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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, September 9, 1953, at 11:00 o'clock a.m., with Mayor pro tem James S. Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson present.

Absent: Mayor Van Every .

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting on September 9th were approved as submitted.

ACTION ON ORDINANCE NO. 186 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING ON PROPERTY AT THE SOUTHEAST CORNER OF YADKIN AVENUE AND TWENTY-SEVENTH STREET DEFERRED ONE WEEK.

The scheduled hearing was held in connection with Ordinance No. 186 Amending the Zoning Ordinance by changing the Building Zone Map from Residence-2 to Industrial on property located at the southeast corner of Yadkin Avenue and East 27th Street, which was recommended by the Zoning Board of Adjustment upon petition of Mr. Henry E. Fisher.

Mr. R. J. Wingate, and a delegation of residents of the area appeared before Council in opposition to the proposed change. Mr. Wingate presented a petition signed by twenty-seven residents, asking that the Residence-2 zone not be changed. He stated that their main objection is the danger to their children from the increased traffic should 27th Street be opened an additional block, which no doubt the owners will request to take care of business in the Industrial Zone; also, that industrial business will decrease the valuation of their residential property.

Mr. John D. Shaw, City Attorney, explained that two of the corner lots were originally zoned Industrial and in May 1953 the third corner was rezoned Industrial, leaving only the property in question on the southeast corner in a Residence-2 zone.

Mr. Wingate advised that the residents of the area were not aware that the third corner lot had been rezoned in May until grading was started.

Upon motion of Councilman Albea, seconded by Councilman Dellinger, and unanimously carried, the meeting was recessed by the Mayor at 11:10 o'clock for the Council to observe the site in question on the Zoning Map.

The meeting reconvened at 11:17 o'clock, and Mr. Wingate urged that serious consideration be given their petition.

Mr. C. E. Hobbs, spoke for the zoning change in behalf of the petitioner Mr. Fisher, whom he stated could not be present at the meeting. He advised that he knew of no plans for the opening of East 27th Street, to which the opponents are objecting. Too, that the property must be developed and it is impossible to obtain financing for residential purposes as the property faces the Industrial Area, and the property is paralyzed for development unless the change is granted.

Mr. C. C. Campbell, resident of the area asked that before making a decision the Council go out and look over the property.

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Councilman Dellinger moved that action be postponed for one week and the Council view the area in question. The motion was seconded by Councilman Albea, and unanimously carried.

VIOLETION OF ZONING RESTRICTIONS BY L. C. HINSON AT 1520 CLIFFWOOD PLACE REFERRED TO ZONING BOARD OF ADJUSTMENT FOR DECISION AS TO REZONING OF PROPERTY.

Mr. Porter Byrum, Attorney representing Mr. L. C. Hinson, appeared before Council with regard to the violation of the Zoning Ordinance by the construction of a garage-apartment at the residence of Mr. Hinson at 1520 Cliffwood Place, on which action was deferred at the last Council Meeting. Mr. Byrum advised that a petition for a change in zoning of the property is in the process of being filed with the Zoning Board of Adjustment and will be presented at their next meeting. He requested that action by the Council again be deferred until the petition can be presented to the said Board.

Councilman Albea moved that action be deferred for one week. The motion was seconded by Councilman Dellinger.

A substitute motion was offered by Councilman Brown, that the matter be referred to the Zoning Board of Adjustment, and no further work be done on the building and that it not be occupied until action has been taken by the Zoning Board and by the City Council. The motion was seconded by Councilman Albea, and unanimously carried.

ENFORCEMENT OF ORDINANCE GOVERNING PEDDLING AND INCLUSION OF INDEPENDENCE BOULEVARD IN RESTRICTED DISTRICT REQUESTED BY CHARLOTTE RETAIL GROCERS ASSOCIATION REFERRED TO CITY MANAGER AND TRAFFIC ENGINEER.

Mr. F. T. Broom, President and Mr. J. B. Vogler, Executive Secretary of the Charlotte Retail Grocers Association appeared before Council relative to peddlers trucks operating on the city streets. Mr. Vogler stated that the Association has no objections to farmers peddling produce which they raise, but trucks are parked on many streets in Charlotte from which produce is sold that is purchased wholesale and the Association seriously objects to this practice. He called attention to the fact that these trucks obstruct traffic on main thoroughfares, and are in violation of the ordinance which prohibits the parking of vehicles for the purpose of peddling for a period of more than 30 minutes. Mr. Vogler cited several locations where trucks are parked daily, and requested the enforcement of the existing ordinance, and that the duty of such enforcement be delegated to one police officer. He also requested that Independence Boulevard be included in the list of streets in the ordinance where peddling is entirely prohibited.

Mr. Vogler also expressed concern over the shop lifting in both grocery and other retail stores. He stated that too many suspended sentences are given offenders, and expressed the opinion that if the City Council and the Merchants show sufficient concern about the situation, that the Courts will take more effective action with such offenders.

Councilman Baxter moved that the practice of peddling on arterial highways be referred to the City Manager and Traffic Engineer for recommendation as to which streets should be included in the ordinance. The motion was seconded by Councilman Dellinger, and unanimously carried.

PURCHASE OF STRIP OF LAND AT 125-27 GOLD STREET, FOR WIDENING OF GOLD STREET.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, a strip of land 45.50 ft. in length by 25.84 ft. wide from the front of the property at 125-27 Gold Street was authorized purchased from Mamie Brown Hart, at a price of \$1,298.00, for the widening of Gold Street.

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GENEVA COURT, FROM PRINCETON AVENUE TO DEAD-END, TAKEN OVER FOR MAINTENANCE.

Councilman Dellinger moved that Geneva Court, from Princeton Avenue to its dead-end be taken over for maintenance. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED THE B. F. GOODRICH COMPANY FOR 7,500 FT. OF FIRE HOSE.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, a contract was awarded The B. F. Goodrich Company for 5,500 ft. of 2½ inch and 2,000 ft. of 1½ inch Cotton, double-Jacket, rubber-lined Fire Hose, as specified, on a unit price basis, representing a total price of \$6,780.00, subject to cash discount of \$135.60.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 15-ft. driveway at 2101 Dickinson Place.
- (b) One 20-ft. driveway on Morton Street at the rear of 2132 W. Morehead Street.
- (c) One 35-ft. and One 40-ft. driveway on South Boulevard and Two 40-ft. driveways on Park Avenue, all for 1600 South Boulevard.

CONTRACT AUTHORIZED WITH N. G. SPEIR FOR CONSTRUCTION OF WATER MAINS IN MADISON PARK.

Councilman Albea moved that contract be authorized with Mr. N. G. Speir for the construction of 3,410 feet of water mains and 4 fire hydrants in Madison Park, at an estimated cost of \$8,215.00, to serve 45 residential lots. All cost to be borne by the applicant, who will dedicate the mains and hydrants to the City upon completion of the installation. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. Leigh Collyer, Sr. for Lot 194, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with Christine Economos, for Lot 400, in Section 4-A, Evergreen Cemetery, at \$81.90.

ADJOURNMENT.

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

Lillian R. Chapman
City Clerk