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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, May 23, 1956, at 11 o'clock a.m., with Mayor Van Every presiding, and Council members Albea, Baxter, Brown, Dellinger, Evans, Smith and Wilkinson being present.

ABSENT: None.

#### 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 May 16th were approved as submitted.

COUNCIL REQUESTED TO GIVE SERIOUS CONSIDERATION PRIOR TO ADOPTION OF 1956-57 BUDGET TO PETITION OF CHARLOTTE FIREMEN FOR REDUCTION OF WEEKLY WORK SCHEDULE TO 60-HOURS.

Mr. Wallace S. Osborne, Attorney, requested that serious consideration be given the petition of Charlotte Firemen on February 1, 1956 for a reduction in their weekly work schedule from 72-hours to 60-hours, prior to the adoption of the 1956-57 annual budget.

Mr. Osborne stated he has discussed the matter with Chief Charles and he favors the reduction in working schedule 100 percent; he stated further that he has a copy of a letter from Chief Charles to the City Manager in which he urged that the reduction be provided for. Mr. Osborne stated that Chief Charles has given him a break-down on what it would take to put shorter hours into effect, in which he states it would take 90 days to make the change, because of the necessary Civil Service Examinations to obtain sufficient personnel, etc. He called attention to the fact that it would, therefore, require funds for the additional personnel for only nine months instead of twelve in the 1956-57 budget, and in fact, it might require 120 days in which to effect the change. He stated there are 236 firemen, and they, their families and many citizens, will be interested in Council action on the petition.

BUILDING PERMIT ISSUED TO W. O. FLOWE FOR ERECTION OF GARAGE AT 4800 THRIFT ROAD ORDERED TEMPORARILY WITHDRAWN UNTIL IT IS ESTABLISHED WHETHER HE IS COMPLYING WITH THE LAW.

Mr. F. L. Johnston, Chairman of Committee of residents opposing the erection of a building by Mr. W. O. Flowe at Thrift Road and Browns Avenue, stated that Mr. Flowe has ten acres of property at Thrift Road and Browns Avenue and he is erecting some type of building on his property approximately 75 feet from Thrift Road some distance from his residence. Mr. Johnston stated further they were told he was building a house, but from the foundation it would be determined it was not a house. That they called the Building Inspector who stated the type building they described would not be permissible in the Rural area in which the property is located. However, on last Thursday they noticed a Building Permit Sign on the property and again they talked with the City's Building Inspector who stated the building was a 50 x 100 concrete block garage for cars, and a Permit had been issued for its construction. He stated further that Mr. Flowe is a grading contractor and it is the opinion of the opponents that he intends using the building for a public garage. He stated that Mr. Flowe has advised he intends to store several family cars and pick-up trucks in the building. Mr. Johnston asked on what grounds the permit was issued.

Mr. John D. Shaw, City Attorney, stated the City's Building Inspector wrote Mr. Flowe that he would have to have a permit for the erection of the building he understood was being constructed by him on his property. That Mr. Flowe and Mr. Edge came to his office, and Mr. Flowe

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stated he has 15 acres of property at this location; that he is in the construction business, and is moving his business from its present location out on Wilkinson Boulevard. That he has five cars and three trucks and was erecting the garage for storage of this equipment when he is out of the city, and wanted the building away from his residence. That he told Mr. Flowe he had the right under the zoning law to erect such building, subject to the setback requirements, but he could not use the building in connection with his contracting business. Mr. Shaw stated he thinks you will find the property is in an R-2 district instead of Rural. He then advised that based on these facts, the Building Permit was issued.

Mr. Johnston asked if Mr. Shaw checked to see where the building was being located on the property? Mr. Shaw replied that he did not, that Mr. Flowe can put the building where ever he wishes on his property. Mayor Van Every asked if six months from now it is found that Mr. Flowe is not using the building for the purpose reported, what will happen? Mr. Shaw replied that the City can restrain him from such use.

Councilman Wilkinson asked the City Manager if there is anything the City can do to stop the construction of the building? Mr. Yancey replied he did not know, but it is his opinion that the City should refuse to issue a building permit if there is any doubt as to the type building to be erected. That in his opinion the City is too late in this particular instance.

Councilwoman Evans asked if the Building Permit could be withdrawn? Mr. Shaw replied that it is assumed that Mr. Flowe intends to use the building for the purpose stated by him, and on the face of it he is entitled to the permit.

Mr. Winifred R. Irwin, Attorney, representing the opposition, stated he has a plat of the property; he called attention that Mr. Flowe's residence is on one lot and the building he is erecting is on another lot. He stated the Charlotte Perimeter Zoning law reads: "Accessory building: A building subordinate to the main building on a lot, for uses customarily incidental to those of the main building". He stated further that the building being erected has 5000 square feet of area, with an office and a basement, which in their opinion would cost \$25,000.00 instead of the \$8,000.00 listed with the Inspection Department by Mr. Flowe. That in their opinion it is not a conforming use, that Mr. Flowe has misrepresented the facts on the Plat, and that the Permit should be revoked.

Mr. David H. Henderson, Attorney, also representing the opposition, stated the Perimeter Zoning Ordinance provides that an appeal from the decision of the Building Inspector may be filed with the Zoning Commission, and they would like to have assurance that the Zoning Commission will have their set-up perfected, which they state it is not, so that they can proceed when the opponents file an appeal this afternoon. That it appears to him that the Council could withdraw the permit, thereby protecting the Zoning Ordinance and the residents of the area in question; that if they wait until the building is erected it will be too late.

Mr. Yancey, City Manager, stated that had the City not been placed on the defensive before the permit was granted, the building erection would have been stopped.

Councilman Smith moved that the Building Permit issued to Mr. Flowe be temporarily withdrawn until such time that we are satisfied that the building complies or does not comply with the law. The motion was seconded by Councilwoman Evans, and unanimously carried.

The City Manager asked that he be notified when the restraining order is filed with the Building Inspector.

TUCKASEEGEE ROAD AUTHORIZED WIDENED FOUR FEET ON EACH SIDE FROM BERRYHILL ROAD TO THE CITY LIMITS, WITH EITHER POWELL BILL FUNDS OR BOND FUNDS.

Councilman Wilkinson moved that the City widen Tuckaseege Road four feet on each side, between Berryhill Road and the city limits, with either Powell Bill money or Bond funds. The motion was seconded by Councilman Dellinger, and unanimously carried.

CENTRAL AVENUE AUTHORIZED WIDENED FOUR FEET ON EACH SIDE FROM THE PLAZA TO THE CITY LIMITS, WITH EITHER POWELL BILL FUNDS OR BOND FUNDS.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, Central Avenue was authorized widened four feet on each side, between The Plaza and the city limits, with either Powell Bill money or Bond funds. The motion was seconded by Councilman Wilkinson, and unanimously carried.

TEMPORARY SIDEWALKS AUTHORIZED CONSTRUCTED ON WOODLAND DRIVE, FROM COMMONWEALTH AVENUE TO EASTWAY DRIVE.

Councilman Dellinger moved that temporary sidewalks be constructed on Woodland Drive, from Commonwealth Avenue to Eastway Drive. The motion was seconded by Councilman Albea, and unanimously carried.

MAYOR ABSENT FOR REMAINDER OF MEETING.

Mayor Van Every left the meeting at this time, and Mayor pro tem Smith presided for the remainder of the session.

STOPPAGE OF STORM DRAIN IN CLUB ROAD TO BE INVESTIGATED.

Councilman Dellinger stated that the storm drain in Club Road, part of which is on the City's property and part on that of an individual, is in bad condition and the residents claim that rats are bedded up in the drain. He stated the residents want the City to see if something cannot be done so that the drain will carry off the water properly.

Mr. Yancey, City Manager, stated he would have the matter investigated.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 13TH ON ORDINANCE NO. 314 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE, TO PROVIDE FOR UNDERTAKING ESTABLISHMENTS IN AN R-2 DISTRICT.

Ordinance No. 314 Amending the Zoning Ordinance of the City of Charlotte, to provide for Undertaking Establishments in an R-2 District, was introduced and read. Following which a Resolution Providing for a Public Hearing on June 13th on the Proposed Amendment to the Zoning Ordinance was presented and read. Councilman Brown 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 428.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 13TH ON ORDINANCE NO. 325 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE, BY CHANGING FROM R-2 TO B-1 THE PROPERTY LOCATED ON THE NORTHERLY SIDE OF WILKINSON BOULEVARD NEAR THE INTERSECTION OF HIGHLAND STREET AND WILKINSON BOULEVARD.

Ordinance No. 325 Amending the Zoning Ordinance to amend the Building Zone Map of the City of Charlotte, by changing from R-2 to B-1 the property located on the northerly side of Wilkinson Boulevard near the intersection of Highland Street and Wilkinson Boulevard was introduced and read. A Resolution Providing for a Public Hearing on June 13th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Brown 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 429.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 13TH ON ORDINANCE NO. 326 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CITY OF CHARLOTTE, BY CHANGING FROM R-1 TO B-1 THE PROPERTY LOCATED AT THE NORTHERLY CORNER OF INDEPENDENCE BOULEVARD AND MORNINGSIDE DRIVE.

Ordinance No. 326 Amending the Zoning Ordinance to amend the Building Zone Map of the City of Charlotte, by changing from R-1 to B-1 the property located at the northerly corner of Independence Boulevard and Morningside Drive, was introduced and read. A Resolution Providing for a Public Hearing on June 13th on the proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Brown 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 430.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON JUNE 13TH ON ORDINANCE NO. 327 AMENDING THE ZONING ORDINANCE TO AMEND THE BUILDING ZONE MAP OF THE CHARLOTTE PERIMETER AREA, BY CHANGING FROM RURAL TO B-1 THE PROPERTY LOCATED ON OLD MONROE ROAD ADJACENT TO McALPINE CREEK AND THE SEABOARD AIRLINE RAILWAY.

Ordinance No. 327 Amending the Zoning Ordinance to amend the Building Zone Map of the Charlotte Perimeter Area, by changing from Rural to B-1 the property located on Old Monroe Road adjacent to McAlpine Creek and the Seaboard Airline Railway, was introduced and read. A Resolution Providing for a Public Hearing on June 13th on the Proposed Amendment to the Zoning Ordinance, was presented and read. Councilman Brown 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 431.

ORDINANCE NO. 328-X, REVENUE ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF CHARLOTTE, FOR THE FISCAL YEAR BEGINNING JULY 1, 1956 AND ENDING JUNE 30, 1957.

An ordinance entitled: "Ordinance No. 328-X, Revenue Ordinance Levying, Assessing, Imposing and Defining the License and Privilege Taxes of the City of Charlotte, for the Fiscal Year Beginning July 1, 1956 and Ending June 30, 1957" was introduced and read. Councilman Dellinger moved the adoption of the ordinance, which was seconded by Councilman Wilkinson, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 62.

ORDINANCE NO. 329 AMENDING THE BUILDING CODE OF THE CITY OF CHARLOTTE SO AS TO PROVIDE FOR A CONTINUING BOND.

An ordinance entitled: "Ordinance No. 329 Amending the Building Code of the City of Charlotte so as to Provide for a Continuing Bond", was introduced and read. Councilman Wilkinson moved the adoption of the ordinance which was seconded by Councilwoman Evans, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 63.

RESOLUTION RELATIVE TO THE DEATH OF DAVID C. STATON.

The following resolution was introduced by Councilman Brown, who moved its adoption. The motion was seconded by Councilman Albea, and unanimously carried:

"RESOLUTION RELATIVE TO THE DEATH OF DAVID C. STATON

WHEREAS, in the Providence of the Almighty God and in His Divine Wisdom, He has called David C. Staton from labor to rest; and

WHEREAS, it is with a deep sense of appreciation for the splendid services rendered the City of Charlotte for many years by Mr. Staton as a member of the Charlotte Zoning Commission, that we honor his memory and mourn his passing; and

WHEREAS, his deep and abiding interest in his community, his kindness and thoughtful consideration of his fellow-man and devotion to his family, carved for him a lasting place in our memories, and tell the story of the full and gracious life of David C. Staton.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the City Council of the City of Charlotte, North Carolina extend to his family our deepest sympathy and pray God's blessings to rest upon them.

AND FURTHER, that a copy of this resolution be spread upon the Minutes of this meeting of the City Council, a copy sent to his family and copies furnished to the newspapers in the City of Charlotte."

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CONSIDERATION OF OFFER OF MRS. ADELE HENDRICKS TO MAKE GIFT OF OAKLAWN CEMETERY TO CITY DEFERRED ONE WEEK.

Upon motion of Councilwoman Evans, seconded by Councilman Wilkinson, and unanimously carried, consideration of the offer of Mrs. Adele Hendricks to make a gift of Oaklawn Cemetery to the City of Charlotte, was deferred one week.

CONFIRMATION OF SALE OF .06 OF AN ACRE OF PROPERTY IN MADISON PARK TO JAMES A COBB.

Councilman Dellinger moved the confirmation of the sale of a triangular section of land, containing .06 of an acre, at the rear of Lot 7, Block 20 of Madison Park, at public auction on May 7, 1956 to the highest bidder, Mr. James A. Cobb, at a price of \$144.30. The motion was seconded by Councilman Brown, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN IRMA STREET AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the construction of 390-feet of sanitary sewer main was authorized in Irma Street, to serve five family units, at request of Choates Development Company, at an estimated cost of \$730.00, with all costs to be borne by the City.

AGREEMENT AUTHORIZED WITH SEABOARD AIRLINE RAILWAY COMPANY FOR RIGHT-OF-WAY FOR THE INSTALLATION OF WATER MAIN BENEATH TRACKS NEAR MILEPOST #335.

Councilman Albea moved that the Mayor and City Clerk be authorized to execute an Agreement with the Seaboard Airline Railway Company for the installation of a 42-inch water main beneath their tracks near Milepost #335, on the westerly side of the City. The motion was seconded by Councilman Dellinger, and unanimously carried.

AGREEMENT AUTHORIZED WITH PIEDMONT & NORTHERN RAILWAY COMPANY FOR RIGHT-OF-WAY FOR THE INSTALLATION OF WATER MAIN BENEATH TRACKS NORTH OF HOVIS CIRCLE CROSSING.

Upon motion of Councilman Wilkinson, seconded by Councilman Albea, and unanimously carried, the Mayor and City Clerk were authorized to execute an Agreement with the Piedmont and Northern Railway for the installation of a 42-inch water main beneath their tracks just north of the Hovis Circle Crossing.

AGREEMENT AUTHORIZED WITH STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY FOR THE INSTALLATION OF WATER MAIN IN GREEN STREET, HOVIS CIRCLE, MARBLE STREET, SOUTHWAY STREET EXTENSION, SOUTHWAY DRIVE, NORTHWAY DRIVE, WESTWAY DRIVE AND FREEDOM DRIVE, FOR THE OPENING AND CROSSING OF OAKDALE ROAD.

Councilman Dellinger moved that the Mayor and City Clerk be authorized to execute an Agreement with the State Highway Commission for right-of-way for the installation of a 42-inch water main in Green Street, Hovis Circle, Marble Street, Southway Street Extension, Southway Drive, Northway Drive, Westway Drive and Freedom Drive, for the opening and crossing of Oakdale Road. The motion was seconded by Councilwoman Evans, and unanimously carried.

CONSTRUCTION OF DRIVEWAY ENTRANCES ON WEST 10TH STREET AND NORTH CHURCH STREET AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Wilkinson, and unanimously carried, the construction of a 16-foot driveway entrance on West 10th Street, and a 16-foot driveway entrance on North Church Street for 200 West 10th Street, was authorized.

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TRANSFER OF CEMETERY LOTS.

Motion was made by Councilman Brown, seconded by Councilwoman Evans, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Betty K. Sherrill, for Lot 156, Section 4-A Evergreen Cemetery, at \$126.00.
- (b) Deed with Mrs. Kathleen H. Whitehead, for Lot 317, Section 2 Evergreen Cemetery, at \$160.00.
- (c) Deed with W. A. Justic and wife, for the northeast quarter of Lot 9, Section BB, Elmwood Cemetery, transferred from Mrs. Virgie Shytle, at a price of \$1.00 for new deed.
- (d) Deed with Mrs. Virgie Shytle, for northeast quarter of Lot 9, Section BB, Elmwood Cemetery, at a price of \$1.00 for new deed.

CHARLOTTE CITY COACH LINES, INC., AUTHORIZED TO MAKE TEMPORARY CHANGE IN BUS ROUTE #7, SECOND WARD LINE.

Councilwoman Evans moved that the request of the Charlotte City Coach Lines, Inc., for temporary change in Bus Route #7, Second Ward Line, effective June 1, 1956, be granted, to serve the colored citizens, as requested by the Y.W.C.A. and Mr. Arthur Grier. The motion was seconded by Councilman Albea, and unanimously carried.

\$1,500.00 TRANSFERRED FROM EMERGENCY FUND TO TRAFFIC ENGINEERING DEPARTMENT FOR PURCHASE OF CENTERLINER.

Motion was made by Councilman Dellinger, seconded by Councilman Brown, and unanimously carried, authorizing the purchase of a Self-Propelled Spray Type Centerliner, for applying traffic paint, and the transfer of \$1,500.00 from the Emergency Fund, Code 110 to Traffic Engineering Budget, Code 1518 G-12, for payment thereof.

ADJOURNMENT.

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

  
Lillian R. Hoffman, City Clerk