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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, February 25, 1953, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Dellinger and Van Every present.

Absent: Councilman Coddington.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the minutes of the last meeting on February 18th were approved as submitted.

ORDINANCE (NO. 169) TO AMEND THE ZONING ORDINANCE TO CHANGE THE ZONING ON PROPERTY AT NORTHWEST CORNER OF TIPPAAH AVENUE AND KENSINGTON DRIVE DENIED.

The scheduled hearing was held relative to a proposed ordinance to amend the Zoning Ordinance to change from R-1 to R-2 zone on properties at the northwest corner of Tippah Avenue and Kensington Drive, upon petition of Mr. A. H. Starnes, 1837 Kensington Avenue.

The City Manager presented a petition, signed by twenty-six residents of the 1700 block of Tippah Avenue, requesting that the requested change in zoning be disapproved. That their properties were purchased with the understanding and belief that they were protected by restrictive covenants in the deeds, which clearly state that the land was to be used for single residences only. That if the change in zoning is approved and Mr. Starnes granted permission to construct duplex residences on the property they will suffer through depreciation in the values of their properties and an undesirable condition will arise from the construction of multiple residences on the property which fronts on a very narrow street.

Councilman Albea moved that the ordinance be denied. The motion was seconded by Councilman Dellinger, and unanimously carried.

ORDINANCE (NO. 170) TO AMEND THE ZONING ORDINANCE TO CHANGE THE ZONING ON PROPERTY ON NORTH SIDE OF NEW THRIFT ROAD WITHDRAWN BY PETITIONER, J.T. LANEY.

Mr. Yancey, City Manager, presented a letter from Mr. Francis O. Clarkson, Attorney for Mr. J. T. Laney, Camden, S. C., petitioner for the change in zoning on his property on the north side of New Thrift Road, for which a public hearing was scheduled for today, in which Mr. Clarkson advised that Mr. Laney requested that his petition be withdrawn at this time without prejudice to the rights of any person or persons concerned, to resubmit same at a later date should he desire to do so.

No one responded to the Mayor's invitation to express his views, either for or against the proposed zoning, whereupon Councilman Van Every moved that Mr. Laney be permitted to withdraw his petition. The motion was seconded by Councilman Albea, and unanimously carried.

ORDINANCE NO. 171 ADOPTED ANNEXING THREE TRACTS OF CITY SCHOOL PROPERTY TO CITY OF CHARLOTTE.

Pursuant to Notice in The Charlotte News on February 20, 1953, that at this meeting of the City Council consideration would be given the extension of the corporate limits by annexing thereto certain properties, as set forth, upon petition of the Board of School Commissioners of the City of Charlotte the ordinance entitled: "Ordinance No. 171 Extending the Corporate Limits of the City of Charlotte by Annexing thereto a 50-acre

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tract of land being the site for the new West Charlotte High School, a 22-acre tract being the site of the new Barringer Elementary School, and a 46-acre tract being the site for the new Eastway Drive Junior High School", was introduced and read.

No objections were expressed to the proposed annexation. Whereupon, Councilman Van Every moved the adoption of the ordinance, which motion was seconded by Councilman Albea, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Pages 291-292.

ORDINANCE NO. 172 ADOPTED ANNEXING 31-ACRE TRACT OF LAND IN BERRYHILL TOWNSHIP TO THE CORPORATE LIMITS OF CHARLOTTE UPON PETITION OF MARSH REALTY COMPANY.

The hearing, as advertised in the Charlotte News on February 20, 1953, was held in connection with the petition of Marsh Realty Company for the annexation of a 31-acre tract of land in Berryhill Township, adjoining the property of the Board of School Commissioners for the City of Charlotte. The ordinance entitled: "Ordinance No. 172 Extending the Corporate Limits of the City of Charlotte by Annexing thereto Certain Property in Berryhill Township", was introduced and read.

There being no objections expressed to the proposed annexation, Councilman Van Every moved the adoption of the ordinance, which was seconded by Councilman Baxter and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Dablinger and Van Every.
NAY: Councilman Boyd.

The ordinance is recorded in full in Ordinance Book 11 at Page 293.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EAST BOULEVARD.

Pursuant to a Notice published in The Charlotte News on February 20, 1953, that the Council will consider at this meeting a resolution which will order that portion of East Boulevard as set forth, permanently improved, the resolution entitled: "Resolution Authorizing Permanent Improvements on East Boulevard", was introduced and read.

No objections were expressed to the proposed improvements; thereupon, Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Albea, and unanimously passed on its second reading. Resolution is recorded in full in Resolutions Book 2, at Page 59.

RESOLUTION APPOINTING APPRAISERS IN CONNECTION WITH PERMANENT IMPROVEMENT ON EAST BOULEVARD.

A resolution entitled: "Resolution Appointing Appraisers in Connection with Permanent Improvements on East Boulevard", was introduced and read, and upon motion of Councilman Van Every, seconded by Councilman Albea, was unanimously adopted. Resolution is recorded in full in Resolutions Book 2, at Page 61.

RESOLUTION REQUESTING DELEGATION TO LEGISLATURE TO APPROVE A PERIMETER ZONING ACT AND AN ACT RELATING TO THE RECORDING OF SUBDIVISION PLANS WITHIN THE DISTRICT SET UP IN SUCH PERIMETER ZONING ACT, AS SUBMITTED BY THE CHARLOTTE PLANNING BOARD.

Councilman Baxter introduced a resolution which was read, entitled: "Resolution Requesting the Hecklenburg Delegation in the 1953 General Assembly of North Carolina to approve a Perimeter Zoning Act as Submitted by the Planning Board of the City of Charlotte and also an Act Relating to the Recording of Subdivision Plans within the District set up in such Perimeter Zoning Act".

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Mr. W. S. Lupo, representing the Board of Directors of the Chamber of Commerce, appeared before Council and stated that the matter of perimeter zoning for Charlotte was discussed by the Board last week and their decision was that it was of vital importance to the City and to Mecklenburg County that proper zoning be established in the perimeter area of Charlotte to control the proper growth of the city, and the Board wishes to urge the City Council to endorse the program and the Act, submitted by the Planning Board, to be presented to the Legislature for enactment.

Mr. Frank Thies, member of the Charlotte Planning Board, urged the endorsement of the Act and stated that it is the thought of the Board that the Council will be doing a service to the City through the endorsement of the movement.

Councilman Boyd expressed opposition to perimeter zoning and stated he did not believe the Board of County Commissioners would be agreeable to the Act.

The Acts were then read as submitted by the Planning Board, entitled: "An Act to Extend the Planning and Zoning Powers of the City of Charlotte and Its Governing Body to a Described Territory Beyond and Surrounding the Corporate Limits of the City of Charlotte", and "An Act Relating to the Recording of Plats and Subdivisions of Property Lying within the City of Charlotte or the "Planning District" of the City of Charlotte".

Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Van Every, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Dellinger and Van Every.
NAY: Councilman Boyd.

The resolution is recorded in full in Resolutions Book 2, at Page 62.

REQUEST OF CHARLOTTE CRIME COMMISSION FOR FINANCIAL SUPPORT FOR A SURVEY OF LOCAL CRIME CONDITIONS TAKEN UNDER ADVISEMENT BY CITY COUNCIL.

Mr. H. Y. Alexander, member of the Charlotte Crime Commission appointed by the Mayor and Chairman of the Board of County Commission in September 1952, to make a comprehensive study of crime conditions and to report their findings and recommendations, appeared before Council, and advised that the Commission has made an extensive study and has available police records, charts and cost information as it relates to the City and County Governments realized from the upkeep of the dependents of criminals. He stated that the Commission feels that any good that can come from their activities must be in the preventative field, and they must develop additional information such as spot maps of the City; information on particular criminal cases for study; information from Agencies engaged in law enforcement and crime prevention work; information on criminal homicides; living conditions in highly concentrated crime areas; case study of murder cases; study of prostitution and organized crime, et cetera.

Mr. Alexander stated that the Commissioners do not have the time to carry on such a program and feel that it would be well worth the cost to the City and County to employ a competent person to make the survey. That the Commission estimates the cost at \$7,500.00 and the Executive Committee of the Commission asks that \$5,000.00 of this cost be appropriated by the City and \$2,500.00 by the County.

Councilman Boyd moved that the request for \$5,000.00 for the study be denied. He stated that he has discussed the work of the Commission with the Chief of Police, with men from the Sheriff's Department and members of the F.B.I., none of whom think that anything of value will be realized by the City and County from a thing of that kind. That he objected to the employment of another expert and another survey that would be of no value. His motion did not receive a second.

Mr. Yancey, City Manager, stated that the figures in the estimated cost should be reversed and the \$5,000.00 should be requested of the County government and the smaller amount of \$2,500.00 from the City of Charlotte, as the City will pay 80 percent of the total amount anyway.

Mr. Alexander was advised that the City's fiscal year ends on June 30th and the entire amount of the City's appropriation should not be included in this fiscal year. Mr. Alexander stated that he did not believe the Commission could employ anyone to make the study on a three-months commitment, but it would probably be best to wait until the beginning of the new fiscal year.

Councilman Baxter moved that the Council express its appreciation to Mr. Alexander for his report, and take the request under advisement and for further consideration when the City's annual budget is made. The motion was made by Councilman Dellinger, and unanimously carried.

TRANSFER OF FUNDS FROM WATER WORKS SHOP APPLICANCE ACCOUNT TO WATER DEPARTMENT CAPITAL OUTLAY ACCOUNT.

Councilman Albea moved that \$500.00 be transferred from the Water Works Shop, Capital Outlay, Office Appliance Account (Code 1610-G-14) to the Water Department Capital Outlay Account (Code 1601-G-14) for the purchase of a Calculating Machine for the Water Department Administrative Office. The motion was seconded by Councilman Van Every, and unanimously carried.

REMOVAL OF TREES AT 2110 RADCLIFFE AVENUE APPROVED.

Upon motion of Councilman Van Every, seconded by Councilman Dellinger and unanimously carried, permission was granted Mr. W. A. Richard to remove four trees from the planting strip at his residence at 2110 Radcliffe Avenue.

CONSTRUCTION OF SANITARY SEWER MAIN IN HARTFORD AVENUE APPROVED.

Councilman Albea moved approval of the construction of 979 feet of sanitary sewer mains in Hartford Avenue, at an estimated cost of \$3,000.00 to serve 5 family units and 14 vacant lots, with all costs to be borne by the City, and the deposit of \$2,000.00 by Mr. N. G. Spier to be refunded as per terms of the contract. The motion was seconded by Councilman Baxter, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

Upon motion of Councilman Van Every, seconded by Councilman Baxter and unanimously carried, the construction of driveway entrances at the following locations was approved;

- (a) One 10-ft. entrance at 1720 West 4th St.
- (b) One 30-ft. entrance at 1017 Elizabeth Avenue.
- (c) One 10-ft. entrance at 1218 East 5th St.
- (d) One 30-ft. and One 40-ft. entrance at 1425 N. Tryon St.
- (e) One 18-ft. entrance at 810 S. Tryon St.

CONTRACT FOR THE CONSTRUCTION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Van Every, seconded by Councilman Albea and unanimously carried, authorizing contracts for the construction of water mains at the following locations:

- (a) Contract with A. V. Blankenship for the construction of 6,500 feet of water mains in Providence Road, outside the city, at an estimated cost of \$27,625.00, to serve residential property abutting on Providence Road between Andover Road and Meadowbrook Lane. All cost to be borne by applicant who will own mains until territory taken into City.

- (b) Contract with Fred E. Stern and Ena Stern for the construction of 710 ft. of main and one hydrant in North Davidson Street and East 28th Street, inside the city limits, at an estimated cost of \$2,465.00, to serve industrial property abutting on E. 28th Street and N. Davidson Street. All costs to be financed by the City, and applicant to guarantee a gross annual water revenue equal to 10% of total cost.
- (c) Contract with Ridgewood Services, Inc., for the construction of 836 ft. of main in Ridgewood Subdivision, inside the city limits, at an estimated cost of \$1,963.00 to serve residential property in parts of the said Subdivision. All costs to be borne by the City, and applicant to guarantee a gross annual water revenue equal to 10% of said cost.
- (d) Contract with Ridgewood Services, Inc., for the construction of 3,390 ft. of mains in Ridgewood Subdivision, outside the city limits, at an estimated cost of \$7,730.00 to serve residential property in Ridgewood Subdivision. All costs to be borne by the applicant, who will own mains until territory is taken into the City.
- (e) Contract with John Grosland Company, for the construction of 10,565 ft. of water mains and 10 hydrants, in Colonial Village Subdivision, inside the city limits, at an estimated cost of \$24,100.00, to serve residential property. All cost to be borne by the City, and Applicant to guarantee a gross annual water revenue equal to 10% of total cost.

SPECIAL OFFICER PERMITS GRANTED W. A. McFARLAND AND J. C. HELMS FOR USE AT CITY CEMETERIES.

Councilman Van Every moved that Special Officer Permits be granted to Mr. W. A. McFarland and Mr. J. C. Helms for use on the premises of the City's cemeteries. The motion was seconded by Councilman Baxter, and unanimously carried.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mrs. Bannar Brown Armstrong, for the transfer of Lot 157 in Section Y, Elmwood Cemetery, from Mr. J. G. Johnston and wife, at a cost of \$1.00.

LEASE OF AIRPORT BUILDINGS CONCLUDED.

The City Manager reported that the lease of certain airport buildings have been concluded with the following concerns:

BUILDING NO.	LESSEE	MONTHLY RENTAL	DATE	TERM OF LEASE
89	E. Pat Hall	\$ 75.00	3-1-53	1 year renewal
356	Charlotte Flying Service	132.98	1-1-53	5 years renewal
283	Charlotte Flying Service	26.25	2-1-53	1 year
256	Winton Products Company	57.00	3-1-53	1 year renewal
100	Canada Dry Ginger Ale	20.00	3-1-53	1 year renewal
95	Spalding Used Cars	5.00	2-15-53	1 year

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CITY ATTORNEY ADVISES THAT CITY DOES NOT HAVE AUTHORITY TO INCLUDE IN ITS CONTRACTS THE PROVISION THAT LABORERS ON MUNICIPAL PROJECTS BE LOCAL RESIDENTS.

The City Manager reported that the request of the Charlotte Building & Construction Trade Council on February 11th that the City's contracts contain the provision that laborers on municipal projects shall be local residents, was referred to the City Attorney who has rendered an opinion that the City of Charlotte does not have the legal authority to insert such clause in its contracts.

SPECIAL OFFICER PERMIT AUTHORIZED ISSUED TO JAMES W. DIXON.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, a Special Officer Permit was authorized issued to James W. Dixon for use on the premises of Lance, Inc. as requested.

DISCARDED UNIFORMS AUTHORIZED SOLD TO HAWTHORNE LANE METHODIST CHURCH FOR INDIANS.

Councilman Van Every moved that the discarded Police and Fire Department uniforms be sold for \$1.00 to Hawthorne Lane Methodist Church for the Cherokee Indians as requested. The motion was seconded by Councilman Baxter, and unanimously carried.

RESOLUTION REQUESTING LEGISLATORS FROM MECKLENBURG COUNTY TO SUPPORT LEGISLATION WITH RESPECT TO THE PASSING OF MOTOR VEHICLES ON THE RIGHT IN TRAFFIC LANES.

The City Manager advised that the following Bill has been introduced in the State Legislature by the City of Durham, and Officials of that City have requested that the City Council request the Mecklenburg delegation to support the Bill:

A BILL TO BE ENTITLED "AN ACT AMENDING
G. S. 20-149 (a) RELATING TO PASSING
VEHICLES PROCEEDING IN THE SAME DIRECTION".

Section 1. That General Statutes 20-149 (a) be, and the same is hereby, amended by changing the period at the end of said subsection to a colon and after the colon adding the following words and figures, viz:

Provided, that this section shall not apply as to streets in cities and towns upon which local authorities have designated separate lanes for traffic and have clearly marked such lanes upon the surface of such street.

Section 2. All laws and clauses of law in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its ratification.

Councilman Baxter introduced a resolution entitled: "Resolution Requesting Legislators from Mecklenburg County to Support Legislation with Respect to the Passing of Motor Vehicles on the Right in Traffic Lanes". Following the reading thereof Councilman Baxter moved the adoption of the resolution, which was seconded by Councilman Van Every, and carried, with the votes cast as follows:

AYE: Councilmen Albea, Baxter, Dellinger and Van Every.
NAY: Councilman Boyd.

The resolution is recorded in full in Resolutions Book 2, at Page 64.

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RECOMMENDATION THAT COUNCIL REQUEST LEGISLATIVE DELEGATION TO PASS AN ACT PERMITTING THE CITY OF CHARLOTTE TO CHARGE NOT EXCEEDING \$35.00 PER TAXICAB FOR FRANCHISE FEE TO AID IN DEFRAYING THE EXPENSES OF THE TAXICAB INSPECTOR'S OFFICE.

The City Manager stated that the City Attorney has called to his attention by memorandum dated Feb. 12th that the average annual operating expense of the Taxicab Inspector's office is approximately \$5,764.88 and that this sum would amount to approximately \$35.00 per annum for each franchised taxicab in Charlotte. The City Attorney further recommended that the fact be brought to the attention of the City Council in order to ascertain whether it was the will of that Body to request the Mecklenburg representatives in the General Assembly to enact appropriate legislation for the levying of a tax not exceeding \$35.00 per taxicab for franchise fee to aid in defraying the expenses of the said Taxicab Inspector's office.

No action was taken by the Council on the matter, and it was later suggested that it be studied and discussed at a later date.

COUNCIL CONFERENCE ARRANGED FOR THE EVENING OF MARCH 3RD FOR DISCUSSION OF LEGISLATIVE MATTERS.

At the request of Councilman Boyd that a time be fixed for a conference with regard to matters to present to the Mecklenburg delegation to the General Assembly, it was decided that the meeting would be held on next Tuesday evening, March 3rd.

ADJOURNMENT IN HONOR OF MEMORY OF JAMES W. ARMSTRONG, DECEASED.

Councilman Baxter moved that a proper resolution relative to the passing of Mr. James W. Armstrong, Collector of Revenue be drawn up and presented at the next Council Meeting, and that the meeting today adjourn in his memory. The motion was seconded by Councilman Albea, and unanimously carried.

Lillian R. Hoffmann
City Clerk