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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, March 17, 1954, at 4 o'clock p.m., with Mayor Van Every presiding, and Councilmen Albea, Boyd, Brown, Dellinger, Smith and Wilkinson present.

Absent: Councilman Baxter.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the minutes of the last meeting on March 10th were approved as submitted.

PETITION PROTESTING INSANITARY AND UNSIGHTLY CONDITION OF STARNES PROPERTY AT CORNER OF MATHESON AND GEORGIA AVENUES.

Mr. S. J. Kirby appeared before Council and presented a petition protesting conditions on a piece of property owned by Mr. Herbert P. Starnes at the corner of Matheson and Georgia Avenues, in which it was stated that the property is littered with debris, creating a breeding place for mosquitoes and is a health menace; that the old barn is rotted and is a fire hazard, and the condition is a disgrace to the neighborhood, and the petitioners demanded that the owner either be forced to clean up the premises and keep them clean or be run out of the neighborhood.

Letters dated February 26, 1954, were presented from the City Manager to the Health, Building Inspection and Fire Departments to investigate the condition, which had previously been discussed with the City Manager by Mr. Kirby. A reply from the Health Officer was read in which he stated that Mr. Starnes had been advised to correct the conditions which are in violation of the City Health Code. Mr. Yancey, City Manager, advised that it is the City's policy to attempt to correct such conditions without indicting the property owners if possible.

The Council showed concern over permitting such conditions to exist, and upon motion of Councilman Boyd, seconded by Councilman Albea, the City Manager was directed to carry out the law in the matter.

ACTION POSTPONED ON ORDINANCE TO ESTABLISH SETBACK LINES ON SOUTH McDOWELL STREET IN ORDER THAT COUNCILMEN VIEW THE AFFECTED AREA.

The adoption of an ordinance to establish setback lines on South McDowell Street was again presented for consideration, with Mr. W. F. Wimberly, Attorney for The Pure Oil Company submitting a plat of the area, drawn to scale from the plan furnished by the City Engineering Department.

Mr. Paul R. Younts, representing the owners of the Addison Apartments property and adjacent undeveloped area owned by them, spoke against any revision of the plans for the establishment of the setback lines as drawn and recommended by the Engineering Department, as the change desired by the Pure Oil Company would take additional footage from the Addison Apartments property. Mr. Younts stated that the Addison Apartments is the only building on either side of McDowell Street that could be affected if the plans are changed as desired by Mr. Wimberly, and while they are agreeable to giving up a portion of their property at the rear of the Apartment House in the interest of progress, they urgently request that none of the yard of the Apartment be taken in the widening of the street. He stated they have a 300-foot frontage on McDowell Street and 200-foot frontage on Morehead Street, that the Apartment houses 76 families who have a minimum yard space to enjoy. That in fact No Parking, Standing or Stopping restrictions are in effect on both of these streets, which restricts the

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activities of their tenants. He advised that off-street parking and garages were provided for their tenants when the building was constructed.

Mr. Wimberly stated they feel that the angle of the street was changed arbitrarily so as to protect the Addison Apartment proper, thereby taking more area from the east side of the street on which their Service Station is located. That if the street line is setback all of the 9-feet on the east side of the street, then their Service Station pumps will have to be moved back at great expense and inconvenience. That they willingly gave up a portion of their property in order that the corner be reduced for the convenience of the traveling public and the corner of the Addison Apartment was not reduced. That The Pure Oil Company feels they will be doing their full share in giving up  $4\frac{1}{2}$  ft. of their property, and ask that the City take an equal footage from both sides of the street.

Mr. Warren Stack, Attorney representing Gordan Motor Company, spoke against the establishment of the lines on the east side of the street as proposed. He stated it would adversely affect the business of his client. That traffic count by the City shows that the traffic on McDowell Street going towards Morehead Street was 2,831 cars against 2,691 going from Morehead into McDowell, which would make it logical that the widening be done on the west side of the street and the additional lane for traffic be added on that side. He stated further that three places of business, namely Gordan Motor Company, Butler Seafood Store and The Pure Oil Service Station will be affected if the line is setback on the east side, whereas only the one apartment house, the small family service station and the undeveloped area at the rear will be affected on the west side. Mr. Stack urged that the entire 9 feet be taken from the west side of the street.

Mr. Richey, City Engineer, stated the plat submitted by the Pure Oil Company does not conform to the plan of the Engineering Department, which is according to scale. Copies of the plan drawn by the Engineering Department were distributed to the City Council.

Mr. Henry Harkey, attorney representing Butler Seafood Store stated his client's business will be seriously affected by the establishment of the proposed line on the east side of McDowell Street; that his store is located at the edge of the sidewalk and if his driveway did not now cover the entire area that he owns at the rear of the store, the only possible thing he could do would be to knock out the front wall of the store, move it back near the center of the store and extend the rear wall - but with his driveway, which provides the only parking for his customers, occupying all of the rear area, even that is not possible. Mr. Richey, City Engineer, stated that the front of the building will not be cut off at all, there will be a 5-ft. sidewalk left in front of the building. Mr. Harkey asked that the entire 9 feet be taken from the west side of the street, which, he stated will not affect the yard area enjoyed by the residents of Addison Apartments as they use the front yard entirely, but only the side yard and walkway to the side entrance of the building which houses offices and not tenants.

Councilman Brown moved that action be deferred and that all members of the City Council go with the City Engineer, and all persons concerned and look over the affected area, and that the City Engineer have his surveying instruments set up so that the line may be correctly viewed by the Council. The motion was seconded by Councilman Boyd, and unanimously carried.

MR. LESTER STOWE ADVISED CITY CANNOT LEGALLY REOPEN NEGOTIATIONS ON SALE OF PROPERTY FOR RIGHT-OF-WAY FOR WIDENING WEST FIFTH STREET.

Mr. Lester Stowe again appeared before Council for a decision on his request that consideration be given his petition at last week's meeting that his grandmother, Mrs. A. B. Solomon, be paid a larger price for the  $12\frac{1}{2}$  foot strip of land off her property at 834 West Fifth Street which the City purchased as right-of-way for the widening of West Fifth Street.

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The City Attorney advised that the City cannot legally reopen negotiations on the sale of these properties.

The City Manager advised further that the Councilmen would be personally liable for any amount paid out for such purpose after the sale was closed.

RESIGNATION OF J. H. SAXON FROM PLANNING BOARD ACCEPTED WITH REGRET.

Councilman Albea moved the acceptance of the resignation of Mr. J. H. Saxon from the Planning Board with regret. The motion was seconded by Councilman Brown, and unanimously carried.

RESOLUTION REQUESTING MECKLENBURG DRAINAGE COMMISSION AND MECKLENBURG COUNTY BOARD OF COMMISSIONERS TO IMPROVE SUGAW CREEK BY DRAINING, STRAIGHTENING AND DREDGING.

A resolution entitled: "Resolution Requesting Mecklenburg Drainage Commission and Mecklenburg County Board of Commissioners to Improve Sugaw Creek by Draining, Straightening and Dredging" was introduced by Councilman Smith. Following the reading thereof, Councilman Smith moved the adoption of the resolution, which was seconded by Councilman Boyd, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 178.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON SELWYN AVENUE.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Selwyn Avenue" was introduced on its second reading. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 176.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH PERMANENT IMPROVEMENTS TO BE MADE ON SELWYN AVENUE.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Permanent Improvements to be made on Selwyn Avenue" was introduced and read. Upon motion of Councilman Boyd, and seconded by Councilman Albea, the resolution was unanimously adopted. The resolution is recorded in full in Resolutions Book 2, at Page 179.

RESOLUTION PROVIDING FOR A HEARING ON APRIL 7TH ON ORDINANCE NO. 203 AMENDING THE ZONING ORDINANCE ON LOT ON WEST WORTHINGTON AVENUE 100 FEET FROM THE INTERSECTION OF SOUTH TRYON STREET.

Following the introduction of an Ordinance Amending the Zoning Ordinance to change the Building Zone Map from Residence-2 to Industrial on a lot on West Worthington Avenue approximately 100-feet from its intersection with South Tryon Street, a Resolution Providing for a Public Hearing on the proposed change, on April 7th, was introduced and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 180.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 7TH ON ORDINANCE NO. 204 AMENDING THE ZONING ORDINANCE ON ALL PROPERTY ON SOUTH SIDE OF THE 2100 BLOCK OF COMMONWEALTH AVENUE.

An ordinance amending the Zoning Ordinance to change the Building Zone Map from Residence-1 to Residence-2 on all property on the south side of the 2100 block of Commonwealth Avenue, was introduced and read. Following which a Resolution Providing for a Public Hearing on April 7th on the proposed ordinance was presented and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 181.

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PLAT OF PORTION OF EASTWAY PARK SUBDIVISION APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, a Plat of a Portion of Eastway Park Subdivision was unanimously approved, as recommended by the Planning Board.

SUPPLEMENTARY CONTRACT WITH AMERICAN INVESTMENT COMPANY FOR WATER MAINS INSTALLATION IN RUTLEDGE AVENUE AND PROVIDENCE PARK SUBDIVISION.

Motion was made by Councilman Boyd, seconded by Councilman Smith, and unanimously carried, authorizing a Supplementary Contract, to contract dated February 25, 1953, with American Investment Company, for the installation of 4,600 feet of water mains and 5 fire hydrants in Rutledge Avenue and Providence Park Subdivision, at an estimated cost of \$12,925.00. All cost to be borne by the applicant, who will own the mains until the territory is taken into the City.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO HEZEKIAH BATES ON PREMISES OF JOHNSON C. SMITH UNIVERSITY.

Councilman Dellinger moved that Special Officer Permits be issued to Mr. Hezakiah Bates for use on the premises of Johnson C. Smith University, and to Mr. W. T. Alexander for use on the premises of Memorial Hospital. The motion was seconded by Councilman Smith, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 27-ft. driveway on N. Tryon Street and One 10-ft. driveway to be extended 18-ft. to the north, on N. Tryon Street, for 517 N. Tryon Street.
- (b) One 30-ft. driveway on S. Tryon Street, One 10-ft. driveway to be extended 20-ft. to the east on Bland Street and One 8-ft. driveway to be extended 10-ft. to the east on Bland Street, for 1328 South Tryon Street.

CONTRACTS AWARDED FOR THE CONSTRUCTION OF FIRE STATION NO. 9 ON EAST BOULEVARD.

Motion was made by Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, awarding contracts for the construction of Fire Station No. 9 on East Boulevard, as follows:

GENERAL CONTRACT, awarded to Interstate Construction Company, at a price of \$55,360.00.

PLUMBING CONTRACT, awarded to Toomey Brothers, at a price of \$5,476.00.

ELECTRICAL CONTRACT, awarded to Austin Electric Company, at a price of \$8,531.00.

HEATING CONTRACT, awarded to J. V. Andrews, at a price of \$7,875.00.

REMOVAL OF TREES AT 1537 CLIFFWOOD PLACE AUTHORIZED.

Councilman Brown moved that permission be granted Mr. J. C. Ratteree to remove three trees from the planting strip in front of his business property at 1537 Cliffwood Place. The motion was seconded by Councilman Dellinger, and unanimously carried.

DUKE POWER COMPANY GRANTED PERMISSION TO INSTALL GRATES IN SIDEWALK AT 301 SOUTH TRYON STREET.

Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, granting permission to the Duke Power Company to install grates in the sidewalk over the transformer vaults which they plan to construct at 301 South Tryon Street.

STREETS TAKEN OVER FOR MAINTENANCE BY CITY.

Upon motion of Councilman Smith, seconded by Councilman Albea, and unanimously carried, the following streets were authorized taken over for City maintenance:

- (a) Yadkin Avenue, from East 26th St. to East 27th Street.
- (b) East 26th Street, from N. Davidson St. to Yadkin Avenue.
- (c) East 27th Street, from N. Davidson St. to Yadkin Avenue.
- (d) Flynnwood Drive, from Central Avenue to Merry Oaks Road.

LEASE OF AIRPORT BUILDINGS REPORTED.

The City Manager advised that leases have been concluded on the following buildings at Douglas Municipal Airport:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
287	Bassett & Winget	\$21.00	3-1-54 1 year
100	Canada Dry Gingerale	20.00	3-1-54 1 year renewal
59	Carolina School Supply	27.32	4-1-54 1 year renewal
56	Charlotte Aero Asso.	1.00 per year	4-1-54 5 years

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON TUCKASEEGEE ROAD.

A resolution entitled: "Resolution Authorizing Permanent Improvements on Tuckaseegee Road" was introduced and read, Councilman Wilkinson moved the passage of the resolution on its first reading, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 182.

RESOLUTION AUTHORIZING THE ADVERTISEMENT OF NOTICE OF RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON TUCKASEEGEE ROAD.

A resolution entitled: "Resolution Authorizing the Advertisement of Notice of Resolution Authorizing Permanent Improvements on Tuckaseegee Road" was introduced and read. Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 183.

LEASE WITH MECKLENBURG COUNTY FOR USE OF ANIMAL SHELTER.

Councilman Dellinger moved that the Mayor and City Clerk be authorized to execute a lease with Mecklenburg County for the use of the City's Animal Shelter jointly with the County for a period of two years, beginning March 1, 1954, at a monthly rental of \$100.00. The motion was seconded by Councilman Smith, and unanimously carried.

CLAIM OF HUBERT BURRELL AND OTHERS FOR INJURIES IN AN AUTOMOBILE ACCIDENT REFERRED TO THE CITY ATTORNEY.

The City Manager advised that Mr. John H. Small, Attorney has filed a claim in behalf of his clients Hubert Burrell and father, J. C. Burrell covering injuries and damages realized in an automobile accident in December 1953. Councilman Dellinger moved that the claim be referred to the City Attorney for proper processing, which was seconded by Councilman Smith, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Brown, seconded by Councilman Albea, and unanimously carried, the meeting was adjourned.

*Rebecca R. Hoffman*  
City Clerk