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A regular meeting of the City Council was held in the Council Chamber, City Hall, at 4 p.m., on Tuesday, April 29, 1947, with Mayor Baxter presiding, and Councilmen Childs, Hinson, McIntyre, Newson, Puette and White present.

Absent: Councilman Johnston.

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INVOCATION.

The invocation was given by the Reverend Robt. F. Boyd, Pastor of Saint Andrews Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilman McIntyre, seconded by Councilman Newson, the minutes of the meeting on April 22nd were approved as read.

HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE AND DEFERMENT OF ACTION.

Pursuant to a resolution adopted on April 8, 1947, providing for a public hearing on a proposed amendment to the Zoning Ordinance, and Notice of said hearing having been advertised in The Charlotte News on April 11th and 18th, 1947, the Mayor announced that interested persons would now be heard.

There being no comments either for or against the amendment, the following ordinance was introduced:

ORDINANCE NO. 12. AN ORDINANCE AMENDING  
THE CITY CODE WITH RESPECT TO THE ZONING  
ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 21, Section 2 of the City Code of the City of Charlotte (Ordinance Book 10) be amended by having "Building Zone Map, City of Charlotte, North Carolina" amended by changing from R2 Residence Districts to an Industrial District, the following described area:

"That area on the west side of South Tryon Street from the south boundary of Lot 1 in Block 12, according to a map of Wilmore, recorded in Book 332, page 96, in the office of the Register of Deeds for Mecklenburg County, to the presently zoned Industrial area, including all of Lots 9, 10, 11 and 12 in Block 12, as shown on said map; and also including the area on the east side of South Tryon Street from the South boundary of Lot 11, in Block 6, of Wilmore, as shown on Map recorded in Book 332, page 96, in the office of the Register of Deeds for Mecklenburg County to the presently zoned Industrial area, including Lots 28 and 29, in Block 6, as shown on said map."

Section 2. That this ordinance shall become effective upon its adoption after a public hearing in connection therewith.

Councilman Hinson moved that action be deferred for one week. Motion seconded by Councilman Childs, and unanimously carried.

Mayor Baxter referred the matter to the Real Estate Committee for investigation.

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HEARING ON PROPOSED AMENDMENT TO ZONING ORDINANCE AND DEFERMENT OF ACTION.

Pursuant to a resolution adopted on April 8, 1947, providing for a public hearing on a proposed amendment to the Zoning Ordinance, and Notice of said hearing having been advertised in The Charlotte Observer, on April 11th and 18th, the Mayor announced that interested persons would now be heard.

There being no opposition expressed to the amendment, the following ordinance was presented:

ORDINANCE NO. 13. AN ORDINANCE AMENDING  
THE CITY CODE WITH RESPECT TO THE ZONING  
ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 21, Section 2 of the City Code of the City of Charlotte, be amended by having "Building Zone Map, City of Charlotte North Carolina" amended by changing from R2 Residence Districts to a B1 Business Districts, the following area:

"The four corner lots adjacent to the intersection of South Tryon Street Extension and West Boulevard viz. Lot 20 Block 11, Lot 13 Block 5, Lot 11 Block 6 and Lot 1 Block 12, all as shown on Map of Wilmore recorded in Book 332, page 96, in the office of the Register of Deeds for Mecklenburg County, to which reference is hereby made."

Section 2. That this ordinance shall become effective upon its adoption after a public hearing in connection therewith.

Councilman Hinson moved that action be deferred until the next meeting. Motion seconded by Councilman Childs, and unanimously carried.

Mayor Baxter referred the matter to the Real Estate Committee for investigation.

REQUEST FOR CORRECTION OF DRAINAGE WATER ONTO PRIVATE PROPERTY AT KESWICK AVENUE AND GRIMES STREET.

The Mayor referred to the City Manager the request of Mr. Wade H. Williams, Attorney, that the City correct the alleged drainage of surface water from the street and sidewalk onto the property of his client, at the intersection of Keswick Avenue and Grimes Street.

EXPENDITURE AUTHORIZED BY AVIATION COMMITTEE FROM EXCESS REVENUE.

Councilman Childs moved that the expenditure of \$5000.00 be authorized by the Aviation Committee from excess revenue from sale of the airport electrical distribution system. Motion seconded by Councilman Puette, and unanimously carried.

RENEWAL OF LEASE WITH U. S. GOVERNMENT FOR LAND ON WEST 6TH STREET FOR NAVAL RESERVE ARMORY.

Motion was made by Councilman Puette, seconded by Councilman White, and unanimously carried, authorizing the renewal of lease with the U. S. Government, for triangular tract of land on West 6th Street for the erection thereon of a Naval Reserve Armory for a period ending July 1, 1948, at a rental of \$1.00 per annum.

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NOTICE OF SUIT AGAINST CITY OFFICIALS IF BOND FUNDS USED FOR RIGHT-OF-WAY  
COST OF HIGHWAY.

Mr. John A. McRae, Attorney for a Group of Citizens of the Elizabeth and Piedmont Sections of the city, who are protesting the construction of the proposed highway, stated he understood the \$200,000.00 Street Improvement Bonds, which were approved by a vote of the people on April 23, 1947, had been sold and the funds deposited in a bank to the credit of the City of Charlotte. That it was his understanding the City proposed to use these funds for payment of right-of-way costs of the highway. That he wished to give the following notice with regard to the use of said funds:

Charlotte, North Carolina  
April 29, 1947

" Honorable H. H. Baxter, Mayor  
T. A. Childs,  
J. Sam Hinson,  
J. Henry Johnston,  
Fred H. McIntyre,  
Henry G. Newson,  
Thos. R. Pruette,  
John P. White, Members of the City Council,  
H. A. Yancey, City Manager  
L. L. Ledbetter, City Treasurer, and  
Mrs. Lillian R. Hoffman, City Clerk, of the City of Charlotte,  
North Carolina

Gentlemen and Madam:

As Attorney for Messrs. P. Heffman Hunter and W. H. Huff, citizens and taxpayers of the City of Charlotte and all other citizens and taxpayers who may wish to join with them, I give you and each of you notice that if the bond money hereinafter referred to, or any part thereof, is used for the purpose of paying any part of the right of way cost of the proposed new highway, sometimes referred to as the Cross Town Boulevard, that a law suit will be brought against you and each of you individually who do any act or thing in connection with the use of said bond money to apply upon the said right of way cost, or if you do any act or thing making any part of said bond money available for said purpose to require you to restore any and all such funds so used to the City Treasury.

This notice is based upon these grounds:

1. That under and pursuant to a bond ordinance adopted on the 11th day of March 1946, the question as follows was submitted to the voters of the City of Charlotte, to wit:

"Shall an ordinance passed March 11, 1946, authorizing not exceeding \$200,000.00 bonds of the City of Charlotte for constructing or reconstructing the surface of streets in said City, including the contemporaneous construction or reconstruction of sidewalks, curbs, gutters and drains, and including grading, and a tax for said bonds, be approved?"

A bond election was held under and pursuant to the said ordinance on the 23rd day of April 1946 at which election bonds for the amount of \$200,000.00 were approved by the duly qualified voters of the City of Charlotte.

It is to be observed that the proceeds of the sale of said bonds were to be used for constructing or reconstructing the surface of streets in the City of Charlotte. There is no authority in law for the use of the proceeds

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of the sale of said bonds for the payment of street right of way cost or any part thereof. To use the said bonds for said purpose would be an unlawful diversion and misappropriation of the said funds.

Section 160-395 of the General Statutes of North Carolina and the Supreme Court Opinions of the State of North Carolina provide and hold that the proceeds of the sale of bonds shall be used only for the purposes specified in the bond ordinance, and

2. Upon the further ground that to condemn property and apply the proceeds of the sale of said bonds on the payment of the right of way cost for a highway over and along the proposed Fox Street route under all the circumstances constitutes a gross abuse of the exercise of governmental power and is a violation of law, and

3. Upon such other grounds as the parties named and other taxpayers joining with them may be advised.

Respectfully submitted,

(Signed)

Jno. A. McRae,  
Jno. A. McRae, Attorney  
for Messrs. Herman Hunter  
and W. H. Huff."

Mayor Baxter accepted notice on behalf of the City. At that point Mr. Yancey, City Manager interposed, "not on my behalf Mr. Mayor. As one member of the group I decline to accept this notice, and I construe it as a threat, designed and intended to intimidate me and prevent me from carrying out my duties as City Manager as instructed by this Council."

RESOLUTION AUTHORIZING INSTRUMENT LANDING EQUIPMENT TO BE INSTALLED AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Hinson moved the adoption of the following resolution. Motion seconded by Councilman Childs, and unanimously carried:

RESOLUTION AUTHORIZING INSTRUMENT  
LANDING EQUIPMENT TO BE INSTALLED  
AT DOUGLAS MUNICIPAL AIRPORT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

That the Mayor and City Clerk, under the name and seal of the City of Charlotte, be, and they are hereby, authorized and directed to execute:

- (1) A License Agreement with respect to Approach Light Lane Site and Instrument Landing Lane Site, and
- (2) An Airway Lease for a Middle Marker Site in connection with the above.

INVESTMENT OF \$17,020.00 IN U. S. GOVERNMENT BONDS FOR CEMETERY TRUST FUND.

Councilman Childs moved that \$17,020.00 be invested in U. S. Government Series "F" Bonds, for the Cemetery Trust Fund. Motion seconded by Councilman Hinson, and unanimously carried.

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REFUND OF DEPOSIT FOR SEWER CONSTRUCTION CONTRACT.

Upon motion of Councilman Childs, seconded by Councilman Puette, and unanimously carried, the refund of deposit on contract dated May 17, 1946 for sewer construction in Lockhart Drive, was authorized to Kirby Smith in the amount of \$1,114.30 and to H. Y. Dunaway in the like amount of \$1,114.30.

CONTRACTS AND PURCHASES.

Councilman Hinson moved that the following contracts and purchases and the allocation of funds therefor, if necessary, be authorized. Motion seconded by Councilman Newson and unanimously carried:

- (a) Contract with C. M. Allen & Company, Inc., for furnishing labor and materials and installing sewer lines in Roslyn Ave. and Gregg Street, in the amount of \$27,360.87.
- (b) Contract with Chapman Valve Mfg. Company, for One 8-inch Cone Valve with Surge Limitator Control, at a net delivered price of \$1,249.00, for the Water Department.
- (c) Contract with Boyd & Goforth, Inc., for 1,000 feet of 2-inch wrought iron pipe, in the sum of \$580.00, for the Water Dept.
- (d) Contract with Bost Building & Equipment Company for furnishing labor and materials and screening the first and basement floors of the Mint Museum, in the sum of \$403.00.
- (e) Contract with Monroe Calculating Machine Company, for One electrical calculating machine, in the sum of \$405.00, for the Tax Department.
- (f) Purchase of One 14-inch Typewriter from the Underwood Corp., in the sum of \$131.45, for the Health Department.

SPECIAL OFFICER PERMITS.

Upon motion of Councilman Hinson, seconded by Councilman Newson, Special Officer Permits were unanimously authorized issued to T. P. Fowler for use on the premises of Southern Bell Telephone & Telegraph Company, and to J. F. Page on the premises of the Charlotte Water Works Shop.

PROGRESS REPORT ON QUARTERS TO HOUSE TEEN-AGE CLUB.

In response to Councilman Newson's query as to what progress has been made on securing proper headquarters for the Teen-Age Club, the City Manager informed the Council that no progress had been made on a site unless the Park & Recreation Commission will consent to the use of space in Independence Park, and that he had asked for prices on quonset-type structures.

ADJOURNMENT.

Upon motion of Councilman Hinson, seconded by Councilman Newson, the meeting was adjourned.

*Lillian R. Hayfman*  
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City Clerk