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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, December 17, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Baxter, Boyd, Coddington, Dellinger and Van Every present.

Absent: Councilman Albea.

INVOCATION.

The invocation was given by Councilman Basil M. Boyd.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, the minutes of the last meeting on December 10th were approved as submitted.

ORDINANCE (NO. 165) AMENDING THE ZONING ORDINANCE CHANGING BUILDING ZONE MAP FROM R-2 TO B-1 ON PROPERTY AT NORTHEAST CORNER W. BOULEVARD AND REMOUNT ROAD, ADOPTED.

The scheduled hearing was held relative to the adoption of an Ordinance (No. 165) To Amend the Zoning Ordinance, to change the Building Zone Map from R-2 to B-1 on property located at the northeast corner of West Boulevard and Remount Road. There being no objections registered to the proposed change, Councilman Dellinger moved that the ordinance be adopted, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 287.

ORDINANCE (NO. 166) AMENDING THE ZONING ORDINANCE CHANGING BUILDING ZONE MAP FROM R-2 TO B-1 ON PROPERTY LOCATED ON THE PLAZA AND NANDINA STREET, ADOPTED.

The hearing scheduled at this time was held in connection with an Ordinance (No. 166) to Amend the Zoning Ordinance, to change the Building Zone Map from R-2 to B-1 on property located at The Plaza and Nandina Street. No objections were expressed to the proposed change; whereupon, Councilman Baxter moved the adoption of the ordinance, which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 288.

ORDINANCE (NO. 167) AMENDING THE ZONING ORDINANCE CHANGING BUILDING ZONE MAP FROM R-1 TO B-1 ON PROPERTY LOCATED ON THE NORTH SIDE OF INDEPENDENCE BOULEVARD AND WASENA STREET.

The scheduled hearing was held relative to an Ordinance (No. 167) To Amend the Zoning Ordinance, to change the Building Zone Map from R-1 to B-1 on property located on the north side of Independence Boulevard and Wasena Street. No objections to the proposed change were made, whereupon Councilman Van Every moved the adoption of the ordinance, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 289.

ACTION RELATIVE TO SELECTION OF ROUTE FOR OPENING STREET TO ASHLEY PARK SCHOOL DEFERRED UNTIL DECEMBER 31ST MEETING.

Residents of the Ashley Park section again appeared before Council and requested that now the Street Improvement Bond Election had carried, that action be taken on opening a street to Ashley Park School. During the discussion, the City Manager advised that cost estimates of two routes for the street have been made, the route via Weyland Avenue to Dublin Road estimated to cost \$6,400.00 and the route via Weyman Place costing \$14,000.00, which is the route recommended by the City Engineer. The resident speaking stated they prefer the street routing via Weyman Place and think it will best serve the most children. Mayor Shaw stated that the Council will study the routes and a decision will be made at the meeting on December 31st.

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REVISION OF PLAT OF W. S. WOODSON PROPERTY SUBDIVISION, APPROVED BY THE  
 PLANNING BOARD, DENIED BY COUNCIL.

Mr. Spencer Bell, representing Mr. W. S. Woodson, appeared before Council and requested approval of the Plat of the W. S. Woodson Property Subdivision which was approved by the Planning Board on December 12th.

Mr. Bell stated the development involved lies between Cherokee Road, Providence Road and Huntley Place and to the rear of lots facing these three streets and to the rear of lot fronting on Providence Road. That the subdivision ordinance prohibits the City's agents from connecting water and sewer to any subdivision unless the plat of the property is approved by the City Council. Also, that the law provides for a waiver of slight variation from the established law. He stated that the subdivision plat submitted complies in every respect with the subdivision ordinance of Charlotte. That he is not asking the Council to vary one iota from the provisions of the ordinance. That the law was relied upon and his client has obligated himself in the development of this property in excess of \$60,000.00, and is entitled to the approval of the plat by the Council. When the plat was first submitted to the Planning Board, citizens of Huntley Place raised objections to the street opening on Huntley Place. That Mr. Woodson intended residing in the development and wished to keep peace and harmony with the neighboring residents of Huntley Place and so looked for another location for the street opening. That he contacted the owner of a vacant lot on Cherokee Road, and made a deal for the street; however, it developed that instead of the property being owned by Mr. J. W. McClung, it is the property of his sister, Miss Minerva McClung who would not permit the street opening. He stated further that Mr. Woodson owns the right-of-way for the street on Huntley Place.

Mr. Warren Stack, Attorney, stated that he represented three property owners on Huntley Place, who opposed the street opening. He stated that Huntley Place is only 24 feet wide from curb to curb, and a bus operates over the street, and the added traffic from the development would create a hazard. He stated that in their opinion it is bad planning to permit the street opening. That two members of the Planning Board violently opposed the Huntley Place exist. That Mr. Woodson should start his development and petition the Council for an outlet via Providence Road, if his construction has started he can force approval of an outlet under the right of eminent domain.

Councilman Dellinger asked Mr. Bell if his client has attempted to secure an outlet on Providence Road, and Mr. Bell replied that they understand the property fronting Providence Road has been leased for ten years; also, that the City's Traffic Engineer advised it would create a bad traffic condition.

Mr. Henry Fisher, Attorney, stated he represented Mr. Thompson, Mr. Mauldin and Mr. Brady, property owners and residents of Huntley Place, who are opposed to the outlet on Huntley Place. He advised further that it is his understanding that the Huntingtons and Harkeys own the property in question on Providence Road and they also sold the development to Mr. Woodson.

Mr. Bell again asked the approval of the Council of the development with the outlet on Huntley Place, stating that all requirements of the law have been met and his client is entitled to approval.

At the request of a member of the Council, the City Attorney stated that the Council has delegated the approval of subdivisions to the Planning Board. That the petitioner has met the requirements of the subdivision ordinance. That the Traffic Engineer has stated that a traffic hazard would be created if the outlet is on Providence Road. Under these conditions, he does not see there is anything the Council can do but approve the plat or amend the subdivision ordinance.

Councilman Van Every stated that he has listened to both sides of the question, and has visited the sites, and it appears that the law has been complied with, therefore he moved that the subdivision plat be approved. The motion was seconded by Councilman Boyd, and was lost, with the votes cast as follows:

AYE: Councilmen Boyd, Coddington and Van Every.

NAY: Councilmen Baxter and Dellinger.

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PETITION THAT SELWYN AVENUE PAVING BE WIDENED WITHIN THE EXISTING RIGHT-OF-WAY, RETAINING SUFFICIENT SPACE IN THE RIGHT-OF-WAY FOR SIDEWALKS.

Mr. Tom Ruff again appeared before Council and stated that the residents of Selwyn Avenue have had a meeting, as suggested by the Mayor, relative to the widening of the street, and are in perfect agreement as to what should be done. He introduced Mr. E. A. Hilker, who presented a petition, signed by residents of Selwyn Avenue, requesting that the City widen the paving within the existing right-of-way and retain sufficient space in the right-of-way for sidewalks. He stated they are opposed to the widening of the existing 50 foot right-of-way, as the rear lots of the residences slope down and their children must use the front yards for playing. He spoke of the traffic congestion during peak hours, and stated it could be eliminated by increasing the paving to 36 feet instead of the existing 18 feet. Councilman Boyd moved that the petition and report be received with thanks, and that the matter be given immediate consideration. The motion was seconded by Councilman Van Every, and unanimously carried.

CITY MANAGER DIRECTED TO HAVE SPEEDING ON SELWYN AVENUE SLOWED DOWN.

Councilman Van Every stated that the speeding on Selwyn Avenue has become extremely dangerous, and moved that the City Manager be directed to have it slowed down. The motion was seconded by Councilman Baxter, and unanimously carried.

PLAT OF BROADMOOR SUBDIVISION APPROVED.

Upon motion of Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, the Plat of Broadmoor Subdivision was approved as recommended by the Planning Board.

ACTION ON REQUEST FOR CHANGE IN NAME OF CAMDEN ROAD EXTENSION DEFERRED UNTIL DECEMBER 31ST.

Councilman Van Every moved that action on the recommendation that the name of Camden Road Extension, from Shuman Avenue south to East Griffith Street, be changed to South Griffith Street, be deferred until the next meeting on December 31st. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Upon motion of Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, the construction of driveway entrances at the following locations, was approved:

- (a) One 10 ft. driveway entrance at 2054 Coniston Place.
- (b) One 13 ft. 8 in. driveway entrance at 2525 Hampton Avenue.
- (c) One 10 ft. driveway entrance on Park Road for 1601 Avondale Avenue.

CONTRACT AWARDED CITY CHEVROLET COMPANY FOR PICK-UP TRUCK.

Upon motion of Councilman Baxter, seconded by Councilman Boyd, and unanimously carried, contract was awarded City Chevrolet Company for 1-Chevrolet pick-up Truck, Deluxe Model with five 6-ply tires and rear bumper, at a net delivered price of \$1,251.15.

CONTRACT AWARDED AMERICAN CYANAMID COMPANY, INDUSTRIAL CHEMICALS DIVISION, FOR ALUMINUM SULPHATE.

Motion was made by Councilman Baxter, seconded by Councilman Boyd, and unanimously carried, that contract be awarded American Cyanamid Company, Industrial Chemicals Division, for 270 Tons Aluminum Sulphate, as specified, to be shipped in 90,000# cars as ordered, on a unit price basis, of \$42.80 per ton, representing a net delivered price of \$11,556.00.

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**CONTRACT AWARDED MILL POWER SUPPLY COMPANY FOR HYDRATED LIME.**

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, contract was awarded Mill Power Supply Company for 300 tons of Hydrated Lime, as specified, on a unit price basis of \$18.58 per ton, representing a total price of \$5,574.00, subject to cash discount of \$75.00, or a net delivered price of \$5,499.00.

**CONTRACT AWARDED SOLVAY PROCESS DIVISION, ALLIED CHEMICAL & DYE CORP. FOR LIQUID CHLORINE.**

Motion was made by Councilman Van Every, seconded by Councilman Baxter, and unanimously carried, awarding contract to Solvay Process Division, Allied Chemical & Dye Corp., for 60 tons, Liquid Chlorine, as specified, on a unit price basis of \$4.074 cwt. based on today's freight rate, any change in freight rates for the buyer's account, representing a total net delivered price of \$4,888.80.

**CONTRACT AWARDED PEEBLES CHEMICAL COMPANY FOR ANHYDROUS AMMONIA.**

Upon motion of Councilman Boyd, seconded by Councilman Van Every, and unanimously carried, contract was awarded Peebles Chemical Company, for 9 tons of Anhydrous Ammonia, as specified, on a unit price basis, at \$0.159 lb., representing a total price of \$2,862.00, subject to cash discount of \$28.62, or a net delivered price of \$2,833.38.

**CONTRACT AWARDED SOUTHERN STATES CHEMICAL COMPANY FOR ACTIVATED CARBON.**

Motion was made by Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, awarding contract to Southern States Chemical Company, for 35 Tons Activated Carbon, as specified, on a unit price basis of \$126.71 per ton, representing a net delivered price of \$4,434.85.

**CONTRACT AWARDED GENERAL CHEMICAL COMPANY FOR SODIUM SILICOFLUORIDE.**

Upon motion of Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, contract was awarded General Chemical Company for 75,000 Pounds of Sodium Silicofluoride, as specified, on a unit price basis of \$9.33 cwt. representing a net delivered price of \$6,997.50.

**CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.**

Upon motion of Councilman Van Every, seconded by Councilman Boyd, and unanimously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) 130 feet of 8 inch sanitary sewer main in Washington Avenue at an estimated cost of \$250.00, to serve 1 family unit and 2 vacant lots, at request of R. T. Allen, Jr. All costs will be borne by the City and applicant's deposit to be refunded as per terms of contract.
- (b) 137 feet of 8 inch sewer main in Charles Avenue, at an estimated cost of \$450.00, to serve 1 family unit, at request of Ervin Construction Company. All cost to be borne by the City and Applicant's deposit not to be refunded.

**SUPPLEMENTARY CONTRACT WITH METHODIST HOMES FOR THE AGED, INC. FOR WATER MAINS CONSTRUCTION.**

Councilman Dellinger moved approval of a supplementary contract with the Methodist Homes for the Aged, Inc., for the construction of 989 feet of 6 inch water main and 1 fire hydrant, at an estimated cost of \$3,120.00. All costs to be borne by the Applicant who will own mains until territory is taken into the City. The motion was seconded by Councilman Boyd, and unanimously carried.

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TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. James Henry West, for Lot #349, in Section 4-A, Evergreen Cemetery, at \$81.90.
- (b) Deed with Mr. James G. Johnston, for Lot #342, in Section 3, Evergreen Cemetery at \$163.80.
- (c) Deed with Dr. William O. Johnston, for Lot #344, in Section 3, Evergreen Cemetery, at \$163.80.

INCREASE IN SALARY OF THREE POLICE LIEUTENANTS APPROVED.

Councilman Boyd moved that the increases in salary for three Police Lieutenants be approved as recommended by Chief Littlejohn and the City Manager in a letter he had before the Council some weeks ago. The motion was seconded by Councilman Van Every, and unanimously carried.

CITY MANAGER TO MAKE RECOMMENDATION RELATIVE TO EMPLOYMENT OF ENGINEERING FORCE FOR ESTABLISHMENT OF SETBACK LINES.

Councilman Van Every stated that as it is the desire of Council that the establishment of setback lines be expedited, he recommends that the amount necessary for the employment of an additional engineering force to do the work be appropriated. Mr. Yancey, City Manager, stated that the amount necessary is \$7,800.00. During the discussion, Mr. Yancey stated that he would prefer to discuss the matter with the City Engineer before stating whether he would recommend the employment.

ADJOURNMENT.

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

Lillian R. Hayman  
City Clerk