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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, April 6, 1955, at 11 o'clock a.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on March 30, 1955 were approved as submitted.

ORDINANCE NO. 253 AMENDING THE ZONING ORDINANCE CHANGING ZONING FROM R-2 TO B-1 ON TWO TRACTS OF LAND NORTH AND SOUTH OF WEST 5TH STREET, BETWEEN IRWIN CREEK AND ANDRILL TERRACE.

The scheduled hearing was held in connection with the petition of the P & N Railway Company for a change in zoning from R-2 to B-1 on an .83 acre tract of land and a 1.45 acre tract located north and south, respectively, of West 5th Street between Irwin Creek and Andrill Terrace.

No objections were registered to the proposed change. Thereupon, Councilman Baxter moved the adoption of the Ordinance Amending the Zoning Ordinance to effect the change. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 419.

ORDINANCE NO. 255 AMENDING THE ZONING ORDINANCE CHANGING THE ZONING FROM R-2 TO B-1 ON PROPERTY AT 117 SOUTH CECIL STREET.

A hearing was held in connection with Ordinance No. 255 To Amend the Zoning Ordinance, by changing the zoning from R-2 to B-1 on property at 117 South Cecil Street, on the petition of Mrs. Edna H. Learner. No objections were expressed to the proposed change. Councilman Albea moved the adoption of the ordinance, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, Page 420.

ORDINANCE NO. 256 AMENDING THE ZONING ORDINANCE CHANGING THE ZONING FROM R-1 TO R-2 ON PROPERTY LOCATED ON THE WESTERLY MARGIN OF GLOBE COURT.

The hearing on the proposed Ordinance to Amend the Zoning Ordinance to change the zoning from R-1 to R-2 on property located on the westerly margin of Globe Court, was held. No objections to the change were registered; thereupon, Councilman Dellinger moved the adoption of Ordinance No. 256 Amending the Zoning Ordinance. The motion was seconded by Councilman Brown and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 421.

ORDINANCE NO. 257 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM R-1 TO B-1 ON PROPERTY LOCATED ON THE EASTERLY MARGIN OF GLOBE COURT.

The scheduled hearing was held on the petition of Mr. Barron A. Phillips for a change in zoning from R-1 to B-1 on property located on the easterly margin of Globe Court. There being no objections expressed to the proposed change, Councilman Brown moved the adoption of Ordinance No. 257 Amending the Zoning Ordinance to effect the change. The motion was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 422.

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REZONING OF TRACT OF VACANT LAND OFF WEST TRADE STREET ALONG WESTERLY BORDER OF IRWIN CREEK AND P & N RAILWAY RIGHT-OF-WAY REFERRED BACK TO ZONING BOARD OF ADJUSTMENT.

At the hearing on a proposed change in zoning on a tract of vacant land off West Trade Street along the westerly border of Irwin Creek and the right-of-way of the P & N Railway Company, a delegation of residents of Summit Avenue appeared in protest of the change. Mr. J. M. Alexander, Attorney representing the group, stated he had a petition signed by more than 20% of the residents of the immediate area opposing the change; that their protest would have been filed with the Zoning Board of Adjustment had they known the change was contemplated; that the required Sign notifying the residents of the proposed change was not posted on the property, or if so it was in such a place as to be unnoticed. Mr. Alexander requested that the matter be referred back to the Zoning Board for reconsideration and a hearing by them. Mr. J. E. Ritch, Engineer for the Planning Commission, advised that the usual Sign was posted on the property approximately 300 feet from West Trade Street.

Mr. Frank Way, representing the P & N Railway Company, advised that the strip of land is only 150 feet wide by 113 feet long and lies in a low area unsuitable for residential purposes; that it was purchased by the Railway Company in 1927 as a right-of-way for the extension of their tracks then contemplated, but was not used for this purpose and unless its use is permitted for industrial purposes the land will be practically worthless to the Company. He stated it is bounded by the property of Mr. E. C. Griffith, who has requested a similar change in zoning of his property.

Mr. C. W. Todd, representing Mr. Griffith, stated a petition for a change in zoning of his property was filed with the Zoning Board of Adjustment along with that of the P & N Railway Company, and his land is also unsuitable for residential purposes.

Mr. Alexander attacked the proposal as being an opening wedge to have the entire area turned into an industrial section, which the residents do not want. Mr. Cox, Mrs. Hudson and Mrs. Cordell, residents of Summit Avenue each expressed opposition to the proposal, stating at one time an offer was made to purchase a portion of the property for the extension of their property, and the offer was refused by the Company.

Councilman Brown moved that the matter be referred back to the Zoning Board for reconsideration and that their recommendation be made to the Council on this property and that of Mr. Griffith at the same time. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION SIGNIFYING INTENTION OF THE CITY TO COOPERATE WITH THE STATE HIGHWAY & PUBLIC WORKS COMMISSION WITH RESPECT TO THE RELOCATION OF ROAD TO DOUGLAS MUNICIPAL AIRPORT.

A resolution entitled: "Resolution Signifying Intention of the City to Cooperate with the State Highway & Public Works Commission With Respect To The Relocation Of Road to Doulgas Municipal Airport" was introduced by Councilman Baxter. Following the reading thereof, Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 286.

CONSTRUCTION OF SEWER TRUNK FROM BRIAR CREEK TO SERVE GREIR HEIGHTS PROPERTY.

Councilman Baxter moved approval of the playground project in Grier Heights sponsored by Mr. Arthur Grier, which embraces the construction of a trunk line sewer by the City from the present main in Briar Creek through the property of Mr. Mason Wallace and Mr. E. C. Griffith, at a cost of \$7,200.00 according to plans and estimates furnished by the City Engineer under date of March 29, 1955, upon the condition that Mr. Wallace deeds approximately 4 acres of land to the Charlotte Park & Recreation Commission for park purposes, together with the necessary right-of-way for the sewer line, and upon the further condition that interested persons furnish a suitable access road to the playground area. The motion was seconded by Councilman Smith, and unanimously carried.

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REQUEST OF MRS. A. Z. TRAVIS FOR EMPLOYEE PAYROLL DEDUCTIONS FOR THE NORTH AMERICAN INSURANCE SOCIETY, REFERRED TO CITY MANAGER FOR INVESTIGATION AND REPORT AS TO THE HANDLING OF THE DEDUCTION.

Mrs. A. Z. Travis representative of the North American Insurance Society appeared before Council stating that when the City adopted a payroll deduction hospitalization insurance plan embracing all city departments, about two years ago the group plan her company had on Firemen was cancelled. That she now understands that the Council last week opened the door for payroll deductions for insurance by other companies and authorized deductions for the Colonial Life & Accident Company, and she would like the same privilege extended her company. It was pointed out by the City Manager that as he stated last week, all of the tabs on the Payroll Machine in the Accounting Department are now in use with the exception of one that is being reserved for social security deductions. Mrs. Travis stated that only one tab on the machine is needed for the deduction of all hospitalization insurance, as an employee would have a policy with only one company.

Following the discussion, Councilman Wilkinson moved that the City Manager ascertain if all hospitalization insurance deductions can be handled on one column of the Payroll Machine, and report back on this at next week's Council Meeting. The motion was seconded by Councilman Baxter, and unanimously carried.

RESOLUTION RELATIVE TO OPPOSING A TAX ON REAL ESTATE TRANSFERS.

Four organizations were represented before Council in opposition to the proposed state tax on real estate transfers by Mr. Charles Lucas of The Charlotte Home Builders Association; Mr. Bob Rhyne, President and Mr. Jerry Hunt, Secretary of the Charlotte Board of Realtors; Mr. Ike Lowe, President of the Mortgage Bankers Association and Mr. Jack Martin, Secretary of the N. C. Savings & Loan League. Mr. Lucas requested the Council to take specific action in support of their opposition to the Bill. Mr. Rhyne presented the following resolution:

"WHEREAS, the taxation of real estate provides the principle source of revenue for the operation of municipal and county governments in North Carolina, and

WHEREAS, real estate taxes are practically the only source of revenue available to local North Carolina governments which have not been invaded by state and federal governments, and

WHEREAS, a tax on the transfer of real estate, though nominally against the seller, would operate to increase the price to the buyer, thus making North Carolina real estate less attractive to business and industry considering relocating in this state, and

WHEREAS, a greater diversification of industry and business in North Carolina is considered fundamental to the soundness and stability of the state's economy, and

WHEREAS, it has been for some years the policy of the Federal Government to encourage home ownership through a system of government guaranteed loans, and properly so, and

WHEREAS, a realty transfer tax, by effectively increasing the cost of a home, will tend to defeat this policy and make the attainment of home-ownership an impossibility for some, and

WHEREAS, a realty transfer tax, by effectively adding to completed cost, will make less attractive the provision of adequate housing for minority groups, both for rental and for sale,

NOW, THEREFORE, We, The Board of Directors of the Charlotte Board of Realtors, do hereby resolve:

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THAT a tax against the transfer of real estate, now being considered by the General Assembly of North Carolina, is against the public interest of the City of Charlotte and the State of North Carolina and should not be enacted into law, AND FURTHER

THAT the President of this Board present this resolution to the City Council of Charlotte with the request that it go on record as opposing this proposed tax and any similar tax and so advise the appropriate state officials.

Done at Charlotte, North Carolina, this the fifth day of April, 1955 A.D."

Councilman Albea moved that the Council go on record as opposing any tax on real estate transfers, and that copies of the resolution be sent to the Mecklenburg Delegation and other appropriate state officials. The motion was seconded by Councilman Dellinger, and unanimously carried.

DECISION ON REPLACEMENT OF HEATING EQUIPMENT AT CITY GARAGE WITH OIL BURNER DEFERRED.

Consideration of the award of contract on the replacement of the heating equipment with oil burner type at the City Garage deferred at the Council Meeting on March 7th was discussed, and the City Manager stated that no report has been made by the Coal Dealers who requested that the matter be deferred until a survey of the need for a change in the heating equipment was made. Mr. T. C. Toomey of Toomey Brothers, who was the low bidder on the replacement equipment, was present and upon the question of Councilman Smith as to whether he was willing to defer action, Mr. Toomey stated he was willing to have the matter held up for 30 days. Councilman Smith moved that the matter be held open for a period not exceeding 30 days and in the meanwhile the City Manager have the Coal Dealers appear before Council and be heard in the matter. The motion was seconded by Councilman Dellinger, and unanimously carried.

REPRESENTATIVE AUTHORIZED SENT TO CONFERENCE OF MAYORS REHABILITATION COMMITTEE OF DETROIT RELATIVE TO SKID-ROW ALCOHOLICS.

Councilman SMith moved approval of the request of the Reverend J. L. Kellerman, Chairman of the Board of The Charlotte Mental Health Clinic, that the City send a representative to Detroit to attend a conference to be held by the Mayors Rehabilitation Committee of Detroit on the rehabilitation of skid-row alcoholics. The motion was seconded by Councilman Brown, and unanimously carried.

ENDORSEMENT OF ACT TO INTEGRATE RETIREMENT SYSTEM AND SOCIAL SECURITY DEFERRED ONE WEEK.

Councilman Brown requested the Council's endorsement of the Act pending before Legislature providing for the integration of the Local Governmental Employees Retirement System with Social Security, so that the city employees may have the privilege of participating therein if they wish. Councilman Boyd asked the City Attorney if it was necessary for the Council to take such action; Mr. Shaw, City Attorney, stated it was not necessary but the Mecklenburg Delegation would probably like to know the wishes of the Council on the proposed Bill. Councilman Boyd stated he has read the proposed Bill and is unable to determine what it does cover, however, all city employees would be affected by the adoption of such a combined plan and he feels the Council should understand the provisions of the Bill. Councilman Dellinger stated that a meeting will be held on Friday night at the Court House when a representative of the Retirement System from Raleigh will discuss the Bill, and he suggested that the Council attend the meeting, which is planned for city and county employees. Councilman Smith moved that action be deferred until the next Council Meeting. The motion was seconded by Councilman Albea, and unanimously carried.

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REPORTS OF APPRAISERS OF BENEFITS AND/OR DAMAGES TO PROPERTY IN THE IMPROVEMENT DISTRICT ON QUEENS ROAD WEST, AND ON SELWYN AVENUE.

The City Clerk reported that the Board of Appraisers filed with her on March 29, 1955 their report of the benefits and/or damages to property in the improvement district on Queens Road West, from Queens Road to East Boulevard and from Princeton Avenue to Roswell Avenue, and their report on the benefits and/or damages to property in the improvement district on Selwyn Avenue, from Westfield Road to Park Road.

RESOLUTION WITH RESPECT TO THE COST OF IMPROVEMENTS ON QUEENS ROAD WEST, FROM QUEENS ROAD TO EAST BOULEVARD AND FROM PRINCETON AVENUE TO ROSWELL AVENUE.

A resolution entitled: "Resolution with Respect to the Cost of Improvements on Queens Road West, from Queens Road to East Boulevard and From Princeton Avenue to Roswell Avenue" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 288.

RESOLUTION WITH RESPECT TO THE COST OF IMPROVEMENTS ON SELWYN AVENUE, FROM WESTFIELD ROAD TO PARK ROAD.

A resolution entitled: "Resolution with Respect to the Cost of Improvements on Selwyn Avenue, from Westfield Road to Park Road" was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 288.

AGREEMENT WITH JOHNSON C. SMITH UNIVERSITY FOR USE OF STRIP OF LAND AS RIGHT-OF-WAY FOR WATER LINE FROM VEST STATION TO SOUTH TRYON STREET.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, an agreement with Johnson C. Smith University was authorized for the use of a strip of land 30-feet in width and 826.58 feet in length as right-of-way for the 36-inch water line from Vest Station to South Tryon Street, for the sum of \$3,500.00.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO CIVIL SERVICE COMMISSION BUDGET.

Motion was made by Councilman Brown, seconded by Councilman Smith, and unanimously carried, authorizing the transfer of \$250.00 from the Emergency Fund (Code 110) to the Civil Service Commission, Capital Outlay (Code 1112-G) for the purchase of file equipment.

TREE REMOVAL AT 3100 WILKINSON BOULEVARD APPROVED.

Councilman Dellinger moved approval of the request of the Southern Engineering Company for the removal of a tree from the shoulder of the road at 3100 Wilkinson Boulevard, which interferes with a parking lot. The motion was seconded by Councilman Smith, and unanimously carried.

JEFF STREET TAKEN OVER FOR CITY MAINTENANCE.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, taking over Jeff Street, from Ventosa Street to Airlie Street, for city maintenance.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the construction of new sanitary sewer lines was authorized at the following locations:

- (a) 100-ft. of sewer line extension in Glenwood Road South, to serve one family unit, at a cost of \$170.00 to be borne by the City, at request of C. R. Carmichael.

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- (b) 310-ft. of sewer line in Shamrock Drive, to serve 5 family units and 4 vacant lots, at a cost of \$990.00, to be borne by the City, at request of J. W. Wiggins & Son.
- (c) 243-ft. of sewer line in Independence Boulevard, to serve 2 business units, at a cost of \$600.00, to be borne by the City, at request of Queen Charlotte Restaurant, Inc.

CONTRACT WITH GRACE METHODIST CHURCH FOR INSTALLATION OF WATER MAINS IN STACY BOULEVARD.

Councilman Wilkinson moved approval of a contract with Grace Methodist Church for the installation of 400-feet of water mains in Stacy Boulevard, to serve residential and church property, at an estimated cost of \$1,000.00, to be borne by the City, and the mains to be dedicated to the City by the Church upon completion. The motion was seconded by Councilman Brown, and unanimously carried.

SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, Plats of the following subdivisions were approved as recommended by the Planning Commission:

- (a) Plat of Revised Plans of Markham Village.
- (b) Plat of a Portion of Beechwood Acres.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 10-ft. driveway at 1515 Sterling Road.
- (b) One 8-ft. driveway at 1610 Twiford Place.

LEASE OF AIRPORT BUILDINGS CONCLUDED.

The City Manager reported that leases have been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE	TERM OF LEASE
257	Charlotte 7-Up Bottling Co.	\$30.00	5-1-55	1 year renewal
256	Winston Products Company	\$57.00	3-1-55	1 year renewal

ADJOURNMENT

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

Rebecca R. Hoffman
City Clerk