

March 21, 1956  
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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber in the City Hall, on Wednesday, March 21, 1956, 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.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Wilkinson, seconded by Councilman Smith, and unanimously carried, the Minutes of the last meeting on March 14th were approved as submitted.

ORDINANCE NO. 258 AMENDING THE ZONING ORDINANCE, CHANGING THE ZONING FROM RESIDENCE-2 TO LIGHT INDUSTRIAL ON TRACT OF LAND LOCATED OFF WEST TRADE STREET ALONG THE WESTERLY BORDER OF IRWIN CREEK, ADOPTED.

The continued hearing was held on the petition of E. C. Griffith Company and the Piedmont & Northern Railway Company, for a change in zoning from R-2 to Industrial on tract of land located off West Trade Street along the westerly border of Irwin Creek.

Mr. Albert Elliott, speaking for the opponents to the requested change in zoning, stated that a petition containing 160 signatures was filed with the Council. That Mr. Jay Alexander, Attorney, represented only Mr. Cox and Mr. Miller, residents of the 400 block of South Summit Avenue who opposed the zoning, and he did<sup>not</sup> represent the many other opponents who signed the petition. Therefore, when Mr. Alexander withdrew from the case after his clients had come to an agreement with the petitioners on an amended zoning change to Light Industrial in lieu of Industrial, it did not mean that the other opponents were in agreement with the amended change. He stated they are opposed to a change to either Light Industrial or Industrial.

Mayor Van Every stated that the Petition filed with the Council is opposing a change to an Industrial zoning and he asked the City Attorney what affect it would have on the compromise to Light Industrial and if it will take a two-third vote of the Council to pass the ordinance? Mr. Shaw, City Attorney stated the petition has no bearing on the Light Industrial zoning, since the petition is in opposition to the Industrial zoning.

Mr. Elliott then stated the E. C. Griffith Company has had the matter postponed from time to time for a year because there was never a full Council present; that on next Monday he will leave the city and be away until June 15th; therefore, he requests a postponement of the case until the Council Meeting on June 20th or 27th in order that he may have time to circulate a petition against the Light Industrial zoning.

Councilwoman Evans asked if Mr. Elliott thought the petitioners would sign a petition opposing the Light Industrial zoning? Mr. Elliott replied every one of them would and others.

Councilman Dellinger asked if Mr. Elliott had presented such petition to the opponents this week? Mr. Elliott replied that he did not, as he knew a petition had already been signed.

Mr. L. H. Herion stated he is opposed to any change at all in zoning of the area, that it will ruin his property on which his house is located.

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Mr. J. A. Moore, Attorney representing E. C. Griffith Company, stated he understands the City Attorney has ruled the petition does not constitute a protest against the Light Industrial zone. That it is true he has asked for a continuance from time to time; that their reason was meritorious because it was imperative that a full Council be present for them to receive just consideration. That there has been three articles in the newspapers that the hearing would be held today, put there, he understands, at the request of the Mayor for the information of all interested persons, and now today has arrived and the only opponent present is Mr. Elliott.

He stated further that they have made a compromise with the moving spirits who entered the first protest, being the clients of Mr. Alexander, and they have accepted the compromise as a reasonable change. Therefore, he sees no reason why the change is not also reasonable for others. However, they do not want to do anything that is unfair, and leave the decision with the City Council.

Councilwoman Evans asked Mr. Moore to explain the "moving spirits" to whom he refers? Mr. Moore replied that in Mr. Alexander's letter to him withdrawing from the case he stated he represented Mr. and Mrs. Miller and Mr. and Mrs. Cox. Mr. Moore stated as they originated the opposition they are the "moving spirits".

Councilwoman Evans stated that in the interest of justice and fairness and in view of postponements at the request of Mr. Moore, she feels the Council should acquiesce to the request of Mr. Elliott and she moved that the hearing be continued to June 20th. The motion was seconded by Councilman Albea.

A substitute motion was offered by Councilman Baxter that the Ordinance Amending the Zoning Ordinance, Changing the Zoning from Residence-2 to Light Industrial be adopted. The motion was seconded by Councilman Dellinger, and carried, with the votes cast as follows:

YEAS: Councilmen Baxter, Dellinger, Smith and Wilkinson.  
NAYS: Councilman Albea and Councilwoman Evans.

The ordinance is recorded in full in Ordinance Book 12, at Page 32.

**MCDONALD AVENUE EXTENSION URGED BY PARENT-TEACHER ASSOCIATION OF SEDGEFIELD JUNIOR HIGH SCHOOL.**

Mr. Donald H. Denton, Vice-President of Sedgefield Junior High School Parent-Teacher Association, asked that the previously requested extension of McDonald Avenue be given consideration by the Council. He stated that the group, who fill the Council Chamber, are present in the interest of his request.

Mr. Denton stated a meeting of the PTA was held last night, and he filed a petition, signed by 109 persons, requesting the street extension.

Rev. W. F. Mitchell stated that the request for the street extension was first made to the City Council on September 14th and the Minutes show "Mayor Van Every stated that the work will be done as soon as funds are located"; therefore, they went home thinking it was "in the bag" and the work would start soon. That his interest, as a minister, is the safety of the school children, particularly the girls, in at present having to travel through a patch of woods, over a footbridge, or be carried two miles to get to school; whereas, if McDonald Avenue is extended they would have only two blocks of street to walk.

Mrs. R. C. Benfield, representing the patrons of the school, stated the extension of the street will benefit the children from the Sugaw Creek area; that when Park Road is improved they will have to travel 6 miles twice a day, whereas the children could walk the 6 blocks of McDonald Avenue if it is extended.

Mr. Dan Cagle, Principal of Sedgefield Junior High School, stated there are 270 boys and girls in the immediate community who would directly benefit by the street extension, and they expect an additional 50 children from this area next year.

Dr. E. H. Garinger, Supt. of City Schools, stated he is much concerned about the street extension and when it was announced last fall that the work would be done, he expected it. That he was very much surprised at the newspaper article stating the street had been moved to a lower place on the list of street improvements. He complimented the City Council on the work they are doing, and stated he fully realizes the many pressing problems they have; however, he feels that the street and sidewalks should be constructed as soon as possible and hopes it will be done before next September.

Two students, Edith Kellerman and Louie Sullivan expressed the need for the street opening and the benefits that will be realized by the students from a safety angle.

Mr. Yancey, City Manager, stated the City can grade the sidewalk area but cannot pave it without assessing the cost against the property owners.

Councilman Dellinger stated a good many of the residents of the McDonald Street area have called him and seem to be under the impression that the streets to be improved were just selected at random by the Council; that this is not the case, the Council worked hard and long to stretch the limited one million dollars to do the work that is most needed. That the list of streets selected does not mean the work will be done in the order of their listing, some must be deferred because of securing rights-of-way, etc. That he believes the Council will agree that McDonald Avenue extension is important and will construct it as soon as they can.

Councilman Baxter stated that the Council expects to do the work just as soon as possible.

**RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO GRANT AGREEMENT WITH CIVIL AERONAUTICS ADMINISTRATION, WITH RESPECT TO DOUGLAS MUNICIPAL AIRPORT.**

A resolution entitled: "Resolution Authorizing Execution of Amendment to Grant Agreement with Civil Aeronautics Administration, With Respect to Douglas Municipal Airport" was introduced by Councilman Baxter. Following the reading thereof, he moved its adoption, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 397.

**CONSIDERATION OF SET-BACK ORDINANCE BY COUNCIL, REQUESTED BY COUNCILMAN DELLINGER.**

Councilman Dellinger ask that the Council give some thought to the setback ordinance, which looks feasible to him, and probably it can be passed next week.

**REAPPOINTMENT OF ERNEST J. SIFFORD AND J. B. CLARK TO PARK AND RECREATION COMMISSION.**

Councilman Wilkinson moved the reappointment of Mr. Ernest J. Sifford and Mr. J. B. Clark to the Park and Recreation Commission for a period of 5 years each from the expiration of their present terms on March 21, 1956. The motion was seconded by Councilman Dellinger, and unanimously carried.

**PROMOTION OF SEVEN OFFICERS IN POLICE DEPARTMENT TO RANK OF DETECTIVE.**

Councilwoman Evans moved that the recommendation of the City Manager and Chief of Police be accepted and that the promotion of seven police officers to the rank of detective be authorized, in order to cope with existing vandalism. The motion was seconded by Councilman Albea, and unanimously carried.

**RULING ON QUESTION OF EXTENSION OF PIERCE STREET CARRIED OVER ONE WEEK.**

Councilwoman Evans asked Mr. Shaw, City Attorney, if he is ready to give the Council a ruling on the question of the requested extension of Pierce Street, referred to him at the last Council Meeting? Mr. Shaw replied that he wishes it carried over for one week.

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SUMMER SCHEDULE OF COUNCIL MEETING ADOPTED TO MEET AT 11 O'CLOCK A. M. EACH WEDNESDAY APRIL 1ST TO SEPTEMBER 1ST.

Councilman Smith moved that the usual summer schedule for holding Council Meeting at 11 o'clock on each Wednesday from the 1st of April to the 1st of September be adopted. The motion was seconded by Councilman Albea.

Councilman Dellinger stated he cannot be at the meetings at 10 o'clock in the morning.

Councilman Baxter offered a substitute motion that the meetings be continued to be held at 4 o'clock in the afternoon. The motion was seconded by Councilman Dellinger and the following votes were cast:

YEAS: Council members Baxter, Evans and Dellinger.

NAYS: Councilmen Albea, Smith and Wilkinson.

Mayor Van Every cast a negative vote on the tied vote and the substitute motion was lost.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM R-2 TO B I-A ON PROPERTY LOCATED ON WASHBURN AVENUE AND VICINITY, UPON PETITION OF MISS MARGARET WASHBURN.

Ordinance No. 304 Amending the Zoning Ordinance, to change the zoning from R-2 to B I-A on property located on Washburn Avenue and vicinity, at the rear of the Coliseum property, upon petition of Miss Margaret Washburn was then introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the Petition on April 11th was presented and read. Upon motion of Councilman Albea, seconded by Councilman Baxter and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 398.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM INDUSTRIAL TO R-2 ON PROPERTY IN THE VICINITY OF SHARON-AMITY ROAD, CRAIG AVENUE AND THE S.A.L. RAILWAY, UPON PETITION OF RESIDENTS OF SHARON AMITY ROAD, CRAIG AVENUE NEIGHBORHOOD.

Ordinance No. 305 Amending the Zoning Ordinance, to change the zoning from Industrial to R-2 on property in the vicinity of Sharon-Amity Road, Craig Avenue and the S.A.L. Railway, upon petition of the Residents of Sharon-Amity Road, Craig Avenue neighborhood, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the Petition on April 11th was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 399.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM R-1 TO B I-A ON PROPERTY IN THE 2500-2600 BLOCKS OF INDEPENDENCE BOULEVARD, UPON PETITION OF RESIDENTS OF INDEPENDENCE BOULEVARD.

Ordinance No. 306 Amending the Zoning Ordinance, to change the zoning from R-1 to B I-A on property in the 2500-2600 blocks of Independence Boulevard, upon petition of the Residents of Independence Boulevard, was introduced and read. A Resolution Providing for a Public Hearing on the said Petition on April 11th was presented and read. Councilman Albea moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 400.

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RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM R-1 & R-2/ON <sup>TO B-2</sup> PROPERTY FACING FLORAL AVENUE, BETWEEN EAST BOULEVARD AND IDEAL WAY, UPON PETITION OF SCHOLTZ GREENHOUSES, INC.

Ordinance No. 307 Amending the Zoning Ordinance, to change the zoning from R-1 & R-2/ON <sup>TO B-2</sup> property facing Floral Avenue, between East Boulevard and Ideal Way, upon petition of Scholtz Greenhouses, Inc., was introduced and read. A Resolution Providing for a Public Hearing on the said Petition on April 11th was presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 401.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM R-2 TO LIGHT INDUSTRIAL ON PORTION OF LOT AT 118 BRUNS AVENUE, UPON PETITION OF H. S. STRAWN.

Ordinance No. 308 Amending the Zoning Ordinance, to change the zoning from R-2 to Light Industrial on portion of lot located at 118 Bruns Avenue, upon petition of Mr. H. S. Strawn, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the said Petition on April 11th was presented and read. Councilman Dellinger moved the adoption of the resolution, which was seconded by Councilwoman Evans, and unanimously carried. The resolution is recorded in full in Resolutions Book 2, at Page 402.

RESOLUTION PROVIDING FOR A PUBLIC HEARING ON APRIL 11, 1956 ON CHANGE IN ZONING FROM R-2 TO B I-A ON PROPERTY LOCATED ON WASHBURN AVENUE AND VICINITY, UPON PETITION OF MR. A. C. SMITH.

Ordinance No. 309 Amending the Zoning Ordinance, to change the zoning from R-2 to B I-A on property located on Washburn Avenue and vicinity, at the rear of the Coliseum property, upon petition of Mr. A. C. Smith, was introduced. Following the reading thereof, a Resolution Providing for a Public Hearing on the Petition on April 11th was presented and read. Upon motion of Councilman Albea, seconded by Councilman Baxter, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 2, at Page 403.

PLAT OF WEDGEFIELD SUBDIVISION APPROVED.

Councilman Wilkinson moved approval of the Plat of Wedgefield Subdivision, as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS APPROVED.

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

- (a) 352 feet of sewer main in Sunderland Place, to serve 2 family units and 4 vacant lots, at estimated cost of \$900.00, at request of Merton C. Propst. All costs to be borne by the City, and Applicant's deposit of \$500.00 to be refunded as per terms of the contract.
- (b) 55 feet of sewer main in McCall Street, at estimated cost of \$150.00, at request of Mecklenburg Negro Recreation Center. All costs to be borne by the City.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Motion was made by Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, authorizing the following contracts for the installation of water mains:

- (a) Supplementary Contract, (to contract dated Oct. 26, 1955) with American Investment Company, for installation of 920 feet of additional mains in Grayland Park, outside the city limits, to serve residential property, at an estimated cost of \$1,380.00. All costs to be paid by the Applicant, who will own the mains until the territory is taken into the city.

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- (b) Supplementary Contract (to contract dated March 7, 1956) with Ervin Construction Company, for the installation of 3,710 ft. of additional mains and 3 hydrants, in Amity-Garden Subdivision, outside the city limits, at an estimated cost of \$11,750.00. The Applicant to pay all costs and will own the mains until the territory is taken into the city.
- (c) Change in financing installation of water mains in Commercial Park, outside the city limits, which contract was authorized with A. V. Blankenship on March 7, 1956, so that Applicant will pay all costs of the installation and will dedicate the mains to the City of Charlotte.

CONSTRUCTION OF DRIVEWAY ENTRANCES APPROVED.

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

- (a) One 18-ft. driveway entrance on Winter Street, for 2221 Belvedere Avenue.
- (b) Extension of existing 11-ft. driveway to a 16-ft. driveway entrance at 1013 East 4th Street.

CONTRACT AWARDED INTERNATIONAL BUSINESS MACHINES CORP. FOR 100,000 CITATION TICKETS AND REVISED ELECTROPLATE.

Councilwoman Evans moved that contract be awarded International Business Machines Corp. for 100,000 sets of Citation Tickets as specified, and one revised Electroplate as specified, at a total price of \$1,319.00, f.o.b. shipping point. The motion was seconded by Councilman Smith, and unanimously carried.

RENEWAL OF SPECIAL OFFICER PERMIT TO E. C. SULLIVAN ON PREMISES OF LANCE, INC.

Upon motion of Councilman Smith, seconded by Councilman Wilkinson, and unanimously carried, the Special Officer Permit was renewed to Mr. E. C. Sullivan on the premises of Lance, Inc.

CONFIRMATION OF SALE OF PROPERTY ON SEIGLE AVENUE TO MECKLENBURG PRESBYTERY.


Motion was made by Councilman Dellinger, seconded by Councilwoman Evans, and unanimously carried, confirming the sale, at public auction on March 5, 1956, of property on Seigle Avenue to the Mecklenburg Presbytery at their bid price of \$600.00.

CANNON AIRCRAFT SALES & SERVICE, INC. GRANTED PERMISSION TO GIVE GULF OIL CO. MORTGAGE ON LEASE OF AIRPORT PROPERTY WITH CITY.

Councilman Smith moved approval of the request of the Cannon Aircraft Sales & Services, Inc. for permission to grant The Gulf Oil Company a mortgage on their lease of Airport Property with the City, subject to the approval of the conditions by the City Attorney and City Manager. The motion was seconded by Councilman Dellinger, and unanimously carried.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk