

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, April 18, 1951, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.



INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting were approved as submitted.

ORDINANCE AMENDING AND REWRITING ZONING ORDINANCE ADOPTED.

The scheduled hearing relative to the proposed Ordinance (No. 130) Amending and Rewriting the Zoning Ordinance was opened with the reading of the ordinance.

Mr. H. B. McCall and Mr. Fields, residents of Oakwood Avenue and Mr. W. C. Howie, resident of Anderson Street, expressed objections to the proposed change in Section I, Definitions, Sideyard restrictions, whereby the present restricted construction in side yards to 6 feet from the side lines will be reduced to 3 feet. Mr. McCall stated that a duplex is now being constructed on Oakwood Avenue that has a kitchen entrance on the side of the house, which places it directly adjacent to the front yard of the adjoining residence, and under the proposed amendment the stoop and/or steps at the entrance will overhang the sideyard nearly to the property line. Mr. McCall urged that the sideyard restrictions not be amended, and filed a petition signed by twenty-four residents of Oakwood Avenue and vicinity opposing the adoption of the revised ordinance. He requested further that if the revised ordinance is adopted that the sideyard restriction not be changed.

Mr. Fred McPhail, member of the Zoning Board of the Zoning Board of Adjustment, advised that the proposed change in the sideyard restriction was recommended by the Board because of the many appeals by residents that the regulations be waived to permit the use of the sideyard area for steps, eaves or small stoops to an entrance. He stated further that the Board believes the change in regulations will benefit more people than it could possibly inconvenience.

The merits of the proposed change were discussed by the Council, during which several suggestions were made to qualify the sideyard restrictions. Mr. McPhail then stated that in his opinion the existing sideyard provisions would be more acceptable to both residents and the Board of Adjustment than a change other than those recommended.

Whereupon, Councilman Boyd moved that the sideyard restrictions under Section I, Definitions in the proposed ordinance be stricken out and that sub-paragraph "K" Sideyards in Section I, Definitions of the existing ordinance be substituted in its place. The motion was seconded by Councilman Albea, and unanimously carried.

A motion was then made by Councilman Aitken that the proposed ordinance, as above amended, be adopted. The motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, beginning at Page 202.

REQUEST OF MONTGOMERY CRAWFORD COMPANY TO WITHDRAW BID CONTAINING ESCULATOR CLAUSE AND SUBMIT FIRM BID.

Mr. Earl Gatlin, representing Montgomery Crawford Company, stated that his Company submitted a bid on two cars of Wrought Iron Pipe and when the bids were opened and read they were asked to be more definite as to their bid price regarding the esculator clause therein reading "price in effect at time of shipment". That he advised that at the time of shipment any increase or decrease in their bid price would not exceed 1%. He stated further that since the submission of their bid there has been a change in freight rates and they wish to withdraw their bid of \$16,186.46, together with their esculator clause, and give a firm bid of \$16,105.53.

Mr. C. E. Beatty, City Purchasing Agent, advised that the bid of Montgomery Crawford Company was opened and read along with the three other bids submitted on the Pipe; that the bid of Montgomery Crawford Company was the second lowest bid received, being \$16,186.46 subject to escalation. That the bid of Atlas Supply Company was the lowest bid received and still is, unless the Council would permit a vendor to change his price after the bids were opened. He stated further this has not been the custom and it is recommended that a precedent of this type not be started.

Mayor Shaw stated that the award of the contract for this pipe is scheduled on today's agenda and will be considered later in the meeting.

RESOLUTION PROVIDING FOR THE EXTENSION OF SEWERS AND CONDEMNATION OF RIGHTS-OF-WAY OVER LANDS NECESSARY FOR SUCH EXTENSION.

A resolution entitled, "Resolution Providing for the Extension of Sewers and Condemnation of Rights-of-way over Lands necessary for such Extension", was introduced and read, fixing the date of hearing reasons for and against the said extension as of May 2, 1951. Councilman Aitken moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously adopted. Resolution is recorded in full in Resolutions Book 1, beginning at Page 399.

SETTLEMENT OF CLAIM OF MRS. NANCY A STOTT FOR INJURIES.

Councilman Aitken moved that the claim of Mrs. Nancy A. Stott for personal injuries arising out of a fall on West Trade Street in August, 1950, be settled in full in the amount of \$1,500.00. Motion was seconded by Councilman Jordan, and unanimously carried.

CONFIRMATION OF SALE OF TAX FORECLOSED PROPERTY AT 513-517 SHUMAN AVENUE TO MECKLENBURG PRESBYTERY.

Upon motion of Councilman Aitken, seconded by Councilman Wilkinson and unanimously carried, the sale of tax foreclosed property at 513-517 Shuman Avenue, at public auction on April 2, 1951, to the high bidder Mecklenburg Presbytery at \$300.00, was confirmed.

LEASE OF AIRPORT OFFICES AND FACILITIES TO PIEDMONT AVIATION, INC.

Councilman Coddington moved that the Mayor and City Clerk be authorized to execute a lease with Piedmont Aviation, Inc., for the use of offices and facilities at Douglas Municipal Airport for a period of twenty years. Motion was seconded by Councilman Albea, and unanimously carried.

EMPLOYMENT OF TWELVE ADDITIONAL MEN IN FIRE DEPARTMENT.

Councilman Aitken moved that the employment of twelve additional men in the Charlotte Fire Department on May 1, 1951 be authorized. Motion was seconded by Councilman Coddington, and unanimously carried.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO FIRE DEPARTMENT AND SPECIAL APPROPRIATIONS.

Motion was made by Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, authorizing the transfer of \$4,367.50

from the Emergency Fund (Code 110) to the following accounts:

- \$4,159.50 to the Fire Department (Code 402 A-8) Monthly Salaries.
- \$208.00 to Special Appropriations (Code 109) Employees Retirement System.

NORTH GRAHAM STREET, FROM DOGWOOD AVE. TO NORRIS AVE. TAKEN OVER FOR MAINTENANCE.

Councilman Albea moved that North Graham Street from Dogwood Ave. to Norris Avenue be taken over for maintenance, as recommended by the City Manager. Motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Coddington, seconded by Councilman Albea, and unanimously carried, the construction of new sanitary sewers at the following locations was authorized:

- (a) 390 feet of 8 inch sewer main in North Tryon Street, at an estimated cost of \$1,020.00, to serve four family units and four vacant lots. All costs to be borne by the City and applicant's deposit of \$220.00 to be refunded as per the contract. Said construction requested by Overnite Transportation Company.
- (b) 5,398 feet of trunk sewer and sewer mains in Southside Homes development, at an estimated cost of \$27,480.00, to serve 400 family units, at request of the Charlotte Housing Authority. All costs to be borne by the City.
- (c) 621 feet of sewer main in Wendover Road, at an estimated cost of \$1,000.00, to serve 5 family units and 2 vacant lots, at request of C. J. Trapp. All costs to be borne by the City.

CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR CONSTRUCTION OF WATER MAINS IN SHERATON PARK.

Councilman Albea moved that contract be authorized with The American Investment Company for the construction of 6,280 feet of water mains and 4 fire hydrants in Sheraton Park, outside the city, at an estimated cost of \$13,552.00. All costs to be borne by the applicant who will own same until such time as the territory is taken into the city. Motion was seconded by Councilman Coddington, and unanimously carried.

CONTRACTS AWARDED FOR PURCHASES.

Motion was made by Councilman Albea, seconded by Councilman Aitken, and unanimously carried, awarding contracts for purchases to the following concerns:

- (a) Contract with Atlas Supply Company for two cars of Wrought Iron Pipe, as specified, on a unit price basis, for a delivered price of \$16,453.00, subject to cash discount of \$329.06.
- (b) Contract with Federal Laboratories, Inc., for 75 new Official Police blue steel revolvers, in exchange for 75 old guns, at a net exchange delivered price of \$24.25 each, representing a total of \$1,818.75.
- (c) Contract with Howard Construction Company, for Sanitary Sewers, etc., in Glenwood Park, on a unit price basis, representing a total of \$29,847.50.
- (d) Contract with Belk Bros. Company, for 96 pairs of khaki trousers, 20 pairs of grey trousers, 192 khaki shirts, 40 grey shirts, 120 pairs of overalls, 60 overall jackets and 120 blue shirts, as specified, at a net delivered price of \$2,435.96.
- (e) Contract with Creighton Shirt Company, Inc., for 960 Policemen Shirts and 60 Shirts for office personnel, all as specified, at a net delivered price of \$2,947.80.

- (f) Contract with The Cut Rate Shop, for 906 Blue Shirts and 240 White Shirts for the Fire Department, all as specified, at a net delivered price of \$2,720.04.

CONSTRUCTION OF DRIVEWAY ENTRANCES.

Upon motion of Councilman Daughtry, seconded by Councilman Aitken, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

- (a) One 8-foot entrance at 1667 Scotland Avenue.
- (b) One 20-foot entrance at 1701 West Trade Street.
- (c) One 17-foot entrance at 825 South Graham Street.
- (d) Two 40-foot entrances on Dalton Ave. and three 40-foot entrances on Plymouth Avenue, for 100 Dalton Avenue.

RENEWAL OF SPECIAL OFFICER PERMIT TO E. F. ZIEVERINK.

Councilman Jordan moved that the Special Officer Permit issued to Mr. E. F. Zieverink for use on the premises of the American Trust Company be renewed for one year. Motion was seconded by Councilman Albea, and unanimously carried.

CEMETERY LOTS TRANSFERRED.

Upon motion of Councilman Albea, seconded by Councilman Coddington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. A. C. Boyce, Sr. for Lot 76, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with James E. Cashatt, for the northeast quarter of Lot 127, in Section 3, Evergreen Cemetery, at \$26.00.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Albea, seconded by Councilman Coddington, the unanimous consent of Council was given for the presentation of the following undocketed items.

PURCHASE OF PROPERTY AT 1206 INDEPENDENCE BOULEVARD AUTHORIZED FROM HATTIE E. LOWMANS FOR THE OPENING OF STONEWALL STREET.

Motion was made by Councilman Wilkinson, seconded by Councilman Daughtry, and unanimously carried, authorizing the purchase of property at 1206 Independence Boulevard (formerly 604-06 South Caldwell Street) and fronting 37.85 feet on the northerly side of said Boulevard, from Hattie E. Lowmans at a price of \$8,750.00, for the opening of Stonewall Street.

SALE OF BUILDING No. 62-C AT DOUGLAS AIRPORT TO TRUSTEES OF WEST VIEW BAPTIST CHURCH.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the sale of Building No. 62-C at Douglas Municipal Airport was authorized to the Trustees of West View Baptist Church for a price of \$500.00, as recommended by the Council Real Estate Committee.

APPLICATION OF HUTTIG SASH AND DOOR COMPANY FOR ERECTION AND USE OF BUILDING ON JAY STREET FOR MANUFACTURE OF DOORS, WINDOWS, ETC. UNDER SECTION VIII OF ZONING ORDINANCE, APPROVED.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, approving the application of Huttig Sash and Door Company to erect a building on lot fronting approximately 375 feet on the northerly side of Jay Street and to use same for the manufacture, storage, sale and distribution of windows, doors, and similar products, under Section VIII of the Zoning Ordinance.

CONSTRUCTION OF FOOTBRIDGE AT NINETEENTH STREET, BETWEEN NORTH DAVIDSON AND ALEXANDER STREETS, AUTHORIZED.

Councilman Jordan moved that the construction of a footbridge at 19th Street, between North Davidson and Alexander Streets, be authorized at an estimated cost of \$800.00. Motion was seconded by Councilman Wilkinson, and unanimously carried.

PERMISSION GRANTED LAWRENCE GREATER SHOWS TO APPEAR UNDER SPONSORSHIP OF MECKLENBURG COUNTY COUNCIL OF AMERICAN LEGION, PROVIDED HEALTH DEPARTMENT SATISFIED AS TO SEWERAGE DISPOSITION.

Councilman Boyd stated that the Mecklenburg County Council of the American Legion desires to sponsor the Lawrence Greater Shows for the week of April 23rd; that he is advised the site selected for the Show grounds is not within 1000 feet of a residence. He moved that the Show be permitted to appear under the Legion Council sponsorship for the period requested provided they satisfy the Health Department as to the disposition of the sewerage. The motion was seconded by Councilman Albea, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Wojzman
City Clerk