

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, in the City Hall, on Monday, September 21, 1964, at 2 o'clock p.m., with Mayor Brookshire presiding, and Councilmen Albaea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

Sitting as a Joint Body with the City Council to hear petitions for changes in zoning were the following members of the Charlotte-Mecklenburg Planning Commission: Mr. Sibley, Chairman, Mr. Ervin, Mr. Stone, Mr. Toy and Mr. Turner.

ABSENT: Mr. Jones, Mr. Lakey, Mr. Olive, Mr. Suddreth and Mr. Gamble.

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INVOCATION.

The invocation was given by the Reverend Malcolm R. Williamson, Pastor, Third Presbyterian Church.

MINUTES APPROVED AS CORRECTED.

Upon motion of Councilman Albaea, seconded by Councilman Thrower, and un-animously carried, the Minutes of the last meeting on September 14, 1964 were approved with the following correction: On Page 349, Item relative to Voting Machines, in second paragraph, Line 1, change the word "discussed" to "dismissed".

HEARING ON PETITION NO. 64-55 FOR CHANGE IN ZONING ON BOTH SIDES OF CUSTER STREET, BEGINNING SOUTH OF LASALLE STREET AND EXTENDING TO THE REAR OF PROPERTY ON GARNETTE PLACE, AND THREE LOTS ON THE NW SIDE OF GARNETTE PLACE.

The scheduled hearing was held on Petition No. 64-55 by Furr Realty Company for change in zoning from R-6 to R-6MF of property on both sides of Custer Street, beginning 190' south of LaSalle Street and extending to the rear of property on Garnette Place, and three lots on the northwest side of Garnette Place beginning 125' north of St. Luke Street. The Council was advised that a Protest Petition has been filed and determined to invoke the 20% rule requiring a 3/4 majority vote of the City Council for approval of the change in zoning.

The Planning Director advised the petition covers property in the vicinity of the Beatties Ford Road - LaSalle Street area, the property consists of several lots lying at the end of a dead-end street extending southward off of LaSalle Street, a few of the lots also lie along Garnette Place. The property at the end of Custer Street is presently zoned with single family and duplex development. Immediately behind the property that fronts on Custer Street there is property fronting on Garnette Place, developed with single-family dwellings, and some of the property on Garnette Place is vacant, and some of these vacant lots are included in this petition. The property that fronts on Custer Street backs up to the rear line of property on Beatties Ford Road. The property is presently zoned R-6 and is adjoined on the Garnette side by single-family zoning; on the Beatties Ford Road side by O-6 and business zoning. On the side of the property that adjoins the rear line of lots fronting on LaSalle Street, the zoning is O-6 and R-6MF.

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Councilman Whittington asked if LaSalle Street runs into University Park, and Mr. McIntyre replied that it does. Councilman Whittington then asked if Garnette Places dead ends before it gets to LaSalle Street? Mr. McIntyre replied that it does not dead end, it forms a loop extending off St. Luke Street, which runs off Beatties Ford Road and Garnette Place is a loop street off St. Luke Street in a northerly then northeasterly and easterly direction.

Mr. Henry Harkey, representing the Petitioner, presented four photographs showing what is now on the property, which are dilapidated frame houses, which have not been condemned but are substandard and he is sure they will be condemned. He stated they are voluntarily condemning them themselves, and they will tear down seven houses on the property, and build single-family brick units. He presented photographs of the type of houses they propose to build. He stated to meet the City's requirements they were required to have 20,000 square feet and they have 30,000 square feet, so they have the ground space of 150% of the City's requirements. They have gone even further and provided for off-street parking for each of the units. He presented a plot plan of the project, stating they are approximately 200 feet off Beatties Ford Road, and it backs up on a B-1 zone. They are upgrading the neighborhood considerably and they are meeting all of the City's requirements and the building plat has been approved by the Building Inspection Department and been cleared with the Traffic Department. He stated further they are surrounded by business on Beatties Ford Road and by R-6MF zoning on the other sides. He stated the protestors to the petition say that the Garnette area contains single family units - well, that is what they are building; they say if such a project is built there will be no control of occupancy but that is wrong, that when they rent a house they can control it completely. The protestors say the project will create an unsanitary condition, which is not true, they say these houses will mar the beauty of the community, this is not true, a garden type project such as proposed will add to the community and will most certainly be an improvement over the dilapidated seven houses now on the property. He urged that the Council give favorable consideration to the petition.

Mr. Harkey introduced the contractor for the Project, Mr. T. R. Helms, who explained the type building proposed to be constructed.

Mr. Charles Henderson, representing a large number of the negro race who are extremely upset over this matter, stated the neighborhood contains nice homes, with well kept lawns, single family homes, and the area in question is known to all of us as Furrstown, a dilapidated section and he resents very much the suggestion that the only way we can do away with Furrstown and the only way the property owner will tear down property that is unattractive is to be allowed to deviate from the rule land ordinances that have been established. No one is opposing the property owner building single family units with four walls, but the whole point is that the plan that is being presented to the Council calls for a large number of people going into this small area. He advised that one of the persons he represents tried to buy this property to try to protect the existing homes from this situation, and his offer of \$10,000 was turned down; therefore, the property must be expected to produce tremendous revenue if it is worth that kind of money. Mr. Henderson presented a tax map of the community which he stated is a well designed subdivision. He presented pictures of many of the homes in the immediate vicinity. He stated the problem is these people started out with very little and they have worked, some of them two shifts, both husband and wife, to buy their own homes and they have improved themselves, and some of them have progressed to where they own other property, one for example owns four barber shops; there is a contractor doing work for the Federal Government, etc; they are the substantial, civic minded residents who have established their homes in a well planned subdivision that is close to their Library, one of the better schools and there facilities. He stated it is not fair to discourage them from going on up the ladder. That he hopes the conditions that exist along LaSalle Street will not be allowed by the Council to come into their area, and will not permit this encroachment.

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Mr. Henderson stated the pictures the Council were shown by the opposition were not on Garnette Place but up on a little alley way.

He introduced Mr. Howard Hill, a School Teacher, who presented and read a petition which he stated has been filed before, requesting that the present R-6 zoning be retained and not change it to R-6MF for the reasons (1) the area contains only single family units (2) multi-family units tend to decrease the value of property in and around the area because they house too many people in a small area and create unsanitary and undesirable living conditions. That experience has shown when a large number of people are crammed into a small area, there are explosions and trouble results, and the future cannot be judged except by the past. Crime has been at a minimum in and around their area, and they want to keep it that way.

Mr. Walter Taylor, one of the residents, urged that the zoning not be changed to permit a garden type project in the area, housing a large number of people in a small area.

Mr. O. A. Williams pointed out his house at 2105 St. Luke Street and stated he also owns Lots 9 and 10. and his property will be immediately connected to the proposed project, which he opposes. Mr. Charlie Caldwell stated his home is only one-half block from the proposed project. Two other residents of the area pointed out on the map the location of their homes, stating they adjoin the property in question at the rear.

Mr. Henderson stated these residents are afraid of bringing in rental type people from Brooklyn or Fourth Ward, or any other section of the city, who have not shown the initiative to better themselves, and they feel if the line past Garnette Place is broken, the door has been opened for bad conditions. He asked the Council this question - "Is it possible for a person of every race and creed to rise, rather than being constantly pushed back; is it possible for a person with initiative who is willing to save and invest to go up the ladder economically, knowing his investment will be protected against those who have the profit motive as their main motive".

Mr. Harkey spoke again for the petitioner stating he has shown the Council what they propose to build, which are single family homes; that the petitioners have owned this property for twelve years, before most of the houses in the community were built and all during that period they built next door to the property in question, and we want to improve the property, and want to build houses of the same general type using the same contractor they used, and the only difference is they are proposing to put their houses in a garden type fashion, not jammed up on the street, and utilize the rear of the lot. That all of the opposition the Council has heard is from the Garnette Street side and no objections come from the Custer Street side.

Mayor Brookshire asked Mr. Harkey how many additional single residences they will build if the zoning is changed? Mr. Harkey replied 17 residences by building a garden type project, which permits the utilization of the rear portion of the property, against nine residences if the rear portion is not used.

Council decision was deferred until the next Council meeting.

HEARING ON PETITION NO. 64-59 FOR CHANGE IN ZONING OF PROPERTY AT THE SE CORNER OF CENTRE STREET AND ODUM STREET.

The public hearing was held on Petition No. 64-59 by John H. Wynne for change in zoning from I-1 to B-2 of property at the southeast corner of Centre Street and Odum Street, fronting 75' on Centre Street and 200' on Odum Street.

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The Planning Director stated the petition covers property on Odum Street, which is parallel to Rozzells Ferry Road and close to Interstate-85. The property is largely used for business purposes, with some of it vacant; at the rear the development is industrial. Down Odum Street the property is developed with single family homes, a church and some vacant property. In the opposite direction the property is developed with single family homes. That the Seaboard Airline Railway is on the opposite side of Odum Street and there are business and industrial establishments fronting on Rozzells Ferry Road. That the property is presently zoned I-2 and adjoined on two sides and the rear by I-2 zoning and across Odum Street and the railroad tracks the zoning is I-1; immediately across Centre Street the zoning is B-2.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

PETITION NO. 64-60 FOR CHANGE IN ZONING OF TWO LOTS AT THE SE CORNER OF SUGAR CREEK ROAD AND MUNSEE STREET, WITHDRAWN.

The Deputy City Clerk advised a letter has been received from Mr. Frank Snapp, Attorney for Phillips Petroleum Company, withdrawing Petition No. 64-60 for change in zoning from R-9 to B-1 of two lots at the southeast corner of Sugar Creek Road and Munsee Street.

Mayor Brookshire stated that disposes of the matter and the scheduled hearing will not be held.

HEARING ON PETITION NO. 64-61 FOR CHANGE IN ZONING OF SIX LOTS ON THE NORTHWESTERLY SIDE OF NAOMI STREET.

The scheduled hearing was held on Petition No. 64-61 by Nance-Trotter Realty Inc. for change in zoning from R-6 to R-6MF of six lots on the northwesterly side of Naomi Street, beginning 166' southwest of Willard Street. The Council was advised that a Protest Petition has been filed and determined to be sufficient to invoke the 20% rule requiring a 3/4 majority vote of the City Council for approval of the change in zoning.

Mr. McIntyre, Planning Director, stated the petition covers six vacant lots fronting on Naomi Street, which is a short unopened street right of way; actually there is no street there. This street right of way extends from Willard Street, which is in the Thomasboro Area, and Willard Street runs off Bradford Drive. That the property in question is surrounded on two sides by single family homes, abutting the rear lines of single family homes on Willard Street, and diagonally across Naomi Street there is an apartment and also some vacant land; to the west the land is also vacant. The property is zoned R-6 and is adjoined on two sides by similar zoning, and on the southerly and westerly sides the zoning is multi-family.

Mr. Bill Trotter, representing Nance-Trotter Company the Petitioner, stated the property is located near another tract that has been rezoned very recently on Bradford Drive; that their property forms a part of the old Thomasboro neighborhood which was platted about 1917 and the street rights of way are 30 feet, with hugh oak trees and have never been opened up. The property is economically worthless in its present zoning because there is not sufficient street right of way to get into it; it forms a piece with R-6MF property adjoining which has some potential for planned residential community under multifamily zoning.

Mr. Trotter stated further he is acquainted with a number of the persons who signed the petition opposing this change in zoning and one of the signers - Mr. Key is present and wants to withdraw from the Protest Petition. Mr. Key expressed his desire to withdraw his name from the petition. Mr. Trotter stated the persons who are objecting for the most part are people who live closer to a multi family zone. He urged that the zoning be changed so that they may erect an apartment in the area which is badly needed by young couples.

Mr. Jack Hughes, 1002 Lewiston Avenue, stated his property backs up to the property in question and he objects to the change in zoning. He advised their petition protesting the change is signed by 100% of the adjoining property owners; that they feel if an apartment is constructed on the property it will decrease the value of their homes and they are a working class of people and cannot afford the loss.

Mr. R. G. Powell, 1138 Interurban Avenue, and Mr. James Carpenter, 1019 Lewiston Avenue, also expressed objections to the change in zoning.

Mayor Brookshire asked the City Attorney if the withdrawal of Mr. Key's name from the protest petition alters the requirement of a 3/4 vote of Council to approve the change? Mr. Morrissey replied that he does not think so due to the fact that it is stated the petition is signed by owners representing more than 20% of the property adjoining five of the six sides.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-62 FOR CHANGE IN ZONING OF A TRACT OF LAND ON THE SOUTH SIDE OF CENTRAL AVENUE, BEGINNING EAST OF THE CENTERLINE OF SHARON-AMITY ROAD.

The public hearing was held on Petition No. 64-62 by Ethel C. Thompson for change in zoning from R-9MF to B-1 of a tract of land fronting 560' on the south side of Central Avenue, beginning 491' east of the centerline of Sharon-Amity Road.

The Planning Director stated the property lies only a short distance east of the Sharon-Amity-Central Avenue intersection. Immediately adjacent to the property on the side towards Sharon Amity Road is a Bell Telephone Exchange. The corner of the property adjacent to the Exchange is vacant, and on the two opposite corners there is some business established in the form of a dress shop, service station and a few other minor facilities. The property of the petition is vacant land; on one side it is adjoined by residential developments in the form of single family homes and a couple of residential trailers. At the rear of the property, the land is partially developed with a structure that is generally used as a restaurant but is now vacant. Across Central Avenue from the property the land is vacant. The zoning of the property at present is R-9MF, and is adjoined on two sides - the northerly and westerly side - by B-1 zoning. Directly across Central Avenue the property is zoned R-9MF, and immediately on the easterly side the property is also zoned multi-family.

Mr. Robert Hovis, Attorney for the petitioner, pointed out the location of the property on the map and stated diagonally across the street is a service station and is zoned B-1; a combination type business is located on the southerly-southwesterly corner of Sharon Amity and Lawyers Road with a grocery store, floor covering business and a service station. That the property on the other corner is vacant and all four corners are zoned B-1. That the property adjoining the property requested rezoned on the west is occupied by the Keystone Exchange of Southern Bell and it is proposed to use the portion of the property

adjacent to the Exchange to be leased to Southern Bell for the storage of their automobiles and trucks. The structure would be similar to the type building Southern Bell constructs. It will not be owned by Southern Bell but will be leased to them, and the property is 250 feet adjacent to their present property. He stated it is not suitable for residential purposes; that there are a couple of one family houses, rather old type located nearby. That the land is worth \$10,000 an acre for business but he doubts if it is worth more than \$1,000 for residential and probably no one would put up a residential type house in this vicinity with business so close.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 64-63 FOR CHANGE IN ZONING OF LOT AT 109 LAKEWOOD AVENUE.

The scheduled hearing was held on Petition No. 64-63 by Charlotte-Mecklenburg Planning Commission for a change in zoning from R-6MF to O-6 of a lot at 109 Lakewood Avenue.

Mr. McIntyre stated this petition is a result of Council considering another petition last month where the property owner at the intersection of Lakewood Avenue and Boyd Street requested that the corner property be zoned O-6 and in reviewing the petition, the Planning Commission found this would create an undesirable zoning pattern with the corner zoned for Office use there would be an intervening lot zoned Residential and then the corner property at Rozzells Ferry Road zoned for Business, so the Commission recommended changing the zoning of the intervening lot to O-6 to provide an organized pattern of zoning.

No objections were expressed to the proposed rezoning.

Council decision was deferred one week.

COUNCILMAN DELLINGER CAME INTO THE MEETING AT THIS TIME AND WAS PRESENT FOR THE REMAINDER OF THE MEETING.

Councilman Dellinger came into the Meeting at this time and was present for the remainder of the meeting.

CONSIDERATION OF PETITION NO. 64-49 PROPOSING CHANGES IN THE OFFICIAL ZONING MAP IN THE VICINITY OF DOUGLAS MUNICIPAL AIRPORT POSTPONED FOR TWO WEEKS.

Petition No. 64-49 by Charlotte-Mecklenburg Planning Commission proposing changes in the Official Zoning Map of the City of Charlotte and Perimeter Area, in the vicinity of Douglas Municipal Airport was presented for Council consideration.

The Council was notified that protest petitions have been filed and determined sufficient to invoke the 20% rule requiring a 3/4 majority vote of Council for approval of the proposed changes in the entire area. The Planning Commission having recommended that Tracts 1 through 6 and Tract 8 be approved as considered by Council, and that B-2 zoning stop 500' south of Daniel Lane in Tract 7.

Mr. McIntyre advised what the Commission has recommended is minor changes in the original plan. The original plan was recommended in the light of studies

by the Planning Commission staff attempting to determine what the future effect of aircraft operation would be on property in the vicinity of the Airport. As a result of the studies they recommended changes throughout the western side of the city. That they are recommending zoning changes on the basis of conditions that do not now exist, but on the basis of the air traffic that will be coming into the area within the next few years. At the present time the Airport has about 77 scheduled operations twice, in and out, also three of them are jet flights. That it is expected that within the foreseeable future, 40 or 50 of these regularly scheduled flights will be jets and we will have a rather different picture in terms of land use as to what types are desirable in the area. The noise from jets will increase very significantly, and their main purpose is to look to the day when this is the condition and to avoid having very large areas built up in the area for residential use. He stated further the changes they have recommended since the hearing several weeks ago are indicated on the map. That the area around Mulberry Church Road is surrounded by Industrial zoning; originally they proposed that it be left in a Residential zone, largely because of the fact the area was already developed with substantial houses but at the Hearing a protest was registered by people living in those houses who stated they felt if the area was going to change to this extent they would be better off if their residential property was zoned Industrial, therefore, the Commission is suggesting that this also be changed to Industrial. In the area of Tuckasegee Road and Little Rock Road, the Planning Commission has recommended that not quite so much property be changed from Residential to Business as was recommended. They recommend that the line of change to Business be moved back from the rear line of properties fronting on Daniel Lane so there is a difference of 500 feet from Daniel Lane to the property to be changed to Business zoning. The Commission has been advised that the people who own the lots on Daniel Lane would like to afford themselves additional protection by buying property back to a line that is formed by a driveway to the rear of their property line. That these are the changes the Planning Commission recommended in the original proposal to Council.

Mayor Brookshire asked the City Attorney if any action on the entire area, all of the tracts, require a 3/4 vote of Council, and Mr. Morrissey replied that is correct.

Councilman Smith said to Mr. McIntyre that the main reason for this change is, of course, to protect the property from the sound and decibel rating of jet aircraft but he notes that several property owners were already zoned I-2 in this area and the Commission has reduced their zoning to I-1, which does not have anything to do with decibel rating. Mr. McIntyre replied that this does not have anything to do with decibel rating but it does have to do with having the zoning developed in a comprehensive fashion so that the whole section will have similar zoning. The reason they recommended I-1 zoning for the whole area rather than leaving I-2 on any of it, or putting I-2 on any more of it, is the fact that all of this property is in close proximity to future residential developments, and it is their general policy to recommend more restrictive industrial type than I-1 where it is strictly up against future residential development. The I-2 districts allow a wide variety of uses that can be quite harmful and detrimental to adjacent residential uses. Councilman Smith asked Mr. McIntyre if he is not a little guilty of taking an omnibus bill and putting something in that was not really intended in the first place, in fact just trying to work out this sound barrier? Mr. McIntyre replied that he thinks they are also trying to establish well-rounded, comprehensive zoning for the whole area. Councilman Smith stated there are certain people who own I-2 property at the present time where the I-2 zoning was established when the zoning went into effect and now it is being reduced to I-1, which will limit them somewhat as to what they can do with their property which gets away from the whole purpose of this Bill. Mr. McIntyre replied that it gets away from the basic purpose but it still attempts to achieve a comprehensive zoning pattern

for the whole area. Councilman Smith stated he is not much in favor of changing a man's zoning on the basis we have set up here without individual hearings on it. The purpose of the Bill is, of course, the Airport, and he thinks it is a little bad to deviate from that, when you get on that, you should stay on it and have separate hearings on the other and not throw it all in the same pot.

Councilman Whittington asked Mrs Washam if she and the people on Daniel Lane are aware of this extra area they are approving back to the Creek? Mrs Washam replied some things have come to light today that are new to her, that she has just had access to the FAA's Report, which she supposes was available but she did not know they should look into it. She stated the main thing she wants to bring up is that in the Report it says the School area is protected because a substantial residential development has already been established - now that is 12 houses, while there are 13 houses on Tuckaseegee Road and Daniel Lane, which is excluding Mr Ryan and his two sons houses. Then on in the Report it talks about their substantial development, then it does a complete reverse or aboutface and takes them in to be a substantial development but she does not understand it; she stated she has studied the 15 page Report and as far as she is concerned they are certainly being discriminated against, and she is really concerned about Little Rock Road and Tuckaseegee Road and they feel that sooner or later something is going to come to light - that they feel it is more than noise, because if it were just noise there would be more property involved.

Mrs Washam stated further that the Report also said presently there are 10 to 12 to 14 jet flights here each day and in the next five years they do not plan to increase any and in the next 10 years it may not increase and in the next 15 and on it might increase to 40 or 50 - it might and the planes might enlarge, and they may not increase. That everything is assumption; for example, there is a research plane under development that would take off straight up and land straight down and there would be no noise over an area and we would not be bothered with noise at all.

Mayor Brookshire asked if she is suggesting that any changes be deferred until there seems to be a more definite need for them? Mrs Washam replied she is definitely in favor of that.

Councilman Whittington asked if there is any consideration given stopping the zone change at Interstate 85 and/or not going beyond Little Rock Road, and Mr. McIntyre replied that they have not considered that.

Miss Nordica Jamison remarked that she is on Mr. McIntyre's side and she is interested in Charlotte's future and she wants to remind the Council that property owners does not mean home owners at times because there are also land owners. That she is interested in Tracts 1, 2 and 3 in which she owns land and presently can do nothing with it but pay the taxes. That lots of money is spent advertising Charlotte, and its future is important from the standpoint of air travel, and all possible steps should be taken by the Council to prepare for its progress in our city.

Councilman Thrower stated in view of Mr Smith's reluctance to include the Industrial part in it and Mr Whittington's questions, he moved that decision be postponed for two weeks. The motion was seconded by Councilman Bryant, and unanimously carried.

MEETING RECESSED AT 3:35 AND RECONVENED AT 3:45.

Mayor Brookshire declared a 10 minute recess at 3:35 and the meeting was reconvened at 3:45.

CROSSING GUARD AUTHORIZED AT NORTH SUMMIT AVENUE AND WEST FIFTH STREET,
CONTINGENT UPON IT BEING HANDLED THROUGH PROPER CHANNELS.

Sergeant S. E. Hill, Traffic Division Charlotte Police Department, stated his reason for being present is a Crossing Guard at North Summit Avenue and West Fifth Street. That Wesley Heights has been turned into a colored school and they have added 125 children from the North Summit and West Fifth Street area, and they have to cross a street with four lanes that is down hill and it is most necessary to provide a Crossing Guard for their protection. He stated the cost of a Crossing Guard is \$540.00 a year and the uniform is \$95.00. That he is having to use a policeman to get these children across this street and he would like to replace him with a Crossing Guard.

The City Manager stated he does not have a memorandum on this from Chief Hord, and this is his first knowledge of the condition. That if Sergeant Hill will channel this through Chief Hord and he recommends a Guard at this location, certainly he would recommend it to Council.

Councilman Jordan moved that a Guard be authorized for this location, contingent upon it be handled through proper channels. The motion was seconded by Councilman Albea, and unanimously carried.

COUNCILMAN SMITH LEAVES MEETING TEMPORARILY.

Councilman Smith left the meeting temporarily at this time.

RESOLUTION ORDERING THE MAKING OF SIDEWALK IMPROVEMENTS ON THE NE SIDE OF
WOODLAND DRIVE, FROM ROANOKE AVENUE TO SHEFFIELD DRIVE, ADOPTED.

Upon motion of Councilman Bryant, seconded by Councilman Whittington, and unanimously carried, Resolution Ordering the Making of Sidewalk Improvements on the northeast side of Woodland Drive, from Roanoke Avenue to Sheffield Drive, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 418.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the construction of sanitary sewer mains, all inside the city limits, was authorized, as follows:

- (a) Construction of 690-ft. of sewer trunk to serve Ruth Drive, at the request of Tri-Development Company, at an estimated cost of \$2,750.00. All cost to be borne by the applicant whose deposit of the full amount will be refunded as per terms of the agreement.
- (b) Construction of 83-ft. of sewer main in Wilkinson Boulevard, at the request of H. B. Meiselman, at an estimated cost of \$560.00. All cost to be borne by the applicant whose deposit of the full amount will be refunded as per terms of the agreement.
- (c) Construction of 180-ft. of sanitary sewer main in Scaleybark Road, at the request of Daniels Plumbing Company, at an estimated cost of \$785.00. All cost to be borne by the applicant whose deposit of the full amount will be refunded as per terms of the agreement.

RIGHT OF WAY AGREEMENT WITH SOUTHERN RAILWAY SYSTEM FOR INSTALLATION OF WATER MAIN UNDER THE MAIN TRACKS OF WASHINGTON TO ATLANTA DIVISION AND SPUR TRACK TO THE REPUBLIC STEEL COMPANY AUTHORIZED CO-SIGNED BY MAYOR AND CITY CLERK.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to co-sign a right-of-way agreement with the Southern Railway System for the installation of an 8" water main with the main line tracks to the Washington to Atlanta Division and beneath the spur track to serve the Republic Steel Company on Sugar Creek Road.

CHANGE ORDER NO. 3 IN CONTRACT WITH REA CONSTRUCTION COMPANY FOR THE MCALPINE CREEK WASTE TREATMENT PLANT, AUTHORIZED.

Motion was made by Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, authorizing Change Order No. 3 in contract with Rea Construction Company for the construction of McAlpine Creek Waste Treatment Plant, which omits the protective coatings and substitutes galvanizing of the Degritting System, reducing the amount of the contract by \$317.00.

CHANGE ORDER NO. P-6 IN CONTRACT WITH P. C. GODFREY, INC. FOR ALTERATIONS AND ADDITIONS TO GOOD SAMARITAN HOSPITAL, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, Change Order No. P-6 in contract with P. C. Godfrey, Inc. for alterations in and additions to Good Samaritan Hospital, covering the following modifications in the plans and specifications, authorized:

Item No. 1	Add drain covers in elevator pits	Add	\$ 51.00
Item No. 2	Relocate oxygen outlets	Add	23.47
Item No. 3	Re-install atmospheric vents	Add	161.06
Item No. 4	Reroute existing sewer at elevator	Add	131.70
Item No. 5	Install drain and water for X-ray cooler	Add	37.47
	Adding to adjusted contract price		<u>\$404.70</u>

RIGHT OF WAY ENCROACHMENT CONTRACTS AUTHORIZED WITH PIEDMONT NATURAL GAS COMPANY, INC. FOR UNDERGROUND VAULTS ON STATESVILLE ROAD AND CRAIGHEAD ROAD.

Councilman Dellinger moved approval of right of way encroachment contracts with Piedmont Natural Gas Company, Inc. for underground concrete vaults on Statesville Road and on Craighead Road. The motion was seconded by Councilman Whittington, and unanimously carried.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON OCTOBER 12TH ON PETITIONS NO. 64-64 THROUGH 64-68 FOR ZONING CHANGES.

Upon motion of Councilman Thrower, seconded by Councilman Whittington, and unanimously carried, Resolution Providing for Public Hearings on October 12th on Petitions No. 64-64 through 64-68 for Zoning Changes, was authorized.

The resolution is recorded in full in Resolutions Book 4, at Page 419.

A RESOLUTION STATING THE INTENT OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO CONSIDER ANNEXATION OF AN AREA AND FIXING THE DATE OF PUBLIC HEARING ON OCTOBER 30TH ON THE QUESTION OF ANNEXATION, ADOPTED.

A resolution of intent of the City Council to consider annexation of an area and fixing the date of the public hearing on the question, was presented for consideration.

The City Manager commented that the purpose is to set a day of hearing, and he suggested that Council consider the possibility of holding the hearing at a place that would accomodate more people than the Council Chamber. He suggested that the Auditorium at the Health Center would be appropriate and the parking facilities would be adequate. He also suggested that Council consider their own convenience and that of the residents of the area considered for annexation in fixing the day for the hearing, as perhaps a number of the men in the area travel, and he suggested that a Friday or Saturday might be appropriate.

Councilman Jordan moved the adoption of the Resolution fixing the date of hearing on Friday, October 30th, at 4 o'clock in the afternoon, at the Health Center. The motion was seconded by Councilman Whittington, and unanimously carried.

The resolution is recorded in full in Resolutions Book 4, at Page 420.

TRANSFER OF CEMETERY DEED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. L. B. Helms for Lot No. 138, Graves 4 and 5, Section 2, Evergreen Cemetery, at \$120.00.

CONTRACT AWARDED C. D. SPANGLER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS ON CHESTERFIELD AVENUE.

Councilman Jordan moved award of contract to the low bidder, C. D. Spangler Construction Company, in the amount of \$10,904.00, for street improvements on Chesterfield Avenue, as specified. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

C. D. Spangler Construction Co.	\$10,904.00
Crowder Construction Company	11,999.20
T. A. Sherrill Constuction Co.	12,309.00
Blythe Brothers Company	12,466.80

CONTRACT AWARDED THE LESLIE COMPANY FOR BUNKER BOOTS.

Upon motion of Councilman Albea, seconded by Councilman Thrower, and un-animously carried, contract was awarded The Leslie Company, the low bidder, in the amount of \$1,874.56 for 120 pairs of rubber boots, as specified.

The following bids were received:

The Leslie Company	\$ 1,874.56
Southern Rubber Co.	1,892.48
Industrial & Textile Co.	1,895.11
Goodall Rubber Company	1,900.35
Dixie Fire & Safety Equipment Co.	2,011.01
The Henry Walke Company	2,013.18
Dillon Supply Company	2,186.65
U. S. Rubber Company	2,380.82
The Hub Uniform Company	2,423.08

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COUNCILMAN SMITH CAME BACK INTO THE MEETING AND WAS PRESENT FOR THE REMAINDER OF THE SESSION.

Councilman Smith came back into the meeting at this time and was present for the remainder of the session.

ORDINANCE NO. 277 AMENDING CHAPTER 5, ARTICLE IV OF THE CODE OF THE CITY OF CHARLOTTE ENTITLED "PLUMBING" BY RE-WRITING ARTICLE IV, ADOPTED.

Councilman Whittington moved the adoption of Ordinance No. 277 Amending Chapter 5, Article IV of the Code of the City of Charlotte entitled "Plumbing" by re-writing Article IV, which was seconded by Councilman Bryant, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 14, beginning at Page 48.

INSTALLATION OF TRAFFIC SIGNAL AT CENTRAL AVENUE, NORLAND ROAD AND KILBOURNE DRIVE, AND TRANSFER OF FUNDS FROM CONTINGENCY FUND FOR THIS PURPOSE, AUTHORIZED.

Councilman Thrower moved that a traffic signal be installed at Central Avenue, Norland Road and Kilbourne Drive, and that \$3,205.00 be transferred from the Contingency Fund for this purpose. The motion was seconded by Councilman Whittington and unanimously carried.

Councilman Smith called attention that the question of a traffic signal at this location has been discussed since 1961 and recently checked into and he dislikes for Mr. Hoose, Traffic Engineer, to delay things that might come up this year and then have the funds taken from the Contingency Fund which is for emergencies; he should include these things in the budget of the Traffic Engineering Department. The City Manager remarked that he thinks Mr. Smith's comment is well taken, however, at the time the Budget was being prepared the study of the needs for signals at several locations had not been completed, otherwise they would have been included in the Budget. However, in his zeal to carry out his duties, Mr. Hoose does things like this. Councilman Thrower stated this particular signal did not really come to a head until the schools opened. Councilman Smith stated he realizes all that, but he does not want this to go through without Mr. Hoose knowing that the Council realizes what he is doing.

ACTION ON SEPTEMBER 14TH RESCINDED PROVIDING FOR PUBLIC HEARING ON THE MAKING OF CERTAIN IMPROVEMENTS ON OLINDA STREET.

Councilman Albea moved that Council action on September 14th providing for a public hearing on the making of local improvements on Olinda Street be rescinded, as recommended by the City Attorney. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION RATIFYING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS ON OLINDA STREET FROM KILDARE DRIVE TO ILFORD STREET.

Councilman Whittington moved the adoption of a Resolution Ratifying the Making of Certain Local Improvements on Olinda Street, from Kildare Drive to Ilford Street, which was seconded by Councilman Thrower, and carried by the following recorded vote:

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

The resolution is recorded in full in Resolutions Book 4, at Page 421.

RESOLUTION AMENDING THE PAY PLAN OF THE CITY OF CHARLOTTE.

Upon motion of Councilman Bryant, seconded by Councilman Thrower, and unanimously carried, a Resolution Amending the Pay Plan of the City of Charlotte, was adopted.

The resolution is recorded in full in Resolutions Book 4, at Page 422.

ACQUISITION OF RIGHTS OF WAY FOR NORTHWEST EXPRESSWAY AND SALE OF CITY OWNED PROPERTY AT GREENWOOD CLIFF AND HARDING PLACE, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, acquisition of two rights of way for the Northwest Expressway and sale of city owned property were authorized, as follows:

- (a) Acquisition of 7,500 sq. ft. of property at 809 East 9th Street, from Austin Springs, Administrator of Willie Eugenia Sims Estate, in the amount of \$7,400.00 for the Northwest Expressway.
- (b) Acquisition of 9,900 sq. ft. of property at Pharr Street to Gough Street, from Thelma Young Mosley Brown, in the amount of \$5,000.00, for the Northwest Expressway.
- (c) Sale of Lots 14, 15, 16 on Greenwood Cliff and Harding Place, at a price of \$5,600.00.

COUNCIL TO VIEW SITUATION ON LONDONBERRY DRIVE IN CONNECTION WITH TEMPORARY SIDEWALKS FOR STUDENTS TO MASON SMITH SCHOOL PRIOR TO DECISION AT MEETING ON SEPTEMBER 28TH.

Councilman Whittington asked for a report on the temporary sidewalk on Londonberry Drive, at Mason Smith School.

The City Manager stated he and Mr. Bobo looked at the location last week and there is a difficult situation involved and no matter what action is taken some people are going to be displeased. That there is a plated easement between two residential lots, both of which are built on, that provides access between two houses to school property that abuts these two residential lots, the school property being part of the Mason School property. The residents in the neighborhood contacted his office last fall about the desirability of putting a temporary walk between these two houses to provide access to the school for students, but we didn't think we had enough facts about student use, and about that time school was over, so we did not make a recommendation to you regarding it. In the interim the two abutting property owners have erected cyclone fences around their properties. This was noted by the other residents in the area, he presumes, who reactivated their interest in the project for the benefit of the students. That it appears to the eye, without measuring it, that these two residences are perhaps closer together than any other houses fronting on the street, which does not make the situation any easier. That a walkway can be built between the two houses, which would have to be done with some steps and perhaps a gravel walk could be put in with some terraces and it would cost about \$1,600.00. He stated further that he can understand the view point of the residents wanting a place for their children to walk through between these houses to get to the school in lieu of having to traverse around the block and walk in the street, at the same time he can understand the attitude of the two property owners not wanting a public walkway between their houses. That he can also appreciate the attitude of other property owners, similarly situated on the same side of the street, through

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whose property the students are now going. He stated this is a difficult situation, and he expects in the interest of providing access to the school for the students, he would have to suggest to Council that we provide the walkway. He would also suggest if the Council has the opportunity, that they go look at the situation before making a decision as the pros and cons of the attitudes of the residents affected come through loud and clear.

Councilman Whittington commented that he appreciates Mr. Veeder's remarks and he feels the same way and he thinks we have come to the point that we should tell the parties on both sides of the questions and then it would be resolved. He requested the City Manager to furnish Council the maps of the area showing the properties involved to have when they go out to look at it. He stated there is a dedicated right of way for a walkway between the two houses involved and all the people who have children want a sidewalk on this right of way and the residents of the two houses don't want the sidewalk.

Councilman Dellinger asked if we can spend money legally for the walkway, and the City Attorney replied that is the hard question, whether or not to accept dedication that has been made. Councilman Dellinger asked if the dedication has not been accepted and the City Attorney replied that is correct, it has not. That the way the dedication would normally be accepted is by appropriating funds for the construction of the sidewalk. The City Manager stated he thinks the right exists to put in the walkway if Council wishes to exercise it. Councilman Bryant asked how close together the two houses are, and the City Manager replied the walkway easement is 20 feet and he would venture to say that the houses are not much more than 20 feet apart, judging by the eye.

The City Attorney remarked that he requested Mr. Bobo this morning to provide him with the information he has in his file so that his office can check it out from the legal aspect with regard to accepting the dedication.

Councilman Whittington suggested that a letter be written the petitioners saying we think it is unwise to put a temporary sidewalk through there because of the damage to these two property owners, and see if they would accept it. Mr. Veeder stated he will be happy to write such letter, if Council desires. Councilman Smith suggested that Council think about it in terms of our intentions when we make setback restrictions on sidewalks and side yards - that 7 feet of space is usually allowed at the side of the house, and if we put the sidewalk right next to these houses we will be violating everything we set out to do in the Setback Ordinance; so he thinks the Council would be on solid ground to limit the width of the walkway. The City Manager commented that if a walkway is to go between the houses, then it should not be more than a 5-foot width and both sides of the property should be fenced to protect it. Councilman Whittington stated he wants to point out that he knows how the people feel and that is why he thinks the Council should tell everyone concerned whether or not we intend constructing the walkway, and he hopes we do not build it, but thinks the matter should be resolved as the people presented a petition for the walkway and it should be settled.

Councilman Whittington suggested that the Council look at the situation and then take action next Monday one way or the other and then notify the people who signed the petition why it is not being put in, if that is the decision.

CITY MANAGER TO INVESTIGATE AND REPORT RELATIVE TO REQUIREMENTS OF THE CODE IN CONNECTION WITH P. J. BAUGH, INDUSTRIES OBTAINING A PERMIT TO CONVERT PORTION OF WAREHOUSE INTO A FABRICATING FACILITY.

Councilman Smith stated he has some communication from P. J. Baugh Industries; that Mr. Phil Baugh owns a cotton waste warehouse at the corner of Woodlawn and

Pineville Road at the railroad, about 75,000 square feet in his warehouse and 10 acres of property under cyclone fence, and has the warehouse divided into five parts and he wants to put a little fabricating facility in one of these storage areas which would employ about 10 people and cost about \$6,500.00 so he applied for a building permit and he was told by the Building Inspection Department if he is going to convert to fabricating and employ 10 people he would have to have a designated parking area for them, which he can do, and in addition to that he would have to go out on Woodlawn and put in curb and gutter and drainage on about 715 feet, at \$2.50 per foot plus destroying some trees. That Mr. Baugh's position is he is trying to make jobs for some people and here the City wants him to do this work on Woodlawn, which we have in the agenda right now to turn over to the State to widen, which we hope will be done in the next year or so. So it is one of those inequities in the Code, and he is asking the City Manager to see what he can do to make an exception in this case or do something with the ordinance that we will have the right to take care of hardship cases such as this. It is alright to provide parking for manufacturing plants, which we should do, but when you run into a case where a man has 10 acres and is going to employ 10 people and we say before you can do this you have to curb and gutter some odd 700 feet of what most people consider a highway, he thinks we are creating a lot of ill will. Councilman Smith commented further that the Building Department is sticking to the letter of the law, and they are right, but he says our law is too harsh and Mr. Veeder says this has happened before - so we should make some provisions for exceptions, and he just wanted to explain the matter to Council, so if Mr. Baugh spoke to any of them, they would know what it was about. If it meets with Council approval, he would turn it over to Mr. Veeder and ask for a report at the next meeting.

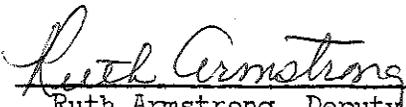
NOTICE GIVEN PUBLIC THROUGH THE PRESS THAT A DECISION ON THE CORRIDOR FOR THE PROPOSED BELT ROAD WILL BE MADE BY COUNCIL AT THE MEETING ON NEXT MONDAY, SEPTEMBER 28TH.

Mayor Brookshire suggested that in view of Council having passed a motion several months ago that action would not be taken in choosing a corridor for the proposed Belt Road without letting the general public know through the media of the press when the date of decision would be, that in line with the agreement reached in today's Conference Session, that it would be in order for a motion to be offered that the date of decision has been set for next Monday, September 28th.

Councilman Bryant so moved, which was seconded by Councilman Whittington, and carried unanimously.

ADJOURNMENT.

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


Ruth Armstrong, Deputy City Clerk