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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, January 11, 1956, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Dellinger, Evans, Smith and Wilkinson being present.

Absent: Councilman Brown.

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 January 4th were approved as submitted.

ORDINANCE NO. 289 AMENDING ZONING ORDINANCE CHANGING ZONING FROM R-1 TO B-1 ON LOTS 13 THRU 18 IN THE 1400 BLOCK OF INDEPENDENCE BOULEVARD, NORTH SIDE, UPON REQUEST OF W. R. DANCY AND OTHERS, ADOPTED.

The scheduled hearing was held in connection with the adoption of Ordinance No. 289 Amending the Zoning Ordinance, changing the zoning from R-1 to B-1, on Lots 13 thru 18 in the 1400 block of Independence Boulevard, north side, upon request of W. R. Dancy and others.

No objections were expressed by the citizens to the proposed zoning change. Councilman Smith moved the adoption of the Ordinance, which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 1.

HEARING IN CONNECTION WITH ORDINANCE NO. 258 AMENDING ZONING ORDINANCE TO CHANGE ZONING FROM R-2 TO INDUSTRIAL ON PROPERTY OFF WEST TRADE STREET ALONG THE WESTERLY BORDER OF IRWIN CREEK, UPON PETITION OF E. C. GRIFFITH COMPANY AND P & N RAILWAY COMPANY, CONTINUED TO MARCH 7, 1956.

Councilman Baxter moved that the scheduled hearing in connection with Ordinance No. 258 Amending the Zoning Ordinance, to change from an R-2 Zone to Industrial a tract of land located off West Trade Street along the westerly border of Irwin Creek, be continued to February 8th, which motion was seconded by Councilman Dellinger.

Mr. J. W. Alexander, Attorney representing opponents to the requested change, asked that the matter not be delayed further, stating that it has been postponed six times and his clients have been present each time and are greatly inconvenienced in getting away from their work. Mayor Van Every stated he, too, thinks the matter should be handled; however, the postponement has been due to the absence of Councilman Brown, who has been ill for some time, and the Council feels that in view of the fact that the number of opponents to the change necessitates the vote of the full Council to pass the ordinance, it is only fair that the matter be deferred until all Council members are present. Too, he understands that Councilman Brown has expressed a desire to vote on the question. He suggested that it would be better to continue the hearing to such time as it is thought Councilman Brown will definitely be present, rather than to February 8th as proposed by Councilman Baxter. Mr. James O. Moore, Attorney for the petitioners, stated it would be an injustice to his clients to hear the matter without a full Council present, and he urged that it be continued. Councilman Dellinger asked if Mr. Alexander's clients would compromise and accept a B I-A zoning? Mr. Alexander stated he did not represent all of the opponents to the change and had no authority to discuss a compromise and his clients would have to know the details of the proposed compromise. Mr. Moore stated they are desirous of discussing a compromise.

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Councilman Baxter withdrew his motion that the hearing be continued to February 8th, and moved that it be continued to March 7th, and that Mr. Alexander and Mr. Moore be advised the day prior if a full Council will be present at the March 7th Council Meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

PARKING RESTRICTIONS ON PROVIDENCE ROAD, FROM COLONIAL AVENUE TO QUEENS ROAD, ORDERED LIFTED.

Objections to the ban on parking on Providence Road, from Colonial Avenue to Queens Road, was expressed by Mr. B. A. Smith, owner of Smith Superette at 747 Providence Road, Mrs. Garraux and Mrs. Vester Slaughter, owners of The Woman's Exchange, 743 Providence Road, Mr. Henry Fisher, Attorney representing Mr. Claude Cochran, owner of the building at 743 Providence Road, and Mr. J. B. Vogler, Vice-President, Charlotte Retail Grocers Association.

Mr. Smith stated the ban on parking in the 700 block of Providence Road, would put him out of business; that instead of the expected \$800.00 in sales on last Friday when the No Parking Signs became effective, he realized \$100.00. Mr. Smith stated there is no bottle-neck to traffic in the 700 block; that it is in the 600 block, due to left turns into the parking area of the shopping center, and these stores will not be affected by the ban on parking on Providence Road. Mr. Smith asked that parking be restored on the east side of the 700 block and on the west side, off the pavement, as it was before it was restricted, and stated if it was not done, he would be forced to liquidate his business.

Mr. Henry Fisher, Attorney representing Mr. Claude Cochran, owner of the duplex building at 743 Providence Road, in which The Woman's Exchange is located, stated if the ban on parking is permitted to remain, it will be a confiscation of their property and that of Mr. Smith next door, as these buildings are located right on the sidewalk, and have no space whatsoever for parking. He advised that there is space behind the buildings but there is no entrance to the space, and Mr. Smith has been unable to arrange with the adjoining property owners for access to the area. He stated if the ban remains, it will put Mr. Cochran's tenants out of business and mean that he will not be able to rent his property. Mr. Fisher stated further that he travels Providence Road daily and there is no bottle-neck on the street except at the Liquor Store, between Colonial Avenue and Dartmouth Place, in front of which the No Parking Signs were not placed, and the left turn of traffic into the Shopping Area in the 600 block creates a bottleneck. He stated he registers a protest against the parking ban in the interest of Mr. Cochran's tenants and in his own personal behalf.

Mayor Van Every asked the citizens present in protest of the ban to stand, and approximately fifteen persons responded.

Mr. J. B. Vogler stated he knows that the congestion on Providence Road is not in the 700 block; that most of it is caused at the Shopping Center and Theatre by making left turns into the area. That Mr. Smith will, in fact, be forced out of business if the ban remains; that it is the same thing if the City advised each of the Councilmen that they must go out of business tomorrow.

Dr. Ralph Campbell stated he has his Dental Office at 739 Providence Road, and the few parking spaces that are occupied at a time by his patients are vital to him. That instead of banning parking, his opinion is that the street should be widened.

Mrs. Garraux stated she returned to Charlotte from Florida to reside after the death of her husband, and in November, she and Mrs. Slaughter took over the operation of the Woman's Exchange at 743 Providence Road, and if the ban remains she will be forced to go out of business.

Councilman Dellinger asked if anyone in the room wishes the parking restricted on Providence Road, and no one responded.

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Councilman Dellinger then stated he thinks the people on Providence Road should have some relief from the parking situation, and he moved that the parking ban be lifted on Providence Road and parking be restored as it was prior to the ban and that parking be permitted on the dirt strip on the west side of the street. The motion was seconded by Councilman Smith.

Councilwoman Evans asked that the reasons for the ban be given by the Traffic Engineer. Mayor Van Every stated that the Council by resolution sometime last year, requested the State Highway Commission to widen Providence Road, as it was congested by vehicular traffic and something will have to be done. Mr. Hoose, Traffic Engineer, stated that surveys were conducted in the area. That the signs on the west side read "No Parking This Side" whereas it was intended to read "No Parking This Side on the Pavement" and the change has been made. That in the survey, turning movement had to be considered; that the ban was not in the interest of speeding up traffic, but rather to get the traffic through. That the count indicated that some 10,500 vehicles pass the 600 and 700 blocks within a 12-hour period; also, that only 10 parking spaces are affected. Councilman Dellinger asked Mr. Hoose where the people are whom he stated had asked for the restrictions, to which Mr. Hoose replied that is the unfortunate part of his job, it is usually only the opposition who is present. Councilman Dellinger then asked why three-lanes of traffic are needed, except at the Liquor Store? Mr. Hoose stated there is a curve between Colonial Avenue and Dartmouth Place and a three-lane movement would be dangerous; too that the traffic volume at this location was much less than farther out. Councilman Dellinger then asked if Mr. Hoose was requested by the Liquor Store not to ban parking at the location? Mayor Van Every objected to the question, stating it was too personal as Mr. Hoose is a City employee and only carrying out his duties, and it is unfair to make insinuations against him before the audience. Councilman Dellinger replied that he was elected by the citizens of Charlotte and would bring up any matter and say anything he wished in Council Meetings.

The vote was then taken on the motion by Councilman Dellinger, and unanimously carried.

ORDINANCE REGULATING MATTERS PERTAINING TO TREES, ETC., DEFERRED FOR ONE WEEK.

Councilman Smith moved that consideration of the Ordinance Regulating Matters Pertaining to Trees, etc. be deferred for one week. The motion was seconded by Councilwoman Evans, and unanimously carried.

RESOLUTION FOR COUNTIES, CITIES, TOWNS AND OTHER PUBLIC AGENCIES MAKING APPLICATION FOR COVERAGE OF EMPLOYEES UNDER THE OLD AGE AND SURVIVORS INSURANCE PROVISIONS OF TITLE II OF THE FEDERAL SOCIAL SECURITY ACT, ADOPTED.

A resolution entitled: "Resolution for Counties, Cities, Towns and Other Public Agencies making Application for Coverage of Employees Under The Old Age and Survivors Insurance Provisions of Title II of the Federal Social Security Act" 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 386.

ADDITIONAL PAYMENT IN SETTLEMENT OF CLAIM ON SEPTEMBER 7, 1955 OF WILLIAM M. BURNETTE FOR INJURIES.

Motion was made by Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, approving the additional payment of \$44.00 to Dr. Sears in connection with claim of William M. Burnette, which was settled by Council on September 7, 1955, for injuries from being struck by a Garbage Truck door.

APPLICATION OF P & N REALTY COMPANY FOR PERMIT TO CONSTRUCT A TERMINAL WAREHOUSE AT 1949 FREEDOM DRIVE IN AN INDUSTRIAL ZONE APPROVED.

Councilman Dellinger moved the approval of the application of P & N Realty Company for a permit to build a terminal warehouse at 1949 Freedom Drive in an Industrial Zone. The motion was seconded by Councilman Baxter, and unanimously carried.

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CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the construction of driveway entrances was authorized as follows:

- (a) One 10-ft. driveway entrance at 314 W. 11th Street.
- (b) One 11-ft. driveway entrance at 3900 Selwyn Avenue.
- (c) One 8-ft. driveway entrance at 2727 Bucknell Avenue.
- (d) One 8-ft. driveway entrance at 1435 Ferncliff Road.
- (e) One 8-ft. driveway entrance at 1418 Audubon Road.
- (f) Three 35-ft. driveway entrances on Freedom Drive and Two 12-ft. driveway entrances on Freedom Drive for 1949 Freedom Drive.

TREE REMOVALS AUTHORIZED IN HAWTHORNE LANE AND SOUTH TRYON STREET.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, authorizing the following tree removals:

- (a) Removal of three trees from the planting strip at Hawthorne Lane at Elizabeth Avenue, southwest corner, that interfere with re-construction of driveway entrance to service station, upon request of Myers & Chapman Construction Company.
- (b) Removal of two trees from the planting strip at 809 South Tryon Street, that interfere with construction of new driveway entrance, upon request of Lee A. Folger, Inc.

STREETS TAKEN OVER FOR MAINTENANCE.

Upon motion of Councilwoman Evans, seconded by Councilman Smith, and unanimously carried, the following streets were taken over for maintenance:

- (a) Grier Avenue, from Welch Place to Fairmont Street.
- (b) Fairmont Street, from Russell Avenue to present maintenance on Fairmont Street.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Motion was made by Councilman Smith, seconded by Councilman Baxter, and unanimously carried, authorizing the construction of sanitary sewers at the following locations:

- (a) Construction of 162-ft. of 8-inch sewer main in Arden Street, to serve residential property, at request of J. H. Allen, at an estimated cost of \$280.00. All cost to be borne by the City.
- (b) Construction of 624-ft. of 8-inch sewer main in Tippah Avenue, to replace an old inadequate line, at an estimated cost of \$1,130.00. All cost to be borne by the City.
- (c) Construction of 608-ft. of 8-inch sewer main and trunk in Dearborn Avenue and Badger Court, to serve residential property, at request of K. Martin Waters, Jr., at an estimated cost of \$1,780.00. All cost to be borne by the City.

PAYMENT AUTHORIZED FOR CONTRACT WITH THE CHARLOTTE OBSERVER FOR COST OF PUBLISHING PERIMETER AREA ZONING ORDINANCE AND MAP.

Councilman Wilkinson moved approval of payment of contract with The Charlotte Observer for the cost of publishing the Perimeter Area Zoning Ordinance, including zinc etchings and reprints of the Perimeter Zoning Map, in the amount of \$1,247.10, which publication was authorized by Council on December 14, 1955. The motion was seconded by Councilman Dellinger, and unanimously carried.

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CONTRACT AWARDED THE ONLY BIDDER, TAYLOR-COLQUITT CO., SPARTANBURG, S. C. FOR CREOSOTED TIMBERS.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, contract was awarded the only bidder, Taylor-Colquitt Co., Spartanburg, S. C., for schedule of 13,820 B.M.F. of creosoted timbers in accordance with N. C. State Highway & Public Works Commission specifications, for a total net delivered price of \$3,107.14.

CONTRACT AWARDED LOW BIDDER, WHITE BUSINESS FORMS FOR ESTIMATED YEAR'S SUPPLY OF WATER BILL FORMS.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, awarding contract to the low bidder, White Business Forms for 500,000 City of Charlotte Water Bill Form as per specifications, at a net delivered price of \$1,632.25.

WALTER HOOK & ASSOCIATES RETAINED TO PREPARE A STUDY FOR THE FUTURE EXTENSION OF THE AIRPORT TERMINAL BUILDING.

Mr. Yancey, City Manager, read a communication from Mr. J. C. Erwin, Chairman of the Airport Advisory Committee, outlining the needs of various persons for additional space at the Airport Terminal Building, and recommending that Walter Hook & Associates be retained as architects for studying and planning future extensions of the building. Mr. Yancey also read a proposal from Walter Hook & Associates, dated December 2, 1955, and he recommended that he be authorized to instruct Mr. Hook to proceed in accordance with his proposal, which briefly provided for a charge of \$75.00 per day for drafting, studies, conferences, etc., not to exceed the sum of \$3,500.00, with the further proviso that 50% of the \$3,500.00, or some portion thereof, be applied against architectural fees on the first \$300,000.00 of such construction as might be undertaken. Councilman Baxter moved that the proposal be accepted and the cost thereof be taken from non-tax funds. The motion was seconded by Councilman Dellinger, and unanimously carried.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON FEBRUARY 1ST IN CONNECTION WITH ORDINANCE NO. 291 AMENDING THE ZONING ORDINANCE BY CHANGING FROM R-1 AND R-2 TO B I-A THE AUDITORIUM-COLISEUM PROPERTY AND PARKING AREA.

Ordinance No. 291 Amending the Zoning Ordinance, to change the zoning on the Auditorium-Coliseum Property and Parking Area, from R-1 and R-2 to B I-A, was introduced by Councilwoman Evans. Following the reading thereof, a Resolution Providing for a Public Hearing on the Ordinance on February 1st, was presented and read. Councilwoman Evans moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 387.

ANNUAL REPORT OF JOHN D. SHAW, CITY ATTORNEY, FILED WITH CITY CLERK.

Mr. Yancey, City Manager, presented the Annual Report of Mr. John D. Shaw, City Attorney, and stated it was filed with the City Clerk today. Councilman Albea moved the acceptance of the report, which was seconded by Councilwoman Evans, and unanimously carried.

STATE HIGHWAY PATROL REQUESTED TO CONSIDER LOCATING SECOND HIGHWAY PATROL OFFICE WITHIN THE CITY LIMITS OF CHARLOTTE.

Councilman Baxter stated he had noted in the newspaper that the State Highway Patrol was going to open a second office building in Mecklenburg County; and he moved that they be requested to consider locating the building within the city limits, in an effort to save the taxpayers of the City of Charlotte time and money when they contact the Highway office for renewal of drivers license and other business. The motion was seconded by Councilman Albea, and unanimously carried.

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IRON FENCE AROUND CONFEDERATE MONUMENT IN ELMWOOD CEMETERY DIRECTED REPAIRED AND PAINTED.

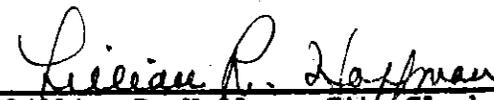
Councilman Baxter moved that a sum not to exceed \$500.00 be appropriated from the Emergency Fund (Code 110) to repair and paint the iron fence surrounding the Confederate Monument in Elmwood Cemetery. The motion was seconded by Councilman Albea, and unanimously carried.

CITY ATTORNEY DIRECTED TO RE-EXAMINE FIRE-ARMS ORDINANCE IN AN EFFORT TO FURTHER RESTRICT THE USE OF FIRE-ARMS WITHIN THE CITY OF CHARLOTTE.

Motion was made by Councilman Baxter, seconded by Councilman Albea, and unanimously carried, directing the City Attorney to re-examine the fire-arms ordinance, in an effort to further restrict the use of fire arms within the City of Charlotte, and advise the City Council of his findings.

ADJOURNMENT.

Upon motion of Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk