

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 1, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by the Reverend Aubrey Patterson of Pritchard Memorial Baptist Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and unanimously carried, the Minutes of the last meeting on February 15th were approved as submitted.

#### RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS ON WESTFIELD ROAD, MANOR ROAD, PLANTATION PLACE, ROCKLYN PLACE AND FIELDBROOK PLACE, ADOPTED.

The hearing was held on the Preliminary Assessment Roll for improvements completed in Myers Park Manor, being on Westfield Road from Tranquil Avenue to Brandywine Avenue; Manor Road from Tranquil Avenue to Westfield Road; Plantation Place from Manor Road to Westfield Road; Rocklyn Place from Manor Road to Westfield Road; and Fieldbrook Place from Manor Road to Westfield Road by installing storm drainage facilities and constructing standard curb and gutter, at a total project cost of \$68,408.40; of which the City's share is \$31,120.35 and the share to be assessed against the owners of property abutting the improvement being \$37,288.05, at \$4.52 per front foot.

Mr. W. L. Faucett, 300 Plantation Place, asked about the interest on these assessments which he understands is paid over a period of ten years, if there is a law that says it must be 6% or could a lower rate be charged? The City Attorney advised this is the statutory interest rate which the City has no authority to change.

Mr. George V. McGaha, 320 Plantation Place, stated they have what he feels is a hazard on their street; two places where the curb is sinking somewhat, and the asphalt edge of about a 3 inch dropoff is a hazard to children riding bicycles. Also, he has a personal problem - the road is so high in front of his house that his car and visitors' cars drag, and he would like to know if these things cannot be corrected. The City Manager advised he talked with Mr. McGaha this morning and assured him that a look would be taken at the street and anything that could be done within the bounds of the Statutes procedure would be done to alleviate any problems that he had. Mr. McGaha stated he talked with Mr. Birmingham of the Engineering Department about this and he did not sound too encouraging to him about doing anything. Mr. Veeder stated he will go out with Mr. Birmingham and look at it.

Mr. Graham Reich, 3021 Manor Road, stated they had a beautiful lawn and now they have a wonderful bed of rock that grass will not grow in. That he had not intended saying anything about this, but they now find there is not going

to be any sidewalk, which they had certainly understood there would be, and he would like to ask if there cannot be one constructed? And, if it cannot be done, can they get their grass back? The City Manager asked if he is saying the curb is gravelled so that grass will not grow, and this gravel was placed there as part of the construction project? Mr. Reich replied that is correct, they had made rather a small depression for water drainage as a result of the floods; and if there was some topsoil put in, it should be alright. That he made a complaint to the Street Department and they said it would be taken care of but what they did was fill it in with some more rock. The City Manager stated that he understands what he wants is something in there that grass will grow on, instead of rock, and Mr. Reich stated that is correct.

Councilman Albea stated that he is satisfied that these complaints will be taken care of, and he moved the adoption of the Resolution Confirming the Assessment Roll, making it the Final Assessment Roll, at 3:12 o'clock p.m. The motion was seconded by Councilman Bryant, and unanimously carried. The resolution is recorded in full in Resolutions Book 4, at Page 485.

MR. ALBERT PIERSON DISCUSSES THE CITY CHARTER AND RECOMMENDED REVISIONS:  
HANDLING OF POLICE CASE AND PARTISAN CITY ELECTIONS.

Mr. Albert Pierson, stated he wished to remark on the City Charter, and all he knows about it is what he has read in the newspapers; that he thinks some changes should be made in it- (1) regarding elections, if one of the candidates for Mayor should die there is no provision for getting another candidate. If there are only two running then the office would be gotten by default, which is not a democratic process. (2) On one Board the Council has the opportunity to change the members of that Board with or without cause by 2/3rds of the City Council and if that is good for the Boxing & Wrestling Commission, and he thinks it is, that it should go all the way through and the Council should be able to remove anyone that becomes undesirable, but that is not in the Charter. (3) On the nominations before the Primary, you are talking about changing the date to a Friday. Two of the reasons given are that it would give the Election Board more time, and that it would help the traveling man. That he thinks if the State is used as a criteria, they think that Monday would be a better day, and he thinks if the traveling man is asked about this, and he has talked with some, it will be found that Monday is a better day, and it would allow the Board of Elections an extra three days. (4) That when it comes to filing time, this is not particularly his idea, that you can file after the election for the next year and within ten days of the Primary. He does not believe 10 days notice to the Board of Elections, or to the voters, is enough time, and he would suggest changing it to 30 days and filing time 30 to 90 days. (5) As to Recorder's Court, the way the Charter is drawn up you could have a Court set up without authorization by the City Council and the only way Council could stop it from operating would be not to furnish the funds. Also, according to the way it is set up he could become the Acting Solicitor, and he might make a good one, because it is up to the Solicitor to appoint anyone he wants and the person appointed does not have to be taken from any group, and he thinks this is wrong.

That a couple of months ago he made a few statements about the proposed Charter and he did it for the simple reason that he was trying to headoff some of the questions that would be put on the Council to get approved which he thought might not be the thing to approve. Another thing, there is an article in the paper that the Council let its hair down about the Police Case. One of the Councilmen is quoted as saying that they did not have a chance to handle the case. One of the Executive Officers stated if he were in the Manager's chair he would be reluctant to criticize Council appointees, and he thinks our City Manager is big enough to stand up, if necessary, on this;

however; he, himself, thinks it is a question that should be answered whether the City Manager does feel that he has not got the nerve to stand up if he sees anything wrong, and he thinks he has.

Mr. Pierson then referred to a statement at the last Council Meeting by Mr. Carlton Fleming representing the Crime Prevention Committee, and said he thought the statement was very well written. That among the points he brought out were - (1) why the City Manager should be given the appointment of the various Department Heads, which has been recommended by some professional groups. He stated the City Council, as he understands it, is trying to isolate the City Manager from the public as far as political resentment would be, and he agrees that the public would stab at the City Manager, and he thinks it would be an unhealthy thing from the point of good city government. (2) That Mr. Fleming says the Council is not in a position to give hour to hour supervision of a department, and should not be charged with 100% of the responsibility for that department. Mr. Pierson expressed the opinion that the Council is charged with the responsibility of all the departments in the final analysis and there is no way to avoid it.

Mr. Pierson asked why the Police Case went to the Grand Jury and to Raleigh, and stated the Mayor is responsible for taking an active part in the law enforcement of the City of Charlotte, and he expressed the opinion that the Mayor should have called for the records from the Police Department and made recommendations to the Council.

He stated he wanted to say something about our partisan city elections, and he quoted a few of the rumors he said were going around about candidates running, and asked if the Council thinks this is the better way than having an organized way to handle an election by the party system, with party responsibility for it?

Mayor Brookshire thanked Mr. Pierson for his suggestions and his political observations.

ORDINANCE NO. 310-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-6 TO R-6MF OF AN 11.733 ACRE TRACT OF LAND NORTH OF KELLER AVENUE, ADOPTED.

Councilman Whittington moved the adoption of Ordinance No. 310-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-6 to R-6MF of an 11.733 acre tract of land north of Keller Avenue, beginning 200 ft. west of the centerline of Beatties Ford Road, as requested by Spangler Land Company, and recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and unanimously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 137.

ORDINANCE NO. 311-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-6 TO B-1 OF A STRIP OF LAND ON WEST SIDE OF BEATTIES FORD ROAD, FROM KELLER AVENUE TO A POINT SOUTH OF INTERSTATE 85 ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Thrower, and unanimously carried, Ordinance No. 311-Z Amending Chapter 23, Section 23-8 of the City Code was adopted, changing the zoning from R-6 to B-1 of a strip of land on the west side of Beatties Ford Road, from Keller Avenue to a point south of Interstate-85 at the request of Spangler Land Company, and recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 138.

ORDINANCE NO. 312-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-6MF TO O-6 OF A TRACT OF LAND ON EAST SIDE OF WESTERLY HILLS DRIVE, BEGINNING 550 FT. NORTH OF WILKINSON BOULEVARD, ADOPTED.

Motion was made by Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, adopting Ordinance No. 312-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-6MF to O-6 of a tract of land 100' x 200' on the east side of Westerly Hills Drive, beginning 550 ft. north of Wilkinson Boulevard, at the request of N. C. National Bank and Gaston G. Galloway, Trustees, and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 139.

DECISION ON PETITION NO. 65-13 BY R. H. MOELLER FOR CHANGE IN ZONING OF LOT AT 119 BRANDYWINE AVENUE, DEFERRED PENDING RECOMMENDATION OF PLANNING COMMISSION AFTER THEIR FURTHER STUDY OF THE PETITION.

Councilman Albea moved that action be deferred on Petition No. 65-13 by R. H. Moeller for change in zoning from R-6 to O-6 of lot at 119 Brandywine Avenue, pending the recommendation of the Planning Commission after further study of the Petition. The motion was seconded by Councilman Whittington, and carried unanimously.

ORDINANCE NO. 313-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-6MF TO O-6 OF SEVEN LOTS ON NORTHEAST SIDE OF TEMPLETON AVENUE, FROM EUCLID AVENUE TO NEAR CALDWELL STREET, ADOPTED.

Upon motion of Councilman Bryant, seconded by Councilman Dellinger, and unanimously carried, Ordinance No. 313-Z Amending Chapter 23, Section 23-8 of the City Code, was adopted, changing the zoning from R-6MF to O-6 of seven lots on the northeast side of Templeton Avenue, from Euclid Avenue to near Caldwell Street, at the request of W. W. Gotherman et al, and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 140.

ORDINANCE NO. 314-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING FROM R-9 AND B-2 TO I-2 OF PROPERTY ON THE WEST SIDE OF PINEVILLE ROAD, FROM THE LANCE PROPERTY TO THE PERIMETER BOUNDARY LINE, ADOPTED.

Motion was made by Councilman Dellinger, seconded by Councilman Bryant, and unanimously carried, adopting Ordinance No. 314-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9 and B-2 to I-2 of property on the west side of Pineville Road, from the Lance property to the Perimeter Boundary Line, at the request of Bauch and Mouchet, Inc., and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 141.

ORDINANCE NO. 315-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE CHANGING ZONING FROM R-9 TO R-9MF OF PROPERTY ON THE NORTHEAST SIDE OF MILTON ROAD, ADJACENT TO COCHRANE JR. HIGH SCHOOL, ADOPTED.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, Ordinance No. 315-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-9 to R-9MF of property on the

northeast side of Milton Road, adjacent to Cochrane Jr. High School, was adopted at the request of Ed Griffin Development Company, and recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 142.

DECISION ON PETITION NO. 65-17 BY ED GRIFFIN DEVELOPMENT COMPANY FOR CHANGE IN ZONING OF A TRACT OF LAND ON NORTH SIDE OF CENTRAL AVENUE, BEGINNING 500 FT. EAST OF LANSDALE DRIVE, DEFERRED FOR ONE WEEK.

Councilman Bryant moved that Petition No. 65-17 by Ed Griffin Development Company, for change in zoning from R-9MF to B-1 of a tract of land 300' x 811' on the north side of Central Avenue, beginning 500 feet east of Lansdale Drive, be disapproved as recommended by the Planning Commission. The motion was seconded by Councilman Whittington.

Councilman Smith commented that across the street from this property this Council approved a business zone for a small shopping center, and he understands Mr. Ed Griffin is planning a housing development to the rear of this, and it is a planned neighborhood center for this development and it has been done many times and he does not know whether at the presentation there was some reference to these homes being built in the rear, but it was not presented as a complete plan as some of these shopping centers are. That he thinks the planning of this has been proper and since right across the street there are service stations and unnamed other businesses going in, he offers a substitute motion that the petition be granted. The motion was seconded by Councilman Dellinger.

Councilman Bryant commented that he voted against that particular zoning across the street which Mr. Smith refers to, and he is also opposed to the rezoning in this instance. Councilman Smith replied that Council did override the Planning Commission on changing the zoning across the street for the very reasons he is pointing out, that in the rear was an extensive development of duplexes and houses, and Mr. Griffin is planning a similar type thing and if this Council denies one and approves the other, we are not being too consistent, although he will admit that Council is going against the Planning Commission in both instances; that we have already made the first step which indicates this is the way we were feeling. He stated further that he understands Mr. Griffin owns land in the rear and he would like to be permitted to ask Mr. Griffin's attorney, Mr. Horack, approximately how many houses will be right at the rear of this? Mr. Horack replied that he does not know the exact number of houses planned but there are many, many acres of vacant land which will be developed by the Petitioner immediately to the rear of the property in question, and there will be a multi-family buffer between the subject property and the large area being developed for residential purposes. Councilman Smith asked if this is not the outlet for this development to this little proposed center on the front, and Mr. Horack replied that is correct.

Councilman Whittington stated he was not present the day Council voted on the petition for the change in zoning of the property across the street, but at the hearing he indicated he would be opposed to it, and Council will remember that all of the people who lived in Winterfield who could get here that day were opposed to the shopping center across the street. That if he remains consistent then he will have to vote against this petition. Councilman Smith called attention that no one protested the Petition of Mr. Griffin now before Council.

Councilman Jordan stated he spent this morning seeing as many of the properties requested rezoned as he could, but did not get to this property, and he was

not present at the meeting when this was heard because of illness, and he would like to offer a substitute motion that it be deferred one week to give him an opportunity to look at the property. The motion was seconded by Councilman Thrower, and unanimously carried.

PETITION NO. 65-18 BY SPANGLER LAND COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND ON THE NORTH SIDE OF INTERSTATE-85 EAST OF JOHNSON MOTOR LINES, DENIED.

Councilman Whittington moved that Petition No. 65-18 by Spangler Land Company for a change in zoning from R-6 to I-2 of a tract of land approximately 1500' x 1500' on the north side of Interstate-85 east of Johnson Motor Lines, be denied as recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

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

ACTION ON PETITION NO. 65-19 FOR CHANGE IN ZONING OF TWO LOTS ON THE SW SIDE OF WEST FIFTH STREET, REFERRED TO PLANNING COMMISSION.

Councilman Smith moved that action on Petition No. 65-19 by Mr. S.D. Segrest for change in zoning from B-2 to I-1 of two lots on the southwest side of West Fifth Street, beginning 144' southeast of Irwin Avenue, be deferred and that it be referred to the Planning Commission for consideration of reviewing the limitations on the size of a laundry that can be put into different classifications, and that in discussing this with several Councilmen, he made the recommendation that they consider 4500 sq. feet for a laundry type building in B-1, and 10,000 sq. ft. in B-2. The motion was seconded by Councilman Dellinger, and carried unanimously.

ORDINANCE NO. 316-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF TWO LOTS ON THE NE SIDE OF GLENWOOD DRIVE, BETWEEN DEWOLF STREET AND INTERSTATE-85, ADOPTED.

Councilman Bryant moved the adoption of Ordinance No. 316-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning of two lots on the northeast side of Glenwood Drive, between Dewolf Street and Interstate-85, from R-6 to B-2, on petition of Richard M. Salisbury, and recommended by the Planning Commission. The motion was seconded by Councilman Albea, and carried unanimously. The ordinance is recorded in full in Ordinance Book 14, at Page 143.

ORDINANCE NO. 317 AMENDING CHAPTER 23, ARTICLE III, DIVISION I, SECTION 23-31 TABLE OF PERMITTED USES, CATEGORY (c) PERMITTING FREIGHT TERMINALS AND TRUCK TERMINALS IN I-1 DISTRICTS, ADOPTED.

In connection with Petition No. 65-22 to Amend Chapter 23, Division I, Section 23-31, Table of Permitted Uses, Category (c) to permit Freight Terminals and Truck Terminals in I-1 Districts, Councilman Whittington asked Mr. McIntyre, Planning Director, if Freight Terminals and Truck Terminals are left in I-2 zoned districts as at present, would not the buffers remain to the rear that are presently there for O-6 or R-6MF or whatever they may be? Mr. McIntyre replied the buffers will remain in any event; we are putting a buffer in the provisions of the district but were not putting I-1 buffers in that sense, as a district on the ground on the map.

Councilman Thrower moved that we leave it as it is, that is, that freight and trucking terminals only be permitted in I-2. The motion was seconded by Councilman Whittington.

Councilman Bryant asked which of the other decisions will this affect - how will it affect Item 17 of the Agenda? Mr. McIntyre replied the proposed change regarding Freight and truck terminals is a change in the text of the Ordinance in view of the prospective rezoning from I-2 to I-1 of some property along Interstate 85. That Council thought it desirable for this property, which is now zoned I-2 along I-85 to be used for Motor Freight Terminals even though it might be zoned I-1 according to one of the Planning Commission recommendations. He stated further both Items 17 and 18 are involved, rezoning some property from I-2 to I-1. That in the rezoning of the present I-2 property to I-1 the right to use that current I-2 property for Motor Freight Terminals would be eliminated. If the Text Amendment as proposed in Item 15 is adopted you will retain the right to use that I-2 property for Motor Freight Terminals, and you will also establish the right to use for Motor Freight Terminals any property in the area that is zoned I-1 under this comprehensive revision. In addition to that, you would also under Item 15 permit Motor Freight Terminals to locate in any present I-1 zoned districts anywhere in the city and perimeter area.

Councilman Bryant commented that what it amounts to, at least to his mind, is the 300 feet buffer is too much area not to be able to do anything with, as valuable property, and as a result if you wanted to diminish that 300 foot buffer to 100 foot buffer we would have to have another hearing, and he thinks probably Council was hoping that the Planning Commission would come in with a recommendation to alleviate that to some extent, but apparently they have not thought well of it, so the Council either has to vote for one and against the other two, or vote for another hearing that we could compose ourselves if we do not want to go along with the 300 foot buffer.

Councilman Thrower remarked that his main objection is since Freight Terminals can operate in I-1 under this provision, there are so many areas in Charlotte where people live or live around under the grandfather clause of the old zoning, truck terminals run 24 hours a day and are noisy and he does not think they should be permitted in I-1 districts.

Councilman Whittington stated most of the members of the Council have been out and looked at these tracts individually, and the only way he can follow this is to go petition by petition.

Councilman Dellinger asked Mr. Morrissey with regard to Item 15, as he understands it the Planning Commission has not changed their position as far as the 300 feet is concerned? Mr. Morrissey replied that is true. Councilman Dellinger commented if you allow Trucking Terminals in I-1 they still have the limitation. Mr. Morrissey replied, No, there is no limitation in the zoning ordinance at the present time. After the Council considered the Planning Commission's recommendation of the 300 feet buffer zone, they deferred consideration of that in order that this change be advertised to permit Trucking Terminals in I-1 without any buffer zone at all. In other words, under Item 15 there is no buffer zone within I-1 districts for Trucking Terminals.

Councilman Smith stated that all up and down I-85 there is I-1 zoning, the Planning Commission wanted to make all this property I-1 in preference to I-2 on I-85 to limit the type of industrial property that could be put in. In the process they said, we make this I-1 to limit from I-2, which is everything, and the glue factory argument came up, then it will be alright to put

Trucking Terminals in, but do we want a 300 foot buffer? Then the Council decided they did not want a 300 foot buffer, so a hearing was held on I-1 without any buffer for trucks, and that is what is before us now, and if you do not want any buffer and want trucking terminals on I-85, you should vote for Item 15, and the other Items covering the tracts will fall in line with the way the Planning Commission wants it, I-1 all the way up and down the line. If you want to accomplish what you have been discussing, you will make it I-1 with no restrictions on Trucking Terminals, and go along with the Planning Commission on the rest of it.

Councilman Dellinger offered a substitute motion that Ordinance No. 317 Amending Chapter 23, Article III, Division I, Section 23-31, Table of Permitted Uses, Category (c) Permitting Freight Terminals, and Truck Terminals in I-1 Districts, be adopted. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

Yeas: Councilmen Dellinger, Bryant, Smith and Albea.  
Nays: Councilmen Jordan, Thrower and Whittington.

The ordinance is recorded in full in Ordinance Book 14, at Page 144.

ORDINANCE NO. 318-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF A STRIP OF LAND ON THE SOUTH SIDE OF TUCKASEEGEE ROAD EXTENDING FROM I-85 TO AN EXTENSION OF THE CENTERLINE OF EDGEWOOD ROAD, ADOPTED.

Councilman Whittington moved the adoption of Ordinance No. 318-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9MF to O-6 of a strip of land 200' in depth on the south side of Tuckaseegee Road, extending from I-85 to an extension of the centerline of Edgewood Road, on the petition of the Planning Commission. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, at Page 145.

ORDINANCE NO. 319-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF PROPERTY ON THE NORTHWEST SIDE OF I-85 EXTENDING FROM 200 FEET SOUTH OF TUCKASEEGEE ROAD TO WITHIN ABOUT 700 FEET OF MULBERRY CHURCH ROAD, ADOPTED.

Councilman Bryant moved the adoption of Ordinance No. 319-Z Amending Chapter 23, Section 23-8 of the City Code, changing zoning from R-9, R-9MF and I-2 to I-1 of property on the northwest side of I-85, extending from 200 ft. south of Tuckaseegee Road to within about 700 feet of Mulberry Church Road. The motion was seconded by Councilman Smith, and the vote was recorded:

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

Councilman Whittington told the Mayor that he did not realize the vote was being taken, as Councilman Thrower asked a question, and he does not want to be recorded as voting in the affirmative.

Councilman Albea moved that the petition be reconsidered in deference to Councilman Thrower, which was seconded by Councilman Dellinger, and carried unanimously.

Councilman Thrower stated there are a lot of nice homes that are backed up to this property; he was out there this morning and looked at it and he sees no reason for changing all of this to I-1 as it will affect a lot of valuable homes, that in his estimate are worth from \$15,000 to \$20,000.

Councilman Bryant moved that the petition be granted and the ordinance be adopted, which was seconded by Councilman Dellinger.

Councilman Whittington offered a substitute motion that the petition be denied, which was seconded by Councilman Thrower.

Councilman Smith stated he would like to hear what Mr. Thrower and Mr. Whittington want; in other words how they stand on the question. Councilman Thrower replied that he wants all of the petition denied. Councilman Whittington commented that he may be wrong in his thinking on this matter, and he has given much thought to Item 17, going along with what the Planning Commission recommended because of the Humble Oil Service Station, Restaurant and the storage yards of some manufacturing company, but beyond that there is Ashley Park, and then on the west side of Ashley Road you have Wonderwood on both sides of Alleghany and also Westerly Hills, and it is his thought that he should vote to do what he can to prevent any further industrial encroachment on those people in both Items 17 and 18. Councilman Whittington was advised that the property in Item 18 is on the other side of I-85, and Mr. McIntyre, Planning Director, pointed out and explained the location of the property in Item 18.

Following the explanation, Councilman Whittington stated he had confused Items 17 and 18 in his mind, and he withdrew his substitute motion, which was concurred in by Councilman Thrower who had seconded the motion.

The vote was then taken on the original motion to grant the petition and adopt the Ordinance effecting the change in zoning, and carried by the following recorded vote:

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

Councilman Smith abstained from voting.

The ordinance is recorded in full in Ordinance Book 14, at Page 146.

ORDINANCE NO. 320-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE, CHANGING ZONING OF PROPERTY ON THE SOUTHEAST SIDE OF I-85 EXTENDING FROM MULBERRY CHURCH ROAD TO ASHLEY ROAD, AND EXTENDING TO WITHIN 200' OF ALLEGHANY STREET AND DENVER AVENUE AND TO THE REAR OF LOTS ON PEBBLEBROOK DRIVE AND DANFORTH LANE, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 320-Z Amending Chapter 23, Section 23-8 of the City Code, changing the zoning from R-9, R-9MF, R-6MF, B-2 and I-2 to I-1 of property on the southeast side of I-85, extending from Mulberry Church Road to Ashley Road, and extending to within 200' of Alleghany Street and Denver Avenue and to the rear of lots on Pebblebrook Drive and Danforth Lane. The motion was seconded by Councilman Bryant.

The Planning Director pointed out and explained the location of the property.

A substitute motion was offered by Councilman Thrower that the petition be denied, which was seconded by Councilman Whittington, and lost by the following recorded vote:

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

The vote was then taken on the original motion to grant the petition and adopt the Ordinance effecting the change in zoning and carried by the following recorded vote:

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

The ordinance is recorded in full in Ordinance Book 14, at Page 147.

ORDINANCE NO. 321-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING ZONING OF PROPERTY ON THE SOUTH SIDE OF I-85 EXTENDING FROM MULBERRY CHURCH ROAD TO A POINT APPROXIMATELY 400' WEST OF BOYER STREET AND SOUTHWARD TO THE REAR OF LOTS ON THE NORTH SIDE OF WITHROW ROAD, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 321-Z Amending Chapter 23, Section 23-8 of the City Code by changing zoning from R-9MF and B-2 to I-1 of property on the south side of I-85 extending from Mulberry Church Road to a point approximately 400' west of Boyer Street and southward to the rear of lots on the north side of Withrow Road, was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 148.

ORDINANCE NO. 322-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE BY CHANGING ZONING OF PROPERTY ON THE WEST SIDE OF MULBERRY CHURCH ROAD EXTENDING FROM NEAR HAVELOCK AVENUE TO A POINT APPROXIMATELY 200 FT. NORTH OF DENVER AVENUE, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 322-Z Amending Chapter 23, Section 23-8 of the City Code by changing zoning from R-9MF to B-2 of property on the west side of Mulberry Church Road extending from near Havelock Avenue to a point approximately 200' north of Denver Avenue upon petition of the Charlotte-Mecklenburg Planning Commission. The motion was seconded by Councilman Whittington, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 14, at Page 149.

ORDINANCE NO. 323-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING ZONING OF PROPERTY ON THE NORTH SIDE OF I-85 EXTENDING FROM THE REAR OF LOTS ON SHEETS CIRCLE TO A POINT APPROXIMATELY 250' WEST OF LITTLE ROCK ROAD WITH A DEPTH RANGING FROM ABOUT 100' NEAR SHEETS CIRCLE TO ABOUT 500' AT LITTLE ROCK ROAD, ADOPTED.

Motion was made by Councilman Whittington, seconded by Councilman Dellinger, and unanimously carried, adopting Ordinance No. 323-Z Amending Chapter 23, Section 23-8 of the City Code by changing zoning from R-12 to B-2 of property on the north side of I-85 extending from the rear of lots on Sheets Circle to a point approximately 250' west of Little Rock Road with a depth ranging from about 100' near Sheets Circle to about 500' at Little Rock Road, upon petition of the Charlotte-Mecklenburg Planning Commission.

The ordinance is recorded in full in Ordinance Book 14, at Page 150.

ORDINANCE NO. 324-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY CHANGING ZONING OF PROPERTY ON THE NORTH SIDE OF I-85 BEGINNING APPROXIMATELY 700' WEST OF LITTLE ROCK ROAD AND EXTENDING ALONG I-85 ABOUT 900' WITH A DEPTH OF APPROXIMATELY 400', ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 324-Z Amending Chapter 23, Section 23-8 of the City Code changing zoning from R-12 to B-2 of property on the north side of I-85 beginning approximately 700' west of Little Rock Road and extending along I-85 about 900' with a depth of approximately 400' was adopted as recommended by the Planning Commission. The ordinance is recorded in full in Ordinance Book 14, at Page 151.

SUGGESTION MADE THAT COUNCIL AS A GROUP VIEW PROPERTIES PETITIONED TO BE REZONED INVOLVING LARGE ACREAGE, ACCOMPANIED BY THE PLANNING DIRECTOR.

Councilman Thrower remarked the next time there are this many zoning areas involving as much acreage as this one apparently has, he thinks Council should be taken around and shown the different properties. When they try to do it on their own they lose their perspective. Councilman Jordan stated he agrees, and in trying to look at these parcels of land this morning it was most impossible and you need someone from the Planning Department with you, and he thinks it would be a good idea for the Council to go out together with the Planning Director on a Bus, and take the property one by one and make sure they see the right location. Mr. McIntyre, Planning Director, replied that they do not have a Bus but they will be glad to go at anytime, and to be of assistance to the Council in anyway they can.

Councilman Smith commented that at budget time he is going to seriously suggest that the City buy one of the small carryalls, that will carry some twelve people. There are plenty of times the Planning Commission should go out as a body to look at property, instead of on a map, and he thinks it would be very profitable.

Councilman Whittington commented that he went out this morning with three members of Council and no one knew whose land they were looking at and so they looked at it with relation to what the land use out there was and it is very confusing for a Councilman because as soon as the Hearing is held the Planning Commission takes down the sign, and he needs a compass, two or three map-makers, and lots of times a National Guard to find one of these pieces of property.

CONTRACT AUTHORIZED WITH ED GRIFFIN DEVELOPMENT CORP. FOR CONSTRUCTION OF WATER MAINS IN HOPE VALLEY SUBDIVISION.

Councilman Bryant moved approval of a contract with Ed Griffin Development Corporation for the construction of 1,750 feet of water mains and two hydrants in Hope Valley Subdivision, at an estimated cost of \$6,530.00. The City to finance all costs and the Applicant to guarantee an annual gross water revenue equal to 10% of the total cost. The motion was seconded by Councilman Whittington, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN AND TRUNK TO SERVE SEABOARD INDUSTRIAL PARK.

Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the construction of 1,425 feet of sewer trunk and 925 ft. of

sewer main was authorized to serve Seaboard Industrial Park, at an estimated cost of \$10,155.00, at the request of the Seaboard Airline Railway Company. All cost to be borne by the applicant, whose deposit of the full amount of the cost will be refunded as per terms of the contract.

CONTRACT AUTHORIZED WITH D. A. STOUT FOR APPRAISAL OF RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

Councilman Albea moved approval of the contract with D. A. Stout for the appraisal of one parcel of land on Beaumont Avenue for right of way for the Northwest Expressway. The motion was seconded by Councilman Smith, and unanimously carried.

APPLICATION FOR LICENSE AS PRIVATE DETECTIVE FOR WILLIAM C. WILSON APPROVED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, approving the application by William C. Wilson for a license covering the classification of Private Detective.

RIGHT OF WAY AGREEMENT WITH THE SEABOARD AIRLINE RAILWAY COMPANY FOR THE INSTALLATION OF WATER DISTRIBUTION SYSTEM IN SHARON-AMITY ROAD AUTHORIZED SIGNED BY CITY.

Councilman Thrower moved that the Mayor and City Clerk be authorized to sign a right of way agreement with the Seaboard Airline Railway Company for the installation of a 24" water distribution system in Sharon Amity Road. The motion was seconded by Councilman Albea, and unanimously carried.

CHANGE ORDER NO. 3 IN CONTRACT WITH DAVIE CONTRACTORS, INC. FOR SITE PREPARATION WORK AT DOUGLAS MUNICIPAL AIRPORT, APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Bryant, and unanimously carried, Change Order No. 3 in the contract with Davie Contractors, Inc., for site preparation work at Douglas Municipal Airport, was approved which (1) revises the requirements for clearing and grubbing items; (2) revises the excavation plan for Borrow Area No. 1 to confine it to land owned by the city and used by the contractor; (3) deletes the installation of runway subdrains; and (4) revises turfing requirements, which decreases the contract costs by \$17,496.00.

RELEASE OF AGREEMENT BETWEEN CITY OF CHARLOTTE AND M.R. GODLEY AND WIFE RELATIVE TO RIGHT OF WAY OF THE EXISTING SPUR TRACK SERVING HOSKINS FILTER PLANT.

Councilman Dellinger moved the release of an agreement between the City of Charlotte and M. R. Godley and wife relative to the right of way of the existing spur track serving Hoskins Filter Plant, in view of the relocation of the track. The motion was seconded by Councilman Jordan, and unanimously carried.

AGREEMENT AUTHORIZED WITH M. R. GODLEY AND WIFE FOR RIGHT OF WAY FOR THE RELOCATED SPUR TRACK SERVING HOSKINS FILTER PLANT.

Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, an agreement was authorized with M. R. Godley and wife for right of way for the relocated spur track serving Hoskins Filter Plant.

AGREEMENT AUTHORIZED WITH SEABOARD AIRLINE RAILWAY COMPANY RELATIVE TO MAINTENANCE OF RELOCATED SPUR TRACK SERVING HOSKINS FILTER PLANT.

Councilman Dellinger moved that an agreement be authorized with the Seaboard Airline Railway Company relative to the maintenance of the re-located spur track serving Hoskins Filter Plant. The motion was seconded by Councilman Jordan, and unanimously carried.

ISSUANCE OF SPECIAL OFFICER PERMITS AUTHORIZED TO CHARLES K. JACKSON AND EDWIN T. LEWIS.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, Special Officer Permits were authorized issued to the following persons:

- (a) Charles K. Jackson, 2842 LaSalle Street, to serve on the premises of Johnson C. Smith University.
- (b) Edwin T. Lewis, 1715 Irma Street, to serve on the premises of Southern Knitwear Mills, 622 East 28th Street.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs Margaret T. Lohr for Graves 9 and 10, Lot No. 138, Section 2, Evergreen Cemetery, at \$120.00.
- (b) Deed with Mr. T. Haughton Pardee and wife, Martha M. Pardee, for Lot No. 34, Section 3, Evergreen Cemetery, at \$759.00.
- (c) Deed with Mrs Kate McCord Robertson for Lot No. 130, Section 4A, Evergreen Cemetery, at \$189.00.
- (d) Deed with Mrs Edna F. Deaton, for Lot No. 445, Section 6, Evergreen Cemetery, at \$240.00.
- (e) Deed with Mr. K. S. Crittendon and family, for Lot No. 246, Section 2, Evergreen Cemetery, at \$360.00.
- (f) Deed with William C. Brown, Adm., for Graves 7 and 8, Lot No. 12, Section 3, Evergreen Cemetery, at \$120.00.
- (g) Deed with Mrs Frances G. Surles, for Graves 5, 6 and 7, Lot No. 137, Section 2, Evergreen Cemetery, at \$180.00.
- (h) Deed with Mrs Ida M. Wilson for Grave No. 6, Lot No. 138, Section 2, Evergreen Cemetery, at \$60.00.
- (i) Deed with Mrs James T. Hubbard, for Grave No. 5, Lot No. 14, Section 3, Evergreen Cemetery, at \$60.00.
- (j) Deed with Mrs Lillian W. Carlin for Graves No. 4, and 5, Lot No. 139, Section 2, Evergreen Cemetery, at \$120.00.

CONFIRMATION OF SALE OF HOUSE ON HORSESHOE LANE AND WILMONT ROAD TO  
SLAUGHTER MACHINERY COMPANY..

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and  
unanimously carried, the sale of a frame house located on Horseshoe Lane  
and Wilmont Road to the high bidder, Slaughter Machinery Company, in the  
amount of \$2,550.00, was confirmed.

The following bids were received:

Slaughter Machinery Company	\$ 2,550.00
W. S. Gordon, Sr.	805.00
Crouch Brothers, Inc.	205.00
J. W. Mock	201.00
G. B. Griffin, Jr.	150.00
B. W. Giffith	150.00
Dan Hood Construction Co.	150.00
Stephen H. Knight	110.00

CONTRACT AWARDED MITCHELL DISTRIBUTING COMPANY FOR CONVEYOR EQUIPMENT.

Councilman Whittington moved the award of contract to the low bidder,  
Mitchell Distributing Company for Conveyor Equipment, as specified, in  
the amount of \$7,692.89. The motion was seconded by Councilman Jordan, and  
unanimously carried.

The following bids were received:

Mitchell Distributing Co.	\$ 7,692.89
A. E. Finley & Assoc., Inc.	8,828.13
Interstate Equipment Co.	10,800.34
Conveyor-Systems, Inc.	10,916.97

REAPPOINTMENT OF ROY MCKNIGHT, JR. FOR FIVE YEAR TERM TO PARK & RECREATION  
COMMISSION.

Councilman Jordan moved the reappointment of Mr. Roy McKnight, Jr. to the  
Park and Recreation Commission for a five year term from the expiration of  
his present term on March 21, 1965. The motion was seconded by Councilman  
Albea, and carried unanimously.

FUNDS AUTHORIZED TRANSFERRED FROM CONTINGENCY FUND FOR IMPROVEMENTS TO  
CAMPBELL DRIVE.

Upon motion of Councilman Albea, seconded by Councilman Whittington, and  
unanimously carried, \$4,580.00 was authorized transferred from the General  
Fund Contingency Account for improving Campbell Drive, between Greenbrook  
Drive and Driftwood Drive by grading, installing storm drains and paving,  
as requested by the Winterfield PTA and school officials.

ACQUISITION OF RIGHT OF WAY IN CONNECTION WITH NORTHWEST EXPRESSWAY,  
AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and  
unanimously carried, the acquisition of right of way in connection with the

Northwest Expressway, was authorized as follows:

- (a) 8,422 sq. ft. of property at 829 North Tryon Street, from H. Haywood Robbins and wife, at \$26,500.00.
- (b) 35,560 sq. ft. of property at 820 N. Church Street and 817 N. Tryon Street, from Josef E. Joseph and Alvic Corporation, at \$65,000.00.
- (c) 67,760 sq. ft. of property for 7 lots fronting on Church and Poplar Streets, from Industrial and Commercial, Inc. at \$57,000.00.
- (d) 143 sq. ft. of property at 315 W. 11th Street, from Mallie M. Hallman, at \$1,750.00.
- (e) 10,230 sq. ft. of property at 116-22 E. 12th Street, from Thomas Haughton Estate, at \$14,000.00.
- (f) 5,537 sq. ft. of property at 113-15 E. 11th Street, from Margaret C. and Alice H. Haughton, at \$15,000.00.

RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$4,000,000 WATER BONDS, SERIES A: \$500,000 SANITARY SEWER BONDS, SERIES A: \$5,710,000 STREET LAND BONDS: \$470,000 STREET BONDS: \$120,000 FIRE STATION BONDS: FIXING THE FORM AND MANNER OF EXECUTION OF THE \$10,800,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1965, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS: AND AUTHORIZING THE PRINTING OF LEGAL OPINIONS ON \$10,800,000 BONDS TO BE ISSUED UNDER DATE OF APRIL 1, 1965.

Councilman Thrower introduced the following resolution which was read: "Resolution Providing for the Issuance of \$4,000,000 Water Bonds, Series A. Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

Thereupon, Councilman Thrower introduced the following resolution which was read: "Resolution Providing for the Issuance of \$500,000 Sanitary Sewer Bonds, Series A". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Thrower introduced the following resolution which was read: "Resolution Providing for the Issuance of \$5,710,000 Street Land Bonds". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried the resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Thrower introduced the following resolution which was

read: "Resolution Providing for the Issuance of \$470,000 Street Bonds". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Thrower introduced the following resolution which was read: "Resolution Providing for the Issuance of \$120,000 Fire Station Bonds". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Thrower introduced the following resolution which was read: "Resolution Fixing the Form and Manner of Execution of \$10,800,000 Bonds to be Issued under date of April 1, 1965, providing for the registration thereof, ratifying application to Local Government Commission for the Advertisement and sale of said bonds and ratifying action of Local Government Commission in asking for sealed bids for said Bonds". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

Thereupon Councilman Thrower introduced the following resolution which was read: "Resolution Authorizing the Printing of Legal Opinions on \$10,800,000 Bonds to be Issued under date of April 1, 1965". Upon motion of Councilman Thrower, seconded by Councilman Albea, and unanimously carried, the resolution was passed by the following vote:

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

NAYS: None.

The resolutions are recorded in full in Resolutions Book 4, beginning at Page 487.

CONTRACT AWARDED SANDERS BROTHERS COMPANY FOR CONSTRUCTION OF SANITARY SEWER IN KENTWOOD SUBDIVISION, SECTION II.

Councilman Albea moved award of contract to Sanders Brothers Company, the low bidder, for the construction of sanitary sewer in Kentwood Subdivision, Section II, in the amount of \$14,350.00. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Sanders Brothers Company	\$14,350.00
C. M. Allen Company, Inc.	14,573.50
C.D. Spangler & A. V. Blankenship	14,600.00
Howie Crane Service Co.	15,755.50
Boyd & Goforth, Inc.	16,695.00
T. A. Sherrill Constr. Co., Inc.	17,181.00
R. H. Wiggins Company, Inc.	21,755.00

MEETING WITH MECKLENBURG STATE LEGISLATORS TO BE ARRANGED ON 19TH OR 20TH OF MARCH.

Councilman Whittington moved that the City Attorney make arrangements for a meeting between the City Council and Mecklenburg Legislators either on the 19th or 20th of March, whichever date is agreeable with them. The motion was seconded by Councilman Albea, and carried unanimously.

COUNCIL TO MEET WITH ARCHITECTS ON MARCH 11TH AT 9 O'CLOCK A.M. TO DISCUSS PLANS FOR THE POLICE BUILDING.

Mayor Brookshire announced that the City Council will meet on Thursday morning, March 11th, at 9 o'clock in the Conference Room at City Hall, at which time all architects interested in submitting bids for drawing the plans for the local police departments will have an opportunity to be heard.

ADJOURNMENT.

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

*Ruth Armstrong*

Ruth Armstrong, Deputy City Clerk