

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, August 22, 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, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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 concurrently with the City Council, with the following members present: Chairman Sibley, Commissioners Jones, Stone, Tate, Toy and Turner.

ABSENT: Commissioners Ashcraft, Gamble, Lakey and Olive.

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#### INVOCATION.

The invocation was given by Reverend Henry May, Pastor of Park Road Moravian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Albea and unanimously carried, the minutes of the last meeting on August 8, 1966, were approved as submitted.

HEARING ON PETITION NO. 66-69 BY H. D. ALBRIGHT, FOR A CHANGE IN ZONING FROM R-6MF TO B-2 OF A TRACT OF LAND BETWEEN JEREMIAH AVENUE AND PRESSLEY ROAD, BEGINNING WEST OF SOUTH TRYON STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this tract of land is located to the west of South Tryon Street leading out of town, and is the rear portion of a tract of land that extend from South Tryon Street back to the proposed right of way of General Younts Expressway. Jeremiah Avenue is located to the north of it and Pressley Road to the south. The subject property is vacant and on the Jeremiah Avenue side is a series of duplexes; there is a construction company office and storage area located in the area and a vacant building at the corner of Pressley Road with a multi-family structure on Pressley Road at the Expressway. Across the Expressway is a mixture of single-family uses and vacant area.

There is industrial zoning on the east side of South Tryon Street with B-2 zoning on the west side of the frontage portion along South Tryon Street. With the exception of a small area of B-2 zoning on Jeremiah Avenue across the Expressway, the remainder of the area is zoned R-6MF as is the subject property. The front of the subject property is zoned B-2 and the rear portion that is being considered today is zoned R-6MF.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 66-70 BY JOHN CROSLAND COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 25.16 ACRES OF LAND ON BOTH SIDES OF BARRINGTON DRIVE, BEGINNING AT THE PLAZA AND EXTENDING SOUTHEAST TO THE MECKLENBURG COUNTY BOARD OF EDUCATION PROPERTY.

The scheduled hearing was held on the subject petition on which a protest petition was filed and found to be sufficient to invoke the 20 percent Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director advised this tract of land is located on both sides of Barrington Road. He pointed out The Plaza, Cochrane Junior High School, Devonshire Elementary School and the Hampshire Hills residential area. The subject property is vacant with a small temporary construction company shop located on one portion. That there is a natural gas station of some nature located adjacent to the property; on the west side of The Plaza the property is vacant, and then you get into the Hampshire Hills section, and it is built up with single-family residential structures.

He stated there is business zoning on both sides of The Plaza going outward up to Fairmarket Street, and then it is zoned O-6 on both sides of The Plaza for a short distance, and on the west side it is zoned O-6 on out past Barrington Drive, and with those exceptions the area is entirely zoned R-9 as is the subject property.

Councilman Tuttle asked what is planned for all the land in between the rear of the proposed apartments and those homes on Lake Drive? Mr. Bryant replied the area is all zoned R-9 and as far as he knows it will be developed single family.

Councilman Short asked how far the actual buildings of Cochrane and Devonshire Schools are from the corners of the subject property? Mr. Bryant replied from the extreme border he would say at least 300 or 400 feet to the nearest building.

Mr. Frank McCleneghan, Attorney for the petitioner, stated the northeast boundary consists of a 68-foot right of way high tension line which is in place. The property is bounded on the southeast side by the two schools, a small park, and the Berryhill property. That the Berryhill property is office-institution, and this property is the one that adjoins the subject property and invokes the 20 percent Rule on the protest petition. That the subject property is bounded by The Plaza which is a thoroughfare, and the property across The Plaza is zoned business and office-institution.

Mr. McCleneghan stated they realize there is some opposition, and the people are apprehensive because they believe building apartments will cause more people to live out there; and that is true. That they contemplate building about 150 units which will be about 15 apartment buildings. If that is the use to which the property is put, on site parking will have to be provided. With the location of the schools this seems to be an ideal place to build apartments. That he has been out there, and it is easy to see that this is an ideal place for apartments; the children can walk down Barrington Drive to go to the schools without having to ride. That he thinks most of the opposition comes from the Hampshire Hills Subdivision, and it is entirely cut off from The Plaza. That the property is surrounded by vacant land which is owned by John Crosland Company and is zoned residential and if anyone is going to be hurt, it will be Mr. Crosland, and it is his thought that the best use of the property is for apartments. That he personally does not think this will hurt the people in Hampshire Hills one iota..

Mr. Glenn Robinson stated he is interested in this area; that he lives there; this is his home territory; he is a Presbyterian minister serving in the area, and he is President of the PTA of Devonshire School.

Mr. Robinson stated that he has lived in the area for six years, and for multi-family units to go into this area is just not called for; it is not needed in this area as it is an area that has been building steadily for the past six years with single-family homes. In this six-year period the value of any home in that area has increased between four and five thousand dollars; today, you cannot find one home that can be bought for under \$20,000, and they are bordering \$25,000.

Mr. Robinson stated they are not attempting to tie Mr. Crosland's hands; they are not trying to eliminate the development of the property; his development in Hampshire Hills is just across the way, and there is a "Sold" sign on every lot before the house is constructed almost without exception, and people waiting for him to get a house built. This means that everyone in that area is wanting a house and wanting to live in a single-family area. That the large percentage of his congregation is made up of those who have moved out from the inner city in apartments into this residential area.

He stated he is minister to approximately 150 families in this area, and not one family in his church lives in an apartment. That he does not believe he has a family in his church that as much as live in a rented house. There is not a super market for two miles; nor a drug store or soda shop for two miles. That the people would have to come out Barrington Drive to get out from the apartments; there are 702 children enrolled in school, and there is only one road that goes into the school. They do have a path from the open road that the children can walk down and take a chance on riding a bicycle as there are no cars; but this is the only road and 700 of them, if they ride in cars, have to come down that road; 75 per cent of them would come from The Plaza down to the school.

Mr. Robinson referred to the vacant property adjoining the subject petition and stated there is only one thing that can happen to it and that will be that Mr. Crosland will have to come back to Council later and ask that it be zoned for apartments. That the people on Lake Drive have signed the protest petition, and it is true they do not adjoin the subject property as Mr. Crosland has protected himself by asking for zoning only part of the way back; but after he builds apartments there, he will need a little more space and by the time it gets back to the people who have 100 per cent signed the petition in opposing this, it will be too late to ask that he stop building apartments which will be at their back door. He pointed out The Plaza and stated for them to come into Charlotte, they have to come down The Plaza as there are no parallel streets to The Plaza. This is a residential area of single-family units, and designed for such, and this is only a two-lane street, and imagine putting in apartments and increasing the flow of traffic. He asked where are we to stop building apartments if we permit them to be put on this street. That Mr. Berryhill who owned this property, and now owns the adjoining property and sold the portion to Mr. Crosland, has signed his objections. The only other man who owns any property nearby is another real estate man, and he refused to sign the protest petition because he is interested in apartments, also. The question of how close this will come to the school - it will come just as close to the school as you can get when you approve the other realtor's request for his apartments; that this is not the end, this is the beginning.

Mr. Robinson stated he is President of the Devonshire PTA, and they have one of the best principals in the system; one of the best schools and it has been selected to be one of three pilot schools in North Carolina, and there is a

lot of federal money going into the school that will not go into other schools because of the nature of the school. Devonshire was built three years, and they had 416 students the first year, and come September they will have 702; they have increased 300 students. Homes are selling in the area, and the property can be developed. That a church right now is waiting and ready to sign a contract to buy property adjoining this area; they would like to buy and build a church.

He asked if spot zoning could mean building apartments where 702 children are going to school and fourteen of them are living in non-owned homes. This is a single-family living area, and they want it to stay that way.

Councilman Tuttle stated from the size of Devonshire School he guessed about 500 students would attend, and he would assume that if they do not have a crowded school, they are close to it. Knowing the plight of the School Board and when they might get an addition, he is wondering if Mr. Robinson had given any thought as to what would happen if the school becomes overcrowded with the building of the 150 apartments. Where would these children go if the school reaches its capacity? Mr. Robinson replied they are not only concerned where they would go, they are concerned because Devonshire has been selected to be a pilot school, and the fact that it is a pilot school and apartments come in the school picks up 30 per cent, this will create a real problem because the school now has established itself in three years working with outside professors. That they will have close circuit television and University professors from all over the United States will be there, sitting in the room looking in on what is happening in the class room. Mr. Robinson stated they are not opposed to apartments because of more children; they are not against apartments; they are just not willing for them to be built in this area.

Mr. Roland Johnson, 5811 Whittingham Drive, filed two signed petitions, one set with 285 signatures representing people who do not live in Hampshire Hills, and one with 216 signatures from people who are residing in Hampshire Hills. That the petition from Hampshire Hills represents at least 99 per cent of all the homeowners in the area, and the 1 per cent lacking represents people who were not physically there at the time. That for all practical purposes they have 100 percent signed petitions against the development of apartments. Mr. Johnson stated he is representing Hampshire Hills, and one of the principal reasons for their objections is the increase traffic hazards; that Barrington Road is the only access they have to Devonshire School; there is no other way to get to the school. That construction of duplexes, let along multi-unit housing would cause considerable increase in parked cars and traffic in that area. Devonshire School has been given a federal planning grant to develop this model school unit and the school was selected because of the staff and because of the people that live in the area who are progressive and thinking ahead, so they thought this program would be readily accepted. That one hundred children who do not live in this area have selected Devonshire because of this program. That ever since the first house was sold in Hampshire Hills, although not factually stated by Mr. Crosland's representative, it was implied that this area under question would be developed with single-family homes. That persons who would reside in apartments would not have the same financial investment, nor the same interest as property owners. That the entire area of Hampshire Hills and its surroundings is made up of predominately property owners. There is also a possibility that land value would be affected adversely; that personally he does not know how the land value will be affected until a "for sale" sign is put on a house, then it will be too late if the apartments were constructed.

That the high tension wire which has been mentioned goes through the present Hampshire Hills area, and it has not affected the construction in that area; and there is a possibility that once these units get in there will be additional apartments constructed. That it is for these reasons they recommend that the request for rezoning be denied.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-71 BY R. C. MOTOR LINES, INC. TO GRANT CONDITIONAL APPROVAL FOR A TRUCK AND FREIGHT TERMINAL TO BE LOCATED IN ACCORDANCE WITH SECTION 23-40.1 IN AN EXISTING I-1 DISTRICT ON A 20.01-ACRE TRACT OF LAND ON THE NORTH SIDE OF INTERSTATE HIGHWAY 85 BEGINNING EAST OF MULBERRY ROAD.

The scheduled hearing was held on the subject petition.

Mr. Bred Bryant, Assistant Planning Director, advised this is a request for conditional approval of a motor freight terminal under the conditions that were recently adopted relating to the location of motor freight terminals in I-1 districts.

He stated the tract itself is located on the north side of I-85 leading to the south near the Mulberry Church Road intersection; the site is located to the east of Mulberry Church Road and is vacant at the present time; across I-85 is a bakery and other than that it is surrounded by vacant property. There are two or three homes located down a little street off Mulberry Road and several homes scattered along Mulberry Church Road. At the Mulberry Church Road intersection with I-85, there are several service stations and a vacant storage lot down I-85; otherwise, the area is vacant.

The zoning is I-1 light industrial on both sides of I-85, and the subject property is adjoined on the west along I-85 by a B-2 area; then there is O-6 on the north side between it and Tuckaseegee Road; other than that, it is R-9MF, R-6MF and single family along Tuckaseegee Road.

Mr. Ben Horack, Attorney for the petitioner, stated the R. C. Motor Line acquired this property about a year and a half ago as a location for its proposed terminal truck-freight facilities, which was designed to serve all of western North Carolina, South Carolina and the Piedmont Area. When they acquired this site they did so under the reliance of the existing zoning which was then, as it is now in a way, an I-1 zone, and when they bought it, the I-1 zoning was unconditional in the sense that motor freight terminal facilities could be constructed in such a zoned area with no condition attached. Then on May 23, a zoning amendment was passed which allowed motor and truck terminal facilities in an I-1 area only on a conditional basis. Those conditions had to do with showing to Council and members of the Planning Commission that if the proposed terminal facilities are constructed there would be adequate access to it without unnecessarily using a subsidiary residential street and that this use would be compatible with other property in the vicinity. That R. C. Motor Lines had plans, specifications and had let contracts on the first phase in land cost of about \$250,000; they had already made contract and their architectural plans and layouts with reference to the anticipated completion of the facility which would be completed when some of the phases were added to the first. That R. C. Motor Lines had already been granted a building permit with reference to the first phase of their facilities, and Council taking into consideration R. C. and many others similarly situated inserted a "Grandfather Clause" in the ordinance with reference to anyone who had secured a permit prior to the adoption of this amendment they could continue on the basis of their permit and not have to ask for conditional approval. That in March, R. C. did have a permit and did come under the "Grandfather Clause." In spite of that after the ordinance was adopted, upon further reflection the Home Office of R. C. did not think that it would be very smart to go in there on faith and spend another quarter of a million dollars in additional land cost without knowing whether, subsequently, when they got around to their second stage that would be approved. As a result of that determination, everything came to a halt, and they have yet to do a single thing pursuant to that permit except for the grading they had already done. When they bought this property, they contracted to sell their old North Tryon Street facility, so they are on the hook.

Mr. Horack stated there are two maps which have been filed, and he pointed out the area earmarked for future parking, and the property lines with the proposed fence which would keep their activities reasonably away from the property line. He stated that the warehouses and docks have been so located that the basic activity will be nearer the access route of I-85.

That basically the whole area is vacant. He pointed out a triangle area which is completely vacant and heavily wooded which creates a natural barrier for the property; that the access route the trucks will use is one of the two main thoroughfares to get off the ramp on I-85 to the access route to their property.

Mr. Horack stated he would like to incorporate as part of his presentation the petition itself, and also the exhibits which were attached to the petition as amended, being the two maps and the layout.

No opposition was expressed to the proposed amendment.

Council decision was deferred until later in the Council Meeting.

HEARING ON PETITION NO. 66-72 BY H. C. MITCHUM FOR A CHANGE IN ZONING FROM B-2 TO I-2 OF PROPERTY ON BOTH SIDES OF DAVIDSON STREET, FROM BELMONT AVENUE TO THE EXISTING I-2 ZONING DISTRICT NEAR EAST 13TH STREET.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this area consists of about two-quarters of two separate blocks in the area bounded by Belmont Avenue, Caldwell Street, 13th Street and Davidson Street. The property is a mixture of land uses - it is primarily residential but there are some scattered business uses on it. At the intersection of Davidson and Belmont there is a restaurant and a vacant business; across the street is a mixture of retail type uses. Across Belmont is a battery service building and duplexes on Belmont, and in general a mixture of residential and business uses in the entire area. The property is zoned B-2 as is all the property along Belmont Avenue down past Alexander; the property across Belmont is zoned I-2 as is the property towards Caldwell and towards 13th; so this property is a little peninsula of B-2 zoning extending into an otherwise I-2 area. There is some multi-family zoning in the vicinity along Alexander and 16th Streets and some along Caldwell Street; basically the area is a combination of business and industrial zoning.

Mr. Charles Henderson, Attorney for the Petitioner, stated this peninsula should be zoned as is the property on all three sides in order that the petitioner can do a redevelopment. That he wants to build a factory there to produce all the things that M & T has been presenting in this community for a long time.

No opposition was expressed to the proposed change.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-73 BY W. F. EZELL, JR. FOR CHANGE IN ZONING FROM R-6MF TO B-1 OF A LOT AT 1932 NORTH HARRILL STREET.

The scheduled hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 20 percent Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this lot is 150' x 150' at the intersection of Harrill Street and Catawba Avenue. On the extreme rear portion of the property is a Soda Shop that is operated by the petitioner and occupies the rear half of the lot and faces on Catawba Avenue. The surrounding property is a mixture of residential and institutional type business, with a single-family residence immediately to the rear fronting on Allen Street, and duplexes to the side of the property and then single-family uses across Harrill Street from the property. Other uses in the area are the Villa Heights School and Cordelia Park, so it is in the midst of an area of residential and institutional type uses.

The zoning of the property is all R-6MF from Catawba Avenue, with all the area along Catawba, Harrill, Allen and Grace being R-6MF, and the remainder of the area including the park and the property along Pickney Avenue being R-6.

Councilman Tuttle asked if the soda shop is now non-conforming, and Mr. Bryant replied that it is.

Mr. Parker Whedon, Attorney for the petitioner, stated he does not know how many of the Council members and Planning Board members have had the opportunity to go by and see what Mr. Ezell's place of business is like, or what the surrounding neighborhood is like, and for those who have not had the chance he requested that they do so during the week.

Mr. Whedon passed around a pamphlet with photographs of the store. He stated Mr. Ezell bought the property about six years ago, and at that time it had the same non-conforming use on it, and it has been a satisfactory business for some time. Since Mr. Ezell bought the property there have been some changes in the neighborhood; primarily in the past two years there has been a rather substantial change in the character of the neighborhood. That what was a neighborhood of resident property owners at the time the property was purchased is no longer that way; they have sold out and gone away, and the place is occupied by people who rent their property, and the demand on Mr. Ezell's business has gone up considerably for that reason. That although the lot faces on North Harrill Street, the store has a Catawba Avenue address as it is located on the rear of the lot. That lots 18 through 11A and 11B on North Harrill Street have changed ownership entirely since 1964, and all but one changed ownership last year; the people who formerly owned the property sold and moved out and the property was bought as an investment and rented out to other people. On the other side of North Harrill Street there has been not as complete a change in the property ownership but about 80 per cent; there are only two pieces of property which have not changed hands in the last two or three years. That there has been a 50 percent turnover on North Allen Street.

Mr. Whedon stated when you change from property that is largely occupied by residents owners to property that is occupied by people who rent you do have a change in the character of the neighborhood. That Mr. Ezell wants to expand very slightly so that he can serve these people; he has a very small building, and he is very cramped; when customers come in there is a very narrow passage way, and they have trouble being served; the people in this area do not have automobiles, and they cannot drive to other places, and this is a real convenience for them and, in many cases, a necessity. That the Health Department is constantly after Mr. Ezell to keep open spaces, and he is having a very difficult time maintaining this, but he does maintain an A rating. He has to limit children to six at a time, the others have to stand around on the sidewalk and wait to get in and be served.

Mr. Whedon stated as evidence of the need and the desire for the occupants of this area to have an expanded facility, he filed a petition signed by 250 people in which it was stated they petition the Planning Commission and the City Council to allow the petition of William F. Ezell for a rezoning of the property in order to permit the expansion of the soda shop and light grocery business now being conducted there; that the business is needed and desirable and convenient to those who live and own property in the area.

Councilman Tuttle asked if they simply want to expand the business into a combination soda fountain - grocery store? Mr. Whedon replied yes, that Mr. Ezell has had architectural plans for what he plans to do for some time. That it will be the same operation, simply expanded. That there is no way this property can be used for residential purposes without new construction, and the cost of new construction in this area is not economically justifiable in this neighborhood as you cannot get a sufficient rental for it; on the other hand, it is an established business use conducted in a proper manner, and he wants to be allowed to expand that business, and his only recourse is for the change in zoning.

Mr. W. F. Ezell, Petitioner, stated he has this building, and he wants to improve it and make it attractive for the neighborhood; it is a poor businessman and poor citizen who cannot improve what he has and put something back in the neighborhood besides taking something out. That he has the business and the people, and he wants to be in a position to serve them in a nice, respectful way; that the main thing he needs is room.

Councilman Tuttle asked if he plans to sell beer? Mr. Ezell replied he has off-premises beer, and he does not intend to have a dive or a joint; this is what he is trying to get away from, and there will be no beer drinking on the premises, everything is take out, even the sandwiches; there are no seating arrangements, and they do not intend to have any.

Councilman Thrower asked who signed the protest petition, and Mr. Kiser, City Attorney, replied the Heirs of Eva Orr, and it is the property immediately behind the property that is petitioned and fronts on Allen Street and Catawba Avenue. Councilman Thrower asked if this property has changed hands recently, and Mr. Whedon replied the property has been in that family for some years, probably for some fifteen or twenty years.

Mr. Kiser stated the Heirs of Eva Orr are the only ones who signed the petition that were in a position to invoke the 3/4 Rule. They own the property to the rear of the property that is being requested for rezoning, and the ownership of that property was sufficient to invoke the 3/4 Rule.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 66-74 BY W. CARL EWING FOR A CHANGE IN ZONING FROM I-1 TO R-6 MFH OF A PARCEL OF LAND AT THE NORTHEAST CORNER OF GARDNER AVENUE AND CHAMBERLAIN AVENUE.

The scheduled hearing was held on the subject petition on which a protest petition was filed and found sufficient to invoke the 20 percent Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, advised this is a tract of land 195' x 200' at the intersection of Gardner Avenue and Chamberlain Avenue, and is in the vicinity of Rozzells Ferry Road. The property is located out Rozzells Ferry Road and down Gardner Avenue one block.



There is one four-unit apartment on it; other than that, the property is vacant; it is adjoined to the rear by a combination of single-family and duplex structures and adjoined on the Rozzells Ferry Road side by single-family and duplex structures and across Gardner from it are two single-family structures and a couple of vacant lots, and then single-family homes all the way down Rozzells Ferry Road; at the rear of the lot facing Rozzells Ferry Road is a building that was used as a vending machine storage and office area, and is now vacant. Old Dominion Box Company has an operation across Chamberlain Avenue from the property; across Gardner Avenue from that is Wikoff Color Corporation which deals in ink; other than that, the area is vacant. The zoning of the property is I-1 as is all the property on the side of Chamberlain leading out; with I-2 zoning across Chamberlain from the property; it is adjoined on the other two sides by R-6MF all along Rozzells Ferry Road and down Turner Street.

Councilman Short stated that residential uses are allowed in business or office zones but not in Industrial, and he asked if this is because an industrial area is considered too dangerous for homes, or because more industrial land is needed? Mr. Bryant replied at the time the ordinance was drafted, it was the feeling if you are going to have industrial areas, then you need to protect the industrial area from residential development just as much as you need to protect residential area from industrial and business encroachment. It is easy when you get an area zoned industrial to get a few scattering of residential uses in it and this can go a long way in destroying the effective use of that area for industrial purposes; and the other is that you just do not want to get this scattered residential development in the industrial district from the standpoint of the effect the industrial use would have on the residential use.

Mr. Ben Horack, Attorney for the petitioner, stated Mr. Ewing acquired the property about seven years ago, and at that time there was a four-unit apartment building on the property and was zoned R-2 under the old ordinance which was the multi-family category at that time. In 1962 the zoning was changed to I-1. That he was surprised when he found there was a protest to the petition; that Old Dominion Box Company invoked the 3/4 Rule by their protest and Carolina Paper Board Company and Wikoff Color Corporation filed letters of protest. About six years ago, Mr. Ewing tried to sell this property to Old Dominion, and being unsuccessful he had the property in the hands of a realtor to have it sold for an industrial use, but had no takers, which tells the story of what the situation is at that location with reference to the industrial property. Everything industrial there now was industrial seven years ago when Mr. Ewing bought the apartments and the land that went with it. Everything with the exception of the two non-conforming houses is vacant and not being used for the industrial purposes which are permitted by the existing zoning, which is saying to him that it is not a very good place for industry.

Mr. Horack stated that Mr. Ewing wants to upgrade the classification of the property from I-1 to R-6MFH in order to utilize the remainder of the ground area to build 21 apartment units; he wants to develop the land in conjunction with the existing units in order to make an orderly layout. That his access will be off Gardner Avenue into his parking area; that he wants to make a horse shoe out of the units that he proposes to construct. He has four units now, and he wants to build 17 more - a total of 21 units; the new units will be built by the same contractor, and he has already prepared his tentative plans, and the contract is in readiness, and he can start immediately when and if the request for a change is approved. That the new units will have two bedrooms; each unit will have about 864 square feet with stove and refrigerator, attic fans, wiring for air conditioning, washing machine connections and so forth. That the parking

spaces he plans will permit 24 parking spaces which are 8 more than the minimum he can get by with, and if it is desirable to put in more parking spaces to alleviate any congestion he can provide more. That the estimated investment of the new units will be approximately \$118,000 which when added to the old investment will make a total of about \$145,000. That he is requesting the R-6MFH because he wants a total of 21 units. If he has R-6MF he can only have the 4 old ones and 13 new units, so he needs the "H" to permit the 4 additional units.

That the "H" would permit a total of 34 units, but he is not going to do that as his plans are all laid out for 21 units. That the proposed rent is \$17.50 per week.

Mr. Horack stated they feel this will benefit the entire community. That it is what has been acknowledged by this Council, editorially and otherwise, that we need low-cost or moderate-cost construction by private developers rather than from Uncle Sam, and Mr. Ewing is such a man.

Mr. Robert Glasgow, resident manager of Old Dominion Box Company, stated their property abuts on 25 per cent of the frontal property of the petitioners. They feel the Zoning Commission has zoned the area industrial. The fact that it has not moved as fast as some think it should, they feel, will be very definitely delayed and impaired by bringing in low-cost, low-rent family apartments into the area. They have hundreds of trucks coming into this area, down these two streets every week; they have their trucks, with Carolina Paper Board and Weyerhaeuser Company trucks, and a bunch of common carriers. With an apartment house there are going to be children, and since he has been in this area, one child has been killed on Rozzells Ferry Road by a truck turning into Gardner Avenue. The fact that some single family dwellings are in this industrial area goes back to the old Savanna Mills when they built some houses around it. He stated they honestly feel this is not in the best interest in developing this area industrially. That Carolina Paper Board has just opened a tool plant which is down the extension of Chamberlain Avenue.

Mr. Jim Walker of Wikoff Color Company stated after renting their property, they have in the last year bought it; that they are a young outfit and have only been in business ten years, but their growth has been tremendous, and they now have six plants. That their main interest is the schools - that 21 apartments would mean about 63 children, and the school down there cannot hold them; there is no high school real close, and this is one thing they thought about; they are concerned also about recreational facilities, the traffic hazards caused by the trucks, and the parking spaces.

Mr. Henry Helms stated he lives on Gardner Avenue. That he tried to build a five-room home for his son three years ago right next door and the zoning would not permit it, and he would now like the zoning to stay as it is.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 510 AMENDING CHAPTER 23, ARTICLE IV, DIVISIONS 2, 3 and 4 TO PERMIT UNDERGROUND PARKING STRUCTURES TO BE BUILT IN THE REQUIRED YARD AREAS IN OFFICE, BUSINESS AND INDUSTRIAL DISTRICTS PROVIDED THE STRUCTURE DOES NOT EXTEND MORE THAN FIVE FEET ABOVE GRADE AT ANY POINT, NOR MORE THAN FOUR FEET ABOVE GRADE FOR 75 PER CENT OF ITS LENGTH ALONG ANY LOT LINE, AND PROVIDED THE STRUCTURE SHALL BE COVERED WITH A PEDESTRIAN DECK IF LOCATED IN THE REQUIRED SETBACK AREA IN OFFICE DISTRICTS.

The public hearing was held on Petition No. 66-75 by the Charlotte-Mecklenburg Planning Commission to change the text of the Zoning Ordinance to permit

underground parking structures to be built in the required yard areas in Office, Business and Industrial Districts.

The Assistant Planning Director advised that this is a proposed text change as recommended by the Planning Commission. That some time ago when the architects were working on the building plans for the governmental center area, particularly the jail and the law enforcement building, the question of providing underground parking came up and the plans that have been prepared for the jail are providing for parking underground. That they feel this is a very good idea and is something they want to encourage, and it will enable the area to have sufficient parking without it all being visible from above. That it was also found that the zoning ordinance does not provide underground parking that would extend into the required yard space. What they are proposing is to amend the ordinance to permit underground parking that may be extended out into the setback area. One of the first questions that came up is what if the building extends slightly above grade, which is entirely possible especially when you are building on a street that has a sloop to it, and then you start your underground structure at grade level at one end of the lot, and by the time you get to the other end, your structure may be sticking out into the air.

Mr. Bryant stated they propose an amendment to the ordinance which would permit the underground parking in the required yard space, and at the same time regulate the heights at which the structure is made above ground. If you have a parking structure in the setback area that extends above grade, they are saying that the extreme maximum at which it can extend at any point would be five feet; and for 75 per cent of its length along any one side, it cannot extend higher than four feet. That for the majority of the distance it cannot extend into the air more than four feet.

That they have defined in this case the grade as being first if it is along the street side, it is the ground elevation at the center line of the street, and if it is along any other property line, it shall mean ground elevation at the property line itself. That they have taken into consideration that sometime in the architectural design there may be a need for a railing along the edge or the top of the structure, so they are saying this can be done, but it shall not be for a height greater than thirty inches and shall be set back at least three feet from the edge of the structure. In addition, any such railing would have to be open for at least 30 per cent of its surface along the side so that the vision would not be blocked.

Mr. Bryant stated if this is located in an office district the structure must be covered with a pedestrian deck, rather than a simple roof structure so that it would give the effect of an open area or an area accessible to pedestrians rather than the roof of another building.

Referring to the suggested ordinance, Mr. Bryant stated that Section (1), paragraph (a) is just a repeat of what is already in the ordinance, and paragraph (b) is the new part and what is being discussed today. Sections (2) and (3) are saying the same thing except they are saying it in relation to business areas and industrial areas. That the adoption of this ordinance will cover office, business and industrial districts, thereby, implementing this type underground parking.

Councilman Tuttle asked what would be the setback of the deck itself, and Mr. Bryant replied the deck itself could come all the way to the property line. Mr. Bryant stated this ordinance does not apply to residential areas, it only applies to office, business and industrial districts.

Councilman Short asked if the pedestrian area would only be required in an office area and if the others would have a roof over them? Mr. Bryant replied not necessarily; as in business and industrial districts, you are permitted to park in the setback, but it does have to be in office area. In addition if this should be located on a corner lot the site distance regulation would have to be observed.

Councilman Tuttle asked if an abbreviated plan of this sort would work in apartment areas, and Mr. Bryant replied it could very well.

Mr. Toy of the Planning Commission stated the height of the railing should be 32 inches rather than 30 inches to clear up a technical point.

Councilman Short moved the adoption of the subject ordinance as amended by Mr. Toy. The motion was seconded by Councilman Whittington and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 369.

CHAMBER OF COMMERCE PRESIDENT PRESENTS PLAQUE TO THE CITY WITH NAMES OF THE OUTSTANDING EMPLOYEES OF THE YEAR ENGRAVED ON IT AND BLANKS FOR FUTURE NAMES TO BE ADDED.

Mayor Brookshire stated in April, 1963, the Charlotte Chamber of Commerce did a very fine and commendable thing in starting a "Know Your Government Committee." The purpose of the committee was to develop ways and means to better public understanding of the functions, operation and problems of City Government. Out of this committee came the "City Employee of the Year" award. The purpose of the program is to select each year the city employee whose efforts, suggestions, ideas, courtesies and performance on the job have earned this special recognition. To date three city employees have been designated "Employee of the Year." Mayor Brookshire stated these employees are present today, and he asked them to stand - Mr. Ronald L. Klutz, Equipment Operator III, Landfill Division of the Motor Transport Department received the first award in 1963; Mr. Claude L. Murphy, Treatment Plant Foreman of the Water Department received the award in 1964, and Mr. Lee M. Rea, Civil Engineer II of the Engineering Department, received the 1965 award.

Mayor Brookshire stated Council welcomes these employees, and he asked them to stand and witness the ceremony that will take place. He then recognized Mr. W. T. Harris, President of the Chamber of Commerce.

Mr. Harris stated he is present today as a part of the Chamber of Commerce's program held each year to provide recognition to outstanding governmental employees. That for the past three years the Chamber of Commerce has selected the City and County Employees whose efforts, suggestions, ideas and courtesies entitled them to special recognition. That these employees must have contributed more than the job required in the ways of ideas through efforts to save money, material or time. These people have improved their performance or improved safety on the job; they have found new ways to serve the public and improve public relations; they have displayed leadership; the Chamber of Commerce feels that it and the general public owes these outstanding men and women a sincere debt of gratitude and recognition for their performances in serving the city, county and the public. That Mr. Kenneth Austin of Duke Power Company is Chairman of the Committee that will pick the outstanding 1966 city and county employee; at this time, the Committee will begin circulating nominating forms and personal letters from the Chamber President to each employee of the City

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of Charlotte and Mecklenburg County concerning the nomination. The persons selected will be honored either at the City's Employees annual party or at a meeting of the Board of County Commissioners. They will receive a \$50 award and a framed certificate.

Mr. Harris stated a new innovation is a permanent plaque with the names of the outstanding employees engraved on it. These will be hung in the City Hall and the County Office Building and are intended to provide continued and permanent recognition to the men who so well serve our government.

Mr. Harris then presented to Mayor Brookshire and the City of Charlotte a Plaque engraved with the names of the past outstanding employees, and which will contain the names of future outstanding employees as they are selected each year. That the Chamber of Commerce presents the Plaque in honor of those who serve the City as an incentive to those who will continue the fine work they have been doing for the City.

Mayor Brookshire accepted the Plaque on the behalf of the City and stated it has three engraved names on it with additional blank spaces for future people who earn this distinction.

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

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

W. J. ELVIN SUPPORTS CONSOLIDATION OF CITY AND COUNTY GOVERNMENTS AND TYPEWRITTEN COPIES OF HIS VIEWS WILL BE SENT TO COUNCIL.

Mr. W. J. Elvin stated he is strongly in favor of the consolidation of the City and County Governments, thereby, having something that is really worthwhile. At the suggestion of the Mayor, Mr. Elvin stated he would have his views typewritten and copies sent to all the Council members.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF VICTOR SHAW.

Mayor Brookshire read the following resolution Extending sympathy and Honoring the Memory of Victor Shaw:

WHEREAS, it is with deep sadness and a feeling of great loss that the City Council of the City of Charlotte takes note of the passing of Victor Shaw on August 12, 1966; and

WHEREAS, Mr. Shaw for many years rendered valuable public service to the citizens of this City and County as Mayor of the City of Charlotte from 1949 to 1953; as chairman of the Mecklenburg Civil Service Commission from 1938 to 1940; as chairman of the Mecklenburg County Welfare Board from 1958 to 1961; and as director of the North Carolina League of Municipalities in the 1950's; and

WHEREAS, in his passing the citizens of this City and County, and the members of these governing bodies have lost a staunch friend and a wise counsellor; and

WHEREAS, the sense of bereavement felt by his family is shared by the City Council and his many friends and associates,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, in regular session assembled on this 22nd day of August 1966, does hereby extend its deepest sympathy to the family of Victor Shaw, and does hereby memorialize and honor the name of Victor Shaw, and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the members of his family, and that this resolution be spread upon the minutes of this meeting.

Upon motion of Councilman Albea, seconded by Councilman Whittington, the resolution was unanimously adopted as the Council stood in a moment of silent tribute to Mr. Shaw.

ORDINANCE NO. 511-Z AMENDING CHAPTER 23, SECTION 23-40.1 OF THE CODE OF THE CITY OF CHARLOTTE TO GRANT CONDITIONAL APPROVAL FOR A TRUCK AND FREIGHT TERMINAL IN AN EXISTING I-1 DISTRICT ON THE NORTH SIDE OF INTERSTATE HIGHWAY 85, EAST OF MULBERRY ROAD.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted as recommended by the Planning Commission with the approved development plans to be filed in the office of the City Clerk.

The ordinance is recorded in full in Ordinance Book 14, at Page 371.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON SEPTEMBER 19TH ON PETITIONS NO. 66-76 AND 66-78 THROUGH 66-81 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 5, at Page 315.

RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON SEPTEMBER 25TH ON PETITION OF SOUTHERN WIPERS, INC. TO CLOSE A PORTION OF EAST TWENTY-SIXTH STREET.

Upon motion of Councilman Alexander, seconded by Councilman Whittington and unanimously carried, the subject resolution was adopted, and is recorded in full in Resolutions Book 5, at Page 316.

COOPERATIVE WORKING ARRANGEMENT BETWEEN CITY AND COUNTY CONCERNING THE EXTENSION OF WATER AND SEWER LINES INTO THE COUNTY AREAS BEYOND THE CITY LIMITS.

The following cooperative working arrangement between the City and County concerning the extension of water and sewer lines into the county areas beyond the city limits as worked out by the Mayor and Chairman of the County Commissioners was presented for Council consideration:

Area of Agreement:

A cooperative working arrangement between the City and County:

1. County to have the responsibility of laying water and sewer lines into County areas beyond the city limits.

2. City to furnish to the County water at the city limits and treat sewage from county sewage lines on metered cost basis at cost or the minimum charge.
  - (a) Rather than fixing costs on master meters, the city agrees to read the customer meters in the county and calculate charges to county on total volume of water with sewer charges in ratio to water. County will contract with the city on a cost and overhead basis for the city to do the meter reading, billing and maintenance. Both the city and county agree that the rates for both water and sewer services under this arrangement shall be the same as existing rates in the county charged by the city.
3. In areas annexed by the city in the future, the county will be compensated for county-owned facilities in these areas based on a fair and reasonable formula to be worked out by the city and county.
4. New construction and extension of county facilities will be made by the county in accordance with the overall comprehensive area plan. Materials, installations, etc., are to be uniform throughout the county, conforming to standards and specifications used in the city system.
5. We agree that this general plan is to be submitted to both the City Council and to the County Board of Commissioners for approval, and then to have the administrative officials of the county and city work out the details of the agreement.

Sam T. Atkinson, Jr.

Stan R. Brookshire

8-12-66

Councilman Short stated he would like to commend the Mayor and Chairman Atkinson for the very fine job that they have done on this matter which was controversial for a while. That he thinks both have done a very fine thing for our community. One of the newspapers said that it would be difficult to overstate the importance of this agreement and the other said this joining together of the City's present facilities with the County's power to finance makes healthy growth inevitable for our community. He stated this growth apparently will have to be about 40 per cent in the next ten years of everything that has been built since we have had water and sewer facilities. That sixteen counties in North Carolina have already financed water or sewer extensions by agreements with their municipalities.

Councilman Short stated he sent questionnaires to each of the sixteen counties and to the sixteen cities involved asking them questions about their experiences and about the results that they have obtained. The reply from Rockingham County, where Reidsville is located, stated that under the plan in Rockingham County the water and sewer lines are extended and the money is paid back to the county on the basis of a surcharge as is proposed for Mecklenburg County. From the question if they had been able to bring in enough money by this means, their County Manager replied that the increase in taxes alone has been enough to pay off their investment even if they did not receive anything from the surcharge; that the projects the county has put in around Reidsville have been helpful beyond their fondest dreams; the plants along the lines have already doubled in size and employment; that their whole economy is being helped.

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Councilman Short then moved the adoption and ratification of the agreement of Mayor Brookshire and Chairman Atkinson dated August 12. The motion was unanimously seconded by members of the Council.

Councilman Whittington stated this is a great day for both Charlotte and for Mecklenburg County that this plan has been ratified and he would want all people who have been concerned with this problem thanked publicly by Council, including the Mayor and all members of the County Commissioners, and the Task Force, and he would hope that just as soon as possible this Board and the County Commissioners will meet together and whatever ground work has to be laid from that point on be laid to work out the technicalities and the mechanics of the water and sewer program for twenty or fifty years in the future and be done as rapidly as possible.

Mayor Brookshire replied he appreciates these remarks. That Mr. Whittington referred to a future joint meeting of Council and the Commissioners, and he certainly has no objections to it; that he would not have objected had Mr. Atkinson suggested such a meeting for the purpose of ratification by both bodies simultaneously. That according to the procedures they did agree upon, that he thinks it is logical to put the responsibility of working out the details of this on the two Staffs; there could be a meeting with the Commissioners at any time should the Staffs encounter something they could not resolve between themselves. That it would be expected that any detailed agreement which they develop will be brought back to City Council, and at the same time be presented to the County Board of Commissioners for approval.

Councilman Whittington stated he understands this is now what the Chairman of the County Commission wants. Mr. Veeder stated he believes the Chairman is interested in starting the process of working out the details of the agreement in keeping with the prior conversation that he had with the Mayor, which would be that the Mayor and the Chairman would sit down with the representatives of the staffs to get it started.

The vote was taken on the motion and carried unanimously.

#### CLAIM OF B. G. CARPENTER AUTHORIZED PAID.

Councilman Whittington moved that Claim in the amount of \$93.08 filed by Mr. B. G. Carpenter for damages to his automobile be paid as recommended by the City Attorney. The motion was seconded by Councilman Thrower and carried unanimously.

#### CLAIM OF MRS. MARIE HONEYCUTT DENIED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, claim of Mrs. Marie Honeycutt, in the amount of \$31.50 for the loss of certain lawnmower parts which were placed on top of a garbage can and collected by a city employee, denied as recommended by the City Attorney.

#### APPLICATION FOR PRIVILEGE LICENSE FOR DETECTIVE APPROVED.

Councilman Short moved approval of the application for a privilege license for Henry Furman Maness, Jr., covering the classification of "Detective." The motion was seconded by Councilman Albea and carried unanimously.



RIGHT OF WAY AGREEMENT AUTHORIZED WITH THE STATE HIGHWAY COMMISSION FOR  
INSTALLATION OF WATER SERVICE ACROSS ROZZELLS FERRY ROAD.

Upon motion of Councilman Whittington, seconded by Councilman Short and unanimously carried, the Mayor and City Clerk were authorized to execute a right of way agreement with the State Highway Commission for crossing Rozzells Ferry Road, outside the city limits, in connection with the installation of an eight-inch water service to serve Ace Paper Company.

## SANITARY SEWER TRUNK AND MAINS CONSTRUCTION AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Whittington and unanimously carried, the construction of sanitary sewer trunk and mains, were approved as follows:

- (a) Construction of 200 feet of trunk and 1,625 feet of main, in Kentwood II, Phase G, inside the city, at the request of Nance-Trotter Realty, Inc, at an estimated cost of \$9,900.00, with all cost to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (b) Construction of 50 feet of main, in Dilworth Road, inside the city, at the request of Philip J. Forlidas, at an estimated cost of \$515.00, with all cost to be borne by the applicant, whose deposit in the full amount has been received and will be refunded as per terms of the agreement.
- (c) Construction of 1,675 feet of trunk in Benfield Court, inside the city, at the request of Griffin Realty Company, at an estimated cost of \$12,685.00, with all cost to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

## CONTRACTS FOR THE INSTALLATION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Alexander and unanimously carried, the following contracts for the installation of water mains, were authorized:

- (a) Contract with John Crosland Company for the installation of 9,545 feet of water mains and 9 fire hydrants, in the Hampshire Subdivision, inside the city limits, at an estimated cost of \$40,500.00, 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 construction cost.
- (b) Contract with A. V. Blankenship Company for the installation of 4,950 feet of water mains and three fire hydrants, in the Virginia Manor Subdivision No. 3, inside the city limits, at an estimated cost of \$18,000.00, 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 construction cost.
- (c) Contract with Paway, Inc. for the installation of 1,565 feet of mains and two fire hydrants, to serve Kings Inn and adjacent office building on Kings Drive, inside the city limits, at an estimated cost of \$9,500.00, 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 construction cost.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR THE CONSTRUCTION OF RAW WATER TRANSMISSION MAINS FROM CATAWBA RIVER PUMPING STATION TO THE HOSKINS RESERVOIRS, PROJECT NO. DHUD-WS-3-34-0010.

Councilman Alba moved award of contract to the low bidder, Blythe Brothers Company, for the construction of raw water transmission mains from Catawba River Pumping Station to the Hoskins Reservoirs, Project No. DHUD-WS-3-34-0010, in the amount of \$1,645,220.00, on a unit price basis, subject to final approval by the Community Facilities Division of the Department of Housing and Urban Development. The motion was seconded by Councilman Tuttle.

Mr. Veeder, City Manager, stated the federal act under which this came into existence was on August 6, 1965. That he suspects this is the first contract that has been awarded using this program, at least in the southeast; if not the first, no one started in the program any sooner than Charlotte. We were far ahead on our engineering than most, so he suspects this is the first contract to be let involving this program in all the southern part of the country. The fact that the federal dollars here represents a grant of about 1% of the total dollars available in the country reflects well on the efforts that started with the Mayor and the interest he expressed a year ago, and which has been followed up in a lot of ways since then.

Councilman Tuttle asked if the City budgeted this as roughly \$1,745,000.00? Mr. Veeder replied with some other things added on, such as engineering cost and a few other expenses, other than the actual contract; that the bids are something over \$100,000.00 under the estimated.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Blythe Brothers Company	Charlotte	\$1,645,220.00
Noll Construction Company	Charlotte	1,741,030.00
Lee Construction Company	Charlotte	1,845,020.00
Boyd & Goforth Company	Charlotte	1,882,038.00
Ray D. Lowder	Albemarle	2,080,515.00
R. H. Johnson Company	Winston-Salem	2,172,265.00

TRANSFER OF CEMETERY LOTS:

Upon motion of Councilman Tuttle, 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 L. W. Brockwell for Lot No. 372, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mr & Mrs Van E. Williams, for Lot No. 170, Graves 8 and 9, Section 2, Evergreen Cemetery, at \$120.00.
- (c) Deed with Mrs Betty Jo Wade for Mr. A. T. Richardson, for Lot No. 170, Grave 10, Section 2, Evergreen Cemetery, at \$60.00.
- (d) Deed with Frank and Gladys Batchulder for Lot No. 386, Section 6, Evergreen Cemetery, at \$240.00.
- (e) Deed with Arliss M. Brigman, for Lot No. 173, Section Y, Elmwood Cemetery, transferred by Mrs E. R. Brigman, at \$3.00 for transfer deed.
- (f) Deed with Heirs of J. A. Garner for north half of Lot No. 86, Section T, Elmwood Cemetery, at \$3.00 for duplicate deed.
- (g) Deed with Clarence R. Barton and Annabell S. Barton, for Graves 3 and 4, of Lot No. 442, Section 6, Evergreen Cemetery, at \$120.00.
- (h) Deed with W. Glenn Wilson and Thelmas B. Wilson, for Graves 1 and 2, Lot No. 442, Section 6, Evergreen Cemetery, at \$120.00.

## CONTRACT AWARDED U. S. RUBBER COMPANY FOR BUNKER BOOTS.

Councilman Thrower moved award of contract to the low bidder, U. S. Rubber Company for 25 pairs of knee length and 85 pairs 3/4-inch hip firefighter bunker boots, in the amount of \$1,652.82, on a unit price basis. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

U. S. Rubber Company	\$ 1,652.82
O. J. Richardson	1,693.46
Goodall Rubber Company	1,794.78
Dixie Fire & Safety Equip. Co.	1,986.27
The Leslie Company	2,031.08
Rubber Products Co.	2,044.75

## CONTRACT AWARDED A. E. FINLEY &amp; ASSOCIATES, INC. FOR FOUR LEAF LOADERS.

Motion was made by Councilman Whittington awarding contract to the low bidder, A. E. Finley & Associates, Inc., for four leaf loaders as specified, in the amount of \$9,393.60. The motion was seconded by Councilman Thrower and carried unanimously.

The following bids were received:

A. E. Finley & Associates, Inc.	\$ 9,393.60
Carolina Equipment & Parts, Co.	9,850.92
Markham Equipment Co., Inc.	10,073.40
Interstate Equipment Co.	11,747.15

## CONTRACT AWARDED SIMPSON EQUIPMENT CORPORATION FOR LEAF COLLECTION BODIES.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Simpson Equipment Corporation, for twelve leaf collection bodies, as specified, in the amount of \$7,416.00.

The following bids were received:

Simpson Equipment Corp.	\$ 7,416.00
Baker Equipment Engineering Co.	10,370.04
Markham Equipment Co., Inc.	11,185.80

Councilman Tuttle stated he wonders what money would be saved in time and loading if pamphlets were inserted with the water bills to try to educate the public to the value of some of the leaves and some of the grass clippings, if they would start themselves a compost pile. That it seems silly to pick up big piles of cut grass all over town. Perhaps Mrs. Cora Harris could comment on the value of piling this up.

## CONTRACT AWARDED O. P. CROWDER CONSTRUCTION COMPANY FOR SANITARY SEWER FACILITIES IN STARMOUNT-SPRING VALLEY.

Councilman Tuttle moved award of contract to O. P. Crowder Construction Company, the low bidder, for the construction of sanitary sewer facilities to serve Starmount-Spring Valley Subdivisions, in the amount of \$24,430.04. The motion was seconded by Councilman Jordan and carried unanimously.

The following bids were received:

O. P. Crowder Construction Co.	\$24,430.04
Blythe Brothers Company	30,748.00
A. P. White & Associates	33,047.00

CONTRACT AWARDED THE FORD METER BOX COMPANY, INC. FOR METER YOKES.

Motion was made by Councilman Whittington awarding contract to the only bidder The Ford Meter Box Company, Inc. for 4,348 meter yokes as specified, in the amount of \$23,495.76, on a unit price basis. The motion was seconded by Councilman Albea and carried unanimously.

ORDINANCE NO. 512 AMENDING THE FIRE PROTECTION AND PREVENTION CODE OF THE CITY OF CHARLOTTE AND ADOPTING, WITH AMENDMENTS, THE 1965 EDITION OF THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION.

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 372.

ORDINANCE NO. 513 AMENDING CHAPTER 20, ARTICLE II, BY ADDING A NEW SECTION TO BE DESIGNATED SECTION 20-39 PROHIBITING IMPROPER TURNS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, the subject ordinance was adopted and is recorded in full in Ordinance Book 14, at Page 377.

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Acquisition of 8,000 sq. ft. of property at 900 North Tryon Street, from Harold E. Perper (Holiday Inn), in the amount of \$59,950.00 for the Northwest Expressway Project, with the City to deed to Mr. Perper 5,223 sq. ft. of an irregular-shaped parcel and abandon that part of 12th Street, between North Tryon Street and College Street adjoining the Harold E. Perper property that will not be needed after the relocation of 12th Street.
- (b) Acquisition of 120 sq. ft. of property at 4247 Plaza Road, from Eulis Allen Dills and wife, in the amount of \$51.00, for the Plaza Road Widening Project.
- (c) Acquisition of 1,884.26 sq. ft. of property at the southeast corner of Independence Boulevard and Sharon Amity Road, from NCNB, Trustee for R. W. Burns, in the amount of \$4,500.00, for the Sharon Amity Road Widening Project.
- (d) Acquisition of 1,095.6 sq. ft. of property at the corner Monroe Road and Sharon Amity Road, from The Pure Oil Company, a division of Union Oil Company of California, in the amount of \$2,400.00, for the Sharon Amity Road Widening Project.

- (e) Acquisition of easement 15' x 154.28' in the 5100 block of Plaza Road, from David R. Lanter, in the amount of \$72.14, for the Lake Plaza Sanitary Sewer Trunk.
- (f) Acquisition of easement 15' x 240.38', in the 700 block of Ascot Drive, from David R. Lanter, in the amount of \$120.19, for the Lake Plaza Sanitary sewer trunk.
- (g) Acquisition of easement 15' x 106', at 745 Ascot Drive, from Seburn S. Crocker, in the amount of \$53.00, for the Lake Plaza Sanitary sewer trunk.
- (h) Acquisition of easement 15' x 246.84', in the 700 block of Ascot Drive, from David R. Lanter, in the amount of \$123.42, for the Lake Plaza sanitary sewer trunk.
- (i) Acquisition of easement 10' x 210', at 4523 Water Oak Road, from Manuel Fisher and wife, in the amount of \$1.00, for the Water Oak Road sanitary sewer.
- (j) Acquisition of easement 10' x 102', at 4524 Water Oak Road, from Raymond J. Landry and wife, in the amount of \$1.00, for the Water Oak Road sanitary sewer.
- (k) Acquisition of easement 6' x 150', off end of Corry Drive, from Nance-Trotter Realty, Inc., in the amount of \$1.00, for Corry Drive sanitary sewer.
- (l) Acquisition of easement 10' x 380' on Robmont Road, from S & T Construction Company, in the amount of \$1.00, for Robinson Woods Sanitary sewer.
- (m) Acquisition of easement 10' x 122' off Burnt Mill Road at Sugar Creek, from John Crosland Company, in the amount of \$61.00, for John Crosland Company sanitary sewer.
- (n) Acquisition of easement 10' x 173' off Starbrook Drive at Sugar Creek, from John Crosland Company, in the amount of \$86.50, for John Crosland Company, in the amount of \$86.50, for John Crosland Company sanitary sewer.
- (o) Acquisition of easement 10' x 237' off Birmingham Drive at Sugar Creek, from John Crosland Company, in the amount of \$118.50, for John Crosland Company sanitary sewer.
- (p) Acquisition of easement 10' x 350', off Red Barn Drive at Sugar Creek, from John Crosland Company, in the amount of \$1.00, for John Crosland Company sanitary sewer.
- (q) Acquisition of easement 15' x 132' in Fairmeadows, from John Crosland Company, in the amount of \$132.00, for Parkstone and Fairmeadows sanitary sewer.

INVITATION EXTENDED TO MAYOR, COUNCIL MEMBERS, CITY MANAGER, ASSISTANT CITY MANAGER AND CHIEF OF POLICE FOR SUPPER ON SATURDAY NIGHT AT HOME OF SOL BADAME.

Councilman Whittington extended an invitation to the Mayor, members of Council, Mr. Veeder, Mr. Bobo and Chief Ingersoll for a spaghetti supper at the home of Mr. Sol Badame, 1501 Landis Avenue, Saturday night at 7 o'clock. He stated that the Judges and Solicitors, along with Judge Stukes have also been invited.

CITY MANAGER REQUESTED TO CHECK NEED FOR STREET LIGHT IN 400 BLOCK OF WEST BOULEVARD.

Councilman Whittington requested the City Manager to check the need for a street light in the 400 block of West Boulevard.

CITY MANAGER REQUESTED TO LOOK INTO REQUEST FOR REMOVAL OF TRUCK TRAFFIC ON LYNWOOD AVENUE.

Councilman Whittington stated he has a request for the removal of truck traffic on Lynwood Avenue, which he requested the City Manager to look into.

CITY MANAGER TO CHECK THE NO LEFT TURN SIGN AT FREELAND AND SOUTH BOULEVARD WHICH IS DOWN.

Councilman Thrower stated that the sign is down on the "no left turn" between 4:30 and 6:30, on Freeland and South Boulevard, and the Police Department is writing citations. That he does not think this should be enforced if the proper signs are not up. He requested the City Manager to have this checked.

STREET LIGHT REQUESTED ON SENIOR DRIVE, BETWEEN KELLER AND KENDALL STREETS.

Councilman Alexander requested that a street light be installed on Senior Drive, between Keller and Kendall Streets.

REQUEST RE-EMPHASIZED FOR PUBLIC COMMENT ON THE EXTENSION OF BILLINGSLEY ROAD.

Councilman Short stated at the last Council Meeting he mentioned that he would appreciate comments from Mr. Veeder and Mr. Cheek about extending Billingsley Avenue over into Eastover. That he would like to emphasize that again; that he could easily get up a petition of several hundred people who see the need for this. That he hopes it can have some prompt consideration and public comment from both of them.

Mr. Veeder stated they have done some related work recently and requested some property owners for some consideration of improvements which he thinks is directly on point. Councilman Short stated this item is not listed in the Five Year Capital Improvement Budget and he believes five years within itself is way beyond the time when this should be done. If this were a possible alternate route for the Belt Road, even though it was not chosen, at least it deserves to be opened on up.

TRAFFIC SIGNAL AUTHORIZED INSTALLED AT INTERSECTION OF PROVIDENCE AND COLVILLE ROADS, IMMEDIATELY.

Councilman Tuttle stated on May 9 Mr. Earl Mulwee appeared before Council as spokesman for some 266 residents of the Providence Road-Colville Road-Eastover area who had signed a petition for a traffic control light at the intersection of Providence and Colville Roads.

Mr. Mulwee stated that citizens and school children in the area risk their lives daily attempting to enter Providence Road from Colville Road. Mr. Hoose was called in and stated that a study had not been made of the intersection in two years and agreed that one was advisable. The City Manager advised that this would be the sixth time since 1951 a study of the intersection had been made. This makes it quite evident that there is trouble at the intersection for the people to keep coming back.

On motion of Councilman Jordan, seconded by Mr. Whittington, Mr. Hoose was instructed to make a survey before school time was over in order to get a better picture of the situation and bring the report to Council.

A study was not made until May 30 and June 1. This was just a day or so before school was out and some classes and schools were closing early, and there was no semblance of the usual traffic pattern involving parents taking children to and from school at the time the survey was made. It was simply too late.

Two hundred sixty-six people in this area have been waiting on Council's determination of this situation and on two occasions he asked about a report. The last time being Monday, August 8, and after the Council meeting was given a copy of a letter written July 26 by Bill Carstarphen to Mr. E. S. Mulwee enclosing a copy of Mr. Hoose's report stating that the Traffic Engineering Department does not recommend a traffic signal at the intersection and enclosing a sketch of the intersection showing the shrubbery that was in violation.

He stated the study is questionable as it was not made during the normal school time. Further, the usual old traffic count of vehicles means nothing in this case. No one has been concerned about a 7 a.m. to 7 p.m. study. This is a case where ninety per cent of the trouble lies in the fact that Providence Road is a thoroughfare for out going traffic in the afternoons and incoming in the mornings.

He is of the opinion that we should act now on this situation, before school starts and before someone is killed or seriously injured, and he would like to hear a motion for some sort of activated light at the location.

Councilman Jordan moved that the traffic light be installed immediately. The motion was seconded by Councilman Whittington.

Mr. Veeder, City Manager, stated he must reiterate the views of the Traffic Engineering Department that a signal is not indicated at this intersection; that he wonders what will happen to the accident experience at this intersection after the signal is installed; that he has reservations about the ability of a traffic signal to diminish or lessen accidents here.

Councilman Tuttle stated this is the long block where they have had so many calls about speeders, and if this does nothing but break the speeders, it will accomplish something.

The vote was taken on the motion and carried unanimously.

#### REPORT ON EFFORTS TO ALLEVIATE HAZARDS AT LOCATION OF SOAP BOX DERBY TRACK.

Councilman Tuttle called attention to the fact that two children were injured on the new Soap Box Derby Tracks. That a cable had been placed across the track to deter children riding bicycles and these cables are not easily seen. A grandmother of one of the children said the child was seriously hurt, and the paper said not too seriously; that the neighbors are up in arms. That he has asked Mr. Veeder to check on this matter.

Mr. Veeder commented that he talked with Mr. Drew Hearn and Mr. Arthur Dancy about the track, and they were very concerned about the story that appeared on the Soap Box Derby Track and took issue with the facts of the story. They pointed out that on seven separate occasions the cables on the track have been strung with reflectors, and people keep taking them off; also,

there are signs on the track warning against trespassers. They are aware of the safety hazards and are taking steps in their judgment that would help alleviate them. That they are going ahead with plans for a fence which is required under the City's agreement with them, which will be an eight foot fence and this should help to keep unauthorized persons off the track and they point out this track is not something that is going to be used once a year. They plan to have some supervised use of it on weekends throughout the year for children. They are taking bids on the erection of a fence either today or tomorrow and expect to have it in place within a month.

#### REPORT OF INVESTIGATIONS AND RECOMMENDATIONS ON VICE CONTROL.

Mayor Brookshire stated he would like to commend to Council the memorandum from Chief John Ingersoll to Mr. Veeder on the subject of Vice Control; and he would like to commend to the Citizens of Charlotte, Chief Ingersoll's actions in setting up a Vice Squad. That he is sure all would like to give Chief Ingersoll all the support possible in this area of problems.

He requested the City Attorney to tell Council what studies have been made and what recommendations he might be able to make of actions by Council that would strengthen the Police Department's hand. Mr. Kiser replied that he can only report preliminarily about the investigation that has been conducted so far into the existing ordinances and statutes. There are some general statutes on the books with respect to bawdy houses and disorderly houses; there are licensing provisions in the present code which could give us a key to controlling to some extent these houses; that there is one provision which indicates that Council may require certain applicants for certain licenses to come into Council and get their license approved by Council; this is one avenue which may be available to us. There is another provision which requires that anyone engaging in certain trades and professions, for which licenses are required, obtain licenses and they conspicuously post them so that they can be seen by an investigating officer from the City; this perhaps gives an opportunity to get into the houses to see if they have the license properly posted and once they are in, any violations that are committed in their presence could lead to enforcement of other laws.

#### CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR RELOCATION OF SANITARY SEWER FACILITIES IN THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Thrower, and unanimously carried, contract was awarded the low bidder, Blythe Brothers Company, in the amount of \$99,986.00, for the relocation of sanitary sewer facilities in the Northwest Expressway.

The following bids were received:

Blythe Brothers Company	\$ 99,986.00
Crowder Construction Co.	107,190.50
Noll Construction Company	117,196.00
Boyd & Goforth, Inc.	235,125.50

#### REPORT ON PROGRESS OF BUILDING INSPECTION DEPARTMENT IN AREAS OF PRIME PROBLEMS.

Mayor Brookshire requested the City Manager to comment on the efforts being made by the Building Inspection Department on these areas of prime problems. Mr. Veeder replied the Department has had someone in there for a considerable period of time and has made a degree of progress, and they hope the pace of



it can be picked up; they are getting cooperation from some real estate people and people who manage the property and the people involved, and they hope to be able to continue this effort.

ADJOURNMENT.

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

Ruth Armstrong  
Ruth Armstrong, City Clerk