

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

ABSENT: None.

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

ABSENT: Commissioners, Craig, Hook, Marsh and Schwartz.

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INVOCATION.

The invocation was given by Councilman Albea.

MINUTES APPROVED.

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

COUNCILMAN BROWN WELCOMED BACK AFTER BEING ABSENT DUE TO ILLNESS.

Councilman Baxter stated that he is glad to have Councilman Brown back who has been out for ten weeks due to serious illness. Councilman Brown expressed his thanks for all the cards, letters, calls and good wishes he received during his illness.

HEARING ON ORDINANCE NO. 529 AMENDING CHAPTER 21, ARTICLE I, SECTION 2 OF THE CITY CODE, AND DECISION DEFERRED FOR ONE WEEK.

The public hearing was held on Ordinance No. 529 Amending the Zoning Ordinance to amend the Building Zone Map of Charlotte by changing property at the SW corner of Shorter Avenue and Independence Boulevard, from R-2 to B-1, on petition of Spangler Construction Company.

Mr. McIntyre, Planning Director, stated that the property is approximately 110 x 112 feet and surrounding property is zoned business with exception of a small portion to the rear, which is residential.

Mr. Thomas Ruff, attorney for the petitioner, stated that the street, Shorter Avenue, is three blocks long and is of very little value unless used for business.

No opposition was expressed .

Council decision was deferred for one week.

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HEARING ON ORDINANCE NO. 530 AMENDING CHAPTER 21, ARTICLE II, SECTION 5 OF THE CITY CODE, AND DECISION DEFERRED FOR ONE WEEK.

The scheduled hearing was held on Ordinance No. 530 Amending Chapter 21, Article II, Section 5 of the City Code amending the Building Zone Map of Charlotte Perimeter Area by changing property at the NW corner of Shamrock Road and Potters Road, from R-2 to B-1, on petition of Mr. H. H. Baucom.

Factual information as to the property and surrounding area was given by the Planning Director, who stated that a small portion of the property at the corner of Shamrock Road and Potters Road is used as business; the property to the rear on Shamrock Road is residential, as is the property to the left and right of the property; across the street, Potters Road is undeveloped.

Mr. Fred Hasty, stated that Mr. H. H. Baucom wants to make an improvement on his property and can not without proper zoning; that the residents will be very little affected, and presented a petition of twenty-nine property owners, in that area, giving their consent.

Mr. Horace Du Bose, appearing in opposition to the proposed change, presented a petition signed by thirty-five property owners, and stated that the change will completely destroy the residential section; that the garbage in the rear of the store is right in Mr. T. V. Staton's bedroom window. Also appearing were Mr. T. R. Black, Mrs. C. H. Rayburn, Mrs. Vernon Dreibellis, Mr. and Mrs. T. V. Staton and Mrs. E. C. Deaton stating that they oppose the change because of Garringer School, which is one block away; that they do not need a drug store, which Mr. Baucom has planned to build; that they are five minutes away from a drug store on the Plaza or Central Avenue; that there would be more traffic and they have put all their money in their homes and the value would be decreased.

Council decision was deferred for one week.

BILLS TO BE PRESENTED TO GENERAL ASSEMBLY APPROVED.

Mr. Yancey, City Manager, presented two Bills that the City Attorney has prepared for the Legislature, and asked for the approval of the Council.

Councilman Dellinger moved that the Bill entitled: "An Act Amending Chapter 124 of the 1955 Session Laws, as Amended, Providing for the Regulation of the Subdivision of Land in and around the City of Charlotte by Substituting an Enlarged Territory covered by said Act" be approved. The motion was seconded by Councilman Baxter, and unanimously carried.

Upon motion of Councilman Albea, seconded by Councilwoman Evans, and unanimously carried, the Bill entitled: "An Act Amending Chapter 123 of the 1955 Session Law, as Amended, to extend the Planning, Zoning, Building Regulations and Subdivision Regulation Powers of the City of Charlotte and its Governing Body to a described territory beyond and surrounding the Corporate Limits of the City of Charlotte by substituting an Enlarged Territory Covered by Said Act" was approved to be presented to the General Assembly.

MENTAL HEALTH CLINIC TO BE LOCATED IN NEW HEALTH CENTER BUILDING.

Mr. Ben Bostic, Treasurer, Mental Health Clinic and Chairman of Finance Committee, appeared before Council stating that the Mental

Health Clinic should be a part of the New Health Center; that they are now on the Health Department Payroll; that this change would not affect the plans of the Health Center as this was anticipated in the original plans; that the Clinic has raised funds for the City's half of the proposed \$60,000.00 structure and will apply to the Federal Government for the matching \$30,000.00.

Motion was made by Councilwoman Evans, seconded by Councilman Baxter, and unanimously carried, giving Mental Health Clinic permission to be located in the New Health Center.

CHARLES HEGGIE GRANTED PERMISSION TO PARK MOTORBIKE ON SIDEWALK.

Mr. Yancey reported that he has received an unfavorable report from the Police Department in regard to Charles Heggie; that he has been arrested for drinking, but he does not feel that this has anything to do with Mr. Heggie's request at last week's meeting to park his motorbike on the sidewalk.

Councilman Baxter then moved that Mr. Heggie be given permission to park his motorbike on the sidewalk. The motion was seconded by Councilman Albea, and unanimously carried.

CITY ATTORNEY INSTRUCTED TO LOOK INTO LEGAL MEANS TO REMOVE TRAFFIC HAZARDS AT INTERSECTIONS.

Councilman Baxter asked if something can be done about shrubbery growing on corners which are traffic hazards at many city intersections? Councilman Brown requested that Mr. Hoose, Traffic Engineer be asked into the meeting to discuss the matter. Mr. Hoose stated that all he can do is to ask for cooperation from the property owners, but that he does not always get it.

Councilman Baxter moved that Mr. Shaw, City Attorney, be instructed to look into the possible legal attack on all hazards, and report back to the Council in two weeks. The motion was seconded by Councilwoman Evans, and unanimously carried.

BRANDYWINE AVENUE WIDENING STATUS.

Councilman Brown asked Mr. Hoose, Traffic Engineer, about the possibility of widening Brandywine Avenue. Mr. Hoose stated that Brandywine has been submitted to the State Highway Department, along with thirteen other streets.

Councilman Brown then moved that Mr. Yancey, Mr. Hoose and Mr. Cheek, City Engineer, give special attention to these streets. The motion was seconded by Councilman Baxter, and unanimously carried.

CITY ATTORNEY REQUESTED TO REPORT AUTHORITY OF CITY COUNCIL OVER CITY COURT.

Councilwoman Evans requested that Mr. John D. Shaw, City Attorney, give a report in three weeks of what authority the City Council has over the City Court.

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EAST FIFTH STREET WIDENING - PROPERTY NW CORNER EAST FIFTH STREET AND CALDWELL STREET.

City Manager, presented to the Council a recommendation that the City deposit with Mr. Jack Turner, Real Estate Agent for northwesterly corner of intersection of East Fifth Street and Caldwell Street for which the city has been negotiating for purpose of widening East Fifth Street, check in the amount of \$2,150.00 for changes in porches and steps, and another check for \$1,280.00 for the land to be used in the widening; that the City could then take possession of the land without objection of the owner; that Mr. Turner will do his own repairing and the money will be disbursed to the heirs on the next rental statement after the repairs have been concluded. Upon motion of Councilman Dellinger, seconded by Councilman Albea, and unanimously carried, the recommendation was approved as submitted.

RESOLUTION ABANDONING A PORTION OF RIGHT OF WAY OF STEWART CREEK OUTFALL ACROSS PROPERTY OF OLD DOMINION BOX COMPANY, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Foard, and unanimously carried, "Resolution Abandoning a Portion of Right of Way of Stewart Creek Outfall Across Property of Old Dominion Box Company" was adopted and recorded in full in Resolutions Book 3, Page 308.

TRANSFER OF \$500 FROM EMERGENCY FUND TO SPECIAL APPROPRIATIONS-ELIMINATION OF DUPLICATE STREET NAMES, AUTHORIZED.

Councilman Baxter moved that \$500.00 be transferred from the Emergency Fund to Special Appropriations - Elimination of Duplicate Street Names - for Car Allowance of \$25.00 per month and office supplies. The motion was seconded by Councilman Dellinger, and unanimously carried.

BILL AUTHORIZING CITY OPERATED AIR TRANSPORTATION APPROVED.

Mr. Yancey, City Manager, submitted a Bill Authorizing the City of Charlotte to Operate an Air Transportation Service Providing Air Transportation of Passengers and Property, including Mail within and without the State of North Carolina, in a Territory within a radius of sixty-five Air Miles of any Municipal Airport of the City of Charlotte. Upon motion of Councilman Dellinger, seconded by Councilman Wilkinson, and unanimously carried, the City Attorney was instructed to submit the Bill to the General Assembly.

RECLASSIFICATION OF TRUCK DRIVER TO STOCK CLERK, ENGINEERING DEPARTMENT.

Councilman Albea moved that request of Mr. L. C. Cheek, City Engineer, to change the classification of one truck driver (Job Level - 300) to stock clerk (Job Level - 340) be approved. The motion was seconded by Councilman Wilkinson, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAINS AND OUTFALL IN SHANNON PARK, INSIDE CITY LIMITS, AUTHORIZED WITH TRI-DEVELOPMENT CORPORATION.

Motion was made by Councilman Brown, that Tri-Development Corporation be authorized to construct 14,789 feet of 15-inch and 18-inch outfall and 8-inch mains in Shannon Park, located in city limits, at estimated cost of \$95,230.00, with required deposit of \$72,400.00 to be refunded as per agreement. The motion was seconded by Councilman Baxter, and unanimously carried.

SUPPLEMENTARY CONTRACT WITH JOHN CROSLAND COMPANY FOR INSTALLATION OF WATER MAINS IN PORTION OF COLONIAL VILLAGE.

Upon motion of Councilman Dellinger, seconded by Councilman Baxter, and unanimously carried, supplementary contract, to contract dated March 3, 1954, with John Crosland Company for the installation of 1,090-feet of water main, in portion of Colonial Village inside City Limits, at estimated cost of \$2,500.00, with the City to finance all construction costs and the Applicant to guarantee a gross annual water revenue equal to 10% of the total construction cost was authorized.

CONTRACT WITH TRI-DEVELOPMENT CORPORATION FOR INSTALLATION OF WATER MAINS AND FIRE HYDRANTS IN SHANNON PARK SUBDIVISION.

Councilman Baxter moved that contract with Tri-Development Corporation for the construction of 8,815-feet of water mains and 5 fire hydrants in portion of Shannon Park Subdivision, inside city limits, at estimated cost of \$27,800.00, with city financing all construction costs and the Applicant to guarantee a gross annual water revenue equal to 10% of the total construction cost be approved. Motion was seconded by Councilman Brown, and unanimously carried.

CHANGE ORDER NO. 20 IN CONTRACT NO. 2 WITH REA CONSTRUCTION COMPANY FOR HOSKINS FILTER PLANT, AUTHORIZED.

Councilman Dellinger moved that Change Order No. 20, in Contract No. 2 with Rea Construction Company for the construction of Hoskins Filter Plant, dated Sept. 6, 1956, of 14 items in the net amount of \$5,525.95 be authorized. The motion was seconded by Councilman Wilkinson, and unanimously carried.

REPORT OF LEASE CONCLUDED WITH DISPLAY FIXTURES FOR BUILDING NO. 107 AT DOUGLAS MUNICIPAL AIRPORT.

The City Manager reported that lease has been concluded with Display Fixtures for Building No. 107 at Douglas Municipal Airport, for a period of one year from the 1st day of February, 1959, to the 1st day of February, 1960, at a monthly rental of \$66.00. Upon motion of Councilman Wilkinson, seconded by Councilman Baxter, and unanimously carried, the report was accepted.

TRANSFER OF CEMETERY LOT.

Upon motion of Councilman Wilkinson, seconded by Councilman Foard, and unanimously carried, the Mayor and City Clerk were authorized to execute a deed with Mr. C. Bland Brafford, for the transfer of Lot #112, Section 6, Oaklawn Cemetery, from N. A. Deese and wife, Mrs. Mary M. Deese, at cost of \$1.00.

REAPPOINTMENT OF WILLIAM P. WELLS, TO AIR POLLUTION CONTROL ADVISORY AND APPEAL BOARD.

Motion was made by Councilwoman Evans, seconded by Councilman Albea, and unanimously carried, reappointing Mr. William P. Wells, to the Air Pollution Control Advisory & Appeal Board for a term of 5 years, from the expiration of his present term.

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REAPPOINTMENT OF C. C. MCGINNIS AND J. C. CHALMERS TO CHARLOTTE ZONING BOARD OF ADJUSTMENT.

Councilwoman Evans moved that Mr. C. C. McGinnis and Mr. J. C. Chalmers be reappointed to the ~~Charlotte~~ Zoning Board of Adjustment for three year terms from the expiration of their present term on January 28, 1959. The motion was seconded by Councilman Baxter, and unanimously carried.

APPOINTMENT OF MR. JOHN SPURRIER TO FILL THE ZONING BOARD OF ADJUSTMENT TO FILL THE UNEXPIRED TERM OF MR. GRAHAM P. KERR.

Councilman Wilkinson moved that Mr. John Spurrier be appointed to the ~~to the~~ Zoning Board of Adjustment to fill the unexpired term of Mr. Graham P. Kerr, who resigned, for period ending January 28, 1961. The motion was seconded by Councilman Dellinger, and unanimously carried.

ADJOURNMENT.

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



L. L. Ledbetter, Deputy City Clerk