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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Wednesday, May 9, 1956, at 10 o'clock a.m., jointly with the Charlotte-Mecklenburg Planning Commission, to consider petitions for zoning changes and other matters.

Mayor Van Every presided, and Council members Albea, Baxter, Dellinger, Evans, Smith and Wilkinson were present.

ABSENT: Councilman Brown.

Charlotte-Mecklenburg Planning Commissioners Bell, Chairman, and Craig, McClure, Sibley and Wilkinson were present.

ABSENT: Commissioners Conner, Hanks, Marsh, Martin and Robinson.

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 May 2nd were approved as submitted.

HEARING ON ORDINANCE NO. 307 TO AMEND THE ZONING ORDINANCE TO CHANGE THE ZONING FROM RESIDENCE-1 AND RESIDENCE-2 TO BUSINESS-2 ON PROPERTY ON FLORAL AVENUE, ON PETITION OF W. W. SCHOLTZ, JR., DECISION DEFERRED ONE WEEK.

The scheduled hearing was held on Ordinance No. 307 to Amend the Zoning Ordinance to change the zoning from R-1 and R-2 to B-2 on property fronting on Floral Avenue, on petition of W. W. Scholtz, Jr. The Planning Director stated the property is located on East Boulevard at its intersection with Floral Avenue, and is used for the operation of a Greenhouse. That the property on the north side on East Boulevard is used for residential purposes; on the west for residential purposes that fronts on Kenilworth Avenue; on the south by an unopened portion of Ideal Way and residential uses on Dilworth Road; on Floral Avenue residential uses fronting on Worthington Avenue and Ideal Way. That the general zoning of the area is R-2 and a small portion is R-1. That a small portion fronting on East Boulevard and Floral Avenue is zoned B-1. That the property in question adjoins a B-1 zone extending for a considerable distance.

Mr. Joe Grier, Attorney for Mr. Scholtz, stated the Greenhouses were located on the property when zoning was adopted in 1947. He presented a Petition which he stated was signed by 19 adjoining property owners who favor the rezoning; that there are only two adjoining property owners whose names do not appear on the petition, who are out of the city. Mr. Grier requested that the petition be granted, stating it will merely provide for the extension of a business which has been at this location for 50 years. Mr. Scholtz stated all of their property fronting on East Boulevard is occupied by their Greenhouses, and the rezoning will merely permit them to extend the present Greenhouses.

Mr. Robert L. Scott, resident of 2123 Floral Avenue expressed opposition to the rezoning. He stated Floral Avenue is only 18 feet wide, with no sidewalks on either side, and it is the route used by some 40 children going to both Myers Park School and Dilworth School, and the addition of more business will bring added traffic on the street. Mr. Scott stated further that the entrance to Scholtz Greenhouses and Florist Supply House fronts on Floral Avenue; that only today he counted 12 cars, a station wagon and two trucks parked on Floral Avenue belonging to Scholtz Greenhouses or their employees, and it was nearly impossible to get through the street with his small Austin car. He stated further they back their trucks across

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the grass area for loading, which impedes traffic. Mr. Scott advised that the rezoning will not affect the residents of East Boulevard and Kenilworth Avenue, who have signed the petition, and he suggested that the entrance to the buildings be changed to either East Boulevard or Kenilworth Avenue, both of which streets are wider than Floral Avenue.

Councilman Smith asked if Mr. Scott would object to the rezoning if the City should eliminate the traffic hazard on Floral Avenue? Mr. Scott replied that he would not, but that the only way to eliminate the trucks and cars at the Greenhouse is by changing the entrance.

Mr. Grier stated they deny most of the remarks made by Mr. Scott, and that the petition contains the signatures of 4 residents of Floral Avenue in addition to the signatures of residents of Kenilworth and East Boulevard.

Council decision was deferred one week.

HEARING ON ORDINANCE NO. 315 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM R-2 TO B-1 OR B I-A ON PROPERTY ON SOUTHWEST SIDE OF SHAMROCK DRIVE, ON PETITION OF W. D. MCNAULL AND J. S. BROWN. DECISION DEFERRED ONE WEEK.

The hearing was held on Ordinance No. 315 Amending the Zoning Ordinance to change the zoning from R-2 to B-1 or B I-A on property located on the southwest side of Shamrock Drive, on petition of W. D. McNaull and J. S. Brown. Mr. McIntyre, Planning Director, stated the property fronts on Shamrock Drive; to the west is Florida Avenue and to the east is East Ford Drive. That the property is vacant with the exception of one wooden structure used for industrial purposes. That the property is approximately 65 feet deep and widens to 190 feet and narrows to a point. That the area adjoining the property in question is R-2. That there is one grocery store on Shamrock Road towards The Plaza and there is also a shopping area at Plaza Road. That there is a plumbing business located on Globe Court.

Mr. Basil M. Boyd, Attorney, stated his clients are appealing from the decision of the Planning Commission at a hearing on April 3rd. That they do not know the basis or reason why the petition was reported unfavorably to the Council; that they received a letter from the Planning Director stating the Planning Commission had recommended to the Mayor and Council that no hearing be held on the petition. He stated further the property itself, by its nature and location, is unsuitable and unmarketable for residence purposes, which classification it presently bears. That the property was purchased by Mr. McNaull in March 1945, two years before the zoning ordinance was adopted in 1947, for business purposes and it has been used by him since for the business of reclaiming and refinishing steel ties used in bailing cotton, which would more correctly come under an Industrial classification.

Mr. Boyd stated the records show that none of this property is restricted in the deeds to residence purposes, which applies also to most of the deeds to the property in the surrounding area, and these properties were purchased and homes built with the full knowledge of this fact and the further fact that the Petitioners were using their property for a business purpose. He advised they have letters from real estate men, developers and investors, whom his clients have contacted to sell the property for residence purposes, who refuse to even lend money to finance the construction of residences on the property. That the day after the hearing before the Planning Commission, a member of the Commission who is a developer, stated to him in the Register of Deeds Office that "we know this property is unfit and unsalable for residence purposes, and he would say frankly if Mr. Brown and Mr. McNaull would deed him the property as a gift upon the condition that he invest money there to construct residences on it for sale or rent, he would refuse to accept the land." He advised that on the basis of these facts, for the Council to decline to rezone the property for Business, would result in the confiscation of the property without compensation.

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He stated further that the Courts recognize the fact that zoning ordinances are in derogation of the rights of private property; that Justice William Bobbitt in his opinion in the Nursing Home Case a few weeks ago, reiterated the law on this point by calling attention that zoning ordinances should be liberally construed in favor of citizens whose property has been restricted by such ordinance, less irreparable damage be done. That Justice Bobbitt also reminded the Courts and municipal authorities that the legality and constitutionality of zoning ordinances are upheld by the Courts only when the ordinances bear a substantial relation to four things and four things only - namely, public health, public safety, public morals and general welfare; he pointed out that the rezoning of the property as requested, would have no adverse effect upon either or any of these things, and, in fact, taking conditions as they exist, it would improve the public health and there would be nothing in the buildings on the property that would be detrimental to the public safety, morals or general welfare. He also pointed out that the B I-A zone, which they request, is a much higher and more restricted classification than the use for which the property is being used under the grandfather clause. He called attention that the Zoning Ordinance does not provide that businesses of any kind can be restricted or forbidden because it is the opinion of the Zoning Commission or City Council that no additional business is needed in the area; neither does the Ordinance provide the authorities with the right to rule on whether a rezoning would adversely affect surrounding property values, that Mr. McIntyre himself has said that a consideration of the property values has no place in zoning regulations. He urged that the Council keep in mind in deciding on their petition there are only the four things to be considered - public health, safety, morals and general welfare. As to the rezoning bringing additional traffic to the area, he stated that Shamrock Road is fast becoming a vehicular lane, and they propose to provide off-street parking for their property and would recommend the placing of no-parking signs on the right side of Shamrock Drive from Plaza Road to Shamrock School.

Mr. Boyd urged that their petition not be denied, thereby forcing the Inspection Department to decline to issue a permit to construct the buildings his clients desire to erect on the property, and force them to go to the Courts to get what he honestly feels they are entitled to.

Mr. James L. Berry, 3220 East Ford Road, submitted a petition which he stated contained signatures of 51 property owners who live on property adjoining that of the Petitioners, who oppose the rezoning on the basis that a business section in the area would tend to lower the property values throughout the whole section, and there is adequate business facilities within four blocks to serve the neighborhood. Mr. Berry stated that he noted the practically vacant property of the Petitioners when he purchased his home and he was told it would probably be deeded to the City for use as a park; that the old wooden building on the property is only 50' x 75'. He stated his property faces the property in question and he seriously objects to it being developed for business. He stated there are 15 to 20 new homes on East Ford Road and they felt safe in investing their money in an area restricted to residential use.

Councilman Dellinger asked if Mr. Berry had the property would he put residences on it? Mr. Berry replied, he would not, he would let it lay there and sell it to the City for a park for what it cost him.

Mr. Boyd stated they would agree not to open an alley through the property but use it at the upper end for off-street parking; too, they will agree to erect a fence sufficiently high to bar the ground view of their operations from the owners of property across the street on East Ford Road. Mr. Berry stated his position and that of the other property owners is that they wish the area to remain strictly residential.

Councils decision was deferred for one week.

MEETING RECESSED FOR A SHORT PERIOD OF TIME.

At the request of the Mayor for a recess, Councilman Dellinger moved that the meeting be recessed for a short period of time. The motion was seconded by Councilwoman Evans, and unanimously carried.

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HEARING ON ORDINANCE NO. 316 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM RURAL TO INDUSTRIAL ON PROPERTY LOCATED ON THE NORTH SIDE OF NEW THRIFT ROAD, ON PETITION OF J. T. LANEY, AND COUNCIL DECISION DEFERRED ONE WEEK.

The scheduled hearing was held on Ordinance No. 316 Amending the Zoning Ordinance to change the zoning from Rural to Industrial on property located on the northside of New Thrift Road, on petition of Mr. J. T. Laney.

The Planning Director stated the property is located just outside the city limits; that the present use of the land is the area along Thrift Road is Rural and much of the land is vacant. That the property has one industrial installation on it; to the north and east the area is developed as residential; across the street it is Industrial, southeast across the street it is R-2 and the remainder is Rural.

Councilman Wilkinson asked if it has not been more-or-less accepted that New Thrift Road is going industrial, to which Mr. McIntyre replied that it has.

Mr. William E. Poe, Attorney, stated that they filed a petition last December for the rezoning of the entire area from R-2 to B-1 and were asked to limit their petition to the property within the city limits, as the zoning of the perimeter area, in which the property in question today is located, was then under consideration. That they are now merely asking for an extension of the present Industrial zone.

No objections to the reclassification was filed. Council decision was deferred one week.

HEARING ON ORDINANCE NO. 317 AMENDING THE ZONING ORDINANCE TO CHANGE ZONING FROM RESIDENCE-2 TO BUSINESS-1 ON PROPERTY LOCATED AT 1518 SHUMAN AVENUE, ON PETITION OF R. E. STRAWN, AND COUNCIL DECISION DEFERRED ONE WEEK.

The scheduled hearing was held on Ordinance No. 317 Amending the Zoning Ordinance to change the zoning from Residence-2 to Business-1 on property at 1518 Shuman Avenue, on petition of Mr. R. E. Strawn.

The Planning Director stated that all four corners of the intersection of Shuman Avenue and West Boulevard are used for business; that the lot in question is about 140 feet from the corner and falls within the 150 provision of the State Statutes which makes it mandatory that it be similarly zoned.

No opposition to the rezoning was expressed. Council decision deferred for one week.

ORDINANCES NO. 318 AND 319 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM RESIDENCE-1 TO BUSINESS-1 ON PROPERTY LOCATED AT THE SOUTHEAST CORNER AND SOUTHWEST CORNER OF THE INTERSECTION OF SHARON-AMITY ROAD AND RANDOLPH ROAD, UPON THE PETITIONS OF THE SHARON CORPORATION AND THE HEIRS TO THE A. G. RANDOLPH ESTATE, AND COUNCIL DECISION DEFERRED ONE WEEK.

The scheduled hearings were held on Ordinance No. 318 and Ordinance No. 319 Amending the Zoning Ordinance to change the zoning from Residence-1 to Business-1 on properties located at the southeast corner of the intersection of Sharon-Amity and Randolph Roads, on the petition of The Sharon Corporation and at the southwest corner of the intersection on the petition of the Heirs to the A. G. Randolph Estate.

Mr. McIntyre, Planning Director, stated that the properties are identical in size, each consisting of 135 foot frontage on Sharon Road with a depth of 200 feet on Randolph Road. That the properties at the southeast and southwest corners of the intersection are already zoned for Business, therefore no special state law permission must be granted for Business use at the southeast and southwest corners as requested, which would be 50-foot setback provision, however.

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Mr. Benjamin Horack, Attorney for the Heirs to the A. G. Randolph Estate, stated their request and the request of The Sharon Corporation would bring about uniform zoning of the four corners at the intersection, and as stated by Mr. McIntyre, it is mandatory that the properties be rezoned for 150 feet under the State Law; that they have asked for an additional 50 foot depth, and believe the Council is interested in making a business area of sufficient size that it will not be crowded.

Councilman Smith asked if the additional 50 feet will be used for off-street parking? Mr. Horack stated that it would not.

Mr. Bell, Planning Commission Chairman, asked if this is the only property the petitioners have in the area? Mr. Horack replied the Randolph Heirs own additional land, and there is 10 acres more to the Sharon Corporation property.

Councilwoman Evans asked if the petitioners are coming back and request the rezoning of additional property? Mr. Horack stated they have not contemplated doing so.

Councilman Dellinger asked Mr. Irwin Boyle, Attorney for The Sharon Corporation, if they would provide off-street parking at the south-east corner? Mr. Boyle stated The Sharon Corporation has no definite plans for the development of the property, therefore he cannot answer the inquiry.

Mr. Robert Hines, Attorney, representing himself and adjoining property owners, stated his home is 1100 feet down Randolph Road from the intersection of Randolph Road and Sharon-Amity Road. That the State Statutes provides where two corners are zoned for business at the intersection of streets in the corporate limits of any city, the other corners shall be so zoned for a distance not to exceed 150 feet from the property line of said intersecting additional corners. He stated he assumes the Council has been advised by the City Attorney that this ruling is also mandatory in the perimeter area. He stated the Shopping Center on Sharon-Amity Road is sufficient to serve the area. That when the new Sharon-Amity Elementary School is built very near the corner, many small children will have to cross at this intersection and the hazards of traffic would be increased by the opening of a business area. He advised further that substantial homes were built on Randolph Road, which would decrease in value by the business area close by. He urged that the additional 50 feet not be zoned for business.

HEARING ON ORDINANCE NO. 320 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM RESIDENCE-2 TO BUSINESS I-A ON PROPERTY LOCATED ON THE WEST SIDE OF AMITY ROAD, 230 FEET SOUTH OF THE INTERSECTION OF AMITY ROAD AND INDEPENDENCE BOULEVARD, ON PETITION OF L. J. HANEY, AND COUNCIL DECISION DEFERRED ONE WEEK.

The hearing was held on Ordinance No. 320 Amending the Zoning Ordinance to change the zoning from Residence-2 to Business I-A on property located on the west side of Amity Road, 230 feet south of the intersection of Amity Road and Independence Boulevard, upon petition of Mr. L. J. Haney. The Planning Director advised the area in general is vacant and being developed with homes. That Salem Church is located about 400 feet beyond this property on Amity Road; that the zoning in general is for Business.

No opposition was expressed to the proposed rezoning. Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 321 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM BUSINESS-1 AND RURAL TO INDUSTRIAL ON PROPERTY LOCATED ON THE WESTERLY AND EASTERLY SIDES OF STEELE CREEK ROAD AND ON THE NORTHERLY SIDE OF MORRIS FIELD ROAD, ON PETITION OF BOWMAN-DUNN MFG. COMPANY, SCHACHNER LEATHER & BELTING COMPANY, SOUTHERN REAL ESTATE & INSURANCE COMPANY, C. J. AND DON ROBERTSON ET AL, AND COUNCIL DECISION DEFERRED ONE WEEK.

The hearing was held on Ordinance No. 321 Amending the Zoning Ordinance to change the zoning from Business-1 and Rural to Industrial on property located on the westerly and easterly sides of Steele Creek Road and on the northerly side of Morris Field Road, on petition of Bowman-Dunn

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Mfg. Company, Schachner Leather & Belting Company, Southern Real Estate & Insurance Company, C. J. and Don Robertson and others.

Mr. McIntyre, Planning Director advised the property lies on the north side of Wilmount Road and along Steele Creek Road. The property of Schachner Leather & Belting Company is in the middle of the property in question, and that of Bowman-Dunn Mfg. Company is along Steele Creek Road. That the development at the intersection of Steele Creek Road and Morris Field Road is for business and across the street is for residences. That the zoning in the area of Steele Creek Road is Business and much on Morris Field Road is Rural.

Mr. J. C. Sedberry, Attorney representing Schachner Leather & Belting Company, who purchased the property on January 1955, ^{stated} that they found the building was too small and on July 1, 1955 bought another lot for expansion of the business and came to learn it was zoned for Residential usage. He stated the property is most unsuitable for residential use, and of course, not needed for that purpose by his client, hence their petition for the rezoning.

Mr. Wallace Osborne, Attorney representing Bowman-Dunn Mfg. Company, stated the property fronts on Steele Creek Road and Southern Real Estate & Insurance Company, whose lots front on Morris Field Road, and others who have property in the area. He stated they have the signatures of the owners of property within the area approving their request for the rezoning. He stated he thinks the overall petition for rezoning of the area upholds the law for uniform zoning, and urged that the Council grant their request.

Mr. O. W. Clayton, Attorney representing Mr. N. A. Trexler, owner of adjoining property in the area stated they have no objections to the rezoning, and in fact have filed a petition for the rezoning of their property as Industrial.

No objections were filed to the proposed changes.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 322 AMENDING THE ZONING ORDINANCE TO CHANGE THE ZONING FROM RURAL AND RESIDENCE-2 TO BUSINESS-1 ON PROPERTY LOCATED AT THE INTERSECTION OF WILMOUNT ROAD AND MORRIS FIELD ROAD, ON PETITION OF THE PLANNING COMMISSION, AND DECISION DEFERRED FOR ONE WEEK.

The hearing was held on Ordinance No. 322 Amending the Zoning Ordinance to change the zoning from Rural and Residence-2 to Business-1 on property located at the intersection of Wilmount Road and Morris Field Road, on petition of the Planning Commission.

Mr. W. E. McIntyre, Planning Director, stated their request comes about by virtue of the requests for rezoning in the area, which has just been heard by the Council. That if the requests just heard are granted and the property rezoned Industrial, the Planning Commission feels the adjoining property on Wilmount Road and Morris Field Road should also be reclassified, otherwise it would leave a small portion of the property sandwiched in between industrial uses.

Councilman Dellinger stated it was his understanding that petitions for rezoning must emanate from the property owners. Planning Commission Chairman, Mr. J. Spencer Bell, stated this is not the law.

The City Attorney asked if the area requested rezoned by the Planning Commission includes the Trexler property mentioned by Attorney O. W. Clayton. Mr. McIntyre stated that it does, but Mr. Clayton states he will request a change to an Industrial classification, and the Commission is requesting a change for Business.

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Mr. Grover Howard, resident of Wilmount Road, stated he and the other residents object to the rezoning to Business; that they are afraid it will bring colored business nearer their homes, such as night clubs, that the property is within 1,700 feet of 13 families. He stated they did not object to the use of the property for industrial purposes.

Mr. Bell advised Mr. Howard that night clubs could locate in an Industrial Zone the same as in a Business-Zone.

ZONING HEARINGS COMPLETED AND PLANNING COMMISSIONERS RETIRED FROM MEETING AT 12:05 P.M.

Mayor Van Every announced that the Zoning Hearings are completed and the Planning Commissioners would retire and render their recommendations on the petitions to the Council. That the Council will render their decisions at the Council Meeting on next Wednesday.

ORDINANCE NO. 324-X ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT ON GOLD STREET AND ARGONNE DRIVE, FROM MINT STREET TO SOUTH TRYON STREET, ADOPTED.

The scheduled hearing was held on Ordinance No. 324-X Assessing Benefits in the Improvement District on Gold Street and Argonne Drive, from Mint Street to South Tryon Street. No objections were voiced as to the amount of assessments. Councilman Baxter moved the adoption of the Ordinance Assessing the Benefits in the Improvement District, and ^{the} authorization of the publication of the assessments in The Charlotte News on May 11th. The motion was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 50-51.

MEETING TO BE HELD TO ESTABLISH POLICY AS TO THE ANNEXATION OF TERRITORY TO THE CITY OF CHARLOTTE.

Councilman Wilkinson stated he has considered the invitation to attend the Town Hall meeting at Shamrock School on the question of annexation, and moves that the Council not hold the meeting as scheduled until a later date. The motion was seconded by Councilwoman Evans.

Councilman Baxter stated he would present the facts at the meeting and the City Officials would not be called on if they so wished. That his only reason for calling the meeting at this time is to get something started on the annexation question.

Councilman Smith stated he agreed that the idea is fine but he thinks the meetings are premature since the Council has never said we are going to extend the city limits, and it could be that it was decided not to extend them.

Councilman Dellinger stated we all know the city limits must be extended and he thought the Council should go ahead with the meeting and let the people see what the City has to offer. That he has had people from other sections ask if the Council will come out and talk with them.

Mayor Van Every stated there are 21 sections to be considered for annexation and it has not been decided which will be selected, and he thinks it is premature until they are considered, and at a later date the Council can go hand in hand on the subject.

Councilman Baxter stated he thinks that any Councilman who has an idea has the right to present it, and he is sorry he has stepped on anyone's toes.

Councilwoman Evans asked Councilman Baxter if he thinks he has handled his matter through the proper channels? Mr. Baxter replied "yes". Councilman Dellinger stated he does not think it is necessary to handle the matter in this way, that he would like to see it worked out amicably together, and suggested that a vote not be taken on the motion. Mayor Van Every stated he thinks this is the most important decision this Council will make during the two years term of office and he thinks they should all sit down together and set a policy and then take it to the people; that Councilman Baxter cannot go out and represent the City Council.

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Councilman Wilkinson then withdrew his motion.

Councilman Dellinger then moved that the Mayor call a meeting of the Council and map out the strategy to be taken to the people as to future annexation to Charlotte. The motion was seconded by Councilman Smith, and unanimously carried.

Councilman Albea stated he has no axe to grind, but he does think the Council should get started on the annexation question, as it cannot be done in a week or two. He asked that the meeting be called by the Mayor as early as possible.

Councilman Baxter stated he would like to recall his invitation.

TRAFFIC CONDITION ON FLORAL AVENUE ORDERED CORRECTED AND ENFORCED.

Councilman Smith moved that regardless of what action was taken on the request of Scholtz Greenhouses for a change in zoning, that something be done to relieve the traffic situation on Floral Avenue and that it be strictly enforced; he suggested that probably parking on one side of the street only would help the situation. The motion was seconded by Councilman Wilkinson, and unanimously carried.

APPOINTMENT OF CRAIG T. BROWN TO CIVIL SERVICE COMMISSION.

Councilman Albea moved the nomination of Mr. Craig T. Brown as a member of the Civil Service Commission to fill the vacancy.

Councilman Smith stated he has talked with Civil Service Commissioners Clontz and Richard, and they highly recommended the reappointment of Mr. Thos. S. Rogers; that the Commissioners state they are working so well together and things are going smoothly, and they do not wish that broken up. Councilman Smith then nominated Mr. Thomas S. Rogers to succeed himself.

The vote was then taken on the nomination of Mr. Brown, and carried, with the following votes cast:

YEAS: Council members Albea, Baxter, Dellinger, Evans and Wilkinson.

NAYS: Councilman Smith.

INSTALLATION OF TRAFFIC SIGNAL AT WEST 6TH STREET AND ELMWOOD CEMETERY GATE AUTHORIZED.

Councilman Albea moved that a traffic signal be placed at West 6th Street and Elmwood Cemetery Gate, and that \$1,800.00 be transferred from the Emergency Fund, Code 110, to the Traffic Engineering Dept. budget for this purpose. The motion was seconded by Councilman Baxter, and unanimously carried.

\$25,000.00 APPROPRIATION TOWARDS THE CONSTRUCTION OF A JUVENILE DETENTION HOME AUTHORIZED CONSIDERED WHEN THE ANNUAL BUDGET IS PREPARED.

Councilwoman Evans stated that the County Commissioners has designated \$25,000.00 towards the construction of a Juvenile Detention Home, and she moved that the Council appropriate \$25,000.00 from the City's Emergency Fund, Code 110 for this purpose. Mr. Yancey, City Manager, advised that the City does not have this amount in the Emergency Fund. Councilwoman Evans withdrew her motion, and moved that an appropriation of \$25,000.00 be considered when the annual budget is prepared. The motion was seconded by Councilman Wilkinson, and unanimously carried.

MAYOR VAN EVERY ABSENT FOR REMAINDER OF SESSION.

Mayor Van Every left the meeting at this time and Mayor pro tem Smith presided for the remainder of the session.

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RESOLUTION ABANDONING HAYMORE STREET, ADOPTED.

A resolution entitled: "Resolution Abandoning Haymore Street" was introduced and read, and upon motion of Councilman Wilkinson, seconded by Councilwoman Evans, and unanimously carried, was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 424.

DEED FROM MISS MARGARET WASHBURN ACCEPTED FOR PURCHASE OF RIGHT-OF-WAY FOR EXTENSION OF WASHBURN AVENUE.

Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the Council accepted a Deed from Miss Margaret Washburn for the necessary right-of-way for the extension of Washburn Avenue to the Coliseum property, for the sum of \$2,000.00.

RESOLUTION AUTHORIZING ABANDONMENT OF CITY'S INTEREST AND THE INTEREST OF THE PUBLIC IN AN UNNAMED STREET FROM WASHBURN AVENUE TO MARGARET AVENUE.

A resolution entitled: "Resolution Authorizing Abandonment of City's Interest and the Interest of the Public in an Unnamed Street from Washburn Avenue to Margaret Avenue" was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Wilkinson and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 425.

TRANSFER OF FUNDS FROM EMERGENCY FUND TO BUDGETS OF CITY CLERK AND INSPECTION DEPARTMENT.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the following funds were authorized transferred from the Emergency Fund, Code 110:

- (a) To City Clerk's Budget, \$1,300.00 to Legal Notices and Publications Code 504 B-2 and \$174.00 to Temporary Stenographer Code 504 A-11.
- (b) To Inspection Department Budget, \$234.81 to Furniture & Fixtures Code 1517 G-6 and \$182.50 to Office Appliances Code 1517 G-14.

CONSTRUCTION OF SANITARY SEWER LINES AUTHORIZED.

Motion was made by Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, authorizing the construction of sanitary sewer lines at the following locations:

- (a) Construction of 115 feet of 8 inch sewer main in Garnette Place, at request of Evans Construction Company to serve two family units, at an estimated cost of \$305.00. All costs to be borne by the City.
- (b) Construction of 1,380 feet of 8 inch sanitary trunk and sewers in Boone Street, Grier Avenue and Fairmont Street, at request of J. H. Spearman to serve 29 lots and 14 family units already built, at an estimated cost of \$4,440.00. All costs to be borne by the City and applicant's required deposit of \$1,640.00 to be refunded as per terms of the contract.

CONTRACT WITH C. D. SPANGLER CONSTRUCTION COMPANY FOR INSTALLATION OF WATER MAINS IN SHAMROCK HILLS SUBDIVISION.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, contract was authorized with C. D. Spangler Construction Company for the construction of 18,505 feet of water mains and 18 hydrants in Shamrock Hills Subdivision, to serve 300 residential lots, at an estimated cost of \$60,000.00. All costs to be financed by the City, and Applicant will guarantee a gross annual water revenue equal to 10% of the total cost.

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RIGHT-OF-WAY AGREEMENT WITH STATE HIGHWAY COMMISSION FOR INSTALLATION OF WATER MAIN IN SHAMROCK DRIVE.

Councilman Dellinger moved approval of an agreement with the State Highway Commission for right-of-way in Shamrock Drive, between Eastway Drive and Shamrock Road, for the installation of a water main. The motion was seconded by Councilman Albaea, and unanimously carried.

CONTRACT AWARDED NEPTUNE METER COMPANY FOR 1,500, 5/8-INCH DISPLACEMENT TYPE COLD WATER METERS.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, contract was awarded Neptune Meter Company, for 1,500, 5/8-inch displacement type cold water meters, as specified, on a unit price basis, at a total net delivered price of \$41,910.00.

CONTRACT AWARDED BADGER METER MFG. COMPANY FOR 25, 1-1/2 INCH DISPLACEMENT TYPE COLD WATER METERS.

Motion was made by Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, awarding contract to Badger Meter Mfg. Company for 25, 1 1/2 inch displacement type cold water meters, as specified, on a unit price basis, representing a total net delivered price of \$2,807.50.

CONTRACT AWARDED BADGER METER MFG. COMPANY FOR 30 DISPLACEMENT TYPE COLD WATER METERS.

Councilman Wilkinson moved award of contract to Badger Meter Mfg. Company for 30, 2-inch displacement type cold water meters, as specified on a unit price basis, representing a total net delivered price of \$5,026.80. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, the construction of driveway entrances was authorized as follows:

- (a) One 25-ft. driveway entrance at 1111 S. Tryon Street.
- (b) One 8-ft. driveway entrance at 1329 Romany Road.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO CLYDE HAYWOOD ON PREMISES OF FEDERAL RESERVE BANK.

Motion was made by Councilman Dellinger, seconded by Councilwoman Evans, and unanimously carried, authorizing the issuance of a Special Officer Permit to Clyde Haywood, Monroe, N. C., for use on the premises of the Federal Reserve Bank.

APPOINTMENT OF AIR POLLUTION CONTROL ADVISORY & APPEAL BOARD AND TERMS DESIGNATED.

Nominations of members to the Air Pollution Control Advisory and Appeal Board were made as follows:

Councilman Dellinger nominated Mr. Guy E. Suddreth as a member-at-large.

Councilman Smith nominated Mr. W. P. Wells as the Registered Professional Engineer.

Councilman Baxter nominated Mr. T. Edward Thornson as a member-at-large.

Councilman Evans nominated Mrs. Frank H. Kennedy as a member-at-large.

Councilman Albaea nominated Dr. Lucius G. Gage, Jr., as the Practicing Physician.

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Councilwoman Evans nominated Mr. Wallace S. Osborne, as the Practicing Attorney-at-law.

Upon motion of Councilman Wilkinson, seconded by Councilwoman Evans, and unanimously carried, Mr. Wallace S. Osborne was elected the Practicing Attorney-at-law on the Board.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, Dr. Lucius G. Gage, Jr., was elected the Practicing Physician on the Board.

Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, Mr. W. P. Wells was elected the Registered Professional Engineer on the Board.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, Mr. Guy E. Suddreth was elected a member-at-large on the Board.

Upon motion of Councilwoman Evans, seconded by Councilman Dellinger and unanimously carried, Mrs. Frank H. Kennedy was elected a member-at-large on the Board.

TERMS OF OFFICE DESIGNATED FOR THE AIR POLLUTION CONTROL ADVISORY AND APPEAL BOARD MEMBERS.

Councilwoman Evans stated the terms of office of the Air Pollution Control Advisory and Appeal Board members are staggered, and she moved that the term of the first member elected be for one year, and the terms continue through five years in the order of the election of the said members. The motion was seconded by Councilman Wilkinson, and unanimously carried.

REPORT OF LEASE OF AIRPORT BUILDINGS.

The City Manager reported that leases had been concluded on the following Airport buildings:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE AND TERM OF LEASE
257	7-Up Bottling Company	\$30.00	5-1-56 1 year renewal
345	Morris Field Post	\$1.00	4-1-56 1 year renewal

HOLIDAY IN OBSERVANCE OF THE SIGNING OF THE MECKLENBURG DECLARATION OF INDEPENDENCE GRANTED CITY EMPLOYEES ON MONDAY, MAY 21st.

Councilman Albea moved that a holiday be granted city employees on Monday, May 21st, in observance of the Signing of the Mecklenburg Declaration of Independence on May 20, 1775. The motion was seconded by Councilman Wilkinson, and unanimously carried.

ADJOURNMENT.

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

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk