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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, October 27, 1954, at 4 o'clock p.m., with Mayor pro tem Smith presiding, and Councilmen Albea, Baxter, Boyd, Brown, Dellinger and Wilkinson present.

Absent: Mayor Van Every.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

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

ORDINANCE NO. 239 AMENDING ZONING ORDINANCE CHANGING BUILDING ZONE MAP FROM R-1 TO B-1 ON PROPERTY OF DWIGHT L. PHILLIPS ON INDEPENDENCE BOULEVARD.

The advertised hearing was held in connection with the petition of Mr. Dwight Phillips for the reclassification of his property on Independence Boulevard, between Briar Creek and Wasena Street, which was denied by the Board of Adjustment. At the invitation of Mayor pro tem Smith, opposition to the change was presented by Mr. J. K. McMahan, 2441 Shenandoah Avenue, as spokesman for a large delegation of residents of the area. He presented a petition, bearing the signatures of 200 property owners within the area, protesting the change on the basis that the request is not in the interest or general welfare of the public and is based on private gain; that the health, comfort and safety of the residents of Chantilly will be adversely affected by noise, smoke, increased traffic and disturbances and the lowering of property values approximately 50%; that their homes were purchased with the understanding that the property was restricted to residential purposes; that the residents have easy access to two shopping centers not over six blocks away, and the increased traffic will be hazardous to school children. Mr. McMahan urged that the Council not change the ruling of the Zoning Board in denying the request.

Mrs. E. F. Layman and Mr. J. B. Breem, residents of the 2500 block of Chesterfield Avenue, Mr. R. K. Edwards, 2300 Chesterfield Avenue, each voiced strong opposition to the proposed change in zoning.

Mr. Dwight Phillips stated when he developed the Chantilly section he should have included a shopping center, as is advocated by the F.H.A. and similar governmental housing agencies in so large a residential area. As it is at present, residents of the area must go from one to two miles to the Central Avenue shopping area, many of whom must walk or depend on a 30-minute bus schedule. That after his petition was denied by the Zoning Board, he had a house-to-house canvass made to see if the residents actually desired such a center, which resulted in 709 families signing individual petitions urging the opening of the center at the location proposed by him. These petitions were filed by Mr. Phillips with the Council. He stated further that the petition presented the Zoning Board by the opposition carried 180 names, representing only 90 families. Mr. Phillips presented a map of the area, showing the location of the proposed center, which he stated was not suitable for residential purposes. He advised that approximately \$400,000.00 would be spent on the construction of the center, including an off-street parking area sufficient to take care of all cars using the center, which would provide employment to a large number of persons now unemployed. He stated that a minute check of the 100-ft. perimeter area of the area in question was made and only one person expressed objections to the construction of the center, and he offered to purchase the property of this person if he wished to sell. Letters from the residents of the perimeter area were filed with the Council. A large delegation of residents of the area was present in behalf of the proposal, and approval was voiced by Mrs. Dave Hood, Mrs. Jackson, Mr. and Mrs. Kelly, Mrs. Crowder, Mr. Richardson and Mrs. Tatum.

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Councilman Albea asked Mr. Phillips if he presented the petitions signed by the 709 families to the Zoning Board when his request was presented and denied. Mr. Phillips replied that he did not do so as he felt such a Center would be welcomed by the residents, and he was, in fact, quite busy at the time and did not go into the matter to that extent. Councilman Albea expressed the opinion that the matter should be reviewed by the Board.

Councilman Boyd stated he appreciates the position of the residents opposing the proposition, but in view of the fact that it appears that the majority of those interested and concerned in the matter are in favor of the proposal, he moved that the Zoning Ordinance be amended to change the Building Zone Map from R-1 to B-1 covering the description of the property as surveyed. The motion was seconded by Councilman Brown, and carried, with the votes cast as follows:

YEAS: Councilmen Boyd, Baxter, Brown, Dellinger and Wilkinson.

NAYS: Councilman Albea.

REQUEST THAT PROVIDENCE ROAD WIDENING BE LIMITED TO 40-FEET, RECEIVED AS INFORMATION.

Mr. Henry Harkey was spokesman for a large delegation of residents of the Providence Road area who were present in connection with the proposed widening of Providence Road. Mr. Harkey stated he had a petition signed by 1,000 persons opposing the widening of Providence Road from Queens Road to Scotland Avenue by the City 45-feet and to 78-feet beyond Briar Creek by the State Highway Commission. He asked that the Council revise its plan to reduce the widening to 40-feet and to urge the Highway Commission not to proceed with their 78-foot proposal. He also asked that the 17 families residing between Scotland Avenue and the city limits at Wendover Road be considered and the 40-ft. width be extended over this area, instead of allowing the Highway Commission to flange out to the proposed 78-foot width. He stated they had presented their request to the Mecklenburg County Commissioners, the State Highway Commission, and everyone else connected with the project, and would continue to do so until all contacts are exhausted, to prevent the widening to the 78-feet. He stated that the Charlotte Realtors and both Charlotte newspapers have stated that the 78-foot width is folly and will change the character of this top residential section by creating an express highway. He stated it is within the power of the Council to determine the width of its streets and the fact that the street will have four lanes is sufficient to satisfy the City's commitment with the State Highway Commission. He stated further that Washington authorities have advised that it is not true that the State Highway Commission must make the thoroughfare 78-feet wide in order that federal funds be made available, that the Federal Government will match dollar for dollar so long as the roadway is of a 4-lane width.

Mr. Yancey, City Manager, asked how the residents would benefit from reducing the width from 45-ft. to 40-ft. when the wider roadway would provide safer passage of cars? Mr. Harkey replied they just could not see any reason for the extra five foot in width.

Councilman Brown pointed out that the Chairman of the State Highway Commission has asked for the 45-foot width inside the city limits. Councilman Boyd stated that the Council wishes to cooperate with the residents and would like to hold the width to 40-ft. however the resolution adopted by the Council on October 13th, stated that the City would widen the roadway to a width of 45-feet and this information has been forwarded to the State Highway Commission and to Washington.

Mr. Harkey stated the residents had no objections to the City limiting parking on Providence Road, but they did ask that the road be restricted to heavy trucks.

Councilman Albea moved that the requests be received as information and kept on file for future reference. The motion was seconded by Councilman Dellinger, and unanimously carried.

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At the request of Mr. Harkey, Councilman Dellinger moved that the Council go on record that the City will begin no construction in the widening of Providence Road from Queens Road to the City limits without first hearing in an open meeting the Citizens Committee of residents of the area. The motion was seconded by Councilman Brown, and unanimously carried.

APPOINTMENT OF COMMITTEE TO INVESTIGATE THE COMIC BOOK SITUATION AND RECOMMEND COURSE OF ACTION TO THE COUNCIL IF FOUND NEEDED.

Mr. DeWitt Brown, owner of Dixie News Company, appeared before Council stating he understood from the press that the appointment of a committee to investigate the local comic book situation was contemplated by the Council. He stated that a Comic Magazine Association has been formed by 90 percent of all comic magazine publishers to develop a code of ethics for the elimination of horror and sex comics, which have been exploited by the remaining 5 percent of the industry. That the organization of a local committee would only be a duplication of the work that will be done by the Association. That he believes that by January, 1955, more than 90 percent of these magazines will bear the seal of approval of the association and the remaining will be forced out of business. He stated he would cooperate fully with the Council in eliminating from the local newsstands objectionable magazines.

Councilman Albea stated that he is not trying to hurt the business of Mr. Brown's company nor that of anyone else, however he thinks it is timely that a committee look into the matter, the same as is being done in a large number of cities.

Mrs. J. B. Bowman, Chairman of the Public Affairs Committee of the Charlotte Woman's Club was present and stated they wished to offer their services to the City in an endeavor to rid the newsstands of objectionable comic books.

Councilman Albea moved the appointment of a committee composed of three residents of Charlotte to determine whether obscene or sordid comic books are being distributed here, and if so to recommend a course of action to the City Council. He submitted the names of Mrs. J. B. Bowman, Dr. Warner Hall and Judge Willard Gatling as the committee. The motion was seconded by Councilman Brown, and unanimously carried.

REQUEST FOR REDUCTION IN STREET ASSESSMENT AGAINST PROPERTY OF MRS. CARRIE MARSHALL GALLOWAY, REFERRED TO CITY MANAGER AND CITY ATTORNEY FOR RECOMMENDATION.

Mr. G. G. Galloway appeared before Council, stating that when Stonewall Street was opened, four or five feet of the yard of the property of his wife, Mrs. Carrie Marshall Galloway, was needed in the widening program, for which she was paid \$400.00 by the City. That with the completion of the street, her lot was left four feet above the street level, which will have to be corrected at a cost of approximately \$2,000.00. However on October 4th, he received from the City notice of an assessment in the amount of \$2,181.34 for the improvement to the property, which they feel is excessive and they request that the assessment be reduced to \$1,000.00.

Councilman Boyd moved that the matter be referred to the City Manager and City Attorney for investigation and recommendation to the Council. The motion was seconded by Councilman Dellinger, and unanimously carried.

APPOINTMENT OF ADDITIONAL MEMBERS TO COMMITTEE TO STUDY AND REPORT RELATIVE TO REQUEST OF CANNON AIRCRAFT COMPANY TO LOCATE BASE OPERATION AT MUNICIPAL AIRPORT.

Councilman Wilkinson moved that Mr. Earl Thompson, Al London and Ben Huntley be appointed to the Committee to study the request of Cannon Aircraft Company to locate its base operation at Douglas Municipal Airport, and that Mr. Albert Gotch of Gotch & Crawford, Washington, D. C. be employed at a price not to exceed \$200.00, to give the Council a recommendation on the situation. The motion was seconded by Councilman Brown, and unanimously carried.

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RESOLUTION CONVEYING STONEWALL STREET PROPERTY TO T. M. BRYAN AND WIFE PURSUANT TO ORDER OF SUPERIOR COURT OF MECKLENBURG COUNTY.

A resolution entitled: "Resolution Conveying Stonewall Street Property to T. M. Bryan and Wife Pursuant to Order of Superior Court of Mecklenburg County", was introduced and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 250.

CONFIRMATION OF SALE OF PROPERTY ON STATESVILLE ROAD TO KNOX R. CARRAWAY, JR.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, the sale of property on the old and new Statesville Road at public auction on October 4, 1954, to Mr. Knox R. Carraway, Jr., at the high bid of \$2,500.00, was confirmed.

RESOLUTION WITH RESPECT TO TRAFFIC CONGESTION CAUSED BY TRAINS OF SOUTHERN RAILWAY ON EAST SIDE OF CHARLOTTE, IN CONNECTION WITH CONSTRUCTION OF RAILWAY CROSSLINE FROM COLUMBIA DIVISION TO MAINLINE OF SOUTHERN RAILWAY.

A resolution entitled: "Resolution with Respect to Traffic Congestion Caused by Trains of Southern Railway on East Side of Charlotte, In Connection with Construction of Railway Crossline From Columbia Division To Mainline Of Southern Railway", was introduced and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Baxter, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 251.

RESOLUTION AMENDING RESOLUTION WITH RESPECT TO THE CITY'S COST IN GRADE CROSSING ELIMINATION PROGRAM.

A resolution entitled: "Resolution Amending Resolution With Respect To The City's Cost in Grade Crossing Elimination Program", was introduced and read. Upon motion of Councilman Baxter, seconded by Councilman Dellinger, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 252.

CONTRACT WITH N. C. STATE BOARD OF HEALTH COVERING PUBLIC HEALTH ACTIVITIES IN CHARLOTTE FOR FISCAL YEAR 1954-55.

Councilman Baxter moved that the Mayor and City Clerk be authorized to execute a contract with the N. C. State Board of Health covering public health activities in the City of Charlotte for the fiscal year 1954-55. The motion was seconded by Councilman Dellinger, and unanimously carried.

PLAT OF PORTION OF PHARR PROPERTY SUBDIVISION APPROVED.

Councilman Baxter moved approval of the Plat of a Portion of the Pharr Property Subdivision, as recommended by the Planning Board. The motion was seconded by Councilman Dellinger, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

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

- (a) Irby Drive, from Westfield Road to Jameston Drive.
- (b) Jameston Drive, from Westfield Road to Irby Drive.
- (c) Boyd Street, from Anderson Street 220 feet south.
- (d) Placid Place, from Fieldwood Road to dead-end.
- (e) Fieldwood Road, from Meadow Brook Road to end of present maintenance.
- (f) Meadow Brook Road, from end of present maintenance to Fieldwood Road,

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RIGHT-OF-WAY AGREEMENT WITH STATE HIGHWAY COMMISSION AUTHORIZED CO-SIGNED BY CITY WITH D. E. ALLEN FOR CONSTRUCTION OF WATER MAINS IN POTTERS ROAD AND PURSER DRIVE.

Councilman Boyd moved that the Mayor and City Clerk be authorized to co-sign an agreement between The State Highway Commission and D. E. Allen, for the installation and maintenance of water mains in Potters Road and Purser Drive, outside the city limits. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT WITH N. G. SPEIR FOR CONSTRUCTION OF WATER MAINS IN CEDAR PARK.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, approving contract with N. G. Speir for the construction of 600 ft. of water mains and a fire hydrant in Cedar Park, to serve 10 residential lots, at an estimated cost of \$1,740.00. The City to finance all costs, and applicant to guarantee a gross annual water revenue equal to 10% of the costs.

CONSTRUCTION OF SANITARY SEWER LINES IN DEXTER STREET, INDEPENDENCE BOULEVARD AND WALNUT AVENUE AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Brown, and unanimously carried, the construction of sanitary sewer lines at the following locations was authorized:

- (a) Construction of 365-ft. of lines in Dexter Street, at an estimated cost of \$830.00, to serve 5 vacant lots, at request of N. G. Speir. All costs to be borne by the City and applicant's deposit of the full amount to be refunded as per terms of the contract.
- (b) Construction of 1,315-ft. of lines in Independence Boulevard West, at an estimated cost of \$5,560.00, to serve properties before paving by State Highway Commission, at request of City Engineer. All cost to be borne by the City.
- (c) Construction of 1,365-ft. of lines in Independence Boulevard West, at an estimated cost of \$5,680.00, to serve properties before paving by the State Highway Commission, at request of City Engineer. All costs to be borne by the City.
- (d) Construction of 480-ft. of lines in Walnut Street, at an estimated cost of \$1,670.00, to serve properties before paving by the State Highway Commission, at request of City Engineer. All costs to be borne by the City.

CONTRACT AWARDED L. O. CHAPMAN, INC. FOR INSTALLATION OF AIR DIFFUSION EQUIPMENT IN IRWIN CREEK SEWAGE TREATMENT PLANT.

Councilman Wilkinson moved that contract be awarded the low bidder, L. O. Chapman, Inc., for the installation of Air Diffusion Equipment in the Irwin Creek Sewage Treatment Plant, at their Alternate Bid price of \$71,775.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONTRACT AWARDED CREECH MOTORCYCLE COMPANY FOR THREE MOTORCYCLE UNITS.

Motion was made by Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, awarding contract to Creech Motorcycle Company for Two Motorcycles, solo, complete as specified and One 3-wheel Servi-Car, complete as specified, at a total net exchanged delivered price of \$4,831.20.

CONTRACT AWARDED DEWEY BROS. INC. FOR CAST IRON VALVE BOXES.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and unanimously carried, contract was awarded Dewey Bros. Inc. for 100 No. 1 and 100 No. 2 Valve Boxes, complete, as specified, at a total price of \$1,085.00, less 1% cash discount, or a net delivered price of \$1,074.15.

CONTRACT AWARDED CONCRETE PRODUCTS COMPANY FOR METER BOXES WITH COVERS.

Councilman Baxter moved that contract be awarded Concrete Products Company for 1,000 Concrete Meter Boxes with covers, City of Charlotte standard pattern, as specified, on a unit price basis of \$4.40 each, representing a total price of \$4,400.00, subject to 1% cash discount. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Brown, and unanimously carried, authorizing the construction of driveway entrances at the following locations:

- (a) One 9-ft. driveway at 907 East 7th Street.
- (b) One 20-ft. and One 35-ft. driveway at 2400 N. Tryon Street.
- (c) One 30-ft. driveway at 213 Kingston Avenue.
- (d) One 20-ft. driveway at 728 North Brevard Street.
- (e) One 20-ft. driveway at 801 North Brevard Street.
- (f) Two 30-ft. driveways on Rozzell's Ferry Road and Three 30-ft. driveways on Woodland Avenue, for 1924 Rozzell's Ferry Road.

QUARTERLY REPORT OF UNFIT HOUSING PROGRAM.

The City Manager submitted the following Quarterly Report of the Unfit Housing Program:

Number of Housing Units brought up to Standard	114
Number of Property Owners cited for Hearings	15
Number of Housing Units Condemned	26
Number of Bathing Facilities Installed	97
Number of Housing Units Demolished	45

Progress since the beginning of the Program in August of 1948:

Number of Houses Brought up to Standard to Date	10,286
Number of Houses Demolished to Date	1,337

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Baxter, seconded by Councilman Albea, 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. Dorothy H. Hagler, for Lot 51, Section 2, Evergreen Cemetery, at \$240.00.
- (b) Deed with Mrs. Mary C. Cook, for Graves #1 and 2, Lot 112, Section 3, Evergreen Cemetery, at \$80.00.
- (c) Deed with Mrs. G. V. Hanna, Jr. for Lot 95, Section 3, Evergreen Cemetery, at \$160.00.
- (d) Deed with Arthur M. Jenkins, for northwest part of Lot 187, Section 3, Evergreen Cemetery, at \$177.60.
- (e) Deed with S. K. McAfee, for southwest part of Lot 187, Section 3, Evergreen Cemetery, at \$133.20.
- (f) Duplicate deed with Frank Tinnen, for southeast quarter of Lot 126, in Section "Johnston Annex", Pinewood Cemetery, at \$1.00 for deed.
- (g) Deed with Uhlman S. Alexander, Executor of Estate of Mrs. Theora E. Howard, for perpetual care on Lot 88, Section "U", Elmwood Cemetery, at \$36.40.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk