

February 4, 1953  
Minute Book 34 - Page 411

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, February 4, 1953, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Boyd, Coddington, Dellinger and Van Every present.

Absent: Councilman Baxter

**INVOCATION.**

The invocation was given by Councilman Claude L. Albea.

**MINUTES APPROVED.**

Upon motion of Councilman Van Every, seconded by Councilman Albea, and unanimously carried, the minutes of the last meeting on January 28th were approved as submitted.

**CONSIDERATION OF ORDINANCE (NO. 169) AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP ON TRACT OF LAND ON THE NORTH SIDE OF NEW THRIFT ROAD, CONTINUED TO MEETING ON FEBRUARY 11th.**

Mr. Yancey, City Manager, advised that Mr. Francis Clarkson, Attorney for Mr. J. T. Laney, petitioner for a change in zoning from R-2 to Light Industrial on 14.11 acres of land on the north side of the New Thrift Road, has requested that the hearing scheduled for today be continued one week as he is unable to be present today because of a funeral. Mr. Robert Hovis, Attorney, advised that he represents the delegation of residents present who oppose the zoning change, and would like to be heard.

It was explained, that under the provisions of the State Zoning Laws, a three-fourths affirmative vote of the Council is required on zoning matters in the event of the protest of twenty percent of the citizens concerned, which would necessitate the affirmative vote of six members of the City Council; there being only five members of the Council present today, the matter cannot be handled. Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, the hearing was continued until 4 o'clock p.m., on Wednesday, February 11th.

**CONSIDERATION OF ORDINANCE (NO. 170) AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP ON PROPERTY AT THE NORTHWEST CORNER OF TIPPAN AVENUE AND KENSINGTON DRIVE, CONTINUED UNTIL FEBRUARY 11th.**

Councilman Boyd requested that the hearing in connection with a change in zoning on property at the northwest corner of Tippah Avenue and Kensington Drive, be continued one week, as he wishes to be present when the matter is heard and it is necessary that he now return to Superior Court in which he is representing a client. Councilman Dellinger also advised that he has been requested to present a petition from residents opposing the change in zoning, and he moved that the hearing be continued until Wednesday, February 11th, because of the provisions of the State Zoning Laws which require a three-fourths affirmative vote of the Council on zoning matters in the event of the protest of twenty percent of the citizens concerned; and there being only five members of the Council present today, the question cannot be handled. The motion was seconded by Councilman Coddington, and unanimously carried.

**COUNCILMAN BOYD ABSENT FROM REMAINDER OF MEETING.**

Councilman Boyd left the meeting at this time and was not present for the remainder of the session.

February 4, 1953  
Minute Book 34 - Page 412

APPEAL FROM DECISION OF ZONING BOARD OF ADJUSTMENT DENYING PETITION FOR CHANGE IN ZONING OF PROPERTY AT 1922 ROZZELL FERRY ROAD, REQUESTED BY J. F. STAFFORD AND DEFERRED FOR TWO WEEKS.

Mr. J. F. Stafford requested permission to file an appeal against the decision of the Zoning Board of Adjustment on January 6, 1953, in denying a request for a change in zoning from R-2 to B-1 on two lots located at 1922 Rozzell Ferry Road. He stated that the owners of the property adjacent to the property in question had joined with him in petitioning for the change.

He presented a letter from the Zoning Board of Adjustment advising that his petition had been denied in view of the fact that the property is located in the midst of a residential section; that the change to a B-1 zone would be inconsistent with the general character of the area and would involve an encroachment into an existing residential area and that no evidence was presented which would indicate that such a change is necessary to the welfare of the general public, there being ample business property in the area to serve the needs of the neighborhood.

Mr. Stafford stated that due to a misunderstanding as to the hour of the meeting of the Zoning Board, he was not present to present his petition in person; therefore, after receiving the decision of the Board by letter, he requested a rehearing of the matter before the Board, and his request was refused.

Councilman Dellinger moved that the Council go out and look at the property in question, and that the Council consider the matter at the meeting on February 18th. The motion was seconded by Councilman Van Every, and unanimously carried.

SETTLEMENT OF CLAIM OF PAUL E. TURNER FOR DAMAGES TO CAR.

Councilman Van Every moved that the claim of Mr. Paul E. Turner for damages to his car from blasting operation by the Street Department on January 19th, be settled in full in the amount of \$50.00. The motion was seconded by Councilman Coddington, and unanimously carried.

REMOVAL OF TREES FROM PLANTING STRIP AT SOUTH BOULEVARD AND E. KINGSTON AVENUE APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, the Council granted the request of the Union National Bank to remove six trees from the planting strip at the northeast corner of South Boulevard and East Kingston Avenue that interfere with the construction of their new Branch Bank.

CONTRACT AUTHORIZED WITH W. S. WOODSON FOR WATER MAINS CONSTRUCTION IN BOLLING ROAD.

Councilman Dellinger moved that contract be authorized with Mr. W. S. Woodson for the construction of 1,354 feet of water mains and one fire hydrant in Bolling Road, at an estimated cost of \$2,800.00, to serve 21 residential lots. That the City finance all cost and applicant guarantee a gross annual water revenue equal to 10% of the total cost. The motion was seconded by Councilman Van Every, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS IN EAST 28TH STREET AUTHORIZED.

The construction of 150 feet of 8 inch sanitary sewer was authorized in East 28th Street, at an estimated cost of \$575.00 to be borne by the City, to serve four business units, upon motion of Councilman Albee, seconded by Councilman Van Every, and unanimously carried.

February 4, 1953  
Minute Book 34 - Page 413

**CONTRACT AWARDED CHAIN BELT COMPANY FOR CHAIN FOR USE AT IRWIN CREEK SEWAGE TREATMENT PLANT.**

Motion was made by Councilman Albea, seconded by Councilman Coddington, and unanimously carried, awarding contract to the Chain Belt Company for 630.75 feet of #9103 Malleable Iron Pintle Chain, as specified, and 48 feet of #A588 Rex Chabelco Pin and Cotter Chain, as specified, for a total price of \$1,471.92, subject to 2% cash discount.

**CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.**

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

- (a) One 10 ft. entrance at 1220 East 7th Street.
- (b) Two 30 ft. entrances at 624 Pecan Avenue.
- (c) Two 15 ft. entrances at 2709 N. Tryon Street.
- (d) One 8 ft. entrance at 3524 Draper Avenue.

**ACQUISITION OF RIGHTS-OF-WAY FOR WEST FIFTH STREET WIDENING AUTHORIZED.**

Upon motion of Councilman Van Every, seconded by Councilman Albea, and unanimously carried, the City Manager and City Attorney were directed to acquire the following property for rights-of-way for the widening of West Fifth Street, and payment therefor was authorized from street bond funds now on hand:

Strip of land at 222-24 North Summit Avenue, from Mrs. Jean Furr Vallandingham and husband, Charles E. Vallandingham, at \$2,000.00.

Lot at 226-28 North Summit Avenue, from Etta F. Thompson, at \$4,500.00.

Strip of land at 230 N. Summit Avenue, from Karl M. Waters and wife, Sarah K. Waters, at \$3,000.00.

Lot at 301-03 North Summit Avenue, from Lester A. Furr and wife, Ardene B. Furr, at \$4,500.00.

**RESOLUTION GRANTING PIEDMONT & NORTHERN RAILWAY COMPANY PERMISSION TO LAY SIDETRACK ACROSS JAY STREET.**

A resolution entitled: "Resolution Granting Piedmont and Northern Railway Company Permission to Lay Sidetrack Across Jay Street", was introduced and read. Councilman Van Every moved the adoption of the resolution, which was seconded by Councilman Coddington, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 55.

**CONTRACT AUTHORIZED WITH A. T. WITHROW FOR CITY SUPPLYING WATER TO HIS RESIDENTIAL DEVELOPMENT ADJACENT TO MORRIS FIELD.**

Councilman Van Every moved that the Mayor and City Clerk be authorized to execute a contract-agreement with Mr. A. T. Withrow whereby the City will furnish water to serve his residential development adjacent to Morris Field. The motion was seconded by Councilman Albea, and unanimously carried.

**COST OF PILING FOR FOUNDATION FOR WEST FIFTH STREET BRIDGE AUTHORIZED FROM STREET BOND FUNDS.**

The City Manager advised that due to the foundation conditions at the site of the West Fifth Street bridge where no rock was encountered, it will be necessary to drive piling, which will increase the cost by \$12,000.00. He stated further that the extra work will be done on a cost-plus basis. Councilman Albea moved that the additional expenditure of \$12,000.00 for the project be authorized from street bond funds. The motion was seconded by Councilman Dellinger, and unanimously carried.

February 4, 1953  
Minute Book 34 - Page 414

CONTRACT AUTHORIZED WITH CHARLOTTE SCHOOL BOARD FOR CONSTRUCTION OF SEWER LINE TO SERVE WEST CHARLOTTE HIGH SCHOOL.

Mr. Yancey, City Manager, advised that the Charlotte School Board has requested that the City commit itself to build a sewer to serve the new West Charlotte High School, the construction of which will begin shortly. He stated further that the cost is estimated at \$17,000.00. That unless the sewer is constructed it will be necessary for the School Board to build a septic tank at a cost of \$8,000.00. Councilman Coddington moved that the City Manager be authorized to advise the School Board that the City is willing to enter into a contract with the School Board for the construction of the sewer, provided that the Board deposits with the City the sum of \$8,000.00; the deposit to be refunded in accordance with the City's existing policy of \$200.00 per living unit served by lateral sewers and \$400.00 per unit for trunk line sewer. The motion was seconded by Councilman Van Every, and unanimously carried.

ADJOURNMENT.

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

Lucian R. Hoffman  
City Clerk