

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 28, 1966, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry C. 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 jointly with the City Council, with the following members present: Mr. Sibley, Chairman, Mr. Ashcraft, Mr. Gamble, Mr. Jones, Mr. Lakey, Mr. Olive, Mr. Stone, Mr. Tate, Mr. Toy and Mr. Turner.

ABSENT: None.

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#### INVOCATION.

The invocation was given by the Reverend Thomas B. Stockton, Minister of Dilworth Methodist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Whittington and unanimously carried, the Minutes of the last meeting on March 21, 1966, were approved as submitted to the City Council.

HEARING ON PETITION NO. 66-32 BY MELVIN T. GRAHAM AND OTHERS FOR CHANGE IN ZONING FROM O-15 TO B-1 OF A TRACT OF LAND ON THE EAST SIDE OF PARK ROAD, BOUNDED BY PARK ROAD, MOCKINGBIRD LANE, HEDGEMORE DRIVE, AN EXTENSION OF HEDGEMORE DRIVE NEAR SUGAR CREEK AND A LINE APPROXIMATELY 200 FEET SOUTH OF MONTFORD DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated that the property requested rezoned lies on the east side of Park Road and is bounded by Park Road, Mockingbird Lane, Hedgemore Drive, an extension of Hedgemore Drive near Sugar Creek and a line approximately 200 feet south of Montford Drive. As to the land uses of the area, there are a couple of houses on the property, one the original Graham home and a tenant house. Along Montford Drive on the north side of the property, there is a mixture of land uses, a bank, two restaurants, a bowling alley and office structure at the intersection with Woodlawn Road. On the opposite side of Montford Drive, there are other businesses, with the Esso Building at the intersection of Woodlawn and Park Roads. On the south side of the property, across Mockingbird Lane, is the All State Insurance Building, a Medical Building, other than that the property to the immediate east is vacant down to the creek. Across Sugar Creek the zoning is multi-family. On the west side of Park Road from the property, beginning at Woodlawn Road, there are single-family residential uses all the way down to Mockingbird Lane, where there are Service Stations on both corner lots, then a Gymnasium, another service Station and single-family residential on out.

The subject property is all zoned O-15, as is all of the property down to Sugar Creek and all through the Graham property and including an additional tract on the south side of the property owned by Mr. Clemmer. Across Sugar Creek the zoning is Multi-family; to the north of the property on Montford Drive and Woodlawn Road it is zoned B-1; on the west side of Park Road, beginning at Woodlawn Road, there is O-6 zoning from Woodlawn Road all the way down almost to Seneca Place; and from that point on out Park Road, the zoning is single-family, as it is at the rear of the Office zoning, with the exception of an area zoned R-9MF, on which a huge apartment project is presently in progress.

Mr. Charles Henderson, Attorney for the Peititoners, stated that today he has a tremendous responsibility because he represents a large family that has a great deal at stake as to the outcome of this hearing. That it is not their desire that this be a popularity contest or that anything be done here that would not be done for any other citizen in Charlotte. And if the Council would set a guide as they approach this petition, he would ask that they use that guide or measure just as they would any other citizen in any other zoning matter in the past.

First, the property is located at the intersection of Woodlawn and Park Roads for all practical purposes. That as to the topography, B-1 is the best use for this Graham home place because the topograph makes it nearly impossible to use it for any other purpose; between Park Road and Sugar Creek, there is approximately an eighty-foot drop-off, the principal gully that goes through the middle of the proposed building site is better than 62 feet deep, which raises almost insurmountable problems, and such that from a cost viewpoint prohibits the use of the property for residential purposes; and up until now, they have not found a corporation that could take the entire property and not worry about the gully.

Mr. Henderson presented a diagram showing the location of the property, with the topographical information on it. Down next to the creek the level is shown on the Map as 590 feet, as it builds on up the first level shown on the Map is 600 feet, and at 670 feet is in the yard of the Graham Home. He stated that this morning he walked over the property and down into the gully, which is infested with swamp type of growth, snakes, rats, and it is only through doing something with the land that this situation will be alleviated. He stated they had estimates made by Massey Brothers on the cost of putting a street through the property from the end of Hedgemore Drive to the other end of Hedgemore, and it is \$100,000.00. They can spend \$100,000.00 to put in a street if the property is going to be used for something extremely valuable, but they cannot spend even a large fraction of that if the property is to be used for small offices or appartments or residential use. The property is not suited for offices. They tried most diligently to interest the Xerox Company, Insurance Company of North American, Eastern Airlines, Y. W. C. A., J. P. Stevens Company, Presbyterian Home and a series of other large users of property, unsuccessfully; they all went to other areas in the city. That they have a very competitive situation here; just across the street between where 128 construction jobs are in progress, there are two of the finest office lots in the County that are available for lease, owned by the Clyde Graham family, who was a brother of Mr. Frank Graham. Across Park Road where Mr. Clemmer's Gymnasium is located is a large area that is level and is available for offices, and all along back towards the Y. W. C. A. are large parcels.

Mr. Henderson stated you have to have somewhat of a show place environment to attract large offices, and when you look at the type of structures already here, it is certainly not a show place. He presented pictures of buildings around the property and stated that some of these houses were

already old when his family moved into this area in 1926, and some are in need of immediate attention. Another problem that has barred them from using the property for Offices is the median strip in Park Road, which starts up in front of the Bank and extends down to Mockingbird Lane, without a single break, meaning that anyone coming from uptown cannot get into our property unless they come around the median strip - this means the entire property has to be developed for one user or else we would have to put in an extensive network of streets through the problem area of the property. That they cannot expect to get the median cut up and down Park Road because the median is there to protect the very hazardous traffic condition along Park Road.

He stated the property is also not suited for residential use; if an Apartment is put on the property on this side of Sugar Creek, in order for a child living in the apartment to get to Park Road School, he has all of the problems of the Park Road Shopping Center; if he goes to Pinewood School, he has to get across Park Road to Seneca Place, which is winding, has no sidewalks and the distance is one mile; if he goes to some school over on the other side of Sugar Creek, it is too far to walk and his parents must take him in the car. Also, because the taxes on the property are too high for residential use - the taxes on Mrs. Graham's residential lot are \$18,000 per acre, whereas, the taxes on the property on which Eastern Airlines Building is located are \$12,500.00 per acre. The property is not considered by Tax Authorities as residential property, or office property, it is being taxed as business property. He stated they had a protest hearing on the matter of the taxes sometime ago with the result that they reduced the annual tax cost of this property by an amount equal to \$1,000.00 a month, and they still wind up paying \$18,000.00 per acre valuation. This will bankrupt most any family.

He stated there have been attempting to get plush apartments on the property, also, highrise apartments, and the garden type apartments, and this is the reason they came to the City Council some five weeks ago in the hope that the entire property might be rezoned from O-15 to O-6 because inevitably when they talk to somebody about using the property for Office purposes they say, "We are not interested in it if it is zoned O-15, there is too much land wasted for the property involved; we are interested only if it is zoned O-6," but the neighbors protested, and they did not want to fight all the neighbors about every issue all at one time so they are here today with a petition for a change in zoning of a portion of the property.

He stated that someone might ask why it is that the Grahams are not willing for everything to stay just like it is? That when he moved out in that neighborhood, the Graham's home place was one of the finest Dairy Farms, and it remained such up until well after the Park Road Shopping Center was erected; that it was not the Grahams who sold the property for the Park Road Shopping Center, it was not the Grahams who asked that the entire neighborhood be radically changed or that the street in the area be changed from two lanes to a six lane boulevard, perhaps they are profiting by it, but they will only profit by it if the property is zoned in such way that it can be used for its best use.

He stated that traffic planning has set this property up as being Charlotte's No. 1 location for a major department store; it is located in the immediate proximity of Woodlawn Road, accessible from two different points off of Montford Drive, which street does not go directly into residential, there is an off-set there in order to protect the neighborhood, so Montford Drive is the major entrance for this property. Park Road goes straight on to Pineville.

Mr. Henderson distributed reproductions of the zoning map of the property and surrounding area, and he directed Council's attention to the property in question, zoned O-15 and of the zoning of the adjoining and surrounding properties. He pointed out the red dotted lines near the center of the map and stated this is the location of the proposed Belt Road. He then pointed out the red dotted lines on the right side of the map and stated this is the extension of the existing Park Road that completely takes over the double right-hand curve, as shown on the Thoroughfare Map, and it comes back into the existing Park Road out not far from Doctor Whisnant's Farm and continues on south to Pineville. He presented a schematic map showing Kenilworth Avenue with its two one-way streets coming into Park Square where a 160-unit apartment will be erected immediately on the R. S. Dickson property, and a large office building will be constructed, then down Park Road pass the Y. W. C. A. and other institutional uses, Park Road Shopping Center and we come to Woodlawn Road, turn to the right and pretty soon come to the big interchange at Woodlawn School, connecting with the North-South Expressway over which people from South Carolina will come into Charlotte, while people from Pineville and Waxhaw are expected to come in on the extension of Park Road. So this shows the Council the potentials of Woodlawn Road and of Park Road, and how Montford Drive provides a perfect connection in order for there to be three entrances into the property in question; Montford Drive, passed the Gulf Service Station has four wide lanes, it was built according to plans for business use, not residential. He pointed out the fact that a new route has been opened up along the Disposal Plant property, Princeton has been opened up, Hillside with a new bridge and Brandywine with a new bridge, giving a number of accesses into the Selwyn area, so that any traffic from that direction can come many different ways and in that way traffic will not have a build up. And so they say that if a Shopping Center is built on the property, it can be controlled much better than many usage presently permitted under the O-15 zoning, because of the fact that you have one basic controlling owner or tenant, the parking will be laid out in such way to secure the maximum on the property; the peak of traffic would have passed in the morning before the Center is opened. That they think the construction of a major Shopping Center on this property will bring about many benefits, and there is obviously great demand for department stores in the suburbs. A tremendous investment would be made, not in the hundreds of thousands of dollars, but in the millions; a tremendous increase in taxable valuations is expected, and this is the type of business that our Chamber of Commerce is trying to attract. By it we could also attract a wider market, from Rock Hill and York over the North-South Expressway, because they will know that a department store will provide a greater choice of articles.

That there have been suggestions that the use of this property for any type of B-1 purpose would bring disadvantages to the people who live in this area, and he would suggest that there are some disadvantages, but they have been exaggerated.

First, noise increase - stores seldom make much noise and no complaint has been made about the noise from the Park Road Shopping Center. There will be a buffer of at least 160 feet and the creek so far as any noise bothering persons on the other side of the creek; and on one side of the property, any noise would be drowned out by the big office building and the apartment; on the other side there is an auto repair shop, service stations, apartments, et cetera. The question of traffic increase - naturally, there will be some increase over the traffic from the present vacant land. The lease that has been written for the property requires the developer to set back anything he builds 110 feet back from Park Road.

How would it affect the Schools? Pinewood School is one mile away and Park Road School is further up Park Road towards town, so it could not possibly have a detrimental effect on the schools.

He presented a map of the streets laid-out showing the interchanges and the North-South Expressway, and he pointed out that there is not the slightest trace of Seneca Place being made a thoroughfare, nor Murrayhill Road, nor Mockingbird Lane, nor Montford Drive; the thoroughfares are new streets and Woodlawn Road. That something has been said about the appearance of a Shopping Center being unattractive to the neighborhood. Mr. Henderson said the lease specifies that the tenant will keep the premises reasonably clean and avoid nuisances on the premises, the buildings shall be kept in reasonable repair; grass and shrubbery kept trimmed and the parking area and walkways kept clear of debris, so that it cannot blow upon neighboring properties and create a nuisance. It has been stated that it will ruin the value of the property in the neighborhood, and again he pointed out that the houses in the Park Road and Woodlawn area are not new and expensive homes. That he has tried to find a residence in this area that has been built in the last twelve years; if you go between Briar Creek and the Celanese Building, there are some new homes, but if you start at Briar Creek and go in the opposite direction, you will find only a few valuable homes and the owners of the other homes are hoping and waiting until their property can be used for something other than the present use. This is not an area where the property values are going to be torn down a whole lot.

Mr. Henderson presented a Chart showing the type of structures that exist along Park Road, beginning at Park Square where Kenilworth Avenue intersects Park Road, where a large Shopping Center and a large Apartment will be constructed, then a Church, Catholic School, some very nice homes, a highrise Apartment building, two more Churches, then an entire block without a single structure, some scattered homes that are not new, the Y. W. C. A., some large residences, another church, some residences the lots of which have a great depth, another church, small homes, Park Road Shopping Center, a small shopping center opposite, houses converted into Medical Clinics, then Woodlawn Road, the Esso Building, Service Stations, a Apartment Building under construction -- he stated this review of these structures is merely to show that this is not a single-family residential neighborhood, this is not an area where you could expect a loss in property values.

He named the structures surrounding the Graham property, north, south, east and west none of which have the slightest relationship to residential use and none of which is a late, modern department store.

He called attention that someone has said that a hamburger joint will go on the subject property - property that is being taxed at the rate this property is taxed would hardly be used for such purpose. It is true the zoning is such that would allow a hamburger joint on the property, right next to the Bank; the Graham family have, in fact, passed up many chances for various businesses on the property, but they have been turned down because this family does not want to hurt the neighborhood.

Mr. Henderson said the question has arisen as to night operation on the property, that before they dealt with the people who are interested in constructing a department store on the property, he called Chase Manhattan Bank in New York City to find out what kind of people they were, and he was told they were the highest type people and were given the finest recommendations a person could have. A & P, Colonial and many others are nationally operated, the same as the people who are interested in this property, and they have nothing written into their leases that absolutely prohibits their operating at some particular hour. However, they have been assured that the people they are dealing with would operate only hours compatible with the wishes of Charlotte.

Mr. Henderson stated it has been suggested that there is already sufficient B-1 zoning in the Park Road area, but he points out on the zoning map before Council that there is mighty little B-1 zoning in this area. That they are not asking for some new zoning in this section, they are hooking right onto B-1 zoned property and 1,000 feet will be a common line, and a part of the existing B-1 zone already belongs to the Graham family, and they are only asking that the existing B-1 strip be extended over to Mockingbird Lane.

He stated that he does not want to mislead the Council when he says that the Graham family owns this entire parcel; they own all of the property located here with the exception of a parcel directly across from the All State Building, which has been sold to the same people who developed the Allstate Building, part of whom were involved in the development of the Medical Clinic. All of the rest of the property will continue to belong to the Graham family on a 99-year lease, with restrictions as previously stated.

He stated that the Tax Authorities of the Federal Government and the N. C. Department of Revenue thought this property was other than residential, other than multi-family, other than office, because this family has just finished paying some \$90,000.00 in taxes. \$100,000.00 for putting in a street, over \$90,000.00 in taxes, which taxes automatically went on the property when Mr. Frank Graham died, and if he had not left the property to his wife for the most part, the taxes would have been greater. The house in which Mrs. Graham has been living, until just a few days ago when she moved, has been put on the City-County Tax Books as a two-story nice home at only \$1,570.00, on the theory that the house must be destroyed in order to justify the \$18,000.00 per acre that is being put on the land. The Grahams will continue to live out there; Mrs. Graham is living in The Kimberly and Mr. and Mrs. McIlroy will live just across the Creek, and Mr and Mrs Leighton Ford will be living in the immediate vicinity.

Mr. Henderson urged the Council in considering their project to eliminate the matters of emotion on either side, and eliminate the question of economic competition, and eliminate the mere opinion as to the desirability and ignore the undue pressure from him or those whom he represents or from those present today who oppose the request. He stated that the zoning they have requested should be considered from a city-wide view, not just a neighborhood view.

Councilman Whittington remarked that Mr. Henderson has mentioned the topography and the drop-off from Park Road back to the Creek and stated that the property could never be used for an Office Park, he asked the Planning Commission if they took this into consideration when they zoned the property O-15? Mr. Fred Bryant, Assistant Planning Director, replied that the property then was just about what it is now, and these facts were considered in rezoning the property. Councilman Whittington asked if he agrees with Mr. Henderson's statement regarding the topography in relation to an Office Park? Mr. Bryant said he would not, personally, go so far as to say that it could not be used for office purposes but that it is extremely deep; there is no doubt about that.

Mr. Joseph Grier, Attorney, stated that he represents Mr. Kimball of New York City, who has caused a North Carolina Corporation to be organized for the purpose of developing property which he and his company have leased from the Grahams. Mr. Kimball and his company are the lessees of the property and they propose to enter into certain sub-leases for the actual operation of store buildings, or one store building that will be built on the property. The newspapers have had a great deal to say about a particular sub-lessee who may operate a store on the property. The name that has been used in the newspaper is Allied Department Stores. He stated that he wishes he could say to the Council that Mr. Kimball has signed a lease with Allied

because he thinks it would strengthen Mr. Henderson's position and, also, their own position if he could identify the ultimate user of the property as Allied Department Stores, but he has to say that, while there has been negotiations between Mr. Kimball and Allied Department Stores, as of this time no lease has been signed. If Allied Department Stores were to be, and it is his hope that it will be, he should point out to Council that Allied is the second largest department store group in the United States and that it operates such department stores in other places as Jordan-Marsh in Boston and also in Miami. It operates stores of the very highest quality and there can be no question but what Allied is a highly qualified group to operate a department store in this or any other area. But he is not able to say that for sure Allied is the one that will be the user.

Mr. Grier remarked that every time he hears Mr. Henderson describe the difficulties with the topography of this site, and some of the restrictions that he has placed in the lease, he is glad that his client is not here for he is afraid he might run away from the proposition. In any event, Mr. Kimball has signed a 99-year lease on the property at a substantial rent; Mr. Kimball has been in the business of developing residential and commercial property for about twenty years, principally in New York but also in other states as far south as Florida and as far west as Utah, and from the information that was furnished Mr. Henderson as to his financial integrity and the success he has had in other ventures, it seems to him certain that he is a competent developer of property.

In support of the application for this Business Zone classification, he wishes to point out a few of the things about this site that made it attractive to Mr. Kimball, with the suggestion that these very same things may suggest to the Council that a business use of the property is the very highest and best use to which it can be put.

First, it was estimated in 1960 there were 53,000 people living within a three square mile radius of the area. He stated he will make reference in what he says to The Next Twenty-Year Plan, for the development of the City of Charlotte, which was prepared by our Planning Commission. The estimate of population growth that was made in connection with this Study in 1958 indicates that the area to the west had a population of about 8,000 people but it was estimated that by 1980 there would be some 30,000 odd people living in the area. In the area immediately to the south it was estimated in 1958 that there were about 10,000 people, but by 1980 there would be approximately 52,000 living in this area. In other words, this is one of the fastest growing areas in the city and has been since 1958. It is estimated now that there are approximately 75,000 living in this area, and Mr. Kimball believes because of the people who are there now, and the people that will come there shortly, it will be a good area in which to develop a mercantile establishment.

Second, he noticed that as Mr. Henderson has pointed out, this property is at the intersections of two main roads, Park Road which was built some years ago and Woodlawn which is a part of the Belt Road, and it is fundamental in the development of shopping center locations and of stores of this sort when you can get at the intersection of a main road running in and out of town, and a Belt Road running across town, you have the very most desirable location of all.

Next, he noticed that already in this area is the Park Road Shopping Center, in which approximately 300,000 square feet of business property has been developed. He subscribes to the maxim that business attracts business, and he thinks that it would be good for his business to add the force of his store to those already in that location and that all of them would profit by developing in that area a really major retail location.

Finally, in this particular site he notices that there is available to him enough land so that he can have the store of the size that he has in mind, approximately 150,000 square feet and still have approximately five to one parking which he knows to be highly important in his business.

Mr. Grier stated that it would seem to him that these same things that have made the property attractive to Mr. Kimball also make the property attractive for development for this purpose from the point of view of the Planning Commission. In 1950 when the City's Planners got up their report "The Next Twenty Years," they included a section dealing with consideration that goes into selecting business sites, and he read the following from that Report, first pointing out that at that time, in 1960, this was one of the areas for the development of a district shopping center:

"In the past not enough consideration has been given to the proper location and organization of outlying shopping areas. In the new business area recommended in the Plan, these matters have been given much consideration. The Plan proposes that new outlying business centers be developed as clusters of stores, compactly grouped together, set well back from the street, with adequate off-street parking facilities. This is in contrast to the past practice of lining both sides of the street with scattered retail stores for blocks and miles. The cluster organization provides more convenient service to the public since a wide variety of service is available in one location. The cluster organization also tends to strengthen the financial success of individual stores whose proximity results in mutual benefits. The Major Thoroughfare Plan and business center location are closely integrated, whenever possible business centers are recommended to be at or near the intersection of main roads. This will make the business districts more accessible to their service areas and will minimize business traffic congestion, resulting from narrow, inadequate street access."

Mr. Grier stated that this proposed extension of the district shopping center that in 1960 was marked on the plans for the development of Charlotte, fits in exactly with the standards the Planning Commission has laid down in its Twenty Year Report. That it seems to him that to the Planning Commission it should be very important to have a business expand in an area where roads are already provided or plans for which have already been made, rather than to develop another area and in time have to provide roads for that business area as, to some extent, was done for this one when it was built some ten years ago. That Council will recall that years ago the development of Park Road, itself, coincided with the development of the Park Road Shopping Center that was needed in the area.

It seems to him also appropriate to point out, and ask the Planning Commission to consider, that to allow this petition would allow undeveloped land to be developed with the obvious increase in taxation to the City and to the County as a result. That it seems to him that recognizing there is already business in the area and that business is going to continue to be there and that the neighborhood with its increased population requires an expansion of business ability to serve the area - it is also relatively advantageous to the people who have homes in the area. After all, Shopping Centers exist not independently and in the abstract but for the very purpose of serving people in the area. That as Mr. Henderson has pointed out, the expanded business area involved in this application is completely buffered from all residential areas on all of its sides, and from that point of view is the most attractive expansion that could come about. It does not represent the creation of any new



business area in a residential section, it does not involve putting traffic on streets that are not designed for the handling of large volume of traffic. That it seems to him that it also should be an attraction to the existing business in the area.

He stated that the Park Road Shopping Center at the present time is an overgrown convenient Center, and it has a great variety of small stores but does not have a dominant department store of the type that all the standards say is necessary to draw business from a wide area. He called attention to the question that was raised about what they propose to do and stated that as they do not have a tenant under lease, he cannot say positively, but he can say what they had proposed to do. Mr. Kimball had Mr. Charles Morrison Grier, a local architect prepare a plan showing how the area might be laid out, and roughly it shows one large department store, of approximately 150,000 square feet, under one roof, set back approximately 350 feet from Park Road, lying slightly more to the rear of the property than to the front. Hedgemore Drive would be opened up, and there would be access on Montford Drive, Hedgemore Drive and Mockingbird Lane, as well as access on Park Road. That he wants to make one point in anticipation of some of the things that have been written about what is proposed and some criticisms they have heard. That it has been said that they are going to build a Discount Store, and whether it is a Discount Store or whether it is a Department Store, he doubts if anyone can draw the line. Obviously, the type store that would be put there would be one that the people who will build it and operate it think the people in the trade area want. That there is nothing wrong, merchandise wise or customer wise, with Discount Stores or they would not be springing up and developing the large volume of retail trade which they have already captured and of which they are taking more each year. The retailing of merchandise according to a Plan which he borrowed from the City Planning Office, gotten up by the Association of Planners, merchandising has gone through a number of steps in the last 75 or 50 years; the Department Store, itself, about 1900 was a tremendous revolution in the business of merchandising; then in 1920 they developed the Chain Stores; during World War II Super Markets were developed, all a change in the existing pattern. More recently Shopping Centers have grown up in suburban areas; and in the last five years, we have seen a modification somewhat of the Shopping Centers concept, the development of Discount Houses. Now what do they do? By putting all of their merchandise under one roof, by utilizing display areas within the store as a part of their storage area, by embracing the principal that generally is employed in merchandising of self-service, they are able to offer the same goods at from 10 per cent to 20 per cent less than the same goods are offered in the traditional Department Store. Primarily the people who buy in the stores are the benefactors. Mr. Grier stated that the people whom he represents have had a lot of experience in merchandising, the people they are supposed to deal with, Allied, are people who are very, very experienced. Referring again to the study of Discount Houses from the Library of the Planning Commission, he stated that it indicates that in order to avoid problems in connection with planning, these Houses should be placed where there can be an abundance of parking, five to one ratio instead of three to one, which is the standard in connection with some other developments. It says they should be placed where there are plenty of roads available. That it seems to them that from a consideration of all of the things that they have taken into account; that it is a good business venture for their client and it represents the embodiment of the very principals of planning that the Planning Commission has prescribed in its booklet. That on Page five of that Report the characteristics of well planned developments is summarized -- space intersections, separation of homes, business and industry from each other, width of roads designed to fit different traffic loads, vacant land suited for expansion of appropriate

height of development -- and it seems to them that all of the tests of good planning are set out in this proposed expansion and they ask the Council, as prospective lessees of the property, to allow this request to go through.

Councilman Short remarked to Mr. Grier that he has said that Allied operates under the trade style of Jordan-Marsh in Boston and Miami, he would like to know whether the Allied group uses other trade styles in other cities? Mr. Grier replied Yes, and he would read from a Stock Brokers Report - "About one-half of the sales are derived at main stores, branches of Jordan-Marsh serve Metropolitan New York, Donaldson's in Minneapolis, Bon Marche in Seattle, these operations include 32 units. The portion of sales obtained from downtown units has been reduced significantly from 86.4 per cent in 1958 as new large branch units have been added, and in some locations, the downtown units have been closed. A program of adding branch units to areas served by strong main stores is well under way; of 35 separate store operations, 16 consist of only one unit. Merchandise is constantly being upgraded and several hundred private label items have been developed. Credit sales accounts for some 58 per cent of the total. Four discount stores are operated by the All Mart Division and expansion is planned." Mr. Grier stated if Allied comes into this area, his impression is that this store would be operated by what in their organization is characterized as the All Mart Division. They have a brochure they put out about the All Mart Division, in which they say that in their store they have the latest fashions from Paris and New York, and they have very high grade merchandise. But this division does endeavor, under whatever name it goes, to embrace the principals of merchandising that are involved in a store of this size and in an area of this sort.

Mr. Myles Haynes, Attorney for the opposition, filed with the City Clerk 847 names signed to a general petition opposing the requested rezoning, part of which were on postcards signed by members of families, and the rest on the petition. He stated they have checked this list and find no duplication of names. He presented a city map on which they had indicated the areas from which these post cards and the petition came, which was the immediate area around the property in question.

Councilman Tuttle asked to see the postcards and asked who printed them. Mr. Haynes replied that he would have to ask Mr. Tom Broughton who handled this, and he does not know, that Mr. Broughton headed the Committee and has been responsible for circulating the petitions in opposition to the petition for the change in zoning. He stated that Mr. Broughton is here and will be glad to answer any question.

Mr. Haynes stated that he represents the petitioners in protest to the proposed change in zoning on the Graham property, which has now been pending some four months and seventeen days since the petition was filed. That the group of people he represents is composed of 846 citizens and residents living in the area of Park Road near the Graham property and in the residential developments lying primarily south of Woodlawn Road and west Park Road whose lives and fortunes are affected by traffic and conditions along Park Road and the feeder streets - Woodlawn Road and Seneca Place, which serve this area. Their objections have been enumerated on petitions in protest which have been filed with the Council; these objections are based primarily on their objections to increased traffic hazards, to decrease in property values, increase business activities in a residential area, increase noise and disturbances and Sunday sales of goods and services.

The Petitioners have requested the change in zoning classification from O-15 office to B-1 business. That Mr. Henderson first addressed himself to the question of traffic; that apparently from his comments with regard to traffic, he considers that the Thoroughfare Plan has now been built, and this is not true, those thoroughfares at the end of Park Road, etc., are some five to ten years away, and the people in the neighborhood object to this petition

on the basis of the situation as they find it at the present time. He stated that his clients feel that the allowance of additional property for business and commercial use in this residential area will result in a great and unnecessary and detrimental increase in traffic on Park Road, and the streets through the area would serve as feeder streets to the area in question. Mr. Haynes presented an aerial photograph of the property and the surrounding area in order that the Council and Planning Commission better understand the traffic problems that would be created should the change in zoning be allowed. He pointed out South Boulevard lying to the west and Park Road near the center of the map, and the Graham property lying midway between Woodlawn Road to the north and Seneca Place to the south, stating that Woodlawn Road and Seneca Place serve primarily as residential feeder streets serving Madison Park, Selwyn Park, Montclair and Starmount. He stated that the vast majority of the residents in this area utilize Park Road as a major access to and from the residential area to the downtown section of Charlotte. And the residents of other developments, such as Barclay Downs, Fairmeadows, Laurel Wood, Beverly Woods, Springvalley, Mountainbrook, Parkdale and Parkstone also utilize Park Road as an access to downtown Charlotte. He stated that under the Wilbur Smith Thoroughfare Plan, which cost the citizens of Charlotte more than \$100,000.00, Park Road, between Woodlawn and Selwyn Avenue, was projected to carry 7,500 cars per day by 1980, and no changes were recommended in Park Road beyond its present four-lanes status. That figures furnished him by the office of the Traffic Engineer dramatically show the heavy traffic volume being carried by Park Road at the present time; in fact, these figures show that Park Road is presently carrying more traffic than South Boulevard, which is an interstate highway. That the traffic count taken on June 19, 1965, showed that within a twelve-hour period from 7 a.m. to 7 p.m. South Boulevard south of Scaleybark Road carried 11,534 automobiles and the traffic count taken on August 24, 1965, just north of the intersection of Mockingbird Lane and Park Road, showed that Park Road carried in the same period 11,733 automobiles. That figures furnished him by the State Highway Department for the calendar year 1964 indicated that 16,200 automobiles used Park Road, south of Woodlawn Road, on an average 24-hour day. By comparison a similar traffic count for the calendar year 1964 showed that South Boulevard, just south of Woodlawn Road, was carrying only 15,500 cars.

Mr. Haynes stated he has been informed by the State Highway Department that the traffic generally has been growing at the rate of 5 per cent per year on a state wide basis, and at even a greater rate in urban areas, so Park Road traffic may be expected to rise if conditions were to remain static; however, the fact is that there are developments that have already been announced that will tend to materially increase the traffic on Park Road.

He stated that last year the Council allowed a request for a rezoning reclassification of the Harris property shown in the lower corner of the aerial photograph; as a result of that zoning change, the Belk-Ivey complex has been announced which will be one of the largest in the city, drawing thousands of shoppers daily and Park Road will logically serve as an access route to this complex. Should the rezoning request on the Graham property be granted by the Council, the placing of a shopping center complex of the size explained by the petitioners, could only serve to make a bad situation worse on Park Road and to materially affect the thousands of residents living in the area. They are asking that the property be rezoned B-1, which is defined in the Zoning Ordinance as a neighborhood business district, designed primarily as a business center for the sale of merchandise - such as groceries, drugs and household items, and furnishing certain personal services for the convenience of residents in the area, and the development of a business complex of the size they have outlined thoroughly

indicates that what was proposed by them is not a neighborhood business district under B-1, but rather a general business district under B-2, which is designed for the convenience of residents of entire sections of a metropolitan area and in the general trade area. Such a complex would draw literally thousands of automobiles to the property, and at times would create chaos. He presented two photographs illustrating the type of traffic and congestion created by a business of similar type and size; the first of which was made at the K-Mart Shopping Center on South Boulevard at 4 p.m. on Sunday, December 11, 1965. He stated that before the opponents seize on the fact that this photograph was made around Christmas, let him say that he checked this past Sunday and the cars there numbered more than those in the photograph. He stated that the only other business in operation at this location last Sunday was Eckerds Drug Store, and approximately 1,000 cars are shown in the picture, and are parked not only on the paved parking area, but also on the shoulders abutting the highway. Mr. Haynes directed attention to the second photograph, made in front of Atlantic Mills on South Boulevard at 4:30 p.m. on the same date, in which two policemen are shown attempting to direct traffic to allow egress and ingress to the shopping center, and approximately one hour before the picture was made, traffic on South Boulevard north bound was backed up all the way to the Woodlawn intersection at times.

He stated that such high volume discount operation as the type proposed would draw thousands of shoppers, many of whom will come from the outlying areas to the south and from South Carolina, and to reach the Shopping Center, as streets presently exist, cars would proceed north on South Boulevard to Seneca Place, then along Seneca Place to Park Road, and then turn left on Park Road to the property in question. He stated the residents on Seneca Place are alarmed about this possibility, because the increased traffic volume would mean increased traffic hazards to them, their children, to Pinewood School and to the Church and kindergarten shown on the map. That shoppers in the northern and western sections of the city desiring to reach the proposed Shopping Center would in all probability proceed south on South Boulevard, turn left onto Woodlawn Road and proceed to Park Road and then turn right into the property; and the residents in the areas lying between Woodlawn Road and the Shopping Center have every right to be alarmed at the success of the proposed change. That they can also readily see the bottleneck that would be created on Park Road in the area lying between Woodlawn Road and Seneca Place. He stated that Park Road at the Woodlawn intersection is presently 73-feet wide with six traffic lanes until it reaches Montford Drive, where it narrows to 58 feet and four lanes divided by a center median. The City and the State own no additional right of way along the Graham property frontage and the upgrading of Park Road to accommodate the tremendous traffic increase would require acquisition of additional right of way. The bottleneck created on Park Road because of the proposed shopping center could be further compounded because of the construction of a large apartment on the Clyde Graham property lying directly across the street from the property in question, and a city street to the apartment development was cut just last week, and this driveway lies opposite the Graham property and midway in front.

That if the Petition is allowed, 16 times 200 cars moving north and south on Park Road each day - we are talking about 1964 figures which increase theoretically 5 per cent - 16 times 200 cars moving north and south in a 24-hour period, thousands of cars entering and leaving Park Road on the east side at the shopping center and hundreds of cars entering and leaving Park Road on the west side at Montford Drive, the new apartment street, and Mockingbird. All of these cars converging within a distance of 1,000 feet on a street 58-feet wide. Are the residents of the <sup>area</sup> expected to fight this kind of situation each day as they follow their normal pursuits? For that

matter, are the remainder of the 16,200 people who do not live in this area but use Park Road also expected to fight the situation?

That Park Road at one time was primarily a single-family residential street and one of the most beautiful in the City. Even today the street under zoning allowed by the Council remains a beautiful street with zoning restricted primarily to single-family, multi-family and office use. The only major shopping center along its entire length at the present time is the Park Road Shopping Center which adequately serves the needs of the adjacent residents. That the merchants of that shopping center are primarily local merchants who themselves impose a Sunday curfew on mercantile business with the exception of Eckerds Drug Store which remains open. Park Road on Sunday is a relatively quiet and tranquil street, and the noise factor is consistent with the residential character of the area. Should the Council grant the zoning classification, a variety store of the type proposed to be built in order to compete with other stores of similar size in the City would be bound to conduct Sunday business. Immediately thousands of motorists would descend on Park Road on a Sunday, bringing increased noise, decreased safety increasing traffic congestion and all the other undesirable conditions which naturally follow an operation of this kind. So far, thanks to the wisdom of the Council, residential areas in the City of Charlotte have escaped Shopping Centers of the advanced size and type proposed by the petitioners and all the discount houses presently operating in Charlotte are restricted to interstate highways. One K-Mart and the Atlantic Mills are located on Interstate Highway 21 and another K-Mart and Clark's Discount House are located on U. S. 74 East. That he argues to Council that it would be a grave mistake to now change the pattern previously set and allow a large variety of discount type business to make an in-road into a primarily residential section of Charlotte. That he thinks it is significant to note that there are other numerous smaller property owners along Park Road and one major property owner who is watching Council on this zoning request with a great deal of interest, since they intend to petition to rezone their property to B-1 in the event Council allows the present petition. To allow the present petition would make it extremely difficult for the Council to deny the petition of the smaller land owners, and once the pattern is set a street of beauty could be transformed in a few short years into another hodgepodge of general business activities uncontrolled by Council, with the exception of the limitations laid down by the Zoning Ordinance. All the petitioners in protest are opposed to the proposed rezoning request because they know full well that the allowance of the petition in requesting a large business activity of the type on the property, would cause the immediate depreciation of property values of their property. That many of the residents affected, relying upon existing zoning classification, purchased and/or built permanent residences with the expectations that their investment would be protected and the general character of the neighborhood would be preserved for years to come. That a case in point is that of Mrs. Mary Smith of Mockingbird Lane, whom he introduced.

Mrs. Smith made a personal plea that the petition not be allowed on behalf of the residents of Mockingbird Lane. She stated their homes may not cost \$100,000 and were not built yesterday, but they mean just as much to them; that their children walk down Mockingbird Lane to Pinewood School every day, and they would be more than happy to have children from apartments join them if they will put in a traffic light at the corner of Park Road and Mockingbird Lane. During the years before the street called Mockingbird Lane became a reality, she and her family would dream about a home here in the midst of the trees in the quiet and peaceful atmosphere. They struggled for three years to get approval for this street to become a reality, and their home was finally the second one completed. That as other houses were

built, the neighborhood was one to be proud of, very closely knit. Problems began to arise. One by one they faced them together, now this thing some people call progress faces them. First people sell off land for homes and then because of the almighty dollar they forget the people who like to live peacefully in these homes. Again their family neighborhood is being threatened to be trampled upon and smothered by this big giant called business. She asked in the name of decency that their homes be protected and their children be allowed to live on a peaceful street and not one with squealing brakes and hit dogs howling. That they are asking for survival. Please stop this creeping disease that is destroying the beautiful and peaceful neighborhoods of this City. - Just remember "do unto others as you would have them do unto you."

Mr. Haynes stated the adjacent landowners, many of whom have property lying adjacent to or near to the rear of the Graham property, some with the most substantial homes in the City on Selwyn Avenue, are the ones who will feel the immediate affect from the allowance of the petition. More than 90 per cent of these adjacent landowners protested the original petition for rezoning the Graham property as evidenced by their signature on the petitions which were filed with the Council during the pendency of the first petition in order to invoke the 3/4 vote rule. All these citizens have substantial investments in their property, and the combined properties generate substantial ad valorem taxes for the City of Charlotte. These people know only too well that the allowance of the petition would mean that their property would soon be abutted on the back side by a conglomeration of business activities with the resulting noise and annoyance of trucks. They also know that the 125' buffer by the petitioners would in no way protect their property or alleviate their objections to the petition. The reason for this is that the topography of the land between the objecting residents and the Graham property is such that the ground runs downhill from the property of the objectors to the creek, and then runs uphill to the site of the proposed shopping center so that the protesting petitioners would have a clear rear view of the proposed complex which will have trash, rats, garbage and be generally unsightly. A case in point is that of the objecting petitioner, George A. Sealy, Professor at Queens College, who owns a substantial and beautiful home at 1801 Carlanda Circle just off Selwyn Avenue. That here is a person who has once before been subjected to the frustration of a residential-business zoning plague while living up north. Upon moving to Charlotte, he has invested more than \$50,000 in a house and lot believing that he had escaped commercial encroachment by building in this particular area. Once again his investment is threatened and he had wanted to appear today to make a personal appeal to Council but could not because of conflict at the College. Mr. Haynes then presented a photograph of his home and pointed out the location on a map.

believe

Mr. Haynes stated that his clients/there are other considerations with regard to this particular petition for rezoning which should be brought to the attention of the Council. That several weeks ago a story appeared in the Charlotte News relating a discussion with one of the Councilmen with regards to the various tactics employed by large landowners and developers to gain rezoning when they are faced with opposition from affected citizens. That Councilman Tuttle, if he recalls correctly, pointed out that it has become a practice for certain petitioners in the face of opposition of adjacent landowners sufficient to invoke the 3/4 rule of the Council to ask for a buffer zone between the land in question and the objecting petitioners, in order to avoid the 3/4 rule. Other petitioners, in the face of opposition withdraw their petitions and later return to file another petition in the hope that the petition will slip by unnoticed by the surrounding landowners.

That the history of the present zoning matter presents a classic example of developer-owner maneuvers in order to avoid their opposition invoking the 3/4 Rule; the original petition in this matter, which covered all the Graham property, and requested that part be rezoned B-1 and part O-6, was filed on November 10, 1965, and a hearing was set for December 20, 1965; petitions of protest were circulated in the affected area on December 10, 1965, and on that date title to a portion of the property requested to be rezoned from O-15 to O-6 was sold to Graham Office Park, Inc., on that same day a petition was filed with the Planning Commission by the new owners, Graham Office Park, Inc., requesting that their part of the property be changed not from O-15 to O-6, but rather from O-15 to B-1. That it is interesting to note that at that time the parcel sought to be rezoned by Graham Office Park, Inc., was bounded solely by Graham property with the exception of one property owner on Mockingbird Lane owned by the Walker Agency, Inc., one of the original petitioners. Fortunately, the petition filed on December 10, 1965, by the Graham Office Park, Inc., was treated by members of the Planning Commission as an amendment to the original petition so that it was subject to any protest being filed against the original petition. Before the hearing on December 20, 1965, the Attorney for the original petition requested a continuance of the hearing until January 17, 1966, on the grounds that he wanted to upgrade his petition; prior to January 17, 1966, a petition in protest signed by the owners of 20 per cent of the area of the lots adjacent to the back line of the Graham property was filed with the Council, sufficient to invoke the 3/4 vote Rule. At the beginning of the hearing on January 17, 1966, the Attorney for the petitioners advised Council they desired to invoke a 125 foot buffer zone against the protest of the petitioners on the back line, and the protestors, having had no prior notice of this move, moved the Council for a continuance on the grounds of surprise and the Council kindly granted that motion. The City Attorney thereafter ruled that the petitioners could invoke the buffer zone at that late date and the effect of that rule was to uninvoke the 3/4 vote protest from the adjacent property owners on the back line. The next hearing in the matter was set for February 21, 1966, and on February 16, 1966, a petition of protest signed by the owners of 20 per cent of the area of the lot on the front side of the Graham property was filed with Council, and this reactivated the 3/4 Rule. On the day set for the hearing, the Attorney for the petitioners appeared before Council to advise that the petitioners desired to withdraw their original petition, and the City Attorney ruled that the petitioners had a right to withdraw without consent of Council. Immediately thereafter the petitioners filed a new petition for rezoning a part of the land covered by the original petition from O-15 to B-1, and it is by virtue of that petition that they are presently before Council.

It is significant to notice that the property lines of the property involved in the present petition are drawn in such manner as to preclude a protest from the original petition in protest on the back line, and the original petition in protest on the front line, thereby precluding the 3/4 Rule within Council on the zoning matter. It is also significant to point out that one of the original petitioners on the November 10, 1965, petition was the Walker Agency, Inc., the only independent landowner within the area to be rezoned. Before the withdrawal of the original petition, the Walker Agency had signed a general petition in protest to the request for a zoning change, thus creating the only situation of this Council known to him, in which a petitioner opposed his own petition, and the only conclusion that he can draw is that in the maneuvering of the petitioners to avoid the opposition, they only managed to divide themselves as to the use to which the land requested should be put under the original petition.

He stated that it is of further significance that the Walker Agency did not join in this present petition, and they have refused to sign a new petition because of - "Business consideration." The petitioners in protest because of the successful maneuvering of the original petition are now placed in the position of being before Council today depending upon a majority vote of Council; they have been forced to spend hours and extra expense to duplicate circulation of petitions in protest to the present petition, and they have been subjected to almost five months of anxiety in winning a determination of the zoning petition; they fully anticipate a further fight on a later petition to rezone the remainder of the Graham property. Mr. Haynes stated he would leave it to Council's good judgment as to whether this is fair and equitable to the petitioners in protest, and for that matter, to the citizens of the City of Charlotte. That his clients feel it would also be of significance to briefly review the chronological history of the various zoning requests made before this Council by the petitioners or those in interest with them since the Graham property first became subject to zoning.

On January 1, 1956, the first ordinance became effective causing the Graham land to be under city zoning for the first time. Under that authority most of the Graham land <sup>was</sup> zoned R-2MF, except for a small portion that was zoned Business. The Grahams then presented a development plan to the Planning Commission which was approved and which showed a curve in Montford Drive as it intersects with Park Road on the east side. Following the approval of the development plan, the Grahams then petitioned City Council for a waiver of the subdivision ordinance so as to allow Montford Drive to run in a straight line. The argument for relocation was based on hardship and called for a waiver of the rule requiring at least 125 foot offset at intersection of streets. The proposed change placed two entrances on Montford Drive and Park Road from the east and west, only 110 feet apart, and the Council allowed this request. This is believed to be the only time in the history of this Council when a petitioner requested the Council to waive a location decision of the subdivision ordinance. Once the Montford Drive offset was allowed the Grahams then petitioned for business zoning for a strip 200 feet deep on the south side of the uniform Montford Drive, but did not include the southeastern corner of Montford Drive and Park Road in this request. The Council allowed this request, and shortly thereafter, they petitioned for business zoning on the corner of Montford Drive and Park Road on the south, and the Council allowed this request. Then in 1960 Mr. Graham petitioned for the remainder of his acreage to be zoned Office-Institution, the Council allowed this petition. On January 29, 1962, the Charlotte Zoning Ordinance was revised which placed the present O-15 classification on the property, and now the petitioners are before the Council asking for a change of that classification.

Mr. Haynes stated his clients being aware of all these requests for rezoning which have been allowed by Council, and believing that they have witnessed a continuing process of creeping zoning, ask when will it stop, and they respectfully suggest that it should stop now.

Mr. Haynes stated the argument offered by the Petitioners as justification for the requested rezoning is that they have been unable to utilize the property at a reasonable profit because of the present zoning classification, and they plead high taxes, and the petitioners in protest fail to understand this argument because of matters which are part of the public records. The Graham Trust, by lease dated February 21, 1961, leased five acres of this property to the Graham Office Park, Inc., for a net rental of \$9,000 per year for the first twenty years, and part of this land was subsequently leased to Allstate Insurance Company. By lease dated September, 1962, the Graham Trust sold a portion of the Graham property, according to the revenue stamps affixed to the deed, for a price of approximately \$21,000; by deed dated December 29, 1965, the Graham Trust sold a portion of this property to



Graham Office Park, Inc., and according to the revenue stamps on the deed, for a price of \$117,000.00; thus the Graham Trust, one of the present petitioners, according to public records has been able to generate \$318,000 for part of the property under the present zoning classification. And finally, he has been informed by a major realtor in the City of Charlotte that during the year 1965, he made an offer of one half a million dollars for all the Graham property under the present zoning classification. That his clients do not pretend to be sophisticated about high financing, but they do understand that such and such sums are not consistent with the petitioners argument.

The petitioners do not tell us the type of structure they intend to put on this property. They tell us there is a lease which has been signed subject to rezoning. Therefore, the petitioners and this Council are placed in the position of having to say let's just rezone now and find out later what is to go on the property. Well, the petitioners in protest are not willing to do this, and they have gone to the Planning Commission and to the Planning Commission's file and have pulled from that file a brochure which was filed, which the protestors say shows what they intend to put on this property, and they will be glad to show it to Council. That brochure clearly describes a Discount Store as we have come to know them locally. The brochure describes "Almark", a division of Allied Stores, and is quoted and cited this way - "The new and growing mass merchandising division of Allied Stores Corporation, are initially viewed as an investment in the booming Discount Store industry." Standards & Poor's write-up on the parent company, Allied Stores, dated October 20, 1965, says - "Four Discount Stores are operated by the Almark Division, and expansion is planned." Again, the brochure says - "Almark is definitely many grades above the typical low-in Discount Stores, or Almark is convenient in oversized parking lots, long store hours, (all Almark stores are opened late every night)." Even the pictures of the four present Almark Stores shown on the front of that brochure illustrates Discount Stores as we know them, very similar in appearance to the local K-Marts. The fact is that the operation proposed as far as they can tell, and they will tell them they must depend on what they file with the Planning Commission, is purely and simply a Discount operation. That they also argue that the Park Road Shopping Center needs a large department store in order to survive, and he has heard no thundering herd from the Park Road Shopping Center in support of the petition, and their Counsel is here today, and he is sure will tell Council the position Park Road takes on this.

Mr. Haynes stated his clients are vigorously opposed to this petition, firmly believing that the matter should be resolved by their representatives on this Council on the basis of opposing arguments, facts and the consideration of equities involved on each side. They strongly feel that reported clerical intervention by one of the petitioners, who is an internationally prominent member of a religious order should not be allowed by Council to enter into the deliberation and decision in this matter. They are confident that the voices of hundreds of residents in this area who will be affected by the allowance of the petition would carry equal weight to that of the interested petitioner.

Mr. Haynes read portions of the zoning ordinance setting forth the purpose of zoning and stated that considering all the objections set forth by his clients and the apparent inconsistency between the arguments of the petitioners and the available facts, the maneuvering to avoid objections of surrounding land owners and the stated purpose of the zoning ordinance, his clients respectively request the Council to follow the mandate of the zoning ordinance so as to preserve the existing environment of the area in question, to protect them and the value of their homes in the use and enjoyment of their property. He respectfully requested the Council to deny the petition.

Dr. Wilford Smith asked if he understood Mr. Henderson to say that they had a strip zoned business adjoining Wachovia Bank? Mr. Henderson replied it is 80' wide immediately adjacent to Wachovia Bank, and is presently zoned B-1 and belongs to Mrs. Graham and her children, fronting on Park Road. Dr. Smith asked if this was zoned business in the over-all rezoning in 1962? Mr. Henderson replied at the same time Dr. Smith's property was zoned.

Dr. Smith stated he thinks they will find this mistaken, as in 1959 a strip some 120 x 310 was requested to be zoned business for the purpose of the Wachovia Bank, leaving a strip in the original tract purchased from Mr. Carswell by Mr. Graham, 80 x 310. That if they will check he believes they will find it was zoned O-15 under the overall Planning rule.

Mr. Fred Bryant stated he believes that the present business zoning does extend 200 feet from Montford Drive, a parallel line from Montford Drive 200 feet deep.

Dr. Smith stated that a petition that was filed in 1959 requested zoning of 120 feet, and to his knowledge, he has never seen another request to zone the 80' x 310'. He stated that he is on Woodlawn Road and he bought the property in 1956 for the express purpose of building a clinic, with the idea that this street would be extended through to Woodlawn Road within a period of three months; however, this did not occur until sometime in October, 1958. During that time, property values increased. In 1959 he wrote a letter to the City Council requesting <sup>that</sup> this variance from hardship not be granted in the abutment of the present Montford Drive, as it presently exists; this request was granted; Council overruled the Planning Commission, while the Traffic Engineer agreed with the Planning Commission, and he has a letter in his files to that effect.

Mr. Henderson stated he is familiar with that, as this was the first transaction he personally handled with respect to the Graham family. At that time Mr. Graham had sold to Dr. Smith and had sold to the Gulf Station and had sold property down at the lower end of Montford Drive for a fixed location for this street not yet paved. It appeared that this street was scheduled to come out with a zig-zag in it just before it arrived at Park Road, thinking that since Montford Drive over where Dr. Smith's property was would be business and because Montford Drive on the other side would be residential it would be better that they not have a crossing intersection; it would also be better that there not be a zig-zag in Montford Drive immediately before traffic arrives at Park Road, so they requested that the street go perfectly straight and this has proven to be quite valuable as far as the residential property owners on the other side of Park are concerned.

Councilman Thrower asked Mr. Bryant as a practical matter can you build a hotdog dispensing place in B-1? Mr. Bryant replied you can as long as there is not a curb service or drive-in type facility.

Dr. Smith remarked in answer to Mr. Henderson in regards to the request for the date of violation of the spirit of residential streets going into business street that he thinks there is a violation of that spirit in regard to the present request. That he would like to refer back to this 80 feet if it is B-1 or not. That he has been reliably informed that Hardee Hamburger Stand has negotiated to buy this 80' x 310' back to a false street between the Luau and Dobbs House, for a price of \$90,000. In addition to hardship, he would like to point out when Mr. Graham bought Mr. Carswell out in 1955 for a sum of \$20,000, he had a total of \$30,000 in this property and to date he has received through the Graham family some \$250,000.

Mr. Henderson stated there have been some additional inadvertencies, he is sure. One was in connection with the lease of the Allstate Building, that Mrs. Graham and the petitioners benefited from that. Some years before Mr. Graham died he deeded that property to his son Melvin who was in partnership with him in the operation of the Dairy, with a like interest to the two sisters after Melvin's death in one half of it. The two sisters and Melvin created what they call the Melvin Graham Trust for the benefit of the Graham grandchildren, not including any members of the Billy Graham family. That the money that comes from that property is totally unrelated to this. That the sale that was mentioned as the \$21,000 sale was the sale of the Walker Agency piece where the Medical Center is; and the larger sale that is termed the \$117,000 sale, is included in this petition and has not been paid for, only a down payment has been paid, and what money was received from it went on the payment of that \$90,000 in taxes by a loan within the family.

Mr. Henderson stated further that when they originally filed the petition, they, in a very vague sort of way, gave the boundaries of a tremendous piece of property, which even included the Allstate Building, they included all the property that was still in the ownership of the various members and Trust of the Graham family, with the thought that the Planning Staff, more sensibly than they, could review the whole piece of property and that some of it would be zoned one way and some of it would <sup>be</sup> zoned another way. The matter of where Hedgemore Drive is to be located was frankly discussed as one of the places where this division might be made. That they never dreamed that someone representing the Selwyn Village Apartments on the other side of Sugar Creek would come in and file a protest. This was quite shocking to them and they have been told why it was filed, and they have been told it was not because the owners of Selwyn Village Apartments considered it adverse to Selwyn Village Apartments. So, thereafter, because the Graham family did not wish to have conflict and did not want to be put in the position that on something that was controversial by a mere one vote, they would stand or fail, it was a simple matter after consultation with the Planning Staff to withdraw everything on the lower side of Hedgemore and to proceed at that point. They never dreamed that Mr. Clemmer who had signed with them and who wishes his property rezoned, would have any opposition since he is directly across the street from the Allstate Building; but because he was across the street from the Allstate Building Mr. Clemmer then proceeded to file a petition in protest which would have invoked the 20 percent Rule. That obviously they did not wish to really make any change in the Allstate Building location. So they got down to the heart of the thing and re-drew the boundaries so as to include only this portion before Council today.

Mr. Henderson stated that Mr. Harkey is here representing the group of businessmen who own property across from the Allstate Building.

Mr. Harkey stated that the most substantial building in this area is the Allstate Building, representing some \$800,000 investment. That the developers of Allstate Building have no objection to this petition and in fact they join in. That they have just acquired the area on the other side of Montford Drive and own the whole block, some 1,200 feet down to Hedgemore, but they are immediately adjacent to the proposed building and have no objection to the petition.

Mr. Porter Byrum, Attorney for Southeastern Realty Company that owns Park Road Shopping Center, stated their name has been mentioned several times here today and most of the time that they were in favor of the change in the zoning. That they feel it would be a mistake. The first thing is that Park Road is not fully developed; there is a big vacant area there that sooner or later they plan to develop as the need would require. That when

he first started representing the Shopping Center in 1956-57 they had Discount Houses that wanted to come in and put up a building at the corner of Park Road and Woodlawn. They felt then that it would be a big mistake, and they feel the same way today. They feel a Discount House of the kind that we know in and around Charlotte sitting on Park Road would hurt everybody from one end to the other. That it would transform a big residential area into a commercial area, and they think it is bad. Of course, they have a selfish interest as they have a big investment in Park Road; they have not been swamped with business over the last ten years; it has not been the most profitable investment that he has seen. But here they again come to a proposed center of a discount variety immediately adjacent to them. They think the area is amply served; they have the Atlantic Discount House over on Pineville Road; they have another regional shopping center proposed and already approved and the zoning changed to permit it at the corner of Fairmont and Sharon, and they have the Marsh Shopping Center, so it would seem there is sandwiched in on every corner a Shopping Center, and he fails to see how the community could be served by a discount house. They know about the traffic problem. What would it be like if they increased the traffic out there over and above what would be the normal growth? The Belt Road was represented as being just a belt road, not a boulevard, not a main thoroughfare to get from this point over to a shopping center. That they at the Shopping Center have never protested any change in zoning in or near or around the Shopping Center. This is their first occasion. They do sincerely believe that it would be a mistake, and he is here in behalf of the owners to register their protest.

Mr. Larry Todd of Hamilton & Monteith, Attorneys for the Walker Agency who own the Professional Center on Mockingbird Lane, stated the Center is approximately 50 per cent leased and after careful consideration of all the factors involved they do not feel there is a need for additional office space in that immediate area. They are of the opinion that the most logical and practical way to develop this area would be through the business zoning which is requested here, and for that reason they join the adjoining property owners and urge that the petition be granted.

Mr. Hobart Thurston stated he lives in the middle of Seneca Place, between Park Road and South Boulevard, and he is interested in one argument that the petitioners used that the Allstate Building which has some investment of \$900,000, is in favor of this petition. That there are some 800 names on the protest petitions, and if you just took an average of \$10,000 for each piece of property those people own, you would come up with \$8,000,000 worth of property as there are a lot of people involved in this situation. In fact, right now it is a very busy thoroughfare and he cannot imagine what would happen if we had this additional property at the end of Seneca Place. One other thing was that the North-South Expressway was said to be very close by, but that Pinewood School was far away; while in fact Pinewood School is half way down Seneca Place and the North-South Expressway is way on the other side of South Boulevard, so he does not understand that argument.

Mr. Henderson stated they have not had the opportunity to examine these petitions filed today. They saw the previous petitions and found that of that group only approximately 20 per cent to 25 per cent were within one mile. The majority of the people on the previous petitions were a mile away and he does not know entirely what all has been involved and what all has been said, but he does know that there was a mass mailing, a copy of which he has here. He stated they requested the opportunity to meet with these people to discuss with them the plans and rather than taking the opportunity to meet with them, this mass mailing went out and he and the Graham family ask that they be forgiven for the procedures they followed; they think the people are sincere but, nevertheless, we do not feel that 800 and some odd people know all the facts.

Mr. Mack Carter, 1400 Montford Drive, stated he lives in the eighth house off of Park Road, and he just wants Mr. Henderson to know that he does not live a mile away, and he signed the petition against the rezoning.

Mr. Thomas Broughton, Co-Chairman of the protest group, stated the statement has been made that not more than 25 per cent of the petitioners are in the vicinity of the property, and if the gentleman who made that statement will go back and recheck the names, he will find that he is about 90 percent wrong. Also, if anybody will examine the petitions, they will find that all the petitions have been signed, and they represent people who live in the Park Area up to the Creek, and they represent Mockingbird Lane and Barkley Downs and Torrence right back of it; they represent Montford in the upper end adjacent to Park Road; they represent Waterbury which is the first street off of Park Road on Woodlawn; these 300 names are immediately adjacent, and nearly 350 have signed the formal petition carried around by people in the neighborhood and all of them live just off of Park Road.

Mrs. Curtis Hemphill, 4535 Bradbury Drive, stated she is about eight blocks from Park Road. That she did not receive anything in the mail; she did sign the petition.

Mr. Myles Haynes advised that that no invitation has been extended to him as attorney for the petitioners protesting the change to meet with Mr. Henderson to work out any difference that might exist. That when they first came to Council Meeting, Mr. Henderson stopped him in the back of the room and said he would make a date to get together with him to see if something could not be worked out, and he has had no further communication with Mr. Henderson in behalf of his clients.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-33 BY DR. R. A. HAWKINS, M.F. CROUCH AND GEORGE A. FOSTER FOR CHANGE IN ZONING FROM R-9 TO R-9MF OF 20 LOTS FRONTING 500 FEET ON THE SOUTH SIDE OF "C" AVENUE BEGINNING APPROXIMATELY 388 FEET EAST OF BEATTIES FORD ROAD, AND HAVING A DEPTH OF APPROXIMATELY 200 FEET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated that the property is on the east side of Beatties Ford Road, North of I-85; that there is located on the property about three houses, and other scattered single family homes in the area surrounding it on the south side; there is a church located at the intersection of "B" Avenue, and the land to the north is all part of a farm area with a house and a number of farming outbuildings. Across Beatties Ford Road the land is vacant. The zoning of the area is B-1 on both sides of Beatties Ford Road at I-85, and on the east side of Beatties Ford Road it is zoned O-6; on the west side B-1 up to near Fairdale Drive, and the subject property is zoned R-9.

Dr. Hawkins introduced Mr. J. W. Jenkins, from Greensboro, the Architect for their proposed apartment on the property requested rezoned. Mr. Jenkins stated they are attempting basically to get the zoning changed from Residence to multi-family; also, they are trying to create an atmosphere conducive to good living for the lower income bracket. The parcel of land which Dr. Hawkins owns is approximately 1.4 acres and they propose to put a 28 unit building on it. The basic structure of the apartment will be two levels, of brick veneer with wood floors on the second level and concrete or carpet on the lower floor. They anticipate making the apartments flexible enough so if a tenant wants to have air conditioning it will be so arrange; and if he would like hardwood floors, they can do likewise. They approached the design based upon a sort of "U" shape, which gives a central court and, thereby, allows more open space and greenery; they have tried to place the apartment so that the rear yard will allow space for parking and they have placed an area for recreation.

Mr. Jenkins presented their plan, illustrating the concept of the design. He pointed out the area that would be isolated and screened off for each apartment, so that each owner would have a private yard. He pointed out the play area for children and the parking on the front where they had moved it off the street so as to eliminate traffic coming into the area.

No opposition was expressed to the proposed rezoning. Council decision was deferred for one week.

ORDINANCE NO. 446-X EXTENDING THE CITY LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 44.73 ACRE TRACT OF LAND IN SHARON TOWNSHIP ON PETITION OF JOHN CROSLAND COMPANY.

The public hearing was held on the petition of John Crosland Company for the annexation to the City of Charlotte of 44.73 acre tract of land in Sharon Township.

No objections to the proposed annexation were expressed by the public.

Councilman Jordan moved the adoption of an Ordinance Extending the City Limits by Annexing the 44.73 acre tract of land. The motion was seconded by Councilman Short and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 293.

CITY MANAGER INSTRUCTED TO MEET WITH PLANNING DIRECTOR, CHAIRMAN OF TASK FORCE, DISTRICT STATE HIGHWAY COMMISSIONER, DIRECTOR OF FINANCE, AND THE DIRECTOR OF REDEVELOPMENT COMMISSION TOWARD PUTTING RECOMMENDATIONS OF THE JOINT COMMITTEE FOR THE DOWNTOWN MASTER PLAN ON DOCKET FOR ACTION BY THE CITY COUNCIL ON HOW PROJECTS CAN BE FINANCED AND IMMEDIATELY FACILITATED.

Councilman Tuttle remarked that, as the representatives of the City Council on the joint Committee for the Downtown Master Plan, Councilman Jordan and he are familiar with and participated in the preparation of the recommendations made by the Joint Committee today. And they sincerely believe that what has been proposed is a minimum necessity for Charlotte at this time.

Therefore, he moved that the Council instruct the City Manager to meet as early as possible with Mr. McIntrye, Planning Director; General Younts, Chairman of the Task Force; Mr. Fennell, Director of Finance; Mr. Broadrick, District State Highway Commissioner; and Mr. Sawyer, Director of the Redevelopment Commission, to the end that the Council begin posthaste to put the entire recommendations on the Docket for quick action by the Council on how the projects can best be financed and immediately facilitated. The motion was seconded by Councilman Jordan and unanimously carried.

COUNCILMAN JORDAN ABSENT FOR REMAINDER OF THE COUNCIL MEETING.

Councilman Jordan left the meeting at this time and was absent for the remainder of the session.

MEETING RECESSED AT 5:05 P.M. AND RECONVENED AT 5:15 P.M.

Mayor Brookshire declared a ten-minute recess at 5:05 p.m. The meeting was reconvened at 5:15 p.m. and called to order by the Mayor.

SUPERINTENDENT OF SOUTHERN RAILWAY CHARLOTTE-COLUMBIA DIVISION PROMISES FULL COOPERATION OF THE RAILROAD IN ELIMINATING THE PROBLEM OF TRAINS BLOCKING RAILROAD CROSSINGS.

Councilman Short introduced Mr. Jack Martin, Superintendent of the Southern Railway Charlotte-Columbia Division, with headquarters in Greenville, S. C.

Mr. Martin stated he personally has an interest in Charlotte; even though he does not live here, he is here frequently, and Southern Railway as a company has an interest in Charlotte. That they are fully aware they have a condition here traffic-wise with their trains crossing certain streets, and they are, also, aware of the various editorials in the Charlotte papers in regard to this. That already they have done a few things, and he believes anyone thoroughly familiar with the situation will note the improvements, and they hope to further improve the situation. That two of the trains which have given a great deal of difficulty in blocking traffic are No. 158 and 159 from Charlotte to Asheville and return. What they have done to alleviate this situation is to make a concerted effort to get the train inbound from Asheville prior to the morning traffic - he would say prior to six o'clock - and they have succeeded in the last two weeks about ninety per cent of the time; they are making a concerted effort to get the returning train out between 8 and 10 p.m., which also will alleviate the traffic situation somewhat.

That operational-wise their company is installing centralized traffic controls, which is an automatic plant to control the signals and switches making a faster operation. That does not mean that the trains will be running faster through Charlotte, but it will save the delay they are now experiencing through the crews having to manually throw the switches. This plant will be operated from Greenville, South Carolina, and he is sure this will expedite the movement of their trains through here, and it should be in operation in some ninety days. In addition, they are making some improvements and additions to their local freight yard here by lengthening and adding some tracks in their yard, which permit their trains to enter the yard without the delay they are now experiencing and about half of this improvement has been completed, and all of it will be completed in about ninety days.

Mr. Martin stated he read recently where one Councilman talked about fining their locomotive engineer, and he would say if they did, it would not be the first time, as it has happened elsewhere. However, he does not believe this is the answer to the problem. Southern recognizes they have a traffic problem here in Charlotte, as well as other places, and they certainly do not condone any of their employees arbitrarily blocking any crossing. That a locomotive engineer with a long train going over these crossings is bound to delay traffic and make people irritable, but we have to live with one another, and he thinks we need one another. That he, as well as the other officers of Southern Railway, is perfectly willing to discipline any employee that would arbitrarily block these crossings, and he does not anticipate having to do that, but, if necessary, they are equipped to do so. That their people understand the importance of keeping these crossings open.

He stated they have operation difficulties, and they necessarily have to move across these streets slowly entering the yards and so forth, but their trains to Atlanta move more rapidly. That recently he had correspondence from the Mayor of Easley, South Carolina, and they have a problem down there. That they run through a lot of towns, and a lot of towns were established because the railroad went through them and, in this particular case, those folks want to move Southern out of town, and they are receptive to the idea; they want some property Southern owns there and want to swap some property and construct Southern a small station and get them out of town. That the Mayor stated they need Southern as well as Southern needs Easley, and this is not a isolated case, and Southern is perfectly willing to talk about it and see if it cannot be worked out.

Mr. Martin stated further to give Council some idea of Southern's operations in Charlotte; they work approximately sixteen switch engines per 24-hour period, and they move at various times; they operate approximately eighteen freight trains per 24-hour period and also operate ten passenger trains through the city. That he has been handed a railroad grade survey that has been made here and he is pleased to note Southern has shown some improvement; it is their intention to improve and is their intention to cooperate in this matter to the fullest extent, and he would appreciate it if they would call on him any time when difficulties occur which the City thinks is unreasonable. That his office is available at all times for these type of complaints. Mr. Martin remarked further that he would be foolish to say that he could correct this situation just by coming up here and talking to Council, but he can help it, and he intends to help it, and he wants to do everything that he can and his people feel the same way.

Councilman Tuttle asked Mr. Short if it is not a matter of a stopped train as often as a slow moving train? Councilman Short replied that both are very much involved as many citizens and Mr. Jack Martin will also tell you. Councilman Tuttle remarked that the engineer knows that he will have to stop because of unloading or loading and he can use some judgment as to whether he will be there ten or fifteen minutes, then why can he not break those trains? Mr. Martin replied absolutely and they certainly intend to. That their policy on this matter is when a train will have to stop and the Yard is full, they will notify him by radio to stay out of town, and if it is necessary for him to come in, they insist that the train be cut at the crossings. However, they do have certain trains that set off and pick up here that have to stop over crossings and he, personally, cannot see any way to alleviate this except do it as quickly as possible.

Mayor Brookshire asked Mr. Martin if the situation at 36th Street can be eliminated; there is a spur line northeast of that point serving Herrin Brothers and a train comes in there to serve that spur line and presumably it trips the electronic control and it lowers the gates at 36th Street; that he is shifting cars up there and those gates rise and fall during his operation without a train coming through. Mr. Martin replied he is not thoroughly familiar with the exact location but he is familiar with the process which Southern uses in connection with the crossing gates; they have time-out devices on the crossing gates and it takes all of that into consideration and, in order to protect their main track movement, there are certain stipulations according to law they have to have in these crossing gates. In a switching movement when an engine is working close enough to a crossing where it aggravates the gates, but it will not actually foul the crossing, these gates will come up, and in the switching process it will come up and down and is an undesirable situation. That he will check into this particular location and see if there are any corrections to be made to make the traffic flow better. That they advocate having one of their trainmen at the crossing to motion traffic by when possible.

Mr. Martin referring to the switching movements, stated there are times when these yard engines handling industrial customers block these crossings and they are aware of this, and in some cases it is where the street would be blocked but the traffic by going one block around can get around it, but if they have any situation like this now that needs to be corrected and it is brought to his attention, he will correct it because they do not advocate these switching movements stopping or blocking crossings.

Councilman Thrower asked Mr. Martin where his office is located and he replied Greenville, S. C. Councilman Short stated that he feels they have some problems as they have always felt that dealing with the railroad



is like to trying to deal with a phantom - they cannot be reached although we have many, many members of the public reaching the Council. That he has found this is not at all the case with Mr. Jack Martin who is quickly and instantly available and was quick to come here today and quick to discuss this problem. That he is available and is in authority, and the local office can reach him at any time. Mr. Martin replied they have a micro-wave system all over their lines. Mr. A. M. Tipton is Southern's Terminal Superintendent here in charge of the switching operations and works under his office, and anytime he is needed, Council can reach him through Mr. Tipton and he will certainly respond. He stated further he does not want to leave the impression that he is a fix all here, because he is not. That they have conditions where a railroad is running through a town and there is going to be some blocked crossings until something is done about it.

Councilman Tuttle remarked that Mr. Martin has been in his present position only about two weeks, and we are happy to have him here. And he believes he can speak for the Council in saying that we are certainly willing to give him an opportunity. He believes Mr. Martin will do all he can, but if everything Council has heard from the people who called and what they have read in the newspapers, and what they hear from several organizations is as bad as it has been presented, then something is going to have to be done. That we need Southern Railway and they need Charlotte. That last week the Council was on the verge of telling the Police Chief to enforce the law, and as it stands, if some great improvement is not made, if we can do it, we will have to enforce the law.

Mr. Martin replied possibly so; that it would not be a desirable situation. However, if you arrest an engineer and take him off his train, how are you going to get the train moving? Mr. Albea stated he has never felt the answer to it was to arrest the engineer.

Councilman Short stated he cannot exactly agree that we should either enforce the law or repeal it. That this, like so many other laws, has to go through a period when you just have to negotiate and hope to make the best of a bad situation.

Mr. Martin stated he does not know who made the survey, but it shows it was made on March 24th, which was on a Thursday and one of their busiest days of the week, and that they made some 27 movements over 36th Street and had the street blocked a total of 58 minutes and 36 seconds, which is an average of 2 minutes and 5 seconds per movement. Councilman Tuttle stated the average we can live with, but its when there is one 15 minutes and one 10 minutes. Mr. Martin replied that is correct, and they realize that.

Councilman Short asked Mr. Martin what he would say the possibility is of the Southern Railroad having shorter trains and more of them, in reference to the comments that have been made about the long slow trains? Mr. Martin replied the Southern Railroad was running across 36th Street and Tryon Street before there was an automobile problem whatsoever. That as a common carrier they are obligated by law to haul freight and they have to do it and to effect certain economies to keep the rates low, they have to run long trains.

Councilman Thrower stated he is glad that Mr. Martin is here and is glad to see that he is in a position to do something about this, and he feels that he will.

Mr. Veeder, City Manager, stated he has had a meeting with Mr. Tipton and found him to be most cooperative.

Mr. Martin stated they recognize the problem here, and it is a serious problem and a problem they have in other places.

Mayor Brookshire remarked that if Mr. Martin will work with Council, Council will work with him; that he has shown a great willingness to cooperate and Council is grateful for that and appreciates very much his coming.

JOHN T. MURRAY, PUBLIC INFORMATION SPECIALIST WITH THE NORTH CAROLINA AREA FUND EXPLAINS THE WORK OF THE FUND.

Mr. John T. Murray, Public Information Specialist with The North Carolina Area Fund, was introduced by Mayor Brookshire.

Mr. Murray stated that he would like to preface his remarks by expressing the deep appreciation of the North Carolina Fund to the Mayor and City Council for giving him the opportunity of speaking to them today to bring to their attention some of the work the fund is doing and, particularly, with regard to the Charlotte situation itself. He would like to point out some of the factors of poverty in Mecklenburg County in order to indicate why it is necessary that an organization such as this should, in the first place, have established a suborganization such as the Charlotte Area Fund, and why it is imperative that this organization receive the concern and, also, the utmost cooperation, not only from the Council, but also from the City of Charlotte at-large. That the average family in Charlotte and Mecklenburg County has an income of about \$5,632.00 a year; that this is unusual in North Carolina in as much as it represents the highest annual per family income in the State. Even at that, it is about \$30.00 per year less than the national average. We have to remember though that not everybody in the City and County partakes of the affluence of our particular age, this decade. There are in this County about 1/8th of all the families 12.2 per cent - who have earnings of less than \$3,000.00 a year; this is among the white citizens; when you come to the non-whites, most of whom are negroes, you find that more than half of all the negro families in this county have less than \$3,000.00 a year in income - 52.3 per cent. That one of the factors in poverty is unemployment, and you are fortunate here, in that the rate of unemployment in Charlotte and Mecklenburg County is below the national average. That the national average at this time is about 3.7 per cent of the labor force and the unemployment figure here is 2.7 per cent which is 1 per cent below the national average. That it must be remembered that this 2.7 percent figure represents only those of the labor force who are in contact with the local Employment Security Office. They are the ones who have applied through the local office for employment. That there are many others who are not registered with that organization. Another factor of poverty is housing. People do not live in poor housing because they like it but mainly because they cannot afford better housing. The housing situation here is a little better than the state average, but it is not good, for about 1/4th of all the housing in this county, by national standards, are substandard; they are lacking either as far as plumbing or sanitation facilities or else they are unsound in structure, and 13.2 per cent of all the houses in this county are overcrowded. The government figures are that the proper distribution of population would mean 1.01 persons per room, but you have a little over 13 per cent of your people who are crowded more than that. That the infant mortality rate of whites here is a little lower than the state average but for the non-white it is higher, which indicates that the non-whites do not have the money perhaps to take care of their health needs the way the white citizens do, educationally speaking, 11.6 per cent of the adult whites of this county are functionally illiterate; they have less than six years of education, among the non-whites this figures jumps to almost 44 per cent. Juvenile delinquency problems in an urban area like this are going to be always more severe than in the rural area, but Charlotte has almost twice the proportion of juvenile delinquency as does the average county.

Mr. Murray stated the question he would like to leave with Council is the matter of the cost of this poverty to the City and to the County. That we do not often think of poverty in terms of costing the City, but when you get down to the fundamentals of it and think about it, it is costing you. That the individuals are poor in a different sense. The cost is measured in terms of prosperity, as they are not able to provide for their families as they would like to provide for them, they fear their children will not have food on the table and clothing to wear, that they will not be able to educate them as necessary in this age in which we live. He stated there is a cost in terms of dollars and cents that ought to be considered by Council. That 20 and 1/2 per cent of all your families in this county are involved in this matter of poverty; that is over 1/5th of all Mecklenburg County families earn below \$3,000 a year. What would happen if through the efforts of such an organization as the Charlotte Area Fund, with the backing of this Council and the citizens of the City as a whole, in some way by means of the programs that have been devised and are at work here now, these people in this low income group, could be raised to a level of \$3,000.00, just above the poverty level? It might be amazing to know what this would mean in terms of dollars and cents for Charlotte. It would mean that almost \$18,000,000 a year would be added to the personal income of this county. In other words poverty is costing this county \$18,000,000 a year; it is costing more than that, it is costing \$4,500,000 in taxes, taxes that are not being collected because you cannot get blood out of a turnip; you cannot collect taxes from people who do not earn money; the poor are not earning money and, consequently, they are not paying taxes. This is based on a figure of more than 25 per cent which is the taxation figure the poor pay out of their earnings. It is a higher percentage than is paid actually by your middle income groups in any community. These factors are in the form of sales taxes, consumer taxes, excise taxes, hidden taxes. Furthermore, he checked with the Welfare Department this morning, and he finds there is a budget in this county of over \$6,000,000 that is being dispensed to these families in order that they might simply exist.

Mr. Murray stated the North Carolina Fund has directed its efforts in the direction of trying to solve the problem of poverty by means of experiments and demonstrations. Their work is carried out through eleven different areas in the State, stretching all the way from Craven County in the east to the mountain counties of Watagua, Avery and Mitchell in the west. They have learned a great deal about poverty during these two and one-half years in which they have been in operation and have made mistakes, but they have learned from their mistakes as well as from their successes. They hope their work here in Mecklenburg County will not only be continued but that it will also be expanded. That in terms of just dollars and cents, this program here means a considerable amount to Mecklenburg, and in this current year, more than \$3,000,000 will have been poured into the economic life of this community because of the fact that you have the Charlotte Area Fund here. That they are attacking the problems of poverty on several different levels; education is one of the main reasons why people are poor. In our day a man cannot earn a decent living unless he has a respectable amount of education, and so through their Adult Education classes, through their pre-school readiness program, through their education work in conjunction with the neighborhood Youth Corp, they are trying to carry out this function. They are also trying to provide employment and they need the cooperation of the businessmen of this community in order to do this. They are trying to do this through their Manpower Program, wherein individuals who do not have skills are trained in certain technical fields such as plumbing, electricians helpers, brick laying, et cetera, so they can provide for themselves and for their families.

Mr. Murray stated he would like to ask for the continued concern of the Mayor and Council over this matter and any help that Council can possibly give his organization in trying to make this County an even better county than it is will be deeply appreciated.

Mayor Brookshire remarked to Mr. Murray that he possibly did not include all the cost of poverty to the local community as he thinks some of the cost would be covered in the City's budgets for the Police Department, Fire Department, Health Department, but his remarks are quite appropriate and he appreciates his coming and the message he brought.

ORDINANCE NO. 447-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF A TRACT OF LAND LOCATED NORTH OF CENTRAL AVENUE AND EAST OF NORTH SHARON-AMITY ROAD, ON PETITION OF L. J. HANEY.

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 295.

ACTION ON PETITION NO. 66-24 FOR CHANGE IN ZONING OF FIVE LOTS ON THE NE SIDE OF SUGAR CREEK ROAD, BEGINNING AT DINGLEWOOD AVENUE AND EXTENDING IN A SE DIRECTION 369 FEET, BY TODD ELECTRIC COMPANY, MASTER PLUMBING COMPANY AND J. L. GIBBS, DEFERRED PENDING FURTHER STUDY AND RECOMMENDATION OF THE PLANNING COMMISSION.

Councilman Tuttle moved that action on the subject petition be deferred pending the further study and recommendation of the Planning Commission. The motion was seconded by Councilman Short and unanimously carried.

ACTION ON PETITION NO. 66-26 BY B. A. SMITH FOR CHANGE IN ZONING FROM B-1 TO B-2 OF A LOT ON THE NORTH SIDE OF THE PLAZA, BETWEEN TREMBETH DRIVE AND SUGAR CREEK ROAD DEFERRED PENDING FURTHER STUDY AND RECOMMENDATION OF THE PALNNING COMMISSION.

Upon motion of Councilman Tuttle, seconded by Councilman Short and unanimously carried, action on the subject petition was deferred pending the further study and recommendation of the Planning Commission.

PETITION NO. 66-27A BY SPANGLER LAND COMPANY FOR CHANGE IN ZONING FROM R-6MF AND B-2 TO I-2 OF PROPERTY LOCATED BETWEEN I-85 AND HOSKINS ROAD, DEFERRED FOR ONE WEEK.

Councilman Alexander moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle. Councilman Short offered a substitute motion that action on the Petition be deferred for one week. And he requested the City Manager to see that the Notice or Sign placed on property requested rezoned be left in place until Council decision is made on the petition, as it is difficult to locate the property once the Sign is removed. The motion was seconded by Councilman Whittington and carried by the following recorded vote:

YEAS: Councilmen Short, Whittington Thrower and Tuttle.  
NAYS: Councilman Albea.

Councilman Alexander abstained from voting.

Councilman Albea remarked that he does not like to put off acting on matters from week to week.

ORDINANCE NO. 448-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-6 TO R-6MF OF A TRACT OF LAND ON THE NORTH SIDE OF HOSKINS ROAD, BEGINNING APPROXIMATELY 700 FEET WEST OF BEATTIES FORD ROAD, ON PETITION OF SPANGLER LAND COMPANY.

Upon motion of Councilman Thrower, seconded by Councilman Short and carried, the subject ordinance was adopted, as recommended by the Planning Commission, by the following recorded vote:

YEAS: Councilmen Albea, Short, Thrower, Tuttle and Whittington.

Councilman Alexander abstained from voting.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 296.

ORDINANCE NO. 449-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM B-1 TO B-2 OF A TRACT OF LAND AT THE SW CORNER OF EASTWAY DRIVE AND CENTRAL AVENUE, ON PETITION OF MORRIS INVESTMENT COMPANY, NEWELL PROPERTIES AND HOUSTON PROPERTIES.

Councilman Tuttle moved the adoption of the subject ordinance, as recommended by the Planning Commission. The motion was seconded by Councilman Short and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, at Page 297.

ORDINANCE NO. 450-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM O-6 AND B-1 TO B-2 OF PROPERTY AT THE SE CORNER OF CENTRAL AVENUE AND EASTWAY DRIVE.

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 298.

ORDINANCE NO. 451-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM B-2 TO I-1 OF PROPERTY AT THE SOUTHWEST CORNER OF WEST TRADE STREET AND BRUNS AVENUE AND EXTENDING DOWN BRUNS AVENUE TO DUCKWORTH AVENUE, ON PETITION OF WESTSIDE ICE & FUEL COMPANY.

Councilman Thrower moved the adoption of the subject ordinance, as recommended by the Planning Commission. The motion was seconded by Councilman Alexander and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 299.

ORDINANCE NO. 452-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 120 SOUTH CEDAR STREET PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 300.

ORDINANCE NO. 453-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 226 YEOMAN ROAD, PURSUANT TO THE HOUSING CODE OF THE CITY OF CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Upon motion of Councilm Whittington, seconded by Councilman Albea and unanimously carried, the subject ordinance was adopted.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 301.

SETTLEMENT OF CLAIM OF MR. AND MRS. LEONARD O'SHIELDS FOR DAMAGES TO RESIDENCE.

Councilman Thrower moved the payment of the claim of Mr. and Mrs. Leonard O'Shields, in the amount of \$119.14, for damages to their residence caused by sewage backing up and overflowing into the house following a heavy rainfall on July 11, 1965, for which the City Attorney has ruled the City is liable. The motion was seconded by Councilman Alexander and unanimously carried.

CHANGE ORDER NO. G-3 AUTHORIZED IN CONTRACT WITH LEE CONSTRUCTION COMPANY FOR GENERAL CONSTRUCTION OF HOSKINS WATER TREATMENT PLANT.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, Change Order No. G-3, in the contract with Lee Construction Company for the general construction of Hoskins Water Treatment Plant, in the amount of \$150.22 increase in the contract price was authorized, covering the following items:

1. Additional concrete, forms and reinforcing steel for valve pits adjacent to existing basins and revisions to wall reinforcing.	ADD	\$1,190.00
2. Change in footings for walls in settling basins, requiring additional reinforcing steel, concrete, excavation and backfill.	ADD	\$2,412.00
3. Revisions to the clearwell footing, including additional reinforcing steel and concrete.	ADD	\$2,461.00
4. Installation of an additional sump pump with required piping, valves and connections.	ADD	\$ 576.00
5. Revisions to Change Order G-2 for grouting under existing sedimentation basin, in the amount of \$10,347.50, of which only \$3,858.72 was expended.	DEDUCT	\$6,488.78

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NET CHANGE IN CONTRACT AMOUNT ADD \$ 150.22

SUPPLEMENTAL AGREEMENT NO. 1 TO CONTRACT WITH WALKER & WHITESIDE, INC., APPROVED.

Councilman Albea moved approval of Supplemental Agreement No. 1, to the contract with Walker & Whiteside, Inc., Electrical Contractors for the high-intensity lighting on the North-South Runway at the Airport, covering the omission of asphalt pavement over nearly 3,000 linear feet of the trench to receive the power cable, in the amount of \$489.00 in the contract price. The motion was seconded by Councilman Whittington and unanimously carried.

SUPPLEMENTAL AGREEMENT NO. 3 TO CONTRACT WITH WALKER & WHITESIDE, INC., APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Alexander and unanimously carried, Supplemental Agreement No. 3, to contract with Walker & Whiteside, Inc., Electrical Contractors for Project 13 at the Airport, covering additional work in the transformer vault and lighting control system, in the amount of \$536.80 increase in the contract price, was approved.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE:

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, the following streets were taken over for continuous maintenance:

STREET	FROM	TO
Edgerton Dr.	355' N. of Cinderella Rd.	845' N. of Cinderella Rd.
Pondella Dr.	170' N. of Cinderella Rd.	665' N. of Cinderella Rd.
Dennis Court	Pondella Drive	East end of cul-de-sac

RIGHT-OF-WAY AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR INSTALLATION OF DISTRIBUTION SYSTEM WATER MAINS IN SHARON ROAD AND FAIRVIEW ROAD.

Councilman Albea moved approval of a right-of-way agreement with the State Highway Commission for the installation of eight-inch Distribution System Water Mains in Sharon Road and Fairview Road. The motion was seconded by Councilman Short and carried unanimously.

SANITARY SEWER MAIN CONSTRUCTION.

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

- (a) Construction of 252 feet of mains in Colorado Avenue, inside the city limits, at the request of Mrs. Mary Lee Weikel. The cost is estimated at \$990.00, to be paid by the Applicant, whose deposit of this amount has been received and will be refunded as per terms of the contract.
- (b) Construction of 401 feet of sewer trunk and 506' of mains in Davidson Circle, inside the city limits, at the request of Evans Construction Company. The cost is estimated at \$5,105.00, to be paid by the Applicant, whose deposit of this amount has been received and will be refunded as per terms of the contract.
- (c) Construction of 1,015 feet of mains in McAllister Drive, inside the city limits, at the request of Nance-Trotter Realty, Inc. The cost is estimated at \$5,095.00, to be paid by the Applicant, whose deposit of this amount has been received and will be refunded as per terms of the contract.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR THE INSTALLATION OF SANITARY SEWER FACILITIES IN BOBO BRANCH TO SERVE BRIAR CREEK APARTMENTS AND HOPE VALLEY.

Councilman Albea moved the award of a contract to the low bidder, Crowder Construction Company, in the amount of \$21,150.00, on a unit price basis, for the installation of sanitary sewer facilities in Bobo Branch, to serve

Briar Creek Apartments and Hope Valley, as specified. The motion was seconded by Councilman Thrower and carried unanimously.

The following bids were received:

Crowder Construction Company	\$21,150.00
Boyd & Goforth	21,621.07
Howie Crane Service	24,703.98

CONTRACT AWARDED C. D. SPANGLER CONSTRUCTION COMPANY FOR INSTALLATION OF SANITARY SEWER FACILITIES IN KILBORNE ACRES SUBDIVISION.

Motion was made by Councilman Whittington to award a contract to the low bidder, C. D. Spangler Construction Company, in the amount of \$13,845.55, on a unit price basis, for the installation of sanitary sewer facilities, in Kilborne Acres Subdivision, as specified. The motion was seconded by Councilman Albea, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Albea, Short, Thrower and Tuttle.  
NAYS: None.

Councilman Alexander abstained from voting.

The following bids were received:

C. D. Spangler Construction	\$13,845.55
Howie Crane Service	14,233.50
Crowder Construction Co.	14,637.40
Boyd & Goforth	14,655.74

CONTRACT AWARDED SANDERS BROTHERS COMPANY FOR INSTALLATION OF STORM DRAINAGE FACILITIES IN HAWTHORNE LANE.

Motion was made by Councilman Thrower, seconded by Councilman Whittington and unanimously carried, awarding contract to the low bidder, Sanders Brothers Company in the amount of \$39,800.00, on a unit price basis, for the installation of storm drainage facilities in Hawthorne Lane, as specified.

The following bids were received:

Sanders Brothers Company	\$39,800.00
Boyd & Goforth, Inc.	46,630.00
Howie Crane Service	55,650.00
Blythe Brothers Company	60,120.00
Crowder Construction Co.	64,835.00

CONTRACT AWARDED S. E. COOPER COMPANY FOR DEMOLITION OF STRUCTURES WITHIN URBAN REDEVELOPMENT AREAS NO. 2 AND 3.

Upon motion of Councilman Whittington, seconded by Councilman Albea and unanimously carried, contract was awarded S. E. Cooper Company, the low bidder, in the amount of \$21,940.00, for the demolition of 48 structures within Urban Redevelopment Areas No. 2 and 3.



The following bids were received:

S. E. Cooper Company	\$21,940.00
Suggs Wrecking Company	22,180.00
Almond Grading Company	22,645.00
Cochran & Ross	24,356.00
Cleveland Wrecking Company	28,800.00
Richland Wrecking Company	30,280.00

#### ACQUISITION OF SANITARY SEWER EASEMENTS FOR THE IRWIN CREEK OUTFALL.

Upon motion of Councilman Albea, seconded by Councilman Thrower and unanimously carried, the acquisition of sanitary sewer easements for the Irwin Creek Outfall, was authorized as follows:

- (a) Easement 30' x 46.13' on Lindsey Avenue, from Bessie Kirkpatrick Watkins and husband, E. K. Watkins, at \$46.13.
- (b) Easement 65.04' x 30' at 1308 Dean Street, from N. Hicklen and wife, Shirley Hicklen, at \$165.04.

#### RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF CHARLES C. BEASLEY.

Councilman Albea moved the adoption of a resolution entitled: Resolution Expressing Sympathy on the Death of Charles C. Beasley, which was seconded by Councilman Short and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 231.

#### MAYOR ADVISES THAT CITY MANAGER WILL GIVE IMMEDIATE ATTENTION TO FINDING A SOLUTION TO THE PROBLEM OF INADEQUATE TRASH COLLECTION FROM PRIVATE PROPERTY.

Mayor Brookshire commented that in the last few weeks there have been entirely too many complaints about trash collection, and he thinks they are legitimate complaints and deserve attention of Council. They are coming from citizens in every quadrant of our city. He had a conversation on this subject last Friday afternoon with Mr. Buck Davis, Supt. of the Motor Transport Department. He stated that he thinks the Council and the public should be given some information about the problem which is two-fold. In the first place, current emphasis on cleaning up and beautifying our city is adding considerably to the work load. In the second place, the Motor Transport Department is short in both men and equipment; particularly is it short on manpower. And Mr. Davis tells him the absenteeism is a real problem, and he may be as short as fifty men on any Monday morning; when this happens, he takes men off the trash collection trucks and puts them on garbage trucks, since garbage is a greater health menace than trash, but the trash is still laying on many streets, two to three to four weeks accumulation. The Mayor said that he talked with Mr. Veeder this morning about this, and he assured him the matter is being given his immediate and careful study, and he hopes to find some solution, which may call for the cooperation of the Council within the next week or two.

COUNCILMAN TUTTLE ADVISES CHARLOTTE CITY COACH COMPANY MOST COOPERATIVE IN REQUEST FOR ALL DAY BUS SERVICE DOWN CLOSEBURN ROAD.

Councilman Tuttle remarked that his request for a check with the Bus Company in regard to providing all day bus service on Closeburn Road finally wound up in his lap. That Mr. Dean of the Company's Raleigh office and Mr. Roy Stevens from the Charlotte office came to see him and considered the matter of busses running only at peak hours on Closeburn Road and the neighbors request for all day service, and they wound up by thanking him for bringing it to their attention, and effective April 1st the busses will run all day and they will extend it down through Closeburn Road. Councilman Tuttle remarked that his point here is, when people fuss about bus service he is wondering if maybe we have thought they were a bunch of ogles, not willing to cooperate, but in this case they were extremely willing, and it turned out to be a case where the service was badly needed. And the Bus Company people thanked him for bringing it to their attention because it is going to be to their financial benefit.

MAYOR AND CITY MANAGER TO ATTEND NATIONAL LEAGUE OF CITIES CONFERENCE IN WASHINGTON.

Mayor Brookshire stated the National League of Cities is holding its second National Legislative Conference in Washington this week and Mr. Veeder and he plan to go up tomorrow. That their agenda is concerned primarily with community facilities - and he happens to be serving on that particular Committee with the League - that most of the matters to be covered relate to federal programs made available in the 1965 Housing & Urban Development Act. They both hope they will learn something through the agenda, itself, by attending sessions and by discussing these matters with other administrators that can be helpful in getting federal assistance lined up for the very near future.

ADJOURNMENT:

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

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