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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 10, 1969, with Mayor Stan R. Brookshire presiding, and Councilmen Fred D. Alexander, Milton Short, Gibson L. Smith, James B. Stegall and Jerry Tuttle present.

ABSENT: Councilman Sandy R. Jordan and Mayor pro tem Whittington.

The Charlotte-Mecklenburg Planning sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, Commissioners Albea, Sibley, Stone, Tate and Wilmer.

ABSENT: Commissioners Ashcraft, Gamble, Godley and Turner.

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#### INVOCATION.

The invocation was given by Councilman Milton Short.

#### MINUTES APPROVED.

Upon motion of Councilman Stegall, seconded by Councilman Short, and unanimously carried, the minutes of the last Council Meeting, on March 3, 1969 were approved as submitted.

HEARING ON PETITION NO. 69-12 BY CHARLES R. COLLINS FOR CHANGE IN ZONING FROM R-15 TO R-12MF OF A 27.992 ACRE TRACT OF LAND ON THE NORTH SIDE OF SHARON VIEW ROAD AT MCMULLEN CREEK.

The public hearing was held on the subject petition on which a general petition containing some 475 signatures has been filed protesting the requested change in zoning.

Mr. Fred Bryant, Assistant Planning Director, advised this is a request for a change from single family to multi-family zoning of a tract of land located on the north side of Sharon View Road; it consists of almost 28 acres of land and has frontage of 710 feet on Sharon View Road with a maximum depth in excess of 1,500 feet.

He stated the property has a single family residence on it and with that exception it is entirely vacant; McMullen Creek runs through the middle of the property at one point; at the intersection of the Creek and Sharon View Road and on the west side of the creek is the City of Charlotte pumping station for sewage purposes; the Sharon Country Club is located in the area; the Mountainbrook Subdivision Swimming Pool is in the area and with those exceptions the area is entirely used for a combination of single family residential structures and vacant properties. He stated everything in the area is zoned R-15.

Mr. Myles Haynes, Attorney for the petitioner, stated the request is for a change in zoning from R-15 to R-12MF; the property as it exists is not suitable for R-15 residential development; the north side of the property is prime acreage property now undeveloped that consists of approximately 295 acres and a continuation of McMullen Creek; on the east side is a private sewage treatment plant; there is an undeveloped strip of residential property large enough to accommodate approximately six more homes, and then

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the Sharon Acres property; further east is 325 acres of undeveloped land that goes all the way across approximately to Carmel Road; on the south side is approximately 50 acres of undeveloped land having almost exactly the same topographical conditions as the property in question; it is rough, hilly land and McMullen Creek runs through the property; to the west is approximately 80 acres of undeveloped land and then you go into larger home estates of older homes that runs over to Sharon Road.

Mr. Haynes stated Duke Power Company has a 68 foot right-of-way that runs across the property; McMullen Creek comes in from the northeast side of the property and runs diagonally across to the southwest corner and on out of the property; Mr. Ervin has a private sewage treatment plant; on the southwest corner is the City of Charlotte sewer lift station; also, the City has a sewer easement which runs through <sup>the</sup> property. He stated a flood plain was studied in 1968 by the Corp of Engineers which follows the creek; that if you stand on Sharon View Road and approach this property from the front, the highest points of elevation are the right hand corner and the center of the rear portion, and from those points is a downgrade to the creek from both directions of approximately 60 feet; there is also a hill side running from the back of the residential development down at an angle to the creek; all the elevation in the westerly direction is down hill to the creek. The Corp of Engineers in their 1968 study came up with the flood plain; McMullen Creek as it goes through this property is approximately 50 feet in width; but the flood plain along the property extends for approximately 100 feet in width.

Mr. Haynes stated since Mr. Collins purchased the property in 1941 these things have occurred; in 1953 Duke Power Company obtained a 68 foot right-of-way for high tension power lines; in 1956 the construction of the private sewage treatment plant by Mr. Ervin in the northeast corner of the property; in 1959 the City of Charlotte acquired a 20 foot sewage right-of-way diagonally through the property; in 1959 the City of Charlotte purchased property of 9.7 acres for the sewage lift plant. He stated only a part of the property is available for any type of development and if you take out the power line right-of-way, the flood plain, McMullen Creek, the sewer easement and the available land that could be developed on an economical feasible basis, approximately 1/2 of the total 27 acres remains to be developed; with that amount remaining the best use for the property is to make it a high type, high quality apartment development based on the acreage left after all the other factors come out of it, and using every inch of available property, assuming a 1/2 loss of the 27 acres, with R-12MF you cannot get more than 400 units on the property; taking out also the right-of-way across the front and a 200 foot buffer which his client intends to put in for the protection of the development, with the R-12MF open land requirements, approximately 200 units can be put on this property.

He stated Gaylord Avenue runs off Allison Avenue and deadends adjacent to the side lines of the houses, and Mr. Collins has put in his proposal a 200 foot buffer; on the buffer will go an extension of Gaylord Avenue to come back out to Sharon View Road and there will be approximately six building lots that will face on that property, backing up to the property which now backs up to the property in question. He stated there is a proposed plan which will let Colony Road extend through some of the 295 acres of undeveloped land and it goes through the middle of the property in question, and comes back to Sharon View Road. That the exact right of way for Fairview Road has not been laid out - it is intended to come all the way across and go to Rama Road. Once Colony Road is extended and Fairview Road is extended, there will be access to the proposed apartments without using Sharon View Road.

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Mr. Haynes stated as South Park Shopping Center is developed and as the business already on Fairview and in that area expands, there will be a need for more multi-family dwellings and it would seem logical to put it somewhere along this proposed area, and perhaps run it on across Sharon View Road as far as Carmel with the exception of the proposed residential property. That Sharon School is already overcrowded and they understand it will be replaced by another school that is presently being built behind the Quail Hill Apartments.

He stated that apartments renting in the \$250.00 luxury class are not generally occupied by families with growing children; they do not believe the type of apartment they proposed would cause any material increase in the number of children being served by the schools in the area.

He stated they think it is logical to go ahead now and allow the zoning request so that everyone who will be affected by future planning would know that the apartments are here; if the property remains as it is, it is not economically feasible to make it R-15 as it will never be developed for that purpose.

Councilman Stegall stated in connection with the proposed extension of Colony Road, does the petitioner propose to leave the right of way in his plans? Mr. Haynes replied the right of way is in there as evidenced by a letter of intent which is on file with the Planning Commission.

Mr. Sol Levine, Attorney for the opposition, stated if you were to go out to any development - such as Hidden Valley and any of the Ervin Construction Developments, you will see all the land which is under transmission lines or covered by easements put to use; that you may not build under them but the lots are situated so that all get the maximum use of the land.

Mr. Levine stated there are approximately 500 families in the area who have signed a petition opposing the plan; he filed a petition containing additional names which will bring the opposition up to 500 names; these people are located in the area from Mountainbrook down Sharon View Road, behind the section proposed. The buffer zone was erected in order that they would fall outside the 20% Rule. Mr. Levine stated with correct planning this land can be put to use similar to Mountainbrook without any problem. The houses in this area range from \$20,000 to \$60 or \$70 thousand and bringing into this area apartments would detract and lower the values of the land in and around it; from Sharon Road down to Carmel should be single family residences. The traffic on Sharon Road is abominable; that a new school is being built which is Beverly Woods and it is already overcrowded, and building 400 more apartments in the area will only overcrowd the schools there.

He stated the traffic along Carmel Road is now increased; if you put 400 apartments in that area you will never be able to get out there, and you would not be able to take your children to school without being able to come up one of those roads. That there is a shopping center already on Sharon Road which is approximately 1,400 feet from the intersection of Sharon Road and Sharon View Road; this area is only approximately 4,000 feet from that intersection; you have a shopping center there, you also have apartments there; across Sharon Road a tremendous shopping center is going to be built and adjoining that is an apartment project which is already planned - the Tryon Apartments. Further down the road is the Quail Hollow Apartments.

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Mr. Levine stated the people located between Sharon Road and Carmel Road say there are enough apartments out there; there are apartments on Park Road; there are apartments on Sharon Road. If you must have apartments, locate them close to the shopping center where they are now. He stated he walked over this land and he did not notice the creek was 50 feet wide - it looked more like 25 feet. He stated the planners have taken great pains in planning this area; they planned it for single family residential; they planned the outside area and adjoining area in apartments and business. To throw in an apartment project is wrong for all the people in the area.

Councilman Tuttle asked if the buffer zone is dedicated; that it will have to be used as a buffer? Mr. Underhill, City Attorney, replied if it is intended to remain R-15, it can only be used for single family residential purposes.

Also speaking against the petition for rezoning were Mr. J. Frank Newton, 3901 Sharon View Road and Mr. Richard Milleghan, Beckford Drive.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-13 BY LINCOLN COMPANY, INC. FOR A CHANGE IN ZONING FROM B-1 AND R-6MF TO B-2 AND O-6 OF PROPERTIES ON THE SOUTH SIDE OF CENTRAL AVENUE, BEGINNING AT CAROLYN DRIVE AND EXTENDING EASTWARD 847.49 FEET.

The scheduled hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 20% Rule requiring the affirmative vote of six Councilmen in order to rezone the property.

The Assistant Planning Director stated this petition involves about three separate types of changes. That the subject property begins at Carolyn Drive and extends toward Central Avenue and southward along the edge of the Eastway Shopping Center. That there are three separate portions - (1) one area is requested changed from B-1 to B-2; (2) the "L" shaped tract is requested from R-6MF to B-2; and (3) the corner property coming out to Central Avenue is requested changed from R-6MF to O-6.

The Eastway Shopping Center is located in the area and has a frontage on Central Avenue and Eastway Drive; the Post Office facility is a part of the development; business uses are located on the other three corners of the intersection; Saint Andrews Episcopal Church is located in the area. There are two single family structures on the subject property; and other than that the area is entirely vacant. There are almost solidly built up single family structures in the area west of the property along Carolyn Drive and along Cyrus Drive; there is one non-conforming business use located at the corner of Carolyn Drive and Central Avenue which is Southern Pest Control; on the north side of Central Avenue is a continuation of basically single family usage with a duplex at the corner of Cyrus Drive.

Mr. Bryant stated B-2 zoning is located in the vicinity of the shopping center; it is adjoined by the first tract adjacent on Central Avenue with B-1; there is B-1 zoning on the north side of Central Avenue at the intersection; there is O-6 zoning directly across from the B-1. From that point all the frontage property along Central Avenue on both sides is zoned R-6MF; the property to the rear of the frontage on Central - along Carolyn Drive and Cyrus Drive is zoned R-6.

Mr. Henry Harkey, Attorney, pointed out the Eastway Shopping Center Area and stated it takes better than half of the square block; across the street

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at the corner of Eastway Drive, there is business; also, there is business on the other two corners; when the Shopping Center was built, in order to create a buffer, it was zoned B-1. He stated they have waited a long time in this area for commercial use; the property has remained vacant; that their entire 750 out of 800 feet has remained vacant except for small residences; across the street from the subject property, the first lot is vacant, the second lot is vacant and the third lot has a residence on it; that he talked to the owner of that property last night; that he rents the house and has left Charlotte and he does not object to the rezoning; there are two more lots between there and the corner and it is also vacant; there is one rental unit across the street from this property; there are two houses in the next block - the first house is owned by Mr. Boger and he has no objections to the rezoning.

Mr. Harkey stated he had his people buy the corner lot which is vacant; that his people own the whole 857 feet, with the exception of one residence which belongs to Mrs. Mincey; Mrs. Mincey is the only property owner living in a house on either side of the street in that block; that while they have waited for this property to become available for single family use they have not built any single family houses, any duplexes, any apartments or any small office buildings; they have been waiting for it to go business; it has gone business; Eastway Drive has gone from a 26-foot pavement to a 100-foot right-of-way thoroughfare, and they are 300-feet from Eastway; that Central Avenue has gone to a 100-foot right-of-way. He stated this petition was before Council on October 5, 1959 and in ten years time much has changed.

Mr. Harkey presented photographs of the area calling their attention to the vacant property; the business property all the way around, and the only two houses in the block. He stated the property is boxed in; on the side closer to Charlotte is the Southern Pest Control which is a commercial building; on the far side the property is in the back door of a shopping center. He stated they own 92% of the property facing the front, and the opposition, as he knows it, owns 8%.

He stated they propose to develop the property for high class business; they plan to leave a buffer of 143 feet and they ask that Mrs. Mincey's lot be put in the buffer and they do not think it harms her.

He stated the latest apartments on Central Avenue - Eastcrest - sit 500 feet off Central Avenue; that it is much more feasible to build apartments off the highway rather than on it.

Mr. Harkey stated he has letters from people across the street - Mr. Purser, Mr. Boger and Mr. McGraw - who have no objections to the rezoning. Mr. Harkey stated that B-1 would suit their immediate purpose; however, since their neighbor has B-2, he would like to be able to compete with him; the shopping center is B-2. He stated they plan no cheap use of their property; they would like to see a Post Office come along or a free-standing department store; the property is available for a long term lease.

Mr. Marshall Haywood, Attorney for Mr. and Mrs. E. L. Mincey, stated he is also representing the owners of each of the lots fronting on the back side of the subject property. He stated they have filed a protest petition which invokes the 3/4 Rule; in addition, he filed a petition containing an additional 62 names which are affected by the requested rezoning. He stated these residents are primarily residents who live on Carolyn Drive; that there are some very influential, high class people who live in this neighborhood who are greatly affected and their property values will be affected by this petition; the St. Andrews

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Episcopal Church is affected and as a church they have signed the petition of protest; there are more people affected than the vacant lots across the street. He stated the Lincoln Company is the petitioner and as he understands it the Company actually owns none of the subject petition and filed with their petition is an authorization of the people who own the property to allow the Company to bring the petition in its name. He stated going towards downtown Charlotte is a residential area for approximately 15 blocks; these are substantial residences; they are older residences; beyond on Central Avenue are substantial homes; with the exception of this intersection, this is a good residential area; beyond to the north, it is residential. That because an intersection develops into a business area does not mean that the whole area has to be business, office or industrial; there is no reason why this cannot remain as it is in a very high class residential area, and be compatible with the area.

Mr. Haywood stated the zoning here appears to be in accord with accepted procedures - B-2, B-1, R-6MF and R-6. A step down from Eastway Drive all the way back to a residential area. To change this to B-2, B-2 and O-6 would completely do away with that particular concept; it would move O-6 right behind a very nice residential area; that is a hardship and a burden these people should not have to bear.

He stated that the Kimberlee Apartment is located right back and immediately adjacent to one of the largest shopping centers in the City - Park Road, that he understands those apartments are some of the most high prices in the City; that they sell anywhere from \$20,000 per unit on up. If it can be done at that location, it can be done elsewhere. He stated the Pest Control business is a non-conforming use and is in a residence and not in a business type building; he stated the wooded lot in an adequate buffer zone from the Pest Control business. He pointed out the Merry Oaks School and stated the school crossing is located in front of the property.

Mr. Harkey stated the Pest Control business is located in a prominent concrete block building and it has been there for 20 years; that the building was located there before the zoning ordinance. He stated the shopping center will not create any further congestion; it will utilize the traffic that is already passing. That the people behind the subject property have no immediate interest; that the people on Carolyn Drive do not face Central; that vacant lots are protesting the use of other vacant lots. He stated they bought the corner lot to create a buffer across from the church property; the area they are talking about for business has no connection; that the church could use their office parking lot on Sunday mornings; it is compatible to have an office building across from a Church.

Mr. Harkey stated he is president of the Lincoln Company; that he is attorney for the Lincoln Company, and the Lincoln Company is interested in helping with the development of the property; and it has adequate means to do so. If the corner is left as R-6MF, he can build eleven tightly fitted apartments and back all of them up to Mrs. Mincey; that would not be fair to Mrs. Mincey; would it not be better to have one nice doctor's building or an insurance office, with plenty of parking? On the other property he can build 90 apartments; with high rise, he could build several hundred but they do not want to congest the area; they want to expand only the property next to the shopping center for more business; and to give the neighborhood a buffer.

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Mr. Haywood stated it is not vacant lot against vacant lot, it is people who own substantial residences in the City who are opposed to this. They believe consideration should be given to the people who are affected, and 64 people in the area think they are affected by the actions of one, two or three persons.

Also speaking in opposition to the rezoning was Mr. Glenn Annas whose property adjoins the back of the subject property.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 69-11 BY PEARL S. RAMSEY FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF A PARCEL OF LAND 195' x 187.5' AT 400 SOUTH SUMMIT AVENUE.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is a tract of land at the intersection of Summit Avenue and West Second Street; it is one block away from the new Fourth Street Extension on Summit Avenue; it has on it one single family structure and is adjoined on all sides by other properties used for residential purposes with the exception immediately to the rear there is a non-conforming structure on the rear part of lots facing on Grandin Road which is the Taylor Typewriter Company used for repairs and servicing of typewriters; with that exception there is either single family or duplex structures in the immediate area; the railroad crossing Summit Avenue is about 1/2 block from the subject property; a school is located at the intersection of South Summit and West Trade Street.

The subject property, as well as all the property around it, is zoned R-6MF; there is industrial zoning that begins at the rear of lots on the opposite side of Summit Avenue and extends over to Irwin Creek. The I-77 Expressway will come up paralleling the creek and there is industrial zoning along the creek.

Mr. Anthony Tulley, speaking for the petitioner, stated they are not trying to make this an industrial area; that Mr. Hariston of the Hariston Funeral Home is interested in purchasing the property for his funeral business; this is an eleven room house with two enclosed porches; a four room garage apartment on the rear of the lot, plus a two car garage; there is 45 feet from one side of the house to Second Street, and 90 feet from the house to the property line on the opposite side; there will be plenty of parking space for this use. The house is too large for any one family.

Mr. W. D. Hariston, of the Hariston Funeral Homes, stated they are being misplaced due to the Expressway; they knew the expressway was coming through but did not know that Beatties Ford Road would be widened which means they must move their building; the present building would be too expensive to move and it is too good to completely tear down and rebuild. That the location on Summit is a nice location and their funeral home will not devalue the residential section; they are planning to improve the property, and they will have the location looking as nice as any home in the community.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred until the next meeting.

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HEARING ON PETITION NO. 69-14 BY STATION DEVELOPMENT CORPORATION FOR A CHANGE IN ZONING FROM B-1 TO B-2 OF A TRACT OF LAND FRONTING 300 FEET ON THE SOUTH SIDE OF HOSKINS ROAD, BEGINNING 230.77 FEET WEST OF THE PIEDMONT AND NORTHERN RAILROAD TRACKS.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this property is located in the Hoskins-Thomasboro Area at the intersection of Hoskins Road and Hovis Road; the property has a service station on it; it is adjoined on the northeast side by a small restaurant; across the road is a mobile home park with about 34 homes; there is a small service center area that has a laundry and office facilities as part of the mobile homes park. A church is located on Hovis Road; a former mill site is in the area in Hoskins and is now used by Gaylor, Grier and Company; on the north side of the railroad is a small service center; other than that it is single family residential.

Mr. Bryant stated the subject property, as well as property across Hoskins Road, is zoned B-1; it is adjoined on the railroad side by I-2 which extends all the way along Hoskins Road up to Rozzells Ferry Road; immediately to the rear of the business zoning is an area zoned for single family purposes and there is multi-family zoning on the opposite side of Hoskins Road, extending over into and including a portion of the Mobile Home Parks.

Mr. Sherrill Guion stated the request is so that the dealer can acquire a dealer's license to tie in with the service station business; he does not plan to have over two or three cars at one time on the property; this request is to help the dealer have more income.

No opposition was expressed to the requested change in zoning.

Council decision was deferred until the next Council Meeting.

ORDINANCE NO. 150-Z AMENDING CHAPTER 23, SECTION 23-8 AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM R-6MFH TO R-9 ON PROPERTY ALONG THE EAST SIDE OF BARRINGER DRIVE, FROM WEST BOULEVARD TO SOUTHERN RAILROAD

The public hearing was held on Petition No. 69-15 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MFH to R-9 of property along the east side of Barringer Drive, from West Boulevard to Southern Railroad.

Mr. Fred Bryant, Assistant Planning Director, stated this is one of the hearings scheduled which is a part of the overall study recently undertaken for the West Boulevard area of the City; the cases today generally cover the area from I-77 at the creek out to Donald Ross Road.

He stated the subject petition is for an irregular shaped rectangular area that lies along the expressway under construction and extends over to Barringer Drive; it is located at the intersection of Barringer Drive and West Boulevard and extends along Barringer Drive to the Southern Railroad. The change proposed is a change from R-6MFH to R-9. This is an unusable strip of land which is left between the expressway and Barringer Drive; at no point does it exceed more than 75 to 100 feet in depth; it is all under the ownership of the Park and Recreation Commission, and was a part of the Revolution Park Area. The recommendation is to change the zoning from a multi-family classification to single family to conform to all the uses that are presently in the area, and out of recognition to the fact that it is a vastly elongated strip that does not have enough depth to make it usable.

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No opposition was expressed to the proposed change in zoning.

Councilman Short stated since this is a petition from the Planning Commission, he moved the adoption of the ordinance changing the zoning from R-6MFH to R-9 as recommended. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 107.

HEARING ON PETITION NO. 69-16 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM B-1 AND I-1 TO R-6MF OF PROPERTY ON BOTH SIDES OF REMOUNT ROAD, FROM PARKER DRIVE TO A POINT SOUTH OF KIMBERLY DRIVE.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this area is basically along Remount Road on both sides; it consists of an area that begins at Parker Drive on both sides of Remount Road down to the rear of lots that front on Kimberly Drive on the east side, and on the west side continues on down past Kimberly Drive. That in the original study the area went all the way down to the existing business uses on Remount Road; since then the staff has decided that the three lots should have been left out of the original recommendation.

Mr. Bryant requested that the three lots at Remount Road be left out, as it has been brought to their attention that plans are underway now for the utilization of the three lots for business purposes and in addition they are directly across Remount Road from an existing shopping center.

He stated another situation has been brought to their attention since the original presentation to Council. There is a housing project underway in the Parker Drive-Remount Road area - the Parker Heights Housing Project. There is a narrow strip of land that fronts on Remount Road and extends the full length of Remount Road frontage in front of the project - it is 40 feet in depth and is owned by Marsh Realty Company. Mr. Bryant stated with only 40 feet of depth it does not make it usable for business purposes. He stated he has letters submitted both by the attorneys for Marsh Company and also from Mr. Julius Chambers representing Parker Heights Limited in which they indicate there has been negotiations underway to transfer and re-create tracts of land that would be more usable to each concerned - a land swap. A swap would leave Marsh Realty Company with a tract of land at the intersection of Parker Drive and Remount Road that would be approximately 200 feet by 115 feet; in addition, there would be created on the southerly corner of the property a smaller tract of land approximately 50 x 60 feet that would be retained by Marsh Realty Company, and the intervening strip between the two points would become the property of the Parker Heights Development; they would then have adequate frontage and access onto Remount Road.

Mr. Bryant stated from a planning relationship standpoint, they would like to recommend that the larger tract - 200' x 115' - on the corner of the property, be deleted from the area considered for change and remain in a business classification. They do not recommend that the small portion - 50' x 60' - be deleted at this time.

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Councilman Smith stated he is very cautious about rezoning property down from business to residential; people invested money in the property for business usage. That if this right is pursued too far it could make an economic hardship on the people. Councilman Tuttle asked if the people are aware of this change? Mr. Bryant replied written notices were sent to all the property owners. Councilman Stegall stated the intent in this rezoning was to delete the problems that would spring up along West Boulevard out to the airport property.

Mr. Bryant stated the basis intent of the overall study was the West Boulevard area, and as such they studied the entire area between the railroad and a like distance from West Boulevard to the south; that it is difficult to make a comprehensive study along the frontage of a roadway without getting involved in some basic overall relationships. He stated the basic reasoning involved in recommending a change was in recognition of the actual direction in which development has taken place within this two block area since zoning was adopted; the multi-family development was built with the property being zoned B-1; the Parker Heights Development is all being built on B-1 zoned property. With those two factors in mind, plus the fact from their observation at that time, there was no non-conforming use that would be created, they recommended the change.

Mr. Lynn Bond, Jr., Attorney for Mr. Frank Morecox and Mr. Tom Whisnant, owners of M & W Company, stated about two years ago they bought some property just south of Watson on the west hand side of Remount Road; they built an office and have sub-leased to two companies; they are adjoined on the north by Mrs. King and next to Watson Drive by Mrs. Diamond, both are using their property as residences, but neither has any objections to this property remaining B-1. That on the north side there is I-1 and I-2 on both sides, and B-1; that it is spot zoning if you take out duplexes and leave it as business, and leave their business as residential; the Duke Power Company has an easement which extends along the west side of their property 120 feet; just beyond Watson Drive there is the Duke Power Company's station which has about three lots; when you look on the west side of this section, you come up with one residential house and one apartment, which was put in when it was zoned B-1. Mr. Bond stated no one else wants residential in there. He stated it does not stand up to take one man's property and make it residential to protect another man's property unless there is some reason of public health or morals at stake. He stated the better planning practice would call for this property lying south of Watson Drive, on the west side of Remount Road, to remain as business property as it has been; that his clients bought the property depending on the zoning to remain.

Councilman Smith stated to put apartments in there with children and people in the midst of all that industrial building is not good planning; there is a very congested area at Remount and the Boulevard, and above is industrial and to say in between it should be apartments, to him is not very good living; that he thinks the whole thing should remain B-1.

Mr. Tom Lockhart stated he is representing Mr. Lex Marsh and Marsh Realty Company in connection with the property that Mr. Marsh has owned for many years south of Parker Drive on Remount Road. This property extends a width of approximately 40 feet, the entire distance from Parker Drive down 565 feet on the west edge of Remount Road. The property that is being developed for the Parker Heights Apartment Project lies immediately east of Mr. Marsh's property and has no access to Remount Road the apartment project was underway before there was any discussion with the property owners on Remount Road as to any means of access into the apartment project into Remount Road; their only access would have been through Parker Drive which is a secondary road east of Remount Road.

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Mr. Lockhart stated Mr. Marsh and the Parker Heights people have agreed upon an exchange of property whereby Mr. Marsh would acquire a small additional amount of property at the corner of Parker Drive and Remount Road, in exchange for which he would convey to Parker Heights Limited frontage of 270 feet on Remount Road which would give the apartment project access to Remount Road; all their discussions and negotiations have been predicated entirely upon Mr. Marsh being able to use the entire project. He stated the Planning Commission would like to except the corner from the proposed rezoning. They have filed a letter on behalf of Marsh and a letter has been filed on behalf of Parker Heights Limited asking that this corner be excepted from the proposed rezoning.

Councilman Stegall moved that the petition be referred back to the Planning Commission to come back to Council next week with a proposal to zone all the Parker Heights Limited property to the proper classification, and leave the remainder of this property as it is - B-1. The motion was seconded by Councilman Smith.

Councilman Alexander made a substitute motion to approve the petition as submitted by the Planning Commission, excluding these two lots described by Mr. Bryant; that it is absolutely necessary that this matter be closed so these negotiations can take place. The motion did not receive a second.

After further discussion, Councilman Stegall re-stated his motion to rezone Parker Heights property to the proper classification - R6MF, and leave the remainder of the property as it is. The motion was seconded by Councilman Smith.

Councilman Tuttle stated he does not intend to vote on this petition today; that it is most complicated; that his practice has been to attend the hearings and then go out and look at the property before voting.

With the approval of Councilman Smith, who seconded the motion, Councilman Stegall withdrew his motion.

Councilman Stegall moved that the petition be postponed for one week and let the Planning Commission come back with a recommendation. The motion was seconded by Councilman Smith, and carried unanimously.

HEARING ON PETITION NO. 69-17 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A CHANGE IN ZONING FROM R-6MFH AND O-6 TO R-6MF OF PROPERTY ON BOTH SIDES OF WEST BOULEVARD, FROM WATSON DRIVE TO DONALD ROSS ROAD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is an area on West Boulevard, from Watson Drive out to Donald Ross Road; the vast majority of the property is zoned R-6MFH; the portion that is zoned R-6MFH is all the property involved in this particular segment with the exception of the corner property at Donald Ross Road and the street that comes from the Barringer Drive area which is zoned O-6.

He stated they are recommending that the R-6MFH be changed to R-6MF because there have been several apartment projects built in the area on property which is zoned partially R-6MFH; other apartment projects in the area have been built to an R-6MF density rather than to R-6MFH density. He stated he seriously questions if this is an area where you can expect to get the high rise type of development; therefore, the R-6MF regulations seem to be more in keeping with the type of development in the area. He stated when you have property zoned R-6MFH and get developments that are not high rise in character, you get the garden type townhouse apartments that generally cover up the entire tract; that they are fearful if we continue to get garden-type developments in an area zoned for high rise type of development, that we will end up with a very crowded condition with an inadequate amount of open space around the apartments.

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Mr. Bryant stated they would not object to high rise development with open space at this location, but the trend has indicated we will not get that type of development. By changing the zoning from high rise to multi-family, you eliminate the possibility of someone coming in and building to the high rise density with a garden type of development; the R-6MFH requirement for open space is a very minimum amount and it is possible to build to an overcrowded condition; that if you change the R-6MFH requirements to more land, then you further discourage the possibility of high rise construction because you cut down on the number of units permitted, making high rise construction more impractical.

Councilman Smith stated in developing high rise, you have to develop open area for people and parking for vehicles; it enhances your skyline, and it is easy to maintain, and cheaper to build, and he thinks we should be encouraging it rather than taking it off the books; that this may not be the place to encourage it, but he does not want to do anything that would be a vote against high rise. With high rise you can have better living conditions; you can police it better; and you do not have cluttered up porches with furniture in the yards, and it is not as objectionable to the surrounding neighborhood. If there is any possibility for high rise with open space, it would look a lot better coming into town to have the high rise than a cluster of things all over the place.

Mr. Bryant replied he agrees with this, but a change to R-6MF will not make it impossible for high rise construction; it will still be permissible in the R-6MF zoning. The R-6MFH district was designed because it is a high density district to encourage high rise construction that he agrees with the open space ideas; but based on past trends, they do not see that this land is going into high rise developments.

Mr. Bryant stated there is another portion of this recommendation that gets more involved, and Council would probably not want to act on the subject petition today because this is related to other segments of the West Boulevard proposal that will be taken up at another hearing. This goes only to Donald Ross Road; later recommendations will begin at Donald Ross Road and lead westward. Actions taken on the subject segments may need to be related in Council's decision on the other segment. The other portion involves the changing of property now zoned O-6 at the intersection of Donald Ross Road to R-6MF. This is the beginning process to eliminate the strip type process of non-residential zoning that is present along a portion of West Boulevard.

Councilman Smith moved that action be deferred for recommendation from the Planning Commission. The motion was seconded by Councilman Stegall.

Mr. Charles Hawkins, President of Carolina Golf Club, stated their property is a part of the zoning petition that will come at the next hearing; he stated they have 130 acres and 70 of it is zoned I-1 and the remainder is R-6.

Mr. Dick Johnson stated he owns property that will be involved in the next hearing; he filed a petition signed by 64 people requesting that the proposed mass rezoning of properties along and near West Boulevard be denied as they feel the proposed changes are unfair and unwarranted and would be discriminatory to those owning property and/or residing in the area; that it would result in reduction in the opportunity for the development of needed services; it would result in unfair reduction to property value to many property owners; it would fail to accomplish the stated objectives of providing safer and more attractive route from Charlotte to the airport; and to the best of their knowledge, this is the first time such a wholesale downward rezoning has been proposed. Mr. Johnson stated seven of the signers are involved in the petition today and the balance are in the area to be considered at the next hearing.

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Mr. Hawkins stated the 130 acres of Carolina Golf Club is in the process of being swapped; they plan to move the Country Club to a new location; they have a \$150,000 club house, and a \$100,000 swimming pool; the users of their property anticipate using the property as multi-family, utilizing the club house as a community center.

Mr. E. C. Smith also spoke to the petition.

Mayor Brookshire stated with the motion before Council, any action on this particular petition will be delayed to relate it to other recommendations of the Planning Commission.

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

ORDINANCE NO. 151-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE BY AMENDING THE ZONING MAP CHANGING THE ZONING OF PROPERTY ALONG CHELVESTON DRIVE, NORWICK PLACE AND WICKHAM LANE IN BARRINGER WOODS.

The scheduled hearing was held on Petition No. 69-18 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to R-6 of property along Chelveston Drive, Norwick Place and Wickham Lane in Barringer Woods.

The Assistant Planning Director advised the subject petition is a recommendation to change the zoning of Barringer Woods Subdivision from a multi-family classification to R-6 single family; this will reflect the actual usage that is present on the lots now; the area was developed some 15 years ago by Mr. Lex Marsh for single family purposes and it has held up very well; and they feel proper single family zoning can be reflected for the area.

No opposition was expressed to the proposed change in zoning.

Councilman Smith moved the adoption of the ordinance changing the zoning from R-6MF to R-6 as recommended by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 108.

HEARING ON AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR DILWORTH URBAN RENEWAL AREA, PROJECT NO. N. C. R-77.

The scheduled hearing was held on Amendment No. 1 to the Redevelopment Plan for Dilworth Urban Renewal Area, Project No. N. C. R-77.

Mr. Vernon Sawyer, Executive Director of the Redevelopment Commission, stated there are eight changes proposed as amendment to the plan as a result of two things; first, HUD reviewed the plan and picked up a few minor suggestions, they are recommending; second, is the result of solving a problem resulting from an abutting property owner having his access cut off by closing two alleys - the Cornelius Manufacturing Plant. In working out the solution, they permitted zoning to remain industrial on a portion that had been approved for B-2.

Mr. Sawyer stated copies of the amendment were furnished to each member of Council explaining all the changes. One change is a financial change - HUD increased the total project budget but at the same time in re-computing the \$107 credit which comes from devoting the site to low-rent public housing, that increase offset most of the increase in the budget; it is still costing the city the same money \$385 plus \$500 tax credit.

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Mr. Sawyer stated the plan has been on display both at the City and in their office, and there have been no questions asked other than the question of the Cornelius Manufacturing Company. They have worked the problem out to mutual satisfaction he believes.

Mr. John Newitt, Attorney for the Cornelius Manufacturing Company, Inc., stated it could be that they are in accord about this matter; he stated Mr. Sawyer mentioned I-1 and he should have mentioned B-3; if he mentioned B-3, then they are in accord. Mr. Newitt stated in the early 1920's the Cornelius's started a notions business on College Street, and in 1954, they went out on South Boulevard across from Lance Packing Company and opened their wholesale and retail business for notions. He stated their building has a concrete roof and it cost around \$35,000 at that time; today it would cost three times that; it is a well-built building. He stated about four or five years after that they added to their ownership by buying a piece of property straight through to Cleveland Avenue, and he bought two lots that went to Renssaeler Avenue.

Mr. Newitt stated they have worked out a tentative agreement with the Redevelopment Commission whereby they are in accord in working together giving up what is their main entrance in and out the back of the store, and the other alleyway they have - giving up these two alleyways for a little piece of land. He stated they still have to get in and out the back, and they do not want to block out using the little piece of land for the purpose of getting in and out or extending their wholesale or retail store. At the back they purchased 71 feet that goes all the way back to Cleveland and they do not want to be blocked out of the use of that property. If Mr. Sawyer means that the zoning will be so arranged that this Company can continue with its business on this little portion, then they are in agreement.

Mr. Sawyer stated the zoning on South Boulevard back to a line almost to Cleveland Avenue is now zoned I-1; it is O-6 on Cleveland Avenue which is a portion of this property, but is not proposed to be change by the Redevelopment Commission as it is outside the project boundary; that the entire property is outside the project boundary. Mr. Sawyer stated what they are proposing is that the 21.6 foot wide portion remain I-1 to match the zoning on the Cornelius property so there will be one zoning classification including their access.

Mr. Newitt stated he understands all this, but his client has to have the same use for the strip of land that they now have for their building; it may require some change in the zoning so they can get in and out on their own land, and at the same time this will not hurt the renewal project; and they will go along with it on the condition they can use their property for the purposes they intended. They need to get across the 71 foot strip for the extension of their building or for parking or anything in conjunction with the business now operating.

Mr. Newitt stated they are willing to give up their access on the alleys, all they ask in return is the settlement that has been practically agreed on, plus a little change in the zoning to B-3. They want to extend their building straight down. Mr. Newitt was advised that the I-1 zoning would suit his purpose better and he agreed to this.

Mr. Newitt stated because this is changing their present way in and out of their property, then Council can recommend a change in zoning so they will have another way in and out.

Councilman Short stated the way to accomplish what Mr. Newitt is asking is for him to petition the Planning Office for a change in zoning.

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Mr. Sawyer stated the approval of Amendment No. 1 is urgent because the Housing Authority is going to be held up on the construction of the low rent housing project unless they can convey the land. He stated the Cornelius property is located on the boundary; it was within the boundary originally, and they agreed to take it out as it was a going business and the Housing Authority decided it could do without the additional land. Presently this company has access through a ten foot alley off South Boulevard, and through a ten foot alley off Bland Street. Mr. Sawyer stated since the Redevelopment Commission is planning to close all the streets and alleys within the project, they plan to offer Mr. Newitt's client a 21.6 foot strip of land within the project boundary and abutting his property outside, that will give him access down to all property he owns. That the Redevelopment Commission is going to sell him this property; in return he has agreed that his access rights in the alleyways will be appraised, and it will have to go to court to get a final value; they are taking away access and giving him access and also agreeing they will change their request to the Council to change the zoning within the boundary from B-2 and leave it industrial, so that all his property will be zoned properly. Mr. Sawyer stated this is within their project boundary and is as far as they can make a recommendation. That he did not know until now that it was tied to a change in the other property. Mr. Newitt stated he has written letters and given Mr. Creasy, the Redevelopment Commission's attorney, three copies so that he could give it to Mr. Sawyer and also the zoning board, and he has been waiting for an answer.

Mr. Sawyer stated last fall it was Council's desire and the Housing Authority's desire to go ahead as fast as possible on this project, which the Redevelopment Commission did; the Commission went ahead of its normal procedure by bringing the project to Council for approval ahead of HUD's approval, knowing that if HUD made any changes it would have to come back to Council; that this is the comeback time.

Councilman Short stated as he pictures this, there is this tail-end legalism which must be cleared up first - the zoning. Mayor Brookshire replied it appears to him that the recommendations from the Redevelopment Commission are compatible with the agreement already reached with Mr. Newitt and his client and gives him the ingress and egress and any changes outside this urban renewal area would be between Mr. Newitt's clients and the City Council in the matter of rezoning.

Mr. Newitt stated Council can fix it so that their 71 foot strip to Cleveland Avenue will have the same zoning as the remainder of their property - I-1. If this can be done, then everything is accomplished and a trade can be worked out.

Mr. Newitt stated their agreement is based on their ability to use their property all the way through to Cleveland Avenue.

Mr. Veeder, City Manager, stated it seems that what Mr. Newitt wants accomplished cannot be accomplished other than through a rezoning of property; a rezoning of property takes an application, an advertisement and a hearing; the earliest date the hearing can be had, assuming an application gets in quickly, would be in April. Mr. Newitt could pursue the application with the understanding that the Redevelopment Commission would come before the Council and the Planning Commission supporting the application for a rezoning. Mr. Sawyer stated he will support him personally and he is sure the Commission will be receptive.

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Councilman Short stated he cannot agree to this personally; there is a lady living there in a house; if there was a petition to change the property from O-6 to industrial, he would not want to give any suggestions that he is morally obligated to change some zoning before the hearing.

After further discussion, Councilman Smith moved that the resolution approving Amendment No. 1 be postponed for one week to see if they can bring back an amicable settlement. The motion was seconded by Councilman Stegall, and carried unanimously.

PETITION NO. 68-91 BY RAYMOND MASON FOR A CHANGE IN ZONING OF A LOT ON THE EAST SIDE OF BEATTIES FORD ROAD, BEGINNING SOUTH OF RUSSELL AVENUE, DEFERRED.

Councilman Alexander stated the reason for the petition was that Mr. Mason was being moved off one section of Beatties Ford Road because of the highway; Mr. Mason is now deceased and the family wants Mr. Mason's son to operate the business that was to be transferred.

Councilman Alexander moved that the petition for a change in zoning from O-6 to B-1 be approved as requested. The motion was seconded by Councilman Stegall.

After discussion, Councilman Smith made a substitute motion to defer decision on the petition for one week so that he might look at the property. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 152 AMENDING CHAPTER 23, SECTIONS 23-40.03 AND 23-30.02 OF THE CITY CODE AMENDING THE TEXT OF THE ZONING ORDINANCE REGULATING THE OPERATION OF RACE TRACKS AND OUTDOOR COMMERCIAL AMUSEMENTS.

Councilman Short moved adoption of the subject ordinance amending the text of the zoning ordinance regulating the operation of race tracks and outdoor commercial amusements as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page Page 109.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, MARCH 24, 1969 ON PETITION BY WILLIAM TROTTER DEVELOPMENT COMPANY FOR ANNEXATION OF 9.315 ACRES OF PROPERTY IN CRAB ORCHARD TOWNSHIP.

Motion was made by Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution setting date of hearing on Monday, March 24, 1969, at 8:00 o'clock p.m., in the Studios of WTVI.

The resolution is recorded in full in Resolutions Book 6, at Page 266.

RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES COLLECTED THROUGH CLERICAL ERROR OR BY A TAX ILLEGALLY LEVIED AND ASSESSED.

Motion was made by Councilman Smith, seconded by Councilman Tuttle, and unanimously carried, adopting the subject resolution authorizing the refund of certain taxes in the total amount of \$1,682.34, involving 24 accounts which were collected through clerical error or by a tax illegally levied and assessed.

The resolution is recorded in full in Resolutions Book 6, at Page 267.

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**APPROVAL OF LICENSE APPLICATION FOR EDWARD J. PFUNDSTEIN FOR PRIVATE DETECTIVE.**

Councilman Tuttle moved the approval of a license application for Edward J. Pfundstein for private detective. The motion was seconded by Councilman Smith and carried unanimously.

**CONTRACT WITH DOMAR CORPORATION, INCORPORATED FOR CONSTRUCTION OF SANITARY SEWER MAIN IN MCDONALD STREET, APPROVED.**

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, contract was approved authorizing construction of 460 feet of 8-inch sanitary sewer main in McDonald Street, inside the City, at an estimated cost of \$2,615.00. All cost of construction will be borne by the applicant whose deposit in the full amount has been received and will be refunded as per terms of the agreement.

**APPROVAL OF CONTRACTS FOR THE INSTALLATION OF WATER MAINS.**

Councilman Tuttle moved approval of the following contracts for the installation of water mains:

- (a) Supplementary Contract, to contract dated October 21, 1968, with American Investment Company, for the installation of 7,620 feet of water main, and four fire hydrants, to serve the Heritage Woods Subdivision, outside the City, at an estimated cost of \$25,511.00. The applicant will pay the entire cost of said mains and will own same until such time as the area is incorporated into the City, at which time the mains will become the property of the City without further agreement.
- (b) Supplementary Contract, to contract dated November 4, 1963, with Idlewild Utilities, Inc., for the installation of 8,090 feet of water main and four fire hydrants, to serve the Cedars East Subdivision, outside the City, at an estimated cost of \$31,525.00. Under the terms of the previous agreement, the Corporation operates a water and sewer system under the authority of the State Utilities Commission, and procures water from the City at the City Limits through a master meter.

The applicant will finance all pipe lines and system and own and operate and maintain same and retain all revenues derived from their individual customers until such time as any part or all of the mains and systems are incorporated into the City, at which time the lines and system will become the property of the City without cost or further agreements.

The motion was seconded by Councilman Alexander, and carried unanimously.

**APPRAISAL CONTRACTS APPROVED.**

Motion was made by Councilman Smith, seconded by Councilman Short, and carried unanimously, approving the following appraisal contracts:

- (a) Contract with Henry E. Bryant for appraisal of three parcels of land for the Airport Expansion Project.
- (b) Contract with William E. Etchison for appraisal of one parcel of land for sanitary sewer to serve J. A. Jones Construction Company.

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- (c) Contract with William W. Finley for appraisal of one parcel of land for Gene Street and Montrose Street Project.
- (d) Contract with W. B. Gammage for appraisal of one parcel of land for Gene Street and Montrose Street Project.
- (e) Contract with Wallace D. Gibbs, Jr. for appraisal of three parcels of land for Airport Expansion Project.

**PROPERTY TRANSACTIONS AUTHORIZED.**

Councilman Smith moved approval of the acquisition of 1,195 square feet of property at 301 South Graham Street, from Mrs. E. W. Bender (widow), and William P. Ross and Robert M. Ross, Jr., co-executors of the R. Mario Ross Estate, at \$3,100.00, for the West Third and Fourth Street Connectors. The motion was seconded by Councilman Short, and carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Short, and unanimously carried, approving the acquisition of 22,500 square feet of undeveloped property off Eastway Drive, from Luther Lee Herrin and wife, Janice T., at \$750.00, for sanitary sewer easement to serve General Motors.

Upon motion of Councilman Smith, seconded by Councilman Short, and unanimously carried, the acquisition of 11,372 square feet of undeveloped property at Eastway Drive and North Tryon Street, at \$475.00, was authorized from Margaret A. D. Abernathy (widow), for sanitary sewer easement to serve General Motors.

Councilman Alexander moved approval of the acquisition of 13,109 square feet of undeveloped property off Eastway Drive, from Lila Orr Hunter and husband, Reese Hunter, at \$450.00, for sanitary sewer easement to serve General Motors. The motion was seconded by Councilman Short, and carried unanimously.

In connection with the negotiated settlement in the amount of \$23,300 for 10.59 acres of property on Wilmont Road, Berryhill Township, with Hassey Richardson Gibson and wife, Eulalie, for Airport Clear Zone, Mr. Veeder, City Manager, advised this is a settlement at the same per acre price of adjoining property, at \$6,000 an acre; this is a total settlement of \$63,540.00; the \$23,300 as reflected is money over and above that deposited in the registry of the Court.

Councilman Smith moved approval of the negotiated settlement as recommended. The motion was seconded by Councilman Tuttle, and carried unanimously.

**CONTRACT WITH PEAT, MARWICK, LIVINGSTON AND COMPANY TO CONDUCT AN AIRPORT LEASE REVIEW AND ASSIST IN FUTURE AIRLINE NEGOTIATIONS.**

After discussion and explanation, Councilman Tuttle moved approval of the subject contract with Peat, Marwick, Livingston and Company, at a maximum cost of \$20,000 to conduct an airport lease review and assist in future airline negotiations. The motion was seconded by Councilman Short, and carried unanimously.

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APPOINTMENT OF CHAIRMAN PRO TEM TO SERVE IN THE ABSENCE OF MAYOR BROOKSHIRE.

Mayor Brookshire stated he would have to leave the meeting at this time and suggested that Council name someone to serve in his absence for the remainder of the session.

Councilman Tuttle moved that Councilman Short be appointed as Chairman pro tem. The motion was seconded by Councilman Stegall, and carried unanimously.

The City Attorney advised that Councilman Short will have a regular vote

Mayor Brookshire left the meeting at this time and was absent for the remainder of the session.

APPROVAL OF THE SALE OF PROPERTY FROM WEST FOURTH STREET EXTENSION PROJECT.

Upon motion of Councilman Smith, seconded by Councilman Stegall, and unanimously carried, approval was made for the sale of residue of Parcels 82 and 83, West Fourth Street Extension Project, to the highest bidder, Mr. Walter J. Black, Sr., in the amount of \$6,600.00.

ENCROACHMENT AGREEMENT WITH STATE HIGHWAY COMMISSION, APPROVED.

Councilman Smith moved approval of an encroachment agreement with the State Highway Commission to construct an 8-inch sanitary sewer line with two manholes within the right-of-way of Woodlawn Road near Park Road. The motion was seconded by Councilman Stegall, and carried unanimously.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, authorizing the following deeds for transfer of lots:

- (a) Deed with Dr. John Robinson Pharr and wife, Louise R. Pharr, for Lot No. 322, Section 6, Evergreen Cemetery, at \$320.00.
- (b) Deed with Estate of Moroslaw Dratwinski for Grave No. 7, Lot No. 15, Section 2, Evergreen Cemetery, at \$60.00.

CONTRACT AWARDED PROPST CONSTRUCTION COMPANY, INC. FOR SITE PREPARATION OF PARALLEL TAXIWAYS TO NORTH ENDS OF N-S AND NE-SW RUNWAYS AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Alexander awarding contract to the low bidder, Propst Construction Company, Inc., in the amount of \$318,622.35, on a unit price basis, for site preparation of parallel taxiways to north ends of N-S and NE-SW Runways at Douglas Municipal Airport. The motion was seconded by Councilman Tuttle and carried unanimously.

The following bids were received:

Propst Construction Company, Inc.	\$318,622.35
Dickerson, Inc.	353,606.90
Blythe Brothers Company	360,119.30
Crowder Construction Company	367,988.00

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**CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PAVING OF TAXIWAYS.**

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder, Rea Construction Company, in the amount of \$217,908.79, on a unit price basis, for paving of taxiways.

The following bids were received:

Rea Construction Company	\$217,908.79
Blythe Brothers Company	239,621.70
Dickerson, Inc.	240,374.15

**CONTRACT AWARDED COLTER & CHAPPELL ELECTRIC COMPANY FOR LIGHTING FOR THE TAXIWAYS.**

Councilman Stegall moved award of contract to the low bidder, Colter & Chappell Electric Company, in the amount of \$20,464.41, on a unit price basis, for lighting contract for the taxiways. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Colter & Chappell Electric Co.	\$ 20,464.41
Walker & Whiteside, Inc.	22,410.92
Rockwell Radio & Elec. Co.	23,635.68

**ORDINANCE NO. 153-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE UNOBLIGATED BALANCE OF THE AIRPORT FUND.**

Motion was made by Councilman Smith, seconded by Councilman Alexander, and unanimously carried, adopting the subject ordinance authorizing the transfer of \$266,314.06 to Capital Improvement Program for Project 562.93 - Construction of Parallel Taxiways to North Ends of N-S and NE-SW Runways.

The ordinance is recorded in full in Ordinance Book 16, at Page 111.

**CONTRACT AWARDED THOMAS STRUCTURE COMPANY FOR SANITARY SEWER FACILITIES IN KINGS BRANCH OUTFALL.**

Motion was made by Councilman Stegall awarding contract to the low bidder, Thomas Structure Company, in the amount of \$34,115.50, on a unit price basis, for sanitary sewer facilities in Kings Branch Outfall. The motion was seconded by Councilman Alexander, and carried unanimously.

The following bids were received:

Thomas Structure Company	\$ 34,115.50
Dickerson, Inc.	37,225.00
Boyd & Goforth, Inc.	38,349.05
Crowder Construction Co.	41,133.75
C. M. Allen & Co., Inc.	47,167.00
A. P. White & Associates	57,311.50

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**CONTRACT AWARDED GRINNELL COMPANY, INC. FOR 7,260 PIECES OF VARIOUS BRASS GOODS FOR THE WATER DEPARTMENT.**

Councilman Smith moved award of contract to the low bidder meeting specifications, Grinnel Company, Inc., in the amount of \$13,165.08, on a unit price basis, for 7,260 pieces of various brass goods for the Water Department. The motion was seconded by Councilman Tuttle, and carried unanimously.

The following bids were received:

Grinnell Company, Inc.	\$ 13,165.08
Parnell-Martin Supply Co.	23,248.88

**CONTRACT AWARDED PURE OIL DIVISION, UNION OIL COMPANY FOR AUTOMOTIVE BATTERIES.**

Upon motion of Councilman Alexander, seconded by Councilman Stegall, and unanimously carried, contract was awarded the low bidder meeting specifications, Pure Oil Division, Union Oil Company, in the amount of \$7,057.09, on a unit price basis, for automotive batteries.

The following bids were received:

Pure Oil Division, Union Oil Co.	\$ 7,057.09
B & H Battery Company	7,877.70
Joint & Clutch Ser., Inc.	8,068.94

**CONTRACT AWARDED MAX BARRIER WRECKING COMPANY FOR DEMOLITION OF STRUCTURES IN URBAN REDEVELOPMENT AREAS R-43, R-37 AND R-60.**

Motion was made by Councilman Smith, seconded by Councilman Stegall, and unanimously carried, awarding contract to the low bidder, Max Berrier Wrecking Company, in the amount of \$10,670.00, on a unit price basis, for demolition of structures in Urban Redevelopment Areas R-43, R-37 and R-60.

The following bids were received:

Max Berrier Wrecking Co.	\$ 10,670.00
F. T. Williams Co., Inc.	12,950.00
Big Chief Wrecking Corp.	13,990.00
D. H. Griffin Wrecking Co.	17,130.00

**ORDINANCE NO. 154-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE UNAPPROPRIATED GENERAL FUND BALANCE FOR SIDEWALK IMPROVEMENTS.**

Councilman Tuttle moved the adoption of subject ordinance authorizing the transfer of \$4,450.00 to General Fund of Engineering Department to be used to construct a temporary walk on the west side of Alleghany Street, from Denver Avenue, north 200 feet on the east side of Alleghany Street, from Denver Avenue, north to Carlyle Drive, and on the north side of Denver Avenue, from Morris Field Road to Alleghany Street, including a handrail over the creek on Alleghany Street. The motion was seconded by Councilman Stegall, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 112.

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ORDINANCE NO. 155-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE UNOBLIGATED BALANCE OF AIRPORT FUND.

Upon motion of Councilman Tuttle, seconded by Councilman Stegall, and unanimously carried, the subject ordinance was adopted authorizing the transfer of \$20,000 to be applied against the cost of a contract for an airport lease review and airline lease negotiations, and any remaining funds to be applied to General Advisory Services.

The ordinance is recorded in full in Ordinance Book 16, at Page 113.

ORDINANCE NO. 156-X AMENDING ORDINANCE NO. 939-X, THE 1968-69 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF A PORTION OF THE UNOBLIGATED BALANCE OF THE AIRPORT FUND.

Councilman Tuttle moved adoption of the subject ordinance authorizing the transfer of \$30,000 to the Capital Improvement Program for Project 562.12 to be used for new North Concourse construction. The motion was seconded by Councilman Stegall and carried unanimously.

The ordinance is recorded in full in Ordinance Book 16, at Page 114.

HOUSING AUTHORITY REQUESTED TO TAKE ADVANTAGE OF OFFER OF CHARLOTTE CHAPTER OF AMERICAN INSTITUTE OF ARCHITECTS.

Councilman Tuttle stated he understands the Charlotte Chapter of the American Institute of Architects has offered to lend its services to the Housing Authority. He suggested that Council give the Chapter its grateful thanks and that Mayor Brookshire convey an expression from Council to the Housing Authority requesting the Authority to take advantage of this offer.

CITY MANAGER TO REPORT ON WHETHER OR NOT RADIOS ARE AVAILABLE FOR POLICE CARS.

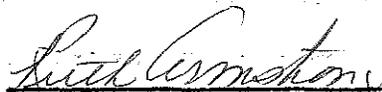
Councilman Stegall stated he understands there are six police vehicles without radios; he requested the City Manager to report back to him on whether or not there is anyone in city government with a radio assigned to them that could be placed in these police vehicles so that they can be utilized.

MORE POLICE EMPHASIS TO BE PLACED ON COTSWOLD SHOPPING CENTER.

Councilman Stegall stated in connection with the incident that occurred at the Cotswold Shopping Center over the weekend, he talked with Chief J. C. Goodman and he is placing more emphasis on the police activity in that area for the time being.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk