

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, December 14, 1959, at 4 o'clock p.m., with Mayor Smith presiding, and Councilmen Albea, Babcock, Hitch, Myers, Smith and Whittington being present.

ABSENT: Councilman Dellinger.

INVOCATION.

The invocation was given by Councilman Claude L. Albea.

MINUTES APPROVED.

Upon motion of Councilman Hitch, seconded by Councilman Albea, and unanimously carried, the Minutes of the last meeting on December 7, 1959 were approved as submitted.

ORDINANCE NO. 639-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE ANNEXING 27.28 ACRES OF PROPERTY LOCATED IN CRAB ORCHARD TOWNSHIP, ADOPTED.

Hearing was held on the Petition of Charlotte Development Company for the annexation of 27.28 acres of property in Crab Orchard Township. No objections to the proposal were expressed. Councilman Albea moved the adoption of Ordinance No. 639-X Extending the Corporate Limits of the City of Charlotte by annexing 27.28 acres of property located in Crab Orchard Township. The motion was seconded by Councilman Whittington, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 433 & 434.

ORDINANCE NO. 643 AMENDING SUBDIVISION ORDINANCE, ADOPTED.

The public hearing was held on the proposed amendment to Article I of Chapter 16 of the City Code, entitled: "Subdivision of Real Estate". No objections were expressed by the public to the amendment. Thereupon, Councilman Whittington moved the adoption of Ordinance No. 643 Amending Article I, "Subdivision of Real Estate", of Chapter 16 of the City Code. The motion was seconded by Councilman Hitch, and unanimously carried. The ordinance is recorded in full in Ordinance Book 12, at Page 435-439.

REQUEST THAT NAME OF HUTCHINSON AVENUE NOT BE CHANGED TO NORTH GRAHAM STREET AGAIN MADE BY REV. FRED ROBERTS, PASTOR OF HUTCHINSON AVENUE BAPTIST CHURCH.

The Reverend Fred Roberts, Pastor of Hutchinson Avenue Baptist Church again appeared before Council requesting that the name of Hutchinson Avenue not be changed to North Graham Street. A Mr. Norris and a Mrs. Moore, residents of Hutchinson Avenue also spoke in support of the request. In reply to the question of Councilman Babcock as to why they did not protest the proposed name change by the dead-line date of October 16th, Mr. Roberts stated they were sure the name would not be changed and so didn't want to bother the Council. In reply to the

question of Councilman Whittington if the name change will affect the church, Mr. Roberts replied that it would not affect the church in any way. Mr. Norris asked if it would be profitable to them to file a petition signed by the residents of the street? Mayor Smith advised that the Council considers all petitions filed with them, however, the street names changes will become effective on January 1st. Councilman Babcock stated that in view of the dead-line having been set for October 16th for receiving protests and petitions, that he will not vote in favor of changing any street name that was not protested by that date. Mr. Roberts stated that if the Council does not leave the name as they wish, he will bear no ill-feeling towards them; however, some of the residents of the street have said to him that it is a waste of time to come before the Council with a request, that they will do what they wish regardless. Mayor Smith told Mr. Roberts that the whole theory of the street name changes is in the interest of the general public and it is the duty of the Council to serve the best interest of the City and they do their best to so act in all matters.

REQUEST OF FROSTY ICE CREAM COMPANY TO SELL PACKAGED ICE CREAM FROM TRUCK ON CITY STREETS TAKEN UNDER ADVISEMENT.

Mr. Ernest L. DeLaney, Jr., Attorney representing Frosty Ice Cream Company stated they have been operating for the past two years in the perimeter area which will be annexed on January 1st. That there is an outdated law on the books prohibiting sales from vending machines in the City of Charlotte and they request that the law be amended so that they may operate their Ice Cream Truck all over the city. He advised further that the Health Department states they have no objections from a health standpoint and the Police Traffic Division have no objections from a safety or traffic point. He suggested that the ordinance be amended to permit the sale of their product and the ordinance contain provisions for health examinations and fingerprinting of their salesmen, public liability insurance, etc. Mr. Veeder suggested that as it would be using the city streets as a place of business, the ordinance might provide for a occupational license fee. Mayor Smith stated it might go further and restrict the trucks from blocking traffic. Councilman Hitch moved that the request be referred to the City Attorney for recommendation by December 28th. The motion was seconded by Councilman Whittington, and unanimously carried.

CITY TO EXTEND SEWER LINES TO PROPERTY OF HOME BUILDERS AND DEVELOPERS AT THEIR EXPENSE, WITHOUT COMMITMENT AS TO REFUND OF COST, AND IF SAME LATER ALLOWED IT WILL BE RETROACTIVE TO THIS TIME.

Mr. C. D. Spangler, representing Spangler Construction Company, appeared before Council and requested that some plan be decided upon for the immediate extension of sewer lines to his Shamrock Hills development for which he made application last July. He stated the development has been completed and several lots sold and it is imperative that the sewer lines be made available now, which they estimated will cost around \$30,000.00. Mr. Spangler submitted the following three proposals:

- 1st. That City go ahead and construct the sewer lines under the old plan.
- 2nd. That the City permit the developer to put in the sewer, or let them put up the money and the City construct the sewer and refund the money.
- 3rd. That the Developer be permitted to construct the lines and agree to comply with whatever policy the City finally adopts.

Councilman Myers stated he has been studying the problem and thinks the Council owes the home builder a decision as to whether the old policy for extending sewer lines will be continued or what the new policy will be. He suggested that they be allowed to go ahead and finance the sewers themselves and let the City Manager decide whether they or the City do the construction. Mr. Veeder stated that the estimated cost of \$30,000 is too low. Mr. Cheek, City Engineer, advised that two trunks will be required in Shamrock Hills, as all of the development cannot be drained by gravity, and they will submit an estimated cost.

Councilman Myers moved that the home builders and developers be permitted to request the City to make the sewer extensions to their property at their expense and the City make no commitment at this time as to reimbursement, and should the policy adopted by the City permit a reimbursement that it be retroactive; and that the City's policy pertaining to the area beyond the 1960 city limits need not be the same as within the 1960 limits. The motion was seconded by Councilman Albea, and unanimously carried.

REQUEST THAT BOWLEY STREET BE EXTENDED TO ASHLEY ROAD DENIED.

Mr. Veeder stated that the request of the Rev. E. A. Fitzgerald to Councilman Hitch that Bowley Street be extended to Ashley Road was referred to the City Engineer, who advises the cost would be \$5,900.00 and it would be necessary to acquire a right-of-way 50 x 162 feet, and the improvement would have only local benefits, therefore he recommends that public funds not be used for this improvement.

Councilman Hitch requested that the City Manager write the Rev. Fitzgerald that the request was considered and because of the cost the City does not deem it wise to comply.

UNIVERSITY PARK PTA TO BE ADVISED CITY HAS NO RECORD OF HAVING PROMISED TO CONSTRUCT GRAVEL SIDEWALKS ON BEATTIE'S FORD ROAD, BETWEEN RUSSELL STREET AND US 29 BYPASS.

Mr. Veeder stated that Mayor Smith had referred to him the request of the President of the University Park School PTA that the gravel sidewalks be constructed on Beattie's Ford Road, between Russell Street and Route 29 By-pass, which were promised last spring. That the City Engineer states he has no record of Council having authorized the construction of the sidewalks.

Mayor Smith asked that the City Manager so advise them.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 18, 1960 ON ORDINANCE NO. 641 TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE, ADOPTED.

A resolution Providing for a Public Hearing on January 18, 1960 on Ordinance No. 641 to Amend the Zoning Ordinance by amending the Building Zone Map of the City of Charlotte by changing the zoning on property on both sides of Parker Drive, east of Remount Road, from R-2 to Industrial, on petition of Edna Corp. et al, was presented, and upon motion of Councilman Smith seconded by Councilman Hitch, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 433.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON JANUARY 18, 1960 ON ORDINANCE NO. 642 TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLOTTE, ADOPTED.

A Resolution Providing for a Public Hearing on January 18, 1960 on Ordinance No. 642 to Amend the Zoning Ordinance by amending the Building Zone Map of the City of Charlotte by changing the zoning on property adjacent to the Public Library on Providence and Queens Roads, from R-2 to Office-Institution, on petition of A. H. and Aileen B. Cash, was presented and upon motion of Councilman Smith, seconded by Councilman Hitch, was unanimously adopted. The resolution is recorded in full in Resolutions Book 3, at Page 434.

CHANGE ORDERS # G-2 AND # G-3 IN CONTRACT WITH R. MERRET WHEELER COMPANY FOR CONSTRUCTION OF FAA BUILDING AT AIRPORT AND CHANGE ORDERS #G-2 AND G-3 IN CONTRACT WITH R. H. WHEATLEY COMPANY FOR CONSTRUCTION OF AIRPORT TERMINAL, AUTHORIZED PAID.

Upon motion of Councilman Whittington, seconded by Councilman Smith, and unanimously carried, the following Change Orders were authorized in the Contract of R. Merrett Wheeler Company for the general construction of the FAA Building at the Airport, in the total amount of \$98,519.00, and in the Contract of R. H. Wheatley Company for the general construction of the Additions to the Airport Terminal, in the amount of \$168,900.00:

- (a) Change Order #G-2 in contract with R. Marret Wheeler Company to deduct \$1,600.00 for substitution of ceramic veneer solar screen units in lieu of ceramic veneer units and for substitution of insulated glasweld window wall panels in lieu of porcelain type panels, which reduces the original contract amount to 96,919.00.
- (b) Change Order #G-3 in contract with R. Marret Wheeler Company to add \$413.00 for the installation of 4 storage rooms, wood doors, painting and hardware, making the original reduced contract (of \$96,919.00) amount to \$97,332.00.
- (c) Change Order #G-2 in contract with R. H. Wheatley Company to deduct \$132.00 for revisions to column footings, which reduces the original contract amount to \$168,768.00.
- (d) Change Order #G-3 in contract with R. H. Wheatley Company to add \$485.00 for increasing the height of the three overhead doors, making the original reduced contract (of \$168,768.00) amount to \$169,253.00.

CONDEMNATION PROCEEDINGS AUTHORIZED FOR RIGHT-OF-WAY ACROSS PROPERTY OF JOE L. PATTERSON FOR STEGALL STREET SANITARY SEWERS.

Upon motion of Councilman Hitch, seconded by Councilman Smith, and unanimously carried, condemnation proceedings were authorized for right-of-way across the property of Joe L. Patterson for the construction of the Stegall Street sanitary sewer.

PAYMENT AUTHORIZED FROM SEWER BOND FUND TO EASTWOOD GOLF CLUB, INC. AND BOARD OF EDUCATION OF MECKLENBURG COUNTY FOR SEWER RIGHT-OF-WAY AND TO TALIAFERRO, GRIER, PARKER & POE FOR LEGAL SERVICES IN CONNECTION WITH SANITARY SEWER RIGHT-OF-WAY.

Motion was made by Councilman Albea, seconded by Councilman Hitch, and unanimously carried, authorizing the payment from the Sewer Bond Fund of \$1,105.76 to Eastwood Golf Club, Inc., and \$141.52 to Board of Education of Mecklenburg County, for sanitary sewer right-of-way, and \$445.00 to Taliaferro, Grier, Parker & Poe, Attorneys, for legal services in connection with right-of-way for sanitary sewer trunks in the perimeter area to be annexed.

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DARWOOD DRIVE, FROM BIRCHCREST DRIVE NORTH TO LANSDALE DRIVE, TAKEN OVER FOR CITY MAINTENANCE.

Councilman Babcock moved that Darwood Drive, from Birchcrest Drive North to Landsdale Drive, be taken over for city maintenance, as recommended by the Engineering Department. The motion was seconded by Councilman Albea and unanimously carried.

CONTRACT AUTHORIZED WITH N. C. HIGHWAY DEPARTMENT FOR RIGHT-OF-WAY ENCROACHMENT FOR CONSTRUCTION OF SANITARY SEWER TRUNK ALONG INTERSTATE # 85, BETWEEN ROZZELL'S FERRY ROAD AND N C #16.

Upon motion of Councilman Whittington, seconded by Councilman Albea, and unanimously carried, contract was authorized with the N. C. Highway Department for right-of-way encroachment for the construction of an 8-inch sanitary sewer trunk along Interstate #85 between Rozzell's Ferry Road and N. C. #16.

RENEWAL OF SPECIAL OFFICER PERMIT TO BRANTLEY A. SIMON FOR USE ON PREMISES OF PUBLIC LIBRARY.

Councilman Babcock moved approval of the renewal of Special Officer Permit to Brantley A. Simon, 2501 Kenilworth Avenue, for use on the premises of the Public Library. The motion was seconded by Councilman Hitch and unanimously carried.

REQUEST THAT BELTON STREET BE CHANGED TO FIRWOOD LANE INSTEAD OF FIRWOOD AVENUE, REFERRED TO PLANNING BOARD FOR RECOMMENDATION.

Upon motion of Councilman Albea, seconded by Councilman Hitch, and unanimously carried, the request of Mr. Fred M. Bergen that the name of Belton Street be changed to Firwood Lane instead of Firwood Avenue, because of the confusion it would cause with Fairwood Avenue, was referred to the Planning Board for recommendation.

LEASE APPROVED WITH AIRPORT SERVICES, INC. FOR BUILDING AND LAND FOR SERVICING SCHEDULED AIRCRAFT AND STORAGE OF GASOLINE AND OTHER FUEL.

Upon motion of Councilman Myers, seconded by Councilman Hitch, and unanimously carried, Lease was authorized with Airport Services, Inc., for a period of 5 years from November 1, 1959, subject to 90 cancellation, for Building #30 and Areas #92 and #99, for servicing scheduled aircraft and the storage of gasoline and other fuel, at a monthly rental of \$12.00 for the Building and 1/10 of 1¢ for gas drawn from storage tanks or \$75.00, whichever is the greater, and 1/2% gross receipts for servicing scheduled aircraft.

PAYMENT AUTHORIZED FROM SEWER BOND FUND TO MRS. CURTIS L. ROGERS FOR RIGHT-OF-WAY ACROSS PROPERTY FOR CONSTRUCTION OF PROVIDENCE ROAD SEWER LINE.

Councilman Hitch moved approval of the payment of \$309.00 to Mrs. Curtis L. Rogers for right-of-way across her property for the construction of Providence Road sanitary sewer line. The motion was seconded by Councilman Albea, and unanimously carried.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Babcock, 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 Mr. & Mrs. M. B. Campbell for Lot 347, Section 2, Evergreen Cemetery, at \$240.00.
- (b) Deed with C. C. Duncan, Mayfield S. Duncan, and C. C. Duncan, Jr., for Lot 24, Section S. Elmwood Cemetery, transferred from Heirs of the Rev. William Duncan, at \$1.00 for transfer.

DECEMBER 24TH AND 25TH ALLOWED AS CHRISTMAS HOLIDAYS FOR CITY EMPLOYEES.

Councilman Hitch moved that in view of the fact there is no established policy, that December 24th and 25th be allowed as the Christmas holiday to city employees, and in the future the Council will establish the policy they desire. He stated that industry is only giving one-half day on Christmas eve. The motion was seconded by Councilman Albea, and carried, with the votes cast as follows:

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

NAYS: Councilman Babcock.

ADJOURNMENT.

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

- Lillian R. Hoffman
Lillian R. Hoffman, City Clerk