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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, October 24, 1956, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans and Smith being present.

ABSENT: Councilman Wilkinson.

Hearing on petition to amend the Zoning Ordinance by changing the Building Zone Map of the City of Charlotte and/or the Charlotte Perimeter Area was held jointly by the City Council and the Charlotte-Mecklenburg Planning Commission, with Chairman Bell and Commissioners Hanks, Marsh, McClure, Sibley, Schwartz, Toy and Wilkinson being present.

ABSENT: Commissioners Craig and Martin.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Brown, and unanimously carried, the Minutes of the last Council Meeting on October 17th were approved as submitted.

ORDINANCE NO. 341 AMENDING ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE, BY CHANGING ZONING ON PROPERTY AT 2200 EAST 7TH STREET FROM R-2 TO B-1, DENIED.

The scheduled hearing was held on Ordinance No. 341 Amending the Zoning Ordinance to Amend the Building Zone Map of the City of Charlotte, by changing zoning on property located at 2200 East 7th Street from R-2 to B-1, on appeal of the petitioner, Douglas & Sing, Inc., and concurred in by the property owner, Mrs. Dorothy D. Thigpen.

Mr. McIntyre, Planning Director, stated the property is located at the intersection of 7th Street and Ridgeway Avenue; that the area of the property is 182 x 217 feet. That the immediate vicinity on both sides of 7th Street is residential, with both single family and multiple family houses; that about 800 feet west of the property the nearest business development is located at Caswell Road and Pecan Avenue; that all of the land in the general area is presently zoned R-2.

Mr. Frank McCleneghan, representing the Thomas Griffith Estate and others opposing the change in zoning, presented a petition, which he stated contained the signatures of 250 land owners and residents in the vicinity, requesting that the property in question remain zoned R-2; that the area is now a quiet residential one, and their property values would be decreased and houses damaged if business is allowed to enter the area; also, that the rezoning of the property in question would be a case of "spot zoning" and should not be permitted.

The City Attorney asked if the petition represents 20% of the adjacent property owners, to which Mr. McCleneghan replied he did not know.

At the request of Councilwoman Evans as to how many people in the audience represented the opposition, practically everyone stood, the Chamber being filled.

Mr. McCleneghan stated that the small business area 800 feet west of the property at 2200 East 7th Street was located there long before the zoning ordinance was passed.

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Mr. Ernest S. DeLaney, resident of 2124 Greenway Avenue, Mrs. C. C. Thomas, 2145 East 5th Street, Mr. A. W. Kroencke, 2208 Greenway Avenue, Mrs. R. W. Brantly, 2401 East 5th Street, Mrs. Walter Hintz, 2133 Greenway and Mrs. Grady Wells, 2134 Greenway spoke in opposition to the change in zoning on the basis of decreasing their property valuations, bringing noise into a residential area, objections to the depressing effects of a Funeral Home and the question of parking.

Correction 10-31-56

"Ben Wellons" changed Mr. Ben Wellons, Attorney for the petitioner, Douglas & Sing, Funeral Directors, stated there is a great need for the relocation of Funeral Homes where there are sufficient parking areas and that real estate is prohibitively high in the business sections. He stated the property in question is ideally situated for a Funeral Home; that the only change in the residence presently located on the site would be the addition of a chapel; that there will soon be in Charlotte a centralized Ambulance Service, which will eliminate what would appear to be an objection. He stated that Churches are permitted in R-2 zones, with heavy parking, and it would appear that Funeral Homes should come under the same category.

Mr. Richard E. Thigpen, representing Mrs. Thigpen, owner of the property in question, stated there are no single family residences on the side of the street that the property is located, between Caswell Road and Ridgeway Avenue; that the Thomas Griffith Estate property is located on Greenway, very distant from 2200 East 7th Street. That McEwen Funeral Home and grounds on Morehead Street and Harry & Bryant on Providence Road are well kept up and off-street parking provided, and the property in question would be handled in the same manner by Douglas & Sing. That it is just a matter of time before East 7th Street will become a business area; that it is not justifiable to freeze property that is no longer of value for residential purposes. Mr. Thigpen stated he and his wife own property adjacent to that in question, and they could construct multiple family units on all of the property for rental purposes, but feel that would be unwise, hence their decision to sell.

The Planning Commission retired from the meeting to consider the question and render their recommendation to the Council.

Later in the meeting the Planning Director advised that the Commission recommended that the request be denied, on the basis that it would constitute "spot" zoning in a generally restricted residential area; that a funeral home, funeral processions and the assemblage of large crowds of people would bring into the neighborhood activities incompatible with good residential environment.

Councilman Albea moved that the request be denied, which was seconded by Councilwoman Evans, and unanimously carried.

ORDINANCE NO. 342 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING ZONING ON PROPERTY LOCATED ON THE WEST OF THE INTERSECTION OF REID STREET NORTH OF THRIFT ROAD, FROM R-2 TO B-1, ADOPTED WITH EXCEPTION OF THAT PORTION OF TRACT BETWEEN ITS SOUTHERLY BOUNDARY AND THE LINE PARALLEL AND 230 FEET NORTH OF THE SOUTHERLY BOUNDARY.

Councilman Brown moved that Ordinance No. 342 Amending the Zoning Ordinance to Amend the Building Zone Map of the Charlotte Perimeter Area, by changing the zoning on property located on the west of the intersection of Reid Street north of Thrift Road from R-2 to B-1, be adopted with the exception of that portion of the tract between its southerly boundary and the line parallel, and 230 feet north of the southerly boundary, as recommended by the Planning Commission. The motion was seconded by Councilman Baxter, and unanimously carried. The ordinance, as adopted, is recorded in full in Ordinance Book 12, at Page 88.

REQUEST OF CHARLOTTE BOARD OF SCHOOL COMMISSIONERS AND MECKLENBURG COUNTY BOARD OF EDUCATION THAT BOARD OF MECKLENBURG COUNTY COMMISSIONERS CALL ELECTION ON DECEMBER 8TH FOR PURPOSE OF SUBMITTING TO VOTERS QUESTION OF ASSUMPTION BY MECKLENBURG COUNTY OF OUTSTANDING SCHOOL BONDED INDEBTEDNESS OF CITY OF CHARLOTTE, CONCURRED IN BY CITY COUNCIL.

Mr. Ben Horack, member of the Charlotte Board of School Commissioners, appeared before Council, together with other members of the Commission and the Superintendents of the Charlotte and Mecklenburg County Schools, and

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stated that he is sure the City Council is aware of the great and actual need for expanded school facilities. That the recent survey by Dr. Engelhardt anticipated there would be the need for the expenditure of \$23,000,000 within the next five years for schools. He stated further that on December 8th there would be a Bond Election for \$5,000,000 for schools, which if approved, will carry the County very near the present constitutional limitation of the 5% limit on assessed property valuation. Mr. Horack stated that in view of the actual needs for more funds, it would be foolhardy not to alleviate the 5% limitation. That if the County should take over the outstanding school bonded indebtedness of \$300,000, then the 5% limitation could be raised to 8%, and another School Bond Election could be held later.

Mr. Horack presented the following resolution adopted by the Charlotte Board of School Commissioners at its meeting on October 17th;

"Mr. Horack moved that the Charlotte Board of School Commissioners request the Mecklenburg County Board of Education to petition the Board of County Commissioners of Mecklenburg County to call an election to be held on December 8, 1956 for the purpose of submitting to the voters the question of the assumption by Mecklenburg County of the outstanding school bonded indebtedness of the City of Charlotte, that this Board request the City Council of the City of Charlotte to make a like petition to the Board of County Commissioners, or indicate its concurrence in such proposal and its readiness to transfer said indebtedness to the county in the event of a favorable vote, and that this Board approve and endorse any such petition as may be made to the Board of County Commissioners. Mr. Huntley seconded the motion which was carried unanimously."

Mr. Horack requested the Council to take action and to approve the suggested arrangement.

Council Baxter moved that the City cooperate with the School Board and join in the petition requesting the Mecklenburg County Board of Commissioners to include in the ballot for the December 8th School Bond Election the question of the assumption by Mecklenburg County of the outstanding school bonded indebtedness of the City of Charlotte. The motion was seconded by Councilman Albea, and unanimously carried.

FOOTBRIDGE OVER SUGAW CREEK AT END OF TRANQUIL AVENUE AUTHORIZED REPLACED AS A PERMANENT STRUCTURE, AND FUNDS FOR CONSTRUCTION TRANSFERRED FROM EMERGENCY FUND.

Mr. W. J. Hunt, Chairman of the Executive Board of Park Road School, and a resident of 3212 Pinehurst Place, appeared before Council to renew the request of residents of the area that the footbridge over Sugaw Creek at the end of Tranquil Avenue, which was removed, be replaced.

Councilman Smith moved that the bridge be replaced as a permanent structure, and that \$4,800.00, the estimated cost, be transferred from the Emergency Fund, Code 110 to Street Department, Code 1513-G-3. The motion was seconded by Councilwoman Evans, and unanimously carried.

CONSIDERATION OF OPENING OF PIERCE STREET DEFERRED UNTIL ALL ATTORNEYS FOR PETITIONERS AND OPPONENTS ARE PRESENT AT COUNCIL MEETING.

Mr. Hugh Lobdell, Attorney representing members of St. Patrick's Catholic Church and O'Donoghue School, again appeared before Council relative to the proposed opening of Pierce Street, and requested the Council to condemn the area for the street opening.

Mr. Henry Fisher, one of the attorneys representing property owners objecting to the proposed street opening, stated that he and Mr. Fred Helms were only notified this morning by Mr. Lobdell that he would request the Council to proceed with condemnation proceedings; that his client is out of the city, and he asks that the matter be deferred until his client is present.

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Councilman Dellinger moved that action be deferred until Mr. Helms and Mr. Fisher, along with Mr. Lobdell, are present. The motion was seconded by Councilman Brown, and unanimously carried.

DEED TO PROPERTY OF LEE H. WING AT NORTHEAST CORNER OF INTERSECTION OF WEST 11TH STREET AND NORTH CHURCH STREET ACCEPTED.

Correction: 10-31-56
Councilman Dellinger not voting
all other members voting YEA;

Mr. C. M. Owens again appeared before Council relative to the purchase of property from Mr. Lee Wing at the northeast corner of the intersection of West 11th and N. Church Streets, for right-of-way for the widening of 11th Street.

Councilman Brown moved that the City accept Mr. Wing's offer for the purchase of right-of-way at the northeast corner of West 11th and North Church Streets, for the sum of \$9,500.00. The motion was seconded by Councilwoman Evans, and unanimously carried.

PURCHASE OF PROPERTY ON EAST FOURTH STREET NEAR THE CORNER OF EAST FOURTH STREET AND SOUTH DAVIDSON AS A PARTIAL SITE FOR HEALTH CENTER AUTHORIZED.

Councilman Smith, Chairman of the Committee for the recommendation of a site for a new Health Center, stated the Committee has worked for sometime to find a suitable location and have ^{had} several proposals that were partially acceptable. That they feel there must be a good location somewhere. That some of the Council was opposed to the Sugaw Creek location because of the expense to put the Center into operation and the site would tend to create seepage. He stated further that an idea has been presented today by Councilman Dellinger that would be acceptable to the entire Committee.

Councilman Dellinger stated the Committee has worked long and hard and should be commended for their efforts. That he has found that the City owns three lots on East Fourth Street beginning at the corner of East 4th Street and Davidson Street and has a lease on the adjoining lot, with option to purchase at \$14,000. He stated that the total area of the four lots is 19,444 square feet. Mr. Dellinger stated he thinks this property is more accessible than others recommended and could be utilized for the Health Center. He moved that the Health Center be located on this property and the City Manager be instructed to have the architects proceed with the plans for the Center. The motion was seconded by Councilwoman Evans, and unanimously carried.

PURCHASE OF PROPERTY ON EAST FOURTH STREET FOR HEALTH CENTER AUTHORIZED PAID FROM BOND FUNDS.

Councilman Baxter suggested that the option on the East Fourth Street property for the Health Center be taken up from Bond Funds. Councilman Alba moved that the recommendation be accepted, which was seconded by Councilman Baxter, and unanimously carried.

TEMPORARY SIDEWALKS AUTHORIZED CONSTRUCTED ON PORTIONS OF POINDEXTER DRIVE AND SEDGEFIELD ROAD TO SEDGEFIELD JR. HIGH SCHOOL PROPERTY.

Councilwoman Evans moved that temporary sidewalks be provided along Poindexter Drive, running west from Avondale on both sides of Blocks 1000, 900 and 800, and along Sedgfield Road, running north, in block 800 on both sides, and on into the Sedgfield Junior High School grounds, and that \$3,100.00 be transferred from the Emergency Fund Code 110, to Street Department, Code 1513-Sidewalks. The motion was seconded by Councilman Brown, and unanimously carried.

PURCHASE OF RIGHT-OF-WAY ON LYNDHURST AVENUE FROM W. W. HANKS AND WIFE AND MARY L. SADLER FOR STREET AND SIDEWALK PURPOSES, AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, the purchase of right-of-way on Lyndhurst Avenue, for street and sidewalk purposes, was authorized from W. W. Hanks and wife, and Mary L. Sadler, for the total sum of \$800.00.

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SUPPLEMENTARY CONTRACT AUTHORIZED WITH ERVIN CONSTRUCTION COMPANY FOR INSTALLATION OF ADDITIONAL WATER MAINS AND HYDRANTS IN PORTION OF EASTWAY PARK.

Motion was made by Councilman Brown, seconded by Councilman Smith, and unanimously carried, authorizing supplementary contract with Ervin Construction Company, for the installation of 9,115 feet of water mains and 8 hydrants in a portion of Eastway Park, to serve residential property, at an estimated cost of \$26,000.00. All costs to be paid by applicant, who will own the mains until the territory is taken into the city.

CONSTRUCTION OF DRIVEWAY ENTRANCES AT 2528 SOUTH TRYON STREET AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Smith, and unanimously carried, the construction of two 30-foot driveway entrances at 2528 South Tryon Street were authorized.

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR IMPROVEMENTS TO MCDONALD AVENUE.

Councilman Smith moved the award of contract to the low bidder, Crowder Construction Company, for street improvements to McDonald Avenue, all as specified, on a unit price basis, representing a total price of \$55,498.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED CRANE COMPANY FOR BRASS FITTINGS FOR WATER DEPARTMENT.

Councilman Smith moved that contract be awarded the low bidder, Crane Company, for 1,761 - 3/4", 1", 1 1/4", 1 1/2" and 2" Brass 45 degree Couplings complete with fibre gaskets. 2,448 - 3/4", 1", 1 1/4", 1 1/2" and 2" Corporation Stops. 500 - 2 x 3/4" Service Clamps and 236 - 1" and 1 1/2" Curb Stops, all as specified, representing a total price of \$9,060.56, subject to cash discount of \$181.21, or a net delivered price of \$8,879.35. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED FEDERAL SIGN & SIGNAL CORPORATION FOR SIREN FOR CIVIL DEFENSE.

Upon motion of Councilman Dellinger, seconded by Councilwoman Evans, and unanimously carried, contract was awarded Federal Sign & Signal Corporation for One Siren, two-tone, 220 volt, 3 phase, in strict accordance with FCDA specifications 103, Type IV Component, 125 D.B. output, complete with remote control panel, Model No. 500-DHIT, same as furnished the City of Charlotte last year, at a total net delivered price of \$1,650.00.

TRANSFER OF CEMETERY LOTS.

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

- (a) Deed with Mrs. A. L. Daniels, for Graves #1 and #2, Lot 107, Section 3, Evergreen Cemetery, at \$80.00.
- (b) Deed with Mrs. Louise J. Morrow, for Lot 145, Section 4-A, Evergreen Cemetery, at \$126.00.
- (c) Deed with K. E. Burleson and wife, for Lot 304, Section 3, Evergreen Cemetery, at \$189.00.
- (d) Deed with J. E. Willson, Jr. and wife and son, Will, for Lot 330, Section 3, Evergreen Cemetery, at \$189.00.

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PROPOSAL OF J. N. PEASE & COMPANY FOR PREPARATION OF PLANS FOR AIR
CONDITIONING CITY HALL GROUP BUILDINGS ACCEPTED.

Motion was made by Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, that the proposal of J. N. Pease and Company addressed to Mr. J. L. Greenlee, Building Superintendent, under date of October 22, 1956 covering the preparation of plans for air conditioning the City Hall Group Buildings be accepted, as recommended by the City Manager.

REPORT OF CITY MANAGER ON FINANCIAL NEEDS OF CITY FOR IMPROVEMENTS.

Mr. Yancey, City Manager, submitted copies of report concerning the financial needs of the City which was requested on August 8th.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk