

A regular meeting of the City Council was held in the Council Chamber, City Hall, at 11 o'clock a.m., on Wednesday, January 18, 1950, with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Coddington, Daughtry and Wilkinson present.

Absent: Councilman Jordan.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Aitken, seconded by Councilman Daughtry, and unanimously carried, the minutes of the last meeting were approved as submitted.

ORDINANCE (NO. 82) AMENDING THE ZONING ORDINANCE ADOPTED.

Pursuant to the introduction of an Ordinance (No. 82) to Amend the Zoning Ordinance, by changing the Building Zone Map from R-1 to R-2 district on a vacant lot at Pecan Avenue and Independence Boulevard, as recommended by the Zoning Board of Adjustment upon the request of J. R. Thomas, and the adoption of a Resolution fixing the date of hearing thereon on January 18th, Mayor Shaw called for a discussion of the question by interested persons.

No objections to the proposed change were expressed. Whereupon, Councilman Coddington moved the adoption of the Ordinance as read. Motion was seconded by Councilman Boyd, and unanimously carried. Ordinance is recorded in full in Ordinance Book 11, at Page 103.

ERECTION OF CRANE AT THE SQUARE BY AMERICAN BUSINESS CLUB AUTHORIZED AS PUBLICITY FEATURE OF MARCH OF DIMES CAMPAIGN.

Mr. Bill Wilson of the Southern Engineering Company, representing the American Business Club, who is sponsor for the March of Dimes Campaign, requested permission for the erection of a crane, under the supervision of his company, at the north-east corner of The Square on which a piano will be placed and played by Mr. Jerry Ball, as an advertising feature of the March of Dimes Campaign. Mr. Wilson stated the crane would be erected Friday night January 20th and remain in place throughout Saturday, January 21st; that it would be covered by liability insurance in either the amount of \$50,000.00 or \$100,000.00 as the City desired.

Councilman Boyd moved that in the interest of the March of Dimes Campaign the erection of the crane be allowed, on condition that the amount of liability insurance be cleared through the City Attorney. Motion was seconded by Councilman Coddington, and unanimously carried.

ORDINANCE (NO. 90) AMENDING THE CITY CODE ESTABLISHING SET BACK LINES ON EAST MOREHEAD STREET TO SOUTH CHURCH STREET, EAST SIDE ONLY, AND ON BOTH SIDES OF STONEWALL STREET, FROM INDEPENDENCE BOULEVARD TO SOUTH CHURCH STREET.

Mr. Grainger Pierce, Attorney, representing the Piedmont Coal Storage Company and Piedmont Engineering Company, stated the 25-foot setback provision of the proposed Ordinance to Establish Setback Lines would seriously affect their Storage Warehouse business at 300 West Stonewall Street, leaving no space for trunks to load and unload. He stated that other companies in this industrial area will likewise be affected. He advised the purport of the ordinance in City planning is wholly endorsed by him and his clients but its application as proposed is objected to as it can result in seriously injuring a business and devaluating property. He urged that the ordinance at this time be limited to establish setback lines only to South Church Street and the area from Church Street to Graham Street be given further consideration and study, or if the ordinance is adopted today to establish lines to Graham Street

that a curve be made in the present route to eliminate working a hardship on his clients.

He further advised he had taken the matter before the Planning Board, who advised their jurisdiction in setting the lines was subject to that of the City and no relief could be promised his clients by the Board. At his request Mr. Beaumont Whitton and Mr. J. B. Marshall, representatives of the Planning Board, stated the Board prepared the ordinance that setback lines be established, and they urged its adoption; however, they had neither the facilities nor was it within their duties to fix the lines; that they had requested the Engineering Department to select two streets and establish set back lines, which they did. They stated that in their opinions the ordinance to establish set back lines could be adopted and from time to time certain lines be fixed.

Following the discussion, the ordinance, entitled, "An Ordinance Amending the City Code for the Establishment of Building Set Back Lines" was introduced and read.

Councilman Daughtry moved the adoption of the Ordinance with the setback lines established from East Morehead Street to South Church Street. Motion was seconded by Councilman Wilkinson, and unanimously carried.

Councilman Coddington moved that the last two blocks, from South Church Street to Graham Street, be surveyed by the City Engineering Department to ascertain if something can be done to eliminate the hardship to the Piedmont Coal Storage Company, and that a report be made to the Council as soon as practical. Motion was seconded by Councilman Daughtry, and unanimously carried.

PORTION OF SALARY OF TOM BIVENS NOT COVERED BY STATE OF NORTH CAROLINA ALLOWANCE, WHILE ATTENDING SANITATION SCHOOL AT THE UNIVERSITY OF NORTH CAROLINA, AUTHORIZED PAID BY CITY.

Councilman Boyd moved that the City not pay the salary of Mr. Tom Bivens while on leave of absence for five months attending college.

At the request of Mayor Shaw, Dr. Bethel, City Health Officer, stated that the State Board of Health has now advised Mr. Bivens they will allow him \$300.00 per month while attending the Sanitation School at the University. That the monthly salary paid him by the City is \$360.00, and in view of the allowance by the State it may be that the Council will wish to reduce the amount the City will allow him while on leave of absence, possibly by one-half his monthly salary.

At the question of Councilman Albea as to the legality of the salary payment by the City, Mr. Shaw, City Attorney, reviewed a similar case which was ruled as legal by the Supreme Court of North Carolina, and stated that in his opinion the salary may be ^{legally} paid to Mr. Biven by the City.

Councilman Coddington offer a substitute motion that the City keep in effect Mr. Bivens salary if necessary, but that every effort be made to get the State of North Carolina to pay as much of his salary as they will and that the City of Charlotte pay the balance, making up the full salary, while he is attending Sanitation School at the University of North Carolina. The motion was seconded by Councilman Aitken, and carried, with the votes cast as follows:

AYE: Councilmen Aitken, Albea, Coddington, Daughtry and Wilkinson.
NAYE: Councilman Boyd, who stated he was not opposing the payment

on the grounds of its legality but on the City establishing a policy of paying employees salaries while absence from leave to attend college.

RESOLUTION AMENDING THE COOPERATION AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE HOUSING AUTHORITY OF CHARLOTTE AS ADOPTED BY THE CITY ON DECEMBER 7, 1949.

A resolution entitled, "Resolution Amending the Cooperation Agreement between the City of Charlotte and the Housing Authority of Charlotte As Adopted by the City on December 7, 1949" was introduced and read. Motion was made by Councilman Aitken, seconded by Councilman Albea, and unanimously carried, for the adoption of the resolution as introduced.

Resolution is recorded in full in Resolutions Book 1, at Page 255.

ALICE AVENUE, FROM RINGWOOD STREET TO ELON STREET, TAKEN OVER FOR FULL MAINTENANCE.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson and unanimously adopted, Alice Avenue, from Ringwood Street to Elon Street, was taken over for full maintenance.

CONSTRUCTION OF NEW SANITARY SEWERS AUTHORIZED.

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

- (a) 8-inch sewer in Armory Drive, for a distance of 87 feet, to serve two buildings, at an estimated cost of \$285.00.
- (b) 8-inch sewer in Bacon Avenue 70 feet toward Coxe Avenue, at an estimated cost of \$130.00, to serve one family unit and two vacant lots.
- (c) 8-inch trunk sewer in Kingsbury Drive and Lyon Street, thence north toward Laburnum Avenue, for a distance of 1,795 feet at an estimated cost of \$4,370.00, to serve 21 houses and 27 vacant lots.

CURB CUTS AT CENTRAL AND PECAN AVENUES APPROVED.

Councilman Aitken moved approval of two 32.5-foot curb cuts at Central Avenue and one 50-foot and one 18-foot cuts on Pecan Avenue, as requested by Mr. R. F. Hewitt, 2401 Greenland Avenue, and recommended by the City Manager. Motion was seconded by Councilman Daughtry, and carried, with the votes cast as follows:

AYE: Councilman Aitken, Boyd, Coddington, Daughtry and Wilkinson.

NAY: Councilman Albea, who stated he could not favor 50-foot curb cuts.

TRANSFER OF CEMETERY DEEDS.

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

- (a) Deed to Methodist Home for the Aged, Inc., for Lots 55, 56, 57, 58, 180, 181, 182 and 183, in Section 4-A, Evergreen Cemetery, at \$655.20.
- (b) Deed to John G. Cottros, for Lots 111 & 112, Section 4-A, in Evergreen Cemetery, at \$163.80.
- (c) Deed to Mrs. Fannie R. Kerr, for east half of Lot 174, in Section 3, Evergreen Cemetery, at \$52.00.

REAPPOINTMENT OF FRANK A. HARLAN TO ZONING BOARD OF ADJUSTMENT.

Motion was made by Councilman Daughtry, seconded by Councilman Wilkinson, and unanimously carried, reappointing Mr. Frank A. Harlan as a member of the Zoning Board of Adjustment for a period of three years.

REAPPOINTMENT OF S. Y. MCADEN AND FRANCIS O. CLARKSON TO BOARD OF TRUSTEES OF THE CHARLOTTE FIREMEN'S RELIEF FUND.

Councilman Coddington moved that Mr. S. Y. McAden be appointed for a term of two years and Mr. Francis O. Clarkson for a term of one year to the Board of Trustees of the Charlotte Firemen's Relief Fund. Motion was seconded by Councilman Albea, and unanimously carried.

APPOINTMENT OF HERMAN E. DICKERSON AS PERSONNEL OFFICER AND SUPT. OF BUILDINGS REPORTED BY CITY MANAGER.

The City Manager reported the appointment of Mr. Herman E. Dickerson as Personnel Officer and Superintendent of Buildings, effective January 16, 1950.

UNANIMOUS CONSENT GIVEN THE PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Albea, seconded by Councilman Aitken, the unanimous consent of Council was given for the presentation of the following undocketed items.

RESOLUTION AUTHORIZING AMENDMENT TO THE GRANT AGREEMENT BETWEEN THE CIVIL AERONAUTICS ADMINISTRATION AND THE CITY OF CHARLOTTE RELATIVE TO HIGH INTENSITY LIGHTING SYSTEM AT DOUGLAS MUNICIPAL AIRPORT.

A resolution entitled, "Resolution Authorizing an Amendment to the Grant Agreement between the Civil Aeronautics Administration and the City of Charlotte relative to High Intensity Lighting System at Douglas Municipal Airport" was introduced and read, and upon motion of Councilman Aitken, seconded by Councilman Coddington, was unanimously adopted.

Resolution is recorded in full in Resolutions Book 1, beginning at Page 256.

ORDINANCE (NO. 93) DESIGNATING INDEPENDENCE BOULEVARD AS AN ARTERIAL OR THROUGH STREET.

An ordinance entitled, "Ordinance (No. 93) Designating Independence Boulevard as an Arterial or Through Street" was introduced and read. Upon motion of Councilman Aitken, seconded by Councilman Coddington, and unanimously carried, the ordinance was adopted as read.

Ordinance is recorded in full in Ordinance Book 11, beginning at Page 104.

CONSIDERATION OF REQUEST FOR REMOVAL FROM PAYROLL OF OFFICER P.D. TENNANT DUE TO LONG ILLNESS DEFERRED UNTIL FIRST MEETING IN APRIL, 1950.

The City Manager presented a communication from the Chief of Police reviewing the record of absences from duty, due to illness, of Officer P. D. Tennant, and recommending his removal from the payroll. Following the discussion, Councilman Aitken moved that the report be received as information and action be deferred until the first meeting in April. Motion was seconded by Councilman Albea, and unanimously carried.

MEETING RECESSED AT 1 O'CLOCK P.M. TO RECONVENE AT 2 O'CLOCK P.M.

Mayor Shaw recessed the meeting at 1 o'clock p.m., for lunch, to reconvene at 2 o'clock p.m.

MEETING RECONVENED AT 2 O'CLOCK P.M. WITH COUNTY COMMISSIONERS PRESENT.

The meeting was reconvened at 2 o'clock p.m., with Messrs. S. Y. McAden, Mr. A. D. Cashion, Mr. J. Caldwell McDonald, Mr. Carl J. McEwen and Mr. Sandy Porter, members of the Board of Commissioners of Mecklenburg County present.

REVALUATION SURVEY OF REAL AND PERSONAL PROPERTY IN MECKLENBURG COUNTY AUTHORIZED BY CITY COUNCIL AND MECKLENBURG COUNTY BOARD OF COMMISSIONERS.

Mayor Shaw invited a discussion by the Board of Mecklenburg County Commissioners and the City Councilmen of the question of a property revaluation survey for Mecklenburg County.

It was pointed out that the survey will bring about a more equitable valuation of taxable properties; that all taxpayers will be placed on an equal and fair footing, and would probably result in a lowered tax rate. It was estimated that 18 months to two years would be required in which to complete the survey, and that the cost could be spread over two fiscal years by the two governments. It was estimated that the cost of the survey would approximate \$350,000.00.

Mr. McAden stated the Commissioners proposed that Mecklenburg County pay 70 percent of the cost and the City of Charlotte 30 percent.

Councilman Aitken moved that the survey be made and the City share in its cost on a 30 percent basis to the County's 70 percent. The motion was seconded by Councilman Coddington, and was unanimously adopted by the City Council,

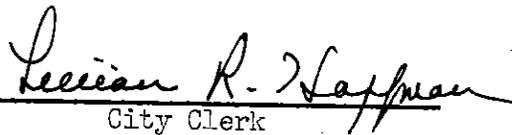
Commissioner McDonald suggested that a Committee be appointed, composed of two members from each Governing Body, with power to act, based on an estimated cost of \$350,000.00; that the Committee decide on the year on which the survey will be based, and that bids be received by the Committee, and the final approval of the Contract be made by the joint Bodies.

The Councilmen and Commissioners concurred in the suggestion, and Mayor Shaw appointed Councilmen Aitken and Wilkinson to represent the City of Charlotte and Mr. McAden appointed Commissioners McDonald and Cashion to represent the County on the Committee.

The possibility of the contract for the survey being made with the County and the City in turn making a contract with the County for its share in the cost, was discussed and will be definitely decided at a later date.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Boyd, the meeting was adjourned.


City Clerk