

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Monday, March 20, 1967 at 2:00 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, and Commissioners Ashcraft, Gamble, Godley, Tate, Toy, Turner and Wilmer.

ABSENT: Commissioners Olive and Stone.

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INVOCATION.

The invocation was given by Reverend J. Paul Byron of St. Gabriel's Catholic Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, the minutes of the last meeting on March 13th were approved as submitted.

HEARING ON PETITION NO. 67-9 BY LEONARD W. COPPALA AND RALPH COPPALA FOR A CHANGE IN ZONING FROM R-6MF to B-1 OF PROPERTY ON THE NORTHEAST CORNER OF BELLHAVEN BOULEVARD AND MCGEE STREET, FRONTING 164.62 FEET ON BELLHAVEN BOULEVARD AND 196.76 FEET ON MCGEE STREET AND PROPERTY ON THE SOUTHEAST CORNER OF BELLHAVEN BOULEVARD AND MCGEE STREET, FRONTING 160.76 FEET ON BELLHAVEN BOULEVARD AND 202.67 FEET ON MCGEE STREET.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this petition is a request for a change in property located on the northwest side of Bellhaven Boulevard. He pointed out Bellhaven Boulevard (N. C. 16 West) going out of town, and stated the property is located about a block or block and a half beyond the intersection of I-85 and Bellhaven Boulevard. It has a total frontage of 362 feet on Bellhaven Boulevard. It is located on both sides of what at one point is an unopened street and it is referred to on the Agenda as McGee Street but the actual name on the ground is Craigler Street. The property is entirely vacant as is property to the west of it; the property across Bellhaven Boulevard is predominately vacant although there are some single family residences scattered in the area. To the east of the property toward I-85 there is a house located at the corner of Linwood and Bellhaven; there are two service stations at the intersection of I-85 on the north and south side of Bellhaven. Other than that the property is generally a mixture of single family and vacant property.

The zoning is R-6MF and the property to the west is B-1SCD which is the shopping center district. The property adjacent to the tract is

R-6MF to the north and to the east and across N.C 16 to the south. There is some business zoning in the area at the intersection of Linwood and Bellhaven and then farther to the west there is an older business area along Hoskins Road - leading from Rozzells Ferry Road up to Bellhaven.

Mr. Brock Barkley, Attorney for the petitioner, stated the property is in the neighborhood where a lot of the property is zoned for business and industrial purposes, some of it is zoned, but scarcely occupied, for residential purpose. That Mr. Coppala owns the land which has a creek running through it which would require a substantial investment in order to make it useable at all and it is more expensive than justified for residential purpose. The adjoining property is zoned for business, the property one lot away is zoned B-1 and the service station lot has been zoned B-1. There are very few residences there and there has been no protest from anyone residing in that area as far as he knows.

Mr. Barkley stated the latest traffic count available was 1965 and shows 10,500 cars passing on NC 16 at this particular point every 24 hours. This is a business area and they request the rezoning in view of the location, the use to which the property will be put and the general lay of the land.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for two weeks.

HEARING ON PETITION NO. 67-10 BY L. E. JOHNSON, JR. FOR CHANGE IN ZONING FROM R-9MF TO I-1 PROPERTY ON THE NORTHWEST SIDE OF DELANE AVENUE BEGINNING AT THE SEABOARD RAILROAD AND EXTENDING 390' TOWARD CRAIG AVENUE.

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

The Assistant Planning Director advised the tract is located on the northeast side of Craig Avenue but not actually fronting on Craig and is one lot removed from Craig Avenue leading toward Sharon Amity. He pointed out the facility which has been erected within the last two years by the Charlotte Mecklenburg Board of Education for use as the school bus maintenance garage. He advised the property in question is vacant as is the property directly to the west of it between the subject property and the school property. That Delane Avenue is a circular street coming in off Craig Avenue which has houses located on it. There is one house on Delane that is particularly adjacent to the subject property, then there are single family residential structures facing Craig with the rear backing up to the subject property. Across Craig Avenue there is a mixture of single family and primarily apartment development through the area. To the west of the property the land is vacant immediately adjacent to it, then a scattering of residential single family uses and a Presbyterian Church located just opposite the school facilities. To the rear across the railroad, Seaboard Railroad is developing an industrial district.

Mr. Bryant advised the zoning of the area is almost entirely R-9MF with the exception of the property adjoining and immediately to the west which is I-1 and this includes the school property and the vacant lot which is under the same ownership as the subject property; then across the railroad it is zoned I-1 where the industrial park is being developed.

Mr. L. E. Johnson, the petitioner, advised they intend to use the property for a building much like the one which exists on the school board property, and by the rezoning would give them a better access to the rear of the property. That the building will be used as a warehouse and office for the Nova Cosmetics Company. Mr. Johnson stated the property is not suitable for residential purposes as it has a little branch running down the center of it which will require some 5,000 to 10,000 cubic yards of dirt to fill in and to cover the pipe.

Mr. Kiser, City Attorney, advised the petition protesting the change in zoning represent at least four pieces of property located on Craig Avenue. There were some additional people who signed the petition not intending to invoke the 20% Rule.

At the request of Council Whittington, Mr. Bryant pointed out on the map the people who signed the protest and stated they lie directly to the east of Delane Street.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-11 BY SAMMY L. STRAUSE FOR CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT 75' x 150' ON THE NORTH SIDE OF HICKORY GROVE ROAD, BEGINNING 225 FEET EAST OF NEWELL-HICKORY GROVE ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the subject property is located on the north side of Pence Road which is actually a continuation of Hickory Grove Road, just east of Hickory Grove-Newell Road. The property is vacant and is immediately adjacent to the Hickory Grove Fire Department building. On the intown side of the Fire Department is a mixture of uses - a Barber Shop and a series of small retail stores. Across the street is a service station and an upholstery shop, then single family residential uses eastward away from the city. Immediately east of the property on the same side of the street is a small vacant area and then single family residences. On the intown side of the Hickory Grove-Newell Road in addition to the church site, is a service station then a drive-in bank under construction. Other than that the property is vacant.

The zoning of the three corners of the Hickory Grove-Newell intersection is B-1; the subject property and the fire department lot is O-6 and then there is R-9MF zoning to the east and north, or rear, of the property; then R-12 single family zoning across the road. The church side and everything on that side of the intersection is R-12.

Mr. Roy McKnight, Attorney, stated he is representing the petitioner who in this case is not the owner of the property. That Mr. Strause who is the owner petitioned possibly a year ago to have a zoning change, but unfortunately the dentist that was going to buy the property did not get through his Boards and had to go back to school.

Mr. McKnight stated he represents a contract-purchaser who proposes to build a neighborhood-type grocery store. That this would be the Lil-General or Minute Market type grocery store. He advised there is a partial divider on this property which is known as Susanne Street and is a 40-foot dedicated street which separates this property from the residential property down the road. That this is getting to be a fairly congested business area, and he does not see how this particular rezoning would affect anything else in the neighborhood.

Mr. McKnight advised accompanying the petition for the change in zoning is the consent of the owner authorizing the filing of the petition and approving the request made by the contract-purchaser.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for two weeks.

HEARING ON PETITION NO. 67-12 BY J. W. ALEXANDER, JR., FOR A CHANGE IN ZONING FROM R-6MF TO B-1 OF THE BLOCK BOUNDED BY THE PLAZA, OAKWOOD AVENUE AND ESSEX AVENUE.

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

The Assistant Planning Director advised the subject property is about one full block beyond the Plaza Road Elementary School; it is just about two or two and one half blocks before you get to the new Sugar Creek Road bridge crossing. The property is a triangular shaped tract that is bounded on three sides by streets - Oakwood Avenue coming into the Plaza, then Essex Street leading up beside the property. There is one house located on the property which is single family. That as indicated on the map, the area is practically entirely developed for single family residential purposes from the school out. On Oakwood there are a few scattered duplex structures, one apartment structure and other than that it is also single family use.

At present the zoning including the school property is R-6MF on both sides of The Plaza all the way out to the bridge, and this is true of both sides of The Plaza. There is single family residential zoning beyond on McMillan and Dade Streets. Some office zoning is located directly across the school from Anderson and backs into the business zoning which acts as a buffer. Then there is some 1-2 zoning along the railroad which is about one block removed from the property.

Mr. Roy McKnight stated he represents the Petitioner, Mr. J. W. Alexander, Jr. who has owned this property since 1965. That he has no plans whatsoever right now but feels that the property is totally unsuited for residential purposes. That the industrial area is approaching it from more or less two sides; there is some business in the area. The widest point of the property on Essex Avenue is only 100 feet wide. From a traffic safety standpoint the property is totally unsuited for residential or office use.

Councilman Thrower asked when the property was purchased and if it had a structure located on it at that time? Mr. McKnight advised it was purchased in July 1965 and there was and is a very small frame house on it which is about 25 to 30 years of age.

Councilman Alba asked if this is not the same property that was before Council four or five years ago, and Mr. McKnight replied he was informed by Mr. Bryant when he filed the petition that there had been a prior petition.

Mr. F. G. Robinson, representing Mrs. B. L. Baker, one of the protestants, stated this little island of land would make a fine city park with its fine oak trees, but it would ruin everybody's property around there with a filling station, Handy Pantry or some other kind of retail business. That 95% or more of the owners in the 3700 block of The Plaza, 3700 block of Oakwood and Essex are against this rezoning.

Council decision was deferred until the next Council Meeting.

March 20, 1967
Minute Book 48 - Page 252

HEARING ON PETITION NO. 67-13 BY DEWEY A. FRICK FOR A CHANGE IN ZONING FROM R-6MF to R-6MF-H OF A LOT ON THE WEST SIDE OF SOUTH TRYON STREET BEGINNING 415 FEET SOUTH OF BOWMAN ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised a few months ago this particular lot was included in a request for business zoning in this area which resulted in Mr. Whittington's request for an overall study of the area along Tryon Street. This lot is directly across from the Clanton Memorial Presbyterian Church at the intersection of Freeland Lane and Clanton Road. The property is vacant; it is adjoined on the intown side by a vacant lot and there is some type of storage structure on the rear of the lot. Adjacent to that is a small grocery type business; another vacant lot, then a plumbing company which has its offices and facilities on the lot. Other than that and with the exception of the Church, the area is entirely used for single family residential purposes. On both sides of Tryon Street to the south and along Cama Street, back to the west, and along Sara Drive directly behind the subject property, it is all single family residential use.

The zoning including the subject lot is predominately R-6MF as is all the property to the south, to the west and across South Tryon Street. There is some B-1 zoning beginning at this lot and going northward back into town on both sides of South Tryon; and with that exception the entire area is zoned R-6MF.

Mr. Dewey A. Frick, the Petitioner, stated the adjoining lot is B-1 and he would like to use the two lots as a planned apartment project. That he proposed to put in seven units on each lot and meet all the requirements that have been taken up with the Planning Office before the petition was brought before Council.

Councilman Short stated apparently Mr. Frick could get an apartment for four families on a lot 75' x 170' with the present zoning and he is asking for another zoning which will allow seven, he asked if Mr. Frick does not think that on a lot 75' x 170' that four families is an optimum number for a lot of that size? He asked if he cannot get about as much rent out of four good size apartments as he could seven little ones that are crowded? Mr. Frick replied in an overall investment you cannot. That a B-1 lot has the same requirements as R-6MF-H and he wanted to make a planned project to match them for appearance and economy.

Mr. Frick stated they plan to rent the apartments for \$70.00 a month; they will contain approximately 865 square feet of floor space which will be two stories with two bedrooms, kitchen and living-dinette combination.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-14 BY J. L. PATTERSON, SR., J. L. PATTERSON, JR. AND T. A. LITTLE FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF THREE LOTS EACH 75' x 175' LOCATED AT 1045, 1051 AND 1057 PROVIDENCE ROAD.

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

The Assistant Planning Director advised the property consist of three lots on the left side of Providence Road going out of town. It is located on the left just beyond the existing business section across from the Myers Park Methodist Church. The subject property has three houses on the three lots. It is adjoined on the out of town side by a branch bank, then by the church parking lot, and then single family residential structures from there on. To the rear of the property there are houses backing up to the subject property fronting on Bolling Road, and Bolling Road is entirely used for single family purposes. Adjacent to the property on the intown side is the existing business facilities in this area. Beginning at Huntley Place are a number of businesses, including a hardware store, service station, A & P Store, Eckerds and then a miscellaneous group of shops leading down to the subject property. Directly across the street are two churches. The Myers Park Methodist Church at Queens Road and the Myers Park Presbyterian Church at Oxford Place.

The zoning as you go out Providence Road is B-1 on your left as you proceed past Queens Road intersection down to the end of the present business uses; the subject properties as well as the two adjacent lots on the out of town side are all zoned O-6, so you now have five lots zoned O-6, including the three subject lots. The zoning then changes again at that point to R-6MF-H, and then you get into the single family zoning on out Providence Road. Across Providence Road from the property, it is zoned R-12 all the way up to Queens Road. Bolling Road to the rear of the subject property is all zoned R-12. There is some R-6MF-H zoning down Queens Road and then there is a continuation of business zoning coming on into town.

Councilman Tuttle asked Mr. Bryant the approximate distance from the nearest point to the rear of the lots on Bolling Road to this property and Mr. Bryant replied the rear of the lots facing Bolling Road form the rear of these three lots.

Mr. Irwin Boyle, Attorney, stated he is representing the petitioners who are the owners of the three lots and residences. Mr. Boyle passed out maps of surveys which show the owners of the properties and the locations of the present buildings. That the zoning classification of these three properties is O-6 and the petition request that they be changed to B-1. He called attention to the map and what adjoins the property. He pointed out the service station and shopping center on one side and on the other side a branch bank and a paved parking lot which belongs to the Myers Park Presbyterian Church and adjoining that is a non-conforming use - there is a metal shop business which has been in there for many years. Across the street the church property which covers the entire block and to the rear of this property is residential which is Bolling Road and there is a common property line.

Mr. Boyle passed around pictures of the area calling attention to the church parking lot and the shopping center, the Wachovia Bank and Trust Company's branch and pictures showing the topography of the property. He pointed out the picture which demonstrates the caution taken by the bank in putting up a wall on their lot.

That the present classification of the property is O-6 and has been classified that way for a number of years. For obvious reasons it is no longer desirable as residential property because of the heavy traffic on Providence Road and the noise from the shopping center traffic and the shopping center itself. This leaves the owners with one or two alternatives. He can try to sell it for residential property or try to sell it under an office classification and neither of those two

March 20, 1967
Minute Book 48 - Page 254

remedies have proven to be effective. They have an offer now to sell the property for service station purposes if the zoning is changed. With this change, below the property and toward the residential area there would be the bank, the church parking lot and the non-conforming use of the metal company, and this would be an effective buffer. This would provide a parking area for the churches on Sunday. It would not interfere with or create any problems for the shopping center which already has a parking problem. The property to the rear would be protected according to the prospective purchaser. Mr. Boyle stated there are two protest petitions filed - one by the two adjoining property owners and one by the church. When he found the property owners objected to the change in zoning he phoned Gulf Oil Corporation - the prospective purchaser - and he has in his possession a letter which he filed with the City Clerk, which he read and which states in the event Gulf Oil Corporation purchases and develops the property it will agree to construct a wall along the rear property line to serve as a buffer between business and residential purposes.

Mr. Boyle stated he has been informed by two members of the Church that their protest basically started out because of a protest that the property would be used for an ABC Store. If this is correct, he submits that the provisions of the ordinance itself would take care of that use if any such use was intended and he has been informed by the property owners that it has never been considered.

Councilman Tuttle asked with the traffic problem now existing how does he justify increasing that problem with a service station? Mr. Boyle replied if he will examine the picture which was taken from the shopping center he will find that the shopping center parking lot is several feet higher than the subject property. The property of Wachovia is some higher, but from the shopping center you almost look at the roof of Mr. Patterson, Jr.'s house. That this is one of the troubles they have had in trying to sell the property and it is impractical if not impossible to attempt to move enough earth to bring it up to that level. So the answer to the question is because of the big drop between that property and the subject property. Councilman Tuttle stated the biggest problem in the shopping center is the exit into Providence Road and that is what he had reference to? Mr. Boyle replied he does not know whether it is the exit or entrance but there are times during the week when there is a lot of traffic in and out. Apparently that is an inadequate entrance but being some distance away from any curb cut to this property, he does not believe that would add to the traffic problem there.

Mr. J. J. Wade, Jr., Attorney, advised he represents the residents around this area. He filed a protest petition which he read and stated it represents 126 residents excluding the church - all of whom oppose this petition. The petition stated the change in zoning is opposed because such a change would permit automobile service stations, retail bakeries, retail sales feed outlets, packaging retail sales of fertilizer, underground petroleum storage facilities, accessory to automobile service stations, repair and servicing facilities for such things as automobiles, trucks, etc, and to permit this would destroy the orderly and well-planned neighborhood where they reside. That they have no personal feelings whatever against the property owners seeking this reclassification and they signed the petition with the knowledge and feeling that this is a legitimate business and community controversy, wherein each of the persons who signed the petition has a direct personal, pecuniary and community interest therein. Mr. Wade stated the petition contains the names of 195 persons representing 126 residences and does not include the area which is occupied by the church.

Mr. Wade stated in addition to this protest they have signed in accordance with the statutes, a written protest in behalf of families where there are residences and both of which are property owners and back right up entirely 100% along that rear line of the property to be rezoned. That Mr. Ben Lattimer resides in one, Mr. A. C. Evans and his wife in the other and both are present today. That he understands the Church, which also qualified under the statutes, has filed a written protest to invoke the six Councilmen - 20% Rule.

That in 1962 the zoning ordinance was passed and there was some orderly planning invoked in passing this ordinance. They had in mind this principal of buffer zoning - but you get business and you get some lower classifications as office and then you get residences - that was suggested in 1962. To his knowledge, these people did not protest and did not appear at the hearing at which time the 0-6 zoning was placed on their property. They live there now; there is nothing on the 0-6 property now - the bank conforms exactly to what is permissible under the 0-6 zoning; the parking area of the church conforms to the 0-6 zoning. That there are numerous things permitted on 0-6 zoning now that would be other than residences. The rumor was that this property was under some type of agreement to be sold to an oil company and Mr. Boyle has stated that is a fact. In the preceding eight blocks there are now nine service stations, one of which has never made a success. So do we really need a service station in that area? That the principles of zoning lessen the congestion in the streets, secure safety from fire and other elements, promote health and general welfare, promote adequate light, avoid undue congestion to population. How can you improve a situation by making it worse? You cannot make it better by putting a service station in what is now 0-6 zoning. That on Bolling Road are some of the finest residences as there is in Charlotte and Huntley Place is the same way.

Mr. Wade presented pictures of the area and stated one is the back entrances to those nine service stations which are located in the preceding eight blocks, and without exceptions there are tin cans, rubbish, junk trash, tires, empty service stations, etc. These indicate exactly what we would have out there if a service station is put up in this area. He stated there are six reasons why these people do not want a service station in this neighborhood: (1) because service stations are made of unattractive building materials and designed usually of box-like construction; (2) cluttered, gaudy advertising of pennants, banners, whirling propellers, flashing lights and compounded when there are two service stations side by side; (3) they have a junk yard appearance - with the storage of used tires, mufflers, damaged cars awaiting repairs; (4) there is over building - one station is usually followed by two or three others in the same area; (5) outdoor telephone booths and vending machines clutter the property; (6) abandoned stations that become eyesores to the neighborhood. That such as that would not be consistent with good zoning, well-planned communities such as was presented in 1962 when this ordinance was passed which permitted on this property 0-6 when there are an abundance of a number of things which the Pattersons and Mr. Little could put on this property other than residences and not destroy the neighborhood.

As far as the neighborhood is concerned, they oppose it almost 99% - residences and people.

Council decision was deferred until next Council Meeting.

HEARING ON PETITION NO. 67-15 BY RAY W. BRADLEY, JR. TO AMEND ARTICLE III, DIVISION I, SECTION 23-31 CATEGORY (b) OF THE TABLE OF PERMITTED USES, BY INSERTING THEREIN IN PROPER ALPHABETICAL ORDER THE WORDS "JEWELER, WHOLESALE" AS A USE TO BE PERMITTED IN B-1, B-2, B-3, I-1, I-2, AND I-3 DISTRICTS BY INSERTING AN "X" IN THE APPROPRIATE COLUMNS OF SAID TABLE OPPOSITE SAID PERMITTED USE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is a request to amend the Text of the ordinance to permit wholesale jeweler operations in the listed districts. Wholesale uses at the present time is in the ordinance and are treated as a group. You are permitted under the wording of the ordinance all types of wholesale operations but primarily in the B-2, B-3 and the Industrial districts. That at present wholesale activity as a group, with one possible exception, is not permitted in the B-1 district. The request here would amend the ordinance with the primary intent of permitting this particular type of wholesale activity in the B-1 district.

Mr. Ray Bradley stated this petition came about when a business known as Atlantic Botique Jewelry Company, Inc., found it almost impossible to find in a B-2 or B-3 zone a building or space suitable for its kind of operation. The Company is owned by Mr. James J. Kennedy who has been in Charlotte for about 20 years, and worked for Belk Stores in their gift department until about three or four years ago when he saw the need in North Carolina for a wholesale jewelry business. That he has found the type of facility he wants is generally located in a B-1 zone. The business requires about 1,000 to 1,500 square feet of space - about a third of it is used for display and the rest is for storage and packaging. The merchandise is small - jewelry, primarily costume jewelry. They employ 5 or 6 employees, salesmen and clerical. Practically all sales are made by outside contact by these salesmen and most of the orders are delivered by mail. Traffic into this business would be practically nil. That wholesale florists, blue printing and photostating companies, bus passenger stations, drive-in banks, laboratories are acceptable in B-1 and they first felt that the use anticipated by this business would fit in to one of these categories but they were not sure so they are asking that wholesale jewelers be added to specific use of B-1. The use is compatible with the B-1 concept and compatible with the other uses already permitted in B-1. The safety factor is involved in this because of the merchandise and in B-1 you have the proximity of other businesses which you do not normally have in B-2 and B-3 zones.

Mr. Bradley stated this is the only company of its type in North Carolina, and they believe in the two Carolinas, and they would like to see this company have an opportunity to stay in Charlotte and find a location that would be suitable for it.

Councilman Whittington asked in what zone it can be located now? Mr. Bradley replied in B-2 or B-3. Councilman Whittington asked why he would want it in industrial? Mr. Bradley replied B-1 is what they really want. Councilman Tuttle stated what Mr. Bradley is saying that it certainly could not cause any harm in the other districts and the question is in B-1, and he asked Mr. Bryant if he could think of any situation where a wholesale jeweler could be more obnoxious than a filling station which can go in B-1 zones? Mr. Bryant replied he does not think there is any comparison between the two uses. Councilman Short asked why wholesale jewelers were not included in B-1 districts originally? Mr. Bryant replied this is a basic distinction between wholesale and retail.

The B-1 district is defined in the ordinance as a neighborhood retail type of business so there was no attempt to take all types of wholesale activities and list them item by item. Wholesale activities are just lumped into one category. Councilman Short asked if he is saying that it was done on generalized or categorical terms to begin with and there was never any calculated effort to keep this out of B-1 districts? Mr. Bryant replied not this particular use. That he would hesitate to attempt to go on all the way down the line and list every possible type of wholesale activity for the record.

Councilman Thrower asked Mr. Bradley if he had to pay \$100 fee to file this petition and he replied that he did.

Mr. Tuttle asked with the new location, does it mean any expansion of the business? Mr. Bradley replied no. There is a site they have found and it is approximately 1500 square feet. They are now on Worthington Avenue, right across from Nebel Knitting Mills. The site they have found is 623-33 Woodlawn Road which is at the corner of Rockford Court and Woodlawn Road and is located in a group of buildings there which is already zoned B-1.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 67-16 BY W. H. KEISTLER, DOROTHY R. KEISTLER AND FANNIE LEE KEISTLER FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF A TRACT OF LAND FRONTING 300 FEET ON THE WEST SIDE OF BELLHAVEN BOULEVARD BEGINNING 162.16 FEET NORTH OF DAKOTA STREET.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this tract is on Bellhaven Boulevard just a little farther out than the very first case considered today. That the property is about 2½ blocks beyond Hoskins Road. The property is entirely vacant as is most of the property in the immediate vicinity. Across Bellhaven it is vacant, on the out of town side is vacant and on the side to the rear towards Rozzells Ferry Road is vacant. The only occupied portion of the property around it is on the intown side along Dakota Street which is solidly single family residential structures. Along Rozzells Ferry Road is a combination single family and business type uses. In the general vicinity is the McGee Presbyterian Church and then a scattering of single family structures in the area beyond the property. The subject property is zoned R-6MF as is all the property within the immediate vicinity with the exception of the out of town side which has I-1 zoning existing on it for a block and then beyond that it goes into I-2. At the present time there is I-2, then I-1, and then multi-family residential from there on for several blocks.

Councilman Whittington asked if the railroad is contiguous to this property? Mr. Bryant replied the railroad crossing Bellhaven Boulevard is just beyond this property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

March 20, 1967
Minute Book 48 - Page 258

COUNCIL MEETING RECESSED FOR TEN MINUTES AT 3:20 P.M. AND RECONVENED AT 3:30 P.M.

Mayor Brookshire called a ten minute recess at 3:20 P.M. and reconvened the meeting at 3:30 P.M.

ORDINANCE GRANTING A FRANCHISE TO JEFFERSON-CAROLINA, A NORTH CAROLINA CORPORATION, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE, AND ORDINANCE GRANTING A FRANCHISE TO COX-COSMOS, INCORPORATED, A NORTH CAROLINA CORPORATION, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF CHARLOTTE.

Mayor Brookshire advised that members of the Council have indicated that they are ready to give consideration to CATV franchise proposals which Council has received. That Council called for a public hearing on the question of whether Charlotte should have CATV franchises, and if so, what the public interest in the subject might be. Requests were made of Council to hold another public hearing after the proposals were received, and Council has not seen fit to call for additional public hearings on the theory and on the belief that the ordinance itself which the Council adopted provided for awarding franchises, spelled out the terms and conditions of proposals. That proposals have been received and we presume that those who have made proposals have put their best foot forward. That they were requested by the ordinance itself to furnish certain information to Council which seems relevant and important to the consideration of such proposals. He requested the City Attorney to comment further on contemplated action this afternoon.

Mr. Kiser stated the granting of a CATV franchise and the terms and conditions under which CATV service is to be provided are spelled out in the ordinance which Council adopted on January 16, 1967. In view of the provisions of the North Carolina Constitution relating to exclusive and special privileges, a CATV franchise must be non-exclusive. This is reflected in the terms and provisions of the January 16th ordinance. In the exercise of its discretion, Council may take action today leading toward the grant of one or more non-exclusive franchises and may or may not take action later leading towards the grant of additional non-exclusive franchises. While there are firm grounds which would support the grant of one franchise, there are even firmer grounds which would support the grant of more than one franchise.

Mr. Kiser advised the term of a CATV franchise will be for ten years. He reminded Council that Section 3.23(b) of the Charlotte Charter provides that Ordinances granting special franchises and special privileges must be voted on and passed at not less than two regular meetings of the City Council. Any action taken today will be the first step towards granting a franchise and must be repeated at a subsequent regular meeting of the Council. Pursuant to the provisions of the ordinance adopted on January 16, 1967, any applicant receiving a franchise must file a satisfactory written acceptance along with the required insurance policies and bonds within 25 days after the ordinance granting the franchise has been voted on and passed for the second time.

Mr. Kiser stated he has prepared ordinances for Council's consideration which would grant any franchises that Council in its discretion may want to begin granting today.

Councilman Alexander introduced an ordinance granting a CATV franchise to Jefferson-Carolina Corporation, and asked the Clerk to read it in full.

March 20, 1967
Minute Book 48 - Page 259

After the reading of the Ordinance entitled: An Ordinance Granting a Franchise to Jefferson-Carolina, A North Carolina Corporation, to Construct, Operate and Maintain a Community Antenna Television System in the City of Charlotte, Councilman Alexander moved its adoption which was seconded by Councilman Jordan and carried unanimously on its first reading.

The Ordinance is recorded in full in Ordinance Book 14, beginning at Page 496.

Councilman Short introduced an ordinance granting a CATV franchise to Cox-Cosmos, Inc., and asked the Clerk to read it in full.

After the reading of the Ordinance, Councilman Short moved the adoption of the ordinance entitled: An Ordinance Granting a Franchise to Cox-Cosmos, Incorporated, A North Carolina Corporation, To Construct, Operate and Maintain a Community Antenna Television System in the City of Charlotte. The motion was seconded by Councilman Tuttle and unanimously passed its first reading.

The Ordinance is recorded in full in Ordinance Book 14, beginning at Page 498.

COUNCILMAN ALEXANDER'S WIFE, MRS. ALEXANDER, AND NEIGHBOR, MRS. GREENE, WELCOMED TO COUNCIL MEETING.

Councilman Alexander introduced his wife, Mrs. Alexander, and a friend, Mrs. Robert Greene, who are present in the audience today. Mayor Brookshire stated Council is glad to have them present and invited them to come again.

PRESIDENT OF NORTH CAROLINA CABLE, INC. PROTEST GRANTING OF FRANCHISE FOR CATV WITHOUT HEARING ON APPLICATIONS SUBMITTED AS HE HAD REQUESTED.

Dr. Earle Twisdale, President of North Carolina Cable, Inc., stated he assumes from what he has just heard that Council is not going to respond to his request to have a hearing upon the application which they proposed. He stated he is really disappointed - disappointed to the fact that here we have a situation that an ordinance was drawn up after proper hearing procedures; applications were placed in and in which they place one to a point of what he has just heard was much more competitive. That they offered lesser rates all the way down the line, offered greater service, and offered certain benefits to the schools such as free services in private and public schools; police department, fire department, an all-channel alert and other services such as a 10% discount to the senior citizens in Charlotte. That he is quite concerned that they as local people, and they are the only true local people in these applications, that they have not been given consideration. Not even a consideration of having a public display of the different applications of where they can see what other people have proposed and what they have proposed. He feels they have been rejected with a more competitive application and they have been rejected as citizens of this City who were long years as citizens before they were in the communications field. That he is quite disturbed by the fact they did not have the opportunity to display all this before our citizens and before the people who are interested in CATV communications. Dr. Twisdale asked why?

Mayor Brookshire replied that Dr. Twisdale had the same opportunity under the ordinance adopted by the City Council to submit a proposal and he did

submit a proposal, and he assures him that his proposal was considered by Council, and Council has seen fit to make two awards this afternoon, and this does not necessarily close the door under the ordinance adopted as others might be considered as yet in the future. Dr. Twisdale stated as he sees it this would be a very impractical situation because of the lines that would be available. Mayor Brookshire stated he wanted to answer Dr. Twisdale's question directly that he was given the same opportunity as others who were competing for franchises; that he submitted a proposal and that proposal was considered with the rest.

Dr. Twisdale asked where did they not compete? Is there any answer to this as they thought they had a competitive application? Mayor Brookshire replied in that case, he thinks it would be better for him to adopt the attitude that Council exercised its prerogative.

RESIDENTS OF ROLLINGWOOD-CLANTON PARK AND EDGEBROOK AREA REQUEST COUNCIL TO HOLD PUBLIC HEARING ON APRIL 17 ON PETITION FOR ZONING CHANGE IN THEIR AREA.

Mrs. Sullivan stated she represents the Rollingwood-Clanton Park and Edgebrook Area, and they would like to ask for a public hearing on April 17th to consider a rezoning from O-6 to I-2 on the property of Mr. D. L. Phillips. She stated they filed a petition with the Planning Commission this morning and it contains 1,093 signatures. That they did pay the \$100 filing fee.

Mr. Kiser, City Attorney, advised the schedule for receiving zoning petitions is established by the Planning Commission as an administrative aid to enable them to have sufficient time to perform the necessary detail work in preparation of public notices and so forth, so that a public hearing can be held at the established time. That he is advised by Mr. Bryant, Assistant Planning Director, that if Council desires to establish a public hearing and accept this petition for inclusion with those for which a public hearing will be held on April 17th, that he can complete the necessary details from the administrative standpoint to allow that to happen.

Mr. Kiser stated that Council today will be asked to establish a date for public hearing on April 17 for some six or so petitions that were received prior to last Wednesday. That the deadline was established by the Planning Commission as an administrative deadline to enable them to have sufficient time to do the necessary in getting the papers ready for a public hearing. That he has been advised by Mr. Bryant that they can include this one along with the others if Council desires to have it included. If not, then the next time a public hearing will be held will be sometime in May.

Mayor Brookshire advised Mrs. Sullivan that her request is before Council and Item 16 on the Agenda will set the public hearing on additional zoning petitions.

RESOLUTION AUTHORIZING SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION ON EASTWAY DRIVE AND THE PLAZA PROJECTS, SPECIFYING THE LOCATION OF ADDITIONAL SIDEWALKS.

Councilman Albea moved the adoption of the subject resolution, which was seconded by Councilman Short.

Mr. Veeder, City Manager, advised this is an amendment to the agreement

March 20, 1967
Minute Book 48 - Page 261

so the State Highway Department will pay for a greater amount of the sidewalks on The Plaza.

The vote was taken on the motion, and carried unanimously.

The Resolution is recorded in full in Resolutions Book 5, at Page 425.

SANITARY SEWER CONSTRUCTION AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimously carried, construction of sanitary sewer mains were authorized as follows:

- (a) Construction of 82 feet of 8-inch trunk to serve 311 Skyland Drive, inside the city, at the request of T. R. Helms Construction Company, at an estimated cost of \$710.00, with all cost of the construction to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement;
- (b) Construction of 4,670 feet of 8-inch main, in Barclay Downs #11, inside the city, at the request of Jackson Engineering Corporation, at an estimated cost of \$30,230.00, with cost to be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

CONTRACT WITH DUKE POWER COMPANY FOR ELECTRICAL POWER TO CATAWBA RIVER PUMPING STATION; AUTHORIZED.

Motion was made by Councilman Tuttle approving contract with Duke Power Company for supplying electrical power to the Catawba River Pumping Station. The motion was seconded by Councilman Jordan, and carried unanimously.

AGREEMENT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAINS IN SOUTHWOLD DRIVE AND YORKMOUNT ROAD, APPROVED.

Councilman Thrower moved that the Mayor and City Clerk be authorized to execute a Right of Way Agreement between the City and the State Highway Commission for the installation of additional water mains in Southwold Drive and Yorkmount Road. The motion was seconded by Councilman Albea, and carried unanimously.

APPRAISAL CONTRACT AUTHORIZED WITH LEO H. PHELAN, JR.

Upon motion of Councilman Albea, seconded by Councilman Short, and unanimously carried, an appraisal contract was authorized with Leo H. Phelan, Jr. for the appraisal of three parcels of land in connection with the West Fourth Street Extension.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, APRIL 17 ON PETITIONS NO. 67-17 THROUGH 67-22 FOR ZONING CHANGES.

A Resolution Providing for Public Hearings on Monday, April 17 on the following petitions for zoning changes was considered by Council:

Petition No. 67-17. Change from R-6MF to O-6 property at 309 S. Laurel Avenue, on the corner of Laurel Avenue and Cherokee Avenue, on petition of Averper, Inc.

Petition No. 67-18. Change from R-9MF to I-2 property on the east side of Toddville Road, between Thrift Road and P & N Railroad having a frontage of approximately 1,472 feet on Toddville Road, on petition of Lula W. Cline, John D. Cline and James C. Cline.

Petition No. 67-20. Grant conditional approval for off-street parking on property zoned R-9MF on Craig Avenue in front of the school maintenance garage on petition of Charlotte-Mecklenburg Board of Education.

Petition No. 67-21. Amend Article III, Division I, Section 23-31 to permit "Orphanages, children's home and similar institutions providing deomiciliary care for children, subject to regulations in Section 23-43", in all residential, office and business districts on petition of R. Beverly R. Webb.

Petition No. 67-22. Amend Article VI, Division 2, Section 23-83(c)2 by deleting the existing wording therein, and substituting the following: "Section 23-83(c)2

Advertising signs shall observe the same setback and side yard requirements imposed on other structures by other sections of this ordinance, except that on corner lots no part of any advertising structure shall be located closer than 20 feet to the point of intersection of the rights of way of the two streets forming the corner. If such signs are located within 15 feet of a street right-of-way they shall be at least 10 feet above ground level." on petition of the Charlotte-Mecklenburg Planning Commission.

Councilman Short moved that Public Hearings on Zoning Petitions No. 67-17 through 67-22 be set for Monday, April 17th and in addition that the Planning Commission be instructed that the Hearing on Petition No. 67-22 be broadened to include the changes, additions or deletions to that wording of Section 23-83(c) of the Code which reads as follows: "Advertising signs shall be permitted on premises where no other business or permitted uses are established". The motion was seconded by Councilman Whittington.

The City Manager requested Mr. Bryant, Assistant Planning Director, to comment on whether the proposed change in the sign ordinance came about as a result of conferences with the sign industry. Mr. Bryant replied that it does. That following the recent change in the wording of the sign section as pertains to advertising signs, the Planning Staff was requested to meet with the sign industry representatives and discuss some various aspects of it. As a result of this, some points were made at that hearing which was attended by Mr. Sibley, Chairman of the Commission, Mr. McIntyre and himself, and Mr. Kiser, Mr. Jamison of the Inspection Department, and several of the sign people, that they felt deserved some additional thought and consideration. The sign people came back to the Planning Commission with a two-phase request. One was that we consider again the possibility of making some changes in the ordinance that would ease up or relieve the requirements as they relate to the location of signs on property; primarily the setback requirements. The second part was that the ordinance be amended in some fashion so as to permit signs, advertising signs on properties that were otherwise used for some purpose. The Planning Commission in considering the two items, agreed to the first and disagreed to the second, so that the petition before Council now to set a public hearing would call for changes in the sign ordinance that would permit and relieve the situation as it refers to setback requirements, but does not do anything for the other portion of it.

Councilman Alexander asked if the wording of the petition as submitted is knowledgeable to the sign people, and Mr. Bryant replied that it is and, in fact, was suggested by them.

Councilman Short stated he has made a motion which would expand this public hearing so there will be a public hearing on both items mentioned - - setback, as well as the situation concerning the inability of those in the advertising business under the present law to place a sign somewhere on a parcel of land or a block of land, or an acre of land or whatever is owned by an individual or corporation where that land is used for something else.

Councilman Short stated the Planning Commission wanted to have a public hearing on only one of the two points brought up by the sign people. In his opinion we should have, and he has moved that we have, the public hearing on both of the points made by the sign people.

Councilman Tuttle asked if this can be done? Mr. Kiser replied he assumes Mr. Short wants to have the petition amended to include this second item. That can be done provided the Planning Commission has the time from an administrative standpoint to get it developed so that it can be put in and advertised in that fashion before the April 17th meeting.

Councilman Alexander stated then regardless of the motion the consideration of it will rest on whether or not the Planning Commission has time to consider it? Mr. Kiser replied if Council wants the item considered, then we can withdraw this petition from publication for public hearing on April 17th and delay it until such time as they can get all of it included.

Mr. Bryant stated this would appear in the same petition submitted by the Planning Commission. The Planning Commission has already considered these two items - one they are recommending to Council and are sponsoring; the other they did not see fit to recommend. If this is put back in, and it appears in the publication as presently worded, it would appear for public notice purposes that the Planning Commission is endorsing both of these, and in fact, they are not.

Councilman Whittington stated the thing the sign people objected to is if you had a service station sitting in the middle of a lot and you either lease it or own enough space for that service station, and someone else owns the rest of the block, then he comes along and wants to put a sign up somewhere on that property designating that this is Mr. "X" Oil Company, or Mrs. "X" Beauty Salon, this is what the Planning Commission says cannot be done, and this is what the sign people want. Mr. Bryant replied not as long as it is under separate ownership. Councilman Whittington asked suppose it is under one ownership, does the Planning Commission object to that? Mr. Bryant replied that is right. Councilman Whittington stated this is the thing that has been a hangnail between Council, Planning Commission and the sign ordinance for a year or better, and one they feel is unfair.

Councilman Short stated the situation can be clearly described this way: - If a person had a filling station that occupies a hundred feet of a five hundred foot block, and this same individual or corporation owned the remaining four hundred feet, that four hundred feet cannot be used for signs. But if it were in other ownership, it would not be the same premises and could be used for signs. That he is not trying to arrange more sign boards, he is merely saying if we want to stop or curtail signs in some way, then do it flat out and do not annoy them to death with

legislation which is capricious and depends on the accidents about where the lot line happens to come.

Councilman Tuttle stated he was under the impression what the Planning Commission was attempting to do was to stop a service station who has a hundred foot lot, from then acquiring maybe three hundred more feet of land simply for the purpose of putting signs on it, and then going back to the old Burma Shave-type advertising.

Mr. Bryant stated this is not the intent of what we are talking about. That originally we started out talking about this and asking that it be done. Now the ordinance is worded in such a fashion that if the service station did have a tract of land, and if they cut off a portion of it under separate ownership, they could then, no matter how small a portion, put up an advertising sign of 750 sq. ft. This is what was originally requested. That was taken out in the last amendment that was passed. What Mr. Short is talking about is just the opposite of that, where you have a large tract of land, only a portion of which is occupied by you, he is suggesting that advertising signs should be permitted in the remaining unused portion.

Councilman Short stated he is not suggesting that they should be, but that the last should be written to make it clear.

Councilman Tuttle stated he gathers from what Mr. Bryant says they would not like to have this confused with the Planning Commission's petition and what Mr. Short wants should be handled as a separate item. Mr. Bryant replied one is recommended and sponsored by the Planning Commission, and the other is not. Councilman Tuttle asked Mr. Short if he would object to proceeding with the hearing as scheduled, and make another motion for another hearing on this item? Councilman Short replied he thinks it could be severed but would we ever get the second hearing? That he is tying them together for strength purposes.

Mr. Veeder advised the hearing can be held on April 17th with the others. That this could be done under the sponsorship of the City Council, and the other could continue under the sponsorship of the Planning Commission.

Councilman Whittington stated this has long been a bone of contention between the Planning Commission, the Building Inspection Office, the City Attorney's office, and the City Council. He thought it has been cleared up with the last amendment to the ordinance, but he thinks the interpretation of what we adopted that day was not what the sign people thought it was going to be and he thinks there has been an interpretation between Mr. Kiser of one way and Mr. Morrisey another way. This needs to be brought back to Council and needs to be worded in a way that a layman can understand it - so that he can understand it and vote on it and know what he is voting on and not some legal technical building inspection code term, and he moved that it be put back on the agenda as soon as possible.

Councilman Short amended his motion to adopt a Resolution Providing for Public Hearings on Monday, April 17th on Petitions Nos. 67-17 through 67-22 for Zoning Changes. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 421.

Mr. Kiser, City Attorney, stated while Mr. Morrisey was in office he may have given an interpretation on that section of the ordinance. That he has

never been asked since he has been in office to give an interpretation of that ordinance so he and Mr. Morrissey have not had any contradictory opinions.

PUBLIC HEARING SET FOR APRIL 17 ON THAT PART OF SECTION 23-83(c) OF THE CODE WHICH READS "ADVERTISING SIGNS SHALL BE PERMITTED ON PREMISES WHERE NO OTHER BUSINESS OR PERMITTED USES ARE ESTABLISHED".

Councilman Short moved that the Council, of its own motion, schedule for April 17th, if possible, or in May on the zoning hearing date, if the Planning Commission so desires, a public hearing on that part of Section 23-83-C of the Code which reads - "Advertising signs shall be permitted on premises where no other business or permitted uses are established", and with reference to deletions or additions or changes of same. The motion was seconded by Councilman Whittington.

Mr. Kiser, City Attorney, advised if we are going to advertise for a public hearing we must have some language which we are going to include in the petition suggesting the way the language may be drawn.

Councilman Short stated Council understands that Mr. Bryant, Assistant Planning Director, will make the language read correctly.

Mayor Brookshire stated if Council understands the intent of Mr. Short's motion and is willing to leave the working of it to Mr. Bryant, then he will call for the vote.

The vote was taken on the motion and carried unanimously.

PUBLIC HEARING SET FOR APRIL 17TH ON PETITION NO. 67-23 TO CHANGE THE ZONING FROM O-6 TO I-2 ON PROPERTY OF D. L. PHILLIPS IN THE ROLLINGWOOD-CLANTON PARK AND EDGEWOOD AREA.

Councilman Thrower stated he does not want this to be any indication of the way he feels about this, but the ladies in the Rollingwood-Clanton Park and Edgewood Area, have requested a hearing on Mr. D. L. Phillips' property to change the zoning from O-6 to I-2, and he moved that a public hearing be scheduled for Monday, April 17th on Petition No. 67-23. Councilman Whittington seconded the motion, and stated he does not think Council has any other alternatives as it has already amended the sign ordinance and set a hearing on that.

The vote was taken on the motion and carried unanimously.

REVISED AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND REDEVELOPMENT COMMISSION OF THE CITY FOR REDEVELOPMENT SECTION NO. 5, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C.R.-60, APPROVED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the subject agreement was approved.

March 20, 1967
Minute Book 48 - Page 266

RESOLUTION CALLING FOR A PUBLIC HEARING ON MONDAY, APRIL 10, ON AMENDMENT NO. 1, REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 2, BROOKLYN URBAN RENEWAL AREA, PROJECT NO. N.C.R.-24.

Councilman Alexander moved the adoption of the subject resolution calling for the public hearing on April 10th on an amendment to Redevelopment Section No. 2, Brooklyn Urban Renewal Area, Project No. N.C.R.-24 to incorporate the governmental center plan designed by J. N. Pease Associates into the Redevelopment Plan for this project. The motion was seconded by Councilman Albea, and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Pages 422 and 423.

MR. U. CHESTER WHELCHER APPOINTED TO PARK AND RECREATION COMMISSION FOR FIVE YEAR TERM.

Councilman Tuttle stated last week he nominated Mr. Chester Whelchel on the simple theory that here is a man who on numerous occasions has demonstrated not only his ability but his willingness to serve as a civic leader. He has done this and has done it well. He is with a large corporation who is very civic minded - the Celanese Corporation, and they have never seemed to object to one of their men giving all the time necessary to a public project. Further, Mr. Whelchel was former Vice-Chairman of the Park and Recreation Commission and is thoroughly familiar with their activities, he therefore, moved the appointment of Mr. Whelchel to the Park and Recreation Commission for a five year term. The motion was seconded by Councilman Jordan.

A substitute motion was made by Councilman Whittington moving the appointment of Mr. Rosser Farr to the Park and Recreation Commission for a five year term. The motion was seconded by Councilman Albea.

Councilman Alexander made a privilege motion to appoint Mr. William Oliver to the Park and Recreation Commission for a five year term, which motion did not receive a second.

The vote was taken on the substitute motion and lost by the following vote:

YEAS: Councilmen Whittington and Albea.

NAYS: Councilmen Alexander, Jordan, Short, Thrower and Tuttle.

Councilman Whittington then moved that the appointment of Mr. Whelchel to the Park and Recreation Commission be made unanimous which was seconded by Councilman Albea, and carried unanimously.

SPECIAL OFFICER PERMIT ISSUED TO MR. FRED BARRINGER ROZZELLE FOR ONE YEAR TERM TO SERVE ON PREMISES OF REVOLUTION GOLF COURSE.

Councilman Thrower moved approval of the issuance of a Special Officer Permit for a term of one year to Mr. Fred Barringer Rozzelle for use on the premises of Revolution Golf Course. The motion was seconded by Councilman Albea, and carried unanimously.

March 20, 1967
Minute Book 48 - Page 267

HEARING ON REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HELD BY CERTAIN TAXICAB OPERATORS RESCHEDULED FOR MONDAY, APRIL 3RD.

Councilman Albea moved that the hearing scheduled for Monday, March 27th on the revocation of certificates of public convenience and necessity held by certain taxicab operators be rescheduled for Monday, April 3rd. The motion was seconded by Councilman Jordan, and carried unanimously.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

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

- (a) Echo Glen Road from Valen Way to 125' north of Rosada Drive;
- (b) Windsor Drive from 730' northeast of centerline of Dameron Street to 475' southwest of centerline of Dameron Street (end of cul-de-sac);
- (c) Dameron Street from Windsor Drive to Selwyn Avenue;
- (d) Brace Road, from Rama Road to 235' northeast of centerline of Rama Road (City Limits);
- (e) Gate Post Road, from Rama Road to 226' northeast of centerline of Rama Road (City Limits).

RESOLUTION AUTHORIZING MR. W. J. VEEDER, CITY MANAGER TO FILE APPLICATION FOR FEDERAL GRANT FOR SEWAGE WORKS IMPROVEMENTS FOR TAGGART CREEK OUTFALL AND EDWARDS BRANCH OUTFALL.

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

The resolution is recorded in full in Resolutions Book 5, at Page 424.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Tuttle, seconded by Councilman Whittington, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with J. L. McNairy and wife, Eloise T. McNairy, for Graves No. 1 and 2, Lot No. 391, Section 6, Evergreen Cemetery, at \$120.00;
- (b) Deed with R. Newman Davis and wife, Ruth M. Davis, for Graves 3 and 4, in Lot No. 391, Section 6, Evergreen Cemetery, at \$120.00;
- (c) Deed with James Reid Funderburk and wife, Nancy H. Funderburk, for Lot No. 446, Section 6, Evergreen Cemetery, at \$240.00;
- (d) Deed with Mrs. Joyce Kostenko, for Grave No. 3, in Lot No. 170, Section 2, Evergreen Cemetery, at \$60.00;
- (e) Deed with Mr. Ralph T. Allen for Grave No. 6, in Lot No. 178, Graves No. 2 and 3, in Lot No. 179, Evergreen Cemetery, at \$180.00;
- (f) Deed with Mary Lyon and Elliott H. Newcombe for Lot No. 33, Section 4-A, Evergreen Cemetery, at \$378.00;
- (g) Deed with William Crabtree, Sr. and wife, for Lot No. 51, Section 1, Oaklawn Cemetery, transferred from John L. Dabbs III and wife, at \$3.00 for transfer deed.

March 20, 1967
Minute Book 48 - Page 268

CONTRACT AWARDED ALMOND GRADING COMPANY FOR DEMOLITION OF STRUCTURES.

Councilman Jordan moved award of contract to the low bidder, Almond Grading Company in the amount of \$13,455.00 for the demolition of 64 structures located in Urban Redevelopment Areas R-37 and R-43. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Almond Grading Company	\$ 13,455.00
Max Barrier Wrecking Company	13,800.00
Cochran & Ross Const. Co.	14,605.00
D. H. Griffin Wrecking Co.	15,276.00
Rike Wrecking Co.	18,350.00
Suggs Wrecking Co.	18,855.00
Hercules Demolition Corp.	19,915.00
S. E. Cooper Co.	23,555.00
Hudgins and Company, Inc.	64,072.00

CONTRACT AWARDED SOUTHERN TECHNICAL PRODUCTS, INC. FOR TAPE RECORDERS FOR POLICE DEPARTMENT.

Councilman Whittington moved award of contract to the low bidder, Southern Technical Products, Inc. in the amount of \$2,534.53 for two tape recorders with accessories for the Police Department. The motion was seconded by Councilman Thrower.

Councilman Short asked if this is the same item which last December Council withdrew because some fellow said he could not get the recorder - World Electronics. At that time, we had a bid from him for \$1,122.70; we are now buying two for \$1,267 apiece - about \$145 or \$150 apiece more - and he cannot understand why if these are satisfactory to the City, and World Electronics could not provide that, why they should not provide this for \$1,122.70. That he is a merchant himself and if he were caught in this, he would have to provide it.

Mr. Veeder replied one of the points involved was that the time interval between the actual bid and the award was such that the initial bidder could have supplied it if we had been in a position to make an award immediately. That he pointed out at the time, this was a deficiency on our part. The second point was that the equipment was not made any more and under that situation we could not very well require that someone furnish that which was not made. Further, we had no such requirements as relates to substitute procedures such as Mr. Short is suggesting, and he does not know how we could require someone to do this under the way that this was done previously.

Councilman Short asked the City Attorney if the City's confirmation of this was within a reasonable time? Mr. Kiser replied as he recalls it was in the neighborhood of six to eight weeks and the City generally makes confirmation within 30 days, so this was a longer period of time than what we normally do. Councilman Short stated he is a businessman himself and he does not see why the City should have to pay more for something than the merchant would offer to a practical situation.

Councilman Tuttle stated he knows nothing about this equipment and he asked what element of service is involved, if any? Mr. Brown, Purchasing Agent, replied Southern Technical Products is in the process of setting up a service center in Charlotte, but they have not done it as yet. They will have it shortly, and this equipment is guaranteed for a year and in that length of time we can see if it is all right servicewise.

Mr. Veeder stated there is one other point which needs to be made and that is that this equipment is of a different quality than the original equipment that was bid on which was a quality below this, and based on the fact that we have the good fortune of having someone in the organization who knows how to handle this equipment, and in view of the unavailability of that equipment, we had to go to a somewhat better quality. That without someone of Mr. Helms' ability in the organization, we probably would have bid this quality or better to start with.

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

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

The following bids were received:

Southern Technical Products, Inc.	\$ 2,534.53
Stancil-Hoffman Corp.	2,653.49
Dixie Radio Supply Co., Inc.	2,873.70
Metrotech, Incorporated	3,597.92

CONTRACT AWARDED GRAY & CREECH, INC. FOR DUPLICATING EQUIPMENT.

Councilman Thrower moved award of contract to the only bidder, Gray & Creech, Inc., in the amount of \$1,973.98 for one offset duplicator and accessories for the Police Department. The motion was seconded by Councilman Albea, and carried unanimously.

PROPERTY TRANSACTIONS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Tuttle, and unanimously carried, the following property transactions were authorized:

- (a) Acquisition of construction easement of 940 sq. ft. from Louise H. Alexander, at 212 Victoria Avenue, at \$500.00 in connection with the West Fourth Street Extension;
- (b) Acquisition of 10,446.70 sq. ft. of property from Jayne Creech Johnston and husband, at 300-02 S. Summit Avenue, at \$17,300.00 in connection with the West Fourth Street Extension;
- (c) Acquisition of 7,654 sq. ft. of property from Heyman Fine, at 217 Irwin Avenue, at \$8,000.00 in connection with the West Fourth Street Extension;
- (d) Condemnation of 2,890 sq. ft. of property of Mrs. Mary I. Belk, located on the south side of East Fifth Street and west side of railroad, in connection with the Fifth Street Widening;
- (e) Acquisition of 422 sq. ft. of property from Mrs. T. B. Whitted and Margaret Whitted Efird, at 417-19 West Sixth Street, at \$1,000.00 in connection with the Sixth Street Widening;
- (f) Acquisition of 283 sq. ft. of property from Thomas Cadillac, Inc., on the southeast corner of Sixth and Graham Street, at \$1,550.00 in connection with the Sixth Street Improvement Project;
- (g) Acquisition of 3,991 sq. ft. of property from Wayed, Inc., on the southwest corner of Poplar and Fourth Streets, at \$75,000.00 in connection with the Poplar Street Widening Project.

March 20, 1967
Minute Book 48 - Page 270

MAYOR ADVISES COUNCIL THAT MR. JACK WOOD, MEMBER OF THE CIVIL SERVICE BOARD, REQUESTS THAT HE NOT BE CONSIDERED FOR ANOTHER TERM ON THE BOARD.

Mayor Brookshire advised he has received a letter from Mr. Jack Wood, a member of the Civil Service Board serving a term which expires in May, in which he states because of business demands his time for public service gets more and more limited and requests that he not be considered for another term on the Board. That he writes he has enjoyed working with Mr. Brown and Mr. Cole and various officers of the Fire and Police Departments.

MAYOR ADVISED COUNCIL THAT VINSON REALTY COMPANY HAS MADE APPLICATION FOR 200 HOUSING UNITS UNDER 221-D3 FOR CHARLOTTE.

Mayor Brookshire advised he has received a letter from Mr. E. L. Vinson, Vinson Realty Company, stating his company has made an application for 200 housing units under 221-D3 to be located on West Boulevard adjacent to the Ponderosa Apartments. That he enclosed a letter from the Department of Housing and Urban Development through the Housing Administration in Greensboro, signed by Mr. R. W. Mullins, in which Mr. Mullins indicates that they will accept approximately 1,000 units of 221-D3 Housing Units in Charlotte.

STREET LIGHTS REQUESTED ON PARK ROAD AT PARK ROAD-FAIRVIEW INTERSECTION TO ARCHDALE DRIVE.

Councilman Jordan stated two or three weeks ago he brought up the subject of street lights in the Archdale and Fairview sections. That he understands all those lights have been completed but they completely forgot one street that needs it as bad as any other and that is Park Road-Fairview Intersection to Archdale.

DISCUSSION OF URBAN RENEWAL PROPERTY BEING UTILIZED BY PLANTING GRASS AND PLACING BENCHES TO BE USED AS PARKS UNTIL PROPERTY IS SOLD.

Councilman Jordan stated he has noted in the Urban Renewal areas there are some vacant lots, and in other cities they utilize these lots by planting grass, keeping them clean, making them look nice and in some places put benches in and use them as parks until there is some sale for them. That he noted when coming back from Davidson that section around Graham Street that has all been cleared. If this is possible it could be worthwhile. That he does not know whether the City would have to do this or whether there are funds under the Redevelopment office for this.

Mr. Sawyer, Redevelopment Director, replied they have the money to keep the property clean, and to keep the grass and weeds cut and to sow grass, and they are beginning to do that now. That they see the possibility of some land remaining idle for some time - especially the governmental center. He stated they do not have money to put in furniture such as benches. If someone else would volunteer to do that, he is sure the Commission would offer no objections.

COMMITTEE APPOINTED BY MAYOR AND COUNCIL TO ELIMINATE CERTAIN PROBLEMS TO MAKE THE MASTER PLAN AND GOVERNMENTAL PLAZA PLAN ACCEPTABLE AND COMPATIBLE WITH EACH OTHER AND TO REPORT BACK TO COUNCIL AND COUNTY COMMISSIONERS ON APRIL 3RD.

Councilman Whittington stated he has a matter to which he has given considerable time and work to and did not present it until after the School Bond Election on Saturday because he did not want to say anything at that time that would be in conflict with the school bond issue because Council had endorsed it and most were working hard for its passage.

Councilman Whittington stated on Monday, February 20th, he made a motion that Council accept the Pease Plan for the Governmental Plaza. The motion was seconded and passed. His purpose then was to give us direction and a framework for a workable plan or program. That there is much that is not nearly settled in the Governmental Plaza Plan and some question of how much to adopt of a central area or master plan. The questions to be answered are the proposed new hospital site and the problem of the structural parking for the administration building for the Board of Education. We need to know if the hospital authority desires a site in the Brooklyn Redevelopment Area, and if this answer is yes, then we need to know where and how much land the Authority is talking about. This is not an easy solution because the Kincaid Report which was presented recently recommends a minimum of 30 acres and a maximum of 70 acres for a future hospital site. The only land that is available with this much space in the Brooklyn area is Section 4 and 5, and part of these two sections will be used for the upgrading of the new Independence Boulevard.

That the Administration Building for the Board of Education is to be erected to the rear of the new County Office Building. It is his understanding that the Board of Education has said the location is satisfactory but they do not have the money for structural parking and no way to get the necessary additional funds. While these two questions are being solved, and perhaps others, the office of Housing and Urban Development approved our Amendment to Phase I for the new jail and new police building just last week. This block is now being appraised for the Redevelopment Commission. On April 10th, the Redevelopment Commission has asked for a public hearing to incorporate the Pease Plan in the Brooklyn Redevelopment Plan. While all of these things are in the works, the County and the City are preparing their plans for the jail and the police building and all should be dove-tailed or intermingled together. It seems to him that the problem of hospital site and parking for the administration building must be solved immediately.

Councilman Whittington moved that the Mayor and Council today appoint the following to a committee to eliminate these problems to make the Master Plan and the Governmental Plaza Plan acceptable and compatible with each other. As part of his motion he moved that this committee through the chairman - which he would like to name today - should bring back its recommendations to the Board of County Commissioners and to the City Council on April 3rd so that we will then have them to incorporate into the hearing that the Redevelopment Commission will have on April 10th. The Committee that he recommends is as follows:

Mr. John A. Tate, Chairman
Mr. Elmer Rouzer
Mr. William E. Poe
A member of the Hospital Authority
Mr. William Mullis
Mr. Marshall Pickens
Mr. F. W. (Pete) Peterson
Mr. George Sibley
A member of the City Council (that he does not think he has the right to name that one, but will leave it up to the Council).

March 20, 1967
Minute Book 48 - Page 272

If these men whose names have been recommended would want their own staffs and various agencies to meet with them, he would have no objections to that. That he thinks this is important and timely and thinks it is in order and he would urge the approval of this motion. The motion was seconded by Councilman Albea.

Mayor Brookshire stated following the February 20th Council Meeting at which time the Mayor was requested to contact the Chairman of the County Board of Commissioners and name a committee for the long range planning of the Governmental Plaza, he did make contact with Mr. Campbell, who replied in effect that the County Commissioners had not yet approved the Governmental Plaza Plan; that they had not had an opportunity to study the proposed plans, they had not seen the layout or the model which Pease and Company had prepared and that he would not be willing to make a joint appointment to such a committee until after the County Commissioners had formally approved the Governmental Plaza Plan as prepared by J. N. Pease & Company.

That the same discussion also included those things which Mr. Whittington mentioned outside the Governmental Plaza, including the Hospital and the school board administration building, etc. on which Mr. Campbell did not feel the County Commissioners were at this time ready to discuss further. At this point, he would raise the question to Mr. Whittington as to whether or not this suggested committee is a long range planning committee as authorized by Council and requested by Council that the Mayor and County Chairman name on February 20th? Councilman Whittington replied this is not a long range committee; it is a short range committee and in fact you have only two weeks to work in order to get these things decided so that Council will know when the Pease Plan is incorporated in a public hearing on April 10th. That he has discussed this with Mr. Campbell and he suggested the name of Mr. Peterson and also suggested that this not be done until after the election, and he is aware that they have not approved the Pease Plan but he thinks all of this will work toward getting it all on the table and getting it approved and getting these questions ironed out.

Mayor Brookshire stated that two weeks is very little time for agreement on a committee regardless of how good a committee it might be for the location of a future hospital and the location of the school board administration building. That maybe it is not an impossible task, but he is afraid that it is. If Council wants to appoint this committee, he sees no harm in it and we can give them a chance to come up with something. That this will not be considered a long range committee at all, but simply a committee that will receive the assignment of trying to reconcile differences that may exist in the Master Plan and the Governmental Plaza Plan, to get a commitment if possible from the Hospital on location in the Urban Renewal Area for the next new hospital in Charlotte, and work out the difficulties that have arisen in the exact location of the Board of Education relative to the parking.

Councilman Tuttle stated he concurs that the sooner we do something about this governmental plaza the better. The only thing he questions about the motion is the time element and he wonders if Mr. Whittington has cleared this with Mr. Pickens, Mr. Rouzer and someone of the Hospital Authority. That the two weeks is what he questions. Councilman Whittington replied that he has not, but he thinks these men are the type citizens as those who serve down here and when being called upon would render this service at the request of the City. If they cannot get together in two weeks, this is understandable but he thinks some deadline should be set as to what we are trying to shoot for, and if not, this could go on again for a long length of time, and he thinks

March 20, 1967
Minute Book 48 - Page 273

that time is of importance and if it could come before the Redevelopment Commission has its hearing, then all of these problems relating to if the hospital wants to go in there, and if the Board of Education can go in there with or without structural parking, this will then be set and we can go on to the next problem.

Mayor Brookshire stated to fill in the gaps in the Commission, he suggests Mr. George Snyder, Vice-Chairman of the Hospital Authority, and Mr. Whittington from the City Council.

The vote was taken on the motion and carried unanimously.

COUNCILMAN SHORT LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.

Councilman Short advised that he must leave the Meeting at this time and was absent for the remainder of the session.

QUESTION ON FEE IN FILING REQUEST FOR AMENDMENT TO TEXT OF ZONING ORDINANCE.

Councilman Alexander stated in reference to Zoning Petition No. 67-15 by Mr. Ray W. Bradley, Jr. today to amend the text of the zoning ordinance, he asked if the \$100 filing fee is involved as in all other petitions?

Mr. Veeder, City Manager, advised the advertising cost and the staff time, and the Planning Commission's activities involved concerning this type of request might equal that of any other type request.

COMMENTS RELATING TO 221-D3 HOUSING UNITS TO BE CONSTRUCTED BY VINSON REALTY COMPANY.

Councilman Tuttle stated to comment on the letter from Mr. Vinson regarding the 221-D3 Housing Units, that on Saturday he discussed this with Mr. Vinson who was particularly perturbed about the fact that the newspapers had put this Council in the light of turning down the only opportunity we had and apparently the only one we would have in a long time for 221-D3. That he brought to light his own application which the FHA had told him would be delayed because there were several ahead of him. Councilman Tuttle stated he thinks it is important that it be known that Mr. Phillip's application is not the only one and that the 221-D3 is not dead.

Councilman Alexander stated he believes he made the statements referred to, and if Council will recall he stated this was the first application under 221-D3 that the Federal Government had approved.

COUNCIL INVITED TO FORMAL OPENING OF HOME FEDERAL BUILDING & LOAN ASSOCIATION WEDNESDAY, BETWEEN HOURS OF 9 AND 6:30.

Councilman Tuttle advised he had a call this morning from Mr. T. G. Barbour, Sr., President of Home Federal Building & Loan Association, who stated they are having the formal opening of their new building this coming Wednesday (March 22nd) between the hours of 9 A.M. and 6:30 P.M. and asked that he invite this Council and all public officials to attend this opening.

COUNCIL MEETING OF MARCH 27TH DISPOSED OF AND NEXT COUNCIL MEETING TO BE HELD ON APRIL 3RD.

Councilman Albea moved that we dispose of the Council Meeting on March 27th and the next Council Meeting be held on Monday, April 3rd. The motion was seconded by Councilman Whittington, and carried unanimously.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk