

July 15, 1963
Minute Book 43 - Page 177

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, July 15, 1963, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

* * * * *

INVOCATION.

The invocation was given by the Reverend Dr. Clay Madison, Pastor of Myers Park Methodist Church.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on July 1st were approved as submitted.

HEARING ON PETITION NO. 63-35 FOR CHANGE IN ZONING OF PROPERTY ON THE NORTHWEST SIDE OF CASWELL ROAD, FROM THIRD STREET TO FOURTH STREET.

The scheduled hearing was held on Petition No. 63-35 by Donald W. Graham, Laura Hutchinson, Agnes W. Binder, Cornelia L. Graham, Lucinda Watkins and George W. Graham III, for change in zoning from O-6 to B-1 of property on the northwest side of Caswell Road, from East 3rd Street to East 4th Street, fronting about 380 feet on 3rd Street and 185 ft. on 4th Street.

The Planning Director stated the property lies across 4th Street from the Presbyterian Hospital and consists of several pieces of land extending along the westerly side of Caswell Road from 4th to 3rd Street. Within the area there is an apartment house, single family residence, parking lot and some vacant land. That the property is adjoined by property fronting on Queens Road, and by single family residences on the Caswell Road side and one duplex; that the property is presently zoned for Offices.

Mr. John D. Shaw, Attorney for the petitioners, stated the property has been in the Graham family for many years and was first affected by the widening of 4th Street. That the Grahams own the apartment and single family residence on Caswell Road, and behind it is an acre which is rented to Presbyterian Hospital for parking lot, which came about when 3rd Street was cut through, the opening of which was brought about by condemnation. That the apartments along Caswell Road were built in 1928.

Councilman Whittington asked if they have plans for construction on the property and Mr. Shaw replied they do not, that they have been approached about a motel to rent to relatives visiting patients in the hospital, and Mercy Hospital which is only one block away, but that may or may not materialize.

Mr. Shaw stated the property is not now suitable for residential property. That when the doctors building is completed at 3rd and Caswell Road, and the office building on Randolph Road and another at Randolph and Caswell Roads, there will not be any need for further offices in the area. Therefore, they are requesting the change in zoning from Office to Business.

No opposition was expressed to the proposed change in zoning. Council decision was deferred until the next meeting.

July 15, 1963
Minute Book 43 - Page 178

HEARING ON PETITION NO. 63-36 FOR CHANGE IN ZONING OF LOT AT NORTHEAST CORNER OF BELLHAVEN BOULEVARD AND LINWOOD STREET.

The public hearing was held on Petition No. 63-36 by James E. Smith and Blanche Capps for change in zoning from R-9MF to B-1 of a lot 173 feet by 221 feet at the northeast corner of Bellhaven Boulevard and Linwood Street.

Mr. McIntyre, Planning Director, advised the petition covers a corner lot, which fronts on both Bellhaven and Linwood; immediately to the rear of the lot there is Interstate 85; that the property is occupied by single family houses and there are similar houses on both sides of Lynwood Street. Across Highway 16 there is a residential development; that both the property in question and the surrounding property are zoned for multi-family use.

Mr. Ben Horack, Attorney for the petitioner, advised the petitioners have contracted to sell the property to Phillips Petroleum Company for a Service Station. That the property has been identified by Mr. McIntyre and he would like to add that it is surrounded on three sides by major traffic arteries; the proposed Northwest Expressway is proposed to come into Highway 16 (which is Bellhaven Boulevard) and Highway 29 Bypass is adjacent; that he understands from the Engineering Department that Linwood Street was widened to help take care of traffic. He advised they have the consents from all abutting property owners, with the exception of the owner of one vacant lot who they could not contact, and the State Highway Commission.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 63-37 FOR CHANGE IN ZONING OF PARCEL OF LAND ON THE SOUTHEAST SIDE OF MICHIGAN AVENUE, BEGINNING 130 FEET FROM EASTWAY DRIVE.

The scheduled hearing was held on Petition No. 63-37 by H. H. Baucom for change in zoning from R-9MF to O-6 of a parcel of land 200 feet x 200 feet on the southeast side of Michigan Avenue, beginning 130 feet from Eastway Drive.

The Planning Director advised the petition covers property in the vicinity of the Shamrock-Eastway Drive intersection where business is established. The property is adjacent to Michigan Avenue and consists of four vacant lots. The zoning of the property is R-9MF and is adjoined at the rear and on the Eastway Drive side by O-6 zoning, otherwise the adjoining zoning is R-9MF.

Mr. Tom Creasey, Attorney for the Petitioner, stated the property is surrounded by O-6 and B-1 zoning; he presented Council with plats and pictures of the property and area, and stated that Mr. Baucom has entered into an option-agreement with Dr. Newell and Dr. Britton subject to the outcome of this petition for the erection of a Doctors Building on the property, which is badly needed in the area, and this seems to be the only practical location for such building in the immediate area. That because of the nature of the business district immediately adjacent to this lot, it is not suitable for residential purposes. That they are, therefore, requesting the reclassification to O-6 in order to put the Doctors Building on the lot.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

July 15, 1963
Minute Book 43 - Page 179

HEARING ON PETITION NO. 63-38 FOR CHANGE IN ZONING OF PARCEL OF LAND AT THE NORTHWEST CORNER OF HAVELOCK AVENUE AND MORRIS FIELD DRIVE.

The public hearing was held on Petition No. 63-38 by E. Jerry Fox, for change in zoning from I-2 to B-2 of a parcel of land 100-ft. x 200-ft. at the northwest corner of Havelock Avenue and Morris Field Drive.

Mr. McIntyre, Planning Director, advised the property is one block off of Wilkinson Boulevard on Morris Field Drive and is now vacant. It is adjoined on the westerly side by vacant land; immediately to the rear of the property there are lots developed with houses and across Morris Field Drive part of the land is vacant and part developed with duplexes and across Havelock Avenue there is a Trailer Park. The property is presently zoned Industrial and is adjoined on three sides by Industrial zoning and on the fourth side it is zoned Residential.

Mr. E. J. Fox, Petitioner, advised that the property is 125 ft. x 200 ft. and he also owns residential property facing Havelock, although it is zoned Industrial. That there are several lots which he owns adjoining the property in question, and the nearest Industrial business in operation is Superior Products Company on Wilkinson Boulevard, which he also owns. Mr. Fox stated he presently resides on Randolph Road and the house is to be demolished in August and the property will become part of a new Doctors Building. That he is requesting the change in zoning from I-2 to B-2 so that the business aspect of the property may still be maintained but will also permit him to erect his residence on the property at this time. That because of the break-ins and thefts at his business - Superior Products Company on Wilkinson Boulevard - it is necessary for him to live near the business and give it closer observation, and the property in question is the ideal location for his residence. To upgrade the property from Industrial to Business would be more in keeping with the area and would not hamper development later. He advised that everyone he has contacted in the neighborhood agrees with him that the change to Business zoning would be best for all concerned.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 63-39 FOR CHANGE IN ZONING OF TRACT OF LAND ON THE WEST SIDE OF US #29 NORTH, ACROSS FROM THE HIGHWAY PATROL OFFICE.

The scheduled hearing was held on Petition No. 63-39 by Harold R. Rimer, for change in zoning from I-2 to B-2 of a tract of land 386 feet by 456 feet on the west side of US #29 North, across from the Highway Patrol Office.

Mr. McIntyre, Planning Director, advised the petition covers a tract on which there are a few developments, one is a motel and one dwelling has recently burned down; the property is on Highway #29 North diagonally across from the Highway Patrol Office and from Greenacres Restaurant; adjacent to the property there are business establishments and trailers and a single family residence. The property is adjoined on three sides by Industrial zoning and R-12 zoning across the street.

Mr. Harold R. Rimer, Petitioner, stated he went out there 25 years ago when it was waste land and has lived there since and recently their house burned; that he also owns the motor court on the property and they wish to re-establish their residence and spend the rest of their lives there; however, they do not feel justified in rebuilding their house merely as their

July 15, 1963
Minute Book 43 - Page 180

residence with the possibility that in the future the land might be more desirable for something else, and so they wish in connection with their motor court to build some small apartments, one of which they would occupy, and have an income from the others. However, the Industrial zoning which was put on their property restricts them from doing this type building, therefore, they are requesting the change in zoning to Business under which they may erect the apartments. He stated their property is surrounded by the County Home property on two sides and the Highway Patrol Station, which was given a 99 year lease and there is no industrial property adjoining or nearby.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 63-40 FOR CHANGE IN ZONING OF TRACT OF LAND FRONTING ON THE SOUTH SIDE OF MOORES CHAPEL ROAD, BEGINNING 242 FEET WEST OF SULLINS ROAD.

The public hearing was held on Petition No. 63-40 by William L. Ballentine, for change in zoning from R-9, R-6MF and B-1 to B-2 of a tract of land fronting 913 feet on the south side of Moores Chapel Road, beginning 242 feet west of Sullins Road.

The Planning Director advised the property consists of 70 lots fronting on three streets, for the most part occupied by single-family homes and some trailers, also a few lots occupied by established businesses. The property fronts on Moores Chapel Road and extends to Craig Avenue for a considerable distance; the adjoining property along the southerly and westerly sides is generally vacant; directly across Moores Chapel Road the property is developed with single family homes; a portion of the property is zoned for business; the property along Moores Chapel Road is zoned multi-family and all of the remaining property along the side streets is zoned R-9.

Mr. Frank Rankin, Mt. Holly Attorney for the petitioner, advised all of the property owners in the area signed a petition joining Mr. Ballentine in his request for the rezoning, which was submitted with his petition. He stated in this area there is an existing garage, which was there before the property was zoned; at the present time Mr. Ballentine has erected a recap shop in the area; there is a grocery store and numerous trailers parked in the area at residences and occupied by sons and daughters of the owners who have married. That in 1958, Mr. Ballentine purchased his property with the idea of putting up a business and neither he nor the residents of the area knew there was any zoning in effect. He stated Mr. Ballentine and his wife have worked hard to build up this business and he has a son who will go to college next year and Mr. Ballentine has his life savings invested in this business. Mr. Rankin stated across the road there is business property, and R-6 zoning along the front with numerous single-family residences in the area. However, there is a garage under construction on Moores Chapel Road about a mile, which was started before zoning and not yet completed. He stated Mr. Ballentine is caught in a bad position and they are approaching this honestly with Council and hope they will give it serious consideration.

No opposition was expressed to the proposed rezoning.

Council decision was deferred until the next meeting.

COUNCILMAN GIBSON SMITH ATTENDS MEETING AT THIS TIME.

Councilman Gibson Smith came in to the meeting at this time and was present for the remainder of the session.

July 15, 1963
Minute Book 43 - Page 181

HEARING ON PETITION NO. 63-41 FOR CHANGE IN ZONING OF TRACT OF LAND AT THE NORTHEAST CORNER OF ALBEMARLE ROAD AND SHARON AMITY ROAD AND A TRACT AT THE SOUTHEAST CORNER OF SAID INTERSECTION.

The scheduled hearing was held on Petition No. 63-41 by W. A. Yarborough and Ethel Campbell for change in zoning from R-9 and R-9MF to B-1 of a tract of land 546 feet x 285 feet at the northeast corner of Albemarle Road and Sharon Amity Road, and a tract 217 feet x 209 feet at the southeast corner of said intersection.

Mr. McIntyre, Planning Director, stated the petition covers two properties separated from each other by Albemarle Road, one lies at the northeast corner of the Sharon-Amity Road intersection with Albemarle Road and the other at the southeast corner of the intersection. Both of these properties are vacant. The property at the southeast corner is adjoined along its easterly border by a Veterinary Clinic, and along the rear and south by vacant land, then a residential structure and next Hillcrest Golf Course, and across Sharon-Amity Road there is a residential structure. Across from the northeast corner there is a residential structure and a large vacant tract; immediately to the north there is residential developments along Sharon-Amity Road. A short distance from the property towards Albemarle Road there is property that was considered for rezoning recently and no action has yet been taken, and which was desired considered along with similar requests in the area. The property on which action was deferred is adjoined by a Lutheran Church. The property in question today is adjoined on all sides by R-9 zoning.

Mr. Lewis Parham, Jr., Attorney for the Petitioners, stated the main basis for their contention that the property should be rezoned is the fact that the nature of the traffic makes the property undesirable for residential use; that the new Albemarle Road has been cut through from Independence Boulevard for 8 or 9 years and during that period nothing has been erected but a Duke Power Substation and a Veterinary Clinic. That traffic on Albemarle Road is very heavy- the count taken last year was 16,365 cars during a 12 hour period at the intersection of Independence Boulevard and Highway 27. Yesterday afternoon he checked the traffic and in one minute's time there were 19 cars that passed this corner. Sharon-Amity Road runs all the way from Providence Road out passed Albemarle Road to Hickory Grove Road, and on every corner starting at Providence Road the property is used for business purposes. Mr. Parham stated because of the heavy traffic on both main arteries, they think their property is unsuitable for any type of residential use, even multi-family use.

Mr. Paul Ervin, Attorney, reminded Council that the Petition of Mr and Mrs E. T. Haney which is still before Council involves adjacent property and he requested that Council decision be held over until the petition of Mrs Campbell and Mr. Yarborough now before Council, was presented. That his thought was that Council and the Planning Commissioners would prefer passing on both requests at the same time. He stated he favors both of the petitions.

Mr. Richard Welling, Attorney representing the Good Shepherd Lutheran Church, stated they are opposed to both the petition presented today and the one previously presented by Mr. Paul Ervin still under consideration by Council. Mr. Welling stated that both petitions should be denied, as business or commercial development in the area would decrease the valuations of the large residential development; that for approximately one mile from the Boulevard and Lawyers Road and Central Avenue there are business developments, and there is not one bit of evidence that more business is needed; there are two church properties involved, both Good Shepherd Lutheran and Church of God, that would be seriously affected by business, and on Sharon-Amity Road a short distance away there is a Presbyterian Church and hundreds

July 15, 1963
Minute Book 43 - Page 182

of homes. That to the residents of the area, the only reason for the requested rezoning to business is to give the property owners a higher price for the land at the expense of the residential property owners in the area. They do not have the welfare of the community at heart, which is one of the main points the gentlemen of the Council should consider.

Mr. Welling filed a petition which stated the signers represent more than 20% of the real property owners in the immediate vicinity of the intersection of Sharon-Amity Road and new Albemarle Road, who protest any change in the zoning and use of the property at the southeast and northeast corners of the intersection, and request an opportunity to be heard.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 63-42 FOR CHANGE IN ZONING OF A TRACT OF LAND FRONTING ON THE SOUTHEAST SIDE OF SHARON-AMITY ROAD, BEGINNING ABOUT 165 FEET SOUTHWEST OF RANDOLPH ROAD.

The public hearing was held on Petition No. 63-42 by E. S. Lynn, W. R. Barrier, Andrew J. Foppe and John P. Belk, for change in zoning from O-15 to B-1 of a tract of land fronting about 850 feet on the southeast side of Sharon Amity Road, beginning about 165 feet southwest of Randolph Road.

Mr. McIntyre, Planning Director, advised that the property lies across Sharon-Amity Road from Cotswold Shopping Center and is adjoined along one side by property at the intersection of Randolph and Sharon-Amity developed with a Gas Station; immediately to the rear the land is vacant and residential structures front on Randolph Road; on the Providence Road side the land is vacant and single family development. Adjoining the property is O-15, B-1, and R-12MF zoning; the depth of the property is variable, on Randolph Road it is 200 ft. in depth and another portion has a 400 ft. depth.

Mr. John D. Shaw, Attorney for the petitioners, stated the property begins up near Randolph Road; Mr. Belk owns property next to the Pure Oil Station, and also a piece of property down near Robin Road and there is no petition on the property near Robin Road; on another corner is an Esso Station, under B-1 zoning, across the street it is B-1 and then Cotswold Shopping Center. As you go out Randolph Road the Randolph Heirs own a strip of land with about 40 ft. frontage running along Sharon-Amity behind the Filling station that is zoned B-1; then there is R-12 multi-family, the rear of the Ray Barrier property and Wheeler have $7\frac{1}{2}$ acres on the western boundary line with 400-ft. depth, and behind that is R-12 multi-family, and behind the Lynn property is 115 ft. and Andrew Foppe owns 250 ft. between the Belk and Lynn property, which is O-15 on the rear. Behind Cotswold Shopping Center and all around it you have the Cotswold Apartment Village. When this was zoned it was residential property, now it is built up and all of the land is occupied. Opposite the Foppe property is an entrance to the Cotswold Shopping Center parking area and in front of the Lynn property is the noise-maker which is a clock that strikes on the half-hour and at one o'clock it plays hymns - all to let you know that Cotswold Shopping Center is still in business. So they are here today asking for B-1 classification; that there is a four-way traffic pattern out there and he is advised that in the afternoon the traffic trying to make a left-turn into the Shopping Center backs up for blocks, and they say because of the change in the development of the area, the B-1 zoning should be extended to include the property in question, and nothing will be erected on the property that will be detrimental to the neighborhood nor affect it any more than has Cotswold Shopping Center.

July 15, 1963

Minute Book 43 - Page 183

Councilman Smith asked if the Randolph Sisters sold the four corners? Mr. Shaw advised only two corners were sold, one to Pure Oil Company direct. Councilman Smith asked if they put the residential restrictions on the rest of the property? Mr. Shaw replied that is correct.

Mr. Paul Ervin stated he represents the Randolphs and others in the area who oppose the petition for the change in zoning. He submitted a petition signed by 111 of the immediate neighbors in this vicinity owning property on Randolph Road and Sharon-Amity Road and streets immediately adjacent thereto opposing the rezoning and asking that it be denied. He stated the owners of Cotswold Shopping Center will also be represented today in opposition to the change, and he is of the opinion that they together with his petition will invoke the 20% rule. Mr. Ervin stated the most unkind thing that could be done to these petitioners is to grant the petition because if it is done, it will render their property utterly useless and valueless. The property is subject to valid restrictions, which restricts it to residential use only. Mr. Shaw has brought action to question the validity of these restrictions and he has appealed them to the Supreme Court, who will rule against him. He stated he calls this to Council's attention for the reason that sometime ago he discussed with Mr. Morrissey what is going to happen when you have a conflict between the restrictions and zoning; that under the present zoning law when you zone property for one purpose it can be used for that purpose only, and if this property should be zoned for any purpose other than residential you will be taking the property effectively off the market, it cannot be used for anything other than the purpose for which it has been restricted.

Mr. Ervin stated further that Mr. Shaw has pointed at some length to the Cotswold Shopping Center, which is a very fine development, and was developed orderly and carefully at an expenditure of a vast amount of money and with many attributes which the strip zoning which is requested could not possibly have. The Cotswold Center is not a detriment to the community but rather an asset, but the zoning Mr. Shaw is requesting would be a detriment to the area, as you could build on it a Hot-dog stand and he understands that one of the property owners has an offer to lease his property for that sort of thing. He stated his clients, the Randolphs and others in the community desire to keep the community what it was originally planned to be, a nice residential area. The Randolphs owned the property along Randolph Road on both sides from the intersection and sold it to people of their own choice at modest prices in order to have a good neighborhood and they put uniform restrictions on the property, restricting it for residential purposes only and those restrictions have been strictly complied with. Now because of the Cotswold Shopping Center, the present owners who are the petitioners before you today want to have their property zoned for business so they can lease it. That they oppose it on behalf of the Randolphs the original owners who still reside in the neighborhood, on behalf of the residents in the community and residents of the Randolph Park area and the residents adjoining the property on Sharon Amity Road between Providence Road and the area requesting the rezoning. Some twenty persons who were present in behalf of the opposition stood at the suggestion of Mr. Ervin.

Mr. John Ray, representing Mr. J. A. Quattlebaum who lives on Robin Road, stated he bought his property in 1948 and built his house and has a substantial investment there and he is opposed to any change in zoning.

Mr. J. J. Delaney, representing the Sharon Corp., owner of the Cotswold Shopping Center, stated that Mr. Shaw called attention to the fact that the zoning on either side is the same; that when this zoning was established, it was before the existing zoning laws became effective and they did not have a buffer zone or a O-I zoning. That their present zoning is correct and it is well to have a buffer zone. A B-1 classification across the

July 15, 1963

Minute Book 43 - Page 184

street uncontrolled, wide open for hotdog stands, drive-ins is not going to be a help to the neighborhood; that they have a 4 1/2 million dollar development that will open on the 31st of July; they have also developed Randolph Park with 121 residences and developed the Cotswold Shopping Center. They own the 7 1/2 acres across the street zoned B-1 and it is not yet improved and the same people who are seeking to have substandard locations on the other side of Sharon-Amity Road have been to them and they have rejected them, anything from a fruit stand to a drive-in, open-air grocery shop and hamburger stand. That their interest is in maintaining the character of the neighborhood and enhancing it if they can, and they have spent 12 years in building it up. That they ask the help of the Council in assisting them by limiting the probability of substandard units. That they consider the office classification across the street good zoning, as it gives a buffer. Mr. Delaney stated he would like to correct the statement Mr. Shaw made, as the Randolphins did not sell the Esso property, they sold it to them and in the course of years the opportunity came to sell it under the old zoning policy that where two corners of an intersection were zoned B-1, the other two corners were entitled to the same zoning classification, and this was done.

Councilman Smith stated he does not know exactly how to express his feelings about this situation, here are two ladies who owned very fine farm property, and they sold two lots off for Service Stations at some \$50 or \$60,000 a piece and then the adjacent property was zoned residential. That this situation to him is waving the red flag of restrictive zoning in the deed against the zoning. They say we can take the cream off this property and we can sell it and we can restrict the rest to residential and you cannot do anything with it. Now they come to us and say next to a Filling Station this is conceded to be O-1 and across the street it is B-1 where you have a liquor store, post office etc. Now admittedly these people bought this property for speculative purposes but we are not sitting in judgment on that. It seems to be along the line somewhere there is something that just doesn't ring true - where people can take farm land, take the cream off and then say you can't use the rest of it for purposes that makes the best use of it. He stated that Mr. John Belk in the petition is not the Mr. John Belk whom he knows, and he does not know the petitioners nor has any personal interest in the matter.

Mr. Delaney stated that the restrictions placed on this land were put there by Mr. John Randolph about the turn of the century and it was not done after zoning but long before that time and has been abided by. The zoning was established at the time of the new zoning law, prior to that time the zoning was different.

Councilman Smith asked Mr. Delaney if he does not represent the Blythes, the Harrises and the Barnhardts? Mr. Delaney stated he thinks it would be more proper to refer to the fact that he works for the Sharon Corp. rather than representing these people. Councilman Smith asked why he would object to a business going across the street? Mr. Delaney said it would be unwise for him to say a business venture across the street would be wrong, but he does maintain that an uncontrolled string type zoning will give the same thing you have on Wilkinson Boulevard and other streets. Councilman Smith stated he agrees to a certain extent but the equity of the thing does not strike him as being too good.

Mr. Paul Ervin stated that in view of the comments of Councilman Smith he would like to point out to him and the other members of Council that this property was developed by the Randolphins, they put these restrictions on the property many years ago and the primary concern now and has always been to keep faith with people to whom they sold the property; that they could get

July 15, 1963
Minute Book 43 - Page 185

a very rich sum for the release of these restrictions but they cannot do that and keep faith with the people to whom they have sold the property. With reference to the equity involved, this property was sold by the Randolphs to the original purchasers for residential purposes only, and the present owners purchased the property with the full knowledge that the restrictions were on it and they bought it solely for speculative purposes - now he asks where the equity in that situation lies? He asked Council to consider the character of the entire neighborhood, which he thinks is one of the loveliest in town, and he does not think this sort of strip zoning will be any credit to it.

Councilman Whittington asked what the depth of the property is along Sharon-Amity Road, and Mr. Ervin stated it is 430 ft. at one end and 230 ft. at the other.

Mr. Wm. McKinnel, resident of Sharon-Amity Road South, stated to clarify Mr. Smith's remarks that the Service Station was built on the corner, then the adjoining property should rightly be labeled B-1, and he thinks it might be well to point out that he was confused at the petition; that Mr. John Belk owns a lot directly behind the Service Station, and it has not been brought out that the petition goes up to Mr. Cole's property which is now leased permanently to the Manager of Collins Department Store, and the next piece of property of 125 feet is owned by Mr. John Belk, who has been transferred out of the State by Standard Oil Company and if the property in question is zoned B-1 how many months will it be before Mr. Belk comes back and says my lot adjoins the B-1 zone so why not rezone my lot B-1.

Mr. George Jones, stated about 15 years ago he bought his residential property with the full knowledge it had the restrictions that his house must be built back 100 feet and must be occupied as a single family residence. When Mr. Belk bought this piece of property he knew he was buying next to the Pure Oil Station; when he bought his there was a farm across the street, and no one knew Charlotte would grow as it has. He stated they have a nice residential area and want to keep it that way.

Mr. E. S. Lynn, 201 Sharon-Amity Road, stated he built his house 15 years ago, and it is right in front of an entrance to Cotswold Shopping Center and he has no objections to the development and is glad it is out there; but his complaint is there is no way to get across the street or get out of his driveway. That he had no idea a service station was to be put up on the corner, he understood it would be a Church, and the noise from the Service Station and Cotswold Parking Lot up to 1 and 2 o'clock in the morning is disturbing.

Mr. John Shaw said that a monopoly is a great thing if you have it, keep it, that is Cotswold's idea in this situation, and he submits that his clients are looking for the property. The Esso Station was sold restricted, and restrictions take precedent over zoning and that was changed by a voluntary act of the Randolphs. There have been three cases on these restrictions and he lost two and the first one that was brought was won by another lawyer, but we will see what the Supreme Court says in our cases when we get there. There can be no drive-in restaurants in a B-1 zone, we all know that; that the zoning should, frankly be B-1 but one should remember that it is what Cotswold Shopping Center did that brings this petition before you today. He stated further there is a buffer zone of about 30 feet behind our 200 feet.

Mr. Ervin raised the point with the Planning Director regarding the 20% rule, stating he understands that the opposition has to signify it in writing and file it at the hearing; that the petition he is filing bears over 100 names in the area; and certainly the Cotswold objection would bring it within the 20% rule. He is going to ask permission that the Cotswold representative be

July 15, 1963
Minute Book 43 - Page 186

allowed to sign his petition, so there will be no doubt about the 20%. Mr. John Shaw asked if Mr. Delaney has authority to sign the petition and Mr. Delaney stated that he does, and the petition was signed "Sharon Corp, J. J. Delaney, Vice-President".

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 63-43 BY THE CITY COUNCIL FOR CHANGE IN ZONING OF THE ENTIRE BLOCK ON THE WEST SIDE OF PARK ROAD BETWEEN HOLMES DRIVE AND HEATHER LANE.

The scheduled hearing was held on Petition No. 63-43 by motion of the City Council for change in zoning from R-6MF to O-6 of the entire block on the west side of Park Road, between Holmes Drive and Heather Lane.

Since the rezoning of this particular areas has been before the Council several times, and the Council is entirely familiar with the property and surrounding area, no factual information was presented by the Planning Director.

Mr. J. Clyde Smith, who resides at the corner of Park Road and Heather Lane, stated on January 1, 1956 when zoning became effective in Charlotte they and Mr and Mrs Watts were living on Park Road and when the Shopping Center across the street was opened they have no record of being asked what they thought about it. That the Shopping Center is an asset to the neighborhood but it increased traffic and made the property along Park Road unsuitable for residential purposes. Shortly thereafter the corner lot was zoned for business, and they said nothing about that; then this Council zoned up to the corner of Heather Lane O-6. Now, they cannot understand why their block can be left in a Residential Zone and not given the same O-6 zoning, that is the question everyone in the block along Park Road asks and cannot understand. He stated further that he is aware the Council has some very close friends on the street behind them, and so does he but they along Park Road must suffer because of them with 12,000 cars per day. They have For Sale signs on their property all along the block, but have no offers and are stuck there, and the seven men on the City Council are the only ones who can save them by rezoning the property. He expressed his appreciation to Council for re-opening their case, and asked that the Council do unto them as they have done unto others, as they need it and feel they deserve it.

Councilman Thrower stated he thinks if Mr. Smith will check the record on the previous zoning he will find that it was done by a 6 to 1 vote and not a 7 vote, as he voted against the zoning.

Councilman Bryant stated he would like to set the record straight, that he has no close friends in back of Mr Smith's property and does not vote for that reason whatsoever and he resents the insinuation.

Mrs Roy Holmes expressed her appreciation to Council for reconsidering the rezoning of the block, as it means so much to them.

Councilman Smith asked the City Attorney if the residents have to invoke the 20% rule, or if that is necessary? Mr. Morrissey replied that it has to be filed in writing at the time of the hearing. Councilman Smith asked if it has been filed, and Mr. Morrissey replied he has not seen it. Councilman Smith then stated that being the case the 20% rule does not apply.

No opposition was expressed to the proposed rezoning.

Action was deferred by Council until the next meeting.

July 15, 1963
Minute Book 43 - Page 187

HEARING ON PETITION NO. 63-44 FOR CHANGE IN ZONING OF A TRACT OF LAND AT THE SOUTHEAST CORNER OF PARK ROAD AND FAIRVIEW ROAD.

The public hearing was held on Petition No. 63-44 by Warley L. Parrott for change in zoning from R-12MF to O-15 of a tract of land at the southeast corner of Park Road and Fairview Road, bounded on the east by the street presently serving Eastern Airlines Building.

Mr. McIntyre, Planning Director, advised the petition covers property directly across Fairview Road from the Celanese Office Building and adjoins the property occupied by Eastern Airlines; the property extends from the intersection of Park Road along Fairview Road to the intersections of St. Albans Street and along St. Albans Street to 680 ft. in depth and along Fairview Road to approximately 492 ft. The property is surrounded on two sides by office buildings, across Fairview Road the zoning is O-15, across St. Albans Street the zoning is O-15 and at the rear the land is zoned R-12MF and another portion coming out to Park Road is zoned R-12, and across Park Road the zoning is R-16.

Mr. Frank McCleneghan, Attorney for the petitioner, advised that Mr. Parrott purchased the property in November 1962 with the idea of developing it with a large apartment similar to the one Mr. Parrott had in mind previously on Sharon Road. However, for several reasons he was unable to put the project across; subsequent to that Mr. Parrott decided to develop the property with a large and fine office building similar to other office buildings in the locality. That Fairview Road, from Park Road on out to Sharon Road definitely now has a pattern set for the erection of high-class office buildings; next to this property is Eastern Airlines building, and the second phase of their construction has just been started and that building likewise with their present building will cost a million dollars and following that they contemplate the erection of a third phase. He stated it was probably noted in the press that the property adjoining Eastern Airlines property will be developed by Mr. James J. Harris as an office building for J. P. Stevens Company. Therefore, the pattern is established on the southerly side of Fairview Road, and the pattern is already established with the Celanese building on the northerly side of the Road.

Mr. McCleneghan stated the property is surrounded with O-15 zoning, and that is the zoning they are asking for. He stated they have a statement by some of the folks who own and live near the property in question stating they have no objections to the rezoning of the property to O-15 and the erection of the proposed office building by Mr. Parrott and signed by W. Frank Black, W. M. Lineberger, Clarence W. Lineberger and three others whose names were not understood by the City Clerk. Mr. McCleneghan then read letters from Mr. C. B. Rich, Vice-President, Wachovia Bank & Trust Company, Mr. Beaumert Whitton, President of Southeastern Construction Company and Thomas F. Main Corporation, expressing their interest in the property as an ideal site for a first-class office building such as contemplated by Mr. Parrott. He called attention that Fairview Road has recently been widened and the erection of a traffic signal at Fairview and Park Roads.

Mr. Lex Marsh stated he has no financial interest in the project or property in question, that he does have a financial interest in a tract of land about one mile away located one block from Park Road Shopping Center and they have never opposed efforts of people to rezone Park Road along the lines of the petition before Council; that they feel the time has come for the natural and normal development of this section of Charlotte and they think the Park Road Shopping Center added considerably to the value of their property and they think the office building requested today would add to the value of their property, which is zoned residential, and he feels the development of this particular property with an office building is the correct step in the development of the area, and could in no way damage any residential development in the area.

No opposition was expressed to the proposed rezoning. Council decision was deferred until the next meeting.

July 15, 1963
Minute Book 43 - Page 188

MEETING RECESSED AT 4:10 P.M. AND RECONVENED AT 4:20 P.M.

Mayor Brookshire called a ten minute recess at 4:10 p.m., and the meeting was reconvened at 4:20 p.m.

ORDINANCE NO. 184-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 84.56 ACRES OF PROPERTY IN PAW CREEK TOWNSHIP, ADOPTED.

The public hearing was held on the Petition of Ervin Construction Company and Spangler Realty Company for the annexation of 84.56 acres of property known as Northwood Estates, located in Paw Creek Township. No opposition to the petition was expressed by the public.

Councilman Smith moved the adoption of Ordinance No. 184-X Extending the Corporate Limits of the City by annexing thereto the 84.56 acres of property in Paw Creek Township. The motion was seconded by Councilman Thrower, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 429.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON DALLAS AVENUE, FROM KELLY ROAD TO MONTAGUE ROAD, ADOPTED.

The public hearing was held on the preliminary assessment roll for local improvements completed on Dallas Avenue, from Kelly Road to Montague Road, by installing storm drainage facilities and base course and surface course, at a total project cost of \$3,908.53, of which amount \$1,458.53 will be paid by the City and \$2,450.00 will be assessed against the properties abutting upon the improvements at \$2.50 per front foot; the petition having been signed by 3 of the 4 abutting property owners, representing 75% of the owners, owning 92.08% of the front footage.

No objections to the making of the improvements or assessment were expressed by the public.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, a Resolution Confirming the Assessment Roll for the Local Improvements on Dallas Avenue was adopted at 4:25 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 307.

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON LABURNUM AVENUE, FROM WESTOVER STREET TO HANOVER STREET, ADOPTED.

The public hearing was held on the preliminary assessment roll for local improvements completed on Laburnum Avenue, from Westover Street to Hanover Street, by installing storm drainage facilities and constructing roll type curb and gutter, at a total project cost of \$9,727.58, of which amount \$5,503.58 will be paid by the City and \$4,224.00 will be assessed against the properties abutting upon the improvements at \$1.92 per front foot (\$0.12 for storm drains and \$1.80 for curb and gutter; the petition having been signed by 27 of the 34 abutting property owners, representing 79.4% of the owners, owning 72.7% of the front footage.

No objection to the making of the improvements or assessments were expressed by the public.

Councilman Dellinger moved the adoption of a Resolution Confirming the Assessment Roll for the Local Improvements on Laburnum Avenue, from Westover Street to Hanover Street. The motion was seconded by Councilman Jordan, and unanimously adopted at 4:30 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 308.

July 15, 1963
Minute Book 43 - Page 189

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON LABURNUM AVENUE, FROM HANOVER STREET TO WYANOKE AVENUE, ADOPTED.

The public hearing was held on the preliminary assessment roll for local improvements completed on Laburnum Avenue, from Hanover Street to Wyanoke Avenue, by installing storm drainage facilities and constructing roll type curb and gutter, at a total project cost of \$11,056.07, of which amount \$6,194.60 will be paid by the City and \$4,862.07 will be assessed against the properties abutting upon the improvements at \$1.87 per front foot (\$0.12 for storm drains and \$1.75 for curb and gutter); the Petition having been signed by 25 of the 45 abutting property owners, representing 56% of the owners, owning 59% of the front footage.

No opposition to making of the improvements or assessment was expressed by the public.

Upon motion of Councilman Aibeas, seconded by Councilman Jordan, and unanimously carried, a Resolution Confirming the Assessment Roll for the Local Improvements on Laburnum Avenue, from Hanover Street to Wyanoke Avenue, was adopted at 4:35 p.m. The resolution is recorded in full in Resolutions Book 4, at Page 309.

HEARING ON PRELIMINARY ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON TENNYSON DRIVE, FROM PLAINVIEW STREET TO SOUTH STREET AND ACTION DEFERRED FOR TWO WEEKS.

The public hearing was held on the preliminary assessment roll for local improvements completed on Tennyson Drive, from Plainview Street to South Street, by installing storm drainage facilities and base course and surface course, at a total project cost of \$2,795.31, of which amount \$201.06 will be paid by the City and \$2,594.25 will be assessed against the properties abutting upon the improvements at \$2.50 per front foot; the Petition having been signed by 6 of the 7 abutting property owners, representing 86% of the owners, owning 99% of the front footage.

Mr. Holland Conrad stated that the total distance of the improvement is 1,037.70 front feet on both sides of the street and the total cost is \$2,795.31 with the City only paying \$201.06 and the property owners paying \$2,594.25 at \$2.50 per front foot, while on one part of Laburnum Avenue the cost was only \$1.92 and on the other portion \$1.87, and he can't see why their cost should be so much higher. That he does not think the City is carrying a fair share of the load. Mayor Brookshire asked Mr. Conrad if he signed the petition and he replied that he did but his father understood that the \$2.50 would be center line cost and his cost would be \$1.25 a front foot.

Mr. Veeder advised these costs are a little under the estimates.

Mr. Birmingham of the Engineering Department advised this is under the City's special policy where the property owner is guaranteed not to have to pay more than \$2.50 per front foot. He stated further this is not a city maintained street while Laburnum Avenue is city maintained.

Mayor Brookshire asked Mr. Conrad if he thinks the improvement will increase the value of his property and Mr. Conrad replied there will be a definite increase in the value of his and his father's property, but the point he is making if it is a public road it should be paid for largely by the City.

Mr. Jessie Royster stated he has two lots on Tennyson Drive, one 155 ft. and the other 163 ft. and they have him charged with 168 ft. or 5 ft. more than he has and all they have out there is about 4 inches of stone or gravel and

July 15, 1963

Minute Book 43 - Page 190

he has had two good contractors out there, friends of his, and they say the street should not cost over \$800 or \$900 and according to his map here there is only 483 feet grade and the City has them charged with 519 feet. Mr. Royster stated it seems to him they are taking a licking on this; that Mr. Hoffman of the City Engineer's office said the City would go out there and build this road and the property owners would just be assessed what it cost the City and there would not be any profit in it.

Mrs Mamie Riddle stated they are all unhappy about their road, that where it joins with Plainview Road the water stands in the roadway and they do not feel that the improvement is finished. Also, it is a dead-end street and no signs have been put up and even big trucks are going down and have to turn around. That she is charged \$452.50 for the 181 foot frontage she has and they would appreciate it if it was looked into.

Mr Parks Malcolm stated he has 90 ft. frontage on Tennyson Drive and wants to voice his objections to the type of road they are getting for the money they are charged; that all that has been done was some rock was packed down with a little tar poured on it and it is so rough the kids can't even skate on it.

Councilman Bryant asked if the type of road that will be constructed is described to these people when they file their petition? Mr. Veeder stated he believes that is the case. Councilman Bryant called attention that here are six out of seven property owners who petitioned for the improvement with four who are dissatisfied for one reason or another, and it may be that they did not understand what they were going to get or that the representation was not made to them at all.

Mrs Roy Chandler, 725 Tennyson Drive, stated they are being charged with 145 feet and in installing the storm drains all the water was dumped into her front yard. That the City cut down one tree in fixing the road and did not haul it away but pushed it down in the field; that they do not feel they have gotten a fair deal at all and when they hear of others paying less for a better road they feel they are getting cheated. Councilman Smith asked if Mrs Chandler had a drainage problem before the improvement was made and she replied that they did not, they didn't even have a street it was just gullies.

Councilman Smith moved that action be deferred for two weeks and a cost analysis of the improvements to Laburnum Avenue from Westover Street to Hanover Street, and to Laburnum Avenue from Hanover Street to Wyanoke Avenue be brought in to justify the differential between the cost per front foot of \$1.92, \$1.87 and \$2.50 on Tennyson Drive, and that the property of Mr. Royster, Mrs Riddle and Mrs Chandler be checked into. The motion was seconded by Councilman Albea, and unanimously carried.

HEARING ON PRELIMINARY ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON TRESEVANT AVENUE, FROM OLD CITY LIMITS TO DAVENPORT STREET AND ACTION DEFERRED FOR TWO WEEKS.

The public hearing was held on the preliminary assessment roll for local improvements completed on Tresevant Avenue, from Old City Limits to Davenport Street, by installing storm drainage facilities, base course and surface course, at a total project cost of \$2,077.77, of which amount \$586.52 will be paid by the City and \$1,491.25 will be assessed against the properties abutting upon the improvements at \$2.50 per front foot; the Petition having been signed by 100% of the abutting property owners.

July 15, 1963
Minute Book 43 - Page 191

Mr. Lonnie Coggin stated he lives at 1000 Tennyson Drive, the corner house fronting on Tennyson with property line down on Tresevant Avenue, and he is concerned about the assessment; that he was told by Mr. Hoffman of the City Engineering Department that the price would not exceed \$1.90 per front foot, in fact he has a letter from Mr. Hoffman in which he says that, of course he let himself out further down in the letter by saying there is a possibility it could cost \$2.50 and that was his second letter, but Mr Hoffman's first letter said \$1.50, and they did not want to sign the petition if it was going to run over \$1.90. However, talking with the City Manager a few minutes ago during the meeting recess he found he had signed something he didn't realize there was more to, which really would eliminate some of the trouble, as he thought they were to get 2 inches of asphalt, and he does not know that was mentioned by Mr Hoffman, however, they did not get that, they only got a penetration asphalt. Now, he realizes they are going to have to pay \$2.50 but he cannot understand it costing \$2,077.77 because the Lee Bros offered to do over 2/3 of the work over 5 years ago for around \$700.00 and the City didn't have much work to do as the street was perfectly level. Next, Mr. Nance Trotter started a housing project at the very end where they stopped the pavement and he drove his heavy trucks and tore up the pavement after it was laid and he cannot see the City making them pay for the damage Mr. Trotter did and it is unfair for them to pay \$2.50 for such a street. Too, Nance-Trotter's trucks drag mud onto the street and they have had to wash it off themselves. Another thing, since they came into the city limits some of the neighbors are paying over \$100.00 taxes and the city is giving us not one thing but garbage pick up and \$100.00 a year for that is too much and we were promised so much to come into the city and now we are having to pay \$2.50 per front foot to get out of the dust.

Councilman Dellinger said that Mr. Coggins called him about the street being broken up and he called Mr. Veeder and thought it had been taken care of.

Mr. Coggins asked what is meant by storm gutters in the petition they signed? Mr. Birmingham advised they are storm drains put in across or up and down the street. That Nance-Trotter will be billed for the damage to the pavement and the reason it has not been done is they are still building in there and running their trucks over the street and there is no use making repairs but once, all of which Nance-Trotter understands.

Mayor Brookshire stated he has some sympathy for the remarks Mr. Coggin is making as he too came into the city limits at the same time; that the charges he has made will be looked into; however, since coming into the city they have Police protection, a better fire insurance rate and other benefits.

Mr. L. R. McDonald, 3932 Tresevant Avenue, stated he does not feel they have had a fair deal on the type street they have gotten.

Councilman Dellinger moved that action be deferred for two weeks and the City Manager look into the complaints and report to Council. The motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 185-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING THE ZONING OF A TRACT OF LAND AT THE NORTHWEST CORNER OF BEATTIES FORD ROAD AND INTERSTATE 85, ADOPTED.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 185-Z Amending Chapter 23, Section 23-8 of the City Code, was adopted changing the zoning of a 9.693 acre tract of land at the northwest corner of Beatties Ford Road and Interstate 85 on petition of C. D. Spangler Construction Company, from O-15 to B-1 Shopping Center District, as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 431.

July 15, 1963
Minute Book 43 - Page 192

PETITION NO. 63-32 FOR CHANGE IN ZONING OF TWO LOTS AT 1408-1414 PARKWOOD AVENUE FROM R-6MF TO B-1 DENIED AS RECOMMENDED BY THE PLANNING BOARD.

Councilman Albea moved that Petition No. 63-32 by G. P. Covington and L. E. Frazer for change in zoning from R-6MF to B-1 of two lots at 1408-1414 Parkwood Avenue be denied as recommended by the Planning Board. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

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

The Planning Board also recommended against change from R-6MF to B-1 the entire area along Parkwood Avenue, between the two existing business zoning districts, including the above named two lots, as was suggested by the City Council.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON JULY 29TH ON PETITION FOR LOCAL IMPROVEMENTS ON ROLLINGHILL DRIVE.

Councilman Bryant moved the adoption of a Resolution Fixing the Date of Public Hearing on July 29th on Petition for Local Improvements on Rollinghill Drive. The motion was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 310.

LEASE OF AIRPORT BUILDING NO. 244 TO PAUL NORMAN.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, Airport Building No. 244, containing 3,100 square feet of space, was authorized leased to Mr. Paul Norman for storage purposes for a term of one year at a monthly rental of \$65.00.

APPLICATION OF JIM CROCKETT PROMOTIONS FOR ISSUANCE OF PRIVILEGE LICENSE FOR CLASSIFICATION OF DANCE HALLS, APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the application of Jim Crockett Promotions for the issuance of a privilege license for the classification of "Dance Halls" was approved.

CONTRACTS AUTHORIZED FOR APPRAISAL OF 22 TRACTS OF LAND IN RIGHT OF WAY FOR NORTHWEST EXPRESSWAY.

Motion was made by Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, authorizing contracts for the appraisal of 22 tracts of land in right of way for the Northwest Expressway, as follows:

- D. A. Stout 12 Tracts of land on East 12th Street, N. Caldwell Street and North Davidson Street.
- O. D. Baxter 10 Tracts of land on East 12th Street, N. College Street, East 11th Street and North Tryon Street.

July 15, 1963

Minute Book 43 - Page 193

APPROVAL OF APPLICATION OF MELVIN O. SMITH FOR PRIVILEGE LICENSE FOR PRIVATE DETECTIVE.

Councilman Smith moved approval of the application of Mr. Melvin O. Smith for the renewal of his privilege license for Private Detective. The motion was seconded by Councilman Thrower, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON AUGUST 12TH ON PETITIONS FOR ZONING CHANGES AND THE PUBLICATION OF NOTICE THEREOF.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, a Resolution Providing for Public Hearings on August 12, 1963 on Petitions Numbered 63-45 through 63-50 and the Publication of Notice thereof, was unanimously adopted. The Resolution is recorded in full in Resolutions Book 4, at Page 311.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Dellinger, and unanimously carried, the construction of sanitary sewers was authorized at the following locations:

- (a) Construction of 280-ft. of sewer main in Larkwood Street, inside the city limits, at request of Mrs Clyde W. Broome, at an estimated cost of \$950.00, to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) Construction of 776-ft. of sewer trunk in Rama Road, inside the city limits, at request of Charlotte-Mecklenburg Board of Education, at an estimated cost of \$5,220.00, with all cost to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

CONTRACTS FOR THE INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Jordan, seconded by Councilman Whittington, and unanimously carried, awarding contracts for the installation of water mains as follows:

- (a) Contract with Charles H. and Rex H. Wheatley and Ben F. Turner, for the installation of 1,380-ft. of water mains and two hydrants in Rockbrook Drive, inside the city limits, at an estimated cost of \$3,560.00. The City to finance all costs and applicant to guarantee an annual gross water revenue equal to 10% of the total cost.
- (b) Supplementary contract to contract dated May 28, 1962 with American Investment Company for the installation of 6,585 ft. of main and 6 hydrants to serve Old Providence Subdivision No. 2, outside the city limits, at an estimated cost of \$22,825.00. The applicant to pay all costs and own same until the area is incorporated into the city limits, at which time the mains will become the property of the City, without further agreement.

July 15, 1963
Minute Book 43 - Page 194

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Jennie A. Purser, for Graves 2 and 3, of Lot 17, Section 3, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mr. Peter Burlos, for Lot 251, Section 4-A, Evergreen Cemetery, at \$189.00.

AWARD OF CONTRACT TO CAROLINA COATINGS, INC. FOR TRAFFIC PAINT.

Councilman Dellinger moved the award of contract to the low bidder, Carolina Coatings, Inc. for 5,000 gallons of white and 1,000 gallons of yellow drop-on traffic paint, as specified, at their bid price of \$16,809.60 on a unit price basis. The motion was seconded by Councilman Jordan, and unanimously carried.

The following bids were received:

Carolina Coatings, Inc.	\$16,809.60
William Armstrong Smith Co.	17,074.80
Sherwin-Williams Company	18,003.00
Prismo Safety Corp.	18,467.90
The Garland Company	19,920.60

CONTRACT AWARDED CHARLOTTE LINEN SERVICE FOR SUPPLYING LINEN SERVICE TO VARIOUS CITY DEPARTMENTS.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, contract was awarded the only bidder, Charlotte Linen Service for supplying linen service to various city departments, as specified, at their bid price of \$6,577.20, on a unit price basis.

BIDS FOR AIRPORT TAXIWAY REPAIRS REJECTED.

Councilman Bryant moved that all bids submitted for Repairs to the Airport Taxiway be rejected, as recommended by the City Manager, Airport Manager and Purchasing Agent, as the prices submitted exceed funds allocated for this project. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Crowder Construction Co.	\$ 7,114.00
T. A. Sherrill Construction Co.	7,765.00
Asphalt Div. Rea Constr. Co.	8,196.00

ORDINANCE NO. 186 TO AMEND CHAPTER 5, SECTION 5-7 OF THE CITY CODE OF THE CITY OF CHARLOTTE TO FIX THE DATE OF EXPIRATION OF TERMS OF MEMBERS OF ADVISORY BOARDS TO THE BUILDING INSPECTION DEPARTMENT, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, Ordinance No. 186 to Amend Chapter 5 of the City Code of the City of Charlotte to Fix the Date of Expiration of Terms of Members of Advisory Board to the Building Inspection Department was adopted. The ordinance is recorded in full in Ordinance Book 13, at Page 432.

July 15, 1963
Minute Book 43 - Page 195

RESOLUTION APPROVING AREA LOCATION OF SIX HUNDRED UNITS OF LOW-RENT DWELLINGS.

A resolution entitled: "Resolution Approving Area Location of Six Hundred Units of Low-Rent Dwellings" was introduced and read, and upon motion of Councilman Smith, seconded by Councilman Whittington, was passed by the following recorded vote:

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

The resolution is recorded in full in Resolutions Book 4, at Page 311.

PUBLIC HEARING SET FOR JULY 29TH ON PROPOSED ORDINANCE RELATIVE TO OBSTRUCTIONS TO CROSS-VISIBILITY AT STREET INTERSECTIONS.

Councilman Smith moved that a public hearing be held on July 29th on the proposed ordinance relative to obstructions to cross-visibility at street intersections and that same be advertised for the information of the interested public. The motion was seconded by Councilman Albea, and unanimously carried.

ACQUISITION OF RIGHTS OF WAY AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the following properties to be used as rights of way was authorized acquired:

- (a) Tract of land 10' wide by 100.27' long, in Charing Place from Elvin M. Hoffner and wife, at \$100.27, for sanitary sewer in Rama Road from Lynbrook Drive.
- (b) Tract of land 10' wide by 100.20' long, in Charing Place from Bernard Richter and Sherry Richter, at \$100.20, for sanitary sewer in Rama Road from Lynbrook Drive.
- (c) Tract of land 10' wide by 100.27' long, in Rama Road from Trotter & Allan Fine Homes, at \$50.14, for sanitary sewer in Rama Road from Lynbrook Drive.
- (d) Tract of land 10' wide by 120.28' long, in Lynbrook Drive from Carl M. Stack and wife, Elizabeth, at \$120.28, for sanitary sewer in Rama Road from Lynbrook Drive.
- (e) Tract of land 10' wide by 81.05' long, in Greenbrook Drive from Mary Frances Donaldson, at \$1.00 for sanitary sewer in Winterfield Subdivision.
- (f) Tract of land 10' wide by 673.12' long, in Greenbrook Drive from Winterfield, Inc., at \$1.00 for sanitary sewer in Winterfield Subdivision.
- (g) Tract of land 10' wide by 1,191.30' long, in Wendover Woods Subdivision, from Dr. Elias Faison and Gloria J. Faison, at \$595.65, for sanitary sewer in Wendover Woods Subdivision.
- (h) Tract of land 60' wide by 4,642.37' long, in Park Road along east side of Sugaw Creek, from John Crosland Company, at \$4,642.32, for sanitary sewer in Lower Sugaw Creek Outfall.
- (i) Tract of land 5.71 acres in Old Dowd Road, near Airport, from A. J. Campbell, at \$27,000.00, for Airport Clear Zone for Northeast Runway.

July 15, 1963
Minute Book 43 - Page 196

- (j) Tract of land 31.338 square feet between Baxter Street and Greenwood Cliff, from Thompson Orphanage, at \$17,500.00 for Kenilworth Avenue Extension Project.
- (k) Triangular tract 10' long along West 4th Street and 10' along South Cedar Street, from H. P. Cook, Faye R. Cook, Lillian B. Faires and Edwin L. Faires, at \$50.00 for the Grade Crossing Elimination Project.

REAPPOINTMENT OF JOHN C. (JACK) TURNER TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Whittington moved the appointment of Mr. John C. (Jack) Turner to succeed himself on the Charlotte-Mecklenburg Planning Commission, for a term of three years, ending on June 30, 1966. The motion was seconded by Councilman Jordan, and unanimously carried.

REAPPOINTMENT OF GEORGE L. SIBLEY TO CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, Mr. George L. Sibley was appointed to succeed himself on the Charlotte-Mecklenburg Planning Commission for a term of three years ending on June 30, 1966.

REQUEST THAT TRAFFIC COUNT BE MADE AT INTERSECTION OF EUCLID AVENUE AND EAST PARK AVENUE.

Councilman Whittington requested the City Manager to have a traffic count made at the intersection of Euclid and East Park Avenue.

GERALD HUTCHINSON INCLUDED ON LIST OF APPROVED APPRAISERS.

Councilman Smith advised that Mr. Gerald Hutchinson has requested that he be put on the City's approved list of appraisers. He stated Mr. Hutchinson has been doing appraisal work for the County and he is very competent. That Mr. Hutchinson was under the impression that Mr. Owens would suggest him for this work, which was overlooked and led Mr. Hutchinson to believe there was some political implication for his not having been included in the List. Councilman Smith asked that under the circumstances an exception be made and Mr. Hutchinson be included in the approved appraisers. Councilman Whittington moved that he be put on the list, which was seconded by Councilman Thrower, and unanimously carried.

CITY MANAGER REQUESTED TO CONFER WITH C. H. TOUCHBERRY RELATIVE TO THE ANNEXATION OF HIS SUBDIVISION ON SHARON ROAD AND REPORT HIS RECOMMENDATION TO COUNCIL.

Councilman Smith advised that Mr. C. H. Touchberry called him about his subdivision out on Sharon Road and he is concerned as to whether he is going to be approved for annexation. Mr. Veeder stated Mr. Touchberry's initial request was made for consideration of providing sewer service to the property with the property remaining outside the city limits. This was a factor involved in his recommendation to Council because the property cannot be served by gravity sewer, and a Pumping Station was approved at the cost of the developer. Now, as to the annexation, the property being outside the normal drainage area for gravity sewer, the owner should properly pay for

July 15, 1963
Minute Book 43 - Page 197

this extra service, not the City and if it were annexed it would be the City's responsibility to pay it.

Councilman Smith stated he thought when the Pumping Station was approved we were going ahead and annex the property to the city and he asked what it would cost the city to annex the property? Mr. Veeder stated it would be the added cost of the Pumping Station and the maintenance of it. Councilman Smith stated if there is any cost in connection with the annexation over and above what we have given other people whose subdivisions have been annexed, he thinks Mr. Touchberry should pay for it, and if the Pumping Station is over and beyond then he will have to pay for that. Mr. Veeder stated if someone will pay for the initial cost of the extra facility we will annex them, but in this case there is the maintenance cost of the Pumping Station to be considered, for this will be pumping 24 hours a day year in and year out.

Councilman Smith stated Mr. Touchberry is ready to go ahead and develop the area himself and it would seem that 20 acres of high-cost housing which Mr. Touchberry proposes to build would be an asset to the city.

Mayor Brookshire suggested that the Engineering Department check into the costs and Councilman Smith said they have already done so and turned him down.

Councilman Smith requested that Mr. Veeder get in touch with Mr. Touchberry and say we are amenable to working out some solution and see if something can't be worked out and Mr. Veeder come back with his recommendation.

Councilman Whittington asked the City Manager while he is doing this if he cannot bring back to Council some recommendation about future policy for annexing undeveloped areas as we have done with Hobart Smith and the two today?

The City Manager remarked that what Councilman Whittington suggests is no small order; he thinks it is an important thought and he would like to throw out for consideration that it would be helpful if members of Council assisted them in trying to evolve some approaches on this.

Mayor Brookshire suggested that when Mr. Veeder comes back with his recommendations on the Touchberry situation, why not bring back some generalities on typical cases for Council consideration.

Councilman Smith stated this is something that could bring in a lot of revenue and we have never firmed up on how to go about it, and he thinks it would be well to have a Committee to assist with firming up a policy on it.

CITY MANAGER REQUESTED TO MAKE IMPROVEMENTS TO ROBIN ROAD.

Councilman Dellinger requested the City Manager to do some work on Robin Road, as it is badly in need of repair.

BUDGET ORDINANCE OF THE CITY OF CHARLOTTE FOR FISCAL YEAR 1963-64 ADOPTED.

Councilman Bryant moved the adoption of the Budget Ordinance making appropriations and levying taxes for the operation of the city government for the fiscal year 1963-64, at a tax rate of \$1.52. The motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 13, beginning at Page 422.

July 15, 1963
Minute Book 43 - Page 198

RESOLUTION AMENDING THE PAY PLAN FOR THE CITY OF CHARLOTTE, ADOPTED.

A resolution entitled: "Resolution Amending the Pay Plan for the City of Charlotte" was introduced and read, and upon motion of Councilman Whittington seconded by Councilman Thrower, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 313.

CITY MANAGER REPORTS THAT INSTITUTE OF GOVERNMENT WILL MAKE STUDY OF CITY-COUNTY JOINT OPERATIONS AS REQUESTED.

The City Manager reported on the trip Mr. Weatherly, County Manager, and he made to Chapel Hill on last Friday to discuss with the Director and Staff of the Institute of Government the requested study of the joint City of Charlotte and Mecklenburg County operations. He advised it was a very fruitful meeting and the Institute of Government is going to make the study as requested with the Staff members participating based on their special fields of interest. That both he and Mr. Weatherly were very pleased with the assistance they will provide to the City and County and hopeful that the work will be completed prior to January 1.

CITY MANAGER ADVISES THAT HE AND COUNTY MANAGER WILL CONSULT WITH REPRESENTATIVES OF CITY OF ATLANTA, DEKALB COUNTY AND FULTON COUNTY AS TO JOINT OPERATION OF WATER AND SEWER.

Mr. Veeder, City Manager, advised that two members of the County Commissioners are unable to meet on the 17th in Joint Session and suggest that the date of the conference be changed to some time in the future. He advised that Mr. Weatherly and he have been working on the problem of water and sewer on a joint city-county basis, and have been looking around as to what is being done in this connection in other metropolitan areas and find that a good program is being evolved in this field involving the City of Atlanta, DeKalb County and Fulton County and they have arranged to meet with representatives of these three areas in Atlanta on Thursday of this week, toward the end of learning how they have met the problem.

Councilman Dellinger asked Mr. Veeder to look at the Incinerator while in Atlanta if he has time.

RESIGNATION OF W. A. RICHARD FROM CIVIL SERVICE BOARD ACCEPTED.

Councilman Bryant moved that the resignation of Mr. W. A. Richard from the Civil Service Board be accepted with a great deal of reluctance and with sincere appreciation for his service. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF GEORGE H. BROADRICK TO CIVIL SERVICE BOARD.

Councilman Albea moved the appointment of Mr. George H. Broadrick to the Civil Service Board to fill the unexpired term of Mr. W. A. Richard, resigned. The motion was seconded by Councilman Bryant.

Councilman Jordan offered a substitute motion that Mr. Guy Suddreth be appointed to the Board to fill the unexpired term. The motion was seconded by Councilman Thrower, and lost by the following recorded vote:

YEAS: Councilmen Jordan and Thrower.

NAYS: Councilmen Albea, Bryant, Dellinger, Smith and Whittington.

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

July 15, 1963
Minute Book 43 - Page 199

W. J. ELVIN RECOMMENDS THAT COPIES OF ARTICLE IN CHARLOTTE OBSERVER BY CITY EDITOR RELATIVE TO INTEGRATION BE MAILED TO NUMEROUS PERSONS AT EXPENSE OF CITY AND COUNTY GOVERNMENTS.

Mr. W. J. Elvin stated he hopes the Council read the outstanding article that was published in yesterday's Sunday Charlotte Observer by City Editor, L. M. Wright, Jr. in a style that would do credit to a New York Times columnist. He suggested that the article be copied and sent by the Council to the President, the Vice-President, members of the U. S. House of Representatives, the Governors of our 50 States and Mayors of all cities to use as a guide on integration problems, and to Foreign Ambassadors particularly those serving in Africa and Asia. He stated he presented the same request to the County Commissioners at their meeting this morning. He stated he thinks that every citizen of Charlotte and Mecklenburg County owes a great debt to Mr. Wright. He suggested that the expenses in connection with the mailing of the article be paid with funds provided by the City and County Governments for advertising Charlotte and Mecklenburg County.

Mayor Brookshire suggested that Council may want to give some thought to Mr. Elvin's recommendations.

SALARY OF CITY MANAGER FIXED AT \$21,500.00.

Councilman Whittington moved that the salary of Mr. Veeder, City Manager, be set at \$21,500.00 effective July 1, 1963. The motion was seconded by Councilman Smith, and unanimously carried.

Mayor Brookshire stated he certainly thinks this bears Council's thanks and appreciation to Mr. Veeder.

Mr. Veeder expressed his appreciation and stated he considers it a privilege to work with Council.

CONSTRUCTION OF STORM DRAIN AUTHORIZED IN CALDWELL STREET.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, the construction of 538 feet of storm drain was authorized in Caldwell Street to provide an outlet for the Morehead Street drainage system at the intersection of Caldwell Street, at an estimated cost of \$1,455.00. All costs to be borne by the City.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk