

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, August 2, 1950, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, and Wilkinson present.

Absent: Councilman Jordan.

INVOCATION.

The invocation was given by Mr. Francis Clarkson.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Daughtry, and unanimously carried, the minutes of the last regular meeting, on July 26th, were approved as submitted.

HEARING ON AMENDMENT TO ZONING ORDINANCE TO CHANGE THE ZONING OF BLOCK BOUNDED BY TUCKASEEGEE ROAD, GIBSON, MCQUAY AND BIGHAM STREETS, CONTINUED UNTIL AUGUST 9th.

Mayor Shaw called for interested persons to be heard on an Amendment to the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on all of block bounded by Tuckaseegee Road, Gibson, McQuay and Bigham Streets, as advertised.

Mr. P. C. Whitlock, Attorney representing the petitioners, requested that the hearing be continued for one week due to all members of the Council not being present. Mr. Spencer Bell, Attorney representing the opponents to the proposed change in zoning, asked that the matter be heard today as his clients were present and the matter had been continued once on July 26th.

Councilman Boyd asked if all Councilmen present intended to attend the Council Meeting on August 9th, and after receiving an affirmative reply moved that the matter be continued until Wednesday, August 9th. Motion was seconded by Councilman Aitken, and unanimously carried.

ORDINANCE (NO. 114) AMENDING THE ZONING ORDINANCE ADOPTED.

A hearing was held on an Ordinance (No. 114) to Amend the Zoning Ordinance by changing the Building Zone Map from R-2 to B-1 on property located at the southwest corner of Shuman Avenue and Wilmount Road, recommended by the Zoning Board of Adjustment upon petition of Mr. Warren Porter and Wife.

No objections were expressed to the change in zoning.

Whereupon, Councilman Daughtry moved the adoption of the Ordinance. Motion was seconded by Councilman Wilkinson, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 168.

FINAL RESOLUTION REGARDING PROPOSED EXTENSION OF SEWERS ACROSS LOT 13 IN BLOCK J, RECORDED IN MAP BOOK 5, PAGE 219, TO CONNECT WITH BRIAR CREEK OUTFALL SEWER.

A resolution entitled, "Final Resolution Regarding Proposed Extension of Sewers Across Lot 13 in Block J, Recorded in Map Book 5, Page 219, to Connect with Briar Creek Outfall Sewer" was presented and read, and upon motion of Councilman Aitken, seconded by Councilman Wilkinson, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 306.

ACQUISITION OF WATER LINE ON YORK ROAD FROM EDWIN O. CLARKSON AND CLARKSON JONES REFERRED TO CITY MANAGER AND SUPT. OF WATER DEPARTMENT.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, the acquisition of the water line in York Road, belonging to Mr. Edwin O. Clarkson and Mr. Clarkson Jones, was referred to the City Manager and the Superintendent of the Water Department, as requested by Mr. Francis Clarkson.

FOOTBRIDGE ACROSS SUGAW CREEK AT TRANQUIL AVENUE RECOMMENDED BY COUNCIL COMMITTEE.

Mr. Benjamine Horack, who with a delegation of parents of the Selwyn Avenue area petitioned the Council on July 26th to erect a foot-bridge across Sugaw Creek for the convenience of children attending Park Road School, requested the Council's decision in the matter. Councilman Aitken reported for the Committee appointed to investigate the matter, stating the Committee recommended the erection of the bridge and that a cost study revealed it could be constructed for approximately \$1,250.00. Mayor Shaw advised Mr. Horack that the construction of the bridge was practically assured.

RESIDENTS OF DILWORTH URGE AMENDMENT OF ZONING ORDINANCE TO PROHIBIT ERECTION OF PUBLIC BUILDINGS IN PARKS AND RESIDENCE 1 and 2 ZONING DISTRICTS WITHOUT SPECIAL PERMIT BY COUNCIL AFTER PUBLIC HEARING. RESOLUTION ADOPTED FIXING DATE OF HEARING ON RECOMMENDED AMENDMENT.

A delegation of residents of Dilworth area opposing the erection of a Recreational Center adjacent to Latta Park was present headed by Mr. William T. Harding, Jr. and Dr. L. P. McClenny. Mr. Harding reviewed the attempts of the residents to persuade the Park and Recreation Commission to place the Center in another location and stated the Commissioners had assumed an arbitrary attitude in the matter; he read a communication sent to the Mayor and Council in December 1949 requesting them to prohibit the location of the Center at the proposed site. Mr. Harding further stated the residents now turn to the Council, as the duly elected representatives of the people, and requested the adoption of an amendment to the Zoning Ordinance to prohibit the Park and Recreation Commission, a bureau of the City Council, from having authority to erect similar centers in other quiet residential areas of the City. He presented the following resolution:

"BE IT RESOLVED that Section I of the Zoning Ordinance of the City of Charlotte be amended by adding thereto a new subsection as follows:

(v) A "park" is an area of land set aside for the pleasure and recreation of the general public.

BE IT RESOLVED that Section III, Residence I Districts, Section (A), subsection (e) under subsection I, be amended by adding the following words:

provided that no public building shall be erected in any park or Residence I or Residence II District except upon special permit granted by the Council of the City of Charlotte in public meeting after thirty (30) days notice thereof to the public."

Dr. L. P. McClenny, Pastor, Calvary Presbyterian Church, whose residence is across the street from the proposed site of the Center, expressed strong opposition to its erection, stating it would create a dangerous traffic condition within the area. He expressed objection to a bureau of the City being allowed to spend a million dollars of tax funds in such way as to create a devaluation of one-half million dollars to taxpayers property. He expressed the hope that by the adoption of the amendment to the Zoning Ordinance the Latta Park Center could not be erected, and urged the adoption of the amendment as a protection to citizens in other areas even if the Latta Park Center could not be stopped.

Mayor Shaw stated he had intervened in the matter of the proposed location of the Latta Park Center in an endeavor to bring about a peaceful settlement of a bad situation; that in an effort to keep the matter out of the Courts he had conferred with Dr. Halberstadt, Chairman of the Park and Recreation Commission, several times, and asked that he arrange a meeting of the Commission with the City Council, which he did not do. That as a last resort

he asked Dr. Halberstadt to defer final decision on the site for 90 days and then confer with him. That at the end of the 90 day period the newspapers announced that the site had been definitely selected, and that Dr. Halberstadt had not so advised him. Mayor Shaw further stated he had visited the site and does not feel that the Center should be located there. Also, that he felt the Council should have the final decision in such important matters.

Councilman Coddington stated that in his opinion it is, indeed, a bad situation when we have to go to court to settle an argument between a group of our fine citizens and our Park & Recreation Commission, which situation developed last year just before the Bond budget time and almost caused a few of the Councilmen to hold back on the budget for Parks & Recreation in order to get a final ruling from the Commission on the building of a project in Latta Park. However, the Council did not want to delay the Bond money and program, so the budget was quickly approved after Mayor Shaw told the Council that he was almost positive that he and the Chairman of the Parks Commission could work out some suitable agreement between the citizens and the Commission that would be satisfactory to all concerned. That the Mayor was flatly turned down by the Chairman of the Park & Recreation Commission. Also, that the Mayor has been accused of getting into something that was none of his business. That in his opinion anything that concerns any of the happiness, health and welfare of any of the citizens of Charlotte is definitely a concern of the Mayor, and that he should intervene and see if he can work out a solution to the problem that will meet with the approval of everyone. In this case the Mayor did this, and was treated in a manner in which he is not accustomed.

Councilman Coddington then asked for the unanimous approval of the Council to present an Ordinance Amending the Zoning Ordinance, in order to prevent the building of a Community House in Latta Park and in the future to prevent the building of any public building in a Residence 1 or 2 district without a special permit granted by a majority vote of the City Council after a public meeting held thirty days following public notice of same. The motion was seconded by Councilman Boyd, and the unanimous consent of Council was given to present the ordinance, which was as follows:

"BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section I. That Chapter 21, Section III, Residence I Districts, Section (A), subsection (e) under Section I, be amended by adding the following words:

'provided that no public building shall be erected in any park or Residence I or Residence II District except upon special permit granted by the Council of the City of Charlotte in public meeting after thirty (30) days notice thereof to the public.'

Section 2. That this Ordinance shall become effective upon its adoption after a public hearing in connection therewith."

Following the reading of the ordinance, a resolution entitled, "Resolution Providing for a Public Hearing on a Proposed Amendment to the Zoning Ordinance", fixing the date of hearing on the proposed amendment on August 23, 1950 at 11 o'clock a.m., in the Council Chamber, and the publication of notice of said hearing in The Charlotte Observer on August 4th and 11th, was introduced and read.

Councilman Aitken presented a letter from the League of Women Voters supporting the decision of the Park & Recreation Commission, and stating that the million dollar parks improvement program was voted favorably by the citizens after detail publicity as to the plans for its expenditure and, therefore, the wishes of the people should be carried out and the Center erected in Latta Park as decided by the Park & Recreation Commission.

Councilman Aitken also stated that these questions should be considered in relation to the proposed amendment to the zoning ordinance. Is a church a public building? Shall the Council say where a church may be located? Where should parks and recreational centers be located? In the business district of a city or in the residential areas where children reside? Who gave the Park Board authority to select park and recreational center sites? Was it not the State Legislature? He further stated he does not

believe the selected site for the Center in question is the ideal one, but that it should be located in Freedom Park where the larger number of children reside. Also, that he does not believe the Council should change the Zoning Ordinance in this manner.

Councilman Boyd stated he is in accord with the proposed amendment and thinks it should be adopted; that he believes the purport and intent of the ordinance is good in that it is one step in reclaiming from the boards and commissions appointed by the City Council the authority it has lost and ought to have as the duly elected representatives of the people.

Councilman Coddington moved the adoption of the resolution fixing date of hearing. Motion was seconded by Councilman Boyd, and the votes were cast as follows:

AYE: Councilmen Coddington, Boyd, Aitken and Daughtry.

NAY: Councilmen Albea and Wilkinson.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, the construction of new sanitary sewers was authorized at the following locations:

- (a) 250-ft. of sewer in Graystone Road, at an estimated cost of \$450.00 to serve 3 family units, as requested by Mr. W. Marshall Moore. All costs to be borne by the City.
- (b) 68-ft. of sewer in Bell Court, at an estimated cost of \$130.00, to serve 1 family unit and two vacant lots, as requested by Nellie Mobley. All costs to be borne by the City.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR RIGHT-OF-WAY FOR INSTALLATION OF WATER LINE ALONG WEST SIDE OF PINEVILLE ROAD.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute an Agreement with the State Highway & Public Works Commission covering right-of-way for the installation of a 2-inch water main along the west side of Pineville Road and across the highway to a point at Hartford Avenue. Motion was seconded by Councilman Wilkinson, and unanimously carried.

STREETS TAKEN OVER FOR LIMITED MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Aitken, and unanimously carried, authorizing taking over for limited maintenance the following streets:

- (a) Ramona Street, from Cherry Street 200-feet south.
- (b) Spencer Street, from Melrose Street to Academy Street.

HAVEN DRIVE TAKEN OVER FOR MAINTENANCE.

Councilman Coddington moved that Haven Drive, from Willow Oak Road south one block to dead-end, be taken over for maintenance. Motion was seconded by Councilman Aitken, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, the construction of the following driveway entrances was authorized:

- (a) One 10-ft. driveway at 3439 Washburn Avenue.
- (b) One 10-ft. driveway at 714 Cherokee Road.
- (c) One 24-ft. driveway at 201 West 8th Street.
- (d) One 8-ft. driveway at 901 Hempstead Place.
- (e) One 8-ft. driveway at 746 Hampton Avenue.
- (f) One 10-ft. driveway at 2235 Briarwood Road.

- (g) One 16-ft. driveway on West 12th St. for 901 N. Tryon St.
- (h) One 12-ft. driveway for 1635 Oaklawn Ave.
- (i) One 12-ft. driveway at 2324 East 5th St.
- (j) One 11-ft. driveway for 1879 Maryland Ave.
- (k) One 13-ft. driveway for 400 block of S. Clarkson St. between First and Second Street, for 822 W. 1st Street.

CONTRACT WITH COLONIAL ROOFING & CONSTRUCTION CO. INC. FOR ADDITIONAL WORK AT MINT-MUSEUM OF ART.

Motion was made by Councilman Coddington, seconded by Councilman Aitken, and unanimously carried, authorizing a contract with Colonial Roofing and Construction Company, Inc., for additional work required at the Mint-Museum of Art, in connection with the renovating and redecorating of the building, as specified, for the sum of \$1,489.00.

SPECIAL OFFICER PERMIT GRANTED T. S. LEFLER ON PREMISES OF SOUTH ATLANTIC WASTE COMPANY.

Upon motion of Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, a Special Officer Permit was granted to T. S. Lefler for use on the premises of the South Atlantic Waste Company.

CEMETERY DEED AUTHORIZED EXECUTED.

Motion was made by Councilman Albea, seconded by Councilman Coddington, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed for the transfer of Lot 394, Section 4-A, Evergreen Cemetery, to Gus. G. Mitchell, for the sum of \$81.90.

UNANIMOUS CONSENT GIVEN FOR PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Albea, seconded by Councilman Aitken, the unanimous consent of Council was given the City Manager to present the following undocketed items for consideration.

APPLICATION OF GENERAL ELECTRIC COMPANY FOR LOCATION OF SERVICE SHOP AT THRIFT AND TUCKASEEGEE ROADS APPROVED.

Motion was made by Councilman Aitken, seconded by Councilman Coddington, and unanimously carried, approving the application of General Electric Company to locate a service shop at the corner of Thrift and Tuckaseegee Roads, in an Industrial zone.

DEED TO PARCEL OF LAND ACCEPTED FROM LAWRENCE D. FESPERMAN AND WIFE. AT \$10,650.00 FOR STREET RIGHT-OF-WAY.

Councilman Albea moved the acceptance of a deed from Lawrence D. Fesperman and wife to a parcel of land, or lot, in Charlotte Township at \$10,650.00, for use as a right-of-way for the construction of a street line by the City. Motion was seconded by Councilman Wilkinson, and unanimously carried.

RESOLUTION RELATIVE TO EXTENDING ENGINEERING CONTRACT WITH J. N. PEASE AND COMPANY FOR WATER WORKS IMPROVEMENTS.

A resolution entitled, "Resolution Relative to Extending the Engineering Contract with J. N. Pease & Company for Water Works Improvements" was introduced and read, and upon motion of Councilman Aitken, seconded by Councilman Albea, was unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 309.

RESOLUTION RELATIVE TO EXTENDING ENGINEERING CONTRACT WITH J. N. PEASE AND COMPANY FOR IMPROVEMENTS AND ADDITIONS TO THE CITY'S SANITARY AND SEWERAGE SYSTEM.

A resolution entitled, "Resolution Relative to Extending the Engineering Contract with J. N. Pease and Company for Improvements and Additions to the City's Sanitary and Sewerage System" was introduced and

read, and upon motion of Councilman Aitken, seconded by Councilman Albea, was unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 309.

RESOLUTION RELATIVE TO SECURING NATURAL GAS FOR CHARLOTTE.

Upon motion of Councilman Coddington, seconded by Councilman Albea, the unanimous consent of Council was given Councilman Boyd to present a resolution entitled, "Resolution Relative to Securing Natural Gas for Charlotte", which was introduced and read. Councilman Boyd moved the adoption of the resolution, which motion was seconded by Councilman Coddington, and was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 310.

ADJOURNMENT.

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

Lillian R. Hoffmann
City Clerk