

A regular meeting of the City Council was held in the Council Chamber, City Hall, on Wednesday, August 9, 1950, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry, Jordan and Wilkinson present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Daughtry, and unanimously carried, the Minutes of the last meeting, on August 2nd, were approved as submitted.

ORDINANCE (NO. 113) AMENDING THE ZONING ORDINANCE ADOPTED.

An ordinance entitled, "Ordinance (No. 113) To Amend the Zoning Ordinance" by changing the Building Zone Map from R-2 to B-1 on all of block bounded by Tuckaseegee Road, Gibson, McQuay and Bigham Streets, was introduced and read. Mayor Shaw called for the scheduled hearing on the rezoning.

Mr. Tom Ruff, Attorney for the six petitioners for the zoning change, stated they are owners of all property in the block with the exception of four other owners; that a majority of the block is occupied by seven business concerns, and unless the change from a residential to a business zone is granted the lot in question will be valueless to the owners as it is not suitable for residential property. He presented a petition bearing the signatures of 321 families within the area requesting the rezoning in order that a Dixie Home Store may be erected on the vacant lot. Mr. Ruff spoke regarding a petition which had been filed bearing 47 signatures of persons opposing the rezoning, stating that 22 of the persons represent business competitors or persons who work for competitive business concerns within the block, four who do not live within the area and 7 whose signatures appear on both the petitions for and against the zoning change. He termed the opposition as being basically competitive business and that the zoning law is not designed as a refuge from competition. Mr. P. C. Whitlock, Attorney also representing the petitioners, spoke in favor of the zoning change, and urged its adoption.

Mr. Spencer Bell, Attorney for the opposition, stated the opponents to the zoning change represent 20% of the adjacent property owners. He stated that zoning laws are meant to stabilize property in a community and that rezoning for non-conforming uses constitutes spot-zoning in its worst form; that it is unfair to spot-zone in competition to existing business. Mr. Bell stated further that it is understood the contemplated remodeling of the McQuay Memorial Presbyterian Church, situated on adjacent property, will be seriously affected by the erection of a large grocery store on the property in question. He urged that the rezoning not be allowed.

The Acting Pastor of McQuay Memorial Presbyterian Church stated the church is not taking a stand in the matter of rezoning the area and they do not know for a fact that it will in any way affect the existing church building or its renovation or reconstruction.

Councilman Boyd moved that in view of the said Church not opposing the change, and in view of the rezoning having been recommended by the Zoning Board of Adjustment, that the ordinance be adopted. The motion was seconded by Councilman Wilkinson, and carried, with the votes cast as follows:

- AYE: Councilmen Aitken, Boyd, Coddington, Daughtry, Jordan and Wilkinson.
- NAY: Councilman Albea.

The ordinance is recorded in full in Ordinance Book 11, at Page 169.

RESOLUTION ADOPTED FIXING DATE OF HEARING ON SEPTEMBER 6th ON PETITION OF MARSH LAND COMPANY FOR ANNEXATION OF TERRITORY CONTIGUOUS TO THE SOUTHWESTERN BOUNDARY OF THE CITY.

A petition was presented and read in behalf of Marsh Land Company requesting the annexation to the City of Charlotte of a 33-acre tract of land contiguous to the southwestern boundary of the City, and lying between the Cannon Airport property and the property of John Crosland Company.

Following which a resolution entitled, "Resolution of the City of Charlotte Fixing the Date of Hearing on Petition of Marsh Land Company for the Annexation of Certain Territory to the City of Charlotte", was introduced and read, fixing the date of hearing on September 6th. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Jordan, and unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 311.

RESOLUTION AUTHORIZING AGREEMENT WITH THE STATE HIGHWAY & PUBLIC WORKS COMMISSION FOR THE RECONSTRUCTION OF BRIDGE ACROSS IRWIN CREEK.

A resolution entitled, "Resolution Authorizing Agreement with the State Highway & Public Works Commission for the Reconstruction of Bridge Across Irwin Creek" was introduced and read, and upon motion of Councilman Jordan, seconded by Councilman Coddington, was unanimously carried. Resolution is recorded in full in Resolutions Book 1, at Page 312.

AUTHORIZATION OF ADDITIONAL PERSONNEL FOR STREET MAINTENANCE, AND TRANSFER OF FUNDS THEREFOR.

Motion was made by Councilman Aitken, seconded by Councilman Albea, and unanimously carried, authorizing the employment of an additional street maintenance crew, consisting of One Foreman, Two Truck Drivers and Five Laborers, and the transfer of funds therefor, as follows:

\$15,000 from Emergency Fund (Code 110) to Street Maintenance (Code 513-B-23-Supplies)

\$3,000 from General Fund (Code Reserve-Misc. Revenue for Engineering Service Assisting State Highway Commission - Crosstown Boulevard), to Street Maintenance Salary Account (Code 513-A-8)

\$11,000 from General Fund (Code Reserve-Misc. Revenue for City's Contribution to Crosstown Boulevard) to Street Maintenance Salary Account (Code 513-A-8)

\$6,000 contributed by Mecklenburg County for Police Protection at Morris Field, not included in Revenue Requirements for fiscal year 1950-51, to - \$5,000 to Street Dept. Capital Outlay for purchase of trucks (Code 1513-G-21) and \$800 to Street Dept. Salary Account (Code 1513-A-8).

CONFIRMATION OF SALE OF TAX FORECLOSED PROPERTY TO L. J. SPIERS.

Upon motion of Councilman Wilkinson, seconded by Councilman Coddington and unanimously carried, the sale at public auction on July 17th of the following tax foreclosed property was confirmed to Mr. L. J. Spiers, the high bidder at the following listed prices:

1339-1341 Greenwood Cliff, at \$950.00
1312-14 Greenwood Cliff, at \$1,425.00
201-09 Lima Avenue, at \$1,100.00
2026-28 Roslyn Avenue, at \$890.00
2201-03 Roslyn Avenue, at \$825.00

CONSTRUCTION OF NEW SANITARY SEWERS.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the construction of new sanitary sewers at the following locations:

- (a) 1,510-feet of sewer in Pinewood Avenue and Marion Drive, at an estimated cost of \$3,101.00, to serve 25 vacant lots. All construction costs to be borne by the City and applicant's deposit of full amount to be refunded as per contract.
- (b) 130-feet of trunk sewer and 1,820-feet of sewer main in McCrorey Heights, at an estimated cost of \$3,710.00, to serve 44 vacant lots. All costs to be borne by the City, and applicant's deposit of full amount to be refunded as per contract.
- (c) 37,091-feet of mains and trunk sewer in Commonwealth Park, at an estimated cost of \$85,480.00, to serve 396 family units. All costs to be borne by the City.
- (d) 195-feet of sewer in Whiting Avenue, at an estimated cost of \$400.00, to serve 2 family units and 1 vacant lot, with all costs to be borne by the City.

CONTRACTS AWARDED FOR STREET IMPROVEMENTS AND BRIDGE IN HILLSIDE AVENUE EXTENSION PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Coddington, and unanimously carried, contracts for Street Improvements, consisting of grading, drainage, curb and gutter, sidewalks, pavement and reinforced concrete, and steel bridge, in the Hillside Avenue Extension Project, were awarded as follows:

- (a) Contract with Harvey H. Stewart, for BID I. Street grading, drainage, etc., as specified, on a unit price basis, representing a total of \$8,893.00.
- (b) Contract with Blythe Bros. Company, for BID II. Fine grading, curb and gutter, sidewalks, paving, etc., as specified, on a unit price basis, representing a total of \$21,372.25.
- (c) Contract with Harvey H. Stewart, for BID III. For bridge, as specified, on a unit price basis, representing a total of \$26,354.74.

CONTRACTS AWARDED FOR MOTOR EQUIPMENT.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, contracts were awarded as follows for Motor Equipment, consisting of Police Cars, Motorcycles, Servi-Cars, Chassis & Cabs, Street Flusher and Trucks:

- (a) Contract with Heath Motor Company for 8 Police Cars, as specified, at a net exchange delivered price of \$10,656.00.
- (b) Contract with Creech Motorcycle Company, Inc., for 3 Solo Motorcycles and 2 Servi-Cars, as specified, at a net exchange delivered price of \$4,196.40.
- (c) Contract with City Chevrolet Company, for One Chevrolet Deluxe Suburban, as specified, at a net delivered price of \$1,726.30.
- (d) Contract with Heath Motor Company, for One 3/4-Ton Chassis and Deluxe cab and Meter Service Body, as specified, at a net delivered price of \$1,894.00.

- (e) Contract with International Harvester Company, for One, 3/4-Ton Standard Truck; as specified, at a net exchange delivered price of \$1,350.00.
- (f) Contract with International Harvester Company, for Two Standard 1/2-Ton Chassis and Cabs, with Bodies, as specified, at a net delivered price of \$2,950.00.
- (g) Contract with Heath Motor Company, for One Standard 1/2-Ton Pick-up Truck, as specified, at a net delivered price of \$1,283.00.

REJECTION OF ALL BIDS ON CERTAIN MOTOR EQUIPMENT.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, all bids on Section III, being 3 Chassis & Cabs, and a Street Flusher, and all bids on Section VII, being 1 Chassis & Cab, 1 Truck, 1 Chassis & Cab with Dump Body, 1 Pick-up Truck and 1 Standard Suburban, were rejected as recommended by the City Manager due to bidders not being able to submit bids on all equipment as grouped together, and bids were authorized readvertised for said equipment.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Coddington, seconded by Councilman Jordan, and unanimously carried, authorizing the construction of driveway entrances as follows:

- (a) One 9-foot driveway at 620 Cherokee Road.
- (b) One 12-foot driveway at 1244 Providence Road.
- (c) One 10-foot driveway at 3404 Mathis Drive.
- (d) One 9½-foot driveway at 683 Llewellyn Place.
- (e) One 30-foot driveway at East Morehead Street, One 30-foot driveway on Independence Boulevard, and One 30-foot driveway on Liberty Street, for 401 East Morehead Street.
- (f) One 10-foot driveway at 1837 Lee Avenue.
- (g) One 9-foot driveway at 3501 Benard Avenue.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED.

Upon motion of Councilman Albea, seconded by Councilman Jordan, and unanimously carried, a Special Officer Permit was authorized issued to Mr. Zac Sparse on the premises of Whitin Machine Works, and the renewal of permit to Mr. Wm. C. McIntire on the premises of Independence Park.

TRANSFER OF CEMETERY LOTS.

Councilman Coddington moved that the Mayor and City Clerk be authorized to execute deeds for the transfer of the following cemetery lots. Motion was seconded by Councilman Aitken, and unanimously carried:

- (a) Deed to Mrs. Helen Panos, for Lot 101, in Section 4-A, Evergreen Cemetery, at \$163.80.
- (b) Transfer of Lot 122, Section Y, Elmwood Cemetery, from Mrs. Ella S. Wentz to John C. McDonald - at \$1.00 for transfer.

STATUS OF PROPOSED AUDITORIUM AND AIRPORT ADMINISTRATION BUILDING DISCUSSED.

Councilman Boyd requested information as to the present status of the proposed auditorium. Mayor Shaw advised that the Auditorium Committee had experienced difficulty in finding a suitable site for an auditorium or for both an auditorium and coliseum which they were considering recommending. That Mr. McMillan of the Committee had advised today that the Committee would make a report to the Council within a very short time. Mr. Boyd suggested that the Council, Committee and Architect meet together and endeavor to work out something definite, and also that the Council may know what is being done. He further stated he feels the Council should give the citizens an opportunity to vote on the auditorium question during the term of the present administration.

Mayor Shaw replied to the inquiry of Councilman Aitken, that October 1st is the earliest date the auditorium bond election may be held.

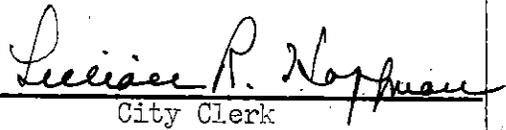
Councilman Daughtry suggested that the Council fix a date for the Auditorium Committee to meet with the Council.

Mayor Shaw stated he would immediately advise the Committee that the Council desires some action in the matter and to set a definite date to discuss the matter with the Council.

Councilman Boyd also requested the status of the proposed Airport Administration Building, for which funds have been set aside. The City Manager advised that plans are being perfected and it is hoped that work may begin within a short while, and that he would prefer not to publicly disclose the details of the matter, unless the Council so desired.

ADJOURNMENT.

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


City Clerk