

January 20, 1969
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The City Council of the City of Charlotte, North Carolina met in regular session on Monday, January 20, 1969 in the Council Chamber, City Hall, at 1:45 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. * * * * *

INVOCATION.

The invocation was given by Dr. Carl E. Bates, Minister of the First Baptist Church.

FUNDS AUTHORIZED FOR HEZEKIAH ALEXANDER HOME RESTORATION COMMITTEE

Mr. Thomas G. Williams, speaking for the D. A. R., stated the Hezekiah Alexander home is the oldest building structure in the Charlotte-Mecklenburg area; it was built in 1774 which is within five years of being 200 years old. He stated the rebuilding of the Home is a social, political and educational project. That Mr. Alexander was a statesman from this area during the Revolutionary War Times; he was the last member of the House of Commons here and was a signer and one of the authors of our Mecklenburg Declaration of Independence, which was a forerunner to the Declaration of Independence to this country. Mr. Williams stated in 1947 they almost lost the house to the area; several local chapters of the DAR became aware of the situation and took over the project and between 1947 and the present time they have brought it to the present stage. Recently the DAR has seen fit to turn this project over to the public at large and have agreed in working with the State Archives and History to form a non-profit corporation which will be made up of a group of leading businessmen and educators, plus representatives of the DAR in the area; the corporation will have the responsibility for the continuous restoration of this project.

Mr. Williams stated the Restoration Committee under the chairmanship of Mrs. Sara Houser has a contract with a local architect, H. W. Middleton, to prepare a tentative estimate of the complete restoration of the project. The project in total would include the main house, a summer kitchen, spring house, and combination of reception center and museum. The reception center would be complete and would include a small auditorium which would seat 50 to 70 students and visitors; it would contain complete visual aid equipment that will have a documentary film to outline to visitors a complete history of the Alexander Home and of Charlotte itself; the museum will contain items of historical interest to this area from the Revolutionary War period; it will contain a miniature scale of Charlotte as it was in those times. Mr. Williams passed around copies of the tentative budget which totals \$350,000.00.

Mr. H. W. Middleton, Architect, stated they have tried to be very realistic in this estimate and at the same time not cause the Citizens of Charlotte and Mecklenburg County to reach too deeply into their pockets. That the main house restoration, museum and reception center totals approximately \$110,000; visual aids equipment they think is necessary and is approximately \$30,000; restoration of the kitchen is \$15,000, spring house restoration is \$25,000 and very slight ground developments at this stage and access and parking is \$7,000.00; that to this they have added several contingency and cost escalation factors in view of escalating cost and because they do not know when this project will get off the ground; that the total present projection is \$350,000.

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Mr. Middleton stated they have not set a time limit because the money is not in hand; they are trying to maintain about a two year projection with the hopes that research, planning and construction will proceed within this period.

Councilman Stegall asked what dollar figure they are asking from the city and county? Mrs. Sara Houser replied they hope to raise \$350,000; on January 6 they met with the local delegation to Raleigh and asked them for \$85,000; the opinion in this meeting was that they were not asking for enough money but they feel the city and county should be involved in this project and they are asking the city for \$35,000 and also asking the county for \$35,000; they plan to enter into an all out campaign at the end of March through the help of Kitchman Company for \$150,000; the balance of \$45,000 will come through foundations and personal individual gifts; they have already been given a grant by the Richardson Foundation in Greensboro.

After further discussion, Councilman Jordan moved approval of \$17,500 at this time with the other \$17,500 to be considered in the next budget. The motion was seconded by Councilman Stegall.

Councilman Alexander asked if the money will be given in the name of the Daughters of the American Revolution or will they set up a separate corporation? Mr. Williams replied there is a completely separate corporation being formed now.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 88.

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The Charlotte-Mecklenburg Planning Commission came into the meeting at 2:00 o'clock p.m. and 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, Commissioners Albea, Godley, Sibley, Stone, Tate and Turner.

ABSENT: Commissioners Ashcraft, Gamble and Wilmer.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the minutes of the last meeting on Monday, January 13 were approved as submitted with the following correction:

Page 250 - Fourth paragraph - Change the Nay vote to read "Councilmen Stegall and Tuttle."

PETITION NO. 69-2 BY A. W. HAENSLI AND E. R. BREECH, JR. FOR A CHANGE IN ZONING OF A STRIP OF LAND ON THE SOUTHWEST SIDE OF INDEPENDENCE BOULEVARD AT MCALPINE CREEK EXTENDING SOUTHEASTWARD, WITHDRAWN.

Mr. Charles Knox, Attorney for the petitioners, stated on January 16, 1969 he filed a letter with the City Clerk requesting the withdrawal of the subject petition and is present today to make a verbal request for the withdrawal.

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, approving the withdrawal of the petition as requested.

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HEARING ON PETITION NO. 69-1 BY JAMES PLUMBING COMPANY FOR A CHANGE IN ZONING FROM R-12 TO B-1 OF A TRACT OF LAND FRONTING 146 FEET ON THE EAST SIDE OF NEWELL-HICKORY GROVE ROAD, BEGINNING ABOUT 200 FEET NORTH OF THE PLAZA.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this 1.04 acre tract of land is located on the east side of Hickory Grove-Newell Road. The property has on it an office and some storage facilities for a plumbing contractor; it is adjoined on the south by houses and on the very corner of the Plaza and Hickory Grove-Newell Road by a combination service station and grocery store. Two corners of the intersection are vacant. On the north side of the property is a house and some trailers; across Hickory Grove-Newell Road is a scattering of single family residential structures; there are several churches in the vicinity; otherwise the area is predominately vacant with a scattering of single family uses.

He stated the entire area is zoned for single family with the exception of three corners of the Hickory Grove-Newell Road-Plaza Road intersection which are zoned for B-1.

Mr. John West, Attorney for the petitioner, stated that Mr. James is a plumber and bought this land some years ago and moved his operation in and renovated it to suit his purposes and discovered a few months ago that he is in violation of the zoning laws; he moved his primary operation but would like to continue his office at this location. That they are asking for the B-1 classification to be extended to take in Mr. James' property; the area is predominately open land although there are some businesses with a church and a trailer park. He stated to their knowledge there are no objections to this request and Mr. James would like to keep his operation at this location.

Mr. John Shaw, Attorney, stated Mr. James needs a B-2 classification to be able to continue his plumbing operation but that is not in keeping with the neighborhood; that Mr. James says he can operate under B-1 and keep his B-2 operations on his farm which is not covered by zoning.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-3 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO PERMIT RACE TRACKS, RACEWAYS AND DRAG STRIPS ONLY IN I-1 AND I-2 DISTRICTS AFTER CONDITIONAL APPROVAL, AND TO PERMIT MOST OUTDOOR COMMERCIAL AMUSEMENTS IN I-2 AND I-3 DISTRICTS BY RIGHT AND IN B-2 AND B-3 AND I-1 DISTRICTS AFTER CONDITIONAL APPROVAL.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is the result of a study requested by Council some time ago concerning the zoning ordinance regulations as they apply at present to outdoor amusement commercial enterprises.

He stated the Planning Commission's recommendation has been broken down into two parts. First, they felt that race tracks themselves were not the type of operation originally envisioned to fall under outdoor amusement category; therefore, they felt that race tracks needed to be pulled out and treated a little differently from the remaining portion of outdoor commercial amusements.

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Mr. Middleton stated they have not set a time limit because the money is not in hand; they are trying to maintain about a two year projection with the hopes that research, planning and construction will proceed within this period.

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After further discussion, Councilman Jordan moved approval of \$17,500 at this time with the other \$17,500 to be considered in the next budget. The motion was seconded by Councilman Stegall.

Councilman Alexander asked if the money will be given in the name of the Daughters of the American Revolution or will they set up a separate corporation? Mr. Williams replied there is a completely separate corporation being formed now.

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The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this 1.04 acre tract of land is located on the east side of Hickory Grove-Newell Road. The property has on it an office and some storage facilities for a plumbing contractor; it is adjoined on the south by houses and on the very corner of the Plaza and Hickory Grove-Newell Road by a combination service station and grocery store. Two corners of the intersection are vacant. On the north side of the property is a house and some trailers; across Hickory Grove-Newell Road is a scattering of single family residential structures; there are several churches in the vicinity; otherwise the area is predominately vacant with a scattering of single family uses.

He stated the entire area is zoned for single family with the exception of three corners of the Hickory Grove-Newell Road-Plaza Road intersection which are zoned for B-1.

Mr. John West, Attorney for the petitioner, stated that Mr. James is a plumber and bought this land some years ago and moved his operation in and renovated it to suit his purposes and discovered a few months ago that he is in violation of the zoning laws; he moved his primary operation but would like to continue his office at this location. That they are asking for the B-1 classification to be extended to take in Mr. James' property; the area is predominately open land although there are some businesses with a church and a trailer park. He stated to their knowledge there are no objections to this request and Mr. James would like to keep his operation at this location.

Mr. John Shaw, Attorney, stated Mr. James needs a B-2 classification to be able to continue his plumbing operation but that is not in keeping with the neighborhood; that Mr. James says he can operate under B-1 and keep his B-2 operations on his farm which is not covered by zoning.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-3 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND VARIOUS SECTIONS OF THE ZONING ORDINANCE TO PERMIT RACE TRACKS, RACEWAYS AND DRAG STRIPS ONLY IN I-1 AND I-2 DISTRICTS AFTER CONDITIONAL APPROVAL, AND TO PERMIT MOST OUTDOOR COMMERCIAL AMUSEMENTS IN I-2 AND I-3 DISTRICTS BY RIGHT AND IN B-2 AND B-3 AND I-1 DISTRICTS AFTER CONDITIONAL APPROVAL.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised this is the result of a study requested by Council some time ago concerning the zoning ordinance regulations as they apply at present to outdoor amusement commercial enterprises.

He stated the Planning Commission's recommendation has been broken down into two parts. First, they felt that race tracks themselves were not the type of operation originally envisioned to fall under outdoor amusement category; therefore, they felt that race tracks needed to be pulled out and treated a little differently from the remaining portion of outdoor commercial amusements.

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Mr. Bryant stated they recommend that race tracks as a use by right be removed from the zoning ordinance - there would be no district in the zoning ordinance where race tracks could be located by right. They propose that race tracks, raceways, and drag strips be set up as conditional uses permitted only in I-1 and I-2 districts. This would mean that each individual location would have to be considered by the City Council before it could be placed at any particular location; the second portion of the recommendation indicates the types of consideration they feel should be given to a location before it would be considered as a satisfactory one for race track usage.

He stated they propose the following:

"Race tracks, raceways and drag strips for automobile, motorcycle or other types of racing competition may be permitted as a conditional use in the I-1 and I-2 Districts subject to the following requirement:

A plan of development shall be submitted with the request for conditional approval which will demonstrate to the satisfaction of city council that factors such as noise, lights, fumes, dust and traffic will not be detrimental to any existing or potential development in the vicinity.

As a prerequisite to approval of an application for this conditional use, the city council shall find that the use will conform to the above requirements, will be compatible with the plan for development of the vicinity, and will meet the minimum standards as contained in various sections of the ordinance referring to vibration, fumes, gas and noises."

Councilman Tuttle referring to "other types of racing competition" asked if "other types of motor or powered vehicle activities" would not take in everything and eliminate the question of whether someone is racing or not? Mr. Underhill, City Attorney, replied as it applies to the entire section, this language would be alright; that it would not do any harm and perhaps would benefit the ordinance. Councilman Tuttle stated he suggests that Mr. Bryant and Mr. Underhill come up with new wording to eliminate the question of whether they are simply racing or not. Mr. Bryant stated they feel that the word "racing" is fairly important in this part of the recommendation; the other type of activity such as go-carts, which does not involve racing, is covered under the second part of their recommendation. Mr. Bryant stated they will give this more thought along this line and perhaps some changes would be desirable.

Councilman Tuttle stated he is concerned about the person who is riding around in circles, such as go-carts, and not racing. Mr. Bryant stated Mr. Tuttle is concerned with the language that could be interpreted in such a way as to not fall under the raceway category and Council would not have an opportunity to review it.

Councilman Tuttle requested Mr. Bryant and Mr. Underhill to work on the language so that this loophole will not exist.

Councilman Short stated he would question whether someone roaring a motor is a proper feature in a zoning ordinance; that an amusement operation with racing is a proper part of the zoning ordinance but if we are interested in someone roaring a motor then Council should pass an ordinance against this; that there is a noise ordinance already. Councilman Smith stated he thinks that motor racing should be added to this, and it should be brought back to Council for further consideration.

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Mr. Bryant stated the second portion is for the handling of other types of commercial outdoor recreation other than the racing competition. Under this category they have attempted to break the category down in three ways; first there are a limited number of outdoor amusements which they do not feel would be particularly objectionable; certainly not anymore objectionable than a lot of uses that are already permitted in the B-2, B-3 and Industrial districts that they propose to permit these in - these are amusement, commercial, outdoors limited to par 3 golf courses, golf driving ranges, archery ranges. At the present these are the ones they feel should be permitted to operate in business and industrial districts as uses by right as they are at present.

Mr. Bryant stated then they break this down to outdoor commercial uses such as miniature golf, rides, slides and similar commercial amusement enterprises, except as regulated elsewhere in this ordinance to be located at least 200 feet from any residential district. They propose these to continue as uses by right in I-2 and I-3 districts; it is not proposed for I-1 as it is used frequently as a transitional type of industrial district between heavy industrial and the residential districts. The third breakdown is for the same type of uses to be permitted in B-2, B-3 and I-1 districts only as a conditional use, with Council having the right to review all these cases. He stated he feels that some of the things Mr. Tuttle was talking about would be caught as conditional use under this category.

Councilman Tuttle stated he agrees but there is one word - "rides" and someone could refer to his business as "rides" and not racing; this is the reason he would like for Mr. Bryant to study the first portion again.

Mr. Bryant continued and stated under this category they propose to regulate the uses as conditional uses. In order to get approval, the following condition would have to be met:

"No part of the property so used shall be close enough to any Residential District to create a nuisance to use which may locate there. Distance, topography, screening and other criteria shall be used in determining what should constitute a suitable relationship between the amusement and the residential area."

Councilman Alexander asked how this recommended change will affect the practice where a fraternal organization or charitable organization are given permission to have rides now within the City Limits close to a residential area? Mr. Bryant replied these are temporary; at the present time a good many of those operations are not handled strictly according to the ordinance; very few of those now meet the requirements of the ordinance as any commercial outdoor operation must be 200 feet from a residential area, but the temporary quick-runs can be handled on a temporary basis.

Councilman Jordan stated the Chamber of Commerce and other private enterprises have been talking about an amusement park; Council has approved money for a survey for the Sugar Creek project and there are individual homes that back up to the creek now; should this not be taken into consideration? Mr. Bryant stated the 200 feet provision might cause some problems; however, in discussing the large amusement parks and based on the experience of other localities they would suggest that this type of operation needs a special district in the ordinance as it is different from anything else you would have; this is a peculiar one in a county situation and they feel it should be treated this way.

Councilman Smith requested Mr. Bryant to take this back and review it and anyone can make suggestions to them, and then bring it back to Council.

No opposition was expressed to the proposed change in the zoning ordinance.

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HEARING ON PETITION NO. 69-4 BY R. L. MCGINN FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF A TRACT OF LAND ON THE WEST SIDE OF PARK ROAD ABOUT 700 FEET SOUTH OF MARSH ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director, advised this tract of land is located on the west side of Park Road; just south of Marsh Road in the vicinity of the YWCA, there is a church on the corner of Marsh Road and Park Road with the Catholic High School located in the area. The property is occupied by a single family structure and is surrounded on both sides by the same type of use with the exception of the church property which ajoin the property on the rear. Across the road is a combination of vacant property and single family residential structures; along Marsh Road is considerable vacant property. The entire area is zoned for single family purposes with the exception of the corner of Marsh and Park Road where the Cimarron apartments are located.

Councilman Whittington stated there are two "for sale" signs and then the zoning change sign; he asked if the large house is included? Mr. Bryant replied that is not included; it is just the part where the zoning sign is located.

Mr. Milton Lyons stated he is interested in purchasing this property for luxury type apartments; that in connection with the lot Mr. Whittington has asked about, a real estate company has a client who is interested in this lot and approached him after he submitted his request to see if they could join in the petition for the rezoning to multi-family. Mr. Lyons stated they expect to build approximately 34 or 36 units.

Mr. Pernell stated the home on the lot is approximately 45 to 50 years old and is not occupied; that it would not be feasible to build a single family residence on the lot now; that by this zone change the other property on Park Road would become more valuable.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-5 BY D. L. PHILLIPS INVESTMENT BUILDERS FOR A CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF CLANTON ROAD AND GENERAL YOUNTS EXPRESSWAY FRONTING 680 FEET ON CLANTON ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the petition is a request for a change in zoning from R-6MF to B-1. The property is located at the southwest corner of the intersection and is the fourth of the four corners to request a business zone; the property is vacant as is the property to the rear and beside it and across the road; Clanton Park residential area is very close; there is a church located on Clanton Road and the new road is under construction to the 221-D3 Housing Project. Across the interchange on South Tryon side are some single family residences along Clanton Road; there is vacant property owned by the Board of Education and along Tryon Street is a variety of business and light industrial uses.

He stated the subject property is zoned R-6MF as is the property to the rear; Clanton Park is zoned R-9 and the three other corners of the interchange are zoned B-1.

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Mr. Tom Cox, Engineer for the petitioner, stated they do not own all the property to the rear; there are two lots owned by a corporation, and four or five lots owned by an individual. He stated they do own four lots adjoining the property fronting on General Younts Expressway but they are not asking any change on those lots.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-6 BY MURLAN C. KING FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND AT THE SOUTHWEST CORNER OF TUCKASEEGEE ROAD AND ALICE AVENUE.

The public hearing was held on the subject petition.

The Assistant Planning Director stated the property is located at the corner of Alice and Tuckaseegee Road; it is occupied at the present time by a number of different uses - on the corner is a billiard parlor; one single family residence in the confines of the property, and the remaining portion is used for various other types of business uses. At the intersection of State Street across the road is a food market and there are several service stations in the vicinity; then there is a church located at Pryor and Tuckaseegee Road; other than that it is a combination of single family and duplex structures.

Mr. Bryant stated both sides of Tuckaseegee Road, from Berryhill Street to Alice on one side and Pryor on the other is zoned for B-1; other than that the area is predominately R-6MF.

Mr. King, the petitioner, stated he is asking for this change in zoning so that he might acquire a wholesale license; that he has had three inquiries to rent his property but could not rent it because of the zoning. He stated all the adjoining land owners have signed a statement agreeing with this request.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-8 BY CHARLES L. CLARK FOR A CHANGE IN ZONING OF A LOT AT THE NORTHWEST CORNER OF OLD CONCORD ROAD AND TORRENCE GROVE CHURCH ROAD.

The public hearing was held on the subject petition for a change in zoning from R-12 to B-1 of a lot 150' x 328'.

Mr. Fred Bryant, Assistant Planning Director, stated the tract of land is located on the Old Concord Road at the northwest corner of Torrence Grove Church Road and Old Concord Road. It is utilized by a non-conforming combination service station and grocery store operation; other land uses in the area are primarily single family; there are older single family structures on large lots to the south of the property along Torrence Grove Church Road; there are single family homes along Old Concord Road to the north of the property; the Southern Railroad runs parallel to the Old Concord Road on the southeast side of that road.

He stated along the northwesterly side of Old Concord Road the zoning is R-12 with I-1 zoning on the other side across the railroad.

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Mr. Winfred Ervin, Attorney for the petitioner, stated this is Clark's Grocery and has been a service station and grocery store since 1934 or 1935; Mr. Clark either as tenant or as owner has continuously, with the exception of six years, operated this business since 1935; someone else operated the business for that six year span; but it has been operated since that time as a business.

Mr. Ervin stated Mr. Clark was not aware that he was subject to any zoning; immediately to the rear and detached from his building is a grease pit; over the years the roof over the pit crumbled and rotted away and Mr. Clark decided to replace this structure. After nearly completing the work he was reminded he needed a permit so he came down to make application for a building permit and learned that he was in a non-conforming area. That a warrant was issued against Mr. Clark and that warrant is still pending. He stated they are not asking for rezoning to enable them to build as they do not intend to build; the only thing Mr. Clark would like to do is to properly maintain his property; the business will remain whatever Council does, and will be non-conforming.

Mr. Ervin stated there is a need for this service. That Mr. Clark approached some of his neighbors, and there is no opposition to this petition.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-7 BY EDWARD J. AND PHILLIP B. FISHER FOR A CHANGE IN ZONING OF A TRACT OF LAND ON THE NORTHEAST SIDE OF SEYMOUR STREET BEGINNING ON THE WESTERLY SIDE OF SOUTHERN RAILROAD CROSSLINE.

The public hearing was held on the subject petition for a change in zoning from R-6MF to I-2.

Mr. Fred Bryant, Assistant Planning Director, advised the tract of land is on the north side of Seymour Street, located in the western section of the city in the vicinity of the airport. The property has a frontage of about 115 feet on Seymour Street with about 200 feet of frontage to the railroad. It is vacant and is being used for some type of fill storage; it is joined on the east side by the railroad; to the rear by a tract of land which is used for a scrap metal operation; on the west it is joined by a row of single family residential structures and along Seymour continuing towards Morris Field Drive, there is almost a solid line of combinations of duplexes, single family and at least one apartment building. Other than that there is vacant land along the railroad and to the north.

Mr. Bryant stated the zoning along Seymour is R-6MF; to the north it is I-2 zoning which begins adjacent to the property and extends all the way to and beyond the main line of the Southern Railroad. The extension of the industrial zoning took place in order to recognize the scrap metal operation when the zoning ordinance was adopted; there is a small area of single family residential zoning which comes close to Seymour but not to it.

Mr. Jim Shannonhouse representing the petitioners, stated the property is vacant; it is owned by the same people who own the industrial property to the rear; that the property is not valuable for multi-family use; the topography is such that it falls off into a creek on the side away from the railroad; the corner lot is not used because it is unsuitable for building. He stated it will not hurt the area to rezone the property; as it now stands it has no value except for industrial purposes; there is no opposition to their knowledge to the request for rezoning.

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Mr. Shannonhouse stated the property will either be used for an office building for their own purposes or they will sell it for someone to use as office.

There was no opposition expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-9 BY J. M. WALLACE LAND COMPANY FOR A CHANGE IN ZONING FROM R-9MF TO B-2 OF A STRIP OF LAND SOUTHWEST OF INDEPENDENCE BOULEVARD EXTENDING FROM IDLEWILD ROAD TO STATE ROAD NO. 1009 WHICH CONNECTS INDEPENDENCE AND MONROE ROAD.

The public hearing was held on the subject petition.

The Assistant Planning Director advised this is a strip of land 150 feet wide paralleling the existing business zoning along Independence Boulevard and extends from Idlewild Road parallel to Independence out to the other connector road. The land is vacant as is a majority of property around it; along Independence and around the Idlewild intersection is a variety of existing business uses; on the Monroe Road side the property is vacant with the exception of one single family house on Monroe Road; across Monroe Road are several single family homes; other than the area is generally vacant.

Mr. Bryant stated there is an even pattern of zoning on both sides of Independence Boulevard coming from the intown side out to the connector road beyond Idlewild Road which is B-2; the existing depth of the B-1 is 400 feet and the request would extend the business zoning 150 feet in depth back from the Boulevard. There is O-15 zoning bounded by Independence Boulevard, Margaret Wallace Road and the Connector road. Along Monroe Road the zoning is R-9MF on the Independence Boulevard side; on the opposite side everything is zoned R-12.

Mr. Richard Wardlow, Attorney for the petitioner, stated they are requesting that the presently zoned property for business be increased from 400 feet to 550 feet. He stated Idlewild Road encloses one side of the property, State Room 1009 encloses the other side and Monroe Road is on the westerly side. At present Business 2 zoning exists along the Boulevard for a depth of 400 feet; behind that 400 feet line it is now zoned for multi-family zoning. He stated on one corner of the property is the new Pure Oil Service Station. He stated they are requesting the rezoning to increase the depth of the property for 150 feet as they have interested and committed a local grocery store-drug store contact who wants to put his business operation on this land; to do so he needs the additional depth - he stated this is Mr. Harris of Harris-Teeter. Mr. Wardlow stated there are one or two department stores who intend to locate there and their plans are contingent upon the adequate depth of zoning being provided. He stated these are Charlotte people also who are established here and have been a credit to Charlotte across the years.

He stated originally they had thought of 100 feet of additional zoning and a rear service area and access area. He stated it was the suggestion of one of the professional members of planning that they leave the actual width of that street open to be determined on the recommendation of the proper authority of the city as to whether it should be a private 30 foot street or whether it should be a 50 foot street.

Mr. Wardlow stated in the presently zoned 24 acre tract of land fronting on Monroe Road no change of zoning is requested; it will be developed as presently zoned. He stated what they are talking about using is land that lies at least 220 feet and most of it more than 220 feet away from Monroe Road.

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He stated from the beginning the Board of Education and principal of the High School have been fully advised with all the information that has been filed, plus additional information and conferences for their reaction. That they have had no indication of any opposition or criticism against their plans.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-10 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-12 TO R-12MF OF PROPERTY ON THE EAST SIDE OF DELTA ROAD, BEGINNING NORTH OF ALBEMARLE ROAD AND EXTENDING NORTHWARD APPROXIMATELY 2,985 FEET.

The public hearing was held on the subject petition on which a protest petition has been filed which is 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 this is the area that originally appeared with a request for business zoning along Delta Road; that it contains approximately 30 acres of property.

Mr. Porter Byrum, Attorney for Delta Realty Corporation, a corporation owned entirely by Mr. Harold J. Caldwell and wife, stated he appeared in August to argue the case for a change in zoning from R-12 to B-2. That for some 30 odd years this property has been used for industrial purposes and from this property has generated \$73 million in sales, and some 15 business structures.

Mr. Byrum stated he felt there would be no opposition to the request for R-12MF as the property which abuts to it is zoned R-12MF; that Council will probably be presented a petition signed by people objecting to the change whose property is zoned R-12MF. He stated his company bought their property for business and wanted it for business but they see they cannot get business. If you cannot go to business to make a transition from industrial property it should go to some form of residential; you cannot go from industrial to Myers Park. He stated in the next 10 or 15 years, as they phase out their operation, they could more easily go to multi-family than to single family. He stated they have no immediate plans to build apartments on this property; they have no immediate plans to abandon this property or to abandon the operation there now; that he foresees it some 12 to 15 years down the line. Out of the amount requested rezoned, Delta Realty owns 2,190 feet.

Councilman Smith asked if the zoning is changed to multi-family would it not be easier to move the airport? Mr. Byrum replied it would be very, very easy to make the transition to multi-family; that he feels the people are arguing against their own interest.

Mr. J. E. Long, 5808 Delta Road, presented a petition signed by 40 property owners in this vicinity protesting the change in zoning. Mr. Long stated until two weeks ago he was not aware that his property was zoned for multi-family and he is approximately 400 feet from business zoning.

Mr. Long stated speaking for himself he would rather be zoned for business than multi-family as he could get more for his property; he stated he would hope that he could come back before this body and request a business zoning for his property.

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Mrs. Fred Wallace stated she lives on Delta Road and called attention to the fact that the schools are overcrowded now; the traffic on Delta Road is almost unbelievable; they have no city water or sewer and they understand the road will not be improved until 1970.

Council decision was deferred until the next Council Meeting.

NEW STREET UNDER CONSTRUCTION LYING BETWEEN THE PLAZA AND NORTH TRYON STREET NAMED.

The public hearing was held on the naming of a new major street extending from The Plaza at Matheson Avenue to North Tryon Street at Thirtieth Street. Council was advised the street follows the alignment of three existing streets and establishes a new alignment at two other points along its route. That after a detailed study the Planning Staff recommends the new street be named MATHESON AVENUE, from The Plaza to Brevard Street; the new elevated viaduct between Brevard Street and College Street be named BRODIE S. GRIFFITH VIADUCT, and the remaining portion between College Street and North Tryon Street continue to use the name THIRTIETH STREET.

No one spoke for or against the naming of the street.

Councilman Whittington moved that the street name change be made as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

RENAMING OF WESLEY AVENUE, FROM YADKIN AVENUE TO 28TH STREET DEFERRED FOR ONE WEEK.

Mr. McIntyre advised there is one section of Wesley Avenue from Yadkin Avenue to 28th Street that will have to have a new name; that neither the Commission nor the Staff has recommended a name for this section; that his office invited the residents of the street to propose a name and received one recommendation which was made by the Chadbourn Mills and they recommend that this portion of Wesley be named Chadbourn Place. That aside from that recommendation they received no other recommendations.

Councilman Stegall stated he does not believe these people are aware of this and should be given an opportunity to be heard, and he moved that consideration of the naming of the street be deferred for one week. The motion was seconded by Councilman Jordan, and carried unanimously.

Councilman Smith stated that Councilman Jordan has had so much to do with the development of this whole concept and he would recommend that this section of Wesley Avenue be name "Jordan".

Councilman Jordan stated he appreciates Mr. Smith's suggestion but he would like to decline this honor and let the people on the street decide for themselves on the name.

NAME OF TWENTY-EIGHTH STREET, FROM NEAR PINE STREET TO COLLEGE STREET, CHANGED TO MORETZ AVENUE.

The public hearing was held on a request to change the name of Twenty-Eighth Street, and Moretz Avenue, a continuous street from College Street to Statesville Avenue, in order to achieve continuity of name.

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Council was advised that the Planning Office studied the request and recommends the most desirable action would be to change the portion of Twenty-Eighth Street, from near Pine Street to College Street, to Moretz Avenue.

Mr. Raymond Glaser stated he operates the Automotive Electric Associates, Inc., on Graham Street and they have been at this location for 42 years; they recently built on the corner of Moretz Street and Bancroft Street and expect to move in soon. He stated it is rather confusing when you go out North Tryon Street or North Graham Street; that Twenty-Fourth Street is Twenty-Fourth Street, from Graham to Tryon Street; when you go out Graham Street four blocks you pick up the name Moretz; you proceed east on Moretz Approximately two and half blocks and it automatically changes to Twenty-Eighth Street and Twenty-Eighth Street runs into Tryon Street. Therefore, when you come out Tryon Street you take a left turn into Twenty-Eighth Street; you go down for six blocks and automatically it changes to Moretz Street. He stated with the type of business they operate serving the driving public, this is rather confusing. He asked if Twenty-Fourth Street is Twenty-Fourth Street from Tryon to Graham Street why Twenty-Eighth Street cannot be Twenty-Eighth Street from Tryon to Graham Street; when the Thirtieth Street overpass is completed it will be more confusing for people using Twenty-Eighth Street to get into Graham Street. Mr. Glaser requested that Moretz Avenue's name be changed at least for three blocks down to Graham Street so that it will conform with Twenty-Fourth Street.

After discussion Councilman Stegall moved that Moretz Avenue, from Graham Street all the way over to Tryon Street, be renamed Twenty-Eighth Street. The motion was seconded by Councilman Smith.

Mr. R. M. Thomas of Gilbert Beauty Supply stated they are one of the largest supply houses in the United States and the largest in the State of North Carolina and they have been in their present building at 127 West Twenty-Eighth Street since 1953 and have approximately eight to ten thousand beauty salon clients all over the State of North Carolina, plus South Carolina and Georgia. That if the name of the Street is changed to Moretz Avenue it will be a disadvantage for their clients to find their location. He stated they oppose the changing of the name to Moretz Avenue.

Councilman Alexander stated on Moretz Avenue, from Statesville Avenue back to this point there are 113 residences; there are approximately six businesses and they are scattered. That you have the same problem with people coming down North Tryon Street looking for Moretz Avenue; they see every street but Moretz. He stated the few businesses in there against 113 odd residences that are there, that in proportion the change would affect them also. He stated he approves what the Planning Commission recommends, which means that Moretz Avenue would extend from Tryon Street to Statesville Avenue.

Councilman Tuttle made a substitute motion that the name of the Street be changed to MORETZ AVENUE as recommended by the Planning Commission. The motion was seconded by Councilman Alexander and after further discussion the vote was taken on the substitute motion and carried by the following vote:

YEAS: Councilmen Tuttle, Alexander, Short and Whittington.

NAYS: Councilmen Jordan, Smith and Stegall.

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Later in the meeting Councilman Tuttle moved that the street name change be effective January 1, 1970. The motion was seconded by Councilman Stegall and carried unanimously.

RECESS CALLED AT 4:15 P.M. AND RECONVENED AT 4:25 P.M.

Mayor Brookshire called a recess at 4:15 o'clock p.m. and reconvened the meeting at 4:25 o'clock p.m.

CITIZENSHIP AWARD AWARDED TO MR. AND MRS. J. WHITFIELD LEE.

Mayor Brookshire stated it is his pleasure to make mention of an event that occurred in Charlotte in the last couple of days that demonstrates the very finest of citizen participation and support of law and order. He stated the story of Mr. and Mrs. Whitfield Lee's contribution in the apprehension of a criminal in very short order has been in the papers. Mayor Brookshire stated this action itself deserves not only the commendation of the city government but all law abiding citizens in Charlotte and it should be a striking example of how citizens can cooperate with our Police Department.

Mayor Brookshire presented the following award:

"WHEREAS, Mr. and Mrs. J. Whitfield Lee, while driving their automobile on East Boulevard in the City of Charlotte on the evening of January 17, 1969, did observe the perpetration of an armed robbery at 330 East Boulevard; and

WHEREAS, Mr. and Mrs. Lee, accepting their responsibility as citizens in assisting law enforcement officials in the apprehension of criminals, did pursue the robbery suspect observed leaving the crime scene; and

WHEREAS, Mr. and Mrs. Lee in pursuing the suspect did secure a description of the suspect and the license number of the vehicle in which the suspect left the crime scene; and

WHEREAS, Mr. and Mrs. Lee by returning to the crime scene and presenting this information to officers of the Charlotte Police Department did significantly assist law enforcement officials in the capture of the robbery suspect.

NOW, THEREFORE, BE IT PROCLAIMED, that the citizens of Charlotte gratefully acknowledge the outstanding citizenship of Mr. and Mrs. J. Whitfield Lee as exhibited in their responsible action on the evening of January 17, 1969, and do award to Mr. and Mrs. Lee this

CITIZENSHIP AWARD

Given at the regular meeting of the Charlotte City Council this 20th day of January, 1969."

Motion was made by Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried approving the presentation of the Citizenship Award to Mr. and Mrs. Lee.

STATEMENT BY JACK PENTES CONCERNING "BLUE HEAVEN" AREA, AND QUESTION OF EXTENSION OF BAXTER STREET THROUGH PROJECT 4 DEFERRED FOR ONE WEEK.

Mr. Jack Pentes stated he is a designer operating an industrial design firm which employs twenty people and they are very much concerned about how things in our world look and how things people use affect people, what kind of use they get out of them, and they are concerned about their surroundings.

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Mr. Pentes stated Council too in a great sense are designers in that the members make decisions that will affect people, the way they live, the places they live, and the conditions under which they live. He stated he has sat here today and observed Council in the position of having to consider condoning the perpetration of a great deal of continuing ugliness; that he does not say this accusingly because he is sure they are in that position either through expediency or compromise or for whatever reason, he sympathizes with them and does not envy it.

He stated we across America have put on a convenient set of blinders in that we have developed the ability as a people to see what we want to see and not see what we do not want to see. He stated he has coined the phrase "drop-out vision". He stated you can drop out the telephone poles and overhanging wires and just see the homes. We train ourselves to do this and almost everyone does it to one extent or another, at one time or another. We sometimes let our vision drop out concerning our environment, our cities, our neighborhoods and even our relations with other people.

Mr. Pentes stated he is here today to see if he can convince Council for a moment to take off their blinders and look at a situation that the Council has considered many times in a new light without drop-out vision.

Mr. Pentes stated he is very privileged to know and work with a man whom he thinks is one of the few visionaries - Mr. James Rouse of Baltimore. That Mr. Rouse has said "It is possible to build on the face of this land any kind of a city that we as a people decide we want. The knowledge and financiers exist. We can make communities, neighborhoods, villages, towns and cities into places that enrich the lives of all Americans, and do it within the discipline of sound economics." That in regard to his own company Mr. Rouse further stated "It is our deep conviction that this is a product for which the world hungers, and for which it will truly reward the successful producer."

Mr. Pentes stated he would like to discuss an area with which he is not totally knowledgeable but about which he has read a great deal, and has followed in the newspapers Council's discussions - that is the "Blue Heaven" area. That standing in the Liberty Life Building or Johnston Building looking out from a window on many occasions he marveled at the area and the trees and the ugliness that has been swept away from it, and wondered many times what would go there and has read of the discussions here concerning it - discussions for a park, discussions for business, the fact that it is not as valuable as we once thought, and was reminded the last time he looked out at that area of a similar area that he observed from his hotel window in Copenhagen, Denmark. Looking out across the city at a place called "Tivoli Gardens". Tivoli Gardens is a public park, partially controlled and run by the city, and partially by private enterprise; it was built in 1886; it is a park in a sense that it belongs to people and was built for the people of Copenhagen, and yet people from all over the world go there. Yet if tomorrow no one from any other city anywhere in the world went there, it would still serve and serve well only the residents of Copenhagen. It is a park unlike most of our American parks as it is not a commercial amusement park; it is not a playground park, but a collection of restaurants, shops, gardens, trees, places to sit, bicycle trails, a carrousel, a small zoo, boating and such, all within the central city core of a very old, great and grand city.

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Mr. Pentes stated it is his feeling that the concept within the confines of Tivoli Gardens are within the reach of our imagination here in Charlotte relative to the development of the Blue Heaven property; that it might be possible for private enterprise and the city to take this property and turn it into such a place for the enjoyment of all our citizens deep within our own central city core. We have trees there; we have an opportunity here to give to our citizens something they have never had before in their central city. He stated he is not speaking of turning this land into a sterile piece of landscape but of turning it into a living park. Let your imagination range for a moment and think of a Tivoli Garden in our own Blue Heaven and think back to what was there before. We can have a Blue Heaven again or we can have a blue, yellow, red, purple, chartreuse, magenta heaven with flowers, trees, greenery, places to eat, places to go, places to sit for all our people, and people who come into our city to enjoy. He asked them to imagine a mono-rail running through the central city paralleling Jerry Tuttle's proposed ride down Sugar Creek to Freedom Park. We have the opportunity today to create this legacy that will be needed even more during the next 30 years. He stated he speaks as a private citizen and as a man concerned with how things look, and a man concerned with ugliness and the elimination of it, and the replacement of that ugliness with beauty. Beauty goes much further than material things.

Mr. Pentes stated he knows we need housing, but we need spiritual food for all our people, and he thinks we can find places for housing, the desire is there; but while we have this opportunity, while that land exists, while it is bare, while the trees grow, and while you sit on the Council and have the opportunity to influence the decision he urged them as individuals to consider these ideas for the eventual use of that property.

Mayor Brookshire asked Mr. Pentes if he thinks this area can be converted into a duplication of Tivoli with time and money? Mr. Pentes replied he has no doubts about that.

Councilman Tuttle stated he would not attempt to void any thought Mr. Pentes has given; it was magnificent; that he did not know that Mr. Pentes was going to appear before this Council today.

Councilman Smith stated perhaps he is too much of a realist but he is sure in Copenhagen they do not have 25 knifings and shootings in one weekend; that we have things like this to overcome before we can sit and enjoy a park; that he thinks eventually Mr. Pentes is right, but first things first. Councilman Tuttle stated he challenges anyone to sit in the kind of beauty Jack Pentes is talking about and think of sticking a knife in someone or throwing a brick. Councilman Smith stated all he is saying is we have to overcome this crime situation before we can enjoy the niceties of life we would like to enjoy. Mayor Brookshire stated with the abundance of open commercial areas downtown if we were going to develop this area commercially, it would add to the market that is already present, and he wonders if we cannot hold this in abeyance and use it for park purposes until such time as some future city council might make a definite decision. Councilman Smith stated he is willing to postpone it; we have priorities that will take a lot of money and a lot of effort; but until we clean up this town from a criminal standpoint we are not even going to enjoy our own backyards, much less a park in the center of town.

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Councilman Whittington stated he made a motion last week on Blue Heaven to decide this issue today as it relates to Baxter Street, and some members of Council desire to hear from the engineer who is supposed to arrive today or tomorrow and he moved that the question of the engineering on Baxter Street, in Urban Renewal Project 4 lie on the table for one more week. The motion was seconded by Councilman Tuttle.

Councilman Alexander stated he is not opposed to the scenic beauty of the river nor is he opposed to the use of any land we can get for parks; but if there can be any type of situation that has developed where one can compromise another, then it is housing, parks and a river; that he is not saying he would vote against either of the three or all three, but he adds his vote to an extension of time as he feels everyone should have an opportunity to get as much information on the use of this land as possible before the ultimate decision is made. That in six years time this land was cleared for a specific purpose; it is not being developed in that direction and he sees nothing wrong with having time to take another look at it and see if in six years any other ideas have been developed that will add to a suggestion as to its use; that he was most impressed with Mr. Pentes' presentation but we would certainly have to resurrect the spirit so it can appreciate the beauty that he contemplates. For that reason alone he sees the need to give consideration to solving the housing problem which is at a standstill based on the lack of available locations.

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

DISCUSSION OF DIFFERENT PROJECTS BY JIM MCDUFFEY.

Mr. Jim McDuffey stated he owns some property on Sugar Creek a little further down, and he would hope while the engineer is here to study this creek that he could study the possibility of extending the canal to the Park Road Shopping Center which would then join Charlottetown Mall and Park Road and be going some place rather than to Freedom Park to a turn-around and going back; that people could leave their cars at one place and go back and forth to shop. He stated he would hope in the financing arrangement that those who own property on the creek would be assessed for the improvements and charged a rate if they have a cafe or a boat landing so that the property owner would pay for it. That he would hope the engineer could study the feasibility of going two more bridges down to Park Road Shopping Center.

Councilman Tuttle stated the engineering and architectural report on the creek will involve a report on the feasibility and use, and this will involve commercial use; that Council has no authority to ask him to go any further than that for which funds have been appropriated at this point.

Mr. McDuffey stated in connection with the Blue Heaven Area, that in urban renewal we voted bond issues to clean out slums and to replace them with commercial developments or housing that would pay taxes and thus generate some revenue. If a park is made out of it without any consideration from voters, then it will be a change from what was voted. Mayor Brookshire replied there has never been any bonds voted or sold for clearance of Brooklyn; it is out of revenue; the other urban renewals are out of bonds but Brooklyn is not. Councilman Alexander stated it was not clearly stated that this land would be used for commercial use rather than housing; it was said it would be used for revenue producing property; that even if it is public housing it is revenue producing because all revenue above operating expenses come into the city.

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Mr. McDuffey asked Mr. Veeder, City Manager, if the quotes in the newspaper article from a city official about the lack of funds for the Belt Road came from him? Mr. Veeder replied it did not come from him; and to his knowledge did not come from his office. Mr. McDuffey stated the article says that Charlotte and State Highway officials have disclosed if federal funds became available, state and local matching funds would be hard to produce; he stated the local funds are supposed to be on a bond issue to be authorized so there is really no shortage of funds if the bond issue is asked for.

Mr. Veeder stated the agreement between the City and the State Highway Department is that the City of Charlotte is responsible for acquiring the right of way from Independence Boulevard back towards North Tryon Street; this has been done to Goodwin Avenue and the city needs enough money to acquire 100% of the rights of way from that point to Independence Boulevard; this is major money as it involves the projected interchange at Independence Boulevard. He stated the balance of the project from Independence Boulevard all the way to connect to Woodlawn Road at Park Road is the responsibility of the State Highway Department by agreement with the city - the State Highway Department is responsible for the acquisition of the rights-of-way and is responsible for the construction of the project. The City is responsible to the point of reimbursing the State Highway Department for 25% of the rights-of-way cost. This is the extent of the city's obligation from Independence Boulevard, south.

(COUNCILMAN STEGALL LEFT THE MEETING AT THIS TIME AND WAS ABSENT FOR THE REMAINDER OF THE SESSION.)

Mr. McDuffey asked if the State funds that were held for the intersection of Eastway and Independence are still there? Mr. Veeder replied he believes this is correct; the State has money available now for the acquisition of some rights-of-way from Independence Boulevard south. Mr. McDuffey stated the question is the \$3 million that would do the interchange and back to Goodwin Avenue; the City's responsibility would appear to be \$500,000, and if we ask for a bond issue to get on with it, then there would be no lack of funds? Mr. Veeder replied he cannot speak for the State Highway Department; that he believes the State has some money for some right-of-way acquisition from Independence Boulevard south. Mr. McDuffey asked if they have the money available for the construction of the bridge over Independence? Mr. Veeder replied he cannot talk to that point; that he can only tell him what he knows and he believes they have some money on hand appropriated for use of right-of-way acquisition from Independence Boulevard south. Mr. McDuffey stated with the bond issue there will not be a lack of funds. Mr. Veeder stated the city's obligation is to acquire rights-of-way to Independence Boulevard, from the top of the hill down; it has no obligation for any of the cost of construction, nor for the acquisition of rights-of-way from that point south; it does have the obligation of paying 25% of the costs of the rights of way and the roadway construction will be the responsibility of the State Highway Department.

Mr. McDuffey stated he has been contemplating legal action that would get the facts on the table as to the delays and who is causing them; and if the funds are being spent in other parts of the city that have been budgeted for Eastway-Intersection; if the shuffling by the City Council and the City Manager's office have agreed to release those funds and further delay the project.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON FEBRUARY 17 ON PETITIONS NO. 69-11 THROUGH 69-18 FOR ZONING CHANGES.

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

The resolution is recorded in full in Resolutions Book 6, at Page 244.

CONTRACT WITH TRANSPORTATION DISPLAYS, INC. COVERING ADVERTISING DISPLAYS IN THE AIRPORT TERMINAL BUILDING TO REPLACE THE EXISTING CONTRACT, APPROVED.

Councilman Smith moved approval of the subject contract as recommended by the Airport Manager, increasing the percentage of gross income to the city from floor island displays from 40 to 45 percent. The motion was seconded by Councilman Short and carried unanimously.

CONTRACT WITH REALTY DEVELOPMENT COMPANY FOR THE CONSTRUCTION OF SANITARY SEWER TRUNK AND MAIN TO SERVE WESTPORT ROAD, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Short, and unanimously carried, authorizing the subject contract for construction of 1,922 feet of combination 8-inch sanitary sewer trunk and 8-inch sanitary sewer main to serve Westport Road, inside the city, at the request of Realty Development Company, at an estimated cost of \$11,950.00, 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.

COUNCILMAN TUTTLE LEFT THE MEETING.

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

ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION PERMITTING THE CITY TO CONSTRUCT A SANITARY SEWER LINE WITHIN THE RIGHT-OF-WAY OF ALBEMARLE ROAD, AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the subject encroachment agreement was authorized permitting the City to construct an 8-inch sanitary sewer line within the right of way of Albemarle Road, beginning at a point approximately 250 feet from the intersection of Independence Boulevard and Albemarle Road and extending to a manhole 350 feet beyond Pierson Drive, for a total distance of 1,540 feet.

SPECIAL OFFICER PERMIT AUTHORIZED TO WOODROW FREEMAN.

Councilman Jordan moved approval of the issuance of the subject Special Officer Permit for a period of one year to be used on the premises of Charlotte Park and Recreation Commission. The motion was seconded by Councilman Alexander, and carried unanimously.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Lina D. Reimanis for Graves 7 and 8, in Lot No. 194, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Seberne Hoyle Long, Jr. and Frances Tatum Long, for Lot No. 423, Section 6, Evergreen Cemetery, at \$320.00.

PROPERTY TRANSACTION AUTHORIZED.

Councilman Jordan moved approval of the acquisition of an easement of 1,375 feet at 3831 Barclay Downs Drive, from Constructors Investment Company and Tryon Processing Company, at \$1.00, for Barclay Downs Drive Project. The motion was seconded by Councilman Short, and carried unanimously.

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR ALUMINUM SULPHATE.

Councilman Whittington moved award of contract to the low bidder, Southern States Chemical Company, in the amount of \$21,262.50, on a unit price basis, for 405 tons aluminum sulphate. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Southern States Chemical Co.	\$21,262.50
American Cyanamid Co.	22,445.10
Industrial Chemicals Div. Allied Chem. Corp.	25,515.00

CONTRACT AWARDED ASHER-MOORE COMPANY FOR HYDRATED LIME.

Upon motion of Councilman Alexander, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Asher-Moore Company, in the amount of \$12,398.40, on a unit price basis, for 560 tons hydrated lime.

The following bids were received:

Asher-Moore Co.	\$12,398.40
Moreland Chemical Co., Inc.	12,460.00
Longview Lime Co.	13,809.60

CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR ACTIVATED CARBON.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contract to Southern States Chemical Company, the only bidder, in the amount of \$10,596.00, on a unit price basis, for 60 tons activated carbon.

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CONTRACT AWARDED TAYLOR SALT & CHEMICAL COMPANY FOR ANHYDROUS AMMONIA.

Councilman Whittington moved award of contract to the low bidder, Taylor Salt & Chemical Company, in the amount of \$3,672.00, on a unit price basis, for 18 tons anhydrous ammonia. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

Taylor Salt & Chemical	\$3,672.00
Jones Chemical, Inc.	3,708.00
Southern States Chemical Co.	3,870.00
Moreland Chemical Co.	3,960.00

CONTRACT AWARDED JONES CHEMICALS, INC. FOR LIQUID CHLORINE.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Jones Chemicals, Inc., in the amount of \$15,960.00, on a unit price basis, for 150 tons liquid chlorine.

The following bids were received:

Jones Chemicals, Inc.	\$15,960.00
Industrial Chemicals, Div.	
Allied Chemical Corp.	16,620.00
Southern States Chemical Co.	16,710.00
Moreland Chemicals	16,860.00

CONTRACT AWARDED PUMP & LIGHTING CO. FOR GATE VALVES.

Motion was made by Councilman Whittington, seconded by Councilman Smith, and unanimously carried, awarding contract to the low bidder, Pump & Lighting Company, in the amount of \$13,000, on a unit price basis, for 233 gate valves of various sizes.

The following bids were received:

Pump & Lighting Co.	\$13,000.00
Grinnel Co., Inc.	13,062.55
Kennedy Valve Mfg. Co.	13,203.69
United States Pipe & Foundry Co.	17,774.40

CONTRACT AWARDED A. P. WHITE & ASSOCIATES, INC. FOR SANITARY SEWER CONSTRUCTION.

Councilman Smith moved award of contract to the low bidder, A. P. White & Associates, Inc., in the amount of \$21,374.50, on a unit price basis, for the construction of sanitary sewer facilities to serve Eastbrook Woods #3 as specified. The motion was seconded by Councilman Jordan, and carried unanimously.

The following bids were received:

A. P. White & Associates, Inc.	\$21,374.50
Thomas Structure Co.	23,964.25
Dickerson, Inc.	26,600.00

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**LEGISLATIVE COMMITTEE OF N. C. LEAGUE OF MUNICIPALITIES POSITION
OPPOSING STATE WIDE ADDITIONAL ONE CENT SALES TAX APPROVED.**

Mayor Brookshire stated he has a request from Mrs. Steed, Executive Director of the North Carolina League of Municipalities, asking the Councils of all member cities to indicate whether Council will back up the position taken by the Legislative Committee of the League which would oppose a statewide additional one cent sales tax to be distributed on population basis and proposing that an option by State Bill would allow any county to do the same thing that Mecklenburg did last year in holding a referendum for the purpose of levying an additional one cent local sales tax.

Councilman Smith moved approval of the recommendation of the Legislative Committee of the N. C. League of Municipalities. The motion was seconded by Councilman Short, and carried unanimously.

**CITY MANAGER REQUESTED TO SCHEDULE COUNCIL MEETING FOR BROADCAST OVER
WTVI.**

Mayor Brookshire stated Miss Donna Davenport of WTVI, Channel 42, has been urging an invitation upon Council to accept another engagement to hold a council session in the studios and for broadcast.

Councilman Smith suggested that Mr. Veeder, City Manager, arrange for this broadcast whenever he feels the agenda will be suitable.

**REQUEST THAT LEGISLATION BE CONSIDERED TO HAVE SEWER BONDS REMOVED FROM
CITY'S DEBT LIMITATION.**

Councilman Short asked the City Manager if it would be advisable for the Council to add to its legislative proposals a request that the legislature attempt to have sewer bonds removed from our debt limitation? Mr. Veeder replied the conclusion is highly desirable and based on prior conversations we are trying to determine the practicality of such a request and will have a report for Council shortly; if this is at all possible, it should be done.

Councilman Short stated he hopes that in the report Mr. Veeder and Mr. Underhill can advise Council whether this legislation could be of such a nature as to remove existing sewer bonds from the debt limitation, as well as those that might be voted in the future.

**PROGRESS REPORT ON PREPARING LEGISLATION FOR CHANGE IN STATE STATUTES TO
PERMIT USE OF N.D.P.**

Mayor Brookshire asked what progress is being made through the Redevelopment Commission to prepare legislation to change the state statutes to permit any city in this state to go the N.D.P. route under urban renewal? Mr. Veeder replied the Redevelopment Commission, along with other cities in the state, with the assistance of Phil Green and the Institute of Government, are preparing the necessary legislation; at the last report they said drafts were already prepared.

Mayor Brookshire stated he was in the HUD office on Friday of last week and told them that some of the downtown people have given his office a pretty hard time about the downtown project, and the reply was that nobody could have moved us in any other direction; it was hung on the peg of national goals and our only chance all along has been to go the N.D.P. route, and they were glad to hear we are pushing for state legislation.

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PETITION FILED WITH CITY MANAGER REQUESTING STOP LIGHT AT WOODLAWN ROAD AND OLD PINEVILLE ROAD.

Councilman Whittington filed a petition with the City Manager from Tommy Studemeyer on Roundtree Road requesting a stop light at Woodlawn Road and Old Pineville Road.

REDEVELOPMENT COMMISSION COMMENDED FOR PARTICIPATION IN NON-PROFIT LOW-INCOME HOUSING.

Councilman Whittington stated he noticed that at their last meeting, the Redevelopment Commission proposed to create a charter or corporation where they could go into the non-profit low income housing. That he also noticed that Mr. Alexander had said at a Model Cities Meeting that there would be some duplication of this. That he does not question whether there is any duplication but he would like to commend the Redevelopment Commission and commend any other organization that would want to get into this field; re-iterating again what Mr. Alexander and all of us have said in the past - there is a real need for housing and hopefully there will be many more organizations that will get into this. If we have duplication, we are solving the problem.

Councilman Alexander stated he is concerned with the fact that housing programs beyond the public housing phase was established by HUD to attract and encourage the private sector of a community to give some recognition to moving into housing development to help bear the load. The Urban Redevelopment Commission, being a public facility, is out of character in moving into this field; other cities have been forced to resort to this type of activities through their urban redevelopment because they were getting no support from the public housing authority in assuming a full responsibility of solving their housing problem. Here in Charlotte, we are beginning to get a response from the private sector; the evidence shows itself through the Chamber of Commerce starting a development of non-profit development corporations which would do the same thing that a corporation can do; that he does not think at this time the Redevelopment Commission needs to develop a corporation to put the "fear of God" into the private sector, that if you do not, we will.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF GEORGE B. LIVINGSTON.

Councilman Jordan introduced and read the following resolution:

**"RESOLUTION EXTENDING SMYPATHY AND
HONORING THE MEMORY OF GEORGE B. LIVINGSTON**

WHEREAS, it is with deep sadness and a feeling of great loss that the City Council of the City of Charlotte takes note of the passing of George B. Livingston on Wednesday, January 15, 1969; and

WHEREAS, George B. Livingston was a dedicated and devoted employee of the City of Charlotte for 37 years and retired as the head of the Accounting Department in 1966; and

WHEREAS, during his term of employment with the City he advanced from a Clerk in the Accounting Department to the head of the department handling the complex problems of the City's finances in such a manner as to earn the admiration and respect of his employers, co-workers and the

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citizens of the City of Charlotte, and was also selected to serve as Acting City Manager for a short time prior to the appointment of a new City Manager; and

WHEREAS, he was also active in his church, having taught the George B. Livingston Sunday School Class for 45 years; and

WHEREAS, the sense of bereavement felt by the family is shared by the City Council and his many friends and associates in City Hall.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Charlotte, in regular session assembled on this 20th day of January 1969, does hereby extend its deepest sympathy to the family of George B. Livingston, and that the name of George B. Livingston is hereby memorialized and honored; and

BE IT RESOLVED that a copy of this resolution be forward to the members of his family, and that this resolution be spread upon the minutes of this meeting."

Councilman Smith moved the adoption of the resolution, which was seconded by Councilman Alexander.

Councilman Smith stated George Livingston was, in every sense, a Gentleman and it was an honor to work with him. Councilman Jordan stated he was a wonderful employee.

Mayor Brookshire stated Mr. Livingston demonstrated the religion that he held; he was an outstanding citizen as well as an outstanding city employee.

The vote was taken on the motion and carried unanimously.


J. E. GREINER COMPANY'S MASTER PLAN REAPPROVED BY COUNCIL.

Mr. Veeder, City Manager, stated in June, 1968, Council approved the Master Plan of the Airport, subject to the plan being economically feasible; today Council had a presentation at the Airport from the Airport Advisory Committee which, in substance, said the Master Plan is economically feasible.

Councilman Smith moved that Council re-iterate its approval of the J. E. Greiner Company's Master Plan. The motion was seconded by Councilman Jordan, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk