

October 3, 1956  
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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 Wednesday, October 3, 1956, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

ABSENT: None.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last Council Meeting were approved as submitted.

OPENING OF PIERCE STREET DEFERRED DUE TO PENDING SUIT AND AVAILABILITY OF CITY FUNDS.

Mr. Hugh Lobdell, Attorney, appeared before Council and requested information as to the status of the opening of Pierce Street, which it was understood to have been authorized. He stated that \$11,000 has been spent on the drainage area, which has been covered with the exception of dirt being hauled in to smooth it over.

Councilman Brown stated the Council voted to open the street when funds were available.

Mr. John D. Shaw, City Attorney explained that the matter was still in the courts; that Mr. Lobdell and Mr. Potter introduced proceedings on behalf of the owner of the property effecting the title to the land, and Judge Helms and Mr. Fisher, representing the owner of the property on the right filed exceptions.

Judge Fred Helms stated the suit was brought by Mr. Potter for the Church and the answer has been filed pending action of the court; he stated further they are ready to try the suit whenever it comes up in court.

Mr. Shaw stated the position of the City is, that the City can condemn the land for street purposes; that if the City has to buy the land the cost of the street opening would probably amount to \$60,000.

Councilman Wilkinson stated the Council agreed to open the street at some future date at a cost of \$22,000, along with a list of other streets when the legal entanglements are settled.

Corrected  
Oct 10, '56  
changing  
figure  
\$22,000 to \$2,200.00.

Mr. Lobdell then stated it appears they must get the pending suit out of the way before anything further is done by the City. The City Attorney stated it appears that would be the accepted procedure.

CITY SCHOOL BOARD REQUESTED TO OFFER ACREAGE OFF INDEPENDENCE BOULEVARD FOR PUBLIC SALE WHICH THE CITY WISHES TO BUY FOR DEVELOPMENT OF CITY FACILITIES AND ERECTION OF NEW HEALTH CENTER.

Mr. Fred Helms appeared before Council regarding the location of the proposed City-County Health Center. He stated that although he is a member of Memorial Hospital Authority, and a member of the Committee of the Mecklenburg County Bar Association who is attempting to obtain additional office space for the County, that he is not today representing either organization, but appearing solely as a private citizen of Charlotte.

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Mr. Helms stated that after the City Hall was built, the Court House was moved to the adjoining block for the purpose of developing Municipal, County and State Governmental Center at one location in the city. That now that the question of larger quarters for the City-County Health Department has arisen and the selection of a site being considered, there isn't the remotest question but that it should be erected in the geographical location of where it is today. That the people with whom they mainly do business, reside in the general location of the present site. That he cannot see the soundness of moving the Department out in the suburbs where it will be a burden for people to reach. That it serves a requirement of the Police Department in the medical care of prisoners, which will require a squad of policemen to fill this requirement if the building is located away from its present location. He stated that the location of the Health Center away from the Governmental Center could be just the beginning of having many other departments, such as the Police, Tax and Welfare departments, scattered all over the city and county where parking space is ample, which would increase the maintenance cost of each. He maintained that the Health Center should be located where it is or across the street; that the funds can be spent to purchase the property across the street as the site, and keep the building in its proper location where the people can reach it easily. He urged that this be done.

Councilman Baxter stated that within the last eight years the automobile registration has jumped from 30,000 to 92,000 and parking is vital, and he feels that the Health Department is one of the few departments that can be separated from the city group. That he is going to propose the purchase from the School Board of the property adjacent to Independence Boulevard; that although the land is expensive, it will not cost the taxpayer a cent, as the School Authorities will benefit through the sale, applying same to school operation or building of new schools; that as the City expands, we need more room for city facilities - health, parking, playgrounds, etc; that by building the Health Center at this location we decentralize the congestion around the City Hall Square and gain off-street parking for city employees and citizens alike.

Councilman Baxter then moved that the City School Board be asked to exercise our mutual option by putting their acreage just off Independence Boulevard up for public sale; that we wish to buy same at the market value for further development of city facilities, on part of which we want to build the new Health Center. The motion was seconded by Councilwoman Evans,

Councilman Wilkinson stated that in view of the fact that Memorial Hospital has offered to give a nice piece of property, free of charge, with ample parking space, he offers a substitute motion that the Health Center be erected on Memorial Hospital property. The motion was seconded by Councilman Dellinger, who stated he has favored locating the Center near the City Hall Square; that he thinks it is a waste of taxpayers money to pay \$6,000.00 or \$7,000.00 per acre for the land on Independence Boulevard, and there is no assurance we can get the property, as there are private interests wishing to purchase the property. That the City has only \$500,000 or a possibly \$600,000 for the project and cannot afford to spend money for this site.

Councilman Albea stated he is still fundamentally opposed to both sites and thinks there is plenty of room near the City Hall, but between the two sites proposed, he will have to vote for the Memorial Hospital site because the City already owns the land.

The vote was taken on the substitute motion by Councilman Dellinger, and lost, with the following votes cast:

YEAS: Councilmen Albea, Dellinger, and Wilkinson.

NAYS: Council members Baxter, Brown, Evans and Smith.

The following votes were then cast on the main motion by Councilman Baxter, which carried:

YEAS: Council members Baxter, Brown, Evans and Smith.

NAYS: Councilmen Albea, Dellinger and Wilkinson.

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Councilman Dellinger then asked the City Attorney to give the Council a ruling as to the legality of the expenditure of funds. The City Attorney stated that when the bidding is done, it must be stated where the funds will come from.

Mr. Helms expressed his appreciation to the Council for listening to him express his views in the matter, and stated he was delighted to have his friend, Councilman Claude Albea collaborate with him on the question.

**CITY MANAGER REQUESTED TO REPORT IF SIDEWALKS HAVE BEEN PROVIDED IN CONNECTION WITH THE OPENING OF COUNTRY CLUB DRIVE TO ANNE STREET AS AUTHORIZED BY COUNCIL ON SEPTEMBER 22, 1954.**

Councilman Dellinger stated that on September 22, 1954 the Council authorized that the necessary steps be taken to open Country Club Drive from its dead end to connect with Anne Street, and that provisions be made for at least a sidewalk on the north side where the school fronts, of a sufficient width to make it safe for children walking; the cost of the work in opening the street be taken from the Powell Bill Funds and sidewalks be graded and gravelled. He stated he is advised by the residents of the street that the sidewalks have not been provided and he requested that they be constructed as authorized.

Councilman Brown stated that gravelled sidewalks have been provided.

Councilman Baxter moved that the City Manager give the Council a report on the matter at next week's meeting. The motion was seconded by Councilman Dellinger, and unanimously carried.

**RESOLUTION ACCEPTING GRANT OFFER OF \$72,500.00 BY THE CIVIL AERONAUTICS ADMINISTRATION ON BEHALF OF THE U. S. OF AMERICA, FOR IMPROVEMENTS AND RECONSTRUCTION OF NE-SW RUNWAY AT DOUGLAS MUNICIPAL AIRPORT, PROJECT NO. 9-31-017-0709.**

A resolution entitled: "Resolution Accepting Grant Offer of \$72,500.00 by the Civil Aeronautics Administration on Behalf of the U. S. of America, for Improvements and Reconstruction of NE-SW Runway at Douglas Municipal Airport, Project No. 9-31-017-0709" was introduced by Councilman Albea, who moved its adoption. The motion was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Pages 473-476.

**RESOLUTION AUTHORIZING THE EXECUTION OF GRANT AGREEMENT OF \$72,500.00 BY THE CIVIL AERONAUTICS ADMINISTRATION ON BEHALF OF THE U. S. OF AMERICA FOR IMPROVEMENTS AND RECONSTRUCTION OF NE-SW RUNWAY AT DOUGLAS MUNICIPAL AIRPORT, PROJECT NO. 9-31-017-0709.**

A resolution entitled: "Resolution Authorizing the Execution of Grant Agreement of \$72,500.00 by the Civil Aeronautics Administration on Behalf of the U. S. of America for Improvements and Reconstruction of NE-SW Runway at Douglas Municipal Airport, Project No. 9-31-017-0709" was introduced by Councilman Albea, who moved its adoption. The motion was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 479.

**AGREEMENT BETWEEN THE TRUSTEES OF OAKLAWN MAUSOLEUM ASSOCIATION AND THE CITY OF CHARLOTTE RELATIVE TO MAINTENANCE AND ENTOMBMENTS IN THE MAUSOLEUM LOCATED CONTIGUOUS TO OAKLAWN CEMETERY.**

Upon motion of Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, Agreement between the Trustees of Oaklawn Mausoleum Association and the City of Charlotte relative to the maintenance and entombments in the Mausoleum, located on property contiguous to Oaklawn Cemetery, was authorized executed by the Mayor and City Clerk.

AGREEMENT BETWEEN THE DUKE POWER COMPANY FOR STREET LIGHTING INSTALLATION ON WILKINSON BOULEVARD BETWEEN REMOUNT AVENUE AND ASHLEY ROAD.

Councilman Brown moved approval of an Agreement between the Duke Power Company for street lighting installation on Wilkinson Boulevard between Remount Avenue and Ashley Road. The motion was seconded by Councilman Albea, and unanimously carried.

SUPPLEMENTARY CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR THE INSTALLATION OF ADDITIONAL WATER MAINS IN THE PROVIDENCE AREA, TO SERVE RIVER OAKS SUBDIVISION.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, a supplementary contract, to contract dated February 25, 1953, with American Investment Company was authorized for the installation of 9,200 feet of additional water mains and one hydrant in the Providence Road area, to serve the River Oaks Subdivision, at an estimated cost of \$30,000.00. All costs to be borne by the applicant, who will own the mains until the territory is taken into the city limits.

RIGHT-OF-WAY AGREEMENT BETWEEN TROTTER AND ALLEN CONSTRUCTION COMPANY AND THE STATE HIGHWAY COMMISSION AUTHORIZED CO-SIGNED BY CITY, FOR INSTALLATION OF WATER MAINS UNDER INDEPENDENCE BOULEVARD TO SERVE AMITY GARDENS SUBDIVISION.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to co-sign an agreement between Trotter and Allen Construction Company and the State Highway Commission, for right-of-way for the installation of water mains under Independence Boulevard to serve Amity Gardens Subdivision.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. S. C. Vaughn, for Lot 277, Section 2, Evergreen Cemetery, at \$160.00.

RESOLUTION RELATIVE TO AGREEMENT WITH THE STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR IMPROVEMENTS TO OLD SARDIS ROAD, STATE HIGHWAY PROJECT NO. 7-208.

A resolution entitled: "Resolution Relative to Agreement with the State Highway & Public Works Commission for Improvements to Old Sardis Road, State Highway Project No. 7-208" was introduced by Councilman Wilkinson, who moved its adoption. The motion was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 477.

DATE OF HEARING FIXED AS OCTOBER 24, 1956 ON ORDINANCE NO. 341 AMENDING THE ZONING ORDINANCE TO CHANGE THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE FROM R-2 TO B-1 ON PROPERTY LOCATED AT 2200 EAST 7TH STREET.

Upon motion of Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, the date of hearing was fixed as 4 o'clock p.m. on Wednesday, October 24, 1956 on Ordinance No. 341 Amending the Zoning Ordinance to change the Building Zone Map of the City of Charlotte from R-2 to B-1 on property located at 2200 East 7th Street, due to an error in the advertising of the Notice of Hearing, formerly fixed for October 10th.

PETITION FILED BY GEORGE S. GOODYEAR FOR THE ANNEXATION OF TWO TRACTS OF PROPERTY IN SELWYN PARK, WITH A TOTAL ACREAGE OF 19.25, CONTIGUOUS TO THE CITY LIMITS OF CHARLOTTE.

The City Manager advised that the following Petition has been filed by George S. Goodyear through his attorneys, Henderson & Henderson, for the annexation of two tracts of land in Selwyn Park, contiguous to the city limits of Charlotte, containing 19.25 acres.

"PETITION FOR ANNEXATION OF CERTAIN  
PROPERTY TO THE CITY OF CHARLOTTE

TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF CHARLOTTE:

Pursuant to the provisions of Chapter 725, Section 8, of the 1947 Public Session Laws of the General Assembly of North Carolina, the undersigned does petition for annexation of the property hereinafter described to the City of Charlotte, and does show as follows:

1. That the property sought to be annexed to the City of Charlotte, and thereby to be within the boundaries of the said City, is in Sharon Township, particularly described as follows:

TRACT I. BEGINNING at the common corner between Selwyn Park Addition No. 4, as shown on map recorded in Map Book 6, Page 803 of the Mecklenburg Registry, and Selwyn Park Addition No. 6, as shown on map recorded in Map Book 7, Page 259 of the said Registry; and running thence with the line of Selwyn Park Addition No. 4, South 78-46 West 689.25 feet to a point; thence North 11-14 West 145 feet to a point; thence North 2-08-30 West 50.64 feet to a point; thence North 11-14 West 100.95 feet to a point; thence North 53-26-30 East 114 feet to a point; thence North 69-31-20 East 184.45 feet to a point; thence South 75-42-50 East 60.87 feet to a point; thence North 69-31-20 East 178.04 feet to a point; thence South 36-05-10 East 415 feet to the point or place of BEGINNING, containing 4.97 acres, more or less, as shown by survey made by A. V. Blankenship, Civil Engineer, dated April, 1956, to which map reference is hereby made.

TRACT II. BEGINNING at a point in the common boundary line between the property herein described and Selwyn Park Addition No. 4, as shown on map recorded in Map Book 6, Page 803 of the Mecklenburg Registry, said beginning point being located South 78-46 West 689.25 feet from the common corner between Selwyn Park Addition No. 4 and Selwyn Park Addition No. 6, shown on map recorded in Map Book 7, Page 259 of the said Registry; and runs thence South 78-46 West 131.75 feet to a point; thence North 64-05 West 285.57 feet to an iron; thence North 14-03-30 East 667 feet to an iron; thence South 84-22-30 West 273.48 feet to an iron; thence North 2-55-10 East 566.08 feet to an iron; thence South 85-27-30 East 335.64 feet to a stone; thence South 36-05-10 East 973.55 feet to a point; thence South 69-31-20 West 178.04 feet to a point; thence North 75-42-50 West 60.87 feet to a point; thence South 69-31-20 West 184.45 feet to a point; thence South 53-26-30 West 114 feet to a point; thence South 11-14 East 100.95 feet to a point; thence South 2-08-30 East 50.64 feet to a point; thence South 11-14 East 145 feet to the point or place of BEGINNING, containing 14.28 acres, more or less, as shown by survey made by A. V. Blankenship, Civil Engineer, dated April, 1956, to which reference is hereby made.

2. That the undersigned is the sole owner of all of the property described above and sought to be annexed to the City of Charlotte.

WHEREFORE, this petitioner prays that notice be given as provided by Section I, Chapter 725, of the 1947 Public Session Laws of the General Assembly of North Carolina, and that an Ordinance be adopted at a Session of the City Council of the City of Charlotte called for that purpose extending the corporate limits of the City of Charlotte by annexing thereto the property described in this petition as therein provided.

This the 6th day of August, 1956.

S/ Geo. S. Goodyear (SEAL)

Owner

WITNESS:

S/ Dorothy F. Lingufelt

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NORTH CAROLINA  
MECKLENBURG COUNTY

I, Ruby Houser Parker, Notary Public for said County and State, do hereby certify that Geo. S. Goodyear personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 6th day of August, 1956.

S/ Ruby Houser Parker  
Notary Public

My comm. exp: 2-11-57

We hereby certify that we have examined the records of Mecklenburg County, and that Geo. S. Goodyear is the sole owner of the property described in the foregoing petition.

I do hereby certify that the property described in the foregoing petition is contiguous to the present corporate limit boundary of the City of Charlotte.

HENDERSON & HENDERSON

R. T. James  
Acting City Engineer "

BY S/ David H. Henderson

RESOLUTION FIXING DATE FOR CONSIDERATION OF PETITION OF GEORGE S. GOODYEAR, FOR THE ANNEXATION OF TWO TRACTS OF LAND IN SELWYN PARK, CONTIGUOUS TO THE CITY LIMITS OF CHARLOTTE.

A resolution entitled: "Resolution Fixing Date for the Consideration of Petition of George S. Goodyear, for the Annexation of Two Tracts of Land in Selwyn Park, Contiguous to the City Limits of Charlotte" was introduced by Councilwoman Evans, who moved its adoption. The motion was seconded by Councilman Smith, and unanimously carried.

AGREEMENT AUTHORIZED WITH E. C. GRIFFITH COMPANY PROVIDING FOR FUTURE NEGOTIATIONS FOR THE PURCHASE OF RIGHT-OF-WAY FOR THE SARDIS ROAD PROJECT, TOGETHER WITH PERMISSION TO ENTER FOR CONSTRUCTION PURPOSES.

Councilman Wilkinson moved approval of the action of the City Attorney and City Manager in reaching an agreement with E. C. Griffith Company, providing for future negotiations for the purchase of right-of-way for the Sardis Road Project, together with permission to enter for construction purpose. The motion was seconded by Councilman Smith, and unanimously carried.

Mr. Shaw, City Attorney, stated that Mr. Griffith did not want to stand in the way of progress, and he would like to publicly express to Mr. Griffith and Mr. Moore his appreciation and that of Mr. Yancey for his action.

DEED ACCEPTED FROM THOMAS M. HINES AND WIFE FOR RIGHT-OF-WAY ON WEST STONEWALL STREET FOR THE PURCHASE PRICE OF \$7,101.00.

Councilman Dellinger moved that deed from Mr. Thomas M. Hines and wife, Annie L. Hines, to right-of-way on West Stonewall Street be accepted for the purchase price of \$7,101.00, subject to examination of title by the City Attorney. The motion was seconded by Councilman Wilkinson, and unanimously carried.

DEED ACCEPTED FROM PIEDMONT COLD STORAGE CORPORATION FOR RIGHT-OF-WAY ON WEST STONEWALL STREET FOR THE PURCHASE PRICE OF \$40,000.00.

Councilman Wilkinson moved that deed be accepted from Piedmont Cold Storage Corporation for right-of-way on West Stonewall Street for the purchase price of \$40,000.00. The motion was seconded by Councilman Baxter, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Brown, Evans, Smith and Wilkinson.

NAYS: Council members Albea and Dellinger.

Councilman Dellinger stated he thought the price was entirely too high.

REPORT OF COST OF FOOTBRIDGE AT END OF TRANQUIL AVENUE CONNECTING WITH SCHOOL PROPERTY AND OF PLACING FIRTH COURT IN CONDITION TO BE ACCEPTED FOR MAINTENANCE.

The City Manager reported that the estimated cost of constructing a footbridge connecting the end of Tranquil Avenue with public school property is \$4,800.00.

Also, that the estimated cost of placing Firth Court in condition to be accepted by the City for maintenance is \$750.00, and that Mr. W. E. Love has been advised accordingly.

EMPLOYMENT OF ENGINEER AUTHORIZED TO FURNISH PLANS AND SPECIFICATIONS FOR AIR CONDITIONING CITY HALL, HEALTH, POLICE AND FIRE BUILDINGS.

Councilman Smith moved that an Engineer be employed to furnish plans and specifications in connection with the air conditioning of the Municipal Group Buildings, including the City Hall, Health, Police and Fire Buildings. The motion was seconded by Councilwoman Evans, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk