

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Wednesday, February 14, 1951, at 11 o'clock a.m., with Mayor Shaw presiding, and Councilmen Aitken, Albea, Boyd, Daughtry, Jordan and Wilkinson present.

Absent: Councilman Coddington.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the minutes of the last meeting were approved as submitted.

REQUEST OF J. A. GRIER FOR REVIEW OF REQUEST FOR REZONING PROPERTY AT NORTHWEST CORNER OF EAST BOULEVARD AND SCOTT AVENUE DEFERRED.

Mr. J. A. Grier requested the Council to review his request to the Zoning Board of Adjustment that his property at the northwest corner of East Boulevard and Scott Avenue be rezoned to permit the erection of a building on the rear of the lot, which was not granted by the Board because the proposed construction did not meet the requirement of Section V, Business-1 District, Sub-section (E) Rear Yards, of the zoning regulations, i.e. "on every lot in a Business-1 district, there shall be a rear yard having a depth of not less than 20 feet". Mr. Grier explained the details of the proposed construction and the area of the property, which will not permit the required rear yard due to a retaining wall on the property.

Mr. Yancey, City Manager, suggested that inasmuch as Mr. Grier does not contemplate the immediate erection of the building, that he wait until the amendments to the Zoning Ordinance are adopted, which are at present under consideration of the Council, and that since the intent of the section of the regulations in question was that it apply to residential property in a business area only, that the ordinance be amended by adding to the said section that "this section shall not apply to business buildings but only to residences constructed in a business area".

Mr. Grier was agreeable to the suggestion.

RELOCATION OF DRAINAGE DITCH ON CITY PROPERTY ON TREMONT AVENUE PROTESTED BY RESIDENT.

Mrs. G. N. Likas stated that the City is relocating the drainage ditch on its property adjacent to her residence at 520 Tremont Avenue in such manner that the ditch will be only five feet from her property line and the drainage from the ditch will cause a cave in of her property. She urged that the work be stopped and a pipe be laid in the ditch to prevent the destruction of her property. Mayor Shaw stated that the work is being done in order to correct a bad drainage condition and the site was viewed last week by Councilmen Aitken and Wilkinson. Councilman Jordan recommended that the two Councilmen again investigate the situation and report to Council, which was concurred in by Councilmen Aitken and Wilkinson.

PROTEST OF SHUTTLE BUS SERVICE ON CENTRAL AVENUE AND REQUEST THAT IT BE EXTENDED FROM THE CITY LIMITS TO PECAN AVENUE.

Mrs. L. B. Andrews and a delegation of seven members of the Merry Oaks Civic Club appeared before Council in protest of the refusal of Duke Power Company to provide regular bus service on Central Avenue to the city limits. Mrs. E. I. Porter, Secretary of the Club, read a letter from the organization in which it was stated that the shuttle bus that the Power Company will operate for a period of 60 days on a trial basis is inadequate, and both they and the Power Company Officials know that it will not produce sufficient revenue to justify its existence, nor will it provide the needed service to school children nor to the citizens in that it will make round

trips over the two miles for only two hours in the early morning and three hours in the late afternoon; further, that it will not give direct service to the center of the city, as the connecting lines make round-about tours before getting to the center of town. That after the 60-days trial period the bus will be discontinued and they will again be without any service. That a news article in August 1949 quoted Mr. Robert Lassiter, Representative to the State Legislature, as stating that the Bus Act of 1949 gives municipal governments authority to order extensions, and, in his opinion that private citizens can take controversies over bus service to the Commission for a final ruling.

Mayor Shaw explained to the delegation that the city officials have made every possible effort to secure adequate bus service for their area of the city; that the Duke Power Company in conference with the Council on February 12th plainly stated that if any one route was litigated then all routes must be; therefore, in order that other areas of the city not be deprived of approved bus service that he had urged the Council to accept the services which were approved by the Power Company. That Councilman Daughtry then made the plea to the Company for the shuttle bus on Central Avenue and Duke Power Company consented on a trial basis. He further stated there is a Bill before the Legislature asking that bus service be provided for city school children living one mile from school. He suggested that the Club members should interest themselves in securing support of this Bill.

Councilman Boyd stated that the entire Council had fought hard for this particular route and they could not afford to lose all other routes for the citizens, and, therefore, accepted the shuttle bus. He urged that the residents of the area use the shuttle bus during the 60 days trial period, and if they would do so and proved that the service was justified, then he, personally, would go before Duke Power Company and fight for a regular bus schedule.

Mrs. Andrews stated that Duke Power Company already knows they need regular, adequate service, and they are not pleased to be the only section of the city with shuttle bus service; that their only means of securing the needed service is to take the matter to the Utilities Commission. She further stated that the Planning Board and City Manager should get together and work out an arrangement whereby the streets within their area could be paved, as it is at present next to impossible to get from their residences to the bus line.

Mrs. Margaret Snyder of Draper Avenue asked if the shuttle bus cannot be extended from the City Limits to Pecan Avenue where it would connect with three busses with more direct lines into the uptown area, rather than from the City Limits to Club Road, as proposed, where it will connect with only the Midwood and Morningside Busses. She stated it would reduce the time of getting to the uptown area by twenty minutes.

The Council concurred in requesting the Duke Power Company to so operate the shuttle bus during the trial period and the City Manager was requested to convey the request to the Power Company Officials.

UNANIMOUS CONSENT GIVEN PRESENTATION OF UNDOCKETED ITEMS.

Upon motion of Councilman Wilkinson, seconded by Councilman Aitken, the unanimous consent of Council was given the City Manager to present for consideration the following undocketed items.

PLAT OF SUBDIVISION OR PORTION OF HARKEY BROS. PROPERTY AT HARRIS ROAD AND OEHLER LANE APPROVED.

Motion was made by Councilman Wilkinson, seconded by Councilman Aitken, and unanimously carried, approving the plat of Subdivision of portion of Harkey Bros. Property at the intersection of Harris Road and Oehler Lane, being developed by Mack Sanders, Inc., and approved by the Planning Board.

RESOLUTION PROVIDING FOR INSTALLMENT PAYMENT OF ASSESSMENTS UNDER SECTION 51 OF THE CHARTER OF THE CITY OF CHARLOTTE WHERE SUCH ASSESSMENTS ARE ASSESSED WITHOUT PETITION FROM PROPERTY ABUTTING PROPERTY OWNERS.

A resolution entitled, "Resolution Providing for Installment Payments of Assessments under Section 51 of the Charter of the City of Charlotte Where Such Assessments are Assessed without Petition from Property Abutting Property Owners", was presented and read, and upon motion of Councilman Boyd, seconded by Councilman Jordan, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Page 365.

COUNCILMEN BOYD AND WILKINSON LEFT MEETING AT THIS TIME.

Councilmen Boyd and Wilkinson left the meeting at this time and were not present for the remainder of the session.

RESOLUTION WITH RESPECT TO THE ACQUISITION OF LANDS FOR THE EXTENSION OF THE CITY'S SEWER SYSTEM NEAR CAROLYN DRIVE.

A resolution entitled, "Resolution with Respect to the Acquisition of Lands for the Extension of the City's Sewer System near Carolyn Drive", was presented and read, and upon motion of Councilman Aitken, seconded by Councilman Albea, was unanimously adopted. Resolution is recorded in full in Resolutions Book 1, at Pages 366-367.

LEASE APPROVED WITH C.A.A. COVERING SETTING ANTENNAE POLES ON AIRPORT PROPERTY.

Councilman Albea moved that the lease with the Civil Aeronautics Administration covering the setting of antennae poles on the property of Douglas Municipal Airport be renewed for period from July 1, 1951 to June 30, 1952, at \$1.00 per annum, as requested. Motion was seconded by Councilman Aitken, and unanimously carried.

DEED OF SMALL TRACT OF LAND ON PARK DRIVE FROM PARK & RECREATION COMMISSION TO BOARD OF SCHOOL COMMISSIONERS APPROVED.

Councilman Aitken moved that the Mayor and City Clerk be authorized to execute a deed for the transfer of a small tract of land on Park Drive from the Park & Recreation Commission to the Board of City School Commissioners. Motion was seconded by Councilman Daughtry, and unanimously carried.

TRANSFER OF \$975.00 FROM EMERGENCY FUND TO RADIO DIVISION.

Upon motion of Councilman Daughtry, seconded by Councilman Albea, and unanimously carried, the transfer of \$975.00 was authorized from the Emergency Fund (Code 110) to the Radio Division, Parts & Supplies Account (Code 403-C-18).

BRANCH STREET FROM BURTON STREET 300 FEET WEST TAKEN OVER FOR LIMITED MAINTENANCE.

Motion was made by Councilman Albea, seconded by Councilman Jordan, and unanimously carried, authorizing that Branch Street from Burton Street 300 Feet West be taken over for limited maintenance.

NAME OF LANIER AVENUE CHANGED TO LUMINA AVENUE.

Upon motion of Councilman Albea, seconded by Councilman Aitken, and unanimously carried, the name of Lanier Avenue was changed to Lumina Avenue, as recommended by the City Engineer and Planning Board, due to the duplication of street names.

PURCHASE OF COPPER TUBING FROM BLYTHE BROS. COMPANY.

Motion was made by Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, authorizing the purchase of 5,000 feet of 3/4 inch Copper Tubing from Blythe Bros. Company, at a net delivered price of \$1,750.00.

SUPPLEMENTARY CONTRACT WITH R. J. TODD FOR ADDITIONAL WORK IN SANITARY SEWER CONSTRUCTION IN BROOKHILL VILLAGE PROJECT.

Councilman Albea moved approval of a supplementary contract with R. J. Todd for additional work in sanitary sewer construction on the Brookhill Village Project, on a unit price basis, in accordance with the original contract dated December 13, 1950, representing a supplementary contract in the amount of \$2,510.86. Motion was seconded by Councilman Aitken, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

Upon motion of Councilman Daughtry, seconded by Councilman Jordan, and unanimously carried, the construction of the following driveway entrances was authorized:

- (a) One 12-ft. driveway at 611 Hempstead Place.
- (b) One 18-ft. driveway on Palmer Street for 1131 South Mint St.
- (c) One 12-ft. driveway at 1632 Sterling Road.
- (d) One 12-ft. driveway at 221 South Cecil Street.
- (e) One 30-ft. driveway at 1958 East Seventh Street.
- (f) Two 30-ft. driveways on Berrghill Road and two 30-ft. driveways on New Thrift Road, for 2201 New Thrift Road, at request of Esso Oil Company.

ORDINANCE AMENDING THE ZONING ORDINANCE DEFERRED.

Upon motion of Councilman Aitken, seconded by Councilman Albea, and unanimously carried, action on the ordinance amending the Zoning Ordinance was deferred.

RESOLUTION OPPOSING FEDERAL TAXATION OF BONDS ADOPTED.

A resolution entitled, "Resolution Opposing Federal Taxation of Bonds" was introduced and read. Councilman Jordan moved the adoption of the resolution, which was seconded by Councilman Aitken, and unanimously carried. The Resolution is recorded in full in Resolutions Book 1, at Page 368.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Aitken, and unanimously carried, the meeting was adjourned.

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City Clerk