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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 Monday, April 24, 1961, at 3 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Dellinger, Hitch, Myers and Smith present.

ABSENT: Councilman Whittington.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, the Minutes of the last meeting on April 17th were approved as submitted.

ORDINANCE NO. 736-Z-12 TO AMEND THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY AT 909 KENILWORTH AVENUE, CONTINUED ONE WEEK.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and un-animously carried, Ordinance No. 736-Z-12 to Amend Chapter 23, Article I, Section 23-8 of the City Code by changing zoning on property at 909 Kenilworth Avenue, on petition of J. H. Cornelius, was continued for one week pending the recommendation of the Planning Board.

ORDINANCE NO. 737-Z-13 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY ON THE EAST SIDE OF DAWN CIRCLE FROM RURAL TO INDUSTRIAL, CONTINUED ONE WEEK.

Councilman Albea moved the adoption of Ordinance No. 737-Z-13 Amending Chapter 23, Article II, Section 23-43 of the City Code by changing zoning on property on the east side of Dawn Circle, from Rural to Industrial, on petition of Blumenthal Properties, Inc., and the recommendation of the Planning Board.

Councilman Dellinger stated he thinks consideration should be given the fact that the petitioner cannot use the property without some change in zoning.

Councilman Myers moved that action be deferred one week and the Planning Board be requested to contact the petitioner and ask if he will accept B-1 zoning. The motion was seconded by Councilman Dellinger, and un-animously carried.

ORDINANCE NO. 738-Z-14 AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY AT 4432 STATESVILLE ROAD FROM RURAL TO B-1, ADOPTED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and un-animously carried, Ordinance No. 738-Z-14 Amending Chapter 23, Article II, Section 23-43 of the City Code by changing zoning on property at 4432 Statesville Road, from Rural to B-1, was adopted on petition of John G. Howell, and recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 54.

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ORDINANCE NO. 716-Z AMENDING THE ZONING ORDINANCE BY CHANGING ZONING ON PROPERTY AT SOUTHEAST CORNER OF STATESVILLE AND NIVEN ROADS FROM RURAL TO B-1, ADOPTED.

Councilman Dellinger moved the adoption of Ordinance No. 716-Z Amending Chapter 23, Article II, Section 23-43 of the City Code by changing zoning on property at the southeast corner of Statesville and Niven Roads, from Rural to B-1, on petition of John, Marion and Fannie Dellinger, and recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 13, at Page 55.

RESOLUTION PROVIDING FOR PUBLICATION OF NOTICE OF SESSION OF CITY COUNCIL ON MAY 29TH TO CONSIDER ANNEXATION OF 80.529 ACRES OF PROPERTY IN PAW CREEK TOWNSHIP.

The City Manager advised a Petition has been filed by Ervin Construction Company for the annexation to the City of Charlotte of 80.529 acres of property located in Paw Creek Township, and recommended the adoption of a Resolution Providing for the publication of Notice of Session of the City Council on May 29th to consider the requested annexation. Upon motion of Councilman Albea, seconded by Councilman Myers, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 4, at Page 118.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON KINGS DRIVE, FROM NEAR BRUNSWICK AVENUE TO NEAR EAST BOULEVARD.

A resolution entitled: Resolution Authorizing Permanent Improvements on Kings Drive, from near Brunswick Avenue to near East Boulevard was placed on its final reading, and upon motion of Councilman Babcock, seconded by Councilman Albea, was unanimously adopted. The resolution is recorded in full in Resolutions Book 4, at Page 117.

INSTALLATION OF PIPE IN WOODHAVEN DRIVE TO CORRECT HAZARDOUS DRAINAGE CONDITION DEFERRED ONE WEEK.

The recommendation of the City Manager at the meeting on April 24th that the City install the necessary pipe in Woodhaven Drive on the property of Mrs Kenneth Coe to correct a hazardous drainage condition brought about by Weeping Willow A.M.E. Zion Church improperly installing inadequately sized pipe in the roadway to the Church, was discussed. Mr. Veeder stated that Mrs Coe will pay for the new pipe, which will cost around \$250.00, and the Church would be billed for the installation, around \$150.00. He asked the City Attorney if the City has any authority to collect the bill if the Church will not assume the obligation. Mr. Shaw stated the City will be relieving a hazardous health condition. Councilman Smith stated it appears to be a civil action between Mrs Coe and the Church, the road to which is over Mrs Coe's property. Councilman Hitch moved that the matter be deferred one week and the City Manager contact one of the church officers and bring back a report as to what they will do. The motion was seconded by Councilman Smith, and unanimously carried.

BID OF ROBERTSON HOUSE MOVING & WRECKING COMPANY ACCEPTED FOR DEMOLITION OF BUILDINGS AT 605 SOUTH CALDWELL AND 1125 INDEPENDENCE BOULEVARD, IN INDEPENDENCE BOULEVARD EXPRESSWAY RIGHT OF WAY.

Councilman Smith moved the acceptance of the low bid of Robertson House Moving & Wrecking Company for the demolition of buildings at 605 South Caldwell Street and 1125 Independence Boulevard, at a price of \$350.00. The motion was seconded by Councilman Myers, and unanimously carried.

PAYMENT AUTHORIZED TO MCDUGLE, ERVIN, HORACK & SNEPP FOR SERVICES IN CONNECTION WITH THE ACQUISITION OF PROPERTY FOR EAST 3RD STREET RIGHT OF WAY.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and un-animously carried, payment of \$1,438.80 was authorized made to McDougle, Ervin, Horack & Snepp, for services in connection with the acquisition of property for East 3rd Street opening right of way.

AGREEMENTS AUTHORIZED WITH STATE HIGHWAY DEPARTMENT FOR RIGHT OF WAY ENCROACHMENT FOR EXTENSION OF SANITARY SEWER LINES.

Motion was made by Councilman Albea, seconded by Councilman Myers, and un-animously carried, authorizing the execution of Agreements with the State Highway Department for the encroachment in their rights of way for the extension of sanitary sewer lines in Interstate Route #85 at N.C. #16, in N. C. Route #16 at Lynwood Avenue and in U.S. Route #29 North at Atando Avenue.

REQUEST TO CONNECT 39 ACRES OF RESIDENTIAL PROPERTY ON BERESFORD ROAD TO CITY'S SANITARY SEWERAGE SYSTEM, DEFERRED ONE WEEK.

Councilman Smith moved that the request of Jackson Engineering Corporation to connect 39 acres of residential property in Beresford Road, outside the city limits, to the City's sanitary sewerage system be deferred one week for study, in view of a similar request having been turned down about a year ago. The motion was seconded by Councilman Hitch, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS IN VARIOUS LOCATIONS AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and un-animously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) Construction of 150 ft. of sewer main in Spencer Street, at request of Nance-Trotter, Inc. at an estimated cost of \$555.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (b) Construction of 1,001 ft. of sewer main in Progress Lane, at request of the City Engineer, at an estimated cost of \$3,030.00. All costs to be borne by the City from the Old Bond Fund previously approved for use in Area I Perimeter Sewer Construction Contract.
- (c) Construction of 550 ft. of sewer main in Wilkinson Boulevard, at request of Mr. Zeb Greene, at an estimated cost of \$2,205.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.
- (d) Construction of 400 ft. of sewer main in Wellingford Street, at request of Trotter & Allan Construction Company, at an estimated cost of \$1,330.00. All costs to be borne by the applicant, whose deposit of the entire amount will be refunded as per terms of the contract.

AGREEMENT AUTHORIZED WITH SEABOARD AIRLINE RAILROAD COMPANY FOR RIGHT OF WAY ENCROACHMENT FOR EXTENSION OF SANITARY SEWER SERVICE TO TENNESSEE AVENUE.

Councilman Hitch moved approval of an agreement with the Seaboard Airline

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Railroad Company for encroachment in their right of way for the extension of sanitary sewer service to Tennessee Avenue. The motion was seconded by Councilman Dellinger, and unanimously carried.

SPECIAL OFFICER PERMITS AUTHORIZED ISSUED HUBERT N. PORTER AND JOHN W. KAY.

Upon motion of Councilman Dellinger, seconded by Councilman Babcock, and unanimously carried, the issuance of Special Officer Permits was authorized to Hubert N. Porter for use on the premises of Nebel Knitting Company, 101 West Worthington Avenue, and to John W. Kay for use on the premises of Domestic Laundry, Inc., 811 S. McDowell Street.

NEW LICENSE AUTHORIZED WITH FEDERAL AVIATION AGENCY COVERING ALL FACILITIES AT DOUGLAS MUNICIPAL AIRPORT.

Motion was made by Councilman Hitch, seconded by Councilman Smith, and unanimously carried, authorizing a new License with Federal Aviation Agency covering all their facilities at Douglas Municipal Airport.

LEASE AUTHORIZED WITH STATE AIRLINES FOR TRACT OF LAND AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Albea moved that a lease be authorized with State Airlines for a tract of land at Douglas Municipal Airport for a term of 5 years, at a monthly rental of \$23.75. The motion was seconded by Councilman Babcock, and unanimously carried.

LEASE OF BUILDINGS AT DOUGLAS MUNICIPAL AIRPORT AUTHORIZED.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, the lease of the following buildings at Douglas Municipal Airport was approved:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE	and	TERM
61	Horton Boatworks	\$ 48.85	2-1-61		1 year
292	Hawthorne Aviation	\$119.60	1-2-61		5 years
356	Southeast Airmotive Included in lease is right to sell petroleum products for aircraft.	\$285.34	2-1-61		5 years
288	Armstrong-McGinnis	\$ 80.33	7-1-60		1 year
244	Tommy Helms	\$ 65.00	3-1-61		1 year

ONE ACRE TRACT OF PROPERTY OPPOSITE HOSKINS FILTER PLANT AUTHORIZED SOLD AT PUBLIC AUCTION, SUBJECT TO 60 FOOT RIGHT OF WAY FOR WATER LINES.

The City Manager advised that Mr Craig Lawing is interested in purchasing the one acre tract of property opposite Hoskins Filter Plant, which was discussed at last week's meeting together with second tract containing 3.6 acres. He stated that the larger tract is bisected by Highway #16, and neither tract is needed for water purposes, however, the sale of either

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tract would be subject to the City retaining the 60 foot easement for water lines. The City Attorney advised that Mr. Lawing is not interested in just bidding on the property but in opening the bid at the appraised value, subject to easement, and if the price is not raised that the property is his; that Mr. Lawing does not want to get into the bidding unless he knows he will get the property, unless, of course the bid is raised. Mr. Lawing stated he wishes to deposit \$50.00 for advertising costs and to bid the amount of the appraisal, \$7,490.00, at this time.

Councilman Smith expressed objections to this method of selling the property, which he stated could be misinterpreted and he sees no reason for having the sale predetermined and the City should reserve the right to reject all bids should something arise to make it advisable. Councilman Hitch stated he prefers to handle the sale in the usual manner.

Councilman Myers moved that the one acre tract be offered for sale at public auction and the bidding begin at the appraised price of \$7,490.00, and the sale be subject to the 60 foot right of way for water lines. The motion was seconded by Councilman Smith, and unanimously carried.

CONDEMNATION PROCEEDINGS AUTHORIZED STARTED FOR ACQUIRING PROPERTY FRONTING TWO LOTS ON PATTON AVENUE AND TWO LOTS ON FAIRMONT STREET REQUIRED FOR WATER WORKS PROPERTY.

Upon motion of Councilman Babcock, seconded by Councilman Myers, and unanimously carried, condemnation proceedings were authorized started to acquire property fronting two lots on Patton Avenue west from Fairmont Street and two lots on Fairmont Street adjoining the rear of the property on Patton Avenue, needed as water works property because of the proposed Northwest Expressway taking a portion of the existing water works property.

PAYMENT AUTHORIZED TO NORTH CAROLINA NATIONAL BANK, TRUSTEE UNDER AGREEMENT WITH I.D. BLUMENTHAL FOR RIGHT OF WAY AND DAMAGES IN CONNECTION WITH WIDENING OF EAST 11TH STREET AT BREVARD STREET.

Councilman Babcock moved that payment of \$2,500.00 be authorized to North Carolina National Bank, Trustee under Agreement with Mr. I.D. Blumenthal for right of way and damages of every nature in connection with the widening of East 11th Street, at Brevard Street in 1954. The motion was seconded by Councilman Albea, and unanimously carried.

MECKLENBURG HISTORICAL ASSOCIATION OFFERED HUTCHINSON HOUSE AT 138 CASWELL ROAD SUBJECT TO ACCEPTANCE BY MAY 15TH AND REMOVAL BY JUNE 1ST.

The City Manager advised that bids have been received for the demolition of three houses in the right of way for the extension of East 3rd Street, and some decision should be made at once in connection with the request of Mecklenburg Historical Association for the Hutchinson House at 138 Caswell Road, as it will hamper the project if it is standing after May 31st and the State Highway Department wants to know if the right of way will be cleared by June 1st. He suggested that consideration might be given contributing \$500.00 to the Association to move it, as it would cost the City that much to have it demolished. Councilman Myers suggested that the Association be invited to secure a quotation for the removal of the house.

Councilman Babcock moved that the Association be advised the Council is in sympathy with their aims but the street project cannot be delayed and they be offered the house subject to the offer being accepted by May 15th and the house moved from the lot by June 1st. The motion was seconded by Councilman Smith, and unanimously carried.

BID OF NORMAN'S HOUSE DEMOLISHING COMPANY ACCEPTED FOR DEMOLITION OF HOUSES AT 200 BALDWIN AVENUE AND 143 QUEENS ROAD IN RIGHT OF WAY FOR EAST 3RD STREET EXTENSION.

Upon motion of Councilman Myers, seconded by Councilman Albea, and unanimously carried, the bid of Norman's House Demolishing Company of \$900.00 was accepted for the demolition of houses at 200 Baldwin Avenue and 143 Queens Road in the right of way for East 3rd Street extension, provided a formal agreement for the work is entered into with the said Company.

CLAIMS OF MRS HELEN BRANTLY, MRS JOSEPH HARTMAN AND MRS ETHEL BROADMAN REFERRED TO CITY ATTORNEY.

Motion was made by Councilman Dellinger, seconded by Councilman Hitch, and unanimously carried, referring the following claims to the City Attorney for recommendation:

- (a) Claim of Mrs Helen Brantly for damages to her Chevrolet on March 15th on South Tryon Street by a piece of concrete falling from a Street Division truck onto the car where the City was reconstructing a sidewalk.
- (b) Claim of Mrs Joseph Hartman for damages to her car on April 9th on Heathwood Avenue from the cave in of a trench across the street made by the Sewer Construction Division.
- (c) Claim of Mrs Ethel Broadman for personal injuries sustained on April 9th on Heathwood Road while riding in the car of Mrs Joseph Hartman, which was damaged by the cave in of a trench across the street.

CITY MANAGER REQUESTED TO MAKE REPORT OF STREETS IN NEED OF REPAIRS.

Councilman Smith stated he has found during the municipal campaign the prime question is the condition of our streets. He requested the City Manager to bring in a report of these streets in need of repair and how the work can be expedited.

DISCUSSION OF ZONING MAPS INVOLVED IN REVOCATION OF BUILDING PERMIT FOR CONSTRUCTION OF DRIVEIN RESTAURANT AT 2823 SELWYN AVENUE.

Councilman Smith asked the City Attorney about the Hearing on the revocation of the Building Permit issued Dr Lyon for the construction of the drive-in restaurant on Selwyn Avenue. Mr Shaw stated the Hearing will be held next Thursday morning, and he will, of course, do what he can to defend the city's position, and the Judge will render his decision. Councilman Smith stated the residents opposing the construction say they were not able to see the two zoning maps involved in the question, and both the City Manager and City Clerk's offices were contacted. Mr. Veeder stated he had no one request the maps from him, and Mrs Hoffman, City Clerk, stated one or more persons phoned to ask if the maps were in her office and she stated they were and were available to anyone who wished to see them. Councilman Smith asked the City Clerk if the map is the same as the one used in the Building Inspection office for issuing permits and Mrs Hoffman stated the map on which the depth of the zoning is indicated as 100 feet is marked Working Map of Zoning Commission and was filed with the Zoning Commission's preliminary report, while the other map is the one adopted by the Council at the same time the ordinance was adopted, and is filed in the ordinance book with the ordinance, and a duplicate of it is used in the Building Inspection Department.

ADJOURNMENT.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, the meeting was adjourned.

*Lillian R. Hoffman*  
Lillian R. Hoffman, City Clerk