

December 21, 1955
Minute Book 36 - Page 219

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber of the City Hall, on Wednesday, December 21, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council members Baxter, Dellinger, Evans, Smith and Wilkinson being present.

Absent: Councilmen Albea and Brown.

INVOCATION.

The invocation was given by Councilman James S. Smith.

MINUTES APPROVED AS CHANGED.

Upon motion of Councilwoman Evans, seconded by Councilman Baxter, and unanimously carried, the Minutes of the last meeting on December 14th were approved as submitted, with the following changes:

In the Perimeter Zoning Ordinance, the property at the intersection of Providence Road and Sharon-Amity Road was described as being 180' by 300', be changed to read "300' by 300'", and the Zoning Map be changed accordingly.

The Perimeter Zoning Ordinance with respect to the property of J. R. Purser, 4421 Central Avenue Extended, be changed in accordance with his request, to read "Property of J. R. Purser, 4421 Central Avenue Extended and the property of H. F. Alexander, 4431 Central Avenue Extended", and the Zoning Map be changed accordingly.

ORDINANCE NO. 288-X ASSESSING BENEFITS IN THE IMPROVEMENT DISTRICT ON BRUNSWICK AVENUE, BETWEEN KINGS DRIVE AND FOUNTAIN VIEW.

The scheduled hearing was held in connection with Ordinance No. 288-X Assessing Benefits in the Improvement District on Brunswick Avenue, between Kings Drive and Fountain View. No objections to the assessments were expressed. Councilman Wilkinson moved the adoption of the ordinance, which was seconded by Councilman Dellinger, and unanimously carried. The ordinance is recorded in full in Ordinance Book 11, at page 463.

SUBDIVISION CONTROL ORDINANCE RECOMMENDED BY THE PLANNING COMMISSION SUBMITTED TO COUNCIL FOR STUDY, AND APPOINTMENT OF COMMITTEE TO RECOMMEND PROCEDURE FOR HANDLING REQUESTED ZONING CHANGES REQUESTED BY COMMISSION.

Mr. Spencer Bell, Chairman of Charlotte-Mecklenburg Planning Commission, presented each Councilman a copy of a proposed new Subdivision Control Ordinance. He stated the Commission has worked on the recommended Ordinance for a long while and asks that the Council give it their earnest consideration. He stated the present ordinance regulates land subdivision within the City and the one mile zone outside, whereas the proposed ordinance would apply not only to this area but to the remainder of the perimeter area, and the provisions of the ordinance will contribute to the orderly development of the area in many ways.

He advised the present ordinance has teeth in it to the extent that if the residents do not comply they cannot get city water, sewers or street improvement, but the teeth bite the wrong person. A developer can sell off his land and move out and the home owner is the one who is hurt. The new ordinance provides that a developer must have the approval of the Planning Commission before he can record the subdivision plat in the office of the Register of Deeds, and failure to record such plats would be a misdemeanor.

Mr. Bell stated the Commission would later present an arterial street plan for the perimeter area. That under the plan the streets in the city must be laid out according to the Engineering Department and streets outside must meet the requirements of the State Highway Commission. That the City requires the developer to grade, lay a base and cover it with gravel.

December 21, 1955
Minute Book 36 - Page 220

before taking a street over for maintenance; the same requirements should apply to the perimeter area, and the developer should also have to pave the street within the City. That under the proposed ordinance the Health Department would set up standards for the construction of septic tanks. Mr. Bell stated that at present there is no requirement for proper marking of property boundaries in new subdivision, and the proposed ordinance would correct this. Also, the City and County School Boards would list with the Commission proposed sites for schools.

Mr. Bell stated further that he wanted to discuss the present Zoning situation. He asked the Mayor to appoint a committee to work out a procedure for handling requested zoning changes. He stated he could see no reason why it is necessary for more than one hearing to be held on requested changes. Mr. Bell stated that a method of giving adequate notice of the hearing date should be worked out. He suggested that the Committee might also work towards improving liaison between the Planning Commission and the City Council.

Councilman Baxter stated he thinks Mr. Bell's suggestions are constructive and workable.

Mayor Van Every thanked Mr. Bell for the work of the Commission on the proposed ordinance, and stated it would be studied and given full consideration by the Council.

SALE OF INTOXICATING DRINKS BY COMPANIES WITHIN AREA OF AUDITORIUM-COLISEUM OPPOSED BY MEMBERS OF CHANTILLY BAPTIST CHURCH.

Mr. K. E. Hinson introduced the Reverend J. N. Taylor, Pastor of Chantilly Baptist Church, who presented a petition signed by a majority of the members of the Church, who are opposed to the sale of beer, wine and any other form of intoxicating drink in their community, and requesting the Council to revoke the license now held by Troy Drug Company, 2116 N. Independence Boulevard, and the license held by The Colonial Store, 2115 N. Independence Boulevard, for the purpose of selling beer to be carried out and not consumed on the premises. Also to revoke the license held by Bill's Grill, 3535 Monroe Road, and McAteers Service Station, 3518 Monroe Road, and should the Stork Restaurant, 3014 N. Independence Boulevard make application for license to sell such drinks, that it be denied. The Reverend Taylor stated their church is located in the area of the Coliseum and of Chantilly School, and they understood when the business area was established there would be no undesirable business allowed; however, this has not been the case, and they desire the sale of intoxicating drinks stopped now. He stated further that they rejoice in the new Auditorium-Coliseum in their area, and believe the Council wishes to keep the area as clean as possible. He asked what ordinance the City has in effect at present as to the building of honkey-tonks in the area?

Mayor Van Every stated that the area which has been zoned B 1-A does not permit the sale of such drinks.

Councilwoman Evans asked how many of the people who signed the petition also signed the petition opposing the establishment of a B 1-A district within the area and appeared before Council in opposition to the adoption of the ordinance. The Reverend Taylor stated he was unable to answer the question.

Mayor Van Every thanked the gentlemen for presenting the petition and advised that the Council will give it their consideration.

CHRISTMAS GREETINGS EXTENDED CITIZENS BY COUNCIL.

Councilman Baxter moved that the Council wish the citizens of Charlotte a Merry Christmas and assure them the Council is doing its best to serve them well. The motion was seconded by Councilman Dellinger, and unanimously carried.

December 21, 1955
Minute Book 36 - Page 221

RESOLUTION PROVIDING FOR PUBLIC HEARING ON ORDINANCE NO. 289 AMENDING THE ZONING ORDINANCE, TO CHANGE ZONING FROM R-1 TO B-1 ON LOTS 13 THRU 18 IN 1400 BLOCK OF INDEPENDENCE BOULEVARD.

Ordinance No. 289 Amending the Zoning Ordinance, to change the zoning from R-1 to B-1 on Lots 13 thru 18 on the north side of the 1400 block of Independence Boulevard, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the zoning change on January 11, 1956, was introduced and read. Councilman Smith moved the adoption of the resolution, which was seconded by Councilman Wilkinson, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 384.

MAXIMUM PENALTY ON CITY PRIVILEGE LICENSE FIXED AT 25 PERCENT.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, the maximum penalty on City Privilege License was fixed at 25% for the fiscal year 1954-55.

PLAT OF ENDERLY PARK SHOPPING CENTER APPROVED.

Councilman Wilkinson moved that Plat of Enderly Park Shopping Center be approved, as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

IRMA STREET AND AILEEN STREET TAKEN OVER FOR CITY MAINTENANCE.

Motion was made by Councilwoman Evans, seconded by Councilman Smith, and unanimously carried, taking over the following streets for city maintenance:

- (a) Irma Street, from end of present maintenance to St. Paul Street, a distance of approximately 500 feet.
- (b) Aileen Street, from Tinnin Street to Person Street.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilwoman Evans, and unanimously carried, the construction of sanitary sewer mains was authorized at the following locations:

- (a) Construction of 55-feet of sewer main in Montrose Street, to serve one family unit and one vacant lot, at an estimated cost of \$200.00. All costs to be borne by the City.
- (b) Construction of 105-feet of sewer main in Wilkinson Street, to serve two family units and one vacant lot, at an estimated cost of \$320.00. All costs to be borne by the City.
- (c) Construction of 1,197-feet of sewer main in Barringer Drive, to serve 18 vacant lots, at an estimated cost of \$3,590.00. All costs to be borne by the City, and required deposit of the full amount made by the applicant, John Crosland Company, to be refunded as per terms of the contract.
- (d) Construction of 182-feet of sewer main in Clay Avenue, to serve 3 family units and one vacant lot, at an estimated cost of \$600.00. All costs to be borne by the City.
- (e) Construction of 393-feet of sewer main in Queens Road, to replace old, inadequate line, at an estimated cost of \$965.00. All costs to be borne by the City.

CONTRACT AWARDED HARDY AND NEWSOM, INC. FOR CATCH BASIN FRAMES AND GRATES.

Councilman Dellinger moved that contract be awarded the low bidder, Hardy & Newsom, Inc. for 50 sets of Catch Basins and Frames, City of Charlotte new type standard, as specified, at a total price of \$1,375.00, subject to 2% cash discount. The motion was seconded by Councilman Smith and unanimously carried.

December 21, 1956
Minute Book 36 - Page 222

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 35-ft. driveway entrances at 901 Baldwin Avenue.
- (b) One 20-ft. entrance on West Morehead Street and One 14-ft. entrance on Walnut Ave., both for 1601 West Morehead Street.
- (c) One 10-ft. entrance on S. Mint Street, and One 16-ft. entrance on West Palmer Street, both for 1201 South Mint Street.

CHANGE ORDERS IN CONTRACTS OF FAIRBANKS, MORSE & COMPANY, L. O. CHAPMAN AND REA CONSTRUCTION COMPANY FOR IRWIN CREEK SEWAGE TREATMENT PLANT IMPROVEMENTS, APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, Change Orders in contracts for the Irwin Creek Sewage Treatment Plant improvements were authorized paid, as follows:

- (a) Change Order #1 in contract with Fairbank, Morse & Company, in the total amount of \$3,049.00.
- (b) Change Order #1 in contract with L. O. Chapman, in the total amount of \$11,036.00.
- (c) Change Orders #9 and #10 in contract with Rea Construction Company, in the total amount of \$19,158.00.

TRANSFER OF CEMETERY LOT.

Motion was made by Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, authorizing the Mayor and City Clerk to execute a deed for the transfer of the east half of Lot #1, in West Pinewood Cemetery, to Mr. Joe Jackson from Mrs. Pearl Crayton, Agent for Estate of Mrs. Mary E. Blackwell, in the amount of \$39.00.

PAYMENT OF ADDITIONAL COST OF PRINTING BOND BROCHURES AUTHORIZED.

Councilwoman Evans moved that payment of \$306.35 be approved covering the additional cost of printing the Bond Brochures. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CITY ATTORNEY DIRECTED TO DRAW NECESSARY PAPERS IN CONNECTION WITH THE CONDEMNATION OF PROPERTY OF MISS MARGARET WASHEURN REQUIRED FOR IMPROVEMENTS TO WASHEURN AVENUE.

Upon motion of Councilman Smith, seconded by Councilman Baxter, and unanimously carried, the City Attorney was directed to draw the necessary papers for the condemnation of that portion of the property of Miss Margaret Washburn required for the improvements to Washburn Avenue.

ADJOURNMENT.

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

Lillian R. Hoffman

Lillian R. Hoffman
City Clerk