

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 18, 1959, at 3 o'clock p. m. with Mayor Smith presiding and Council members Albea, Baxter, Brown, Dellinger, Evans, Foard and Wilkinson being present.

ABSENT: None.

Planning Board members Sibley, Chairman, and Commissioners Craig, Ervin, McClure, Hanks, Hook, Schwartz and Toy were also present during the hearings on petitions to amend the Zoning Ordinance to change the Building Zone Maps of the Charlotte Perimeter Area.

ABSENT: Commissioners Marsh and Wilkinson.

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INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Brown, seconded by Councilman Wilkinson, and unanimously carried, the Minutes of the last meeting on March 11th were approved as submitted.

HEARING ON ORDINANCE NO. 534 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 534 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at the southeast corner of Park Road and Fairview Road, from Rural to B-1, on petition of T. F. Black, W. F. Black, Carl Bolick and H. B. Fincher.

Mr. McIntyre, Planning Director, stated the property consists of 35 acres on the southerly side of Fairview Road presently used as farm land and residentially. That the property is across from the Celanese property; that the area behind the property in question is used residentially with much vacant property; that the property along Fairview Road is open land, and there is a small business area, consisting of Service Stations, at Fairview Road and Sharon Road.

Mr. Wallace Osborne, Attorney, representing the petitioners, stated that Mr. T. F. Black, who is 81 years of age, has resided on a portion of the property proposed for rezoning for a period of 51 years, and he is certainly not interested in developing the property in any way that will be damaging to the area or his neighbors, but because of business having moved into the area, merely wishes to be permitted to use his property to the best advantage. Mr. Osborne pointed out that the Celanese property is presently zoned B 1-A, and the distance is only 1,700 feet to the intersection of Sharon Road where there is already business developments. He stated that the FHA and similar loan agencies are not interested in making residential loans where the property adjoins or is across from property zoned for Business. Mr. Osborne stated further there is a 68-foot power

line right-of-way to the south of the property in question, to Park Road, which is a natural buffer zone between any development the petitioners might make and the existing residential property. He advised that the petitioners propose to erect a multiple office building on the property, or a shopping center, which is needed in the area.

Mr. William Scarborough, Attorney, filed a petition signed by 56 property owners in the area protesting the requested change in zoning, many of whom were present in the Council Chamber. He stated that the Celanese Building is a nonconforming use of property in this residential area, and was erected before zoning was established in the Perimeter area. That this is a most desirable residential area, where there are many expensive homes located and there is no valid reason for changing the zone to business. He stated that the residents of the beautiful nearby Fairmeadows area protest the change, and that developers Nivens Construction Company and John Crosland Company who own much land in the vicinity vigorously protest the change. Mr. Paul Younts, developer, also spoke in opposition to the change to a business zone.

Decision was deferred for one week by the Council.

HEARING ON ORDINANCE NO. 535 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 535 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property at the southwest corner of Joyce Avenue and Milton Road, from Rural to B-1, on petition of Frank N. Harton and wife.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated this is a small piece of property a short distance from The Plaza and Milton Road, with a frontage of 350 feet along Milton Road and is adjoined by residential property, that across from Milton Road there is a Service Station.

Mr. Bob Doster, speaking for the petitioners stated that 350-feet of the property is joined both on Milton Road and Joyce Avenue by a Business zone, and that the property lends its self poorly for a residential development, and is useless as it is presently zoned. He stated that the property lies within the area that will be annexed to the city in 1960.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON ORDINANCE NO. 536 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 536 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property east of Margaret Avenue, north of Wilkinson Boulevard, from R-2 to B-1, on petition of American Commercial Bank, Trustees for Carrie Marshall Gallaway.

Mr. McIntyre, Planning Director presented a map of the area and stated the property is vacant land fronting on Margaret Avenue, and is adjoined on the south and east by vacant land, and is developed residentially on the north and across from Margaret Avenue.

Mr. George Coggins appeared before Council and spoke for the petitioners, stating the Trustees do not know how the small piece of land was left out of the existing business zone when their other property in the area was zoned for business, and they are merely asking that it be now included.

No opposition to the proposed change was expressed.

Council decision was deferred for one week.

MR. GRADY COLE CONGRATULATED ON OBSERVING SAINT PATRICK'S DAY IN A ONE-MAN PARADE.

Councilman Baxter moved that the Council go on record congratulating Mr. Grady Cole for "getting his Irish up" and observing Saint Patrick's Day in a one-man parade. The motion was seconded by Councilwoman Evans, and unanimously carried.

CITY MANAGER REQUESTED TO MAKE INVESTIGATION OF ADVISABILITY OF OPENING CHARLES AVENUE FROM CLEMSON AVENUE TO WHITING AVENUE.

Councilman Brown requested the City Manager to investigate the advisability of opening Charles Avenue from Clemson Avenue to Whiting Avenue. He stated the request had come to him from the Highland Elementary School P.T.A., who also advised that the City owns the right-of-way that would be necessary for opening the street.

CITY MANAGER REQUESTED TO INVESTIGATE NEED FOR TRAFFIC SIGNAL AT EAST 8TH AND COLLEGE STREETS.

Councilman Brown requested the City Manager to have a traffic count made at the intersection of East 8th and College Streets with the view of erecting a traffic signal.

CITY MANAGER REQUESTED TO HAVE TRAFFIC COUNT MADE AT INTERSECTION OF QUEENS ROAD, SELWYN AVENUE AND RATCLIFF AVENUE WITH VIEW TO ERECTING TRAFFIC SIGNAL.

Councilman Brown requested the City Manager to have a traffic count made at the intersection of Queens Road, Selwyn Avenue and Ratcliff Avenue with the view of providing better protection for school children. He stated he has been requested to look into the matter by the Myers Park Elementary School P.T.A.

COUNCIL ADVISED THAT CONTRACT FOR COMPLETION OF BRIDGE ON BAXTER STREET WAS 30 DAYS, AND THAT CONTRACT CARRIES PENALTY OF \$10.00 PER DAY BEYOND COMPLETION DATE ON MARCH 10, 1959.

Councilman Foard requested the City Manager to give the Council the information he has furnished him with regard to the construction of the bridge on Baxter Street, which is causing much inconvenience to traffic.

Mr. Yancey stated that the Contractor's agreement with the City was to complete the bridge within 30 days and the expiration date was March 10th; that the contract carries a penalty of \$10.00 a day, which will automatically be enforced; that it is estimated that it will be another 30 days before the work is completed.

CHANGE IN POLICY BY OFFICERS IN YOUTH BUREAU AS TO ARREST OF YOUTHS ON SCHOOL PROPERTY REQUESTED BY MAYOR.

Mayor Smith stated that recently the Officers in the Youth Bureau of the Police Department had occasion to investigate complaints against young boys, which it developed was a misdemeanor or prank. That in the investigation the Officers went to the school the boys attended and arrested them, brought them to the Police Station for booking and then notified their parents. He stated that the parents are much upset over the manner in which the matter was handled, and they feel the boys should have been apprehended at home instead of at school. He stated further the School Principal advises when arrests are made at school, he is placed in the position of having to expell the students. Mayor Smith stated he is reporting the matter and requesting the City Manager to handle it with the Youth Bureau for a change in the procedure, if necessary.

NOTE:
Corrected by
adding "if
necessary" at
end. March 25,
1959 Meeting,
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SETTLEMENT OF SUIT OF HOLTON AGAINST CITY BY PAYMENT OF \$1,200.00 AND DEED TO SMALL PIECE OF PROPERTY ON STATESVILLE AVENUE.

Mr. John Shaw, City Attorney, advised the Council that he has been trying a law suit brought against the City by a Mr. Holton for damages to his property on Statesville Road by the City's Land-fill Garbage Disposal operation; that the evidence indicated the damage to be \$4,250.00. That an agreement has been reached whereby the case can be settled if the City agrees to pay the Plaintiff \$1,200.00, and give him a deed to a small piece of property adjoining his property, which is of no value to the City. He stated further that the City would retain an easement across the land to our Landfill operation site. Councilman Brown moved that the case be settled as recommended by the City Attorney. The motion was seconded by Councilman Wilkinson, and unanimously carried.

PROVISIONS OF PROPOSED WRECKER ORDINANCE TO INCLUDE HEARINGS ON REQUESTS FOR CHANGE IN ZONES TO BE HEARD AND DECIDED BY CITY COUNCIL.

Mr. John Shaw, City Attorney, stated that he and Mr. Leon Olive, Attorney representing the Wrecker Companies, have agreed on the proposed Ordinance governing the operation of these Companies except as to the method of zoning. That the present Ordinance gives the power of zoning to the Chief of Police. That both Mr. Olive and Chief Selvey suggest that the proposed Ordinance provide that the Chief of Police/^{establish} rules and regulations for the Companies, including establishment of zones, and that requests for change in zones be heard and decided by the City Council. The Council concurred in the suggestion and authorized the City Attorney to include the provisions in the ordinance for their consideration.

CITY MANAGER AUTHORIZED TO ADVERTISE FOR BIDS FOR ADDITION TO AIRPORT TERMINAL.

Mr. Yancey, City Manager, stated that plans have been prepared for the addition to the Airport Terminal and the C.A.A. has made a Grant Offer. He requested authority to advertise for bids for the construction of the addition. Councilman Brown moved that the City Manager advertise for the bids as recommended, which was seconded by Councilman Dellinger, and unanimously carried.

BILL TO CREATE THE CHARLOTTE-MECKLENBURG RECREATION COMMISSION APPROVED FOR SUBMISSION TO GENERAL ASSEMBLY.

Upon motion of Councilman Baxter, seconded by Councilwoman Evans, and

unanimously carried, the Bill to Create the Charlotte-Mecklenburg Recreation Commission prepared by the Joint City-County Committee, and approved by the Mecklenburg County Commissioners, was approved for submission to the General Assembly for ratification.

BILL TO AUTHORIZE THE CITY AND COUNTY SCHOOL BOARDS TO COOPERATE WITH THE CHARLOTTE-MECKLENBURG RECREATION COMMISSION ON THE USE OF SCHOOL PROPERTY FOR RECREATIONAL PURPOSES.

Councilman Albea moved approval of the Bill to Authorize the City and County School Boards to Cooperate with the Charlotte-Mecklenburg Recreation Commission on the Use of School Property for Recreational Purposes, subject to the approval of the said school boards, which Bill was prepared by the Joint City-County Committee. The motion was seconded by Councilman Baxter, and unanimously carried.

LINCOLN BOULEVARD, FROM ERIE STREET TO BROWN STREET, TAKEN OVER FOR MAINTENANCE.

Councilman Albea moved that Lincoln Boulevard, from Erie Street to Brown Street, be taken over for city maintenance as recommended by the City Manager. The motion was seconded by Councilman Foard, and unanimously carried.

PROVIDENCE CORPORATION AUTHORIZED TO CONNECT SANITARY SEWER OUTSIDE CITY TO CITY'S SANITARY SEWERAGE SYSTEM.

Motion was made by Councilman Wilkinson, seconded by Councilman Dellinger, and unanimously carried, authorizing Providence Corporation to connect 1,870 feet of sanitary sewer mains to the City's Sanitary Sewerage System in Sharon Road, Sharon Lane and Foxcroft Road, subject to their complying with all laws, rules and regulations now in effect, or which may hereafter become effective relative to property similarly situated.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Foard, seconded by Councilman Baxter, and unanimously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 100 feet of main in Glenn Street, at request of Mr. M. T. Morgan, 3719 Central Avenue, at an estimated cost of \$300.00. All costs to be borne by the City.
- (b) Construction of 240-feet of main in Belvedere Avenue, at request of Mrs. Lucille Bedsol, 2100 The Plaza, at an estimated cost of \$885.00. All costs to be borne by the City.

CONTRACT AWARDED PURSER & LONDON, INC. FOR SCHEDULE OF REPAIR PARTS FOR DELAVAL PUMPS.

Councilman Wilkinson moved that contract be awarded Purser & London, Inc., for a schedule of Parts consisting of twelve items, to be used for repairs to the City's DeLaval Pumps, as specified, representing a total price of \$1,050.00, f.o.b. shipping point. No other bids on the parts were requested as this firm is the only source from which these particular parts can be secured. The motion was seconded by Councilman Baxter, and unanimously carried.

CONTRACT AWARDED E. F. CRAVEN COMPANY FOR ASPHALT ROAD HEATER PLANER.

Upon motion of Councilman Brown, seconded by Councilman Baxter, and un-animously carried, contract was awarded the only bidder, E. F. Craven Company for an Asphalt Road Heater Planer, for use in repairing and reconditioning asphalt pavement as specified, at a net delivered price of \$17,354.50, and that the rent of \$900.00 per month for the first six months and \$715.00 per month thereafter, be applied against the purchase of the equipment.

RENEWAL OF SPECIAL OFFICER PERMIT TO CALVIN CHRISTENBURY FOR USE ON PREMISES OF EAST 4TH STREET SALES COMPANY.

Councilman Dellinger moved approval of the renewal of Special Officer Permit to Calvin Christenbury for use on the premises of East 4th Street Sales Company. The motion was seconded by Councilman Wilkinson, and un-animously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Albea, seconded by Councilman Foard, and un-animously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mr. E. Kindsey Wiggins, for Lot 104, Section 2, Evergreen Cemetery, at \$320.00.
- (b) Deed with Mr. John E. Brewer, for Graves #1 and #2, Lot 100, Section 3, Evergreen Cemetery, at \$80.00.
- (c) Deed with Estate of Harry E. Poulos, for Lot 398, Section 4-A, Evergreen Cemetery, at \$126.00.
- (d) Deed with Mr. Fred F. Willis, Jr. for Grave #4, Lot 168, Section 3, Evergreen Cemetery, at \$40.00.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Baxter, and un-animously carried, the meeting was adjourned.


Lillian R. Hoffman, City Clerk