

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 13, 1952, at 4 o'clock p.m., with Mayor Shaw presiding, and Councilmen Albea, Baxter, Boyd, Coddington, Dellinger, Jordan and Van Every present.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Dellinger, seconded by Councilman Van Every, and unanimously carried, the minutes of the last meeting were approved as submitted.

PROPOSED AMENDMENT TO ZONING ORDINANCE TO CHANGE BUILDING ZONE MAP FROM R-2 TO B-1 AT 2401 TUCKASEEGEE ROAD DEFERRED ONE WEEK.

Following the reading of an Ordinance (No. 143) to Amend the Zoning Ordinance to change the Building Zone Map from R-2 to B-1 on a corner lot located at 2401 Tuckaseege Road upon petition of Mr. W. E. Wilkinson, the scheduled hearing was held.

Mr. Paul R. Ervin, Attorney, representing Mr. Wilkinson stated that the property is located at the intersection of Tuckaseege Road, Thrift Road, Berryhill Road and Drum Avenue and the property at the other three corners of the intersection are zoned as business property; that the Wilkinson residence is in need of major repairs and as the character of the neighborhood has changed to business property Mr. Wilkinson wishes to construct a residence elsewhere and sell this property at the best possible price; that as the property is more suitable for business he requested the change to a B-1 zone, which was approved by the Zoning Board of Adjustment. Mr. Ervin advised further that the General Statutes of North Carolina establishing the zoning regulations, provides that where three corners of an intersection are already classified as business property, the fourth corner must be so classified and it is mandatory that the Council do so in this instance. However, the law does provide that only 150 feet of each side of the property bordering on the intersection be so classified, and that the property in question has a 200 foot frontage on Drum Avenue and it is difficult to determine the frontage on Tuckaseege Road as it is on a curve, however it exceeds the 150 feet requirement. That Mr. Wilkinson naturally desires that the entire lot be classified as business property; however, Mr. Wilkinson has agreed to sell to Mr. Flowe, the adjoining property owner, a small strip of the land between their houses to act as a buffer should a business establishment be erected on the property in question. Mr. Ervin urged that the Council approve the requested zoning change.

Mr. Frank Orr, Attorney, representing Mr. Flowe and other residents of the vicinity, advised that the property owners seriously object to the rezoning of the entire property in question. He advised there is \$100,000.00 worth of residential property in this and adjoining block of Tuckaseege Road, which would be effected should a large business establishment be erected on the Wilkinson lot. He called attention to the fact that the State law leaves it optional with the Council as to the zoning of other than the 150 feet. Mr. Orr urged that the zoning change be made only on the 150 feet.

During the discussion the Attorneys were unable to determine conclusively the area of the property and its frontage on Tuckaseege Road and Mr. Ervin stated he would have the property surveyed and submit the figures to the Council, to which Mr. Orr agreed.

Whereupon, Councilman Jordan moved that the matter be deferred until 4 o'clock p.m., on Wednesday, February 20th, so that the Council may look over the property and secure the correct frontage from the survey. The motion was seconded by Councilman Van Every, and unanimously carried.

ORDINANCE (No. 142) AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING ZONE MAP FROM R-2 TO INDUSTRIAL ON PROPERTY ALONG GLENNWOOD DRIVE, ADOPTED.

The hearing in connection with an Ordinance to Amend the Zoning Ordinance to change the building zone map from R-2 to Industrial on approximately 45 acres of undeveloped property along Glennwood Drive, was held following the reading of the ordinance.

Mr. Lynch, representing the Piedmont & Northern Railway Company advised that the Company has owned the property for thirty years and desires the zoning change so that they may use it for expansion of their facilities.

No opposition was expressed to the proposed change.

Councilman Boyd moved the adoption of the ordinance, which was seconded by Councilman Coddington, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at Page 229.

ORDINANCE (NO. 144) TO AMEND THE ZONING ORDINANCE TO CHANGE THE BUILDING ZONE MAP FROM R-1 TO R-2 ON SIX LOTS IN EASTOVER, DENIED.

The scheduled hearing relative to amending the Zoning Ordinance to change the building zone map from R-1 to R-2 on six lots in Eastover, as petitioned for by E. C. Griffith Company, was held following the reading of the ordinance.

Mr. Griffith, owner of the property, advised he was not aware there was opposition to the rezoning of these lots until today. That after hearing the Attorney for the residents who object to the change if the Council is convinced that the erection of duplex houses on these lots will injure these property owners, then he will withdraw his request. However, he would prefer that the hearing be deferred until he, too, may have his attorney present his side of the question. He stated further that he wished to assure both the residents and the Council that no apartments will be constructed if the property is rezoned, only duplex houses; that, in fact, under the present restrictions in the deeds to all Eastover property the erection of apartments is strictly forbidden. He advised that these six lots are not suitable for single family residences and that he wishes to sell the property and that unless the zoning is changed to permit the erection of duplex houses his company will realize a loss on the property.

Mr. W. T. Covington, Attorney, representing 92 property owners in Eastover who oppose the change in zoning, filed a petition protesting the adoption of the proposed amendment, and setting forth the reasons for their objections to the change in zoning, which reasons were explained in detail by Mr. Covington. In addition thereto, Mr. Covington asked that the Council not confuse the matter of zoning and that of private restrictions; that under the zoning law an R-2 district permits the construction of apartment houses and as far as private restrictions are concerned it is up to the resident to go into court and try to enjoin these restrictions. He stated that the property owners were not advised of the proposed zoning change by either Mr. Griffith or the Zoning Board of Adjustment. He stated further that spot zoning such as is proposed is unconstitutional as it is not for the general welfare of the residents and would be detrimental to their property. He also called attention to the fact that the property in Eastover has just been re-valued for taxation as R-1 property.

Councilman Baxter moved that the request for a change in zoning from R-1 to R-2 be denied. The motion was seconded by Councilman Albea, and unanimously carried.

MAYOR PRO TEM PRESIDES FOR REMAINDER OF SESSION.

Mayor Shaw left the meeting at this time on official business for the City, and Mayor pro tem Van Every presided for the remainder of the session.

EXTENSION OF WEST FIFTH STREET VIA FLINT STREET TO WEST TRADE STREET RECOMMENDED.

Mrs. Eugene Alexander and a group of resident home owners in the 300 block of Flint Street appeared before Council relative to the routing of West 5th Street in its widening and opening project. It was proposed by them that the street be extended through Flint Street into Martin Street, thence to West Trade Street at Johnson C. Smith University Campus corner, instead of extending north-west at the intersection of Flint Street as proposed by the City. Mrs. Alexander stated that under the present plan, the residence at the intersection of Flint Street will have to be moved and all residences on the right hand side of the street will be facing the back doors of homes on West Fifth Street. She stated further that the property on Flint Street is valuable and an asset to the vicinity and to the College. She urged that consideration be given their proposal.

Councilman Dellinger moved that proposal be accepted as information and the Council visit the location and consider the suggestions offered. The motion was seconded by Councilman Albea, and unanimously carried.

CITY MANAGER REQUESTED TO CONFER WITH REPRESENTATIVES OF P.T.A. COUNCIL OF NEGRO ELEMENTARY SCHOOLS RELATIVE TO NUMBER OF CIVILIAN TRAFFIC AIDES NEEDED TO ASSIST SCHOOL CHILDREN.

Mr. Alexander Dykes, representing the P.T.A. Council of Negro Elementary Schools, together with representatives of each of the said schools, appeared before Council relative to the need for protection of children crossing thoroughfares to schools. He explained the number of children crossing the various main arteries to schools and the need for assistance other than traffic signals. He and other spokesmen urged that civilian traffic guides be placed at these locations during hours children are going to and from school.

Councilman Boyd moved that the City Manager meet with the representatives of the group and select the locations where this protection is needed and report to Council at the next meeting the number of persons required to give adequate protection to these school children. The motion was seconded by Councilman Albea, and unanimously carried.

RENEWAL OF LEASE WITH CHARLOTTE POLICE RECREATION & PISTOL CLUB FOR LAND AT AIRPORT.

Councilman Jordan moved that the Mayor and City Clerk be authorized to execute a renewal lease with the Charlotte Police Recreation & Pistol Club for a tract of land at Douglas Municipal Airport for a term of 10 years from April 1, 1952, at an annual rental of \$1.00. The motion was seconded by Councilman Dellinger, and unanimously carried.

PLAT OF ADDITION TO MARSH ESTATES SUBDIVISION APPROVED.

Upon motion of Councilman Boyd, seconded by Councilman Coddington, and unanimously carried, the Plat of an Addition to the Marsh Estates Subdivision was approved, as recommended by the Planning Board.

REMOVAL OF TREES FROM PLANTING STRIP AT 205 EAST BOULEVARD.

Motion was made by Councilman Dellinger, seconded by Councilman Boyd, and unanimously carried, authorizing the removal of two trees by Esso Standard Oil Company from the planting strip at 205 East Boulevard.

NAME OF BOYD STREET, FROM DUNN AVENUE 400 FEET SOUTH TO A DEAD-END, CHANGED TO HEFLIN STREET.

Councilman Dellinger moved that the name of Boyd Street, from Dunn Avenue 400 feet south to a dead-end, be changed to Heflin Street, as recommended by the City Engineer and Planning Board. The motion was seconded by Councilman Boyd, and unanimously carried.

STREETS TAKEN OVER FOR MAINTENANCE.

Motion was made by Councilman Boyd, seconded by Councilman Baxter, and unanimously carried, taking over the following streets for city maintenance:

- (a) Heflin Street, from Dunn Ave. south 400 ft. to dead-end.
- (b) Maryland Avenue, from Princeton Ave. to a point 75-ft. north of Wellesley Ave.
- (c) Sterling Road, from Princeton Ave. to a point 75 ft. north of Wellesley Ave.
- (d) Wellesley Avenue, from Queens Road West to Sterling Road.

CONTRACTS FOR THE CONSTRUCTION OF WATER MAINS.

Upon motion of Councilman Baxter, seconded by Councilman Albea, and unanimously carried, contracts were authorized for the construction of water mains, as follows:

- (a) Contract with A. L. Baucom and E. M. Price, for the construction of 950 ft. of water main in Eastway Drive, outside the city, at an estimated cost of \$1,235.00, to serve residential property abutting on Eastway Drive. All cost will be borne by the applicants, who will own the mains until territory is taken into the city.
- (b) Contract with A. L. Baucom and E. M. Price for the construction of 170 ft. of mains in Eastway Drive, inside the city, at an estimated cost of \$400.00, to serve residential property. The City to finance all cost and applicants to guarantee a gross annual water revenue equal to 10% of the total cost.

CONTRACT AWARDED AUTOMATIC SIGNAL DIVISION, EASTERN INDUSTRIES, INC., FOR SCHEDULE OF FIVE SPECIALIZED TRAFFIC EQUIPMENT ITEMS.

Councilman Albea moved that the contract be awarded The Automatic Signal Division, Eastern Industries, Inc., for a Schedule of Five Specialized Traffic Equipment Items, as specified, at a net delivered price of \$3,202.80. The motion was seconded by Councilman Jordan, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 30 ft. entrance at 1316 East 7th Street.
- (b) One 30 ft. entrance at Hawthorne Lane for 1111 Central Ave.

SPECIAL OFFICER PERMITS.

Motion was made by Councilman Albea, seconded by Councilman Dellinger and unanimously carried, approving the issuance of Special Officer Permits as follows:

- (a) Permit to Tona B. Robinson, for use on the premises of Charlotte Tank Company & Rulane Gas Company.
- (b) Renewal of Permits to J. J. Russell and Emmett Leo Tweed, Sr., for use on the premises of Cole Mfg. Company.

RESOLUTION APPROVING CANCELLATION OF FAITHFUL PERFORMANCE BOND COVERING CITY TREASURER IN FAVOR OF THE CITY OF CHARLOTTE.

A resolution entitled, "Resolution Approving the Cancellation of Faithful Performance Bond Covering the City Treasurer in favor of the City of Charlotte", was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Baxter, was unanimously adopted. The Resolution is recorded in full in Resolutions Book 1, at Page 463.

RESOLUTION APPROVING CANCELLATION OF PUBLIC EMPLOYEES HONESTY BLANKET POSITION BOND FOR EMPLOYEES OF THE CITY OF CHARLOTTE.

A resolution entitled, "Resolution Approving the Cancellation of Public Employees Honesty Blanket Position Bond for Employees of the City of Charlotte", was introduced and read. Councilman Boyd moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book No. 1, at Page 464.

RESOLUTION APPROVING CANCELLATION OF SCHEDULE BOND COVERING VARIOUS MEMBERS OF POLICE DEPARTMENT IN FAVOR OF THE CITY OF CHARLOTTE.

A resolution entitled, "Resolution Approving the Cancellation of Schedule Bond Covering Various Members of the Police Department in Favor of the City of Charlotte", was introduced and read. Upon motion of Councilman Dellinger, seconded by Councilman Jordan, and unanimously carried, the resolution was adopted. The Resolution is recorded in full in Resolutions Book No. 1, at Page 465.

APPOINTMENT OF ERNEST J. SIFFORD TO PARK & RECREATION COMMISSION.

Councilman Baxter moved that the resignation of Mr. John N. Mills from the Park and Recreation Commission on February 7th be accepted with regret. The motion was seconded by Councilman Dellinger, and unanimously carried.

Whereupon, Councilman Jordan nominated Mr. Ernest J. Sifford to fill the unexpired term of Mr. Mills and moved his appointment. The motion was seconded by Councilman Coddington, and unanimously carried.

PROPOSAL TO PLACE BENCHES, BEARING COMMERCIAL ADVERTISING, ON SIDEWALKS DECLINED.

Councilman Jordan moved that the proposal of Mr. I. D. Blumenthal to place benches, bearing commercial advertising, at various bus stops throughout the city be declined. The motion was seconded by Councilman Albea, and unanimously carried.

OFFER MADE TO H. M. WADE FOR STRIP OF LAND AT S. TRYON AND STONEWALL STREETS FOR RIGHT-OF-WAY FOR WIDENING STONEWALL STREET.

Councilman Baxter moved that an offer of \$1,500.00 per front foot be made to Mr. H. M. Wade for the strip of land at South Tryon and Stonewall Streets required as a right-of-way for the widening of Stonewall Street. The motion was seconded by Councilman Jordan, and carried, with the votes cast as follows:

AYE: Councilmen Baxter, Boyd, Dellinger, Jordan and Van Every.

NAY: Councilmen Albea and Coddington.

ADJOURNMENT.

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

Lillian R. Hoffman
City Clerk