

January 7, 1953  
 Minute Book 34 - Page 395

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, January 7, 1953, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilman Albea, Baxter, Boyd, Coddington, Dellinger, and Van Every present.

**INVOCATION.**

The invocation was given by Councilman Claude L. Albea.

**MINUTES APPROVED.**

Upon motion of Councilman Dellinger, seconded by Councilman Coddington, and unanimously carried, the minutes of the last meeting were approved as submitted.

**PLAT OF WOODSON PROPERTY SUBDIVISION APPROVED.**

Mr. Spencer Bell, Attorney, again appeared before Council and requested that the Subdivision Plat of the Woodson Property, located between Providence Road, Cherokee Road and Huntley Place be approved by Council. He advised that the developer, Mr. W. S. Woodson, has complied with every known requirement of the City and the Plat has been approved by the Planning Board. That they are not asking for any variations from the laws governing subdivisions. That, in fact, the plans for the subdivision were submitted to Mr. Ritch, Planning Board Engineer, and revised at his suggestion, prior to the time negotiations for the land were started and were advised by Mr. Ritch that the plan met every legal requirement of the City pertaining to subdivisions. He stated further that numerous persons dealing in real estate have discussed with him the Council's apparent reluctance to approve the subdivision although it has been approved by the Council appointed Planning Board, and they feel that unless such matters are to be handled by the Council under the laws governing the Planning Board, that the growth and development of Charlotte will be hampered. Mr. Bell explained in detail from a map why the roadway opening on Huntley Place, to provide egress and ingress to the subdivision, was so located.

Mr. Charlie Henderson spoke in favor of the development and the roadway opening onto Huntley Place - he stated he spoke as the owner of the second lot from the roadway, as attorney for the owners of the lots adjacent to the roadway on both sides, and as an attorney who has looked into the laws of the City governing subdivisions, and in his opinion it is the legal duty of the Council to approve the Plat as submitted to and approved by the Planning Board.

Mr. Woodson spoke in his own behalf, giving the details of his purchase of the property; his inability to secure a roadway opening onto Cherokee Place when he learned of the objections of the residents of Huntley Place to its opening onto said street, and stated there is no other outlet available. That it is not his desire to take the matter to the Courts, but he will have no other recourse if it is not approved by the Council, in order to protect his rights as a lay citizen of the community.

Mr. Warren Stack, Attorney, representing three residents of Huntley Place spoke in detail as to the objections of his clients to the roadway opening onto Huntley Place. He stressed the fact that the subdivision is bad planning for the City, that the fact that its only street will be dead-end is not good, and that he firmly believes that if the Council respects the wishes of the property owners on Huntley Place and refuses approval of the plat, that the developer will secure an exit directly onto Providence Road, where it is logical that it be located.

Mr. Henry Fisher, Attorney representing three property owners on Huntley Place, expressed the objections of his clients to the roadway opening onto Huntley Place, and concurred in the remarks of Mr. Stack as to the reasons that the roadway will be objectionable. He too stated that in his

January 7, 1953  
 Minute Book 34 - Page 396

opinion an exit can be obtained onto Providence Road, as the property on which it would be located is owned by the persons from whom Mr. Woodson purchased the subdivision territory.

Mr. Bell and Mr. Charlie Henderson stated that no property was available over which a roadway might be constructed to Providence Road, that the property was under a fifteen year lease.

Councilman Boyd referred to the remark of Mr. Bell that it is the legal duty of the Council to approve the subdivision as approved by the Planning Board, and asked the City Attorney if the Council is not vested in the right to use its discretion in the matter. To which Mr. Shaw replied that the Council has no discretion in the matter. Councilman Boyd then asked, "it is your opinion that the Council is legally bound to approve the plat," and the City Attorney replied, "Yes. You have drawn an ordinance to insure light, air, sewers, water and roads in a subdivision and you delegated your authority to the Planning Board to pass on the developers compliance with these requirements under the provisions of the state law. The Council having set up these standards, should give its approval when they have been complied with."

Following the discussion among the Council, Councilman Van Every moved that the plat be approved. The motion was seconded by Councilman Coddington, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Boyd, Coddington, Dellinger and Van Every.

NAY: Councilman Baxter.

Councilman Boyd stated for the record that he is voting in favor of the motion on the grounds that the City Attorney, after direct questioning, has ruled that the Council is legally bound to vote yes.

**REQUEST THAT CITY PURCHASE SEWER LINE FROM CHARLOTTE LUMBER MFG. COMPANY, MOREBILT HOMES AND GREYSTONE HOMES, REFERRED TO CITY ATTORNEY AND CITY MANAGER FOR REPORT ON JANUARY 21ST.**

Mr. James O Moore, Attorney presented a request that the City purchase a sewer line from Charlotte Lumber Manufacturing Company, Morebilt Homes and Greystone Homes at a price of \$17,760.00, which was constructed in 1947 prior to the time the area in which it is located was annexed to the City of Charlotte. Mr. Moore explained in detail that the line was constructed to serve a residential project in order that septic tanks not be used, and there was a verbal agreement with the City Engineer that if and when the territory was taken into the City the line would be purchased.

The City Attorney recommended that action be deferred so that he might look into certain legal technicalities of the transaction. Whereupon, Councilman Boyd moved that the request be referred to the City Attorney and City Manager and a recommendation be given by them at the Council Meeting on January 21st. The motion was seconded by Councilman Van Every, and unanimously carried.

**OPENING AND EXTENSION OF GOLD STREET AUTHORIZED.**

Mr. Yancey, City Manager, presented an estimate for the opening and extension of Gold Street from South Mint Street to South Tryon Street, as requested at the last meeting. He advised that the figures were compiled in 1951, in the amount of \$62,400.00, which includes the right-of-way for a 50-foot street. Councilman Baxter moved that the \$62,400.00 for the opening and extension of the street be reserved from bond funds voted on December 13th. The motion was seconded by Councilman Coddington, and unanimously carried.

**MAXIMUM PENALTY ON CITY PRIVILEGE LICENSES FIXED AT TWENTY-FIVE PERCENT.**

Councilman Baxter moved that the maximum penalty on City Privilege Licenses for 1952-53 be fixed at 25%. The motion was seconded by Councilman Van Every, and unanimously carried.

January 7, 1953  
Minute Book 34 - Page 397

NAME OF SPRING STREET CHANGED TO CHERYL STREET.

Upon motion of Councilman Van Every, seconded by Councilman Dellinger, and unanimously carried, the name of Spring Street, from Anne Street to Ventosa Street in Country Club Heights, was changed to Cheryl Street, as requested by the property owners.

SUPPLEMENTARY CONTRACT WITH MARSH REALTY COMPANY FOR WATER MAINS CONSTRUCTION IN REGAL HEIGHTS SUBDIVISION.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, a supplementary contract (to contract dated June 11, 1952) was authorized with Marsh Realty Company for the construction of 1,520 feet of water main and one fire hydrant in Regal Heights Subdivision, inside the city limits, at an estimated cost of \$3,567.00, to serve residential property. The City to finance all cost and applicant to guarantee a gross annual water revenue equal to 10% of the total construction cost.

CONSTRUCTION OF SANITARY SEWER MAINS IN DRAPER AVENUE TO SERVE RESIDENCES AND MERRY OAKS SCHOOL.

Councilman Alba moved that the construction of 219 feet of sanitary sewer mains be authorized in Draper Avenue to serve residential property and Merry Oaks School, at an estimated cost of \$770.00, with all costs to be borne by the City. The motion was seconded by Councilman Van Every, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the construction of driveway entrances at the following locations was approved:

- (a) One 30 ft. entrance at 316 S. Poplar Street.
- (b) One 20 ft. entrance on Jackson Avenue, for 500 Seigle Ave.
- (c) One 20 ft. entrance on Seigle Avenue, for 500 Seigle Ave.
- (d) Two 18 1/2 ft. entrances on S. Poplar Street, for 216 W. 2nd Street.
- (e) One 8 1/2 ft. entrance at 3516 Draper Avenue.
- (f) One 30 ft. entrance at 2638 Statesville Avenue.
- (g) One 18 ft. entrance and Two 30 ft. entrances at 818 Tuckaseegee Road, for the General Chemical Division of the Allied Chemical & Dye Corp.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Baxter, seconded by Councilman Goddington, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mary Bell Canipe, for Lot 160, Graves 5 and 6, in Section 3, Evergreen Cemetery, at \$52.00.
- (b) Deed with Estate of Mrs. Myrtle Morris for SE quarter Lot 94, Section D-Annex, Elmwood Cemetery, transferred from Estate of John G. Demas - \$1.00 for transfer deed.
- (c) Deed with Mrs. Demetras for NE quarter Lot 94, Section D-Annex, Elmwood Cemetery - \$1.00 for ~~new deed~~.

RENEWAL OF SPECIAL OFFICER PERMITS.

Upon motion of Councilman Alba, seconded by Councilman Goddington, and unanimously carried, Special Officer Permits were renewed for one year to the following persons:

- (a) To Earl E. Carter, C. D. Christopher and J. D. Fulton, on the premises of Southern Bell Telephone Company, 208 North Caldwell Street.

January 7, 1953  
Minute Book 34 - 398

- (b) To Daniel R. Blue, Sr., on the premises of Barnes Food Express, 2401 W. Morehead Street.

NEW CONTRACT AUTHORIZED WITH ASSOCIATED AVIATION UNDERWRITERS AND OLD CONTRACT TERMINATED.

As recommended by the City Manager, Councilman Coddington moved that the existing contract with Associated Aviation Underwriters, covering dispensing machines for airline trip insurance at the Municipal Airport was terminated and the Mayor and City Clerk were authorized to execute a new contract that will provide a larger revenue for the City.

ANNUAL REPORTS OF CITY ATTORNEY AND ASSISTANT COLLECTOR OF REVENUE FOR 1952 FILED WITH CITY CLERK.

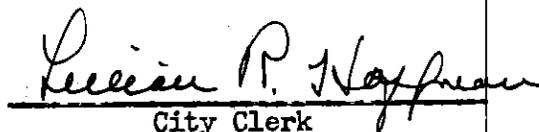
The City Manager advised that the Annual Reports of the City Attorney and Assistant Collector of Revenue for 1952 were filed with the City Clerk on January 5th, as required by law.

MOTION TO BE PRESENTED FOR CONSOLIDATION OF CITY AND COUNTY RECORDER'S COURTS.

Councilman Boyd advised the Council that he proposes to present a motion at the next meeting that the Council request the County Commissioners to join with them in petitioning members of the State Legislature to provide the necessary act consolidating the City and County Recorder's Courts, and that the selection of the Judge of this Court be made elective by citizens at large for a four year term, and the salary be set at a minimum of \$10,000.00.

ADJOURNMENT.

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

  
City Clerk