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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, October 18, 1965, at 2 o'clock p.m., with Mayor pro tem James B. Whittington presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, and Jerry Tuttle present.

ABSENT: Mayor Stan R. Brookshire and Councilman John H. Thrower.

The Charlotte-Mecklenburg Planning Commission met with the City Council for the purpose of hearing petitions for changes in the Zoning Ordinance and Map of the City of Charlotte, with the following members present: Mr. Sibley, Chairman, Mr. Ashcraft, Mr. Jones, Mr. Lakey and Mr. Turner.

ABSENT: Mr. Gamble, Mr. Olive, Mr. Stone, Mr. Tate and Mr. Toy.

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#### INVOCATION.

The invocation was given by the Reverend A. Jackson Morrison, Pastor of McQuay Memorial Presbyterian Church.

#### MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and un-animously carried, the Minutes of the last meeting on October 11th were approved as submitted to the City Council.

#### CITY EMPLOYEES PLAQUE PRESENTED TO POLICE OFFICER CHARLES LEE CORDELL IN RECOGNITION OF HIS THIRTY-EIGHT YEARS SERVICE TO THE CITY OF CHARLOTTE.

Mayor pro tem Whittington presented the City Employees Plaque to Police Officer Charles Lee Cordell in acknowledgment and appreciation for his thirty-eight years of service to the City of Charlotte, from May 5, 1927 to October 22, 1965. He remarked to Mr. Cordell that this is a great day for him and an unhappy day for us, that he has been a part of the City and the Police Department for many, many years, and he can say publically that Mr. Cordell has rendered a great service, not only in Police work but for what he has done personally for his fellowman. He wished him much happiness in his retirement.

#### HEARING ON PETITION NO. 65-86 BY M. LEE HEATH FOR CHANGE IN ZONING OF A TRACT OF LAND EAST OF SHARON ROAD AND NORTHEAST OF NEW QUAIL HOLLOW ROAD, DEFERRED UNTIL NOVEMBER 15TH AS REQUESTED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and un-animously carried, the Hearing on Petition No. 65-86 for change in zoning from R-15 to R-15MF of a 48.68 acre tract of land east of Sharon Road and northeast of New Quail Hollow Road, was deferred until November 15th at the request of the petitioner, Mr. M. Lee Heath.

HEARING ON PETITION NO. 65-87 FOR CHANGE IN ZONING OF TRACT OF LAND  
EXTENDING FROM THE END OF FAIRGROUND AVENUE TO THE P & N RAILROAD.

The public hearing was held on Petition No. 65-87 by Stein Hall & Company for change in zoning from I-1 to I-2 of a tract of land, approximately 6 acres in size, extending from the end of Fairground Avenue to the P & N Railroad.

Mr. Fred Bryant, Assistant Planning Director, advised that this is an area of approximately 600' x 700' on the east side of Glenwood Drive at the end of Fairground Street and Lena Avenue, which is an unopened street. The land use in the area is a mixture, on the north side of the property is Industrial uses, primarily Stein Hall Chemical Company, the F.H. Ross Company and across Glenwood Avenue two other uses. On the south side the property is vacant with an Industrial Park being developed by the P & N Railroad a little further south. The adjacent property to the west along Fairground Street is single family and vacant land, and a business at Fairground and Glenwood. Across Glenwood is a new apartment development. The property in question is zoned I-1 and so is the property to the south, to the east and to the west out to the property on Glenwood which is zoned multi-family. Stein Hall property and other property used industrially are zoned I-2.

Mr. David Henderson, Attorney representing the Petitioner, stated that Stein Hall has recently acquired 300 ft. of the property in an I-1 zoned district to the south of their presently occupied property in an I-2 district, and the property is vacant with the exception of three old houses and a property owner who has a home on Glenwood Avenue, and he personally notified her that the petitioner was requesting this rezoning, and no objection has been filed. That a representative of Stein Hall Company and one of the P & N Railroad are present, if Council would like to ask them any questions. He stated that Stein Hall wishes to expand their chemical manufacturing business; that a great many of their chemicals could be manufactured in an I-1 district but it is more practical to have all of their property zoned I-2. That if the rezoning is approved Stein Hall will bring to Charlotte some additional uses they presently make at their Long Island Plant and Charleston Plant.

Councilman Tuttle asked if the extension would be of the present type of chemical they are manufacturing or would it involve noxious fumes? Mr. Henderson stated that so far as they know it would not involve anything obnoxious to the vicinity, that the present fumes cannot be contained, of course, and it is all industrially used property. F. H. Ross too is engaged in the manufacture of chemicals. That there are some houses nearby, but they are in the Industrial zoned area, and the property does not touch any residentially zoned property except the one he previously mentioned, and no objection has been filed by the owner.

No objections were expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 65-90 FOR CHANGE IN ZONING OF TRACT OF LAND AT  
THE SOUTHEAST CORNER OF BEATTIES FORD ROAD AND A AVENUE.

The public hearing was held on Petition No. 65-90 by Joe F. Fisher, for change in zoning from B-1 to B-2 of a tract of land at the southeast corner of Beatties Ford Road and A Avenue, fronting 100' on Beatties Ford Road and 330' on A Avenue.

Mr. Fred Bryant, Assistant Planning Director, advised the property fronts on Beatties Ford Road going back on A Avenue. The land use in the area generally is a mixture. On the property in question there are three houses - two fronting on Beatties Ford Road, and one on an unnamed street; there is also on the property a building which houses a combination of an Engineering Company and a Regrinding Company. Along Beatties Ford Road there are single family homes and vacant land. The property is a part of a rather large B-1 area, with adjoining B-1 areas, one corner is zoned B-1 SCD, office zoning to the north and single family zoning to the rear of the property. There is some B-1 zoning at the corner of Hoskins and the Piedmont Natural Gas property is zoned I-2; otherwise the area is zoned single family.

Mr. Frances Parker, Attorney representing the petitioner, stated Mr. Fisher is the owner and operator of I. F. Engineering Company and has been in business at this location since 1947. He wishes to expand his business and can best do that with the change in zone. His property adjoins a Residential area, but they do not believe there is any substantital opposition to the change in zoning and it would be most advantageous to Mr. Fisher.

Mr. Fisher stated his present building is 84' long and 28' wide, located at the southwest corner of Beatties Ford Road and goes down A Avenue, and he wants to expand it 50' x 60' of cement block.

Councilman Tuttle asked Mr. Bryant if the present building is non-conforming and Mr. Bryant stated as far as he knows it was there prior to the present zoning.

No opposition was expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 65-91 FOR CHANGE IN ZONING OF TRACT OF LAND IN THE MIDDLE OF THE BLOCK BETWEEN FENTON PLACE AND ALTONDALE AVENUE.

The public hearing was held on Petition No. 65-91 by J. Chadbourn Bolles for change in zoning from R-6MF and O-6 to B-1 of a tract of land 290' x 97' in the middle of the block between Fenton Place and Altondale Avenue, beginning approximately 241' east of Providence Road. A protest petition has been filed by property owners that is sufficient to invoke the 20% Rule.

Councilman Short stated there is a tentative possibility of some development which if it should ever occur would tend to indicate that he was somewhat biased on this matter, which he would not intentionally be, but to avoid any possible appearance of this, he disqualified himself in connection with this petition.

Mr. W. H. Bobbit, Jr., Attorney for the Petitioner, raised a point of order that as he understands the law, 3/4th of the entire Council will have to pass on the petition and he cannot make six out of seven, and he wonders what this does to the quorum today? Mayor pro tem Whittington advised him there will be no vote taken on the petition today.

Councilman Tuttle called attention that Mr. Bobbit raises the point that he asked not long ago, and probably Mr. Kiser can answer it, if there is a conflict of interest Mr. Short would not be able to vote when the vote is taken. Mr. Kiser, Acting City Attorney, advised it would still require

a 3/4th vote, which would mean that six Councilmen would have to vote in favor of the petition in order to grant the request.

Mr. Fred Bryant, Assistant Planning Director, advised this area is approximately 290' on its longest side by 100' in width, located off Providence Road, the front 240' is already zoned for business purposes, and the petition concerns an extension of this Business district for about 290' into the block. The property has one large house on it. The adjoining property along Altondale Avenue is used for single family purposes. On Fenton Place there is a combination of duplexes, single family and closer to Providence Road offices. On Altondale Avenue the frontage on Providence is used for an office building and a restaurant, other than those the area is used for single family. Across Providence Road from the property is a park area and behind that is single family usage. All of the area on Providence Road is zoned B-1, varying in depth, and at the point in question the B-1 zone is about 240' deep. On Fenton Place three lots are zoned for office and then single family zoning.

Mr. W. H. Bobbitt, Jr., Attorney for the Petitioner, stated the property lies through the middle of the block bounded by Providence Road, Fenton Place and Altondale Avenue; it is a strip of land 100' wide extending straight back through the block to the boundary of the original Eastover development, and the strip of land is owned by Mr and Mrs Bolles; they also own the house on Cherokee Road, which was part of the Eastover development. They also own three lots on Fenton Place with a frontage of 180' and they own a 4th lot on Fenton Place with a frontage of 60'. Presently the zoning of the long strip of land is B-1 back about 240' on one side and about 260' on the other. There is a strip of O-6 that takes in two lots on Altondale, and takes in a 3-lot width of 180' on Fenton Place. Then from the boundary of the O-6 on down through the remainder of the property it is zoned R6MF.

The requested change is brought about by overtures that Mr. Bolles has had from various parties who are interested in developing, or acquiring or having him develop this strip. He bought the property several years ago for an investment. He is interested in a high type development, and not in a warehouse which the residents have heard he plans to build. In the first place the zoning they are requesting would not permit their building a warehouse, and it would certainly not interest Mr. Bolles to do so as it would effect his other property. What has been suggested by more than one source is the possibility of a high type retail furniture store, with an area of as much as 40,000 sq. ft. which will require a building 80' wide x 250' deep. That they could erect such building on the B-1 zoned property now, but if they did so all of the parking would have to be in the rear, and there would be hazard problems of people getting off Providence Road fast enough and getting back to the parking area, and the traffic would be in the back yards of the residents on Altondale. On the other hand it would be much better to put the building far enough back on the property so that the parking would be in front of the building, to match the parking lot that surrounds the office building of many stories located on the corner.

Mr. Bobbitt passed to the Council photographs of the property in the area, calling attention to the Office Building, Restaurant, Reid's Grocery Store, a Barber Shop, a Duplex and other businesses on Providence Road up to Fenton Place, and on Fenton Place, the multi-story building housing Fred Astair Dance Studio and other business. He stated they do not think what they have in mind to build on the property, whether it is a retail furniture store or another business of that type, could be considered a

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substantial change in the nature of the neighborhood. That the nuisance factors from the standpoint of the people who reside on Altondale would be reduced by having the parking lot in front of the building. He stated that the alternatives are not as good, and he is saying this as much for the interest of the opposition as for the City Council - they had a good offer from a barbecue place to rent the B-1 property to them for a barbecue stand, and if they cannot get the rezoning then something of that type or something of a less important investment type will have to put on the property, followed by something to utilize the O-6 zoned property and develop the remainder of the property as multi-family. That he would like to allay the fears of their opposition and tell them if the zoning is changed just exactly what will be built, but they cannot go to them at this time with a completed plan because of the cost of having plans drawn etc in advance, but they will say this both to the opposition and to the City Council, that Mr. Bolles has more property in the block than anyone else and he is certainly not going to build a cotton warehouse or glue factory or anything else that will cut his own throat. That the subject today however is the strip down the middle of the block, to which Mr. Bolles has access straight out to Fenton Place for a width of 180', and they will appreciate the consideration of the Council to their petition for the rezoning of the property.

Mr. Jim Patterson, 225 Altondale Avenue, stated he is spokesman for a group of interested property owners opposed to this rezoning. He stated it is their belief that the rezoning of this property for business use represents an unwarranted departure from the land use pattern established by the Planning Commission, and that it would be spot zoning which is contrary to good zoning practices and would establish an encroachment of business upon a residential area. That approval of this rezoning would definitely decrease property values in the vicinity. Many Mortgage Companies would not be willing to make a loan on property contiguous to business property and it is the general policy of the Federal Housing Commission to refuse to insure a mortgage on such property. He read two quotations from the Appraisal of Real Estate published by the American Institute of Real Estate Appraisers. He stated further that Mr. Bolles purchased this property recently with the full knowledge of its zoning classification.

Mr. Bruce Robertson, 131 Altondale Avenue, presented an exhibit he had prepared of the property in question and surrounding area, which included a number of photographs of residences on Altondale Avenue and Fenton Place which he identified. He pointed out the property zoned Residential - multi-family on Altondale Avenue and stated if the zoning is changed to B-1, their residences will be depreciated in value and the FHA will not insure a mortgage on them. He presented a letter written to him by the City Savings Bank stating in 1960 they were pleased to assist in the financing of his home on Altondale Avenue, at which time there was some business property nearby; however, they considered it a good residential area. They would not, however, wish to make a residential loan adjoining commercial property. They are also informed by the FHA that they will not insure a mortgage on property adjoining commercial property. That the lack of availability of financing would in all probability adversely affect the marketability of this type property.

Mr. Robertson stated their Protest Petition represents 85% of the property not owned by J. C. Bolles on Fenton Place and 100% on Altondale. He stated that he found the first three lots on Altondale Avenue, including his own, were not shown on the map with Mr. Bolles' proposal. That if this is to be a retail furniture store, as described in Mr. Bolles petition, he needs one parking place for each 200 ft. on the ground floor, one parking place for each 300 ft. on the 2nd floor and one parking place for each two employees,

which adds up to 174 parking places which is 2,000 sq. ft.; therefore, to abide by the Zoning Code he must use this entire lot for parking, with a very small amount left over.

He stated they cannot help but wonder if Mr. Bolles is successful in getting the property rezoned B-1 what assurance the residents will have that he will use it for a furniture outlet? Could it not be used for any usage allowed in a B-1 zone?

Mr. Thomas Creasy, Attorney for Mrs S. B. Alexander, Cherokee Road and other property owners in the immediate area of the requested rezoning, stated he feels it is important to take stock of the trend of the community in invading some of our finer, more substantial residential sections. That it is fine program of industrial and business growth in our community, but we owe a tremendous obligation to these people who have kept up their property and made large improvements and maintained areas of this sort in our community, and we owe them protection against the invasion and encroachment of business and industry which causes a tremendous depreciation in their property. That Eastover, Altondale, Cherokee, and Fenton Place is one of the most substantial residential areas in Charlotte, and as much importance is attached to the better residential sections of our city as to our large industrial areas. What is asked for today is a very dangerous trend, here is an encroachment into one of our finest residential areas. It is a sever encroachment if it goes half way into the block and if granted will most probably go further, and will add to the dissipation of these fine homes. These people have created an aspect to our community in not only keeping up these fine homes but also by virtue of the revenue which they return to our City in taxes. That on behalf of Mrs Alexander and the other people in the area he requests that the Council consider long and hard this encroachment.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-92 FOR CHANGE IN ZONING OF TRACT OF LAND WEST OF THE NEW NORTH-SOUTH EXPRESSWAY RIGHT OF WAY BEGINNING NORTH OF PRESSLEY ROAD.

The scheduled hearing was held on Petition No. 65-92 by John D. Little, for change in zoning from R-6MF to B-2 of a tract of land 651' x 293' west of the new North-South Expressway right of way and beginning approximately 450' north of Pressley Road.

Mr. Fred Bryant, Assistant Planning Director, stated the property is a large tract on the west side of the proposed North-South Expressway in the vicinity of York Road, Jeremiah Street and Pressley Road. That the area is the proposed right of way for the Expressway taking out this area, Jeremiah Street will be cut off, Pressley Road will have a bridge and you can cross York Road into this area through Pressley Road. The subject property is adjoined primarily by vacant property, with the exception of two houses facing on Pressley Road and a few more scattered houses farther to the west. Across the new right of way along Jeremiah Street there are several duplexes. The present zoning in the area west of the subject property and to the south, north and east is zoned multi-family and along York Road the zoning is B-2.

No objections were expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 65-93 FOR CHANGE IN ZONING OF FOUR LOTS ON THE WEST SIDE OF CLEMENT AVENUE AND HAMORTON PLACE.

The public hearing was held on Petition No. 65-93 by Richmond Dental Cotton Company for change in zoning from R-6MF to I-2 of four lots on the west side of Clement Avenue at Hamorton Place.

Mr. Fred Bryant, Assistant Planning Director, stated this is an area of four lots on the west side of Clement Avenue, and the subject property is an area 172' deep by 283' frontage on Clement Avenue and the property is vacant. Across the street are single family houses. On the south side of the property toward Hamorton there are duplexes and single family homes. The area to the rear is occupied by Barnhardt Manufacturing Company and other industrial uses along the railroad. The zoning of the property is R-6MF as well as all of the property on the east side of Clement in this area. The property on the south side of Hamorton is zoned O-6, and the property to the rear and north is zoned I-2.

Mr. Frances Parker, Attorney for the Petitioner, stated Richmond Dental Cotton Company is a subsidiary of Barnhardt Manufacturing Company and owns the adjoining property, and they wish to expand their operation which is prohibited under the present classification. The railroad adjoins the property owned by the Charlotte Casket Company, which borders on the subject property all the way out to Hamorton Street.

No opposition was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 65-94 FOR CHANGE IN ZONING OF PROPERTY ON ALL FOUR CORNERS OF THE INTERSECTION OF SHARON-AMITY ROAD AND ALBEMARLE ROAD.

The scheduled hearing was held on Petition No. 65-94 by Wallace A. Yarborough and Others, for change in zoning from R-9 and R-9MF to B-1 of property on all four corners of the intersection of Sharon Amity Road and Albemarle Road.

Mr. Fred Bryant, Assistant Planning Director, stated the request covers all four corners of the intersection of Albemarle Road and Sharon Amity Road, and the tracts vary in size, which he pointed out on a map of the area. That the land use of the two out-of-town corners is vacant, and there is a house on each of the other two tracts. Going out Sharon Amity Road northward the usage is primarily residential single family; going out Albemarle Road there is a church on the left side and the property has been purchased for a church opposite, and there is also a small business development. Coming back toward Independence Boulevard there is a house on the corner of Driftwood, otherwise the property is vacant for a considerable distance down Albemarle Road. On Sharon Amity Road there is a house on the east side and the Hillcrest Golf Course, and on the west side multi-family and single family houses. Going out Albemarle Road there is a subdivision being developed. The zoning on Albemarle Road coming from Independence Boulevard is B-2 on each side adjacent to the subject property. The corner at the intersection is zoned R-9MF and to the rear along Driftwood, Campbell and up Sharon Amity Road is all zoned for single family purposes.

Mr. Louis Parham, Attorney for the Petitioner, advised their basic reason for requesting the change in zoning is because of its location, the property does not lend itself to residential use. Mr. Yarborough owns

the corner adjacent to the Hillcrest Golf Course and has owned the property for 5 years and he also owns the entire adjacent tract, which he pointed out on the map, which he purchased 6 years ago. The other petitioners have owned their land for many years and in addition to the property requested rezoned they own other property in the area and live there. In the last few years the area has developed in a business way, and there is a great deal of traffic on Independence Boulevard, Albemarle and Sharon Amity Roads. That yesterday afternoon he counted within a period of five minutes, 206 cars passing the corner, and at one time there were 26 cars backed up at the Traffic Light coming up Albemarle Road, and 18 at the next change of the light going the other way, and he would think the traffic during peak hours is greater, and with all the traffic the property has no use for residential purposes. He stated there are no fixed plans for the development of the property at this time, that it lends itself to some type of retail trade of a type already in the area. He stated he believes that most of the property coming from Independence Boulevard is owned by Ervin Construction Company, and there is other business development in the area at the present time.

No objections were expressed to the proposed rezoning.

Council decision was deferred one week.

HEARING ON PETITION NO. 65-95 FOR CHANGE IN ZONING OF PROPERTY ON THE SOUTH SIDE OF COMMONWEALTH AVENUE BETWEEN MORNINGSIDE DRIVE AND BRIAR CREEK.

The public hearing was held on Petition No. 65-95 by Chantilly Shopping Center, Inc. for change in zoning from O-6 to B-1 of property on the south side of Commonwealth Avenue, between Morningside Drive and Briar Creek.

Mr. Fred Bryant, Assistant Planning Director, advised this is a proposed change of an area about 260 ft. on Morningside and about 160 ft. on Commonwealth Avenue, and the property is vacant and located in a low area between Morningside Drive and Briar Creek. That it is adjoined on the Boulevard side by a Shopping Center area; across the street from Morningside there is a Service Station and adjacent to the property on Commonwealth Avenue there are single family homes on both sides of Commonwealth Avenue running back westerly. On the corner opposite Commonwealth Avenue there is vacant land; going out Commonwealth Avenue there is the Williamsburg Apartments area and the Green Oaks Apartment development. The subject property is zoned O-6 as well as the property across Commonwealth Avenue; on Independence Boulevard the property is zoned B-1 on both sides to the Creek. Across the Creek going out Commonwealth Avenue the zoning is R-6MF all the way out.

Mr. Charles Daniel Watts, representing the petitioner, advised they plan to develop a Handy Pantry Little General Store for neighborhood convenience in conjunction with possibly other small business, such as a Barber Shop, Beauty Shop, etc. He distributed photographs of the property and surrounding area. He stated the property is a natural extension of the Chantilly Shopping Center, and is bounded by the Creek on the East, Commonwealth Avenue on the north, and Morningside Drive on the west and B-1 zoning on the south.

No opposition was expressed to the rezoning.

Council decision was deferred for one week.

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HEARING ON PETITION NO. 65-96 FOR CHANGE IN ZONING OF PROPERTY ON BOTH SIDES OF FARMINGDALE DRIVE, FROM INDEPENDENCE BOULEVARD ALONG FARMINGDALE DRIVE.

The public hearing was held on Petition No. 65-96 by Gertrude M. Wallace for change in zoning from R-9 to B-2 and O-6 of property on both sides of Farmingdale Drive, beginning 400 ft. from Independence Boulevard and extending along Farmingdale Drive 598 ft. A protest petition has been filed by property owners that is sufficient to invoke the 20% rule.

Mr. Fred Bryant, Assistant Planning Director, stated this is an area to the northeast of Independence Boulevard on the left, and the property fronts on Farmingdale Drive, which runs off Independence Boulevard into the Idlewild Development. He pointed out on the map the portions of the property requested zoned B-2 and also O-6, and stated the business portion has 390 ft. on one side out to Independence Boulevard 850 ft. and narrows to 300 ft. The office portion is about 208 ft. wide extending about 1,019 feet parallel to this zoning. That the subject property is vacant, as is all the frontage property on the Boulevard adjacent to it. To the west of the property there are houses on Holbrook Drive and Shelly Avenue which back up to a Duke Power Transmission Line. The area is built up solidly with single family residences. Adjacent to the property there is a strip about 145 ft. wide that is vacant, and adjacent to that the rear line of homes fronting on Amity Place. Across the Boulevard from the property there is vacant land and a scattering of commercial uses. Coming toward the City at Sharon Amity Road there are also commercial structures. All of the frontage property on the Boulevard is zoned B2, mostly for a depth of 400 ft. and drops back to more than 300 ft. running along the rear of the lots on Holbrook Drive; the remainder of the area is all zoned Residential single family.

Mayor pro tem Whittington asked what the zoning is along the Boulevard in front of the property in question, and Mr. Bryant replied it is B-2.

Mr. Benjamin S. Horack, Attorney, stated he represents the Petitioner, Mrs Wallace the owner and also her Real Estate Agent Mr Louis Rose, who in turn represents the proposed developer of the property, Mr. Arthur Harris, President of City Chevrolet Company who proposes to acquire approximately 10 acres of the property as a new site for City Chevrolet Company, and which has been operating on South Tryon Street if the rezoning is granted. Mr. Horack advised that he is also spokesman for Ervin Construction Company.

He stated the property in toto that is sought to be rezoned starts at Farmingdale Drive and adjoins property other than that of the petitioner, but there is no objection from that source, to the margin of a proposed street, along this margin to the southern margin of an existing 58 ft. Duke Power right of way Transmission Line, along the southerly line of that right of way to the easterly edge of the existing zoning and along the existing zoning to a depth of 400 feet the property is now and has been zoned B-2. That the General Motors Representative has inspected the site with City Chevrolet Company and they both believe this property is by far the better of the alternatives they have looked into.

He stated the present zoned area, with only 400 ft. depth, is incompatible with their proposed use, which will involve an investment of approximately one million dollars. So the Company is interested in this B-2 zoned property to which they want to add the portion between Farmingdale and the southerly line which has an approximate depth of 300 ft. to the existing zoned B-2 property, so they will have the required property and depth.

Mr. Horack stated that Ervin Construction Company presently owns the small parcel of land to the east of the property up to the existing B-2 right of way line, and Mr. Rose has been in touch with Mr. Ervin because the Chevrolet Company will need this small parcel. Mr. Rose also approached Mr. Ervin because he was the original developer of this portion of Amity Garden Subdivision and of Idlewild and it was logical to contact him when it came to the planning and zoning of this area. However, other than this small parcel Mr. Ervin has no property in the area involved. The result of their conference is that Mr. Ervin has said if the property is rezoned by adding the additional B-2 depth, he will make available this parcel and exchange it with Mrs Wallace for the portion also included in the Petition for which an O-6 classification is required, together with the additional portion of the B-2 property which is located beyond the northerly margin of Farmingdale Drive extending back to the edge of the Duke Power Company right of way line. He stated the right of way line itself has been, still is and is intended to remain as an R-9 zoned buffer strip. To the rear going away from Independence Boulevard from the existing B-2 line everything else has been zoned as an R-9 area. It is proposed to retain this strip as a R-9 area.

That under the existing zoning which extends back from Independence Boulevard to a depth of 400 ft. it is not a question of whether business is going to be there but a question of what kind of business. Their petition is for the purpose of developing the property for its best use, in a manner which will avoid the unhappy consequences of this strip zoning. That one of the main contributing factors to the so called Independence Boulevard problem are the consequences that stem from the strip zoning where insufficient depth of from 200 to 400 ft. was allowed for the development of business, and it has been found that this depth is insufficient to allow good development of the property. That when an opportunity presents itself to the Council and the Commission whereby business along the Boulevard can be intelligently planned and located to eliminate strip zoning and at the same time provide an adequate buffer and logical uses of property, the Council and Commission should take advantage of the opportunity. That there is every indication that the Council has already recognized this fact and has taken advantage of some of these opportunities, for example the K-Mart Shopping Center where they dropped back 500 feet, Amity Garden Shopping Center has a depth of 1150 ft., Courtesy Motors goes back to at least 520 or more feet. That postage stamp development of the Independence Boulevard frontage will result unless depth is made available for business that can fellow through with sensible planning. He presented a map which he stated is designed to show the number of driveways you can have emptying out onto the Boulevard under the present Traffic Department regulations. That they think wherever possible zoning should be adjusted to individual situations which will allow a setup that will afford offstreet parking, which City Chevrolet plans, where there will be a minimum congestion of Boulevard traffic, which will allow traffic exits and entrances at points where it will not compound the Boulevard through traffic problem.

He stated their facility will add up to about one million dollars; that you cannot disassociate zoning from property values and what it does to taxes etc. It is anticipated that the planned facility on the total property asked to be rezoned will add up to approximately \$3,450,000.00. If City Chevrolet is allowed to move out there he is advised it will leave their old location for a facility uptown which is destined to amount to a development of about \$3,000,000.00. These things are interrelated, by allowing business to move out where it can have parking room etc you create values uptown. The estimate is that from these two proposals there is an anticipated revenue of \$89,720.00 a year or from an anticipated 20 year guarantee lease taxes of \$1,794,000.00

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Mr. Horack said in summary, City Chevrolet needs 10 acres, that even if they wanted to they could not run down the Boulevard because 400 ft. depth is not great enough, and furthermore that defeats the idea of keeping traffic from pouring into the Boulevard, and the Petitioner does not own the property. That an area will be retained as a buffer, and an area will be utilized for neighborhood facilities of small shops, doctors offices and clinics and other neighborhood conveniences. The B-2 area is already buffered by the 68 ft. wide, many feet long, R-9 transmission line.

He advised there are objections to this from the neighborhood residents who are of the opinion that by building up business everybody will have to go down Farmingdale to get to business, but that is not true; on the contrary, there will be various alternate exits from the residential area both to Independence Boulevard, to Idlewild Road and to Albemarle Road, as alternates to using Farmingdale.

Mr. Hugh Lobdell, Attorney, stated he is representing the opposition to the rezoning of the property, and he asked the large delegation to stand.

He stated that the amount of depth one needs depends on what one wants to use the property for; the existing 400 feet is certainly usable without being a hardship case being realized. That the situation they think the most like this one is Starmount, developed by Mr Ervin which had a 400 ft. strip on Pineville Road, where one of the biggest shopping centers in the county is located. He stated that nobody criticizes City Chevrolet Company nor its President Arthur Harris and nobody criticizes Louis Rose, but he can say that his people do not want City Chevrolet Company or any other automobile dealership this close to where they live. Once the property is zoned, the residents have no assurance of what else would be constructed here. That we all know there are loud speakers around automobile dealerships, calling salesmen, there are a lot of lights, a lot of traffic and there is a problem of safety. That Amity Place is a fairly new area and the people have been blessed with a great many children. That this proposed zoning would turn the corner and go down a side street into a residential area. He presented pictures of the entrance to Idlewild which Mr. Ervin erected, and of residences at Farmingdale and Amity Place, on Shelly Place and Holbrook Drive, explaining their location in relation to the property requested rezoned, and he stated they are all substantial residences in the \$20,000.00 bracket and the buffer that is provided is not much of a buffer when you have that kind of investment in your home.

Mr. Lobdell stated when these people purchased their homes they inquired about the zoning and he asked several residents to speak to this point.

Mr. Thomas stated his home is at Farmingdale and Amity Place; that when he retired he purchased this house for \$20,000 and has since put in over \$3,000 of improvements. That he checked carefully into the zoning at the time of purchase and was assured that the R-9 zoning would be permanent and now they are asking for B-2 zoning into this residential area.

Mr. Ward, whose home is at 5025 Amity Place, stated he purchased his house one year ago; that he checked into the zoning and the salesman assured him that the 400 foot off Independence Boulevard was as far as business would be permitted to be constructed in the area. That there are 15 children under 5 years of age within five houses of the corner where he lives, and this petition to bring business into the area causes the parents great concern, and they urge that it not be allowed.

3ND AJ

Mr. Beddingfield, whose home is at 5118 Amity Place, stated his property backs up to this buffer zone. They have two children and are greatly concerned about their safety. That he asked about the zoning of the area when he purchased his property, and was told it would be kept strictly residential.

Mr. Lobdell stated he represents the people primarily on Amity Place and on Shelly Place, and the extent of their feeling that this change in zoning should not be made beyond the 400 feet is illustrated by the tremendous interest they have shown in undertaking to get this group rule against it. That he has a Petition, which he will leave with the Clerk, which represents between 95 and 100 householders extending all the way from the city limits back about three blocks, who wish to preserve the present zoning, and they ask that the Council rule against the change.

Mr. Richard Meek, stated he resides at the corner of Shelly Avenue and Amity Place, which is about 100 feet from the proposed change, that he is speaking on behalf of the Amity Gardens people and himself. He stated he has a Petition signed by 62 families in Amity Gardens opposing the zoning change. That there are 30 children in the first block of Amity Gardens, about an average of 3 children per house, and they feel this rezoning would create a terrific traffic hazard. That when he purchased his house he checked the title himself and found it was zoned R-9, and he bought thinking he was off the Boulevard and so did the others, now it is proposed to bring the Boulevard right up to their property. That the 68 foot right of way is practically no buffer, and he does not believe that any of the Councilmen would want to look out their back door and see flags waving, horns blowing and the congestion of an automobile dealership. He stated that the area has already been turned into practically a Honda drag-strip, and it would turn into an automobile drag strip if this change is allowed. That for the protection of the children, for the protection of their property and values they urge the Council to vote against the change in zoning. That the petitioner says there will be another entrance to the area, but he asks if a person going into town is going to drive back three miles towards Monroe, then across to Albemarle Road and back up Albemarle Road to the Boulevard, or is he going the nearest route by Amity Place or Farmingdale? That he cannot think of anything worse for the area than an automobile company that by its own nature creates more traffic. That he says this is a morale question, and in our Country the land owners have certain rights, and there are more land owners involved here than business. The Petitioner says this is an opportunity for development of the area, but it is not an opportunity for the land owners and their children.

Mayor pro tem Whittington asked Mr. Fred Bryant the distance from the rear of the houses on Amity Place or Shelley Drive to where the rezoning is requested, and how long and how wide the Power line right of way is? Mr. Bryant replied that the distance from the rear of the lots fronting on Amity Place to the beginning of the requested business zone is about 350 feet. The Office zoning is about 200 feet wide and the R-9 strip about 145 feet, that would be about 360 feet from the rear of the houses on Amity Place to the proposed business zone along Farmingdale. Duke Power line right of way runs between the rear of the lots fronting on Shelley Place and the proposed business zone, the width of the right of way is 68 feet but it extends for the full distance of the area concerned. That the two houses at the corner of Amity Place and Farmingdale face on Farmingdale, and their line is an extension of the rear of the lots facing on Amity Place.

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Mr. Charles Davis, who resides on Shelley Avenue, stated this 68 foot buffer zone hits his backdoor. That his Group is also opposed to the O-6 zoning for he does not want something like a Handy Pantry at his back door, besides there is one within two blocks of the area, and neither does he want the City Chevrolet there, nor do they want Doctors Clinics there; they want the area to be left zoned R-9.

Mr. Lobdell stated that his clients want the area to remain zoned as it is at present, without any change whatsoever.

Council decision was deferred for one week.

MEETING RECESSED FOR TEN MINUTES.

Mayor pro tem Whittington called a ten minute recess at 4:25 P.M.

MEETING RECONVENED AT 4:35 P.M.

Mayor pro tem Whittington reconvened the meeting at 4:35 P.M.

CONSTRUCTION OF SIDEWALK ON SHARON AMITY ROAD BETWEEN ROBIN ROAD AND RANDOLPH ROAD AND HAVE A SURVEY MADE ON THE OTHER REQUESTS OF THE COTSWOLD SCHOOL PARENTS, AS STATED BY JOHN MCDONALD, AND BRING A REPORT OF THE SURVEY TO COUNCIL AT NEXT WEEK'S MEETING FOR ACTION, AUTHORIZED.

Mr. John McDonald stated they are present to ask Council to lend a helping hand to little grammar school children to get them across a big four-lane major highway that has been built within the past year around the Cotswold School. He stated they have never had a bus at Cotswold School. That in the last year or two they have had a major regional type shopping center built; they have a major intersection at Sharon Amity which is a belt type road, and Randolph Road which is an arterial road, and this intersection has five lanes in all four roads which means that 20 cars can be on the front row of the intersection at one time. He stated they have petitioned the Traffic Department year after year for some help to get these children to school and as yet they have gotten no help. They got them to pay for half of a stop light down at Robin and Sharon Amity. That the Traffic Departments present recommendations is to build a sidewalk up Sharon Amity Road to this major intersection at Randolph Road where 20 cars sit on a front row, and are stacked about 8 deep; that in addition to this traffic there is a service station on each of the four corners at this intersection, and each station has four exits 40 feet wide. That in 1964 the Traffic Department said under no circumstances should the children be directed through this intersection, and there are more cars today than then. Mr. McDonald stated further there is a school zone on Randolph Road marked off by signs. It is exactly a block long, from one end to the other. A car doesn't have time, if he sees the sign, to slow down before he gets to the half of block which is the cross zone. That they have 6th Grade children out there trying to stop cars and trucks coming 45 MPH in a half block lane. They have North Carolina National Bank signs, INA Building signs and all of them are 8 ft. sq. and they can't see the school zone sign for the business signs. He pointed out on the map where 50% of the children come from and have to cross at Greenwich and Randolph Road, and advised that they think a crossing guard is needed there. Also a much longer school safety zone to allow time for the cars to see it and slow down before they get to this area. He pointed out another area where a petition has been signed by 50 homeowners,

representing 75 children who have to cross two of the main arteries, and have no other place to cross unless they go to this intersection. He stated they had a survey this year and at the Greenwich intersection, which showed 1,015 cars coming by in about 45 minutes, and along Sharon Amity where they would like for the children to cross from the entire Providence Park sector, there were 972 cars coming by in a 45 minute period. Mr. McDonald stated they think the children who live within a mile or so should be able to walk, and they should get there safely.

Councilman Jordan stated he believes they asked for temporary sidewalks and so forth, and Council went ahead with this and he believes also took a look at Sharon Amity and Randolph Road area, and he asked if this would be satisfactory with Mr. McDonald; that he doesn't believe they have had a survey at Sharon Amity or Randolph. Mr. Veeder, City Manager, stated no, that the request we received today was for Greenwich, Robin Road and Barwich, and the possible need for a crossing guard at Randolph.

Councilman Jordan moved that we go ahead with the sidewalk as requested and make a survey of the Sharon Amity Road-Randolph Road crossing and other requests that have been made, and the City Manager bring a report of the survey to us next week for action. The motion was seconded by Councilman Albea, provided we have a report on the survey next week to take action on.

Mr. Veeder stated he thinks the need has been established for a sidewalk on Sharon Amity, between Robin Road and Randolph Road, and for a little piece of sidewalk that does not exist on Randolph between Sharon Amity and Greenwich. That he would suggest that Council consider action on this recommendation and provide the money to complete this work and at the same time let him come back Friday on the Agenda with recommendations on what might be indicated in the way of the need for a school crossing guard at Randolph and Sharon Amity Road. That he thinks it would be appropriate to make a check and come back with a recommendation.

Mr. McDonald stated what they are asking for is a crossing guard at Greenwich and Randolph; the school zone area extended to be about 3 or 4 blocks long, instead of one block; larger signs so they can be seen in competition with the business signs; at Robin and Sharon Amity a crossing guard, a blinker light, a school zone sign and a crosswalk. That at the Robin Road crossing point, the Traffic Department has said they do not want the children to cross because they will go through Cotswold Shopping Center, but they don't go through the Cotswold Shopping Center, there is a small quiet road that doesn't have a name that goes around behind the Cotswold Shopping Center and is divided from the Center by a 30 or 40 ft. bank and a fence that runs between the apartments and the Shopping Center and is a very nice way for them to walk as it has sidewalks and there is no problem until they get to the Greenwich intersection. That if they can get across Sharon Amity, they think that is the ideal place for them to cross rather than channelling them by sidewalk up to a major intersection where you have 2,000 cars every 45 minutes.

Councilman Tuttle stated the thing that concerns him about going through the red tape of another study, is that he doesn't think a study will accomplish too much. It doesn't make any difference if you have 3, 4 or 400 children cross there, a child in the 1st, 2nd or 3rd Grade has no business attempting to cross at the Randolph-Sharon Amity intersection where there are four filling stations, without a crossing guard.

Mr. Dalbert Shafte stated he is a member of the Board of the PTA at Cotswold and a parent of a child there and a motorist in the area. First, the speed

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limit on Providence Road in that area is 45 MPH and also on Sharon Amity, so there is a dangerous situation to begin with. That his child uses the Greenwich crossing but he thinks what he has to say is apropos as well to the Robin Road and the other one proposed. That these cars are traveling at a high rate of speed when they come along and then they have the problem of stopping for a 6th Grade child coming up with a red flag stopping at the intersection. Secondly, the study that has been made has been on the basis of the children actually seen making the crossing, and he submits that this is not a true test for deciding whether there should be a guard there or not, it's how many children are being deprived of crossing at that intersection who could walk across if there was a guard; its how many children actually live in the actual area, not how many cross the intersection. That as a motorist he is concerned with the traffic problem that is created by the car pools resulting from not having a crossing guard.

Councilman Short asked if he understood from Mr. McDonald that there are no crossing guards assigned to this school anywhere nearby? Mr. McDonald replied that is correct and they have asked for them year after year after year to no avail.

Mr. Wilford Rankin, 4226 Chelmsford Road, stated he lives about 3 blocks from the corner of Randolph and Greenwich at which crossing guards have been requested. That he has a little boy in the 1st Grade at Cotswold. That they have some 200 families who live to the south of Greenwich and Randolph who would like for their children to walk to school and cross at Greenwich and Randolph.

Councilman Short asked if the crossing guard would not be more valuable than the \$1900 worth of gravel proposed? Mr. Veeder stated if Council concludes the need for a guard at Randolph and Sharon Amity, you certainly would want to put in the gravel sidewalk to accommodate the children to get to the point where the guard could get them across.

Mrs Marilyn Bissell stated she lives on Addison Drive; that they bought there so their three children could walk to Cotswold School. That this summer Sharon Amity has been widened to 4 lanes, and she can stand on her back porch and watch the cars go through there at 40 to 60 MPH. She asked if they could have reduced speed limits on Sharon Amity and at least a blinker before some child is hit there.

Mrs Grace Willingham, a mother of 4 children in Cotswold School, stated in the afternoons you can see the children, they go in one huddle after another; there are bikes, and as the little 6th Grader is doing his best against the vehicles to get the kids across the road; they are climbing and playing, and by that time a car is coming, and you can hear the brakes whine. That this is the only area in the Mecklenburg School System that doesn't have protection and they are a tax paying people and they need it.

Mrs Fred Jenkins stated she doesn't understand the plan about the sidewalk. That her children walk from Westbury Road and they have to cross Sharon-Amity at Robin Road rather than going up to the big intersection at Randolph. Mr. Veeder replied there is a sidewalk on the shopping center side; what they are talking about is putting another one on the opposite side and bringing the children from the intersection of Robin Road down to the point of Randolph and Sharon Amity. That in his opinion, it would be a mistake to cross children on Sharon Amity and Robin Road for a number of very good reasons.

At the request of Councilman Tuttle, Mr. McDonald repeated what they are

requesting, and Councilman Tuttle asked him if his group is in accord with what he is asking? Mr. McDonald replied this was the petition they sent to the Traffic Engineer which was signed by the residents in the area who represent 75 children. That the Greenwich Road area school parents are interested in Greenwich Road.

Councilman Short asked if he has listed anything for the big intersection? Mr. McDonald replied they do not think this big intersection with four service stations is safe to cross even with a crossing guard. Councilman Tuttle asked about the children who would have to come through this intersection? And someone from the audience replied they can come through Randolph Park at Barwick where the children from Sherwood come down. Mr. McDonald stated he thinks with another crossing guard at Barwick and Sharon Amity that everybody would be in complete accord. That they are trying to get two guards but they would really like three.

Councilman Alexander asked if they have a guard at Barwick and Sharon Amity now? And Mr. McDonald replied they do not have a guard anywhere and never have. They have a stop light there and school zone signs, and there are 53 children crossing there. Councilman Alexander stated then there is no guard at Sharon Amity and Randolph and they do not suggest that there be one there? Mr. McDonald stated they feel it is too major to make it safe even with a guard. Councilman Alexander stated their report shows that about 12 children cross at Sharon Amity and Robin Road, does he understand that more children do not use that corner and go behind the shopping center because there is no guard there or no protection of any sort? Mr. McDonald replied that most of the parents have stopped their children from walking entirely this year because of the 4 lane road, because they can't get across there, they feel it is not safe.

Mr. Veeder stated he wanted to make sure it is clear that some of the ladies are interested in additional facilities at Barwick as well as Greenwich and Robin Road.

Mr. Burnie Corbett, Assistant Traffic Engineer, stated the Traffic Engineering Department received a request for a crossing guard at Robin and Sharon Amity and at Greenwich and Randolph and they acted on these in their report to Council recommending that a guard not be put at Robin Road for the primary reason they found those children who crossed there often went through the parking lot of the shopping center or along the road to the rear of the shopping center, and this road is not a public street, and not maintained by the City; it is a private driveway serving the shopping center and the Cotswold Apartments. They felt it would be best to concentrate the children at one or two major crossings so they recommended that the sidewalks be constructed along the southern edge of Sharon Amity Road up to Randolph Road and the children cross at Randolph Road. In this way they would confine all the children to the one point and would eliminate the necessity of a crossing guard on Robin Road. That they did not give consideration to a guard at Sharon Amity and Randolph because they were not requested to consider one at that time. They feel it would be safer for the children to cross there and again, depending upon the number of children, they would prefer to reserve their opinion until then. Mr. Corbett stated that Barwick has a pushbutton actuated pedestrian signal with School Board control and they feel this is adequate for the situation.

Mrs Meekins remarked that traffic survey is not going to show many children crossing at Randolph and Sharon Amity. That they can get 50 children to cross there if there is someone to help them, but if the Traffic Department surveys the children presently crossing this intersection there will not be one.

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Councilman Jordan stated that his motion was that we go ahead with the sidewalk as requested and also have the City make a survey of the Randolph-Sharon Road crossing, along with the other requests that have been made and have the City Manager bring a report to Council next week for consideration.

Mayor pro tem Whittington asked Mr. McDonald if based on what Mr. Jordan has said, and he would alter his motion to consider these other requests that have been made - would his group be willing to let Council get the Traffic Engineering working on those requests and in the meantime build the sidewalk? Councilman Jordan stated he wants it understood Council is trying to do everything possible to help with all the signs and everything else and they are not just closing the door on the requests, they are just trying to fulfill as many of them as they possibly can, if they will give Council a week to do so.

Mr. McDonald stated they would be delighted to wait a week if they think they can get something done.

Mayor pro tem Whittington stated this problem has not been brought to Council in this fashion before as he recalls, and they are not closing the door. That when they get a request for 3 guards and 3 lights at one time, the Council can't act on that the day it has been requested. Mr. McDonald replied that he thinks it would be fine if the Council could individually look at this sector in person. That he would like to comment on Mr. Corbett's statement that this road the children use behind the shopping center was designed to serve the Shopping Center; that he can't conceive of how it would be of service to the Shopping Center, when it is 40 ft. above it and fenced off with a fence; that it is a private road and he believes he can get permission for children to use it. That it is a little used road to allow parking behind the apartments; it has a sidewalk and if Council would like he thinks they can get the owner's permission for school children to utilize it. Mayor pro tem Whittington replied that the City wouldn't have any control over the road and that is the reason Mr. Corbett has recommended that we not route the children down that way. Councilman Jordan stated that he thinks Council has been very sympathetic with everything that has been asked and will certainly try to grant it.

Councilman Short stated as he understands it the motion is to proceed instantly with the sidewalk which has already been discussed, and to defer all else for study. That he has been by there at least 1,000 times and he offers a substitute motion that we put immediately a Crossing Guard at the proper hours at Randolph Road and Sharon Amity Road and defer all else for study. The motion was seconded by Councilman Alexander.

Councilman Jordan stated he feels that the Council is willing to go ahead with the sidewalks, take a look at Sharon Amity and Randolph intersection this week, and evaluate the other things requested, and wait a week for a report.

Mr. Al Rousseau, 4212 Chelmsford Road, stated he has been sending children to the Cotswold School for the past ten years, and thank God they have been getting home safely. He would like to know how it is determined at what school to place a crossing guard and what school not to have one. Oakhurst School has a crossing guard and he does not think they have half the children that Cotswold School has, or one third the traffic. At Cotswold School they have a little 6th Grade boy trying to do the work or a grown policeman or policewoman, and he cannot understand the dilly-dally and waiting another week to place a guard there when one has been needed for years.

Mr. Corbett stated that Oakhurst School does not have a traffic light. Mr. Rousseau stated he is mistaken that there is both a traffic light and crossing guard at Oakhurst School.

The vote was taken on the substitute motion and lost by the following recorded vote:

YEAS: Councilmen Short, Tuttle and Alexander.

NAYS: Councilmen Jordan and Albea.

Councilman Jordan stated the reason he is opposing the motion is that in his opinion the people are not interested too much in the guard at Randolph and Sharon Amity Road. If we postpone it for a week, we can see where the guard is most needed. That it would suit him fine to put a guard on every corner for the protection of the children but he does not think putting this one guard there will accomplish the desire of the people.

Councilman Albea stated he voted against the motion because he is afraid we will do just this and nothing else.

Councilman Tuttle stated he voted for it because one guard is better than none during this next week.

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

Mr. Stewart, 4849 Randolph Road, stated he thinks some of the children who live in the area of Providence Park, Randolph Park, Hunter Lane, down to Sharon Road have not been represented. And although all of these intersections are important, these particular children use Randolph Road to get to school by car because there are not sidewalks on Randolph Road; the traffic controls are not at through streets. That Randolph Road would be used for the children to walk to school if there was some means of them getting across it. If the children could walk it would alleviate the large number of cars used carrying them to school, and this would help the traffic situation.

PORTION OF TRACT OF LAND WITHDRAWN FROM PETITION NO. 65-80 BY ED GRIFFIN DEVELOPMENT COMPANY FOR CHANGE IN ZONING OF TRACT OF LAND ON EAST SIDE OF KILBORNE DRIVE, AND PLANNING COMMISSION REQUESTED TO MAKE RECOMMENDATION ON CHANGE IN ZONING OF REMAINDER OF TRACT.

Mr. Joe Griffin presented a letter from Ed Griffin Development Company withdrawing a certain portion of a tract of land requested rezoned from R-9 to R-9MF on the east side of Kilborne Drive, which portion was indicated on a map attached to his letter.

In reply to the question of Councilman Albea as to the reason for the withdrawal, Mr. Griffin stated that frankly they did not think the rezoning would be allowed as it was, and they think this is an effective compromise to withdraw a little over 1/3 of the area. That the remaining property is located near the Drive-In Theatre, is at a bad intersection, and it is further away from the people on Sudbury Road who object to the petition, and they hope the remaining portion of the tract is something Council can go along with.

Councilman Jordan asked the Acting City Attorney if it is in order for Mr. Griffin to withdraw this property from his petition, and Mr. Kiser replied that he is permitted to withdraw any portion of the property included in the original petition up until Council votes upon the petition, at the discretion of Council.

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Councilman Jordan then moved that the decision on the amended petition be deferred for one week. The motion was seconded by Councilman Tuttle.

Councilman Short asked if there is any legal reason why the Planning Commission can not give Council an opinion on the remaining portion, without a public hearing, and Mr. Kiser replied there is no reason why they cannot do so.

Mayor pro tem Whittington pointed out that the Planning Commission probably cannot act on the petition for another 30 days as they have adjourned their meeting today, which means the Council is delaying a decision and allowing Mr. Griffin to withdraw about 1/3 of the original tract from his petition.

Councilman Jordan amended his motion that Council decision be postponed until the Planning Commission makes a recommendation on the remaining portion of the tract referred back to them by Council. That if the Commission meets next week and gives Council a recommendation, then Council will act on it next week, if it is two or three weeks, we will act on it then. Mr. Kiser stated that is perfectly in order. The motion was seconded by Councilman Tuttle and unanimously carried.

RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE STATE HIGHWAY COMMISSION AND THE CITY OF CHARLOTTE RELATIVE TO THE CITY'S PARTICIPATION IN CONNECTION WITH IMPROVEMENTS TO BE CONSTRUCTED BY THE STATE HIGHWAY COMMISSION TO NC HIGHWAY 49, PROJECT 8.16606, ADOPTED.

Upon motion of Councilman Tuttle, seconded by Councilman Albea, and unanimously carried, a resolution entitled: Resolution Authorizing an Agreement between the State Highway Commission and the City of Charlotte Relative to the City's Participation in Connection with Improvements to be Constructed by the State Highway Commission to NC Highway 49, Project 8.16606, was unanimously adopted. The resolution is recorded in full in Resolutions Book 5, beginning at Page 133.

ACTION ON CHANGE ORDERS IN CONTRACTS WITH POWER ELECTRIC COMPANY AND MERRITT WHEELER COMPANY, FOR ALTERATIONS TO CHARLOTTE COMMUNITY HOSPITAL, DEFERRED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and unanimously carried, action on Change Orders in the contracts with Power Electric Company and Merritt Wheeler Company for alterations to Charlotte Community Hospital was deferred at the request of the City Manager.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Short, and unanimously carried, authorizing the construction of sanitary sewers as follows:

- (a) Construction of 530 feet of sewer main in Randolph Road, inside the city limits, at the request of The Pure Oil Company, at an estimated amount of \$2,585.00. All costs to be borne by the applicant, whose deposit of the full amount has been received, and will be refunded as per terms of the contract.

- (b) Construction of 231 feet of sewer main in Sharon Avenue, inside the city limits, at the request of E. M. O'Herron, Jr., at an estimated cost of \$900.00. All costs to be borne by the applicant, whose deposit in the amount of \$900.00 has been received, and will be refunded as per terms of the contract.
- (c) Relocation of 120 feet of sewer trunk serving Cascade Circle, inside the city limits, at the request of Lone Star Builders, Inc., at an estimated cost of \$715.00. All costs to be borne by the applicant, whose deposit of \$715.00 has been received and will be refunded as per terms of the contract.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON NOVEMBER 15TH ON ZONING PETITIONS NUMBERED 65-88, 65-97 THROUGH 65-100, AND 65-103 THROUGH 65-108, ADOPTED.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and un-animously carried, a resolution entitled: Resolution Providing for Public Hearings on November 15th on Zoning Petitions Numbered 65-88, 65-97 through 65-100, and 65-103 through 65-108, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 135.

ORDINANCE NO. 384-X TO AMEND ORDINANCE NO. 360-X THE 1965-66 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CONTINGENCY APPROPRIATION TO FINANCE ONE-HALF OF THE COST OF A REVISED AIR POLLUTION CONTROL PROGRAM FOR THE REMAINDER OF THE 1965-66 FISCAL YEAR, ADOPTED.

Councilman Albea moved the adoption of an ordinance entitled: Ordinance to Amend Ordinance No. 360-X, the 1965-66 Budget Ordinance, Authorizing the Transfer of funds from the General Fund Contingency Appropriation to Finance One-half the Cost of a Revised Air Pollution Control Program for the Remainder of the 1965-66 Fiscal Year, which was seconded by Councilman Tuttle, and un-animously carried. The ordinance is recorded in full in Ordinance Book 14, at Page 222.

#### TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and un-animously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs Karoline K. Kasberger, for Grave 3, Lot 104, Section 3, Evergreen Cemetery, at \$40.00.
- (b) Deed with Mr and Mrs L. E. McGinn, for Lot 493, Section 6, Evergreen Cemetery, at \$240.00.

#### CONTRACT AWARDED KNOXVILLE FOUNDRY COMPANY FOR CAST IRON METER BOX FRAMES AND COVERS.

Councilman Alexander moved the award of contract to Knoxville Foundry Company, the low bidder, for 40 cast iron meter box frames and 25 cast iron meter box frames and covers, as specified in the amount of \$1,310.68. The motion was seconded by Councilman Jordan, and un-animously carried.

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The following bids were received:

Knoxville Foundry Company	\$1,310.68
Queen City Foundry Company	1,571.47
Southern Foundry Company	1,972.03

CONTRACT AWARDED HERSEY SPARLING METER COMPANY FOR ONE COMPOUND WATER METER.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, contract was awarded the only bidder, Hersey Sparling Meter Company for One Compound Water Meter, as specified, in the amount of \$1,470.45.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR TRAFFIC CONTROLLERS AND CABINETS.

Councilman Jordan moved the award of contract to Southeastern Safety Supplies, Inc., the only bidder, for Six Traffic Controllers and Five Cabinets, as specified, in the amount of \$17,086.32. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED HAJOCA CORP. FOR WROUGHT IRON PIPE.

Motion was made by Councilman Albea, seconded by Councilman Short, and unanimously carried, awarding contract to Hajoca Corporation, the low bidder, for 138,500 linear feet of wrought iron pipe, as specified, in the amount of \$57,469.45

The following bids were received:

Hajoca Corporation	\$57,469.45
Atlas Supply Company	57,518.19
Crane Supply Company	57,712.86
McJunkin Corp.	59,579.41
Grinnell Company, Inc.	59,579.41

ORDINANCE NO. 385 AMENDING CHAPTER 13, ARTICLE I OF THE CITY CODE REGULATING THE SALE TO MINORS OF MODEL GLUES CONTAINING SOLVENTS HAVING THE PROPERTY OF RELEASING TOXIC VAPORS: PROHIBITING THE ILLEGAL USE OF SAID GLUES BY MINORS AND OTHERS: AND DEFINING MODEL GLUE, ADOPTED.

Upon motion of Councilman Tuttle, seconded by Councilman Albea, and unanimously carried, an ordinance entitled: Ordinance Amending Chapter 13, Article I of the City Code Regulating the Sale to Minors of Model Glues Containing Solvents having the Property of Releasing Toxic Vapors; Prohibiting the Illegal Use of Said Glues by Minors and Others; and Defining Model Glue, was adopted. The ordinance is recorded in full in Ordinance Book 14, at Page 223.

RESOLUTION PROCLAIMING "SALUTE TO WOMEN WHO WORK WEEK" ADOPTED.

Councilman Tuttle introduced a resolution entitled: Resolution Proclaiming "Salute to Women Who Work Week", and moved its adoption. The motion was seconded by Councilman Alexander, and unanimously adopted. The resolution is recorded in full in Resolutions Book 5, at Page 136.

## FINANCE DIRECTOR COMMENDED ON REPORT ON ANNUAL AUDIT AND FINANCIAL OPERATIONS.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, Mr. J. B. Fennell was commended on his Report on the Annual Audit and other aspects of the City's financial operations, at the Conference Session.

## ACQUISITION OF PROPERTY FOR RIGHT OF WAY FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, the Acquisition of the following property for right of way for the Northwest Expressway was authorized:

- (a) Acquisition of 6,394 sq. ft. of property at 240-44 North Long Street, from Ila M. Alexander, in the amount of \$26,750.00.
- (b) Acquisition of 8,947 sq. ft. of property at 1015 Elizabeth Avenue, from Clara J. Charles and W. S. Charles, Jr. in the amount of \$18,800.00.

## RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF MRS ADA STEARNS BENNETT, WIDOW, LOCATED AT 817 EAST 9TH STREET, FOR NORTHWEST EXPRESSWAY, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Mrs Ada Stearns Bennett, Widow, located at 817 East 9th Street, for Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 137.

## RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF JAMES E. HEMPHILL, SR. ESTATE, LOCATED AT 516 NORTH MCDOWELL STREET, FOR NORTHWEST EXPRESSWAY, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of James E. Hemphill, Sr. Estate, Located at 516 North McDowell Street, for Northwest Expressway, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 138.

## RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF SARAH AND FRANK SHUSTER LOCATED AT 407-15 NORTH MORROW STREET FOR NORTHWEST EXPRESSWAY, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Albea, and un-animously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Property of Sarah and Frank Shuster, located at 407-15 North Morrow Street, for Northwest Expressway, was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 139.

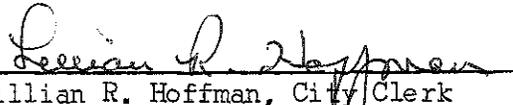
October 18, 1965  
Minute Book 46 - Page 131

COUNCIL URGED TO ATTEND MEETING OCTOBER 21ST AT PUBLIC LIBRARY CALLED BY THE CHAIRMAN OF THE ROAD BOND ISSUE.

Mayor pro tem Whittington distributed to the Council a letter from Mr. Thomas Watkins, Chairman of the Mecklenburg County Road Bond Issue; that the entire Council is on the Committee and a meeting has been called for Thursday, October 21st at 11 a.m. in the Public Library, and he urges the Council to be present.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Alba, and unanimously carried, the meeting was adjourned.

  
Lillian R. Hoffman, City Clerk