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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 Wednesday, April 18, 1956; at 11 o'clock a.m., with Mayor Van Every presiding and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

ABSENT: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the Minutes of the last meeting on April 11th were approved as submitted.

REQUEST FOR OPENING OF PIERCE STREET APPROVED.

Mr. Robert Potter, Attorney for members of Saint Patrick's Catholic Church petitioning for the opening of Pierce Street from Waverly Avenue to Latta Park, again appeared before Council and requested that the street be opened subject to his clients furnishing the City Attorney sufficient bond to insure the City against loss up to \$2500.00.

Mr. Henry Fisher, Attorney representing Mr. R. L. Grubb, stated their position in the case is the same as stated at the meeting on April 4th. That the matter is now in the Courts, where it was placed by Mr. Potter, and he does not think the Council should take action on the petition. That Mr. Potter's suggestion to make bond to the City might satisfy the City, but it would give no protection to his client, and should the City proceed with the opening of the street, it would not replace the trees in the right-of-way, which have taken some 40 years to grow, and which would have to be cut down. Mr. Fisher stated further that Mr. Potter's prayer for relief to the Court is inconsistent in that he first asks that the property be sold and the proceeds divided among the adjoining property owners, and secondly, he is asking for the legal cancellation of the withdrawal of dedication filed by Mr. Fisher's client.

Mr. Potter stated they came before the Council some two months ago and asked that the street be opened. In the meantime Mr. Fisher and Mr. Helms put the matter in the Court, and now he is taking it out of the Court. That when Mr. Grubb purchased his property he knew, or should have know, that the street was dedicated for public use.

Mr. W. H. Bobbitt, Jr., Attorney, stated he is representing his associate, Mr. Fred Helms, Attorney for Mrs. R. D. Howerton, who does not own any legal title to the street but owns property adjoining it. That the bond proposed by Mr. Potter is to cover damages that the City might incur in doing work on the street right-of-way but it would not protect the City against injury to property. Secondly, that in rebuttal to Mr. Potter's statement that Mr. Fisher's client took the matter to the Court, Mr. Fisher's client filed a declaration of withdrawal of dedication of the street, which is merely similar to filing a chattel mortgage. That Mr. Potter has filed a partition of land and he now prays the court that the land be sold, and Mr. Fisher's client has filed a rebuttal; that with the ownership and dedication of the street so clouded, he thinks that Council action would be premature until the Court takes further action.

Councilman Wilkinson asked Mr. John Shaw, City Attorney, to state the City's status in the matter. Mr. Shaw stated the Council can determine if they wish to go ahead with the matter, but unless the City is protected in some manner against claims for damages he would recommend against the expenditure of any funds. That there is nothing wrong in the Council deciding to proceed with the opening of the street when all legal barriers are out of the way

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Councilman Wilkinson moved that Pierce Street be added to the present list of streets to be improved, as it is the intent of the Council to open the street. The motion was seconded by Councilwoman Evans, and unanimously carried.

Councilman Dellinger stated that sometime ago a list of streets was approved for improvements in the order of their importance, and he asked Councilman Wilkinson if it is his intent to place Pierce Street in any particular position on the list, to which Councilman Wilkinson replied that no particular position was intended, as work must first be done on the streets where the need is greatest.

Mayor Van Every stated a long list of streets has been approved and because of various things that arise, such as rights-of-way to be secured, it is not known when the work will be done on any particular street, that emergencies must be met first, and Pierce Street will be added to the list, but it does not mean that the work on Pierce Street will be done next month or next year.

MEETINGS TO BE ARRANGED IN PERIMETER AREA RELATIVE TO THE PROPOSED ANNEXATION OF PERIMETER PROPERTY TO THE CITY.

Councilman Baxter advised the Council that he plans to arrange a number of meetings with residents of the perimeter area with regard to the proposed annexation of the areas to the City. He stated he understands there are twenty-one such areas and the meetings will be held for their educational value and as a public relations gesture. That the Council members, Planning Commissioners and Mecklenburg Legislative Representatives will be invited to the meetings, at which the Planning Director will be present to answer any technical questions.

Mayor Van Every stated that such meetings may be alright but you cannot please the perimeter area residents by telling them they will have more taxes to pay. He stated further that he believes the territory should be annexed but wonders if any ultimate good will come from the proposed meetings.

Councilwoman Evans asked if it is thought that such meetings will have a greater educational value, and reach more people, than through the media of the press and radio and television.

Councilman Dellinger stated there are many people who want more information on the subject and he thinks much good will come from the meetings.

Councilman Albea stated he is not opposed to the meetings but has never believed a person can be convinced of something he does not want.

REAPPOINTMENT OF CLAUDE A. COCHRAN TO AUDITORIUM-COLISEUM AUTHORITY.

Upon motion of Councilman Baxter, seconded by Councilman Albea, and unanimously carried, Mr. Claude A. Cochran was reappointed to the Auditorium-Coliseum Authority, for a term of 5 years.

FUNDS FOR IMPROVEMENTS TO FIFTH STREET CEMETERY TRANSFERRED FROM EMERGENCY FUND.

Councilman Baxter moved that \$125.00 be transferred from the Emergency Fund, Code 110, to the Cemetery Department, Code 516 B-60, to be used for improvements to grounds and shrubbery in the Fifth Street Cemetery. The motion was seconded by Councilman Dellinger, and unanimously carried.

CHECK UP ON SHRUBBERY BLOCKING VIEW AT STREET CORNERS AUTHORIZED.

Councilman Dellinger moved that the City Manager have the proper department make a check on street corners and intersections where shrubbery is blocking the view. He stated existing conditions provide traffic hazards; he called particular attention to the intersection of East 8th and Brevard Streets. The motion was seconded by Councilwoman Evans, who stated that the condition at the intersection of Crescent and Vail Avenues is bad. The motion was unanimously adopted.

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RESTRICTED PARKING ON EAST 6TH STREET REQUESTED OR SOME REMEDY FOR STREET BLOCKING.

Councilman Dellinger requested the City Manager to have the Traffic Engineering Department look into the possibility of restricting parking on East 6th Street, or have something done to remedy the blocking of the street along the parking lots.

INCREASE AUTHORIZED IN SALARY OF MANAGER OF AUDITORIUM-COLISEUM.

Councilman Wilkinson called attention to the request of the Auditorium-Coliseum Authority for an increase in the salary of Mr. Paul Buck, Manager of the Auditorium-Coliseum, and he moved that the recommended salary of \$14,000.00 be approved, effective May 1st. The motion was seconded by Councilman Baxter, and unanimously carried.

RESIGNATION OF H. S. STRAWN FROM ZONING BOARD OF ADJUSTMENT.

Councilman Smith stated that Mr. H. S. Strawn has advised he will be unable to serve on the Zoning Board of Adjustment, to which he was recently appointed. He moved that the resignation be accepted with regret. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST THAT AIR POLLUTION ORDINANCE BE ACTED ON AT THE NEXT COUNCIL MEETING.

Councilwoman Evans advised that the Air Pollution Committee has provided the City Manager with copies of the Air Pollution Control Ordinance and she requested that a copy be sent to each member of the Council and that it be acted on at the next Council Meeting.

REQUEST THAT ^{THE}MECKLENBURG LEGISLATIVE REPRESENTATIVES BE FURNISHED COPIES OF PERIMETER AREA ANNEXATION STUDY.

Councilman Brown requested the City Manager to furnish copies of the Perimeter Area Annexation Study to the Mecklenburg Legislative Representatives, and he moved that a letter be addressed to State Senator F. J. Blythe expressing the sympathy of the Council in his sudden illness and wishing him a speedy recovery. The motion was seconded by Councilwoman Evans, and unanimously carried.

ORDINANCE NO. 313 AMENDING THE BUILDING CODE WITH RESPECT TO HANGERS, SOIL PIPE WASTE AND TUB TRAPS IN THE PLUMBING CODE.

An ordinance entitled: "Ordinance No. 313 Amending the Building Code with Respect to Hangers, Soil Pipe Waste and Tub Traps in the Plumbing Code" was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the ordinance was adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 36.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 315 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 OR B I-A ON PROPERTY OF W. D. McNAULL AND J. S. BROWN ON SHAMROCK DRIVE.

Ordinance No. 315 Amending the Zoning Ordinance, to change the zoning from R-2 to B-1 or B I-A on the property of W. D. McNaull and J. S. Brown on the southwest side of Shamrock Drive, was introduced and read. Following which a Resolution Providing for a Public Hearing on the Ordinance, on May 9th was introduced and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 411.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 316 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM RURAL TO INDUSTRIAL ON PROPERTY OF J. T. LANEY ON NORTHEAST SIDE OF NEW THRIFT ROAD.

Ordinance No. 316 Amending the Zoning Ordinance, to change the zoning from Rural to Industrial on the property of J. T. Laney, on the northeast side of New Thrift Road, was introduced and read. Following which a Resolution Providing for a Public Hearing on the Ordinance on May 9th was presented and read. Upon motion of Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 412.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 317 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PROPERTY OF R. E. STRAWN AT 1518 SHUMAN AVENUE.

Ordinance No. 317 Amending the Zoning Ordinance, to change the zoning from R-2 to B-1 on property of R. E. Strawn at 1518 Shuman Avenue, was introduced and read. Following which, a Resolution Providing for a Public Hearing on the Ordinance, on May 9th, was presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 413.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 318 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM R-1 TO B-1 ON PROPERTY OF THE SHARON CORPORATION AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF SHARON-AMITY AND RANDOLPH ROADS.

Ordinance No. 318 Amending the Zoning Ordinance, to change the zoning from R-1 to B-1 on the property of The Sharon Corporation at the southeastern corner of the intersection of Sharon-Amity and Randolph Roads, was introduced and read. Following which, a Resolution Providing for a Public Hearing on the Ordinance, on May 9th, was presented and read. Upon motion of Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 414.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 319 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING FROM R-1 TO B-1 ON PROPERTY OF A. G. RANDOLPH ESTATE AT SOUTHWESTERN CORNER OF THE INTERSECTION OF SHARON-AMITY AND RANDOLPH ROADS.

Ordinance No. 319 Amending the Zoning Ordinance, to change the zoning from R-1 to B-1 on property of A. G. Randolph Estate at the southwestern corner of the intersection of Sharon-Amity and Randolph Roads, was introduced and read. Following which, a Resolution Providing for a Public Hearing on the ordinance, on May 9th, was presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 415.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 320 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B I-A ON PROPERTY OF L. J. HANEY ON WEST SIDE OF AMITY ROAD, 230 FEET SOUTH OF ITS INTERSECTION WITH INDEPENDENCE BOULEVARD.

Ordinance No. 320 Amending the Zoning Ordinance, to change the zoning from R-2 to B I-A on the property of L. J. Haney located on the west side of Amity Road, 230 feet south of its intersection with Independence Boulevard, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the ordinance on May 9th, was presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 416

RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 321 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING FROM B-1 AND RURAL TO INDUSTRIAL ON PROPERTY OF BOWMAN-DUNN MANUFACTURING COMPANY, ET AL, LOCATED ON WESTERLY AND EASTERLY SIDES OF STEELE CREEK ROAD, AND THE NORTHERLY SIDE OF MORRIS FIELD ROAD.

Ordinance No. 321 was introduced Amending the Zoning Ordinance, to change the zoning from B-1 and Rural to Industrial on property of Bowman-Dunn Manufacturing Company, et al, Schachner Leather & Belting Company, Southern Real Estate & Insurance Company, C. J. and Don Robertson, M. E. Alexander and wife, Geo. Wingate and wife, E. L. Roberts and wife, Ramsey S. Yandle and wife, located on the westerly and easterly sides of Steele Creek Road and the northerly side of Morris Field Road. Following the reading thereof, a Resolution Providing for a Public Hearing on the ordinance on May 9th, was presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Pages 417-418.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON MAY 9TH ON ORDINANCE NO. 322 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO B-1 ON PETITION OF CHARLOTTE-MECKLENBURG PLANNING COMMISSION AND BOWMAN-DUNN MANUFACTURING COMPANY LOCATED AT THE INTERSECTION OF WILMOUNT ROAD AND MORRIS FIELD ROAD.

Ordinance No. 322 was introduced Amending the Zoning Ordinance, to change the zoning from R-2 to B-1 on property located at the intersection of Wilmount Road and Morris Field Road, on petition of the Charlotte-Mecklenburg Planning Commission and Bowman-Dunn Manufacturing Company. Following the reading thereof, a Resolution Providing for a Public Hearing on the ordinance on May 9th, was presented and read. Councilman Brown moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Pages 419-420.

ZONING CHANGE REQUESTS TO BE ACTED ON BY COUNCIL AT NEXT MEETING AFTER HEARING.

Councilman Dellinger stated he feels the manner in which requests for changes in zoning are now handled is wrong, as it is impossible to fully consider so many requests at the hearings. He moved that the procedure be established that action on the petitions be taken by the Council at the next meeting following the joint hearings by the Council and Planning Commission, and that the Planning Commission furnish copies of their recommendations to the Council without delay for study.

The City Attorney stated this will be amending the procedure recently established for hearing zoning petitions, and the hearing should be continued to the next meeting if the Council desires to defer action until that time.

Mr. Yancey, City Manager stated the present procedure will be followed in that the Planning Commission will retire after the hearing and will submit their recommendation to the Council. Too, that the law provides that only one hearing be held, which will be done, and the matter will be docketed for Council action at the next meeting.

The motion was seconded by Councilwoman Evans, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED IN TUCKASEEGEE ROAD, STATESVILLE AVENUE AND JENNINGS STREET.

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

- (a) 594-feet of sanitary sewer in Tuckaseegee Road, to replace a small inadequate sewer, at an estimated cost of \$2,445.00. All costs to be borne by the City.
- (b) 3,430-feet of sewer trunk and mains in Statesville Avenue Terrace, at request of L. C. Johnson, to serve 36 family units, at an estimated cost of \$9,875.00. All costs to be borne by the City.
- (c) 350-feet of sanitary sewer in Jennings Street, at request of Ervin Construction Company, to serve 13 vacant lots, at an estimated cost of \$700.00. All costs to be borne by the City, and applicant's required deposit of the entire amount to be refunded as per terms of the contract.

ERVIN CONSTRUCTION COMPANY GRANTED PERMISSION TO CONNECT PRIVATE SANITARY SEWER TRUNK LINE TO CITY'S SANITARY SEWERAGE SYSTEM ACROSS FROM SUGAW CREEK PLANT PROPERTY.

Motion was made by Councilman Albea, seconded by Councilman Brown, and unanimously carried, authorizing Ervin Construction Company to connect 5,268.35 feet of sanitary sewer trunk lines, outside the city, to the City's Sanitary Sewerage System across from Sugaw Creek Disposal Plant property.

SUPPLEMENTARY CONTRACT WITH J. A. JONES CONSTRUCTION COMPANY FOR ADDITIONAL WATER MAINS CONSTRUCTION IN SHERWOOD FOREST SUBDIVISION NO. 5.

Councilman Albea moved approval of a Supplementary Contract, to contract dated March 20, 1956, with J. A. Jones Construction Company, for the construction of 4,095-feet of additional water mains and 3 hydrants in Sherwood Forest Subdivision No. 5, outside the city limits, at an estimated cost of \$12,350.00. All costs to be borne by the applicant, who will own the mains until the territory is taken into the city. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONTRACT WITH MANGUM W. SLOAN FOR CONSTRUCTION OF WATER MAINS IN ENDERLY PARK SHOPPING CENTER.

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, contract was authorized with Mangum W. Sloan, for the construction of 1,100 feet of water mains in Enderly Park Shopping Center, to serve the Center, at an estimated cost of \$3,000.00. All costs to be borne by the City, and applicant will guarantee a gross annual revenue equal to 10% of the cost.

RACHEL STREET, FROM END OF PRESENT MAINTENANCE SOUTH 200 FEET TO DEAD-END, TAKEN OVER FOR MAINTENANCE.

Councilman Dellinger moved that Rachel Street, from end of present maintenance south 200-feet to dead-end be taken over for City maintenance. The motion was seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 16-ft. driveway entrance at 2204 Winter Street.
- (b) Two 35-ft. driveway entrances on Lincoln Boulevard, for 2100 Beatties Ford Road.
- (c) One 22-ft. driveway entrance at 817 Romany Road.
- (d) One 30-ft. driveway entrance at 1608 West Trade Street.
- (e) One 30-ft. driveway entrance at 1623 West Trade Street.

RENEWAL OF SPECIAL OFFICER PERMIT TO HARRY R. FOGG.

Councilman Smith moved the renewal of the Special Officer Permit to Harry R. Fogg, for use on the premises of Charlotte Tank Corporation and Suburban Rulane Gas Company for a period of one year. The motion was seconded by Councilman Wilkinson, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with R. O. Baker, for Lot 118, Section 4-A, Evergreen Cemetery, at \$126.00.
- (b) Deed with T. O. Ferris for Perpetual Care on Lot 51, Section I, Elmwood Cemetery, at \$140.00.

DEED TENDERED BY CHARLOTTE MEMORIAL HOSPITAL FOR ADDITIONAL PROPERTY FOR SPASTICS HOSPITAL ACCEPTED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the deed for additional property for the Spastics Hospital, tendered by Charlotte Memorial Hospital, was accepted by the City.

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AMENDMENT TO LEASE WITH CAROLINA SPASTICS ASSOCIATION FOR ADDITIONAL PROPERTY FOR THE SPASTICS HOSPITAL, AUTHORIZED.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute an Amendment to the Lease with the Carolina Spastics Association for additional property to be used by the Spastics Hospital. The motion was seconded by Councilman Brown, and unanimously carried.

PLANS FOR HOSKINS FILTER PLANT AND APPLICATION TO STATE BOARD OF HEALTH, SANITARY ENGINEERING DIVISION FOR APPROVAL, APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Dellinger, and unanimously carried, Plans for the Hoskins Filter Plant were approved and the Mayor and City Clerk were authorized to make formal application to the N. C. State Board of Health, Sanitary Engineering Division, for approval of the said Plans.

CHANGE ORDER NO. 5 COVERING SUBDRAINAGE SYSTEMS, IN CONTRACT WITH BLYTHE BROS. COMPANY FOR CONSTRUCTION OF CROSSLINE RAILROAD, APPROVED.

Councilman Brown moved approval of Change Order No. 5 covering sub-drainage systems, in the Contract with Blythe Bros. Company for the construction of the Crossline Railroad, as recommended by Mr. Frank T. Miller, Consulting Engineer and the City Manager, on a unit price basis in the estimated amount of \$117,290.00. The motion was seconded by Councilman Dellinger, and carried, with the following votes cast:

YEAS: Council members Albea, Baxter, Brown, Dellinger, Evans and Wilkinson.

NAYS: Councilman Smith.

EMPLOYMENT OF ADDITIONAL PERSONNEL IN BUILDING INSPECTION DEPARTMENT AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the employment of one additional Building Inspector, one additional Plumbing Inspector and an Office Clerk in the Building Inspection Department was authorized, with salaries to be in accordance with the Job Classification Plan for said job levels.

EMPLOYMENT OF ADDITIONAL PERSON IN PURCHASING DEPARTMENT AUTHORIZED.

Councilman Albea moved that the employment of an additional person in the Purchasing Department be authorized, at a salary in accordance with the Job Classification Plan, 440 point level (\$3,600.00 per annum). The motion was seconded by Councilwoman Evans, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk