

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 Monday, August 17, 1959, with Mayor Smith presiding, and Councilmen Albea, Babcock, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Dellinger.

Planning Board members Sibley, Chairman, and Craig, Erwin, Hook, Marsh, Toy and Wilkinson were present during the hearings on petitions for changes in zoning.

ABSENT: Messrs. Hanks, McClure and Schwartz.

* * * * *

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Smith, seconded by Councilman Hitch, and un-animously carried, the Minutes of the last meeting on August 3, 1959 were approved as submitted.

HEARING ON ORDINANCE NO. 593 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 593 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte, by changing property on both sides of East Boulevard, Euclid Avenue and Winthrop Avenue, from R-2 to Office-Institution, on petition of F. J. Heath et al.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated the property is used residentially and is adjoined on the west by scattered residences and businesses; on the east by churches and on the north and south used residentially. That the zoning on all sides is R-2 except along East Boulevard towards South Boulevard.

Mr. Irving Boyle, attorney for the petitioner called attention that they are requesting a change to O-I, the same type of zoning on Morehead Street. That the property consists of two blocks and all of the thirty property owners, with one exception, favor the change in zoning. That East Boulevard is a wide street with no parking difficulties, with all utilities already laid in the street, and the City will benefit by the change in increased taxes and in the appearance of the street.

No opposition was expressed to the proposed change.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 594 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 594 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at 1812-1818 Euclid Avenue, from R-2 to B-1, on petition of Willie E. and Hazel N. Doster and Herbert and Myrtle Richmond.

A map of the property and surrounding area was presented by the Planning Director, who stated at present the property is used for parking, and is adjoined on the Boulevard side by business; across Euclid by residences; to the south adjoins rear line of residential lots; to the north adjoined by residences; on the west by a business zone and on the east an R-2 zone.

Mr. Ed Cook, representing the petitioners who reside in Florida, stated that the back portion of the lots are already zoned B-1, and the Planning Board Director states the entire property should be zoned for business.

No opposition was expressed to the proposed change.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 595 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 595 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at 308 W. Worthington Avenue, from R-2 to B-1, on petition of D. C. Cheyne and wife.

Factual information as to the property and surrounding area was presented by Mr. McIntyre, Planning Director, who stated the property lies one lot from South Tryon Street frontage, and consists of one lot now used as residential. It is adjoined on the east by a Used Car lot, across the street is a Service Station, and the four corners of the South Tryon Street and Worthington Avenue intersection are zoned for business, and to the west the property is used residentially.

No opposition was expressed to the proposed change.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 596 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 596 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at 1718-1720-22 South Tryon Street, from R-2 to B-1, on petition of J. A. and Allie M. Daly, and James M. Archer and wife.

Mr. McIntyre, Planning Director, presented a map of the property and surrounding area and gave factual information relating thereto, and stated the property consists of two lots used residentially, and is one lot removed from the South Tryon Street, Worthington Avenue intersection business area. To the rear the land is used residentially, also to the north and east, and across the street is a service station.

Mr. Ed Cook, representing the petitioners, stated the property of J. A. Daly adjoins a B-1 zone. That Mr. Archer wishes to dispose of his property for business use as it is unsuited for residential use because of the noise and general business development in the area.

No opposition was expressed to the proposed change. Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 597 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The public hearing was held on Ordinance No. 597 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property on the NE corner of Gardner Avenue and Chamberlain Avenue, from R-2 to Industrial, on petition of W. Carl Ewing.

Information as to the property and surrounding area was given by the Planning Director, who stated the property consists of three lots, and is one-half block from Rozzells Ferry Road. That it adjoins the rear lines of the residential lots on Rozzells Ferry Road; across Gardner Avenue the land is used residentially and for business; that south from Chamberlain Avenue is located the Old Dominion Box Company.

No opposition was expressed to the proposed change.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 598 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 598 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the east side of Bradford Drive, from Key Street to North Street, from R-2 to B-1, on petition of Gaddy, Neely and Harrison.

Mr. McIntyre, Planning Director, explained the zoning of the property and surrounding area, stating that the property lies in the Thomasboro area, which is developed primarily with single family residences and some vacant land; that the property is one block from the Thomasboro School, and to the north the land is developed residentially and with small businesses and to the south with business.

Mr. L. L. Caudle, Attorney representing the petitioners, stated that Bradford Drive is a main street through Thomasboro and the petitioners are the owners of all the property from Key Street to North Street. He stated further that the east side of Bradford Drive is becoming substandard as to residences and the only appropriate use is for business development, and the change will improve the neighborhood instead of injuring it.

No opposition was expressed to the proposed change.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 599 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 599 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of Charlotte, by changing property at 1124-1214 East 10th Street, on petition of O. J. Fink, C. N. Hill, et al.

Factual information as to the property and surrounding area was presented by the Planning Director, who stated the property consists of six lots on the south side of 10th Street, across from the Piedmont Junior High School, and is adjoined by business and one industrial establishment, and across the street the property is zoned both R-2 and B-1.

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Mr. Elbert Foster, Attorney representing the petitioners, stated that all property owners on the south side of the street are requesting the change in zoning, as it is no longer suitable for residential usage.

No opposition to the change was expressed.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 600 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The scheduled hearing was held on Ordinance No. 600 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the east side of Park Road, south of Montford Drive, from R-2 to B-1, on petition of W. Frank Graham.

An explanation of the property and surrounding area was made by the Planning Director, who stated the property is 30 feet wide on Park Road, narrowing to 6 feet, and consists of two fragments of vacant land near the intersection of Park Road and Montford Drive. That it is adjoined on both sides by vacant land and across Park Road is developed residentially.

Mr. Charles Darracott stated the individual property owners in the area object to the intrusion of business.

Council decision was deferred for two weeks.

HEARING ON ORDINANCE NO. 607 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE.

The public hearing was held on Ordinance No. 607 Amending the Zoning Ordinance to amend the Building Zone Map of the Perimeter Area by changing property on the east side of Ashley Road, south of Tuckaseegee Road, from Rural and B-1 to Industrial, on petition of Mrs. Mary R. Alexander.

Factual information as to the property and surrounding area was given by the Planning Director, who advised the property is known as the Old Cannon Airport and is located adjacent to Interstate 85. That it is adjoined by both business and industrial establishments, otherwise the area is vacant lands, and all is zoned Rural with the exception of one B-1 corner lot.

Mr. Paul Ransom, speaking for Esso Standard Oil Company, who wishes to purchase the property in question, stated they were of the opinion it was zoned for business until they began negotiations for its purchase. That there are no residences near and is adjoined by business.

Mr. Caldwell McDonald, representing the petitioner, stated he understands from the Planning Director that this portion of the perimeter area is being worked over by the Planning Board to be zoned industrially and the property in question comes within that category. Mr. McIntyre, Planning Director, stated that is correct.

No opposition to the proposed change in zoning was expressed.

Council decision was deferred for two weeks.

RESOLUTION APPROVING PETITION TO CLOSE A SMALL PORTION OF EAST 24TH STREET, ADOPTED.

Consideration was given the petition of The Jason Company filed with the

Council on July 20th, to close a portion of East 24th Street upon which their building encroaches one-tenth of a foot. Mr. Irving Boyle, attorney for the Company stated that all legal requirements in connection with the petition have been complied with. A resolution entitled: "Resolution Approving Petition to Close a Small Portion of East 24th Street" was introduced and read, and upon motion of Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, the resolution was adopted. The resolution is recorded in full in Resolutions Book 3, at Page 401.

ORDINANCE NO. 621-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING 5.55 ACRES OF PROPERTY IN SHARON TOWNSHIP, ON PETITION OF BEN D. HEATH III AND WIFE.

An ordinance entitled: "Ordinance No. 621-X Extending the Corporate Limits of the City of Charlotte by Annexing 5.55 Acres of Property in Sharon Township, on petition of Ben D. Heath III and Wife" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Hitch, was unanimously adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 378.

RESOLUTION AUTHORIZING PERMANENT IMPROVEMENTS ON EAST FIFTH STREET.

A resolution entitled: "Resolution Authorizing Permanent Improvements on East Fifth Street" was introduced and read, and upon motion of Councilman Albea, seconded by Councilman Whittington, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 400.

ORDINANCE NO. 584 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA CONTINUED TO AUGUST 31, 1959.

Upon motion of Councilman Smith, seconded by Councilman Myers, and unanimously carried, Council decision was deferred for two weeks on petition of M. E. and Mary Beatty for a change in zoning from R-2 to Industrial on property on the west side of US 29 Bypass, covered by Ordinance No. 584.

ORDINANCE NO. 585 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA, CONTINUED TO AUGUST 31, 1959.

The City Attorney advised that he has just returned to his office from an absence from the city and found a long letter from Mr. Sydnor Thompson, Attorney for the petitioners for a change in zoning from B-1 to R-2 on property on both sides of Greenwich Road at Old Sardis Road regarding the legal angle; also, a lengthy letter on the subject from Mr. Irving Boyle, Attorney, but has not had time to study them. That he would suggest that it be continued until the next meeting so that he can check the legality of the question. Councilman Albea moved that the decision be deferred for two weeks, which motion was seconded by Councilman Whittington, and unanimously carried.

ORDINANCE NO. 586 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF THE PERIMETER AREA BY CHANGING PROPERTY FROM RURAL TO INDUSTRIAL, WITH A 500 FOOT BUFFER ZONE AT THE REAR, ADOPTED.

Councilman Smith moved the adoption of Ordinance No. 586 Amending the

Zoning Ordinance to amend the building zone map of the perimeter area by changing property along both sides of McDonald Belt Road, north of US #29-Bypass, from Rural to Industrial, with the allowance of a 300 foot buffer zone strip at the rear of the property, as offered by Mr. Hugh Lobdell, Attorney for the petitioners, at the Council Meeting on August 3rd. The motion was seconded by Councilman Hitch.

Councilman Albea offered a substitute motion that the matter be continued for two weeks. The motion lost for a lack of a second.

The vote was then taken on the main motion and carried, with the votes cast as follows:

YEAS: Councilmen Babcock, Hitch, Myers, Smith and Whittington.

NAYS: Councilman Albea

The ordinance is recorded in full in Ordinance Book 12, at Page 379.

ORDINANCE NO. 587 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, CONTINUED FOR TWO WEEKS.

Upon motion of Councilman Whittington, seconded by Councilman Babcock, and unanimously carried, decision on Ordinance No. 587 was deferred for two weeks, to change the zoning from R-2 to B-1, on the property of S. P. Risley located on the NW side of Thomas Place.

ORDINANCE NO. 588 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, Ordinance No. 588 Amending the Zoning Ordinance by amending the Building Zone Map of Charlotte by changing property on the SE side of The Plaza, between Herrin Avenue and Anderson Street, from R-2 to B-1, on petition of Mr. Gus Collias, was adopted as recommended by the Planning Board. The ordinance is recorded in full in Ordinance Book 12, at Page 380.

ORDINANCE NO. 589 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Councilman Whittington moved that Ordinance No. 589 Amending the Zoning Ordinance by amending the Building Zone Map of Charlotte by changing property in the 3300-3400 blocks of The Plaza, from R-2 to B-1, on petition of Plaza Baptist Church et al, be adopted as recommended by the Planning Board. The motion was seconded by Councilman Babcock, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 381.

ORDINANCE NO. 590 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE AMENDING THE BUILDING ZONE MAP OF CHARLOTTE, ADOPTED.

Motion was made by Councilman Hitch, seconded by Councilman Smith, and unanimously carried, that Ordinance No. 590 Amending the Zoning Ordinance by amending the Building Zone Map of Charlotte by changing property on the west side of Remount Road, south of the Southern Railway, from R-2 to Industrial, on petition of Ralph M. Abercrombie and wife, be adopted. The ordinance is recorded in full in Ordinance Book 12, at Page 382.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 611, ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 611, Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map of the Perimeter Area by changing property located on the southwest corner Park Road and Woodlawn Road, from B-1 to R-2, on petition of Madison Park Home Owners Association, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 403.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 612 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 612, Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map of the Perimeter Area by changing property located on Spring Street, east of Newland Road, from R-2 to B 1-A, on petition of Luther L. Caldwell, 2430 Statesville Avenue, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 404.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 613 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 613, Amending Chapter 21, Article II, Section 5 of the City Code to amend the Building Zone Map of the Perimeter Area by changing property located on the southwest corner Potters Road and Dinglewood Avenue, from R-2 to B-1, on petition of Charles E. Jetton and wife, Lakeview Drive, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 405.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 614 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 614 Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property located on Glenwood Drive, Plainview Road, Emerson Drive Area, from R-2 to Industrial, on petition of P & N Railway Company, was introduced and read. Councilman Whittington moved the adoption of the resolution, which was seconded by Councilman Smith and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 406.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 615 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 615, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property on Central Avenue, east of Carolyn Drive, from R-2 to B-1, on petition of M. T. Morgan, et al, 3646 Virginia Circle, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 407.

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RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 616 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 616, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property located at 1228 East 10th Street, on petition of L. D. Griffin and wife, 1228 East 10th Street, was introduced and read. Councilman Whittington moved the adoption of the resolution, which was seconded by Councilman Smith, and unanimously carried. The resolution is recorded in full in Resolutions Book 3, at Page 408.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 617 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st on Ordinance No. 617, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property at 201 Irwin Avenue, from R-2 to B-1, on petition of Henry W. Kerns and wife, 117 S. Clarkson Street, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 409.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 618, ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 618, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property located at Shamrock Drive and Eastwood Drive, from R-2 to B-1, on petition of Arthur E. Bridges and wife, 3101 Eastwood Drive, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 410.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21st ON ORDINANCE NO. 619 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 619, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property at 1400-1402 Herrin Avenue, from R-2 to B-1, on petition of Mr. E. Alvin Mull, 2923 The Plaza, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 411.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON SEPTEMBER 21ST ON ORDINANCE NO. 620 ADOPTED.

A Resolution Providing for a Public Hearing on September 21st, on Ordinance No. 620, Amending Chapter 21, Article I, Section 2 of the City Code to amend the Building Zone Map of the City of Charlotte by changing property located at corner The Plaza and Oakwood Avenue, from R-2 to B-1, on petition of Mrs. W. C. Wallace, 3707 The Plaza, was introduced and read, and upon motion of Councilman Whittington, seconded by Councilman Smith, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 412.

RECESS TAKEN BY COUNCIL.

Mayor Smith announced that the meeting would be recessed for five minutes.

MEETING RECONVENED AT 4 P.M.

Mayor Smith reconvened the meeting at 4 o'clock p.m.

ORDINANCE NO. 605 AMENDING THE BUILDING CODE OF THE CITY OF CHARLOTTE BY REPEALING ARTICLE I THEREOF DEALING WITH ADMINISTRATIVE PROCEDURE, AND ADOPTING VARIOUS STATE CODES, ADOPTED.

Ordinance No. 605 to amend the Building Code, which was introduced on July 20th and considered on August 3rd, was presented for adoption.

Mr. Charles Petty, Chairman of the Committee appointed by the Mayor to review and recommend changes in the Heating and Air Conditioning Code introduced Mr. Paul Smith, member of the Committee who stated they have conferred regarding the proposed Building Code relative to Administrative Procedure, and want to go along in endorsing it, with the request that the Council urge the Building Standards Board, provided for in the proposed code to review the proposed Heating and Air conditioning Code within the next 90 days, so that it can be put into effect as soon as possible.

Councilman Myers congratulated Mr. Petty and the members of the Committee for the fine work they have done in writing the Heating and Air Conditioning Code and finally resolving the matter. He stated they in the building trade are fighting to upgrade our codes.

Councilman Myers stated that it is necessary that the State Building Codes Council approve the new Building Code, and as the Council only meets in July and January everything possible should be done to expedite all modifications to the code. Also, he recommended that Mr. J. B. Bell, Chief Building Inspector, be requested to contact the State Building Codes Council relative to calling a special meeting to approve the new Building Code section. He suggested that in the meantime the Building Standards Board of Charlotte be appointed and act in an advisory capacity until the code is approved by the State Council. He moved the adoption of Ordinance No. 605 Amending the Building Code of the City of Charlotte by Repealing Article I thereof Dealing with Administrative Procedure and Adopting Various State Codes. The motion was seconded by Councilman Hitch.

Councilman Whittington asked why there is no representative of the Gas Industry included in the membership on the Building Standards Board, provided for under Section 7 (c) of the Code. Councilman Myers stated they are represented on the Mechanical Equipment Board. Mr. Jim Packard stated they wish the Gas Industry represented, and a minor board is satisfactory.

Councilman Whittington stated he does not think a representative should be counted out on the Board, as he had talked with representatives of the industry two hours over the week-end, and they were disappointed. Councilman Myers stated there will be an Advisory Board and it is his opinion they should be on that Board, the same as a representative of Duke Power Company.

The vote was taken on the motion to adopt the Ordinance Amending the Building Code and carried unanimously.

The Ordinance is recorded in Ordinance Book 12, beginning at Page 383.

Corrected 8-31-59 to change title of
Mr. J. B. Bell from "Chief Building
Inspector" to "Acting Chief Building
Inspector"

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APPOINTMENT OF SIX MEMBERS OF THE BUILDING STANDARDS BOARD BY CITY MANAGER.

Mr. Veeder, City Manager, stated as he is new in Charlotte he requested the various trades to be represented on the Building Standards Board to submit proposed members, and he is prepared to appoint six of the seven members, namely; Mr. S. C. Halfhill, Engineer, Mr. Teebee Hawkins, Architect, Mr. R. C. Hicks, General Contractor, Mr. Robert Broadway, Home Builder, Mr. T. G. Sparrow, Electrician and Mr. P. C. Godfrey, Plumber.

Mr. Veeder stated further that the Code provides for the terms of office - two members for one year, two for 2 years and three for 3 years, and suggested that the terms be determined by lot by the Board members in their first meeting.

REVIEW OF PARKING RESTRICTIONS AND WRECKER SERVICE IN CENTRAL BUSINESS DISTRICT SUBMITTED BY TRAFFIC ENGINEER AND CHIEF OF POLICE.

Mr. Herman Hoose, Traffic Engineer and Chief James, Charlotte Police Department submitted a review of parking restrictions and wrecker service in the central business district that had been requested by the Mayor and Council. Copies of the report and their recommendations were given all city officials, and one placed on file in the office of the City Clerk. Mr. Hoose and Chief James asked that the report be studied and action taken on their recommendations.

STATE HIGHWAY COMMISSION TO BE REQUESTED TO KEEP STREETS IN GOOD REPAIR IN PERIMETER AREA TO BE ANNEXED JANUARY 1, 1960.

Councilman Smith called attention to the run-down condition of streets in the perimeter area to be annexed by the City, stating he has received many calls regarding them from residents of the area. He requested the City Manager to take the matter up with the State Highway Commission and request that the streets be properly maintained. Mr. Smith observed that otherwise the City will be placed in the position of having to spend large sums of money on the streets when the area is annexed.

SICK LEAVE EXTENDED JAMES T. MARTIN, STREET DEPARTMENT EMPLOYEE, TO DECEMBER 31, 1959.

Councilman Smith stated that Mr. James T. Martin, Street Department employee for the past 30 years has become disabled and due to the limited time municipal employees have been eligible for social security, Mr. Martin lacks two quarters of the total of twenty to provide full social security coverage. That the Social Security Board has advised he may earn these if he is carried on the city's payroll to December 31, 1959 even at a very limited wage. Councilman Smith moved that, if legal, sick leave be extended to Mr. Martin to December 31, 1959 and he receive a wage of \$1.00 per day. The motion was seconded by Councilman Albea, and unanimously carried.

OFFICIALS OF BOWATERS PAPER COMPANY TO BE CONTACTED AS TO WHAT CAN BE DONE TO ELIMINATE THE OBNOXIOUS ODOR FROM THEIR PLANT.

Councilman Smith stated he has received a number of calls regarding the obnoxious odor in certain areas of Charlotte that is apparently coming from the Bowaters Paper Plant at Catawba, S. C. He recommended that the City Manager arrange for a representative from the City to call on the officials of the company and get the facts and a statement as to what they think can be done, before taking further action. The Council concurred in the recommendation.

BUILDING ON EAST TRADE STREET TO BE OCCUPIED AS POLICE GARAGE AS SOON AS REMODELING COMPLETED.

In reply to the question of Councilman Whittington as to whether the building on East Trade Street in front of the Court House has been occupied as a Police Garage, Chief James stated the remodeling has not been completed, due to lack of help, but they hope to move in next week.

CONSTRUCTION OF TEMPORARY SIDEWALKS AUTHORIZED ON THAT PORTION OF THE NORTHEAST SIDE OF SHAMROCK DRIVE INSIDE THE CITY LIMITS.

Councilman Whittington stated there will be some 3,000 children attending the new Garinger High School and the need for sidewalks is imperative. He moved that the City Manager be authorized to have temporary sidewalks constructed on that portion of the northeast side of Shamrock Road that is inside the city limits of Charlotte, after conferring with School Board officials. There was some question as to funds being available, and Councilman Myers stated he is of the opinion that Powell Funds may be used. The motion was seconded by Councilman Albea, and unanimously carried.

USE OF CRASH HELMETS BY MOTORCYCLE TRAFFIC OFFICERS RECOMMENDED BY COUNCILMAN WHITTINGTON.

Councilman Whittington stated that within the last month, Motorcycle Traffic Officers have had two bad accidents and it is his opinion that their injuries would have been less had they been wearing crash helmets. He asked Chief James if he has considered their use. Chief James stated he asked if they were not in use when he came with the City in June; that he has discussed with Mr. Veeder purchasing the helmets and also putting the motorcycle officers in breeches and boots, which would give them greater protection, and he believes the Police Clothing fund will be sufficient to cover the purchases.

APPOINTMENT OF JAMES A MALCOLM AS ARCHITECT FOR REMODELING THE POLICE DEPARTMENT.

Councilman Hitch moved the appointment of Mr. James A. Malcolm as Architect for remodeling the Police Department, at a fee in accordance with AIA recommendations, and that he submit plans and specifications for Council approval when completed. The motion was seconded by Councilman Smith, and unanimously carried.

REPORT OF COMMITTEE RELATIVE TO ESTABLISHMENT OF TRAFFIC COURT.

Councilman Hitch stated that he and Councilman Myers, as a Committee appointed by the Mayor relative to the recommendation of Judge Arbuckle, that a Traffic Court be established because of increased work load of Recorder's Court due to the adoption of the State's point system, have conferred with Judge Arbuckle and Mr. Hugh Lobdell, President of the Mecklenburg Bar Association, and learned that the present Court cannot be separated into Traffic and Criminal Courts, as two courts to be held simultaneously without approving action of the State Legislature. As the need is so urgent they have asked the Attorney General for permission to hold separate courts, one to be held in the morning and the other in the afternoon, using the same Court Room. That it may mean the City will have to have a second Judge and Solicitor, but they are of the opinion that the costs could be taken care of out of court costs and fees. That Judge Currie, Chairman of a special Bar Association Committee, is assisting in endeavoring to work out a solution. Councilman Hitch stated they hope to have a definite recommendation to present to Council at the next meeting.

Corrected 8-31-59 to change wording to "the City Manager and City Engineer were requested to investigate the availability of funds for the construction of temporary sidewalks on the NE side of Shamrock Road that is inside the city limits"

REPORT RELATIVE TO JET RUNWAY AT AIRPORT.

Councilman Hitch reported that he has had several conferences with Mr. Quinn, Airport Manager, regarding the proposed Jet Runway and there are no funds available for the acquisition of the necessary land, which funds must be other than from taxes. He stated he has no recommendation at this time.

ESTABLISHMENT OF SETBACK LINES ON COLLEGE STREET, FROM MOREHEAD TO 12TH STREET AUTHORIZED.

Councilman Myers stated he feels it is imperative that setback lines be established on College Street, from Morehead to 12th Street, immediately, and any delay could have bad results. He recommended that the City Manager secure a recommendation from the City Engineer immediately. The Council concurred in the recommendation.

WIDENING OF SOUTH SIDE OF RADCLIFFE AVENUE, FROM QUEENS ROAD WEST TO QUEENS ROAD, AUTHORIZED.

Mr. Veeder, City Manager, submitted a report from the City Engineer relative to the widening of the south side of Radcliffe Avenue, from Queens Road West to Queens Road, to a width of 11 feet, at an estimated cost of \$18,400.00. That both he and the Traffic Engineer recommend the widening, the primary purpose being to alleviate traffic congestion near Myers Park School, together with the need for adequate space for the operation of a two-way bus route. That funds for the improvement are recommended taken from the Street Bond Funds originally allocated to the improvement of Baxter Street, between Cecil Street and Hermitage Road, which will not hinder the Baxter Street Improvement. Councilman Babcock made the observation that he resides on Radcliffe Avenue and when the widening was mentioned sometime last year, he took the position with the other residents that one cannot stop progress, and will now take the same position; however he thinks the Council should consider that not one single resident of the street desires or has requested the widening, and the request comes entirely from Queens College, which fronts on Selwyn Avenue. Councilman Babcock stated further that it is, of course, understood that the presently quiet residential street will become a thoroughfare.

Councilman Albea moved that the widening of Radcliffe Avenue to 11 feet be authorized. The motion was seconded by Councilman Smith, who stated he feels the Council must be consistent in these matters where both the City Engineer and Traffic Engineer recommend it.

Councilmen Babcock and Myers disqualified themselves from voting, Councilman Myers stating that he has three reasons, first his company has a contract with Queens College, 2ndly his mother resides on Radcliffe and 3rdly he owns property on Baxter Street.

The vote was taken and carried, with the votes cast as follows:

YEAS: Councilmen Albea, Hitch, Smith and Whittington.

NAYS: None.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR RIGHT-OF-WAY ACROSS PROPERTY OF PARKER WHEDON FOR CLOISTERS SANITARY SEWER.

Upon motion of Councilman Whittington, seconded by Councilman Hitch, and unanimously carried, condemnation proceedings were authorized begun for right-of-way across the property of Mr. Parker Whedon for the construction of the Cloisters Sanitary Sewer.

CREATION OF POSITION OF PLANNING OFFICER IN POLICE DEPARTMENT AT RANK LEVEL OF PATROL LIEUTENANT, AUTHORIZED.

The City Manager presented a request from Chief James that the position of Planning Officer be created in the Police Department, at a rank level of a Patrol Lieutenant, for which funds for salary are available in the Department Budget. Mr. Veeder stated he concurs in the establishment of the position, after conferring at length with Chief James as to the needs of the Department. Councilman Albea moved the creation of the position as recommended, which was seconded by Councilman Hitch, and unanimously carried.

ACCEPTANCE OF HEALTH CENTER FROM ARCHITECT AND BUILDING CONTRACTOR.

Councilman Smith moved the acceptance by the City of the new Health Center, the architects, Marsh and Hawkins, having advised that it is completed and ready for occupancy, and was inspected and approved on July 29th by the U. S. Department of Public Health and the N. C. Medical Care Commission. The motion was seconded by Councilman Myers, and unanimously carried.

APPROVAL OF APPLICATION OF PALMER DETECTIVE AGENCY FOR LICENSE TO CONDUCT BUSINESS.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and unanimously carried, the application of Palmer Detective Agency for City License to conduct the Agency was approved.

SICK LEAVE EXTENSION GRANTED EMPLOYEES OF MOTOR TRANSPORT AND POLICE DEPARTMENTS.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and unanimously carried, authorizing extensions of sick leaves to the following persons:

- (a) Extension to August 31, 1959 to Mrs. Evelyn Rusch, Secretary to the Superintendent of the Motor Transport Department.
- (b) Extension to August 1, 1959 to Officer W. R. Allen, to August 11, 1959 to Officer Jackie Blackwelder, to August 1st to Officer J. R. Ofsonka and to August 31, 1959 to Officer B. W. Stogner, all members of the Police Department.

CONSTRUCTION OF DRIVEWAY ENTRANCES AUTHORIZED.

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

- (a) Two 30-ft. entrances on Glenwood Drive and One 30-ft. on Plainview Road, all for 3931 Glenwood Drive.
- (b) Two 30-ft. entrances on South Tryon Street and One 25-ft. on Foster Street, all for 3030 South Tryon Street.
- (c) Four 30-ft. entrances at 3009 Rozzells Ferry Road.

CONTRACTS FOR INSTALLATION OF WATER MAINS AUTHORIZED.

Upon motion of Councilman Hitch, seconded by Councilman Myers, and unanimously carried, contracts were authorized for the installation of water mains as follows:

- (a) Contract with American Sugar Refining Company for the installation of 650-ft. water mains and one hydrant in Domino Court, at an estimated cost of \$3,125.00. The City to finance all costs and applicant to guarantee a gross annual water revenue equal to 10% of the total cost.
- (b) Supplemental Contract, to contract dated July 11, 1959, with John Crosland Company, for the installation of 15,095 feet of water mains and 10 hydrants, in Beverly Woods, outside the city, at an estimated cost of \$48,370.00. All costs to be borne by the applicant, who will dedicate the mains to the City without cost upon the acceptance by the City.
- (c) Supplemental Contract, to contract dated April 8, 1959, with J. A. Jones Construction Company, for the installation of 1,300 feet of water mains and one hydrant in Stonehaven No. 2 Subdivision, at an estimated cost of \$4,250.00. All costs to be paid by the Company who will own the mains until the area is taken into the city limits, at which time the mains will become the property of the City without cost.
- (d) Supplemental Contract, to contract dated Dec. 10, 1958, with Ervin Construction Company, for the installation of 8,400 feet of mains and 6 hydrants in Montclair No. 4 Subdivision, at an estimated cost of \$26,200.00. All costs to be borne by the Applicant, who will dedicate the mains to the City without cost upon the acceptance by the City.
- (e) Supplemental Contract, to contract dated Feb. 27, 1959, with Sharon Water Company for the installation of 3,902 feet of main and 3 hydrants, in Foxcroft Subdivision No. 4, outside the city limits, at an estimated cost of \$11,900.00. All costs to be borne by the Applicant who will own the mains under terms of an agreement with Sharon Water Company, dated June 2, 1930.

SUPPLEMENTAL CONTRACT WITH AMITY SUPPLY COMPANY FOR INSTALLATION OF WATER MAINS IN RANDOLPH PARK, AUTHORIZED.

Councilman Hitch moved approval of a Supplemental Contract with Amity Supply Company, to contract dated August 11, 1954, for the installation of 9,360 feet of mains and 9 hydrants in Randolph Park, outside the city limits, at an estimated cost of \$28,500.00. The said Company to pay all construction cost and own the mains until the area is incorporated into the City. The motion was seconded by Councilman Myers, and unanimously carried.

ISSUANCE OF SPECIAL OFFICER PERMITS TO J.V. MURRAY, JR AND CHARLEY DEAN.

Motion was made by Councilman Hitch, seconded by Councilman Albea, and unanimously carried, authorizing the issuance of a Special Officer Permit to J. V. Murray, Jr., for a period of one year, for use on the premises

Federal Reserve Bank, and the renewal of Permit to Charley Dean, for a period of one year, for use at the House of Prayer, 314 South McDowell Street.

ADVERTISING AUTHORIZED IN THE CHARLOTTE OBSERVER ON COLUMNAR INCH BASIS OF \$2.80 AND IN THE CHARLOTTE NEWS ON A COLUMNAR INCH BASIS OF \$2.08.

Upon motion of Councilman Hitch, seconded by Councilman Babcock, and un-animously carried, future advertising was authorized placed in The Charlotte Observer on a columnar inch basis of \$2.80 and in The Charlotte News on a columnar inch basis of \$2.08, to be adjusted up or down on their column rates at the end of the contract period, based on our column inches published.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Smith, seconded by Councilman Myers and un-animously carried, the construction of sanitary sewer mains was authorized as follows:

- (a) Construction of 988-ft. of sanitary sewer mains in Cosby Place, to serve 16 vacant lots, at an estimated cost of \$3,405.00, upon request of Trotter & Allan Construction Company. All costs to be paid by the City with refund of the required deposit of the entire cost to the Applicant as per terms of the contract.
- (b) Construction of 751-ft. of sanitary sewer main in Aileen Drive and Dean Street, to serve 13 vacant lots, at an estimated cost of \$2,390.00, upon request of Ervin Construction Company. All costs to be borne by the City with refund of the required deposit of the entire cost to the Applicant as per terms of the contract.

CONTRACT AWARDED WIL-KIN, INC. FOR DRAPERIES FOR HEALTH CENTER.

Councilman Smith moved the award of contract to the low bidder, Wil-Kin, Inc., for Draperies for Assembly Room #203 and Stage Draperies for Room #204, Health Center, completely installed, as specified, at a total price of \$897.05, subject to cash discount of \$58.05, representing a net delivered installed price of \$839.00. The motion was seconded by Councilman Hitch, and un-animously carried.

The following net delivered bids were received:

| | |
|-----------------------------------|------------|
| Wil-Kin, Inc. | \$839.00 |
| Mecklenburg Furniture Shops, Inc. | \$870.00 |
| Knoxville Scenic Studios, Inc. | \$1,565.00 |

CONTRACT AWARDED MECKLENBURG FURNITURE SHOPS, INC. FOR FURNITURE FOR LOBBY, ASSEMBLY ROOM, LOUNGES, LIBRARY AND CLINIC WAITING ROOM, AT HEALTH CENTER.

Upon motion of Councilman Smith, seconded by Councilman Albea, and un-animously carried, contract was awarded Mecklenburg Furniture Shops, Inc., for furnishing and installing furniture for the Lobby, Assembly Room, Lounges, Library and Clinic Waiting Room of the Health Center, all items as specified, on their Base Bid, at a net installed price of \$11,979.02. The low bid of Ivan Allen Company and the next lowest bid of Kale-Lawing Company were rejected as they did not meet the specifications.

The following net delivered bids were received:

| | |
|-----------------------------------|-------------|
| Mecklenburg Furniture Shops, Inc. | \$11,979.02 |
| ALTERNATE BID Thonet equipment | \$10,675.02 |
| Jack Scoville Associates, Inc. | \$12,853.85 |
| Ivan Allen Company | \$10,746.63 |
| Kale-Lawing Company | \$12,588.99 |
| ALTERNATE BID | \$11,004.43 |

CONTRACT AWARDED MECKLENBURG FURNITURE SHOPS, INC. FOR FURNISHINGS FOR HEALTH CENTER LIBRARY.

Councilman Whittington moved the award of contract to the low bidder, Mecklenburg Furniture Shops, Inc., for One Card Catalog, Two standard library reading Tables and Two ranges of Shelving, for the Health Center Library, all as specified, at a net delivered installed price of \$1,239.67. The motion was seconded by Councilman Babcock, and unanimously carried.

The following net delivered bids were received:

| | |
|--|------------|
| Mecklenburg Furniture Shops, Inc. | \$1,239.67 |
| Remington Rand Division of Sperry Rand Corp. | \$1,494.10 |
| Southeastern Equipment Company | \$1,917.44 |

LABOR DAY HOLIDAY GRANTED EMPLOYEES.

Councilman Babcock moved that the usual holiday be granted city employees on Monday, September 7th, in observance of Labor Day. The motion was seconded by Councilman Smith, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Smith, seconded by Councilman Whittington, and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Mrs. Mary M. James for Lot 282, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with McEwen Funeral Service, for Lot 220, Section 4-A, Evergreen Cemetery, at \$81.90.
- (c) Deed with McEwen Funeral Service, for Graves #1 and #2 in Lot 136, Section 3, Evergreen Cemetery, at \$52.00.
- (d) Deed with Mrs. Geneva D. Scruggs, for Lot 132, Section 2, Evergreen Cemetery, at \$160.00.
- (e) Deed with Mrs. Mary Miller Pickett, for Lot 304, Section 4-A, Evergreen Cemetery, at \$126.00.
- (f) Deed with Z. A. Hovis & Son, for Graves #4 and #5, Lot 113, Evergreen Cemetery, at \$80.00.
- (g) Deed with P. L. Beaver for Lot 306, Section 3, Evergreen Cemetery, At \$189.00.
- (h) Deed with A. P. Roughton, for Grave #1, Lot 106, Section 3, Evergreen Cemetery, at \$40.00.

- (i) Deed with J. A. Smith, for Grave #3, Lot 111, Section 3, Evergreen Cemetery, at \$40.00.
- (j) Deed with Mrs Janie K. Railey, for Front Grave in Lot 39, Section 10, Block 5, Oaklawn Cemetery, at \$40.00.
- (k) Deed with Mrs Alice M. Gatlin, for Northwest portion of Lot 104, Section "T", Elmwood Cemetery, transferred from F. A. Rodgers and wife, at \$1.00 for transfer deed.
- (l) Deed with F. A. Rodgers and wife, Blennie, for Northeast portion of Lot 104, Section "T", Elmwood Cemetery, at \$1.00 for new deed.
- (m) Deed with Mrs Chess Rutledge Dudley, for Northeast portion of Lot 8, Section "U", Elmwood Cemetery, at \$1.00 for transfer deed.
- (n) Deed with J. F. Kelly and Miss Georgia C. Kelly for northwest portion of Lot 8, Section "U", Elmwood Cemetery, at \$1.00 for new deed.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and unanimously carried, the meeting was adjourned.



Lillian R. Hoffman, City Clerk