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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, April 22, 1968, at 2:00 o'clock p.m., with Mayor pro tem Whittington presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, James B. Stegall and Jerry Tuttle present.

ABSENT: Mayor Brookshire was absent at the beginning of the meeting and appeared later as noted in the minutes.

Councilman Gibson L. Smith

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 Toy, and Commissioners Albea, Gamble, Godley, Sibley, Stone, Tate and Turner.

ABSENT: Commissioners Ashcraft and Wilmer.

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INVOCATION.

The invocation was given by Reverend Jacob L. Lackey, Minister of Christ Lutheran Church.

MINUTES APPROVED.

Upon motion of Councilman Tuttle, seconded by Councilman Short, and unanimously carried, the minutes of the Special Call Meeting on Sunday, April 7, 1968 and the last regular meeting on Monday, April 8, 1968, were approved as submitted.

HEARING ON PETITION NO. 68-29 BY DR. THOMAS L. DULIN FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A 67.79 ACRE TRACT OF LAND SOUTH OF ORR ROAD ACROSS FROM WICA COMPANY PROPERTY AND BEGINNING APPROXIMATELY 1,100 FEET SOUTH OF ORR ROAD, DEFERRED UNTIL MAY 13, 1968.

Mr. Marshall Haywood, Attorney for the residents protesting the subject petition, stated for personal reasons he is requesting the Council and Planning Commission to continue the hearing until the next hearing date (May 13th). That unfortunately he was taken to the hospital a few days ago just at the time the work was required to be done on the matter, and he has not fully prepared the protest that is to be filed in this regard.

Councilman Tuttle stated he would concur in granting this delay if it will not work a hardship on the petitioner.

Mr. Underhill, Assistant City Attorney, advised his research has determined the request can be allowed at Council's discretion.

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Councilman Stegall moved that the request of Mr. Haywood to continue the hearing to May 13th be granted. The motion was seconded by Councilman Alexander.

Mrs. Thomas Dulin stated she would prefer that the hearing be held today; they do not have any immediate plans for the property but she cannot see what the objections are to hearing it today.

Mayor pro tem Whittington replied that Mr. Haywood has been in the hospital and has not had an opportunity to prepare his case for his clients who are against the petition. Mrs. Dulin stated then it will be alright.

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

HEARING ON PETITION NO. 68-28 BY EVERETTE D. MILLIKIN FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF ONE LOT ON MAPLE STREET AND TWO LOTS ON PEACH STREET IMMEDIATELY TO THE REAR OF THE LOTS FRONTING ON THE WEST SIDE OF DERITA AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the request is for three separate lots; two fronting on Peach Street and one fronting on Maple Street. That the railroad parallels Derita Road and the Derita Post Office is located at the corner of Maple Street and Derita Avenue. That Derita Avenue is on the west side of the railroad tracks on which the Post Office and several houses front.

He stated the property is vacant with the Post Office adjoining the property on the east side, and single family residential houses along Derita Road as well as down Peach Street and Maple Street. The business uses in the Derita area are located primarily along Derita Road with the Southern Bell facility, service station, bank and several miscellaneous business uses. Northward are additional business uses, the volunteer fire department and a church. Primarily around the subject property it is developed for single family uses with the exception of the Post Office itself.

On the west side of the railroad, along Derita Avenue, the zoning is for single family purposes and extends for several blocks in each direction. On the east side of the railroad tracks is a large business area on which the business uses are located; farther to the east, it is zoned for multi-family purposes.

Mr. Everett McConnell, Agent representing the petitioner, stated the Post Office has requested that the zoning be changed so they can acquire it for their purposes. He filed a letter from Mr. M. F. Jarrell, owner of the building now leased to the Post Office, in which he stated they are considering two pieces of land adjoining the Derita Post Office Building for additional park facilities; that the lot to the rear of the present building has been the first choice of the Post Office due to its location and the fact it is clear and can be put in shape at a minimum of expense.

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Mr. McConnell stated the lot to the rear of the Post Office will be used for parking space; the other will be used for anything under B-1 classification; that he heard Friday there are plans to enlarge the Post Office in addition to the parking.

No objections were expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-30 BY L. G. WALTER, ET AL, FOR A CHANGE IN ZONING FROM R-12 TO R-6 OF A 19.832 ACRE TRACT OF LAND AT THE EAST END OF ROCKWELL BOULEVARD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised the subject petition is in the same general area as the previous petition. He stated Rockwell Park, a residential subdivision, is located to the east of Cheshire Road; that the subject property consists of slightly less than 20 acres of land adjacent to Rockwell Park area; the area is developed with scattered single family uses with one or two duplexes; the adjoining property all the way around the subdivision is predominately vacant with a few scattered single family houses in the area.

Mr. Bryant stated the zoning in the immediate area is all single family with the Rockwell Park Subdivision zoned R-6 and the remaining property R-12. The subject property is R-12 and the request is to make it R-6, the same as the Rockwell Park area.

Mr. Winnifred Ervin, Attorney for the petitioners, stated the property was acquired by Mr. Walter and Mr. Barrett about 15 years ago. The area is landlocked, and the purpose of the request is to conform the area to the present zoning of Rockwell Park which is R-6. Under the new subdivision ordinances they will develop it more attractively than the original Subdivision. That it will be a continuation of a subdivision where the zoning is R-6, and the only way to get to the property is through the R-6 subdivision.

Mr. Philmon Dawkins, a property owner in Rockwell Park, stated the residents would like for the property to remain as R-12; if it goes to R-6 it would give two spaces rather than the one, and they would like for it to remain as R-12.

Councilman Jordan asked if Mr. Dawkins lives in the area petitioned for a change? Mr. Bryant replied Mr. Dawkins lives in Rockwell Park which adjoins the property presently under request; and if he understands Mr. Dawkins the people in Rockwell Park would be interested in upgrading their area to R-12 at the same time they are protesting the change from R-12 to R-6.

Mr. Dawkins stated he understood they were in an R-12 zone, and Mr. Bryant replied they are zoned R-6.

Councilman Alexander asked Mr. Dawkins if the people who live around this property feel the type of dwelling that will be built would not be the type they have now, and Mr. Dawkins replied that it right. Councilman Alexander stated then they would want to raise their R-6 zoning up to R-12.

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Councilman Short asked Mr. Bryant if it might be practicable or of any effect to rezone the existing area where Mr. Dawkins lives? Mr. Bryant replied it would necessitate a study of property ownership because this area was part of the old practice of subdividing the lots into 25-foot sizes and as a result a person was at liberty to buy one, two or three lots or whatever he saw fit and wanted. So they would have to examine the tax records to ascertain what is the normal lot size ownership-wise. From looking at the map it looks as though the lots are quite deep and as a result it would probably not take very many of these to meet the R-12 classifications.

Councilman Short stated it is commendable that the people in this neighborhood are considering the possibility of maintaining these large lots and upgrading their area.

Mr. Ervin stated he understands from Mr. Dawkins it is the desire of the neighborhood that this not be given a zoning of a lower classification than they live in; that he is satisfied Mr. Dawkins came into Council Chambers thinking they had requested a lower classification than they live in. That he feels an examination of ownership of the property will reveal that it will be impossible to have R-12.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-31 BY DOMAR CORPORATION, INC. FOR A CHANGE IN ZONING FROM R-9MF TO B-1 OF A 50-FOOT STRIP OF LAND EXTENDING FROM SHARON AMITY ROAD TO DRIFTWOOD DRIVE BEGINNING ABOUT 130 FEET NORTH OF ALBEMARLE ROAD AT SHARON AMITY ROAD AND ABOUT 255 FEET AT DRIFTWOOD DRIVE.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated there have been several requests in this area over the recent year and a half. The subject property consists of a narrow strip of land 50 feet in width that begins on Sharon Amity Road and continues over to Driftwood Drive. The property is vacant with a house on either side of it; directly across Sharon Amity is a service station just completed; the area up Sharon Amity toward Central Avenue is a mixture of single family, one duplex and vacant property scattered through the area. On Albemarle Road is a veterinarian clinic, a dentist, single family house, a church and another under construction; other than that it is primarily vacant.

The four corners of the Sharon Amity, Albemarle Road intersection is B-1; the subject property is R-9MF as is the adjoining property to the north; property across from the subject property is B-1 and beyond that it is R-9. That the request is in the form of an extension of the existing business zoning for an additional fifty feet along Sharon Amity Road. That there is a strip of B-1 zoning from Independence Boulevard all the way up to this point.

Mr. Bryant stated he understands a service station is proposed for this corner and the additional frontage is needed on Sharon Amity in order to give them sufficient entrance and exits.

No opposition was expressed to the proposed change in zoning.

Council

Council decision was deferred for one week.

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HEARING ON PETITION NO. 68-32 BY WALLACE E. SMITH, ET AL, FOR A CHANGE IN ZONING FROM R-12 to R-9MF OF A TRACT OF LAND AT THE EASTERLY END OF ORR STREET, EAST OF STATESVILLE ROAD.

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

Mr. Fred Bryant, Assistant Planning Director, pointed out Lake Road leading to the right off Statesville Road; just opposite, leading to the left, is Milhaven Lane which curves around and runs parallel to Statesville Road; the next street up is Durham Lane and is the street just south of the subject property; the next street north of Durham Lane is Orr Street and is the entrance street to the subject property. The subject property consists of 21.8 acres located about a block and half off Statesville Road to the east.

He stated the subject property is vacant with the exception of a single family residence on the front of the lot at the end of Orr Street; there are several single family residences along Orr Street and along some of the adjacent side street; there are also single family residences scattered along Statesville Road. The other street most closely associated is Durham Lane and has on it a number of single family residential homes. The area in general is a mixture of vacant and single family homes; there are several scattered business uses along or in the vicinity of Statesville Road.

The zoning in the area is all single family with the exception of the B-1 zoning at the intersection of Lake Road - Milhaven and Statesville Road. The only other non-residential zoning is a strip of B-2 zoning which was designed to accommodate an existing mobile home park.

Mr. John F. Holland, a resident of Orr Road, stated he has an acre of eight lots which are within a hundred feet of the subject property. He stated it is now all single family residences; there are a number of new homes being built and they built out there because of the residential character of the neighborhood and they would like their investment to be protected. He stated there are two schools out there and they are now overcrowded and to put multi-family units would not help the present condition; the traffic problem is something else; that he is a volunteer fireman and sometimes the alarm goes off twice before he can get into Statesville Road.

Mr. L. O. Waldrup, a resident of Statesville Road, stated he commends the Commission for zoning the area for single family units as it is the logical zoning for the area. It should not be changed to multi-family use as it will not be in keeping with the community.

Mr. Fred Henderson, a resident of Orr Street, stated in the whole section he does not believe there is anything other than residences and there are only one or two for rent. That he has lived here 38 years and the other people have been there for about the same length of time.

Council decision was deferred until the next meeting of Council.

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HEARING ON PETITION NO. 68-33 AND PETITION NO. 68-34 BY ASHCRAFT INVESTMENT COMPANY FOR CHANGE IN ZONING.

The public hearing was held on Petition No. 68-33 for a change in zoning from R-9 to R-6MFH of a 2.245 acre tract of land on the west side of Park Road, between Hillside Avenue and Ashcraft Lane, extending westward to Ashcraft Lane near Hough Lane, and on Petition No. 68-34 for a change in zoning from R-9 to O-6 of a 3.172 acre tract at the northwest corner of Park Road and Ashcraft Lane; protest petitions having been filed on each sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated the first request is almost an (L) shape tract of land fronting on Park Road about 165 feet, immediately south of Hillside Avenue. The property is vacant and adjacent on the north is a duplex at the intersection of Hillside Avenue and Park Road. He pointed out St. Ann's Church and School, Park Road Elementary School and the Park Road Baptist Church. Immediately adjacent to the north along Hillside Avenue, except for the duplex, it is developed for single family residential purposes. That Ashcraft Park is a mixture of single family, some vacant property and some duplexes constructed on corner lots. The area is predominately residential. Across Park Road on the east side is developed for single family residential purposes, back to the Park Road School. Down Park Road is the McGinn Shopping Center, and then the Park Road Shopping Center. There are a number of additional office uses now on Park Road across from the Shopping Center.

He stated the area around the subject property is R-9 with the nearest non-residential zoning along Reece Road and at the McGinn Shopping Center which is zoned R-6MF along Reece Road and the Park Road Shopping Center being zoned B-1 with office zoning beginning at Holmes Drive and continuing outward on the west side of Park Road.

Mr. Tom Lockhart, Attorney for the petitioner, stated this is the 12th consecutive year that this property has been unproductive to the owners of the property. Before being owned by the Ashcraft Investment Company, it was owned by members of the Ascraft family since 1901.

Mr. Lockhart stated considering Park Road north of the subject property back to Kenilworth and south from Kenilworth on to Selwyn Avenue, a little over three miles, there has not been a single family residence erected on either side of Park Road in a number of years. In the last five or six years built on Park Road have been apartments and a number of churches.

He stated the Ashcraft Investment Company has divided the petitions into two separate parcels. The first is 2-1/4 acres near Hillside for the purposed multi-family high rise apartment, and the second just over 3 acres at the corner of Ashcraft Lane and Park Road for the proposed office-institutional use.

He called attention to the development of office buildings on Park Road - the Esso Building, Allstate Insurance, the Hamilton House Apartment. That there are no single family structures built in this three mile area and there will be no construction due to the traffic, the tremendous business and institutional uses of the property.

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That the Y. W. C. A. is also an office or institutional use, although it is permitted in the present R-9 zoning classification. He stated Park Road is a unique street in our city; it is a problem in any rapidly expanding metropolitan area as to what to do with a street where there has been many fine homes which find themselves in the middle of a rapidly growing business area, or institutional and office uses as to what the property is being used for.

That there are some obvious advantages to this. You have facilities here for parking that can be used for the apartments and parking for the office institutional uses. This is a unique opportunity for the development of this 5 and 1/2 acre tract on Park Road. There is not another piece of undeveloped property on Park Road that lends itself as beautifully into the attractive development of the six story office building that is planned by Ashcraft Investment Company on the corner of Ashcraft Lane and Park Road or the high rise apartment it has planned further north on the same piece of property but divided for purposes of this zoning petition. It is entirely consistent with the development of Park Road and this entire area that this property be rezoned to permit a fair and reasonable utilization of this for the benefit of the property owners and the community.

That before they filed either of the petitions, they talked to every property owner on Hillside Avenue who owned property abutting this property. Of the people they talked to, three of them gave them their oral assurance that they would not oppose the proposed rezoning and in several instances they had the reaction, this would be a good plan. With this assurance, they proceeded with plans to file the petition for the high rise apartment on Park Road and allocated 2-1/4 acres to that project to develop the plan for the apartment building, an area for parking and a nice plan for the development around the area with greenery and plants.

He stated they talked to every property owner on Park Road, from Hillside on the other side of the street, all the way past Ashcraft Lane, and there was only one person who indicated any displeasure to this development. They did not know that this person would actually fight it or file a protest against it. However, with this one person owning a 70-foot lot as opposed to the frontage of their office institutional use of 425 (which is obviously considerably less than the 20% necessary to invoke the 3/4 Rule), they felt they were justified in filing both of these petitions as they did not feel there would be sufficient objection or that there would be any real problem in obtaining this rezoning. Since the filing of the petition, they learned that various of these persons with whom they had talked, had changed their minds. That they have not gone back to these people to ask them as to why they changed their minds or to get them to re-change their minds, except for the one call that they did make to one of these persons, and he was advised that a tremendous amount of neighborhood pressure had been brought to bear and for that reason this person, while they had previously stated they would not oppose it, they felt now that they had to go along with the people in their neighborhood.

Mr. Lockhart stated Ashcraft Investment Company is a good citizen of the community; they have been largely responsible for the development of the Ashbrook property which is behind this property on Park Road; the Ashcraft Investment Company gave the original site for the construction of the Park Road Baptist Church.

(MAYOR BROOKSHIRE CAME INTO THE MEETING AT THIS TIME, AND PRESIDED FOR THE REMAINDER OF THE SESSION.)

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Nevertheless, they find they are in this controversy and after very serious and very careful consideration, the management of the Ashcraft Investment Company has instructed him to request the Commission and the Council to deny Petition No. 68-33 for the rezoning of the 2-1/4 acre tract from R-9 to the R-6MFH; they cannot ask Council for permission to withdraw the petition because a protest has been filed against it sufficient to invoke the 3/4 Rule.

He stated this is ^{the} only one of their petitions that has any meritorious objection to it. With the same vein and with the same breath they ask Council to deny the petition for the rezoning for the high-rise apartment on the 2-1/4 acre tract, they ask Council to allow them the petition for the rezoning of the office institutional use on the 3 acre tract. There is no home within 500 feet of where the office would be constructed on this 3 acre tract of land other than houses on the other side of Park Road and the two houses on Park Road that did object to this rezoning, and by their objection invoked the 3/4 Rule, live on the northeastern edge of the tract of land.

Councilman Tuttle asked Mr. Lockhart if any land has been dedicated for ingress and egress lane, and Mr. Lockhart replied on the eastern side of the rear of the tract, there are two points for ingress and egress to Park Road and on the southernmost boundary of the 3 acre tract, there are 3 entrance and exit points which would be entirely adequate for handling the parking and the cars which would be using the parking lot for the office use. The construction of the office on the 3 acre tract would be entirely consistent with the church on the opposite corner of Park Road and Ashcraft Lane since the parking facilities of the office facility would be available to the church on week-ends and at night and at times when they would need it as the office building would be on the corner of Ashcraft Lane and Park Road and the proposed high rise apartment would have been on the northernmost part of the property.

Councilman Tuttle asked Mr. Henry Underhill, Assistant City Attorney, if this would in anyway affect the 3/4 Rule to deny any portion of this. Mr. Underhill stated this has been presented in two petitions.

Mr. Ben Ashcraft stated the property for the Park Road Baptist Church was donated by the Ashcraft family rather than the Ashcraft Investment Company.

Mr. Lockhart stated that Mr. Hugh Ashcraft is a member of the Planning Commission but is not sitting with them today and will not participate or have any part in this decision.

Mr. William Trall, 715 Hillside Drive, stated he is one of the property owners who would be affected by any rezoning of the property along Park Road between Hillside and Ashcraft Lane and Mr. Lockhart has stated that the people were in favor of this petition, he would like to present to Council a petition consisting of 275 names that represents 181 houses in this particular area, all who oppose this petition.

That a number of people who would be affected by the change from the present residential code to the proposed code for a 6-story office building, a 10-story apartment building and 436 parking lots are present today. The proposed project to be erected on this small piece of property has many built-in disadvantages that present a hazard greater than the hazard that exists right now. There are about 10 buildings within the City of Charlotte that are more than 10-stories high and yet the petition is asking to take the 11th tallest building in the City of Charlotte and put it right in the middle of their residential area.

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Mayor Brookshire asked Mr. Trall if he is protesting the first or the second of the Ashcraft petitions? Mr. Trall stated he is protesting both of them.

Mr. Trall stated his second objection is the increased traffic load in the already overcrowded Park Road; some of this traffic cannot help but spill over onto the residential streets in the area - all of them without sidewalks. Serving the south end of town are two major four-lane thoroughfares; one is South Boulevard and the other is Park Road; South Boulevard is the access that carries most of the heavy traffic and heavy equipment, and Park Road seems to be the accepted access as far as passenger vehicles. It seems only logical to use Park Road from the standpoint of avoiding the congestion that is on South Boulevard. By standing on the corner of Park Road and Hillside Avenue during the morning or evening rush hour the fact will be verified that this is a dangerous intersection somewhat controlled by a traffic control signal. That he has seen his share of accidents out there.

He stated with no ingress to the proposed office building, there is a dangerous situation from the standpoint of rear-in collisions. An individual trying to make a left hand turn into the area cannot help but come to an almost complete stop before making the turn safely. Without any access lane they do not see how this can be done without a rear-in collision.

He stated their greatest concern is the safety of their grade school children. The proposed project will be the only one in the City adding to the traffic hazard within a distance of 200 yards of two elementary schools. Many of these children are already exposed to the dangers of crossing Park Road.

Mr. Trall stated they are not in favor of the six story office building as proposed. That the traffic will spill over into the residential area where there are no sidewalks and the children will be walking to the two elementary schools.

Mr. James M. Kimbril stated he lives in the second block of Ashcraft Lane and when he bought the property from the Ashcraft Investment Company it was advertised as a highly restricted residential section. That he bought one lot and built his house and then they came out and said they would sell him the next lot, which they bought. That he paid \$5,250 for the first lot and \$5,750 for the second lot; that he has improved the property and probably has \$37,000 invested. Mr. Kimbril stated he was not contacted by the Ashcraft Company, but he would be the one most affected by the change. That he bought his property in good faith that it would be residential property.

Mrs. Phillip Cunningham, of Paddock Circle, asked if it is worth it to add to the danger of their children's lives to have an office building where people will be coming in at the same time the children are going to school.

Mr. Robert Burns, 1222 Jersey Lane, stated there are only a few ways in and out, and all of them on Park Road. The only stop light is at Hillside; Ashcraft Lane is about 500 feet up the street and if you had a stop light it would be inconvenient, but you would almost have to have one if the office building is constructed. He stated the area is already built up with residential buildings; in Ashcraft Development they are presently building \$25,000 buildings.

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Mrs. Owens, President of the PTA, stated her main concern is children and the schools. That she does not believe there is one vacant lot from Kenilworth Avenue down Park Road to build a house upon; also, she is a member of the Park Road Baptist Church and she believes the Ashcraft family donated the building for the fellowship. As for the parking facilities for the church, they do not fill their parking lot now.

She stated Park Road School is being closed out by apartments just as Sedgefield Junior High. That she lives on Ashbrook Drive, and they moved off Hartford Avenue because of the flow of traffic from South Boulevard. That she and her husband have four children and they have invested every cent they own in this house; that she has two children in elementary school and one in Junior High. She asked if an office building is really needed in this area and if apartments and office buildings are more important than the safety of the children. That the children walk these roads every day and there are no sidewalks. Traffic is already heavy and with the additional construction, it would be a hazardous situation.

Mr. Bill Groom, 1235 Ashcraft Lane, stated when he bought in this subdivision, it was one of the few areas out Park Road that had not been developed, and it was being developed with nice homes and it looked as though it was going to be a wonderful residential neighborhood. That he cannot envision looking out his window and seeing a six story office building to the left of his house. That he is a parent and is concerned about his child and Park Road. That he cannot see comparing a six story office building with the YWCA. The YWCA is a wonderful asset to the community as all the children in the community use it. There is no comparison with the Park Road Baptist Church; the Park Road Shopping Center is an asset as is the McGinn Shopping Center.

Mr. Otis Johnson stated he lives on Haven Drive and either two or four years ago this petition was turned down by the Planning Commission and the Council. When you spot zone a building in the middle of a block, it will only be a short time before they come back to get the other side of Park Road, and that will put it in his back yard. That his neighbors three houses up on Reece Road have already been asked if they will sell. That he knows Mr. Marsh, who is a member of the Ashcraft family by marriage, raised Cain when the Pinehurst Apartments were built across the street from his home which had been zoned R-12MF for years.

Mr. Hugh Mincy, 1109 Wimbledown, stated he would like to speak on behalf of the children; that just this morning, as he pulled out into Park Road, if it had not been for the school patrol present, there would have been a child killed or injured; the traffic problem is a hazard.

Mr. A. M. Stephens, 821 Hillside Drive, stated he is not directly affected by either one of the petitions, but is indirectly affected as most of the others. That the duplex lot at the corner of Hillside and Park Road is in a restricted covenant given by Mr. Ashcraft when Hillside Avenue was dedicated and is recorded in Book 428, Page 147, to restrict both sides of Hillside Avenue to single family residences until 1985 when it is automatically renewed for each preceding ten year period unless 2/3 of the property owners then owning lots on Hillside Avenue agree to a change. They are all now 100% residential

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across Park Road and the Baptist Church is across Ashcraft Lane, then the property owned to the rear of the subject property is owned by the same estate asking for the rezoning. That he understands they have been holding it off the market for some future use. He stated there are only four exits from the piece of property developed as residential by the Ashcraft family - they are Heather Lane, Holmes Drive, Ashcraft Lane and Hillside Avenue. Hillside Avenue is the only one now equipped with a traffic signal. If an office building is put at the corner of Ashcraft Lane and Park Road it will further restrict that exit into Park Road and put more traffic on the other streets. Mr. Stephens requested the persons present opposing the petition to stand and a number of people in the audience stood.

Mr. Lockhart stated Mr. Marsh did not oppose the Pinehurst Apartments directly across from his house. That Mr. Kimbril lives a minimum of 500 feet from the westernmost point of the property now sought for rezoning, and would be an additional 300 feet to the building planned. He stated there should be a limit at which a person has an interest to object and to protest the construction of improvements in the neighborhood where he lives; that people a thousand feet away on Paddock Place, down on Hillside Avenue, Haven Drive and two blocks away are not directly concerned except that everyone is concerned with traffic. That we are going to have the traffic problem anyway. That the subject property has never been laid out in lots and it was never the announced intention of the Ashcraft Company that the five acre tract would be developed into residential lots.

Mr. Kimbril stated at the time he bought his property Hough Road was laid to go across Ashcraft Lane into Hillside Drive. That the old Ashcraft Home was sitting there and he knew they would not do anything right away with that, but back of the home are just building lots, and they are building lots on each side of him and they refused to sell.

Mr. Bill Treadway, Bywood Lane, stated he was not contacted by the petitioner. That two years ago when he bought the property he asked the real estate agent to check into the possibility of buying the corner lot to be used for additional playground for his children. He was informed that the property was not for sale at any price and was being held to protect the larger tract in question today.

Mrs. Carson Sims, Heather Lane, stated she will not allow her eight-year-old son to walk on Park Road. That trees comes out to the street; at one time there was space to walk but Park Road was widened and there is not space for children to walk. From Woodlawn Road to Catholic High there are no sidewalks for the children to walk on. They had the same problem at Heather Lane. Dr. Palmer put offices in his home and they protested; he then put offices along the side of his building which did not have any entrance way except through the back lot which is a parking lot. They were assured by the Council and everyone else there would be enough parking space; since then they had had "no parking" signs placed; they have had their driveways cross-marked. To put another building there that will have business from 8 to 5 will increase the hazards.

Mr. Ben Ashcraft stated there is a gravel sidewalk from Park Road to Hillside Avenue to Selwyn Avenue for part of the way on both sides and there are sidewalk provisions on Haven Drive in front of Park Road Elementary School. He stated there is a terrific need for the safety

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of children not only in the Park Road area but in many other areas. That the last house built on Park Road opposite the subject property was built no later than 1953.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 68-35 BY JOHN W. TULLOS FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF PROPERTY AT THE NORTHWEST CORNER OF EASTWAY DRIVE AND SPRINGWAY DRIVE, FRONTING 225 FEET ON EASTWAY DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised the subject property is located at the corner of Springway and Eastway Drives; Springway is not opened all the way through. The property is vacant; to the north is the business complex at the intersection of Shamrock and Eastway; to the south across Springway Drive, is the beginning of residential development towards the Methodist Home Park; the property to the west is vacant; there is a fairly deep ravine running across the rear of the property and separates this tract from the other property on Springway Drive.

The entire area around the intersection of Shamrock and Eastway is B-1 with a small patch of B-2 on Eastway Drive. The subject property is B-1 and the request is for B-2. On the opposite side of Springway Drive is O-6 to form a transition into multi-family zoning which extends along Eastway Drive southward.

Mr. Bryant stated this property was before Council about two years ago for a change to the present B-1 from an office classification. That he understands the request for B-2 is in order to put in an auto-wash and service station.

Mr. John McRae, Attorney for the petitioner, stated it was about five years ago when the change was made to B-1 and they had an option for a service station which was never taken up. He stated they now have an option from Crown Oil Company who would like to build a service station and a car wash. That the station and pumps will face Eastway. The car wash will be two stalls - one automatic and one manual. The petitioner feels it is necessary to have the car wash with the station.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 68-36 BY E. AND J. DEVELOPMENT COMPANY FOR A CHANGE IN ZONING FROM O-15 TO R-6MF OF A TRACT OF LAND ON THE WEST SIDE OF SUGAR CREEK, EXTENDING TO HEDGEMORE DRIVE, SOUTH OF ABBEY PLACE.

The public hearing was held on the subject petition, on which a protest petition sufficient to invoke the 20% Rule has been filed.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is a tract of land that lies between Hedgemore Drive - a street that is partially constructed and partially under construction - and extends from Hedgemore over to Sugar Creek. It is partially

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occupied by a new apartment dwelling known as Park Terrace Townhouses. The remaining part is vacant and is subject to development. He pointed out the Allstate Insurance Building and stated there is also an office building at the intersection of Mockingbird Lane and Hedgemore; there is vacant property directly to the south and east of the property.

He stated the property is zoned O-15 as is all the property between Park Road and Sugar Creek in the immediate vicinity. There is O-6 zoning on the west side of Park Road, with R-6MFH to the south of the area but not immediately adjacent. Across Sugar Creek is R-6MF to take care of the Selwyn Village area, and some vacant property along the creek. There is generally single family zoning along Selwyn Avenue and west of Park Road.

Mr. Charles Henderson, Attorney, stated he represents the petitioners. The E stands for Mr. Ed Vinson and the J. for Mr. Jim Bishop. That when they have tried to do something about the area along Sugar Creek, there were no takers for office purposes. That the property is best suited for apartment projects. Under the present O-15, they are already building some of the finest units, and they have invested some one million dollars in this valley for these units. For the most part, they have found it is better to put along the water shed, the apartments not primarily designed for children, and this area is not immediately accessible to schools. He stated the buildings will be only two stories and each unit will face on a private courtyard, and the courtyards then open onto a larger courtyard where there will be a put-put golf course, a swimming pool and a small recreational house designed so there will be controlled recreation for the young people. Down next to the creek will be a tremendous amount of parking; they feel the people who will rent these spaces will work in the proposed office buildings in the area, and they are entitled to some privacy. That a new street has already been opened from this area all the way through and comes out next to the bowling alley on Montford Drive; there is access that does not involve Park Road.

Mr. Henderson stated this is the same principal owner of property that is already developed in the area and they join in asking for the change in zoning. That they are surprised at the petition of opposition.

Mr. Zake Thomas, Attorney for two corporations who own adjoining property, stated on one is located a medical doctor's building, and they have under binding contract for purchase a seven acre tract. They have a commitment from Metropolitan Life Insurance Company for a million and a quarter dollars to build a series of townhouse type apartments. That in O-15 zoning with one exception, the requirements are the same as R-15MF when speaking in terms of multi-family developments; when speaking in terms of a change to R-6MF, it will go into a less restrictive zoning for the purpose of multi-family.

Mr. Bryant stated in terms of usage it is more restrictive, in terms of density, it is less restrictive.

Mr. Thomas stated this is the crux of their objection - the change in density. That construction on their apartment complex is scheduled to start within the next three to four weeks, and it is a relatively low density requirement, and in the midst of this the petitioners intend to put in a high density project. He stated to get to their lower density apartments they will have to go back through the high density apartments, and they understand the petitioners contemplate building the so-called young adult clubs or the swingers-type apartments.

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He stated this property is part of the Graham Estate and his clients have bought this portion from them and have gone ahead with their plans. Several years ago they approached the Graham Family with a proposal for a high density apartment, and at that time the Graham Family said they would oppose any change, so they proceeded with the lower density use, and now they are having a rezoning to allow a very high density use which fronts right on the only access his people have into this property. That his clients plan a high quality, family-type apartment units, and there is also the medical unit where women and children will be going. That the affect of the rezoning would allow them to put approximately 60 more apartments on the portion of the tract that is undeveloped.

He stated they are opposing the change because they have their plans for an apartment complex of relatively low density use which will be blocked in by the high density unit with their only access right by the high density use. That had they known they were going to make this change, they could have built high density apartments, but now they have made commitments of large amounts of money. That his clients have developed their property under the 0-15 zoning, and they are satisfied with the 0-15. Once Metropolitan has made its commitment, it is very reluctant to have any change of any sort made.

Mr. Henderson stated the property uphill that overlooks the protestants' property is zoned R-6MFH, and the E. and J. Development Company is not asking for R-6MFH, but merely R-6MF, the same zoning that extends along Sugar Creek over to Selwyn Village and is completely contiguous to what they are requesting. The density that is planned comes out about equal to an R-9MF; there is not a plan based on maximum usage, and the reason is because a great deal of this property cannot be used for any kind of residential units. Some of it is flood plain land, and the units, of necessity, are pulled back from the creek and the creek-side property is being used for parking. That the Wal-Tuk property has an extremely deep ravine and as a result every square foot of that piece of property cannot be used; he predicts the density of the buildings themselves will be very similar to the density of the buildings his clients are talking about. They will be in a position where they will have an R-6MFH looking down on them.

Mr. Henderson stated he has represented the Graham Family for some time and his appearance today is inconsistent with that because the Graham Family has already sold the property to E. & J. Development and have no property interest in it. They have contracted to sell the piece of property to the Wal-Tuk Corporation, and the Wal-Tuk Corporation could not file the petition in opposition because they did not own the property as the papers have not yet changed hands. The opposition came from the little medical clinic which is owned by similar people, but is an entirely different corporation.

Mr. Thomas stated his clients plan to spread their apartments complex out as much as possible. With regard to the Wal-Tuk property, they have not had the title in their hand because of some delay with Mr. Henderson who is actually the grantor of that property and he has not been able to get his people together, and that is the only reason. They have been ready to pay the money for some few days.

Council decision was deferred until the next Council Meeting.

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HEARING ON PETITION NO. 68-37 BY LYON CORPORATION FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY ON THE NORTH SIDE OF COLONY ROAD BEGINNING 130 FEET EAST OF SELWYN AVENUE AND FRONTING 231 FEET ON COLONY ROAD.

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

The Assistant Planning Director stated the subject property is located on the north side of Colony Road and is occupied by a non-conforming laundry facility that is located on the extreme eastern edge of the property. Directly across and beside it is developed with single family residential structures as is all the property down Colony Road. Along Selwyn Avenue is a variety of business uses. Along Selwyn, to the north, is multi-family and single family uses and to the south is primarily single family uses.

The subject property is zoned R-9 as is all property on both sides of Colony Road leading towards Myers Park High School. There is B-1 zoning along both sides of Selwyn Avenue throughout the area near the intersection of Colony Road and down as far as and south of Brandywine itself. Office zoning is to the north of the business area on Selwyn and office zoning on the west side of Selwyn Avenue. Other than that the area is generally single family with some multi-family along Selwyn Avenue to the north.

Mr. Bill Waggoner, Attorney for the petitioner, stated the property was acquired by the Lyon Family in the early 40's. It has had a Shell Service Station on the corner most of this period; there is a beauty parlor located there and there is now a 7-11 building. That a lot of vandalism took place on this property, and the Lyons have entered into a new lease with Shell Oil Company and they have taken more property. Adjacent to the Colony side is a coin-operated laundrette in good condition; it was there before the zoning laws came into effect and is a non-conforming use.

Mr. Waggoner stated 60-Minute Cleaners System would like to install a cleaning plant on the subject property. That it will be a very modern type building; it is a franchise system and is well policed. That it will improve the image of the property, reduce the vandalism and it is a great expression of faith on the part of the Lyon Family to go into a neighborhood where they have experienced vandalism; they have lost tenants there. It was not their doing nor the city's doing; it was just a circumstance where people collected; they feel the property is of no use to anyone under the present zoning. To use it, they will have to tear down the coin-operation, and this would not be a wise business move. They cannot put a residence there in a group of business buildings. They feel there is an economic hardship on the way the zoning was set up. The property was bought as a single lot. Coming down Selwyn Avenue, the zoning depth was set to be 120 feet and that is where it lies now; it has divided the property and created a very inequitable situation. They propose to build a building approximately 30' x 50'. It will be a nice modern building.

Mr. J. R. Bailey stated he lives next door to the Washerette. He stated the Lyon property was bought in 1925 and was outside the city limits until January 1, 1949. No action was taken until 1948, when two concrete block buildings were hastily constructed, a washerette on the southeast corner and the beauty parlor on the northeast corner.

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That a request was made by the owner to zone the entire lot as B-1 due to the fact he had already placed business at each corner. The residents requested that the business be confined to approximately 100 feet from Selwyn Avenue as that had been the previous trend of the zoning in that area. The zoning commission approved B-1 for 100 feet only and the balance R-1. This was approved by the City Council April of 1949. In 1953, request was again made by Dr. Lyon to have the balance of the lot changed from R-1 to B-1 and this was turned down. The case came up again in 1961 over a drive-in restaurant, and it was noticed the zoning map was drawn to show 150 feet instead of 100 feet. After considerable controversy before Council and the Courts, the actual building itself was completed within approximately 100 feet and sometime thereafter the zoning map was changed to read 120 feet, which it is today.

Mr. Bailey stated the reasons for the protest are the same now as they were in 1949, 1953 and 1961. The situation has not changed. The additional business will be detrimental to the maintenance of Club Colony as a desirable residential neighborhood; it will add to the traffic problems; and additional business is not needed to serve the neighborhood. If the B-1 request is approved, they can expect very little cooperation from the owner of the property or the operators. They now operate seven days a week, and no effort is made to maintain the property, and additional business would not improve the situation.

That the petitioner stated there is no other use for the property, and this is not true as the new ordinance makes available several possibilities.

Mrs. Mae Marshall, 2801 Glendale Road, stated the washerette is non-conforming and there is a bank on the lot six feet down and several cars have jumped the bank, come across Colony Road down into her house. That people come in there at night up until midnight, slamming doors, making a lot of racket and on Sunday it is the same; there is no peace and quiet in the neighborhood. The people around there have nice homes and nice yards and they find beer and trash in their yards. That she has had to call the Health Department many times to make the businesses clean up the back of their buildings.

Mrs. J. E. Gravette stated it is very difficult for anyone who has a side entrance to park their cars and to get in and out of the street; there is noise and dust from the business and beer cans, whiskey bottles and trash in their yards.

Mrs. Gordon Mitchell stated she lives in back of Hardee Drug Store and there is much vandalism in the area; police patrol the area but when the police leave for their breaks, the boys get into more trouble. The washerette is a hang-out for the young people. Two weeks ago, on a Saturday night, they set fire to a pile of trash in the alley in the back of her house. The stores have had their windows broken and there has been much destruction. Add another business to what they already have and you have more of the same.

Council decision was deferred until the next Council Meeting.

MEETING RECESSED AND RECONVENED.

Mayor Brookshire called a ten-minute recess at 4:55 o'clock p.m., and reconvened the meeting at 5:05 o'clock p.m.

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DECISION ON PETITION NO. 68-24 BY BRAKE SERVICE COMPANY OF CHARLOTTE, INC. FOR CHANGE IN ZONING ON TRACT OF LAND ON THE WEST SIDE OF STATESVILLE ROAD, NORTH OF NEVINS ROAD AND EXTENDING NORTHWARD TO A POINT NORTH OF CINDY LANE, DEFERRED FOR ONE WEEK.

Councilman Alexander moved that decision on the subject petition be deferred for one week. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON MONDAY, MAY 13 ON PETITION OF WILLIAM TROTTER DEVELOPMENT COMPANY REQUESTING THE ANNEXATION OF PROPERTY TO THE CITY OF CHARLOTTE PURSUANT TO G. S. 160-452, AS AMENDED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject resolution setting date of hearing on Monday, May 13, was adopted and is recorded in full in Resolutions Book 6, at Page 85.

REQUEST OF EMPLOYEES OF CELANESE CORPORATION TO OPERATE ARCHERY RANGE ON COMPANY PROPERTY, AUTHORIZED.

Councilman Tuttle moved approval of the request of the employees of Celanese Corporation to operate an archery range on Celanese property at 2300 Archdale Drive. The motion was seconded by Councilman Jordan, and carried unanimously.

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

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, adopting the subject resolution setting date of public hearing on Monday, May 13, 1968.

The resolution is recorded in full in Resolutions Book 6, beginning at Page 86.

STATEMENT BY COUNCILMAN WHITTINGTON, CHAIRMAN OF THE COUNCIL'S HOUSING COMMITTEE, REQUESTING COUNCIL'S APPROVAL FOR ADDITIONAL 1,000 DWELLING UNITS.

Councilman Whittington, Chairman of the Council's Housing Committee, stated for the last several months Councilman Jordan, Councilman Alexander and he have served on a Committee of the Council concerned with housing needs in Charlotte. They have met with federal officials, representatives of local agencies concerned with housing, consultants, builders and others concerned with housing as well as city government staff members.

The Committee has taken the lead in setting up a number of conferences and has made out-of-town trips in behalf of the housing needs. During the last several weeks they have concerned themselves with the need for additional public housing units. They have encouraged the Housing Authority and the Redevelopment Commission to work together and have given the Housing Authority their best thinking on proceeding with this program.

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The Redevelopment Commission, with the approval of the Housing Authority today, has asked Council to approve a procedure which can speed up the Dilworth Project. The Committee approved bringing this request to Council for its approval today. The public housing units represented in the Dilworth Renewal Project, plus other projects which we expect to be under construction even in advance of the Dilworth Project puts us in the position of seeing a degree of daylight on the 1,000 units approved by Council about two years ago. The Housing Committee is of the opinion it is appropriate for Council to consider authorizing the Housing Authority to proceed with the plans for another 1,000 units. This would be 1,000 more than those already approved. In reaching this conclusion, the Committee has met with representatives of the Housing Authority and the Redevelopment Commission, and both of these agencies agree that this is a correct course of action. The Committee believes that formal Council action requesting another 1,000 units is a step in keeping with the goals of a decent home and a suitable living environment for all Charlotteans. The Committee asks that Council approve the application of the Public Housing Authority for a loan to plan another 1,000 dwelling units.

RESOLUTION CALLING FOR A PUBLIC HEARING ON REDEVELOPMENT PLAN FOR DILWORTH URBAN RENEWAL AREA, PROJECT NO. N.C.R-77.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, the subject resolution was adopted setting date of public hearing on Monday, May 13, 1968.

The resolution is recorded in full in Resolutions Book 6, beginning at Page 88.

RESOLUTION OF CITY COUNCIL OF THE CITY OF CHARLOTTE, CHARLOTTE, NORTH CAROLINA, APPROVING THE USE OF LOCAL FUNDS TO UNDERTAKE CERTAIN PROJECT EXECUTION ACTIVITIES DURING PROJECT SURVEY AND PLANNING STAGE FOR DILWORTH URBAN RENEWAL AREA, PROJECT NO. N. C. R-77.

Councilman Jordan moved the adoption of the subject resolution. The motion was seconded by Councilman Whittington.

Councilman Short stated he thinks this is a wonderful idea. Just to make sure that Council is on firm footing, he would like to ask a question as there is a million and some three hundred-odd thousand dollars of public money involved.

Councilman Whittington stated this money will be used to develop plans for the Dilworth Urban Renewal Project, and this money, without interest, will be reimbursed to the City. That it will also be used to acquire land for the project.

Councilman Short stated a voter in a bond referendum who voted for a bond issue on the basis of 1/3-2/3, does he have any right to complain if Council proceeds with the local 1/3, before the 2/3 is actually assured; are we on firm legal footing here? Mr. Veeder, City Manager, replied the premise involved is the Redevelopment Commission would not do this until the federal government had agreed to this on a consensus basis that when this project is in execution that this would be a part

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of the cost. That it would not be done without a commitment from the federal government. In the absence of the consent, the Redevelopment Commission would go no further. Councilman Short asked if this is legally sufficient?

Mr. Raymond King, Chairman of the Redevelopment Commission, replied the Commission has gone into this in good detail; the necessary funds for the completion of the project have been reserved. One of the main points Mr. Don Humble made when he was in Charlotte was that there are about \$4 billion that cannot be used because they are reserved for certain projects which have not progressed to the point where the funds can be used; this project is in that position. When the application was approved the capital grant funds were reserved at that time. That Mr. Tom Creasy, the Commission's Attorney, has gone into this and has told the Commission by securing the letter of consent from HUD which says if a local municipality is willing to put up its own funds, this can be expedited and save from six months to a year by using our own funds and after a normal period of time from HUD approval and the planning and execution of this project, then the funds that have already been reserved are made available and will be applied into the project the same as they would normally on a 1/3-2/3 basis.

Mr. Veeder, City Manager, stated if the funds have been reserved, then they have to be appropriated by Congress before they can be reserved.

Mayor Brookshire asked that Mr. Creasy's opinion be given to Council in writing.

Councilman Whittington stated the Council's Housing Committee has gone over every bit of this with the Housing Authority and the Redevelopment Commission and their legal advisors.

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

The resolution is recorded in full in Resolutions Book 6, at Page 92.

RESOLUTION APPROVING APPLICATION FOR PRELIMINARY LOAN FOR LOW-RENT PUBLIC HOUSING.

Councilman Whittington moved the adoption of the subject resolution of the City Council requesting the Public Housing Authority to proceed with the application for another 1,000 public housing units. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 6, at Page 92.

REQUESTS TO CONNECT PRIVATE SANITARY SEWER OUTSIDE THE CITY TO CITY'S SYSTEM APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried, the following requests to connect private sanitary sewers outside the city limits, to the city's system, were authorized:

- (a) Request of The Howey Company, Inc. to connect private lines in Quail Hills Development on Sharon Acres Road, with the contract to stipulate the lines will become the property of the City when the area is annexed;

continued

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continued

- (b) Request of W. L. Abernathy, Jr. to connect private sanitary sewer trunk to Chadstan Lane, outside the city limits, with the contract to stipulate the lines will become the property of the City when the area is annexed;
- (c) Request of Lone Star Builders to connect private lines at the intersection of Sharon Road and Quail Hollow Road, which lines will not be maintained by the City as they are private plumbing lines.

SANITARY SEWER CONSTRUCTION AUTHORIZED.

Councilman Jordan moved approval of a contract for the construction of 1,320 feet of 8-inch sanitary sewer main in Beal Street, at the request of Mr. B. F. Hager, at an estimated cost of \$6,955 with all cost of 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. The motion was seconded by Councilman Tuttle, and carried unanimously.

SUPPLEMENTARY CONTRACT FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Tuttle, seconded by Councilman Alexander, and unanimously carried, authorizing a supplementary contract to contract dated August 8, 1966, with Sharon Utilities, Inc. for the installation of 400 feet of water main to serve a portion of the Montclair No. 5 Subdivision, outside the city limits, as an estimated cost of \$1,900.00. The applicant will procure water by the terms of the existing contract through an existing master meter, and will finance all pipe lines and system and will own, operate and maintain same and retain all revenues derived therefrom until such time as any part or all of the mains are incorporated into the city, at which time said lines and system will become the property of the City without cost or further agreement.

LICENSE APPLICATION FOR COLLIER EXTERMINATING COMPANY, APPROVED.

Councilman Whittington moved approval of the subject license application. The motion was seconded by Councilman Jordan, and carried unanimously.

SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the following Special Officer Permits were authorized for a period of one year:

- (a) Renewal of permit to Mr. Daniel Hoyt Shealy, on premises of Kings College, 322 Lamar Avenue;
- (b) Renewal of permit to Mr. Bowell Adams, for use on premises of Morris Speizman Company, Inc.;
- (c) Issuance of permit to Mr. William Joseph Harmen, for use on the premises of K-Mart, 6025 Pineville Road;
- (d) Issuance of permit to Mr. David Randolph Bradey, for use on the premises of Charlotte Branch, Federal Reserve Bank of Richmond.

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LAWSUITS SETTLEMENT DEFERRED FOR ONE WEEK.

Councilman Whittington moved the settlement of lawsuits against the City in the amount of \$5,000 as recommended by the City Attorney, the lawsuits having been filed by Mrs. Ella Mae Richardson and Mrs. Frances Harkey for injuries received when they were passengers in an automobile which they allege struck an open manhole cover on Lincoln Street. The motion was seconded by Councilman Alexander.

Councilman Tuttle asked if it has been established the city was aware of the open manhole, and Mr. Underhill, Assistant City Attorney, replied it has been established there were drainage problems in the area before as it has flooded several times over a three or four year period due to inadequate sewer lines on private property.

Councilman Short asked if Mr. Underhill or someone from his office has actually talked to the principal witness who has been described as an elderly lady? Mr. Underhill replied they have tried to talk with the lady but she has been ill; dispositions have been set up several times and they have had to postpone them every time; that she was present in the Court Room the day the case was scheduled to be heard. That the attorney representing the other defendant, the Insurance Company, has informed them that the lady will, in fact, testify that she called the Police Department and made a report of a manhole cover being up about three hours before the accident happened. That she made this same statement to the police officer who investigated the report and her name appeared on the accident report as having reported this incident at 5 O'clock the day of the accident.

Mr. Underhill stated he is personally satisfied that the lady is a disinterested party. They feel if this matter goes to a jury and if they get anything at all it will be substantially more than the settlement.

Mr. Underhill stated Mr. Lee Rea, in the Engineering Department, has talked to the lady on several occasions when she has reported this. They have also been informed there are other witnesses in the area that will testify this area has flooded several times in the past three years.

Councilman Short stated he agrees with Mr. Underhill's analysis and appreciates the efforts here and agrees with everything he recommends, but the only thing that holds him up is we are letting them, in effect, prevail in this case without an opportunity to talk with the party who holds the key to everything, and it appears a week's delay in order to do that is in order.

Councilman Short made a substitute motion to defer the matter for one week and ask Mr. Underhill to do what he can to personally confer with the key witness. The motion was seconded by Councilman Stegall, and carried unanimously.

LEASE WITH UNITED STATES OF AMERICA, POST OFFICE DEPARTMENT, FOR PLOT AT AIRPORT, AUTHORIZED.

Motion was made by Councilman Stegall, seconded by Councilman Alexander, and unanimously carried, approving a lease with the United States of America, Post Office Department, for Air Mail Facility Plot at the Airport for a term of six years, subject to renewal, at \$1,100 per year for the .67 acres involved.

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CONTRACT AWARDED J. B. THOMAS FOR CONSTRUCTION OF DISTRIBUTION SYSTEM WATER MAINS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, J. B. Thomas, in the amount of \$131,675.00, on a unit price basis, for the construction of a 12" diameter distribution system water main in Morris Field Drive and New Dixie Road.

The following bids were received:

J. B. Thomas, Gen. Contractor	\$131,675.00
Boyd & Goforth, Inc.	134,745.00
Propst Const. Co.	137,280.00
Blythe Bros. Co.	148,195.00

CONTRACT AWARDED ELECTRONIC SUPPLY COMPANY FOR CLOSED CIRCUIT T. V. SYSTEM.

Councilman Tuttle moved award of contract to the low bidder, Electronic Supply Company, in the amount of \$3,496.55 for closed circuit T. V. System for Mint Museum. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Electronic Supply Co.	\$ 3,496.55
Photo-Scan of N. C.	4,453.42
Southeastern Sight & Sound Co.	4,978.72
Dixie Radio Supply Co.	6,761.65

CONTRACT AWARDED CAROLINA FOODS, INC. FOR SANDWICHES FOR CITY JAIL.

Upon motion of Councilman Jordan, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Carolina Foods, Inc., in the amount of \$5,756.40, on a unit price basis, for estimated requirement of 36,900 sandwiches to provide meals for prisoners in the City Jail.

The following bids were received:

Carolina Foods, Inc.	\$ 5,756.40
The Dinner Bell Company	6,140.16

CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR CLAY BRICK.

Motion was made by Councilman Jordan awarding contract to the only bidder, Kendrick Brick & Tile Company, in the amount of \$12,750.00, on a unit price basis for estimated yearly requirement for clay brick. The motion was seconded by Councilman Tuttle and carried unanimously.

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CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR SPRING RESURFACING OF STREETS.

Councilman Alexander moved award of contract to the low bidder, Rea Construction Company, in the amount of \$188,381.25, on a unit price basis, for spring resurfacing of streets. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Rea Construction Co.	\$188,381.25
Blythe Bros. Company	191,118.00
Dickerson, Inc.	204,570.80

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Tuttle, and seconded by Councilman Whittington, to authorize the following property transactions:

- (a) Settlement with Appliance Service Corporation, in the amount of \$17,000.00, for 6,614 sq. ft. of property at 500-10 Seigle Avenue, for the Northwest Expressway;
- (b) Acquisition of 1,962 square feet of property at 3516-22 Eastway Drive, from Edward Raymond Christman and wife, Peggy H., at \$3,000 for the Eastway Drive Widening Project;
- (c) Construction improvement on the southeast quadrangle, at Sixth and Brevard Streets, of property owned by Paul B. Bost and wife, Carrie V., at \$9,000.00, for the Sixth Street Widening Project;
- (d) Acquisition of 1,230 sq. ft. of property at 2923 The Plaza, at \$1,750, from Leonard Arenson, for the East Thirtieth Street Project;
- (e) Acquisition of 452 sq. ft. of property at 800 Wesley Avenue, from J. D. Haney, at \$2,000, for the East Thirtieth Street Project;
- (f) Acquisition of 572 sq. ft. of property at 1000 Wesley Avenue, at \$300.00, from Elbert W. and Lovenia H. Morton, for the East Thirtieth Street Project;
- (g) Permanent improvement easement of 560 sq. ft. at 2921 Whiting Avenue, from Jay Realty Corporation, at \$56.00, for East Thirtieth Street Project;
- (h) Acquisition of easement 7,014.45 sq. ft. in Eastbrook Woods Subdivision, adjacent to Hampshire Hills, at \$1.00, from William Trotter Development Company, for sanitary sewer to serve Eastbrook Woods;
- (i) Acquisition of 1,500 sq. ft. easement at 3026 Eastburn Road, from Larry L. and Eva M. Presley, at \$450.00, for sanitary sewer to serve Heatherstone;

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- (j) Acquisition of 7,227.10 sq. ft. easement on acreage abutting Pinewood Cemetery, from Mecklenburg Iron Works, Inc., at \$450.00, for the relocation of North-South Expressway Sanitary Sewer;
- (k) Acquisition of 1,961.60 sq. ft. easement at 5619 Robinhood Road, from Steve Cserphyak and wife, Norma S., at \$650.00, for sanitary sewer to serve Stonehaven Subdivision No. 10;
- (l) Resolution authorizing condemnation proceedings for acquisition of property of Walter H. McKinnon and wife, Sadie B. McKinnon, located at 3018 Eastburn Road, for the Heatherstone Subdivision's sanitary sewer system;
- (m) Resolution authorizing condemnation proceedings for acquisition of property of W. F. Black and wife, Sarah C., located at 6025 Park Road, for the Heatherstone Subdivision's sanitary sewer system;
- (n) Resolution authorizing condemnation proceedings for acquisition of property of Helen Beatrice Austin and Margaret Elizabeth Austin, located at 629 Wesley Avenue, for the East Thirtieth Street Project;
- (o) Resolution authorizing condemnation proceedings for acquisition of property of Horace Wells and wife, Dorothy M. Wells, located at 1100 Wesley Avenue for the East Thirtieth Street Project;
- (p) Resolution authorizing condemnation proceedings for acquisition of property of Horace Wells and wife, Dorothy M. Wells, located at 620 Charles Avenue for the East Thirtieth Street Project;
- (q) Resolution authorizing condemnation proceedings for the acquisition of property of Herman W. Pigg and wife, Sue B. Pigg, located at 2917 Whiting Avenue for the East Thirtieth Street Project;
- (r) Resolution authorizing condemnation proceedings for acquisition of property of Thomas Rance Horton, Jr. and wife, Frances L., located at 818 Wesley Avenue, for the East Thirtieth Street Project;
- (s) Resolution authorizing condemnation proceedings for the acquisition of property of Beuna Wheeler (widow), Charles H. Wheeler, Jr. and wife, Jackie, located at 1232 Matheson Avenue for the East Thirtieth Street Project;
- (t) Resolution authorizing condemnation proceedings for acquisition of property of David Kinney and wife, Effie Kinney, located at 725 Wesley Avenue, for the East Thirtieth Street Project;
- (u) Resolution authorizing condemnation proceedings for acquisition of property of William Douglas Austin and wife, Inga-Lisa T. Austin, known as Parcel 25, a vacant lot next to 629 Wesley Avenue, for the East Thirtieth Street Project.

Councilman Short asked how much land Mr. David Kenney (Item t) will have left? Mr. Underhill, Assistant City Attorney, replied the total lot consists of 10,000 sq. ft. and the area including the dwelling being taken under condemnation is 2,340 square feet, leaving 7,660 square feet.

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REPORT ON STREET LIGHTING IN LOW INCOME RESIDENTIAL AREAS.

Councilman Short stated he would like to say something about what the street lighting department has done to get street lights into some of the low income residential areas. Back in the Fall of 1965, the Community Improvement Association of which Mr. Howard Barnhill is Chairman, held a city-wide meeting at Morgan School. That six neighborhoods represented were Cherry, Greenville, Brooklyn, Third Ward, Seigle Avenue, and Fourth Ward. That representatives of all these neighborhoods asked for more comprehensive and brighter street lighting as a means of deterring crime, vandalism and disorder. That Mr. Hoose determined they would see if they could provide this and by very careful budgeting over the last three years they provided the complete program in these neighborhoods out of their departmental budget at the rate of about \$15,000 a year. The only area not complete is the Statesville Avenue area and it is due for completion this coming September. That the street lights are about 125 feet apart instead of 400 feet apart as was the case previously.

He stated he thinks Council should express its appreciation to the Department and to Mr. Barnhill.

He stated the City Government is doing what it can to help individuals in some of the lesser income neighborhoods. That we do have a code enforcement project that is actively pursued under Mr. Mason Watkins in the areas which are designated for urban renewal.

ACKNOWLEDGEMENT OF FIRE DEPARTMENT REPORT OF ACTION DURING RECENT CRISIS.

Councilman Tuttle stated at the time Council commended the Police and Fire Department several weeks ago, Council members did not have a report from Chief Black and on behalf of Council he would like to acknowledge his reports and reiterate Council's approval of the manner in which his department handled the recent crisis.

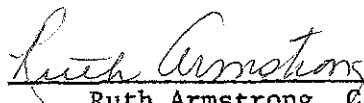
ORDINANCE NO. 839-X AMENDING ORDINANCE NO. 655-X, THE 1967-68 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF UNAPPROPRIATED AIRPORT FUNDS.

Upon motion of Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$175,000 to Airport Capital Improvements Project 562.18 to be used for land acquisition in the terminal area.

The ordinance is recorded in full in Ordinance Book 15, at Page 258.

ADJOURNMENT.

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


Ruth Armstrong, Clerk City