

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, October 17, 1966, at 2 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: None.

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

ABSENT: Commissioner Lakey.

INVOCATION.

The invocation was given by Dr. D. W. Colvard, Dean of the University of North Carolina at Charlotte.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Tuttle and unanimously carried, the minutes of the last meeting on October 10, 1966, were approved as submitted.

REQUEST THAT PETITION NO. 66-85 FOR CHANGE IN ZONING OF PROPERTY AT SHARON AMITY ROAD AND RANDOLPH ROAD BE POSTPONED UNTIL NOVEMBER HEARING DENIED.

Mr. Tom Ruff, Attorney, stated with respect to Item No. 6 on the Agenda, which is a zoning matter to be heard this afternoon, he thinks the Council and the Planning Commission should know that another petition has been filed by abutting property owners on one side which is before the Planning Board at this time and which presumably can be scheduled for hearing at the time of the November hearings. That he does not request a postponement or deferment; he would make the observation that the Planning Commission and Council might prefer to hear the same individuals who oppose the proposed change since it relates to the adjoining properties in the immediate area of the Cotswold Shopping Center if, in the judgment of the Council and the Planning Commission, such a postponement served their interest and the interest of those who oppose it. As far as the petitioners are concerned, they are here and are ready.

Mr. Kiser, City Attorney, stated that under Section 3.24 of the Charter Council may postpone a public hearing at any time.

Councilman Jordan asked if Mr. Ruff is asking the postponement so the two petitions can be heard at the same time? Mr. Ruff replied he is suggesting that it may be in the Council and Planning Commission's interest; that he is here for the petitioners and they are ready, but he thinks Council and the Commission will be hearing the same individuals by and large on the opposing side in both matters, but he does not propose to speak for them.

Councilman Albea stated it appears to him this is a different hearing all together, and Council should hear this petition today as the other matter is not before them.

Councilman Tuttle stated it is his belief that a part of the argument of the opposition to this petition will be if this petition is granted, others will follow along and that the whole street will become strip, and he moved that the hearing be held as advertised. The motion was seconded by Councilman Whittington and carried unanimously.

HEARING ON PETITION NO. 66-82 BY SARAH A. HAWKINS FOR CHANGE IN ZONING FROM R-9 AND R-9MF TO I-2 OF A 57.22 ACRE TRACT OF LAND FRONTING 1,549.02 FEET ON THE NORTH SIDE OF INTERSTATE HIGHWAY 85 BEGINNING APPROXIMATELY 200 FEET EAST OF IRWIN CREEK AND EXTENDING NORTHWARD TO NEAR KENDRICK AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the tract of land is located on the north side of Interstate 85, between Derita Road and Statesville Road with the closest street being Starita Road. The property is vacant and is adjoined on the west by property that is used for a trucking company operation on Starita and a trailer sales and service repair truck trailer operation lying between Starita Road and Interstate 85. The only significant land use in the area is the new truck sale and service operation on the opposite side of Interstate 85, and with that exception, the property is predominately surrounded by vacant land with some scattered housing along Kendrick Avenue and the Derita Woods Subdivision some distance away. The subject property is zoned R-9MF on the portion adjacent to I-85 and R-9 on the rear part of the property; it is adjoined on the east by multi-family zoning, and on the north by single family, and on the west and south by I-2 property.

Mr. Robert Hovis representing the petitioner stated this tract has a frontage of some 1549 feet on I-85. He presented a composite map showing the usage of the adjoining property and stated beginning at Graham street and I-85 on the south side of Highway 85 is Bowman Trucking Company, G.M.C. Truck Company, Great Danes Trailer, where they repair and sale automobile truck trailers, and directly across the highway from the Hawkins property is Hennis Motor Lines where they propose to build a freight terminal; on the same side as the Hawkins property and beginning at the same intersection of North Graham Street is a heavy equipment plant, then the vacant land, then the Hawkins tract, and a small portion of the Hawkins tract is already zoned I-2 at the corner adjacent to Starita Road; immediately to the west of the Hawkins tract is the Northeastern Truck Line terminal; next is the Southern Equipment and Service Company, and adjacent to that is the property of Colonial Motor Lines, then Broom Brothers heavy equipment plant, and the property of American Artos Corporation where they propose to build a plant for heavy type equipment.

Mr. Hovis stated they believe from the use of this property which is already predominately almost 100% for industrial that the only possible use for the property is for industrial property; that, as far as they know, there are no houses on I-85 beginning at North Graham intersection down through where it is zoned industrial on either side.

He stated that the property lies partly very low and is not adapted at all to residential purposes, and no person in their right mind would try to put a residential development on I-85 since it is surrounded almost completely by industrial uses.

Councilman Thrower asked if this is Highway 29 or I-85, and Mr. Hovis replied it is 29 By-pass to I-85. Councilman Thrower asked where the property is located in conjunction with the new right of way for I-85? Mr. Bryant replied it is located far east of the property at least a mile and a half or two miles; this is between Derita Road and Statesville Road about half way between the two.

Councilman Short stated this does abut residential property, and he asked what the petitioner plans to put on the property? Mr. Hovis replied they have several prospects, and they would be in the nature of trucking company operations or plants for heavy equipment.

Councilman Short asked if this falls within the recent zoning changes that were arranged so that it would have to be a conditional zoning? Mr. Bryant replied not if it is I-2 zoning.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

PETITION NO. 66-83 BY ROBERT B. KEMP, JR. ET AL FOR CHANGE IN ZONING FROM R-6MF TO B-1 OF FIVE LOTS ON THE NORTHWEST CORNER OF WEST CAMA STREET AND SOUTH TRYON STREET, FRONTING 225 FEET ON WEST CAMA STREET AND 310 FEET ON SOUTH TRYON STREET, AND FIVE LOTS ON THE SOUTHWEST CORNER OF WEST CAMA STREET AND SOUTH TRYON STREET FRONTING 240 FEET ON WEST CAMA STREET AND 200 FEET ON SOUTH TRYON STREET REFERRED BACK TO THE PLANNING COMMISSION TO STUDY THE WHOLE GENERAL AREA AND BRING BACK RECOMMENDATIONS TO THE COUNCIL.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is all used for single-family residential purposes; there are single-family residences across Tryon Street with Clanton Memorial Church located at the corner of Freeland Lane; there are single-family residences to the west of the property on Cama and Sara Drive, and the property is adjoined on the north side by a residentially used lot on the front with a non-residential usage on the back which is related to a plumbing operation; there is a plumbing operation located a couple of lots away; then there is a grocery store with one vacant lot between the plumbing operation and the grocery store. It appears the operation at the rear of the house is related to the plumbing company. Other than that, there is a scattering of residential and vacant property throughout the area.

The subject property is zoned R-6MF as is all the property to the east, south and west and the only non-residential zoning in the immediate area is the B-2 zoning that is adjacent to it on the west side of Tryon and also on the east side down as far as Freeland Lane.

Councilman Albea asked if the plumbing operation and grocery store are non-conforming, and Mr. Bryant replied the plumbing operation would be non-conforming, but the grocery store is a legitimate use.

Mr. Bryant stated there is some B-1 zoning beginning about a block further down, and industrial zoning that lies to the west of the new U. S. 21 location, and then near the railroad there is industrial zoning.

Mr. Robert Kemp, one of the petitioners, stated it is impossible to get a loan for a resident to be built at this location because of the new highway that is almost completed. They feel in order to get their money from the property they would have to have it rezoned so that they can sell it and move somewhere that would be more fitting for living quarters. That the traffic has increased, and only a few blocks away they are building the new by-pass, and this will be a very busy street.

Councilman Jordan asked Mr. Kemp if he lives on the property, and he replied that he does; that he lives on the corner of Cama and North Tryon Street.

October 17, 1966
Minute Book 47 - Page 435

Councilman Whittington stated he would like to suggest to the Planning Board and to the people who are making this petition and to Council that this petition be given back to the Planning Commission and let them make a study of this whole area, from Griffith Street all the way to Woodlawn Road, as Council is faced with it, and as the Planning Commission is faced with it, and the people who live there are faced with it so that in the future there will be some plan by which to plan the zoning in some orderly development.

Councilman Whittington stated he is not delaying this for any long length of time, but he thinks this would be beneficial to everybody concerned, both these who would be for it and those against it, if we take a look at the whole area as far as zoning and planning are concerned.

No opposition was expressed to the proposed change in zoning.

Councilman Whittington moved that the petition be referred back to the Planning Commission for study and recommendations to the Council on the whole general area. The motion was seconded by Councilman Thrower and carried unanimously.

HEARING ON PETITION NO. 66-84 BY FIRST UNION BANK OF NORTH CAROLINA, EXECUTOR OF THE ESTATE OF LEROY DULIN FOR CHANGE IN ZONING FROM R-9 TO I-1 OF A 4.248 ACRE TRACT OF LAND LOCATED 800 FEET SOUTH OF THE 6100 BLOCK OF ORR ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this tract of land is located south of the Old Concord Road. That Orr Road comes down from North 29 at the North 29 Bowling establishment, across the Old Concord Road, across the railroad and bears off to the East. That the property is an interior tract of land which is a part of a larger tract, which is under one ownership and is vacant at present with an abandoned house on the front part of the property. He pointed out the Wica Chemical Company and stated along the Old Concord Highway is a sand and gravel company with a trailer mobile home operation and one single-family residence. He pointed out the Hampshire Hills Subdivision in relation to the property.

Councilman Short asked Mr. Bryant where Barrington Drive will come through the area, and Mr. Bryant replied that hopefully Barrington Drive will connect with Orr Road; that it will come through the area and tie-in with Orr Road and then with North 29.

Councilman Short asked if this is a case where the City would be authorizing the building of something in the pathway of a throughway? Mr. Bryant replied a specific building proposal is not before Council but it would be a change in zoning where the implication is that building will take place. Councilman Short asked if this tract is in the proposed pathway extension of the outer Belt Road so that the City might have to buy it back later as an improved land? Mr. Bryant replied it follows within the confines of the proposed locations; that it is within the corridor.

Mr. Bryant advised the zoning of the property is R-9 as is all the property to the south of it leading back towards the Plaza and back towards Hampshire Hills. All the property to the north of it leading to Old Concord Road and North 29 is industrial; that I-1 is adjacent and I-2 on the other side of Orr Road.

Mrs. Leroy Dulin stated they discovered the piece of property has a zoning line that does not conform with the adjacent property lines for about 250 feet on each side; that their property extends residentially up about 250 feet into the industrial area, and they are asking that it be made to conform with the industrial line on either side with the idea that the little jut of residential bound on each side by industrial is not very logical.

Mayor Brookshire asked Mrs. Dulin if they have plans for the development of the property, and she replied she knows of nothing that has been planned for it. She stated they will eventually sell it, but they do not have any present plans for it.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-85 BY MABEL F. SEAWRIGHT, JACKSON ENGINEERING CORP. AND SHARON CORPORATION FOR A CHANGE IN ZONING FROM R-12MF AND O-15 TO B-1 OF PROPERTY FRONTING 1,106.65 FEET ON THE SOUTH SIDE OF SHARON AMITY ROAD BEGINNING 165.05 FEET WEST OF THE CENTERLINE OF RANDOLPH ROAD AND HAVING A DEPTH OF 500 FEET.

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

Mr. Fred Bryant, Assistant Planning Director, stated the tract of land is located on the southeast side of Sharon Amity Road directly across from the Cotswold Shopping Center. The property is primarily vacant with one house on a portion of the property; there are service stations located on all four corners at Randolph and Sharon Amity, with a service station adjoining the subject property. There is vacant property adjacent to it for a short distance down Randolph Road, then a series of single-family residences along Randolph Road. On the Providence Road side of the property it is adjoined by a residence, two houses from there down to Robin Road; the apartment area is adjacent to the Shopping Center. Along Robin Road there are several single-family structures and to the rear of the larger tract of land is a single-family residential area primarily along Montclair.

The zoning of the property is O-15 for a depth of 400 feet back from Sharon Amity Road; the remaining depth of the tract fronting on Sharon Amity is R-12MF with R-12MF zoning adjacent to the property leading out to Randolph Road; behind the R-12MF is single-family zoning along Randolph Road, along Montclair, Robin Road and Westbury. Across from the property is business zoned property with business zone on both sides of Sharon Amity at Randolph Road; then multi-family zoning down adjacent to Cotswold Shopping Center.

Mr. Tom Ruff, Attorney for Jackson Engineering Corporation, Sharon Corporation and Mrs. Mabel Seawright, stated they own all the property with the exception of a very small part of it, and the petitioners include the owners of Cotswold Shopping Center; that the area to the east consists of about four acres and is presently zoned R-12MF, and the petitioners include the owners, and they propose no change in that multi-family zoning area; that the property immediately south of the subject property is owned by these petitioners or some of them and is presently R-12MF, and they propose no change in the zone except for a width of 100 feet so as to give a greater depth from Sharon Amity for the business zone which they request; on the westerly side, there is an area zoned R-12MF with a part of it zoned O-6. With respect to that Mr. Charles Henderson is here and represents the two owners of that property.

Mr. Ruff stated the purpose and reason for bringing this request is to make it possible to make a reasonable extension of the Cotswold Shopping Center. The owners have determined that there is economic feasibility to a reasonable extension of the area. The petitioners own sufficient land to leave the buffer area R-12MF which has suitable depth and width and will constitute an adequate or reasonable buffer zone to avoid and to minimize any harmful damages or such

harm that might be anticipated to flow from a business use as a buffer. That this is the same type of buffer zone which has been employed with decorum and attractiveness on the northerly side of the Cotswold Shopping Center where there are duplexes and multi-family usages.

That the topography seems well suited to this because of its low lying tucked in nature; that it will have a natural sort of protection to protect adjoining property. That they request a B-1 classification which they think might logically be made possible by a logical extension of the existing B-1 zone which is the Shopping Center itself with the Pure Oil Building on the right as well as other business in the immediate area.

Mr. Ruff stated the petitioners are responsible people; they are aware of the consequences of their activities; they include outstanding representatives of our community who have been engaged in the business of developing land - commercial and residential - for some time; they have created some of the most attractive residential areas in the City; they have made a substantial contribution to the growth and development and the attractiveness of Charlotte as a place to live. That they are not people who are going to do things without a careful regard to the effect upon other people's interest, property rights and wishes. That on zoning matters, it is very difficult to ever find zoning changes that are not opposed or which do not give rise to some strong feelings. They anticipate opposition and respect the people who may oppose them, but they feel their opposition is based upon an undue concern as to what may take place; they recognize their right to protest and to oppose. They anticipate the opposition will say they fear considerable congestion on Sharon Amity Road; to that he would point out that the City requires that any Shopping Center be located in areas adequately served by traffic means, adequate to get there and away. This is a neighborhood type shopping center, and they do not propose to change its basic nature; they propose to compliment the services which are now available by the type of services which are consistent with the type service now offered; there will be some who will say they do not need, do not want any more, so why bring about an imbalance between the facilities needed to serve the expanding and increasing population of the area. That they propose to comply with the letter as well as the spirit of the ordinance which requires protective fencing and screening to offset changes that exist between any change in zoning. That some might have a fear that they propose to erect or permit discount houses, drive-in quick lunch places and other activities. That the owners of this business area have been baggered with many, many requests for this type of facility because of the economics of it, and they have steadfastly refused. That such a use would not only be unattractive to the community it would be a threat and impairment to a substantial investment of Charlotte people in this area.

Mr. Ruff stated that Mr. Henderson represents Mr. John T. Belk and Mr. Quattlebaum who are the owners of the two lots which adjoin this property on the westerly side. That Mr. Henderson in behalf of his client filed a protest requesting that the 3/4 majority rule be invoked; Mr. Henderson on behalf and with the authority of his client has also filed a request that the property of his client be rezoned. That Mr. Belk has requested that his property be rezoned business; it is not before Council today, but it has been filed in the Planning Board Office, and Mr. Quattlebaum has asked that his property which is the next lot inside be zoned for office purpose which, if allowed, would provide an effective barrier or stepdown to protect the street known as Robin Road.

Councilman Short asked Mr. Ruff if he is saying the action of Mr. Henderson's client is such that the 3/4 rule no longer applies? Mr. Ruff replied he is aware that the protest might be withdrawn at any time prior to the time when Council may be ready to vote on the matter.

Councilman Albea stated to Mr. Ruff that by his own statement that the other people are coming in, where are we going to stop this? That it is like a spreading disease, and if he had property out there, he would want his rezoned too. Mr. Ruff replied where it stops is within the control and jurisdiction of the City of Charlotte and the Planning Board; that no one has the right to demand; that this is undeveloped land, and the revisions they have referred to would indicate that they have a concern for the other people, and they think they should be protected, and they feel that they have.

At the request of Councilman Short, Mr. Ruff pointed out the land the petitioners own other than that which is being asked for rezoning and stated there are no in roads made on any of the parcels with the exception of an increased width to include 100 feet so as to give a little greater depth.

Councilman Tuttle asked Mr. Ruff if the land is too low for apartments or offices but not too low for grocery store or whatever he has planned? Mr. Ruff replied, by comparison with the land on Randolph Road, the land is comparatively low.

Mr. Charles Henderson, Attorney, stated he has filed on behalf of John T. Belk and his wife a petition in opposition to the program which has just been presented. At the same time, he has tried to make the position of his clients clear to all involved; that is they did not initiate this program at this time; they were not invited to enter in this program of rezoning, but when they discovered that this program was underway and evaluated the fact that the Belk property is directly across Sharon Amity Road from the principal entrance into Cotswold where the concentration of traffic is, where the garbage trucks go in and out, they felt it would be quite disadvantageous to them to stand by and be left with a strip that would only be 115 feet wide; it would be the only property that was left with an O-15 zoning there; it would be surrounded on one side by that which is zoned for apartments with everything across the street B-1 and everything beside them to a depth of 500 feet to be zoned B-1 also. Realizing that in the overall planning that something would have to be done, they filed their petition to ask Council to consider their property at its next hearing date, and if Council rezoned the large area which has just been presented, that all the arguments that favor the zoning of Mr. Ruff's property would doubly apply to the property that belongs to Mr. Belk.

Mr. Henderson stated realizing that you have to draw a line somewhere and you do have to stop, Mr. Quattlebaum who owns the property at the corner of Robin and Sharon Amity Roads with a 125 feet of frontage and about 400 feet of depth agreed to be the buffer, and therefore where he is now zoned for apartment use, he has agreed that, in the petition that will come before Council next time, he would like, if all the rest is zoned B-1, for his to be changed to O-15, giving that corner of Robin Street protection.

He stated the Belk family feels they would be hurt financially if the property next to them is rezoned and they are left out.

Councilman Thrower asked Mr. Henderson where he stands this Monday, the 17th? Mr. Henderson replied he is against it if the whole block is not rezoned; that, having placed everyone on notice as to what they think - that it is good zoning practice to look ahead - they are asking that they look ahead to the next hearing when their petition will be before Council. That Mr. Belk has 100% of the boundary of the property under consideration; that Mr. Quattlebaum's property is at Robin Road and Sharon Amity Road and is presently zoned R-12MF and this property would become the buffer and would be zoned along as a part of the whole thing; that Mr. Quattlebaum only owns back around 385 to 400 feet. That Mr. Belk's property is involved in the description; they do not quarrel with his piece of property having been written in and made a part of it, as they think it is good zoning practice to include all property within an area. That Mr. Belk feels his property next to the filling station has its greatest value in a B-1 classification.

Councilman Short stated that Mr. Ruff referred to the fact the petitioners do not own all the property covered in the petition, he asked Mr. Henderson if Mr. Belk owns the land to the north? Mr. Henderson replied they own on both ends of the property belonging to the people Mr. Ruff represents; that a smaller piece was included within the description that is before Council today and would be rezoned if Council approves the petition. Councilman Short stated they are asking for the rezoning of a portion of Mr. Belk's land without his joinder? Mr. Henderson replied that is right, and he concurs that this is good zoning procedure when it is a relatively small piece of property; you could not skip over it and leave a little strip in there; that he has no quarrel with that; that he merely says they did not initiate it at this time, but they may come back if they think there has been a change in conditions.

Mr. Fred Meekins, Attorney, stated he represents a group of property owners who are located south of this proposed rezoning, and they are against the rezoning of the property. He filed with the City Clerk a protest petition which does not invoke the 3/4 vote but is a petition signed by several hundred of the neighboring citizens located in the residential area which will be directly or indirectly affected if this zoning does through.

Mr. Meekins stated he thinks we should turn to the zoning ordinance and see what the purposes of zoning are, and then see where they see it on this particular petition. That Section 23-3 of the Zoning Ordinance provides as follows:

"Purpose of zoning.

- (a) The zoning regulations as herein set forth have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- (b) The zoning districts and maps have been made with due consideration of future growth, development and change in land development according to objectives expressed and mapped in the general plan for the development of the Charlotte Metropolitan Planning Area, as well as with due consideration of existing development and uses of land in the City of Charlotte and its perimeter area.
- (c) The regulations and districts contained herein thus represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development."

Mr. Meekins stated that by the enactment of a zoning ordinance that the primary purposes were to set up a uniform stable zoning plan with the idea and contemplating the future growth of property. With this in mind, it was his understanding that when the Cotswold Shopping Center people came into this area that the thought was to establish a B-1 community neighborhood type shopping center which would then be adequately buffered and protected from any further expansion by being buffered on the south side by an area of O-15, backed up by multifamily, and on the northeast by office-institutional zoning and multifamily and single-family protection. That three years ago, this same petition

involving only two lots less was before this very Planning Commission and, at that time, was defeated in August 1963. That Sharon Corporation and Jackson Engineering did not own the property they own today, and this area which is now subject to petition; they acquired it after this Council had met and heard the various pros and cons and denied that petition. That the property interests before Council today were acquired after the decision. The purpose of zoning is not to restrict this property henceforth and forever more; and where there are material changes in a neighborhood, certainly it is warranted to look at it again and reevaluate the decision, but if there is any change here, it is a change in the opposite direction because after this Council met and turned down these former petitions, many homes have been built in reliance upon that zoning protection back in the Montclair Area, the Trinity Woods Area. That these homes were built in 1965 and 1966, and there are numerous homes in the area. Mr. Meekins stated this is the group that he directly represents as well as other interested persons.

Should this petition be allowed, it will mean grocery store activities at the very back doors of the single-family residences in this area. That there is outstanding an option with the Kroger Grocery Chain to utilize the property upon which this petition has been filed at the easterly edge; the other property has no intended specified uses at this time. That he is sure the people are good people as Mr. Ruff has stated, but they are business people, and they are looking at the best economy for that property - that may be K-Mart, and it may be other chains - it will certainly involve high frequency retail sales, and they just do not think it should come at this time; there is nothing to warrant it, and, in fact, everything is against it.

Mr. Meekins stated the land may lie low in this particular area, but it lay low at the time the original ordinance was passed. That it is zoned O-15 and the land is suitable for O-15 use and can be so utilized, and he thinks the community and neighborhood would welcome a well organized plan of development within that zoning use and would have no objections to it. That this zoning for B-1 will abut directly upon single-family R-15 zoning, the highest residential zoning in the City of Charlotte. He stated the interest of these neighborhood people should be considered.

Mr. Meekins stated the main thing to be considered is the density of population in this area; it is already developed as much as they can take it; they do not want the center of Charlotte to move out into the neighborhoods; they want the neighborhoods to stay where they are and then commute into the City; neighborhood grocery services are needed and they have that; but they think it is at the place where it should stop; if it jumps the gap and crosses the street, it will just be a matter of moments; in fact, it has already been done as a petition has been filed to go all the way to the corner of Robin Road. It will not stop, and the only place it can stop is where it is now because that is where it was intended to be all along, and there has been no change which would warrant any change at this time, except for the change that many people have bought and built relying on the zoning protection and built their homes there, and they have an economic interest too. That these people will not only loose the value in their property as single-family or multi-family residences, but they will also loose the enjoyment and use; they will loose the benefit of all the things for which the ordinances have been passed to protect.

Mr. Meekins stated ordinarily a change in zoning involving a single or very few properties should be made only where new or additional facts such as a change in condition or other circumstances materially affecting the merits have intervened since the adoption of the regulations, and certainly none of these have been shown; there have been no changes.

At the request of Mr. Meekins a large number of people in the audience who opposed the petition stood.

Councilman Short asked where the petitioned property abuts R-15? Mr. Meekins replied at the northwest corner; that it would come within 100 feet of the property abutting on Robin Road zoned R-15 all the way down Robin Road.

Mr. Lloyd Baucom, President of the Randolph Park Civic Association, stated he is present today on their behalf to express opposition to the proposed zoning change. He presented a petition of general protest to be filed with the Clerk, and stated there is a tremendous difference between a neighborhood shopping center and a regional shopping center, and this continued inroad is nothing but getting on the road in that direction; that Mr. Ruff has pointed out that they thing it is economically feasible and the goods and services the new business could provide could be utilized; that he has not heard presented any evidence that the goods and services of additional business are needed.

Mr. Baucom stated he has not heard anyone with any argument that the land as it is presently zoned constitute any type of burden to the owners; that good, economic use of the property can now be made. It is their thinking that the zoning in this area reflects the highest zoning principles with the B-1, O-15 and multifamily and the high type single-family R-15. That there will be buffer zone left under the plan as presented, but once the disease Mr. Albea has referred to gets so far, even though you might be able to stop it, the body may be so far gone that the end result will be fatal. That they have a beautiful zoning situation here as it follows all the sound principles, and they hope it will be left.

Mr. Baucom stated he thinks the traffic has not been emphasized. That it is almost impossible to get out of the Shopping Center at Bailey Cafeteria onto Sharon Amity Road, and he would assume they would need some entrances to the shopping center on the southside of Sharon Amity, and he does not see how traffic can mell there.

Mr. Earl Seagrave stated he lives on Montclair, and he does not know a great deal about zoning but he is getting some experience as this is his third trip to Council, and he subscribes to everything that has been done. He stated he feels there is a serious danger in the casual references made to "well, it will have to be changed anyway." That he knows when an original zoning ordinance is drawn, it cannot be all seeing, and they cannot know what will happen for a hundred years to come, but presumedly they worked objectively with the good of the neighborhood in mind, and he thinks that a plan that is laid out in that atmosphere is likely to be sound and should not be changed in a situation of pressure. Mr. Seagrave stated he is not clear as to what goes into a hundred-foot buffer strip, but Mr. Ruff mentioned the nuisance that would be present at the rear of a high volume retail business, and this would be a nuisance for them at their backyard and would certainly be a nuisance for a good part of the multi-family development too. That he wonders if a multi-family unit would ever be built in that zone, and he would think they could look foom their backyards right into the trash cans of the Kroger Store.

Mr. Joe Clark stated he is a relatively newcomer to the City, and when they came to the City of Charlotte not knowing the city, he sought the best advise he could get regarding the purchase of a home; that the house he owns is on Montclair and overlooks this vacant property; they checked the zoning very carefully, and the best advise he could get was this was a stable area, and this zoning had been placed as a buffer zone by the Cotswold Shopping Center, and he found this very desirable and agreeable. Mr. Clark stated a change of this nature for a business area would not only harm his property but would decrease the amount of enjoyment and happiness his family gets out of living in Charlotte.

Mr. Ned Toledano stated his lot adjoins Mr. Belk's property, and as a homeowner on Robin Road to have a Kroger Store or something like it with garbage cans, rats, roaches, mice crawling in and out of your yard and with your children bitten, he does not want to see happen. That to change it to B-1 would destroy the value of their homes, and they would stand to loose anywhere from \$3,000 to \$5,000 per home in trying to resale the property if they should move away or decide to move to another area in Charlotte.

Mr. J. Webb Bost, 4600 Randolph Road, stated he would be in full favor of what Mr. Albea and others have said; if this goes through, he would certainly be one of the first ones to come and ask for rezoning of his property, as he would be right in the backyard of a big business development. That it is no secret as to what happens to property when business moves into a neighborhood like that, and he is not against progress. That one of the houses in the 4600 block of Randolph Road exceeded the cost of \$23,000 and had to be sold two years ago for \$22,000 on account of the proximity to the development that is there now. That this is not an ending proposition but is something that we can all look forward to if the zoning is changed, they will be back to ask for more changes because this is the only protection they have to get their investment.

Mr. Meekins advised that Mr. Bost is the owner of the property that abuts directly on the business property; he pointed out Montclair and stated that all the homes were built in the last few years since the denial of the former petition. He invited all members of Council to drive out Randolph Road and to turn in to the area on Rutledge, and come into Montclair off Rutledge taking a right-hand turn and to drive through the area where the homes have been built, then to come back along Westbury and Robin Road up to Sharon Amity Road.

Council decision was deferred for one week.

MAYOR CALLED A TEN-MINUTE RECESS AT 3:30 P.M. AND RECONVENED THE MEETING AT 3:40 P.M.

Mayor Brookshire called a ten-minute recess at 3:30 o'clock p.m. and reconvened the meeting at 3:40 o'clock p.m.

COLLINS AND AIKMAN CORPORATION WELCOMED TO THE CHARLOTTE-MECKLENBURG AREA AND INSTALLATION OF 24-INCH WATER MAIN FROM PRESENT SYSTEM AT EASTWAY DRIVE TO THE PROPOSED JUNCTION POINT AT OWEN BOULEVARD AUTHORIZED.

Mayor Brookshire recognized Mr. Art Capper of the Collins and Aikman Corporation and stated he advised Council that the afternoon paper would carry a beautiful story on the company having picked Charlotte for a new research and administrative center to include the electrical data processing equipment of the entire company operation, the research and development department staff operation, the accounting and industrial engineering personnel, and purchasing. That the City is pleased with their selection of Charlotte and warmly welcomes the Company to Charlotte as a new corporate citizen. Mayor Brookshire advised the Council will subsequently formalize the action it took in the informal session to extend immediately, or as soon as possible, the city's water in a 24-inch main out to Owen Boulevard, and from that point, the City will give a further assist in getting water by the time it is needed.

Mr. Capper stated they are very pleased to announce the location of the facility in the Charlotte-Mecklenburg area, and they think it will be beneficial for the area as well as their company.

Councilman Short stated the motion he is making is a part of the planned action that is being taken today by levels of local government. He moved that the City proceed as quickly as possible to install 24-inch water mains from the present system at Eastway Drive to the proposed junction point at Owen Boulevard using the \$168,000 that has been set aside for this purpose and that the City's proper personnel be instructed to proceed as quickly as possible to initiate this project by updating the specifications and advertising for bids; and, in reference to the University, that the City Engineering personnel and Water Department personnel continue to provide knowledge, skill and equipment toward the end of aiding the University in every possible way during the interim period. The motion was seconded by Councilman Jordan.

Councilman Whittington stated in the interest of Councilman Short's motion he would like to make the following statement: "The motion made by Mr. Short is another indication of this City's interest to build a greater university in North Carolina and Charlotte. This college was a dream of my dear friend, the late Woodie Kennedy, who died the day before he would have been sworn in as a member of the first Board of Trustees of Charlotte Community College System of which Charlotte College was a part, and now is the University of North Carolina at Charlotte. His dream and vision then will attest to the great university it is today.

Since 1957 much progress and many accomplishments have taken place at the site on Highway 49. We are indebted today to Governors Hodges, Sanford and Moore, to the State Legislature, to the Board of Higher Education, and the Board of Trustees of the College for the efforts and their faith in this area. In the past several months many people, including the Chamber of Commerce, the Inter-governmental Task Force, the governing bodies of this City and County have been working towards a solution for water to the college and other areas beyond the city limits where the services are needed and where services must be provided if we are to grow and prosper in the future. So it is with a great deal of pride and pleasure that I, too, second this motion made here by Mr. Short today. It is a giant step as far as the progress of this community is concerned; it is a move in the right direction, and it is an opportunity the City is taking to meet the challenge for an even greater metropolitan city, and I think from this move great things and more things will come to this city."

Mayor Brookshire stated that the announcement by Collins and Aikman Corporation today simply adds a great deal of luster and importance to those matters which Mr. Whittington has spoken of.

The vote was taken on the motion and carried unanimously.

DISCUSSION OF LOCATING LAUNDRIES IN MULTI-FAMILY DEVELOPMENTS AND COUNCIL ADVISED MATTER HAS BEEN PRESENTED TO PLANNING COMMISSION FOR RECOMMENDATIONS AS TO A PUBLIC HEARING.

Mr. William Allan of Trotter & Allan Construction Company stated he has a matter that has come up in the past year as they seem to be caught in the horns of a dilemma of two conflicting requirements by various departments of the city. It seems that the amendment to the plumbing code requires that they either install individual washing machine connections in each unit of a multi-family planned project, or provide central facilities for washing machines. That the Zoning Department has held that a central facility in a multi-family planned project constitutes a business use of the premises and on that grounds have instructed the Building Inspection Department to deny permits for a central washing facilities. That he thinks this can best be resolved by this Council ordering them to reassess that interpretation, as they think it is not a proper interpretation, but they should have held it was an accessory use which is permitted under the zoning law as long as such use is clearly incidental to the main or intended use of the building.

Mr. Allan stated the Home Builders representatives were suppose to be here, but they are not present, and it may be that Council would like to withhold a decision until they hear from that organization. That the Home Builders are interested in this matter and several appeals are in before various appeal boards of the City and some have already been unfavorably ruled on. That they would rather not have the planned central facilities but very often the mortgage lenders require it and the plumbing people require them or the individual facilities; they have to put one or the other in. Their main objection to putting in the individual connections is purely cost. Mr. Allan stated they rent apartments where they furnish both range and refrigerator, and if people do not have their own, it is not likely they will have their own washing machine, so that something in excess of 90% of the facilities would not be used if they were provided; not only is this wasteful, it is actually dangerous. When water evaporates out of a trap of the washing machine connection, then the sewer gases escape directly into the house unless it is capped off. That they are faced with the prospect of going into every apartment and asking if they have a washing machine, and if they do not they have to cap it. Mr. Allan stated this is not his opinion but was brought out before the Plumbing Advisory Board. That their main problem is one of zoning as the zoning office maintains that this accessory use is a violation of the zoning code, and they say not; it is simply an accessory use and is clearly permitted by law.

Mr. Veeder, City Manager, advised this question has been to the Board of Adjustment recently, and the Board agreed with the interpretation put on the ordinance by the Building Inspection Department and, at the same time, suggested that consideration of a change in the ordinance was perhaps indicated. That representatives of the Home Builders, including the President and two or three other gentlemen, met with him on this subject last week, and he suggested if they would like this considered in light of their needs that perhaps it would be well if they offered some suggested language to accomplish that which they wanted. That they did this, and he sent a copy of this to the Planning Department for consideration by them and, also, sent copies to the Council to indicate that it is in the mill. That it would require a change, if a change is made, as an amendment to the zoning ordinance, and this would call for a public hearing and full consideration of the question. The Planning Commission is considering this at the moment, and it will come to Council with a recommendation and, at its discretion, it may call a hearing if they see fit.

Mr. Allan stated they maintain this is an accessory use and is limited by their rules and regulations only to the people living in their apartments and is not a business open to the general public.

Councilman Tuttle stated as he understands this the apartments do have the facilities there to connect the washing machine, and Mr. Allan replied the individual units are not plumbed for washing machine connections. Mr. Allan stated the plumbing code has been amended within the last year to require one of two alternatives - either that each apartment have connections for washing machines or that a central washing facilities be provided.

Councilman Tuttle asked what the difference is between ten families in one unit being provided with washing facilities and ten families living in his block who do not have the facilities and decide to put in a little laundry at the rear of one of the houses, and the ten families in the block will use it? That people living in apartments maintain private separate homes just the same as he does. Mr. Allan replied he would think it would be up to the courts to decide whether it was a separate business or whether it was an accessory use purely incidental to the main use. Councilman Tuttle stated he thinks he would be right about the accessory use if it is furnished by someone, but if you have to drop in a coin and buy it, then this is the difference.

October 17, 1966
Minute Book 47 - Page 445

Councilman Short stated he believes Mr. Allan is correct in saying the law is in conflict; that an apartment unit under the requirement of the plumbing people would have to be built in a business zone. Mr. Allan replied he thinks they have wrongly taken the position, and they have hung their hat on the fact that this is a business being operated in a multi-family zone; whereas, they should make the interpretation that it is an accessory use incident to the main use. Councilman Short stated one group says you have to have it and the other group says if you have it, it has to be in a business zone. Mr. Allan replied that is in effect what they have said; there is a way out by putting the individual connections into individual units which they think is not only wasteful and uneconomical but a definite hazard to health.

Councilman Thrower stated by the same token a lot of apartment houses have Coca Cola machines; so, in effect, all apartment houses would have to be in a business zone to have the Coca Cola machines.

Mayor Brookshire stated the matter has been referred to Mr. Veeder, and all other discussion will be deferred until the public hearing.

LEASE AGREEMENT BETWEEN CITY OF CHARLOTTE AND CENTRAL PIEDMONT COMMUNITY COLLEGE FOR PARCEL OF LAND IN THE NORTHWEST EXPRESSWAY RIGHT OF WAY.

Councilman Alexander moved approval of a lease agreement between the City of Charlotte and Central Piedmont Community College, covering a parcel of land between Elizabeth Avenue and East Trade Street in the Northwest Expressway right of way, to provide temporary use by the college for a student parking lot with the terms on a month-to-month basis. The motion was seconded by Councilman Albea and carried unanimously.

AGREEMENT AUTHORIZED BETWEEN THE CITY, WACHOVIA BANK AND TRUST COMPANY AND BANKER TRUST COMPANY FOR ACCOUNTING AND CREMATION SERVICES ON \$9,600,000 BONDS.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried an agreement was authorized with the Wachovia Bank and Trust Company and Banker Trust Company paying accounting and cremation services on the \$9,600,000 Bonds sold May 17, 1966.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, NOVEMBER 21, ON PETITIONS NOS. 66-86 THROUGH 66-89 AND 66-91 FOR ZONING CHANGES.

Motion was made by Councilman Jordan, seconded by Councilman Whittington and unanimously carried, adopting the subject resolution which is recorded in full in Resolutions Book 5, at Page 356.

APPRAISAL CONTRACTS FOR THE SIXTH STREET WIDENING PROJECT.

Councilman Whittington moved approval of appraisal contracts with Lionel D. Bass, Sr. and O. D. Baxter, Jr. for appraisal of three parcels of land each in connection with the Sixth Street Widening Project. The motion was seconded by Councilman Tuttle and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Motion was made by Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, approving the following streets to be taken over for continuous maintenance by the City:

STREET	FROM	TO
Briar Grove Drive	95' S. of Colby Place	255' S. of Colby Place
Dundeen Street		Cul-de-sac
Pitts Drive	Booker Avenue	770' N. of Booker Avenue
Donovan Place	110' N. of Denson Place	Galway Drive
Erinbrook Lane	Donovan Place	Galway Drive
Galway Drive	120' N. of Denson Place	Slagle Drive
Bankston Place	Galway Drive	151' E. of Galway Drive
Slagle Drive	Galway Drive	150' E. of Galway Drive
Eastcrest Drive	500' S. of Central Avenue	905' S. of Central Avenue

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Calvin L. McGowan and wife, Barbara G. McGowan for Lot No. 385, Section 6, Evergreen Cemetery, at \$240.00.
- (b) Deed with Greek Orthodox Church Holy Trinity, for Lot No. 342, Section 4-A, Evergreen Cemetery, transferred from Mrs. Vasiliki J. Parallis and husband, at \$3.00 for transfer deed.

RENEWAL OF SPECIAL OFFICER PERMIT TO JAMES C. HART ON PREMISES OF JOHNSON C. SMITH UNIVERSITY APPROVED.

Councilman Tuttle moved approval of the renewal of a Special Officer Permit for James C. Hart to serve on the premises of Johnson C. Smith University, 100 Beatties Ford Road. The motion was seconded by Councilman Albea and carried unanimously.

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Councilman Jordan moved award of contract to the low bidder, Lynchburg Foundry Company, in the amount of \$74,160.00 on a unit price basis for 40,000 feet of 6-inch cast iron pressure pipe. The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

Lynchburg Foundry Company	\$ 74,160.00
Glamorgan Pipe & Foundry Co.	74,984.00
American Cast Iron Pipe Co.	76,014.00
U. S. Pipe & Foundry Company	77,868.00

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR CAST IRON PIPE FITTINGS.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Grinnell Company, Inc., in the amount of \$10,144.27 on a unit price basis for 488 cast iron pipe fittings for caulked joints.

The following bids were received:

Grinnell Company, Inc.	\$ 10,144.27
Russell Pipe & Foundry Co., Inc.	11,705.07
Southern Meter & Supply Co.	12,489.14
Glamorgan Pipe & Foundry Co.	12,852.88
Lynchburg Foundry Company	12,969.23
American Cast Iron Pipe Co.	13,879.64

Bid received not on specifications:

U. S. Pipe & Foundry Company	\$ 9,599.94
------------------------------	-------------

CONTRACT AWARDED SOUTHERN METER SUPPLY COMPANY FOR CAST IRON PIPE FITTINGS.

Motion was made by Councilman Albea awarding contract to the low bidder, Southern Meter Supply Company, in the amount of \$2,964.83 on a unit price basis for cast iron pipe fittings. The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

Southern Meter & Supply Co.	\$ 2,964.83
Glamorgan Pipe & Foundry Co.	3,110.15
U. S. Pipe & Foundry Co.	3,311.93

Bid received not on specifications:

Lynchburg Foundry Company	\$ 3,013.97
---------------------------	-------------

CONTRACT AWARDED CAROLINA CONCRETE PIPE COMPANY FOR REINFORCED CONCRETE PIPE.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Carolina Concrete Pipe Company, in the amount of \$7,103.25 on a unit price basis for 3,070 lineal feet of reinforced concrete pipe.

The following bids were received:

Carolina Concrete Pipe Co.	\$ 7,103.25
Gray Concrete Pipe Co., Inc.	7,627.15
Fultz Concrete Pipe Co., Inc.	7,726.29

CONTRACT AWARDED R. L. WALKER PLUMBING COMPANY FOR INSTALLATION OF WATER SERVICE LINE AT 932 SEIGLE AVENUE.

Motion was made by Councilman Jordan, seconded by Councilman Whittington and unanimously carried, awarding contract to the low bidder, R. L. Walker Plumbing Company, in the amount of \$1,017.00 for installation of water service line at the Motor Transport Department, 932 Seigle Avenue.

The following bids were received:

R. L. Walker Plumbing Co.	\$ 1,017.00
Toomey Brothers	1,167.00
Thompkins-Johnston Co., Inc.	1,549.00
J. V. Andrews Company	1,880.00
W. H. Hobbs, Inc.	2,078.00

CONTRACT AWARDED D. H. GRIFFIN WRECKING COMPANY FOR DEMOLITION OF STRUCTURES IN THE NORTHWEST EXPRESSWAY, PLAZA ROAD AND URBAN REDEVELOPMENT AREAS NC R-24, N.C. R-37 AND NC R-43

Councilman Albea moved award of contract to the low bidder, D. H. Griffin Wrecking Company, in the amount of \$7,100.00 for the demolition of 37 structures located within the Northwest Expressway, Plaza Road and Urban Redevelopment Areas NC R-24, NC R-37 and NC R-43. The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

D. H. Griffin Wrecking Co.	\$ 7,100.00
Cochran & Ross Construction Co.	9,935.00
Almond Grading Company, Inc.	10,830.00
Richland Wrecking Co., Inc.	10,545.00
S. E. Cooper Company	10,930.00
Suggs Wrecking Company	11,956.00

SCHEMATIC PLANS FOR LAW ENFORCEMENT CENTER APPROVED AND ARCHITECTS AUTHORIZED TO PROCEED WITH WORKING DRAWINGS.

Councilman Jordan moved approval of the schematic plans for the Law Enforcement Center as prepared by Walter D. Toy Architects and authorized the Architects to proceed with the working drawings. The motion was seconded by Councilman Thrower and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED IN CONNECTION WITH SANITARY SEWER EASEMENTS, EASTWAY DRIVE WIDENING PROJECT, PLAZA ROAD WIDENING PROJECT AND NORTHWEST EXPRESSWAY.

Motion was made by Councilman Albea and seconded by Councilman Thrower to approve the following property transactions:

- (a) Acquisition of right of way 25' x 265' in the 3600 block of Wilmont Road, from E. R. Hefner, at \$350.00 for easement to the Taggart Creek Outfall.
- (b) Acquisition of right of way 17' x 25' at 3655 Wilmont Road, from Leonidas Lafayette Autry and wife, at \$25.00 for easement to the Taggart Creek Outfall.
- (c) Acquisition of right of way 25' x 55.33' at 3315 East Independence Boulevard, from Richard T. Hammett and wife, at \$55.31 for easement to serve Edwards Branch sanitary sewer.
- (d) Acquisition of right of way 25' x 52.52' at 3802 Commonwealth Avenue, from Mrs. Gertrude E. Dellinger, widow, at \$52.52 for easement to serve Edwards Branch sanitary sewer.
- (e) Acquisition of right of way 25' x 92.71' at 3346 Commonwealth Avenue, from estate of Craig Miller, at \$92.71, for easement to serve Edwards Branch sanitary sewer.
- (f) Acquisition of right of way 10' x 281.74' at Dunn Street, from Seaboard Airline Railroad Company, at no cost, for sanitary sewer easement to serve Benfield Court.
- (g) Acquisition of right of way 25' x 200.15' on Independence Boulevard at Waterman Avenue, from Presidential Motor Inn of Charlotte, Inc., at \$1.00, for sanitary sewer to serve Edwards Branch.

- (h) Acquisition of 515 sq. ft. of property at 2832 Eastway Drive, from J. R. Smith and wife, at \$2,500.00, for Eastway Drive Widening Project.
- (i) Acquisition of 1,540 sq. ft. of property at 2840 Eastway Drive, from James C. Greene and wife, at \$3,000.00, for Eastway Drive Widening Project.
- (j) Acquisition of .1 acre of property at the northwest corner of Eastway and The Plaza (Plaza Shopping Center), from Southland Investors, Inc., at \$4,500.00 for Plaza Road Widening Project.
- (k) Temporary construction easement at 311 East 12th Street, from Consolidated Engravers Corporation, at \$300.00, for the Northwest Expressway.
- (l) Resolution Authorizing Condemnation Proceedings for Acquisition of property of Angelo J. Forlides and Philip J. Forlides located at the Corner of Eastway and Arnold Drive for Eastway Drive Widening Project.
- (m) Resolution Authorizing Condemnation Proceedings for Acquisition of property of Lee H. Wing and wife, Lee Mak Wai Wing, located at 800 North Church Street at the corner of West 11th Street for Northwest Expressway Project.
- (n) Resolution Authorizing Condemnation Proceedings for Acquisition of property of Joe Chung and wife, Mrs. Joe Chung, located at 804-06 North Church Street for Northwest Expressway Project.

Councilman Short asked if the condemnation of the property at 800 North Church Street and 804-06 North Church Street is where there is a retail laundry business being operated or whether this land is a part of the parking lot which is in some way connected to and an extension of the operation of the Chinese laundry on that corner? That this land at the northeast corner has been used for many years, and it is still being used for the operation of a laundry; and before he would vote to condemn what is being used for retail business, he would really want to know what efforts have been made to relocate these people, and he thinks it should be deferred and really have in writing what efforts have been made to relocate a retail business before it is condemned. The City Manager advised the owner does not indicate what he wants and our appraisers have put values on it, and the values have not been acceptable to the owner, but he has never divulged what he wants.

Councilman Short stated he is not objecting to the condemnation, but he would like to know what has been done toward relocating these people before we move in with the law and condemn the land where they are operating a retail business.

Mayor Brookshire asked Mr. Veeder to explain the acquisition of the property from Southland Investors, Inc. in connection with the Plaza Road Widening Project which is .1 of an acre at \$4,500, which would be \$45,000 an acre, so there must be some damage to the established business to justify the price. Mr. Veeder replied the appraisers indicate 2,500 feet of right of way at \$1.60 per square foot, plus the cost of moving light posts and conduits which would be an additional \$500.00.

Councilman Whittington stated based on appraisal that was made from Central Avenue to Independence Boulevard where all the big trees are and the property where Ervin built - the part of Eastway and Central down to the creek, and he does not think the property can be compared with what is in this neighborhood and what was in the old - but yet we are paying more and considerably more in many instances in this area than we did from Eastway Junior High School down to the Boulevard. He asked the City Manager to explain the acquisition of the property of J. R. Smith at \$2,500 for improvements of concrete steps and hedge row, and Mr. Veeder advised this is 515 square feet of property at \$1.50, plus the easement slop of 772.50 square feet at \$1.50 and with a proximity damage to the house at 10%, all of which adds up to the \$2,500, and stated these remarks should have been included on the Council's copies of the agenda for their information.

Mr. Veeder asked Mr. Charles Owens, Chief Right of Way Agent, what the City has done towards the end of assisting the owner of the property at 800 North Church Street with relocating the retail business, and Mr. Owens replied that is a laundry and the City has not tried to relocate the business. Under the Federal requirement it is only residential property that the City is required to help relocate.

Councilman Whittington pointed out that this is not urban renewal; that it is a street program, and under the federal assistance, you are not required to assist the owners, but, under urban renewal, you would; that he does not believe that previously the City has relocated anyone in an expressway or street. Mr. Veeder advised that the City has given assistance under a contract with the Redevelopment Commission where they provide assistance for residential property.

Councilman Short stated he cannot see that the principle is different, whether it is federal requirement for urban renewal or just our own local handling of local affairs; and this is a federal situation because the federal government participates in the throughway; that he could not vote to condemn a man's business property where he is earning his living and conducting a good business without a statement that we had attempted to help him in this way, and if he refuses to have help and refuses to listen to our people who want to help and advise him, that is another matter; but he thinks the City owes it to him to make the offer.

Councilman Jordan stated he does not think this can be done. If the City is going to relocate everybody along these highways, then it will be in the business of finding places for these people.

Mr. Owens stated his business building will not be touched, but we are taking his house. Councilman Short asked if this is connected with the laundry and if this is not the parking lot for the laundry? Mr. Owens replied yes.

Councilman Short asked the City Attorney if it would be legal for the Redevelopment office to consult with this man about whether he needs help in relocating his business or is this beyond their legal authority? Mr. Kiser replied it would be going beyond the authority which was given to them which is contained in the contract between the City and the Redevelopment Commission with respect to relocation because that deals only with residential property; that he supposes the Commission could by proper arrangements with the City endeavor to engage in that sort of activity for business if the Council so desired and is willing to pay for it.

Mayor Brookshire asked if it has been established that this man will find it necessary to relocate? Councilman Short replied it has not and that is one of the points that he is making - we do not know anything about this.

Mayor Brookshire asked if through condemnation the city acquires the right of way, would it be necessary for him to remove his business? Mr. Owens replied not for the right of way; that he may have personal reasons or some reason that he might desire to relocate but the City is not taking that much of his property.

Councilman Tuttle stated he thinks we are getting into a ridiculous area if we do this; are we going to help Mr. Schloss replace his signs? That he thinks there is a limit to the city's responsibility. Councilman Short stated he cannot agree that this is ridiculous, as we are preparing to engage in a considerable quantity of this activity in the uptown area in the name of urban renewal, and this is not urban renewal, but it is affecting this man's ability to conduct his business; we have no finding or information whatsoever as to whether it will bankrupt him or what might occur.

Mayor Brookshire stated if it is condemned as recommended, then he will have his day in court as to his damage. Councilman Short stated he is concerned with his relocation which is another matter entirely, and for the moment, he is not going to vote for these particular condemnations.

Councilman Short offered a substitute motion that all the property transactions be approved with the exception of the two condemnations on North Church Street and defer action for the moment. The motion did not receive a second.

The vote was taken on the motion to approve all the property transactions as recommended and carried by the following vote:

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

The resolutions are recorded in full in Resolutions Book 5, beginning at Page 357.

CITY MANAGER REQUESTED TO ASK REDEVELOPEMNT COMMISSION TO FURNISH CITY WITH A STUDY OF THE ESTIMATED PRESENT VALUE OF LAND IN REDEVELOPMENT PROJECT NO. 4, AND THE ESTIMATED COST TO THE CITY FOR THE ACQUISITION OF THE LAND WITH OTHER INFORMATION.

Councilman Tuttle stated that all the studies, outside opinions and local opinions by those with knowledge of the needs indicates that Charlotte must earmark much additional land for parks, Greenways. Especially is this true with respect with areas in and near the heart of town. That it is no secret that he shares these opinions, and he is certain the entire Council does as well. What has concerned him most is not what they hope to ultimately do about parks, but the availability of land once they find themselves in a position to do something. Once a building or improvement consumes land now available, chances are it is gone forever. There is very little land left near the immediate downtown which is suitable for or may be available for parks. That he is firmly convinced Council should make every effort to determine that which is available is feasible for Greenways. One tract which he believes to be suitable is the land south of Independence Boulevard known as Project 4, bounded by Independence Boulevard, Kenilworth Avenue, South McDowell and the area to the rear of Morehead and Greenwood Cliff. This land has an estimated value of something in excess of \$1.0 million dollars and that acquisition might be made by the City with federal help at something over \$300,000. With the present growth and expected growth of Charlotte, it does not take much imagination to realize that this will be extremely valuable land in the years to come.

Councilman Tuttle moved that Council ask Mr. Veeder to ask the Redevelopment Commission to furnish us with a study of their estimated present value and the estimated cost to the City for the acquisition of the land; that the Redevelopment Commission tell us if we acquire this land for park purposes, whether and how we might dispose of it for such a purpose as a state medical institution or something of that nature if such disposition should later be indicated and warranted. The motion was seconded by Councilman Albea.

Councilman Whittington asked if he is asking the Redevelopment Commission to make a study of this area for park purposes, cost of it, and any future development and anticipated revenue if the City did intend to redevelop it.

Councilman Tuttle replied not necessarily anticipated revenue. Councilman Whittington stated if we were to sell it, and Councilman Tuttle replied yes.

Councilman Tuttle stated he is not necessarily saying this is the place for the park; he thinks so, but he is not trying to say so here. He is simply saying that this land is going to disappear sooner or later, and if we do not get some of it earmarked, if this proves to be practical, to the extent that if the state wants to put the hospital in there we can use it for that purpose, and if we want to put a park in there, we can use it for that purpose. With all this land lying around, this is going to be our only chance to earmark some of it for future use. Once you put something on it, it is gone forever.

The vote was taken on the motion and carried unanimously.

CITY'S PACKERS REQUESTED TO CONFORM WITH LAW AND NOT HAVE TRASH BLOWING OUT OF BACK OF VEHICLE ONTO STREETS.

Councilman Alexander stated if the City is going to bear down on trucks hauling trash, it should set the example and see that the City trucks are doing everything they can to conform. That our packers move through the streets with all the trash not packed in, with wind blowing it out of the back up and down the street; and with that happening, the City looks foolish trying to enforce the law against private trucks. That the City should bear down on the law, but it should set the example.

CITY MANAGER REQUESTED TO CHECK INTO POLICY OF CITY WHERE PEOPLE WHO LIVE ON UNPAVED STREETS ARE NOT PERMITTED CITY WATER.

Councilman Whittington stated the City has a policy that people who do not live on a paved street cannot get water, and there are many areas where people have asked for water, and the people are willing to tap on, and they get the report they cannot do it because the street is not paved. That this to him is a little ridiculous, and if we can run a line and get enough people to tap on, we can get a return on the money, and the City should give them water whether they have paved streets or not. He stated he has two locations which he will give to the City Manager for his investigation.

COUNCIL ADVISED LEFT TURN LANE AT CRAIGHEAD ROAD AND NORTH TRYON STREET WOULD BE DANGEROUS BECAUSE OF THE SLANT OF THE ROAD.

Councilman Whittington referred to the report he received from the City Engineer on his request for a left turn lane at Craighead and North Tryon Street. He stated the report indicates it would not be feasible to put the left turn lane in; and because of the detours in that section, there is a lot of traffic which will be relieved when the detours are removed. Councilman Whittington stated there are some 500 new apartments built on Craighead Road behind the Heart of Charlotte Motel, and this is where the traffic is going through.

Mr. Veeder replied there is no question but what a left turn lane would be desirable if it could be installed, but because of the way North Tryon Street is banked where you make the movement on to North Tryon Street off Craighead coming from the direction of The Plaza and Davidson, you have to go over a hump, down to make your turn up. That because of this, both Mr. Hoose and Mr. Cheek are concerned that any left turn lane could be very dangerous because of the way the road is slanted.

CITY MANAGER REQUESTED TO HAVE TRAFFIC ENGINEER CHECK SIGNS ON HERRON AVENUE AT THE RAILROAD BRIDGE ABUTMENT AND TAKE PRECAUTIONARY MEASURES TO TRY TO PREVENT FUTURE ACCIDENTS.

Councilman Whittington advised he had three calls after the young boy was killed by hitting the railroad bridge abutment in North Charlotte. That the

October 17, 1966
Minute Book 47 - Page 453

people who live out there say the signs are wrong - the stop signs, the directional signs and speed signs. That a few years ago a young man was lost who was standing up in the back of a truck as it went under the abutment. He requested the City Manager to have Mr. Hoose, Traffic Engineer, to check into this right away and take any precautionary measure to attempt to prevent this happening in the future.

Councilman Short stated a truck of his Company was ruined trying to go under this bridge; that it is approximately a block east of the railroad track on Herron Avenue, about at the intersection of Warp Street and Herron Avenue.

REPORT ON DOUGLAS AIRCRAFT PLANT PROPERTY.

Mr. Veeder advised as a follow up on the Douglas Aircraft Plant Congressman Charles Jonas called one day last week with information on it which indicated that the General Services Administration would be happy to send someone to Charlotte to discuss the Plant; that they planned to sign a contract for the appraisal of the property last week, and this would take perhaps as long as 75 days to get it completed, and perhaps a meeting could be held after the appraisal is completed.

Mayor Brookshire stated the City has until the 26th to indicate its interest which would keep the door open, and he believes it is the wishes of Council to indicate its interest and keep it open until the appraisal is received.

Councilman Tuttle advised that some big companies have been here with teams looking over the property, and this is fine. One of the large automobile manufacturers is one of them.

CITY MANAGER ADVISES HE WILL ATTEND CITY MANAGERS' MEETING.

Mr. Veeder advised that he will attend the City Managers' Meeting which starts this coming weekend and will not be at Council meeting next Monday.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk