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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber on Wednesday, November 30, 1955, at 4 o'clock p.m., with Mayor Van Every presiding, and Council Members Albea, Baxter, Dellinger, Evans, Smith and Wilkinson being present.

Absent: Councilman Brown.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on November 23rd were approved as submitted.

PETITION TO CITY COUNCIL FOR CHANGE IN ZONING FROM R-1 AND R-2 TO B 1-A ON PROPERTY IN 2500, 2600 and 2700 BLOCKS OF INDEPENDENCE BOULEVARD REFERRED TO ZONING BOARD OF ADJUSTMENT FOR RECOMMENDATION.

At the scheduled hearing on the petition, signed by nineteen residents and filed by Mr. W. S. Martin, Jr., 2509 Independence Boulevard, for a change in zoning from R-1 and R-2 to B 1-A on property in the 2500, 2600 and 2700 blocks of Independence Boulevard, the request was referred to the Zoning Board of Adjustment for recommendation.

A delegation, composed of seventeen residents of the area, was present in protest of the proposed change. Mr. G. E. Starr, 3144 Shenandoah Avenue, Mr. Jim Burroughs, 3108 Shenandoah Avenue, Mrs. R. D. Johnston, 918 Waterman Avenue and Mr. Vernon Hucks, 3109 Shenandoah Avenue, spoke in opposition to the change.

Mr. Starr stated petitions have been filed with the City Council signed by 110 residents opposing the zoning change in the 2500 and 2600 blocks on the grounds that it would devalue their property which is located directly behind or near the blocks proposed for rezoning, and, secondly, the intersection of Independence Boulevard and Briar Creek Road is used as a school crossing for children attending the Chantilly Grammer School and the accident hazard would be increased by bringing additional business into the area. He stated that all the parents of Chantilly School joined with the petitioners in their protest.

Mr. Burroughs stated that the vast area out Independence Boulevard is open for business development and they cannot understand why the Council should consider the proposed change which would provide for a business area back towards the city; that already the Auditorium and Coliseum, a Motel, ten Service Stations and other businesses have been constructed in this residential area. That a Super Market has been constructed on Independence Boulevard at Briar Creek Road and soon business will spread down Briar Creek Road to connect with the Industrial Zoning area on Monroe Road and with Chantilly School located on Briar Creek Road, the traffic hazard to the children will be bad.

Thirteen residents of the area were present in support of the petition for rezoning. Mr. Robert Perry, Jr. Attorney, stated he represented every property owner in the 2500 and 2600 blocks of Independence Boulevard; that his clients residential property is surrounded by business; that he does not believe additional traffic hazards will be caused by the rezoning, and he pointed out that not a single traffic accident has been realized by children attending Second Ward School which is located on Independence Boulevard; that the physical location of the homes of his clients should be considered, as with the opening of Independence Boulevard these homes are now in a low area and undesirable for residential purposes and his clients are unable to sell them so long as the area remains in a Residential zone; that his clients are in fact caught in an economic bind.

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He stated that the restricted parking on Independence Boulevard during shows at the Coliseum deprive these clients of parking in front of their homes, and if they park in their driveways they cannot get out and are practically prisoners in their homes. He stated they do not press for a change in zoning on lots facing on Shenandoah Avenue, but only for those facing on Independence Boulevard.

Mrs. Johnston stated that many of the residents requesting the rezoning erected their homes since the Boulevard was opened; therefore, they cannot plead that they are victims of existing circumstances. That her residence is one block off the Boulevard, and if the zoning change is approved, they will be in the same position as the petitioners in that they will be unable to sell their property for residential purposes.

Mr. Hucks stated these residents on Independence Boulevard whose property was affected by the opening of Independence Boulevard were paid for any damages; that driveways and alley-ways were constructed for them to take care of their parking off-street; that the residents of Shenandoah, Westmoreland, Waterman and adjacent streets will suffer the affects of the change if made and they will receive no payment for damages or loss to property.

Mr. Starr asked if it is not a city ordinance that signs must be erected on the property proposed for rezoning? Mr. Yancey, City Manager, replied that it is not an ordinance but is customary but was not done in this case.

Councilman Dellinger asked if the petition was not first presented to the Zoning Board of Adjustment, and Mr. Yancey replied that it was not, that the law provides that the Council may refer the petition to the Board or may act on it. Councilman Dellinger asked if the signers of the petitions opposing the rezoning represent 20% of the owners of property adjoining the area in question? Mr. Burroughs stated they represented 100%. Mr. Yancey stated the percentage of property owners on the petitions has not been established by the City.

Councilman Dellinger moved that the petition for rezoning be referred to the Zoning Board of Adjustment for recommendation to the Council. The motion was seconded by Councilman Smith, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Dellinger, Evans, Smith and Wilkinson.

NAY: Councilman Albea.

PETITION TO CITY COUNCIL FOR CHANGE IN ZONING FROM R-2 TO B 1-A ON PROPERTY OF MISS MARGARET WASHBURN LOCATED BETWEEN WASHBURN AVENUE, THE COLISEUM PROPERTY, R. H. MCALLISTER PROPERTY AND D. L. PHILLIPS PROPERTY, REFERRED TO ZONING BOARD OF ADJUSTMENT FOR RECOMMENDATION.

At the hearing on the petition of Miss Margaret Washburn for a change in zoning from R-2 to B 1-A on her property located between Washburn Avenue, the Coliseum property and the properties of R. H. McAllister and D. L. Phillips, the request was referred to the Zoning Board of Adjustment.

No opposition to the change was expressed.

Mrs. H. A. Kelly stated she represented her father who owned the property on Washburn Avenue opposite a portion of the property that Miss Washburn is requesting rezoned; and if the request is granted, he wishes his property rezoned for Business also. She stated her father has no objections to the change in zoning but he does not want his property left in a residential zone facing a business area.

Mrs. Kelly also called to the attention of the Council that the name of Washburn Avenue from the point it makes a direct right turn should be changed, and particularly so if Washburn Avenue is to be extended straight through to Independence Boulevard, as it will result in absolute confusion if the name remains the same on the portion beyond the right turn.

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Councilman Smith moved that the petition of Miss Washburn be referred to the Zoning Board of Adjustment for recommendation to the Council. The motion was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Council members Baxter, Dellinger, Evans, Smith and Wilkinson.

NAYS: Councilman Albea.

Mrs. Kelly was advised that she should file a petition with the Zoning Board of Adjustment for the change in zoning of the property of her father.

RESOLUTION CALLING FOR ADVERTISEMENT OF HEARING ON DECEMBER 14TH IN CONNECTION WITH ZONING THE PERIMETER AREA AS AUTHORIZED BY LAW.

A resolution entitled: "Resolution Calling for Advertisement of Hearing on December 14th in Connection with Zoning The Perimeter Area as Authorized by Law" was introduced by Councilman Baxter, and read. Councilman Baxter then moved the adoption of the resolution, which was seconded by Councilman Dellinger, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 364.

RESOLUTION PLEDGING SUPPORT OF EXISTING OR FUTURE SMOKE ABATEMENT ORDINANCE AND ELIMINATION OF SMOKE FROM OWN ESTABLISHMENTS.

The following resolution was introduced by Councilman Smith. After the reading thereof, Councilman Smith moved its adoption, which was seconded by Councilman Albea, and unanimously carried:

"RESOLUTION PLEDGING SUPPORT OF EXISTING OR
FUTURE SMOKE ABATEMENT ORDINANCE AND OF
ELIMINATION OF SMOKE FROM OWN ESTABLISHMENTS

WHEREAS, it is the consensus of the City Council of the City of Charlotte that the Smoke Abatement Program of the City of Charlotte is necessary and in the best interest of its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

1. That, this City Council will, by its best efforts and in good faith, back up enforcement of any Smoke Abatement Ordinance now in existence or that may be hereafter adopted.
2. That, each member of the City Council does personally represent to the other members of the City Council that each member will put his own house in order with respect to smoke abatement."

CITY MANAGER DIRECTED TO HAVE ENGINEERING DEPARTMENT CHECK POSSIBILITIES OF ESTABLISHING SETBACK LINES ON EAST 3RD, N. CALDWELL, 5TH, 6TH, 8TH, N. CHURCH, N. POPLAR, BREVARD, DAVIDSON AND ALEXANDER STREETS.

Councilman Dellinger called attention that setback lines have been established on only seven city streets, and stated he would like to have lines established on East 3rd, N. Caldwell, 5th, 6th, 8th, N. Church, N. Poplar, Brevard, Davidson and Alexander Streets. That if the Council will go on record designating these streets for setback lines or fix imaginary lines for new buildings, then when permits were requested for such buildings the detail surveys could be made and the actual lines established. Mr. Yancey, City Manager, stated that a thorough survey is necessary to establish the lines, and that the City Attorney does not agree with the idea advanced by Councilman Dellinger.

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Mr. John D. Shaw, City Attorney, stated that because the action involves property rights, the city can take no action unless it is based on a precise engineering survey.

Mayor Van Every stated that the intent is to provide that new buildings on these streets must set back so many feet from the center of the street or from the point designated in the present general setback ordinance.

Councilman Dellinger moved that the City Manager have the Engineering Department check these streets and advise the Council the possibilities of establishing setback lines thereon. The motion was seconded by Councilman Albea, and unanimously carried.

CONTRACT AWARDED FEDERAL SIGN AND SIGNAL CORPORATION FOR FOUR SIRENS FOR CIVIL DEFENSE.

Councilman Wilkinson moved that contract be awarded Federal Sign and Signal Corporation for Four Sirens, two-tone, 220 volt, 3 phase in strict accordance with FCDA specifications 103, Type IV Component, 125 D.B. output, complete with remote control panel, at a price of \$6,080.00, for Civil Defense. The motion was seconded by Councilwoman Evans, and unanimously carried.

Mr. Yancey, City Manager, advised that the Federal Government will pay half the cost and the County will pay 40% of the remainder and the City 60%.

RESOLUTION FIXING THE DETAILS OF \$8,148,000 CITY OF CHARLOTTE BONDS, AND RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF SAID BONDS, AND RESOLUTIONS PROVIDING FOR THE ISSUANCE OF \$3,598,000 CITY OF CHARLOTTE BONDS, AND RESOLUTION RATIFYING THE APPLICATION OF THE CITY TREASURER TO THE LOCAL GOVERNMENT COMMISSION FOR ADVERTISEMENT AND SALE OF \$3,598,000 BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS.

A resolution entitled: "RESOLUTION FIXING THE DETAILS OF \$6,000,000 WATER BONDS" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION FIXING THE DETAILS OF \$500,000 SANITARY SEWER BONDS", was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION FIXING THE DETAILS OF \$750,000 STREET IMPROVEMENT BONDS" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$200,000 FIRE STATION BONDS AND FIXING THE DETAILS THEREOF" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$698,000 AUDITORIUM BONDS AND FIXING THE DETAILS THEREOF" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF \$6,000,000 WATER BONDS, \$500,000 SANITARY SEWER BONDS, \$750,000 STREET IMPROVEMENT BONDS, \$200,000 FIRE STATION BONDS AND \$698,000 AUDITORIUM BONDS AND PROVIDING FOR THE REGISTRATION THEREOF" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

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A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$2,000,000 WATER BONDS, SERIES A" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$200,000 SANITARY SEWER BONDS, SERIES A" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF \$500,000 STREET IMPROVEMENT BONDS, SERIES A" was introduced by Councilman Dellinger. Following the reading thereof, Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried.

A resolution entitled: "RESOLUTION RATIFYING APPLICATION OF CITY TREASURER TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF \$3,598,000 BONDS TO BE ISSUED UNDER DATE OF DECEMBER 1, 1955 AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was introduced by Councilman Dellinger. Following the reading thereof Councilman Dellinger moved its adoption, which was seconded by Councilman Smith, and unanimously carried. These resolutions recorded in full in Resolutions Book 2, beginning at Page 365 and ending at Page 379.

LANCASTER STREET, FROM SOUTHVIEW STREET TO DEAD-END TAKEN OVER FOR MAINTENANCE.

Councilman Albea moved that Lancaster Street, from Southview Street to dead-end be taken over for city maintenance. The motion was seconded by Councilwoman Evans, and unanimously carried.

CONSTRUCTION OF SANITARY SEWERS AUTHORIZED.

Upon motion of Councilman Dellinger, seconded by Councilman Smith, and unanimously carried, the construction of sanitary sewers was authorized at the following locations:

- (a) Construction of 399-feet of 12-inch sewer main in North Brevard Street, at an estimated cost of \$1,150.00. All costs to be borne by the City.
- (b) Construction of 89-feet of 8-inch sewer main in St. Paul Street, at an estimated cost of \$140.00. All costs to be borne by the City.
- (c) Construction of 444-feet of 8-inch sewer main in Hillsdale Avenue and Brandywine Road, at an estimated cost of \$1,815.00. All cost to be borne by the City.
- (d) Construction of 212-feet of 8-inch sewer main in Hawkins Street, at an estimated cost of \$490.00. All cost to be borne by the City.

CONTRACT WITH TREMORE, INC. FOR THE INSTALLATION OF WATER MAINS AND FIRE HYDRANTS IN HAWKINS STREET.

Motion was made by Councilman Smith, seconded by Councilman Baxter, and unanimously carried, authorizing a contract with Tremore, Inc., for the construction of 1,085 feet of water mains and two fire hydrants in Hawkins Street, at an estimated cost of \$4,180.00. The city to finance all costs, and applicant to guarantee a gross annual water revenue equal to ten percent of the total cost.

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CONTRACT AWARDED INTERSTATE ROOFING & ASPHALT COMPANY, INC. FOR RE-ROOFING THE IRWIN CREEK DISPOSAL PLANT BUILDINGS.

Upon motion of Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, contract was awarded the low bidder, Interstate Roofing & Asphalt Company, Inc., for furnishing all labor and materials necessary to apply 20-year bonded Barrett tar and gravel roofs with concrete cant strip, base flashings with copper CAP flashings, new copper outlets and new copper conductor heads and pipe, all as specified, at a total price of \$2,012.00.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) One 10-ft. entrance at 504 East 7th Street.
- (b) One 30-ft. entrance on The Plaza, for 1239 Central Avenue.
- (c) One 12-ft. entrance at 1029 East 4th Street.
- (d) One 30-ft. entrance at 2040 Cliffwood Place.
- (e) One 20-ft. and One 10-ft. entrance at 1215 South Mint Street.

SALARY ADVANCE TO CITY EMPLOYEES IN DECEMBER AUTHORIZED.

Councilman Albea moved that an advance in salary be paid on December 15th for the last half of December, to employees on a semi-monthly basis, and an advance of one week's salary be paid on December 23rd to employees on a weekly salary basis, the said payment to be optional with city employees. The motion was seconded by Councilman Smith, and unanimously carried.

CHRISTMAS HOLIDAY ON DECEMBER 23RD AND 26TH DESIGNATED FOR CITY EMPLOYEES.


Motion was made by Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, designating December 23rd and 26th as Christmas Holidays for city employees.

SETTLEMENT OF SUIT OF NATHAN BAUMRIND, ADMINISTRATOR OF ESTATE OF MRS. SADIE BAUMRIND, FOR INJURIES.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and unanimously carried, the settlement of the suit of Nathan Baumrind, Administrator of the Estate of Mrs. Sadie Baumrind, for injuries resulting from falling on the sidewalk, was authorized in the amount of \$500.00 and cost, as recommended by the City Attorney.

ADJOURNMENT.

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


Lillian R. Hoffman, City Clerk