May 21, 1958
Minute Book 37 - Page 491

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, May 21, 1958, at 11 o'clock a.m., with Mayor Smith presiding, and Council members Albee, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None

* * * * *

INVOCATION.

The invocation was given by Councilman Claude L. Albee.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Dellinger, and unanimously carried, the Minutes of the meeting on May 14th were approved as submitted.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON ROSWELL AVENUE.

The Resolution Authorizing Permanent Improvements on Roswell Avenue, between Queens Road West and Colony Road, which was introduced on May 14th, was considered in accordance with the notice published in The Charlotte News on May 16th. No objection to the improvement was expressed. Councilman Baxter moved the adoption of the resolution which was seconded by Councilman Brown, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 203.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH IMPROVEMENTS ON ROSWELL AVENUE.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Improvements on Roswell Avenue" was introduced and read. Mayor Smith nominated Messrs. Robert Rhyne, Robert Webb, Jack Turner, Hall McKee and J. E. Barrentine as Appraisers, and upon motion of Councilman Brown, seconded by Councilman Baxter, the nominees were appointed. The resolution is recorded in full in Resolutions Book 3, at Page 205.

TROPHY AWARDED CHARLOTTE SCHOOL SAFETY PATROL UNIT AT ANNUAL SAFETY PATROL JAMBOREE IN WASHINGTON, PRESENTED BY COLEMAN W. ROBERTS, PRESIDENT CAROLINA MOTOR CLUB, ON BEHALF OF THE AMERICAN AUTOMOBILE ASSOCIATION.

Mr. Coleman W. Roberts, President of Carolina Motor Club, presented a Trophy to Mayor Smith given by the American Automobile Association in recognition of the Charlotte School Safety Patrol Unit having been awarded first place as the Best Appearing Unit in Section 4 at the Annual National Safety Patrol Jamboree in Washington this month. Mr. Roberts stated that the Charlotte Unit was the only unit from a southern city winning an award; that a total of 30,000 school children attended the Jamboree, with 315 white children and 123 colored children being from Charlotte. Mr. Roberts congratulated the City on the fine organizational work of the Safety Patrol by Lieutenant George Livingston of the Charlotte Police Department, and expressed his pride in the members of our School Safety Patrol. Mayor Smith accepted the Trophy with pleasure on behalf of Lieutenant Livingston and expressed his gratitude for the fine work he is doing.
Lieutenant Livingston in turn accepted the Trophy on behalf of the members of the Charlotte School Safety Patrol. He stated the safety patrol unit was started eleven years ago and has never lost a life where they function.

Chief Frank Littlejohn and Captain Lloyd Hinkle congratulated Lieutenant Livingston on his work with the Patrol.

COMPLAINTS RELATIVE TO IMPROPER DRAINAGE SYSTEM CAUSING PROPERTY FLOODING AND DAMAGES BY RAINS.

Mr. Jack Turner stated he was glad to see in today’s Observer that Councilman Baxter will bring up the matter of improper storm sewers and other conditions that cause flooding of property by heavy rains and request that the situation be improved. That he wishes to register a complaint relative to the drainage condition on Iris Drive, where basements were flooded by the storm on the night of May 17th. He stated further that any sizable rain brings about the same condition, together with overflow from sanitary sewers; that he has discussed the matter with the Engineering Department, who advise that nothing can be done.

Mrs. Alice Underwood, speaking for her mother who resides at 2033 Cumberland Avenue, stated that some two weeks ago the wall on her property was washed down by water draining from the street following a storm. That the wall was replaced by her mother at a cost of $80.00, and again on the night of May 17th during the bad storm the wall was again knocked down, as well as the yard washed away, by water draining from the street, which will cost two to three hundred dollars to replace. Mrs. Underwood stated that the City Engineering Department advises they can do nothing about the condition without authority from the City Council.

Councilman Dellinger moved that the City Manager have the Engineering Department make an investigation of these conditions and report to the Council. The motion was seconded by Councilman Brown, and unanimously carried.

Councilwoman Evans called attention that each of the Council members have received a letter relative to the flooded condition at 1223 Maryland Avenue from drain water on the night of May 17th, and asked that this too be investigated and a report made.

Councilman Poard stated that the culvert under the Seaboard Airline Railway’s overpass is too small and is causing much of the flooding. He moved that the City Manager communicate with the SAL Railway officials relative to enlarging its culvert over Brier Creek. The motion was seconded by Councilman Baxter, and unanimously carried.

CITY MANAGER DIRECTED TO CONFER WITH MECKLENBURG COUNTY COMMISSIONERS RELATIVE TO MECKLENBURG DRAINAGE COMMISSION DREDGING CREEKS AND IMPROVING DRAINAGE CONDITIONS IN GENERAL.

Councilman Baxter stated that the property damage by the heavy rain storm on May 17th was enormous and that property owners have every right to expect relief from such a condition. That the widening of streets and placing of curbs causes an increase in the flow of water and draining it onto private property causes great damage, which should be taken care of by the City. He quoted Section 31, sub-section 16 of the City Charter that the city has power to ".........prohibit the construction of buildings intended to be used for human habitation upon property subject to periodic surface flooding". He asked if this law is carried out? He stated further that the City protects property owners from fires and
protects them from robberies, by spending thousands of dollars on the Fire and Police Departments, and by the same token should protect them from flooding. That he would like to suggest that the City Manager and Engineering Department get into this matter pronto as to what the City can do now and if a change in the law is needed then that it be passed. Councilman Baxter stated that Sugar and Briar Creeks are badly in need of cleaning out to increase the water flow, and he cannot see why this is not done periodically. The City Attorney quoted from Section 31, subsection 96 of the Charter that the City has the power to "require that all property owners provide adequate drainage facilities to the end that their premises be free from standing water and permit the natural flow of water thereon to be taken care of and to provide that in case of failure on the part of the owner to so provide the same, to go upon their premises and construct the necessary facilities and to charge the cost thereof against the premises so improved, such cost to constitute a lien upon such premises and be collected as in the case of taxes."

Councilman Baxter stated the Section quoted by the City Attorney is contrary to sub-section 16, and it is certainly taking a negative approach to the situation.

Councilman Dellinger remarked that the City inherits a great deal of the trouble; that as developers open subdivisions they install pipe of an insufficient size to meet the drainage situation and then as the City takes over the developments these conditions arise. He stated further that the County Government budgets funds to take care of creek dredging, etc. and as the citizens of Charlotte pay 80% of county taxes, the Commissioners should take care of this situation in Charlotte.

Councilman Brown stated that the Lord dumped a lot of water on Charlotte last Saturday night and the people blame the City Council for it. That he thinks the Council should go on record making it mandatory that the proper size or oversize pipe be installed in all subdivisions or developments.

Councilman Baxter stated that the City Manager takes the position that the man at the foot of the hill has to take care of the water that comes his way regardless of where it comes from, but that he says it is the City's responsibility if it comes from the street. The City Manager replied that this is the common law of the land, and the City has no responsibility whatsoever.

Councilman Dellinger moved that the City Manager be directed to confer with the County Commissioners relative to the Mecklenburg County Drainage Commission dredging the creeks and improving drainage conditions in general, and see what can be worked out. The motion was seconded by Councilman Brown, and unanimously carried. However, Councilman Baxter stated he thought this was merely postponing the question, and if the Drainage Commission cannot or will not assume the responsibility, then something has got to be done about the condition.

COMMITTEE APPOINTED TO CONFER WITH TRUSTEES OF THE MINT MUSEUM OF ART RELATIVE TO THEIR BUDGET AND MAKE RECOMMENDATIONS TO THE COUNCIL.

Councilman Brown stated that the Mint Museum of Art budget for 1958-59 has come to his attention, and when a Committee, of which he was Chairman, conferred with the Board of Trustees on another matter a year or so ago, they got an entirely different view of the institution; therefore, he would like to ask the Mayor to appoint another Committee to confer with the Trustees of the Museum relative to their budget so that it is thoroughly understood and to be in position to make recommendations to the City Council when the budgets are studied and adopted.

Mayor Smith then appointed as a Committee, Councilman Dellinger, Chairman and Councilmen Wilkinson and Foard.
PLANS FOR CHARLOTTE DEVELOPMENT APPROVED AND FOR THE STREETS AND BRIDGES IN ACCORDANCE WITH PLANS FILED IN THE CITY ENGINEERING DEPARTMENT.

Councilman Dellinger moved approval of the plans for the Charlottetown Development as outlined by Mr. Robert Lassiter, Jr., and of the streets and bridges in accordance with plans on file in the City Engineering Department. The motion was seconded by Councilman Brown, and unanimously carried.

RESOLUTION WAIVING GOVERNMENTAL IMMUNITY WITH RESPECT TO MOTOR VEHICLES.

A resolution entitled: "Resolution Waiving Governmental Immunity with Respect to Motor Vehicles" was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 206.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 460 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE TO CHANGE PROPERTY WEST OF GLENWOOD DRIVE, NEAR PLAINVIEW ROAD, FROM R-2 TO INDUSTRIAL, ADOPTED.

Ordinance No. 460 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing the property west of Glenwood Drive, near Plainview Road, from R-2 to Industrial, on petition of the P & N Railway Company, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 207.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 461 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE TO CHANGE PROPERTY AT THE SOUTHEAST CORNER OF DOCKWORTH AVENUE AND BRUNS AVENUE, FROM R-2 TO LIGHT INDUSTRIAL, ADOPTED.

Ordinance No. 461 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing the property at the southeast corner of Dockworth Avenue and Bruns Avenue, from R-2 to Light Industrial, on petition of Westside Ice & Fuel Company, Inc., was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 208.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 462 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE TO CHANGE PROPERTY AT THE SOUTHEAST CORNER OF KESWICK AVENUE AND DUNLOE STREET, FROM R-2 TO INDUSTRIAL, ADOPTED.

Ordinance No. 462 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing the property at the southeast corner of Keswick Avenue and Dunloe Street from R-2 to Industrial, on petition of Scandinavia Belting Company, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 209.
RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 465 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON HUDSON STREET, BETWEEN MATHESON AVENUE AND 34TH STREET, FROM R-2 TO B-I, ADOPTED.

Ordinance No. 465 Amending Chapter 21, Article I, Section 2 of the City Code by amending the Building Zone Map of Charlotte by changing the property on Hudson Street, between Matheson Avenue and 34th Street, from R-2 to B-I, on appeal of J. W. Kiser and J. Clyde White from the decision of the Planning Board, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 210.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 464 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON COMMONWEALTH AVENUE, BETWEEN WOODLAND DRIVE AND GREENLAND AVENUE, FROM R-2 TO B-I, ADOPTED.

Ordinance No. 464 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing the property on Commonwealth Avenue, between Woodland Drive and Greenland Avenue, from R-2 to B-I, on petition of Mrs. Enice Kesiah and Dewey L. Drum and wife, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 211.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 465 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY ON EAST SIDE OF AVONDALE AVENUE, SOUTH OF ORDERMORE AVENUE, FROM R-2 TO B-I, ADOPTED.

Ordinance No. 465 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing the property on the east side of Avondale Avenue, south of Ordermore Avenue, from R-2 to B-I, on petition of J. H. Frickhofer, Betty Turner Webb, W. E. Thomas, L. V. Clawingier and Lelia Puckett Hayes, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 212.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 466 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF CHARLOTTE BY CHANGING PROPERTY AT 1716 SOUTH TRYON STREET, BETWEEN WEST KINGSTON AVENUE AND WEST BOULEVARD, FROM R-2 TO B-I, ADOPTED.

Ordinance No. 466 Amending Chapter 21, Article I, Section 2 of the City Code amending the Building Zone Map of Charlotte by changing property at 1716 South Tryon Street, between West Kingston Avenue and West Boulevard, from R-2 to B-I, on petition of George H. Sikes, was introduced and read. A Resolution Providing for a Public Hearing on said Ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 213.
RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 467 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY AT THE INTERSECTION OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD, FROM RURAL TO B I-A, ADOPTED.

Ordinance No. 467 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property at the intersection of Providence Road and Old Providence Road from Rural to B I-A, on appeal of W. T. Alexander and wife from the decision of the Planning Board, was introduced and read. A Resolution Providing for a Public Hearing on said ordinance on June 11th was then presented and read, and upon motion of Councilman Dellinger, seconded by Councilwoman Evans was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 214.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 468 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY SOUTH OF WILMONT ROAD NEAR BEAM ROAD, FROM RURAL TO INDUSTRIAL, ADOPTED.

Ordinance No. 468 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing property south of Wilmont Road near Beam Road, from Rural to Industrial, on appeal of Mrs. Kathryn P. Borden from the decision of the Planning Board, was introduced and read. A Resolution Providing for a Public Hearing on said ordinance on June 11th was then presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 215.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 469 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING THE TRIANGLE BOUNDED BY THE CITY LIMITS, NEW HIGHWAY #16 AND NELSON STREET, FROM R-2 TO INDUSTRIAL, ADOPTED.

Ordinance No. 469 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing the triangle bounded by the city limits, New Highway #16 and Nelson Street, from R-2 to Industrial, on petition of Ervin Construction Company, was introduced and read. A Resolution Providing for a Public Hearing on said ordinance on June 11th was then presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 216.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON JUNE 11TH ON ORDINANCE NO. 470 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY WEST OF BEATTY'S FORD ROAD, ALONG HOSKINS AVENUE, FROM RURAL TO INDUSTRIAL, ADOPTED.

Ordinance No. 470 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of the Perimeter Area by changing the property west of Beatty's Ford Road, along Hoskins Avenue, from Rural to Industrial, on petition of Paw Creek Land Company, C. D. Spangler Company, W. D. Auten and wife, J. Albert, Anale W., Frank W. and Yates T. Caldwell was introduced and read. A Resolution Providing for a Public Hearing on said ordinance on June 11th was then presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 217 and 218.
RESOLUTION WITH RESPECT TO THE EXTENSION OF SERVICE WITH THE CITY OF CHARLOTTE OF CERTAIN EMPLOYEES SIXTY-FIVE YEARS OLD OR OLDER.

A resolution entitled: "Resolution with Respect to the Extension of Service with the City of Charlotte of Certain Employees Sixty-Five Years Old or Older" was introduced and read, and upon motion of Councilman Board, seconded by Councilwoman Evans and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 219.

ERVIN CONSTRUCTION COMPANY AUTHORIZED TO CONNECT SANITARY SEWER LINES IN MONTCLAIRE SUBDIVISION TO CITY'S SANITARY SEWERAGE SYSTEM.

Councilman Brown moved that Ervin Construction Company be granted permission to connect 10,775 feet of privately owned sanitary sewer lines in Montclare Subdivision outside the city limits, to the City's Sanitary Sewerage System, provided that they comply with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albee, seconded by Councilman Wilkinson, and unanimously carried, the construction of driveway entrances was authorized at the following locations:

(a) One 30-ft. driveway entrance at 112 Fairwood Avenue.
(b) One 12-ft. entrance at 1808 West Morehead Street.
(c) Extension of present 12-ft. entrance 23-feet, to make a 35-ft. entrance at 1324 Elizabeth Avenue.
(d) Two 30-ft. entrances on Foster Street, and One 30-ft. on May Street, all for 431 Foster Street.
(e) Two 35-ft. entrances on N. Tryon Street, and One 35-ft. on Wadsworth Place, all for 1138 North Tryon Street.
(f) One 18-ft. entrance on East 4th Street, and One 15-ft. on Torrence Street, both for 1431 East 4th Street.

CONTRACT AWARDED HORNE-WILSON, INC. FOR BRONZE SWING CHECK VALVES.

Councilman Brown moved that contract be awarded the low bidder, Horne-Wilson, Inc., for 48, 1-inch, 48, 1¾-inch and 12, 2-inch bronze Swing Check Valves, Fairbanks 0606, as specified, at a total price of $1,069.20, subject to 2% cash discount, or a net delivered price of $1,047.82. The motion was seconded by Councilman Wilkinson, and unanimously carried.

All bids received on this equipment are as follows:

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CONTRACT AWARDED INTERSTATE ROOFING AND ASPHALT COMPANY FOR REPAIRING ROOF OF SOUTHERN FLIGHT EXECUTIVE TERMINAL BUILDING.

Motion was made by Councilman Foard, seconded by Councilman Brown, and unanimously carried, awarding contract to the low bidder, Interstate Roofing and Asphalt Company, for furnishing all labor, materials and equipment to repair damaged roof at Douglas Municipal Airport in accordance with specifications, at a total price of $1,160.00.

Bids received for this work are as follows:

- Interstate Roofing & Asphalt Company $1,160.00
- Avrett & Ledbetter Roofing Company $1,200.00

TRANSFER OF CEMETERY Lots.

Upon motion of Councilwoman Evans, seconded by Councilman Brown, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

(a) Deed with Jim Houston, for Lot B, Row 9 and 10, Section A, North Pinewood Cemetery, at $125.00.
(b) Deed with S. W. Hewett and wife, for Lot 283, Section 2, Evergreen Cemetery, at $160.00.
(c) Deed with Mrs. Alice W. Burns, for Lot 144, Section 4-A, Evergreen Cemetery, at $125.00.
(d) Deed with R. Marion Ross, for Lot 244, Section 2, Evergreen Cemetery, at $240.00.
(e) Deed with Mrs. Avis H. Houston, for Graves #3 and #4, in Lot 99, Section 3, Evergreen Cemetery, at $80.00.
(f) Deed with Miss Mary P. Shipp, for Perpetual Care on west half of Lot 4, Section H, Elmwood Cemetery, at $100.80.

ADJOURNMENT.

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

Lillian R. Hoffman, City Clerk