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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, January 20, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: None.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the minutes of the last meeting on January 13th were approved as submitted.

ACTION DEFERRED ONE WEEK ON CHANGE IN ZONING ON TWO LOTS AT 118-122 SOUTH SYCAMORE STREET.

At the hearing on Ordinance No. 196 to Amend the Zoning Ordinance to change the zoning from R-2 to B-1 on two lots at 118-122 South Sycamore Street, Mr L. H. Herion, 216 South Sycamore voiced his objections to the proposed change. He stated that a similar request was denied by the Council about a year ago on petition of Mr. J. W. McClung, an appeal was made to Superior Court and denied and the site was ordered cleaned of debris. He stated further that he and all the residents of the street were opposed to the encroachment of business in this residential area; that they had no prior knowledge that such request would be made to the Zoning Board and, therefore, had no opportunity to express their objections to the Board. In reply to questions by the Council, Mr. Herion stated his property is situated in the adjoining block to the property in question, however, they realize that once this property is rezoned as business, similar requests will be presented. He stated that the value of their residential property will be decreased if business comes into the area.

Mr. Herbert S. Allen, one of the petitioners for the change, stated he did not question the zoning on the lots when he purchased them for business purposes since an old business building is on one of the lots and he assumed it was a business area; that it is not his desire to adversely affect the residential property in the neighborhood and feels that an attractive business building will be an asset to the area.

Councilman Baxter stated that in his opinion zoning is designed to protect the home owners and he is opposed to the encroachment of business in residential areas where residential values may be affected. He moved that the request for a change in zoning be denied. The motion was seconded by Councilman Boyd, who stated he concurred in the statement of Councilman Baxter,

Councilman Dellinger offered a substitute motion that a decision in the matter be deferred until 4 o'clock p.m., next Wednesday so that the Council may acquaint itself with the site. The motion was seconded by Councilman Smith, and unanimously carried.

ORDINANCE NO. 197 AMENDING ZONING ORDINANCE CHANGING ZONING FROM R-2 TO B-1 ON PROPERTY ADJACENT TO SEDGEFIELD SHOPPING CENTER ADOPTED.

The scheduled hearing was held on a proposed amendment to the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on property located between the Sedgefield Shopping Center, Poindexter Drive, Haverford Place and Sedgefield Road. No objections were offered to the proposed change. Councilman Brown moved the adoption of the Ordinance to effect the change, which was seconded by Councilman Baxter, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 334.

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ZONING BOARD OF ADJUSTMENT REQUESTED TO ADOPT METHOD WHEREBY RESIDENTS OF A VICINITY WILL BE NOTIFIED ON A PROPOSED ZONING CHANGE.

Councilman Boyd stated he feels the Zoning Board of Adjustment should have a plan for acquainting residents within an area that a petition has been filed for a change in zoning within the area and will be considered on a given date. That the residents of such areas have no knowledge of contemplated changes until they reach the Council and are advertised by the Council, and the opponents to such changes should be aware of these matters from the outset; that nine-tenths of the zoning cases that come before the Council are controversial and this could be eliminated. Mr. Yancey, City Manager, stated it was never contemplated that the Zoning Board of Adjustment hold hearings. They pass on the question of the types of zoning most suitable to an area and the law provides that the hearings be held before the City Council.

Councilman Boyd stated he still thinks it only fair that residents be notified in advance, and he moved that the Mayor and City Manager be requested to request the Zoning Board to adopt some method of their own choosing of notifying people in the vicinity where there is a change requested in the zoning on a piece of property. The motion was seconded by Councilman Dellinger, and unanimously carried.

NEW PORTION OF THRIFT ROAD NAMED "FREEDOM DRIVE" AND NAME OF PRESENT THRIFT ROAD TO REMAIN THE SAME.

Mrs. R. B. Oswalt and a delegation of residents of New Thrift Road and vicinity outside the city limits, again appeared before Council relative to the naming of New Thrift Road. Mrs. Oswalt advised that a petition bearing 103 signatures of residents of the road was filed with the City some time ago and that she today has an additional petition urging that the road from Morehead Street to the city limits leading to Thrift be named Thrift Road, and the short street that intersects Tuckaseegee Road be renamed. She stated further there are some ten or fifteen business firms on the short road and those firms who have been contacted are agreeable to a change in the name of the street if they are allowed a six months period in which the street name may be changed on their firm stationery. She argued that it is only logical that the new road be named Thrift Road as it leads directly to Thrift.

Councilman Boyd moved that the new road from West Morehead Street through the city to Thrift be named Thrift Road. The motion was seconded by Councilman Baxter.

Councilman Wilkinson stated there are some eight or ten firms on Thrift Road who wish the name to remain as it is at present. He stated that letters from these firms have been filed with the City Manager. He offered a substitute motion that the name of Thrift Road be continued on the city map as "Thrift Road" and the Council give the new road a new name. At the request of Councilman Boyd if the motion was not out of order, the City Attorney stated that a negative vote to the main motion would take care of the substitute motion, therefore it was out of order.

Councilman Brown stated he understood Mrs. Oswalt to say at last week's meeting that the residents are willing to have the new street named Freedom Drive, to which Mrs. Oswalt replied that they desired this only as a last resort should the Council not consent to it being named "Thrift Road". Councilman Brown then stated he would like a canvass made of the business firms on Thrift Road as to their wishes, as he felt they too should be given consideration in the matter.

Councilman Albea offered a substitute motion that at the present time the new portion of the road be called New Thrift Road and the name of the present Thrift Road be left the same and give everyone time to consider the matter. The motion was seconded by Councilman Brown, and was lost with the votes cast as follows:

AYE: Councilmen Albea, Brown and Wilkinson.

NAY: Councilmen Baxter, Boyd, Dellinger and Smith.

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The vote was then taken on the main motion by Councilman Boyd, and lost, with the following votes cast:

AYE: Councilmen Baxter and Boyd.

NAY: Councilmen Albea, Brown, Dellinger, Smith and Wilkinson.

Councilman Wilkinson then moved that the new part of the road be named Freedom Drive and the name of Thrift Road be left as at present. The motion was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

AYE: Councilmen Brown, Dellinger, Smith and Wilkinson.

NAY: Councilmen Albea, Baxter and Boyd.

FINAL DISPOSITION OF MISCONDUCT IN POLICE DEPARTMENT BY JUDGE OF SUPERIOR COURT OF NORTH CAROLINA.

Upon the request of Councilman Boyd the following statement in reference to the Police Department Investigation incorporated herein:

"On the 25th day of November, 1953, this Council by resolution recorded in Minute Book 35, at Page 141, referred some alleged charges of misconduct in our Police Department to the Mecklenburg County Grand Jury and the Court for investigation and action and disposition.

Subsequent thereto the Grand Jury brought four presentments against Chief Frank N. Littlejohn for misfeasance, malfeasance and non-feasance in office and one charge against Officer Stogner.

Pursuant to proper legal procedure in such matter made and provided these charges were heard by His Honor J. C. Rudisill, Judge of the Superior Court of North Carolina, and after four days of presentation of witnesses by the State, Judge Rudisill, sitting as a committing magistrate as provided by law, dismissed all of the charges against Chief Littlejohn and Officer Stogner, thus clearing them of the charges made against them as will appear by reference to the records in the Office of the Clerk of Mecklenburg County Superior Court.

The original resolution referring this matter to the Grand Jury having been made by me, and in order for our official minutes to show the final disposition of the original resolution, I now deem it proper to have this statement incorporated in the Council Minutes."

SALARY OF J. D. CROUCH, WATER DEPARTMENT EMPLOYEE, RESTORED TO FULL PAY TO AUGUST 1, 1954.

Councilman Dellinger stated that on January 6, 1954, the Council voted to change the salary of Mr. J. D. Crouch, Water Department Employee, to one-half pay to August 1, 1954, and he moved that this action be rescinded and Mr. Crouch's salary be restored to full pay to August 1, 1954. The motion was seconded by Councilman Boyd, and unanimously carried.

STUDY OF HEALTH NEEDS RECOMMENDED BY COUNCILMAN BAXTER.

Councilman Baxter stated that the Council has been in office for nine months and been busy with the mechanics of government, such as job classification and other employee benefits and now with the new year serious thought should be given getting some definite work done besides putting up street lighting, opening and paving some streets, etc. He stated further that he had prepared some figures to show that previous Councils promoted and accomplished things that attracted new industry to Charlotte which now has tripled its assessed valuation and increased its population and at the same time has the same tax rate. That in 1941 the tax rate was \$1.48 and today is \$1.48, that in 1941 the City Operating Budget was \$2,493,320.19 and today is \$8,057,803.10, in 1941 the population was 100,099 and, to use

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a round figure, today is 140,000, that in 1941 the assessed valuation was \$112,403,755.00 and today is \$357,000,000.00, with the net worth per capita in 1941 of \$1,122.92 and today is \$2,550.00. He stated he was giving the comparison primarily to show that the Council must still do something to interest people in coming to Charlotte, as new citizens have come to Charlotte and helped share the taxes.

That in the future he intends to do a little more promotion work for the city, and the primary need at hand is the need for better health protection for Charlotte. He stated he thinks the Council should take over the proposed health center project and see it to a conclusion, that it would serve a two-fold purpose in that it would provide additional space for the Police Department in the present Health Building. Too, that as outlined in his 14-Point Program, the Sugaw Creek health menace should receive the Council's attention, as well as provisions for a Negro Hospital. He advised that he is having an engineer give the Council an estimate, at no cost to the City, as to what can be done about Sugaw Creek, and it is his belief that the cost of the work could be divided over a 5-year period.

Councilman Albea stated that if there is anything that can be done to relieve the Sugaw Creek situation, he would like to do it; that it was his impression that the Sugaw Creek Disposal Plant project would accomplish the purpose, but if there is anything else that will clear up the situation he would favor it.

Mayor Van Every called attention to the fact that the city is within \$2,000,000 of its debt limitation and as Mayor he would like to have a good, constructive, straight-forward government and spend public funds in an efficient, qualified manner so that the citizens will be pleased with it. He cited a number of projects now under way - that the Coliseum is under construction, the Airport Terminal will be completed in the spring, the expansion of water and sewer facilities, and other things essential to the people; that although health is a primary requisite of a community the Council does not want to have a tax burden so great that new citizens will not come to Charlotte.

AGREEMENT WITH SOUTHERN, SEABOARD AIRLINE AND NORFOLK-SOUTHERN RAILWAY COMPANIES RELATING TO THE RECONSTRUCTION OF THE ELEVENTH STREET OVERHEAD BRIDGE.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the Mayor and City Clerk were authorized to execute an agreement between the Southern, Seaboard Airline and Norfolk-Southern Railway Companies relating to the reconstruction of the Eleventh Street Overhead Bridge.

PAYMENT OF \$9,556.18 TO MITCHELL & PERSHING, BOND ATTORNEYS, FOR PROFESSIONAL SERVICES IN CONNECTION WITH BONDS.

Motion was made by Councilman Baxter, seconded by Councilman Brown and unanimously carried, authorizing the payment of \$9,556.18 to Mitchell and Pershing, Bond Attorneys, for professional services in connection with City of Charlotte Bonds.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO DEPARTMENT OF CITY TREASURER FOR PURCHASE OF CHECK SIGNER.

Councilman Albea moved that \$240.00 be transferred from the Emergency Fund (Code 110) to the Department of the City Treasurer, Capital Outlay Account (Code 1201-G-14) to supplement the \$755.00 now budgeted, for the purchase of a Check Signer with Automatic Feed, at a price of \$995.00. The motion was seconded by Councilman Wilkinson, and unanimously carried.

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SUBDIVISION PLATS APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the following subdivision plats were approved:

- (a) Plat of Harlem Heights Subdivision, located between Billingsly Road, Marvin Road and Walker Street.
- (b) Plat of Portion of Wendover Hills Subdivision, being an extension of Fieldwood and Meadowbrook Roads, inside the city limits.
- (c) Plat of Blythewood Subdivision, located between Pinewood Circle and Cassamia Place.

PERMISSION GRANTED CONSTRUCTION MATERIALS COMPANY, INC. TO CONNECT PRIVATE SANITARY SEWER LINES TO CITY'S SYSTEM.

Motion was made by Councilman Baxter, seconded by Councilman Brown, and unanimously carried, granting permission of Construction Materials Company, Inc., to connect their private sanitary sewer lines to the City's System to serve residential property on Heather Lane, off Park Road.

GULF OIL COMPANY GRANTED PERMISSION TO REMOVE TREES FROM PLANTING STRIP AT INTERSECTION OF COMMONWEALTH AVENUE AND INDEPENDENCE BOULEVARD.

Councilman Dellinger moved that permission be granted the Gulf Oil Company to remove four trees from the planting strip at the intersection of Independence Boulevard and Commonwealth Avenue which interfere with the construction of their new Service Station. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN ARNOLD DRIVE AUTHORIZED.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, authorizing the construction of 310-feet of 8-inch sanitary sewer main in Arnold Drive, at an estimated cost of \$680.00, to serve four family units and two vacant lots, at the request of Mr. Q. C. Lester.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) Two 40-ft. driveways at 611-613 West Morehead Street.
- (b) One 12-ft. driveway at 1154 Elizabeth Avenue.
- (c) One 14-ft. driveway at 1031 Bolling Road.
- (d) One 35-ft. driveway on Worthington Avenue and Two 35-ft. driveways on South Tryon Street, all for 1902 S. Tryon St.

TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Albea, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. Albert R. Christenson for east half of Lot 122, in Section 3, Evergreen Cemetery, at \$78.00.
- (b) Deed with Mrs. Maggie C. Stamey, for Graves #2 and #3 in Lot 158, Section 3, Evergreen Cemetery, at \$52.00.
- (c) Deed with Mrs. Kate H. Bain, for Graves #1 and #2 in Lot 109, Section 3, Evergreen Cemetery, at \$52.00.
- (d) Deed with Miss Louise Murphy, for Perpetual Care on Lot 102, in Section S, Elmwood Cemetery, at \$144.00.
- (e) Deed with Mr. William J. Harty, for Lot 44, in Section L-Annex, Elmwood Cemetery, transferred from Mr. W. J. Scoggins and wife, at a cost of \$1.00 for the transfer.

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APPOINTMENT OF W. T. COVINGTON TO FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Councilman Smith moved the appointment of Mr. W. T. Covington as a member of the Firemen's Relief Fund Board of Trustees for the unexpired term of Judge Francis O. Clarkson, resigned. The motion was seconded by Councilman Albea, and unanimously carried.

REAPPOINTMENT OF S. Y. McADEN TO FIREMEN'S RELIEF FUND BOARD OF TRUSTEES.

Councilman Albea moved the reappointment of Mr. S. Y. McAden as a member of the Firemen's Relief Fund Board of Trustees for a term of two years. The motion was seconded by Councilman Smith, and unanimously carried.

REAPPOINTMENT OF GRAHAM P. KERR AND FRANKLIN R. JACKSON TO ZONING BOARD OF ADJUSTMENT.

Councilman Albea moved the reappointment of Mr. Graham P. Kerr and Mr. Franklin R. Jackson to the Zoning Board of Adjustment for three years, effective January 28, 1954. The motion was seconded by Councilman Wilkinson, and unanimously carried.

NAME OF REGENT WAY, FROM WESTCHESTER BOULEVARD TO DRESDEN DRIVE EAST, CHANGED TO OPTIMIST LANE.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the name of Regent Way, from Westchester Boulevard to Dresden Drive East, was changed to Optimist Lane.

PURCHASE OF TRACT OF LAND AT NE CORNER OF EAST MOREHEAD AND SOUTH CALDWELL STREETS FROM C. W. KIRKLAND FOR SOUTH CALDWELL STREET WIDENING,

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the purchase of a tract of land at the NE corner of East Morehead Street and South Caldwell Street from Mr. C. W. Kirkland, at a price of \$16,850.00, was authorized as right-of-way for the widening of South Caldwell Street.

ADJOURNMENT.

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


City Clerk