. Walker stated that it does. Mr. Walker stated that the land on which the Apartment will be erected is rather low.

Mr. Fred Meekins, Attorney representing the Protestants to the proposed rezoning, stated he has a personal interest in this matter as he resides on Westbury Road, directly across from the proposed building; that he signed the Petition protesting the change for this reason and also because of the abutting property owners on Westbury Road. In addition to the petition previously filed, Mr. Meekins presented a second petition signed by 420 residents in the immediate area and for a considerable distance around the area; he stated they are quite proud to have on this petition the signature of a resident of the Tropicana, Mrs. Helen K. Anderson.

Mr. Meekins stated that he need not remind the Council of the burden that a petitioner has in coming before them on a rezoning matter because the Council is well familiar with the fact that by adopting in January, 1962, the Planning proposal setting out the zoning regulations, Section 23-3 of the Zoning Ordinance, which he read in part. So he says the burden is upon those who are seeking to change the ordinance to show some undue hardship or change in a material way in the neighborhood to justify this particular use. That the reason for this is because there are many places in Charlotte for this type of apartment to be put that are already zoned,

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or could suitably be rezoned, that would not interfere with the residential use of adjoining landowners. That he says no undue hardship has been shown by the petitioners to justify invoking this very detrimental amendment to the ordinance.

He stated that he has not seen the plans for the proposed building; that Mr. Creel has talked with him and at that time advised him that it would be 33 units in a high-rise apartment, some 5 to 6 stories high; and he would submit to Council if this rezoning is passed that is still a possibility because if the land is rezoned, it is of a size that it can be used for 33 units. Mr. Meekins stated that they talk about a million-dollar investment and the trees and shrubbery and improvements to the neighborhood, but these are intentions, and he knows that the Council and Planning Commission know that intentions are not always carried through. However, if they were, this is not the proper place or proper type of the use of the land in a well established residential area.

He stated that not more than ten months ago the residents of Westbury Road were before the Council on a neighborhood petition to improve their property by installing storm drains and curbing and gutters, and they are looking for improvement in the area. That the people who bought their homes in this area were relying on the fact that this land was zoned for residential use; that they do not say they have a vested right to have this use continued from now to infinity, but certainly the petitioners have the burden of showing some undue hardship which would justify changing the zoning. That the only basis on which they are seeking to change the zoning is the pecuniary monetary interest of the few to the detriment of the many.

Mr. Meekins stated if the zoning is allowed it would require 40 additional off-street parking spaces, which he understands is 1.25 parking spaces per unit and 40 additional vehicles coming down this beautiful narrow residential street, which is being widened from 16 feet to 26 feet. That the Cotswold School is already so crowded it can hardly accommodate anyone else, and the Junior High School is so crowded that it cannot accommodate anyone else, and they are continuing to crowd people into an area which has been designed by the City Council to be single-family. That it is true the Tropicana is multi-family, he does not know how it got there and they are going to live with that, but this is the place that the line should be drawn. That the purpose here is to consider the public view of the whole matter, and he thinks the strongest evidence of the theory of this group is the signatures of these petitioners, this is the voice of the people, this is what the City Council should listen to and not the petition and the pleas for the erection of a property in an area not designed for such.

Councilman Short asked Mr. Meekins what he knows about the two lots in the corner of Westbury and Crosby which are within the same block but not included in the Petition before Council - what are they used for, what is the attitude of the owners? Mr. Meekins replied that his understanding is that a Miss Ross owns these lots, that she is the sister of Mrs. Sarah Houser who owns property on Westbury Road; that Miss Ross has been pursued by the interests involved here to join in the petition, but she feels as many do in the area, that this is not the type of use that should come into a single-family residential area. The lots have been used in the past as a garden, it is subject to being developed, and he thinks it could be developed very well into a residential lot and would be an asset to the area, but he does not know what her intended use is; that Miss Ross has signed the Protest Petition and does not want multi-family encroaching on Westbury Road.

Mr. R. A. Pitts stated he lives directly across the street from the property in question at the corner of Westbury and Crosby Road and his property would be directly affected by the proposed highrise apartment. That he purchased the property in 1947, and he and Mr. Barber opened up Westbury Road from Crosby Road, and it has developed into a wonderful residential street of single-family homes. Since then Providence Park has opened up off of their street and developed into a beautiful section. Recently they asked that Westbury Road be beautified by putting in curbing and gutter, etc. They are proud that their street runs off of Providence Road, the only remaining road leading into Charlotte without apartment houses. If this highrise apartment is permitted to come into this area, it will open up an avenue for others, and he feels the encroachment should not be allowed. That the highrise apartment would most definitely be visible from Providence Road, and they cannot keep foliage on the trees the year round to prevent this, as suggested by Mr. Walker. They feel the Council and Planning Commission are obligated to protect private homeowners who have lived in an area that would be directly affected by such rezoning. That people in Charlotte should be able to buy and invest money in property and know that the investment will be protected; that he is in business downtown and he wholeheartedly supports the way they are doing in the Downtown Area, designating certain areas for certain type buildings, and he believes that is the way the City Council and the Planning Commission are going to have to develop Mecklenburg County and the City of Charlotte.

Mrs. Helen K. Anderson stated she owns an apartment in the Tropicana and she objects to a highrise apartment in this area; that when she purchased her apartment in the Tropicana, she selected a particular apartment because of the open area it faced - an area known as The Swamp - so that she would not have a building next to her. That she was told by Mr. Creel at the time that The Swamp was to be drained and arrangements had already been made with a party on Providence Road for the water to drain onto Providence Road, and each resident of the Tropicana could then have a garden spot in this area, and it would be made into a recreational area. That she also objects to the proposed building because it is to have individual airconditioners. That when the 22 individual airconditioners in the Tropicana are turned on, the noise is terrific, and she has lost many nights sleep because of the noise.

Mr. Wyss Barker, who lives on the corner of Providence Road and Westbury Road, stated that the back corner of his lot is diagonally across from the property in question; that he moved out there before it was in the city limits, and he has seen the changes in zoning as it affected property; that he is very interested in maintaining a proper residential section and is opposed to highrise apartments in this area and feels this is an area in which they should not be allowed for they would be detrimental to the value of property. That too many instances of this kind would not help the City of Charlotte in its progress, and he feels it would be good planning on the part of the Council and Planning Commission to disallow this change in zoning.

Mr. T. S. Rogers stated he is President of Tropicana Apartments, and he wants to say one word in reply to Mrs. Anderson. She is a stockholder in the Tropicana, and everyone in the Apartment is in favor of the proposed apartment except her. That it is true they have individual airconditioners, and if they were objectionable, he would sell his apartment and move. That he is most happy with his apartment and thinks it is a great place to live and a great way to live, and he thinks the proposed apartment would be a credit to the section.

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Mr. Earl Folk, 241 Westbury Road, stated his house is about a half block from the proposed apartment. That he moved to Charlotte last June, and he selected this area because of what they were led to believe was strict zoning requirements for single-family homes. That he would object strenuously to any change that would vary from single-family zoning because of his children. That he plans to build an addition to the house he purchased, and it would represent a sizable investment, and he is reluctant to do this because of the uncertainty of the situation.

Mrs. Jack Patton, stated she owns an apartment in the Tropicana, and she would like to speak in defense of an apartment such as theirs, since she has heard it called a detriment to the neighborhood. They feel it is an asset to the City; they sold their home to move into the Tropicana, and she knows there is a definite need for this type of residence for those who are getting older, whose children are grown and particularly when the husband travels and the wife does not need to be alone in a house. That they feel the proposed apartment would enhance the neighborhood and perhaps some of the property owners might be inclined to improve their property with a handsome structure such as this nearby. That Charlotte is growing and changing, and it must meet the needs of the growing population if it is to progress.

Mr. Gordan A. Smith, stated he is a stockholder in the Tropicana and has lived there for a year, and he is in favor of having the proposed apartment next door to them. They have 22 apartments in the Tropicana and parking is no problem for them because plenty of off-street space is allocated for their parking along the side and at the rear of the apartment. There are 21 cars that move in and out of their parking area once a day. That the diagram of the proposed apartment shows a sufficient off-street parking area for the residents, they would possibly add 20 cars more moving in and out the neighborhood, and during school hours these vehicles would not be on the streets. He stated he has counted only eight houses in the immediate area, but he has seen people come into this Chamber from far and near in opposition to the question before Council. That the proposed building will be 180 feet off of Westbury Road, and the building will face Crosby Drive the same way the Tropicana faces. Deterioration is now there and the proposed apartment would definitely improve the neighborhood and that corner which is grown up in weeds. That he invites the Council and Planning Commission to come out and view the Tropicana and the well-kept grounds.

Mr. Herbert Lockwood, 2711 Providence Road, stated he is not in favor of highrise apartments in their area; that he bought out there in 1942 anticipating that it would be consistently a single-family area. That he believes any infraction in that which has already been endorsed by the Planning Commission and the Council should not be done. That the Planning Commission and Council provided several years back quite a bit of land for multi-family buildings in and around this area, and he does not think it should be extended into the existing single-family neighborhoods. That he thinks the areas surrounding this particular neighborhood should be considered - his residence is not adjacent to, but is neighboring on, the property in question - this highrise apartment would be obliged to have some effect on the neighboring areas, such as Randolph Road, Randolph Park, Cloisters, Wendover Road, Providence Road and others such as Foxcroft. That he thinks that decisions in these matters rest in capable hands, and he hopes they will keep in mind the thoughts he has expressed.

Mr. Luther Creel stated that he developed the Tropicana, and he is the proposed developer of the new apartment building. That he called a meeting of the people concerned when they started this new promotion. At that time,

he had a tentative plan for a six-story building with 33 units, but contrary to what Mr. Meekins says the land will not support 33 units, it will only support a maximum of 27 units on this tract of land in R-12MF zoning, and that is his intent and his plan and what will be built regardless of what Mr. Meekins says. Mrs. Anderson has objected, she being the only one of the owners in the Tropicana who objects, and she objects on the basis that the highrise will be on the side of the building on which she resides. It is true that it will be on that side, but it will be less than 20 feet taller than the present Tropicana; and looking out her window, she can see nothing but blue sky and trees if the building is put up. She objects to the noise that might be coming from this building which would prevent her sleeping - it is true when anyone gets in a set pattern of sleep the least noise affects them, and last year several people were affected by the noise of the air-condition units coming on and off, but in about a week everyone became accustomed to this extra noise. He stated that the units he plans to use in the new apartment are heat pumps, and they will be on the inside of the balconies of each apartment. On the side affecting the Tropicana, there will be three heat pumps and from a distance of between 60 and 100 feet away can hardly be heard. He referred to an article in the newspaper Thursday night and did not know where the writer obtained his information, but he is sure it was from the opposition, and several misrepresentation of fact was made in the article, and they are that the apartment building proposed was to face on Westbury. That he specifically told Mr. Meekins, Miss Ross and those who opposed the rezoning that this building will be facing on Crosby Drive and nothing will be built on Westbury. The only thing to be done on Westbury is tearing down an eye-sore there that should have been torned down years ago, and that lot will be landscapped and made into a garden. The nearest to Westbury that any point of this building will come will be approximately 180 feet. The article said that the building would back up to the Tropicana Apartments; that is not true. It will be side by side with the Tropicana. The article said that he was developing it for the Tropicana Corporation. That is not true; he is developing it for himself. That a lot of these objections come up because of misrepresentations, and he felt these facts should be made known. He advised that the petition which was submitted is signed by 22 of 29 property owners who own property directly adjoining this tract or across the street from the tract. They did not go three, four or five miles away to Barclay Downs or the Cloisters or Providence and Wendover because what is done on Crosby Drive in no way affects those people, but the opposition saw fit to present a list of names on a petition that they had to obtain from miles away.

Mr. Meekins stated that he has not intended to mispresent the facts. That he has discussed this with representatives of the newspapers who have called him and he only related to them the facts that were related to him by Mr. Creel in his home Sunday. That Mr. Creel originally planned 33 units and told him he had no plans for Westbury Road and that is correct. That he understands the plan is to put a swimming pool on Westbury Road, but he does not know that this is true.

Mr. James Walker stated that something has been said about the traffic that would be created by rezoning. That Bermuda Road is not cut through, and if the rezoning takes place, they can use this area to come into the back of the apartment and to come off Providence Road, immediately turn left into what is now not a road into the back of the apartments so that they would not be travelling more than 250 or 300 feet at the big house and turning right into the area, and he does not think there would be a problem. That the parking area would be at the rear directly behind the building. Mr. Walker stated that something was also said about private gain. That he supposes that any time you have a rezoning, you cannot get away from it, somebody has to gain something, and perhaps somebody loses something. That

he would like to read some information that was gathered by one of the petitioners who went down to the Register of Deeds office and, by looking at the tax records, found all the property that he could that was bought and sold in that immediate area within the last few years. 2904 Clover Road bought in January, 1957, cost \$16,700 and was sold June, 1965, for \$17,000; 621 Westbury Road was bought June, 1960, at a price of \$18,500, sold January, 1965, for \$24,000; 3441 Westbury Road bought in October, 1949 for \$16,630, was sold August, 1965 for \$18,000; 2908 Clover Road was bought in February, 1960, at \$18,580, was sold December, 1965 for \$28,000; 432 Westbury Road, bought January, 1953, at \$6,500, sold for \$24,000 in 1965. That these 1965 sales were all after the Tropicana was built. This is to show Council and the Planning Board that real estate values were constant, or certainly not down because of these apartments.

Councilman Short asked Mr. Walker if these sales figures are not based on revenue stamps? And Mr. Walker replied that they are and takes into account the honesty of people. Councilman Short asked if they would not be subject to the possibility that the approved mortgages are not represented there? Mr. Walker stated this is the difference in money that was exchanged in other words, if there was a mortgage assumed his figures would be more in his direction. Councilman Short remarked if the mortgage had been cancelled in the meanwhile, the figures would be the other way, and Mr. Walker commented that cancelling the mortgage would not have anything to do with it.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-36 BY MERWIN E. FOARD AND WIFE, AND OTHERS, FOR CHANGE IN ZONING FROM R-9 TO R-9MF OF THE PROPERTY HAVING FRONTAGE ON ROLLING HILLS DRIVE, BEGINNING APPROXIMATELY 180 FEET EAST OF SUGAR CREEK ROAD.

The public hearing was held on the subject property, the City Council having been advised that a Petition protesting the change in zoning had been filed by owners of more than 20 per cent of the lots within the area requested rezoned and by owners of more than 20 per cent of the area within 100 feet adjacent to one of the side lines of the property, which is sufficient to require the affirmative vote of six members of the City Council to affect the requested change.

Mr. R. A. Hauersperger, Chief Planner, advised that the property is located off Sugar Creek Road. He pointed out Rolling Hills Drive and North Tryon Street and stated that within the area there are six duplexes, and, roughly, about the same number of single-family homes. Abutting on Sugar Creek Road are single-family residences and a little farther away is a little shopping area, consisting of a service station, cafe, grocery store and furniture market, and pointed out the Presbyterian Church at Sugar Creek Road and North Tryon Street. He stated that the zoning surrounding the property is R-9MF on three sides, and he indicated on the map of the area the adjoining Office, Business and R-9 single-family zoning.

Mr. Merwin Foard, a Petitioner, stated that they are merely asking that the property be reinstated as it was in 1962. That the area was a part of an estate that was subdivided and sold as R-9MF, and it remained R-9MF until January, 1962, when it was changed to R-9. That their request that it be changed back to R-9MF is for the following reasons: On three sides, they are adjoined by R-9MF property, and on the fourth side, they are adjoined by R-9 property, excluding the small Office zoning in between. The fact that in the R-9 zoned area none of the contenders are represented here should be of interest, and it means that the people who are contending this now live, or own, R-9 property or they bought their property and built their home at the time this was zoned R-9MF, since no new homes have been here

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since the zoning changed from R-9MF to R-9 in 1962. That in making this request, quite a few of the landowners have signed a petition in favor of the rezoning, 18 lots are represented by these signatures, and 11 of the lots are undeveloped. The majority of these lots were purchased prior to January, 1962, with the idea that when they were able to do so, they would utilize the property by building duplexes on it. That there seems to be some feeling that highrise apartments are being considered for this area, and this is not the case. That they feel they are not asking anything out of line in requesting that this property be rezoned; they feel that no one will be injured by it; they do feel that the land will not be developed if they are not able to put in duplexes - that it is entirely possible they may be able to sell it and someone else develop it. Speaking for himself, he certainly would not put a home there. That he knows the taxes realized by the City would increase about 1,000 per cent or 1,500 per cent were this property put to use.

Mr. Foard stated there are six duplexes on the street now; some of them have been so designed that you cannot tell that it is a duplex and this was done intentionally so that they could keep as much of the natural beauty there as possible. That some of the people who are protesting this change actually own duplexes and this is an inconsistency. That in considering the 20 percent Rule which has been mentioned, 100 per cent of the people around the exterior perimeter of this property who are contesting it own R-9MF property.

He pointed out the Hidden Valley development and stated it is zoned R-9, and none of the petitioners who signed against their petition came from this area, they are all represented by the R-9MF property, and they feel that serious consideration should be given to this zoning change in an effort to enable them to do their part to develop the City.

Councilman Short asked why the zoning was changed in 1962? Mr. Foard replied that he does not know, it was done at the time of the Hidden Valley zoning he thinks. Mayor Brookshire remarked that all of the perimeter area was rezoned in 1962.

Mr. John M. Callegher stated that he is a realtor, and he has no pecuniary interest whatsoever in this property; that Mr. Foard is a good friend of his and asked him to come down here today; and he thought he might bring out a few facts that have not been brought out. That as a realtor it has been necessary for him to appraise some property in the area, and this property has restrictions of only 750 sq. feet deeded area. The street has a high-tension line running parallel to it which is a 100-foot right of way and is only 500 feet more or less from Sugar Creek Road, which is a thoroughfare to be widened. That there are already duplexes adjacent to this across the street. There are only a few single-family residences in there; it is a very mixed area. That Rolling Hills Drive is only a short dead-end street, and these people certainly cannot be hurt in any way by the erection of nice duplexes. That he believes this should be looked into very carefully because it is not an unreasonable request.

Mr. John H. White, owner of Lots 26, 27 and 28 facing Rolling Hills Drive, stated there is a duplex on both the left and right side of his lot, and also one located almost in front of his lot. That when he bought these lots, the deed called for R-9MF; that he went down to get a building permit and the zoning had been changed. That it would be almost foolish for him to build a residence between two duplexes with one in front of him. However, he has sufficient land for two homes; and if he were to build them for an investment, they would be small-rental units and an eyesore to the community even though he would build them according to the deed restrictions which has an \$8,000 minimum. That he would like to see these lots rezoned back to what they were, R-9MF.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 66-38 BY A. A. SHORT FOR CHANGE IN ZONING FROM O-6 TO B-1 OF FOUR LOTS ON THE WEST SIDE OF SUGAR CREEK ROAD BEGINNING AT CUSHMAN STREET AND EXTENDING SOUTH TO RUTGERS AVENUE, AND CHANGE FROM R-9 TO B-1, ONE LOT FRONTING 50 FEET ON THE SOUTH SIDE OF CUSHMAN STREET BEGINNING 173 FEET WEST OF SUGAR CREEK ROAD.

The hearing was held on the subject petition.

Mr. R. C. Hauersperger, Chief Planner, pointed out Rutgers Avenue and Cushman Street coming into Sugar Creek Road and stated directly across the street is a shopping area with a barber shop and a grocery store and furniture store. He pointed out an office building, a Baptist Church and coming toward town on Sugar Creek Road the single-family homes. That the zoning along Sugar Creek Road is Office, and across the street is business zoning, and going out of town, the zoning is R-9 single-family.

Mr. Ray Rankin, Attorney for Mr. Short, stated that Mr. Short's house is located on the property; there are five lots with four facing on Sugar Creek Road and the fifth parallel to Sugar Creek Road. That most complaints are that some people do not have enough roads, and the basic complaint here is Mr. Short is plagued with too many roads; he has a road to the south and a road in front, and now due to a recent development which was in no way connected with the development to which he belongs, an additional road - not approved by the City of Charlotte and not up to the specifications - has been built, and his home is to the south of this road, so he is boxed in. That there is about a four-foot drop from that road down to the level of his lot. Sugar Creek Road is higher than his lot and he understands that Sugar Creek Road will be widened. That due to the increased noise, closeness of the road and traffic, and business across the street which he has no objections to as such, but when you add the other element here that he has three roads around him, he has no privacy left. He feels that he is being literally run out of his home in his old age, and he and his wife have decided that the thing for them to do in order to enjoy life a little in their remaining years is to put their place on the market and sell it. They have not sought a sale as yet; they have no obligation to anyone. If it is put up under its present condition, he feels he will be sacrificing a great deal of money, but if the zoning is changed to B-1, he feels that he will be able to find at least a fair market for it.

Mr. Rankin asked is this a reasonable request; does it violate good zoning and planning? That he says that it does not - directly across the road, and up and down from his home there is business; there is a service station, a furniture store, a barber shop, and across the little road that dog-legs up north from the road that comes out on his north, there is business also. He stated that Mr. Short has stood this as long as he can. He had lived there over a year when this development went up and a great many homes back in there are being serviced so he has this situation every day and every night. That it is not only his opinion that he is making a reasonable request but he does not believe they will find that anybody has come down to object to this request. On the other hand, his close neighbors being aware of the situation because they live there and have seen how much this has developed within the last year, have signed a petition hoping that Council will assist him in his request. They do not think it will do violence to the zoning because of the road to the north, the road to the south and the road in front, and his neighbor to the rear has signed his petition.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 66-37 BY MRS. J. H. SPEARMAN FOR CONDITIONAL APPROVAL FOR OFF-STREET PARKING FOR MULTI-FAMILY PURPOSES ON A LOT 60' X 258', ZONED R-9, LOCATED ADJACENT TO THE CIMARRON APARTMENTS ON MARSH ROAD.

The scheduled hearing was held on the subject petition.

Mr. R. C. Hauersperger, Chief Planner, pointed out Marsh Road going out of the City and stated the Cimarron Apartments are located where Marsh Road comes into Park Road. Adjacent to the apartment is the Catholic High School and on the other side is the Lutheran Church. Surrounding the property is, basically, single-family homes. To the back, which is under consideration here, is a large vacant lot with three homes directly across the street and another one a little further away. The property surrounding Cimarron Apartments is all zoned R-9 single-family residential with the only multi-family being the Cimarron Apartments.

Councilman Jordan asked how they will get into the parking lot? Mr. Hauersperger replied it is his understanding there will be no new curb cut, and there is a drive that goes directly into the present parking.

Mr. Dick Baxter, part owner of Cimarron Apartments, stated they have eighty units with 120 parking spaces and 140 cars, and this situation is very unhappy to them, and they have tried to find a place for the residents to park and this is the only thing available. That this would give him 60 more parking spaces.

No opposition was expressed to the proposed change.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-39 BY P. O. WILSON FOR CHANGE IN ZONING FROM R-9 TO I-1 OF A TRIANGULAR SHAPED TRACT OF LAND FRONTING 445.85 FEET ON THE SOUTH-WEST SIDE OF BELHAVEN BOULEVARD AT GUM BRANCH ROAD.

The public hearing was held on the subject petition.

Mr. R. C. Hauersperger, Chief Planner, stated that Belhaven Boulevard is Highway 16 going out of the city. That the subject property is adjacent to Gum Branch Creek. He pointed out the WNC Truck Terminal. That the land adjacent to the subject property, basically, is vacant, with trailers, mobile homes and single-family residences in the area. The zoning going out Highway 16 is I-2 and I-1, and the property is a mixture of R-12 and R-9.

Councilman Tuttle asked how far down from I-85 the property is located, and Mr. Hauersperger replied a couple of miles; it is beyond the city limits in the perimeter area.

Mr. Paul Seanor stated he is representing Mr. P. O. Wilson, the petitioner, who has plans to develop the adjacent land to mobile homes, which will be of top-grade quality, and he is making an investment there in land improvements in excess of \$500,000. That although neither he nor Mr. Wilson are particularly sympathetic with the mobile home concept, these people need this tract of land as they are developing here a 21-acre tract that will have a central wooded park consisting of some 8 acres, with swimming pool and recreation facilities, and it will be one of the better installations of its kind. That the particular tract that they are asking rezoned represents frontage to this I-2 tract. That they want to use this purely for entrance, access to the I-2 tract, and they request Council's favorable action on the rezoning petition.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 66-40 BY THE J. B. S. CORPORATION FOR CHANGE IN ZONING FROM R-12 AND R-15 TO I-1 OF PROPERTY FRONTING APPROXIMATELY 1,100 FEET ON THE NORTH SIDE OF PENCE ROAD BEGINNING APPROXIMATELY 1,600 FEET EAST OF BANDY DRIVE.

The public hearing was held on the subject petition.

Mr. R. C. Hauerspeger with the Planning Board pointed out Pence Road and the Norfolk-Southern Railway property, and stated that adjacent to it is the Durable Woods and Forshaw Chemical Company. That going out Pence Road the zoning is heavy Industrial and Light Industrial. He pointed out the property under consideration which is R-15 and R-12 single-family residential.

Mr. Forrest Collier representing the petitioner stated it is obvious that the railroad runs through the middle of this property and the adjoining property is not only zoned Industrial but is also used for that purpose. That with the railroad running through the middle, they feel an Industrial use is not only the best use of the property but almost the only use.

Councilman Albea asked why this was zoned R-12 and R-15 in the first place if these are the conditions?

Councilman Tuttle asked Mr. Collier who owns the land immediately surrounding the subject property, and Mr. Collier replied the petitioners own 113 acres of it and as far as he is able to tell there is only one other property owner. Councilman Tuttle stated the point he is making is - do the R-12 and R-15 people own enough land to have invoked the 3/4 Rule if they had wanted to? Mr. Collier replied he is not sure.

Mr. Hauersperger stated it is his understanding that several years ago this was sold for Industrial zoning and because of objections was withdrawn and cut down to what it is now.

Mr. Turner, Planning Board member, stated if his memory serves him correctly, the last petitioner was Forshaw Chemical Company, and at that time, we cut back some of the property asked to be changed, and he thinks we came out to the red line indicated on the map and said that would be part of the Industrial park out there. At that time, the Norfolk-Southern Railroad owned a tremendous piece of land and some of the people in that community withdrew their objections on the basis of the fact that we cut the I-1 off where we did.

Councilman Thrower asked if the J. B. S. Corporation owns any of the property in the area, and Mr. Collier replied yes, but they are not asking for rezoning on that.

Mr. Collier stated he does not believe that you can get more than 300 feet at any point of the property requested rezoned away from the tracks themselves. That the owners have no immediate plans for developing the property, but they hope to develop it Industrially.

Councilman Tuttle asked if there was a protest against the rezoning when it came before Council several years ago, and he was advised there was. He stated he was wondering if they have bought enough land around it to eliminate the protest.

Councilman Short asked Mr. Collier if he has any idea why the people protested two years ago, but now nobody says a word about it? Mr. Collier replied he does not but he knows that the property bought by this corporation has been in the same ownership for a good many years.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 66-42 BY GLENN R. LANE FOR CHANGE IN ZONING FROM R-9 TO B-1 OF FOUR LOTS FRONTING 200.6 FEET ON THE EAST SIDE OF STATESVILLE ROAD BEGINNING APPROXIMATELY 170 FEET NORTH OF CINDY LANE.

The public hearing was held on the subject petition.

Mr. Hauersperger, Chief Planner, pointed out Statesville Road, Niven Road and the subject property. He advised the land use adjacent to the subject property is vacant and across the little street is one single-family home, there was a green house there but is vacant now, and in the two parcels in between there is a single-family home with a For Sale sign on it. He pointed out a Church and a Pump Service Operation which is a commercial operation. He advised that the surrounding property is all R-9 single-family zoned. The property is located approximately one mile from I-85.

Mr. Walter Benson, representing the petitioner, Mr. Glenn R. Lane, stated Mr. Lane has owned these four lots for about ten years and he has been unsuccessful in selling them for residential purposes because of the business in and around. That immediately next door there was a large Florist operation and the Greenhouses are there now, in a bad state of repair; that about every other lot out there is vacant; at the corner of Winslow Drive, which is the next street north there is a Pump Service Operation which is apparently quite a commercial operation. That they see no future at all for this property unless some good use can be made of it. That it is located in Mallard Creek beyond the city limits, and the people have apparently built and operated there pretty much "willy-nilly". That there is a garage just beyond Winslow Drive, with stores on the other side, and it seems that B-1 is just about as little as this man could ask to have his property zoned as it certainly has no residential value whatsoever. That in his opinion what few houses are out there are of the low income class of houses. He requested Council to give Mr. Lane some relief, stating he feels that business is the order of the day in that neighborhood. He stated that Mr. Lane has no plans for the property but he has prospects of selling it to a man who would like to operate a business there.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

MAYOR BROOKSHIRE DECLARED A TEN-MINUTE RECESS AT 4 O'CLOCK P.M. AND RECONVENED THE MEETING AT 4:10 P.M.

Mayor Brookshire called a ten-minute recess at 4 o'clock p.m. and reconvened the meeting at 4:10 p.m.

ORDINANCE NO. 457-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY FROM R-9 TO B-2 ON THE NORTHEAST SIDE OF U. S. 74, ADOPTED.

Petition No. 66-22 by Gus Papamihel for change in zoning from R-9 to B-2 of property on the northeast side of U. S. 74, was presented for Council consideration; they have been advised that a sufficient survey had been furnished Mr. Bryant of the Planning Board Staff to establish the boundaries of the tract 300 feet x 300 feet centered on Mr. Papamihel's building, with the beginning of the tract 110 feet from the McAlpine Greenway boundary, and 312.25 feet from the center line of McAlpine Creek, and 100 feet from Independence Boulevard.

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Councilman Jordan asked if the dimensions mentioned here are the ones Council is to take into consideration today, and Mr. Veeder replied that is correct, 300 feet by 300 feet.

Council Thrower moved approval of the change in zoning to B-2 within the established boundaries. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 306.

ORDINANCE NO. 458-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY FROM B-1 TO B-2 OF FIVE LOTS ON THE NORTHEAST SIDE OF SUGAR CREEK ROAD, BEGINNING AT DINGLEWOOD AVENUE AND EXTENDING 369 FEET TOWARD THE PLAZA, ON PETITION OF TODD ELECTRIC COMPANY, MASTER PLUMBING COMPANY AND J. L. GIBBS, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and unanimously carried, the subject ordinance was adopted, as recommended by the Planning Board.

The ordinance is recorded in full in Ordinance Book 14, at Page 307.

ORDINANCE NO. 459-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING OF PROPERTY FROM B-1 TO B-2 OF A LOT ON THE NORTH SIDE OF THE PLAZA BETWEEN TREMBETH DRIVE AND SUGAR CREEK ROAD, FRONTING 169 FEET ON TREMBETH DRIVE AND 79 FEET ON SUGAR CREEK ROAD, ON PETITION OF B. A. SMITH, ADOPTED.

Motion was made by Councilman Tuttle, seconded by Councilman Short, and unanimously carried, adopting the subject ordinance as recommended by the Planning Board.

The ordinance is recorded in full in Ordinance Book 14, at Page 308.

RESOLUTION REAPPORTIONING ASSESSMENTS FOR LOCAL IMPROVEMENTS ON KILDARE DRIVE, FROM OLINDA STREET TO JOYCE DRIVE, ON PETITION OF MR. ROBERT C. POWELL, JR., ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the subject resolution was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 234.

RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON MAY 16TH ON PETITION OF BARNHARDT MANUFACTURING COMPANY AND RICHMOND DENTAL COTTON COMPANY FOR THE CLOSING OF BARNHARDT STREET, ADOPTED.

Councilman Tuttle moved the adoption of the subject petition, which was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 235.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MAY 16TH ON PETITIONS NUMBERED 66-43 THROUGH 66-52 FOR ZONING CHANGES.

Motion was made by Councilman Alba, seconded by Councilman Jordan, and unanimously carried, adopting the subject resolution.

The resolution is recorded in full in Resolutions Book 5, at Page 236.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MAY 23RD ON PETITIONS NUMBERED 66-53 THROUGH 66-57 FOR ZONING CHANGES.

Councilman Jordan moved the adoption of the subject petition, which was seconded by Councilman Thrower and unanimously carried.

The resolution is recorded in Resolutions Book 5, at Page 237.

LEASE WITH EASTERN AIRLINES, INC., FOR SPACE IN THE AIR CARGO BUILDING AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Alexander and unanimously carried, a Lease with Eastern Air Lines, Inc., for approximately 10,920 square feet of space in the Air Cargo Building at Douglas Municipal Airport, for a term of ten years, with rental at a rate of \$2.65 per square foot, for an annual rental of \$28,938.00 was approved.

LEASE WITH RAILWAY EXPRESS AGENCY, INC., FOR SPACE IN THE AIR CARGO BUILDING AT DOUGLAS MUNICIPAL AIRPORT, ADOPTED.

Councilman Alba moved approval of a lease with Railway Express Agency, Inc., for approximately 1,411 square feet of space in the Air Cargo Building at Douglas Municipal Airport, for a term of ten years, with rental at a rate of \$3.15 per square foot, for an annual rental of \$4,452.00. The motion was seconded by Councilman Jordan and carried unanimously.

CLAIM OF MR. JONATHAN L. PEELER FOR DAMAGES TO PERSONAL PROPERTY, DENIED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower and unanimously carried, claim in the amount of \$18.50 filed by Mr. Jonathan L. Peeler, 3722 Abingdon Road, for damages to his hot water heater caused by water service being turned off in the area while the water heater was in use, was denied, as recommended by the City Attorney.

CONTRACT WITH NANCE-TROTTER REALTY, INC., FOR INSTALLATION OF WATER MAINS IN GARDEN PARK SUBDIVISION, AUTHORIZED.

Motion was made by Councilman Short, seconded by Councilman Jordan and unanimously carried, authorizing a contract with Nance-Trotter Realty, Inc., for the installation of 2,920 feet of water mains and three hydrants in Garden Park Subdivision, inside the city limits at an estimated cost of \$12,100.00 with the City to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10 per cent of the total cost.

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CONTRACT WITH C. W. TODD FOR APPRAISAL OF LAND IN THE RIGHT OF WAY OF THE NORTHWEST EXPRESSWAY.

Councilman Jordan moved approval of a contract with C. W. Todd for the appraisal of one parcel of land on North Poplar Street, in the right of way of the Northwest Expressway. The motion was seconded by Councilman Tuttle and carried unanimously.

REAPPOINTMENT OF MR. FRANK A. MCCLENECHAN TO THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Albea moved the reappointment of Mr. Frank A. McCleneghan to succeed himself on the Auditorium-Coliseum Authority for a five-year term. The motion was seconded by Councilman Jordan and carried unanimously.

ISSUANCE OF SPECIAL OFFICER PERMITS.

Upon motion of Councilman Thrower, seconded by Councilman Jordan and unanimously carried, the issuance of Special Officer Permits to the following persons were approved:

- (a) Issuance of Permit to George L. English, Jr., 3920 Admiral Avenue, for use on the premises of Charlottetown Mall.
- (b) Renewal for one year of Permit issued to Edward W. Anderson, 110 Elm Street, Gastonia, N. C., for use on the premises of the Y. W. C. A.
- (c) Renewal for one year of Permit issued to Daniel H. Shealy, 931 Hickory Nut Street, for use on the premises of King's College.

TRANSFER OF CEMETERY LOT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a deed with Mr. Henry Stokes and wife, Mary Lou M. Stokes, for Lot 331, Section 2, Evergreen Cemetery, at \$360.00. The motion was seconded by Councilman Tuttle, and carried unanimously.

CONTRACT AWARDED REPUBLIC STEEL CORPORATION FOR CORRUGATED METAL PIPE.

Motion was made by Councilman Jordan, seconded by Councilman Albea, and unanimously carried, awarding contract to the low bidder, Republic Steel Corporation, Manufacturing Division, in the amount of \$1,347.56, for 190 lin. feet of 30" Galvanized corrugated 14 guage pipe, as specified.

The following bids were received:

Republic Steel Corp., Mfg. Division	\$ 1,347.56
Metal Products Division, Armco Steel Corp.	1,349.61
Florida Steel Corp.	1,653.42

CONTRACT AWARDED GLOBE TICKET COMPANY, INC. FOR DATA PROCESSING CARDS.

Councilman Tuttle moved the award of contract to Globe Ticket Company, Inc. the low bidder, in the amount of \$4,358.14 on a unit price basis, for 17 different type Data Processing Cards, as specified. The motion was seconded by Councilman Thrower, and carried unanimously.

The following bids were received:

Globe Ticket Company, Inc.	\$ 4,358.14
Electronic Accounting Card Corp.	4,543.95

ALL BIDS ON BRIDGE FOR LANDFILL SITE NEAR STATESVILLE AVENUE, REJECTED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, all bids received on construction of bridge for Landfill Site near Statesville Avenue, were rejected and authorized advertised at a later date.

The following bids were received:

Crowder Construction Company	\$ 9,150.00
Blythe Brothers	9,539.00
Boyd & Goforth	14,884.00

CONTRACT AWARDED BILL'S WELDING COMPANY FOR METAL BUILDING FOR USE BY THE MOTOR TRANSPORT DEPARTMENT.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, contract was awarded the low bidder meeting specifications, Bill's Welding Company at a negotiated price of \$13,900.00, for the construction of a metal building, as specified, for use by the Motor Transport Department.

The following bids were received:

Bill's Welding Company (Base bid)	\$14,380.00
Bill's Welding Company (Negotiated price)	13,900.00
Laxton Constr. Co., Inc. (Base bid)	15,650.00
Laxton Constr. Co., Inc. (Alternate Bid)	15,550.00

Bid received not on specifications:

Frank H. Conner Co.	\$13,746.00
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DECISION ON EMPLOYEES GROUP LIFE INSURANCE PROPOSAL DEFERRED FOR FURTHER STUDY.

Councilman Thrower moved that decision on the Employee Group Life Insurance proposal be deferred for further study. The motion was seconded by Councilman Tuttle, and carried unanimously.

PROPERTY TRANSACTIONS IN CONNECTION WITH VARIOUS PROJECTS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, property transactions were authorized, as follows:

- (a) Acquisition of 802 sq. ft. of property at 3601 Eastway Drive, from Edward S. Plyler and wife, Patricia Byrne Plyler, in the amount of \$300.00, in connection with the Eastway Drive Widening Project.
- (b) Acquisition of 392 sq. ft. of property at 3615 Eastway Drive, from H. C. Brantley and wife, Helen R. Brantley, in the amount of \$125.00, in connection with the Eastway Drive Widening Project.

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- (c) Acquisition of 525 sq. ft. of property at 3622 Eastway Drive, from Baxter H. Plyler and wife, in the amount of \$500.00, in connection with the Eastway Drive Widening Project.
- (d) Acquisition of 300 sq. ft. of property at 2809 Eastway Drive, from Boyd E. Swacker and wife, in the amount of \$100.00, in connection with the Eastway Drive Widening Project.
- (e) Acquisition of 700 sq. ft. of property at 2744-52 Eastway Drive, from William R. Johnson and wife, in the amount of \$750.00, in connection with the Eastway Drive Widening Project.
- (f) Acquisition of 203 sq. ft. of property at 4122 The Plaza, from John Benson Freeman and wife, in the amount of \$76.00, in connection with the Plaza Road Widening Project.
- (g) Acquisition of 6,500 sq. ft. of property at 909 Maple Street, from T. A. Little and Luther Caldwell, in the amount of \$5,000.00, in connection with the Northwest Expressway right of way.
- (h) Acquisition of 9,047 sq. ft. of property at the northeast corner of 9th Street and McDowell Street, from Charlotte Park & Recreation Commission, in the amount of \$5,000.00, in connection with the Northwest Expressway right of way.
- (i) Acquisition of easement 10' x 1931.11', at the corner of Flagstaff and Tyvola Road, from Trotter & Allen Construction Company, in the amount of \$1.00 for right of way for sanitary sewer to serve Yorktown Gardens.
- (j) Acquisition of easement 30' x 76.25' at 1326 Dean Street, from Lawrence U. and Alberta L. Davidson, in the amount of \$81.25 for right of way for sanitary sewer line to Irwin Creek Outfall.
- (k) Acquisition of easement 30' x 65.04' at 1314 Dean Street, from A. C. Pride and wife, Lydia C. Pride, in the amount of \$178.54, for right of way for sanitary sewer line to Irwin Creek Outfall.
- (l) Condemnation settlement for 10,974 sq. ft. of property at 816-18 N. Brevard Street, with T. A. Sherrill Construction Company, in the amount of \$5,200.00, in connection with the Northwest Expressway.
- (m) Acquisition of easement 10' x 19.11' in Lot 1, Block 2, Woodruff Park, from W. S. Clanton and wife, in the amount of \$1.00 for relocating sanitary sewer in Ashley Road project.
- (n) Acquisition of easement 10' x 153.41' in Lot 1, Block 2, Woodruff Park, from Joe L. Crosswell and wife, Carrie J., in the amount of \$1.00 for relocating sanitary sewer in Ashley Road project.
- (o) Construction easement at 3030 Shamrock Drive, from David L. Seymour and wife, in the amount of \$15.00, in connection with the Eastway Drive Widening project.
- (p) Construction easement at 911 Woodlawn Road, from Virginia B. Olsen, in the amount of \$50.00, in connection with the Woodlawn Road Widening Project.
- (q) Construction easement at 259 N. Sharon Amity Road, from Charles J. Babula, at \$25.00 in connection with the Sharon Amity Road Widening Project.

- (r) Condemnation on construction easement in 1100 block of Eastway Drive, from M. C. Thompson, heirs (Dewitt Thompson et al), at \$1.00 for sidewalk to be constructed along Eastway Drive near Garinger High School.
- (s) Condemnation settlement at 1200 Eastway Drive, of Floyd Wise Howard property at \$2,650.00, in connection with the Eastway Drive Improvement.

RESOLUTION EXPRESSING THE SUPPORT OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CHARLOTTE FOR THE DEMONSTRATION CITIES PROGRAM, ADOPTED.

Mayor Brookshire presented the following resolution and stated he hopes the Council will adopt it:

"WHEREAS, over three-quarters of all Americans live in urban centers and the future of these urban centers will determine the future of our nation; and

WHEREAS, there exists the need for a comprehensive effort to rid the central city of the causes of physical decay, social unrest and economic difficulties which drain the city's human and financial resources while increasing the demands for municipal services; and

WHEREAS, cooperation among the various levels of government and private enterprises is necessary to achieve a major and comprehensive physical, economic and social redevelopment of the city; and

WHEREAS, the establishment of demonstration cities program is a sound and desirable expansion of such cooperation;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Charlotte, North Carolina, do hereby express their support of, and encourage the enactment of the demonstration cities program; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the Minutes of this Meeting, and that copies be sent to the North Carolina Representatives to the Congress."

Upon motion of Councilman Jordan, seconded by Councilman Albea and unanimously carried, the resolution was adopted.

BOARD OF MECKLENBURG COUNTY COMMISSIONERS TO CO-SPONSOR TASK FORCE WITH CITY OF CHARLOTTE, AND APPOINTS W. A. HOOD AS THE COUNTY'S REPRESENTATIVE ON THE TASK FORCE AND J. HARRY WEATHERLY AS CO-COORDINATOR.

Mayor Brookshire presented the following letter from Mr. Sam T. Atkinson, Jr., Chairman of the Board of County Commissioners:

"Thank you for the invitation to join the City of Charlotte in the Task Force.

At the meeting of the Board of County Commissioners held on April 4th, the Board unanimously voted to adopt the Task Force to become an equal co-sponsor with the City of Charlotte, making it the Charlotte-Mecklenburg Task Force.

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The Board recommends that the Council join us in appointing Commissioner W. Alexis Hood to the Charlotte-Mecklenburg Task Force as the Board's representative, also to serve as ex-officio member of all these committees, and County Manager, J. Harry Weatherly, as Co-Coordinator.

We are looking forward to working with you in the activities of the Task Force."

Councilman Albea moved that the action of the Board of County Commissioners be accepted with appreciation. The motion was seconded by Councilman Alexander and carried unanimously.

FUNDS APPROPRIATED FOR SCHOOL CROSSING GUARD AT SENECA PLACE AND WOODLAWN ROAD FOR REMAINDER OF SCHOOL YEAR.

Councilman Thrower stated there has been a large increase in the number of cars passing on Seneca Place everyday, and they do not have a School Crossing Guard there, and so far this year they have had three children injured, one rather seriously. He moved that Council appropriate the necessary money for a Guard for the remainder of the school year, at least, while construction is going on on Woodlawn Road, to take care of the extra traffic at Pinewood School. The motion was seconded by Councilman Albea.

Councilman Short asked what would be the result of this - would a Guard be continued there next year through some further appropriation, or would this be a part of the standard procedure from here on out, or is it just for the remainder of the school year? Councilman Thrower replied he is hoping that it will become part of that program, but he has not discussed it sufficiently with Mr. Hoose to know if one would be warranted there on a permanent basis.

The vote was taken on the motion and carried unanimously.

QUESTION OF PLACING CAMERAS IN VARIOUS FIRE ALARM BOXES TO AID IN DETECTING PERSONS MAKING FALSE ALARMS DISCUSSED.

Councilman Thrower asked the City Manager if he has looked further into the alarm box camera? Mr. Veeder replied that he has not; that he and Mr. Thrower discussed this, and he was going to look into it, but he just has not done it. Councilman Thrower stated that several weeks ago he asked Mr. Veeder to ask the Council - that he had read in the Readers Digest where they had put some hidden cameras in some fire boxes and when the lever was pulled a picture of the culprit was taken. He stated that it has proved to be 100 percent effective in the areas where it was tried, and he hoped that the City would appropriate enough money to put in several test boxes, of course, no one would know in what alarm boxes the cameras were hidden, and we will see if we cannot catch some of these people who pull false alarms.

Councilman Tuttle stated he thinks the idea is good, but once people know the cameras are there, they will just stand aside and pull the alarm. The Fire Department tells him this is something that caused us to lose the National Championship, so to speak, on Fire Prevention once as there were so many false alarms, but the Fire Department tells him that it is more or less the same crowd that is riding around.

Mayor Brookshire suggested that the idea be passed on to the Fire Department, and let them handle it as they see fit in their own budget, and if Council does not act on it here, the public will not be advised.

CITY MANAGER REQUESTED TO NOTIFY PROPERTY OWNERS BY LETTER AT LEAST ONE WEEK IN ADVANCE OF THE REMOVAL OF SHRUBBERY AND/OR TREES IN THE RIGHT OF WAY OF ANY STREET WIDENING FOR IMPROVEMENT PROJECT.

Councilman Thrower stated he has been getting quite a few complaints, especially from residents of Woodlawn Road about the sub-contractors on the Woodlawn Road Widening Project removing valuable trees from the right of way; that it is impossible for anybody to know when they are going to do what and where, and he would hope that the Council will ask that the general contractors get more cooperation from the sub-contractors and let these people know at least a week in advance before they come and cut the trees down. That he thinks this has ruined a lot of fine trees and shrubbery on which these people have spent a lot of money; that we are going to be cutting roads all over the city, and the first thing we know we will have everybody in town mad at us. That he can just see somebody walking down the street with a piece of shrubbery in his hand, and turning around to the homeowner and saying - here, this is progress.

Mr. Veeder, City Manager, remarked that he has discussed this some with Mr. Thrower, and his basic premise is sound. Homeowners who have property involved in any road project should have ample notice to do what he might want to do with the shrubbery in the right of way before construction starts. That he is aware that some contractors are sending out such notices; he knows that Blythe Brothers has put out a notice on Eastway Drive. That he thinks perhaps that we have an obligation, or the State has, whoever may be in position to do it better on any given project, to send out such notices. That he thinks there has been some confusion on some new construction projects because of the width of the right of way that was available, and he is sure some people assumed they had more property than in fact they did have, and this has perhaps magnified this particular problem at present.

COUNCILMAN EXPRESSES CONCERN THAT RECOMMENDATION TO THE CITY COUNCIL ON THE LARGE ZONING PETITION INVOLVING THE HARRIS PROPERTY WAS VOTED ON BY ONLY 50 PER CENT OF THE MEMBERS OF THE PLANNING COMMISSION.

Councilman Tuttle stated he does not know anything larger than the zoning situation that the Council is involved in on the Harris property - \$25,000,000 - and he does not believe that any single project as large as this will come before this Council, and it greatly creates concern for him. That if his information is correct that when the Planning Commission voted on the matter, there were five members present and five members absent - only 50 per cent were present at the largest zoning case that we have had in the City of Charlotte. That he does not recall since he has been on the Council a meeting being attended by only 50 per cent. That he is sure that some, if not all, had good legitimate reasons for not being there, and he wonders if they had a quorum. That an issue as large as this should certainly be passed on by more than 50 per cent of this body even if they had to postpone it. That he wanted to make this statement because it does concern these people, and we have the burden of passing on it, and it is very important, and it is not understandable by him that only 50 per cent of these members should attend the meeting.

CONTRACT AWARDED T. A. SHERRILL CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS ON WESTBURY ROAD.

Mr. Veeder stated Council has heard some reference made today to the improvements scheduled for Westbury Road. These bids came into his office too late on Friday to go on the agenda, but we do have the bids on these street improvements which were approved on an assessment basis last year. That we received four bids - T. A. Sherrill Construction Company, the low bidder - \$44,218.00;

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Crowder Construction Company, \$44,419.50; Blythe Brothers, \$45,200.00; and A. V. Blankenship Company, \$47,855.50. That this is the project that at least two of the speakers on this zoning petition referred to in the way of improvements that they agreed upon. That he recalls this was a close decision on the part of Council and the property owners were divided on it, but the majority of them wanted these improvements and Council after advertising it twice and having what amounted to two hearings, approved. That the bids are now in for the work, and he recommends the award of the contract to the low bidder, T. A. Sherrill Construction Company in the amount of \$44,218.00.

Councilman Albea moved the award of contract to the low bidder, T. A. Sherrill Construction Company, in the amount of \$44,218.00. The motion was seconded by Councilman Short.

Councilman Short stated he has talked to the person whom he thinks is the principal objector and he has changed his view and he believes he is going along with it.

The vote was taken on the motion and carried unanimously.

CITY MANAGER REQUESTED TO CONFER WITH SOLICITORS AND JUDGES OF RECORDER'S COURT RELATIVE TO APPOINTMENT OF MRS. BYRUM AS DEPUTY CLERK AND REPORT TO COUNCIL.

Mr. Veeder, City Manager, stated that about two months ago the Recorder's Court asked the Council to consider authorizing one of their personnel as Deputy Clerk so that this lady could fill in as relief for illness and vacation periods. That during the course of discussion that followed about the City Recorder's Court, this point was somehow lost, and he was reminded of it again this morning, and it would certainly help them in their operation if Council would consider designating Mrs. Byrum as a Court Clerk so that she can be on a relief basis, actually function as a Court Clerk in the Court itself.

Councilman Thrower moved that Mrs. Byrum be appointed as a Deputy Clerk. The motion was seconded by Councilman Tuttle.

Councilman Short asked if this came out of a Committee activity in this Court? Mr. Veeder replied this need preceded any discussion that Mr. Short is referring to.

Councilman Albea stated he has heard this pro and con and he asked Mr. Veeder if he has gone into this; Mr. Veeder replied yes, and there are no dollars involved.

Councilman Short remarked that this matter was of some significance to some of those people over there, and he hopes that Mr. Veeder has personally investigated this. Councilman Albea stated there are some objections to it.

Mr. Veeder stated he is not familiar with any objections. Councilman Albea asked if this person would not be paid for this work? Mr. Veeder replied this is just a relief capacity and there is no salary attached to it. Councilman Albea stated if you give anyone that title, he thinks they should be paid for it.

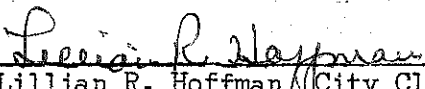
Councilman Short stated he would prefer to vote on this after having assurance from Mr. Veeder that it has been referred to the Solicitors and Judges.

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Councilman Short made a substitute motion that Mr. Veeder give Council further information about this next week after having conferred with the Solicitors and Judges. The motion was seconded by Councilman Albea and carried unanimously.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk