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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, May 29, 1967, at 2:00 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, Gibson L. Smith, James B. Stegall, 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, Turner and Wilmer.

ABSENT: Commissioners Olive, Stone and Toy.

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INVOCATION.

The invocation was given by Reverend Charles O. Milford, Park Road Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the Minutes of the last meeting of May 23 were approved as submitted.

HEARING ON PETITION NO. 67-25 BY BLANCHE MCGINN WEBB FOR CHANGE IN ZONING FROM R-12 TO I-1 OF A 9.4 ACRE TRACT OF LAND NORTHEAST OF MONROE ROAD, NORTHWEST OF THE SEABOARD AIRLINE RAILROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this request is for a tract of land located on the north side of Monroe Road; and is located between Monroe Road and McAlpine Creek and does not front actually on Monroe Road and is removed from the road by 381 feet at its nearest point.

He stated the property is occupied by one single family residence. Immediately in front on Monroe Road there are scattered various types of uses. There are several single family homes, a service station shop, a little store; cross under the railroad and there is a restaurant located, and across McAlpine Creek is an oil company with storage tanks located. On the south side of Monroe Road is a house, a small cabinet shop and then a very small furniture shop with a single family residence. Other than that the entire area is vacant and the vacancy extends to the north all the way to Independence Boulevard.

The property on Monroe Road immediately in front of the subject tract is zoned I-1 on both sides of the road; there is some R-12MF zoning near town on Monroe Road and the subject property as well as the remaining property to the north and the east is zoned R-12.

Mr. Ralph Howie, representing the Howie Company (purchasers of the property), advised this is the old garbage dump. That they are trying to square some boundary lines to make all the property the same zoning as is on the front, I-1. He advised part of the property is in the flood plain which will fall into the green belt. That their concern is to have the one piece of property with the same zoning throughout. They have no immediate plans for the property at this time.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-26 BY RICHARD B. LINTON FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF A LOT AT 2420 EAST SEVENTH STREET.

The public 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 (6) councilmen in order to rezone the property.

The Assistant Planning Director advised the request is for a single lot at the intersection of East Seventh Street and Dotger Avenue. The property is occupied by a single family residence and the entire area is residentially used. There are some single family residents - primarily on the side of the subject property; on the opposite side of Seventh Street - it is predominately occupied by duplex structures. He pointed out the firemen training area at the intersection with Fifth Street, the Seaboard Railroad and the lumber company on Weddington, and stated other than that the area is residentially used.

The subject property and all the property immediately surrounding it for a couple of blocks is zoned R-6MF with business zoning at the intersection of Fifth Street and with an office zoning coming out to Seventh Street within one block of the property.

Mr. Richard B. Linton, the petitioner, stated he plans to use the property for a beauty salon. That he feels business is closing in from both directions, and he thought he would try to get it zoned a little sooner than what some people had in mind. Mr. Linton stated he does live at this address.

Councilman Smith asked if he made any effort to get the adjoining property owners to join in his petition? Mr. Linton replied that he did not; that he does not know his neighbors too well; that he has not made too much effort to get acquainted as they have made no such effort.

Councilman Whittington asked Mr. Linton if his business is presently located on Fourth Street, and he replied he has closed his beauty salon on Fourth Street.

Councilman Short asked if he would operate this business in his home as it is now, or if he plans to rebuild with a new building? Mr. Linton replied he plans to remodel the present house to make a complete new beauty salon and it will be first class.

Mr. Gus Thevos stated he has resided directly in front of this piece of property now for 20 years. That most of them built their homes there and are still living in them - they have been there from 20 to 40 years. It has all been strictly residential with one apartment in the two block area.

Their homes are well kept; they have raised their families and there are a number of widows there now. The lots are very small and there is not enough room for parking out there now. They feel this will cause a deterioration of their property and he, himself, is in no position to move.

Mr. W. R. Houser stated he owns property across the street in front of the subject property, one house below. There is no parking out there now and the petitioner will not have room for parking space. There are nothing but residences in the area; that he owns an apartment there and there are three widow ladies in it.

Mr. E. A. Garmon stated he lives in this block and has been there for about 40 years; they like it and they just do not want to see a beauty salon in there now. That he is getting to the age where he does not want to build a new home.

Mrs. Helen Fellos stated she has lived across the street from the subject property for 24 years, and she objects to the change in zoning.

Mr. W. P. Stroupe stated he lives on Dotger Avenue at the rear of the subject property and he is opposed to the requested change because it is too congested now on that narrow street.

Mrs. Catherine McGerald stated she lives at 2414 E. 7th Street, and she would find it very inconvenient to have to move from this location.

Miss Bessie Stassinis stated she lives three houses from the subject property. That her father died about five weeks ago and her mother is in no position to move. That she herself may move someday but her mother owns her home and will stay there, and they do not want the property zoned business.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-27 BY SOUTHERN APPLIANCES, INC., ET AL FOR CHANGE IN ZONING FROM O-6 TO B-1 OF THE ENTIRE BLOCK ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD, FROM ROCKWAY DRIVE TO BRIAR CREEK ROAD.

The scheduled hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, pointed out Independence Boulevard going eastward and crossing Briar Creek and Rockway Drive and Briar Creek Road. He pointed out the Merchandist Mart, the Chantilly School. He stated the property in question is occupied primarily by single family residential structures. There are about two buildings used for other purposes with a training office and beauty stop. He pointed out the School, and the Church with a house beside it and stated there is still some vacant property between Rockway and Briar Creek. Across the street is occupied by single family residential structures with a church at the corner of Briar Creek Road. That the merchandise mart area and the blocks from Briar Creek Road eastway is zoned B-2. The subject property, as well as the property to the rear where the school is, and property across the street is zoned O-6; then it picks up again with B-1 at Rockway and extends to Briar Creek and on back into town. There is single family zoning along Shenandoah.

Mr. Robert Perry, representing the Shell Oil Company, stated he has submitted a brochure previously to members of the Council and the Planning

Commission. He stated they are the only property on that side of Independence Boulevard as far as the eye can see that is not B-1 or some lower classification. That this property would also be business property if it were not for some special factor that has kept it from being rezoned prior to this time. That he is saying that Council would have zoned this property because it would not make any sense to have it zoned B-1 or lower classification towards town and B-1 or lower classification towards Monroe, and leave this property an island by itself, unless there was a reason for it. The obvious reason is there is a school in this vicinity.

Mr. Perry stated one of their basic arguments is that the school would have the burden of showing, in view of the circumstances, why it is that this property should not be zoned business. They ask only that the school be required to carry the burden of the hearing rather than requiring the petitioners because the petitioners have hoped they show in the brochure and in this verbal presentation that the property otherwise should be a B-1 property.

That the opposition is going to say that this will create noises, it will create traffic and safety problems. That these three arguments in their view are the only arguments which they can make. He stated there is a lot of traffic on the road as there are business enterprises on both sides of the Boulevard and there is noise from the very heavy traffic that goes on both of these streets. That if this property is used for its present purpose which is O-6, they could have the advent of a lot of businesses in there which in his judgment are just as obnoxious from the noise standpoint and from the traffic safety standpoint as the business use. That anyone could combine their properties and build a day nursery there and have children playing out in the yard at the very time that Chantilly School windows are going to be open. That he says that noise is as obnoxious as any noise a business enterprise would have.

From a standpoint of traffic and safety, anything the opposition would say about the advent of a service station to that corner that will create a safety or traffic problem is purely conjecture. That he defies them to give any statement where they show that a service station is any more dangerous than a lot of the O-6 permitted uses. The only study they could find was one made at the request of the oil industry by the police department in Detroit in 1960. The results of that study showed that 1970 service stations operated in Detroit in the year 1960 and 144 million cars went out of there and they had one non-fatal pedestrian accident. He stated that an average service station would operate for 1970 years on the average before it would have a non-fatal pedestrian accident. There was no fatal pedestrian accidents at all in any service station in Detroit in the year that was under study. Mr. Perry advised the Engineering Department requires service stations to have an incline from service station level down to street level; they cannot go out at street level and neither can they go up a ramp. This will require automotive traffic to travel at a reasonable rate of speed. There are some actual plus factors mentioned in the brochure which are that this will open up that area. Service stations are designed to provide for forward moving traffic - all traffic entering and leaving the Boulevard will leave going forward. That is not true of the situation at this time. The parking for the corner lot is on Briar Creek Road and cars in that area - if they have no turn around room, and he submits they do not - get out into Briar Creek one way only and that is by backing into Briar Creek Road. That he would rather have 1,000 cars going forward than two cars going backwards with small children who are not going to be looking around.

Mr. Perry stated they say they have a plus factor. That people driving on both streets will have an open view of that intersection; cars leaving and entering the service station facility will leave and enter in a forward motion where they can see what is going on. He stated no one came forward to present a petition to require a 3/4 vote and he hopes the majority of Council will see that this property is in fact being discriminated against unjustly.

Councilman Short asked if all the subject property is to be for a service station; that it seems to be about 600 or 800 feet? Mr. Perry replied it made sense from a zoning standpoint. This is the only property not zoned business on that side of the Boulevard. The only present business use they know of that will go in there will be on the last four lots which is a service station. What will happen to the other property they have no way of assuring Council or making any statement about. That the Shell Oil does not have an option on all the property; they are interested in the last four lots, from Briar Creek back toward Rockway; the others joined in the petition as they thought it made sense to have them in the petition. Mr. Perry stated he feels the main objection to this is that it will be a service station.

He stated one of the houses is now vacant and six of them are rental units; the property is deteriorating and is not fit for residential purposes, and something is going to have to be done about it sooner or later.

Councilman Smith asked if the service station would be required to keep a site clearance on the corner and how much protection would they have to put on it? Mr. Perry replied he does not know the answer but he does have a layout of the station prepared by the engineers which he passed around for viewing. That they have told the Board of Education they will put signs at the Briar Creek Road entrances and the Independence Boulevard entrances if it will help any. The signs will be very visible and will admonish people to look out for children going to and from school. That they will do anything reasonable.

Councilman Tuttle asked if to the rear of the houses before you get to the school, is that an alleyway or driveway or how does it tie in to the school property? Mr. Bryant replied there is an entrance to the school that comes down Rockway and comes into a parking area. Councilman Tuttle asked if there is a walkway that the children use in the rear to hit Briar Creek Road, which would be at the rear of the service station. Mr. Perry replied there is not.

Mr. Brock Barkley stated he is appearing as attorney for the Board of Education. That he was interested to hear Mr. Perry say that it would not present any additional hazards and follow that by saying the service station people had promised the school board they would place signs so that it would not be the hazards they say would not exist there. He passed around a picture pointing out the school, Briar Creek, Merchandise Mart, and Independence Boulevard; then the places surrounding the area where children live. That these children have to go to school somewhere and this is the only school available for them and it represents an \$800,000 school plant; that it was put there before Independence Boulevard was put there. That he would suggest the best thing to do is for Council to delay putting a filling station on that corner immediately adjoining the school property until they can move the children from that area. That some day the Board of Education may be able to move the school but where it would go if it has to move none of us know because the land is not available. The children have to be educated and this is the central

location. This is not the center of a business district at all but it is Independence Boulevard which is lined with business property.

Mr. Barkley stated what we have is a filling station against about 500 school children who have to be educated with no place to go. The question is whether one filling station is worth that additional hazard. He stated a guard is at this intersection so that children crossing the Boulevard have protection. When you get across Independence and are going down Briar Creek Road there is a sidewalk. That the filling station will put an entrance into Briar Creek Road and none exist now. Where now they have the safety and protection of a continuous sidewalk, every morning and every afternoon it would be passing across double driveways of that station.

That we do not know what buildings will be put up there, but we do know they are planning a filling station. That it is private enterprise and he is in favor of private enterprise; it is there for profit and he is in favor of profit; but that area is also a school building and he is in favor of public education. We are in favor of the safety of our children. That it is unfortunate that part of the highway happens to be connected with the school. That either the school is going to have to give or the filling station is going to have to give. The question is whether the Commission and the Council can afford to take that risk.

Councilman Tuttle stated no one can deny the fact that he and all this Council has always bent over backward in the interest of school safety; that his own personal record is such that it would not endear him to the oil people. But who was here first, these people that own these residences which have become uninhabitable from a residential standpoint, or the school? Do we say here comes a school, now watch out, it does not make any difference what happens to your property and even if it becomes uninhabitable you cannot do anything with it because the school is here. What is the answer? Do we say to these people they cannot ever sell this property for mercantile purposes if it is not fit for residences? Who does have to move? Mr. Barkley replied as he recalls at the time the school was placed at the present location there were no houses fronting on what was then Commonwealth Avenue, but houses were under construction, so the two came along simultaneously.

Mrs. Ernest H. Josephs stated she has been in the area since 1948. When they moved there the block under discussion was Chesterfield Extension, a dead end street, unpaved, and there was no school. In one year the Boulevard came in and the Boulevard and School were being constructed at the same time. That they have been sitting there almost 20 years in this predicament. They are now middle-aged and cannot push their property aside and go out and buy another residence.

Mr. Barkley stated what about any other property owner who is in office zoned territory and what about any other homeowner who is in a residential area adjoining a B-1 area. That is unfortunate but the public necessity overwhelms four or five individual property owners. It could overwhelm a thousand property owners. It is the question of whether the school is going to have to move or whether these other people are going to have to be satisfied with the office zoning for the time being.

Commissioner Wilmer asked if about a year ago the School Board was not considering the change in the use of the school for administrative offices? Mr. Barkley replied it was considered but since that time the population explosion has grown in the area and the enrollment of the school now is climbing each year.

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Councilman Short stated Mr. Barkley said there were four or five residential owners caught in this situation; he asked if this is rather accurate. He asked if there are not other islands of this sort a quarter or a half mile or so? Mrs. Joseph replied Shenandoah Park comes in there, plus the Boulevard and the right hand side of Shenandoah which runs parallel with it.

Mr. J. D. Morgan, with the School Board, stated it is not the intention of the Board of Education to impede progress in any way. Individual board members have expressed their feeling to him and they have deep sympathy for the people caught in this situation; but at the same time it is their responsibility to look after the children who attend this school.

Mr. Morgan stated there are about 500 children who attend this school and of the 500, 250 of them come from the other side of Independence Boulevard. They all come to this one block at Briar Creek where a crossing guard is provided. They have nineteen classrooms with half of them facing back. There is a driveway which services the cafeteria from Rockway Drive. For about four or five months out of the year these windows are open to get natural ventilation. The long range use is there will be more and more children coming. These children are from six years of age to 12 years of age. If they get into the kindergarten programs, there will be five year olds coming along the same way.

Councilman Smith asked if a tunnel was considered for the children at one time? He asked if the school has made any attempt to buy the corner in insure the safety of the children? Mr. Morgan replied the tunnel may have been considered before his time; that they have not considered buying the land. If the school board thought for one minute they were risking the life of one child and had the funds available they would be willing to do that.

Mr. Ray Havener stated he is a School Committeeman for Chantilly School, and he has been delegated to express the consensus of the 18 teachers and parents of the 500 children attending Chantilly School, that the development of the property along Independence Boulevard and the property in question would change the situation at Chantilly from an uncomfortable situation to an unbearable situation. That Mr. Barkley has given most of their objections.

He stated he has property in the Independence Boulevard section that has been depreciated by the development there and he might be setting in the same chair as Mrs. Josephs is setting in a few months. Nevertheless they do feel rather strongly about this. He stated one corner of Chantilly School is 45 feet from the back portion of the property and with the windows opening there; if this is developed into business property it would make for a situation where the teachers could not teach at all.

Mr. Jack Wood, Principal of Chantilly School, stated he does not think the potential noises that these industries would have would be conducive to good learning. That it would impair the instructional programs.

He understands the filling station would cover four of the homes which would put them within 40 or 50 feet of the corner of the school building. There are two classrooms that close to this property. That as he understands it, this is the second worse school crossing in Charlotte-Mecklenburg - Independence Boulevard and Briar Creek Road. There is an adult crossing guard there supplemented with three school patrols. Mr. Wood stated this is not a personal thing with him and he is in full appreciation of the position that the homeowners find themselves on the Boulevard.

Councilman Smith stated he does not know what is involved in tunneling under the street, but when they had old A. G. and South Ward Graded School, they tunneled under Morehead Street. That it seems as the traffic builds up on Independence Boulevard and they are talking about widening it, that some thought should be given to a tunnel if this is going to be a permanent school and growing. Even if the City has to cooperate in some way with the School Board; that he thinks it is a hazard and should be corrected if possible. Mr. Bakrley replied the Board of Education has no legal authority to spend money on improvements outside its premises; therefore it could not contribute toward it. That is something the Council might consider.

Councilman Stegall stated on Independence Boulevard near Myers Street School there is a tunnel and the City is also spending money each month to have a crossing guard at the adjacent intersection which is not more than 150 feet by virtue of the fact that the children will not use these tunnels. That these tunnels have been used for various purposes rather than school crossings; they have had a lot of problems develop in the tunnels. The one at Piedmont is almost not in use and the one on Independence Boulevard is not in use and on South Boulevard at one time the Police Department almost had to block it off. These things present problems as well as doing good. They are not being used as they are constructed at this time. Councilman Smith stated this may be true but they could be locked up except during school hours.

Mrs. Brazelton stated she lives in the second house from Rockway Drive and she does not see why they should be jeopardizing them for the school as there are schools in other areas surrounded by businesses. Why keep them there when they cannot do anything with their homes; they are going down and they do not want to repair. In backing your car out you cannot get out of your drive; you are just taking a chance.

Mrs. Terri Hicks asked how many children walk to the school. That when you try to back out into the Boulevard no one ever slows up and you cannot get a clearance.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-28 BY T. W. ALDRED FOR CHANGE IN ZONING FROM R-6MF to B-2 OF THREE LOTS AT 304 TUCKASEEGEE ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this request is for three lots with a total of 150' x 150' at the intersection of Tuckaseegee Road and Walnut Avenue. The subject property has on it one single family residence; there are single family residences across Tuckaseegee from the property; with single family and one duplex in the block going out of town. From Walnut Avenue back toward Trade there is a grocery store on the corner, then the Fire Station, a floor covering concern and Garr Memorial Auditorium. There is a beauty shop and several small business structures across the street. The area is primarily used for various types of residential structures including duplexes and some apartment structures as well.

He stated the zoning is B-2 along West Trade Street with the B-2 zoning extending down Tuckaseegee as far as Walnut Avenue. The property being

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considered is at the end of the B-2 district. From that point beyond Walnut it is zoned R-6MF on both sides of Tuckaseegee Road until you get almost down to P & N Railroad. The area to the rear of the property is zoned R-6MF as well as the property across the street.

Mr. Charles Henderson, Attorney for the petitioner, stated Mr. and Mrs. Aldred have lived for a long time in their single family home on Tuckaseegee Road at the intersection of Walnut. That the homes in the area are generally older and a short distance beyond their house on the right hand side and on the left hand side, Tuckaseegee Road is like a land bridge; it is a very high portion of the topography as compared with a deep ravine on both sides. On the right hand side approaching the P & N Railroad, the ravine is so deep that the street is called Wharf Street. Economically it is not one of our better neighborhoods. It is one that has been changing in many ways; the repairs being made are not enough.

Mr. Henderson stated they are not asking spot zoning, but that the zoning be moved over a few feet; that the existing zoning be moved over to the next corner. In looking over the neighborhood and talking with the people and with others, he cannot find anyone that this move would hurt. That this is a neighborhood where on the corner opposite where the petitioners are, we have breaches of peace fairly often, and is a situation where they have difficulty feeling secure in their home. Their children have grown and are away and they^{are} left with a need of making some change. This would not hurt anyone and it would make a drastic difference in the economic value of the property. We are talking about an area that is destined to become nearly an island because as he understands it a great deal of the new highway system will take place in this general area. We are not dealing with an area of first class residential character. He stated they think this will not be the last time Council will hear from someone in connection with this area because they think it will require a general relook.

At the question of Councilman Whittington, Mr. Bryant pointed out on the map where West Fourth Street would come into Tuckaseegee Road, about a block and a half away. Mr. Henderson stated this house would be about half way between Trade Street and where Fourth Street comes in. Councilman Whittington asked if Mr. Aldred has any plans for the property? Mr. Henderson replied only that he would like to market it. Councilman Short asked what kind of businesses would you put where all these breaches of the peace are? Mr. Henderson replied they think that someone eventually will have to put together a parcel to put something worthwhile there. That each of the three lots are 50 feet wide and go back 150 feet with a 10 foot alley across the back, and they ask that the alley be included in the zoning.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-20 BY J. B. THOMAS FOR CHANGE IN ZONING FROM I-1 TO I-2 OF SEVEN LOTS ON THE SOUTHWEST SIDE OF WEST TRADE STREET, BETWEEN JUDSON AVENUE AND BELLHAVEN BOULEVARD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the property is located on West Trade Street just behind the Belvedere Homes public housing project. It

is adjoined on the public housing side by a church; there is one house on the rear portion of the subject property. The property immediately to the west of the subject tract is used for the storage of drums; then a junk yard type facility; across West Trade is a parcel used by a concrete supply operation, and the Steele Drum Company using the adjoining property. Immediately to the rear of the property, along Rozzells Ferry Road, is a variety of uses. Beginning at Bellhaven Boulevard intersection is a variety of uses with an old service station, a restaurant, a garage and another restaurant and about three or four homes immediately to the rear of the subject property; then another drive-in B-2 type use.

The subject property and the entire block between West Trade and Rozzells Ferry Road is zoned I-1; the property on which the Belvedere Homes project is located is zoned R-6MF; across West Trade from the subject property along the Seaboard Railroad it is zoned I-2; there is a combination of industrial and B-2 zoning on the west side of Rozzells Ferry Road.

Mr. Leo H. Phelan stated he is a realtor and that is his interest in the property. He passed around pictures showing the drums and the junk yard. That the church is the Faith Methodist Church and it is a mission church. It was a neighborhood church until the change in the neighborhood, and they are now operating as a mission. In addition to Kiser's Garage on Rozzells Ferry Road, there is another automobile wrecker and paint shop. At the corner across from this at West Trade and N. C. 16 is the Industrial Steel, fabricators of steel products; beyond the concrete supply is the old fertilizer plant. They do not have any schools to contend with so they have no problems there.

Councilman Jordan asked what they intend to do with the property? Mr. Phelan replied the purchaser is in the house moving business. That he thinks he will store his heavy equipment there.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 67-30 BY P & N REALTY COMPANY FOR CHANGE IN ZONING FROM I-1 to I-2, AND FROM R-9MF TO I-1 PROPERTY ON THE EAST SIDE OF TODDVILLE ROAD, BEGINNING APPROXIMATELY 2,000 FEET NORTH OF THRIFT ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this petition ties in with the petition heard last month filed by the Cline family for rezoning property on Toddville Road from multi-family to heavy industrial.

Mr. Bryant stated the subject property is located on the east side of Toddville Road, between Thrift Road and the Piedmont and Northern Railroad. There are two tracts of land in the subject petition. The first tract adjoins the Cline property on the south side and has about 584 feet of frontage and is requested for I-1 classification. The other tract is to the west of the Cline property lying between the P & N industrial development and the Cline property; it is zoned at present for light industrial 300 feet wide and is requested for I-2 classification.

The property across Toddville Road from both request has a scattering of single family residential structures, with some scattering of single family down on the east side of Toddville Road. Other than that the area is vacant, with one house located on the P & N property.

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The subject property is zoned R-9MF and I-1. The original purpose of the I-1 zoning was to create a 300-foot deep transition area of I-1 between the I-2 and the multi-family zoning of the Cline property. If you put the two requests together then you would have a request that would zone the area I-2 to conform with the I-2 area and would extend the I-1 zoning onto Toddville Road. There is still R-9MF zoning on both sides of Toddville Road from the subject property out to Thrift Road.

Mr. Bryant advised the Planning Commission has not yet made a recommendation on the Cline petition as they wanted to consider both petitions at the same time.

Mr. Thomas G. Lynch, Vice President of P & N Railway, stated their petition involves two tracts of land, both owned by the P & N Realty Company, a subsidiary of the railway. Tract A is about 10 acres and zoned I-1 and they are asking that it be rezoned I-2 and is part of their Chemway Industrial district which is now being improved. This particular area was formally a buffer zone to separate the Cline property which is residential. If the Cline property is rezoned, there is no merit in this remaining I-1. Tract B is a piece of land of approximately 20 acres and has 585 feet of frontage on Toddville Road. They bought it with the idea of expanding their holdings; it is zoned R-9MF and they had not planned to ask for the rezoning until the area had become a little better stabilized. But the petition by the Clines indicated to them that this tract should be rezoned to I-1 to furnish the desirable buffer between I-2 and residential.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

ORDINANCE NO. 625 AMENDING VARIOUS SECTIONS OF CHAPTER 23, ZONING ORDINANCE, CREATING A NEW BUSINESS DISTRICT ENTITLED: B-3T TRANSITIONAL CENTRAL BUSINESS DISTRICT.

The public hearing was held on Petition No. 67-31 by the Charlotte-Mecklenbur Planning Commission to amend various sections of Chapter 23 of the City Code to create a new business district, entitled: B-3T Transitional Central Business District.

The Assistant Planning Director advised this is another step along the way in consideration of the situation that was brought about by the request for rezoning to a B-3 classification which was filed by the Jones Construction Company several months ago. As a result of the various considerations and discussions of this request, it became evident that perhaps there was sufficient reason to begin consideration of the creation of an entirely new zoning district which would be set up as a transitional business district for the B-3 Business District.

The two primary reasons the Planning Commission were concerned with and subsequently came up with the recommendation of the denial of the Jones petition was they were concerned about the lack of requirement for off-street parking that was inherent in the B-3 classification; at the same time they were concerned with the lack of a front yard requirement or a set back from the street requirement.

In considering those concerns and at the same time keeping in mind there were broader applications possible for such a transitional district

the Planning Commission arrived at the recommendations before Council today.

Mr. Bryant stated what would appear in the ordinance as the basis purposes for the district is "This district is designed to provide locations for high-density structures in the area surrounding the Central Business District. High rise structures are encouraged by the limited sideyard requirements but setback and parking requirements are maintained to provide some open space and reduce congestion along the streets. Locations for the use of this District should be related to major streets serving as access into the central area. This District is designed primarily for offices, retail trade and business, professional and financial services." He stated this transitional district is a merging of the present B-3 district and the present B-2 district in as much as it would maintain the front setback of 20 feet which is presently a requirement of the B-2 district. It would also maintain the requirement for off-street parking in the same manner as required in B-1 and B-2 districts at the present time. The primary departure from the B-2 requirements would lie in the requirements for the sideyard. This was the primary source of the Jones difficulty. This ordinance proposes to place the sideyard requirements that are presently in effect in the B-3 into effect in the new district. Sideyard requirements would be the same as is now in the B-3 district; the front yard and off-street parking requirements would be the same as those in the present B-2 district; so that you get some of the advantages of both districts. The B-3 because it would relieve the sideyard requirements, B-2 because it would require the off-street parking and front setback.

Mr. Bryant stated this petition comes to Council today with the following recommendations of the Planning Commission: (1) adopt this ordinance creating a new district entitled: B-3T TRANSITIONAL CENTRAL BUSINESS DISTRICT; and (2) rather than grant the request for B-3 zoning which was originally asked by the Jones Company, that the new district, B-3T District be applied to that same area.

Councilman Smith stated there are two different requirements here - one is the minimum setback of 20 feet and none for the sideyard, and 10 feet at the rear; then you have 20 feet setback that is common to both and 10 feet sideyard. Mr. Bryant stated the ordinance as stated is not too clear but the basic difference is that in paragraph (6) you are talking about a situation where there is a sideyard adjacent to another business or industrial district. In paragraph (8) you are talking about a situation where there is a business district adjacent to a residential district. If you are adjacent to a residential district you would require a sideyard of 10 feet.

Councilman Short stated in a number of conferences with the Jones people, they advised him that they cannot build what they have planned to build - the 12-story twin towers and the necessary parking structure - if the new B-3T zoning is applied to the land they have bounded by Royal Court, Caldwell Street, Morehead Street and the boundary of the Red Carpet Inn. This would require them to setback 20 feet from three streets. In order to give up this much land to setback they would not have much left for the parking structure. They would have to build the parking structure nine stories high. Councilman Short stated he has conferred with Mr. McIntyre about this and he says perhaps the parking structure might be eight stories high but in any event it would be quite tall when you consider driving cars up and down these ramps for parking purposes. He stated he would conclude that a 12-story building with a 9-story or 8-story parking structure is probably not practical. If the 20-foot setback from Royal Court and Caldwell Street were waived, but the 20-foot setback from Morehead Street retained, then the parking structure would be more practical - it could be about six floors and maybe one or two of these could be underground.

Councilman Short stated he believes the new B-3T will be useful and we should have it, but it would be useful where a developer is trying to build one tall building in a block or part of a block. That he has studied this and he believes it is obvious when a builder wants to put two tall buildings in one block we are going to have to think about B-3 rather than the B-3T to accommodate this situation. Otherwise the streets themselves are going to get in the way. That the property the petitioner owns or is acquiring is as big as any block in uptown Charlotte. If you overlay what Jones owns and is acquiring in this block with a block containing the Baugh Building and the Wachovia Building, you will see that these are almost exactly the same size. This is also true of the block where the Johnston Building and the North Carolina National Building are.

He stated he feels it is in order and in the public interest and good planning to allow as many as two moderately tall buildings in one normal Charlotte type block even though it might require B-3 rather than B-3T zoning. If two buildings like Baugh and Wachovia are permitted in one normal block and there is nothing else in the block except these two buildings and their parking structure, it is his opinion this should be allowed.

Councilman Short stated he has a declaratory document which has been executed and notarized by the Jones Corporation, and which is ready for recording in the Register of Deeds, Mecklenburg County. This document provides that Jones would maintain a 20-foot setback from Morehead Street with anything that it would put here regardless of what the zoning calls for; and it also provides that there will be visibility zones maintained wherever a driveway comes out from their proposed parking structure. The visibility zones are triangular shaped areas and would run 35 feet down the street in both directions from the center of a driveway, and this is exactly the requirements that Mr. Hoose maintains at street intersections in the City of Charlotte.

He stated he is authorized by this Company and their attorneys to record this document in the Register of Deeds Office this afternoon if this property that they own or are planning to acquire in this block is zoned for B-3.

No opposition was expressed to the proposed change in the text of the Zoning Ordinance.

Councilman Whittington moved the adoption of an Ordinance entitled: Ordinance Amending Various Sections of Chapter 23, Zoning Ordinance, Creating a new Business District entitled: B-3T Transitional Central Business District. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 15, at Pages 24 and 25.

ORDINANCE NO. 628-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING ON PROPERTY BOUNDED BY MOREHEAD STREET, CALDWELL STREET, ROYAL COURT AND THE J. A. JONES AND RED CARPET COMMON PROPERTY LINE TO B-3.

Councilman Short stated in reference to Zoning Petition 66-92 he moved that the property bounded by Morehead Street, Caldwell Street, Royal Court and the J. A. Jones and Red Carpet Inn common property line be zoned B-3 and that the remaining property in the petition not be rezoned at all. The motion was seconded by Councilman Smith.

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Councilman Smith stated he thinks this project has been held up too long. That he envisions this as part of downtown with the growth of Charlotte up to 400,000 people by 1980; and you cannot visualize a small core area being downtown; this is a forward step and is one thing that will help make Charlotte a greater, better place as far as buildings and planning for the future.

Councilman Tuttle asked if the Declaration should not be included in the motion? Councilman Short replied he would be glad to be obligated by a vote of Council or in any way to record the document but he believes they can just take his word for it.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 28.

PETITION NO. 67-23 BY RECP FUND FOR CHANGE IN ZONING FROM O-6 TO I-2 OF A STRIP OF LAND 200 FEET WIDE AT THE REAR OF LOTS ON THE EAST SIDE OF BROADVIEW DRIVE; A STRIP OF LAND 200 FEET WIDE AT THE REAR OF LOTS ON THE SOUTH SIDE OF HOMEWOOD PLACE; A STRIP OF LAND APPROXIMATELY 610' x 600' AT THE END OF CRESTRIDGE DRIVE; PROPERTY BEING A PART OF A TRACT OWNED BY D. L. PHILLIPS INVESTMENT BUILDERS, INC., ADJACENT TO THE ROLLINGWOOD SUBDIVISION.

Councilman Whittington moved that the subject petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MONDAY, JUNE 19 ON PETITION NO. 67-1 FOR ZONING CHANGE.

Councilman Tuttle moved the adoption of the subject resolution providing for public hearing on June 19 to reconsider Zoning Petition No. 67-1 by Dwight L. Phillips Investment Builders, Inc. changing zoning from O-6 and I-1 to R-9MF of a 25-acre tract of land located at the dead-end of Scottsdale Road, south of Broadview Drive. The motion was seconded by Councilman Whittington and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 447.

STUDENTS FROM IRWIN AVENUE JUNIOR HIGH SCHOOL WELCOMED TO COUNCIL MEETING.

Mayor Brookshire stated he would like to recognize some visitors in the audience from Irwin Avenue Junior High School with their teacher, Mrs. Pharr.

MEETING RECESSED AT 3:45 P.M. AND RECONVENED AT 4:00 P.M.

Mayor Brookshire called a recess at 3:45 p.m. and reconvened the meeting at 4:00 p.m.

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CITY MANAGER REQUESTED TO HOLD MEETING WITH TENANTS AND OWNERS OF THE VOGUE REGARDING TIME ELEMENT IN VACATING PROPERTY FOR STREET WIDENING PROJECT.

Mr. R. Beverly Webb stated he is here to discuss the situation surrounding his client, the Vogue, and the proposed widening of East Fifth Street.

The Vogue Shop is the tenant and Mr. and Mrs. Robert Cole and Miss Elizabeth Cole are the owners of the tract of land located on the northeast corner of North Tryon Street and East Fifth Street. Presently located on the property is a two-story building housing the Vogue, a woman's clothing store, going out to the right-of-way line adjacent to the sidewalk. There is an alleyway on the other side. East Fifth Street at this point is three lanes of traffic. Over the last 15 years the Vogue has operated a ladies and girls ready to wear garment shop from the location. Prior to that the operation was conducted by two stores, Lucielle's and The Vogue, both of which had been located on North Tryon Street for many years - the Vogue since 1937 and Lucielle's since 1935.

Mr. Webb stated their client presently has a lease to occupy the premises until 1972. There are 34 employees of the Vogue and the annual payroll exceeds \$150,000; gross sales last year approximated \$1.0 million; net income of the past ten months has been well over \$100 thousand. He stated their lease is on a percentage and it is his understanding they are the only shop on North Tryon Street that pays a percentage - it is 5% over \$600 thousand.

Mr. Webb stated the 1965 bond issue allocated \$3.5 million for widening downtown streets. The joint committee for the master plan recommended certain streets that would be widened and set a priority, and last May Council approved the contract. In that approval and in that priority the block of East 5th Street that Vogue is involved with was not even mentioned. The remainder of East 5th, from College to Brevard Street, was given six out of seven priorities. Until last May his client had no idea that he was going to have to move. Last September the joint committee came forth with additional recommendations for downtown street improvements, and the bond election in December allocated another \$1.0 million for street improvements. In January the issue of 5th Street was brought up and for the first time this block was given official sanction - the block between Tryon and Caldwell - and instead of putting the remainder of the street as its sixth priority, it was raised to top priority. The first notice his client had that he had to move was by an article that appeared in the Charlotte News. That his client had been checking until that time to find out what the progress was and had been told that this block of 5th Street was not involved and the remainder of the street had a sixth priority.

Councilman Tuttle asked who he checked with and Mr. Webb replied he checked with the Engineering Department and was told what the priorities were.

Mr. Webb stated a suggestion has been made and published in the paper that the Vogue purposely has been stalling in relocating. This is not so. Here is a \$1.0 million business on a prime corner that has had identification with that corner for the past 15 years and in the area since 1925. They have a valuable business asset in their location; they have a 10-year lease that was negotiated before the bond issue was even thought of, and this is something that you do not give up without some direction that the city is going to take the street and that you are going to have to move.

As of January they learned they had to move; since that time they have been working trying to move; they have negotiated for other space or attempted to, unsuccessfully in that location. Mr. Webb stated it was at that point he wrote to Council explaining their situation and asking for some kind of

delay. Since that letter, Vogue has continued its negotiations and is still working on it. Then at the May meeting, they were told to speed up their process.

Mr. Webb stated the proposed taking will be approximately 2200 square feet of space and will be an expensive taking as far as the tenant and the owner are concerned; there will be the loss of the entire building to the owner as the building is so constructed that you cannot cut off 10.87 feet without demolishing the entire building. The tenant must move either permanently or temporarily; there will be the moving expenses, the loss of the rent to the landlord and the demolition of the building and probably the rebuilding of the building.

He stated their first alternative is to remain on that corner in that location and this is what they prefer to do. They have attempted to locate in the only other available space in that area of Downtown. The other space has a lease until 1972 and even though a considerable amount of money was offered to move the tenant and let them move in, it was turned down because of the value of the location. There are no other spaces in Downtown Charlotte in that prime location right now. Being located between Ivey's and Belk's - it gets the flow of traffic. That they can wait for four years until that tenant moves out and could do it at a considerable savings of money to his client and to the City. But Council has told them to get on with it and they must look elsewhere. The other alternative are to go to the suburbs. They feel this would be bad because this would be saying the improvement of Downtown Charlotte has resulted in the loss of one of the most valuable businesses in town. They do not want to go to the suburbs; they are a Downtown business and have been since 1925 and they want to stay Downtown if they can. Another alternative is to go out of business, and that is a real possibility. When you start moving something like a ladies clothing store that has built up the sales it has, you are talking about an entirely different type of operation wherever you go. This is not like a business that people will come to because you are a speciality shop. This is just another dress shop if you move somewhere else. It is Lucielle-Vogue downtown.

Mr. Webb stated they are working on relocating temporarily and then coming back on the corner. This is a big step and involves locating other space, taking it for the year or a year and a half that it will take to rebuild; it involves acquiring additional land at this location to compensate for the taking of the land by the city; it involves the cost of finding a new building, negotiating a new lease, moving out for a year and a half and moving back. This is something that cannot be done immediately and cannot be done for pennies.

He stated they have located what is the only vacant building that can be leased on a temporary basis in that whole area of North Tryon Street. The space is considerably smaller than what they have now and they will have to curtail their operation drastically. They are negotiating for additional space to come back on the corner and the architect is already at work on the building. They anticipate that the out-of-pocket cost of moving out and moving back and maintaining the 34 employees will be in excess of \$4.0 million and that is not counting loss of business or loss of clientele. Vogue has purchased fall and winter merchandise and is selling it now; they were purchased to be sold in the store he has now. If he has to move out before the fall and winter merchandise is sold then he will sustain that additional loss.

Mr. Webb stated they are asking one main thing today - that it be considered from their angle; and secondly, that they be allowed to stay on these premises until after the Christmas sales and the January clearance. Then they can clear out the winter and fall merchandise; they can now order for next spring at a smaller location and to that extent their leaving will be more orderly and their loss less. On this portion of the street, they are the only building that will have to be demolished; the remainder of the block is a wide three lanes, they are a narrow three lanes; the congestion on Fifth Street now is from College to Brevard, it is not from Tryon to College Street.

They request to be allowed to remain where they are until they can try to mitigate their losses and make arrangements to move elsewhere.

Councilman Smith asked what their total sales area is now? He was advised they have 10,000 square feet including their fitting rooms - 4500 square feet on the first floor and 5500 on the second floor.

Mr. Veeder, City Manager, suggested the most appropriate comment at the moment is to afford an opportunity to consider some of Mr. Webb's comments and come back to Council with a more considered approach rather than one at the moment. The best comment he can make now is to make no direct reference to the time element.

Councilman Whittington requested the City Manager to afford Mr. Webb and the Lucielle-Vogue officials a meeting and give Council a recommendation next Monday. That he thinks they need to know what Council must know because it has a pledge to the public to get the program underway and get it completed.

Mayor Brookshire stated Mr. and Mrs. Cole should be involved in any conference on the subject, as well as the officials of Vogue.

Councilman Tuttle asked Mr. Webb to pin this down to a time as he has said until after Christmas sales and January clearance? Mr. Webb replied he does not know that he has a specific time; he was thinking of something like February 1st. That he did not think they would want to set a time because when they move out, they would like to arrange with the city that the city will cooperate with them on the demolition immediately so they can then start reconstruction.

Councilman Smith asked what award was made by the appraisers for the building and for the tenants? Mr. Webb replied he is not aware of any award; they are talking about vacating right now. Councilman Smith asked if this has all come about without an offer for the business and the property? Mayor Brookshire replied acquisition of right-of-way would be conducted primarily with the owner of the property. Councilman Smith stated you have two things here - you have a tenant who has a loss and the owner of the property has a loss. Councilman Smith asked if the appraiser did not approach the tenant on his loss? Mr. Kiser stated he is not aware of the negotiations or appraisals on this particular matter. Mr. Veeder stated no offer has been made. Councilman Smith asked how could they tell them to vacate without an offer? Mr. Webb replied they have not been told to vacate; all they have seen has been in the paper.

Councilman Short stated he wants to back up Mr. Webb a little and say it is complicated indeed to move a retail business. That a number of the gentlemen on the Council have the type of business where they are located in an office somewhere and this office could just as well be in

one office building as another and it could be on the fifteenth floor or on the third floor. It would not make any difference to his business. In this retail business you run into all kinds of complications and it takes time and you can "kill" your business by trying to move it.

Councilman Stegall asked if it was anticipated that this project needed to be underway before the time they are asking? Mayor Brookshire replied only as indicated by Council's anxiety to get it done.

Councilman Smith asked Mr. Webb what the Council told him to do? Mr. Webb replied the Council has not told them anything; the only thing he knows is that it is to proceed with top priority and according to the paper, instructions have been given for the immediate acquisition of the property.

Councilman Whittington stated he brought the matter up and he thought it was in order at that time and he still does. The Council sets these streets by priority and Fifth Street was Number 1; at that time the Council was in the negotiating process for all the property except this one parcel. His motion at that time was to notify the Coles in Rockingham that we would give them six months to find a new location, and in the meantime negotiations with the Coles from our Right-of-Way Department would proceed. All Council has said is we want the property because we are going to widen the street, and at that time it was decided not to set a time limit but notify them that we wanted the property as quickly as we could get it. As for the headlines, Council has nothing to do with that. We are in this position and he thinks they know what their clients have to do and how long it will take and where they are going to move and the City knows what it will offer the Coles and what the damages will be from moving, that it would be good business for the City Manager, the Attorney for the tenants, the tenants, and the Coles, to get together in a meeting and posthaste try to resolve this. Then all of this will work into the proper picture when the city is ready to take the land.

Mr. Veeder stated when this came up a few weeks ago it came up trying to be helpful in effect to the Vogue in terms of trying to spell out how much time they had, and the discussion proceeded from that point. Mr. Veeder stated the City does have appraisals on the property.

Mr. Webb stated they would like as much warning as possible; they are working on it now and are not trying to delay anyone. If possible, they could stay through January, they could mitigate their damages and the rest could be worked out.

Councilman Tuttle stated this was the intent of Mr. Whittington's motion and it was the intent of Council. Mr. Webb wrote Council in concern for Vogue about the time element. As a result of that letter, Council simply took action to the effect that the City needed to proceed as early as possible.

ORDINANCE NO. 626-Z AMENDING CHAPTER 23, SECTION 23-8 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 TOWARD CRAIG AVENUE.

Councilman Whittington moved approval of the subject ordinance, changing the zoning from R-9MF to I-1 as recommended by the Planning Commission. The motion was seconded by Councilman Smith.

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Councilman Whittington stated this is a piece of property on the northwest side of Delane Avenue, which runs off Craig Avenue. This property is contiguous to the Charlotte-Mecklenburg School System garage. The petitioner wants the change from R-9MF to I-1 and the property he is petitioning for is separated by a branch or a stream that crosses Craig Avenue, and the residences are on the other side. The only residences on the side involved is the petitioner's property and the Craig Avenue A.R.P. Church and manse. The petitioner is L. E. Johnson and the petition is for one lot.

Councilman Stegall asked what is the planned use of the property? That with the school board office there it is a lot of open space and only two buildings, but running from the creek eastward on Craig Avenue is all residential and across the road is also residential, with multi-family in some of it. There are a lot of new houses built in there close to the railroad. Here we would be allowing a person to build a building which will be in a stone's throw of residences across the street and across the creek. That Ervin has built a new development directly across the road with 30 or 40 houses in it; on up Craig Avenue toward McAlway Road there is a new development there. That he agrees behind the school building are several buildings which are light industrial.

Councilman Short stated he has visited the property. The new homes are not closely related to this property; the homes involved would not be described as new.

Councilman Stegall asked if there was any protest on the hearing, and he was advised a protest was filed sufficient to require the affirmative vote of six councilmen in order to rezone the property.

Council was advised that at the date of hearing on the subject petition, Mr. Johnston stated he intended to use the property for a building much like the one which exists on the school board property. By the rezoning, it would give him a better access to the rear of the property, and the building would be used as a warehouse and office for the Nova Cosmetics Company. That the property is not suitable for residential purposes as it has a little branch running down the center of it which would require some 5,000 to 10,000 cubic yards of dirt to fill in and cover the pipe.

The vote was taken on the motion to change the zoning of the property and carried by the following vote:

YEAS: Councilmen Whittington, Short, Alexander, Jordan, Smith and Tuttle.
NAYS: Councilman Stegall.

The ordinance is recorded in full in Ordinance Book 15, at Page 26.

ORDINANCE NO. 627-X ORDERING THE DEMOLITION AND REMOVAL OF THE DWELLING AT 304 ORANGE STREET PURSUANT TO THE HOUSING CODE OF THE CITY AND ARTICLE 15, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA.

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

The ordinance is recorded in full in Ordinance Book 15, at Page 27.

CONTRACT WITH PLAZA ASSOCIATES OF CHARLOTTE, INC. FOR WATER MAIN INSTALLATION IN TRYON STREET MALL.

Councilman Short moved approval of a contract with Plaza Associates of Charlotte, Inc. for the installation of 1,330 feet of water main in the Tryon Street Mall, inside the city, at an estimated cost of \$4,935.00 with the city to finance all construction costs and the applicant to guarantee an annual gross water revenue equal to 10% of the total construction cost. The motion was seconded by Councilman Smith, and carried unanimously.

APPRAISAL CONTRACTS APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and carried unanimously, approving the following appraisal contracts:

- (a) Contract with Stuart W. Elliott for appraisal of one parcel of land for the Eastway Drive Widening Project;
- (b) Contract with Alfred E. Smith for appraisal of one parcel of land for the East Third Street Connector;

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Isabella S. Alden for Grave No. 8, in Lot No. 182, Section 2, Evergreen Cemetery, at \$60.00;
- (b) Deed with W. R. Hacknew, Sr., for Lot No. 101, Section 2, Evergreen Cemetery, at \$480.00.

CONTRACT AWARDED BIG CHIEF, INC. FOR DEMOLITION OF STRUCTURES.

Councilman Short moved award of contract to the low bidder, Big Chief, Inc., in the amount of \$17,830.00 for the demolition of 90 structures located in Urban Redevelopment Areas N. C. R-24, N. C. R-37, N. C. R-43 and in the 3rd and 4th Street Extension. The motion was seconded by Councilman Whittington.

Mr. Veeder, City Manager, stated recognizing the spread between the low bidder and the next low bidder, and recognizing that this is a firm that we have not done business with before, an attempt was made to find out what we could about the firm. He advised they could not find anything derogatory about the firm and it is apparently thought well of in the trade. They enjoy a good reputation in Fort Lauderdale. That he was told they do as much work down there as all the other demolition firms combined. After checking them out they see no reason why the contract should not be awarded.

Councilman Tuttle asked how can they afford to come up here from Florida and outbid Cochran & Ross by \$10,000; that we have a 50% spread? Councilman Stegall asked if they are totally aware of the regulations in the type of equipment they will have to use. A company came in here not too long ago and they brought some equipment that was not over the

road equipment and the State stopped them from using the equipment. That this was how they were able to bid low by using a truck big enough to haul off one house at one time. That this figures \$198.11 per building and he does not see how they can do this with the cost of labor and equipment and travelling 800 miles from Fort Lauderdale.

The vote was taken on the motion and carried unanimously.

The following bids were received:

Big Chief, Inc.	\$ 17,830.00
Cochrane & Ross Const. Co.	26,209.00
Almond Grading Co.	27,120.00
D. H. Griffin Wrecking Co.	29,803.00
Hercules Demolition Co.	31,100.00
Max Berrier Wrecking Co.	34,000.00
J. H. Fortson Wrecking Co.	36,225.00
Cleveland Wrecking Co.	36,440.00
S. E. Cooper Co.	36,950.00
J. W. Chitwood & Assoc., Inc.	48,077.00

CONTRACT AWARDED GRINNELL COMPANY, INC. FOR TAPPING SLEEVES AND VALVES.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, awarding contract to the low bidder, Grinnell Company, Inc., in the amount of \$10,001.89, on a unit price basis for 76 tapping sleeves and valves of various sizes.

The following bids were received:

Grinnell Co., Inc.	\$ 10,001.89
U. S. Pipe & Fdy. Co., A. P. Smith Division	10,802.31
Utilities Maintenance Su.	11,517.44
Darling Valve & Mfg. Co.	11,681.66

PROPERTY TRANSACTIONS AUTHORIZED.

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

- (a) Construction easement of 500 sq. ft. at 204 Victoria Avenue, from John M. Little, at \$300.00, for the West Fourth Street Extension;
- (b) Acquisition of 282.20 sq. ft. of property at 806 West Fourth Street, from Thomas L. Keeter, at \$200.00, for the West Fourth Street Extension;
- (c) Construction easement of 3,250 sq. ft. at 305 Prince Charles Street, from Gerald Winchester, at \$2,300.00, for the Eastway Drive Widening Project;
- (d) Acquisition of 38,000 square feet of property at 1400 Medford Drive, from C. Morris Newell et al, at \$395.00, for the Eastway Drive Widening Project.

NOMINATIONS TO THE REDEVELOPMENT COMMISSION AND CIVIL SERVICE BOARD.

Councilman Alexander placed in nomination for the Urban Redevelopment Commission, Mr. Walter Tucker, Secretary of the Merchants and Farmer's Bank.

Councilman Alexander placed in nomination for the Civil Service Board, Dr. Emery L. Rann.

APPOINTMENT OF STEVE BLACKWELL AS ASSISTANT SOLICITOR.

Councilman Short stated there has been a lot of interest in the appointment of a successor to Mr. Warren Blair who has advised that he will not be available for reappointment as Assistant Solicitor.

He moved the appointment of Mr. Steve Blackwell as Assistant Solicitor to be effective at the expiration of the term of Mr. Blair, July 1. The motion was seconded by Councilman Whittington.

Councilman Jordan made a substitute motion to appoint Mr. Paul Whitfield. The motion did not receive a second.

The vote was taken on the motion and carried unanimously.

APPOINTMENT OF CLAUDE L. ALBEA TO THE PLANNING COMMISSION FOR A THREE YEAR TERM.

Councilman Tuttle stated this is a man everyone knows; a man who has never played politics with zoning and a man who probably remembers more about controversals in zoning than any man living in Charlotte today. He therefore moved the appointment of Mr. Claude L. Albea to the Planning Commission for a term of three (3) years, effective at the expiration of the expiring member on June 30, 1967. The motion was seconded by Councilman Whittington.

Councilman Smith stated he is not going to vote on this today; that he does not think these people should be put through like this. That he thinks Mr. Albea is a great man and he is a good friend, but he thinks this is throwing him a sop.

Councilman Smith made a substitute motion to defer action on the appointment for one week. The motion was seconded by Councilman Alexander.

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

YEAS: Councilmen Smith and Alexander.

NAYS: Councilmen Jordan, Short, Stegall, Tuttle and Whittington.

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

APPOINTMENT OF CHARLES D. THOMAS TO CIVIL SERVICE BOARD.

Councilman Tuttle stated the Civil Service Board is a three man commission and there are only two men serving now, and it is very, very important that the position be filled. In the event of a hearing, and the

law specifies when a hearing should be held, and one man was sick, there would be trouble. He stated his nominee is a businessman, a non-politican and a man who is willing to serve - Mr. Charles D. Thomas, Senior Vice-President of the First Federal Savings and Loan Association. He moved his appointment to the Civil Service Board for a term of three (3) years. The motion was seconded by Councilman Stegall.

Councilman Alexander made a substitute motion for the appoint of Dr. Emery L. Rann. That Dr. Rann has served on numerous City Commissions in voluntary positions; he is an outstanding citizen and well thought of in the Charlotte community, and he is willing to serve. That he feels this type of representation is needed in a position like this. The motion was seconded by Councilman Smith.

Councilman Jordan made a privilege motion for the appointment of Mr. Norman E. Foust. That Mr. Foust is President of the Washburn Printing Company. The motion did not receive a second.

Councilman Short made a privilege motion for the appointment of Mr. John H. Thrower. The motion was seconded by Councilman Whittington.

The vote was taken on the privilege motion to appoint Mr. Thrower and lost by the following vote:

YEAS: Councilmen Short and Whittington.

NAYS: Councilmen Alexander, Jordan, Smith, Stegall and Tuttle.

The vote was taken on the substitute motion for the appointment of Dr. Rann, and lost by the following vote:

YEAS: Councilmen Alexander and Smith.

NAYS: Councilmen Jordan, Short, Stegall, Tuttle and Whittington.

The vote was taken on the main motion to appoint Mr. Charles D. Thomas and carried by the following vote:

YEAS: Councilmen Tuttle, Stegall, Jordan, Short and Whittington.

NAYS: Councilmen Smith and Alexander.

APPOINTMENT OF EUGENE S. POTTS TO REDEVELOPMENT COMMISSION FOR UNEXPIRED TERM.

Councilman Whittington moved the appointment of Mr. Eugene S. Potts to the Redevelopment Commission for an unexpired term ending on November 27, 1969. The motion was seconded by Councilman Tuttle.

Councilman Whittington stated Mr. Potts is 56 years old, a graduate of Second Ward High School and was reared in First Ward; he is a native Charlottean. That he is also a graduate of Johnson C. Smith University; Director of Public Affairs at W.G.I.V. where he has been employed for 19 years. Mr. Potts is on the Charlotte-Mecklenburg Heart Association and is active in the March of Dimes, and in many other civic projects. That he is the kind of man that will represent all the citizens in the position with the Redevelopment Commission.

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Councilman Alexander made a substitute motion for the appointment of Mr. Walter S. Tucker. The motion was seconded by Councilman Smith.

Councilman Smith stated the Negro population of Charlotte is about 25% of the total population, and they have elected a councilman on this Body and apparently this Council does not see fit to go along with a Negro nomination from our Councilman. He stated this is wrong and he thinks they need representation on these commissions. That he does not think this Council is performing his representative duty to ignore his nominations one after another. Therefore he seconded the nomination of Mr. Walter Tucker; that he accepts Mr. Alexander's nomination as well thought out. That you can call this racism, but it is in reverse as they need representation. That is the reason Mr. Alexander is on this Council and he is doing an outstanding job on the Council and to continue to ignore his recommendations is not very smart on the Council's part.

Councilman Alexander stated he would like to know why when we had all agreed that we would name Mr. Tucker to this position, that all of a sudden we get the submission of a new name without any consideration whatsoever as to the why in previous understandings. That heretofore he has been accused of not discussing any proposals with anybody, but this one has been discussed and it was tentatively agreed that we would name Mr. Tucker. He stated he would like to know why he gets the "turn around".

Councilman Tuttle replied that Mr. Alexander did ask him about Mr. Tucker and he said that he did not have a candidate; that he did not know Mr. Tucker. That he knows if Mr. Alexander recommended him that he would be a man of substance. Not having a candidate and not knowing of another one, he told him he would go along. In the meantime, a councilman called him and said he also had agreed to go along with Mr. Tucker, but he had thought it over and another name came to his mind - a man well known, a man high in community affairs here, a man known by the entire Negro community; a man known by the entire white community. Councilman Tuttle stated after thinking it over and not knowing Mr. Tucker, and weighing the two men he thinks Mr. Potts is the man for the job and that is why he changed his mind.

Councilman Short stated when this matter was suggested to him he made it plain at the time that he had another candidate who is a Negro and a very fine one. That he does not know that he had any agreement to the contrary other than the candidate he was advancing. His name has not been mentioned today and he does not propose to name it because it is evident that he would not prevail.

Councilman Jordan stated when Mr. Tucker's name was mentioned as a candidate, he also told Mr. Alexander that he did not know him personally; that he had heard of his name; that he did not have a candidate for this post. That he does know Genial Gene and has known him many years, very close as far as the entertainment business is concerned. That he will make a very fine candidate; he is well liked by both white and colored people.

Councilman Whittington stated he called Mr. Alexander this morning and told him that he would not support Mr. Tucker. That if he could get enough votes sometime during the day he was going to bring up another candidate. That the man he has can best serve and for that reason he moved his appointment.

Councilman Alexander stated if he had known that it was not agreed that he had enough votes to name Mr. Tucker, he would not have submitted his name. When Mr. Whittington called him this morning and told him he could not support Mr. Tucker, he did state that he did not have another candidate at that time. If in common agreement we cannot hold to them, then there is no point attempting to make any and he will play his across the counter like everyone else.

Councilman Alexander stated he has no objections to Mr. Potts serving on the Commission if elected; that he is a neighbor and he has known him all his days and under other circumstances would vote for him. But he feels if this had been the agreement and anyone had wanted to name him they could have stated that in the beginning and there would have been a meeting of the minds, and there would not have been any need for any personality clashes regarding the appointment.

The vote was taken on the motion for the appointment of Mr. Tucker and lost by the following vote:

YEAS: Councilmen Alexander and Smith.

NAYS: Councilmen Jordan, Short, Stegall, Tuttle and Whittington.

The vote was taken on the motion to appoint Mr. Potts and carried unanimously.

APPOINTMENT OF ARTHUR R. NEWCOMBE TO THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Jordan moved the appointment of Mr. Arthur R. Newcombe to the Auditorium-Coliseum Authority to succeed himself for a term of five (5) years from the expiration of his present term. The motion was seconded by Councilman Stegall, and carried unanimously.

REPORT ON VARIOUS PROJECTS BY CITY ATTORNEY.

Mr. Kiser, City Attorney, stated at the last Council Meeting, Council made several suggestions of certain things that he might assign himself with during the week, and he would like to make a report on them.

At Mr. Smith's suggestion he prepared the proposal to amend the Charter to require two (2) ballots instead of the one that we now have. That he has given copies of the proposal to Mr. Smith.

With respect to the problem of the debris on Greenwood Cliff, they are working on the matter and hope to have some result in the near future.

With respect to the litter ordinance, he has discussed with Mr. Alexander some of the problems he referred to last week. That none of the problems can be cured by a change in the law; that it is primarily a problem resulting from cars abandoned on the street right-of-way and no place to put them in the police garage. Councilman Alexander asked if he found out any additional information regarding the speed at which auctions can be held? Mr. Kiser replied information received from the Police Department is they hold the auctions about every 30 days; they hold the auction for the cars which they have held for the 30 day period and that is as fast as they can hold it.

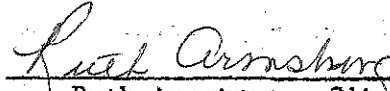
Mr. Veeder stated there is no question but what more space is needed. That the removal through the program of the Building Inspection Department has taken some 350 vehicles off private property in the last twelve months. The problem of removing them from public right-of-way by the Police Department does require some additional answers over and above the ones we have now.

MAYOR AND COUNCIL NOTIFIED OF INSTITUTE OF GOVERNMENTS SCHOOL IN JUNE.

The City Manager stated Council has received copies of notice from the Institute of Government on the School for Mayors and Councilmen at three locations on three different sets of days in June. If they can work this into their schedule, he knows they would find it most worthwhile and he would encourage them to work it into their scheduled if possible. That he would be happy to make any arrangements that would be helpful towards that end.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Stegall and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk