

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 9, 1957, at 3 o'clock p.m., with Mayor Smith presiding, and Council members Albea, Baxter, Brown, Evans and Foard being present.

ABSENT:

Councilmen Dellinger and Wilkinson.

Hearings on petitions to amend the Zoning Ordinance to change the Building Zone Map of Charlotte and the Charlotte Perimeter Area were held jointly by the City Council and the Charlotte-Mecklenburg Planning Commission, with Commissioners Craig, Hanks, Hook, Marsh, McClure, Toy and Wilkinson being present.

ABSENT:

Commissioners Martin, Schwartz and Sibley.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on October 2, 1957 were approved as submitted.

HEARING ON ORDINANCE NO. 412 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY ON THE SE CORNER OF EASTWAY DRIVE AND SHAMROCK ROAD, FROM R-2 TO B-1.

The public hearing was held on Ordinance No. 412 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area by changing property on the SE corner of Eastway Drive and Shamrock Road, from R-2 to B-1, on petition of McAarn and Gwynn Company.

Mr. McIntyre, Planning Director, stated there has been no change in the property or condition of the surrounding area since the petition was previously explained on August 21st. Mr. Ray Rankin, Attorney for the petitioners, stated he would <sup>not</sup> again present reasons for the petition, as he, too, gave a full explanation on August 21st.

No opposition to the zoning change was expressed.

Council decision was deferred until the next meeting.

HEARING ON ORDINANCE NO. 415 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON THE SE SIDE OF OLANDO STREET AT MORETZ AVENUE, FROM R-2 TO INDUSTRIAL.

The scheduled hearing was held on Ordinance No. 415 Amending the Zoning

Ordinance of the City of Charlotte Amending the Building Zone Map by changing property located on the SE side of Olando Street at Moretz Avenue, from R-2 to Industrial, on petition of Field Loom Reed Company.

Mr. McIntyre, Planning Director, explained the location and surrounding area and presented a map of the property. He stated the property is now occupied by a storage building for construction material; that the surrounding area is zoned as Industrial and Residential.

No opposition to the proposed change in zoning was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 416 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON BOTH SIDES OF THE PLAZA, BETWEEN 34TH AND WHITING AVENUE, FROM R-2 TO B-I.

The public hearing was held on Ordinance No. 416 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing the property located on both sides of The Plaza, between 34th Street and Whiting Avenue, from R-2 to B-1, on petition of C.E. Griffin and others.

The Planning Director presented a map of the area and explained the surrounding area. He stated the proposed change involves two blocks of The Plaza on both sides, and there are two non-conforming business concerns within the property; that the area between Division Street and Shamrock Drive is generally residential, and adjoins residential property at the rear.

No opposition was expressed to the proposed change.

Decision was deferred by the Council for one week.

HEARING ON ORDINANCE NO. 417 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED ON THE SW CORNER OF ROZZELLS FERRY ROAD AND WOODLAND AVENUE, FROM R-2 TO B-I.

The public hearing was held on Ordinance No. 417 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing property located on the sw corner of Rozzells Ferry Road and Woodland Avenue, from R-2 to B-1, on petition of Charles I. Myers and Reid W. Barwick.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated the property is not far from the intersection of Rozzells Ferry Road, West Trade and West 5th Street intersection, and is developed residentially, and the zoning within the area is generally R-2.

No opposition to the proposed change was expressed by the audience.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 418 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING THE PROPERTY IN THE INTERIOR OF THE 1200 BLOCK OF QUEENS ROAD, BETWEEN GRANVILLE ROAD AND QUEENS ROAD WEST, FROM R-I TO R-2.

The scheduled hearing was held on Ordinance No. 418 Amending Chapter 21, Article I, Section 2 of the City Code Amending the Building Zone Map of

Charlotte by changing property in the interior of the 1200 block of Queens Road, between Granville Road and Queens Road West, from R-1 to R-2, on petition of Mrs. Bess Benoit and Mrs. Patsy Goodwin.

The Planning Director presented a map of the area and stated this is vacant property in the interior of the block bounded by Queens Road, Queens Road West and Granville Road, and is 300' x 282' in size. That the property is surrounded on all sides by residential property zoned R-1 with the exception of a vacant lot that extends out to Queens Road; that the property adjoins an R-2 district which extends along Queens Road.

Mr. Frank McCleneghan, Attorney for Mrs. Benoit, one of the petitioners, stated that most of the lots along this section of Queens Road have a frontage of 100' and run back 150'; that there is a 20 foot alley-way extending from Queens Road to the property in question; that Lot #6 belongs to Mrs. Goodwin and Mrs. Benoit is interested in Lot #5. That each of these parcels of land lying back of Queens Road consists of a little more than one acre. That the property adjoins an R-2 zone as well as the R-1 and the R-1 zone adjoins only on the rear of the lot in question. He advised that it is Mrs. Benoit's plan to erect a 12-unit apartment which will be resident owned, because the property is unsuitable for a single family resident, and there is sufficient space for off-street parking. Mr. McCleneghan stated there is no doubt but that the Zoning Commission would have zoned this property R-2 had all the back lots been zoned.

Councilwoman Evans asked if Mr. McCleneghan feels that Mrs. Goodwin is in complete accord with the property development? Mr. McCleneghan replied that both she and Mrs. Benoit signed the application for the change in zoning, and that Mrs. Goodwin is present at this meeting.

Opposition to the proposed zoning change was voiced by Mr. Warren Stack, Attorney for various individuals within the neighborhood of the property. He filed a petition, which he advised was signed by forty-eight persons who reside in the immediate neighborhood, stating they object to any re-zoning of the property.

Mr. David Craig, resident of Granville Road, expressed strong objection to the zoning change; he stated it would increase traffic congestion as it will add sufficient area adjoining Queens Road so that an apartment house with twenty families will be added to the area, which is more than all of the other families around the block. That if the change is made, it will be to help one or two persons to the detriment of the other property owners and will devalue their property. He stated that as a resident of the area he could not too strongly express his opposition to the proposal.

Mr. Stack stated that what the petitioners are asking the Council to do, is to permit persons to set about on a course of conduct the Council could not control, and they would be at liberty, if they saw fit, to erect an apartment with 40 or 50 residents or even sell the property, and could be the means of turning the R-2 area into apartment houses; that the change will seriously affect the four houses on Granville Road, whose back yards adjoin the lot in question and the eight houses on Queens Road and eight on Queens Road West, That the residents of this high-priced property constructed their homes in a quiet area of Charlotte and wish it to remain that way.

A letter was presented from Mr. Esley O. Anderson, Jr. owner of property at 1128 Queens Road, expressing opposition to the proposed change.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 419 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PARK ROAD AND WOODLAWN ROAD, FROM R-2 TO B-I.

The public hearing was held on Ordinance No. 419 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area by changing property located at the southwest corner of Park Road and Woodlawn Road, from R-2 to B-1, on petition of Gilbert E. Nash and wife.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated this is a mandatory change, as the other three corner lots at this intersection are zoned for business.

Mr. William E. Poe, Attorney for the Madison Park Home Owners Association, filed a petition signed by twenty residents, who were present at the meeting, objecting to the change. He stated they recognized that it is a mandatory change but express their opposition just the same, and believe this is another example of where the law is wrong and request the Council to petition the next session of the Legislature for a change in the law.

Decision was deferred for one week.

HEARING ON ORDINANCE NO. 420 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF SHARON ROAD AND FAIRVIEW ROAD, FROM RURAL TO B-I.

The scheduled hearing was held on Ordinance No. 420 Amending the Building Zone Map of the Charlotte Perimeter Area by changing property located at the NW corner of Sharon Road and Fairview Road, from Rural to B-I, on petition of Mr. and Mrs. James J. Harris.

Mr. McIntyre, Planning Director, explained that the property is 250' x 250' in size at the intersection of the northwest corner of Sharon and Fairview Roads and is vacant property, and is presently zoned Rural, and to the north is developed residentially.

No opposition was expressed to the proposed change.

Decision was deferred for one week.

HEARING ON ORDINANCE NO. 421 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY LOCATED EAST OF DERITA ROAD AT HIGHWAY NO. 29 BYPASS, FROM RURAL TO INDUSTRIAL.

The scheduled hearing was held on Ordinance No. 421 Amending the Zoning Ordinance of the Charlotte Perimeter Area by changing property located east of Derita Road at Highway #29 Bypass, from Rural to Industrial, on petition of Mrs. Margaret E. Hoover.

Mr. McIntyre, the Planning Director, stated the property is close to the Perimeter area line near the intersection of Highway 29 Bypass and Derita Road, and is a triangular strip of land 550' x 800'; that it is adjoined at the rear line by a residential development, to the west by farm land and that it fronts on Highway 29 Bypass.

No opposition was expressed to the proposed change.

Decision was deferred for one week.

HEARING ON ORDINANCE NO. 422 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY LOCATED ON THE EAST SIDE OF STATESVILLE ROAD, JUST OUTSIDE THE CITY LIMITS, FROM RURAL TO INDUSTRIAL.

The public hearing was held on Ordinance No. 422 Amending the Zoning Ordinance of the Charlotte Perimeter Area by amending the Building Zone Map to change property located on the east side of Statesville Road, just outside the city limits, from Rural to Industrial, on petition of M. L. Grose and others.

Factual information as to the property and surrounding area was presented by Mr. McIntyre. He advised the property is irregular in shape and is 550' x 250' in size. That it is presently developed with single family residences and a grocery store and the City Dump is located to the east and residents to the west.

Mr. M. L. Grose, one of the petitioners, stated the property is no longer suitable for residential purposes because of the proximity of the City Dump; and it has been necessary for the past two or three years for the Health Department to constantly fog the area with DDT to make it livable. He urged that the change in zoning from Rural to Industrial be approved.

No opposition to the proposed change was expressed.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 423 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY LOCATED SOUTH OF INDEPENDENCE BOULEVARD NEAR PIERSON DRIVE, FROM R-2 TO B I-A.

The public hearing was held on Ordinance No. 423 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area by changing property located south of Independence Boulevard, near Pierson Drive, from R-2 to B I-A, on petition of M. L. Grose and others.

The Planning Director presented factual information as to the area, stating the property is 75' x 800'.

Mr. Henry Morrison, resident of 5009 Unaka Avenue, filed a petition signed by the seven property owners and residents within the immediate area, expressing opposition to the zoning change. He stated they feel it would do their property no good.

Mr. Roy Butterfield, resident of the area, stated the combined value of the residences of the seven property owners is approximately \$100,00 and the rezoning would bring business right to their back yards. He stated further their homes are all less than two years old, and they purchased their lots because it was a quiet area and they wish it to remain so.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 424 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, TO AMEND THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA BY CHANGING PROPERTY LOCATED ADJACENT TO THE CORNER OF PROVIDENCE ROAD AND SHARON-AMITY ROAD, FROM R-2 TO B-I.

The scheduled hearing was called on Ordinance No. 424 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area, by changing property located adjacent to the corner of Providence Road

and Sharon-Amity Road from R-2 to B-1, on appeal of Mr. Andrew M. Karres from the decision of the Planning Board.

The City Manager advised that Mr. Karres has requested that the hearing on his petition be deferred for 30 days because of the absence of his attorney from the city today. Councilman Brown moved that the hearing be continued until the Council Meeting on December 11th, which is the scheduled date for other zoning change hearings. The motion was seconded by Councilman Baxter, and unanimously carried.

HEARING ON ORDINANCE NO. 425 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY LOCATED AT THE SW CORNER OF HAWTHORNE LANE AND KENNON STREET, FROM R-2 TO B-1.

The scheduled hearing was held on Ordinance No. 425 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property located at the SW corner of Hawthorne Lane and Kennon Street, from R-2 to B-1, on appeal of Mrs. Dorothy Schoenith from the decision of the Planning Board.

Information as to the property and surrounding area was presented by the Planning Director. He stated the property is vacant, and adjoins a residential area which is zoned R-2, and is developed residentially with the exception of one business use.

Mr. Robert Perry, attorney for the petitioner, stated the use of the property within the neighborhood for residential purposes is on the way out, as a great deal of the property is rented and owners are letting it run down, and industry is opening nearby, and to have the full use of the property in the area it is well to start rezoning it for business.

Mr. C. L. Biggerstaff, resident of 1518 Kennon Street, Mr. G. L. Barber and Mr. John Hoffman expressed opposition to the change in zoning. Mr. Biggerstaff stated he is appearing before Council in behalf of himself and the 101 other persons who have signed a Petition against the change, which he presented. He stated that there is no need for small business on the property in question, as there are all types of business on Central Avenue, just a few blocks away. Also, there is a church across from the lot in question and another church back of it, which property, as well as their homes, would be devaluated by the change. Mr. Barber stated his home has just been built on the property next to that in question; that for 15 years he has saved money to build his home, and the construction of business next to him will decrease the value of his property, disturb the quietude of the neighborhood and bring additional traffic to the area. Mr. Hoffman stated he is a member of the church across the street and feels the church property would be devaluated by the proposed construction.

Decision was deferred for one week by the Council.

CITY-OWNED CEMETERIES CLOSED TO BURIALS ON SUNDAY ALONG WITH PRIVATELY OWNED CEMETERIES, AT REQUEST OF CHRISTIAN MINISTERIAL ASSOCIATION, FLORIST ASSOCIATION, CHARLOTTE MORTICIANS AND OWNERS OF PRIVATELY OWNED CEMETERIES.

Mr. Roy Hunter, Jr., Florist, appeared before Council and stated it has been the hope of the Florists, Morticians, Ministers and owners of private Cemeteries, for sometime that funerals on Sunday could be eliminated, as it has been established that 4,000 to 5,000 persons among this group are affected and obligated to work on Sunday in connection with funerals. He stated that the matter has been thoroughly discussed by the four groups and they are unanimously behind the movement. Dr. John R. Brokhoff, representing the Mecklenburg Christian Ministers Association, and Mr. Beamon Long, representing the Morticians, stated their organizations are in accord

with the suggestion and would like to see it adopted. Mr. Hunter requested the Council to join with them in eliminating burials on Sunday in City-operated cemeteries.

No opposition to the proposal was expressed.

Councilman Baxter moved that at the request of the Mecklenburg Christian Ministers Association, the Charlotte Florist Association, the Morticians of Charlotte, and the owners of privately owned Cemeteries, the City-owned Cemeteries be closed to burials on Sunday, for a trial period of 90 days beginning on November 1, 1957, together with privately owned cemeteries. The motion was seconded by Councilwoman Evans, and unanimously carried.

**CONTRACT AWARDED WALTER W. HOOK & ASSOCIATES FOR DRAWING PLANS FOR ADDITION TO AIRPORT TERMINAL BUILDING.**

Councilman Baxter moved that contract be awarded Walter W. Hook and Associates for drawing plans for an addition to the Airport Terminal Building. The motion was seconded by Councilman Albea, and unanimously carried.

**FUNDS TRANSFERRED TO CITY MANAGER BUDGET FROM EMERGENCY FUND FOR PURCHASE OF TYPEWRITER.**

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, \$425.00 was authorized transferred from the Emergency Fund (Code 110) to the City Manager's Budget (Code 1102 G-14) for the purchase of a typewriter.

**REVISED LICENSE-AGREEMENT WITH CIVIL AERONAUTICS ADMINISTRATION FOR INSTRUMENT LANDING SYSTEM AT DOUGLAS MUNICIPAL AIRPORT, AUTHORIZED.**

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the Mayor and City Clerk were authorized to execute a Revised License-Agreement with the Civil Aeronautics Administration covering the Instrument Landing System at Douglas Municipal Airport for high intensity approach lights, and canceling the existing license for low intensity light system.

**BLANKET AGREEMENT WITH STATE HIGHWAY COMMISSION FOR RIGHTS-OF-WAY FOR INSTALLATION OF WATER MAINS IN PORTION OF PERIMETER AREA TO BE ANNEXED JANUARY 1, 1960.**

Councilwoman Evans moved approval of a Blanket Agreement with the State Highway Commission for rights-of-way for the installation of water mains in that portion of the perimeter area to be annexed January 1, 1960. The motion was seconded by Councilman Foard, and unanimously carried.

**CONSTRUCTION OF SANITARY SEWER MAIN IN CASSAMIA PLACE AUTHORIZED.**

Motion was made by Councilman Foard, seconded by Councilwoman Evans, and unanimously carried, authorizing the construction of 192 feet of sanitary sewer main in Cassamia Place, to serve one family unit and one vacant lot, at an estimated cost of \$390.00. All costs to be borne by the City, with the applicant, Hefner Plumbing Company's required deposit of \$90.00 to be refunded in accordance with the contract.

**CONTRACT AWARDED WILMINGTON ELECTRICAL SUPPLY COMPANY FOR 150 TRAFFIC SIGNALS.**

A representative of the Union Supply Company, Charlotte dealer for the Wilmington Electrical Supply Company, appeared before Council in connection with the bid of Wilmington Electrical Supply Company on 150 traffic signals. He advised they understand the low bid on the signals did not meet the specifications, and as they are one of the two second lowest bidders submitting the same price, they ask that the contract be awarded Wilmington Electrical Supply Company. He introduced Mr. J. Witbeck of Kraus-Hines Company, manufacturer of the signals on which their bid was submitted, who stated at the time the bids were received his company had a large order to fill, and he, therefore, stated their delivery would be from 75 to 90 days; however, his company now advises they can start supplying the equipment within 30 days. He stated further that they submitted a bid on a new type signal they are manufacturing, however, since the old equipment is preferred by the Traffic Engineering Department, they will be glad to furnish it instead of the newer type.

Mr. Yancey, City Manager, asked if there would be a difference in the price if the old equipment is furnished, to which Mr. Witbeck replied that the old equipment is more expensive, however, the Company will furnish it at their bid price and will take the loss themselves, and they will begin shipments within 30 days, as all of the signals are not required at once.

Councilman Brown moved that contract be awarded Wilmington Electrical Supply Company for 150 One-way Three-Section Traffic Signals, as specified, at a total net delivered price of \$7,182.00. The motion was seconded by Councilwoman Evans and unanimously carried.

The following bids were received:

Eagle Signal Corporation	\$7,162.50
The Marbelite Company, Inc.	\$7,182.00
Wilmington Electrical Supply Company	\$7,182.00
Westinghouse Electric Supply Company	\$7,219.50
Mill Power Supply Company	\$7,227.00
General Electric Supply Company	\$7,248.00

**REPORT OF NEEDS FOR FUNDS FOR CAPITAL OUTLAY IN THE TERRITORY TO BE ANNEXED TO THE CITY OF CHARLOTTE ON DECEMBER 31, 1959.**

The City Manager submitted a "Report of Needs for Funds for Capital Outlay in the Territory to be Annexed to the City of Charlotte on December 31, 1959" as requested by resolution of the City Council on September 18th. Councilman Baxter moved the acceptance of the Report as information. The motion was seconded by Councilwoman Evans, and unanimously carried.

**TRANSFER OF CEMETERY LOTS.**

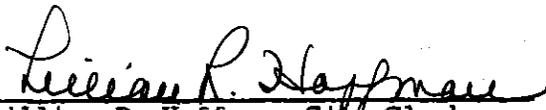
Motion was made by Councilman Albea, seconded by Councilman Brown, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Edwin L. Jones and wife, for Lot 250, Section 2, Evergreen Cemetery, at \$320.00.
- (b) Deed with Edwin L. Jones, Jr. and wife for Lot 251, Section 2, Evergreen Cemetery, at \$320.00.
- (c) Deed with Edwin L. Jones, III and Sam Finch Jones, for Lot 254, Section 2, Evergreen Cemetery, at \$320.00.

- (d) Deed with John Wesley and David Gilchrist Jones, for Lot 255, Section 2, Evergreen Cemetery, at \$320.00.
- (e) Deed with Mrs. Flora B. Rea, for Lot 245, Section 2, Evergreen Cemetery, at \$240.00.
- (f) Deed with Mrs. Eloise C. Dale, for Lot 160, Section 4-A, Evergreen Cemetery, at \$126.00.
- (g) Deed with Mrs. Ethel M. Morris, for south-half of Section X, Elmwood Cemetery, redrawn in her married name, at \$1.00 for new deed.
- (h) Deed with Mrs. Margaret W. Steed, for east half of Lot 164, Elmwood Cemetery, transferred from the Rev. J.H. Ambrust and wife, at \$1.00 for transfer.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk