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A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Wednesday, June 11, 1947, with Mayor Baxter presiding, and Councilmen Albea, Childs, DeLaney, Jordan, Lambeth, McKee and White present.

INVOCATION.

The invocation was given by the Reverend Claude U. Broach, Pastor, St. John's Baptist Church.

MINUTES APPROVED.

Upon motion of Councilman DeLaney, seconded by Councilman Childs, the minutes of the last meeting, on June 4th, were approved as submitted.

RESOLUTION RELATIVE TO PUTTING INTO EFFECT CONTRACTS HERETOFORE MADE WITH THE STATE HIGHWAY COMMISSION AND OTHER PUBLIC AGENCY.

The following resolution was introduced by Councilman White, who moved its adoption. Motion was seconded by Councilman Lambeth. Following the discussion called for by the Mayor and recorded herein, the resolution was adopted, with the following votes cast:

AYE: Councilmen Albea, DeLaney, Lambeth, McKee and White.
NAY: Councilmen Childs and Jordan.

✓ RESOLUTION WITH RESPECT TO PUBLIC
CONTRACTS OF PRIOR CITY COUNCIL.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That this City Council will take such steps as may be required by law to carry out and put into effect any contract or contracts heretofore made and entered into by the City of Charlotte with the State Highway and Public Works Commission and/or any other public agency.

Mr. John A. McRae, Attorney, representing a group of citizens opposing the construction of the extension of U. S. Highway #74 across the city, requested that the proposal to construct the highway be abandoned. He stated the use of the \$200,000 Street Improvement Bond Funds for this highway would be a gross misappropriation of the funds and a violation of the purpose for which the bonds were voted; that the City Officials responsible for the expenditure would be legally liable for their return to the city. He stated the cost of the highway from Seventh to Morehead Street, including the City's contribution, will be approximately two million dollars, for a distance of about eighteen blocks, being a cost of approximately \$100,000 per block. He urged the Council to follow what he termed was the present trend for highways to by-pass cities, thereby eliminating excessive right-of-way costs and removing through traffic from city streets. Also, that the proposed highway in crossing Fourth Street and Elizabeth Avenue will delay local traffic; that it's routing over other streets will create hazards to school children; ruin the Rose Garden and Independence Park; take lands from the Thompson Orphanage; cause the destruction of homes and turn more traffic into Morehead Street, which he stated the Traffic Survey showed was now carrying the heaviest traffic load of any Charlotte street. He termed as false the statements by the Directors of the Chamber of Commerce, made through the press, and by the Charlotte Planning Board, made otherwise, in their endorsement of the highway extension, that the proposed route is the most economical of the three routes first considered.

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He concluded by stating to the Council that had he their responsibility in the matter, he would be sure of being clear from a legal standpoint before going ahead.

Mr. E. B. Clarke, Mr. Tom Sikes, Mrs. W. L. Mauney, Mrs. L. C. Stevens, Mr. Harper and Miss Ethel Hale voiced their objections to the proposed construction and urged that it be abandoned.

Mr. Frank Kennedy, Attorney, spoke in behalf of the Directors of the Chamber of Commerce, who endorsed the proposed highway construction. He called attention to the fact that funds were made available by an Act of Congress for construction of highways to relieve congestion within cities; that the Survey made by the Federal Government and the State Highway Commission showed that 90 percent of traffic coming into Charlotte stopped here and was not through travel. That similar highways, made possible by these funds, are being constructed through Atlanta, Birmingham and Richmond.

He called attention that the expenditure of the \$200,000 Bond Funds has been ruled as legal by the City Attorney, who has also stated that any additional funds spent for this purpose will be handled in a strictly legal manner. That the Chamber of Commerce has implicit confidence in the opinions of the Federal and State Highway Engineers that the highway is needed and is essential for the growth of Charlotte, and in the Charlotte Planning Boards recommendation of the construction, as it is their business to plan for the development of Charlotte. He called attention to the statement in the press, made by the Board of Directors of the Chamber of Commerce, that it is their belief that the route selected is the most economical, and stated he concurred in this belief as it is apparent that had the Hawthorne Lane route been selected, it would have affected many more homes than by the route chosen. He urged the adoption of the highway as proposed.

Mr. Frank Thies, Chairman of the Charlotte Planning Board, stated that the serious traffic condition in Charlotte caused the inauguration by this Board of a traffic survey, which was made by the Federal Bureau of Public Works. From the Survey Report the Board developed the Major Street Plan for Charlotte, and believes the extension of U. S. Highway#74 through the City to be that which is most urgently and immediately needed. He urged that the present Council sustain the decision of the former Council in their endorsement and adoption of the proposed highway construction. He stated that if their action is rescinded it will restrict the growth of Charlotte and that no doubt within five or ten years the City will have to construct the highway at it's own expense.

Mr. Harry Hewson, Mr. J.E. Dowd and Mr. P. H. Batte spoke in support of the highway construction. Attention was called in their remarks that these funds would not be available for our use if the Federal Bureau of Public Works did not know it is merited.

Councilman DeLaney stated that he favored cooperating in the action of the former Council to construct the highway; that he was not in agreement to the proposal upon his return from the Navy, due to the large number of persons without living quarters; however, after a study of the proposal, and in the belief that less than 1% of the traffic is through travel, he is of the opinion that the highway is for the best interest of Charlotte.

Councilman Childs stated he must stand by his original opinion that the highway is not the best thing for Charlotte's traffic situation, and, therefore, he could not support its construction.

EXTENSION OF BUILDING PERMIT FOR APARTMENT HOUSE CONSTRUCTION DENIED.

Mr. Yancey, City Manager, stated he did not feel the extension of the Building Permit for an apartment house construction at 1024 Granville Road, requested by Mr. Carol Taliferro at the last meeting, would be justified.

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He reported that investigation disclosed that the construction would be in violation of the Zoning Ordinance; that no construction had been done, only a small quantity of brick having been placed at the location; that plans accompanying the application for Permit could not have entailed an expense in excess of the cost of blue printing; that court opinions arising out of similar cases have held the applicant was not damaged, nor entitled to proceed with construction, where the actual cash outlay was negligible.

Mr. Taliferro stated the property was purchased by Mr. B. D. Heath for the sole purpose of erecting an apartment prior to the effective date of the Zoning Ordinance, and construction was delayed due to Mr. Heath's death; that although the property is situated in a restricted zone, the adjoining property is zoned to permit the erection of 12-family apartments.

Mr. Frank Orr, Attorney, representing Dr. L. C. Todd and others in the Granville Road neighborhood, requested that the zoning restriction be upheld and the Building Permit not be extended.

Councilman White moved that the recommendation of the City Manager be accepted and the extension of the permit be denied. Motion seconded by Councilman McKee, and unanimously carried.

RESOLUTION DIRECTED DRAFTED TO ALLOW FREE METER PARKING TO VETERAN LEG AMPUTEES.

Mr. Henry Ireland, State Commandar of the Disabled American Veterans, recommended that free meter parking be permitted to Veteran leg amputees who carry a proper identification. He stated free parking was being allowed these Veterans in many cities. He further stated that the Queen City Chapter No. 10, Disabled American Veterans, would pay the cost of the identification sticker, or designation, desired by the City.

Councilman Albea moved that the City Attorney be directed to draft the proper resolution to provide for free meter parking to Veterans of Worlds Wars I and II with leg amputations whose cars carried the proper identification determined by the City. Motion seconded by Councilman Jordan, and unanimously carried.

ORDINANCE AMENDING THE HEALTH PROTECTION ORDINANCE.

An ordinance entitled, AN ORDINANCE AMENDING THE HEALTH PROTECTION ORDINANCE OF THE CITY OF CHARLOTTE, PARTICULARLY AS IT DEALS WITH THE DESTRUCTION OF CONTAMINATED FOODS, ETC., was presented and read. Councilman White moved the adoption of the ordinance as read. Motion seconded by Councilman Albea, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, at Page 447.

ORDINANCE NAMING AND PROVIDING RULES AND REGULATIONS GOVERNING THE NEW COLORED CEMETERY ON NORTH SUMMIT AVENUE.

An ordinance entitled, AN ORDINANCE NAMING AND PROVIDING RULES AND REGULATIONS GOVERNING THE NEW COLORED CEMETERY ON NORTH SUMMIT AVENUE, was presented and read. Motion for adoption was made by Councilman Albea, seconded by Councilman DeLaney, and unanimously carried. Ordinance is recorded in full in Ordinance Book 9, at Page 448.

INTRODUCTION OF AN ORDINANCE TO AMEND THE ZONING ORDINANCE, AND ADOPTION OF RESOLUTION PROVIDING FOR A PUBLIC HEARING THEREON ON JULY 2, 1947.

An ordinance entitled, AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE, proposing to amend Chapter 21 of the City Code after a public hearing thereon, was introduced, copy of which is set forth in the next following resolution.

WHEREUPON, the following resolution providing for a public hearing on the proposed amendment, was presented and read, and upon motion of Councilman Albea, seconded by Councilman McKee, was unanimously adopted:

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RESOLUTION PROVIDING FOR A PUBLIC
HEARING ON A PROPOSED AMENDMENT TO
THE ZONING ORDINANCE.

WHEREAS, the Board of Adjustment has recommended that Zoning Ordinance, Chapter 21 of the City Code of the City of Charlotte (Zoning Ordinance) be amended as hereinafter set out; and, whereas, at the meeting of the City Council held on June 11th, 1947, the following amendment to the City Code was introduced:

" Ordinance No. 23. An Ordinance
Amending Chapter 21 of the City Code
With Respect to the Zoning Ordinance.

Be it Ordained by The City Council of the City of Charlotte:

Section 1. That Chapter 21, Section 2 of the City Code of the City of Charlotte (O.B.10) be amended by having 'Building Zone Map' City of Charlotte, North Carolina, amended by changing from R2 to B1, the following described area:-

Property on the north side of and fronting West Boulevard between Merriman Avenue and Spruce Street, and running north from West Boulevard to the rear lot lines of said property; and all property lying south of and fronting West Boulevard between Spruce Street and Merriman Avenue and running south from West Boulevard to the rear lot lines of said property.

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

AND WHEREAS, under the law no amendment to the Zoning Ordinance can be adopted until a public hearing thereon is held, of which public hearing notice is required to be given by publication not less than 15 days immediately preceding the date of such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That July 2nd, at 4 o'clock p.m., be fixed as the time in the Council Chamber in the City Hall as the place for the public hearing on the proposed amendment as above set out.

2. That this resolution be published in The Charlotte Observer not later than June 18th, 1947, and again one week later.

PLAT OF WAKEFIELD PARK SUBDIVISION.

Councilman McKee moved the approval of the plat of Wakefield Park Subdivision, being developed by C. D. Spangler, and approved and submitted by the Planning Board. Motion seconded by Councilman Jordan, and unanimously carried.

REMOVAL OF TREES AT 603 SOUTH TRYON STREET.

Upon motion of Councilman White, seconded by Councilman Jordan, and unanimously carried, permission was granted Vinson Realty Company to removed two trees from the planting strip at 603 South Tryon Street.

PAYMENT OF CONTRACT WITH P. & R. INC. FOR MECKLENBURG DECLARATION OF INDEPENDENCE TABLET AUTHORIZED FROM UNAPPROPRIATED INCOME.

Upon motion of Councilman McKee, seconded by Councilman Jordan, and unanimously carried, Council action on April 8th was rescinded to transfer \$680.00 from the Emergency Fund for payment of contract with P. & R. Inc., for Mecklenburg Declaration of Independence Tablet, and payment authorized from Unappropriated Income in the General Fund.

PAYMENT OF CLAIM TO SOL BADAME.

Motion was made by Councilman DeLaney, seconded by Councilman Jordan, and unanimously carried, authorizing payment of claim in the amount of \$61.10 to Mr. Sol Badame for damages to his automobile.

CONTRACTS AUTHORIZED FOR PURCHASES.

Councilman Albea moved that the following contracts for purchases, and the allocation of funds therefor, if needed, be authorized. Motion seconded by Councilman White, and unanimously carried:

- (a) Contract with Contractors Service, Inc., for the purchase of One Wagner Scoopmobile, at a price of \$3,626.00, for use by the Street Maintenance Division.
- (b) Contract with Grooms Paint Company, to furnish labor and material necessary to repair the roof of the City Garage and reroof the center section, at a net installed price of \$996.80.
- (c) Contract with Atlas Supply Company, for One Air Compressor, in the sum of \$332.00, for use at the City Garage.

SPECIAL OFFICER PERMITS.

Upon motion of Councilman Jordan, seconded by Councilman McKee, the issuance of Special Officer Permits to the following persons was unanimously authorized:

- (a) To Wm. C. McIntire, on the premises of Independence Park, as requested by the Charlotte Park & Recreation Commission.
- (b) To Joseph E. Caudle, on the premises of Douglas Furriers & Cleaners, 1409-15 Elizabeth Avenue, as requested by Ben E. Douglas, owner and manager.
- (c) To R. N. Smith, on the premises of The Atlantic Company, 300 South Graham Street, as requested by R. H. Harris, Manager.

LEASE OF AIRPORT BUILDING.

The City Manager reported the lease of the following building at Douglas Municipal Airport had been concluded:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE.
51	Hinson Mfg. & Distributing Co.	\$25.80	6-1-47 5 years

UNANIMOUS CONSENT GIVEN THE PRESENTATION OF ITEMS NOT DOCKETED.

Upon motion of Councilman Albea, seconded by Councilman White, the unanimous consent of Council was given the presentation of contract for aerial ladder and the appointment of member to the Civil Service Commission.

CONTRACT WITH BAKER EQUIPMENT ENGINEERING COMPANY FOR REVOLVING AERIAL LADDER.

Councilman Albea moved that contract be authorized with Baker Equipment Engineering Company, for the purchase of One Model 5510, Revolving Aerial Ladder, at a price of \$718.00, for use by the Traffic Signal Division, as recommended by the City Manager. Motion seconded by Councilman McKee, and unanimously carried.

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APPOINTMENT OF T. A. LITTLE TO THE CIVIL SERVICE COMMISSION.

Councilman Jordan moved the nomination of Mr. T. A. Little as a member of the Civil Service Commission, to succeed Mr. Thos. Griffith, resigned. Motion seconded by Councilman Albea, and unanimously carried.

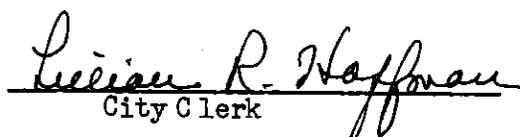
CEMETERY DEEDS.

Councilman White moved that the Mayor and City Clerk be authorized to execute deeds for the following cemetery lots. Motion seconded by Councilman Albea, and unanimously carried:

- (a) Transfer of west half of Lot 6-B, Section X, Elmwood Cemetery, to J. C. Rhyne, from Robert R. Rhyne, Executor of Estate of H. H. Rhyne, at \$1.00.
- (b) Deed to east half of Lot 6-B, Section X, Elmwood Cemetery, being retained by Heirs of H. H. Rhyne, at \$1.00.
- (c) Duplicate deed to H. L. Turner, for west half of Lot 9, Section W, Elmwood Cemetery, at \$1.00.
- (d) To Ida Pemberton, Lot 5, Section G, West Pinewood Cemetery, at \$16.00.
- (e) To Josephine C. Tish, Lot 6, Section D, West Pinewood Cemetery, at \$16.00.
- (f) To Fannie P. Beaty, West half of Lot 7, Section G, West Pinewood Cemetery, at \$40.50.
- (g) To Mrs. Frances Sampson Miller, Lot 13, Section John, West Pinewood Cemetery, at \$49.00.

ADJOURNMENT.

Upon motion of Councilman Jordan, the meeting was adjourned.


City Clerk