

A regular meeting of the City Council of the City of Charlotte, North Carolina was held in the Council Chamber, City Hall, on Monday, June 20, 1966, at 2 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Milton Short, Jerry C. Tuttle and James B. Whittington present.

ABSENT: Councilmen Sandy R. Jordan and John H. Thrower.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Mr. Sibley, Chairman, Mr. Gamble, Mr. Lakey, Mr. Olive and Mr. Tate.

ABSENT: Mr. Ashcraft, Mr. Jones, Mr. Stone, Mr. Toy and Mr. Turner.

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#### INVOCATION.

The invocation was given by Councilman Claude L. Albea.

#### MINUTES OF LAST MEETING APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Tuttle and unanimously carried, the Minutes of the last meeting on June 6, 1966, were approved as submitted to the City Council.

HEARING ON PETITION NO. 66-58 BY M. T. MORGAN & H. M. HOUCK FOR CHANGE IN ZONING FROM O-6 TO B-1 OF SIX LOTS LOCATED ON THE EAST SIDE OF GLENN STREET, BEGINNING APPROXIMATELY 215 FEET NORTH OF CENTRAL AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised that this is a request for a change of property located on Glenn Street running off Central Avenue, Glenn Street being the first street on the City side parallel to Eastway Drive. There is one house on the property, the remainder being vacant; it is adjoined on the north side by a building used by the T. B. Association as an office; there are single family homes down at the end of Glenn Street on both sides of the street; the property across from the subject property is vacant, and a laundry-dry cleaning establishment is at the intersection of Glenn Street and Central Avenue, and along Eastway Drive at the intersection with Central Avenue, there are a variety of business uses, including service stations on three corners. The zoning in the area is B-1 from Glenn Street down to Eastway Drive and on both sides of Eastway Drive leading northward from Central Avenue. The subject property is zoned O-6 as is the property on both sides Glenn Street and on out to Central Avenue on the west side of Glenn Street.

Mr. Henry Harkey, Attorney representing the Petitioners, pointed out that the petition is not for the rezoning of property fronting on Eastway Drive the property faces on Glenn Street, and he pointed out on a map of the area the location of Mr. Morgan's home and stated he also owns the service station

on the corner. He stated that Mr. Houck is losing much of his footage at the front of his Print Shop due to the widening of Eastway Drive 28 feet, and he must increase his business use to the rear of his building for his parking and entrance, and he must buy the lots to the rear for this purpose.

Mr. Harkey stated he has neither seen nor heard of any opposition to the proposed change in zoning, and he thinks Council would be entirely justified to join this business zone to that which exists on three sides of his property.

Councilman Whittington asked Mr. Harkey if they have considered Conditional Parking at the rear rather than changing the zoning to B-1, and Mr. Harkey replied that they will not only have to have parking but unloading and some open storage space that would require Business zoning. That the area to the rear is at the rear of a Dry-cleaning Plant facing on Central Avenue.

Mr. Philip Forlidas stated he is appearing for this brother Angelo Forlidas and himself. That he did not know there was a Petition before Council affecting this area until this morning or he would have filed a formal protest. That six years ago they bought a lot 237 feet on Glenn Street, or about one acre, which he pointed out on the map. That they requested a change in zoning of the property from R-9 to O-6, which was granted. That just this week they have firmed up their plans for constructing a \$165,000 apartment. Now, if this property across the street is changed to Business zoning it will detrimentally affect their property and the entire neighborhood. He stated that since this morning he has contacted two Past Presidents of the T. B. Association, Mr. Wally Cochran and Mr. Bob Stokes and neither of them had any knowledge that this property would be up for rezoning today, even though they did sell these people 50 feet on the side of the T. B. Association Building property. That last week he talked with their Executive Director, and he told him about that transaction, but he did not have any knowledge of this request for rezoning. He stated further there are two nice houses on Glenn Street, but he did not have time to talk to those people; however, if this property is rezoned Business, it will affect them also. Also, there are 22 acres of Merry Oaks School property, which he pointed out on the map, and this School has been added onto this year - again, he did not have time to talk with anyone on the School Board.

Mr. Harkey stated that his clients did not know of any opposition, and Mr. Forlidas is in error on one point. That about Christmas time last year Mr. Houck bought 50 feet of the property from the T. B. Association with their full knowledge of his plans to put his parking back on the lot next to them - and they, themselves, are making a business usage of the property at this time, as shown on the map, for the T. B. Association office. He stated when zoning first went into effect, this entire area was zoned Business, and at some future date, according to these people's memory, it was changed - now his clients are asking that the zoning be put back as it was when they established their business there.

He stated that the crux of this matter is if there was no widening of Eastway Drive they would not be here today. But progress cannot be slowed down, and the question is - should the City pay them \$100,000 damages to the Printing Plant or should the City permit them to go to the rear on vacant land for the most part?

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-59 BY REECE S. KEESLER FOR CHANGE IN ZONING FROM O-6 TO B-1 OF A LOT LOCATED AT 616 EASTWAY DRIVE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is removed one lot from the intersection of Eastway Drive and The Plaza, and it is adjacent to a service station located at this intersection. There are service stations on three of the corners at this intersection, with Eastwood Golf course fronting on The Plaza in the immediate area, and single family structures on both sides of Eastway Drive to the east for as far as one can see. Across from the subject property there is a building used for a Day Nursery. All four corners of the Eastway Drive-Plaza intersection are zoned for Business, and the property is surrounded by transitional Office zoning on down Plaza and down Eastway. The subject property is zoned O-6 and other than that the zoning down Eastway Drive is R-6MF.

Mr. George Keesler, representing his father, the Petitioner, stated they make the request for rezoning the property to Business because 30 feet of The Plaza side of their service station property, located at The Plaza and Eastway Drive, will be taken in the widening program, along with what they will take on the Eastway Drive side, and they want to move the Service Station back and remodel it.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-60 BY AMERICAN LEGION, WOODLAWN POST 68, FOR CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING ON THE SOUTH SIDE OF YORKWOOD DRIVE, BEGINNING 1200 FEET WEST OF THE RIGHT OF WAY OF GENERAL YOUNTS EXPRESSWAY AND EXTENDING SOUTHWARD TO THE CENTER LINE OF THE SOUTHERN RAILROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated that the property is located in the Interchange area of Woodlawn Road, South Tryon Street and General Younts Expressway and is vacant, as is much of the property in the area; there are single-family homes along both sides of Pressley Road and also one small unoccupied business structure. All of the property in the immediate vicinity is zoned R-6MF, and there is B-2 zoning along South Tryon Street at the Interchange.

Councilman Whittington asked what the Legion Post intends to put on the property, and Mr. Bryant replied they stated they planned to put an American Legion Building to be used for their various activities of the Post and for use by civic, P. T. A. and similar groups, which is permissible in O-6 zoned districts. That he asked about an access road and they stated they intended to use an existing dirt road as far as it goes and then cut a road from that point on down to their property.

No objections were expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-61 BY R. D. MORGAN FOR CHANGE IN ZONING FROM R-9MF TO I-1 OF THREE LOTS AT THE NORTHEAST CORNER OF NEVIN ROAD AND LAKE SHORE CIRCLE.

The public hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, advised that the property is located at the intersection of Nevin Road and Lake Shore Circle in the Derita area; it is an irregularly shaped tract consisting of three separate lots, and there is located on the property a house and the petitioner operates a small trucking company on the property as well. Down Nevin Road there are three homes, directly across Nevin Road from the property there is a distribution company; down Lake Shore Circle there are three houses which are to the rear of the property, and other than that all of the property in the area is vacant. The property is zoned R-9MF, as is everything located to the north of Nevin Road and east of the Railroad; across Nevin Road it is zone B-2 and along Brown Road the zoning is Multi-family, and to the rear of the property, the area is zoned R-9.

Mr. James L. Cole, Attorney for the Petitioner, stated they are aware that to jump from a Residential classification to an Industrial classification on its very face calls for some concern, and they want to present the facts as not only the Petitioner sees them but as his friends and neighbors and the abutting landowners see them. That it is true when you get into an Industrial classification you have to protect the abutting and adjacent landowners, and you must have good access to transportation and, preferably, boundaries such as topography, water or vegetation which will protect the abutting landowners - and they respectfully say that they have met these requirements. He stated that Mr. Morgan acquired this property in 1944 and since then he has operated on the property a small trucking business. He desires this change because this general area is in what could be called transitional to some other purpose, be it business, office or Light Industrial. In his general area, across from him there is a Light Industrial complex and on down Nevin Road there is a business concern, and over on the Railroad there is an Industrial complex which is building up. He stated that Mr. Morgan has taken out of his property the back 100 feet to protect any property owners lying behind him. Mr. Cole passed to the City Council some photographs of the general area, pointing out the different structures and their usages.

He stated further there is no opposition to this petition that rather they have a petition which he read and asked that it be made a part of the record -

"To the Charlotte-Mecklenburg Planning Commission and Members  
of the City Council of the City of Charlotte

We the undersigned residents of the Derita Area in close proximity to the intersection of Niven Road and Gibbon Road are neighbors of Mr. R. D. Morgan who has petitioned the Planning Commission and City Council for a change in zoning of a tract of property owned by him from R-9MF to I-1 classification. We support the petition filed by Mr. Morgan and have read and examined his position and are in agreement with the reasons stated by him for requesting the change in zoning classification. The general area with which we are concerned and interested, including Mr. Morgan's property is becoming increasingly unsuitable for use or development as residential property due to the increasing industrial area which is beginning to develop in the Niven Road-Gibbon Road area. We believe that our interest in addition to Mr. Morgan's interest will best be served by a change in classification of his property so as to permit an orderly transition in growth for our community.

The trend in our area is towards the development of a light industrial district. In the case of Mr. Morgan's property such a change in zoning classification will not infringe upon any residential area close by because they are adequately protected by reason of heavy vegetation, roads, etc.

We sincerely believe that changing Mr. R. D. Morgan's three lots to I-1 zoning classification will reflect due consideration for the future growth development and obvious changes which are occurring in this general area. We also heartily endorse Mr. Morgan's petition because we believe it will assure this general area of the development of a future environment that realizes the greatest possible use and enjoyment of his land, balanced at the same time against the necessary protection of the values of the buildings and land and future enjoyment of lands on other properties in his neighborhood."

The petition is signed by the following -

Mr. & Mrs. B. W. Finger, who own four lots directly to the northeast of the property in question.

Mr. Eugene A. Moreau, owner and president of the Atlantic Steel Supply Company across the street.

Mr. Guy V. Soule and Mr. Quentin A. Soule, officers of Soule Steel Corporation and joint owners of the property adjacent to property in question.

Mr. Bragg McLeod who owns all the property which is presently zoned R-9MF.

Mr. & Mrs. Henry Stephens and Mr. & Mrs. Coite Little, neighbors of Mr. Morgan and Mr. Little being the occupant of the property immediately to the rear of Mr. Morgan's property and will be protected by the 100-foot buffer.

Mr. Cole stated the buffer zone did not come from any suggestion from these people who now petition for the approval of the petition of Mr. Morgan; that it came from Mr. Morgan before the petition was filed; he went to each of these people and discussed it with them, and today they have these people who would be most affected by it to come in in support of this petition.

Councilman Tuttle asked what Mr. Morgan has planned for this property, and Mr. Cole replied that right now he cannot say, but that under I-1 he has a rather broad latitude and he has indicated he hopes to sell this property and it is in the hands of a real estate agent now for perhaps a very light warehousing operation. Mr. Cole stated the property is totally surrounded by light industrial operation and it is not an area where you would build a home so it is absolutely impossible to sell the property as residential property; that he has had a non-conforming use prior to the zoning ordinance.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-62 BY THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE BY ADDING A NEW SECTION 23-36.1 TO CREATE A NEW MULTI-FAMILY DISTRICT TO BE KNOWN AS R-20MF DISTRICT, DESIGNED AS A CONDITIONAL APPROVAL OF LOW DENSITY MULTI-FAMILY USE DISTRICT.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated some time ago at Council's request, the Planning Commission began consideration of a new multi-family

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district to be inserted into the ordinance; this to be a district that would be designed as a low density multi-family district with requirements that would make it more compatible in a good many instances with surrounding single-family uses and with the present maximum zone, the R-15MF district. When they started work on this, they very early realized that in order to come up with something meaningful, they really had to be thinking about something that would be comparatively more stringent with the existing R-15MF district; also, in order to be effective it had to deal with more than just increasing the amount of land area that would be required because to be well-planned does not mean just low density, you have to take into consideration whether or not it embodies good site planning, and whether it is providing protection for adjoining single-family property and so forth. That when they began thinking along these lines, they came up with the idea and they are recommending today that the ordinance be amended to include a new district that would be not only a low-density district as far as the number of units permitted on a given tract of land, but that it would also be a conditional approval district. By this they mean that the multi-family uses that would go in this district would be permitted only after approval of the plan itself; particularly a site plan and a sketch of what the buildings and so forth would look like; this would be part of the approval process. In this fashion, they would be able to retain control of the use of the property to a certain extent even after the zoning was changed, because it would mean that the property would have to be developed in a manner that was prescribed and shown on the plan at the time it was approved.

That 1(a) states the purpose of the district and it says the purpose of the R-20MF multi-family district is to provide for low-density apartment development in areas which would be unsuited for multi-family use on a higher density, less restricted basis. By having high dimensional standards and requiring site plan approval, maximum control of development can be achieved through this district. The following procedures and requirements are established for the development of R-20MF multi-family districts.

Councilman Whittington asked if he is talking about areas other than the high rise that we have just passed downtown, and is talking primarily about residential neighborhoods? Mr. Bryant replied we are talking very definitely about something quite different from the high rise downtown situation; we are talking about areas where you could logically require a high conventional standard - luxury type - where you could have large lots on which you would permit overall a comparatively low density development.

Councilman Whittington asked in connection with the large apartment projects which have been recently turned down by Council if this were approved, could those same people then come back under this plan without waiting the two-year period? Mr. Bryant stated he would refer to Mr. Kiser on that, but he believes they could as it would be a separate request. That any that Council might reconsider they would at least have an opportunity to reconsider them on the basis of a definite proposal that would have to be carried forward without any question, and it might be that on that basis there would be some that were more acceptable than at the time they were considered.

Mr. Bryant stated that first of all an application for rezoning to R-20MF multi-family district shall be accompanied by schematic plans (that he thinks the word schematic is important as they are not saying by this that there has to be detailed engineering or architectural drawings prepared or presented but they are saying there must be enough plans presented so they can understand and realize what this will look like when it is completed). That by and large the requirements as listed in the ordinance can be provided for through the provision of a plot plan and then some sort of sketch or rendering of what the buildings are proposed to look like and finally by some very brief

typewritten or written text. That first of all the schematic plan must show the proposed locations of buildings and their general exterior dimensions. (2) The proposed use of all land within the area requested for rezoning; that would be, indicate where the parking is, where any recreational facilities would be and so forth. (3) Dimensions between all buildings and from buildings to property lines; that would be on the plot plan. (4) Traffic, parking and circulation plan; that would also be on the plot plan as shown in the illustration. (5) Proposed location and material of any screening walls, fences, or plantings; by this they mean if they are going to show any screen planting or screen walls around the exterior of the property or anywhere on the property they want them to show that and show what material it is going to be of; and keep in mind that this pertains only to screen planting and screen walls not to the four walls of the building. (6) The proposed exterior of the design of the building; that would be just a sketch showing what the exterior of the building would look like. That (7) Schedule of number and size of apartments within the project and (8) Proposed time schedule and staging, if any, for construction of the project, could be in the form of just some written material. That this is the type of information they would provide.

Councilman Tuttle asked in the schematic plan if the fine print will contain something to the extent that what they do ultimately build must resemble the plan, and Mr. Bryant replied there is a requirement in the ordinance that when they do develop, it must be in accordance with the plans as approved.

Mr. Bryant continued with the explanation of the ordinance and stated the development requirements are as follows: (1) The minimum area requirement shall be 20,000 square feet for the first dwelling unit in the project and 5,000 square feet for each additional dwelling unit. That this compares with the R-15MF classification which requires 15,000 for the first unit and 3,500 for each other unit. As an example, if you took a five-acre tract under the present R-15MF classification, you could put 71 units on that tract. Under the proposed R-20MF you would be able to put only 49, so it does constitute a reduction in the number of units that would be permitted.

Councilman Short asked how many units you could get on R-6 single family, and Mr. Bryant replied about seven units per acre, so about 35 units for the five acres.

Mr. Bryant continued with the ordinance (2) The minimum setback from street, and minimum side and rear yards shall be 40 feet. (3) The minimum unobstructed open space shall be 70 per cent of the total lot area. (4) The height requirements are the same as they are on any other district with a basic 40 foot height limitation and you can go to any height provided you provide additional setback on the sides. (5) Every building shall be separated from any other building by at least 25 feet and finally (6) Parking of motor vehicles shall not be permitted within the required setback.

That permitted uses would be only multi-family use. If this is going to be a conditional use the only logical thing to do is to say that it must be used for that purpose and that purpose only. In approving an application for R-20MF multi-family districts, the Council shall find that the proposed development will be compatible with general neighborhood development plans, will not place excessive traffic loads on local streets and that the site can be developed according to a site plan that will minimize adverse effects on any adjacent single-family residential areas.

That site development within the R-20MF Multi-family District shall conform to the schematic plan and associated requirements approved by the City Council. Modification of the development plan and associated requirements may be made by the City Council subsequent to their initial approval upon application thereof by the owner of the property. That this is saying in effect when

the developer gets into the project he finds that some part of this that he has originally shown in his plan just is not working out, then he may come back before Council to request reapproval or modification of his plan, and this can be done without additional public hearings.

That finally following City Council approval of an R-20MF multi-family district, the property for which approval was granted shall be labeled "R-20MF M.D." on the Official Zoning Map.

Mr. Bryant stated that is the extent of the recommendations which they bring today. That they do think it is a district that can meet some of the requirements that we are experiencing for additional multi-family space and can very easily be quite a bit more compatible with adjacent single-family development.

Mr. William P. Allan with Trotter and Allan Construction Company stated they have built some multi-family projects, and he is speaking individually and not for the firm. That they think this conditional approval is probably too much power to grant to the Planning Board or to refer to the City Council; they feel it is unwarranted restriction to have to bring plans and specifications of buildings in for approval; they also feel that prohibition of parking in the required setback area could in some cases prove a hardship when the topography of the ground is such that it would be better off there. That they have seen and built such a case. That he thinks Council needs to think long and hard about whether any governing body wants to assume the power to approve plans and layouts of a private developer's apartment project. That these things have a habit of growing over the years. They would like to ask that they be governed in a City by a government of laws and not by the whim of the present City Council or the present Planning Board, and they would like to ask that that section be opposed.

Councilman Short stated to Mr. Allan that this conditional feature will apply if adopted only to a new zoning category called R-20MF, and it will not apply to the present multi-family zoning categories, and he asked if he understands that? Mr. Allan replied he does understand this, and it is more the principle of conditional approval as such which they are asking reconsidered. That it does not look as if it will be much of a hardship on anyone but these conditional approvals are dangerous precedents.

Councilman Tuttle asked if this is not something that could work in his favor and at the present time it cannot work to his detriment because this is something that he is privileged to come and ask to be allowed to do whereas now you cannot. Mr. Allan stated that is true, but they would like to see Council pass the R-20MF section without the conditional approval.

Councilman Short asked Mr. Allan if he would like to have his zoning petition judged on the basis of the very nice plans you might have in mind to use for your particular plot of land rather than on the basis of the cheapness and the least and the worse that the law would allow, which is the basis it would have to be judged on now? He asked if he does not think he has a better chance of getting a petition approved? Mr. Allan replied he thinks they would but he thinks the precedents and the principle of the Planning Board and Council approval here at least in the beginning of basic plans and specifications outweigh that advantage.

Mr. Phillip Alexander presented the following recommendation:

"The Zoning Committee of the Charlotte Board of Realtors recently completed an extensive study of the proposed R-20MF planned multi-family district zoning classification and respectfully recommend your approval of this addition to the existing zoning ordinance of the City of Charlotte."

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Mr. Alexander stated this recommendation is made by the Zoning Committee of the Charlotte Board of Realtors, and he is Chairman of that Committee with Mr. John R. Broadway.

Mr. Ralph Howie, President of Home Builders Association, asked how close you have to follow to the schematic sketch and diagram submitted from the standpoint that this is all conditional; your permit or your conditional has been entered and some neighbor objects saying you are not adhering completely to your sketch plan as submitted, how much leeway will you have? Other than that, they do endorse this as being good, but they need a clarification as a legal aspect. That they had an instance where the project was stopped, an injunction was taken out by the adjoining property owners and they would not want to see this type thing happen again.

Mr. Kiser, City Attorney, replied that basically he would have to follow the schematic design plan as submitted. That it is possible and conceivable that some questions could arise among reasonable men as to whether they are following every detail but assuming that he is reasonably following the schematic plan as submitted, he would say that would satisfy the requirement.

Mr. Bryant stated he agrees with Mr. Kiser that he would have to comply with what was shown on the schematic plan, but again he would emphasize that the word schematic is important when you are dealing with your dimensions, as in Part 1, dealing with the proposed location of the buildings and their general exterior dimensions. Again, the word general would bear with it some implication that there would not be, or the idea at least is not to have precise to the inch dimensions required nor shown on the plans - that at least is the way it has been visioned, and if there is any change in the wording that is needed to make that clear, they will be glad to do so.

Councilman Short stated this is something that he thinks we very much need. If you go from the highest density of single family now to the lowest density of multi-family, which is R-15MF, you have an increase of about 58 per cent in the density, and he thinks this is too much of a jump and what is proposed here now would give according to his arithmetic about a 16 per cent increase in the density - that he figured about five families in the five acre tract which Mr. Bryant mentioned. That he thinks this is definitely needed and that this category will be used, and the Planning Commission has worked it out exactly right, and he moved the adoption of Ordinance No. 485 Amending Chapter 23 "Zoning", Article III, Division 3, by adding a new Section 23-36.1 R-20MF Multi-Family District. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 336.

HEARING ON PETITION NO. 66-62 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE BY ADDING NEW SECTIONS TO PROHIBIT OFF-STREET PARKING BEING LOCATED IN THE REQUIRED SETBACK ON ANY LOT USED FOR MULTI-FAMILY PURPOSES IN ANY RESIDENTIAL DISTRICT, REQUIRE PARKING PLAN APPROVAL FOR MULTI-FAMILY DEVELOPMENTS, AND REQUIRE BARRIERS TO PREVENT PARKING ENCROACHMENT IN SETBACK AREA.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this deals with the general or overall requirement for prohibiting parking in setbacks in all multi-family districts. That this is something that some Council members in the past have expressed concern about, but this petition comes by way of the Planning Commission rather than by Council request. That in

considering this matter of parking in setback there is already existing in the ordinance this same type of prohibition in the office district. In the office district you may not now park in the setback. That he thinks this was really an oversight on the part of all who had a hand in drafting the ordinance not to, at the same time, recommend that this apply in the multi-family districts as well. That he could point out a number of instances where the entire front yard of multi-family structures have been paved and used for parking, and that does not present a very good appearance for a residential neighborhood to have these wide strips of asphalt all the way out to the street for parking purposes. That with this thought in mind the Planning Commission is recommending that this be taken to require that any parking for multi-family uses in multi-family districts be located behind the setback line. This does not necessarily mean that no parking would be permitted from the street all the way up to the building as we are talking about the required setback and not the setback as it might actually be on the ground.

For instance in the R-6MF district there is a required setback of 25 feet. Someone might set a building 35, 40 or 50 feet back from the street, and if this is done, he could park in that last part of the area but he could not park in the first 25 feet. That this applies all the way down the line, all the way down to the R-15MF district which requires a setback of 40 feet, but in this R-15MF district he suspects that you will find the majority of buildings are setback more than that, and there would be some room for them to park but they would not be able to park in whatever the required setback is.

That the ordinance states as follows:

"No parking of motor vehicles shall be permitted in the required setback on any lot used for multi-family purposes in any residential district. The space within the required setback shall not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. On corner lots parking shall not be permitted within the side yard and rear yard adjacent to the street for a distance back from the street right-of-way as follows: R-1.OMF, R-6MF-H, R-6MF, R-9MF Districts - 6 feet; R-12MF, R-15MF Districts - 10 feet."

That concerning the maneuvering - in the Office district where parking is prohibited in the setback we do not have this specific requirement for prohibiting maneuvering areas and have had some instances where people have just placed their parking immediately behind the 25-foot setback and then paved the intervening area to be used for maneuvering space to get in and out of the parking spaces so that when you look at it on the ground there is no difference between it and the actual spaces used for parking. So if we are going to keep parking out of the setback, they feel that this second part is also necessary.

That where you have corner lots, they felt that some smaller space should be kept free of parking on the side yard, next to the street, out of deference to the uses that might be located across the street. Paragraph two is a follow-up - saying that Parking plans must now be approved for a multi-family use. Up to now, since there was really no prohibition against parking in a multi-family district, we did not even require that a parking plan be approved for multi-family districts. But Paragraph two would now say that this plan must be approved in order that it can be checked to see that it complied with Paragraph one.

Mr. William P. Allan stated again he would like to object. That he feels this is just one more invasion of their rights to build apartments as they choose. That they would like to at least see if there cannot be included a provision where the Zoning Board of Adjustment could in some cases waive this requirement where the topography of the ground and other factors make it utterly impossible to use any place other than the front yard. If they cannot get it knocked out, they would at least like to have some flexibility in it.

That he would like to mention one project of theirs - Yorktown Garden Apartments - where they do park in the front yard in the required setback area. They have in front of each building a space for twelve automobiles, and they feel that is the only practical way they could have built it, and this may come up again and they would at least like to have some method where the Zoning Board of Adjustment, in cases where it is impractical, would be allowed to waive that requirement.

Councilman Whittington asked the City Attorney to speak on the question, and Mr. Kiser stated the Zoning Board of Adjustment now has authority to grant variances in cases where the strict application provisions of the ordinance would result in a hardship or practical difficulties.

Mr. Allan asked if the Planning Commission would object to including in the language, "except where waived by reasons of hardship by the Zoning Board of Adjustment." Mr. Kiser replied that would not be necessary in view of the ordinance already in effect.

Mr. Allan stated he is glad to know this, but again he would like to say they do oppose it in its entirety.

Mr. Edward M. Gibson stated he would like to oppose the portion mentioned about side parking in O-6 or any apartment areas because a man owning a small parcel of property to build apartments on, can only put so many square feet; and if it does not allow side parking, it is only natural that it will cut down on the number of units he can put on his tract. When you do that, it no longer makes it feasible to build because of the cost involved for the land. That he has had to work pretty hard to pay for his land, and if this is passed and he cannot use side parking, then his entire project is dead. That if you can talk with the Insurance Company and get them to up the valuation of allowance for apartments units to be built when you are knocking a fellow out of five or six units on a piece of property, then he says let's pass it; otherwise, leave it alone.

Councilman Short stated he would raise the question whether we are requiring more room for automobiles which just means that we have smaller bedrooms and dens and livingrooms for the people. Also, he would like to hear some comments from Mr. Bryant and Mr. Sibley as to whether a parking plan for two families that just decided to live in a duplex is not too much regimentation - that it seems to him they could work out their own parking arrangements. He asked if this does not require that a parking plan be filed for a duplex?

Mr. Bryant replied that it would require that a parking plan be filed, and, of course, their primary concern here is with the multi-family parking and plan approval, not necessarily with the duplex situation. That they discussed this with the Traffic Engineering Department, which is the agency which approves these parking plans, and it was partially at their request that they included the duplex in the parking plan approval because they say they are having some difficulty with just what has been indicated - a very informal sort of parking in duplex situations where it makes it difficult to observe - keeping in mind that many of the duplexes are built

in areas where you have your roll-type curb and gutter without any formal driveway entrances, and this makes it difficult to maintain and to enforce the driveway requirements that they have, so it is partially at their request that the duplexes were included in the parking plan approval process. As far as a parking plan for a duplex, it is a very simple matter to very quickly draw up a few lines on what they are already showing as their plot plan. And in order to get the permit, they must already have some sort of plot plan.

Councilman Whittington moved approval of an ordinance entitled: Ordinance No. 486 Amending Chapter 23, Article IV, Division 1, and Article V, Division 1 with Respect to Off-Street Parking. The motion was seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 338.

HEARING ON PETITION NO. 66-62 BY CHARLOTTE MECKLENBURG PLANNING COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE BY AMENDING SECTION 23-62 TO REQUIRE 2.0 OFF-STREET PARKING SPACES PER DWELLING UNIT FOR MULTI-FAMILY DWELLINGS IN THE R-6MF-H, R-6MF AND R-9MF DISTRICTS AND 2.5 SPACES PER DWELLING UNIT IN THE R-12MF AND R-15MF DISTRICTS.

The public hearing was held on the third section of Petition No. 66-62.

Mr. Fred Bryant stated the final section of this proposal deals with increasing the requirement for parking in multi-family developments. It has been the feeling of the Planning Commission for some time, based on observations that all have made on apartment projects around town, that there is an inadequate number of parking spaces provided. That on some of the newer ones, there is a great deal of parking in streets around the projects, and this, in some instances, has caused a great deal of discontentment within neighborhoods and complaints within neighborhoods. For this reason, the Planning Commission is proposing that the parking requirements be increased so that basically in the R-6 and R-9 districts the space be increased from 1.25 to 2 spaces per dwelling units, and in the R-12 and R-15 districts that it be increased from 1.25 to 2.5. This merely relates to the plan approval whereby if you put this in the proper context of the ordinance, you would find that you are required to install barriers around parking areas; that you would be required to place them not only around the exterior property as you do now, but you would also have to place them in such a way as to prevent the cars from being parked in the yard space where they are prohibited.

Mr. Edward Gibson stated a man is allowed to put so many units on a tract, and this means with a 21 unit garden type apartment he would now have to have 26 car spaces; under the proposed ordinance, he would have to cut that and allow 2 car spaces per unit - he could no longer get 21 units on that same property, and he would be cut down to approximately 14 or perhaps 12 units. If you do, the cost of your project has gone up so high you cannot build an apartment house or anything else on it - you are knocking the City out of tax money because obviously the more units you put on it, the more taxes you are going to pay. You have to have proper parking spaces for it, but he does not think you need any two or two and one half parking units per apartment in any place in Charlotte.

Councilman Tuttle stated one of the problems is not just a case of whether you have 20 cars or not, but you must make some allowance for weekends when people are having company; you have to have a place for the guest to park.

Mr. Gibson stated 52 car parking spaces would be ridiculous for some 21 units, and if you put the 52 parking spaces, then you have to cut down on the amount of units, and the insurance companies are not going to allow or loan you any more money on that piece of property; in fact, they are going to lend you less as they only allow you so much per unit. This makes it so a man cannot afford to build on it, and you just do not need any two or two and a half car spaces per apartment.

Mr. W. J. Elvin stated the City Manager and the Planning Board should find out what is being done in other cities in regard to parking - it is as simple as that, and this is the result of what they call experience.

Mr. Bryant stated as part of the basis for this study, they took a look at all the ordinances of other cities they have in their files. That by and large the parking requirements range somewhat with the size of the City and with the areas in which the various districts are placed. For instance, a City like New York because of their space limitations cannot require off-street parking, and in many of their zones they do not. In other cities more similar to our own they range anywhere from one space per unit up to about what we are doing now. That based on the information which is available, what we are talking about here is not out of the ordinary, but it is towards the top of the requirements as you compare them with other cities. That Atlanta does not require quite as much parking; theirs is down about one and a quarter to one and a half spaces per unit. That over all we have a little more area to work with.

Mr. A. J. Forlidas stated this requirement is sort of excessive. The reason that it is excessive is it is going to be based on the apartments that will be built in the City in the coming years, and the population is such that half of the people in the United States will be under 25 years of age; consequently, it is in the low income bracket now - some of the people will be living in these areas here, and he does not think they will be able to afford two bedrooms and two cars and so forth, so they will be staying in one bedroom apartments. That he would like to make a recommendation to the Planning Board and the City Council that the requirement be one space for parking for every bedroom in lieu of every unit, so if you had a project consisting strictly of one bedroom units, then you would have one parking space for every unit, and if you had a mix-up, then you would have consequently more spaces.

Mr. Ralph Howie stated he is speaking this time on his own behalf and not for the Home Builders Association, and he is requesting that this be postponed until they can make a little further study. That this could penalize particularly smaller one bedroom and two bedroom apartments, so he would request that this be postponed until a further study can be made.

Mr. George Trotter, Trotter and Allan, stated he is concerned with aesthetics. That this parking will encroach on the bedrooms, livingrooms and other areas of the building. That if they eliminate apartment units, they not only eliminate the tax base, but also increase the street lengths in the City. That Mr. Bryant brought out the fact that Atlanta had only one and a quarter, or one and a half units as a requirement and that two would only be slightly over this - that actually two is about 40 per cent over this, and in his life, 40 per cent is a long way. That 40 per cent will not only cost loss of units, it will cause elimination of the many extensive zonings that we have in R-9MF. That what they are trying to do is to get Council to think about this a little bit and give it some due consideration. That he requests that judgment be deferred at this time.

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Councilman Short stated he does not believe that any motion is required, and he would suggest that action be deferred indefinitely.

Councilman Whittington asked Mr. Howie how long he would like Council to wait? Mr. Howie replied they should have a recommendation back from their Association within thirty days.

Mayor Brookshire asked if they could have their recommendation sooner as Council does not like to leave things pending that long. That Council will meet on the 27th but will not meet on July 4th, so it will be three weeks if it is postponed longer than a week.

Mayor Brookshire stated without any objections this will be on the Council Agenda for July 11th.

CONSIDERATION OF PETITION NO. 66-57 FOR CHANGE IN ZONING FROM R-9 TO R-6MF OF A TRACT OF LAND FRONTING ON THE EAST SIDE OF PARK ROAD, BEGINNING NORTH OF TOWNES ROAD, DEFERRED.

Councilman Whittington stated in connection with the subject petition that there are several people in the audience who are interested. That Councilman Jordan is away because of a death in his wife's family, and Councilman Thrower is out-of-town, and in deference to these people, he moved that this matter not be acted upon today. The motion was seconded by Councilman Tuttle and carried unanimously. ✓

RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON GALAX DRIVE, LEAFMORE DRIVE, CLINTWOOD DRIVE AND BARRYMORE DRIVE.

The scheduled hearing was held on the Preliminary Assessment Roll for improvements completed on Barrymore Drive, Clintwood Drive, Galax Drive and Leafmore Drive by installing storm drainage facilities, roll-type curb and gutter and paving with base course and surface course, at a total project cost of \$19,575.20, of which the City's share is \$1,983.30 and the share to be assessed against the owners of the property abutting the improvements is \$18,503.90, of which \$912.00 is borne by the City for corner lot exemptions and is included in the City's share of \$1,983.30, with the assessment rate \$6.08 per front foot.

Mrs. Raymond Avant, 4931 Galax Drive, stated she has lived at this address for eleven years and was out there before this was taken into the city. That the other property owners were really not involved when Mr. Trotter came in and decided to develop the area within the last two or three years, and this is when the street improvements took place. That they were benefitted by what the County had done as they had paved the street up to their driveway which was sufficient and met their needs. When Mr. Trotter took over the development of this area, he bought up more than 50 per cent of the property and then could promote this improvements. That 125 feet of their area was involved in the project so they have been assessed. One part she does not like is after the date of the notice you are allowed thirty days to pay the assessment - when you are assessed nearly a thousand dollars that is a good bit of money to fork out within that time. If you pay on the installment plan, your interest rate involves a great deal more. That she thinks it is asking an awfully lot for them as it was more or less pushed down their throats when they had not asked for it. That Mr. Michael Plumides owns property across the street, and he has a good bit of frontage which was paved and guttered on the Barrymore side. That she does not know what his views are now, but he said at one time he was not in favor of having to pay for the assessment since he did not ask for it. Although she thinks the improvement is fine, she did not ask for it and since Mr. Trotter wanted to build these houses and thought it necessary to pave the streets

and gutter, she feels he should be responsible for improvements.

Mayor Brookshire remarked that the City had no alternative on the matter as 74 per cent of the property owners on the street petitioned for it. That the work has been carried out exactly as proposed.

Mr. Veeder, City Manager, stated the notice which Mrs. Avant received reads - "The law provides that your assessment may be paid in full, without interest, within thirty days from the date of publication of notice on the assessment.... or at your option, may be paid in not less than two nor more than ten equal payments, bearing interest at 6 per cent." That Mrs. Avant certainly has the privilege to spread this over a ten-year period, which will be due and payable on October 1st of each year. That the interest rate is not something that is discretionary with the City Council, it is a fixed rate.

Upon motion of Councilman Whittington, seconded by Councilman Short, and unanimously carried a resolution entitled: Resolution Confirming the Assessment Roll for Local Improvements on Galax Drive, Leafmore Drive, Clintwood Drive and Barrymore Drive, was adopted at 3:35 p.m.

The resolution is recorded in full in Resolutions Book 5, at Page 279.

ORDINANCE NO. 487-X ANNEXING 60.79 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP, TO THE CITY OF CHARLOTTE, ON PETITION OF JOHN CROSLAND COMPANY, ADOPTED.

The public hearing was held on Petition of John Crosland Company for the annexation of the City of Charlotte of 60.79 acres of property in Crab Orchard Township, located on Plaza Road Extension, adjacent to Hampshire Hills Subdivision, and contiguous to the City Limits. Council was advised that no outlay of funds will be required by the City this fiscal year and the Developer has indicated that only a portion of the land will be developed during the next fiscal year.

No opposition was expressed to the proposed annexation.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, an ordinance entitled: Ordinance No. 487-X Annexing 60.79 Acres of Property in Crab Orchard Township to the City of Charlotte on Petition of John Crosland Company, was adopted.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 339.

ORDINANCE NO. 488-X ANNEXING 30.46 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP TO THE CITY OF CHARLOTTE, ON PETITION OF JOHN CROSLAND COMPANY, ADOPTED.

The scheduled hearing was held on Petition of John Crosland Company for the annexation to the City of Charlotte of 30.46 acres of property in Crab Orchard Township, located on Plaza Road Extension, adjacent to Hampshire Hills Subdivision, and contiguous to the city limits, the Council having been advised that no outlay of funds will be required by the City this fiscal year, and the Developer has indicated that only a portion of the land will be developed during the next fiscal year.

No opposition was expressed to the proposed annexation.

Motion was made by Councilman Whittington, seconded by Councilman Albea, and unanimously carried, adopting an ordinance entitled: Ordinance No. 488-X Annexing 30.46 Acres of Property in Crab Orchard Township to the City of Charlotte, on Petition of John Crosland Company.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 341.

MEETING RECESSED AT 3:45 P.M. AND RECONVENED AT 3:55 P.M.

Mayor Brookshire called a ten minute recess at 3:45 p.m. and reconvened the meeting at 3:55 p.m.

MR. W. J. ELVIN STATES OBJECTIONS TO THE APPOINTMENT OF MR. INGERSOLL AS CHIEF OF POLICE.

Mr. W. J. Elvin stated he would like to make a few comments on the appointment of the new Police Chief. That he had recommended very highly, and still does, the appointment of the County Chief of Police, George Stephens, as Chief and Mr. Jake Goodman as Assistant Chief. That he thinks Council has made a serious mistake. First of all because Mr. Ingersoll is wholly inexperienced; that he has had no experience whatsoever. That he also has to agree with the very well recorded words of John Thrower - something to this effect - "that the cards were stacked. That it had to be one of the International Council of Chief of Police who got the job." And looking from the other side of the fence it looks that way to him. That he wishes Mr. Ingersoll every success, but he does not have the experience for the job and we will wait and see.

ORDINANCE NO. 489-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-9MF AND I-1 TO R-6MF OF THE BLOCK BOUNDED BY CEDARHURST DRIVE, WOODSTONE DRIVE AND DALECREST DRIVE, AND OF A LOT ON THE SOUTHEAST CORNER OF DALECREST DRIVE AND WOODSTONE DRIVE.

Councilman Whittington moved the adoption of the subject ordinance changing the zoning of the property, as recommended by the Planning Commission. The motion seconded by Councilman Tuttle and carried unanimously.

The ordinance is recorded in full in ordinance Book 14, at Page 343.

ORDINANCE NO. 490-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING THE ZONING FROM R-6MF TO O-6 OF A LOT LOCATED AT 4101 CENTRAL AVENUE, ADOPTED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the subject ordinance was adopted changing the zoning of the property, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 344.

PETITION NO. 66-51 BY MRS. JOHN H. LITTLE AND MISS SARA LITTLE FOR CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND ON THE NORTHWEST CORNER OF ALBEMARLE ROAD AND DRIFTWOOD ROAD, DENIED.

Councilman Tuttle moved that the subject petition be denied. The motion was seconded by Councilman Whittington.

Councilman Albea made a substitute motion to approve the petition as recommended by the Planning Commission, which motion did not receive a second.

The vote was taken on the original motion and carried by the following recorded vote:

YEAS: Councilmen Alexander, Short, Tuttle and Whittington.  
NAYS: Councilman Albea.

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PETITION NO. 66-54 BY H. E. HALL FOR CHANGE IN ZONING FROM R-6MF AND B-1 TO B-2 OF THREE LOTS AT THE SOUTHWEST CORNER OF EAST 5TH STREET AND EAST 7TH STREET, DENIED.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, the subject petition was denied as recommended by the Planning Commission.

APPROVAL OF AGREEMENT WITH J. N. PEASE & ASSOCIATES FOR THE CONSTRUCTION OF A MODEL OF THE PROPOSED GOVERNMENT CENTER, DENIED.

Councilman Albea moved approval of an agreement with J. N. Pease & Associates, for the construction of a model of the proposed Government Center, at an expenditure of \$2,750.00. The motion was seconded by Councilman Alexander.

Councilman Whittington stated Council has seen the plans which have been presented, and he questions if the model is needed. That we have the plan, and it is the same; that basically we know in which direction we are headed, and he questions the feasibility of the need for such a model, and the necessity of such an expenditure.

Mr. Veeder, City Manager, stated this is taking that Plan which shows the Year 2,000, and making a model out of it to a scale of 1" equals 50' and end up with something about 4' x 5' with an appropriate cover over it, and it could be placed for viewing by anyone who is interested. That this is nothing more than doing something similar to the concept of the model of the Downtown Project so that people can actually see something in three dimensions. That this was contemplated by the Planning Commission when it initiated this project.

Councilman Whittington asked if the money for the model of the Downtown which Mr. Odell is preparing has already been appropriated? Mr. Veeder replied that it has.

Councilman Tuttle stated he thinks this would be wasted money, and asked why the City is picking up the whole tab? Mr. Veeder replied we would not be picking up the whole tab as it is something out of the Planning Commission's budget, recognizing that the County participates in their budget.

Councilman Tuttle stated he does not see this. That he does see the one for the Downtown because the public has to be sold, but the proposed Governmental Center is pretty much set, and he does not think much can be done with it. That a few hundred dollars of artist drawings on this would accomplish what the \$2,750.00 would accomplish.

Councilman Short stated he also questions whether this is needed, and there are three Councilmen who are not enthusiastic about this.

Councilman Whittington asked Mr. Veeder to state for the record whether he thinks this is necessary. That he thinks the members of Council are certainly on record as not being opposed to Urban Renewal, not being opposed to the Governmental Plaza and all are on the same team in trying to develop this City - not only the Downtown core but all over. That as we approach budget time all are concerned with expenditures, and if this is not a necessity, why should this be authorized. Mr. Veeder replied to speak right to the point of "is this necessary" that in the context of is it essential, he cannot say that it is. That it would be helpful but he cannot say it is essential.

The vote was taken on the motion and lost on the following vote:

YEAS. Councilmen Albea and Alexander.

NAYS: Councilmen Short, ~~Thrower~~, Tuttle and Whittington.

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CHANGE ORDER NO. 1 IN CONTRACT WITH J. N. PEASE & ASSOCIATES FOR ENGINEERING DESIGN SERVICES ON EASTWAY DRIVE AND THE PLAZA APPROVED.

At the request of Councilman Whittington, the City Manager explained the subject change order, and stated it was caused by the splitting of the original contract for the engineering design from North Tryon Street to Independence Boulevard and cutting it off at Arnold Drive.

Councilman Short moved that Change Order No. 1 in Contract with J. N. Pease & Associates for Engineering Design Services on Eastway Drive and The Plaza in the amount of \$4,534.64, be approved. The motion was seconded by Councilman Tuttle and carried unanimously.

ENCROACHMENT AGREEMENT WITH THE PIEDMONT & NORTHERN RAILWAY COMPANY FOR THE CONSTRUCTION AND MAINTENANCE OF A RAILROAD SIDING ACROSS JAY STREET, BETWEEN TUCKASEEGEE ROAD AND THRIFT ROAD, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, an encroachment agreement with the Piedmont & Northern Railway Company for the construction and maintenance of a railroad siding across Jay Street, between Tuckaseegee Road and Thrift Road was approved.

RIGHT OF WAY AGREEMENT WITH N. C. HIGHWAY COMMISSION FOR THE INSTALLATION OF WATER MAIN IN SOUTH SIDE OF N. C. NO. 27, APPROVED.

Councilman Tuttle moved approval of a right-of-way agreement with the N. C. Highway Commission for the installation of 1,150 feet of water main in the south side of N. C. No. 27, from Enderly Road East. The motion was seconded by Councilman Whittington and carried unanimously.

CONSTRUCTION OF SANITARY SEWER MAINS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the construction of sanitary sewer mains, inside the city limits, was approved; as follows:

- (a) Construction of 1,012 feet of sewer main in Garden Park at the request of Nance-Trotter Realty, Inc. The cost is estimated at \$4,995.00, and will be borne by the applicant, whose deposit of this amount has been received and will be refunded as per terms of the contract.
- (b) Construction of 2,660 feet of sewer main in Lake Plaza Subdivision, at request of C. D. Spangler Construction Company. The cost is estimated at \$23,425.00, and will be borne by the applicant, whose deposit of this amount has been received, and will be refunded as per terms of the contract.

SUPPLEMENTARY CONTRACT WITH ED GRIFFIN DEVELOPMENT CORPORATION FOR INSTALLATION OF WATER MAINS IN HOPE VALLEY SUBDIVISION.

Councilman Tuttle moved approval of a Supplementary Contract with Ed Griffin Development Corporation, to contract dated March 1, 1965, for the installation of 1,065 feet of additional water mains in Hope Valley Subdivision, inside the city limits, at an estimated cost of \$3,700.00, with the City to finance all construction costs and the Applicant to guarantee an annual gross water revenue equal to 10 per cent of the total construction cost. The motion was seconded by Councilman Short and carried unanimously.

APPRAISAL CONTRACTS FOR RIGHT OF WAY IN CONNECTION WITH NORTHWEST EXPRESSWAY AND THE EASTWAY DRIVE WIDENING.

Upon motion Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, contracts for the appraisal of rights of way, were approved, as follows:

- (a) Contract with Robert R. Rhyne, Sr., for the appraisal of one parcel of land at 632 Central Avenue, for the Northwest Expressway.
- (b) Contract with W. B. Gammage, for the appraisal of one parcel of land at 3500 Eastway Drive, for Eastway Drive Widening.
- (c) Contract with Harry Brown, for the appraisal of one parcel of land at 3500 Eastway Drive, for Eastway Drive Widening, and of one of land on East 12th Street, for the Northwest Expressway.

STREETS TAKEN OVER FOR CONTINUOUS MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Whittington and unanimously carried, taking over the following streets for continuous maintenance by the City:

- (a) Cascade Circle from Billingsley Road 165 feet south of Billingsley Road.
- (b) Cascade Circle 165 feet south of Billingsley Road south to end of Cul-de-sac.
- (c) Pondella Drive from 185 feet south of Hughes Drive 115 feet north of Hughes Drive.
- (d) Hughes Drive from Pondella Drive east to end of Cul-de-sac.
- (e) Bilmark Avenue from 230 feet north of Cinderella Road 131 feet north of Hughes Drive.
- (f) Snow White Lane from 95 feet west of Bilmark Avenue to 137 feet east of Bilmark Avenue.
- (g) Westone Drive from 180 feet north of Ridgevalley Drive to Faraday Street.
- (h) Ranch Road 165 feet south of Westridge Drive to 150 feet south of Faraday Street.
- (i) Ridge Valley Drive from Ranch Road to Westone Drive.
- (j) Mapleleaf Lane from Ranch Road to 125 feet east.
- (k) Millbridge Drive from Ranch Road 100 feet east.
- (l) Millbridge Drive from Westone Drive 150 feet west.
- (m) Mapleleaf Lane from Westone Drive 150 feet west.
- (n) Faraday Street from Ranch Road 150 feet east.
- (o) Faraday Street from Westone Drive 50 feet west.
- (p) Telestar Lane from Fairview Road south to end of Cul-de-sac.
- (q) Colebrook Road 140 feet west of Slagle Drive to 630 feet east of Tipperary Place.
- (r) Oak Forest Drive 150 feet east of Slagle Drive to 417 feet east of Slagle Drive.

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REAPPOINTMENT OF GEORGE L. SIBLEY AND JOHN C. TURNER TO THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR THREE-YEAR TERMS.

Councilman Albaea moved the reappointment of Mr. George L. Sibley to the Charlotte-Mecklenburg Planning Commission to succeed himself for a term of three years. The motion was seconded by Councilman Whittington and carried unanimously.

Councilman Tuttle moved the reappointment of Mr. John C. Turner to the Charlotte-Mecklenburg Planning Commission to succeed himself for a term of three years. The motion was seconded by Councilman Whittington and carried unanimously.

CONTRACT AWARDED BLYTHE BROTHERS COMPANY FOR CONSTRUCTION OF SANITARY SEWER IN EASTWAY DRIVE.

Upon motion of Councilman Albaea, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Blythe Brothers Company in the amount of \$34,902.00, on a unit price basis, for the construction of sanitary sewer in Eastway Drive, as specified.

The following bids were received:

Blythe Brothers Company	\$34,902.00
Crowder Construction Company	39,750.00

LETTER OF AGREEMENT WITH EASTERN AIRLINES FOR PAYMENT OF RENTS IN ORDER TO PROCEED WITH THE CONSTRUCTION ON THE WEST CONCOURSE AT THE AIRPORT.

Upon motion of Councilman Albaea, seconded by Councilman Whittington and unanimously carried, a letter of Agreement with Eastern Airlines for the payment of rents in order to proceed with the construction of the west Concourse at the Airport, was authorized.

PROPERTY TRANSACTIONS IN CONNECTION WITH PLAZA ROAD WIDENING, EASTWAY DRIVE WIDENING, SHARON AMITY ROAD WIDENING, WOODLAWN ROAD WIDENING, AND NORTHWEST EXPRESSWAY, AUTHORIZED.

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

- (a) Acquisition of 712 sq. ft. of property at 4259 The Plaza, from Jesse Lathan Allison, Jr. and wife, at \$248.60, in connection with the Plaza Road Widening Project.
- (b) Acquisition of 869 sq. ft. of property at 4309 The Plaza, from Mrs. Josephine Black Smith (widow) Jr. R. Black Heirs, at \$500.00, in connection with the Plaza Road Widening Project.
- (c) Acquisition of 616 sq. ft. of property at 4313 Plaza Road, from Lucille M. Duncan (widow), at \$549.34, in connection with the Plaza Road Widening Project.
- (d) Acquisition of 630 sq. ft. of property at 4325 The Plaza, from Trady Tallon Johnston and wife, at \$585.70, in connection with the Plaza Road Widening Project.
- (e) Acquisition of 827 sq. ft. of property at 3343 Eastway Drive, from Mary B. Rumph (widow), at \$500.00, in connection with the Eastway Drive Widening Project.

- (f) Acquisition of 600 sq. ft. of property, at 2835 Eastway Drive, from Boyce B. Kiser and wife, at \$600.00, in connection with the Eastway Drive Widening Project.
- (g) Acquisition of 823 sq. ft. of property at 2843 Eastway Drive, from Mason Withers Daniel and wife, at \$1,000.00, in connection with the Eastway Drive Widening Project.
- (h) Acquisition of 640 sq. ft. of property at 3337 Eastway Drive, from Brabham Wilcox Owens and wife, at \$350.00, in connection with the Eastway Drive Widening Project.
- (i) Acquisition of 275 sq. ft. of property at Eastway Drive and Burgin Street, from Lillie H. Johnson (widow), at \$250.00, in connection with the Eastway Drive Widening Project.
- (j) Acquisition of 840.02 sq. ft. of property at corner of Eastway Drive and Shamrock, from American Oil Company, at \$1,625.00, in connection with the Eastway Drive Widening Project.
- (k) Acquisition of 1,332 sq. ft. of property at the southwest corner of Independence Boulevard and Sharon Amity Road, from Amity Investment Company, Inc., at \$2,610.00, in connection with the Sharon Amity Road Widening Project.
- (l) Acquisition of 349.37 sq. ft. of property in the 2500 block of Sharon Amity Road, from Nancy A. Reid and Ervin Construction Company, at \$1,000.00, in connection with the Sharon Amity Road Widening Project.
- (m) Acquisition of 98.9 sq. ft. of property at 2116 North Sharon Amity Road, from George F. Turner and wife, at \$150.00, in connection with the Sharon Amity Road Widening Project.
- (n) Acquisition of 518.63 sq. ft. of property at 2531 Sharon Amity Road, from Thomas Pauls and wife, at \$2,600.00, in connection with the Sharon Amity Road Widening Project.
- (o) Acquisition of 9,859 sq. ft. of property at 913 Maple Street, from Luther Layton Caldwell, et al, at \$4,000.00, in connection with the Northwest Expressway.
- (p) Acquisition of 24,506 sq. ft. of property at 448 Beaumont Avenue (corner of Independence Boulevard), from Mrs. Mae R. Propst, widow, at \$59,000.00, in connection with the Northwest Expressway.
- (q) Acquisition of construction easement at 1315 Woodlawn Road, from Lucille D. Bevis, at \$1,300.00, in connection with the Woodlawn Road Widening Project.
- (r) Acquisition of permanent drainage easement on North Church Street (900 block, adjacent to railroad tracks), from Seaboard Airline Railroad Company, at \$1.00, in connection with the Northwest Expressway.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF G. E. VINROOT CONSTRUCTION COMPANY, LOCATED AT THE NORTHEAST CORNER OF SHARON-AMITY AND MONROE ROADS FOR SHARON-AMITY WIDENING PROJECT.

Councilman Alba moved the adoption of a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of property of G. E. Vinroot Construction Company, located at the Northeast Corner of Sharon-Amity and Monroe Roads for Sharon-Amity Widening Project. The motion was seconded by Councilman Tuttle and carried unanimously.

The resolution is recorded in full in Resolutions Book 5, at Page 281.

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RESOLUTION AUTHORIZING EXECUTION OF GRANT AGREEMENT FOR RAW WATER LINE.

Councilman Albea introduced the following resolution, which was read:

RESOLUTION AUTHORIZING EXECUTION OF  
GRANT AGREEMENT FOR RAW WATER LINE

WHEREAS, the City of Charlotte, organized and existing under and by virtue of the laws of the State of North Carolina (herein called the "Applicant"), has heretofore submitted an application to the United States of America, acting by and through the Secretary of Housing and Urban Development (herein called "Government"), for a grant under Section 702 of the Housing and Urban Development Act of 1965, for the purposes designated in the said application; and

WHEREAS, the Government has approved the said application subject to certain conditions and has submitted to the Applicant a certain Grant Agreement dated as of June 14, 1966 (herein called the "Grant Agreement"), for approval and execution by the Applicant, which said Grant Agreement is satisfactory,

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the Applicant that the said Grant Agreement, copy of which is attached hereto, be and the same is hereby approved. The Mayor is hereby authorized and directed to execute the said Grant Agreement in the name and on behalf of the Applicant, in as many counterparts as may be necessary, and the City Clerk is hereby authorized and directed to affix or impress the official seal of the Applicant thereon and to attest the same. The proper officer is directed to forward the said executed counterparts of the said Grant Agreement to the Government, together with such other documents evidencing the approval and authorization to execute the same as may be required by the Government.

APPROVED AS TO FORM:

J. W. Kiser, City Attorney

Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Whittington.

Mayor Brookshire commented that he thinks that Council will take some satisfaction in the fact that, according to the information given him by the Atlanta Regional Office last Wednesday, Charlotte is the only city in the southeast doing business through the Atlanta Regional office that has secured any of the Water and Sewer money under the 1965 Housing Bill, and at the present time, they have some 700 applications. They did not hesitate to point out that Charlotte, in getting a \$1,000,000 Grant secured 1 per cent of the total Grant in this current fiscal year, which is \$100,000,000 for 1966.

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

SUPPLEMENTAL STATEMENT REGARDING LEAGUE OF MUNICIPALITIES STAND ON THE REVENUE STRUCTURE OF THE STATE PRESENTED BY THE MAYOR.

Mayor Brookshire stated that the North Carolina League of Municipalities last December submitted statements with the Commission of the study of the revenue structure of the State of North Carolina. That the League held regional meetings - about eleven of them during the months of March and April - and based on discussions coming out of these meetings, the Executive Committee reconsidered the position of the League and its previous statement filed with the Tax Study Commission and authorized a supplemental

statement, which has been made to the Commission, and is as follows:

The North Carolina League of Municipalities during March and April, 1966, conducted eleven regional meetings across the State. At each meeting the Staff presented in depth and in detail each proposal made to the Commission in the League's statement of December 15, 1965. The same attention was given to those proposals made to the Commission by others which bear directly upon Municipal Tax and Revenue structure.

The findings of these meetings were presented to the Executive Committee of the North Carolina League of Municipalities at its meeting on May 19, 1966. As a result, the Executive Committee unanimously voted to submit to your Commission, as an addendum to the League's original statement of December 15, 1965, the following statements which reflect the present thinking of Municipal officials throughout the state:

1. Towns and cities firmly support continued stability of the property tax base and are opposed to granting any additional property tax exemptions, exclusions, reductions or preferential classifications.
2. Municipal officials were strong in the opinion that equity in fairness to the municipal citizens required increased municipal shares of the State collected utilities, franchise tax and the gasoline tax.
3. The municipal officials believe that the increasing gross needs of local government can best be met by an increase of 1 per cent in the present state sales tax; with revenue derived therefrom to be allocated to municipalities and counties on a per capita basis (He opposed the per capita distribution of the tax, but the people in the eastern part of the state overruled him.) and favored joining with the N. C. Association of County Commissioners in this approach rather than seeking a local option sales tax as proposed by the League in its statement of December 15, 1965.

Councilman Albea stated he is opposed to the increase in sales tax as it hits too many people who are not able to pay it, and there are other ways that we can get taxes.

Mayor Brookshire replied the League takes the consensus of all the membership, or those who attended the eleven regional meetings, and then they represent the majority opinion. Councilman Albea stated he is not criticizing the League, he is just opposed to the sales tax; and he is not opposed to getting new revenue, he is not in favor of putting it on real estate, and he thinks there is an easier way.

CITY MANAGER TO HAVE THE 9TH STREET AREA CHECKED AND POSSIBLY WET DOWN TO KEEP DOWN THE DUST.

Councilman Alexander requested the City Manager to look into the dust problem from all the construction work in the 9th Street area and see if something can be done, possibly by wetting down the street.

PLANNING COMMISSION REQUESTED TO CONSIDER THE ENTIRE STRIP OF ALBEMARLE ROAD, BETWEEN INDEPENDENCE BOULEVARD AND CENTRAL AVENUE AS TO WHETHER THERE IS A UNIFORM OR COMPREHENSIVE ZONING PLAN ALONG THE STREET.

Councilman Short moved that the Planning Commission be requested to give some consideration to the section of Albemarle Road, between Independence

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Boulevard and Central Avenue, as he can think of six zoning petitions along there in the last few months, one of which was decided today. That it appears there is not exactly a uniform or comprehensive plan along there, and is perhaps zoned with too little restrictions in relation with other zoning that has been arranged along there. That he would like for them to consider that entire strip and see if it is tangible and uniform or whether further changes should not be made. The motion was seconded by Councilman Whittington.

Councilman Short stated what he is envisioning might result in some land that is now B-2 becoming B-1.

The vote was taken on the motion and carried unanimously.

**SUPERINTENDENT OF POLICE OF CHICAGO COMMENDS COUNCIL ON THEIR APPOINTMENT OF JACK INGERSOLL AS CHIEF OF POLICE.**

Councilmen Tuttle stated he wrote Mr. O. W. Wilson, Superintendent of Police in Chicago, a thank-you note for the time given to Mr. Thrower and him when they were up there, and he has a response, and as he commends Council's appointment of Mr. Jack Ingersoll as Chief of Police, he requests that the following note be read into the record:

Dear Mr. Tuttle:

I was pleased to hear from you following your visit to our city and Headquarters. I am glad that you were successful in securing Jack Ingersoll as your new chief--I know you have a good man.

We were happy to have you with us, and if we can be of service to you or your department, don't hesitate to call on us.

Sincerely yours,

O. W. Wilson  
Superintendent of Police

**DISCUSSION OF MEDIAN STRIP TO BE PLACED ON EASTWAY DRIVE.**

Councilman Tuttle called attention to the median on Eastway Drive and the fact that Mr. Hoose is running it down several hundred feet, and some of the people are objecting. That Council was not going to strip zone out there but use corners for business, and the median is going to be so long they will not be able to get into their shops. He asked if the City Manager has checked this.

Mr. Veeder replied he has already looked into this and has a report with some maps which they have provided to some people who have expressed interest to show them various ways to get into the business property.

**ADJOURNMENT.**

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

*Ruth Armstrong*  
Ruth Armstrong, Deputy City Clerk