

An adjourned meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, May 10, 1965, at 8:30 o'clock a.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger.

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INVOCATION.

The invocation was given by Councilman Don G. Bryant.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on May 3, 1965, were approved as submitted.

ORDINANCE NO. 335-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON BOTH SIDES OF PENCE ROAD, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 335-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-12 and R-15 to I-1 of the property on both sides of Pence Road, beginning 400 feet west of Durable Woods Preserving Company and extending eastward to a point 400 feet east of Durable Woods Preserving Company, was adopted on the petition of Charlotte-Mecklenburg Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 160.

ORDINANCE NO. 336-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING OF PROPERTY ON THE WEST SIDE OF SHARON ROAD, ADOPTED.

Councilman Bryant moved the adoption of Ordinance No. 336-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of property on the west side of Sharon Road, from R-12 to R-12MF, on petition of Mrs Bonnie Lucy Little, as recommended by the Planning Commission. The motion was seconded by Councilman Thrower.

Mr. Ben Horack, Attorney, stated he rises simply to have his appearance recorded on behalf of the Presbyterian Home of Charlotte, Inc. and he will be glad to answer any questions the Council may wish to ask.

Councilman Whittington stated he voted against this peititon initially because he did not have enough information concerning just what the Presbyterian Church planned to build on Mrs Little's property. That he felt on April 27th that neither the proponents nor opponents had given him enough facts to vote either way. When he was forced to vote he had no choice but to vote against the petition and he is sure that Mr. Jordan felt the same way. That he felt very strongly then, and he does today, that the opposition should have the facts and he should see the drawings, look at the plot plan and get all the information he could in order to justify his vote. That since the hearing he has been over the Little property, been down Sharon Road, down Hazelton and Sunnybrook and behind the property, and has seen the sketches and acquainted himself with the necessary information that would justify his vote

today. He stated that he did what he did on April 27th because he felt the people who are opposed to this proposition on Mrs Little's property should have all the facts that could be obtained so that they could acquaint themselves with what was going on there and he thinks this Council has done all they could to give them that information, and because of that fact, and because of the fact that he has been able to justify his vote and give these people the information he is ready today to vote for the petition.

Councilman Jordan stated that his decision as well as Mr. Whittington's two weeks ago was based on the fact that they did not have or receive enough information on this petition when it was first presented to Council, and he asked for a week's postponement before taking any action in order to gather more details. That it did not work out this way and they both voted against the motion. He stated there is much to be considered in this zoning request, and certainly the residents of the neighborhood had every right to be concerned and protest. That he believes if all the facts had been presented to these people, and they had been shown the plans and sketches as to what to expect, they would have been more receptive to the changes. That he has certainly found out so much more than he knew to begin with, and feels that the Presbyterian people have been sincere and honest in everyway with their presentation and facts, and want to build something that will be an asset to the neighborhood. That he has met with the leaders of this Home and Project and seen plans, sketches and walked over the property, and been given all details and information pertaining to the Home and grounds, parking facilities, and the approximate location of the building from the property lines. That he honestly believes now that this Home will be an asset to the neighborhood and will not decrease property values, but will tend to enhance them. That he does not believe that it will create any traffic problems. That it is also his belief that should this Home not be placed there, then it could be possible in the future that something more undesirable to these residents than this Home could be built there; therefore, he will also vote to approve the petition.

The vote was taken on the motion and carried unanimously. The ordinance is recorded in full in Ordinance Book 14, at Page 161.

PETITION NO. 65-36 BY ERVIN CONSTRUCTION COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND ON NORTH SIDE OF ALBEMARLE ROAD DID NOT RECEIVE THE REQUIRED FOUR VOTES AND WILL BE REDOCKETED FOR COUNCIL CONSIDERATION.

Councilman Bryant moved that Petition No. 65-36 by Ervin Construction Company for change in zoning from R-12MF to B-2 and R-6MF of a tract of land on the north side of Albemarle Road be disapproved as recommended by the Planning Commission. The motion did not receive a second.

Councilman Whittington moved that the petition be approved and Ordinance Amending Chapter 23, Section 23-8 of the City Code changing the zoning from R-12MF to B-2 and R-6MF be adopted for the reason that they have at the east side of this property Idlewild Road in the Thoroughfare Plan and Randon Road and Campbell's Creek as a buffer on the west side. He stated he can appreciate what the Planning Commission said about the business zone to the east and to the west, but he thinks if one goes out and looks at these business zones they will find they are small stores, the business zone on Albemarle Road cut-off is about 300 feet deep from the highway, which would not give a great deal of room for expansion for a good sized Shopping Center, and this seems to him to be the sort of thing that, if planned as the other Shopping Centers were planned, it would be an asset to the community and certainly be a more orderly growth and development than what is out there now. The motion was seconded by Councilman Thrower.

Councilman Bryant commented that when Council rezoned the community some three years ago, they zoned an area around a very vital intersection for business for this very particular purpose. As Council understands zoning, cluster zoning is lots better than strip zoning, which has certain undesirables with which we are all acquainted, cluster zoning is much more effective. That this already zoned business area is one that will be developed as soon as the need exists, and at present there are three major shopping Centers in less than one mile. He called attention that the Petitioner has already made the statement that this is for future use and not immediate use, and as a result Council will be duplicating the very zoning that we have, and he sees no use in zoning a strip farther away from a very logical intersection.

The votes were cast on the motion as follows:

YEAS: Councilmen Whittington, Thrower and Jordan.
NAYS: Councilmen Bryant and Albea.

Councilman Smith abstained from voting because he has an interest in the Shopping Center.

Mayor Brookshire stated the motion did not receive the required four votes of the Council and remains status quo.

Councilman Smith asked if the Petition would be redocketed for Council's vote, and Mr. Morrissey, City Attorney, stated in the absence of reconsideration, he assumes it would remain on the Docket until it receives four votes.

ORDINANCE NO. 337-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF TRACT OF LAND ON THE WEST SIDE OF NATIONS FORD ROAD, ADOPTED.

Councilman Bryant moved that Petition No. 65-37 be granted and Ordinance No. 337-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 to B-2 of the tract of land on the west side of Nations Ford Road, be adopted on the petition of Ervin Construction Company. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

YEAS: Councilmen Bryant, Jordan, Albea, Thrower and Whittington.
NAYS: None.

Councilman Smith abstained from voting for the reason that he has an interest in the Shopping Center.

The ordinance is recorded in full in Ordinance Book 14, at Page 162.

CONTRACT AWARDED CONCRETE SUPPLY COMPANY FOR READY-MIX CONCRETE.

In the consideration of the bid of Concrete Supply Company for 2,000 cubic yards of Ready-Mix Concrete, being the only bidder, the City Manager advised he has reviewed this further with the Purchasing Agent, and it appears that other potential bidders are much smaller than the single bidder; and they have had some reservations about delivering in small quantities all over Charlotte that we require throughout the 12 months period. This in the aggregate is a fair amount and we take delivery in very small quantities, and this may have had something to do with their judgment not to bid; they may have had some reservations about the economics of competing with the larger supplier.

Councilman Jordan moved that the bid in the amount of \$30,487.80 be accepted. The motion was seconded by Councilman Albea, and carried unanimously.

APPOINTMENT OF GRADY COLE TO THE CIVIL SERVICE BOARD.

Councilman Smith speaking to his nomination on May 3rd of Mr. Grady Cole for appointment to the Civil Service Board, stated that Mr. Cole knows from long experience the situation we have at City Hall in way of employees; he has been connected with the City Government as long as he can remember, he represents the vast majority of the so-called "little man", he knows what their problems are, and he thinks he would be very well qualified for this job, and he moved his appointment. The motion was seconded by Councilman Albea, and unanimously carried.

LETTERS OF APPRECIATION REQUESTED SENT TO JERRY TUTTLE FOR SERVICE ON CIVIL SERVICE BOARD, TO GRADY COLE FOR SERVICE ON THE BOXING AND WRESTLING COMMISSION AND TO J. P. MCMILLAN ON THE AUDITORIUM-COLISEUM AUTHORITY.

Councilman Jordan requested that a letter of thanks be sent to Mr. Tuttle for his valuable service on the Civil Service Board, and also to Mr. Cole for his long years of fine service on the Boxing & Wrestling Commission. Mayor Brookshire stated he would be very happy to do so.

Councilman Smith commented that he thinks it was an oversight on Council's part last week, and they were all guilty of it, in not saying something about the very fine work that Mr. McMillan has done on the Auditorium-Coliseum Authority, and after he had left the meeting last week he felt rather badly about it. That Mr. McMillan has been invaluable on the Authority; he was a great instigator in having the Auditorium and Coliseum built; however, that did not change the picture, in his mind a younger man was needed on this Authority and whatever amends are necessary should be made by Council to honor Mr. McMillan for his service to Charlotte.

Mayor Brookshire remarked that he appreciates Mr. Smith having made this statement as he thinks Council has been put in a very embarrassing position, and rightly so; that it may be necessary to put new blood on Boards from time to time but the way in which this was handled has certainly brought down a lot of criticism on the Council, and in line with Mr. Smith's suggestion he will write Mr. McMillan thanking him on behalf of Council for the tremendous job he has done for the Auditorium and Coliseum

Councilman Bryant remarked that he does not have too much room to talk because he had to leave last week's meeting to attend the funeral of a friend before the vote was taken on the appointment, but previously he had nominated Mr. McMillan and he is sorry he was not here to make a statement as to his qualifications because he had done an excellent job and he is sorry that he was not reappointed.

REPORT OF REVIEW OF INFORMATION MADE AVAILABLE CONCERNING POLICE INVESTIGATION ACCEPTED AND MATTER CONSIDERED CLOSED BY COUNCIL.

Mr. Veeder, City Manager, made the following statement:

"As directed by the Council, we have reviewed all reports made available to us concerning the investigation of the Police Department.

In the course of our review, we were mindful of the comment of the State Supreme Court that, "The disclosures in these bills, if true,

tend to suggest the need for an investigation by the defendant's superiors and not a criminal proceeding.'

The bills referred to, now quashed, were two in number (#42976 and #42977) which charged Chief Hord with failure 'to exercise the proper supervision, proper control, proper discipline, thorough investigation of activities, and thorough inspection of the various activities of various members of the Police Department of the City of Charlotte'.

We therefore searched carefully for evidence of such failure by Chief Hord which would require Council action, and we found none.

We conclude that these two indictments must have been based upon the presumed validity of all other indictments. Since all of the indictments have been judicially found wanting, and since we find no further relevant information in the reports we believe that no further Council action is required.

Unless instructed otherwise, it is our intention to return these reports to their sources and consider the matter closed."

Mr. Morrissey, City Attorney, commented that he thinks because the report is so concise it does not reflect the many hours of intensive study, even to the neglect of other duties, that Mr. Veeder and he spent on it.

Councilman Smith remarked that he cannot remain silent after almost a year of The Charlotte Observer's indictment of our Police Department and Solicitor Downs' headstrong moves in that direction, which has given the City of Charlotte a bad image. That he does not think the fault rests with the City Council; he thinks the Police Department was put on the spot without due evidence, and he will say this now, and say it again whenever necessary, he thinks it is a sorry picture for Charlotte to have had this cloud over it for almost a year without bringing it to a head, and he is certainly happy to have it cleared up now.

Councilman Albea moved that the Report be accepted and the matter be considered closed. The motion was seconded by Councilman Jordan, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman, City Clerk